

Human Rights, Human Responsibilities:
Can we speak of women's rights in Islam?

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Thank you very much for inviting me to take part in this lecture series on "Human rights and Human Responsibilities;" I am truly delighted to be able to contribute to the dialogues you're having on this subject at Saginaw. As you know, I've been asked to speak about women's rights in Islam but before I do that, I want to comment briefly on the language of human rights itself.

Many Muslims shy away from human rights not because they don't believe in rights or they think that people shouldn't have any, but, because of how the human rights discourse plays out in practice. For instance, many conservative Muslims feel that the West uses human rights as a way to undermine Islamic precepts and law while many progressive Muslims (and I'm using the terms conservative and progressive loosely) are wary of human rights because they mistrust all universalizing narratives that close down alternative ways of thinking about the world in the name of a shared humanity.

And then many people, not just Muslims, feel that the West uses human rights selectively both in the sense that it considers some individuals more human, and thus more deserving of rights than others, and in the sense that the West picks and chooses those instances where it applies human rights.

For example, even as the U.S. takes other countries to task for their human rights abuses, the Bush administration has been violating the Geneva Convention by torturing Muslim prisoners in Guantanamo and Abu Ghraib. And, it's not just torture that we should be concerned about but also the roll-back in the civil rights of all Muslims in the U.S. under the provisions of the Patriot Act. To take another example: the U.S. is continually pressuring Muslim countries to adopt the U.N. Convention against the Elimination of all forms of Discrimination against Women while it has so far failed to ratify CEDAW itself.

So, these are the reasons that make many Muslims skeptical of human rights.

Just as Muslims are leery of human rights, secularists are leery of the idea that religions can provide the basis for any sort of social justice or rights. Indeed, they believe that human rights and religion are simply incompatible. And much like many believers who oppose human rights in the name of a higher order morality deriving from their belief in God, secularists oppose religion in the name of a higher order rationality deriving from their faith in human beings. In

fact, secularists often speak in the name of humanity in much the same way that believers speak in the name of God.

So, as you see, human rights discourse can be very polarizing. However, this doesn't mean that everyone can be fitted into these two extreme camps. There are always people on both sides of the religion-secularism divide who are open to engaging good ideas regardless of where they originate.

I would put myself in this group but, like conservative and progressive Muslims, I am also concerned about the politicization of human rights and the manner in which certain Western discourses, whether human rights or feminist, tend to displace and subvert alternative worldviews. I resist these discourses because, like Dipesh Chakrabarty, I also believe that we need to accommodate "diverse ways of being human, the infinite incommensurabilities through which we struggle—perennially, precariously, but unavoidably—to 'world the earth' in order to live within our different senses of ontic belonging."¹ To my mind, that would be the most ecumenical and comprehensive definition of human rights.

Having said that, I also want to make it clear that the concept of rights is not inherently Western even if human rights have had a particular political history in the West. People everywhere have an understanding of responsibilities and rights, though they may not define them in a Western idiom. Just this weekend, I was reading an article about a 16th century Muslim ruler of India, the emperor Akbar, written by William Dalrymple² in which he says:

Muslim rulers are not usually thought of in the West as standard-bearers of freedom of thought; but Akbar was obsessed with exploring the issues of religious truth, and with as open a mind as possible, declaring: "No man should be interfered with on account of religion, and anyone is to be allowed to go over to any religion that pleases him." He also argued for what he called "the pursuit of reason" rather than "reliance on the marshy land of tradition."

All this took place when in London, Jesuits were being hung, drawn and quartered outside Tyburn, in Spain and Portugal the Inquisition was torturing anyone who defied the dogmas of the Catholic church, and in Rome Giordano Bruno was being burnt at the stake in Campo de'Fiori."

So, the idea that people should have certain rights and that states should be able to ensure these rights is not a peculiarly Western, or even modern, idea. In fact,

¹ Dipesh Chakrabarty, *Provincializing Europe*; Princeton University Press, 2000: 254.

