

Feminist Insiders-Outsiders:
Muslim Women in Nigeria and the Contemporary
Feminist Movement

By

Ibrahim Olatunde Uthman

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P U B L I S H I N G

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PREFACE

This book focuses on the feminist roles and place of Muslim women in Islamic organizations in Nigeria. It is strongly felt that the time has come to produce a systematic work on the activeness of Muslim women in Islamic organizations in the country and their feminist aspirations since a single book on the subject is difficult to come by. It examines the brand of feminism of these women, who are playing leading roles in religious, administrative, educational, economic and political spheres in contemporary Nigerian society as well as the Islamic basis for the feminist postulations of these women on the issues they engage with respect to the feminist discourse within the context of the socio-religious conditions of Muslim women in Islamic organizations in Nigeria. It examines in scholarly terms the implications of these women participation in the larger politics of Nigeria as it affects their identity as Muslims, especially on national issues like the administration of the Islamic Law since the re-introduction of capital punishment by the Zamfara state initiative. This book therefore examines the new brand of Islamic feminist discourse within the context of Muslim women in Islamic organizations in Nigeria. As observed by Tariq Ramadan, the movement that affirms the liberation of Muslim women within and through Islam itself is inspiring, maintaining complete faithfulness to the principles of Islam.¹ Finally, the book offers suggestions on how Muslim women can bring an end to the harmful and 'antiwoman' practices of Muslims that acts as a barrier to the growing participation of Muslim women in every facet of the society.

This book is unique in many respects. Though many scholars have written on the subject of Muslim women in Nigeria but these works are scattered in books, journals and conference proceedings. The vast majority of these works are also not concerned with the critical analysis of the brand of feminism of leading Muslim women in Islamic organizations. Since women comprise almost half of the Nigerian population and since a sizeable number of these women are Muslims in Islamic organizations, it is important if not actually a desideratum to produce a systematic analysis and critic of their participation in Islamic organizations and its implications on their brand of feminism. This book provides that

¹ T. Ramadan, *Western Muslims and the Future of Islam* (Oxford: Oxford University Press, 2004), 141.

systematic study of Muslim women participation in Islamic organizations. Its primary audience include students and lecturers especially in the Humanities and Social sciences who are in one way or the other involved in the study of the concepts, theories and manifestations of feminism as well as the role and place of women in the society. Its secondary audience covers Muslim women in Islamic organizations as well as the entire educated elite who have over the years become interested in the conditions of Muslim women in contemporary society. The book does not claim to have covered the entire spectrum of Islamic organizations in Nigeria. Due to the resources at the disposal of the author, the book only cover some of the leading Islamic organizations in states where the author has lived or visited to conduct researches or give lectures. These Islamic organizations where this research was conducted are Muslim Students Society of Nigeria (MSSN), Federation of Muslim Women Associations in Nigeria (FOMWAN), *Da'wah* Front of Nigeria, MSSN *Ummuhāt* Forum, *Da'wah* Front Mother's Forum, *Al-Mu'mināt*, the female wing of the Muslim Congress Islamic organization, *Qudratullah* Society of Nigeria, Obafemi Awolowo Chapter and NASFAT Society of Nigeria. The participant observant method in addition to interviews and administration of questionnaires was applied to critically collate data for this book. The above methodology generally involves on the spot investigations using unstructured and in-depth interviewing.² It entails the continuous immersion of the researcher among the population of study and this was made possible by the time-span of this study..

The research data-collection was carried out in three stages. The first stage of this field-research was embarked upon in 1998 and involved the use of the above three methods. The participants and respondents were interviewed to gather oral data from the above Islamic organizations while the author was fully involved in the activities of the Muslim community in which the organizations were located. They were also interviewed in the second stage in 2003 through unstructured in-depth interviewing, personal involvement and contact with the respondents in the area of the study. The time frame for the interviews conducted varied from 30 minutes to two hours depending on the willingness of the participants. During the third and last stage of the study, interview questions were e-mailed to the participants due to complication of soliciting the responses of those participating in personal interviews. The entire research spanned over a time period of seven years from January 1998 to December 2004. Therefore this study encountered a dilemma in regards to the process of

² Alan Bryman, *Quantity and Quality in Social Research*, (London: Routledge, 1988), 1, 45.

cross checking the responses by the respondents, as this researcher had to tour several vast areas. The process proved extra difficult especially in the period after May 2003 when the author was outside the country for his PhD programme. Based on the above tripartite stages in data collection, it is strongly believed that the data analysis of the responses and the subsequent findings of the research would to a very large extent reflect the views and aspirations of Muslim women in the Islamic organizations studied. Beside this, the fact that the researcher was born, raised, schooled, lived and worked in the research area, as well as his full participation and involvement in the activities of the Islamic organizations in the research area for about three and half decades facilitated the rapport between the author and the respondents and interviewees.

The data for the book were originally collated for my researches at both the M.A. and doctoral levels as well as from my numerous lectures given at various Islamic organizations over the years. I have relied in the book heavily on the feedback and responses that I received from these lectures. This book employs a comparative analysis of the views of these leading women in Islamic organizations, the theoretical frameworks enunciated by leading feminists and the Islamic texts to affirm the brand of Islamic feminism propounded by the author. This critical comparative analysis reveals that Muslim women ongoing attempts to reinterpret and indeed reform the enforcement of Islamic law and Muslim practices through their activism in Muslim organizations especially the Muslim Students Society of Nigerian and the Federation of Muslim Women Associations in Nigeria do find evidence in the primary sources of Islam as indeed espoused and enunciated by Shaykh al-Albānī's views on women participation in the society. It also reveals the problem encountered by these Muslim women in the course of their activism and enunciation of this brand of Islamic feminism.

Yet, this should not be understood to imply that the issues raised in this book are limited to the Islamic organizations in Nigeria. The book as a matter of fact, addresses larger issues of feminism from a comparative perspective-Western and Islamic-and provides a balanced viewpoint well-grounded in Islamic tradition and matrices. It is against this backdrop that it is of utmost importance to examine the socio-religious conditions of women within the Muslim societies from the empirical perspective of socio-cultural practices in these societies and establish the extent to which Anne Sofie Roald has rightly pointed out that the issue of Muslim women has hardly ever been treated, as a religious matter. It has instead, according

to her usually been perceived in socio-political terms.³ This study is therefore primarily concerned with these socio-political and cultural terms as actually perceived by Muslim women themselves in the areas of study. The study is thus concerned with both the prevailing conditions of Muslim women, as they appear in practice and according to the teachings of Islam. In short, it contrasts the ideal with the actual condition as far as women are concerned in the world of Islam. The purpose is not to pay tribute to the conditions of Muslim women in the area of study or to denigrate any religious/socio-cultural practice, but to take a stand and be objective. The requirement to be fair and objective in this study is in accordance with the Qur'anic injunction to stand firmly for justice.⁴ Hence, in contrasting the ideal with the actual practise, the study is based on the *Risālah* of *Abdullāh ibn Abū Zayd al-Qayrāwānī* (also known as *zubdat al-madhhāib* or the cream of the *Mālikī* School of Islamic law) to analyze the teachings of Islam in regards to the prevailing conditions of Muslim women in Yoruba land. The *Risālah* is one of the *Mālikī fiqh* books still widely in use, studied, and in fact, forms part of the syllabus of Arabic colleges in Nigeria. Its author was acclaimed in his lifetime as "*Mālikī* the younger" due to his original genius in grasping legal matters without slavishly conforming to the view of others as can be learned from his commentary on the *Mudawwana*. A book of his teacher, Sahnūn, the *Mudawwana* is a collection of the *Fatāwā* (legal opinions) of Sahnūn's teacher, Abd al-Rahmān ibn al-Qāsim, who was a direct student of Imam *Mālik* ibn Anas. The *Risālah*, the third and early exposition of the *Mālikī* School, followed by the *Muwāta'* and the *Mudawwana*, has been selected for this study, due to his conciseness as well as continued relevance in Nigeria.⁵ Numerous copies of the manuscript of the *Risālah* can be found in both public and private libraries in Nigeria in addition to the abundant Egyptian and locally printed Arabic editions in circulation, like the Arabic-English edition of Bello Muhammad Daura published by Gaskiya Corporation of Zaria in 1983.⁶

³ Anne Sofie Roald, "Notions of 'Male' and 'Female' "Among Contemporary Muslims: With Special Reference to Islamists", in *Islamic Studies*, 38:3 (1999): 369.

⁴ There are many passages on this in the Qur'an, see for instance the Qur' ān 4:135 and 6:152

⁵ Joseph Kenny, *The Risalah, Treatise on Maliki Law of Abdallah Ibn Abu Zayd Al-Qayrawani*(922-996), an annotated translation with a foreword by Shaykh Ahmed Lemu, a former Grand Qadi of the Shariah Court, (Minna, Nigeria: Islamic Education Trust), 9-11.

⁶ *Ibid.*, 9-11.

In order to generate a balanced analysis, as mentioned above, this research has also drawn extensively from the sources of the scholarly feminist writers that deal with the conditions of Muslim women in Muslim societies. The most notable of these works are those of Fatima Mernissi and other feminists that are categorized, as Muslim secular feminists in this research as well as Miriam Cooke, who attempts to identify Muslim secular feminism as 'Islamic feminism' and Katherine Bullock, whose feminist works may be adjudged to represent the best advocacy on the reemergence of what is defined as 'Islamic feminism'.⁷ Though Katherine Bullock has identified three brands of feminism-- the mainstream pop culture, the sophisticated and the contextual Schools of feminism brands and she places herself in the last brand.⁸ This study however argues that she actually belongs to the above brand of 'Islamic feminism', as Islamic movements are today raising fundamental questions about the visibility, vitality as well as the attainability of the feminist roles of Muslim women in the social, economic, religious and even political spheres as well as their responsibilities in the Muslim societies. They do so, not necessarily, as a response to modern and postmodernist postulations, but in fact, in spite of it. It is true that some Muslim women reject the term "feminism". Others refuse to recognize the term and only a few may not out rightly reject being labeled feminists, though they will not address themselves so. But however the reality as underscored by the findings of this study proves that, most Muslim women, who are today preoccupied with Islamic activism, which they sincerely believe in are yet determined to reshape their social, economic, religious and even matrimonial and political roles and responsibilities, as Muslim women in the society. In contrast to Miriam Cooke from whom the term 'Islamic feminism' is appropriated,⁹ however, it is only such Muslim women that believe in the authenticity of Islam, as a divine faith and work within the Islamic teachings for a change in their conditions that are identified under the term, "Islamic feminism" in this research.

⁷ See Bullock and some of her other works on Muslim women, such as "the gaze and Colonial Plans for the Unveiling Of Muslim Women" in *Studies in Contemporary Islam* (2, 2, Fall 2000); "Challenging Media Representations of the Veil: "Contemporary Muslim Women's Reveiling Movement" , in *the American Journal of Islamic Social Sciences* (17, 3, Fall 2000); lastly, her review of Fatima Mernissi's *Beyond the Veil*, in *the Journal of Law and Religion* (XV, 1)..

⁸ Bullock, xv-xvii.

⁹ Miriam Cooke, *Women Claim Islam: creating Islamic feminism through Literature* (New York: Routledge, 2001), viii-xxix.

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CHAPTER ONE

INTRODUCTION

This chapter focuses on the women question in Islam, the advent of Muslim women activism in Nigeria and the contribution of various Islamic organizations in Nigeria to its growth and development as well as the demography of Muslims and their organizational or sectarian affiliations in the country and their perception of women role in the society.

The women Question in Islam

Today, the status of Muslim women has generated a lot of controversies and is still generating serious debates and discussions in scholarly studies, works and circles. A deep perusal of existing literature reveals that the Islamic veil in particular still occupies a central place in the Islamist discourse of many Islamic organizations and movements and many feminists consequently situate the oppression of women in many Muslim societies within the context of Islamic laws on female code of dressing. They also identify the veiling of Muslim women with bitter suppression and therefore conclude that the veil is a constraint to the emancipation of women. For instance, Valentine Moghadam, a contemporary feminist, sees a recent Islamist focus on the veil, as a result of anxiety on the part of a petty cabal, who fears a weakening of its patriarchal control by an increase in female educational and economic empowerment.¹ Magida Salman, a socialist feminist, gave a powerful voice to the assertion that Islam was used as a tool to uphold the dignity of women or their subordination at different times, when it serves political and national interests.² She argued further that the woman in the Koran is not a lover, but a wife, virgin girl

¹ Valentine Moghadam, *Modernizing Women: Gender and Social change in the Middle East* (Boulder: Lyme Rienner Publishers, 1993), 137 quoted in Ibrahim Olatunde Uthman, "Feminism in Postmodern Society: An Islamic Perspective," *Journal of Islam in Asia*, 2/2, (2005): 131-150.

² Magida Salman, "Arab Women" *Khamsin: Journal of Revolutionary Socialists of the Middle East*, no 6, (1978): 24-32.

and mother. To her, this oppressive status of Muslim women remains despite the acceptance of modernity by Muslim societies as most Islamic legislations gave way to modern adaptations except the norms regulating the lives of women. She argued for instance that, even the 'most Muslim' ruling classes do not forswear the interest generated by their bank accounts, but forswear the modern perceptions of women.³ Leila Ahmed elaborates on the same theme, pointing out that the preoccupation with the code of conduct of women by Islamic organizations borders on issues of cultural identity, resistance against western domination, class struggle and opposition to the empowerment of women that was effected by the teachings of Islam among the conservative Arabs.⁴ Ahmed argues that the Christian West tainted the feminist struggle in the Muslim societies with their colonial and missionary assault against the veiling of women and other "backward" practices. According to her, opposition towards the matter came from the Islamists, who focused on women conduct, as a form of resistance to the colonial crusade against the so-called backward position of women.⁵ To her, the Islamist adoption of the veil simply entrenches the debate over identity. In short, Islamists say if to be 'western' is to be unveiled; then to be veiled is to be Muslim.⁶

Some of the feminists, who champion the so-called backward position of women, are in reality secular postmodern gender feminists, who today according to Zeenath Kausar represent a deconstruction of women, the family, society and even nature. These gender feminists argue that if nature stands in the way of eliminating the traditions of heterosexuality and accepting all sexual orientations like lesbianism, then nature must be fought. Zeenath Kausar reveals that postmodern gender feminism has simply become a euphemism for licentiousness, as most feminists aim at eliminating the differences between men and women only in sexual infidelity and playing around through the revolution that has taken place in the fields of modern technology.⁷ Christiana Sommers in *Who Stole Feminism* explains how postmodern feminists aim at destroying social accepted aspects, such as motherhood and all heterosexual relations as,

³ Ibid.

⁴ Leila Ahmed, *Women and Gender in Islam, Roots of a Modern Debate*, (New Haven: Yale University Press 1992), 225-237.

⁵ Ibid., 236-237

⁶ Ibid., 55.

⁷ Zeenath Kausar, *Reproduction Technology or Adultery* (Kuala Lumpur: A. S. Noordeen, 2000) quoted in Zeenath Kausar, "Ikos/Polis Conflict: Perspectives of Gender Feminists and Islamic Revivalists", *The American Journal of Social Sciences*, 4 (1996): 476-496.

according to them, their existence sustain patriarchal control over women.⁸ Consequently, most marriages are worth breaking, as confirmed by research in many American neighborhoods.⁹ Pagila Camille demonstrates in *Sexual Harassment* that men have become free to move and disturb women in their 'play-boyish' games. According to Camille, "Western culture has a roving eye, male sex is hunting and scanning: boys hang on yelping from honking cars, acting like jerks over strolling girls, men lurching on girders go through the primitive book of wolf whistles and animal clucks. Everywhere the beautiful woman is scrutinized and harassed".¹⁰ Rather than ending the "grand rape of women" by men, these feminists view women, who still endure marriage, as yet to be emancipated.¹¹ They applaud the new dramatic changes in women sexual conduct brought by the new technology. They also demonstrate a staggering and stunning, but amoral approval of female liberal sexual attitudes of engaging in free sex like men.¹² This is the main goal of postmodern feminism.

The work *"From Modernism to Postmodernism"* the relevance of which to this study lies in the emergence of gender feminism, as a postmodern trend depicting postmodernists to be divided on virtually everything except in finding the idea of the sacred unacceptable.¹³ They reject the idea of an Eternal message revealed by God that makes it absolutely valid. They also remove religion from the sphere of serious cognition, reducing it to mere rituals and liturgies according to Earnest Gellner, a professed secular humanist. Though, he disagrees with the postmodern relativists, Gellner himself, is an apostle of constitutional religion. He advocates in his *"Postmodernism"* for a form of quasi-religion.¹⁴ Hence, postmodernists reject God as well as the sacred that is postulated by all religions. This view is the corner stone of postmodern relativism that fails to acknowledge relativism in religious practices,

⁸ Christina Hoff Sommers, *Who Stole Feminism? How Women Have Betrayed Women* (New York: Simon and Schuster, 1994), 11- 18, 19-40, 41-49, 50-73 and 256-275.

⁹ *Arab News*, 18 February, 1995.

¹⁰ Pagila Camille, et al., *Sexual Harassment-Confrontations and Decisions*, ed. Edmund Wall (New York: Prometheus Books, 1992), 119.

¹¹ Susan Faludi, *Backlash-The Undeclared War against American Women* (New York: Doubleday, 1991), 403.

¹² Faludi, 403.

¹³ L. E. Cahoone, (Ed.) *From Modernism to Postmodernism: An Anthology* (Cambridge: Blackwell Publishers, 1996), 1- 121.

¹⁴ Earnest Gellner, *Postmodernism, Reason and Religion*, (London and New York: Routledge, 1992), 85-92.

especially on the issue of veiling in Muslim societies. A major Muslim feminist is Fatima Mernissi, who in her autobiography "Dreams of Trespass" recalls events from her childhood life in a Moroccan family harem. In it, she attempts to unveil the life of Muslim women living a harem life and record the experiences that confront them. She employs her own personal experiences to depict the confusion confronting young girls in a harem life. She talks about the many rules regulating the spaces, within which she had to move and that most of the rules often exclude women from public space.¹⁵ In *The Veil and the Male Elite* and "*Women and Islam*", Mernissi opines that the veiling of the wives of the Prophet as well as of the entire community of Muslim women is a vivid, but dramatic example of failure of the Prophetic egalitarian teachings. She depicts her own perception that the Prophet, though a visionary leader, succumbed to the second Caliph 'Umār's desire that his wives be veiled. She submits that the fact that it was desirable for the Prophet to protect the privacy of his wives from several visitors that he received in his living quarters in the mosque does not warrant the practice of segregation of women from men and the public, as is prevalent today in most Muslim traditional societies.¹⁶

Another well-known Muslim feminist, Nawal El- Sādawī, an Egyptian doctor, narrates in her books tales also relevant to this study. She appears very unhappy with the conditions of Arab and other Muslim women and bases her tales mostly on her personal experiences during childhood in Egypt. In *The Hidden Face of Eve: Women in the Arab World*, she describes that as a young woman, boys used to throw stones at her and cry out crude insults, as she was walking in some of the districts of Cairo. Such insults, which resulted in her developing fear of going out onto the streets, included 'Accursed be the c---t of your mother' or 'Daughter of the bitch f---d by men'. She therefore concludes like other Muslim feminists, especially Mernissi, that Muslim men are rather afraid of women including little girls.¹⁷ Deniz Kandiyoti agrees with her that the Islamists are like all the nationalist movements, who granted women's rights in the society,

¹⁵ Fatima Mernissi, *Dreams of Trespass: Tales of Harem Girlhood* (Cambridge/Massachusetts: Perseus Books, 1994), 1-10.

¹⁶ Fatima Mernissi, *The Veil and the Male Elite: a Feminist Interpretation of Women's Rights in Islam*, trans. Mary Jo Lakeland (US: Addison-Wesley Publishing Company, Inc., 1991), 85-101, 102-114; 115-140, 141-160, 161-179 and 180-188 and *Women and Islam: An Historical and Theological Enquiry*, trans. Mary Jo Lakeland (Oxford: Basil Blackwell, 1991), 106-114; 178-179 and 185.

¹⁷ Nawal El- Sādawī "*The Hidden face of Eve: Women in the Arab World*" quoted by Akbar Ahmed in *Discovering Islam* (London: Routledge, 1988), 187

when they needed them, but later pushed them to the domestic realm.¹⁸ She argues that while the 'ulamā' accepted modernization and technological changes, reformations on the condition of the women were opposed. It is only men, who are free to adopt new styles of conduct, but women can only be 'modern but modest'.¹⁹ Another Muslim feminist relevant to this study however is Amīna Wadūd, who denies the claim that Islam establishes a patriarchal society or female subordination. She grounds her views in Fazlur Rahmān's hermeneutic approach to the Qur'ān and concludes that the Qur'ān only teaches non-authoritarian male responsibility so as to assist women. She submits that this balances the important contributions of women, as mothers, because one of the guiding Qur'ānic principles in gender relations is equality.²⁰

Zeenath Kausar agrees that the Islamic family and society cannot be regarded as patriarchal because Islam is not in support of male domination and subjugation of women implied by the term.²¹ El Guindi in her work, "*Veil*" provides a very detailed analysis of the practice of veiling among Arabs. It is a rather revealing picture displaying Arab women bringing the connotations of sacred private space into the public. She calls on feminists to pose questions in regards to the different shades of meanings and objectives behind the different types of veiling in the Muslim world.²² In support of the feminist concerns over veiling and gender relations in the Muslim world, Lisa Taraki focuses on the Society of the Muslim Brethren and concludes that the Islamist discourse is a psycho-political reaction to the entrance of women into the public workforce and educational system, a class-consciousness and fear among men of losing control over their women.²³ Nimat Hafez Barazangi argues that the issue of women's matters in Muslim societies must be approached from within a religious context

¹⁸ Deniz Kandiyoti. "Identity and its Discontents: Women and the Nation," *Millennium Journal of International Studies*, London School of Economic, Vol. 20, no.3 (1991): 429-43.

¹⁹ Ibid.

²⁰ Amīna Wadūd-Muhsīn, *Qur'ān and Woman: Rereading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999), 3-74.

²¹ Kausar, "Ikos/Polis Conflict", endnote, no 92 for details.

²² Fadwa El Guindi, *Veil: Modesty, Privacy and Resistance* (Oxford: Berg, 1999), 12.

²³ Lisa Taraki, "Islam is the solution: Jordanian Islamists and the dilemma of the 'modern women'," *the British Journal of Sociology*, Vol. 46, no.4, (December 1995): 643-661.

and a deeper knowledge of the Islamic primary sources beyond the ritual religious acts.²⁴

In contrast to the above portrayal of veiling and the conditions of women, many Muslims especially the 'Ulamā'²⁵ tend to dismiss feminist claims and deny that Islamic tenets on women are oppressive. They counter-pose the indignity women are suffering in societies of other religions with the advancement of women, as permitted in Islam and conclude that in Islam lays their true liberation. The 'Ulamā' thus imply that the liberation brought to the status of women by Islam is relative and subsists only when juxtaposed on a degrading status in societies of other religions.²⁶ Thus, feminists view Islam in the same manner as do all other world-religions that affirm gender inequities, such as patriarchy and seclusion of women. By conceding that Islam represents advancement, because it offers less oppressive practices against women, than do other religions, the 'Ulamā' display a unique conservatism and stand accused of remaining decades behind the societies they are supposed to guide. Quereshi captures their conservatism vividly and attributes this to their training, a tradition that invokes the immutable authority of the past.²⁷ This conservatism is however untenable as by training, as the 'Ulamā' are expected to function as a reforming instrument producing rulings that take the dynamics of society into account. There is therefore the need to reconcile the conservatism of these 'Ulamā' and the dynamics of Islamic jurisprudence on feminist issues. Firstly, it contradicts the political, economic, social, religious and intellectual revolutionary roles that Islam has provided women and which they played in the early days of Islam. Secondly, it also contradicts the re-emerging contemporary tradition of Islamic feminism among Muslim women. This, as a matter of fact is today

²⁴ Nimat Hafez Barazangi, "Muslim Women's Islamic Higher Learning as a Human Right: The Action Plan", in *Muslim Women and the Politics of Participation*, 44.

²⁵ The word 'Ulamā' (Muslim scholars) is the plural of 'ālim, which means a scholar. It is applied to describe all Islamic Scholars such as jurists and theologians.

²⁶ See for instance M Cardell and J. McHair, *Women in the World Terms*, Integrative studies (New York: New York University Press, 1967), 334, ṢAbdur RaġmĒn I. Doi, *Women in SharĒĒh (Islamic Law)* (Kuala Lumpur: A. S. Noordeen, 1990), 5-10 and Fatima Umar Naseef, *Women In Islam, A Discourse in Rights and Obligations* (Cairo: International Islamic Committee For Women & Child, 1999), 1-32.

²⁷ Isthtiaq Hussain Quereishi, *Ūlema in Politics, A study relating to political Activities of the 'Ulema in South-Asian subcontinent from 1556-1947* (Karachi: MaŪrif Ltd., 1947), 9-10.

championed by leading Muslim scholars, Islamists and Islamic revivalists, who are in the forefront of the emancipation of Muslim women as would be demonstrated by this work on Muslim women in Islamic organizations in Nigeria whose brand of feminism can find basis in authentic Islamic traditions as espoused by scholars like *Shaykh* al-Albānī.

It is interesting that while contemporary feminist obsession with the veil is due to many feminist notions dominating the debate on women's rights that are closely attached to the use of veil such as the reduction of women to mere housewives, homemakers and sexual objects of men's pleasures with no political or civil rights, these feminists differ in regards to approach in dealing with the issue of veiling of Muslim women, but they are all unanimous that wearing the veil by these women implies oppression in one form or the other the veil. Some may argue that they are not more oppressed than non-Muslim women. Yet to some; oppression of Muslim women is extrinsic to Islam, while others blame Islam for imposing it.²⁸ This book, in line with the necessity to capture the 'feelings, experiences and perspectives' of Muslim women, who hold tenaciously to the Islamic creed and its tenets, but have usually been excluded from the mainstream feminist discourse about Muslim women, supports the labeling of the brand of the struggle by Muslim women against slavish socio-cultural and religious practices, as "Islamic feminism" and agrees with Miriam Cooke that 'Islamic feminism' does exist and is real though not necessarily in the exact form she has conceived it.²⁹ The term 'Islamic feminist' as applied in this book differs from the term 'Muslim feminist', as would be discussed in chapter two of this work. The term 'Islamic feminists' refers to Muslim women, who hold tenaciously to the Islamic teachings and work within Islamic matrices in their struggle for a change

²⁸ See the following works for some of the different feminist views: Haleh Afshar, "Fundamentalism and its Female Apologists", Renee Prendergast and H. W. Singer (eds.), *Development Perspectives for the 1990s* (London: Macmillan, 1991), 315; Fatima Mernissi, *Women and Islam: An Historical and Theological Enquiry*, trans. Mary Jo Lakeland, (Oxford: Basil Blackwell, 1991), 106-114; 178-179 and 185; Zeenath Kausar, "Ikos/Polis Conflict :Perspectives of Gender Feminists and Islamic Revivalists", *The American Journal of Islamic Social Sciences*, 4 (1996): 476-496; Afaf Lutfi al-Sayyid Marsot, "Women and Modernisation: A Reevaluation", Amira El Azhary Sonbol (ed.), *Women, the Family and Divorce Laws in Islamic History* (Syracuse,: Syracuse University Press, 1996), 50, and Afaf Lutfi al-Sayyid Marsot, "Entrepreneurial Egypt Women in Egypt", Mai Yamani ed. *Feminism and Islam: Legal and Literary Perspectives* (New York: New York University Press, 1996), 33-47.

²⁹ Miriam Cooke, *Women Claim Islam: creating Islamic feminism through Literature* (New York: Routledge, 2001), viii-xxix.

in their societies that would benefit all, especially women, while 'Islamic feminism' refers to their struggle against injustice in all forms including gender injustice and oppression through their activities in the Islamic movement. As for the term 'Muslim feminists', it refers to feminists, among whom Muslim women may be found as well, but who work within secular matrices. The term 'Muslim feminism' is used to refer to their struggle within Muslim traditions and societies applying secular matrices. As already established by Katherine Bullock, mainstream feminism, as presented by leading feminists, cannot afford to exclude the voices of Muslim women from the debate, as there has been challenging academic representations about these women, their 'nature' and their role in the society as captured by 'malestream' discourse, as it fails to capture women's feelings, experiences and perspectives.³⁰

Muslim religious affiliations and the Support of Women Activism

Nigeria is a country with a large Muslim population in the majority, the tenth most populous country in the world and the most populous African nation. The largest ethnic majority in Nigeria, namely the Hausas professes Islam, in addition to a number of people of Yoruba ethnicity, amassing the total number of about half the Nigerian population. The Igbo, the third major ethnic group in Nigeria is mostly Christians.³¹ In addition to these three major tribes in Nigeria, there are numerous minority ethnic groups. Geographically, the areas now called Nigeria is divided by the river Niger, which lent its name to three different parts, the North, the East and the West. The North also known as the Upper Niger is the home of the Hausas and the South that comprises of the East and the West also known as the Lower Niger is the home of the Igbo and the Yoruba respectively. The three areas fall into the linguistic community classified as the *Kwa*

³⁰ Katherine Bullock, *Rethinking Muslim Women and the Veil: Challenging Historical & Modern Stereotypes* (Herndon, USA: The International Institute of Islamic Thought, 2002), 35-40 quoted in Uthman, "Feminism in Postmodern Society," 131-150.

³¹ Yusufu Bala Abdullah Usman, "The Sokoto Caliphate and Nation Building", text of a speech at the opening ceremony of the international conference on the Sokoto Caliphate and its Legacies, Abuja, Nigeria, text of a speech at the opening ceremony of the international conference on the Sokoto Caliphate and its Legacies, Abuja, Nigeria via Gamji, <A:\GAMJI_files\article19.htm>, (accessed Monday 14th June 2004).

sub-family of the Niger-Congo by Greenberg.³² According to Babs Fafunwa, a foremost indigenous professor and former Minister of Education in Nigeria, Islam preceded the coming of Christianity in the entity now called Nigeria as a whole by 300 years.³³ Islam was brought by the Berbers of North Africa to the West African country. The late M.O.A. Abdul, the first Nigerian Professor of Islamic studies, explained that at the time of the decline of the Mali Empire, it was to Nigeria especially the Northern part, such as Kano, Katsina and Zaria that many of its scholars went to settle. Hence these Malian scholars played a significant role in the growth of Islam in Nigeria. In fact, the fact that the Yoruba in Southwestern Nigeria still refer to Islam as "*esin Imale*" which is interpreted by some as the religion of Mali, has been traced to this development.³⁴

Muslims in Nigeria are mainly *Sunnis* and they follow the *Mālikī* School of *Fiqh* or Islamic Jurisprudence. There are however sprinkles of *Shī'ah* Muslims who are found mostly in the Northern part of the country. They used to be very active, especially on the Nigerian University campuses, before the last incarceration of their leader, Ibrahim El-Zakyzaky by the Sanni Abacha Military Junta. As in other parts of West Africa, Islam in Nigeria generally owes its spread and expansion mainly to the contributions of Islamic reforming movements of the *Sūfī* orders especially the *Qādiriyyah* and *Tijāniyyah* orders which were the foremost Islamic organizations in Nigeria. They are *Sunni* mystical groups and used to be the largest Islamic organizations in Nigeria before the encounter with colonialism. These *Sūfī* orders pioneered the organized propagation of Islam in Nigeria and they built the first sets of mosques and Arabic Schools where people came to learn about Islam mostly from the *Sūfī* and *Mālikī* teachers. It was these *Sūfī Mālikī* scholars of the *Qādiriyyah* order that initiated the revival of Islam in Northern Nigeria. According to Hisket these *jihād* scholars were inspired by the *Qādiriyyah Sūfī* order, to which they attributed their success during the *Jihād*.³⁵ The leader of these *Sūfī* cum *jihād* scholars was the *Jihādī Shaykh* 'Uthmān ibn Fūdī popularly known as Usman Dan Fodio. He and his younger brother, Abdullāh Ibn Fūdī were invited into the *Sūfī* order of the the *Qādiriyyah* affiliation by

³² See Joseph H. Greenberg, *The Influence of Islam on a Sudanese Religion* (New York: J. J. Augustin, 1946).

³³ Babs Aliu Fafunwa, *History of Education in Nigeria* (London: George Allen and Urwin, 1982), 70.

³⁴ M.O.A. Abdul, *The Historical Origin of Islam* (Lagos: Islamic Publications Bureau, 1982), 121.

³⁵ Ed. M.Hisket, '*Abdullāh ibn Muhammad's Tazyīn al-Waraqāt* (Ibadan: University Press, 1963), 80, 81, 129-130.

their teacher, Jibrīl ibn 'Umār, also a great scholar of the *Mālikī* school of thought in West Africa. In fact the two brothers attained the position of a training *Shaykh* or *Shaykh al-murabbī* in the *Qādiriyyah* order.

For a long time in West Africa in general, the *Sūfī* and *Mālikī* scholars has had a tradition of upholding Muslim women activism as they supported women spiritual edification to the highest level. For instance, Nana Asmau, the *Shaykh's* daughter also attained the status of a senior fakir in the order.³⁶ They also launched Muslim women in Nigeria into active *da'wah* work and the efforts to bring about Islamic revivalism among women and supported the education and activism of Muslim women. They organized numerous women's educational groups and ensured that all women were incorporated into these groups as well as in the life of the community. Nana Asmau was in charge of the organization of teachers for itinerant women during both pre-and-post revolution periods. Muslim women continued to play the above respected roles till the demise of the caliphate at the hands of the British colonial masters. Against the norms and traditions of Hausa society, the *Shaykh*, following the Prophet's step, earmarked a special time for women's education, and often directed them not to listen to the words of those misguided men who talk about the duty of obedience to husbands but they do not talk anything about obedience to God and his messenger.³⁷ His brother Abdullāh also urged Muslim women to go out in search of knowledge where their husbands had failed to provide adequately for their education. By so doing, he gave priority to the education of women over and above marriage and consequently, Abdullāh, not only restored the emergence of women scholars as in earlier generations but also brought a complete revolution into gender relationship in Hausa land.³⁸

Though Jean Boyd and Murray Last have revealed that the *Shaykh's* mother and grandmother were learned, as well as the mothers of many other *jihādists* throughout West Africa in the eighteenth century, this should not be viewed as an indication that Muslim women's scholarship was not actively and vigorously pursued by the Sokoto caliphate.³⁹ It was rather a common feature of the mystical orders in West Africa and elsewhere where Islamic reforming movements especially the *Qādiriyyah* and *Tijāniyyah* orders had a long history of promoting Muslim women's scholarship. Since the Sokoto *jihād* scholars were inspired by the

³⁶ Boyd Dean, "the Works of Nana Asmau (1792-1865)", *Tārīkh*, Sokoto State History Bureau, 24-33.

