Women's Rights in Islam: Normative Teachings Versus Practice

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The subject of this chapter is women's rights in Islam. Its main purpose is to identify the rights given to women by the Qur'an and to point out the discrepancy between the normative teachings of Islam and Muslim practice regarding issues dealing with women's status and rights. However, the subject of "women in Islam" cannot be properly understood if looked at in isolation from the important issues facing Muslim societies—issues that do not reflect either Islam or the Islamic tradition.

In view of the intense interest in the West regarding the rights and status of Muslim women, this subject should also be examined in the context of the overall relations between the West and the Islamic world.

WESTERN IMAGES OF ISLAM AND MUSLIMS

Since the 1970s there has been a growing interest in the West regarding Islam and Muslims, an interest further intensified after the tragic events of 9/11. However, much of this interest has been limited to a few subjects, such as "the Islamic revival," "Islamic fundamentalism," "the Salman Rushdie affair," "women in Islam," and, since 9/11, Islamic terrorism. It has not involved an effort to understand either the complexity or the diversity of "the World of Islam." Moreover, the subjects chosen have tended to evoke or provoke strong emotive responses among both Westerners and Muslims. Also, the manner in which these subjects have generally been portrayed in the Western media or popular literature has called into question the motivation underlying the selective Western interest in Islam and Muslims. As a result, many

Muslims have found it difficult to see this interest as being positively motivated.

These negative images and interpretations of Islam in the West exert a strong influence because they are rooted in much older Western perceptions of Islam as reflected in the views of two major Western literary and religious figures. Dante, the great poet of medieval Christianity, perceived the Prophet of Islam as the "divider of the world of Christendom" and assigned him to the lowest level of hell for his grievous "sin." St. Thomas Aquinas, the outstanding scholastic philosopher who owed such a profound debt to the thinkers of Muslim Spain, described Islam as nothing but a construct to accommodate the lust of Muhammad.[1] What far-reaching shadows were cast upon the future by powerful Christian voices such as those of Dante and Aquinas can be glimpsed from Thomas Carlyle's historic lecture on "The Hero as Prophet—Mahomet: Islam" in the series entitled *On Heroes, Hero-Worship and The Heroic in History*. Writing in the mid-nineteenth-century, Carlyle urged his fellow Christians to dismiss *"our current hypothesis* about Mahomet, that he was a scheming Imposter, a Falsehood Incarnate, that his religion is a mere quackery and fatuity."[2]

Given the historical and more recent reservoir of negative images associated with Islam and Muslims in the West, the outpouring of so much sympathy in and by the West toward Muslim women appears, at least to Muslims, to be an amazing contradiction. For are Muslim women also not adherents of Islam? This broader context of Western-Muslim relations should thus be kept in mind in discussing women's rights in Islam, which currently is one of the issues that divides the West and the Muslim world in regard to human rights in general.

MUSLIM WOMEN AND HUMAN RIGHTS: THE UNARTICULATED QUANDARY

Because the modern notion of human rights originated in a Western, secular context, Muslims in general, but Muslim women in particular, find themselves in a quandary when they initiate or participate in a discussion on human rights, whether in the West or in Muslim societies. Based on their life experience, most Muslim women who become human rights advocates or activists feel strongly that virtually all Muslim societies discriminate against women from cradle to grave. This

leads many of them to become deeply alienated from Muslim culture in a number of ways, and their strong sense of alienation often leads to anger and bitterness toward the patriarchal systems of thought and social structures that dominate most Muslim societies.

Muslim women often find much support and sympathy in the West so long as they are seen as rebels and deviants within the world of Islam. But many of them begin to realize, sooner or later, that while they have serious difficulties with Muslim culture, they also are not able, for many reasons, to completely identify with Western culture. This realization leads them to feel—at least for a time—isolated and alone. Much attention has been focused in the Western media and literature on the sorry plight of Muslim women who are "poor and oppressed" in visible or tangible ways. Hardly any notice has been taken, however, of the profound tragedy and trauma suffered by the self-aware Muslim women of today who are struggling to maintain their religious identity and personal autonomy in the face of the intransigence of Muslim culture, on the one hand, and the hedgemonistic aspirations of Western culture, on the other.

SOURCES OF THE ISLAMIC TRADITION

Before one can speak meaningfully about women in the context of Islam or the Islamic tradition, it is necessary to clarify what is meant by "the Islamic tradition," which—like other major religious traditions—does not consist of or derive from a single source. Most Muslims, if questioned about its sources, are likely to refer to more than one of the following:

- the Qur'an, or the Book of Revelation that Muslims believe to be God's word transmitted through the agency of the Archangel Gabriel to the Prophet Muhammad;

- *Sunnah*, or the practical traditions of the Prophet Muhammad;

- *hadith*, or the oral sayings attributed to the Prophet Muhammad;

- *fiqh* (jurisprudence) or *madhahib* (schools of law); and

- the *Shari'a*, or code of law that regulates the diverse aspects of a Muslim's life.