² William Dalrymple, "A lesson in humility for the smug West," *The Times*, U.K., Oct. 14, 2007.

as I'm going to argue, the concept of rights is also central to the teachings of Islam's scripture, the Qur'an which is why I'm going to focus on the Qur'an in my discussion of women's rights in Islam.

It strikes me that there are two ways of speaking about this subject: one would be to list the rights the Qur'an gives women, but, I don't think you would find that very interesting or even meaningful since, in practice, Muslim women don't get to enjoy many of these rights. There are several reasons for that, including the sexual politics of a given Muslim society, its history and culture, the nature of its economic and social structures, and so on. However, at an ideological level, one of the most important factors is that Muslims generally believe that the Qur'an itself advocates the subordination of women to men; i.e., that the Qur'an is a patriarchal text. In light of this conviction, it doesn't matter that Islam gives women certain rights with respect to marriage or divorce or inheritance since the ideology of male supremacy effectively circumscribes these rights and renders them cosmetic.

If I had to draw an analogy, I would say that it's a bit like talking about the rights that the U.S. Constitution gives to citizens while ignoring that, in the early years of this country, not all people were considered full citizens or even fully human. As we know, a black man was treated as equaling one-fifth of a white man for voting purposes and women didn't get the right to vote nationally until 1920 when the 19th amendment was added to the Constitution. In light of such racism and sexism, references to all "men" having been created equal and being entitled to the pursuit of happiness didn't mean much. Even so, one could argue that the concept of equality is ethically sound and that it was this ideal that civil rights and women's rights movements later actualized.

That is also how I feel about that Qur'an: that it also promotes certain ideas that are ethical and worth defending. Specially where women's rights are concerned, I feel that the Qur'an's treatment of patriarchy and its view of sexual equality can provide the basis for a liberatory praxis that Muslims have yet to evolve. So, I feel that a better, if somewhat roundabout, way to talk about women's rights in Islam is to look at the Qur'an's position on patriarchy and equality since that gives a more holistic picture than simply listing specific rights.

Here, though, I do want to sound a warning. I'm not advocating focusing only on the Qur'an in studying women and gender and Islam. For one thing, there isn't a neat overlap between the Qur'an's teachings and Muslim lives and, for another, a purely textual approach to women's issues or to Islam, for that matter, ignores the role of history, culture, politics, and economics in shaping people's lives and also their understanding of religious texts. The only reason I'm going to focus on the Qur'an is because I want to be able to show that the scripture

itself opens up possibilities for certain types of rights for women as a way to contest oppressive and anti-women readings of the text.

Interpreting the Qur'an

There are a couple of things you should know about the Qur'an at the outset: one is that Muslims believe that it is the word of God which was revealed to the Prophet Muhammad over a period of 23 years in the seventh century in Arabia. Second, the Qur'an was initially in the form of oral recitations and when it was transcribed, it was not transcribed in a linear or chronological way. That is why one has to read the whole of it in order to get a good understanding of different themes and to be able to see the interconnections between them.

So, for instance, instead of just looking at solitary verses on this or that right that the Qur'an gives to women or men, it is important to look at how it treats both of them individually and also in relationship to one another. Too often, Muslims look at one verse—such as the “beating” verse (about which I will have more to say)—without also considering the Qur'an's other teachings on marriage. As a result, they arrive at a simplified and sometimes erroneous reading of it.

Then, too, I think it is important to begin a reading of the Qur'an by looking at how the Qur'an describes God. This may seem to be an odd place to start a reading of scripture on women's rights, but, as feminists have long argued, how we conceive of the divine impacts our sense of self and of one another. Thus, for instance, masculinizing God also underwrites male claims to authority.