³⁷ Bugaje, 1-8.

³⁸ Ibid.

³⁹ Boyd and Last, "The Role of Women as Agents Religieux," 283-300.

Qādiriyyah order, they maintained this tradition of active Muslim women's scholarship.⁴⁰ Due to this Jean Boyd and Murray Last both interpret the female educational system of the Sokoto caliphate as a solution to the many challenges confronted by post-menopausal, pre-pubescent girls and divorced women in particular.⁴¹

The Sokoto 'Holy war' and Non-Muslims

The war waged by the *Sūfī* and *Mālikī* scholars under the leadership of Usman Dan Fodio has been condemned by many historians for its attack on non-Muslims. However, it was directed mainly at eradicating pagan practices among Muslims called *Takhlīt* or syncretism and mixture of Islam with pagan traditions and rites that was prevalent among most of the early Muslims.⁴² It was as a matter of fact, initially directed at the Muslim Hausa rulers who sought to forcefully stop the *Islamization* and reformation efforts of *Shaykh* Usman Dan Fodio meant to bring about a revival of some Islamic practices among Muslims. Thomas Hodgkin observes that the history of Islam appeared to alternate between periods of intensive Islamization (that of the *Jihād Sūfī* scholars) and resurgence of animism. Thus the Sokoto *Jihād* according to him was a confrontation between a radical reformer and a conservative ruler willing to compromise the practice of the religion.⁴³ *Shaykh* Usman Dan Fodio viewed such conservative rulers who were willing to compromise the practice of the religion with idolatrous practices as committing an act of disbelief according to popular Muslim opinion.⁴⁴ According to Michael Ajayi Crowder, the British historian, the Hausas were not pagans and animists but were Syncretists who saturated Islam with pagan practices. To him, the position of *Shaykh* Usman Dan Fodio, as a learned Fulani scholar, must have been due to great concern for the un-Islamic practices of the Hausa rulers, and hence, if eventually non-Muslims became affected, they were not the initial target but rather unfortunate bystanders in the

⁴⁰ 'Abdullāh ibn Muhammad, *Tazyīn al-Waraqāt*, Ed. Mervyn Hiskett, (Ibadan: University Press, 1963), 80, 81, 129-130.

⁴¹ Boyd and Last, "The Role of Women as 'Agents Religieux'", 283-300.

⁴² Ibrahim Olatunde Uthman, *The Muslim Women of Nigeria and the Feminist Discourse of Shaykh al-Albani* (Malaysia: The International Islamic University, 2008), 97-107.

⁴³ Thomas Hodgkin, *Nigerian Perspective: An Historian Anthology* (London: Oxford University Press, 1960), 24-39.

⁴⁴ H. R. Palmer, "An Early Fulani Conception of Islam," *Journal of the African Society*, xiii (1913-1914): 407.

confrontation.⁴⁵ Hence, the sole impetus for the *Jihād* was to remove idolatrous practices from the practice of the religion. In fact, 'Abdullāh ibn Fūdī, the *Jihādī* younger brother of *Shaykh* Usman Dan Fodio confirmed the overwhelming prevalence of pagan practices among the Hausa Muslims when he explained that *he was living on the fringe of the Sudan where ignorance, animism and irreligiosity prevailed.*⁴⁶ The fact that some Hausas fought by the side of the *Shaykh* and while at the same time not every Fulani was in his support, is an evidence of weakness in the argument of the historians, who propounded the ethnic and economic theories of the *Jihād*.⁴⁷

Through the above Sokoto *Jihād*, the *Sūfī* order in short played prominent and significant roles in the growth and support of Muslim women activism as part of its many unique contributions to the growth, spread and development of Islam in Nigeria. They established mosques and *madrassahs* most of whom are collegiate-mosques. It was the Sokoto *Jihād* that also encouraged the spread and growth of Islam in other parts of Nigeria. Its scholars and flag bearers found their ways to the Southern part of Nigeria especially Yoruba land and some parts of the delta areas and Ibo land. They accounted for the large presence of Muslims in the *Etsako* division of the present Edo state who are also *Sunnīs* and *Mālikīs*.

Yoruba Muslims, Chritainity and Establishment of Islamic Organizations

The manner the above Sokoto *Jihād* affected many people negatively on the other hand can be viewed from the way some native Nigerians welcomed the coming of the colonial powers, as shown by some authors like Launay.⁴⁸ But as the case with many victims of colonialism, the welcome was short-lived as the bubble soon busted. This was soon followed by anti-colonial sentiments that later spread among native Nigerians in both the old Northern and Southern entities. The advent of Christianity in Africa on the other hand was so interwoven with colonialism that not only Nigerians, but in fact, many Africans simply regarded it as a tool of the colonialists in their attempt to deceive the

⁴⁵ Michael Ajayi Crowder, *the Story of Nigeria* (London: Faber and Faber, 1962), 80-81.

⁴⁶ Quoted in E. J. Arnett, *The Rise of the Sokoto Fulani* (Kano: Government Printer, 1929), 3.

⁴⁷ Ibrahim Olatunde Uthman, *The Muslim Women of Nigeria*, 97-107.

⁴⁸ Robert Launay, *Beyond the Stream: Islam and society in a West African Town* (Berkeley: University of California, 1992), 59-60.

African natives with religiosity.⁴⁹ This is the submission of many African historians like Welbourn, who notes that there was consistent evidence in many parts of Africa that demonstrates the disparaging view that the 'white man' simply literary brought people down on the knees to pray, whilst stealing their lands.⁵⁰ Dr. Themba Sono also buttresses this as he observes that the history of colonialism in Africa is the history of the manner in which the missionaries presented God to the Africans and while the Africans were praying, they seized their lands.⁵¹ In the case of Nigeria, Ibrahim Gambari describes the manner in which the missionaries aided the colonialists by suppressing the people to the extent that the coming of the missionaries could be regarded as the third phase of colonialism.

The Colonialists initially arrived in Nigeria as explorers, subsequently, as traders, next, as missionaries and lastly as colonial rulers.⁵² Therefore it is difficult to separate the advent of colonialism from Christian evangelization and this destroyed not only the cooperation between many African natives and the Christian missionaries but also between Muslims and missionaries. This perception of the intentions of the Christian missionaries as colonial tools was widely held, a fact also confirmed by Geoffrey Parrinder, who observed that one of the reasons for the expansion of Islam was its disassociation with Europe and European colonizers. He believed that Islam gained momentum immensely due to total absence of colonial intervention, while its colonial antecedents forever remain Christian.⁵³ Thus, Christian colonial intervention contributed to the failure in forging a bond of unity and "a sense of belonging" among the people in areas where it was prevalent. While the inhabitants viewed the Christian British missionaries as the religious tools of colonization and all aspects of westernization-socio-political, economic,

⁴⁹ Ibrahim Olatunde Uthman, *The Muslim Women of Nigeria*, 97-107.

⁵⁰ F. B. Welbourn, "Missionary Stimulus and African Responses" in Victor Turner (ed.), *Colonialism in Africa 1870-1960 and Profile of Change: African Society and Colonial Rule* (Cambridge University Press: London, 1971), 310.

⁵¹ Themba Sono, "Rationality and Techniques of African Conversions by Christian Missionaries", in Ramadan S. Belhag and Yassin A. ElKabir, (eds.), *Christianity in Africa: Missionaries and Change, Proceedings of the First International Workshop of the African Society of Social Science, The African Society of Social Science, Libya*, 1986, 36.

⁵² Ibrahim Gambari, "The role of Religion in National Life: Reflections on Recent Experiences in Nigeria" in John O. Hunwick (ed.), *Religion and National Life in Africa: Islam, Christianity and Politics in the Sudan and Nigeria* (Northwestern University Press, Evanston, Illinois, 1992), 86.

⁵³ Geoffrey Parrinder, *West African Religions* (London: Hutchinson Press, 1954), 142.

legal, cultural and religious, as representations of Christianity,⁵⁴ they appreciated Islam as better adapted to their way of life than Christianity, and this accounted for the greater success of Islam in winning their hearts.

Accordingly, one of the areas in which Islam was appreciated as better adapted to their way of life than Christianity is polygamy, which represents the wealth of the African man.⁵⁵ Christian missionaries therefore viewed Islam as a competitive foe partly as Islam predated it in the lives of the people of Nigeria and partly because Islam had succeeded in creating a bond of brotherhood and "a sense of belonging" among the people, which Christianity at its best failed to provide.⁵⁶ They even concluded that it was the so-called retrogressive teachings of Islam such as the issue of polygamy and the exclusion of non-Muslims from the inheritance law of Islam that favoured Islam and engendered the poor response in terms of converts from Islam to Christianity.⁵⁷ Reverend Frederick Pilkington illustrates the manner in which Islam was offered to Nigerians as a way of life, however often in conflict with other alternatives. Progressive Nigerians including Muslims would therefore become inclined to examine Islam in relation to western culture that was encroaching on every aspect of Nigerian life through industrialism, democracy, progress and the total emancipation of women etc.⁵⁸

The Yoruba who are also *Sunnis* and *Mālikīs* among whom Islam can be said to have gained a strong foothold in the 1550s have played the most significant role in the growth of Islamic organizations in Nigeria in their bid to checkmate Christian evangelization through education. According to S. Johnson, it was around the 1550s that a Muslim cleric, Baba-kewu reprimanded the *Alaafin* of Oyo for killing some of his subjects due to the death of his son. The King was then compelled to apologize before the people.⁵⁹ The action taken by the cleric must have been the result of a strong Muslim presence and influence, hence, J. O. Awolalu established that by 1840, Islam was fully entrenched in Yoruba land and some Muslim

⁵⁴ Emory Ross, "Impact of Christianity in Africa," *The Annals of the American Academy of Political Science*, 163.

⁵⁵ Vernon Bartlett, *Struggle for Africa* (New York: Frederick A. Praeger, 1953), 235-238.

⁵⁶ *London Times Colonial Review*, 28, (Fourth Quarter 1957): 4.

⁵⁷ J. N. Anderson, "Islamic Law in Africa," *London Colonial Research Publication* No. 16, (1954): 209-216.

⁵⁸ Reverend Frederick Pilkington, "Islam in Nigeria" *The Contemporary Review*, Vol. 1099, (July 1957): 45.

⁵⁹ S. Johnson, *The History of the Yorubas* (Lagos: CSS Bookshop, 1976), 164.

communities were already flourishing.⁶⁰ A key factor that brought about this influence was the conversions to Islam by many kings in Western Sudan. Another factor was the services rendered by Muslim clerics generally to the Kings and warlords in Yoruba land. For instance, Bashorun Ga of Ibadan had a Muslim spiritual mentor who came from Iwo. *Aare* Latosa also had *Shaykh* Bello as spiritual mentor, while Alfa Ishaq was the spiritual adviser of *Balogun Akere* of Ibadan. These Muslim clerics rendered prayers for spiritual fortification especially during wars.⁶¹ By 1840, Islam was fully entrenched in Yoruba land and some Muslim communities were already flourishing⁶² and by the time Lagos state became a British Colony, the influence by Islam had gained momentum considerably among the Yoruba. It is on record that the Muslims in Lagos actually petitioned the British Colonial Government in 1899, demanding for the establishment of the Islamic legal system and Muib Opeloye, the former Dean of the faculty of Arts at Lagos state University and a professor of Islamic studies explains that the strong presence of Islam in Yoruba land resulted in the establishment of Islamic courts by some Yoruba Muslim traditional rulers in their domains.⁶³

The Christian missionaries used western education, which sought to Christianize non-Christians including the Muslims, as an instrument of conversion. Through this educational evangelism, Christian missionaries and indeed the Christian Church succeeded beautifully. Many Muslims in order to go to school had to become Christians as Yusuf became Joseph, Lawal Lawalson and Ibrahim Abraham among others. Nonetheless, in the South a different approach, from that of the North was adopted to confront the challenge of this Christian evangelization. Since the sole aim of British education, from the Muslim perspective, was to Christianize the Muslims, the Muslims resolved to establish Muslim organizations such as the *Ahmadiyyah* Movement in Islam, the *Ansar-ud-Deen* Society of Nigeria, *Nawar-ud-Deen* Society of Nigeria and the *Anwarul-Islam* Society of

⁶⁰ J. O. Awolalu, *Yoruba Beliefs and Sacrificial rites* (London: Longman, 1979), 184.

⁶¹ M. O. A. Abdul Rahman, "A Thematic and Stylistic Study of Arabic Poetry in Ibadan, 1876-1976," (Doctoral dissertation, University of Ibadan), 23-24.

⁶² J. O. Awolalu, *Yoruba Beliefs and Sacrificial rites* (London: Longman, 1979), 184.

⁶³ Muib Opeloye, "Building Bridges of Understanding between Islam and Christianity in Nigeria," in *Lagos State University Inaugural lecture series* (Lagos: Lagos State University, 2001).

Nigeria etc that would in turn found their own schools in order to checkmate this crusade.⁶⁴

Some Leading Islamic Organizations

The *Ahmadiyyah* Movement in Nigeria came into Nigeria on the invitation of some Nigerian Muslims like the late Oba of Lagos, Oba Musaddiq Adeniyi Adenle, Jibril Martins and lawyer L. Basil Augusto because of what the organization offered them in terms of educational assistance. It was founded in 1916 with the then Mr. L. Basil Augusto as the first chairman. With the arrival of the *Ahmadiyyah* Movement representative, Maulvi A. R. Nayar from India, the organization immediately embarked on projects, foremost of which was the establishment of schools, hospitals and printing presses. However some of his members including the pioneering chairman left Nigeria for studies London. While in London, they came into contact with a splitant group of the *Ahmadiyyah* Movement and became aware of some of the heresies the movement was accused of by other *Sunni* Muslims. Based on this, on his return from London in 1923, lawyer L. Basil Augusto left the *Ahmadiyyah* Movement in Nigeria with another member to form the Islamic Society of Nigeria which in turn metamorphosed into the *Jamatul-Islamiyyat* of Nigeria in 1924. With the above exit, the exodus of other members of the *Ahmadiyyah* Movement in Nigeria began. Some of them left to form the Young *Ansar-ud-Deen* Society of Nigeria in 1923 which is today known as the *Ansar-ud-Deen* Society of Nigeria. The *Zumratul Islamiyyah* Society of Nigeria was formed in 1927 and this was followed by many other Islamic organizations like *Nawar-ud-Deen* Society of Nigeria and the *Anwarul-Islam* Society of Nigeria etc.⁶⁵ All these organizations have many things in common.

They are all *Sunnis* and they all adhere to the *Mālikī* School of Thought with the exception of the *Ahmadiyyah* Movement in Nigeria, which is seen by many Muslims as a heretical sect. Also, they all took up the challenges of establishing Muslim schools as a kind of educational *Jihād*. Through this educational *Jihād*, Christianization of the Muslims was eventually curbed. All of them were also founded in Yoruba land because this was where Muslims were seriously contending with the Christian educational crusade in Schools. No wonder the earliest Islamic organization in the

⁶⁴ Ibrahim O. Uthman, "The Institution of Jihad and the Yoruba Experience" *Journal of Arts and Social Sciences* 3, no. 1, Adeniran Ogunsanya College of Education, Lagos (March, 2001): 111-117.

⁶⁵ Abdul-Lateef Adekilekun, *Selected Islamic Organizations in Nigeria* (1916-1986) (Nigeria: N.P., 1989): 19-83 and 190-198.

North was founded in 1952 by some Yoruba Muslims. This is the *Nurudeen* Society of Nigeria which had its first inauguration the following year in Zaria.⁶⁶ This development later culminated in the establishment of the *Jamaat Nasril Islam* in 1961 to assist in the promotion of Islamic schools and training of teachers for these schools.⁶⁷

There is no doubt also that these organizations were able to stop the Christian educational crusade in Yoruba land in Nigeria despite the Colonial support for Christian missionary work a fact confirmed by the 1952 census where the percentages of the Muslim population were 62.50%, 52.10%, 50.80%, 48.60% and 41.80% for Ibadan, Lagos, Ijebu-Ode, Abeokuta and Oyo respectively. Interestingly, the population of Muslims was higher in number than that of the Christians in these towns despite the fact that the said census was conducted by the Colonialists before leaving Nigeria. Surprisingly too, the census is not in dispute, as is the case with all others conducted by Nigerians after independence, including the recently announced 2006 census.⁶⁸

Foremost among these Islamic organizations today is the Muslim Students' Society of Nigeria, (MSSN) which is also *Sunni* group founded by secondary school students in Lagos in 1954. It however adheres not only to the *Mālikī* School of Thought but also follow the other three *Sunni* Schools of Thought. It used to be in the forefront of a dynamic movement for change in the country and has been described as the largest Islamic organization in Nigeria.⁶⁹ In fact for many decades it was the only true national Islamic organization in the country and was instrumental in the formation of other youth Islamic organizations in Nigeria and abroad e.g. the National Council of Muslim Youth Organization (NACOMYO) and International Islamic Federation of Students Organizations (IIFSO). Though founded by secondary school students in 1954, the MSSN soon became a national society with its operation mainly coordinated in the higher institutions of learning throughout Nigeria. The society was so strong that it united all Muslim Students of different organizational affiliations under its umbrella. The MSSN was the sole organization that represented all Muslim students in all schools including higher institutions of learning throughout Nigeria. It was so powerful that it curtailed the activities of Christian fundamentalist organizations especially the Christian fellowship in the higher institutions of learning for many years, before it was embroiled in the above internal crisis. The MSSN which

⁶⁶ Ibid, 121

⁶⁷ Ibid, 107

⁶⁸ Abd al-Rahman I. Doi, *Islam in Nigeria* (Zaria: Gaskiya corporation, 1984): 81.

⁶⁹ Abdul-Lateef Adekilekun, *Selected Islamic Organizations*, 90.

used to be the largest and most virile Muslim organization in Nigeria has however been torn apart by sectarian differences. All details about the issue of veiling a woman's face and other sectarian differences that are considered as fundamental creeds by some members of the society can be found in one of its publications.⁷⁰

One of the achievements of this society which is germane to this study is the education of Muslim women. That the majority of the Islamic organizations in the country have nowadays established women wings can be traced to the society. This was initiated by the Muslim students' society of Nigeria, which went to the extent of selecting women for the vice presidents post at all levels of its hierarchy.⁷¹ This probably explains why no less a person than the former Deputy Governor of Lagos State and Deputy President of the Federation of Muslim Women Associations in Nigeria, Alhaja Lateefah Okunnu has credited the MSSN with the provision of the launching pad for the Islamic re-awakening in Nigeria in the recent past.⁷²

The Federation of Muslim Women Associations in Nigeria (FOMWAN) is another Islamic organization and as the name shows, it is a conglomeration of Muslim women organizations in Nigeria. It aimed at restoring the lofty position enjoyed by Muslim women during the Sokoto caliphate era by mobilizing women to play active roles in all aspects of life, promoting their solidarity and uniting Muslim women organizations in the country to speak with one voice on national issues etc. Thus the establishment of FOMWAN must have been necessitated by the challenges of the post independence era, which saw a high number of Muslim women acquiring western education like their male partners. This was accompanied by the increase in their advent into the paid workforce especially as government workers, white collars positions, while some attaining the top echelon of the civil service and the various ministries. A necessity therefore arose to coordinate the religious activities of these educated women and thus FOMWAN was formed. FOMWAN is one Muslim organization in Nigeria that is positioned to care for both Muslim women and their children. It has passed beyond the planning stage and is today practically assuaging women's needs through effective social work.

⁷⁰ These members who are now mostly in the leadership of the society currently impose the face-veil on Muslim sisters as a condition of being Muslims and consequently members of the society. See *An-Nur Magazine* (Published by the MSSN, Obafemi Awolowo University Branch), April, 2002.

⁷¹ Ibrahim Olatunde Uthman, *The Muslim Women of Nigeria*, 114-115.

⁷² *Ibid*, 140

Members of the group although with their meagre resources are able to carry out some basic social and civic services.⁷³

In barely two decades of its existence, FOMWAN charities have entrenched the society into some facets of the lives of Muslim women. Most of the interviewed men and women claim to appreciate and support the activities and efforts of FOMWAN. FOMWAN funds a vast range of fundamental programmes in female and children education, family aids and orphan cares. The scope of its activities encompasses the kindergartens and building of schools for orphans as well as organizing aids distribution for needy women and children. It has further championed campaigns against many Nigerian government policies on family planning, inheritance laws and gender-biased sentences passed by *Shari'ah* courts. The above efforts by FOMWAN to assist women, brings them into the limelight and make them active in the society.⁷⁴ They were also incorporated into many mosque meetings called the *Asalatu* groups where they hold sessions for chanting the eulogies of the Prophet and *Dhikr* (Litanies of Allāh). The meetings were also used to educate women in the elementary aspects of Islam. Dr. Mrs. Durosimi, the incumbent National *Amīrah* of FOMWAN and lecturer at the Obafemi Awolowo University⁷⁵ submits that Muslim women in FOMWAN have succeeded in reforming the life-styles of many of their husbands and families. She believes this exercise is in line with Islamic teachings and that the few Muslims men who prevent their women from joining FOMWAN are beginning to realize their follies.⁷⁶

Other leading Islamic organizations in Nigeria include umbrella societies, such as the Nigerian Supreme Council of Islamic Affairs that was founded in 1973 to cater for the interest of Islam throughout the federation and to serve as a channel of contact with the governments of Nigeria on Islamic Affairs. Last year, another history was made when the Muslim *Ummah* of South-western Nigeria was also founded in Ibadan to serve the Muslims of these areas. We also have the *Islahudeen* Society of Nigeria, the *Lanase* group, the *Bamidele* group and a host of Saudi Arabian affiliated Islamic organizations. Some Islamic organizations that have appeared in the recent past and gaining large follower-ship in Nigeria

⁷³ Ibrahim Olatunde Uthman, *Feminism and the Contemporary Society* (Ikere Ekiti: Al-Mubasheer Islamic Publications, 2001), 86.

⁷⁴ Tijani, Ahmad Hashim, "A Study of Islam and Media in Contemporary Nigeria," (M.A. Thesis, The International Islamic University, Malaysia, 2004), 50.

⁷⁵ Dr. Mrs. Durosimi, interview by author, Obafemi Awolowo University, Ile-Ife, Osun State, 15th February 1998.

⁷⁶ Ibrahim Olatunde Uthman, *The Muslim Women of Nigeria*, 97-107.

are the *Da'wah* Front of Nigeria, the Muslim Congress and its female wing, *Al-Mu'mināt*, the Companion, Islamic Movement for Africa, the Islamic *Da'wah* Group and NASFAT Society of Nigeria. Though all these organizations are *Sunni* groups who to a very large extent also adhere to the *Mālikī* School of Thought, they are making waves and attracting large followers because of their new tactics. These including holding *Asalatu* (the eulogies of the Prophet) and *Dhikr* (Litanies of Allāh) sessions on Sundays, holding overnight sessions and very recently, the establishment of Islamic Universities.

Conclusion

It is very clear that Islam has taken a firm root in Nigeria through the activities of Islamic scholars and organizations. The prevailing state of the Islamic Organizations in Nigeria, confirms this especially, with the establishment of some Islamic universities like *Al-Hikmah* University, Fountain University and Crescent University by Alhaji Oladimeji in collaboration with World Assembly of Muslim Youth (WAMY), NASFAT Society of Nigeria and Islamic Movement for Africa respectively. This is because just as the *Ahmadiyyah* Movement in Islam, the *Ansar-ud-Deen* Society of Nigeria, *Nawar-ud-Deen* Society of Nigeria and the *Anwarul-Islam* Society of Nigeria etc pioneered the founding of Muslim primary and secondary schools which accounted for their attracting a large following, the novelty of establishing Islamic Universities by the above organizations should also tilt the Muslim populace to them. While it is still early to evaluate the impart of these new organizations on the Muslim community in Nigeria because they are too young compared with the old organization, it is possible to assert that the establishment of Islamic Universities shows how strong and relevant some of them have become. As these universities embrace education of Muslim women who incidentally are in the majorities in these universities and as they produce scholars into the Nigerian society, their female students and eventual scholars of Islam will be well-positioned to really direct these organizations on issues agitating Muslim women within the Nigerian society.

CHAPTER TWO

A SURVEY OF THE MAINSTREAM FEMINIST MOVEMENT

Introduction

The chapter traces the beginning of the feminist movement in western and Muslim societies and offers an introduction to the main themes and aspirations of the feminist movement especially in Muslim societies and which have been advocated by some Muslim women, who have been labelled Islamic feminists by scholars like Mariam Cooke though they are outside this category as defined in the introduction of this book. This chapter will discuss the works of these women who are not activists in the Islamic movement as well as the implications of their works on the Muslim societies. The chapter will trace the concept, origin and emergence of feminism, its postmodern trends and other shades especially the version labeled "Islamic" but which actually falls under the scope of Muslim feminism in this book, its nature, various developments as well as its vision and focus.

Definitions and Development of Feminism

Feminism is one of the complicated themes that are preoccupying many minds whether western, secularist, atheist, Christian or Islamic today. There are as many definitions of feminism as there are many different perspectives in the feminist movement that show that it is not spurious or baseless in nature to be ignored but it rather demands serious study.¹ This applies especially in the case of the conditions of Muslim women as the sheer diversity in the backgrounds of those who debate the role and

¹ Bell Hooks, "Feminism: A Movement to End Sexist Oppression" in Sandra Kemp and Judith Squires (eds.), "Feminism" (Oxford: Oxford University Press, 1999), 23.

empowerment of women within the Islamic tradition is supendous.² Though the term feminism may take different meaning to different feminists today, it originally referred to the struggle for equities and equalities with men in specific areas, such as education, election and employment opportunities for women and all those women, who wanted equality with men in the areas of financial independence, sexual emancipation and political empowerment equally used the term. At this early stage, to some feminists, illiteracy was viewed as the reason behind disenfranchising women and therefore, to raise their literacy rates was much required.³ For others, the feminist problem appeared to be the lack of equal employment opportunity for women, hence, according to Eileen Boris; the term feminism grew out of the desire of women for equal treatment with men in the specific area of workforce. This feminism can be traced back to the 18th century Europe. After the socio-political events that transformed European societies in the wake of the Renaissance, Reformation and Enlightenment, many people became concerned with the illiteracy rates among women. Thus feminism was born and at inception, the feminist struggle was concerned with the rights of women. The feminist struggle was to redress the women's lack of many rights. In short, early feminism, which began in Western Europe is regarded as equity feminism. Its champions were mainly those, who advocated for women to be granted equal treatment with men in the above areas and they contributed to women's higher awareness of their lack of basic rights in the society. Europe in general and Britain in particular, were very late in establishing such basic rights and equal status for women, and the early liberal feminists advocated for their equal treatment. In around 1866, a woman could hardly make a choice of her own, as she was totally dependent on others for her affairs. She was therefore compelled by this circumstance to accept all demeaning options within her reach. These conditions of women in the Victorian society however continued unabated well into the second half of this century and certainly contributed in no small measure to postmodern feminism. The feminists' campaign for property rights were only won in Britain with the married women's Property Act of 1870, amended in 1882 and 1887 and in France in 1938, when women were allowed to own property and posses bank accounts respectively.⁴

² Margot Badran, "Feminists, Islam and Nations: Gender and the Making of Modern Egypt" (Princeton: Princeton University Press, 1995), 3.

³ Eileen Boris, 21 and 158.

⁴ Jamal Badawi, *the Status of women in Islam* (Birmingham: Islamic Propagation Centre), 5-9.

As for the struggle for suffrages, the women's right to vote and political franchise that had for centuries been restricted to men, who own property and the right for equal pay to men for equal work, was not easily won. Switzerland in fact was the last European country to have granted women the right to vote in 1971.⁵ Elizabeth Cady Stanton perhaps the most caplable exponent of equity feminism argues that the above first wave of feminism aspired for everyone the same as for women: fair treatment, without discrimination in the society.⁶ This first wave feminism did not view men, as enemies to be fought, and would continue their work for change until a new, more radical and second wave feminism was born. It was this second wave feminism that would initiate women into an all out struggle against their perceived enemies in order to end their subordinate position in a patriarchal society.⁷ Today, a distinction has been made by Christina Hoff Sommers between the early liberal feminists and the present radical gender feminists. In her opion those, who only advocate for equal treatment with men in the above named specific areas, she consider equity feminists. But those, who crave total and complete moral independence, sexual emancipation and total class/gender deconstruction, she consider gender feminists. She explains that the latter, gender feminist group, would uitalize any piece of information whether reliable or not to fight a seemingly personal vendetta against men. According to her, these gender feminists are ideologues helping no one and certainly not women, as their methods are divisive and hurtful to legitimate feminism.⁸

Emergence of Postmodern Feminism

Gloria Steinem, an American journalist and feminist could be said to have created a great momentum in what is now viewed, as postmodern trends in feminism. She worked assiduously with others to bestow feminism its postmodern shape, betraying the cumulative oppression of women with outrageous, false and unfounded statistics.⁹ Juliet Mitchell, a British social feminist, psychoanalyst and writer is another feminist that added to the gender feminist momentum through her works. She is believed to have been the first person in this field to combine socialism and feminism, employing Marxist theory to explain some of the reasons

⁵ Bernard Lietaer, *The Future of Money* (London: Century, 2001), 169.

⁶ Sommers, 22- 23.

⁷ Ibid.

⁸ Ibid., 12-18, 19-40, 41-49, 50-73, 2092-26, 255-275.

⁹ Gloria Steinem, *Revolution from Within: A Book of Self Esteem* (Boston: Little, Brown, 1992), 1-222.

behind oppression of women in the West. Juliet Mitchell has had tremendous impact on feminist thinking in the West and today, one can still easily detect her influences on much of the feminist struggles against oppression and in the current debate on gender equity.¹⁰

This contemporary gender feminist thought was born in the wake of postmodernism, which as the name indicates, transcends modernity. It is postmodern, hence totally against modernity yet this does not imply that it is in support of what modernity rejects, such as religion and tradition. It is rather against modernity in addition to tradition and religion respectively. It is indeed the anticlimax of modernity. A powerful momentum that sought to supplant modern society with a new world-view created postmodern society where both traditional and modern values and modes of living gave way to a life of deconstruction, flux and relativity. Right from inception, the postmodern has been characterized by this theory of relativism or total deconstruction of truth, reality and reason, which were still upheld by modernity.¹¹ This theory implies that nothing is real, universal and tangible because every object or phenomenon can only be perceived in relation to other objects and ideas. To relativist postmodernists, who deny that anything is immediately present, presentation presupposes representation because presentation cannot be independent of signs, language and concepts that are products of human invention. Michel Foucault is one of such postmodernists, who reject the notions of absolute truth and reality. From his perspective, social values have no intrinsic foundations and are rather promoted by those, who wish to do so, due to their self-interest.¹² Other postmodernists include work by Jacques, Lacan and Derrida, who analyzed the symbolic order--a series of interdependent signs, language and concepts, which they argue regulate the society using a male, imposed phallic language and thereby excluding women. To postmodernists, the search for meanings is pointless and useless as reality is relative and symbolic. Meanings according to them differ, but the male regulated phallic society strives to suppress differing and plural interpretations. As a matter of fact, the postmodernist theory of relativism negates its own view of pluralism and differences.¹³

Consequently, if nothing is presented, but mere representation of other matters, then nothing can be distinct and different from another. In a world where truth and falsehood become relative then the world is nothing, but a

¹⁰ Kausar, "Oikos/Polis Conflict", 476-477.

¹¹ Cahoone, 1-21.

¹² Karlis Racevskis, *Postmodernism and the Search for Enlightenment* (London: University Press of Virginia, 1993), 8-9.

¹³ Cahoone, 1-21.

video game, where human beings are merely enticed by the glitters of life. Life therefore becomes meaningless. On the basis of the above relativism, the movement termed postmodernism was born. The term however takes different meanings to different people. For some, postmodernism implies the escape from the legacy of modern European theology, metaphysics, authoritarianism, colonialism and racism. For others, it represents an intellectual movement of obscure, opposing and disgruntled group of intellectuals bent on destroying western civilization.¹⁴ Toynbee, the great historian, was the first to capture this crisis of modernity under the term, 'postmodern'. He did so by contrasting the modern chapter of Western history with the postmodern era. He identified the modern era with 'bourgeois life' that was strong and powerful enough to dominate the remaining elements in the society. But unfortunately, in its finality precipitating a crisis in human affairs, because the rate of the change, it brought was beyond the human adaptation capacity of one single life.¹⁵ With this diversity in thought, it becomes crystal clear that postmodernists are united over the view that modern or western society is already plagued with some flaws.

In other words, the euphoria over the defeat of religion by modernity on the altars of reason and empiricism did not last long. It was soon surpassed by a rebellion against the basis of modernity, a form of rebellion against its utopian and unfulfilled dreams superseding modernity. This postmodern development later overshadowed the cultural and social arenas leading to many contradictory calls, such as the return to religious life. Unfortunately, despite the nostalgic call for religious values, the kind of religion that postmodernists call for is a form of quasi-religion or a religion that is subject to human interventions and control. For instance, Gellner recommends a form of quasi-religion, as an equivalent to constitutional monarchy in modern society to serve as a compromise between the supremacy of reason and the emotional need for religious sentiments. What is desired is not religion per se, but rather a form of constitutional religion. With the removal of religion from the sphere of serious cognition, according to him, what remain will be mere rituals and liturgies.¹⁶ Postmodernism therefore basically seeks to destroy the idea of the sacred that is central to all religions. It finds unacceptable the idea of a unique and eternal message revealed by God that makes it unquestionable

¹⁴ Ibid., p. 1.

¹⁵ Barry Smart, "Modernity, postmodernity and the present" in *Theories of Modernity and Postmodernity*, ed. Bryan S. Turner, (London: Sage Publications Ltd, 1990), 21-23.

