

“Reverence the wombs that bore you”: On Unearthing a Female Legacy Transgressive to the Patriarchal Social Order

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Abstract: *Perceptions of women’s power and authority in Islam range from Orientalist discourses that present the Muslim woman as an exotic, victimized, and elusive figure in need of reform, to patriarchal scholarships that confine her to a secondary, consequential role under male regulation, to Islamic feminist exegeses that seek to liberate her, and itself, from either of these assessments. This study explores the flaws in contemporary patriarchal male scholarship, referred to herein as “patriarchal scholarship” or simply “male scholarship,” and defined as the line of scholarship that claims traditional precedent and mainstream consensus, that necessitate Islamic feminism. I build on Asma Barlas’s observation that while male scholarship professes egalitarianism in Islam by upholding Qur’anic values of equality at a theoretical, spiritual level, this profession is duplicitous, as patriarchal scholarship simultaneously fails to apply its Islamic theory of egalitarianism to Islamic practice, which should be challenged as a detrimental lapse in logic. My argument consists of three elements: I assert that inconsistencies between Islamic belief and Islamic practice as promoted by patriarchal scholarship prevail at even the interpretational level, that this male legacy of interpretative authority is afforded a continuity that female scholarship is denied, and that the formations of Islamic feminist exegeses predate European colonial influences in the Middle East. It is this third point that renders disingenuous the characterization of Islamic feminism as non-traditional compared to patriarchal scholarship, and subsequently an insufficient reason to dismiss feminist scholarship, though it is one commonly employed and further facilitated by the harmful dynamics of Orientalist discourse that seek to “free” the Muslim woman over her agency.*

Keywords : **Islamic feminism • Quran 4:34 • Unseen • male scholarship • women’s agency**

Summary

This study investigates the logical inconsistencies in patriarchal male scholarship, defined as the line of scholarship that claims traditional precedent and mainstream consensus, in regards to classical Islamic rulings on women's behaviors, dress, and spiritual location relative to men's spiritual location, by exploring the implications of exemplary Quranic verses that have been problematized by Islamic feminist scholarship. Through the use of the Qur'an itself as its own reference, patriarchal interpretations of these verses are interrogated for soundness. The notion that feminist scholarship is contemporary rather than classical is challenged as both incorrect and harmful to the cause of women's rights in the practical sense, because it denies Muslim women a rich history of liberation and precedent on which to found arguments of contemporary resistance. With both the availability and veracity of feminist interpretations of the Qur'an, the logical lapse in the patriarchal claim that men and women are spiritual equals but not practical equals is exposed.

Qur'anic verse 4:34, which states that righteous women guard the Unseen as God has ordered them to guard, has been interpreted by patriarchal scholarship as referring to women's bodies, an interpretation this study argues is disingenuous due to the philosophical significance of the word "Unseen" in the Qur'an. Patriarchal scholarship de-emphasizes or otherwise ignores passages in the Qur'an that position the feminine identity as closer to God, such as Qur'anic verse 4:1 which draws the womb into the same circle as God, and instead imposes hierarchies of masculinity-as-superior where such hierarchies do not exist, such as Qur'anic verse 4:34, which male scholarship has misconstrued to order women to obey their husbands rather than God, and such as Qur'anic verse 33:33, which has been translated by male scholarship to order women to stay in their homes rather than behave with dignity in their homes.

Accordingly, I make the case for unearthing classically transgressive interpretations of the Qur'an that have been discarded by the male-dominated ulema since shortly after the Prophet's death, and identifying these interpretations as feminist as to establish a legacy denied to contemporary feminist scholars, who have no recognized foremothers to whom they may anchor a legacy. Through these means the perception of the Muslim woman through the savior complex of the Western lens as a degraded, cloistered figure, is subverted, by restoring to her a history of liberation legitimated by tradition, and so is subverted the popular tendency of patriarchal

scholarship to refer to corruption by Western colonialist ideals as reason to dissuade female liberation. Essentially, in recognizing her interpretative power, to differ from—and not merely to replicate—male scholarship, the agency of the Muslim woman is restored.

Cosmological equality of the sexes in Islam transcends the realm of belief. Islamic beliefs must manifest in the realm of *practice*, as described in the Qur'an with the opening verse of surah 4, which commands Muslims to "Reverence God, who created you from a single Self; created, of similar nature, its mate, and dispersed wherefrom countless men and women. Reverence God, through Whom you demand your mutual rights" (Q4:1). Islamic feminists including Asma Barlas, whose poetic rendition of Yusuf Ali's translation is used roughly here, cite this verse establishing intrinsic equality, and note that the verse continues to recognize the womb as encircled in the same realm as God ("And Reverence the Wombs that bore you"). Patriarchal male scholarship, frequently without mention of Q4:1, utilizes an approach similar to "different but equal" in which men and women are cosmological equals but women are demonstrably relegated to a separate sphere of privacy, seclusion, and domesticity.¹ This particular application of (in)equality in the practical, non-cosmological realm is inconsistent with the Qur'an, which makes no distinction between cosmological equality and practical equality. That is to say there should be no dissimilarity between the theoretical spiritual equality of sexes and the manifestation of this equality *in practice*.² Furthermore the command of Q4:1 is not only to recognize God, but to *reverence* Her with a practice: the practice of mandating rights that are not "different" but are "mutual."