In this context, I find three aspects of God's self-disclosure in the Qur'an central to understanding its approach to the rights of women and men and, specifically, its approach to patriarchy. One is that God is unlike anything created, hence neither male, nor female. God is therefore above sexual hatred and partisanship, for, if God is not male, there is no reason to assume that God has any special affinity with males or some special aversion to females. The second aspect of God's self-disclosure is that God is beyond re-presentation. Thus, when we refer to God as He or Him, this is just a limitation of our own human languages and imagination; it doesn't mean that God is actually a male. Lastly, God is just and God's justice lies in never transgressing against the rights of others. The Qur'anic term for this transgression is to do *zulm*. To repeat, *zulm* in the Qur'an means violating another's rights. Divine justice is thus based in balancing the rights of God vis-à-vis the rights of human beings.

These are some of the principles that I bring into my own reading of the Qur'an as an anti-patriarchal text. And here I should clarify that by patriarchy I mean two things: on the one hand a mode of father's rule that draws on a view of God

as Father (traditional patriarchy), and, on the other, a politics of sexual differentiation that privilege males while Otherizing women³ (modern and secular forms of patriarchy). Interestingly, all those critics of the Qur'an, specially some Muslim feminists, who dismiss it as a patriarchal text have never applied a clear definition of patriarchy to read it, which is why I wanted my own definition to be as clear and comprehensive as possible.

And, when I applied this definition to the Qur'an, I couldn't find any support in it for either form of patriarchy and indeed much that challenges both. For instance, the Qur'an doesn't represent God as Father or male and in fact it expressly forbids Muslims from sacralizing God as such. Nor does the Qur'an invest fathers or fatherhood with the authority that traditional patriarchies did. In fact, it often condemns the practice of "following the ways of the father," which, to my mind, is a clear rejection of traditional patriarchy. I also read the narratives about the prophets Abraham and Muhammad as circumscribing the rights of fathers in favor of the rights of God. (I don't have the time to share these with you, but, if anyone's interested, I can talk about them during Q&A.)

However, even as the Qur'an limits the rights of men in their capacity as fathers or husbands, it also recognizes that patriarchies exist and have existed for a long time. To this end, the Qur'an often addresses men since it recognizes that men are the locus of authority in patriarchies. However, this is not the same as condoning or sanctioning male privilege.

I believe the Qur'an's teachings also subvert the foundational myths of modern and secular versions of patriarchy since the Qur'an doesn't use biological sex to privilege males or to Otherize women; in fact it doesn't even associate sex with gender. By this I mean that while the Qur'an recognizes biological (sexual) differences, it does not assign them any gender symbolism. Not a single verse says that God gave men attributes or faculties that God did not give to women and nor does the Qur'an link men and women to a specific division of labor or define their roles as a function of their biology, or say that biological differences make men and women unequal, incompatible, opposites or incommensurable, in the tradition of Western and Muslim misogyny. In fact, the Qur'an addresses men and women in terms that make it clear that it views them as being equal and equally responsible moral agents:

For believing men and women,
For devout men and women,
For men and women who are
Patient and constant, for men

³ Zillah Eisenstein, *The Female Body and the Law*, California: University Press, 1988: 90.

And women who humble themselves,
For men and women who give
In charity, for men and women
Who fast (and deny themselves).
For men and women who
Guard their chastity, and
For men and women who
Engage much in God's praise
For them has God prepared
Forgiveness and great reward.⁴

Unfortunately, however, most Muslims ignore such verses in favor of the so-called misogynistic verses which they read as saying that God gave men a degree (darajah) of superiority over women and appointed them women's guardians (qawwamun), accommodated their sexual needs by allowing them to marry four wives and even to beat (daraba), a disobedient (nushuz) one, to inherit twice the share in property that women do, and so on. Since these verses are read as giving men a set of punitive and negative rights over women, I want to look at them in some detail now.