¹⁶ Gellner, 91-92.

and absolutely valid. By rejecting that anything could be absolute and complete, it seeks to undermine the power of revealed sources and turn them into mere artificial constructions of man. This is the conclusion of Gellner, who submits that even religious fundamentalists are like secular humanists in conflict with relativist postmodernists.¹⁷

Even Akbar Ahmed, who seeks to mediate between Islam and the postmodernists and who berates the radicals in his attempt to serve as a channel for repairing the image of Muslims in the west is himself forced to appeal to postmodernists to accept and accommodate some characteristics in Islam, such as the rejection of jeans as part of outfit in some Muslim societies. In his opinion, jeans and similar tightfitting attires cannot be accepted in Muslim societies.¹⁸ His appeal to postmodernists is somehow borne out of the postmodernists' unwillingness to accommodate any Islamic qualities. It shows that despite postmodernist rejection of anything as absolute and its theory of relativism, in its attempts to undermine the power of the Islamic faith, it is unwilling to grant even the right to religious relativism. Due to this many postmodern feminists reject the theory of cultural relativism in explaining the phenomenon of veiling by Muslim women.

To Fatmagul Berktaý, a postmodern gender feminist, cultural relativism is only an excuse for rationalizing the oppressive veiling of Muslim women, which is not just an alternative, but a compulsory way of life from, which according to her there is no escape.¹⁹ This is also the view of Leila Ahmed, the American historian, who accuses western feminists who uphold the theory of cultural relativism in proving that the veil is not experienced as a means for oppression by most Muslim women, for condoning something universally perceived in the west as oppressive.²⁰ The above trends and shades in postmodernism gave shape to the diversity in feminism found today and according to Valarie Bryson, who defines feminism as any theory that views the relationship between the sexes as

¹⁷ Ibid, 85.

¹⁸ Akbar Ahmed, *Postmodernism and Islam: Predicament and Promise* (London and New York: Routledge, 1992), 154-193.

¹⁹ Fatmagul Berktaý, "Looking from the 'Other' Side: Is Cultural Relativism a Way Out?" Joanna de Groot and Mary Maynard (eds.), *Women's Studies in the 1990's: Doing Things Differently?* (London: Macmillan, 1993), 120-123.

²⁰ Leila Ahmed, "Western Ethnocentrism and Perceptions of the Harem", *Feminist Studies*, 8, 3 (Fall 1982), 523.

one of inequality, subordination and oppression; this diversity is as a matter of fact a form of strength that keeps feminist issues alive.²¹

Following the latter part of the twentieth century, feminism therefore assumed wider dimensions and in recent years, has centered mostly round the deconstruction of the condition of women by granting them gender equality. These wider dimensions are ever expanding with no predetermined ends as gender feminists struggle for a non-male, patriarchal and phallic language and this meaning that they might have been in existence before Ódam was granted the power of nomenclatures.²² It is this ever shifting and changing nature of postmodern feminism that provides gender feminists the leeway to deconstruct and politicize gender and heterosexual relationships. Unlike the 19th and early 20th centuries' early liberal feminists, gender feminists in the late 20th centuries were more concerned with socio-religious and cultural perceptions of gender and sexuality. To feminists in whatever guise whether as Marxists, Socialists Radicals and Existentialists, gender refers to the socio-religious and cultural perceptions or codes that guide what is considered masculine and feminine conduct decorum and qualities especially in marriage. According to them, no one is born a woman or with the elements of what female sex represents in society but rather turn into one. Simone De Beavor argues that it is human civilization that produces the woman—a creature between man and eunuch, thereafter, the institution of marriage further relegates this feminine creature and determines her status as child and mother in patriarchies such as Islam, which smothers all forms of sexual autonomy and permissive alliances, thereby sex is viewed as political, pregnancy, as barbaric and motherhood viewed as the root cause of all evils.²³ She naturally chooses to be undemocratic and authoritarian in her attempt to end women's devotion to marriage, children and housework. In an interview, Simone De Beavor answered Betty Friedan that no woman should be permitted to stay at home, to raise children because if such a choice is offered, too many women would lead blighted conventional lives.²⁴

Similarly, Annie Leclerc, another gender feminist, holds that all patriarchal inventions are not only oppressive to women, but also aimed at 'killing' them from monotony; hence, she calls for the urgency for women

²¹ Valarie Bryson, *Feminist Political Theory: An Introduction* (London: Macmillan, 1992), 1-262.

²² Rosmarie Tong, *Feminist Thought* (London: Routledge, 1992), 233-8.

²³ Zeenath Kausar, *Politicization of Sex and Family Devaluation in Feminism: An Islamic Alternative* (Kuala Lumpur: Ilmiah Publishers, 2003), 7-10.

²⁴ Sommers, *Who Stole Feminism?* 256-257.

to reinvent old ideas. Among such ideas would be the concept of sexuality, therefore she requests women to reveal their sexuality not for the pleasures of men, but for their own pleasures only.²⁵ Leclerc's view is supported by Jana Sawicki, who accepts Michel Foucault poststructuralist psychoanalytic analysis of sexuality. Sawicki agrees that power relations in the society lead to power resistance and struggle between the body, family and kinship. She however rejects that the struggle for a power-free society is a utopian vision. She reconciles Foucault's view with her personal view by explaining that he was only skeptical, but did not despair about the possibilities of a global transformation as propounded by the Enlightenment philosophers.²⁶

The postmodern gender feminists have gathered a powerful momentum around their gender analyses and are today dominating public discourse on feminism. They insist that the definition of gender is socio-religiously and culturally conditioned and that gender roles are not natural. These aspects are rather inculcated in people through the process of socialization, as the relationship between men and women are based on socially defined constructs, roles and duties. For this reason, gender feminists are more demanding and forthcoming in their feminist call for a radical, total and absolute deconstruction and liberation of women from these socio-religious and cultural perceptions, which they argue have marginalized women in economic, socio-religious, political and all other spectrums of the society. They aim at total liberation of women from the concept of 'biology determines destiny'.²⁷

Sandra Lee Bartky, another postmodern feminist, who opines like Foucault that though people are born male and female, but no one is born masculine or feminine because femininity is merely a social construct. She explains that three disciplinary practices produce docile bodies of women, but she concludes that Foucault's omission of these practices is a clear proof of the endemic nature of sexism in western political theory. On the basis of these disciplinary practices that Bartky view, as exploiting women and making them preoccupied with the ornamentation of their body so as to excite and please men, she welcomes the liberation movement, which

²⁵ Annie Leclerc, "Woman's Word" in Janet A. Kourany, James P. Sterba and Rosmarie Tong (eds.) *Feminist Philosophies: Problems Theories and Applications* (New Jersey: Prentice Hall, 1992), 362-365.

²⁶ Jana Sawicki, "Foucault and Feminism: Toward a Politics of Difference" in Mary Lyndon Shanley and Carole Pateman (eds.) *Feminist and Political Theory* (Oxford: Polity Press, 1991), 220-225.

²⁷ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 6-12.

questions the male inspired social construct of female gender and femininity.²⁸

Like Sawicki above, Helene Cixous believes that there are possibilities for a radical transformation of the sexual relationships. She bases her belief on the two Jacques's, Lacan and Derrida's notions that the symbolic order can be shattered and that the male imposed traditional and phallic interpretation can be removed. She argues that what is feminine and masculine today can change, if there is a radical liberation of sexuality within the context of an equally radical political change.²⁹ Luce Irigaray pushes this call for radical liberation of sexuality. She requests women to disrupt the patriarchal system, end phallic images of femininity and engage in anti-heterosexual relationships like lesbianism. This, she feels is possible, when women work together to discover the feminine imaginary.³⁰

In short, postmodern trends in feminism such as gender feminism, represents the total deconstruction of even nature. To the postmodern gender feminists, men were not husbands, lovers, employers, or friends; they were patriarchal 'yanks' and on this basis, they reject heterosexuality and support all sexual orientations like pre- and extra marital sex, lesbianism and homosexuality. They view matrimony as "one grand rape of womanhood", a complete patriarchal imposition on women and a male chauvinistic enslavement of these women both within and outside the home because of economic survival. According to them, whether at home as homemakers, child-bearers and gratifiers of men's desire or in the external workforce, women are enslaved by the patriarchal society, where there is only one 'sex-man'-- the only economic productive class, who are apparent oppressors of women both in matrimony and society.³¹

Hence, as the women's movement assumed the postmodern outlook in the 1970s, the focus began to shift from reform and equal opportunity to turn militant and they launched programs that were anti-family, anti-birth, and anti-heterosexual in nature. They hated anything that has to do with

²⁸ Sandra Lee Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression*, 5, 51, "Foucault, Femininity and the Modernization of Patriarchal Power" in Janet A. Kourany, James P. Sterba and Rosmarie Tong (eds.) *Feminist Philosophies: Problems Theories and Applications* (New Jersey: Prentice Hall, 1992), 105-118.

²⁹ Helene Cixous, "Sorties" in Janet A. Kourany, James P. Sterba and Rosmarie Tong (eds.) *Feminist Philosophies: Problems Theories and Applications* (New Jersey: Prentice Hall, 1992), 369-370.

³⁰ Lucie Irigaray, "This Sex Which is not one" in Janet A. Kourany, James P. Sterba and Rosmarie Tong (eds.) *Feminist Philosophies*, 372-376.

³¹ Kausar, "Oikos/Polis Conflict", 476-496 and *Ibid.*, pp. 4-5.

males and were no longer contented with equal status for women, but instead required women to perceive men, as antagonists to be defeated.³² In their programs, they snatched matrimony away from women, especially mothers with children, thus in this manner became the cause for broken homes, fatherless children and single mothers or divorced housewives. Such gender feminists lauded the new dramatic changes in women sexual conduct and behavior brought by modern technology. One such gender feminist, Susan Faludi demonstrates a staggering and stunning approval of women liberal sexual attitudes, for at last; women appeared to be very close to their objectives, that is liberty to physical enjoyment like men on their own terms and independence after divorce.³³ In the United States, where the postmodern feminist movement took shape, the number of broken families rose twenty-eight percent between 1975 and 1983 to more than three million in terms of divorced women. Another twenty percent increase from 1983 to 1988 brought that number to more than four million. An astonishing sixty-one percent of women with children under the age of ten suddenly left their families.³⁴

As radical gender feminists struggle to liberate women from matrimony, their husbands and children, and the most visible order of the day came into being divorce, separated family members, broken homes and abandoned and abused children as well as lesbianism and homosexuality. Sadly, the increase in the rate of broken homes, abandoned and abused children as well married and un-married homosexual men and women, is not just an American or western phenomenon. It has rather become a global matter and is today a visible feature of Muslim societies. Fatima Mernissi, who has been described an Islamic feminist but who is actually a Muslim feminist to be discussed in later in chapter, views the fact that many young Muslim men and women in the Arab world in particular are un-married today as a sign of empowerment and self-perception of women, as actors in the society. To her, it is a sign of progress that women postpone marriage, while concentrating on education, so much that there is a staggering increase in the number of un-married urban men and women. She concludes that it is the above changes in the lives of Muslim women that dismay the fundamentalists and in this; she locates the conservative waves against women in Muslim societies.³⁵ Thus, a function of postmodern feminism is not only the sending of

³² Susan Faludi, xix, 403.

³³ Ibid.

³⁴ See Sylvia Ann Hewlett, *A Lesser Life: The Myth of Women's Liberation in America* (New York: William Morrow, 1986).

³⁵ Mernissi, *Beyond the Veil*, xxii-xxix.

women into the public, away from their homes, but also the externalization and in fact globalization of women sexuality. In fact, feminism has become a euphemism for licentiousness. Most feminists today hide behind their feminist liberation struggle to call for liberalization of sex as well as the acceptance of all sexual orientations in the name of promoting gender equality and safe and healthy sexlife for women.³⁶ They simply aim at completely eliminating the differences between men and women in terms of sexual immorality, infidelity and playing around through the revolution that has taken place in the fields of reproduction technology and reproduction aids. Modern technology has in their opinion opened many formerly closed doors, which include the idea of men not being required for generational and genetic continuity, as homosexuals and lesbians are opting for assisted reproduction to allow them to have their own children. In fact, there is today a move not only to make heterosexual marriage redundant, but to also eliminate the requirement for either sex in human reproduction. Researchers at Monish University in Melbourne are now re-programming women's eggs to assist women to have their own genetic offspring without a man's sperm.³⁷ Worst still, reproduction technology has opened the doors that turn women into more sophisticated and refined sex workers, mistresses and at best single mothers.

Women of this nature are reduced to mere playgrounds for men, who abandon the women after 'planting their wild oats' and these women do bear alone, in most cases, the socio-economic responsibility of what the two of them have enjoyed together. The men then become free to move about and hunt for other willing victims in their 'play-boyish games'. This has caused many young married American couples, who live in areas with high number of unmarried and available men and women, to be in danger for divorce, as there is an eye for search of a better partner and the more possibilities they notice, the better the chances of finding someone worth leaving the marriage.³⁸ Such are the ultimate consequences, when feminists destroy the institution of marriage based on heterosexual relations and motherhood, as according to them, these factors sustain patriarchal control over women.³⁹ To the feminists, women, who still endure marriage and this patriarchal control are not yet emancipated.⁴⁰ Such an analysis of feminism is viewed by most women, Muslim women inclusive, as an attempt not only to bring about a total deconstruction of

³⁶ Kausar, "Ikos/Polis Conflict", 480-482.

³⁷ See *New Straits Times*, 12 March 2001.

³⁸ See *Arab News*, February 18, 1995.

³⁹ Sommers, 258.

⁴⁰ Faludi, 403.

womanhood and the family, but also the society at large. They argue that these gender feminists' solutions in reality do not stop the "grand rape of women" by men. Instead, they only allow men the freedom to enjoy and satisfy themselves, without any responsibility. Consequently, most women reject in its totality the postmodern concept of feminism.

These women affirm that women should oppose this postmodern concept of feminism because it leaves them vulnerable to male harassment, assault and even stark murder in cold blood as rampant in western societies. According to Camille, "Western culture has a roving eye, male sex is hunting and scanning: boys hang on yelping from honking cars, acting like jerks over strolling girls, men lunging on girders go through the primitive book of wolf whistles and animal clucks. Everywhere the beautiful woman is scrutinized and harassed".⁴¹ Catherine Mackinnon, a radical feminist, who postulates total gender and social deconstruction inadvertently, admits women are currently socialized and programmed to preoccupy themselves with their beauty and appearance in order to be attractive and available to men. She fails however to acknowledge that feminists themselves have perpetuated this objectification of women.⁴² Bartky, who also opposes disciplinary practices of femininity because she upholds the Foucauldian theory saying that these aims at turning women into docile and compliant companions of men, is herself disturbed by the prison, she once found herself in when she was petrified by the male gaze and made to know that she was a "niece piece of ass" with jeers and whistles.⁴³

Judeo-Christian Religious Feminist Discourse

Of utmost importance to the above contemporary women's movement, is the overwhelming patriarchal or andocentric character of various religions on women, such as Hinduism, Buddhism, the Jewish-Christian tradition and Islam. A most striking feature of this feminist discourse is the belief that all religions have similar humiliating and repulsive conceptions and notions of women. They cite extensive literature on the degrading status of women in all religions and depict vividly the manner in which women of all traditional religious societies are treated even today in a way that show no difference from that of the ancient cultures. They argue that

⁴¹ Camille, et al., 119.

⁴² Catherine Mackinnon, "Feminism, Marxism, Method and the State: An Agenda for Theory", *Signs*, 7/3, (Spring 1982): 530-531.

⁴³ Sandra Lee Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (New York: Routledge, 1990), 27, 75.

the degradation suffered by women in these cultures appeared vividly in all religions especially in Judaism and has been retained in religious and public realms by both Christianity and Islam. This study will therefore delve into the roots of the feminist movements in Judeo-Christian traditions.

Under the patriarchal or andocentric character of law of Israel, a woman receives the treatment of a slave both as a daughter and a wife. Though this can be perceived as an anachronistic view, Rachel Adler has revealed that Jewish women still occupy a peripheral position both under Jewish law and in actual practice. She insisted that the passage of time has not freed Jewish women from being peripheral Jews, as they are still excluded from the b'rit mila, the covenant of circumcision, which remain the central Jewish symbol.⁴⁴ To the feminists, the most conspicuous sexist notion in Judaism is the rite of circumcision. This rite represents the inability of women to attain spiritual equality with men in Judaism. By excluding women from the covenant of circumcision, Judaism ensures that women are permanently incomplete beings, because Abraham only attained perfection after he was circumcised.⁴⁵

The feminists believe that it is the same above degradation of women in Judaism that has been brought to Christianity, and according to these feminists, women in Christianity are forced to submit to patriarchy blindly. Though the Pauline de-emphasis of circumcision may be interpreted as an anti Jewish sexism, Apostle Paul according to postmodern feminists was anything, but a feminist. According to the feminist reading of Pauline teachings, the first woman was responsible for the seduction of man and their subsequent ejection from heaven. In other words, Eve's sin caused the fall of man.⁴⁶ Women are specifically commanded by Apostle Paul to submit to their husbands in the same manner as slaves submit to their masters. According to feminists to Apostle Paul, men are the image and glory of God, while women are the glory of men. Men are further not created for women, while women are created for men.⁴⁷ Since Paul, women have therefore in orthodox Christianity been viewed, as those, who brought woes onto man through the eating of the forbidden fruits. In the absence of Eve, there would be no

⁴⁴ R. Adler, "The Jew Who wasn't there" in M.M. Kellner, ed., *Contemporary Jewish Ethics* (New York, 1978) 348-349.

⁴⁵ D. McCauley and A. Daum, "Jewish-Christian Feminist Dialogue: A Wholistic Vision, *Union Seminary Quarterly Review* 38 (1983): 160.

⁴⁶ Rosemary R. Ruether, "Christianity" in Arvind Sharma, ed., *Women in World Religions* (Albany: SUNY Press, 1987), 209.

⁴⁷ 1 Corinthians 11: 3, 7, 9 and 14: 34-35.

original sin as well as the ejection of man from Paradise. Accordingly, women are viewed not, as man, being the image and glory of God, but as the partners of Satan and St. Tertullian and St. Augustine were to perfect this Christian Pauline depiction of women. They equally viewed women, as the devil's partners on whose account the 'Son of God had to die'. Except for the function of bearing children, they explained that a woman has no value or benefit. Martin Luther thus later declared that it is irrelevant whether women are worn out or die in childbirth since that is their only meaningful function.⁴⁸

The post-Christian feminist Mary Daly insists that, since men wrote the Genesis stories, and their conception of God is irrevocably andocentric, women cannot apply them to themselves. She argues for a new definition of the term 'lust'. To her it is patriarchal in nature and a male imposed perception to view the term, as indulgence in sexual satisfaction, whereas it actually implies mere sexual craving and vigor. It is therefore, according to her good for women to be lustful, harpy, rough and wild, as a form of transvaluation of values.⁴⁹ These above European socio-political experiences have provoked a reading of the Bible as well as Liberalism with emphasis on many contemporary issues and there are today many works that present radical feminism and a new age spirituality within Christianity. A feminist discourse of the principles, symbols, and imagery found in Hinduism, Taoism, Buddhism, the *mystical* tradition of Islam, and many features of the new age spirituality reveal present the new age spirituality and the mutual tension between within these religions as will be seen in the case of Christianity. The discourse describes how this new spirituality appeared in the 1970s, within the women's movement in the United States. The new spirituality arose from the polarization of sex-roles between man and woman and the dualism between spirit and body, which characterizes patriarchy itself. Thus, the spirit becomes visible as the new dimension of a feminist zeal that wishes to redefine reality.⁵⁰

The new form of spirituality within Christianity is spiritual militant in nature, which argues that marginalized women have to act, as a rebellion or through revolution in order to achieve their liberation. One of the main elements of this new age is the goddess movement. In the goddess movement, the Goddess symbol stands for the force of birth, death, and

⁴⁸ Karen Armstrong, *The Gospel according to Woman*, (London: Elm Tree Books, 1986), 56-62

⁴⁹ Mary Daly, *Beyond God, the Father* (Boston: Beacon Press, 1973) and *Pure Lust: Elemental Feminist Philosophy*, 14-15.

⁵⁰ See for instance Thomas Cleary P. and Sartaz Aziz, *Twilight Goddess: Spiritual Feminism and Feminine Spirituality* (Boston: Shambhala, 2000), 1-275.

rebirth. It stands for the image of the immanent divine presence in nature, human beings and their bodies. It postulates that as religious strictures fall apart, sex becomes another commodity to be bought and sold and the concept of erotic revolves into pornography. Consequently, the Goddess finds expressions in many forms. It expresses itself in the young girl or woman, who represents the symbol of fertility. Its expression can also be either in the form of a mature woman or mother, or in the form of an old or wise woman, who represent the symbols of independence, and the wise ordering of life.⁵¹ Another element of the new age spirituality within Christianity is the search for change in therapeutic, psychoanalytical, and esoteric movements. What matters in this regard is the process of change, through which women acquire a different vision of their spirituality variously called transformation, reformation and recreation. Christine Quispel convincingly describes these processes of change as they occur in a growing bond between individual women and in the women's movement, as a whole. According to her, this reformation is being experienced as in terms of contact with strength and energy in all natural and social processes.⁵²

In short, feminist spirituality in Christianity aims at abolishing all dualistic thinking that has identified the woman's body with nature and sin on the one hand, while that of the men is associated with spirit and righteousness on the other hand. Feminists are insisting that since Christianity espouses an incarnate faith, that God became human, to correct the above notion in highly required. Hence, Christian feminist theologians are making Christian women move toward another new form of spirituality. They are developing a spirituality that overrides all forms of dualism. It is held in feminist circle that this duality is alien to Christianity, since God according to Christianity is not fragmented, as a result of the incarnation. To them, it was the Roman liturgy after Vatican II that placed the stamp of "the mono-sexual character" of the male rationality in Christendom. This, according to feminists' calls is so in order to reject everything that has been imposed on women.⁵³

⁵¹ Starhawk, "Consciousness, Politics and Magic," in Charlene Spretnak, *The Politics of Women's Spirituality* (New York: 1982), 177.

⁵² Christine M. Quispel, *Speling 2* (1983): 17-23.

⁵³ Dorothee Sölle, "Mysticism, Liberation, and the Names of God," *Christianity and Crisis*, June 22, 1981, 179-85.

The Muslim Feminist Discourse

In this section, the study will attempt to describe the feminist discourse, as perceived by some Muslim women who are today regarded as leading Islamic feminists because they have engaged in feminist struggles within the Muslim tradition. A striking feature of these struggles is however engaging in efforts for the empowerment of women from purely secular matrices, as opposed to Muslim women activists or Islamists, who engage in these struggles from purely Islamic matrices and who will be discussed in the next chapter. The Muslim feminists who are discussed here unlike the former make reference to their Muslim backgrounds and identities in their questioning and opposition of Islamic movements that calls for a unity of Islam and politics. According to Haidah Moghissi, these Muslim feminists can be regarded as feminists who champion feminist rights within a liberal Muslim discourse, and composing of mere secular and postmodern relativist feminists and academics with Muslim backgrounds.⁵⁴

This brand of feminism, as championed today by these Muslim feminists actually has its origin in Lebanon and Egypt at the end of 19th century and soon spread to all parts of the Muslim world. It was hinged on the efforts of the Lebanese Zaynab al-Fawwaz, who pioneered the feminist movement in Lebanon and Hudā Sha'rāwī, who pioneered the same in Egypt. At the age of thirteen, Hudā Sha'rāwī was forced into early marriage, but rose to challenge the traditional Egyptian perception of the role of women. In 1919, she organized a women's demonstration against the British occupation and ended her own life in the harem by giving up the wearing of veil and in 1924, she was instrumental in the passing of a legislation that brought the legal marriage age of girls to sixteen.⁵⁵

Since these pioneering efforts, the number of classic works dealing with the topic of women in Islam from secular feminist perspectives has been too high, thus extremely hard to locate. They all however reflect the western notion of the division of space into both public and private and the superiority of the public space over the private space as they link the former with men, and the latter with women. The natural extension of this

⁵⁴ Haidah Moghissi, *Feminism and Islamic Fundamentalism: The Limit of Postmodern Analysis*, (London: Zed), 126-146.

⁵⁵ See Margot Badran, transl. *Harem Years: The Memoirs of an Egyptian Feminist* (London: Virago Press, 1986) and for photographs of the women's demonstration of 1919 see Sarah Graham Brown, *Image of Women: The Portrayal of women in photography of the Middle-East, 1860-1950* (New York: Columbia University Press, 1988).

dichotomy makes it necessary for women to compete with men over the control of the public space. As such, these feminists focusing on religious traditions posit that Islam like other religious traditions lends great support to the oppression of women. They go further by urging Muslim women to disown Islamic regulations on women in marital, social, legal, economic and political areas, which they argue uphold women status, as inferior to that of men.

Among forms of such oppression according to most feminists today is the sensitive issues of the veiling and segregation of a woman. The Lebanese Nazīrah Zayn al-Dīn is one feminist who at the beginning of the twentieth century scrutinized and challenged the interpretations of the Qur'ānic passages on veiling of women. Quoting from both *Sūrah al-Nūr* and *Sūrah al-Ahzāb* usually cited by Muslim scholars in favour of veiling of women, she arrived at a contrary submission and found that almost all the male Qur'ānic exegetes imposed the veil on women. She argues among others that if Muslim women were requested in Islam to be totally covered, there would have been no need for the first passage in *Sūrah al-Nūr*, addressing both Muslim men and women to lower their gaze. Thus according to Nazīrah, women are more worthy of the Qur'ānic exegesis of the above passages, since they are the ones addressed by them. To her, *the Islamic veil or hijāb* is meant exclusively for only the wives of the Prophet and those who chose to imitate the wives of the Prophet and wear it are disobeying God's command, because the Qur'ānic passages very clearly express that God does not wish Muslim women to attempt to measure themselves up to the standard of the wives of the Prophet.⁵⁶

She explains further that veiling, as a symbol of status, was a custom and tradition of rich families in oriental societies and therefore *hijāb* as it is known today, is just an aristocratic habit to distinguish the Muslim women of the rich and prestigious families from other ordinary women and this discrimination is prohibited by the Islamic *sharī'ah*.⁵⁷ Nazīrah also challenged numerous doctors and *Shuyūkh* of Islam in a heated debate over the imposition of the veil and other traditional practices on Muslim women. She finally concludes that unless Muslim women are made to abandon wearing veil, the Muslim nations would not be able to advance intellectually and materially and would only find solace in singing a glorious past and ancient tradition.⁵⁸

⁵⁶ Nazīrah Zayn al-Dīn, *al-Sufūr wa al-hijāb* (Damascus: Dār al-Mādah, 1998), 2-114.

⁵⁷ Ibid..

⁵⁸ Nazīrah Zayn al-Dīn, *al-fatāt wa al-shuyūkh*, (Damascus: Dār al-Mādah, 1998), 1-34.

Another form of oppression of Muslim women is the personification of a woman, as an object of sexual gratification men. According to Magida Salman, a socialist feminist mentioned in chapter one of this book, the expunging of any notion of sin or guilt deriving from sexual pleasure is not synonymous with freedom for women, as it only benefits men and consecrates the role women, as sexual object, hence 'the woman in the Koran is not a lover but a wife, virgin girl and mother'.⁵⁹ To her, while most Islamic legislations have transited into modern adaptations, only the norms regulating the lives of women-marriage, divorce, polygamy, the care of Children and the imposition of male guardians- remain static. She argued that though usury is a great sin in Islam, even the 'most Muslim' ruling classes do not renounce the interest generated by their bank accounts. She also submitted that it is the attachment to Arab-Islamic traditions that worsened the state of affairs of women. The generalization of the veil developed as a reaction to women right to inherit property that was guaranteed by Islam. The prohibition of Muslim women marrying non-Muslim men further placed them under the 'grip' of men.⁶⁰

For the Egyptian born American historian, Leila Ahmed, the position of women in Islam has also been politicized with Islamic movements stressing the decorum of women, as an anti colonial rhetoric. She asserts that the use of feminism in promoting its imperial culture by colonialism and the Christian West tainted the feminist struggle in Muslim societies. According to her, a major opposition came from the Islamists, who make women the centerpiece of their Islamist agenda, due to the colonial and missionary feminist discourse.⁶¹ The assault against the veiling of women and other "backward" practices compelled the Islamists to view the feminist struggle as westernization. In short, the Islamists focused on the importance of women veiling and proper conduct as a form of resistance to the colonial and Christian crusade. Consequently, the late twentieth-century adoption of 'Islamic dress' has had a deleterious effect on the women's rights movement by unconsciously affirming traditional patriarchy and buying into the colonialist discourse. Having developed as a resistance narrative against western colonialism, Ahmed argues, the Islamist adoption of the new veil simply entrenches the debate over veiling and cultural identification. In short, she maintains, Islamists say if to be 'Western' is to be unveiled; then to be veiled is to be Muslim.⁶² Likewise, Ahmed argues that the veiling and segregation of Muslim women has led

⁵⁹ Salman, 24-32.

⁶⁰ Ibid.

⁶¹ Ahmed, *Women and Gender*, 55, 236-237

⁶² Ibid.

to the evolution of two brands of Islam. The first is that of men, who are permitted to attend Friday congregational prayers, thereby learning the orthodox patriarchal Islam, while the second is that of women, who are barred from Friday congregational prayers and by extension from learning the orthodox patriarchal Islam and have to work out their own brand of Islam. Thus, Ahmed sees two kinds of Islam, one for male, which she regards as the official, and orthodox Islam and the other for female who interpret Islamic ethos and codes in a way that upholds gender justice and equality for both men and women. The second is therefore a private, unofficial and un-orthodox female interpretation of Islam, with little or no attention from the official doctors of *fiqh*.⁶³

This is also the conclusion of Deniz Kandiyoti, another feminist who supports the above colonial theory. She believes that the colonial depiction of Muslim women as epitomizing the primitiveness of Islam has helped in sustaining the backwardness and degradation of these women. Deniz insists that despite the reception of the modernization and the technological institutions by the '*ulamā*' and that would herald changes in the society during and after the anti imperial struggles in Muslim societies, they were however opposed to reformations in the place and conduct of women.⁶⁴ In this regard, all were united, the modernists and anti-modernists, the '*ulamā*' and the laymen as well as the secular nationalists and the Islamists. She explains that in Muslim societies feminist discourse can proceed only in two directions: either by denying that Islamic practices are necessarily oppressive or by asserting that those oppressive practices are not necessarily Islamic. To her, the two options are untenable. The first involves counterpoising the dignity of protected women against the 'commodified' and sexually exploited Western women. It is thus dependent on a 'demonified other'. The second option is more radical, but resting on the myth, the 'golden age' and a pure original Islam. The two options are both based on a discourse that is unacceptable to feminists.⁶⁵

On her part, El Guindi, who examines the arguments of Islamic authenticity for the veiling of Muslim women through a very detailed analysis of veiling among the Arab explains that Arab culture carries connotations of the sacredness in the private domain into public through use of the veil. This idea shares similarities to the practice of Muslims generally carrying ordinary mundane space into temporarily sacred space

⁶³ Leila Ahmed, *A Border Passage: From Cairo to America—A Woman's Journey* (New York: Farrar, Straus and Giroux, 1999), 123-126.

⁶⁴ Kandiyoti, 429-43

⁶⁵ Ibid.

by their ritual cleansing and performing of prayer, wherever they may happen to find themselves.⁶⁶ She further argues that, in order to understand the phenomenon of veiling correctly and thus Muslim feminist responses to the practice, feminist must go beyond answering such questions surrounding the origin of the veil as to origin of the practice of veiling and whether or not it is 'authentic' to Islam. Instead, she points out that they should pose questions in regards to the meaning and objective behind the different types of veiling in the Muslim world. Is it the same form of veiling that is being documented throughout the millennia? Does the practice have the same meaning, no matter contexts of different cultural ideologies, different societies, and different times? In this instance, the issue becomes, not a matter of whether it was a passing custom or whether veiling can be considered an institution or not, but rather what meaning does the veil take in various historical and cultural contexts and what does the phenomenon reveal about the culture within which it is embedded at any time in history.⁶⁷

Lisa Taraki, who focuses on the Islamists' obsession with dress code of women and describes that women's conduct and code of dressing in particular have been occupying an increasingly prominent place in Islamist discourse, and also locates this 'preoccupation' within the legacy of colonialism. Focusing on Jordanian Society of the Muslim Brethren, Taraki concludes that the conduct and code of dressing of women now occupies a central place in Islamist discourse, as a psycho-political reaction to colonialism and its attendant westernization.⁶⁸ According to her, the transportation of women into the workforce and educational system has created class-consciousness and a real fear among men of loss of control over their women and other men-laying claim to them. Thus, according to her, it was the entrance of a large number of women, mostly from the middle and lower middle classes into the public domain, a traditional male domain and their subsequent exposure to a sexually integrated environment that made the question of the code of dress and conduct of women, a prominent issue. In essence, the Islamist preoccupation with code of dress and comportment of women arose out of resentment against the new patterns of the public and economic status of women.. It was an extension of the resentment against the 'modernized'

⁶⁶ Fadwa El Guindi, *Veil: Modesty, Privacy and Resistance*, (Oxford: Berg, 1999), 1- 162.

⁶⁷ Ibid., 12.

