

**ISLAM AND HUMAN RIGHTS IN PAKISTAN:  
A CRITICAL ANALYSIS OF THE POSITIONS OF THREE  
CONTEMPORARY WOMEN**

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In Pakistan's patriarchal culture, it is rare to hear the voices of women who represent a distinct perspective in the context of the public debate on Islam and human rights (including women's rights). Three women whose names have become known to many in Pakistan as advocates of particular positions in the ongoing debate are Asma Jahangir, Dr. Farhat Hashmi and myself. In the last few years I have been asked by many people who are interested in this debate to clarify how and why my views differ from those of Asma Jahangir who is a human rights lawyer and Farhat Hashmi who is a teacher and preacher of Islam. I have responded to this question in various forums but since the spoken word only reaches a limited number of people, I am writing this analysis, which I hope will be used for serious discussion and reflection on issues that are of critical importance in our times.

**WHAT IT MEANS TO BE A MUSLIM: MY UNDERSTANDING**

To be a Muslim is to live in accordance with the will and pleasure of God. Muslims often say, with joy and pride, that it is easy to be a Muslim since Islam is "the straight path" leading to paradise. What this means, in other words, is that the principles of Islam are simple and straightforward, free of ambiguities, confusions, inconsistencies or mysteries, and that comprehending them and living in accordance with them is not difficult. The assumption here is that if one somehow comes to the straight-forward path by accepting Islam, which is God's last and final revelation to humanity, one will fairly effortlessly arrive at the destination which is a state of eternal bliss in the presence of God. I must confess that I am totally amazed, and overwhelmed, by this assumption. To me, being a Muslim seems to be exceedingly difficult, for to be a Muslim one has to constantly face the challenge, first of knowing what God wills or desires, not only for humanity in general but also for one's own self in particular, and then of doing what one believes to be God's will and pleasure each moment of one's life.

To be a Muslim means, first and foremost, to believe in God, who is "Rabb al-'alamin": creator and sustainer of all peoples and universes. The Qur'an, which to me is the primary source of normative Islam, tells me that God's creation is "for just ends" (Surah 15: *Al-Hijr*: 85) and not in

“idle sport” (Surah 21: *Al-Anbiya*: 16). Humanity, fashioned “in the best of moulds” (Surah 95: *At-Tin*: 4), has been created in order to serve God (Surah 51: *Adh-Dhariyat*: 56) According to Qur’anic teaching, service of God cannot be separated from service to humankind, or – in Islamic terms – believers in God must honor both “Haquq Allah” (Rights of God) and “Haquq al-`ibad” (Rights of creatures). Fulfillment of one’s duties to God and humankind constitutes righteousness, as stated in Surah 2: *Al-Baqarab*: 177, which reads as follows:

*It is not righteousness  
That ye turn your faces  
Towards East or West;  
But it is righteousness –  
To believe in God  
And the Last Day,  
And the Angels,  
And the Book,  
And the Messengers;  
To spend of your substance,  
Out of love of God,  
For your kin,  
For orphans,  
For the wayfarer,  
For those who ask,  
And for the ransom of slaves;  
To be steadfast in prayer,  
And practice regular charity;  
To fulfill the contracts  
Which ye have made;  
And to be firm and patient,  
in pain (or suffering)  
And adversity,  
And throughout  
All periods of panic,  
Such are the people  
Of truth, the God-fearing.* (Translation by A. Yusuf ‘Ali)

As I reflect upon the above passage, as well as many others in the Qur’an, I am struck deeply by the integrated vision of the Qur’an, which does not separate belief in God and God’s revelation (“iman”) from righteous action (“`amal”), or regular remembrance of God (“salat”) from regular discharge of one’s financial and moral obligations to God’s creature (“zakat”). Thus, to be a Muslim means – in a fundamental way – to be both God-conscious and creature-conscious, and to understand the interconnectedness of all aspects of one’s life, of the life of all creation and of our life in this transient world to life eternal. For Muslims, the Qur’anic notion of righteousness has been actualized in the life of the Prophet Muhammad (p.b.u.h.) – known in the Islamic mystic tradition as “Insan al-kamil” or the complete human being. Through his God-centeredness, the

Prophet of Islam attained the highest degree of “`ubudiyat” (service of God) and became a model of righteous living not only as the spiritual and political leader of the Muslim “ummah”, but also as a businessman, citizen, husband, father, friend and a human being in general. Following him, there have been individual Muslims – recorded and unrecorded – in every age, who have known that being a Muslim means more than seeking or worshipping God. The great poet-philosopher Iqbal speaks for them when he proclaims,

*There are many who love God and wander in the wilderness,  
I will follow the one who loves the persons made by God.  
(Translation of a verse in Bang-e-Dara, Lahore, 1962: 151)*

Considering the emphasis placed upon the interconnectedness of “Haquq Allah” and “Haquq al-`ibad” both in Qur’anic teaching and in the life of the Prophet Muhammad (p.b.u.h.), the *exemplar par excellence* of this teaching, it is difficult to understand the compartmentalization in the minds and lives of many present-day Muslims. But what has happened is not surprising, given the fact that many generations of Muslims have been told by their leaders that the primary duty of a Muslim is to engage in “`ibadat” – which is understood as worship rather than service of God (though the root from which the term “`ibadat” is derived means “to serve”) – and to obey those in authority over them rather than to engage in “jihad fi sabil Allah” (i.e., to strive in the cause of God) to ensure that the fundamental rights given to all creatures by God are honoured within the Muslim “ummah”.

For a number of contemporary Muslims, being a Muslim means following the “Shari’ah” of Islam. Here, it is apt to note that the term “Shari’ah” comes from the root “Shar`a”, which means “to open, to become clear”. E.W. Lane points out in his monumental *Arabic-English Lexicon* that, according to the authors of authoritative Arabic lexicons, the *Taj al-`Arus*, the *Tadbeeb*, and the *Misbah*, the Arabs do not apply the term “shari-at” to any *but (a watering place) such as is permanent and apparent to the eye, like the water of a river, not water from which one draws with the well-rope*. (Lane 1863: 1535) A modern lexicon, *Lughat ul Qur’an*, states that the term “Shari’ah” refers to straight and clear path, and also to a watering place where both humans and animals come to drink water provided the source of water is a flowing stream or river. (Parwez 1960: 941- 944). Is it not a little ironic that the term “Shari’ah”, which has the idea of fluidity and mobility as part of its very structure, should have become the symbol of rigid and unchanging laws to so many Muslims in the world? That the “Shari’ah” has played a pivotal role in Islamic history as a means of bringing diverse groups of Muslims within a single legal religious framework is beyond dispute. However, the claim made by some Muslims that the “Shari’ah” is divine cannot be validated logically or theologically. The “Shari’ah” is derived from four sources, namely, the Qur’an, Hadith and Sunnah, Ijma’ (consensus of the community) and Qiyas (analogical reasoning) or Ijtihad (independent judgment). Of these sources, only one – the Qur’an – is believed by Muslims to be divine. Other sources of the “Shari’ah” cannot be regarded as divine and having the same authority as the Qur’an.

According to the Qur’an, God elevated Adam (representative of self-aware humanity) not only above the animals, as the Greeks had said, but also above the “mala’ika” (celestial creatures) because he had the gift of “`aql” (reason). The Qur’an puts paramount importance on the use of