Although these sources have contributed to what is cumulatively referred to as the Islamic tradition, they are not identical or considered

to be of equal weight. Of all the sources of the Islamic tradition, the most important is the Qur'an, which is regarded by Muslims in general as having absolute authority.

Yet, although the Qur'an has always been, in theory, *the* primary and most authoritative source of normative Islam since the early days of Islam, the hadith literature has been the lens through which the words of the Qur'an have been seen and interpreted. It has been the consensus of hadith scholars from the time of Imam Al-Bukhari (194–265 AH)—considered by Sunni Muslims to be the most highly authoritative scholar of hadith—that the vast majority of *ahadith* are, in fact, not authentic. What the hadith literature contains, in other words, are not so much the words of the Prophet of Islam, but a representation of the Arab-Islamic culture of seventh- and eighth-century Muslims. This culture was influenced significantly by earlier religious and philosophical traditions and incorporated many of the prevalent Jewish, Christian, Hellenistic, pre-Islamic Bedouin, and other negative ideas and attitudes regarding women. These ideas and traditions have been used throughout Muslim history to undermine the intent of the Qur'an to liberate women from the status of chattels or inferior creatures and make them free and equal to men.

Moreover, throughout Islamic history, the sources for the Islamic tradition have been interpreted only by Muslim men, who have arrogated to themselves the task of defining the ontological, theological, sociological, and eschatalogical status of Muslim women. While it is encouraging to know that women such as Khadijah and A'ishah (wives of the Prophet Muhammad) 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 been largely patriarchal, inhibiting the growth of scholarship among women, particularly in the realm of religious thought.

Given this state of affairs, it is hardly surprising that until recently the vast majority of Muslim women have remained wholly or largely unaware of their "Islamic" (in an ideal sense) rights. Male-centered and male-dominated Muslim societies have continued to assert, glibly and tirelessly, that Islam has given women more rights than any other religion, while keeping women in physical, mental, and emotional confinement and depriving them of the opportunity to actualize their

human potential. This is illustrated by the high level of illiteracy among Muslim women, especially those living in rural areas (where most of the Muslim population lives).

THE QUR'AN'S ETHICAL FRAMEWORK AND THE RIGHTS OF MUSLIM WOMEN

The Qur'an's vision of human destiny is embodied in the exalted proclamation, "Towards God is thy limit."[3] To enable men and women to achieve this destiny and discharge the responsibility of being God's vicegerent (*khalifah*) upon the earth, the Qur'an affirms fundamental rights that all human beings ought to have because these rights are so deeply rooted in their humanness that their denial or violation is tantamount to a negation or degradation of that which makes people human. From the perspective of the Qur'an, these rights came into existence when humans did. They were created, as humans were, by God, in order that human potential could be actualized. Not only do they provide human beings with the opportunity to develop all their inner resources; they also uphold before them a vision of what God would like them to strive for. Rights given by God are eternal and immutable and cannot be abolished by any temporal ruler or human agency.

Because the Qur'an is concerned about all human beings and all aspects of life, it contains references to a large number of human rights. Among these rights, the following are particularly noteworthy:

The right to life. The Qur'an upholds the sanctity and absolute value of human life,[4] and points out that, in essence, the life of each individual is comparable to that of an entire community and therefore should be treated with utmost care.[5]

The right to respect. According to the Qur'an, humanity was appointed God's vicegerent on earth because of all creation it alone had the ability to think, to have knowledge of good and evil, to do the right and avoid the wrong. Thus, on account of the promise that is contained in being human, the humanness of all human beings is to be respected.

The right to justice. The Qur'an puts great emphasis on the right to seek justice and the duty to do justice.[6] In the context of justice, the

Qur'an uses two concepts: *adl* and *ihsan*. *Adl* is justice in a legalistic sense and is represented by a scale that is evenly balanced. It is in the spirit of *adl* that special merit must be considered in matters of rewards and that special circumstances are to be considered in matters of punishments. For instance, for crimes of unchastity the Qur'an prescribes identical punishments for a man or a woman who is proved guilty,[7] 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.[8] In making such a distinction, the Qur'an, while upholding high moral standards, particularly in the case of the Prophet's wives (whose actions had a normative significance for the community), reflects God's compassion for women slaves, who were socially disadvantaged.

Ihsan goes beyond *adl* and refers to a restoring of balance by making up a loss or deficiency. To understand this concept, it is necessary to understand the nature of the *ummah* (ideal community) envisaged by the Qur'an. *Ummah* comes from the root *umm*, which means "mother." Thus the ummah is likened to a mother. The symbols of a mother and motherly love and compassion are also linked with the two attributes most characteristic of God, namely *Rahman* (compassionate) and *Rahim*, (merciful), both of which are derived from the root *rahm*, which means "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. A mother who makes up for the deficiency of a disadvantaged child exemplifies the spirit of *ihsan*. *Ihsan* thus shows God's sympathy for the disadvantaged segments of human society such as women, children, slaves, the poor, and the infirm.