Varied readings of a Qur'anic verse are possible: one reading of Q4:1 is that the verse presents "mutual rights" as an incentive to reverence God; another reading suggests that God is revered independent of incentive and that the verse of "mutual rights" functions only to introduce the theme of roles in the subsequent verses. The reading I propose here, that the awareness and implementation of "mutual rights" is

¹ Syed Abul A'la Maududi, *Purdah and the Status of Women in Islam* (Lahore: Islamic Publications, 1962), 146.

² Asma Barlas, *"Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin, TX: University of Texas Press, 2002), 142.

more than a reason to reverence God but a *way* to reverence Her, operates on two variables: (1) the recognition of the verb “to demand [mutual rights]” as an *action*, or a *practice*, as opposed to the mere existence of “mutual rights” such as, for example, the mere existence of “Signs” and (2) the Islamic philosophy that every action described in the Qur’an as originating from God is an act of worship and consequently an act of belief. This reading is consistent with the indicative language of the Qur’an that fastens practice with belief; for example, “God will show you Her Signs, and you will recognize them.” (Q27:93) Here, it is the *recognition* of these Signs, and not the mere existence of them, that engage Muslims to believe. But *to recognize* is an action and a practice of the corresponding belief, which illustrates the Qur’anic theme of collapsing belief with practice: if the mutuality of rights, like the recognition of Signs, is not practiced, then the religion is not believed. A Muslim who does not recognize the Signs of God shirks the definition; the *demand* (not the existence) of “mutual rights” is equally fundamental to belief. It is not sufficient, therefore, to merely *acknowledge* “mutual”—not “different”—rights if these rights are not implemented into Islamic practice.

Contextually, the mutual nature of the equality described in verse 4:1 of the Qur’an refers to all circumstances, as its practical application is not in any way confined to the financial, legal, domestic, social, martial, or marital areas, among others, specified in the Qur’an. Nor is it ascribed to a context unique to the 7th century. Patriarchal male scholarship fails to apply universal verses comprehensively, whilst affecting specialized verses to all Islamic practices. Consider, for example, Qur’anic verse 2:282, which describes the mitigation of a financial dispute by requesting the presence of two male witnesses or otherwise one male and two female witnesses. From this verse, male scholarship concludes that a single man’s testimony is equal to that of two women’s, regardless of whether the dispute in question is the ratification of a contract between a loaner and a debtor as specified in the Qur’an.¹ The Qur’an makes no qualitative equivalence between a male witness and two female witnesses. Furthermore, Q2:282 itself can be read to designate only one of the women as a witness, and the other as a guarantor to “remind” her should she err or become intimidated in the male-dominated jurisdiction of financial transactions, but the second woman is read by male scholarship as a witness nonetheless, and not merely as a supporter, creating an opportunity to read

¹ Hina Azam, “Rape in Islamic Law.” The [Oxford] Encyclopedia of Islam and Law, *Oxford Islamic Studies Online*, accessed April 19, 2013. <http://www.oxfordislamicstudies.com/article/opr/t349/e0075>.

women's testimony as less accurate or less valuable. This is the popular reading despite the fact that the verse continues to caution, "Let no scribe be harmed, nor any witness. For if you do so, indeed, it is grave disobedience [of God] in you" (Q2:282), which clarifies that the supporting woman's purpose is to ensure that the female witness is not threatened by the domineering party breaching the contract, and not necessarily that of an official witness. In the context of the Qur'an, if the first woman "forgets" or "errs" it is in the face of potential harm. Additionally, it has been noted by Islamic feminists that the Arabic word for "she errs" or "she forgets" used in the Qur'an is *tadilla* from the word *dalal*, (as opposed to *nisyan*, which is literally forgetfulness); *tadilla* describes forgetfulness or error of a particular nature: forgetting the right way (of God) when confronted by an external interest, in this case a threat.

Specified in the Qur'an for only financial contracts concerning debt, this male to female ratio has been applied to all contracts, including those pertaining to marriage.¹ However, several configurations of court are described in the Qur'an in which no designation is made for the sexes (Q4:15, 5:106, 65:2) and in the case in which a woman is accused of adultery, her witness to her own innocence is not only equivalent to a man's but effectively eliminates his testimony, as in Q24:9. In the case of adultery, the Qur'an privileges the accused woman's witness over the testimony of the male accuser. If the gender dynamics of verse 2:282, which are specified in the Qur'an as relevant only to financial contracts involving loans, are applied in practice to all courts, then why not argue that the dynamics of verse 24:9, in which a man's testimony is rendered ineffective by a woman's, should set the legal standard for all courts?