reason and constantly urges Muslims to think or to reflect and not to accept anything – including the Qur'an itself – without independent intellectual scrutiny. It is, therefore, not surprising that the most important thinkers of modern Islam, including Syed Ahmad Khan and Iqbal, while advocating a return to the simplicity and universality of the Qur'an, stressed the tremendous importance of re-opening the gates of Ijtihad. In this context, the historic words of Iqbal cited below are a clarion call to Muslims who have abdicated the responsibility of exercising their God-given rational faculty and have become content with being blind followers of traditions and practices that violate Qur'anic ethics or teachings: I know the Ulema of Islam claim finality for the popular schools of Muslim Law, though they never found it possible to deny the theoretical possibility of a complete Ijtihad. For fear of disintegration, the conservative thinkers of Islam focused all their efforts on the one point of preserving a uniform social life for the people by a jealous exclusion of all innovations in the law of Shari'ah as expounded by the early doctors of Islam. Their leading idea was social order, and there is no doubt that they were partly right, because organization does, to a certain extent, counteract the forces of decay. But they did not see, and our modern Ulema do not see, that the ultimate fate of a people does not depend so much on organization as on the worth and power of individual men. In an over-organized society the individual is altogether crushed out of existence. The closing of the door of Ijtihad is pure fiction, suggested partly by the crystallization of legal thought in Islam, and partly by that intellectual laziness which, especially in a period of spiritual decay, turns great thinkers into idols. If some of the later doctors have upheld this fiction, modern Islam is not bound by this voluntary surrender of intellectual independence. Since things have changed and the world of Islam is today confronted and affected by new forces set free by the extraordinary development of human thought in all its directions, I see no reason why this attitude (of the Ulema) should be maintained any longer. Did the founders of our schools ever claim finality for their reasoning and interpretation? Never. The claim of the present generation of Muslim liberals to re-interpret the foundational legal principles in the light of their own experience and altered conditions of modern life is, in my opinion, perfectly justified. The teaching of the Qur'an that life is a process of progressive creation necessitates that each generation, guided but unhampered by the work of its predecessors, should be permitted to solve its own problems. (*The Reconstruction of Religious Thought in Islam* nd:151-178) To me, being a Muslim means knowing that the Qur'an is the *Magna Carta* of human freedom and that a large part of its concern is to free human beings from the bondage of traditionalism, authoritarianism (religious, political, economic, or any other), tribalism, racism, sexism, slavery or anything else that prohibits or inhibits human beings from actualizing their God-given potential to the fullest. Though it is necessary to set limits to what human beings may or may not do so that liberty does not degenerate into license, the Qur'an safeguards against the possibility of dictatorship or despotism and states with clarity and emphasis that not even a prophet of God is authorized to demand that his followers obey him rather than God:

*It is not conceivable that a human being unto whom God has granted revelation, and sound judgement, and prophethood, should thereafter have said unto people, 'Worship me beside God'; but rather (did he exhort them), 'Become men of God by spreading the knowledge of the divine writ, and by your own deep study (thereof)'. (Surah 3: Al-'Imran: 79. Translation by Muhammad Asad)*

To me, being a Muslim means carrying forward the message of the Muslim modernists who have raised the cry “Back to the Qur’an” (which, in effect, also means “Forward with the Qur’an”) and insisted on the importance of “Ijtihad” – both at the collective level (in the form of “Ijma”) and at the individual level – as a means of freeing Muslim thought from the dead weight of outmoded traditionalism.

It is a profound irony and tragedy that the Qur’an, despite its strong affirmation of human equality and the need to do justice to all of God’s creatures, has been interpreted by many Muslims, both ancient and modern, as sanctioning various forms of human inequality and even enslavement. For instance, even though the Qur’an states clearly that man and woman were made from the same source, at the same time, in the same manner, and that they stand equal in the sight of God, men and women are extremely unequal in virtually all Muslim societies, in which the superiority of men to women is taken to be self-evident. In my judgement, the most important issue which confronts the Muslim ummah as a whole today is that of gender equality and gender justice. The Islamic tradition – like the traditions of the world’s major religions, namely, Judaism, Christianity, Hinduism and Buddhism – developed in a patriarchal culture which was male-centred and male-controlled. While it is encouraging to know that women such as Hazrat Khadijah and Hazrat A’ishah (wives of the Prophet Muhammad p.b.u.h.) and Rabi’a al-Basri (the outstanding woman Sufi) figure significantly in early Islam, the fact remains that until the present time the Islamic tradition has remained largely male-dominated, inhibiting the growth of scholarship among women, particularly in the realm of religious thought. While the Qur’an, because of its protective attitude towards all downtrodden and oppressed classes of people, appears to be weighted in many ways in favour of women, a review of Muslim history shows that many of its women-related teachings have been used in patriarchal Muslim culture against, rather than for, women. Given the fact that there is more Qur’anic teaching on the subject of how to maintain justice in the home, preserving the rights of all members of the household equally, than on any other subject, it is deeply disturbing that, even after so many advances have been made in the realm of human rights, many Muslim women are subjected not only to physical and economic subjugation, but also to moral, intellectual and spiritual degradation through a misrepresentation of the essential message of Islam. Thus, they are told that according to Surah 2: *Al-Baqarab*: 223, the wife is the husband’s “tilth” so he can “plow” her whenever he so desires, that according to Surah 2: *Al-Baqarab*: 228, and Surah 4: *An-Nisa*: 34, men have a degree of advantage over them and that they have the right to control and confine and even to beat women who refuse to be totally subservient and obedient to their husbands, who are referred to as “majazi khuda” or “god in earthly form”. The Qur’an puts very strong emphasis on the right to seek justice and the duty to do justice. In Surah 5: *Al-Ma’idab*: 8, it tells the believers:

*O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of any one lead you into the sin of deviating from justice. Be just: this is the closest to being Godconscious. (Translation by Muhammad Asad)*

And again, in Surah 4: *An-Nisa'*: 136, the Qur'an underscores the importance of upholding justice:

*O ye who believe!  
Stand out firmly  
For justice, as witnesses  
To Allah, even as against  
Yourselves, or your parents,  
Or your kin, and whether  
It be (against) rich or poor:  
For Allah can best protect both.  
Follow not the lusts  
(Of your hearts), lest ye  
Swerve, and if ye  
Distort (justice) or decline  
To do justice, verily  
Allah is well-acquainted  
With all that ye do.* (Translation by A. Yusuf 'Ali)

In the context of justice, the Qur'an uses two concepts: "adl" and "ehsaan". Both are enjoined and both are related to the idea of balance, but they are not identical in meaning. "Adl" is defined by A.A.A. Fyzee, a well-known scholar of Islam, as being equal, neither more nor less. Explaining this concept, Fyzee wrote: *...in a Court of Justice the claims of the two parties must be considered evenly, without undue stress being laid upon one side or the other. Justice introduces the balance in the form of scales that are evenly balanced.* (1978: 17) "Adl" was described in similar terms by Abu'l Kalam Azad, a famous translator of the Qur'an and a noted writer, who stated: *What is justice but the avoiding of excess? There should be neither too much nor too little; hence the use of scales as the emblems of justice.* (Fyzee 1978) Lest anyone try to do too much or too little, the Qur'an points out that no human being can carry another's burden or attain anything without striving for it. (Surah 53: An - Name: 38-39) Recognizing individual merit is a part of "adl", the Qur'an teaches that merit is not determined by lineage, sex, wealth, worldly success or religion, but by righteousness. Righteousness consists of both right belief ("iman") and just action ("amal"), as clearly indicated by Surah 2: *Al-Baqarab*: 177, which was cited earlier. Surah 49: *Al-Hujurat*: 13 tells us:

*The most honoured of you  
In the sight of Allah  
Is (he who is) the most  
Righteous of you.* (Translation by A. Yusuf 'Ali)

Surah 4: *An-Nisa'*: 95 distinguishes clearly between passive believers and those who strive in the cause of God:

*Such of the believers as remain passive – other than the disabled – cannot be deemed equal to those who strive hard in God's cause with their possessions and their lives: God has exalted those who strive hard with their possessions and their lives far above those who remain passive. Although God has promised the ultimate good unto all (believers), yet has God exalted those who strive hard above those who remain passive by (promising them) a mighty reward – (many) degrees thereof – and forgiveness of sins, and His grace: for God is indeed much forgiving, a dispenser of grace. (Translation by Muhammad Asad)*

Just as it is in the spirit of “‘adl” that special merit be considered in the matter of rewards, so also special circumstances are considered in the matter of punishments. For instance, for crimes of unchastity the Qur’an prescribes identical punishments for a man or a woman who is proved guilty (Surah 2: *Al-Baqarab*: 2), but it differentiates between different classes of women: for the same crime, a slave woman would receive half, and the Prophet’s consort double the punishment given to a free Muslim woman (Surah 4: *An-Nisa'*: 25; Surah 33: *Al-Abzab*: 30). In making such a distinction, the Qur’an while upholding high moral standards, particularly in the case of the Prophet’s wives whose actions have a normative significance for the community, reflects God’s compassion for women slaves who were socially disadvantaged. While constantly enjoining “‘adl”, the Qur’an goes beyond this concept to “ehsaan” which literally means, restoring the balance by making up a loss or deficiency. In order to understand this concept, it is necessary to understand the nature of the ideal society or community (“ummah”) envisaged by the Qur’an. The word “ummah” comes from the root “umm”, or mother. The symbols of a mother and motherly love and compassion are also linked with the two attributes most characteristic of God, namely, “Rahim” and “Rahman”, both of which are derived from the root “rahm”, meaning womb. The ideal “ummah” cares about all its members just as an ideal mother cares about all her children, knowing that all are not equal and that each has different needs. While showing undue favour to any child would be unjust, a mother who gives to a handicapped child more than she does to her other children is not acting unjustly but exemplifying the spirit of “ehsaan” by helping to make up the deficiency of a child who is unable to meet the requirements of life. “Ehsaan” thus, shows God’s sympathy for the disadvantaged segments of human society (such as women, orphans, slaves, the poor, the infirm, and the minorities).