⁶⁸ Lisa Taraki, Islam is the solution: Jordanian Islamists and the dilemma of the 'modern women', *the British Journal of Sociology*; Vol. 46, No.4, December 1995, pp. 643-661.

westernized upper class and the Muslim women emulating them. The experience of these socio-economic trends by the social groups that make up the constituency of the *Ikhwān*, informed the Islamist militant preoccupation with gender issues.⁶⁹

Similarly, Nawal El- Sādawī, the Egyptian doctor and women's rights activist who has dedicated her life to opposing all forms of injustices especially those perpetrated against Muslim and Arab women in the name of Islam, attacks those men who link women with the devil in order to oppress them. The woman is seen as an embodiment of the devil and should therefore be hidden from men. This is the only way to protect men from her *fitnah* (seduction, mischief, obscenity, etc.).⁷⁰ Nawal El- Sādawī totally rejects this perception of women. She argues that Eve is not even mentioned directly in the Qur'ān on the sin of eating the forbidden fruit and is therefore not regarded as a temptress. She therefore opposes the veiling and seclusion of women. In fact, the veil according to her is a symbol of sexuality that calls attention to the bodies of women in the same manner as a nude body may do. Her books such as *The Hidden Face of Eve: Women in the Arab World, the Innocence of the Devil, and Daughter of Isis*, therefore threaten the peace of the society and have earned for her the label apostate and infidel. According to *Shaykh* Sha'rāwī, who was reported to have found Nawal El- Sādawī guilty of apostasy, in that her call for unveiling of women endangers the society as it exposes men to temptation and sedition.⁷¹

Zayn Kassam who studies the image of women in Islamic texts, argues that biblical understanding and representation of women abound in Islam. She explains how Muslim scholars appropriated biblical patriarchal models to gender construction at a very early stage of Islam. They simply perpetuated the patriarchal structures in line not only with biblical models but also with Byzantine and Persian practices before Islam. Following the above biblical portrayal of women, the exegetes of the Qur'ān integrated biblical traditions wholesale into their exegeses on women. They depicted women as the weaker sex and as threat to the male and society.⁷² According to her, biblical narratives known as *isrā'iliyyāt* played a major

⁶⁹ Ibid.

⁷⁰ Nawal El- Sādawī "The Hidden face of Eve: Women in the Arab World" (Boston: Beacon Press, 1980), 47-59.

⁷¹ Yassir Farahāt, *Al-muwājah Nawal Al- Sādawī fī qafas al-ittihām*, (Cairo: Dār al-Rawdah, 1993), 182-196.

⁷² Zayn Kassam "Politicizing and Religion: Love for Women, Love for Islam" Eds. Joseph Runzo and Nancy M. Martin, *Love, Sex and Gender in the world religions*, (England: One World Publications, 2000), 223-237.

role in this depiction as viewed in the account of woman's fall from equality. For instance, the image of Eve as a temptress in the Biblical was employed by Tabarī and other exegetes of the Qur'ān to support the accursed position of women contrary to the Qur'ānic narration that places equal blame on both man and woman. Following the Byzantine and Persia upper-class context, the obvious Qur'ānic injunction on ordinary women, who were not the Prophet's wives, was disregarded and instead the model of the Prophet's wives' seclusion and veiling was promoted as pertinent to all Muslim women.⁷³

Assia Djeber, the Algerian novelist-historian, narrates how Muslim women in early Islam suffered humiliation at the hands of Muslim men in defiance of their illustrious contributions to the rise of Islam. She describes the Yemeni queen, who at the time of the Prophet collaborated with and abetted the Muslims in murdering her husband, the King so that Yemen could be integrated under the Islamic empire. Yet her action was not lauded and praised by Muslim men and historians like Ṭabarī. In return she only received ignominy and humiliation, as she was described as a typical woman, who applies false love to trap her lovers and who utilises the love sanctuary to slaughter them. She was discredited and like her fellow Muslim heroines recounted by Assia Djeber, scarcely mentioned by Muslim historians, who appear bent to hide the existence of these women.⁷⁴

Assia Djeber's heroines include the wives of the Prophet and his daughter; Fātimah, whom she believes was not given her proper dues, which includes her inheritance from the Prophet, her father. Thus, Fātimah accused the men of stealing her inheritance from him, though the Prophet was yet to be buried and she threatened them with Allēh's torment. 'Ā'ishah, the youngest wife of the Prophet according to Assia Djeber also suffered from the Muslim male chauvinism and the story of the calumny received extra prominence by above historians and so did her opposition to the male distortions of Prophetic traditions, which she questioned and corrected.⁷⁵

Fatima Mernissi who remains perhaps the most famous scholar on the feminist discourse in Islam was born in Fez, a ninth-century Moroccan city, in a harem surrounded by iron gates in 1940. In her autobiography, *Dreams of Trespass*, Fatima describes how the harem represented a sacred frontier that women always dreamt of trespassing. She talks about while

⁷³ Ibid.

⁷⁴ Assia Djeber, *Loin de Medine: Filles d'Ismael*, (Paris: Albin Michel, 1991), 1-300.

⁷⁵ Djeber, Ibid.

listening to the cabinet radio intended only for men, she was taught her at a very tender age the importance of weighing words before uttering them and how a single mis-spoken word could bring disaster just as a well-spoken word could bring safety, as in the case of Scheherazade, the author of *A Thousand and One Nights*.⁷⁶ Thus, Fatima Mernissi grew up mastering not only the spoken word but also writing and she became a woman of letters. She was one of earliest Moroccan women to obtain university education and received a Doctorate in sociology in the United States in 1973. She then taught at Mohammed V University, her alma mater in Rabat and became a sociology professor, whose works have been translated into many European, Asian and Semitic languages such as Arabic, Bulgarian, Catalan, Dutch, English, French, German, Italian, Japanese, Norwegian, Portuguese, Spanish, Swedish, and Turkish.⁷⁷

In short, Fatima Mernissi in her autobiographical work attempts to experience again together with her readers her understanding of the life of Muslim women living a Moroccan harem life. She explains the confusion she had confronted as a young girl living in the harem and her childish struggles to understand what the harem stood for. The book takes us on a journey into her perception of the Moroccan harem within the context of her feminist struggles in a traditional Muslim society. She narrates the many rules regulating the spaces, allotted to women accordingly:

A harem was about private space and the rules regulating it. In addition Yasmina said it did not require walls. Once you knew what was forbidden, you carried the harem within. It was kept in your mind "inscribed under your forehead and under your skin." That idea of an invisible harem, a law tattooed in the mind, was frightfully unsettling to me.⁷⁸

For the young Fatima, this business of going around with invisible laws written in her mind was too much to bear. Her mentor was however not yet satisfied. Instead of assuaging her fears, the situation, as described through Yasmina's explanation grew even more alarming and frightening. She said:

Any space you entered had its own invisible rules, and you were required to figure them out. "And when I say space," she continued, "it can be any space—a courtyard, a terrace, or a room, or even the street for that matter. Wherever there are human beings, there is *qa'ida*, or (an)

⁷⁶ Mernissi, *Dreams of Trespass*, 1-10.

⁷⁷ Amal Rassam, "Mernissi, Fatima" in (Ed.) John L. Esposito, *The Oxford Encyclopedia of the Modern Islamic World* (New York: Oxford University Press, 1995), volume 3:93-94.

⁷⁸ Mernissi, *Dreams of Trespass*, 61-62.

invisible rule. If you hold on to the *qa'ida*, nothing bad can happen to you."... "Unfortunately, most of the time, the *qa'ida* is against women."⁷⁹

These women depicted in Fatima's book were severely restricted, yet they offered their resistance to hopelessness according to Fatima in form of a dream. According to Aunt Habiba, "the main thing for the powerless is to have a dream," "True, a dream alone, without the accompanying bargaining power does not transform the world or make the walls vanish, but it does help to uphold dignity". The following according to her:

Dignity is to have a dream, a strong one, which gives you a vision; a world, where you have a place, where whatever you have to contribute makes a difference. You are placed in a harem, when the world does not need you. You are in a harem, when what you can contribute is not of importance. You are in a harem, when what you produce is of no value. You are in a harem, when the planet swirls around, with you buried in scorn and neglect. Only one person can change that situation and make the planet move in the opposite direction and that is you. If you stand up against scorn, and dream of a different world, the direction of the planet will be altered. What you are required to avoid at all cost however, is to allow the scorn around you enter you.. When a woman starts thinking she is of no value, the little sparrows cry. Who can defend them on the terrace, if no one holds the vision of a world without slingshots?⁸⁰

In all her works however, the veiling and seclusion of the Prophet's wives as well as the subsequent veiling and seclusion of the generality of Muslim women appear to be the most nauseating and disgusting phenomenon in Fatima Mernissi's experience of the life in harem. According to her, the phenomenon is a vivid and dramatic example of how the Prophetic egalitarian teachings were abandoned midway leading to the demise of the nascent egalitarian Islamic state. In her rejection of the Islamic prescription of modest and decent apparel for Muslim women, Fatima is at great length depicting her own perception of the Prophetic egalitarian teachings and how the Prophet under a period of great stress and turmoil allowed himself to submit to the whims and caprices of a stern 'Umār, who at the head of a patriarchal elite subverted these Prophetic egalitarian teachings, as it is perceived today in most Muslim traditional societies.⁸¹ The same stern 'Umār, who according to Fatima Mernissi led

⁷⁹ Ibid, 62.

⁸⁰ Ibid., p. 214.

⁸¹ Mernissi, *The Veil and the Male Elite*, vi-ix, 85-101, 102-114; 115-140, 141-160, 161-179 and 180-188 and *Women and Islam: An Historical and Theological Enquiry*, 106-114; 178-179, 185.

the patriarchal elite that subverted the Prophetic egalitarian teachings, was however responsible for sustaining the unique and egalitarian position that Islam provided women.

For instance, the view of 'Umār that a woman is not obliged to carry out household and domestic chores such as cooking food, washing clothes and even suckling her children is today upheld by some schools of Islamic jurisprudence. According to 'Umār, a Muslim woman can refuse to carry out any of the above and may only manage these score out of kindness for the husband. In his own words in regards to his wives:

Have certain rights over me. She cooks my food, washes my clothes and suckles my children although she is not in the slightest degree responsible for any of these duties. I enjoy peace of mind on her account and I am protected from committing the sin of adultery. In view of these advantages, I put up with her excesses.⁸²

In the same vein, Fatima Mernissi questions the reliability and authenticity of many traditions in the most authentic books of Prophetic traditions. Her self-imposed mission to re-authenticate Prophetic traditions began in her grocery store, where she was reminded about the Prophet's claim saying that a nation that entrusts its affairs to a woman would never prosper. Thus, began her sojourn in the study of religious texts so as to authenticate what "everybody knows, but no one probes" except the religious doctors.⁸³ This particular tradition is actually in the collections of Imām al-Bukhārī and is graded authentic by scholars of *ḥadīth* like Imām Aḥmad ibn ḥanbal.⁸⁴ The result of Fatima's study of the religious texts is very alarming and disturbing: al-Bukhārī's collection of Prophetic traditions, the most authentic collection, appears to contain some traditions that are not only fabricated, according to her, but do not actually meet the rules that al-Bukhārī himself set for verification and counter verification of Prophetic traditions. Among such traditions, according to her, would be the above *hadīth* (pp. 69-70).

Firstly, it was reported by Abū Bakrah, who according to Fatima's findings was a suspicious and questionable character, who gave a false testimony during the time of the second caliph for which 'Umār ordered him flogged. Secondly, Abū Bakrah recollected the tradition at a very opportune period, during the civil war in which the Prophet's youngest wife 'Ā'ishah led a rebellion against the fourth Caliph, Alī ibn AbĒ Tālib. Other fabricated Prophetic traditions according to Fatima would include those described by her, as misogynist traditions narrated by Abū ḥurayrah

⁸² M. M. Sidiqqi, *Women in Islam* (Lahore: Institute of Islamic Culture, 1975), 56.

⁸³ Mernissi, *The Veil and the Male Elite*, 1-2.

⁸⁴ Imām al-Bukhārī, *al-Ḍa'if*, 226 and al-'Asqalānī, 166.

and other male companions like him. As a result of their misogynist perception about women, Abū ḫurayrah and other male companions, who quoted unwise and opportunistic Prophetic traditions about women were placed under strict vigilance by the Prophet's youngest wife 'Ā'ishah, who took it upon herself to keep the record straight.

Prophetic traditions of such nature would include those equating women to 'dogs and asses', that a woman would enter hell for starving a cat; that a *junub* (individual in a state of major impurity after sexual intercourse) should not fast and further three factors, house, woman and horse bring bad luck. 'Ā'ishah challenged Abū ḫurayrah on these misogynist traditions, saying that he was not a good listener and when he was asked questions, he gave wrong answers. 'Ā'ishah also challenged other male companions such as Ibn 'Umār on his particular narration saying that women should undo their braids during the ritual bath, because during the life of the Prophet, she took the ritual bath together with him without undoing her braids.⁸⁵

As noted by Katherine Bullock, Fatima Mernissi's above conclusions leave no one in doubt that she viewed the Prophet as the author of the egalitarian message of Islam, hence he was not under any divine spiritual guidance on the matter of veiling and seclusion of his wives, on the contrary, he capitulated to the whims and caprices of a 'petty cabal' among his followers, the male elite. Similarly, Fatima refused to acknowledge that there are internal scientific methods in the science of Prophetic traditions to reconcile seemingly contradictory traditions like those she quoted profusely above. Instead, she chose to slander, backbite and gossip in order to discredit the noble and honorable companions of the Prophet including the second Caliph.

It is perhaps due to her above apparent rejection of the divine origin of the Islamic message, that Fatima Mernissi in her secular and western aspirations for Muslim women, is regarded as a foremost Muslim feminist, who has "extricated herself from the cultural or 'Islamic loyalty' that is believed to plague many Muslim feminists today in that they are torn between their double identities".⁸⁶ There is however a paradox in Fatima Mernissi's line of argument, in that she, unlike most feminists and secularists, accepts the *Islamic veil* as a religious requirement stipulated in the two absolute frameworks of Islam. This is also contrary to the claim of

⁸⁵ Mernissi, *The Veil and the Male Elite*, 49-61 and 64-81.

⁸⁵ Bullock, 172-177.

⁸⁶ Leila Ahmed, "Feminism and Feminist Movement in the Middle East", *Women's Studies International Forum*, Volume 5, number, (1982): 153-168.

the west today that contends that the *veil* is a socio-political and cultural symbol that connotes a socio-political and cultural statement.⁸⁷

While, some of these above Muslim feminists affirm that the promotion of women's equality in Muslim societies cannot be realized because the teaching of Islam is incompatible with gender democracy and the principles of women's equality with men, others choose to approach the struggle for the realization of women's equality from a liberal Islamic religious context. Ghada Karmi is one of those, who call for liberal Islamic reforms in Muslim societies. She questions the traditional discourse that portrays early Islam as promoting the status of women. In her opinion, the dismal condition of Muslim women can be traced to Islamic teachings, because women had enjoyed gender equality with men in Arabia, where matriarchal authority prevailed and polyandry was socially accepted before the advent of Islam, only to find these rights gradually curtailed under the Islamic law. She suggested that women are viewed under the Islamic law as feeble, weak and unintelligent hence are infantilized to be cared for, provided for, protected and ruled by their male relatives.⁸⁸ Perhaps this, according to her, was engendered by the Prophet to end the old tribal order. He therefore established a new family unit that ensured a patriarchy where there was no place for a sexually independent woman with children of uncertain paternity.⁸⁹

For Moghissi, Islam is not at all compatible with the idea of human rights for all human beings as the Islamic law like all religious law is hostile to women. To her, the proponents of feminist rights within a Muslim religious discourse have only indigenized exotic western ideas of gender equity, sexual democracy and women's rights etc. and so simply due to their frustration. Consequently, they adopt the rhetoric of the Islamic faith so as to appear credible.⁹⁰

She and other Muslim feminists like her are however convinced that feminists would risk alienating the vast majority of Muslims for whom Islam is the basis of their identity if they do not conduct their feminist advocacy within a liberal Muslim discourse. To outright reject the necessity or desirability of involving religion in the ordering of society, according to them, would only lead to exacerbating patriarchy in all Muslim societies, which would then turn into the sole voice representing revivalist Islam. Hence, they argue that feminists must take recourse to the

⁸⁷ Bullock, 172-177.

⁸⁸ Ghada Karmi, "Women, Islam and Patriarchalism" in Mai Yamani, ed. *Feminism and Islam*, 69-83.

⁸⁹ Ibid.

⁹⁰ Moghissi, 126-146.

pristine sources of the Qur'ān and *Sunnah* in order to obtain Islamic authenticity and legitimacy of the Allah-granted rights of women, as women's equality permeates these sources.

One such feminist, Mahnaz Afkhami, in her writing on human rights and education of Muslim women, argues that only the Prophet had full comprehension of the divine message he bore and the rest of humanity can only interpret Islam with its limited ability. Thus, to her by extension, the development of Islamic law is man-made and reflects the biases of those, who interpret it. It therefore, should be understood in terms of context and culture, rather than a doctrine of immutability.⁹¹ And she concludes that since the Qur'ān specifically forbade the Prophet from forcing people in religious matters, all social prescriptions in Islam are to be considered contextually and timely bound, rather than eternally unchangeable. This she buttresses with the thesis of Fazlur Rahmān, a modern Muslim scholar who had earlier on elaborated on the necessity of approaching the Qur'ān holistically, as yielding a definite "weltanschauung". By understanding the entire context of the particular 'moment' of Qur'ānic revelation, he argues, it is possible to extrapolate essential principles, which can then be applied to new upcoming challenges, which call for resolution by human beings and their societies in order to truly implement Islamic praxis in any given time and culture.⁹²

From this submission, it is clear that Muslim feminists in their struggle for gender rights within the confines of the *Shar'ah* are challenging Muslim scholars to make gender rights a fundamental Islamic tenet and are pressing that Muslim societies implement these rights as a religious duty imposed on them. In interpreting the Islamic cultural and socio-political prescriptions, the Muslim feminists base their insistence on the basic principle that is resonating in the Qur'ān which is equality and, so, to them any examples of inequality should be discarded, as they are time bound and changeable. According to Leila Ahmed, it is this underlying voice of equality flowing through the Qur'ān, which is responsible for Muslim feminist insistence that Islam is a religion of fairness and equality.⁹³

Mernissi also concurs to this principle of equality, but is rather more pessimistic than others. She has in fact concluded that the voice of equality

⁹¹ Mahnaz Afkhami, "Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies", in *Muslim Women and the Politics of Participation*, 110.

⁹² Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: The University of Chicago Press, 1982), 20.

⁹³ Ahmed, *Women and Gender*, 55-237

was an initial idealistic egalitarian hope of the Prophet that was eventually lost and sacrificed under the burden and task of building the nascent Muslim community. This happened according to her, in order to protect the maiden Muslims from disintegration and the loss of Islam as a social and political experiment. According to Mernissi, therefore, women's rights are a problem for some modern Muslim men, neither due to any interpretation made of the Qur'ān nor to that of the Prophet, but simply as those rights are in conflict with the interests of egoistic male elites. They have not only always had allowed the sacred texts to be manipulated right from the time of the early Muslims but have also brought the matter as far as instituting this manipulation, as a structural characteristic of power in Muslim societies.⁹⁴

Consequently, Mernissi opposes the Islamist call for a return to the so-called pristine past. To her, it is nothing but the return to the past, the tradition of bringing matters back into an order, which is however no longer satisfying especially so as far as the women are concerned since they in the past have been marginalized by it. This return which includes a return to the veil and an invitation to women, who have once left the place designated for them in traditional Muslim societies, now to leave their newly conquered social, political and economic territories and thus return to their archaic former traditional and marginalized place is unacceptable to Mernissi because it contradicts the so-called ideal Islam of the Prophet of Islam, who, on the contrary, and in actual fact, preached a message so revolutionary that the aristocracy of his place of birth forced him into exile.⁹⁵

For Mernissi, therefore, the call for a return to the veil depicts graphically the confined marginal, restricted and above all subordinate territories designated by Islamists for women. This would thus be viewed as the reason for the expression 'Iron Curtain' to be translated into Arabic as *al-hijāb al-hadīdī*. The translation of the word 'curtain' into Arabic in the sense of something that divides space to impede traffic to her is precisely *hijāb*, *hisn*, and *burj* as these words imply every boundary behind which something terrifying is hiding.⁹⁶ She explains that in Arab societies, these boundaries are fixed in an Islamic law known as *hudūd* or limits. Though the boundaries are meant to protect women from the feelings of fear, in the case of Arab women, Mernissi laments that these in themselves are the sources of fear and the question is how Arab women

⁹⁴ Mernissi, *Women and Islam*, 106-114; 178-179 and 185.

⁹⁵ *Ibid.*, ix, 8, 24.

⁹⁶ Fatima Mernissi, *Islam and Democracy: Fear of the Modern World*, trans. by Mary Jo Lakeland (New York: Addison-Wesley, 1992), 1-9.

are to feel comfortable in demanding the negotiation of new boundaries as they may feel naked and vulnerable in a world where men are on the defensive, with their eyes on the boundaries that are hemming in the women. These are however the same men who have invited foreigners now seducing women, even including those married, whether veiled or not. It is true according to Mernissi that Mecca is still the center of the world, even though it requires the American air force for its protection, although not against deviation, confusion and the women in the city. Mernissi wants to know how to avert violence in a city without boundaries and what will eventually happen to the women in the city, where the defense of the boundaries is now in the hands of foreigners.⁹⁷

Therefore, most Muslim feminists submit that to discard a liberal Muslim discourse on women's rights, and denounce involvement of religion in the ordering of society, can only lead to exacerbating patriarchal Islamism, as it would then represent the sole voice of Islamic traditions. To these feminists, upholding a liberal Muslim perspective on women's rights and returning to the sources of Islam so as to develop religious authenticity for gender and feminist rights cannot be negotiated. Using Islamic authenticity to realize this women's right to equality has two aspects as far as these feminists are concerned: The first is the right of women to understand the Islamic sources and the second aspect is their right to a comprehensive re-evaluation as well as re-interpretation of Islamic texts through a non-patriarchal perspective. As Nimat Hafez Barazangi argues:

Full access to Islamic higher learning, that is, deeper knowledge of the Islamic primary sources beyond the ritual religious acts, is the basis for Muslim women to effect a change. The fact that many Muslim women rely solely on others' interpretations of the scriptures to guide their basic spiritual, intellectual, and physical requirements may serve as an evidence for the fact that a Muslim woman's right to understand, to select, and to act according to her choice is being compromised.⁹⁸

As Muslim feminists demand a comprehensive re-evaluation as well as re-interpretation of Islamic texts through a non-patriarchal perspective, their demand has not been viewed lightly, as it has rather been championed by some leading Muslim feminists, who challenge what they perceive today as a male dominated interpretation of Islamic texts. There are many such feminists who could be regarded as pacesetters in breaking

⁹⁷ Ibid.

⁹⁸ Nimat Hafez Barazangi, "Muslim Women's Islamic Higher Learning as a Human Right: The Action Plan", in *Muslim Women and the Politics of Participation*, 44.

fresh grounds in the understanding of both Islamic texts and codes on dress of women and their conduct in general. They have moved away from both the traditional and orthodox interpretations of the status of women in Islam to a radical and feminist analysis of some texts which were hitherto considered authentic, but which they believe contain some unwholesome degrading and humiliating regulations on Muslim women. These texts include those on inheritance, ownership of property, divorce, the right of testification in a court of law, use of veil, age of marriage and polygamy. Muslim feminists have also undertaken numerous perusals of the history of the nascent Islamic state founded by the Prophet in Medina and the manner in which the patriarchal control of that state emerged immediately after his time.

Wadūd, as shown in chapter one, is an example of such Muslim feminists who view their struggle for women's rights through the liberal lens. Though she initially received her inspiration from the main and primary source of Islam-- the Qur'ān- (which forms the title of her dissertation in religious studies), however she appears to have shifted from this inspirational primary source of Islam to what she now views as pragmatic and egalitarian reforms in women's rights in Islam. Using the theory of hermeneutics propounded by Fazlur Rahmān, above, she raises in her thesis, the notion that the Qur'ān only teaches the importance of decency and modesty in the dressing of Muslim men and women, but does not command specific Islamic codes on the form and style of dressing. This, according to her, depends on space-temporal culture and context. She also explains that with regard to Arabic grammar and syntax in the Qur'ān, there is lack of a neuter, as the masculine gender plural forms address women and men. This fact has led even the best male Arab grammarians to erroneously overlook the inclusion of women in their exegesis of the masculine gender plural forms. They therefore claimed that most of the Qur'ānic passages refer to male gender only.⁹⁹ Wadūd argues that the two are perfect, complete and equal. None of them is less than, inferior or superior to the other as they were a part taken out of the other that was the whole. Where in the Qur'ān the event in the Garden is recounted, explains Wadūd, it shows that both parties were considered guilty. The female is never singled out and chastised for being a temptress.¹⁰⁰ Ultimately, the two sought forgiveness and it was granted both. They began life on earth untainted by a 'fall' from grace and with no trace of original sin. On the contrary, in Islam the story of creation of

⁹⁹ Wadūd-Muhsīn, 1-10.

¹⁰⁰ Ibid., 15-20.

human beings on earth began with forgiveness and mercy as well as a most important promise or covenant taken to God.¹⁰¹

Furthermore, Wadūd raises the notion that the Qur'ān is absolute that Allāh is not limited by human characteristics, thus not gender-biased. Instead, Islam provides women with explicit rights to inheritance, independent property, divorce and the right to testify in a court of law. Women and men equally are required to fulfill all religious duties, and are equally eligible for punishment for misdemeanors. In short, Wadūd concludes that both men and women are appointed as the Vicegerents of God to carry out mutually supportive roles in the society. As a result, whatever differences existing between the male and female gender is not indicative of an inherent superiority or inferiority or else the mutual role of *Khilāfah* would be meaningless.¹⁰² According to Wadūd, it is in order for a female to exercise and play the above egalitarian role of *Khilāfah* thus she went ahead to become the first woman to lead both men and women in the Friday Congregational prayers in the United States of America on Friday March 18th 2005, a significant religious role taken on by a woman and that came to create a division among scholars in the Muslim world. According to Barbara Shoetzau, a *New York* reporter, controversy erupted in New York on Friday March 18th and spread across the Muslim world as Wadūd led the mixed-gender service at a building on the grounds of the episcopal Cathedral of Saint John the Divine after the original venue was changed following threats.¹⁰³ This event is her pragmatic approach in clearly demonstrating her understanding of the egalitarian role of *Khilāfah* in Islam. While most Muslim scholars have condemned the exercise, the *Mufti* of Egypt, *Shaykh* Ali Jum'ah has supported it.¹⁰⁴

Following this feminist liberal approach to counteract classical interpretations of the Islamic conduct of women particularly on *hijāb*, many Muslim feminists have propounded many severe and far-reaching alternative regulations on women. For instance, they argue that Muslim women are allowed the freedom of choice in their interpretation of the Quranic text, as to what they may wear in order to conform to the Islamic dress code and other Islamic ideals unlike that of the traditional Muslim scholars, who maintain that the *hijāb* is obligatory and therefore stands as the very symbol of Muslim piety. Thus, Mai Yamani, who has worked and resided in Saudi Arabia for many years, sees as a first relevant concern for

¹⁰¹ Ibid.

¹⁰² Wadūd-Muhsīn, *Qur'ān and Woman*: pp. 18-35.

¹⁰³ See Barbara Shoetzau, "Woman Leads Muslim Prayers in New York, Sparking Worldwide Controversy" *New York Times*, March 19 2005.

¹⁰⁴ *Shaykh* 'Ali Jum'ah, available at <http://www.muslimwakeup.com>.

Muslim feminists today the element of choice that should be attached to the issue of the female veil and the woman's right to choose to adopt wearing veil or not to and not whether the veil is Islamic or not.¹⁰⁵

This feminist liberal approach can categorize Muslim revivalists and scholars' writing on women issues in Islam in three divisions. Muslim revivalists and scholars can be categorized into three broad areas based on their perspective of the role of women in postmodern society. The first division according to Kauthar consists of the liberal view¹⁰⁶ which tallies with the above Muslim feminist position. In the second group are the moderate Muslim revivalists. Their view is in support of equal political participation and education of Muslim women and men as long as they observe Islamic norms in all their dealings and transactions. This division therefore supports gender equity. Kausar stresses that while moderate revivalists support the public and political participation of Muslim women, they oppose the deconstruction of all gender differentiations as advocated by gender feminists, as the consequences would be too disastrous for the family institution and hence, the entire humanity. The attempts to strike a balance between public and political participation by Muslim women and gender deconstruction, she points out, has given rise to a conflict between the family and public participation of women known as 'women double workload-dilemma'. She discusses the conflict and the various approaches to its solution extensively in her "*Women in Feminism*".¹⁰⁷

Many contemporary scholars and revivalists such as *Shaykh* Hasān Al-Banā, Syed Jalāl al-Dīn Ansār Umrī and Hasan al-Turābī are positioned in the second moderate group. Among other scholars regarded as moderate scholars include Mustafā Tahān. Tahān rightly debunks the below annulment of women civic rights by the traditional or conservative scholars. While he is commenting on the submission by al-Sibāī below, he argues that since al-Sibāī himself established the rights of a woman in Islam to vote and be elected, he could therefore not annul whatever God has bestowed, as a right on the women, as this is the prerogative of God.¹⁰⁸ It would therefore appear that most scholars are positioned in the moderate group, whose vision according to al-Qaradāwī, is based on a *wasatiyyah* or moderate perspective in addressing Islamic issues. It is a trend that calls for understanding of Islamic established injunctions in their totality, taking

¹⁰⁵ Mai Yamani, ed. *Feminism and Islam: Legal and Literary Perspectives* (New York: New York University Press, 1996), 20.

¹⁰⁶ Kausar, "Ikos/Polis Conflict", 476-496.

¹⁰⁷ See Zeenat Kausar, *Women in Feminism and Politics: New Directions towards Islamization* (Petaling Jaya, Malaysia: STAD, IIU Malaysia, 1995).

¹⁰⁸ Ibid., 30.

into consideration, the circumstances around their revelation, historical backgrounds and modern situations conditions of Muslims alongside their relationship with others. Rules of modern society and purposes of the *Sharī'ah*, requirement for simplification in the practice of *da'wah*, religious decrees as well as a balance between established rules and social changes should in tis regard also be taken inot consideration.¹⁰⁹ The *wasatiyyah* perspective on gender issues can be found in the writings of many Muslim scholars who are in support of equal educational opportunity for women, political participation and participation in other aspects of public life alongside with men as long as they observe Islamic norms in all their dealings.¹¹⁰ In this group, Kauthar position many contemporary scholars and revivalists such as *Shaykh* Hasān Al-Banā, Syed Jalāl al-dīn Ansār Umrī, Maududi, and Hasan al-Turābī.¹¹¹ It is however argued in this research shortly that Maududi actually belong to the last and the third group.

The last group would be the *salafiyyah* or classical group. Kauthar refers to it as the group of traditional or conservative Muslim scholars. The group can be depicted as upholding a rigid and fundamental approach to the interpretation of the primary sources of the Islamic law and perceives all aspects of the Islamic law including the injunctions on code of dressing and conduct of women, as parts of the Islamic creedal statement and therefore do not consider the subject malleable, open to discussion or debate. It bars Muslim women from virtually all outdoor and public activities. Maududi, the Indian scholar rightly belongs to this group. Though, Kauthar places him in the first group, he can however be categorized as a *salafiyyah* (classical scholar) hence a conservative, but enlightened Islamic revivalist and scholar, who annulled the civic rights of women because of *tabarruj al-jāhiliyyah al-Ulā*.¹¹² According to him, Islam, which has prohibited the above, would not have allowed Muslim women seeking membership of the councils and parliaments as well as operating social activities outside the home or seeking employment and

¹⁰⁹ Yusuf Al-Qaradāwī, *Al-fiqh al-Awlawiyyāt* (Cairo: Maktabah Wahbah, 1995), 220-227.

¹¹⁰ Ibid,

¹¹¹ Kauthar, "Ikos/Polis Conflict," 476-496.

¹¹² It means the display of the past days of ignorance and in Qur'ānic terminology refers to how women displayed their body indiscriminately and conspicuously during the period of *Jāhiliyyah* c.f. M.A Assābunī, *Safwat al-tafāsīr*, (Bayrut: Dār al-Qur'ān al-Karīm, 1981), Vol.10. p.6

education side by side with opposite sex.¹¹³ Another scholar who is in support of the above view of Maududi is al-Sibāī who confirms the civic rights granted women in Islam on the one hand only to annul it on the other hand. On his part, al-Sibāī opines that though there is no clear text in Islam that deprives the women her civic rights yet the interest of the society in reality restricts these rights. According to him, the care of the family, avoiding intermingling with the opposite sex and veiling of the face are public interests that stand between women and the realization of their civic rights, as it is difficult if not impossible for women to protect the above public interests in the exercise of their civic rights. Hence, those rights are annulled.¹¹⁴

¹¹³ S.A.A Maududī, *The meaning of the Holy Qur'ān* (Delhi: Board of Islamic Publications, n.d.), Vol. IV, 16.

¹¹⁴ M.M. Tahān, *Hadīr Al-'Ālam Al-Islāmī* (n. p. Al-Markaz Lil-Kitābī Al-Islāmī, 1992), 29-30.

CHAPTER THREE

A SURVEY OF THE ISLAMIC FEMINIST MOVEMENT

Introduction

The chapter traces the beginning of the Islamic feminist movement in Muslim societies and provides an Islamic framework for the version labeled "Islamic", its justification for this brand of feminism is located in orthodox Islamic text including the work of a contemporary conservative Islamic scholar who was exiled from Saudi Islamic University in Medina. The term 'Islamic feminism' according to this book would only be referred to those feminists who are not only studying, but also living Islam based on their firm faith in the Islamic way of life. The term 'Muslim feminists' as explained in the last chapter, should suffice for Muslim women feminists, who are not in this category. This is so because while the former group believes in the Islamic message and struggle to actualize it, the latter does not. Hence, the two should not be listed together.

Today as more Muslim women activists are re-emerging women in every sphere of life as well as stepping out into the limelight demanding that not only the unconditional and total humanity of Muslim women be acknowledged but also that the challenges posed by postmodern developments be addressed, it is no longer possible to deny the exclusive 'Islamic feminism' of these women alongside their movement for women's emancipation within Islamic movements and Muslim societies. These Islamic feminist activists may reject the latest postmodern trends and shades in feminism, as would be revealed in this chapter, even many women, Muslims, non-Muslims, secularists or western alike are doing today, yet they do not the core Islamic expression of feminism. Islamic feminist activists do not reject the core Islamic expression of the feminist movement nor can they afford to do so. This is because expression the core Islamic expression of the feminist movement which, like the initial wave of the movement for women's emancipation is only eager of justice for all humanity, both men and women. This Islamic feminist movement

as would be revealed in this chapter is ultimately focused on gaining for women in practical terms all the rights that Islam has granted them, hence the term 'Islamic feminism' itself.