Instead, male scholarship erroneously overlooks the Qur'an's parameters for verse 2:282 that confine the gender ratio to only the litigation of debt, yet it appropriately restricts Qur'anic verses such as 24:9, in which a woman's witness is privileged over a man's, to the designated case of adultery. Additionally, patriarchal scholarship devises parameters such as "different but equal" that have no foundation in the Qur'an but rely on politically motivated and culturally situated values to universal

¹ Shaykh Taha Jabir Al-Alwani, *Issues in Contemporary Islamic Thought* (London: Biddles Limited), 169. al-Razi writes in the 7th century that, "The nature of women is dominated by forgetfulness owing to a predominance of cold and wetness in their physical constitution. The joining of two women in forgetting is less likely than the occurrence of forgetting in just one woman. That is why two women are to take the place of only one man." This debunked assertion purports that a woman's witness should always equal half that of a man's, regardless of circumstance, because the fault lies inherently with her and not in the uneven powers of the field.

verses such as Q4:1. In fact, not only is the privileging of a woman's testimony over her male accuser's in Q24:9 restricted only to the verse to which it *is* be designated in theory, but the invalidation of man's testimony against an allegedly adulterous woman is one that is abandoned entirely in *practice*.

Vulnerable with faulty, disproven, and sensationalist science, the unsupported conjectures of patriarchal analysis depend on irrelevancies to survive: in order to justify the projected equivalence between one male witness and two female witnesses, patriarchal jurists often cite that "men are the maintainers and protectors of justice [*qawwamuna*] for women, for God bestows a bounty of advantages on some over others." (Q4:43) I've deciphered the Arabic words *qawwamuna* here, which are often translated as "maintainers" or "protectors", to "maintainers and protectors of justice." Islamic feminist Kecia Ali, whenever referring to this verse, leaves the word *qawwamuna* untranslated in her scholarship and proceeds to explore its potential definitions instead, because no English translation exists without the imposition of some interpretation. However, to specify that Q4:34 is referring to matters of equity and justice, the word can be examined in another Qur'anic verse in which the function of the word is clear, "Those who've attained faith! Be ever steadfast in upholding equity and securing justice [*qawwameena*], bearing witness to the truth for the sake of God even though it be against yourselves, or your parents and kinsmen, whether the individual be rich or poor; God stands closest to either." (Q4:135) It is for the interest of continuity that Q4:34 should be interpreted in a similar fashion to Q4:135, in which the word signifies a person expected to act justly, but the bias of patriarchal scholarship distorts the interpretation of *qawwamuna* when the subject matter refers specifically to women to describe men as the "maintainers" of them. This is an imposition of a patriarchal framework onto the content of the Qur'an; independent of it, men are in fact warned in Q4:34 to not abuse their power and control women but to maintain justice in regards to them. Note the use of "some" and "others" rather than "men" and "women," authenticating a reading of social privilege due to constructed gender roles rather than due to biological sex.

Supporting this concept, consider that Q4:135, which once again is concerned with the subject of *bearing witness*, outlines two parties: those in power, who bear the power of witness, and those for or against whom that witness is bore. The verse summons the faithful toward truthfulness, because regardless of "whether the individual

be rich or poor, God stands closest to either,” implying that the interest of justice is to serve the latter party who is affected by witness and not to indulge the first who delivers it. What follows then is that Q4:34, which describes men as the “maintainers and protectors of justice and equity”—*qawwamuna*—for women, warns men not to abuse their power over women, and observes that the power exists—“for a bounty of advantages are bestowed on one over the other”—in the society to which the Qur’an is revealed, without Divinely sanctioning this power. To justify the disqualification of women from positions of power and prominence,¹ patriarchal scholarship has adopted the inversion: men are maintainers and protectors *over* women, and that this position of power is permitted by God.

I concede that, like everything, the privileges men hold in society “are permitted” by God. But I challenge why this is meaningful or significant. Poverty, violence, starvation, the ills of society are all “permitted” by God, in that nothing can exist without Her, but are not necessarily the way of God. This is a concept that is not unfamiliar to the religiously inclined. Why, then, has male scholarship interpreted Q4:34, “because God has given one advantage over the other,” as an *endorsement* of this power, when the same would not apply the identical logic to violence or poverty as an endorsement of the violent or the wealthy? Unlike Q4:1, which calls the Muslim *to demand* “mutual rights” that come through God, the power described in Q4:34 that assigns some of one gender the responsibility of equity and justice for the Other gender is not a power that is linked with an *action* or *practice* of worship: that is to say, it is instead a mere observation—there is no scriptural evidence that the privileges of men, unlike the *demand* of “mutual rights,” are Divinely Sanctioned and must be implemented into the conscience of the believer.

Rather, there is scriptural evidence that God makes an observation of male privilege², and that this observation liberates women by charging men to uphold equity and secure justice, as unearned privileges cannot be challenged if they are not identified.

¹ Ziba Mir-Hosseini, “Muslim Legal Tradition and the Challenge of Gender Equality” in *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, edited by Ziba Mir Hosseini et al. (London: Oneworld, 2015).

² Hadia Mubarak, “Breaking the Interpretative Monopoly: A Re-Examination of Verse 4:34,” *Hawwa Journal of Women of the Middle East and the Islamic World*, Vol. 2, No 3 (2004): 261-89. She provides in a footnote that, “A more ‘progressive’ definition of *qiwama* [in this verse] would be ‘guardianship’, whereas a more traditional definition would be ‘male supremacy’” (p.263). I adhere to the traditional definition. If male supremacy is identified here by God, it can be dismantled by Her Order (Q4:1).