Having spent almost three decades in doing research on women-related texts in the Qur’an, I know that the Qur’an does not discriminate against women. In fact, in view of their disadvantaged and vulnerable condition, it is highly protective of their rights and interests. But this does not change the fact that the way Islam has been practiced in most Muslim societies for centuries has left millions of Muslim women with battered bodies, minds and souls. If the Muslim “ummah” is to become worthy of being the “khalifah” or deputy of God on earth and to actualize its highest potential, it will have to make a strong commitment that it will give its highest priority to the issue of gender-equality and gender-justice. No society can claim to be truly Islamic unless it recognizes, in word and in deed, that man and woman are equal before God and that each has an equal right to develop his or her God-given capabilities to the fullest. While Muslims in general have always

regarded the Qur'an as the highest source of Islam, they have often focused more on rituals and dogmas than on Qur'anic ethics. Ethics pertain to the universal principles governing human action and Qur'anic ethics provides the normative framework within which Muslims are enjoined to live their lives. Many present-day Muslims, having heard all their lives that the Qur'an is a complete code of life, expect to find in the Qur'an specific or direct statements pertaining to all the issues or subjects, which are of importance to them. When they do not find such statements they assume that the Qur'an has nothing to say about these issues or subjects. This perceived silence of the Qur'an regarding a number of significant modern issues – such as the issue of family planning – creates a theological and ethical vacuum, which different persons and groups fill in different ways. What is urgently needed – in my opinion – is a critical review of the idea that the Qur'an is a complete code of life. In what way is the Qur'an a complete code of life? Certainly, it is not an encyclopaedia that may be consulted to obtain specific information about how God views each problem, issue or situation that human beings may be confronted with. Nor is the Quran a legal code, as pointed out by Iqbal. By regarding the Qur'an as a Book in which they will find ready-made laws, regulations, prescriptions or assessments relating to everything in life, a large number of Muslims have lost sight of the main purpose of the Qur'an. This purpose – as stated by Iqbal (nd: 168) – *is to awaken in man the higher consciousness of his relation with God and the universe. ... The important thing in this connection is the dynamic outlook of the Qur'an.* In other words, the main purpose of the Qur'an is to provide the ethical framework in which all significant matters are to be considered. It is vitally important for present-day Muslims to realize that they will receive the guidance they seek from the Qur'an, not by looking for selected verses on specific subjects, but by understanding its ethical framework consisting of universal principles, which form the core of Islam.

### **MY BACKGROUND AND STRUGGLE FOR HELPING MUSLIM WOMEN RECLAIM THEIR GOD-GIVEN RIGHTS**

While my work and writings are known to many persons in many countries, this statement may be read by some who are not aware of my background and what I have focused on as a student, as a researcher, as a teacher, as a philosopher, as a writer, or as an activist. I consider it important, therefore, to begin by mentioning some facts of my personal and professional history that might be helpful to the reader in understanding my ideas and the larger framework within which they have developed. Like many other contemporary women thinkers, I see a profound linkage between what is intellectual and what is existential and experiential. Consequently, this statement reflects the “jihad” (struggle) I have engaged in, both as a theologian and as a Pakistani Muslim woman. I come from an old Saiyyad family from Muslim Town, Lahore. Faiz Road, on which my ancestral home is situated, is named after my grandfather Saiyyad Faizul Hassan whose progenitors founded Muslim Town. My maternal grandfather Hakim Ahmad Shuja came from Bazaar-e-Hakiman, in the old city of Lahore, which was named after his family. The Hakims (and their cousins, the Faqirs) were known for their patronage of art and literature and nurtured many gifted artists, thinkers and writers, including the young Iqbal when he first came from Sialkot to study at the Government College, Lahore. Hakim Sahib was not only a well-known poet and playwright but also a Qur'anic scholar who collaborated with Iqbal in some of his early works.



Upholding the honour of his Saiyyad heritage and being model Muslims was very important to my father. Being educated, creative, and independent was what mattered greatly to my mother. My parents differed greatly in their life-perspectives and had strongly conflicting views regarding how girls were to be brought up. Growing up in the midst of so much discord, trying to figure out with the mind of a young child who I was and what was the purpose of my life, was a very difficult thing. What sustained me during the troubled years of my childhood were two things: my faith in God who was to me the source of light, of justice and compassion, and my love of reading and writing which enabled me to create an inner universe in which my mind and spirit could grow. I left home at seventeen to study in England and returned seven years later with a BA Honors degree in English Literature and Philosophy, and a Ph. D for my thesis on the philosophy of Allama Iqbal. There is no question that the single most important intellectual influence on my mental development has been that of Iqbal. From him I learnt more than I can say – his philosophy of “Khudi” (selfhood) became the foundation of my evolving philosophical vision, and his insistence on going back to the Qur’an and going forward with “ijtihad” (independent reasoning, which he called the principle of movement in Islam) was something that became pivotal in my own study of Islam.

I have been involved in the teaching of Islam since January 1973 and have been engaged in research on issues relating to women in Islam since the fall of 1974. Recalling how I embarked on the most important journey of my life, I wrote in one of my articles,

*I do not know exactly at what time my ‘academic’ study of women in Islam became a passionate quest for truth and justice on behalf of Muslim women – perhaps it was when I realized the impact on my own life of the so-called Islamic ideas and attitudes regarding women. What began as a scholarly exercise became simultaneously an Odyssean venture in self-understanding. But ‘enlightenment’ does not always lead to ‘endless bliss’ (as the Buddhists say). The more I saw the justice and compassion of God reflected in the Qur’anic teachings regarding women, the more anguished and angry I became, seeing the injustice and inhumanity to which Muslim women, in general, are subjected in actual life. I began to feel strongly that it was my duty – as a part of the microscopic minority of educated Muslim women – to do as much consciousness-raising regarding the situation of Muslim women as I could.*

Very early in my study I realized that Islam, like the other major religions of the world (namely, Judaism, Christianity, Hinduism and Buddhism) had developed in patriarchal culture in which its major sources, i.e., the Qur’an, the Sunnah, the Hadith literature, and Fiqh, had been interpreted almost exclusively by men who had assigned to themselves the right to define the ontological, theological, sociological, and eschatological status of Muslim women. I spent the first decade of my research on Women in Islam (1974-1984) in reinterpreting the Qur’anic texts relating to women from a non-patriarchal perspective and came to the conclusion that the Qur’an does not discriminate against women in any way. In fact if one can see the Qur’anic text without the lens of patriarchal biases, one discovers how strongly it affirms the rights of women – and of other socially disadvantaged groups. Since the 1970s the process of Islamization which was initiated in some Muslim countries, including Pakistan, led to the promulgation of laws whose primary objective was to put women in their place. Women were also a major target of the so-called Islamic punishments that were instituted by General Zia ul Haq in Pakistan, who enacted the Hudood Ordinance (1979), the Qanun-e-Shahadat (1984), and the Qisas and Diyat Ordinance (1990). These laws, which aimed

at reducing the value and status of women systematically and virtually mathematically to less than that of men, are manifestly unjust and un-Islamic, as pointed out repeatedly by advocates of women's rights in Pakistan. No government, however, has had the moral or political will to amend or repeal these laws which have caused great suffering to a large number of girls and women in Pakistan.