The feminist issues addressed by the core Islamic expression of the feminist movement may on the surface appear simplistic, but it however involves a number of complexities and intricacies that ought to be of much ethical and religious concern to all Muslims, not just these Muslim women activists and more importantly to Islamic scholars. Islamic scholars' disposition to these feminist complexities and intricacies would certainly prove very meaningful, while reflecting the depth of their integrity and commitment to the Islamic tenets on justice. All Muslim scholars must respond to all the manifestations of injustice in the society towards Muslim women, non-Muslims and even all the exploited creatures of Allah. These responses, while recognizing the 'universality and immutability of justice in Islam' must however also take into consideration cultural differences and practices that have engendered maltreatment of women in Muslim societies so as to ensure and guarantee the efficacy of the implementation of Islamic justice for all members of these societies. While, the the core Islamic expression of the feminist movement struggle for gender justice or equity and 'human rights for Muslim women', it cannot be regarded, as a struggle for women alone, as maltreatment of women is not the problem of women only in Muslim societies, it is rather very much that of men. In the famous Qur'ānic injunction on the leadership of men, men are appointed as *Qawwāmun* or maintainers and caretakers of women. This responsibility therefore entails the complete protection and preservation of Muslim women's honor, dignity, integrity, welfare and health as explained by other Qur'ānic injunctions and Prophetic traditions according to the interpretation of many leading Muslim exegetes.

Hence the necessity to study and conduct serious research on the feminist movement in Islam from the perspective of Muslim women activists. This is the only antidote against the shortcomings, evils and excesses of postmodern feminism. Zaynab al-Ghazali, a foremost Islamic feminist activist is one of the Muslim women, who argue that Muslim women require no empowerment or liberation but only education and awareness to gain their rights, as Muslim women. No wonder, she has been recognized as a foremost Islamist and who spoke for the rights of Muslim women.¹ Studies on her struggles, the works of Fatima Nasif

¹ Valerie J. Hoffman, "An Islamic Activist: Zaynab al-Ghazali" in *Women and the Family in the Middle East: New Voices of Change*, ed. Elizabeth Warnock Fernea (Austin: University of Texas Press, 1985), 234- 235.

Umar, the author of *Women In Islam, A Discourse in Rights and Obligations*, and Katherine Bullock, currently represents the best polemical advocacy that this book places in the forefront of the re-emerging phenomenon of 'Islamic feminism'. These various works have provided evidence for the fact that Muslim women have enjoyed equitable rights and complementary roles with men at different phases of Islamic history. For instance, contrary to the accusations by feminists, the *Jihād* scholars in Hausa land did not keep women at bay nor push them to the domestic sphere after the *Jihād*.² Rather, as many other scholars have revealed, the *Jihād* scholars in Nigeria fought vigorously against all the oppressive practices that women were made to suffer in the name of Islam both before and after the *Jihād*.³ Qāsim Amīn⁴, a reformer of the late 19th Century was to re-enact the struggle by *Jihād* scholars in Hausa land, when he wrote his books in twentieth century Egypt: *The Liberation of Women and the New Woman*. Even though Amīn was accused of being much influenced by the West in that he viewed the veil as a barrier between women and their individual development and contribution to the society, yet he did not support an unconditional assimilation of western values and norms. He was not in support of turning Muslim women into western fashion symbols as championed by leading orientalist and colonialist figures. This negative assimilation of western values was not his view of imitating the west. On the contrary, Amīn only called for the acceptance of the positive and progressive values of the west. He opposed the western fantasy with the practice of keeping harem in its total, arguing that in reality, this did make women powerful and weakened the men and not vice versa as viewed by westerners.⁵ He therefore did not support the orientalist and colonialist representation of Muslim women as indexes of Muslim backwardness as popularly held in some Muslim circles. Amīn believed that Muslim women must rise to play the divine key-roles assigned to them in Islam in the molding of the society in line with what took place in the early history of Islam. Even the great poet, Ibrāhīm was

² Kandiyoti, 429-43

³ A.A. Ādam, *Al-Islām Al-yawm Wa Gadān Fī Nayjiriyyah* (Egypt, Matabi Al-Mukhtar Al-Islāmī, 1985), 23-43.

⁴ Qāsim Amīn like other reformers of the late nineteenth and early twentieth centuries such as *Shaykh* Muhammad Abduh, Rashīd Ridā and Muhammad Iqbal are usually described as modernists only because they championed the assimilation of some western values that they considered necessary for the development of the *Ummah*.

⁵ Ahmed, *Women and Gender*, 145-160 and Timothy Mitchell, *Colonizing Egypt* (Berkeley: University of California Press, 1988), 113.

soon drawn into the named struggle. He re-echoes the views of Amīn albeit in a subtler manner in the lines of his poem, which he rendered at a ceremony, organized to raise funds for a female secondary school in Egypt.⁶ The manner in which these lines are still re-echoing in many cities throughout the Muslim world today only depicts the extent of its relevance to feminist discourse. The significant of this event lies in the fact that immorality or decadence is the standard excuse of some scholars in depriving women their rights as shown above. According to Sawwāf therefore, the apathy of many scholars who fall among the rigid and conservative revivists and scholars towards education for women is due to their fear of their mingling with men and thereby creating chaos.⁷

As already established, the Muslim woman has come to represent the ultimate symbol of backwardness and oppression, serving as evidence of the so-called degraded, darkest image of Muslim societies. Yet, over the last few decades of the twentieth century in particular, a growing elite of Muslim women and men has arisen and who has chosen to reject this oriental representation as alien to their perception of Islam. These Muslim women strongly believe in the egalitarian teachings of Islam and find gender empowerment and equity fully supported by the pristine and original sources of Islam and in fact, by the nascent Islamic state founded by the Prophet. To them, unlike Fatimah Feminissī above, it is possible to re-establish these gender empowerment and equity in today's Islamic Organizations in particular and Muslim societies in general as formerly done by the Prophet and his early successors to match the vision of the Islam that is projected in the egalitarian teachings of Islam, a religion that is egalitarian at its core.

Cooke identifies some of these Islamic feminists' activists as 'Islamic feminists'. She however includes in her identification, women fighting gender injustice and oppression whether this is carried through or against the Islamic religion and does not distinguish between women who support or subvert the activities of Islamic movement and that work within secular and Islamic matrices. She also lists feminists who uphold Islamic activism among those who do not and most importantly feminists who believe in the authenticity of the term Islamic among those who do not.⁸

However, this book at hand disagrees with her usage of the term 'Islamic feminists'. In opposing her definition, this research raises some

⁶ H. Ibrāhīm, *Dīwān Hāfīz Ibrāhīm*, (Beyrut: Muhammad Amīn-Dimji, 1969), Vol. 1, 279-283.

⁷ M.M. Sawwaf, *Al-Mukhattatīl al-Istimariyyah Limu Kafahta al-Islām* (Makkah: Dār al-Thaqāfah, 1965), 299.

⁸ Cooke, 55-64.

fundamental questions. Is it really possible to define the term, 'Islamic feminism' in the context of Islam and completely overlook or gloss over the ideological convictions of those grouped together? Is it really identical, the removal and rejection of seclusion and the harem's life with the conviction that these very form of life is dignity and empowerment for women? Alternatively, is the belief that the egalitarian message of Islam was the mere product of a revolutionary visionary, who finally submitted to a patriarchal cabal in a severe moment of stress and turmoil, the same with the conviction held by millions of Muslim women activists especially within Islamic movements? Is the belief that the revolutionary, visionary and egalitarian message of Islam was not only divine, but is also for all time and that it did accomplish for women of all times, justice, shelter and in fact resistance to male domination and oppression?

Hence, Lamyā' al-Fārūqī has stated categorically that for the feminist movement to be compatible with an Islamic environment, it must first and foremost come to terms with the goal of the Muslim women activists to uphold the teachings of Islam which they regard as ideal and to which they want to return. This is contrary to the mainstream feminist movement, which is opposed to the teachings of all religions and which considers all religions as the chief enemies of its progress. It must also come to terms with the Islamic concept of justice that is in tandem with the wider scope of justice for all human or non-human beings and not just women or men alone. Finally, Islam must be accepted, as an ideology, whose concept of religion or *Dīn* encompasses the entire spectrum of life.⁹

Therefore only those Muslim women who hold tenaciously to the Islamic teachings and work within Islamic matrices in their struggle for a change in Muslim societies that benefit all, especially so women that are referred to in this book as 'Islamic feminists'. It is to their struggle against injustice in all forms including gender injustice and oppression through their activities in the Islamic movement that 'Islamic feminism' refers. However, this book agrees with Cooke on the reality and the authenticity of Islamic feminism. As she has clarified, feminism deals with the issue of the expectations of the conduct of men and women leading to proper state of affairs in specific, but not necessarily for women alone. The Islamic feminist movement as defined in this book does seek justice in whatever area it can be found in order to put an end to gender discrimination.¹⁰ While Islamic feminism focuses on women activism and participation in the society, its scope of work for justice is not restricted to the female gender only. As argued by many Muslim women Islamic activists, Islamic

⁹ Lamyā' al-Fārūqī, 28-30.

¹⁰ Cooke, ix-x.

feminism must uphold the Islamic tenet of justice for all human and even non-human beings.

In what follows, the roots of Islamic feminism in the revolutionary, visionary, egalitarian and divine message of Islam will be traced and the manner, in which Muslim women activists, especially within Islamic movements, are trying today to recapture this authentic Islamic feminism, will be examined.

There abounds in the primary sources of Islam, the Qur'an and *Sumah* a good number of verses and texts that affirm gender equity and complementarities in creation, faith as well as rewards for good works. These texts have become a beacon of hope for Islamic feminists ever since the seventh century when Umm Salamah on behalf of some Muslim women petitioned the Prophet Muhammad inquiring as to why God did not appear to address women as He addressed men in the verses of the Qur'an. In response to her protest, Qur'anic passages: 3: 195 and 33: 35 and 48: 25 were revealed. These and other Qur'anic injunctions made clear, without any ambiguity whatsoever, the basic and fundamental status of women as equitable and complementary partners with men in Islam and their rights to all righteous deeds, whether religious, social, public and political, legal, economic and all human rights. Similarly to men, they are also entitled to forgiveness and paradise in the hereafter.¹¹

The case of 'Ā'ishah is well known, but her greatness is not considered highly in terms of her intellectual, educational contributions in the fields of Islamic law, history, medicine, astronomy, and the literature on Prophetic traditions that have been documented alone, but more importantly in her socio-religious and political contributions. Contrary to the claim by many western and secular writers, who aim at demonstrating that it is Muslim men who construct and portray women's contributions in Muslim society, the case of 'Ā'ishah is perhaps the most vivid example of how Muslim women in the early days of Islam shaped the Muslim society and constructed its legacy in their own unique ways. In fact, 'Ā'ishah as she challenged leading companions of the Prophet from the narrations from the Prophet and corrected these narrations, was as a Muslim woman, taking active and leading part in construction of almost all the teachings of Islam. Most western and secular writers, however fail to acknowledge this her strength and capacity, when they argue that all the Muslim women in

¹¹ Muhammad al-Tabarī, *Tafsīr al-Bayān an ta'wīl al-Qur'ān* (Bayrut: Dār al-Fikr, 1984), vol.22, 10.

the early days of Islam like 'Ā'ishah could not control the preservation or selection of their words as well as their applications in Muslim societies.¹²

There is also the divine response to the cries of a Muslim woman, Khawlah bint Tha'labah, against the injustices of her husband. But for her challenge to a patriarchal oppressive matrimonial act, women would still have continued to bear conjugal relationship that does not offer them happiness or freedom. In one poignant declaration, men were compelled to either offer women conjugal happiness or freedom from matrimony if it would entail their imprisonment and maltreatment.¹³ The rights granted married women in Islam from the above and many other texts include partnership with their husbands, as marriage is deemed, as a contract between consenting individuals, legal and economic independence, as Muslim women retain their maiden names as well as ownership and control of their property. In fact, the husband was obliged to capitalize the Muslim woman through the *mahr*, which is a kind of bridal love gift as it is payable only to the bride and not her family, father or other male relatives. Women were also entitled to maintenance allowances while marriage subsists and during divorce proceedings. In the same vein, men are obliged to maintain their divorced wives at least for a year. Even as many feminists have noted, the highest title in the Muslim community after that of the Prophet "Mothers of the Believers" (which applied to the wives of the Holy Prophet, (PBUH) was conferred on Muslim women. All other Muslim women also bore the title of *Sahabiyyah* like their fellow men.¹⁴

All these honors and distinctions granted the early Muslim women are so outstanding in Islamic history that many contemporary writers such as John Esposito believe that the struggle for gender equity in Islam is wellfounded.¹⁵ The new generations of both Muslim men and women activists therefore are not required to search for tools outside Islam in order to establish gender equity, empowerment and freedom for women. They therefore, tend to support the Islamic aspirations for the genuine

¹² Denise A. Spellberg, *Politics, Gender and the Islamic Past: The legacy of Aisha bint Abi Bakr* (New York: Columbia University Press, 1994), 57-58.

¹³ 'Umār Kahhalāh *Ōñlam al-nisā' fī 'alamay al-'Arabī wa al-Islāmī* (Damascus: Mu'assat al- Risālah, 1982), 38.

¹⁴ Mernissi, *The Veil and the Male Elite*, vi-ix, 85-101, 102-114; 115-140, 141-160, 161-179 and 180-188 and her *Women and Islam*, 106-114; 178-179, 185.

¹⁵ John L. Esposito with Natana J. Delong-Bas, *Women in Muslim Family Law* (New York, Syracuse University Press, 2nd edition, 2001), 4, 14, 15, 16, 28, 46, 50, 61, 62, 69, 83, 105.

emancipation and empowerment of women in all ramifications within only Islamic matrices.

The brand of the struggle championed by these Muslim women activists or Islamists against all harmful, inimical and indeed injurious practices regarding Muslim women has been rightly labeled as Islamic feminism. The label of their social, political, and intellectual activisms in support of Muslim women's public roles in society as Islamic feminism, according to Tijani, a Nigerian Assistant Professor at American University, Sharjah and former University of Ibadan lecturer, shows the difference between these Islamic feminist perceptions of Islam as a religion, which matches the egalitarian vision at the core of its teachings with realism and that of pragmatism and western secularism. Islam to him is a religion that is predicated on moderation and balance and therefore upholds gender equity but is opposed totally to the extremism of secular and gender feminism.¹⁶ He therefore submits that those who fall under the label Islamic feminists in Nigeria are not only resolute but also realistic in advocating that women should be granted their full humanity and protected from all harmful social and cultural practices. This he says is predicated on the core of the Islamic teachings on justice.¹⁷

The phenomenon of Islamic feminism as a call for change in women's conditions under the banner of Islam finds justification in Islamic texts and started at the time of the Prophet himself as explained above. However, the modern brand of the struggle as championed by these Muslim women activists or Islamists identified as Islamic feminists in this book was reenacted in Muslim societies in contemporary times during the Islamist struggles in modern Egypt. It re-emerged under the banner of the *Al-Ikhwān Al-Muslimūn* (Muslim Brothers) and gained momentum in the waves of complexities that followed the Iranian revolution of 1979. The movement was born out of the necessity to provide Islamic alternatives to the mainstream feminist struggle and accommodate the aspirations of Muslim women for better conditions and roles in Muslim societies. The basic aim of this Islamic feminism is to achieve the above aspirations of Muslim women by going back to the pristine precepts of their religion or *Dīn*. In doing so, they seek to oppose western values and lifestyles that are corrupt and which have made women second-class citizens who serve as sex objects and advertising tools. While opposing these western decadent values, Islamic feminists also reject the anti-woman practices prevalent

¹⁶ Dr. Tijani, Assistant Professor at the American University, Sharjah, interview by author, email, July 2004.

¹⁷ Ibid.

today in many Muslim societies because these practices are against Islamic teachings.

The late Zaki Badawi of the Muslim College in London attempted to locate the emergence of anti-woman, anti-intellectual, anti-progress and anti-science doctrines and practices in the Muslim societies today and argued that these practices are determined by a wave of extremism that is destructive to Islam. The submission of Dr. Zaki Badawi is that the Islamic world today is characterized by what he terms petro-Islam or Islam backed by oil money. To him the Arab world especially Saudi Arabia and Kuwait with their vast wealth generated from oil is responsible for the extreme form of Islam being witnessed today.¹⁸ This wave of extremism can be viewed almost all over the Muslim world. Today in Pakistan, it is reported of instances of Muslim men simply bringing a second wife into the home without even informing the wife at home. At times many of these men decide to take a second wife as the first wife has not bore any male children. They celebrate the birth of male children with fun-fare but mourn the birth of a female child. The situation is psychologically so terrifying for women that doctors are at times reluctant to let them know the sex of their children after hours of agonizing labor pains. Thus, according to a Pakistani commission on the status of women that was established by the President of Pakistan in 1985 saying that "the average woman is born into slavery, leads a life of drudgery and dies invariably in oblivion".¹⁹

In addition to the above disregard of women in Pakistan, those, who have been sexually assaulted, can still be charged for *Zinā* in the country. Even if the woman in question makes a legal complaint of *Zinā*, but is unable to produce four witnesses to the incident, her complaint is instead usually viewed as an admission of *Zinā* and she is punished accordingly. This was the experience of Safia Bibi, a maid who in 1983 was gravely assaulted by her employer's son and later by the employer himself. Safia's father registered a case of rape on the behalf of his daughter, but the judge, due to the request of witnesses to the event, acquitted both the son and father and sentenced Safia to three years' rigorous imprisonment, public flogging and a fine. Women in the perspective of Pakistani law are viewed in the same terms, as material objects and possessions, as reflected in its laws on sexual assault, which treat the offense as that of theft of male private property with no consideration for the woman's rights.²⁰ Articles describing women committing suicide after sexual attacks appear so often

¹⁸ Goodwin, 27.

¹⁹ Ibid., 44.

²⁰ Ibid., 51.

in newspapers in Pakistan that they are now usually relegated to the back pages. Tribal courts, known as *panchayats*, allow individual rights to suffer in this ad hoc legal system, traditionally meant for resolving disputes between whole families. This was the case for Mukhtar Mai. It was a *panchayat* that found Mukhtar's younger brother, Shakoor, guilty of sexually assaulting a girl from the powerful Mastoi clan of the village. The tribal *panchayat* or council ordered the same assault to be carried out of the 18-year-old Mukhtar Mai in lieu of her brother's alleged offense.. Human rights organizations strongly protested against the gang assault of Mukhtar Mai by four men and with the support of her community, albeit a minority. She took the case to court. The four men who assaulted her and two other members of the *panchayat* were being passed death sentences. It was later further revealed in a conventional court that the 12-year-old, allegedly assaulted by Mukhtar's younger brother, had in fact been kidnapped and sexually assaulted by the same men, who later made up his jury.²¹

According to Jan Goodwin, there have been many unreported and documented incidents of harassment and assaults of women even by law enforcement agencies in Pakistan prior to that of Mukhtar Mai.²² But the case of Mukhtar Mai is the first time public stripping and sexual assault of a woman has been carried out under the decree of a tribal council. This impunity was what really angered women's group and according to the Alliance against Discriminatory Laws, it was not only a monumental crime and violation of the rights of the girl, but also an outrage to the society itself and an affront to Pakistan. These women's rights organizations claim that there is institutionalized repression of women in Pakistan and that hundreds of women have been murdered in traditional honor killings with women being marked for death on suspicions of adultery. Fouzia Saeed,²³ a well-known human rights activist therefore called for the condemnation of institutional acceptance of the routine sexual assault and killing of women that are carried out in the name of dishonor or restore honor of families.²⁴

It would appear from the above that the laws of Pakistan are gender-biased and in favor of men and this fact Mr. Justice Aftab, a former Chief Justice of Pakistan once displayed. In his youth at the intermediate year at

²¹ Owais Tolid, "Protests over Pakistan gang rape" *BBC News Word edition*, Wednesday 3 July, 2004.

²² Goodwin, 44-64.

²³ Dr Fouzia Saeed, in Owais Tolid, "Protests over Pakistan gang rape" *BBC News Word edition*, Wednesday 3 July, 2004.

²⁴ Chiade O' Shea, "School hope for rape victim in Southern Punjab" *BBC News Word edition*, 7 Tuesday December 2004.

Bareilly College, he said to his English Professor and Founder of the first Islamia Girls' school in Bareilly, "If you wish to make harlots of them (women), educate them in schools" Though many years later, he recanted this opinion after he reflected over the circumstances in which women at that time were living in Pakistan. According to him, women were confined to the Harem and could not leave their residences though they were fully covered from head to toe. It was such practice that made him write on the status of women in Islam against the background of the Islamization embarked upon by President Zia-ul-Haq. He concluded that it was only male prejudices that made Muslim scholars to be inclined to the Islamic law in favor of men.²⁵

Similarly in Afghanistan, since 1992, women are believed to have become a useful target for the country's Islamists. Ironically, Afghanistan is one Muslim country with a very turbulent history on the rights of Muslim women. It was King Amanullah who first launched an emancipation programme for women in 1921, when he banned the veiling of the face and his wife appeared in public without veil. In 1929, however the King was overthrown and the wearing of the veil was reinstated. It was not until 1959 that the Prime Minister, Daoud Khan was to continue King Amanullah's emancipation programme as a result of which many women including his own wife voluntarily removed the face-veil. In 1964, the Afghan constitution granted women equal rights with men and coeducation started in all Afghan schools from the primary level to Kabul University. The declaration of the Islamic state of Afghanistan in 1992 eventually put an end to this movement for women's emancipation in the country.

According to Fatima Gailani, an official of the Afghan Resistance for many years, the situation for women became grave and dangerous after the Islamic state of Afghanistan was declared. Women were required to cover from head to toe and even then not to appear in the streets. They were banned from schools and places for work. Women were ordered that their education should only be to such degree, whereby they can teach their children at home and could only be obtained from their nearest relatives. Therefore, schools and training institutes for women were closed. Women's right to vote and be elected was also annulled by the Islamic state of Afghanistan.²⁶ The conditions of women under the Islamic state in Afghanistan forced Fatima Gailani to accept the plea by Afghan women that she should become women's voice in the new Afghanistan during her

²⁵ Mr. Justice Aftab Hussain, *Status of Women in Islam*, (Lahore: Law Publishing Company, 1987), 1, 4, 145, 149 and 201.

²⁶ *Ibid*, pp. 76- 92.

enrollment at the Muslim College London to study *Fiqh* or Islamic jurisprudence. To Fatima Gailani, her mission was not to fight men, but rather to include men in the fight for authentic Islam and for the rights granted women by this form of Islam.²⁷

Though the *Talaban* Islamic led government offered security reasons as excuse for these conditions of women, this is not satisfactory enough and thus, Afghan women joined for improving their conditions. Together with Afghan men with women, they participated in the 2004 elections. These women have started to usher in a new era in the war-torn country.

In Iran, following the Islamic Revolution of 1979, which brought Ayatollah Khomeini to power, to wear a black full dress became mandatory for all women starting from the age of nine. Failure to do so was regarded as an act of prostitution and the penalty ranged from fines to twelve months' imprisonment or flogging. In addition, the family Protection Acts of 1965 and 1975, which granted women certain marriage, divorce and custody rights, was repealed. Consequently, husbands were allowed to divorce their wives without their consent or even informing them, while women were not provided the right to divorce. Women were also banned from work and it was decreed that a woman must not leave her home without her husband's permission. At the same time, all Iranian schools were gender segregated and women were banned from attending some courses. Child care centers were closed and birth control was banned. Couples were stopped on the streets and in their cars and requested to provide evidence for being related. If they were found not to be related, they would be separated. Young unmarried couples found together were arrested and the women offered virginity tests and those found not to pass the test were forced to get married. This charade was allegedly taken too far, when it was ruled that unmarried women condemned to death must prior to execution lose their virginity through *Mut'Na* marriage to the guards.²⁸

It is believed that the religious fervor in Saudi Arabia started after the Khomeini revolution in Iran. Since it offered an alternative to the *Sunni* doctrine, the Iranian revolution compelled the Saudi ruling elites to step up religious practices and one of the consequences is the marginalization of women. Following this, education of women fell under stricter control and women were forced to be educated at home rather than abroad which was the hitherto practice. The face-veil also became compulsory for women in public and their freedom of movement became minimal. Saudi women have been described as the most deprived women in the Gulf region. It is

²⁷ Ibid, pp. 76- 92.

²⁸ Ibid, 103-115.

in fact, the only country, where women are not allowed at all to drive. They are also required to wear the face-veil in public and are not permitted to travel out of the country except in the company of a male relative even though he may be a mere minor or an unstable person.²⁹ In November 1990, as forty-seven veiled, professional and prominent Saudi women including university professors drove their cars on King Abdul Aziz highway in Riyadh, they were arrested and jailed for some hours. They lost their work, their passports were confiscated for a year and driving by women became officially banned. Gender segregation is a Saudi government policy strictly applied in all public spheres whether in schools, universities, restaurants, ministries or banks.³⁰

Similarly to their Saudi counterparts, Qatari women are also allegedly not allowed to drive cars except for a few working women. In the United Arab Emirates (UAE), most women also cover fully and are mostly segregated from foreigners on rare occasions. They are also not encouraged to take up employment; hence many young Emirates women do not consider education essential. The small numbers of women, who are employed, are reportedly severely discriminated against. For instance, while male doctors reportedly receive grants for building their own homes, female doctors do not, because they are expected to be supported by their husbands. In fact, there is a claim saying that clerks in the hospitals receive a higher salary than female doctors.³¹ According to Shaykha Lubna bint Khālid bint Sultān Al-Qāsim of Sharjah, a computer specialist and executive with the General Information Authority in the Emirates, the restrictions on women are the fallouts of a resurgence of religious extremism in the Emirates. To her, it is extremists who are insisting that women stay at home and veil their faces. On the inquiry as to why she was not yet married, she replied that she could not marry because the tradition is for her to marry one of her cousins, but since she delayed marriage for education, there are no unmarried cousins available. Yet it is permitted for her brothers to marry outside the royal family because they are males.³²

Though Kuwait is the only Muslim country that used not to be officially pretentious about its puritanical credentials, following the 1992 elections, however, Islamists have trying to change this image of Kuwait.

²⁹ Munira Fakhro, "Gulf Women and Islamic Law" in *Feminism and Islam*, 256-258.

³⁰ Mai Yamani, "Some Observations on Women in Saudi Arabia" in Mai Yamani ed. *Feminism and Islam: Legal and Literary Perspectives* (New York: New York University Press, 1996), 266-268, 270-273.

³¹ Goodwin, 130-154.

³² Ibid.

They see Islam as an alternative to the corrupt inept and nepotistic government of the al-Sabah royal family. Unfortunately, they appear to support the categorization of women as second-class citizens.³³ Yet, Kuwaiti women are not silent about their conditions. *Shaykha* Dr. Su'ād M. al-Sabah is one of the women rights activists, an economist and a renowned poet in the Arab world who refuses to be silent. As a poet-princess of the royal family, she has written bitterly concerning the suffering among women and children in the hands of tyrant rulers governing the Arab world and in the wake of the gulf war, she spelt out her anger against the Iraqi government.³⁴ Hence, Kuwaiti feminists can and do speak out. For instance, the feminists were enraged by the call on men to marry more than one wife and wrote angry letters to Kuwaiti Arab Times over the issue.³⁵

Despite the above appalling conditions of Muslim women in the named Muslim countries, the Muslim women activists who are now beginning to gain political freedom and other basic rights under the banner of the Islamic movement, upholding and defending the Islamic provisions on Muslim women and are defined as Islamic feminists in this work include Zaynab al-Ghazālī al-Jubaylī. In her memoirs, *Ayyām min Hayātī* (Days from my Life), she narrates the story of her leadership of the Muslim Ladies' Association which she founded, her relationship with the Muslim Brothers, her ordeals in Egyptian prisons in the 1960s and the methods of terrorism and control by the state. Zaynab, a daughter of an Azhar graduate starts relating her previous experience, while joining the Huda Sha'rāwī led feminist Union, but however later became disaffected due to its western and secular biases as well as her realization that Islam has granted women every right-political, economic, social, marital and personal, thus liberation is not called for among Muslim women.³⁶ Yet she continues to work with western and secular feminist organizations as noted in 1952, when her Muslim Ladies' Association joined the Women's Committee for Popular Resistance in their independence struggles.

This really portrays Zaynab al-Ghazālī al-Jubaylī as an Islamic feminist hence she dedicated her life to *Jihād* in the path of Allāh and the establishment of the Islamic state at the age of eighteen in 1935. She claimed divorce to her first husband due to his interference in her *Jihād* efforts and even reminded her second husband of her pledge to *Jihād* and to Hasan al-Banā to work under the banner of the Muslim Brothers before

³³ Ibid, 154-162.

³⁴ Su'ad al-Sabah, *Will You let me love My Country*, (n.p., 1991), 97-112.

³⁵ Goodwin, 162.

³⁶ Hoffman, "An Islamic Activist", 234-235.

accepting his proposal for marriage. Hence she favored *Jihād* ahead of marriage. Eventually, it was her *Jihād* that took Zaynab to Jamāl 'Abd al-Nāsir's gaol where she first spent a year in the men's prison, known as War Prison with the famous Muslim Brothers' leaders such as Sayyid Qutb, Ismā'īl Farāghil and 'Abdul Qādir 'Awdah before she was later transferred to the women's prison, *Qanā'ir*.³⁷ In these prisons, Zaynab chronicles the inhuman experiences, the government of Jamāl 'Abd al-Nāsir subjected people to. They consist of 'hell', a crucible meant for melting even men by metals, tortures, whippings, biting by ferocious dogs, weeklong immersions in water, suspended hangings, fire-cells and for some the ultimate price. All the sufferings were meted to members of the Muslim Brothers on the basis of fabricated - charges.³⁸

A perusal of Zaynab's memoirs, *Ayyām min hayātī*, reveals that her struggles in life confirm the definition of the term Islamic feminism. She does not seek equality with men in the western secular sense but gender equity that she believes is granted in Islam. In her opinion, *Jihād* is not intended for men alone but women too. Heroines who inspire her are found among the early generation of Muslim women like Laylā Tārif, a woman that belonged to the 'warmongering' *Khawārij* School of thought in Islam and Nusaybah bint Ka'b al-Mazniyyah, a woman, who was engaged in war alongside the Prophet. Zaynab describes herself as a soldier in the *Jihād* against the twentieth-century *jāhiliyyah* for an Islamic state. She propounds an Islamic way of life for all Muslim women-marriage, children upbringing and education-and at the same time, an active *da'wah* work.³⁹ She calls on Muslim women to free themselves from the shackles of a poorly understood Islam and to become active in the *Jihād* for the establishment of the Islamic state. Her own life is therefore a testimony to this end and a guide to others on the path of active Islamic work. She did not allow marriage to impede on her active Islamic work nor her husband to curb her *da'wah* activities.⁴⁰

Hence, her exemplary life for Muslim women activists has been likened to that of Sukaynah, Prophet Muhammad's (SAW) great grand daughter, who stipulated in her marriage contract that she would not obey her husband, conduct her affairs as she pleased as well as revoked her husband's right to polygamy. Cooke who conducted an interview with Zaynab in 1995, sought to learn if *Jihād* in the path of Allāh by women as

³⁷ Zaynab al-Ghazzālī, *Ayyām min Hayātī* (Days from my Life), (Cairo: Dār al-shurūq, 1986), 5-305.

³⁸ Ibid.

³⁹ Cooke, 83-106.

⁴⁰ Ibid.

propounded by her should end once the Islamic state is established and if women could assume political offices. Zaynab's response was that the authorities in the new Islamic state would determine at that point the eventual status of women and that she believes, women could certainly be holding posts in the Islamic government save for the office of the president.⁴¹ In 1981, Zaynab also argues that Islam does not forbid women from active participation in *da'wah* as well as public life as long as their activities do not impinge on their primary duty as mothers and trainers in cultivating the caliber of men that are required to fill the ranks of the Islamic work. To her, though the family and marital life must receive priority, as these aspects are not the first and last goals of marriage, they therefore do not preclude active *da'wah* work.⁴²

Zaynab al-Ghazālī al-Jubaylī is therefore a pace setter in the contemporary evolution of Islamic feminism. Workers within the Muslim women movement all over the Muslim world are today employing her Islamic idioms in their struggles for women's rights. For instance, women in the Muslim Brothers of Egypt claim that politics is not the men's realm alone but that of women as well and that it was so right from the time of the Prophet as when women not by proxy but directly and personally offered him and the Caliphs after him their *bay'ah* and vote, thus becoming equal partners with men in the political realm. Thus, Duval, the Swedish sociologist praises and describes Zaynab al-Ghazzālī as a pioneer of a brand of feminism that Islamist and active Muslim women can champion. In her opinion, Zaynab al-Ghazālī was determined to find feminism within Islam,⁴³ and so she did and successfully too.

The above brand of feminism pioneered by Zaynab al-Ghazzālī shortly flourished in Iran in the wake of the Iranian Islamic revolution. According to Ziba Mir-Hosseini, an Iranian feminist, the necessity to expound the Islamic brand of feminism in Iran became inevitable due to the contradictions that arose from the Iranian Islamic revolutionary experiment. At inception, the Iranian Islamic revolutionary government reportedly took some steps that curtailed the rights of women. It closed down some female educational activities, such as barring women from attending law courses, dismissed female judges, and abolished the 1976

⁴¹ Ibid.

⁴² Hoffman, "An Islamic Activist," 236-237.

⁴³ Soroya Duval, "New Veils and New Voices: Islamist women's Groups in Egypt", in eds., Ask, Karin and Marit Tjomsland, *Women and Islamization: Contemporary Dimensions of Discourse on Gender Relations* (Oxford: Berg, 1998), 62-7.