Additionally, the most frequent use of the word *faddala* or “bestowed” in the Qur’an is to signify wealth: the privilege or “bounty” suggested in Q4:34 is specifically a financial one¹ acknowledging that some men earn more than some women in the society to which the Qur’an is revealed. After warning men that they are “protectors” of justice, the verse alludes to the responsibility of advantaged women, stating that “righteous women are devoutly loyal to God and guard the Unseen that God has ordained to be guarded.” (Q4:34) Although patriarchal scholarship operates on the assumption that the guarded object is sexuality², this assumption is an interesting one at the very least, because it deliberately ignores the word *lil-ghaybi* or “the Unseen” which is a word of extraordinary philosophical weight in the Qur’an. It appears in various forms, no less than sixty times, and nearly *always* refers to a mystical realm of which only God has knowledge.³ Specifically, the “Unseen” refers to hidden knowledge, to the sins and virtues that are private to the individual and sometimes even unbeknownst to her. There is an intrinsic parallel in the structure of Q4:34 as it transitions between men and women, indicating that righteous women are enlisted as guardians of their moral compass in the realm of the Unseen in the same way that men are warned of God’s awareness of their privileges. Likewise, true to the role of *qiwama* in the Qur’an, women in Q4:34 are guardians (*hafizatun*) of social welfare and securers of justice, and their private affairs—or the Unseen ways, honest or dishonest, with which they deal in their wealth—cannot be hidden from God, who knows the Unseen. The use of “Unseen” in the Qur’an is too significant to be reduced to “sexuality” and is done so only for women, effectively cheating them of agency and authority.

Utilizing the Qur’an as its own dictionary easily renders the most striking incidents of the use of *Unseen* as knowledge that only God harbors. A basic example of

¹ amina wadud, *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective*, 2nd ed., (New York: Oxford University Press, 1999), 65.

² Thomas Irving et al., *The Qur’ān: Basic Teachings: An Anthology of Selected Passages from the Qur’ān, Translated into Contemporary English with an Introduction to the Message of the Qur’ān* (Markfield, Leicester, UK: Islamic Foundation, 1992), 207. He refers politely to a “husband’s rights” over her. The sexual implication, with its problematic wording, is clear to Muslims well versed in their own communities.

³ Consider, for example, Q6:59, “And with God are the keys of the Unseen; none knows them except Her. And She knows what is on the land and in the sea. Not a leaf falls but that She knows it. And no grain is there within the darkneses of the earth and no moist or dry [thing] but that it is [written] in a clear record.” Consider also, Q62:8, “Indeed, the death from which you flee - indeed, it will meet you. Then you will be returned to the Knower of the unseen and the witnessed, and He will inform you about what you used to do.” In the Qur’an, the “Unseen” refers to the dimensions of magic, death, and, as relevant to Q4:34, personal moral conduct hidden from the social realm of spectators.

this is Q2:33, in which God teaches Adam various names, “She said, ‘O Adam, inform [the angels] of their names.’ And when Adam had informed them of their names, She said, ‘Did I not tell you that I know the Unseen aspects of the heavens and the earth? And I know what you reveal and what you have concealed,’” as well as Q72:26, which reads, “God is the All-Knower of the Unseen, and She does not disclose Her Knowledge of the Unseen to anyone.” Pertinent to Q4:34, whose context warns men to maintain and secure justice situated beside women as guardians of the Unseen, is Q12:81, in which the eldest brother of Yusuf despairs, “Return unto your father and say: O our father! Your son [Benyamin] has stolen. We testify only to that which we know; *we are not guardians of the Unseen.*” Here, the word for guardians is *haafidh* or “protectors,” in the same way that God is a Protector; in verse Q4:34 *qawwamuna*, maintainers or guardians, is used for men *but not for women*. For women, Q4:34 employs *hafizatun*, the feminine plural of the *same* word Yusuf’s eldest brother uses to deny knowledge of the Unseen, of which She alone has knowledge. It is reasonable to conclude, then, that in Q4:34 while men are warned to maintain justice and assigned the duty to guard it, women are enlisted as protectors of the Unseen.¹ A *hafiz*, in common use, is a memorizer, or keeper/protector, of the Qur’an itself, and so are women guardians of the moral sphere: they hold the aforementioned men in the verse accountable for the Unseen infringements of patriarchy and “guard in the Unseen that which God has ordered them to guard” (*hafizatun lil-ghaybi bima hafiz al-lahu.*) Instead of interpreting the verse this way, however, male scholarship has reduced the meaning of *lil-ghaybi* to women’s bodies, and some translations, including Sahih International and Yusuf Ali, even go so preposterously far as to insert “in her husband’s absence” into the text.² Undoubtedly, counterarguments may accuse me of *shirk* (idolatry or disbelief) in acknowledging that the Qur’an draws women nearer to God, but I challenge the men who simultaneously misconstrue this very verse of the Qur’an as commanding women to obey both God and their husbands in the same breadth, as to why the suggestion of this command isn’t *shirk*.