To understand the strong impetus to Islamize Muslim societies, especially with regard to women-related norms and values, it is necessary to know that of all the challenges confronting the Muslim world, perhaps the greatest is that of modernity. Unable to come to grips with modernity as a whole, many Muslim societies make a sharp distinction between two aspects of it. The first – generally referred to as modernization and largely approved – is identified with science, technology and a better standard of life. The second – generally referred to as westernization and largely disapproved – is identified with emblems of mass western culture such as promiscuity, break-up of family and community, latchkey kids, and drug and alcohol abuse. What is of importance to note is that many Muslims see an emancipated Muslim woman as a symbol not of “modernization” but of “westernization”. (These days Muslim girls as well as boys go to western institutions for higher education. However, often when a young man returns from the west he is considered modernized, but when a young woman returns she is considered westernized.) This is so because she appears to be in violation of what traditional societies consider to be a necessary barrier between private space, i.e., the home, where women belong and public space, i.e., the rest of the world, which belongs to men. This invisible barrier between these two unequal spaces is called “hijab” (literally meaning “curtain”) Traditionally, Muslims have developed the belief that it is best to keep men and women segregated, i.e., in their separate, designated spaces, because the intrusion of women into men's space is seen as leading to the disruption, if not the destruction, of the fundamental order of things. According to a popular “hadith”, whenever a man and woman are alone, “ash-Shaitan” (the Satan) is bound to be there. The self-styled caretakers of Muslim traditionalism are aware of the fact that viability in the modern technological age requires the adoption of the scientific or rational outlook that inevitably brings about major changes in modes of thinking and behaviour. Women, both educated and uneducated, who are participating in the national work force and contributing towards national development, think and behave differently from women who have no sense of their individual identity or autonomy as active agents in a history-making process, and who regard themselves merely as instruments designed to minister to and reinforce a patriarchal system that they believe to be divinely instituted.

Though I immigrated to the U.S. in 1972, I always maintained strong ties with Pakistan and spent every summer in Lahore. I, therefore, knew from close quarters what was happening in the country. In 1983-84, I was able to spend two years in Pakistan since I had a year's sabbatical leave and a National Endowment for the Humanities fellowship for a one-year research project. This was the time when the victimization of women by the new laws (particularly the Zina Ordinance which was part of the Hudood Ordinance) had started. Though most of the victims were poor and illiterate, many affluent and educated women in Pakistan began to realize that the discriminatory laws were threatening to erode the fundamental rights not only of disadvantaged females but also of all females. In addition to the increase in violence being perpetrated upon women through legislation, there was a deluge of anti-women literature produced by religious extremists, which flooded the popular market. The purpose of the multi-faceted onslaught unleashed against

women by the “Islamization” process was to push women out of public space into the “chadur” and “chardewari” where they would perform the traditional roles of wives and mothers, as defined by a patriarchal society that regards the inferiority and subservience of women to men as part of God’s eternal system. These roles are promoted as bringing not respect to, but respectability of women in the name of Islam. As I reflected upon the scene I witnessed, and asked myself how it was possible for laws that were archaic, if not absurd, to be implemented in a society that professed a passionate commitment to modernity, the importance of something that I had always known dawned on me with stunning clarity. Pakistani society (or any other Muslim society for that matter) could enact or accept laws that specified that women were less than men in fundamental ways because Muslims, in general, consider it a self-evident truth that women are not equal to men. Anyone who states that in the present-day world it is accepted in many religious as well as secular communities that men and women are equal, or that evidence can be found in the Qur’an and the Islamic tradition for affirming man-woman equality, is likely to be confronted, immediately and with force, by a mass of what is described as irrefutable evidence taken from the Qur’an, Hadith, and Sunnah to prove that men are above women. Among the arguments used to overwhelm any proponent of man-woman equality, the following are perhaps the most popular: that according to the Qur’an, men are “qawwamun” (generally translated as “hakim” or “rulers”) in relation to women; that according to the Qur’an, a man’s share in inheritance is twice that of a woman; that according to the Qur’an, the witness of one man is equal to that of two women; that according to the Prophet (p.b.u.h.), women are deficient both in prayer (due to menstruation) and in intellect (due to their witness counting for less than a man’s). In my theological work I have presented compelling evidence to show that a correct reading of the Qur’an or the Prophetic tradition does not support such arguments and that the normative teachings of Islam strongly uphold the equality of men and women both in relation to God and to each other.

Since I was (in all probability) the only Muslim woman in the country who was attempting to interpret the Qur’an systematically from a nonpatriarchal perspective, I was approached numerous times by women leaders (including the members of the Pakistan Commission on the Status of Women, before whom I gave my testimony in May 1984) to state what my findings were and if they could be used to improve the situation of women in Pakistani society. I was urged by those spirited women, who were mobilizing and leading women’s protests in the streets, to help them by developing an ideology or strategy that they could use to counter the avalanche of negative laws, literature, and actions with which they were being confronted. Some of them wanted to use the work I had already done, and to use my interpretations of Qur’anic texts to refute, on a case-by-case or point-by-point basis, the arguments that were being used to make women less than fully human. I must admit that I was tempted to join the foray in support of my beleaguered sisters (amongst whom was Asma Jahangir) who were being deprived of their human rights in the name of Islam. But I knew, through my long and continuing struggle with the forces of Muslim traditionalism (which were now being gravely threatened by what they described as “the assault of westernization under the guise of modernization”) that the arguments that were being broadcast to keep women in subordination and submissiveness were only the front line of attack. Behind these arguments were others, and no sooner would one line of attack be eliminated than another one would be set up in its place. What had to be done, first and foremost, in my opinion, was to examine the theological ground in which all the anti-women arguments were rooted to see if,

indeed, a case could be made for asserting that, from the point of view of normative Islam, men and women were essentially equal, despite biological and other differences.

As a result of my study and deliberation, I came to perceive that not only in the Islamic, but also in the Jewish and Christian traditions, there are three theological assumptions on which the superstructure of men's alleged superiority to women (which implies the inequality of women and man) has been erected. These three assumptions are: (1) that God's primary creation is man, not woman, since woman is believed to have been created from man's rib and, hence, is derivative and secondary ontologically; (2) that woman, not man, was the primary agent of what is customarily described as the "fall", or man's expulsion from the Garden of Eden, hence all daughters of Eve are to be regarded with hatred, suspicion, and contempt; and (3) that woman was created not only from man but also for man, which makes her existence merely instrumental and not of fundamental importance. The three theological questions, to which the above assumptions may appropriately be regarded as answers, are: How was woman created? Was woman responsible for the fall of man? Why was woman created? I have spent many years working on these questions and have shown in my writings that none of the above-mentioned assumptions is warranted by a correct reading of the Qur'an, which states categorically (in 30 passages) that God created all humanity at the same time, of the same substance, in the same manner; that both man and woman disobeyed God by going near the forbidden tree but that they acknowledged their wrongdoing and were forgiven by God (hence there is no fall); that God created both men and women for a just purpose and that the relationship between them is one of equality, mutuality, and cordiality.

It has been the major mission of my life, especially since I became involved in 1984 in helping women activists in Pakistan, to educate Muslim/Pakistani girls and women about the rights given to them by God in the Qur'an. These rights may be denied or dishonoured – as they have been through much of our history – but rights given by God cannot be abrogated by any human being or agency. In pursuit of my passionate quest for justice on behalf of Muslim women I have traveled from one end of the Muslim world to the other conducting workshops, participating in conferences, meeting leaders and policy makers. I have had the privilege of being one of the main spokespersons for Islam at several UN Conferences, including those held at Cairo (1994), Copenhagen (1995), Beijing (1995) and Istanbul (1996). I have also been a featured speaker at several hundred conferences in the U.S., Canada, Europe, Asia, and Africa. The message I have delivered in each of my presentations is that Islam is a justice- and compassion-centred religion, which values the life of each person and holds before all human beings – women as well as men – the lofty vision embodied in the Qur'anic proclamation, "*Towards God is your limit.*" (Surah 53: An-Najm: 42, translation by Iqbal 1971: 57)

In February 1999, the ABC's *Nightline*, showed the BBC documentary entitled "*Murder in Purdah*" – a very graphic and powerful film about "honour" crimes in Pakistan – and I was one of the two commentators (the other one being Asma Jahangir) in this program. Following the airing of this program, I was inundated with letters, faxes and e-mails from women and men around the U.S.. Most expressed a sense of outrage that vulnerable girls and women were being subjected to so much brutality and violence in Pakistan, and a keen desire to do something about it. Out of these initial contacts grew a loose network of concerned individuals, which I formalized into the International Network for the Rights of Female Victims of Violence in Pakistan (INRFVVP) in February 1999. The membership of the INRFVVP grew rapidly, not only in the U.S. and Pakistan,

but throughout the world, and it soon became incorporated as a non-profit NGO. In the three and a half years since its inception, the INRFVVP has gone beyond being a mere organization. I see it as a movement for change, which is committed to identifying those negative factors – whether religious, cultural or any other – that promote or permit violence against girls and women and any other socially marginalized group in Pakistan. Once these factors have been identified through field research, strategies and programs will be developed to eliminate them and to create a culture in which the rights of all human beings are recognized, safeguarded and implemented.