Family law.⁴⁴ Consequently, women were excluded from 54% of the subjects taught at the tertiary level and were reduced to 10% of the total student population by 1983. They were not offered high political office, such as ministerial post and were excluded from high-powered committees in the parliament. Any evidence of women, in the event of being uncorroborated by men was rejected and became even punishable as slander and murdering a woman was considered a lesser crime to killing a man. Women could further not be employed without the consent of their husbands and were encouraged to abandon paid employment as it was viewed as a danger to their honor. Interestingly all this took place in an Iran, where Ayatollah Khomeini himself was said to be offering his support to women in all domains. He used to say and repeatedly too that Islam has made women equal to men and rendered services and entitlements to them that were much greater than those of men. Women therefore were at a great loss in Iranian Islamic government. Yet they remained undaunted and instead turned to Islam to fight back those rights and succeeded too.⁴⁵

Mir-Hosseini believes Iranian Islamic feminists were forced to challenge the hegemony of the orthodox interpretative patriarchal elites of the *sharī'ah* leading to the Iranian Islamic government making a complete reversal in its supposedly Islamic divorce laws with the 1992 Divorce Amendments which curtails men's right to divorce and grants women financial domestic rewards known as *ujrat al-mithl* or standard wages for housework. Juristic articles in *Zanan*, an Iranian women's magazine launched in February 1992, signaled this complete reversal by Iranian revolutionary government. *Zanan* and a fruit of the Iranian Islamic revolution began by holding the Iranian Civil Codes responsible for the subordinate position of women and appealing to the *sharī'ah* for redress. It then gradually moved to expounding a re-reading of the concept of *qiwwāmah* or headship of the family and *tankīn* or woman's submission to her husband, *nushūs* or recalcitrance of either parties in marriage, *naqīs* or defectiveness of women, the appointment of women as judges and arbitrators in family courts, wife-beating and their economic empowerment.⁴⁶ It also established the necessity for a new *Ijtihād* on the gender inequalities that exist in the *sharī'ah* penal codes of *qisās* (retribution), *hudūd* (fixed punishments) and *ta'zirāt* (discretionary

⁴⁴ Haleh Afshar, "Islam and feminism: An Analysis of Political Strategies" in Mai Yamani, ed. *Feminism and Islam*, 201-216.

⁴⁵ Ibid.

⁴⁶ Ziba Mir-Hosseini, "Stretching the limits: A feminist Reading of the Sharī'ah in Post-Khomeini Iran" in Mai Yamani, ed. *Feminism and Islam*, 285-316.

punishments). The juristic re-reading of the *shari'ah* divorce laws enacted after the 1979 Islamic revolution by Zanan culminated in the Divorce Amendments.⁴⁷

Thus, Islamic feminism, which refers to Islamic texts in demanding the rights granted Muslim women by the *shari'ah*, was born. This brand of feminism, which takes Islam and not the west as its source of legitimacy, is said to have its intellectual base in Kiyān cultural Institute with Abdul karīm who is regarded as the Iranian Luther as the guiding inspiration.⁴⁸ As the Iranian women's revolutionary magazine was laying the intellectual basis of Islamic feminism; women representatives in the parliament were involved in the political and judicial aspects of the struggle. In 1991, Maryam Behruzi, a veteran representative who served a prison sentence in the post revolutionary period and whose son was martyred during the Iran-Iraq war demanded bills allowing early retirement age for women, a reformation of the divorce laws, allowing single women to travel abroad to continue their studies and making adequate provision of national insurance for women and children be put before the *Majlis*. The request was however rejected by the Presidential adviser on women's issues. Shahla Habibi, a woman herself stated that her demands would dishonor and devalue the Iranian women.⁴⁹

Behruzi however succeeded in pushing through another bill that allowed women to retire after twenty years of active service. A proposal to eliminate the prejudicial treatment of women in higher education and in the selection for degree courses was also ratified in 1991. In addition, women's struggle for re-entry into the judicial domain had been boosted in 1982, when female lawyers were permitted to serve as advisers in family courts and on matters relating to care and responsibility for children and minors. Two years later, the Head of Judiciary was empowered to appoint women to judicial functions as advisers to administrative justice courts, family courts, posts of Assistant to the Public Prosecutor, Examining Magistrate and offices concerned with legal preparation of laws. Even when in May 1994, the *majlis* Legal and Judicial Affairs Committee decried these last accomplishments; women members of the *Majlis* were not disillusioned. They, while remaining within Islamic matrices to demand for women participation in the domain of law, retained their hold in the courts.⁵⁰ Among the growing elite of Muslim women and men, who

⁴⁷ Ibid.

⁴⁸ See Dr. Abdul Karim in R. Wright, "An Iranian Luther shakes the foundation of islam" *the Guardian*, 1 February 1995.

⁴⁹ Afshar, "Islam and feminism: An Analysis", 201-216.

⁵⁰ Ibid.

opt to reject the depiction of Muslim women as the ultimate symbol of backwardness, oppression, and the degraded image of Muslim societies in Iran one find Zahra Moustafavi, the oldest daughter of Ayatollah Khomeini. As a Professor of Philosophy at Tehran University and President of the Iranian Women's association, Zahra Moustafavi argues that Islam grants men and women equal rights and therefore women should revolt starting from the home in order to obtain their rights. She believes that if a woman wishes to work outside the home, nobody should prevent her from doing so, since Islam has provided her the rights and the woman has the right to collect equal salary with men for the same work. She calls for the provision of nurseries for working mothers and the right to work for three days a week.⁵¹

Following the Iranian revolution that compelled the Saudi ruling elites to step up the imposition of the face-veil that feminists believe marginalizes women, the phenomenon of Islamic feminism also emerged in Saudi Arabia in the 1980s from the women's sections of the universities. The goal of Saudi Arabian Islamic feminists is to return to the pristine precepts of Islam. They are wearing their veils covering the body from head to toe both indoors and outdoors, reject western corruption and they enter into erudite and serious disputations that can infuriate both the religious and liberal groups. They are holding positions in the women's sections of the universities, banks, businesses etc. They are mostly young women in their twenties and thirties and they gather in large numbers that cut across class, economic and social barriers under the leadership of women knowledgeable in the *Dīn* hold her back who are usually university educated, lecturers and writers.

Saudi Arabian Islamic feminists are today deriving a liberating force from going back to the basics of the *Dīn* and have formed a forum within a cultural context through which they are negotiating power.⁵² Perhaps the best known of these Saudi Arabian Islamic feminists is Fātimah Umār Naseef who is the only woman in the country licensed to issue *fatwā* (religious verdicts) on Islamic issues. She lectures to over five hundred women in a assembly on women's right and request them to seek knowledge in regards to their rights and unjust duties. She also discusses their rights to partake in the reconstruction of the society as well as their rights to put the gained knowledge into practice. She declares that women's right to partake in *Jihād* is apart from the five pillars of Islam, an important factor in the *Dīn* and during which women are not require the

⁵¹ Goowin, 119.

⁵² Yamani, "Some Observations" in Mai Yamani ed. *Fedminism and Islam*, 266-270, 278-280.

permission of their husbands and parents.⁵³ According to her, the basic rights of Muslim women also include their rights to motherhood and wifehood but this should not prevent them from partaking in societal reconstruction in collaboration with other Muslim women. Muslim women in Saudi Arabia according to her have always been connected and networked with whomever they chose even alone at home and with the explosion of information technology, she believes that they are now more connected than ever before.⁵⁴

Hence despite the fact that women education in Saudi Arabia only commenced less than five decades ago, many Saudi women like other Arab women are today educated. Saudi women seized the opportunity of education which became available to them in the 60s when the wife of King Faisal, 'Iffat sponsored the first female school, *Dar al-Hanan* with the motto "The mother can be a school in herself if you prepare her well". Today, most Saudi women have some form of modern education, including higher learning at universities. In addition, Saudi women own and manage trade, import/export, shipping, lime and gravel factories, book stores and other businesses. They retain the control of their money and the right to continue their education after marriage. Saudi women have access to courts, they can request the court to dissolve their marriages if their husbands take co-wives and they can stipulate the right of *'ismat* to dissolve their marriages in their marriage contract. In fact, the current phenomenon of Islamic feminism in Saudi Arabia today is believed to have emerged from the women's sections of the universities in the 1980s.⁵⁵ The same phenomenon that is found in Cairo where according to Samia Serageldin, middle-aged women raised in secular homes, are now attending lessons on the correct preparation for prayer, head covering and *tajwid* or correct pronunciation in reading of the Qur'an etc. These lessons are being conducted by some of these women themselves who have received formal education for at least two years, acknowledged in a certificate to "preach" from the al-Azhar or it may be handled by other authorities.⁵⁶

Kuwait is another place where Islamic feminists are making progress. Some of these Islamic feminists are in fact, Europeans and Americans married to Kuwaiti men and according to Jan, they position themselves as Islamists and are happy to adopt the veil from head to toe even in its most conservative form. They hold regular meetings, where they study, teach,

⁵³ Umar Naseef, 1-32 and 150-160.

⁵⁴ Cooke, xv-xvii.

⁵⁵ Mai Yamani, "Some Observations on Women," 263-280.

⁵⁶ Ibid.

promote and practice Islamic teachings. Within the meetings, women are trained to reject western secularism and its brand of feminism in the Muslim world led by secular oriented women who posit themselves as Islamist feminists. At the same time, they perceive themselves as the upholders and markers of Islamic norms, which have placed them on a pedestal of respect, honor and importance.⁵⁷

The visibility of Malay Muslim women who make up about half the Malaysian population today could also be said to be a reflection of the phenomenon of Islamic feminism. It began with the publication of Kāssim Amīn Bey's *Tahrīr al-mar'ah* under the title *Alam Perempuan* in Penang in 1930 and according to Che Husna, this emancipation for Malay women could only come through an ideology that would support their education.⁵⁸ Since its independence in 1957, Malaysia has engendered a remarkable women's entry into the paid labor. Their percentage has increased from about 30% in 1957 to about 48% in 1995.⁵⁹ This rise was possible with the new-found oil wealth in the 1970s and the heavy investment by the Malaysian government in social reconstruction, industrialization and education especially for women.

Today Malay Muslim women enjoy basic constitutional rights. They enjoy the freedom to vote, run for office, pursue education and hold administrative and political positions as notable as university presidents and government ministers. Contrary to the claim by the Norwegian Professor, Ingrid Rudie, the Islamic revival in the 1980s has not curtailed the rights of Malay Muslim women. Her submission that the Malay husband had the right and duty to sanction his wife's movement contradicts the realities of today.⁶⁰ The emergence of Malay women in administrative and political positions has changed the power relations in the family and the society. This followed the massive recruitment of Malay Muslim women into the paid labor force after the 1970s economic boom from oil.

Thus the equations of power in Malaysian families actually changed and women took over the reins of power in not only the domestic realm but also in many administrative and political positions. One of the areas, where Malaysian Muslim women enjoy superiority is in marriage. Wife

⁵⁷ Ibid.

⁵⁸ See Che Husna Azhari, *Melor in Perspective*, (Bangi: Penerbit UKM, 1999).

⁵⁹ See Malaysian Government, *7th Malaysian Plan, 1996-2000*, (Kuala Lumpur: Percetakan Nasional Malaysia Berhad).

⁶⁰ Ingrid Rudie, *Visible Women in East Coast Malay society: On the Reproduction of Gender in Ceremonial, School and market*, (Oslo, Norway: Scandinavian University Press, 1994), 202-289.

battering, which falls under domestic violence occurs in all countries of the world but in order to curb this practice in Malaysia, the DVA or Domestic Violence Act was enacted in 1994. Prior to its enactment, Muslim women could only seek protection under the Islamic Family Law (Federal Territories) Act 1984 (IFLA) and the enforcement was therefore hampered as domestic violence was not treated as a criminal offense but rather as a private family matters. Hence, the DVA was enacted to grant both civil and criminal remedies for victims of domestic violence, such as in matters of maintenance, custody, divorce, assault, beating, physical and sexual threat. The act enables a battered spouse to apply for protection order or injunction without asking for divorce and even though, it does not recognize marital rape, it however allows a woman to abstain from sexual relations if she has obtained an injunction restraining the husband from having sexual intercourse with her.⁶¹

The *Shari'ah* as it is practiced in Malaysia also controls and limits the man's permission to enter polygamy. Before a man can marry a second wife, he has to obtain permission in writing from the *Shari'ah* court with evidence that he can maintain justice among the wives, support them and his dependants and that the second marriage is just, essential and will not cause harm to the existing wife. A *Shari'ah* Judge for instance, did not entertain Wan Mohd Yusof and Abdul Wahab's applications for a second wife in 1990 because they could not satisfy any of the above conditions and in 1995, another *Shari'ah* Judge found a Muslim man guilty of marrying ten women at one time. The IFLA further recognizes the wife's rights to maintenance, divorce, *Mut'ah* or consolatory gifts after divorce without just cause, her share of jointly owned property, inheritance, custody of children and protection from violence including statutory rape.⁶²

In short, according to Zaleha Kamaruddin, a Professor in law at the International Islamic University, Malaysia and a former Dean of the Centre for Postgraduate Studies, the Malaysian Muslim woman are generally, in a better position than her colleagues elsewhere, yet since most of these women have not received adequate education in respect of the Islamic law; they suffer discrimination from court officials. She therefore suggests

⁶¹ Junight Johar Hj. Mohd. Johar, "Wife Battering: Its Legal Protections under Domestic Violence Act (1994) and its Impact in the Marriage", in Zaleha Kamaruddin ed. *Islamic Family Law: New Challenges in the 21st Century*, (Kuala Lumpur: Research Centre, International Islamic University, 2004), Vol.11, 49-62.

⁶² Zaleha Kamaruddin, "Islamic Family Law in Malaysia: An Overview", in Zaleha Kamaruddin ed. *Islamic Family Law: Issues 2000*, (Kuala Lumpur: Research Centre, International Islamic University, 2001), 1-30.

further education of Muslim women on the interpretation and practice of Islamic law, restructuring of the *Shari'ah* courts, upgrading of the training of its personnel and the positions and powers of the *Shari'ah* Judges as well as the facilities of these *Shari'ah* courts so as to improve the conditions of Muslim women. Perhaps matters may improve further with a woman judge in the *Shari'ah* courts from the lower *Shari'ah* courts to their apex.⁶³

Ta'liq agreement is another provision that protects the rights of Muslim women in Malaysia and in recent years *Ta'liq* divorce application counts the third highest number after *Talāq*. *Ta'liq*, which is a statutory consent by the husband after the solemnization of marriage delegating the right of *Talāq* (repudiation) to the wife has made easy for women to cease their marriage, should their husbands breach any of the conditions agreed upon by the two parties in the *Ta'liq* agreements. It is a convenient approach for many women to end marriage on matters of maintenance, desertion and hurt caused by their husbands.⁶⁴ There is however the necessity to standardize *Ta'liq* divorce practices in Malaysia, for instance, while the Registrar of Marriage in Kelantan, Terengganu and Perak is required to ensure that the individuals have fulfilled and sign the prescribed form of *Ta'liq* at the time of registering a marriage, this is not so in other states of Peninsular Malaysia. At the same time, the definition of *Ta'liq* is more detailed in Terengganu compared to other states like Perak.⁶⁵

Ta'liq divorce applications have also become one of the effective means for women 'in halfway house' to get a divorce. The term according to the Malay community refers to women who are deserted and left to their own by their partners without maintenance or news whether they are dead or alive and yet these women are not legally divorced or widows free to remarry. In such a condition, they are deprived of love, care and affection and completely left in a state of uncertainty by their husbands. In addition to *Ta'liq* divorce applications, women 'in halfway house' can also opt out of wedlock through the Perak Islamic Family Law (PIFLE) of 1984, later amended in 1992, for all Muslims. The PIFLE can however be employed only if either of the parties is resident in Perak at the time of application and registered under the PIFLE. It also allows an application by the wife for a court order requiring the husband to resume cohabitation if she does

⁶³ Ibid.

⁶⁴ Nor Fadzlina Nawi, "*Ta'liq* agreement: A proposal for Reform", in Zaleha Kamaruddin ed. *Islamic Family Law: New Challenges*, 63-82.

⁶⁵ Suzaini Mohd Saufi, "*Ta'liq*: Practice and Procedure in Malaysia", in Zaleha Kamaruddin ed. *Islamic Family Law: Issues 2000*, 227-228 and 234-235.

not want to end their marriage. This last provision can be particularly useful for women in polygamous families whose husbands fail to discharge their marital duties.⁶⁶

Hence, it has been suggested that,⁶⁷ if these provisions and other legal facilities that restrict men's abuse of women such as obtaining written consent from the *Sharī'ah* court for every application to practice polygamy, as well as other similar provisions are judiciously enforced, violence and oppression against women should not be repeated in Malaysia.

In short, Muslim women are now re-emerging as active participants in all areas of public, political, economic, intellectual, social, cultural and spiritual spheres as did the early Muslim women at the time of the Prophet. Today, Muslim women are striving for greater inclusiveness in many diverse ways. Muslim women referred to as Islamic feminists in this research, identified an ideal Islam as the one lived by the Prophet's companions and followers at Madīnah and argued that what is required today is to adopt a complete *sharī'ah* state. Based on their view, there are no inequities towards women in the divine law of Islam. While these Muslim women or Islamic feminists would not forgo allegiance to Islam, they are critical to cultural and slavish interpretations of the basic Islamic teachings. Hence Islamic feminism does define these women. The term, Islamic feminism assists in understanding the distinction between the approaches of Muslim women activists and other dominant approaches for Muslim women's rights. Among such notable Muslim women, one finds Katherine Bullock. She reverted to Islam, a year and a half into her doctorate candidacy (July 1994), in the peak of the postmodern wave of the feminist movement in the 1990s and since then, she has been questioning underlying presumptions and stereotypes that the feminist movement in a continuation of the work by the orientalist have created and woven round Muslim women. She does so as to construct a system of legal reforms based on the mandate of the Qur'an and other religious texts that can be implemented today to grant women the full status, as active and transforming moral agents at all levels of human society. This active role of Muslim women according to her should not be restricted by any amount of historical colonialism with its western and occidental stereotypes of Muslim women as well as by the traditional cum social

customs of Muslim societies. This issue is a theme she has highlighted in many academic papers.⁶⁸

The Islamic veil or *hijāb* issue is another theme Bullock has highlighted in her PhD thesis, which has been converted into a book, and it is a theme that has attracted most of the Islamic feminists. In a postmodern world that bent on redressing the shortcomings of modernity and with its claim that all views must be tolerated, as there is no absolute truth, only relative truths, it is a great wonder that the veiling of women in most parts of the world is increasingly being rejected. The *hijāb* has become a global issue and has also gained a profound and central focus within not only the feminist, but the entire global discourse. The globalization of world religious attitudes to all of the issues hitherto obscure including gender and feminist issues has therefore had its affect on the issue of *hijāb* as can be viewed in the contemporary discourse on human rights, civil liberties, gender rights, religious pluralism etc. The "*hijābphobia*" phenomenon that started in secular France in the late eighties of the twentieth century soon took a spread global in nature. Today in France, Turkey, Tunisia, Singapore, Nigeria and many other places, young girls are sent home barred from the schools because of their wearing of *hijāb*. For instance, in Nigeria many Court cases have been initiated between some female students and their institution of higher learning as to whether the face-veil can be accepted in institutions of learning. The students are contending that it is undemocratic and a complete violation of human rights to bar them from attending classes because of their wearing of the veil. The scenario may well be taking place in Nigeria due to the polarizations on religious matters, but it makes a mockery of the entire European reformation and enlightenment in France and other western societies.

That France invoked again recently the 1905 secular law separating church and state that was supposed to block the French republic from protecting or harboring a state religion to bar the use of the veil is undemocratic. Politicians and other public officials now use the law that was in reality a democratic approach in opening religious freedom, to stop Muslim women dressed in *hijāb*. The French President himself, Jacques Chirac in December 2003 introduced the bill proscribing the *hijāb* as well as the wearing of any visible religious symbols in public offices and schools. Then, the bill was eventually passed into law by the French parliament in March 2004.⁶⁹ By this law known as the French headscarf ban or law, France itself ceases to be a free and democratic haven as it abolishes a fundamental human right, the freedom of conscience. Due to

⁶⁶ Azrin Syahnidar Bt. Mohammad Ariffin, "The effectiveness of the *Sharī'ah* Court in Protecting Wife in Limbo Cases: An Analysis in the Ipoh *Sharī'ah* Subordinate Court", in Zaleha Kamaruddin ed. *Islamic Family Law: New Challenges*, 83-96.

⁶⁷ Mohammad Rizal bin Abidin, "Polygamy: A Concession to Necessary Social Conditions", in Zaleha Kamaruddin ed. *Islamic Family Law: Issues 2000*, 104-111.

⁶⁸ Bullock, ii-xli.

⁶⁹ New York Times quoted in *New Strait Times*, Saturday, 23 October, 2004, 18.

the barricade set between the "Saeculum" and the Church, France now frowns upon, detests and even proscribes any display of religiosity by its citizens in public schools and offices. While, the *hijāb* is regarded as a pure religious symbol, an apparel intended for visiting mosques or private places alone and not schools, media houses and all other public establishments, which are meant for the "Saeculum", thus leading to the rustication of nine female students across France by October 2004, Christian chaplains position are still allowed to exist.⁷⁰ This is the picture of secular France, where secular democracy itself does not respect human dignity and right of conscience. In his *Christianity and the Encounter of World Religions*, Paul Tillich discussed religions and revealed that various ideologies such as liberal humanism have turned into what he called "quasi-religions".⁷¹ There is no doubt that secularism has taken the features of one of such "quasi-religions" in secular France.

Yet a variety of forms and styles of *hijāb* are conspicuous in the dressing Muslim women in today's Muslim societies. In Saudi Arabia, India and Iran, the wearing of the black chador is a common feature among very wide sections of the societies although some women still chose to wear the ordinary headscarf that covers only their hair. The same is also true in most Muslim societies of Southeast Asia and Africa including Nigeria. Hence, the burning fury of young Muslim women activists at what they described as undemocratic and a complete violation of their fundamental human rights and freedom to worship and practice as revealed in this study is understandable. To them and many others including some non-Muslims and secularists, the manner in which they have been treated is a form of slavery and injustice in postmodern Europe. To request them to expose their hair, ears and necks without their free choice makes a ridicule of the entire European civilization. They view the intolerance towards Muslim children and women dressed decently as a submission to undue pressure from fanatical secularists, who are not open-minded, tolerant and accommodating in a multicultural, multiplural and religious global world.

At the emergence of the twenty-first century, veiled Muslim women have come not only to form a stereotype perspective that represents to the hard-core secularists, the ultimate symbol of backwardness, retrogression and even oppression but also to serve as a stark and absolute *stereotypical* visual cue to bolster claims of the 'alarming' rise in Islamic fundamentalism and even terrorism. This would however portray that all the controversy

⁷⁰ Ibid.

⁷¹ Paul Tillich, *Christianity and the Encounter of World Religions* (New York: Columbia University Press, 1963), 1-79.

about the *hijāb* is in reality a phobia for the *hijāb* viewed as a hallmark of terrorism; hence all Muslim women that adorn *hijāb* are potential if not actual terrorists. Today, newspapers use the image of a veiled woman to evoke terrorism and fundamentalism and the veil is viewed as a neoconservative tendency that is a threat to the emergence of a modern role for women alongside men in the society. Thus, apparently the wearing of the *hijāb* had to be banned even in Muslim countries as took place in Turkey in 1980, with a Dress Regulation that prohibits headscarves and in Tunisia in 1989 where government workers and school/University students were banned from wearing *hijāb*.⁷²

The picture of such a degraded stereotyped image of Muslim women and the phobia for *hijāb* in particular around the world however has been rejected by the group of Muslim women described as Islamic feminists in this study. They do not accept this stereotyped image of Muslim women as laid by the "orientalism" in the nineteenth and twentieth centuries when European colonialists became obsessed with civilizing the "uncivilized world" and the so-called enslaved women in Muslim societies. This has been further exacerbated by the mistaken belief in feminist discourse that the only true model of emancipation is the western model of feminism. The mainstream perspective of feminism is what some Muslims regard as a western secularist perspective in which Muslim women are viewed as second-class citizens with lesser status than men and in most cases invisible to the outside world. The increasing growth in number of feminist studies and scholarly literature has attempted to highlight the numerous contours of this feminist discourse. According to this perspective, the veil is a major constraint in the total emancipation of Muslim women and goes beyond a religious or spiritual prescription, but in reality it serves as a political, cultural and economic oppressive tool in the hands of numerous nationalist and fundamentalist groups, which exist in most-Muslim societies.

According to Aisha Lemu, who falls among Muslim women described as Islamic feminists in this study, the above feminist perspective is based on some purely biased Western assumptions about Muslim women and she calls for a rejection of this "Hollywood choicest offerings" in favor of the Book of Islam and the Prophetic Traditions.⁷³ Kabbani traces this western perception of Muslim women to the western fantasies about Muslim women. This can be found depicted by Oriental literature focusing on the so-called backwardness of Muslim women. After examining this

⁷² Bullock, 30-32.

⁷³ B. Aisha Lemu, in B. Lemu and Fatima Hareem, *Women in Islam* (Leicester: The Islamic Foundation, 1978), 13-14.

literature, she concludes, similarly to Aisha Lemu, that this perception is full of mere fantasies, while maintaining that western scholars in their study of the Orient deliberately distorted the truth to elevate the West.⁷⁴ Edward Said in *Orientalism* as part of a wider and more complex discussion of western biases of all non-western cultures focuses on this Orientalist debate maintained the above statement that this distortion of the truth by western scholars was aimed at depicting the Orient as exotic, dangerous, violent and backward so as to elevate the West above East. To Said, it was only this distortion that could justify colonial rule in.⁷⁵ Similarly, this is also the submission of Sayyid Qutb, who attacks the orientalist's claim that Islam is the cause of the backwardness of Muslims. Sayyid Qutb argues that the backwardness of Muslims is not a result of their adherence to the early pristine teachings of Islam in their practice as claimed by the oriental discourse, but to their abandoning. He accuses the oriental scholars of superimposing western perceptions on Muslim world and thus judging it by western standards.⁷⁶ 'Abd al-Rahmān al-Hajjī believes that the orientalist onslaught against Islam has a positive angle because it has been instrumental in the realization of these degrading attacks on Islam, as well as the degradation in the Muslim world and thus began a search for the truth about the Muslim World present decline.⁷⁷

It is this orientalist perception of Muslim women that forms the basis of secular and western feminist view of Muslim women. The mere stereotypes of Muslim women from the viewpoint of feminist lens affirm gender inequities such as patriarchy in domestic and political spheres, women inheriting only half of what falls onto their male partners. Equating two female witnesses to one male witness, beating of wife(s), and permitting polygamy to men only and of course the veiling of women to restrict their economic, socio-political and public mobility are further examples of this regard. In reality however, both the feminists and most Muslims who oppose them are most of the time guilty of the same methodological defect in their differing analyses of Muslim women. While, the feminists tend to employ the method of reductionism by being selective of conditions of Muslim women in their studies thus to prove their oppressive and backward status, most Muslims who oppose these feminists are also guilty of reductionism in their selective textual analysis devoid of empirical conditions of Muslim women to prove that Islam

⁷⁴ See Rana Kabbani, *Europe's Myths of Orient* (London: Pandora, 1986).

⁷⁵ Edward Said, *Orientalism* (London: Penguin, 1978), 26-39.

⁷⁶ Sayyid Qutb, *Fī al-Tārīkh: Fikrah Wa Minhāj* (Bayrut: n.p. 1974), 5, 10 and 39.

⁷⁷ 'Abd al-Rahmān Al-Hajjī, *Nadhrāt fī al-Tārīkh al-Islāmī*, (Damascus, n.p. 1975), 14.

represents advancement and progress for Muslim women. They refer to numerous injunctions pointing to that women are granted economic autonomy and right to own and disburse property and that the veil does not prevent women from exercising these rights without questioning whether the use of veil and other traditions in practice in the Muslim societies actually allows this female autonomy to function. As noted by Marnia Lazreg, while the first approach by the feminists ignores the progress recorded by Muslim women, the second ignores the real sufferings of these women.⁷⁸ Marnia Lazreg reveals yet another group which comprises of both Muslim and non-Muslim feminists and scholars who differ from the above first two paradigms on the veil. They are mostly historians, ethnographers and anthropologists who bring the methodological approach of their social sciences to the study of veiling in the Muslim world. The perception or understanding of this new approach negates the so-called oppressive nature of the veil. In line with this new idea, Afaf Lutfi asserts the importance to direct the focus more on a better understanding of Muslim women. She explains that contrary to most feminist accusations, women in 18th century Egypt were far from being oppressed, as they were property owners, who engaged in trade and business and it was Muhammad Ali's modernization program that deprived them of their economic power.⁷⁹ In the same vein, Billie Melman has provided evidence for that most English woman who traveled to the Middle East did not portray the veiling of women as being oppressive. This she explains must have been made possible due to the access to the harems or the women's sections of most Muslim homes that they enjoyed. To the perception of the majority of these English women, the Muslim women found appeared to be living domestic, but fulfilling, free and autonomous lives. They also experienced the veil, as a symbol of protection, dignity and liberty.⁸⁰ It is also on record that Lady Mary Wortley Montagu who traveled to Turkey with her husband, a British diplomat, also discovered the veil as viewed by other European women to be empowering and fulfilling for Muslim

⁷⁸ Marnia Lazreg, *the Eloquence of Silence: Algerian Women in Question* (New York: Routledge, 1994), 13-15.

⁷⁹ Afaf Lutfi al-Sayyid Marsot, "Women and Modernisation: A Reevaluation," Amira El Azhary Sonbol (ed.), *Women, the Family and Divorce Laws in Islamic History* (Syracuse New York: Syracuse University Press, 1996), 50 and Afaf Lutfi al-Sayyid Marsot, "Entrepreneurial Egypt Women in Egypt", Mai Yamani ed. *Feminism and Islam: Legal and Literary Perspectives* (New York: New York University Press, 1996), pp. 33-47.

⁸⁰ Billie Melman, "Women's Orient: English Women and the Middle East, 1718-1918" in *Sexuality, Religion and Work*, 2nd edition (London: Macmillan, 1995), 100-315.

women. She actually tried the veil and by that became convinced that it was not oppressive but rather gave women freedom and allowed them free movements.⁸¹

The issue of *hijāb* for Muslim women has been for many centuries however controversial in the history of Islam. A close examination of Islamic texts however reveals that the code of dressing of women is a most contentious *Khilāfiyyah*⁸² issue. There is an age-long controversy among Islamic scholars as to whether the seclusion of Muslim women is *Wājib* or *Mubah*.⁸³ According to Al-Jazīrī only the *Hanbalī* and a section of *Shāfi'ī* schools of *fiqh*⁸⁴ consider veiling the face as compulsory for women.⁸⁵ As for the *Hanafī*, the *Mālikī* and the other section of the *Shāfi'ī* schools of *fiqh*, veiling or seclusion is only considered permissible.⁸⁶ Ibn Rusd confirms that the latter is the view of most of the scholars.⁸⁷ Hence, it is no surprise that this controversy still subsists. However, it is sad that learned Muslim scholars still hold not only divergent but antagonizing positions on the issue. Hence Zakaria Bashier categorizes these positions into three groups. The three positions are similar to the approaches of Muslim scholars already mentioned on the status of Muslim women. The traditionalists or the *salafīyyah* uphold the veiling of Muslim women including the face as a fundamental aspect or one of the *usūl* in Islamic creedal statement and therefore not considering the subject open to discussion or debate but rather asserting that veiling including covering the face is *wājib* as an Islamic obligation required for all Muslim women.⁸⁸ The liberal group holds that it is possible for a Muslim woman to even remove the ordinary head-cover, expose her hair and bosoms or at most, she could cover just her hair leaving her bosoms exposed. In this group

⁸¹ "The Complete Letters of Lady Mary Wortley Montagu" in Ahmed, *Women and Gender in Islam*, p.50.

⁸² This refers to issues on which there is lack of consensus among Islamic scholars known as *Al-Masā'il al-Khilāfiyyah* among 'Ulamā'.

⁸³ These are technical terms for two *sharĒ'ah* rulings, namely Obligatory and Permissible.

⁸⁴ There are four schools of Islamic law namely *Hanafī*, *Mālikī*, *Shāfi'ī* and *Hanbalī* Schools of law. Although there were other schools of law in the Sunni world that did not survive, see Al-Jazīrī below.

⁸⁵ Al-Jazīrī, 192

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ M.N. Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah fī al-Kitāb wa al-Sunnah*, (Bayrut, Al-Maktab al-Islāmī, 1418 A.H., 1997), pp.41-2

⁸⁹ See Zakaria Bashier, *Muslim Women in the Midst of Change*, Seminar Paper 5 (Leicester: The Islamic Foundation, 1981).

can be listed Muslim scholars such as late Zaki Badawi, the former rector of the Muslim College in London, who asserts that very few Muslim countries have provided women their full rights, thereby violating both the Islamic law and the message of Islam. According to him, the Islamic world today can only be understood through the manner in which it perceives women.⁸⁹ He further explains that veiling the face is an innovation that has no foundation whatsoever in Islam and was only introduced in Saudi Arabia after the discovery of oil. In his opinion, wearing the veil that covers a woman's hair is also not compulsory. In fact, he argues that this practice should be prohibited. He calls for its prohibition because it creates many problems.⁹⁰ Zaki Badawi also has an advice for Muslim women in France. He is requesting them to discontinue the wearing of the head-cover so as to live peacefully and abide by the secular law in France. Muslim scholars in the liberal group argue that Islam, instead of compelling both Muslim men and women to wear a particular form of dress or garment merely prescribes modesty, leaving the form open to their individual discretion depending on the varied circumstances or contexts in space and time. They submit that modesty implies that Muslim women should not draw unnecessary attention to themselves.⁹¹ Therefore, a Muslim woman wearing baggy jeans, a jumper and an unobtrusive scarf in a western country has dressed in full conformity with the spirit of the Islamic law compared to Muslim women who are wearing the full *hijāb* that consists of the face-veil. Considering the western and modern experience of most Muslim women today, as in France as mentioned by Dr. Zaki Badawi above, this liberal unobtrusive scarf may truly be considered to be a part of a modest form of dressing for Muslim women in that social milieu. Since the growing numbers of Muslim women, who adorn even this simple *hijāb* as a symbol of modesty in the west find the 'backlash' humiliating and repulsive and poses the question what altitude this 'backlash' would assume if they were to adorn the face-veil and the head to toe black apparel that prevails in Muslim traditional societies today.