The right to freedom. A large part of the Qur'an's concern is to free human beings from the chains that bind them: traditionalism, authoritarianism (religious, political, economic), tribalism, racism, classism or caste system, sexism, and slavery. The greatest guarantee of personal freedom for a Muslim lies in the Qur'anic decree that no one other than God can limit human freedom,[9] and that judgment regarding what is right or wrong rests with God alone.[10] In political matters, the Qur'an makes the principle of mutual consultation (*shura*) mandatory[11] and gives to responsible dissent the status of a fundamental

right.[12] The Qur'anic proclamation that there shall be no coercion in matters of faith[13] guarantees freedom of religion and worship. The right to freedom includes the right to be free to testify to the truth. Standing up for the truth is a right and a responsibility that a Muslim may not disclaim even in the face of the greatest danger or difficulty.[14] At the same time that the Qur'an commands believers to testify to the truth, it also instructs society not to harm persons so testifying.[15]

The right to privacy. The Qur'an recognizes the need for privacy as a human right and lays down rules for protecting an individual's life in the home from undue intrusion from within or without.[16]

The right to protection from slander, backbiting, and ridicule. The Qur'an recognizes the right of human beings to be protected from defamation, sarcasm, offensive nicknames, and backbiting.[17] It also states that no person is to be maligned on grounds of assumed guilt.[18]

The right to acquire knowledge. The Qur'an puts the highest emphasis on the importance of acquiring knowledge, which is regarded as a prerequisite for the creation of a just world in which authentic peace can prevail.

The right to sustenance. A cardinal concept in the Qur'an, one that underlies the socioeconomic-political system of Islam, is that the ownership of everything belongs, not to any person, but to God. Because God is the universal creator, every creature has the right to partake of what belongs to God.[19] This means that every human being has the right to a means to a living and that those who hold economic or political power do not have the right to deprive others of the basic necessities of life by misappropriating or misusing resources that have been created by God for the benefit of humanity in general.

The right to work. According to Qur'anic teaching, every man and woman has the right to work, whether the work consists of gainful employment or voluntary service. The fruits of labor belong to the one who has worked for them, regardless of whether it is a man or a woman.[20]

The right to develop one's aesthetic capabilities and enjoy the bounties created by God. As pointed out by Muhammad Asad, "By declaring that all good and beautiful things in life, i.e., those that are not expressly prohibited—are lawful to the believers, the Qur'an condemns,

by implication all forms of life-denying asceticism, world-renunciation and self-mortification."[21] The right to develop one's aesthetic sensibilities so that one can appreciate beauty in all its forms, and the right to enjoy what God has created for the nurture of humankind, are thus rooted in the life-affirming vision of the Qur'an. [22]

The right to leave one's homeland under oppressive conditions. According to Qur'anic teaching, a Muslim's ultimate loyalty is to God and not to any place. The Prophet Muhammad migrated from his birthplace, Mecca, to Medina in order to fulfill his prophetic mission. This event (*Hijrah*) has great historical and spiritual significance for Muslims who are called upon to move away from their place of origin if it becomes an abode of evil where they cannot fulfill their obligations to God or to establish justice.[23]

The right to "the Good Life." The Qur'an upholds the right of a human being not only to life but to "the good life." This good life, made up of many elements, becomes possible only when a human being is living in a just environment. According to Qur'anic teaching, justice is a prerequisite for peace, and peace is a prerequisite for human development. In a just society, all the earlier-mentioned human rights may be exercised without difficulty. In such a society, other basic rights, such as the right to a secure place of residence, the right to the protection of one's personal possessions, the right to the protection of one's covenants, and the right to move freely, also exist.[24]

Muslim women partake of all the rights that have been mentioned above. In addition, women are the subject of much particular concern in the Qur'an. However, a review of Muslim history and culture brings to light many areas in which—Qur'anic teachings notwithstanding—women continued to be subjected to diverse forms of oppression and injustice, often in the name of Islam.

Although the Qur'an, because of its protective attitude toward all downtrodden and oppressed classes of people, appears to be weighted in many ways in favor of women, many of its women-related teachings have been used in patriarchal Muslim societies against, rather than for, women. Muslim societies in general appear to be far more concerned with trying to control women's bodies and sexuality than with women's human rights. Many Muslims, when they speak of human rights,

either do not speak of women's rights at all[25] or are mainly concerned with how a woman's chastity may be protected.[26]

WOMEN IN ISLAM: QUR'ANIC IDEALS VERSUS MUSLIM REALITIES

Despite the fact that the Qur'an is particularly solicitous about women's well-being and development, women have been the target of the most serious violations of human rights that occur in Muslim societies in general. In particular, attention needs to be drawn to the discrepancies between Qur'anic ideals, on the one hand, and, on the other, Muslim practice with regard to the following women and women-related issues.

Attitude toward female children. Muslim societies tend to discriminate against female children from the moment of birth. It is customary among Muslims to regard a son as a gift, and a daughter as a trial, from God. Therefore, the birth of a son is an occasion for celebration while the birth of a daughter calls for commiseration, if not lamentation. Here, it may be mentioned that although Muslims say with great pride that Islam abolished female infanticide, one of the most common crimes in many Muslim countries is the murder of women by their male relatives. These so-called honor-killings are frequently used to camouflage other kinds of crime.