¹ Note also that although male privilege is recognized without the permissive vehicle of a verb as described earlier, women righteous women are described, with a verb, as those who are commanded by God to guard.

² Muhammad Muhsin Khan’s translation of the Qur’an reads, “Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband’s absence what Allah orders them to guard (e.g. their chastity, their husband’s property, etc.),” when the Arabic text of the verse neither commands women to obey their husbands nor enlists women to protect the Unseen in their husband’s absence.

Restoration of female authority is a primary concern for Islamic feminists, but female authority is swiftly suppressed by male scholarship at any opportunity. As demonstrated in Q4:1, in which Muslims are commanded to “Reverence the Wombs that bore you” in the same verse they are commanded to Reverence God, it is not at all unusual for the Qur’an to position women in proximity to God.¹ This ethereal phenomenon goes unnoticed, and occurs again in Q4:34 when women are enlisted as guardians of the Unseen. In Q4:1, the Self from which men and women are created is in fact linguistically feminine whilst its “mate” is masculine.² This is starkly contradictory to the “God to man to woman”³ hierarchy imposed by patriarchal scholarship. The patriarchal reading of Q4:34 in which women are guardians not of justice or the Unseen but of their own sexuality is a symptomatic of a politically motivated, culturally situated, and economically invested state-of-mind with which male scholars approach interpretation.

Contemporary patriarchal scholarship is deliberate in its incorporation of sexism, as even the strongest cases for feminist interpretation are dismissed over the appeal of misogynistic ones. An example of this is Q33:33, which has been translated by a number of male translators, including Yusuf Ali, as ordering women to “stay quietly in [their] homes,” while a far more accurate translation is “behave with dignity in your homes.”⁴ Although the notion that classical and contemporary patriarchal scholarship is biased is a radical one to the Muslim community, I am not the first to suggest it. Nazira Zain el-Din, a pioneer of Islamic feminism in the early 1920s, confronted Shaykh al Ghalayini by saying, “Do you not know that women’s freedom and independence are rights? When you wrote about women’s inferiority you claimed that men’s strength was the reason for their greater reason and acumen. What’s the connection between reason and physical strength? [...] Men claim superiority because of their strength, but they can only do so by

¹ Barlas, *Believing Women*, 197.

² However, this, too, is ignored by patriarchal scholarship as a merely linguistic occurrence necessitated by the Arabic language. Contradictorily, male scholars interpret the story of creation as a masculine Adam in the primary role, based solely on the masculine and feminine pronouns, which somehow in this case are not merely necessitated by the Arabic language. Were “scientific” explanations imposed on interpreting the Qur’an as they are by male scholars, it can be argued that Eve is the primary character, as embryos are initially female.

³ wadud’s, *Men in Charge?*

⁴ Carolyn Baugh, “Part 1: What a Difference a Kasrah Makes.” *AltMuslimah*, April 2, 2012, accessed June 6, 2015. http://www.altmuslimah.com/2012/04/part_1_what_a_difference_a_kasrah_makes/. Carolyn Baugh explains in her *altMuslima.net* article, “What a Difference a Kasra Makes,” (April 2, 2012) that, “The root [in Q33:33] is from *qarr*, (to remain, to be sedentary, to settle). Even if the root word were *qarr*, al-Farrā’ shows us what the command form would look like: *aqrarna*, not *qarna*. In other words, if you want to use the root verb which means to remain sedentary, it takes a lot of dodgy grammatical wiggling to get it to match the consonantal outline found in the early Qur’āns.”

making sure that women stay weak.”¹ In fact, in the early 1800s, prior to French displacement of the Ottomans in the Arab Peninsula and European pressures in the region, Butrus al-Bustani founded a pro-women’s rights newspaper that circulated widely in Syria, Iraq, and Egypt with a considerable female readership. The history of female resistance in the Middle East and South Asia is a lively and vigorous one, stunted only by the threat of European powers, *not* enabled by them. In a critique of the framework of Ayesha Chaudhry’s excellent book², Shehnaz Haqqani notes, “Since alternative interpretations of 4:34 start emerging after colonialism, Chaudhry finds the demarcation of colonialism a rational choice, one that works well given her research and finding. Nonetheless, readers might struggle to appreciate the implication that colonialism deserves the credit for prompting an egalitarian conscience in Muslims, almost as though were it not for colonialism, the emergency of egalitarian scholarship would never have occurred, despite the fact that western ideology also hadn’t developed a feminist conscience yet.”³ Indeed, the perception that improvements in women’s acknowledged rights prior to the coinage of the term “feminism” cannot be considered feminist is a hindrance to establishing a crucial legacy of female scholarship, because the notion that women’s efforts prior to the coinage of the term are not “feminist” relies on the dishonest validation of white Western women as pioneers of female liberty from whom Muslim women merely borrow⁴, when in fact, Muslim women enjoyed even rights as standard as the vote prior to women in the United States and Europe. While I understand from a historical standpoint the reluctance to characterize female advancement as “feminist” prior to the coinage of the term, I question how useful and how honest upholding this principle can prove when it enables male scholarship to invalidate the radical exegesis of contemporary female scholars by severing female scholarship from a feminist legacy, and furthermore, when we fail to apply the same principle to contemporary male scholarship that differs from classical interpretation and is yet considered an extension of the same male legacy. For this reason, I will be

¹ miriam cooke, *Nazira Zeineddine: A Pioneer of Islamic Feminism* (Oxford, GBR: Oneworld Publications, 2010), 40.