In his interpretation of the verse of *hijāb* in *Sūrah al-Nūr*, Muhammad Asad also explains that the phrase *illā māḌahara minhā* can be best translated as "what may (decently) be apparent". He quoted al-Rāzī, as interpreting it as "that which a human being may openly show in accordance with prevailing custom (*al-'ādah al-jāriyah*". He argues that

⁸⁹ The late Dr. Zaki Badawi of the Muslim College, London in Jan Goodwin, *Price of Honour: Muslim women lift the Veil of silence on the Islamic World*, (Boston/ New York/ Toronto/ London: Little Brown and Company, 1994), 27-28.

⁹⁰ Ibid, 30.

⁹¹ Ibid.

the above interpretation of *illā māḍahara minhā* allows for all time-bound changes that are necessary for man's social growth. The command to men and women, to lower their gaze and be mindful of their chastity, in his opinion determines the extent of what, at any given time, is decent or indecent in a person's appearance.⁹² Muhammad Asad then concludes that since the meaning of what the above verse has exempted from covering is time bound, a Muslim woman may expose her hair in some cultural circumstances, where it is appropriate to do such.⁹³

Among other Muslim scholars, Muhammad Shahrūr, supports this line of argument. To him the Qur'ānic injunctions could only be properly understood by examining the etymology of its words and verses. With these linguistic analyses, Muhammad Shahrūr produces a re-reading of both the Qur'ānic injunctions and the *Sunnah* of the Prophet. He bases his re-reading on what he calls "the theory of *hudūd* or limits". According to him, the Qur'ān and the *Sunnah* should be understood within two limits, the maximum and minimum. Hence, the injunctions about code of dressing in Islam should be read in the context of maximum and minimum limits of respectability. He further suggested the Prophetic injunction is that a woman should cover her body except the face and the hands, hence both an undressed and a totally covered woman have brought themselves outside the boundaries of both the maximum and minimum of *hudūd* or limits. While the former exceeds the minimum of *hudūd* or limits, the latter exceeds the maximum of these *hudūd* or limits.⁹⁴

From the perspective of the Egyptian scholar of *fiqh* and a Muslim activist, Abd al-Halīm Abū Shāqqah on the other hand it is "the theory of cultural relativism" that must be applied in respect of a contemporary understanding of the Qur'ān and the *Sunnah* especially on gender code of conduct and dressing. To him therefore, there are no absolute Islamic codes on the form and style of dressing of Muslim women. Abū Shāqqah, wrote a scholarly work, a study of women in Islam, entitled *Tahrīr al-Mar'ah fī 'Asr al-Risālah* (The Emancipation of Women during the Time of the Revelation), a work on the subject of women status during the time of the Prophet. In this book, he attempts to highlight the discrepancy between the status of women during the time of Prophet Muhammad (SAW) and the status of women today. Abū Shāqqah finds that in many countries, very weak and unreliable sayings of the Prophet are being

⁹² Muhammad Asad, *The Message of the Qur'ān*, (Gibraltar: Dār al-Andalus, 1980), Chapter 24:31, notes 37-38.

⁹³ Ibid, notes 37-38 and *al-Ahzāb* 33: 59, note 75.

⁹⁴ Muhammad Shahrūr, *al-Kitāb wa al-Qur'ān: Qir'āh mu'asirah (Damascus: al-Aḥāl li al-Tibā'ah wa al-nashr wa al-Tawzi', 1990), 2-261.*

invented to support customs and traditions, which prohibit participation in public life by women and impose for instance the *hijāb* or face-veil, which then was to be considered part of the *sharī'ah*. These Islamists thus promote these unreliable traditions among many Muslims to the extent that these unacceptable sayings became part of the Islamic culture. Abū Shāqqah argues that it is the Islamic duty of women to participate in public life and in spreading good conduct. He also argues that wearing of the *hijāb* was for specifically the wives of the Prophet and that it was against Islamic teachings for other women to emulate the wives of the Prophet.⁹⁵

The majority of Muslim scholars are in the moderate group who hold the opinion that covering the face is not required, contrary to the claim of the first group of scholars. The opinion of the moderates is separated from the liberals. The vast number of moderates does not consider it proper for a Muslim woman to set aside the veil in its entirety, removing the simple and ordinary head-cover or leaving her bosoms uncovered, but they object to the stark imposition of the face-veil on all Muslim women. Some consider the wives of the Prophet (SAW), as only those required to cover their faces to avoid encouraging the Muslim men to think of them in physical terms and this due to their special status as the "Mothers of the Believers," while others do not consider the face-veil as an Islamic tenet at all. This view denotes a growing tendency even among the *salafīyyah* scholars as would be demonstrated shortly when the work of *Shaykh* Al-Albānī would be comprehensively analyzed.

The same moderate position is also the view of the eminent and notable Sudanese Islamist and scholar, Hasan al-Turābī. Al-Turābī, a former university Professor of Law and leader of the Islamic movement in the Sudan, who does not hold the *salafīyyah* position as would have been expected if one were to adhere to stereotypes by western scholars or orientalist. In his tract on Muslim women, al-Turābī states that as far as the wearing of the familiar *Hijāb* is concerned, it refers to a special regulation due to the status and position held by the Prophet's wives, a position different from all other women. God has ordained that their responsibility, reward as well as punishment be doubled that for any other woman (*Al-Ahzāb*, 30-31). Hence, the same *Sūrah* (chapter) enjoins the wives of the Prophet (peace upon him) to draw a curtain in order to ensure that their privacy and that their code of dress would require their covering of their bodies including the face and hands from being exposed to any man. All

⁹⁵ See 'Abd al-Halīm Abu Shaqqah, *Tahrīr al-mar'ah fī 'asr al-risālah*, (The Emancipation of Women during the Time of the Revelation, Kuwait: 1990).

other Muslim women are to be considered exempted from these restrictions.⁹⁶

Though al-Turābī published his pamphlet on Muslim women over thirty years ago, his views on the status of Muslim women has remained relevant until today and is being adopted by many Islamic organizations in Nigeria where his pamphlet has been reprinted many times by the Islamic Education Trust in Minna. His work has particularly attracted a great deal of Muslim women, who have adopted the *hijāb*, as specified by him. He is however by no means the only Muslim scholar of world repute arguing against the face-veil. The late *Shaykh* Muhammad al-Ghazālī criticizes all the Islamists and revivalists, who based their revivalism on the wearing of the face-veil by Muslim women. To him, they are mistaken in regards to the true nature of the Islamic reform, as revealed by Allāh and explained by His Prophet. He asserts that the tradition of suppressing Muslim women and making the face-veil a condition for Islamic reformation are the remnants of *jāhiliyyah al-‘ulā* (the first Pre-Islamic period), contrary to the true teachings of Islam.⁹⁷

Al-Ghazālī explains that during the time of the Prophet, women were active participants at home, in the mosque and on the battlefield. Islam has in fact made it permissible for Muslim women to uncover their faces during *hājj* and *salāh*, which make up two important pillars and rituals of Islam where Muslim men and women meet five times daily and annually in large numbers. He then speculates in what manner Islam may have reverted this fact and requests Muslim women to cover their faces in ordinary times. He views go further by affirming that Muslim women are not only allowed participate actively in the society, but also aspire for the highest political office.⁹⁸ This is similarly the position of *Shaykh* al-Qaradāwī, who summarized the debate on Islamic feminism, after taking notice that the opinions of the two categories of feminists had been unfair to women. The first category consists of the westernized and secularized Muslims, who attempt to impose western traditions that include abject decadence and loss of values among women. The second category is made up of the traditionalists, who are forcing the traditions of the East, added by an Islamic flavor on Muslim women. Both groups according to him

⁹⁶ See Dr. Hasan al-Turābī, *Women in Islam and Muslim Societies* (Minna: Islamic Education Trust, 1992).

⁹⁷ Muhammad Al-Ghazālī, *Qadāyā al-Mar’ah bayna al-Taklīd al-Rākidah Wa al-Wāfīdah* (Cairo: Dār al-shuruq, 1990), 15-16.

⁹⁸ Muhammad Al-Ghazālī, *Al-Sunnah al-Nabawiyyah bayna Ahl al-fiqh wa Ahl al-Hadīth*, Cairo: (Dār al-shuruq, 1992), 48.

maintain two extreme positions and which can only be counterbalanced by the *wasatiyyah* group.⁹⁹

At this point, it may be necessary to refer to the work of a *salafi* or traditional Muslim scholar who does not subscribe to the veiling or segregation of Muslim women from the public as affirmed by the abundance of textual evidence as well as empirical facts in early Islamic history. These facts according to him provide support for the rich participation of Muslim women in the socio-religious, political, economic and other key activities of the society. There is abundant of evidence right from the early history of Islam that there were Muslim scholars, who differed in views from the majority on many issues and that was prior to the Muslims' contact with modernity, the modernist and liberal attempts to re-interpret religious legacy. One contemporary such Muslim scholar is *Shaykh* al-Albānī. No living scholar or lay-person whether Islamic, secular, traditional or modernist has denied the fact that al-Albānī was a traditionalist to the core. Yet al-Albānī as would be revealed here supports the full participation of Muslim women in public and outdoor activities. It would however not be the first time a traditional Muslim scholar would be maintaining such a position, popularly regarded as liberal.

For instance, Al-Ghazālī though a traditionalist, who is credited to have in mystical *retreat* rooted the philosophers, argues in support of what can be termed *tafsīr bil Istinbāt* (deduction or personal opinion) which today is seen as the prerogative of the ideas of modernists. Al-Ghazālī upholds the deductive method as most of the sayings of ibn ‘Abbās and ibn Mas‘ūd were based on it and on personal opinions, which made the two companions to hold at times irreconcilable views on the interpretations of some verses. Yet the Prophet had prayed to Allah to grant ibn ‘Abbās a clear comprehension of His *Dīn* and knowledge of interpretation.¹⁰⁰

Shaykh Al-Albānī's Birth, Childhood and Youth

His full name is Muhammad Nāsir al-Dīn Abū Abd al-Rahmān ibn Nūh ibn Ādam al-Najātī al-Albānī, by birth, al-Dimashqī by residence and Al-Urdunī due to his migration and place of death. He was born in *Ashkodera* (Accorder), the capital of Albania, in the year 1332H (1914 C.E.). His father was al-Hājj Nūh, one of the leading *Hanafi* scholars in the land. During the secularist government of Ahmad Zogu in Albania, it is reported

⁹⁹ Al-Qaradāwī, *al-fiqh*, 220-227.

¹⁰⁰ Abu Hāmid Al-Ghazālī, *Ihyā' 'Ulum al-Dīn* (Bayrut: Dar al-Ma'rifah, n.d.), 290.

that the Muslims of Albania were under severe torture and persecution under his leadership and it was difficult to practice Islam openly. Ahmad Zogu ordered Muslim women to remove the *hijāb* and the men to adopt western mode of attire, as took place in Turkey. Due to this, al-Hājj Nūī migrated with all of his children, including the young, Muḥammad Nāsir al-Dīn al- Albānī, to *Shām* (Syria). His choice for migration was in particular due to what was reported in some Prophetic traditions about the virtues and merits upheld in the country as well as Prophetic prayers. Fifty years later, *Shaykh* al-Albānī migrated from Syria to ‘Ammān, the capital of Jordan and he remained in this city for the rest of his life as a scholar, teacher, and educator.¹⁰¹

Shaykh Albānī received his early education in a primary school, which was part of a relief shelter that had served as a refuge for seekers of knowledge in Damascus, Syria for many generations. He later continued his education in another school following an accidental fire burnt down his first school. He also studied under his father, who had become convinced that the school in Syria could not offer his son a balanced education in subjects like Qur’ān, *tajwīd*, *sarf* and *fiqh* of the *Hanafī* School. Al-Albānī also benefited and studied under a number of *Shuyūkh*, friends of his father, like Sa’īd Al-Burhānī. As a result of *Shaykh* al-Albānī’s expertise in the criticism of Prophetic traditions, *Shaykh* Muḥammad Rāghib, the historian and *Muhaddith* of *Halab* (Aleppo), authorized him with an *Ijāzah* (certification) to teach his collection of Prophetic traditions called “*Al-Anwār Al-Jaliyyah fī Mukhtasar Al-Athbāt Al-Halabiyyah*.” This authorization occurred when *Ustadh* Mubārrak informed *Shaykh* Rāghib of *Shaykh* al- Albānī’s intelligence and extraordinary abilities in comprehending and understanding of Prophetic traditions as well as other Islamic sciences.¹⁰²

Shaykh al-Albānī’s knowledge of Hadīth science right from his youth when he was barely twenty years old was extraordinary. It became his most favourite subject from his youth till his last moments. The early part of his youth was spent mostly in research and reviews of articles written by *Shaykh* Muḥammad Rashīd Rilā, whom he considered one of those, who instilled in him the love for Hadīth and its criticism. The articles in the magazine, *Al-Manār* came to *Shaykh* al-Albānī’s notice by accident

¹⁰¹ Muḥammad ibn Ibrāhīm al-Shaybānī, *al- Albānī wa āthāruhu wa thanā’ al- ‘ulamā’ ‘alayh*, (Kuwayt: al-Dār al-Salafiyyah, 1407/1987), 44-45 and the English translation of *Shaykh* Muḥammad al- Albānī’s book by the title *Adāb al- Zīfāf* under the English title *The Etiquettes of Marriage and Wedding*, (England: *Jami’yyat Ihyā’ Minhaj al Sunnah*).

¹⁰² *Ibid.*, 45-46.

when he found an edition of *al-Manār*, and enjoyed an academic criticism of *Ihyā’ ‘Ulūm-al-Dīn* of Abū Hāmid Al-Ghazālī. He was so impressed that he read the whole edition. Thus began his interest for criticism of weak narrations and at this early age. His curiosity and fascination for the science of Hadīth was satisfied by spending his time devoted to seeking knowledge in Arabic, rhetoric and Hadīth at the famous Damascus libraries.¹⁰³ At the same time, *Shaykh* al-Albānī learnt the trade of watch repairing from his father until he became a famous specialist in the vocation and from which he earned his living. Earning his living in his chosen trade did not bar him from his devotion to seeking the knowledge of Hadīth which he did by allocating only three hours to his vocation everyday except on Wednesdays and Fridays. The remaining time was spent in his search of knowledge, writing and studying books of Hadīth in the famous library of Damascus - *al-Maktabah al- Uāhiriyyah*, where he was reputed to have spent many hours.¹⁰⁴

Shaykh al- Albānī at no time lost his zeal for the study of *ahādīth*. He was diligent in writing, teaching and editing the works of *ahādīth* until he reached the age of eighty-six and he was continuously engaged in this until the last two months of his life, when he grew very weak. Allāh finally took his soul before sunset or *Maghrīb* on a Saturday before the end of the month *Jumādā al-Ākhirah* of the year 1420A.H (10/2/1999) and his funeral prayer was performed on the evening. Thousands of people prayed over him though his burial was not delayed. Many people including great and prominent Muslim scholars, students and the common people throughout the Muslim world were all affected by his loss.¹⁰⁵ *Shaykh* ‘Abdul-‘Azīz ibn ‘Abdillāh ibn Bāz Āli *Shaykh*, the former Chief *Mufī* of the Kingdom of Saudi Arabia, was heard saying: ‘I don’t know of anyone under the surface of the sky with more knowledge of the Hadīth of Allāh’s Messenger than *Shaykh* Al-Albānī’.¹⁰⁶

Da’wah, Hadith Expertise and Contributions

Shaykh al-Albānī started his work with *da’wah* jointly with his teaching in the field of *ahādīth* by challenging most of the *fiqh* positions of the *Hanafī* School within which he grew up. On this matter, he had several disagreements with his father whom he told categorically that it was

¹⁰³ See his biography in *Shaykh* ‘Ali Hasan Al-Halabī, *Imām Shaykh Nāsir Al-Albānī* (n.p., n.d.).

¹⁰⁴ Al-Shaybānī, 48-49.

¹⁰⁵ See *Shaykh* ‘Ali Hasan Al-Halabī, *Imām Shaykh Nāsir Al-Albānī* (n.p., n.d.).

¹⁰⁶ *Ibid.*

improper to abandon the sayings of the Prophet due to the opinion of anybody no matter the greatness of the person. He soon started discussions in this regard at seminars and conferences, with different *Shaykh* and Imāms of mosques and lastly also with friends. In this manner, *Shaykh* al-Albānī became known as a *Wahhābī* (Follower of *Shaykh Muhammad ibn 'Abd al-Wahhāb*) due to his orthodox and puritan views as well as his insistence on his preference to authentic *ahādīth* of the Prophet on many issues. It was his *da'wah* efforts that eventually led to his imprisonment in 1967, for a month and later for another six months. *Shaykh* al-Albānī also conducted weekly lecture sessions attended by students and university lecturers and Professors and the following books served as some of his sources: the two volumes of *al-Rawd al-nadiyah* by Muhammad Siddīq Khān, *minhāj al-Islām fī al-hukm* by Muhammad Asad, *usul al-Fiqh* by 'Abd al-Wahhāb Khalāf, *fiqh al-Sunnah* by Sayyid Sābiq, *al-Halāl wa'l-Harām* by *Shaykh* Yūsuf al-Qarālāwī, *al-Targhīb wa al-tarhīb* by Hāfīz al-mundhīr, *fath al-majīd sharh Kitāb al-Tawhīd* by 'Abd al-Rahmān ibn Hasan, *riyād al-sālīfīn* by al-Nawawī, *al-ilmām fī ahādīth al-Ahkām* by Ibn Daqīq al-'Ayd, *al-adab al-mufrad* by Imām al-Bukhārī and *Kitāb Iqtidā' al-sirāt al-Mustaqīm* by *Shaykh al-Islām* ibn Taymiyyah etc.¹⁰⁷

Due to his immense contributions to the revival of the science of Hadīth, *Shaykh* al-Albānī was invited by many Islamic universities and Muslim organizations around the world to be awarded academic positions. Most of them he however turned down because of his preoccupations with regard to acquiring and teaching the knowledge of Hadīth. Yet, he still found the time to become a visiting Professor in many universities in the Muslim world. He taught Hadīth in the Islamic University of Madīnah at the time of its inception on 1st *Muḥarram* 1381/15 June 1961 for three years. Many people believe that al-Albānī made an enormous impact and influence on the revival of the scientific study of Hadīth throughout the Muslim world both within and outside the academia. In his later life, he was conferred Professorship of Hadīth at the same Islamic University of Madīnah. While, at the Islamic University of Madīnah, he was very close to students and would help them with their studies during the rest period. He also assisted students with his car while he was going to or returning from the University. It is therefore believed that the students' love for *Shaykh* al-Albānī and their closeness to him must have contributed to his colleagues' envy and for him. It is reported that falsehood were told against him by his colleagues before the authorities of the Islamic University of Madīnah and his appointment was terminated. He was forced to migrate to Syria and later to Jordan before his demise but yet he

¹⁰⁷ Al-Shaybānī, 53-58.

continued to make enormous contributions to the study of Hadīth, editing the authentic from the weak and fabricated narrations till the very end of his life.¹⁰⁸

Shaykh al-Albānī began writing and authoring Islamic books after reaching the middle age of his life. Among his first books was a writing on *Fiqh*, which was based on knowing the evidences and by means of comparative *Fiqh*, titled "*Tahdhīr-al-Sājid min Ittikhādih al-Qubūr masājid*, (Warning the Worshipper against taking Graves as Places of Worship). This book was printed many times because of public interest. Another piece of work and among the early books written by *Shaykh* al-Albānī in which he referenced and examined Hadīth, was his book "*Al-Rawd al-Nadīr fī Tartīb wa Takhrīj Mu'jam Al-Tabarānī Al-saghūr*". He produced many pamphlets and books; some of them produced into volumes - on topics of great importance to Muslims - and fully examined and authenticated many of the famous books of Hadīth. He was highly prolific and versatile in this respect and some of his works include - the authentication of Suyūṭī's huge *Jāmi' al-saghūr*, *sahīh Sunan al-Tirmidhī*, *sahīh Sunan Abī Dāwūd* and *sahīh Sunan Ibn Mājah*, along with *Irwā' al-Ghālīl*, *sahīh al-Jāmi' al-saghūr*, *siffat al-salāt al-nabī min al-takbīr ilā al-taslīm Ka annaka tarāha*, and *Mishkāt al-Masābih*. He is regarded by many students and scholars of Hadīth today as the foremost scholar of Hadīth and other related sciences of this age. Many of his works were also produced and reproduced by a number of Islamic universities with a strong concern for the science of Hadīth. They produced hundreds of university treatises and works of the *Shaykh* on Hadīth.¹⁰⁹

Many leading scholars and Imāms of this time thus praised him and would pose him questions, visit him, seek his religious verdicts and exchange letters with him. At the head of them, was the noble *Shaykh* and scholar, 'Abd al-'Azīz ibn 'Abdillāh ibn Bāz Āli *Shaykh*, the former Chief *Muftī* of the Kingdom of Saudi Arabia, who held him in high esteem and with profound respect.¹¹⁰

The great scholar, *Shaykh* Zayd ibn Fayād offered these comments about him:

Indeed, Muhammad Nāsir al-Dīn al-Albānī is among the most prominent and distinguished personalities of this era. He had great concern for the Hadīth - its paths of transmission, its reporters and its levels of authenticity or weakness. This is an honorable task from the best things in which hours can be spent and efforts can be made and he was not of the

¹⁰⁸ *Ibid.*, 58-79.

¹⁰⁹ Al-Halabī.

¹¹⁰ *Ibid.*

kind of some other scholars – who are correct in some matters and err in other. His devotion however to this great science is that which requires his prestige be acknowledged and his endeavors be appreciated.¹¹¹

Shaykh Muqbil ibn Hādī Al-Wādī'ī comments regarding *Shaykh* al-Albānī:

Indeed, there cannot be found an equal in terms of the knowledge of Hadīth like that of *Shaykh* Muhammad Nāsir al-Dīn al-Albānī. Allāh has bestowed benefit through his knowledge and his books in abundance to what has been accomplished by those zealots for Islām, who act upon ignorance - those who organize reformation and revolutionary movements and that which I sincerely believe and am convinced about is that *Shaykh* Muḥammad Nāsir al-Dīn al-Albānī is from the *mujaddidīn* or those referred to as reformers and revivers and about whom the Prophet (SAW) spoke the truth in saying: 'Indeed Allāh raises up from this ummah at the beginning of every century someone who will revive it for them (i.e. a *mujaddid*).'¹¹²

In the light of the above comments and opinions concerning *Shaykh* al-Albānī, it can be concluded that he was a great scholar of Hadīth, *Fiqh*, and a *Salafī al-sālih* (who follows the traditions of the righteous predecessors). One of the greatest things that distinguished him from many persons of knowledge was his strong support for the *Sunnah* and its adherents. He gained wide and vast fame in all parts of the world, from either those who love him and follow him or those who hate him and condemn him. *Shaykh* al-Albānī spent his entire life calling to Allāh upon what he believed to be sound proofs based on his knowledge of the *Sunnah*, as would be shown in the below.¹¹³

Background to the *Jilbāb al-Mar'ah al-Muslimah*

The book entitled *Jilbāb al-Mar'ah al-Muslimah fī al-Kitāb wa al-Sunnah* by *Shaykh* al-Albānī was is germane to this study for many reasons. As stated before, a traditional Muslim scholar who maintains a moderate position on the wearing of the Islamic veil in particular and other feminist issues in general wrote this work. This can be gleaned right from the three prefaces contained in the edition under study.¹¹⁴ The author in the three prefaces, which open the book, locates the background in which the book

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Al-Albānī, *Jilbāb Al-Mar'ah Al-Muslimah Fī al-Kitāb Wa al-Sunnah*, (Jordan: al-Maktabah al-Islāmiyyah, 4th edition, 1418 A.H./1997.

was written mainly in the *Hanafī* and *Hanbalī* Schools of *fiqh* as prevalent in the Muslim world, particularly the Arab world.¹¹⁵ According to the author, he spent about two years engaged in the writing of an introduction to a new edition of this book during which, he was compelled to reply to those he described as extremists or *muqallidun* (who insist on the opinions of others), who had criticized his book in a non-intellectual manner. According to al-Albānī, he intended to reply to a Saudi scholar in particular, *Shaykh* al-Tuwayjirī, whom he believes to be the leader of the named scholars. Before he became aware of the length, he had written over a hundred pages. And this work thus came to form the content of another distinct book with the title: "*Al-Radd al-Mufhim 'alā man khāfā al-'ulamā' wa tashaddada wa ta'assaba...*" from which the first preface opening this edition of the book under study was extracted (pp. 4-5) and which Abu Ameenah Bilal Phillips has translated, into the "The Face Veil".¹¹⁶

It can be said therefore that these three prefaces of the book actually combined offer an introduction to and serve as a resume of the entire socio-religious milieu and background in which the book was written. It follows therefore that the author, in these three prefaces or what can be regarded as an introduction to the third edition of the book, identifies some key factors within this milieu of Islamic Schools of *fiqh*, as forming the foundation of the socio-religious milieu in which his book was written. He considers these unsuitable and in fact, un-Islamic as far as the conditions of Muslim women are concerned. One of these factors and the most serious, according to the author, is extremism. The author observes that some extremists led by *Shaykh* al-Tuwayjirī and his cohorts, who are scholars mostly found in the *Hanafī* School, like him acknowledge that the face is not one of the parts of the body required under the Islamic law to be covered. Yet they insist it should be veiled and justify their position by saying it is not permissible to uphold the view of not veiling the face, taking into consideration the *fitnah* of the modern age and the necessity under Islamic law to end what may lead to further *fitnah*.

From the perspective of al-Albānī, some of these scholars are very unfortunately leading scholars, who otherwise are capable of applying *Ijtihād* in solving issues, yet they insist on the opinions of others on the vexed issue of Muslim women. In fact, they apply *Ijtihād* in regards to

¹¹⁵ Al-Albānī, *Jilbāb Al-mar'ah Al-Muslimah*, 3- 38.

¹¹⁶ Dr. Phillips Abu Ameenah Bilal, *The Face Veil: An edited translation of a summary of al-Radd al-Mufhim* by *Shaykh* al-Albānī, found in the introduction of his book *Jilbāb al-Mar'ah al-Muslimah*, (Jordan: al-Maktabah al-Islāmiyyah 3rd edition, 1996), 5-20. Available at <<http://www.BilalPhilips.com>> 2000-2001.

some matters, but claim *Taqīd* to others especially when it involves the conditions of Muslim women. According to the author, these scholars have concluded that sexual and moral evils are too rampant in contemporary society and therefore decided on a solution to end these acts of *fitnah*; Muslim women must be required to employ the face-veil or *burqa*' and *niqāb*. They argue that this would be necessary for the society to turn safe from this purported *fitnah*, as in their opinion it appears this *fitnah* is solely caused by women and not men. Al-Albānī explicates further that some of these scholars are of the opinion that, due to modern and contemporary times being particularly filled by this *fitnah*, women should even cover their faces since even the face may attract inappropriate glances from depraved men. He however questioned why men were not requested to cover their faces as well as the Tuaregs do.¹¹⁷

It is useful here to note that many feminists, who attack the position of Muslim scholars on Muslim women, have made the above observation by al-Albānī. For instance, in her writing Fatima Mernissi is basing her opinion on her studies of the works of Qāsim Amīn, al-Ghazali and 'Abbās Mahmud 'Aqqad. Following her reading of these important figures in Islam, Mernissi opines that Islam views women as a sexual threat and the most destructive element to the social order. She explains that according to Qāsim Amīn, the logic of veiling women is to protect men from the beauty of the women and the attendant temptation. It was 'Abbās Mahmud 'Aqqad however according to Fatima Mernissi that epitomizes the machismo vision of male-female relations, where men possess male dominance and power to conquer women, while women can only wait to be conquered and even enjoy their conquest. As for al-Ghazzālī, according to Fatima Mernissi, women are too sexually active and dangerous because they are always in search for the sexually passive men as preys. To her, al-Ghazzālī, therefore views women as very intricate for men to satisfy in respective of their female sexual demands and which make them a fatal threat to the society due to their seducing and tempting affect on men to commit illicit sex. These views finally lead her to what she perceived as the aim of the veil in a Muslim society. She argues that since women's sexual demands are very hard for men to satisfy; the requirement to veil, segregate and exclude them from the world of men became necessary to avert their fatal threat to the social order.¹¹⁸

Katherine Bullock has rightly responded to Fatima Mernissi on her negative reading of women's sexuality in Islam, al-Ghazzālī's exposition

¹¹⁷ Ibid, 15-17.

¹¹⁸ Fatima Mernissi, *Beyond the Veil, Male-Female Dynamics in Modern Muslim Society* (Bloomington and Indianapolis: Indiana University Press), 30-45.

on Islamic theory of sexuality as well as the purported exclusion of Muslim women from the *Ummah*. She argues that what Islam teaches in regards to this issue and which al-Ghazzālī has rightly endorsed is actually the full entitlement of both Muslim men and women to sexual gratification as sexual desires softens the heart and therefore its gratification is strongly promoted for both men and women.¹¹⁹ Yet, it must be stressed that Fatima Mernissi and other feminists have actually stricken a cord on some Muslim scholars' extreme perception of the so-called women's *fitnah* or threat to the society.

Al-Albānī is however among a number of Muslim scholars that has documented this extreme perception of Muslim women as a *fitnah* or threat to the society. It is also the conclusion of Qāsim Amīn before him in the view of this author. Following the methodology of his mentor, *Shaykh* Muhammad 'Abduh, Qāsim Amīn called for the removal of the face-veil and the seclusion of Muslim women as these aspects are not required by Islamic teachings, while claiming that no single Islamic text supports the practices. Rather, according to him, they are mere products of the prevalent notion that women are a source of *fitnah* or threat to the society. To him, the Qur'ān holds both men and women responsible for eliminating *fitnah* hence, the commandment to the two sexes to lower their gazes. It therefore does not hold the woman alone responsible for what may be considered a weakness of men.¹²⁰

This notion of viewing a woman as *fitnah* or threat to the society was not upheld by scholars referred to by Mernissi. Just like *Shaykh* al-Albānī, they rejected the extreme perception of Muslim women as a *fitnah* or threat to the society of men. This however does not mean that there are no Muslim scholars who subscribe to the view. It was certainly the view of ibn Taymiyyah, who noticeably was an apostle of veiling Muslim women including slaves in his days because of *fitnah*. According to him, the corruption of societal morality and its attendant temptations necessitated that women should be fully covered.¹²¹ Ibn Taymiyyah in addition, also propounded the notion that the responsibility of keeping women chaste lies on their male relations and that where this is not carried out, women, who commit adultery, should not be stoned to death because they are not to be

¹¹⁹ Bullock, 157-171.

¹²⁰ Mahir Hassan Fahmi, *Qasim Amin* (Cairo: Al-Mu'assasat al-Misriyyah al-'Ammah li al-Ta'lif, 1962), 5 and Muhammad 'Imarah, *Qasim Amin: Al-'Amal al-Kamilah* (Bayrut: Al-Mu'assasat al-'Arabiyyah li al-Dirasat wa al-Nashr, 1976), Vol. 2, 45-50.

¹²¹ Taqi al-Din Ahmad ibn Taymiyyah, *Hijab al-Mar'ah al-Muslimah wa Libasuha fi al-salat*, Muhammad Nasir al-Din al-Albani ed., (n.p., n.d.), 42.

held responsible.¹²² This named notion must have been responsible for what is known as honor killing of Muslim women that still goes on today in some Muslim societies. Though Muslims in these societies appeared to have rejected the second part of ibn Taymiyyah's notion that women should not be sentenced to death due to the failure of these societies to keep them chaste from adultery, they however accepted the first part of the notion involving monitoring and even spying over women activities very religiously.

From whatever angle this practice of honour killing is viewed, it is not supported in Islam. For one, the allegation of adultery based on mere suspicion is not sufficient under the Islamic law to beat, main not to talk of killing anybody not when the accused has not been tried and found guilty of fornication and adultery in any Islamic court of law. In fact, Islam has set very high and impeccable standards for the procedure of establishing the commission of *zinā* that it is almost impossible to establish. Even if an accused were to be found guilty of fornication, the punishment would have been mere flogging as he or she is unmarried and therefore considered by the Islamic law to possess extenuating reasons for the offence. To therefore allow women, who are found by their male relatives in any state of misconduct, such as if a woman fails to prove her virginity by bleeding during intercourse on her wedding night to be beaten, injured or killed because the shame can only be erased by her bleeding to death is completely un-Islamic.¹²³ The mere sighting of a woman with a non-*Mahram* relation or even in uncompromising circumstances as well as the absence of bleeding on the part of the woman on the wedding night cannot establish her guilt of fornication or adultery in a religion that has set very high and impeccable standards for the procedure of establishing the commission of *zinā*.

All this would constitute extremism, which according to al-Albānī is one of the root causes for the stressful conditions of Muslim women today. Despite the prohibition of extremism in Islam- a religion of moderation and balance, some Muslim scholars followed by even some women have departed from this noble teaching especially, when dealing with the affairs of Muslim women. This extremism according to al-Albānī has had a strong negative effect on these women, even to the extent that some of them flagrantly disobey the Prophetic injunction that the face-veil (*niqāb*) and gloves are not to be worn in the state of *Ihrām* (when the pilgrim

begins the *hajj* and enters its rituals wearing the *hajj* garment). Frgrantly, doing so, these women say "we will use *niqāb* and then atone by paying *fidyah* (Compensation)". To al-Albānī, this is the peak of extremism concerning the face-veil and in fact only one among many instances of this kind, which cannot bear positive fruits nor produce the caliber of noble women as in the early days of Islam, as those, who disobey the Prophetic injunctions are not in the position of being carriers of the moderate, balanced and intellectual message of Islam.¹²⁴

Among women of such excellence produced in the early days of Islam referred to by al-Albānī above and who championed the moderate discourse of Islam was Umm Sharīk al- Ansār. She used to receive guests in her house, the wife of Abu Usayd, who on the day of her marriage to Abu Usayd, personally cooked and served food to the Prophet and his companions, though she herself was the bride. They include Asmā' bint Abī Bakr who used to help her husband, al-Zubayr ibn Al-'Awwām, in feeding the camel and the horse and look after her husband and children, working very hard inside her home as well as going out by foot to fetch the fodder from her husband's land three kilometers from Madīnah. Further, Rubayyi' bint Mu'awwidh, who used to join with other Ansār women to provide water for the soldiers, provide assistance to them, prepare their food, offer treatment to the injured, and carry the martyrs to al-Madīnah. There was also Umm 'Attiyyah who took part in various battles with the Prophet in his life. She also used to stay behind the warriors, preparing their food, nursing and treating the injured and looking after the sick. 'Ā'ishah and Umm Sulaym like other wives of the the Prophet (peace and blessings be upon him), who used to join the Prophet (peace and blessings be upon him) in his various battles to provide water for the Muslim warriors, hand weapons to them, prepare their food, treat the injured, and carry the martyrs to the burial places must also be mentioned. There are many other noble Muslim women as recorded in the books of history and Sīrah, too many to list in this context who championed the Islamic activism and played active heroic and brave roles under the unique training and leadership they received from the the Prophet (peace and blessings be upon him).¹²⁵

The author, al-Albānī therefore appeals to Muslim scholars and Islamists to return to the ideal of moderation and middlecourse preached by Islam and to eschew all forms of extremism which is according to him possible only once *Taqīd* is shunned through a return to the authentic *Sunnah* of the Prophet and the genuine practices of the righteous

¹²² Taqi al-Din Ahmad ibn Taymiyyah, *al-Fatawa al-Kubra*, Hasanayn Muhammad Makhlif ed., (Cairo: n.p., 1966), Vol. 4, 488.