Marriage. Much Qur'anic legislation is aimed at protecting the rights of women in the context of marriage.[27] However, many girls are married when they are still minors and do not understand that marriage in Islam is a contract and that women, as well as men, have the right to negotiate the terms of this contract. The Qur'anic description of man and woman in marriage—"They are your garments, And you are their garments"[28]—implies closeness, mutuality, and equality. But Muslim societies in general have never regarded men and women as equal, particularly in the context of marriage. The husband, in fact, is regarded not only as the wife's *majazi khuda* (god in earthly form) but also as her gateway to heaven or hell and the arbiter of her final destiny. That such an idea can exist within the framework of Islam—which, in theory, considers the deification of any human being as *shirk* (polytheism), regarded by the Qur'an as the one unforgivable sin, and which

rejects the idea that there can be any intermediary between a believer and God, represents both a profound irony and a great tragedy.

Marital problems and divorce. While the Qur'an provides for just arbitration in case a marriage runs into problems, it also makes provisions for what we today call a "no-fault" divorce and does not make any adverse judgments about divorce.[29] The Qur'anic prescription, "Either live together in kindness or separate in kindness," preserves the spirit of amity and justice in the context of both marriage and divorce. In Muslim societies, however, divorce has been made extremely difficult for women, both legally and through social penalties.

Child rearing and child custody. In the context of child rearing, the Qur'an states clearly that the divorced parents of a minor child must decide by mutual consultation how the child is to be raised and that they must not use the child to exploit each other.[30] However, in Muslim societies, divorced women who have children are often subjected to great exploitation, losing the right to the custody of both boys (generally at age 7) and girls (generally at age 12). It is difficult to imagine an act of greater cruelty than depriving a mother of her children simply because she is divorced.

Polygamy. Polygamy was intended by the Qur'an to be for the protection of orphans and widows.[31] In practice, however, it has been widely misused and made into a sword of Damocles that is a constant threat to women.

Inheritance. One of the most revolutionary steps taken by the Qur'an for the empowerment of women was to give women the right of inheritance. Few women in the world have had this right until the modern period.

According to Qur'anic prescription, not only could women inherit on the death of a close relative; they could also receive bequests or gifts during the lifetime of a benevolent caretaker. In general, however, Muslim societies have disapproved of the idea of giving wealth to a woman in preference to a man, even when she is economically disadvantaged or in need. The intent of the Qur'anic laws of inheritance was to give all members of a family—including women as daughters, mothers, sisters, and wives—a share in the inheritance so that the family wealth was equitably distributed among all the legal heirs. The fact that women—to whom no financial responsibility was ascribed—

were given a share indicates the concern of the Qur'an to give women financial autonomy and security. However, Muslims have used the unequal share accorded to men and women in some (not all) cases (e. g., in the case of a son, whose share is twice that of a daughter) to argue that men are worth twice as much as women. A profound rereading of the Qur'anic texts relating to inheritance is very important for combating the discriminatory attitude toward women in the context of inheritance that is widely prevalent in Muslim societies.

Segregation and "veiling" (purdah). Although the purpose of the Qur'anic legislation dealing with women's dress and conduct[32] was to make it safe for women to go about their daily business—which included the right to engage in gainful activity (as testified to by *An-Nisa'* 4: 32)—without fear of sexual molestation or harassment, Muslim societies have segregated women or put them behind shrouds or veils and locked doors on the pretext of protecting their chastity. Among the changes brought about in the Muslim world by the onset of modernity has been the appearance in public space of an increasing number of women. The crossing by many women of the traditional boundary between the home and the world has, in fact, been a critical factor in bringing about the "Islamization" of a number of contemporary Muslim societies. Conservative Muslims have made massive efforts to keep women segregated by insisting that a chaste Muslim woman ought to wear the chador (a large shawl covering the body) and stay within the *chardewari* (four walls) of the home. They have also insisted that a woman's Muslim identity is determined largely if not solely by whether she covers her hair or not.

The debate between "veiled" and "unveiled" women rages throughout the Muslim communities of the world and has split Muslim women from Turkey to Indonesia, as well as in the Western world, into rival camps. Here, it is important to mention that according to the Qur'an,[33] confinement to the home was not the norm for chaste Muslim women but, rather, the punishment for unchaste women. Further, it needs to be noted that the history of veiling pre-dates Islam and is profoundly linked with discriminatory ideas regarding women found in the Jewish and Christian traditions.[34] The historical context of the Qur'anic prescriptions relating to *hijab* (literally, "curtain"), which refers to both seclusion and veiling, also needs to be understood.[35]

Special focus needs to be put on the issue of segregation and *purdah* due to its multifaceted and vast sociological impact on the lives of millions of Muslim women.