² Ayesha S. Chaudhry, *Domestic Violence and the Islamic Tradition* (Oxford: Oxford University Press, 2014).

³ Shehnaz Haqqani, “Book Review: Ayesha Chaudhry’s *Domestic Violence and the Islamic Tradition*,” In *Feminist Legal Studies* 23 (2015): 225-230.

⁴ Uma Narayan. *Dislocating Cultures: Identities, Traditions, and Third World Feminisms* (New York: Routledge, 1997), 32. Uma Narayan writes, “Third-World feminists need to challenge the notion that access to ‘Westernized educations,’ or our espousal of feminist perspectives, positions us ‘outside’ of our national and cultural contexts.”

employing the term “classical feminist scholarship” to refer to classical scholarship dismissed as incorrect or transgressive.

Illustrating the essentiality of female legacy, a few years after the Prophet’s death a woman was forbidden by the order of Caliph Umar from ever marrying any free man, due to her transgressive interpretation of the Qur’an. After the woman had disclosed to him that she had taken one of her young male slaves to bed with her (outside of a marriage), the Caliph, incredulous, sought to punish her. When he had demanded to know her rationalization, she’d responded, “I believe that ownership by the right hand made lawful to me what it makes lawful to men.”¹ *Milk al-yamin*, as Kecia Ali explains, or “property of the right hand” appears in multiple Qur’anic verses that describe the lawfulness of enslaved sexual partners. It is typically interpreted by both classical and contemporary scholars (or the few contemporary scholars willing to discuss its existence) as pertaining to the female slaves of only male slaveowners and their conduct. The Qur’an, however, makes no assignment of gender, and in Q24:31, describes *milk al-yamin* under the female hand as well.² Kecia Ali remarks that Umar was stunned and distressed by the woman’s actions and her assertion to have God’s authorization for it. When Umar brought the incident to the Companions, they responded that, “She [the woman] has applied to the Qur’an an interpretation that is not its interpretation.”

Hierarchizations of traditions should be examined for prejudices. In another incident, which Aisha Geissinger discusses, Fatima bint Qays recounted that when she had been irrevocably divorced, the Prophet, after ruling that she was not pregnant, had determined that she needn’t stay in her ex-husband’s home for the three months prescribed in the Qur’an for women who receive a revocable divorce. The Prophet instructed her instead to spend her waiting period in the home of another man. When Fatima bint Qays recounted this incident to a messenger sent by the governor of Medina, it was dismissed on the grounds that, “We do not hear this account from anyone except a woman. So we will adhere to the practice of restraining any divorced woman from departing.”³ Even though the Qur’an itself supported her, since verse 65:1 specifies that

¹ Kecia Ali. *Marriage and Slavery in Early Islam* (Cambridge, MA, USA: Harvard University Press, 2010), 12.

² Kecia Ali. *Sexual Ethics and Islam: Feminist Reflections on Quran, Hadith, and Jurisprudence*. (Oxford, GBR: Oneworld Publications, 2006), 45

³ Aisha Geissinger, *Gender and Muslim Constructions of Exegetical Authority: A Rereading of the Classical Genre of Qur'an Commentary (Islamic History and Civilization)* (New York: Brill Academic Pub, 2015), 145-146. Emphasis added.

the three-month waiting period applies only to a woman whose divorce is *revocable*, Fatima bint Qays was overruled, though she had argued that her hadith is supported by the Qur'an. Consequently, the right of an ex-husband's family over a woman who receives a revocable divorce from him is upheld against the Qur'an, in favor of maintaining the patriarchal social order.

Assertions that misogynistic interpretations of Qur'anic verses do not originate with the most classical scholars, and that misogynist interpretations are deviations from original egalitarian analyses, are not necessary ones with which I disagree. But I accept these assertions on the ground that it is self-defeating to claim that misogynistic interpretations have no foundation in Islam, even though these interpretations might have a precedent, and simultaneously accept and discard potential female scholarship that is vital to the assertion of egalitarianism: the "adulterous" woman who bedded her male slave, who was of the Prophet's time (practicing Islam only a few years after his death), spoke the Prophet's Arabic, understood the culture in which she lived and in which the Prophet had lived, arrived at an egalitarian interpretation of the Qur'anic euphemism that was understood by male Companions to apply only to themselves as men. The woman herself and her interpretation were denied validation by the male authority of the Companions. She is not, up until this contemporary time, considered a scholar, but only her conclusion, viewed as incorrect, deprives her of the title. Her methodology, comprising the linguistic and cultural insight of the people who lived during the Prophet's time, can not be brought into question by most contemporary Islamic scholars, who often claim that the Islamic rulings should be considering according to their time as justification to silence an opposition who isn't learned in the early Islamic era, since this woman was a woman of her time.