Negative rights

Let me begin with the verse about men's degree of privilege. I've asked for different translations of 2:228 to be put up on the screen so that you can see for yourself that the Qur'an uses the word degree, or darajah, only in connection with a discussion of the husband's rights in a divorce. However, it's unclear what those rights are. Some scholars believe it is the right to pronounce a divorce while others contend that it is the right to revoke one. Others maintain that the degree has to do with kindness on the husband's part. Whatever the case, the point is that the degree is limited to a divorce; it is not a reference to men's rights in general, much less to male ontological superiority. In fact, the Qur'an teaches that women and men are ontologically equal since they originated in a single self (nafs); nafs, incidentally, is feminine plural. There is no Qur'anic narrative that the woman was created from the man's rib or even that Adam was created before the woman.⁵

Similarly, the word qawwamun which is interpreted as male guardianship over women or even as male strength (a word that doesn't occur in the verse itself, by the way) was understood by early Qur'an scholars to denote the husband's role as the family's bread-winner, not as superiority or strength. Indeed, such a

⁴ 33:35 in Abdullah Yusuf Ali, *The Qur'an*, New York, Tehrike Tersile Qur'an, 1988: 1116-17.

⁵ Riffat Hassan, "An Islamic Perspective." In Karen Lebacqz (ed.) *Sexuality: A Reader*, Cleveland: The Pilgrim Press, 1999.

reading of the verse is at odds with the Qur'an's teaching that men and women are other's awliya, or guides, who have the responsibility to enjoin the right and forbid the wrong. How can women play this role of awliya if men have such complete authority over them?⁶

That is also why reading this verse as a straight-forward command to beat a wife is problematic. The root of the word that is translated as "to beat," d-r-b, has several other meanings, including "to separate." The question then is why have Muslims chosen one meaning—and the worst—above all others? And how do we reconcile this meaning, to beat, with the Qur'an's teaching that love should be the basis of marriage (and this in the seventh century!) and its counsel to spouses to exercise mercy and liberality even if they hate one another or are in the process of getting divorced? If the Qur'an doesn't advocate beating a wife one hates, how can it command beating a wife who is disobedient? In fact, as scholars have argued, the Qur'an never mandates a wife's obedience to her husband.⁷ Besides, translations of nushuz as the wife's disobedience are not even correct since the Qur'an also refers to nushuz on a husband's part.

As for polygyny, well, the edifice begins to collapse once we note that the Qur'an only allows certain of the male guardians of female orphans to marry more than one as a way to ensure justice for the orphans, not as a way to fulfill their own sexual needs. And, even then, it insists that a monogamous marriage is better. (As an aside, I should note that polygyny pre-dates Islam and, other than Jesus, none of the Hebrew prophets was celibate or monogamous. Some, like David, reportedly had 900 wives and concubines.)

As for inheritance, a brother gets twice the share of a sister but only if there is more than one. If a parent dies and leaves behind only one daughter, she gets half the parent's property. Then, too, if a person leaves behind a brother and a sister, each gets one sixth and, if a person leaves behind parents, the mother gets twice as much as the father. Similarly, while the Qur'an says that two women may stand in place of one man as witnesses to the contracting of a debt, it also privileges the woman's testimony over that of a man's in the much more consequential matter of adultery. If a man accuses his wife of adultery on his own witness, she may refute his charge, also on her own witness, and her word is—legally—the last.

One doesn't need to be an expert in hermeneutics to figure out that what we read the Qur'an to be saying depends partly on how we read it and also on who reads

⁶ Azizah al-Hibri, "A Study of Islamic Herstory?" Women's Studies International Forum, Special Issue: Women and Islam. 5, no. 2 (1982): 218.

⁷ See Amina Wadud on this point, *Qur'an and Woman*, Oxford University Press, 1999.

it and in what specific ideological and material contexts. Given that historically only male scholars have interpreted the Qur'an and from within patriarchies, is it any surprise that they have interpreted it as a patriarchal text?