Family planning. An overview of the sources of the Islamic tradition shows that there is much support for family planning within the religious and ethical framework as well as the legal and philosophical literature of Islam. Despite this fact, in practice, family planning programs continue to fare badly in most Muslim societies, where the birth rate is among the highest in the world. This is due in part to the fact that masses of Muslim women do not have adequate access to reliable means of contraception. But it is also due in significant measure to the widespread influence of conservative Muslims who proclaim from public platforms, as well as preach from mosque pulpits, that family planning is against Islam. Here it is appropriate to observe that the three Muslim countries in which family planning programs have done better—Indonesia, Bangladesh, and Iran—are those in which the religious leaders and preachers have supported family planning. An examination of both the normative literature of Islam and the sociological factors that are relevant to the issue of family planning in contemporary Muslim societies provides strong evidence why the right to use contraception should be regarded as a fundamental human right, especially in the case of disadvantaged Muslim women whose lives are scarred by grinding poverty and massive illiteracy.

Other theological issues. Other theological issues that are important in the context of gender justice and equity in Islam relate to statements widely made in Muslim societies to foreclose any discussion on the subject of women's equality with men. Among such statements are the following: (1) the evidence of one man is equal to that of two women; (2) a woman's blood-fine is one-half of a man's blood-fine;[36] (3) a woman is deficient in reason whereas a man is not; (4) a woman is less religious than a man in prayer or worship (because of menstruation, childbirth, etc.); (5) righteous men will be rewarded by beautiful companions in the hereafter, but no such reward exists for righteous women; (6) a woman cannot be a prophet. None of those statements is supported by an accurate reading of the Qur'anic text. Rather, they are grounded in a patriarchal culture in which women are regarded as inferior to men, who alone are regarded as being fully human.

Other issues relating to women's health and well-being. The negative ideas and attitudes regarding women that have become incorporated in the Islamic tradition have had a profound impact on the physical, psychological, and emotional health of Muslim women. There is, therefore, urgent need to investigate the relationship or linkage between the state of physical, mental, and emotional well-being of Muslim women and the theological and cultural framework within which they live. In particular, it is important to examine the way in which masses of Muslim women perceive themselves or why so many Muslim women have low self-esteem and put such little value on their life or its quality.

CURRENT DISCOURSE ON MUSLIM WOMEN'S RIGHTS: A CASE STUDY—PAKISTAN

The subject of Muslim women's rights is generating more discussion in the contemporary Muslim world than perhaps any other subject. The case of Pakistan well illustrates the polarization of views that characterizes the on-going discourse.

Two Opposing Mindsets

The discourse on women's rights 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 of persons who consider themselves the custodians of "Islam," which they generally define in narrowly construed literalistic and legalistic terms. The second mindset is of persons who consider themselves the guardians of "human rights," which they believe are incompatible with religion, particularly Islam.

A review of Pakistan's history shows that "religious" extremists have generally opposed any critical review or reform of traditional attitudes and practices that have become associated with popular Muslim culture. In particular, they have 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 so-called Westernization of Muslim societies—the religious extremists

have raised a red flag and cried out that "the integrity of the Islamic way of life" is under assault each time any government has taken any step to address the issue of gender inequality or discrimination against women.

While extremism is most often associated with the so-called religious right referred to above, it is also found in the utterances and actions of those who regard religion, especially Islam, negatively. In asserting that Islam and human rights are mutually exclusive, a number of human rights advocates adopt a position that is untenable on both 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 "antireligious" advocates of human rights that Islam should not be part of the ongoing discourse on human rights in Pakistan is therefore vacuous. Whether those advocates like to acknowledge it or not, Islam defines the identity and day-to-day reality of millions of Pakistanis and is already—and inevitably—a part of this discourse.

Creation of a Third Option—The New Paradigm

Vocal and visible as they are, the extremists in Pakistan constitute a small percentage of the country's total population. 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 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 describes Islam as a religion of balance and moderation stressing the interconnected and complementary nature 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 antireligious extremists. It is vitally important to broaden the discourse on both Islam and human rights

to include a third option. This means the creation of a new discourse, or an alternative paradigm that is grounded in the ethical principles of the Qur'an and relates to the beliefs as well as the aspirations of moderate, 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 that 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 to make this happen, a new perspective on human rights (including women's rights)—one grounded in normative Islamic ideas of universalism, rationalism, moderation, social justice, and compassion—must be disseminated as widely as possible.

CONCLUSION

Although violations of women's rights are widespread in the Muslim world, it must be borne in mind that the Qur'an does not discriminate against women. Not only does the Qur'an emphasize that righteousness is identical in the case of both men and women, but it clearly and consistently affirms women's equality with men and their fundamental right to actualize the human potential that they share equally with men. In fact, when seen through a nonpatriarchal lens, the Qur'an goes beyond egalitarianism. It exhibits particular solicitude toward women, as it also does toward other classes of disadvantaged persons. Further, it provides particular safeguards for protecting women's special sexual/biological functions such as carrying, delivering, suckling, and rearing offspring.