Muslim feminists have a propensity to claim that misogynist readings do not originate from classical scholarship and instead evolved over time, but in order to do this we should be forced to expand the constructed parameters of that scholarship, because to substantiate this claim, our understanding of "classical scholarship" must include women whose agencies and authorities were not and are not recognized by classical and contemporary male scholars. In order to insist that misogynist readings do not originate from classical scholarship, we must admit that feminist classical scholarship involves the identification of women who were denied authority by existing classical scholars. And we are forced to recognize them if we want to make this claim of

origins, because male classical scholarship was in fact demonstrably misogynistic, as in this case. This, of course, involves structural rearranging, and raises a number of questions.

But denial of classical feminist authority means that for contemporary women, there is no scholarly lineage, because it has been deliberately obstructed by classical male scholarship. Lineage is relevant on a structural level: when potential male scholars are born into a legacy that their forefathers have established for them, their scholarly ventures are anchored by this legacy and their interactions with it. Any potential female scholarship, denied the stability of an acknowledged legacy, is either lagan or a spectacle—a lone ranger, detached.

Manifestations of this phenomenon are not only limited to the well-recognized phenomenon in the Muslim community that entails praising women such as Ayesha, the Prophet's wife, yet criticizing those contemporary women who resemble Ayesha and other exemplary figures in their defiance. This disconnect extends to become evident nearly every conversation pertaining to any kind of feminist interpretation of the Qur'an. When describing to a man the problems in the interpretations of 5:38, which most scholars identify as permitting the removal of the hands of thieves, I was confronted by the man's adamant refusal to accept my methodology, which consisted of peeling away at the layers of the word itself and in its grammatical context. He insisted that because I lacked male-approved credentials—my "credentials" came into question often during this conversation—I must have had no right to speak on the matter, although he believed it was appropriate to interrogate me regardless. But what was most astounding about this conversation is that another male contributor to the discussion referenced an article by Hadia Mubarak, in which Mubarak destabilizes and ultimately discredits misogynist interpretations of 4:34¹, the verse believed to permit domestic violence against women, an article which I'd already read long ago. Hadia Mubarak uses the same methodology I'd applied, but because her credentials were approved by the male audience and her scholarship was not perceived as independently noteworthy, our methodologies could not be linked.

¹ Mubarak, "Breaking the Interpretive Monopoly," 261-89.

Likewise, in a discussion during which Shehnaz Haqqani¹ voiced her distress about the number of women the Prophet married, she was told by a man to “be more like Kecia Ali” in the disposition of her argument, although I doubt Kecia Ali would have found any issue with her expression of dissatisfaction. When commenters rushed to criticize a woman lamenting the disconnect she felt within her Muslim community due to her attire, amina wadud was cited by misogynistics as a woman whose scholarship was valid because “even she” dressed “properly” (and not in short skirts). I could have assured these men that, based on her scholarship, amina wadud would have found this laughable. Furthermore, women are denied interactivity with the text. While the male Companions of the Prophet demanded² that Qur’anic verses that were transgressive to their patriarchal social order be changed, their interactivity with the text was viewed as acceptable, and was negotiated. While women, such as Umm Salaama, directly changed the Revelation of the Qur’an, women are not viewed as authorities in negotiating with God, and thus cannot accept or reject points of this negotiation between Muslims and God regarding the practice of Islam.

Feminist critics, whom I distinguish here from *feminist scholars*, are disjointed from feminist scholarship because female scholarship in itself has been denied lineage. Because the recognition of female authority by Muslim men in the community is too frequently based not on the insightful, groundbreaking work of these scholars or what they are contributing to Islamic discourse, but on how they are presenting their conclusions (Kecia Ali) or on how they dress (amina wadud), their arguments and scholarly voices are fallaciously pivoted on whether their attire or tones appeal to a male audience, regardless of the atrocity the scholars themselves would find in this. That atrocity, and the vocalization of it, are silenced by the assumption that it does not exist, and by male insistence on refocusing the conversation amina wadud’s choice of dress rather than her words or Kecia Ali’s scholarly detached tone instead of the implications of her provocative questions. When the arguments themselves are denied validity, male members of the community become incapable of identifying in female inquirers congruity with these scholars except on superficial terms, and they are able to fashion

¹ I thank Shehnaz Haqqani, PhD student of Islamic Studies at the University of Texas in Austin, for patiently listening as I delineated my thoughts regarding this study to her.

² Fatima Mernissi. *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*. (Reading, Mass.: Addison-Wesley Pub., 1991), 125-126.

feminist scholarship to suit their patriarchal contentions instead of conceding to the scholarly argument-based lineage from which male scholarship benefits.