This is starting to change, however, as more and more Muslim women have begun to offer new and liberatory interpretations and translations of the Qur'an. And while these are not yet very popular among the mainstream of Muslims, they are opening up the possibility of thinking about the Qur'an and its position on women in fundamentally different ways. Of course not all Muslims are happy with this. The conservatives are upset because they like things as they are and some reformist Muslims are upset because they feel that the Qur'an can't accommodate the ethical sensibilities of the 21st century. They therefore characterize the focus on the Qur'an as a form of "text fundamentalism" and advocate moving "beyond" the text.

The truth, however, is that for the vast majority of Muslims Islam without its sacred text isn't Islam, and whether or not they actually read the Qur'an or live by its edicts, it continues to define their sense of themselves and of the world. Speaking for myself, I wouldn't know God outside the framework of the Qur'an and nor would I fully know my own identity as a Muslim woman. So, even if I can't stretch the Qur'an to accommodate all my modern sensibilities, I feel impelled as a believer to try and stretch myself to engage the Qur'an ethically.

In fact, I feel that if we are to contest the abuse of religion to oppress women, all Muslims will have to take on the responsibility of reading the Qur'an differently than they do. So, here I want to suggest how reading the Qur'an by the Qur'an—i.e., reading intra-textuality—can be a morally responsible way of engaging it.

Intra-textuality as responsibility

In some ways, the Qur'an is a rather unique text since it anticipates that people will misread it and so it gives us some criteria for reading it responsibly. For instance, it condemns those who read it piecemeal and in a decontextualized way. Referring to the Law given to Moses, it says "ye make it into (Separate) sheets for show, While ye conceal much (Of its contents)" (6:91; in Ali, 316). It also criticizes "those who divided (Scripture into arbitrary parts), . . . and have made the Qur'an Into shreds (as they please)," warning that God "will, of a surety, Call them to account For all their deeds" (15: 90-93; in Ali, 653).

The Qur'an also disapproves of those who "change the words from their (right) times And places" (5:44; in Ali, 255), thereby reframing the meaning of scriptures and it is equally sharp in criticizing those who dwell only on its allegorical verses as a means to sow discord among people while ignoring its clear verses.

Most importantly for my purposes, the Qur'an asks us to read for its "best meanings," which it leaves to us to determine. The reason I find this verse so momentous is that it establishes quite clearly that we can read the Qur'an in more than one way but also that not all the readings are therefore equally good. Significantly, the Qur'an does not define "best" which leaves the room open for us to exercise our own agency and also suggests, indirectly, that Muslims have the right to live in societies where they can exercise this agency freely. In fact, that is the one of the grounds on which I argue against repression in Muslim societies because it is impossible to have a free dialogue on religious matters in closed and authoritarian ones.

I'm nearing the end of my talk and by way of a conclusion, I have a couple of comments about rights and responsibilities as they apply to reading the Qur'an.

As scholars of other religions have argued, "we can have perfectly orthodox understandings of what Scripture is about and yet use these texts in the most perverse and sinful ways."⁸ I would contend that the perversity and sinfulness arise even earlier, at the stage of reading scriptures (or secular texts for that matter), when we project various forms of *zulm* into them. *Zulm*, you will recall, means transgressing against the rights of another. And, if in the U.S. context, *zulm* has involved oppressing people of color, in the Muslim context, it has involved oppressing women. So, neither secular and nor religious texts as we have interpreted them have resolved the issue of who is fully human.

In the Qur'an's telling, humanity is indivisible; all of us, women and men, nations and tribes, originated in the self-same life-form and regardless of our differences we are all fully human and equally capable of moral personality. Whether or not we will ever actualize this potential is up to each one of us. As the great Sufi poet, Rumi, says "The way leads neither east nor west, but in."

⁸ James J. Buckley, "The Hermeneutical Deadlock between Revelationalists, Textualists, and Functionalists," Modern Theology, Vol. 6, No. 4, July, 1990, p. 331.