God, who speaks through the Qur'an, is characterized by justice, and it is stated clearly in the Qur'an that God can never be guilty of *zulm* (unfairness, tyranny, oppression, or wrongdoing). Hence, gender injustice cannot be legitimized with reference to any Qur'anic text. The goal of Qur'anic Islam is to establish peace, which can only exist within a just environment. Here it is of importance to note that there is

more Qur'anic legislation pertaining to the establishment of justice in the context of family relationships than on any other subject. This points to the assumption implicit in much Qur'anic legislation, namely, that if human beings can learn to order their homes justly so that the rights of all who live within—children, women, men—are safeguarded, then they can also order their society and the world at large justly.

Many in the West are as unaware of the critical thinking that has been going on in a number of Muslim societies as they are of the normative teachings of Islam. It is very important for dialogue-oriented Westerners to know that liberal and progressive Muslims have been engaged in a long struggle to reform both Islamic tradition and Muslim societies from within.

Between 1850 and 1950 there was a renaissance of critical thinking in a number of Muslim countries. During this time—the final phase of colonialism in much of the Muslim world—the issue of political independence was a paramount concern for many Muslim thinkers. Like the great nineteenth-century Muslim reformist and political activist Jamal al-Din al-Afghani, they sought to identify the internal weaknesses of Muslim societies that had made possible their colonization by Western powers and to find ways of overcoming them. Realizing the negative impact on the lives of masses of Muslims of fossilized traditions sanctified by reference to religion or culture, many significant thinkers of this period reached the conclusion that Muslims had to "go back to the Qur'an" and "go forward with *ijtihad*" (independent reasoning). In other words, to become free and strong people, Muslims had to discover the universal ethical principles highlighted by the Qur'an and apply them by means of their rational understanding to real-life situations.

In recent times there has been much fear in the West that Muslims want to create "theocratic" societies in which the Shari'a would be the supreme law. There has also been much discussion in Muslim societies about what the Shari'a stands for. Here, it may be useful to note that the term *Shari'a* 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 *Tadheeb*, and the *Misbah*—Arabs do not apply the term *shari-at* to "any but (a watering place) such as is perma-

nent and apparent to the eye, like the water of a river, not water from which one draws with the well-rope."[37] A modern lexicon, *Lughat ul Qur'an*, states that *Shari'a* refers to a straight and clear path as well as to a watering place where both humans and animals come to drink water, provided the source of water is a flowing stream or river.[38] It is not a little ironic that the term, 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'a 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, in my judgment, the assertion that one is a Muslim only if one accepts the Shari'a as binding upon oneself, and, further, accepts it as divine, transcendent, and eternal, needs to be subjected to rigorous moral and intellectual scrutiny.

Being a Muslim is dependent essentially only upon one belief: belief in God, universal creator and sustainer who sends revelation for the guidance of humanity. Believing in God and God's revelation to and through the Prophet Muhammad, preserved in the Qur'an, is not, however, identical with accepting the Shari'a as binding upon oneself. As Wilfred Cantwell Smith has remarked insightfully, "A true Muslim...is not a man who believes in Islam—especially Islam in history; but one who believes in God and is committed to the revelation through His Prophet."[39]

Today it is vitally important to remember that, for Muslims, God and God's word alone is divine and that deification of Muslim tradition and law runs counter to the fundamental teaching of Islam. In this context it is good to hear the refreshing voice of Muhammad Iqbal, modern Islam's most outstanding thinker and visionary. Iqbal was a passionate advocate for *ijtihad*, which he insightfully called "the principle of movement in Islam." In his lecture on ijtihad Iqbal says:

I know the Ulema[40] 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. ... [41] 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....[42] 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....[43] 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 reasonings and interpretations? 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.[44]

In my judgment, the most important issue confronting the Muslim ummah as a whole in the twenty-first century 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, one that was male-centered and male-controlled. Today, women-related issues pertaining to various aspects of personal as well as social life lie at the heart of much of the ferment or unrest that characterizes the Muslim world in general.

Many of these issues are not new, but the manner in which they are being debated today is new. Much of the ongoing debate has been generated by the enactment of manifestly anti-woman laws in a number of Muslim countries. For instance, since the 1970s, many Pakistani

women have been jolted out of their "dogmatic slumber" by the enactment of laws such as the Hudood Ordinance (1979), the Law of Evidence (1984), and the Qisas and Diyat Ordinance (1990), which discriminate against women in a blatant manner. These laws, which pertain to women's testimony in cases regarding their own rape or regarding financial and other matters, and to blood money for women's murder, aim at reducing the value and status of women systematically, virtually mathematically, to less than that of men.

Having spent more than 30 years conducting research on women 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 women's 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.

Here it is appropriate to mention that some Muslim reformers in the modern period have attached primary importance to the issue of women's empowerment, which they have regarded as being pivotal to the future of the Muslim ummah (or community). The classic works on the rights of Muslim women by Mumtaz 'Ali (in India) and Qasim Amin (in Egypt) were published more than a hundred years ago and presented a compelling case for improving the status of women. A number of contemporary liberal Muslim scholars who have been critical of cultural attitudes and practices that are detrimental to women have also stressed the importance of recognizing and implementing women's rights. The intellectual work being done to liberate women from injustice and oppression is being supplemented on the ground by numerous grassroots groups that are helping girls and women through projects relating to literacy and education, health and family planning, economic and political development, protection from domestic and social violence, and various other spheres of life.