### **DR. FARHAT HASHMI'S VIEWS: AN ANALYSIS OF HER APPROACH AND MESSAGE**

In my view, given the patriarchalism of Pakistani society, the presence of a Muslim woman who can teach or preach Islam should be seen as a positive event. Further, the fact that Dr. Farhat Hashmi wants to educate other Muslim women about Islam should also be seen as a worthy objective. This has also been my objective for many years and I am very glad to see that after centuries of being excluded from religious education and discourse, an increasing number of women in Pakistan are now engaging in the study of Islam. To the extent that Dr. Farhat Hashmi is instrumental in this, she deserves to be commended. Nothing is worse than ignorance, which the Qur'an likens to the state of being blind, and the seeking of knowledge is a primary mandate for all Muslims. However, while I applaud the effort of Dr. Hashmi and any other Muslim woman who aspires to be a scholar of Islam, I have serious reservations with regards to Dr. Hashmi's approach to the teaching (or preaching) of Islam, and the message that she is communicating. In this context I would like to make the following observations, which highlight the major points she makes in her public statements and the salient differences between my approach and perspective and hers.

1. Dr. Hashmi appears to be making the claim that what she is communicating in her "dars" (teaching) is what God has revealed in the Qur'an. In her interview with Samina Ibrahim of Newsline magazine (February 2001), she said, . . . all I am doing is spreading the message of the Qur'an. If somebody objects to that, then their fight is not with me, but with God. What Dr. Hashmi is presenting to her listeners is what she understands to be the meaning of a particular Qur'anic text, just as I have, for many years, been presenting to diverse audiences what I understand to be the meaning or intent of particular Qur'anic passages. However, neither she nor I nor anyone else except the Prophet of Islam (p.b.u.h.) is the recipient of God's revelation ("wahy") and the possessor of prophetic wisdom ("hikmat") All of us who seek to understand the Word of God are fallible and limited human beings whose interpretation of the divine text cannot be regarded as final and definitive, having the seal of approval from God. Therefore, saying that any objection to Dr. Hashmi's representation of what is in the Qur'an is tantamount to "a fight with God" is indefensible both from a religious and a methodological viewpoint.
2. In her interview Dr. Hashmi says, *I am not prepared to take dictation from the ulema and teach their version of Islam*. This means that she is aware of the fact that there is more than a single version of Islam. Dr. Hashmi also objects to too much rigidity in matters of religious interpretation in Pakistan, where the prevailing attitude is summarized by Dr. Hashmi as follows: *Whatever a scholar said a 1000 years ago is the final word. One cannot change or bring a different interpretation to the Qur'an. This has hurt and damaged the Muslims*

because there is capacity within Islam to grow with changing times. But in Pakistan, the way we approach Islam is very rigid. In academics one does not take the word of only one scholar alone, one learns from as many sources as possible. If this is the case, then why should Dr. Hashmi regard any objection to her version of Islam to be tantamount to “a fight with God” or heresy? In my work over the last 28 years I have shown how a number of Qur’anic passages that are commonly cited to discriminate against women can be interpreted differently and can, in my judgement, be used to strengthen rather than weaken women’s position in a Muslim society. However, I have not demanded nor expected that my interpretations be regarded as definitive and final. Human knowledge is always tentative and the more I study the Qur’an the more aware I become of the complexity of its multi-layered text whose total meaning is known only to its author. Furthermore, given the nature of the Semitic language – Arabic – in which the Qur’anic text is written, it is virtually impossible to say that a particular concept or term can only mean one thing. In Arabic the meaning of a word derives from its roots and generally root-words have multiple meanings. For example, the root-word “daraba” has been commonly translated as “to beat” by interpreters of Surah 4 : An-Nisa’ 34 (who have used this verse to assert that men have been permitted by God to beat women if they are guilty of “nushuz” which is commonly translated as “disobedience”). “Daraba” has a large number of meanings, as may be seen from *Taj al-Arus*, the authoritative classical lexicon of the Arabic language. My interpretation of this passage, which has been regarded by many as the definitive text with regards to the husband-wife relationship in Islam, is contained in a number of my published writings. In my exegesis I have shown that, on the basis of sound linguistic, philosophical, and ethical hermeneutical criteria, it is possible to arrive at a radically different understanding of this text.

3. Many people who have talked to me about Dr. Hashmi (including Samina Ibrahim who interviewed both her and me for *Newsline*) tell me that they are confused by many things that Dr. Hashmi says. For instance, she criticizes male ‘ulema who do not accept her as a scholar and faults them for being too rigid and not being open to new interpretations. She says that she has been told that *I have a feminist approach* [and that] *I have liberalized Islam*. It is clear from Dr. Hashmi’s words and tone that she considers being called a feminist or liberal a compliment – perhaps because this helps her to distinguish herself from the male ‘ulema who have rejected her authority as a teacher or preacher of Islam, and to vindicate her as a woman ‘alim. However, if one examines the content of Dr. Hashmi’s message, she can be called neither a feminist nor a liberal. She may perhaps, in some ways, be to the left of the most conservative ‘ulema in Pakistan in that she speaks with a softer voice and supports the idea of women studying Islam, but her ideological stance is still very markedly right-wing (reminiscent in some ways of Mr. Bush’s compassionate conservatism) and uncompromisingly committed to upholding a patriarchal system and segregated sex-roles. When asked by Samina Ibrahim if she felt there was need for reinterpretation of Islamic thought in today’s context, particularly human rights issues concerning women, Dr. Hashmi stated: *I feel that there is need for interpretation on all issues. But this should be done by a group of people who understand today’s problems and a group of people who understand religion, so that solutions that are there for modern issues can be applied. An interpretation for a problem made a thousand years ago was made in a different historical era and environment. It has to be reinterpreted within the parameters of the Qur’an*. What Dr. Hashmi is stating here appears to be a

reformulation of the modernist position represented, for instance, by the late Professor Fazlur Rahman, who pointed out that one major problem confronting contemporary Muslims was that those who understood Islam did not understand modernity and those who understood modernity did not understand Islam. Professor Rahman – like the modernist thinkers before him – also advocated a return to the Qur’an to discover the normative principles of Islam, and then going forward with “ijtihād” to see how these principles could be applied in present-day contexts. Some of Dr. Hashmi’s statements – including the one cited above – appear to incorporate the modernist views of thinkers like Iqbal and Fazlur Rahman. From her public statements, it is clear that Dr. Hashmi considers herself a modernist Muslim thinker who is opposed to what is archaic and outdated. However, if one scrutinizes the message that she is giving to those who go and hear her, one realizes that she is no more modernist than she is feminist or liberal. Dr. Hashmi has made a number of statements that she deems to be politically correct in the Twenty-first Century, but these statements do not add up to a coherent or consistent system of thought, nor are they in line with what she actually preaches to women. It is not surprising that so many people are confused about what Dr. Hashmi is saying. The confusion is not in the minds of the listeners: it is in the statements made by Dr. Hashmi herself. What she wants her public projection as a Muslim ‘alim to be is very different from her bottom-line position as an ultra-conservative Muslim woman. Since she does not participate in academic conferences where other qualified Muslims can engage in a critical discussion with her about her statements, she is not obliged to clarify the discrepancy between her so-called feminism, liberalism and modernism and what she is preaching to an increasing number of girls and women who want to find out what Islam is from a woman who has shrouded herself in the mantle of piety and authority.

