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Chapter 1

The ‘Women’s Movement’ in Modern Islam: Reflections on the Revival of Islam’s Oldest Issue

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Abstract

While early Islam’s development was far from unequivocal in the way women were treated, evidence nonetheless of radical reform around the issue is indisputable. The original Constitution guaranteed the right to inheritance, including of property, as well as to initiate divorce and testify in court. Women and men were equally bound by the law and punishable for misdemeanors against it, and were equally liable for the ultimate reward of entering Paradise. There is considerable evidence as well that women were active participants and leaders in the earliest communities, with two of Muhammad’s own wives being prominent in advocacy and juridical advisory roles, both within and shortly after the lifetime of the Prophet himself. The chapter will attempt to set the scene for the volume by exploring these themes. It will make use of prominent Muslim scholarship around the issue of women in Islam, including work by Mohamed Talbi, Leila Ahmed, Amina Wadud and Ayaan Hirsi Ali, work that in various ways illustrates that the current struggle to recover the voice of women is crucial to no less than a recovery of Islam itself.

Introduction

While early Islam’s development was far from unequivocal in the way women were treated, evidence nonetheless of radical reform around the issue is indisputable. The original ‘Constitution’ has the appearance of guaranteeing the right to inheritance, including of property, as well as to initiate divorce and testify in court. Women and men were equally bound by the law and punishable for misdemeanours against it, and were equally liable for the ultimate reward of entering Paradise. There is considerable evidence as well of women being conceived of as active participants and leaders in the earliest communities, with two of Muhammad’s own wives characterized as prominent in advocacy and juridical advisory roles, and other women taking on inspirational leadership roles beyond the norm in companion religions. The chapter will attempt to set the scene for the volume by exploring these themes. It will begin with a brief appraisal of the historical evidence and the store that can properly be attributed to it in light of recent scholarship surrounding the source texts of Islam. It will then move to appraise a sample of the wealth of prominent Muslim scholarship directed at the issue of women in Islam, work that in various ways illustrates that the current

struggle to recover the voice of women is crucial to no less than a recovery of essential features of Islam, at least partly lost in our own time.

The Earliest Evidence

Phyllis Tribble and Letty Russell (2006) proffer that "... understanding problems and opportunities of the past and present among Jews, Christians and Muslims, as well as envisioning a different future, resides more in studying the women Hagar and Sarah than in stressing the putative unity located in Abraham." (p. 1) Indeed, the stories surrounding these two women, representing respectively the claims of Islam and those of Judaeo-Christianity, stand increasingly at the centre of the contemporary dispute, disenfranchisement and growing friction that characterizes the relationship between Islam and its sibling 'Western religions'. Hagar, Abraham's Arabic wife and mother of his first-born child, Ishmael, is matriarch of the Arabic peoples and, in that sense, of Islam itself. She it is who obeys the will of Allah, even in difficulty and apparent rejection by her husband and his Israelite wife, in taking Ishmael back to his own people where he can learn the Arabic ways in order to fulfil his own destiny to be the father of the Arabic people and patron of Islam, represented in definitive fashion when, together with his father, he builds the Ka'aba to mark the Covenant with Allah. Sarah, meanwhile, is Abraham's Israelite wife who initially seems complicit in encouraging him to take a second wife in order to ensure an heir but then quickly turns against Hagar (and Ishmael) when she is herself with child, Isaac, who, according to the Israelite story, is ordained as the true heir because of his pure Israelite heritage.

The importance of these stories, centred on the two foundational women of the Abrahamic tradition, cannot be overstated when one considers that, for these people, the identity of an individual resided in the maternal line. St Paul seemed to understand this when, in the Letter to the Galatians, he chose to contrast Hagar and Sarah as matriarchs of the Old and New Covenants, rather than making reference to the patriarchal heritage. Ironically, in conferring the status of matriarch of the original Covenant on Hagar, he can be interpreted as endorsing, albeit well before the event and no doubt unintentionally, the later Muslim claim that it was through Abraham's Arabic wife that Allah's promise was fulfilled. In one of countless points of intrigue in the matrixed lines of interpretation and cross-interpretation that characterize the various source texts of the Abrahamic religions, Paul can actually be read as having endorsed the claims of the Ishmaelites (the early Muslims) that their patriarch was the heir to the Covenant, in precedence to Isaac. Of course, Paul's intention was far from this, his chief

interest being in discrediting the claims of the so-called 'Judaizers', those who believed that Judaic adherence must necessarily precede being Christian. He was also striving to draw out the link between Isaac, the progenitor of the New Covenant, and Jesus (the new Isaac), as the definitive heir of the New Covenant. Nonetheless, in doing so, Paul makes the very point that later Muslims would make, namely that Hagar is the matriarch of the Old Covenant and that Ishmael, therefore, is the heir of the Old Covenant and, in that sense, heir to the promise made to Abraham.