Today, an increasing number of Muslims—especially those belonging to women's groups, youth groups, and a number of other grassroots groups—are realizing more and more that if the Muslim ummah is to become worthy of being the *khalifah* of God on earth and is to actualize its highest potential, it will have to make a strong commitment to establishing gender justice and gender equality in all spheres

of life. 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.

In Qur'anic terms, Islam represents the "middle way" between two extremes—it is the religion of moderation, of balance. Most Muslims, including Pakistanis, are not extremists, and many of them could be classified as "moderate," "liberal," or "progressive." If one recalls the history of the Muslims of the Indo-Pakistan-Bangladesh subcontinent in the one hundred years before the creation of Pakistan, the leaders who liberated the Muslims from the "yoke" of foreign domination, both political and intellectual, were the reformers (for instance, of the 'Aligarh movement from Syed Ahmed Khan to Allama Iqbal) and not the Revivalists who wanted to recreate the conditions prevailing in the mythic Golden Age of early Islam. Whereas the former recognized the urgent need to critique all of the negative elements that hampered the development of the Muslim community, the latter denied that there was anything wrong with the Muslim community and put the blame for all its weaknesses on others.

The best hope of liberating Pakistan and the rest of the Muslim world from extremists—whether religious or antireligious—is the emergence of an educated group of persons who understand Islam to be a religion of justice and compassion, of knowledge and reason, of openness and peace, and who believe that it is possible to build a justice-centered society within the ethical framework of the Qur'an, which is the Magna Carta of human rights.

While many in the West and in the Muslim world focus heavily on the damage done by the extremists, it should be borne in mind that it is the so-called enlightened Muslims who have for too long abdicated their responsibility to articulate their perspective. They have failed seriously in two ways. First, they have allowed the religious extremists to become sole spokespersons for Islam, to teach hatred and bigotry and violence in the name of a religion that is supposed to be a blessing for all humanity. Second, they have allowed the antireligious extremists who maintain that Islam and human rights are incompatible to hijack the human rights discourse and to monopolize the right and authority to speak about human rights. In my judgment, vocal as these two

groups of extremists are, they do not represent mainstream Muslims, who are indeed "in the middle." It is the perspective represented by the moderate, liberal, and progressive Muslims who form "the silent majority" that now must be voiced.

History has brought us to a point where neither politically correct statements nor a superficial analysis of the serious problems of women in the Muslim world will suffice to change or even camouflage reality. Much hard work needs to be done to examine and understand the root causes of discrimination against girls and women in different Muslim societies through a systematic and scientific analysis of both theoretical and empirical data. Once the underlying factors have been correctly discerned, it will become possible to develop and implement plans and programs aimed at creating an environment that is just and compassionate and in which the human rights of every child, woman, and man are regarded as sacred.

The challenge before women in general, and Muslim women in particular, is to shift from the reactive mindset, in which women must assert their autonomy in the face of strong opposition from patriarchal structures and systems of thought and behavior, to a proactive mindset in which they can, finally, begin to speak of themselves as full and autonomous human beings. What do Muslim women—who along with Muslim men have been designated by the Qur'an as God's vicegerents on earth—understand to be the meaning of their lives? Reacting against the Western model of human liberation no longer suffices; a proactive orientation requires a positive formulation of one's goals and objectives. The critical issue on which Muslim women are called to reflect, with utmost seriousness, after the historic United Nations conferences of the 1990s, is: What kind of model of self-actualization can be developed within the framework of normative Islam that takes account of Qur'anic ideals as well as the realities of the contemporary Muslim world?

George Santayana remarked with acute insight that those who do not know their history are destined to repeat it. Until such time that the vast majority of Muslim women become aware of the religious ideas and attitudes that constitute the matrix in which their lives are rooted, it is not possible to usher in a new era and create a new history in which the Qur'anic vision of gender justice and equity becomes a reality.

Although the West constantly bemoans what it refers to as the "rise of Islamic fundamentalism," it does not extend significant recognition or support to progressive Muslims who are far more representative of "mainstream" modern Islam than either the religious or the antireligious extremists in the Muslim world. Even after the Iranian Revolution and the "Islamization" of an increasing number of Muslim societies, many Western analysts are still unable or unwilling to see Islam as a religion capable of being interpreted in a progressive way or being a source of liberation to Muslim peoples. An even deeper problem is their refusal to understand the pivotal role of Islam in the lives of Muslims, the vast majority of whom are "believers" rather than "unbelievers."

Compelled by facts of modern history, some social scientists in the West are now beginning to concede that Islam is one of the factors that needs to be considered—along with political, economic, ethnic, social, and other factors—in planning and evaluating development projects. This approach, although an improvement on the one that takes no account of religion at all, is still not adequate for understanding the issues of the Muslim world or finding ways to resolve them. Islam is not, in my judgment, simply one of the factors that has a decisive influence on the lives of Muslims. It is the matrix in which all other factors are grounded. I do not believe that any viable model of self-actualization can be constructed in Muslim societies, for women or men, that is outside the framework of normative Islam deriving from Qur'anic teachings and exemplified in the life of the Prophet of Islam. Nor do I believe that any profoundly meaningful or constructive dialogue can take place between "the World of Islam" and "the West" without a proper recognition of what Islam means to millions of Muslims.