4. Dr. Hashmi’s message is directed mainly at affluent urban women and young girls who are students in her “Al-Huda” academies or other institutions. There is one aspect of her message that is positive. This message has to do with making an effort to study Islam and not to be absorbed in material things. Many women who have become the followers of Dr. Hashmi come from the elite classes and have plenty of money and time, much of which is spent on worldly pursuits. Dr. Hashmi made these women aware of the importance of fulfilling their religious obligations. She also told them that doing whatever was pleasing to their husbands was good. If, for instance, their husbands wanted them to dress ornately, or in any other way, it was their duty to be compliant. It is interesting to note that a number of women who follow Dr. Hashmi still wear rich and gaudy attire beneath their “hijab.” It is likely that they are still spending a lot of money on their appearance but now their husbands appear to be happy because they are told that whatever the wives are doing is for their pleasure. It is not surprising that Dr. Hashmi’s message is irresistible to privileged women. These women had all the material things and comforts they wanted when they came to Dr. Hashmi. In addition to that, Dr. Hashmi showed them the way of attaining paradise (by doing what was pleasing to God) as well as marital bliss (by doing what was pleasing to their husbands). Amongst Dr. Hashmi’s followers are young girls and it is important to understand their motivation. Youth is always idealistic and action-oriented. But living in a society as patriarchal and as morally and intellectually bankrupt as Pakistan, many amongst our teeming millions of young people are highly frustrated and desperately in search of direction and guidance that would lead them to a purposeful life.

Unfortunately, our so-called liberal and progressive classes have never undertaken the responsibility to provide a forum or a platform for discussion and action to these young persons. The religious extremists have taken full advantage of the situation and have actively targeted youth, going literally from classroom to classroom and institution to institution. As a result, tens of millions of young people not only in Pakistan but also in other Muslim countries and even in Muslim communities living in the West, have adopted a version of Islam that is in complete contrast to the life-affirming reason-affirming, justice-and-compassion centred teachings embodied in the Qur'an and the teachings of the Prophet of Islam (p.b.u.h.) Some girls and women who are followers of Dr. Hashmi have told me that she has put them on the "right track" to paradise. I have asked them to explain to me what is this "right track". They say that she has told them how important it is to pray to God and to fulfill their religious obligations, and that taking care of the family is the primary purpose of a women's life. When I ask them if she told them to wear "hijab" they say that she has not forced them to wear "hijab" but that wearing "hijab" is a religious mandate for Muslim women. Those of Dr. Hashmi's followers who imitate her style of not only wearing a "chadur" on their heads but also covering their faces (except for the eyes) apparently do not know that this form of "hijab" was unknown at the time of the Prophet Muhammad (p.b.u.h.) when the Qur'an was revealed.

5. Every Muslim has been commanded in the Qur'an to enjoin "al-ma'ruf" (the good) and to forbid "al-munkar" (the evil). Unless the evil is forbidden the good cannot flourish. In explaining the meaning of the "Shahadah" which states that there is no "la" (God) except "illa" (Allah), Iqbal makes an important point that has its roots in the Sufi tradition: it is necessary to negate everything that is not God ("la") before it is possible to affirm ("illa") one's faith in God. To ignore the massive injustice, oppression and violence to which millions of girls and women (and other marginalized groups) in Pakistan are subjected is to abandon the commandment to forbid "al-munkar". And if one cannot forbid "al-munkar" how would one set about doing "al-mar'uf", because the two are inextricably linked? By refusing to become engaged in the vitally important discussion of "al-mar'uf" and "al-munkar", Dr. Hashmi has demonstrated that what she calls Islam is little more than the observance of ritual obligations and popular piety.
6. In her interview with Samina Ibrahim, Dr. Hashmi states, . . . *the 'ulema do not want to educate the common man about the Qur'an. The 'ulema say the masses are not capable of understanding it, that only religious scholars are able to understand it. The 'ulema cannot accept that a woman is capable of understanding, interpreting or teaching the Qur'an. I have even been called a 'kafir' because I do not propagate jihad. I teach women: are they going to go and fight? Anyway, there are many things to be done before thinking of jihad. From beginning to end, I keep the Qur'an in front of me. And for me what is written in the Qur'an is Islam.* Dr. Hashmi's understanding of the core Qur'anic concept of "jihad" appears to be as flawed as that of many Western media experts who have been attacking Islam relentlessly since September 11, 2001. In fact, "jihad" refers to moral, intellectual and spiritual striving to attain a higher level of self-development, and even "jihad al-asghar" (the lesser jihad), which is directed toward combating social evils, does not refer primarily to "fighting". Her question: *I teach women: are they going to go and fight?* seems to have been rhetorical, not seeking a response. I want, however, to respond to it: the mandate to engage in "jihad fi sabil Allah" is given as much to women as to men. In Islam, women have the same rights and



- obligations as men and nowhere is it stated in the Qur'an that women are exempted from any form of "jihad". Islam does not permit wars of aggression but in the defensive wars fought by the Prophet of Islam (p.b.u.h.) women were out in the battlefield ministering to the wounded. In my view the greatest "jihad" for the Muslims today is not physical but moral and intellectual. That is why a thinker like Iqbal who had such profound understanding of the Qur'an and Islam put so much emphasis on "Ijtihad" (which comes from the same root as the word "jihad"). But Dr. Hashmi, who so easily dismisses the idea that women should engage in jihad, also does not encourage her followers to engage in "ijtihad". Both involve intense individual effort which could lead to women developing leadership skills and acquiring the ability and confidence to start questioning the patriarchal traditions that have discriminated against them in multifarious ways.
7. Dr. Hashmi prefers to focus on "hijab" which she interprets in a very restrictive way. In the context of proper attire and conduct, the Qur'an lays down one basic principle, which may be described as the principle or law of modesty. In Surah 24: *An-Nur*: 30-31, modesty is enjoined both upon Muslim men and women:

*Say to the believing men  
That they should lower  
Their gaze and guard  
Their modesty: that will make  
For greater purity for them:  
And God is well-acquainted  
With all that they do.  
And say to the believing women  
That they should lower  
Their gaze and guard  
Their modesty: and they  
Should not display  
Beauty and ornaments except  
What (must ordinarily) appear  
Thereof; that they must  
Draw their veils over  
Their bosoms and not display  
Their beauty except  
To their husbands, their fathers,  
Their husband's fathers, their sons,  
Their husband's sons,  
Or their women, or their slaves  
Whom their right hands  
Possess, or male servants  
Free of physical needs,  
Or small children who  
Have no sense of the shame  
Of sex; and that they*

On the basis of the above-cited verses, the following points may be made:

- The Qur'anic injunctions enjoining the believers to lower their gaze and behave modestly apply to both Muslim men and women and not to Muslim women alone. Here it is to be noted that there are no statements in the Qur'an which justify the extremely rigid restrictions regarding veiling and segregation which have been imposed on Muslim women by some Muslim societies or groups (e.g., the Taliban in Afghanistan). To those who dispute this, let me put one short question: If the Qur'an intended for women to be completely veiled why, then, did it command the men to "lower their gaze"?
- Muslim women are enjoined to "draw their veils over their bosoms and not display their beauty" except in the presence of their husbands, other women, children, eunuchs and those men who are so closely related to them that they are not allowed to marry them. Although a self-conscious exhibition of one's "zeenat" (which means "that which appears to be beautiful" or "that which is used for embellishment or adornment") is forbidden, the Qur'an makes it clear that what a woman wears ordinarily is permissible. Another interpretation of this part of this passage is that if the display of "zeenat" is unintentional or accidental, it does not violate the law of modesty.
- Although Muslim women may wear ornaments they should not walk in a manner intended to cause their ornaments to jingle and thus attract the attention of others. At this point a liberated woman might ask: *Why should a Muslim woman display her beauty only in the presence of those (apart from her husband) who are likely to have no sexual interest in her?* The answer to this question is contained in the Qur'anic view of the ideal society and the social and moral values to be upheld by both Muslim men and women. In Qur'anic terms, the ideal society is that in which there is justice for all, i.e., justice between man and man and, what is perhaps even more important, justice between man and woman (it is important to note that there is more Qur'anic legislation on the subject of a proper ordering of the relationship of men and women than on any other subject). Whilst a good portion of the Qur'anic legislation regarding women was aimed at protecting them from inequities and vicious practices (such as female infanticide, unlimited polygamy or concubinage, etc.) which prevailed in Seventh Century Arabia, the main purpose of the women-related Qur'anic statements was to establish the essential equality of man and woman. Women at the dawn of Islam were in a very vulnerable position. They were regarded as sex objects to be used as toys and baits, to be bought and sold, to be ogled at and discarded at will. They could even be killed with impunity. By using an elaborate network of laws and recommendations, the Qur'an aimed at liberating women from the indignity of being sex objects and transforming them into persons. If a woman wished to be regarded as a person and not as a sex object, it was necessary – according to Qur'anic teaching – that she behave with dignity and decorum befitting a secure, self-respecting and self-aware human being, rather than an insecure female who felt that her survival depended on her ability to attract, entertain or cajole those men who were interested not in her personality but only in her sexuality. A number of woman-related Qur'anic laws which are interpreted by some critics of Islam to be a restrictive of women's freedom are, in fact, meant to protect what the Qur'an deems to be a woman's fundamental rights. For instance, in Surah 33: *Al-Ahzab*: 59, the Qur'an says:

O Prophet! Tell  
 Thy wives and daughters,  
 And the believing women,  
 That they should cast  
 Their outer garments over  
 Their persons (when abroad):  
 That is most convenient,  
 That they should be known  
 (As such) and not molested

According to the Qur'anic text the reason why Muslim women should wear an "outer garment" when they go out of their houses is so that they may be recognized as "believing" Muslim women and differentiated from streetwalkers for whom sexual harassment is an occupational hazard. The purpose of this verse was not to confine a woman to her house but to make it safe for her to go about her daily business without attracting unwholesome attention. The Qur'an decreed that the outer garment be worn as a mark of identification by believing Muslim women so apparently there was a need at the time of the Qur'anic statement for a means whereby a believing Muslim woman could be distinguished from the others. In societies where there is no danger of Muslim women being confused with streetwalkers or in which the outer garment is unable to function as a mark of identification for "believing" Muslim women, the mere wearing of the outer garment would not fulfill the true objective of the Qur'anic decree. It is worth noting that older Muslim women who are "past the prospect of marriage" are not required to wear the outer garment. Surah 24: An-Nur: 60 reads:

*Such elderly women are  
 Past the prospect of marriage, –  
 There is no blame on them  
 If they lay aside  
 Their (outer) garments, provided  
 They make not wanton display  
 Of their beauty: but  
 It is best for them  
 To be modest: and Allah  
 Is One Who sees and knows  
 All things. (Translation by A. Yusuf 'Ali)*

Women who, on account of their advanced age, are not likely to be regarded as sex objects are allowed to discard the outer garment but there is no relaxation as far as the essential Qur'anic principle of modest behaviour is connected. Regardless of age or sex, this Qur'anic principle – like all other principles of what is termed the "Deen" or core teachings of Islam – is, for Muslims unchanging and unchangeable. Reflection on the last-cited verse shows that the outer garment is not required by the Qur'an as a necessary expression of modesty since it recognizes the possibility that women may continue to be modest even when they have discarded the outer garment. Muslim societies in general, have, however, disregarded the basic intent of the Qur'anic statements, which regard women as autonomous human beings capable of being righteous as an act of choice, rather than as mentally and morally deficient creatures on whom morality has to be

externally imposed. Not satisfied with the outer garment prescribed by the Qur'an for Muslim women in a specific cultural context, some conservative Muslims have also sought the help of traditions ("ahadith"), whose authenticity is dubious, to compel women to cover themselves from head to foot leaving only the face and hands uncovered. Dr. Hashmi has gone even farther than these men and initiated a style of "hijab" which requires the covering also of the face (except for the eyes). This kind of "hijab" was not mandated by the Qur'an nor found in the days of the Prophet Muhammad (p.b.u.h.). Nor is it indigenous to urban Pakistani society. It is very difficult to understand why Dr. Hashmi, who, on the one hand, wants to be regarded as a feminist, liberal, and modernist scholar of Islam, on the other hand, wants to be seen as more conservative than the rigid 'ulema whom she constantly criticizes.

During the initial phases of the "Islamization" process efforts were made by conservative Muslim men who were threatened by women's presence in public space to put them in the "chadur" and "chardewari". Due to various reasons these efforts were not very successful especially amongst urban elite women. Dr. Hashmi has been far more successful in her so-called "Islamization" campaign, since her followers seem to have voluntarily adopted a style of "hijab" that not only covers their bodies but also virtually makes them faceless. Along with this has come a withdrawal from any meaningful engagement in social issues and a relapse into totally segregated traditional roles. While Dr. Hashmi and her followers have the right to wear any kind of "hijab" they choose, they do not have the right to assert or imply that by doing so they have acquired a higher station as a Muslim or that those women who dress differently are somehow deficient in their "iman" or "amal". As Surah 12: Yusuf: 40 states, "*Judgement (as to what is right and what is wrong) rests with God alone*". (Translation by Muhammad Asad) Dr. Hashmi says "I do not judge anyone by their appearance alone" and denounces "judgemental and self-righteous behaviour" but appearance and self-righteous behaviour is precisely what distinguishes Dr. Hashmi's followers from others.

My greatest objection to Dr. Hashmi's message to women is the total absence in it of any reference to social justice or human rights. I believe that the most important mandate of Islam as a prophetic religion is that Muslims should strive to create a just society. Living as we do in an unjust world, the creation of a just society is a formidable task and requires unceasing "jihad". The greatest "jihad" ("jihad alakbar") is against one's own shortcomings and deficiencies. In his philosophy of "Khudi", Iqbal identifies factors that strengthen the self and those that weaken it. "Pillars of faith" such as "salat" (prayer), "siyam" (fasting) or "zakat" (wealth sharing) are intended to make us more integrated and disciplined, so that we are better able to fulfill the mission given to us by God. But personal piety – important as it is – is only a means to an end, the end being engagement in the struggle to create a society in which there is both "adl" (legalistic justice) and "ehsaan" (compassionate justice). What kind of Islam is Dr. Hashmi teaching if she does not speak about "adl" or "ehsaan", which are emphasized throughout the Qur'an? Her teachings show an obvious lack of reflection on Surah 107: *Al-Ma'un*, which reads:

*Hast thou ever considered (the kind of man) who gives the lie to all moral law? Behold, it is this (kind of man) that thrusts the orphan away, and feels no urge to feed the needy. Woe, then, unto those praying ones whose hearts from their prayers are remote – those who want only to be seen and praised, and, withal, deny all assistance (to their fellowmen)*  
(Translation by Muhammad Asad)

Perhaps many of the women who have become followers of Dr. Hashmi would not have become social activists, in any case, since they come from those strata of Pakistani society that are largely self-indulgent and not particularly interested in social issues. However, it is possible that if they had been exposed to a different version of Islam, which made them realize the importance of engaging in the struggle for a more just-and-compassionate world, they might not have chosen to follow the escape route offered to them by Dr. Hashmi. What is a matter of deep concern today is the fact that Dr. Hashmi's message – like that of the other extremist religious groups – is being spread through educational institutions to young girls who have the potential of contributing to the development of their country and its disadvantaged people. I believe that it is extremely important to challenge the teachings of Dr. Hashmi in a public forum so that those who are mesmerized by her pious-sounding words can actually begin to see the internal contradictions or inconsistencies and how profoundly its narrow, close-minded, and rigid intent and content differs from the expansive, enlightened and empowering teachings of the Qur'an.

### **NATURE OF THE DISCOURSE ON ISLAM AND HUMAN RIGHTS IN PAKISTAN**

The discourse on Islam and Human Rights in Pakistan is dominated by two highly vocal and visible groups that represent opposing mindsets. In some ways both of these mindsets can be described as extremist. The first mindset is represented by persons, such as Dr. Farhat Hashmi, who consider themselves the custodians of Islam, which they generally define in narrowly construed literalistic and legalistic terms. The second mindset is represented by others, such as Asma Jahangir and other leaders of the Human Rights Commission of Pakistan, who consider themselves the guardians of human rights, which they see as being incompatible with religion, particularly Islam. A review of Pakistan's history shows that religious extremists have, in general, opposed any critical review or reform of traditional attitudes and practices that have become associated with popular Muslim culture. They have, in particular, been opposed to any changes in the traditional roles of women and have regarded the movement for women's rights as a great threat to the integrity and solidarity of the Muslim family system. Averse in general to modernity, which they identify largely with the westernization of Muslim societies, religious extremists have raised a red flag and shouted that the integrity of the Islamic way of life was under assault each time any government has taken any step to address the issue of gender inequality or discrimination against women.