In a day and age that sees a large proportion of Islam, both mainstream and radical, identifying itself as 'children of Ishma'il' (Adang, 1996; ibn Hazm, 1997; Hoyland, 2001), sometimes as an angry protest, and the name Ishma'il also associated with radical Islamism by protesting non-Muslims (cf. Prophetic Roundtable, www.propheticroundtable.org), the dispute is clearly of huge moment and requires a renewed and vigorous conversation around the issue. In similar fashion, the association of the name of Hagar with early and more recent Muslim claims around both their own proper heritage and protestations that these claims have been persistently misheard and rejected by the (Judaean-Christian) West, makes the issue of recovering the crucial matriarchal heritage of huge import to contemporary events. For not only did many early Muslims refer to themselves as 'Hagarians' but, moreover, Hagar's importance to defining the nature of being Muslim, in terms of submission to Allah's will and withstanding the onslaught of Judaean-Christian hostility in fulfilling that will, are coming to hold increased importance in contemporary Islam:

Hagar (Hajar) does not see herself as a victim of Abraham and Sarah, or of a patriarchal, class and race conscious culture. She is a victor who, with the help of God and her own initiative, is able to transform a wilderness into the cradle of a new world dedicated to the fulfilment of God's purpose on earth ... In doing so (ie. Muhammad leaving his own city and establishing Islam), he followed in the footsteps of his foremother Hagar who, generations earlier, had chosen to dwell in the desert to which God had directed her, making a home and community out of an unknown land and people. She demonstrated by her faith and actions that for a believer all of God's earth is a sanctified place and that loyalty to God supersedes attachment to terrestrial bonds, be they of place or persons. (Hassan, 2006, p. 155)

Asserting the relevance of Hagar to the issue of women in Islam today is not to proffer a naive or uncritical pertinence of source texts to a contemporary issue. Nor is it to deny the

importance of ongoing scholarship around the nature, history and formation of the Islamic scriptures (Warraq, 1998; Armstrong, 2001; Ohlig & Puin, 2009). It is merely to highlight the importance of the original inspirational material available to the earliest Muslim communities as well as to take note of the use to which this material is being put in contemporary Islamic reflection. This reflection seems to suggest that the role of women in Islam is arguably its oldest issue, in that claims made about Hagar's role in submission to Allah and the subsequent effecting of the Covenant that sits at the heart of Islam's central claims about itself, captures nothing less than the core of Islamic self-identity. In a sense, Hagar is the first Muslim. In a way that cannot be said of any of its companion religions, Islam rests on the faith of a woman. This realization seems to sit at the heart of much contemporary Islamic scholarship, both that which deals specifically with the issue of women and that which deals with more generalized issues of reform. For those who see reform as a defining notion of all for which Islam originally stood, the issue of women is central (Haddad & Esposito, 1998). There can be no recovery of Islam without its settlement.

Mohamed Talbi

Mohamed Talbi is a prominent Muslim historian who specializes in Qur'anic interpretation. Against the rise of radical Islamism in recent times, his passion and commitment has been in utilizing his knowledge of the Qur'an and other inspirational sources of Islam to show how unfounded and skewed are the claims of radical Islamism as representing a return to Islam's origins. Talbi's work (1995; 2006) is an interesting place to begin the recovery of the voice of women in Islam. It is especially relevant to this issue because it relies heavily on the notion of *ihitiram mutabadal* (mutual respect) as being central to the ethics of social relations in the earliest communities of Islam. One might suggest that it is on the interpretation of *ihitiram mutabadal* that much of the debate within Islam about the role of women rests.

Talbi is in no doubt that Islam was and is a religion of reform when properly understood. This proper understanding centres on Muhammad's belief that, in Islam, he was constructing the community (*Ummah Wahida*) that God had foreshadowed in the Promise to Abraham, renewed to Moses and represented in the followers of Jesus. Islam was therefore a reform of all previous attempts to construct a community that lived by God's ordinance, rather than human ordinance, including being a reform of Judaism and Christianity. As such, its charter was to be found in the prophetic tradition and, within that tradition, it was clear that the essential reform envisaged of the *Ummah* was around the respect, care and tolerance that

should be extended to all people, with special mention being made of women and children, among others. For Talbi, far from the radical Islamist construction of Islam as an intolerant force bent on conformism and the relegation of women to second-class status, Islam is in fact the religion of pluralism and acceptance of and respect for human difference of all kinds, including gender difference.