Notes

[1] Thomas Aquinas, as quoted by E. W. Fernea in her presentation on "Roles of Women in Islam: Past and Present," at the Ta'ziyeh Conference held at Hartford Seminary, Hartford, Connecticut, May 2, 1988.

[2] Thomas Carlyle, "The Hero as Prophet. Mahomet: Islam," in *On Heroes, Hero-Worship and the Heroic in History* (New York: Dutton, 1964), 279.

[3] Reference here is to the Qur'an, *An-Najm* 53:42. The translation is by Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Shaikh Muhammad Ashraf, 1971), 57.

[4] *Al-An'am* 6:151.

[5] *Al-Ma'idah* 5:32.

[6] *Al-Ma'idah* 5:8; *An-Nisa'* 4:36.

[7] *An-Nur* 24:2.

[8] *An-Nisa'i* 4:25; *Al-Ahzab* 33:30.

[9] *Ash-Shura* 42:21.

[10] *Yusuf* 12:40.

[11] *Ash-Shura* 42:38.

[12] K. M. Ishaque, "Islamic Law: Its Ideals and Principles," in *The Challenge of Islam*, ed. A. Gauhar (London: Islamic Council of Europe, 1980), 157.

[13] *Al-Baqarah* 2:256.

[14] *An-Nisa'* 4:135.

[15] *Al-Baqarah* 2:282.

[16] *An-Nur* 24:27–28; *Al-Ahzab* 33:53; *Al-Hujurat* 49:12.

[17] *Al-Hujurat* 49:11-12.

[18] *An-Nur* 24:15–19.

[19] *Al-An'am* 6:165; *Al-Mulk* 67:15.

[20] *An-Nisa'* 4:32.

[21] Muhammad Asad, *The Message of the Qur'an* (Gibraltar: Dar Al-Andalus, 1980), 207, footnote 24.

[22] *Al-A'raf* 7:32.

[23] *An-Nisa'* 4:97–100.

[24] *Al-Baqarah* 2:229; *Al-'Imran* 3:17, 77; *Al-Ma'idah* 5:42–48; *Al-Mulk* 67:15.

[25] For example, R. A. Jullundhri, "Human Rights in Islam," in *Understanding Human Rights*, ed. A. D. Falconer (Dublin: Irish School of Ecumenics, 1980).

[26] For example, A. A. Maududi, *Human Rights in Islam* (Lahore: Islamic Publications, 1977).

[27] *Al-Baqarah* 2:187; *An-Nisa'* 4:4, 19; *Al-A'raf* 7:189; *Al-Tawbah* 9:71; *An-Nur* 24:33; *Ar-Rum* 30:21.

[28] *Al-Baqarah* 2:187.

[29] *Al-Baqarah* 2:231–241.

[30] *Al-Baqarah* 2:233.

[31] *An-Nisa'* 4:2–3.

[32] *An-Nur* 24:30–31; *Al-Ahzab* 33:59.

[33] *An-Nisa'* 4:15.

[34] For instance, the following words of St. Paul have had a formative impact on the Christian tradition: "Christ is the source of every man, man is the source of woman, and God is the source of Christ. For a man to pray or prophesy with his head covered is a sign of disrespect to his source. For a woman, however, it is a sign of disrespect to her source if she prays or prophesies unveiled; she might as well have her hair cut off. If a woman is ashamed to have her hair cut off or shaved, she ought to wear a veil. A man should certainly not cover his head, since he is the image of God and reflects God's glory, but woman is the reflection of man's glory. For man did not come from woman; and man was not created for the sake of woman, but woman was created for the sake of man" (1 Corinthians 11:3–9), cited in *Biblical Affirmations of Woman*, ed. Leonard Swidler (Philadelphia: Westminster Press, 1979), 33.

[35] Fatima Mernissi has given the historical background of the "descent" of "hijab" in her book *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, trans. Mary Jo Lakeland (Reading, Mass.: Addison-Wesley, 1991).

[36] A blood-fine, or blood money (*diyat*), is the compensation paid to the closest relatives of someone killed as a settlement to prevent further bloodshed over the killing.—Ed.

[37] E. W. Lane, *Arabic-English Lexicon*, Book I, Part 4 (London: William and Norgate, 1863), 1535.

[38] G. A. Parwez, *Lughat ul Qur'an*, vol. 2 (Lahore: Idara Tulu' e Islam, 1960), 941–944.

[39] Wilfred Cantwell Smith, *Islam in Modern History* (Princeton, N.J.: Princeton University Press, 1957), 146.

[40] *Ulema*: scholars of Islamic law and jurisprudence.

[41] Iqbal, *Reconstruction of Religious Thought in Islam*, 168.

[42] Ibid., 151.

[43] Ibid., 178.

[44] Ibid., 168.