Having bedded her male slave, the woman who interpreted Qur’anic verses referring to “property of the right hand” as applicable to herself, which at least once in the Qur’an (Q24:31) it explicitly is, as it is to any free man, was prevented from marrying, but the grounds on which her interpretation was deemed “incorrect” without justification—her femaleness—is evidence of a thread of bias in classical scholarship. The impact of this bias, and the patriarchal order that was established from it, serves as a perpetual blockade to female scholarship by rendering the quality of femaleness as unlawfully exceptional to Qur’anic commands and authorizations and of female behavior as regulated by male expectations. In order to imagine what contemporary Islamic discourse may sound like had classical feminist scholars achieved recognition as such, we can only pull verses from the Qur’an which, interpreted in the “feminine voice,” convey starkly different attitudes than in the presumed default masculine voice. Consider Q24:31, which reads, “And say to the believing women that they should lower their gazes and guard themselves, and not display their adornment except what is obvious (apparent, necessary) save to their husbands, or fathers, or father-in-laws, or sons, or brothers, or nephews, or children, or their women, or what their right hands possess, or those who have no desire of women.” The list of exceptions (husbands, sons, etc.) may sound restrictive, but compared to the verse *it follows*, Q24:30, which reads simply, “Tell the believing men to lower their gazes and guard themselves. That is purer for them,” we can note a number of things. First, men are told to lower their gazes before women are told to lower their gazes. Second, men have no exceptions. The larger context of these two verses involves entering a household, and men must lower their gazes to everyone in the household. It is reasonable, then, to come to the understanding that this verse is a regulation of male arrogance, that when a man, in context, enters someone else’s home and is commanded to “lower the gaze,” it is commentary on the entire culture of masculinity. Men are commanded to lower their gazes—or reduce their arrogance—not only in the presence of a woman, but in respect to her entire household.

Artificially separating feminist scholars from unrecognized predecessors and potential successors is problematic to intellectual honesty, because it privileges a male lineage of scholarship as fundamental tradition. A male lineage is the very definition of patriarchy, and that in itself is an ideological bias; I argue, therefore, that female

scholarship should be retroactively identified and restored. The attention to precedent and legacy, although discouraged in the Qur'an, for example, when disbelievers respond to Prophet Ibrahim that they will insist on the ways of their fathers¹, has tremendous impact on the anchoring of a Qur'anic exegesis to legitimacy. The solution to Islam's patriarchy crisis I propose is not merely to produce more female scholars who carry on the patriarchal tradition: it is to unearth the classical feminist scholarship that has been discarded by patriarchs *because* their scholarship was *transgressive*. It is not merely an imitation, a regurgitation, of male scholarship propagated from a female form. Were we accustomed to an ulema in which the majority of exegetes were women from the beginning of Revelation, that ulema arriving at this interpretation would not sound to us as though they were performing logical acrobatics in their arguments, especially not considering the inconsistencies present in the interpretations of an ulema composed entirely of men.

Bibliography:

- Al-Alwani, Shaykh Taha Jabir. *Issues in Contemporary Islamic Thought*. London: Biddles Limited.
- Ali, Kecia. *Marriage and Slavery in Early Islam*. Cambridge, Mass.: Harvard University Press, 2010.
- . *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*. Oxford, England: Oneworld Pub., 2006.
- Azam, Hina. "Rape in Islamic Law." *The [Oxford] Encyclopedia of Islam and Law*. Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t349/e0075> (accessed Apr 19, 2013).
- Barlas, Asma. *"Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'ān*. Austin, TX: University of Texas Press, 2002.
- Baugh, Carolyn. "Part 1: What a Difference a Kasrah Makes." *AltMuslimah*. April 2, 2012. Accessed June 6, 2015.
- Chaudhry, Ayesha S. *Domestic Violence and the Islamic Tradition*. Oxford: Oxford University Press, 2014.
- cooke, miriam. *Nazira Zeineddine A Pioneer of Islamic Feminism*. New York: Oneworld Publications, 2012.
- Geissinger, Aisha. *Gender and Muslim Constructions of Exegetical Authority: A Rereading of the Classical Genre of Qur'an Commentary (Islamic History and Civilization)*. New York: Brill Academic Pub, 2015.
- Haqqani, Shehnaz. "Book Review: Ayesha Chaudhry's *Domestic Violence and the Islamic Tradition*." In *Feminist Legal Studies* 23 (2015): 225-230.

¹ Barlas, "Believing Women," 116

- Irving, Thomas Ballantine. *The Qur'ān: Basic Teachings : An Anthology of Selected Passages from the Qur'ān, Translated into Contemporary English with an Introduction to the Message of the Qur'ān*. Rev. ed. Markfield, Leicester, U.K.: Islamic Foundation, 1992.
- Khan, Maulana Wahiduddin. *Woman between Islam and Western Society*. New Delhi: Islamic Centre, 1995.
- Maudoodi, Syed Abul. *Purdah and the Status of Woman in Islam*. Lahore: Islamic Publications, 1972.
- Mernissi, Fatima. *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*. Reading, Mass.: Addison-Wesley Pub., 1991.
- Mir-Hosseini, Ziba, "Muslim Legal Tradition and the Challenge of Gender Equality." In *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. Edited by Ziba Mir Hosseini et al. London: Oneworld, 2015.
- Mubarak, Hadia. "Breaking the Interpretive Monopoly: A Re-Examination of Verse 4:34." *Hawwa*, 2004, 261-89.
- Narayan, Uma. *Dislocating Cultures: Identities, Traditions, and Third World Feminisms*. New York: Routledge, 1997.
- wadud, amina. *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*. 2nd ed. New York: Oxford University Press, 1999.

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