Nettler (1999), in commenting on Talbi's contribution, says:

The Qur'an, as basis and foundation of the whole structure, is Talbi's ultimate source. He sees in his theory of pluralism a 'modern' idea from the depths of revelation. Despite his obvious debt to modern thought, Talbi's point of departure is from within the sacred text and its early historical context. His approach to that text and history presupposes there is a humanistic message of the Golden Rule and an empirical validity in historical sources such as the Constitution of Medina which support that message. (p. 106)

Nettler's reference to the Constitution of Medina is about the kind of community that Islam first established around the belief that it was the model community that God had envisioned. By any standards, this community, together with most Islamic civilizations of the early Middle Ages, was remarkable for its overarching ethic of tolerance. Additionally, many features that one would associate with the Western state and democracy, rather than with the stereotype of Islam presented by radical Islamism were to be found in the communities built around the Constitution of Medina. Among these features were those concerned with social welfare systems, education and healthcare schemes, and included innovations in law (*Shari'ah*) and new conventions designed to protect the rights and promote the status of women. Almost a thousand years before the so-called Enlightenment in the West began the move towards these features, they were part and parcel of early Islamic civilization (Lewis, 1987). In this respect, Islam can claim to be one of the world's great social experiments where human rights of all sorts were enshrined in law. Talbi's (1995) view on the role of women in this context is clear from the Qura'nic evidence:

We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know (be friendly towards) each other ... (p. 61)

In a word, women and men are different but nonetheless equal, two halves of a single pair, each incomplete without the other.

Leila Ahmed

Leila Ahmed (1992, 2006) offers an informed and balanced view of the issue of women in Islam, and indeed of the origins of Islam itself. Unlike Talbi, she acknowledges that there are two different and equally cogent interpretations of the nature of early Islam, both of them inspired by the character of Muhammad who, she implies, was a product of his time as well as being a reformer. For this reason, there are some apparent inconsistencies in the testimony provided by the sources. Regarding the issue of women, she maintains that the two interpretations turn on, first, one that seems clearly to endorse the notion that the moral and spiritual equality of all human beings is an ethical imperative for the *Ummah*. On the other hand, there are more than hints to be found in the inspirational writings of a hierarchy that relegates women to an inferior status to that enjoyed by men.

In conceding the possibility of this dual interpretation, Ahmed might be seen to be playing into the hands of the radical Islamist view on the place of women. On the contrary, the importance of her work is in illustrating that, while it is plausible that the hierarchical interpretation can be held, it is nonetheless based on a misunderstanding of the essence of the Islamic reform. According to her, the dominance of the hierarchical view throughout much of Islamic history owes more to the forces that gained control in the early centuries of Islam than to their understanding of the reform that Islam implied. As suggested, even the character, Muhammad, can be seen in part to be bound by his heritage and so perceived reference on his part to gender inequality comes hardly as a surprise. In contrast, granted the social context and heritage, the real surprise and innovation is in the rigorous and exhortatory discourse around the moral and spiritual equality of all people, including between women and men. Ahmed regards the interrelationships between Islam and the West, emanating essentially from the colonial era of the nineteenth century, as crucial to the recovery of this essential voice of Islam. Among other things, it is forcing Islam to re-assess the role of women and so, in her view, to re-discover that it was in fact Islam, not the West, that first proposed the equality of women and enshrined in its own laws a level of rights, including to inherit and own property, that would only come to the West a thousand years later.

Amina Wadud

Amina Wadud builds on the above themes with at least as much recourse to the Qur'an as her foundational source as is characteristic of Talbi. Wadud (1999, 2006, 2006a) asserts that the issue of women is the central social issue to be found in the Qur'an and that the entire testimony is aimed at reversing the beliefs of the surrounding tribes that women were

somehow less than human. She infers that Judaism and Christianity did not always help in this regard because their stories of the origins of the world prioritized the creation of man and left woman as an apparent afterthought. In contrast, she points out that the Qur'anic expression of creation, while similarly constructed, carefully presents man and woman as a single pair, with a picture of perfect equality in the Garden of Eden and equivocal sharing of guilt when the forbidden fruit is taken. Most crucial to Islam is that man cannot be created in God's image, as Judaism and Christianity would have it, because Allah is beyond being personalized, least of all gendered, in the way to be found in the Judaeo-Christian scriptures. For Wadud, this de-gendering of God and the assertion of equality and equivalent rights for women is central to the reform that Islam represents.