While extremism is associated most often with the religious right referred to above, it is important to note that it is also to be found in the utterances and actions of those who regard religion, especially Islam, negatively. In asserting that Islam and human rights are mutually exclusive, advocates of human rights, such as Asma Jahangir, adopt a position that is untenable both on theoretical and pragmatic grounds. The Qur'an strongly affirms all the fundamental human rights. In pragmatic terms, it is evident that Muslims generally – including the vast majority of Pakistanis – are strong believers in God and Islam, regardless of how they express or enact their beliefs. The insistence by the anti-religious advocates of human rights that Islam should not be made part of the ongoing discourse on human rights in Pakistan is, therefore, vacuous. Whether acknowledged or not, Islam – which defines the identity and ground reality of millions of Pakistanis – is already, and inevitably, a part of this discourse. Furthermore, it is important to know that religious and anti-religious extremisms feed into one another. The more the anti-religious

extremists marginalize Islam in their rhetoric, the stronger is the outcry from religious extremists that Islam is in danger.

Here I would like to make an important clarification. Just as there are many people in Pakistan who are confused regarding the ideological position of Dr. Farhat Hashmi (largely, as illustrated in this analysis, due to her conflicting statements), so also there are people who confuse what I have termed anti-religious extremism with secularism. As pointed out by The Encyclopaedia of Religion,

*The term secularization came into use in European languages at the Peace of Westphalia in 1648 where it was used to describe the transfer of territories previously under ecclesiastical control to the dominion of lay political authorities. (Eliade 1987: vol.13: 158)*

A secular society is one in which religion is not the controlling factor in the lives of the people, or one in which no one religion is privileged. A person who is secular may not attach much significance to religious consciousness, activities and institutions in the context of society, but is not anti-religious. Whereas secular people may be open-minded and tolerant of different viewpoints, anti-religious persons can be just as absolutist, closed-minded and intolerant as religious extremists.

The Qur'anic proclamation in Surah 2: *Al-Baqarah* : 256, *There shall be no coercion in matters of faith* (Translation by Muhammad Asad), guarantees freedom of religion and worship. A number of Qur'anic passages also state clearly that the responsibility of the Prophet Muhammad (p.b.u.h.) is to communicate the message of God and not to compel anyone to believe (For instance Surah 6: *Al-An'am*: 107; Surah 10: *Yunus*: 99; Surah 16: *An-Nabl*: 82; Surah 42: *Ash-Shura*: 48). The right to exercise free choice in matters of belief is unambiguously endorsed by the Qur'an in Surah 18: *Al-Kahf*: 29, which states:

*The Truth is  
From your Lord:  
Let him who will  
Believe, and let him  
Who will, reject (it).* (Translation by A. Yusuf 'Ali)

Whether or not leading advocates of human rights believe in God or in any religion is up to them. However, it is legitimate to ask how the Human Rights Commission of Pakistan – the non-governmental organization which has virtual monopoly of the human rights discourse in Pakistan and receives an enormous amount of funding from Western donors – can claim to represent the people of Pakistan, who are near universally believers and regard Islam as the matrix in which their lives are rooted, when it holds the position that Islam should not be part of the human rights discourse except in a negative sense.

My philosophical disagreement with the viewpoint that Islam should be excluded from the human rights discourse in Pakistan, held by Asma Jahangir and her colleagues, does not mean that I do not acknowledge or respect their efforts to document human rights abuses in Pakistan or the bold stand they have been taking on behalf of victims of violence in the courts, the media, and the public. I believe that it is possible for persons of different religious, ideological or philosophical perspectives to work together in pursuit of the common good. When this has been done (as in Latin America with the rise of liberation theology when Catholics, Protestants, Communists, persons of indigenous religions and others joined hands to combat social evils) the results have been inspirational.

Despite my openness to working with others who support the struggle for human rights and women's rights, the position that I represent has been resented and rejected by many anti-religious human rights advocates in Pakistan. I believe that they are threatened by my stated conviction that it is possible to construct a paradigm of human rights within the framework of normative Islam. They also do not want to accept my view that in the context of contemporary Pakistan and most of the Muslim world, this paradigm of human rights is the only one that is likely to be accepted or actualized because it is based on religious principles respected by masses of people and is not seen as a foreign imposition.

### **DEVELOPING A NEW PARADIGM IN THE DISCOURSE ON ISLAM AND HUMAN RIGHTS IN PAKISTAN – THE THIRD OPTION**

Vocal and visible as the extremists in Pakistan are, they constitute a small percentage of the total population of Pakistan. The vast majority of Pakistanis are middle-of-the-road people who neither subscribe to nor support extremism. While they have a strong Muslim identity and their faith is very important to them, they also aspire to be a part of the modern world through acquiring education, awareness of contemporary values, and the means to have what the Greeks called the good life. In other words, they want both “Deen” (religion) and “Dunya” (the world). This is a position, supported by Qur’anic teaching and the Prophetic example, which describe Islam as a religion of balance and moderation, stressing the complementarities of various spheres of life.

It is a matter of utmost gravity that, in Pakistan, the discourse on Islam has been hijacked by religious extremists and the discourse on human rights has been hijacked by anti-religious extremists. In my judgement, it is vitally important to broaden the discourse both on Islam and human rights to include a third option. This option means the creation of a new discourse or an alternative paradigm, which is grounded in the ethical principles of the Qur’an and relates to the beliefs as well as the aspirations of middle-of-the-road Pakistanis. Islam is, undoubtedly, the sustaining factor in the lives of millions of Muslims – including Pakistanis – many of whom live in conditions of great hardship, suffering or oppression. It can easily become a source of empowerment for them if they begin to see that they have been given a large number of rights – not by any human agency but by God. Once the masses, who constitute the silent majority of Pakistanis, become conscious of their God-given right to actualize their human potential to the fullest, they can be mobilized to participate in building a dynamic and democratic society. But in order to make this happen, a new perspective on human rights (including women's rights) grounded in normative Islamic ideas of universalism, rationalism, moderation, social justice and compassion must be disseminated as widely as possible.

### **CONCLUSION**

In the foregoing analytic narrative, I have shared my research findings and reflections on a number of issues that are of critical importance to many Pakistanis and Muslims today. I have endeavoured to articulate the philosophical vision which motivates my lifelong struggle to understand the purpose of creation and what we have to do to fulfill the responsibility of being God's “khalifa” (vicegerent) on earth. I have also attempted to state, as clearly and coherently as I could from my perspective, what it means to be a Muslim and the contemporary discourse on Islam and human rights. In response to numerous queries asking me to clarify my position vis-à-vis that of Dr. Farhat

Hashmi and Asma Jahangir, I have given my analysis of what I believe Dr. Hashmi's approach and message is, and indicated why I do not subscribe to Asma Jahangir's perspective on human rights. For the record I would like to say that I have challenged Dr. Farhat Hashmi and Asma Jahangir to a public debate on human rights and women's rights at a number of important forums. I believe that the public is entitled to hear the views of all three of us in an open setting so that it can understand and evaluate the content and worth of what each of us is saying. To date, the challenge remains unaccepted. In February 2000, in an "Open Letter" to General Pervez Musharraf, I stated:

*One major reason for my writing this open letter to you at this time is to emphasize to you the critical need for reflecting on the whole issue of human rights, particularly the rights of women and minorities. Ever since I can remember, rulers in Pakistan have been worried about economic and political problems. I cannot recall any time when any government in Pakistan seemed to understand that the issue of human rights or women's rights is not a minor or side issue to which reference can be made now and then, largely to placate world opinion. The issue of human rights and women's rights is an issue of the greatest importance for Pakistan today. It is so important because – first and foremost – in order to make Pakistan a strong, self-respecting, self-sustaining country it is essential to build its moral foundations and this cannot be done until justice is done to those who are the weakest and the most vulnerable in society. Abraham Lincoln had said that a nation could not survive half-slave and half-free. Likewise, without establishing gender equality and gender-justice, Pakistan can never become what Allama Iqbal, the Quaid-e-Azam, or you, General Musharraf, would want it to be. Economic and military strength, important as they are, cannot stem the rot that has set in through a long period of intellectual myopia and moral bankruptcy. The only way you can start reversing the process of ruin is by building, brick by brick, a tradition of respecting the fundamental human rights of all citizens and residents of Pakistan, irrespective of gender, class, and ethnic, sectarian or religious difference.*

It is my hope that what I have presented to you in this account will stimulate your own deeper thoughts and that you will find compelling reasons for joining the movement that aims to rebuild the intellectual and ethical foundations of our beloved Pakistan which is not doing well in any way.



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