Along with Ahmed, Wadud acknowledges that Islam's development was far from unequivocal in the way women were treated but she continues to point to the radical reforms characteristic of the original Constitution to mount the strongest possible case for the issue being central to the Islamic reform. In spite of the context of the times, Islam brought radical changes to the issue. The Qur'an guaranteed the right to inheritance, including of property (perhaps the most radical reform), as well as the rights to initiate divorce and to testify in court. It protected women's rights against coercion, including against sexual violence even in marriage. Women and men were to be equally bound by the laws of their land and religion, including being equally liable for any punishment owing to misdemeanour, as well as equally liable for the ultimate reward of entering Paradise. The testimony is clear that women were extremely active as participants and leaders in the earliest communities. A'ishah, allegedly Muhammad's favourite wife, played a role as juridical advisor (interpreter of *Shari'ah*) in the days following her husband's death. Like Ahmed, Wadud believes that the current struggle to recover the voice of women is crucial to no less than a recovery of Islam itself.

Popular Women Voices

Ahmed and Wadud are just two of a growing chorus of voices being raised by Muslim women about the role of women in Islam. Others include: Fatima Mernissi (1975, 2006), the Moroccan sociologist and author of *Beyond the Veil*; Majida Rizvi, the first female Judge of the High Court of Pakistan and later Chairperson of the National Commission on the Status of Women, most famous for her leading the successful opposition to the Haddood Ordinance in Pakistan that all but stripped women of their *Shari'ah* rights; Shirin Ebadi (2006), Iranian

former jurist deposed to secretarial work after the Iranian Revolution and recipient of the Nobel Peace Prize in 2003, most famous for her support of women's rights in Iran and Islam generally; and, Ayaan Hirsi Ali (2006, 2007), Somalian writer of *the Caged Virgin* and *Infidel*, former Muslim and converted atheist who challenges the very foundations of Islam with especially sharp criticism of the malevolent effects of political Islam on women in Muslim societies. While the others mentioned remain devout Muslims, Hirsi Ali has abandoned the religion over its alleged failure to protect the rights of women and others. Her impact on the quest to recover the voice of women in Islam is nonetheless profound through her political and literary influence.

In recent important work that captures the potential of women from across the Abrahamic traditions to collaborate on study of women in Islam, Yvonne Yazbeck Haddad, Jane I. Smith and Kathleen M. Moore (Haddad, Smith & Moore, 2011) focus on the changing experiences of women and Muslim views about same in Western diaspora communities. It offers a reappraisal of historical material from within Islam, of traditional Western constructs of Muslim women and how Islam is changing in response to such reappraisals and critiques. The book focuses especially on the Muslim experience in America, examining Muslim American analyses of gender, Muslim attempts to form a new 'American' Islam and the legal issues surrounding equal rights for Muslim females. It also looks at the ways in which American Muslim women have tried to create new paradigms of Islamic womanhood and are reinterpreting the traditions outside of the traditional patriarchal structures that would otherwise subjugate them. This research, together with other work noted above, represents a surge among female Muslim scholars to re-create the contemporary circumstances for Muslim women. Of equal significance is the fact that, among the intense scholarship being directed at reappraising the origins of Islamic source material (cf. Ramadan, 2007; Ohlig & Puin, 2009), female Muslim scholars (eg. Mattson, 2008) are increasingly playing a part.

Conclusion

In summary, this lead chapter captures something of the current debate about the role of women in Islam, its sources in the tradition and some of its chief contemporary advocates, reformers and critics. The issue of women's rights in Islam is predictably the most controversial of the many features of modern revisionist scholarship in and about the tradition. What is probably less debatable is that the issue was taken up more seriously in early Islam than in any religious establishment before its time and that early crafting of

Shari'ah reflected this priority. The debate is more about the directionality of the attention that was given to the issue. The dominant scholarship seems to suggest that Islam represents a largely positive moment in the liberation and equality of women and that, as with its many other reforms, this came centuries before, and in turn influenced, similar reforms in the West. At the same time, it must be acknowledged that the sources around the issue are not univocal and that the issue therefore will, in all likelihood, continue to be a vexed one for Islam for some time to come. Granted the crucial nature of the issue for the future of Islam, it is therefore important that the debate be an informed one and it is on this concern that the purpose of this book is founded.

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