¹²³ Lama Abu-Odeh, "Crimes of Honour and the Construction of Gender In Arab Societies" in *Feminism and Islam*, 141-194.

¹²⁴ Al-Albānī, 17.

¹²⁵ Ibid., 18-20.

predecessors of Islam. The *Shaykh* cites copiously many verses of the glorious Qur'ān and traditions of the Prophet to support his appeal.¹²⁶

Still within the socio-religious milieu in which this book was written, the author in his second preface dwells on *Taqīd*, which he describes as an extreme and blind allegiance to the Schools of *fiqh*. This has not brought any good or positive fruits, as it has pushed many Muslim women to another extreme. This is the extremism of laxity as Muslim women can now be witnessed emulating the fashion of Europe to the extent that when abroad they expose themselves to various degrees, a behavior which would not be possible in Islam but which occurs even in the presence of their fathers and *Mahram* relations.¹²⁷ He further argues that since the publication of the first edition of his book, many Muslim women have responded by adorning the *Jilbāb* that fulfills all the conditions required by the code of dressing women in Islam and even a few of them adopt the face-veil by individual choice, aware of the fact that it is not required.¹²⁸

Al-Albānī elaborates on the scholars, who champion the path of *Taqīd* and who still voice their objections to the submission that the woman's face is not part of her '*awrah* and should therefore not be compulsorily veiled. Some of these scholars base their objections merely on their allegiance to the Schools of *fiqh*, in which they grew up or to their home environment. Though they are filled with Islamic zeal according to the author, they lack the intellectual basis for their objections. Others concede that the woman's face is not part of her '*awrah* and are convinced for instance, that the face-veil or *burqa*' is not obligatory on Muslim women, yet they subscribe to the prevailing view in Saudi Arabia saying that it is mandatory for all Muslim women to cover fully by using *burqa*' and *niqāb*. He also explains that some of these leading scholars justify the prevailing view in Saudi Arabia saying that it is mandatory for all Muslim women to cover fully by using *niqāb* due to what is termed *sadd al-dharī'ah* in Islamic law.¹²⁹ According to these scholars it is not proper to allow the uncovering of the face or to propagate its permissibility as sexual and moral evils are too rampant in the contemporary society.

Contrary to the claim of 'Abdur Rahman I. Doi, al-Albānī from his book and views which he expressed to his very end, does not subscribe to

¹²⁶ Ibid., 20-21.

¹²⁷ The *Mahram* relations are the close relations of a woman that are forbidden to her in marriage under the Islamic Law.

¹²⁸ Al-Albānī, *Jilbāb Al-Mar'ah Al-Muslimah*, 25-26.

¹²⁹ This refers to the Islamic provision of obstructing and blocking the ways and means to evil by prohibiting what is otherwise permitted so that it will not lead to this evil.

imposing the face-veil or *niqāb* and *burqa* on Muslim women because of the fear of *fitnah*. To people, who advocate this view, the author argues that the Qur'ān and traditions of the Prophet contain absolute principles that prohibit hiding the truth from people in the name of *sadd al-dharī'ah*. He therefore submits that people, who are doing so in order to fulfill the *amanah* (Trust) of knowledge should rather inform the people that the uncovering of the face or removal of *niqāb* is permissible, but it is objected to because of *sadd al-dharī'ah*.¹³⁰

Al-Albānī is of the opinion that according to Islamic law, the provision of *sadd al-dharī'ah* can only be resorted to in the absence of other legislation within Islamic law to impede an evil. But in the case of sexual and moral evils, he believes there are already adequate provisions, which do not warrant a Muslim woman to be compelled to use the *burqa*' or *niqāb*. In short, rather than support the view that the use of *niqāb* is compulsory, al-Albānī while not opposing its use volitionally opposed totally the view that it is obligatory. It is submitted by al-Albānī that in the light of the Prophetic traditions on this matter, it is wrong to impose the *burqa*' or *niqāb* on all Muslim women. It therefore suffices according to him for Muslim women to cover their body, leaving out the face and hands, since this is the specified Islamic covering. He believes it may sometimes be essential for a woman to deal with her lawful engagements with her face uncovered as specified by Islam, just as she may decide out of her own volition to use the face-veil. However if a woman prefers to wear the face-veil, he believes that she should not be discouraged to do so as this is permissible or *jā'iz* for her and in fact more preferable. He then calls on those who oppose him in this matter to rather search for effective methods of teaching, preaching and other gentle means to remove the rampant sexual and moral evils in contemporary society, than impose the *burqa*' or *niqāb* on Muslim women, which is not compulsory.¹³¹

Consequently, as a result of this prevailing socio-religious milieu which he considers unsuitable and in fact un-Islamic, the esteemed scholar of Hadīth, *Shaykh* al-Albānī says he felt compelled to write this treatise on the *Jilbāb* and other related issues on Muslim women as he considers it an *amanah* (trust) that is entrusted on him by Allāh, as a result of the knowledge, He (Allah) had bestowed on him. It was this reason coupled with requests from various quarters especially a Muslim brother preparing for his *nikāh* (marriage) and to whom the *Shaykh* wanted to present this book that finally compelled him to write the *Hijāb al-Mar'ah al-Muslimah fī al-Kitāb wa al-Sunnah*, though he was aware that by so doing, he was

¹³⁰ Al-Albānī, *Jilbāb Al-Mar'ah Al-Muslimah*, 26-28.

¹³¹ Ibid., 29-33.

going to become a subject of attack by his colleagues in both the *Hanafi* and *Hanbalī* Schools of *fiqh* that prevailed in the places where he grew up and taught respectively. Most of them are convinced that they ought to subscribe and submit to the prevailing view in Saudi Arabia, claiming it mandatory for all Muslim women to cover fully by using the *burqa'* or *niqāb* so as not commit an immoral act.

With reference to the above submission of al-Albānī, it may be in place to conclude that the prevailing conditions of Muslim women in most contemporary Muslim societies are appalling. His views also reckon with most feminists concerning the root causes to the appalling conditions of Muslim women in contemporary societies—the imposition of the face-veil on women—due to the above discussed views held by some Muslim scholars. The appalling conditions of Muslim women according to both the *Shaykh* and these feminists can also be traced to the emergence of an extreme religious fervor which feminists have termed extremism, fundamentalism, and traditionalism. Feminists would also agree with the *Shaykh* saying that this aberration arose in Islamic history, when the door to *Ijtihād* was said to have been closed. It was then declared a grievous sin to apply *Ijtihād* so much that applying it could bring a Muslim outside of Islam.¹³²

According to the author of *fiqh al-Sunnah*, this aberration was so deep that *Taqīd* became the order of the day. Gradually the sayings of early Muslim scholars were substituted for the Islamic law and vice versa.¹³³ It is however unfortunate that this extreme religious fervor holds sway in most Muslim societies today from the Arab world to the Indo-Pakistani subcontinent and from the African continent to even the Muslim communities living in the Diaspora.

Definitions of Key Terms in the Book by Shaykh al-Albānī

To resolve the confusion surrounding the status and conditions of Muslim women and to review some of the popularly held opinions about Muslim women as done by *Shaykh* al-Albānī, the best approach would be to begin by looking into the dilemma of definitions and meanings of key terms used in relation to Muslim women and their conduct. To avoid some common misconceptions and misinterpretations about the key terms used in relation to the code of dressing of Muslim women in Islam is very important as these misconceptions would serve no purpose but the above

¹³² For details on this see M. H. Haykal, *The Life of Muhammad*, (U.S.: North American Trust Publications, 1976), 583.

¹³³ Sayyid Sābiq, *Fiqh al-Sunnah*, (Bayrūt: Dār al-Fikr, 1995), Vol. 1, 9.

extreme religious posture on the affairs of women especially regarding their decorum. This discussion on terminologies used by the author is thus of high importance today.

Since there are different styles of dressing including the veil that Muslim women still chose to wear and since the term for the veil, *Hijāb* is a complex notion that can encompass a few aspects of women dressing such as covering the face or not, lowering the gaze with the opposite sex. Even recently the ordinary headscarf, according to Katherine Bullock meets the requirements of the Islamic veil.¹³⁴ On her part, she has argued for an alternative positive theory of *Hijāb* rather different from the western consumer capitalist culture of the twenty-first century, which perpetuate the male gaze and commodification of the female body. Based on the views of many women, both Muslim (including English converts) and non-Muslim (including feminists) from whom she quotes freely, she demonstrates that many women are worried about the male gaze and view their body as their private concern not meant for public consumption. Some of these feminists have analyzed the manner in which the female body is used in advertising, film and pornography to satisfy the male gaze and desire and argue that this kind of objectification of the female body dehumanizes women. In fact, it has been noted through an analysis of a girl's party how girls are being made to learn, while still in their childhood, that their form of dressing is meant to please the male gaze.¹³⁵

Consequently, many western women currently see the necessity to dignify themselves so as to stop the whisperings at them, harassment and molestation as well as the raping of women. The issue is not that they decline the sexy look, but they reject being viewed as sex-objects by strangers. Katherine Bullock also reveals that by wearing *Hijāb* some of these women have enjoyed experiencing freedom from this male gaze rather than the smothering of their femininity and concludes that most *Hijab* wearing Muslim women, while seeing *Hijāb* as a religious obligation, further believe that it is to protect them from the evils of the male gaze and commodification of the female body.¹³⁶

Like Katherine Bullock, al-Albānī also advocates an alternative positive theory of *Hijāb* different from both the capitalist culture of objectification and commodification of the female body, and the orthodox Muslim separatist female communes as exemplified by Saudi Arabia. It becomes necessary venture therefore to clarify each term used in relation to the code of dressing of Muslim women as used by the learned *Shaykh*

¹³⁴ Bullock, xl-xli.

¹³⁵ *Ibid.*, 183-219.

¹³⁶ *Ibid.*

according to the book under discussion. According to al-Albānī, these two extreme positions to the female body of both the capitalist culture of objectification and commodification of the female and the orthodox Muslim separatist female communes as exemplified by Saudi Arabia are triggered off by sheer misconceptions of Islamic tenets right from the definitions of some terms and concepts. These definitions regarding female code of dressing are most often contrary to the basic meanings of these words as used in the Qur'ān, *Sunnah* and even classical Arabic.

For instance, the title of the book itself, *Jilbāb*, as mentioned before has been translated by many people as face-veil. According to the author of the book however, this is not correct as it refers to a big and flowing garments that fulfils eight conditions in Islamic law. It is these conditions that form the sub-titles of the eight sections or parts that follow the introduction of the book and would be enumerated and analyzed shortly.¹³⁷ A cursory look at the book may give the impression that it is just another traditional Muslim scholar's work on the position of the face-veil or *burqa'* and *niqāb* in Islam; but according to the author in his introduction to the edition under study, this cannot be farther from the truth. In fact, the author explains that he was compelled to change the title from *Hijāb*, which appears in the previous editions to *Jilbāb* because, while the former connotes the face-veil, the latter refers to an outer garment. Again, the term *Hijāb* is also technically exclusive of the term *Jilbāb*, because in relation to women dressing, it specifically refers to the face-veil while the second is inclusive of the first as it can refer to any garment that a woman adorn outside the home.

It is this distinction by al-Albānī right from the beginning of the book that makes it unique. As a result of this distinction, the book does not simply cover the issue of the face-veil or *burqa'* and *niqāb* which is no doubt thoroughly discussed, but it also enunciates a number of other issues that confront women both inside and outside the homes which contemporary feminists consider today to be linked to the issue of *burqa'* or *niqāb*. While discussing the title of the book- *Jilbāb* as opposed to the face veil or *niqāb*- the author also addresses at length various salient feminist notions and views. He does so by expatiating upon the multi-facet parts of a woman life in Islam as understood by him from the primary sources of Islam.

Another term closely related to *Jilbāb* and which is mentioned by the author is *Idnā'*. The author defines this term as "to come close" and quotes as reference the celebrated and authoritative dictionary, *al-Mufrūdāt* by the well-known scholar, al-Rāghib al-Asbahānī. This definition offered by the

¹³⁷ Al-Albānī, 5-20

author is to prove that the interpretation of *Jilbāb* as a piece of cloth or veil, which covers the face has linguistically no basis. He argues that such interpretation is contrary to the interpretation of the leading scholars, past and present, who define the *Jilbāb*, as a garment, which women drape over their heads or head-scarves (*khimār*). According to the author of the book, the meaning offered by him has been narrated from ibn 'Abbās, who while commenting on the verse of *Jilbāb* says "A woman is to drape her *Jilbāb* close to her face not over it". This is according to the author also similar to the statement of Qatādah saying that "Women have been commanded to drape their *Jilbāb* close to their eyebrows and not over their faces"¹³⁸

The author also explains that the word *khimār* which is the singular of *khumur* linguistically means coverings used by women over the heads or head-scarves and this is simply the meaning as it is used technically too. He argues, citing Ibn Kathīr to prove that *khimār* is like a man's turban, and that whenever the term *khimār* is mentioned in general terms; this is what is intended though it has also been defined as *Jilbāb* by some companions of the Prophet, such as ibn Mas'ud and ibn 'Abbās.¹³⁹ Another term according to the author closely related to *khimār*, which is *Intijār*, which is used in the prophetic traditions in relation to dressing of women means *Iktimār* or using headgears.¹⁴⁰

According to al-Albānī, the *Jilbāb* and *khimār* the go hand in had. By citing many traditions of the Prophet and the commentaries of Qur'ānic exegetists, he argues that women in addition to the *khimār* must wear the *Jilbāb*. He goes further to disagree with those, who explain that while the *khimār* must be worn at home; the *Jilbāb* must be worn only when leaving home.¹⁴¹ He argues that the two must be worn together when leaving home and this fact he supports with many quotations including the verse that slightly relaxes the rule of *Jilbāb*, when a woman reaches old age and her sexual attractions have faded:

As for women past childbearing, who do not expect wedlock, it is no sin on them if they discard their (outer) garments in such a way as not to show their adornment. However to refrain (i.e not to discard their outer clothing) is better for them and Allah is All-Hearer, All-knower (Qur'ān 24: 60).¹⁴²

¹³⁸ Ibid., 6, 13-14.

¹³⁹ Ibid., 72.

¹⁴⁰ Ibid., 79

¹⁴¹ Ibid., 84-88.

¹⁴² Al-Hilālī, and Muhsīn Khān, 659.

According to al-Albānī, the above supports the combination of the *Khimār* and *Jilbāb* because ibn 'Abbās interpretes *al-thiyāb* (clothing) in the verse to mean *Jilbāb*.¹⁴³ This opinion of al-Albānī on the combination of the *Khimār* and *Jilbāb* is based on many references. In one of his own cited references, Sa'īd ibn Jubayr explains that the verse of *Jilbāb* means that women should wear the *Jilbāb* on the *Khimār*.¹⁴⁴ In addition, 'A'ishah said that a woman must by compulsion pray in three pieces-coat, *Jilbāb* and *Khimār*. However, this argument is not conclusive, as al-Qurtubī has contradicted it. He argued that since the above verse on *al-thiyāb* (Qur'ān 24: 60) is in the same Qur'ān 24 after the verse of *Khimār*, it is therefore referring to the same *Khimār* and it means the same thing with *Jilbāb*.¹⁴⁵ Hence, according to al-Qurtubī, *Jilbāb* or *Khimār* entails the same. Wearing one is like wearing the other; hence, the combination, as argued by al-Albānī, is not required.

Even the opinion of ibn 'Abbās cited above by al-Albānī is not in support of his argument as it only confirms the wearing of the *Jilbāb* when leaving home. The statement does not in any way amount to its combination with *Khimār*.¹⁴⁶ In fact, al-Albānī himself refers to some traditions, such as the tradition narrated by 'Ā'ishah that the Prophet entered the house and saw their female slave hiding and he asked if she had started menstruating. When the answer was positive, he then tore a piece of cloth from his turban and told her "*Iktamirī bi hadha*" or use this as *Khimār*. This scenery shows that the Prophet did not differentiate between *Khimār* and *Jilbāb*. Hence, the form of the *Khimār* and *Jilbāb* to the best understanding of this author may therefore take the shape of *Khimār*, or any other garment to covers the woman bosom and body as determined by customs of people in various places.

Again, another term that is defined by the author is *Jayb*, which is also the singular of *Juyub*. He then explains that the use of *Juyub* according to Allāh in the Qur'ān¹⁴⁷ demonstrates the parts of their body that women are required to cover with their head-scarves and that is their bosoms, chests, necks and not their faces. He then cites ibn Hazm *al-Zāhirī* to buttress his point. According to ibn Hazm *al-Zāhirī*, the verse of *khimār* in the Qur'ān mentioned above is a clear text stating that women are only to draw their headgears over their bosoms, necks and chests. It therefore only calls for

the covering of the 'awrah or nudity of a woman and does not require covering of the face.¹⁴⁸

Based on the above clarifications by the author of *Jilbāb*, it is proper to say at this juncture that the term *Hijāb* as conceived by the author is what refers to the face-veil or *niqāb*. This is in line with classical Arabic as quoted by the author. It is similar to the Arabic word *al-Nasīf*, which was used by al-Nābighah, a classical *jāhilī* poet, in one of his verses, where he described al-Mutajarradah, the wife of Nu'mān ibn Mundhir saying "The veil fell down from her face against her wish and she picked it up with one hand while covering her face with the other."¹⁴⁹ The term *Hijāb* in the Arabic language is also synonymous with the term *Purdah* in the Persian. *Purdah* has been defined as the system of secluding or screening women from the sight of men or strangers.¹⁵⁰ This definition is closely related to the way in which the term *Hijāb* is being used in the Qur'ān and in the only verse, where it is mentioned is in relation to the wives of the Prophet.¹⁵¹ In this light, though the term *Hijāb* is commonly used today to refer to the code of dressing of Muslim women that includes female gowns, coats and the ordinary headscarf, excluding the face-veil or *niqāb*, it would appear that technically in Islamic law the term used is not correct. The correct term would either be *Jilbāb* or *khimār* according to the clarifications offered on the definitions and meanings of the various terms used in relation to Muslim women and their conduct.

This observation is significant, particularly, while considering the current global case of *hijabphobia*. The *hijabphobia* phenomenon which this book has traced to secular France and which has become global today with many young Muslim girls rejected from attending schools in many places including Nigeria merely due to the opinion that the ordinary headscarves are a disturbing factor to all freedom loving people. The reason is simply that the clarifications made by al-Albānī over the technical definition of *Hijāb* have revealed that while the face-veil may not be regarded as a religious obligation in Islam, the same does not apply to the head-scarves. This is a moderate view as against the view that even the face veil is a religious obligation. It is therefore hoped that this clarification will fully convince the anti Islamic scarves elements especially among secularists to regard the wearing of the headgears and

¹⁴³ Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, 85-86.

¹⁴⁴ Ibid.

¹⁴⁵ Uthman, *Feminism*, 71.

¹⁴⁶ Ibid., 84-88.

¹⁴⁷ It is mentioned in *Sūrah al-Nūr*: 31.

¹⁴⁸ Ibid. p. 73.

¹⁴⁹ Al-Nābighah quoted in Ibrahim Olatunde Uthman *The Hijab and the Muslim Woman*, (Abeokuta, Islamic Conscious Group, 1997), 1.

¹⁵⁰ W. Little & Co, Eds. Onions and et al, *The Shorter Oxford English Dictionary* (Oxford: Oxford University Press, 1973), Vol. 11, 1710.

¹⁵¹ Qur'ān 33: 53.

flowing gown, as a pure religious obligation which it is and allow Muslim women and girls to adorn their scarves outside the mosques and in all public places. The schools, media houses, parliament and all other public establishments which have been denied them should be made available to them, since these *hijab* or more technically appropriate, *Jilbāb* or *khimār* wearing ladies are not motivated by any political objectives, but are rather only trying to fulfill a religious obligation.

The Content of the Book, *Jilbāb al-Mar'ah al-Muslimah fī al-Kitāb wa al-Sunnah* by al-Albānī

The book *Jilbāb al-Mar'ah al-Muslimah fī al-Kitāb wa al-Sunnah*, appears in print as the fourth edition of the original work entitled *Hijāb al-Mar'ah al-Muslimah fī al-Kitāb wa al-Sunnah* by al-Albānī.¹⁵² Apart from the change of the title of the book, the fourth edition also contains numerous important distinctions compared to the two previous editions. According to the author, the most important are the additions in the number of traditions narrated from the Prophet and the righteous predecessors buttressing the view that the face and the two hands are not part of the *'awrah* of a woman (p.3).¹⁵³ Five additional traditions appear on pages 70-72, bringing the total number of traditions to thirteen, instead of the previous eight, in earlier editions. The edition also includes additional two pages (pp. 51-53). These pages are added to the commentary by ibn 'Abbās and his school of *tafsīr* on the verse of *khimār* in the Qur'ān. This further shows that the command "And not to show off their adornments except only that which is apparent" simply refers to the face and the two hands or what is permitted by the *Sharīah* according to the customs of the Muslims prevalent at the time of the Prophet.¹⁵⁴

At the same time, this edition contains inclusions of issues not discussed in the previous editions, such as the issue of "the employment of non-Muslim women, as servants in Muslim houses. It further contains another addition concerning certain colours of a woman's dress that some women believe is part of their adornments that must not be exposed, although this view is not correct."¹⁵⁵ Similarly, some issues discussed in the previous editions under the appendices and indexes, have now been

¹⁵² Al-Albānī, 3-260.

¹⁵³ This refers to the portion of the body that is required to be covered legally under the Islamic law.

¹⁵⁴ Al-Albānī, 4.

¹⁵⁵ This discussion on colours of a woman's dress can be found on pages 121-123 of the book.

included in the main body of the book. A good example of is found on pages 73-79 under the topic "Nullifying the claim that all these evidences arose before the obligation of *hijāb*."

In short, this edition of the book contains many vital inclusions starting from its title right to the very end of the book. The book closes up with indexes of its subjects (pp. 219-240) as well as the various traditions of the Prophet cited in it (pp. 241-250), their narrators (pp.251-252), and the narrations from the Companions (*Āthār*) referred to in the book (pp. 253-257) and the names of those who narrate them (pp. 259-260). This edition of the book in addition to the above vital inclusions opens with a preface followed by the prefaces to the first and second editions (pp. 3-38). These prefaces combined to serve both as an introduction to and as a summary of the entire book.

Thus, right from the outset it is clear that the author employs a modern style of writing, whereby there is a clear-cut division of the book into distinct sections and parts, including a table of contents, introduction, summary and conclusion. Beside the above, the book contains eight different sections organized under various topics that form the gamut of the issues discussed (pp. 39-216). The author then right from the outset of his introduction mentions some scholars who are extremists that claim that under the Islamic law, a Muslim woman is compelled to use the face veil known as *burqa'* or *niqāb*. They include *Shaykh* al-Tuwayjirī and his cohorts who interpret the term *al-Idnā*, as covering of the face, which has no basis in the etymology of the word in Arabic. The same, he argues, applies to their interpretation of the term *Jilbāb*, as a garment that veils the face, though *Shaykh* al-Tuwayjirī himself narrates the correct interpretation from ibn 'Abbās suggesting that it does not (pp. 5-6). The details of this narration from the respected companions of the Prophet are on page 83 of the book. Many references and issues first introduced in this manner by the author, in the introductory just like this interpretation from ibn 'Abbās not have their details later in the book.

The above extremist scholars mentioned by the author opine that the *Khimār* is a covering for both the head and the face of the women, but this additional aspect of the face is based, according to them on the verse of *Khimār* in Qur'ān chapter 24, which does not support their claim. To counter their view, the author then cites a tradition of the Prophet that supports his own submission that *Khimār* means a covering for the head only (pp. 6-7).

Al-Albānī is however not the only Muslim scholar that adopts this interpretation by ibn 'Abbās, it is also the view of most of the Qur'ānic exegetes. For instance, ibn Jarīr al-Tabarī while interpreting the verse of

Khimār in Qur'ān chapter 24 quotes ibn 'Abbās while explaining that "that which is apparent" refers to the face and the hands.¹⁵⁶ Fakhr al-Dīn Al-Rāzī also offers the same interpretation when he writes that "that which is apparent" refers to the face and the hands because according to him, women customarily displayed face and the hands at the time of the Prophet.¹⁵⁷ According to Jār Allāh al-Zamakhsharī, the requirement to give testimony, which is permitted for Muslim women in Islam warrants their showing their faces and this is the meaning of "that which is apparent" in the verse of *Khimār* in Qur'ān chapter 24. To him, it is also permitted for Muslim women to show their hands, feet and even hair in addition.¹⁵⁸

On page ten in his book, the author, as stated before, explains that these extremist Muslim scholars, mentioned above hold the view that the woman's face is part of her '*awrah*', do so while employing allegorical interpretation of the Prophet's traditions. This is because the traditions contradict their views. In his opposition to the view of these Muslim scholars, the author referred to the hadīth *Khath'amīyah*, which contains a clear evidence in support of exposing the face by a woman. In the hadīth, the woman from *Khath'am* who was very beautiful did not cover her face and the Prophet did not order her to do so despite the fact that al-Fadl ibn 'Abbās was staring at her. The Prophet reacted by turning the face of al-Fadl ibn 'Abbās away from her.¹⁵⁹ Al-Albānī then cites in particular, the statement of *Shaykh* al-Tuwayjirī that the woman was not permanently uncovered, she was only unveiled either because she was in a state of *Ihrām*¹⁶⁰ or the breeze had lifted her veil off her face, as a farfetched attempt to cover what was evident.

Al-Albānī also refers to some often cited traditions arguing that women are obliged to cover their faces, but which however are in reality unauthentic. In fact, one of these would be the Hadīth of ibn 'Abbās regarding exposing only one eye, which is commonly used but is unauthentic as 'Abdullāh ibn Sālih was not a reliable reporter of hadīth in addition to other serious defects.¹⁶¹ Perhaps the most important of these

¹⁵⁶ Abu Ja'far Muhammad ibn Jarir al-Tabarī, *Jamī'l-Bayan an Ta'wil Ayat al-Qur'an* (Cairo: Mustafa al-Babial-Halabi and Sons, 1954-68), 2nd edn. Vol. 18, 116.

¹⁵⁷ Fakhr al-Din al-Razi, *Al-Tafsir al-Kabir* (Cairo: Mua'ssasat al-Matba'at, 1934), Vol. 23, 205-206.

¹⁵⁸ Abu al-Qasim Jar Allah Mahmud ibn 'Umar al-Zamakhshari, *Al-Kashshaf an Haqaiq al-Tanzil wa uyun al-Aqawil fi Wujuh al-Ta'wil* (Bayrut: Dar al-Kitab al-'Arabi, 1947), Vol. 3, 231-232.

¹⁵⁹ Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, 10-11.

¹⁶⁰ This is the state assumed by a pilgrim when the hajj cloth is worn.

¹⁶¹ Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, 11-12.

unreliable hadīth commonly used as evidence for the prohibition of women from facing men, even if they should be blind *is the one* in which the Prophet is reported to have said to his wives to observe the face-veil before ibn Maktum, a blind companion. When they replied: "But he is blind", the Prophet allegedly retorted by saying "Are you both blind?"¹⁶² According to al-Albānī, this narration is vilely defective, and should never be related to the Prophet. It contradicted an authentic narration according to which the Prophet instructed a female companion, Fātimah Bint Qays to observe her '*Iddah*' (waiting period after her irrevocable divorce) in the house of the same Ibn Maktum by saying "Even if your *Khimār* falls off, he cannot see you"¹⁶³

In addition, al-Albānī reveals that the aforementioned *Shaykh* al-Tuwayjirī and his group of supporters also declare many sound traditions of the Prophet as unauthentic and unreliable. He quotes copiously numerous traditions, which he declares to be grounded on well-established and reliable narrations, which reveal that a woman can expose both her face and two hands. Among these traditions is the narrations of 'Ā'ishah concerning the woman, who reaches puberty, "Nothing should be seen of her besides her face and hands." In so doing, he refers to those among the leading scholars of hadīth, who reinforce his views like al-Bayhaqī and al-Dhahabī just as he counters some unreliable and unauthentic narrations of this particular tradition.

The author, *Shaykh* al-Albānī also accuses *Shaykh* al-Tuwayjirī and his cohorts of claiming that Muslim scholars unanimously hold the view that the woman's face is part of her '*awrah*'¹⁶⁴ and should thus be covered under the Islamic law, while his cohorts ignorantly follow his view even though among them are holders of Doctorate Degree in this field. Al-Albānī argues that the claim of a consensus (*Ijmā'*) on the issue of the face being '*awrah*' is unfounded and that no Muslim scholar had made this claim before including the four Imāms of the *Sunni* School of *Fiqh*. To al-Albānī, however, the opposite concerning the above subsists as there is *Ijmā'* on the matter in its total among scholars in regards to the issue of face not being considered part of a woman's '*awrah*'. He explains that this is the position of the renowned and celebrated author of *al-Mughnī*, ibn Qudāmah, who argues that it is permitted for women to expose their faces

¹⁶² Ibid.

¹⁶³ Ibid., 12.

¹⁶⁴ This refers to the portion of the body that is required to be covered legally under the Islamic law.

in their conduct of such activities as selling and buying as well as their hands for receiving or handing out items.¹⁶⁵

It is also the view of one of the exceptional students of Ibn Taymiyyah, Ibn Muflih about whom Ibn Qayyim al-Jawzī was reported to have said the following: "There is none under the dome of the sky who knows the *Hanbalī* School of *fiqh* more than Ibn Muflih" and about whom Ibn Taymiyyah himself declares "You are indeed successful".¹⁶⁶ According to the author, this respected student of Ibn Taymiyyah concluded that a woman is not obliged to cover her face and would therefore not be criticized for exposing it. Rather, both sexes when interacting are obliged to lower their gazes. This fact Ibn Muflih explains, is the same view of the leading jurist of the *Hanbalī* School of *fiqh*, Qādī 'Iyyād as well as Imām Muhyī al-dīn al-Nawāwī.¹⁶⁷ The author then supports his argument with copious references from the books of the *Hanbalī* School of *fiqh* and scholars, which are abound in proofs of the submission that the woman's face is not to be considered as part of her '*awrah*'.

A close examination of Islamic texts does reveal that though the code of dressing of women is a most contentious or *Khilāfiyyah* issue, yet most Muslim scholars as explained by al-Albānī do not consider the face to be part of a Muslim woman '*awrah*' that is required to be covered under the Islamic law. In fact, three of these Sunni Schools of *Fiqh* uphold that a woman's face is not to be considered part of her '*awrah*' that should be covered under the Islamic law with the *Hanbalī* School alone differing. Yet, even Imām Ahmad,¹⁶⁸ the leader of the school still tolerates the preponderant view. According to al-Jazīrī, it is only the *Hanbalī* and a section of *Shafi'ī* schools of *fiqh* that consider veiling the face as compulsory for Muslim women.¹⁶⁹ As for the *Hanafi*, the *Maliki* and the major section of the *Shafi'ī* schools of *fiqh*, veiling the face is only categorized among the permissible.¹⁷⁰

The author ends the introduction to his book by expressing his bewilderment over these extremist scholars, particularly in the *Hanafi* School who have concluded that sexual and moral evils are too rampant in contemporary society and therefore form their opinion that to put an end to these acts of *fitnah*, Muslim women must be required to wear the face-veil. They argue that this becomes necessary in order for the society to be safe

¹⁶⁵ Ibid, 8.

¹⁶⁶ Ibid, 8-9.

¹⁶⁷ Ibid.

¹⁶⁸ Al- Albānī, *Jilbāb al-mar'ah al-muslimah*, 7.

¹⁶⁹ Al-Jazīrī, 192

¹⁷⁰ Ibid., 192

from this purported *fitnah*. To them it appears that the origin of *fitnah* solely rests on women and not men.¹⁷¹

The author is however of the opinion that according to Islamic law, the provision of *sadd al-dhārī'ah* as explained before can only be resorted to when there is no other legislated law to be applied for this purpose and in the case of sexual and moral evils, he argues correctly and justify the fact that there are adequate provisions available, which do not warrant a Muslim woman to be compelled to use the face-veil.¹⁷² In short, he does not oppose the wearing of *niqāb* but oppose its enforcement. He further submits, that in the light of the Prophetic traditions on this matter, it is wrong to impose the face-veil on Muslim women, it therefore suffices to cover the body, leaving out the face and hands up to the elbow.

The first section or part of the book focuses on the first condition or rule governing a woman's code of dressing in Islam and which deals with what are the permitted areas of the body that can be exposed by a woman before non-mahram relations¹⁷³ according to the Islamic law on code of dressing. Al-Albānī begins by citing evidence from the Holy Qur'an as the first primary source of the Islamic law and quotes the following two passages in support of his view on the issue.

'...And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.) and not to show off their adornment except only that which is apparent (like both eyes for necessity to see the way, or outer palms of hands or one eye or dress like veil, gloves, headcover, apron etc.) and to draw their veils all over *Juyubbihinna* (i.e. their bodies, faces, necks and bosoms etc.) and not to reveal their adornments except to their husbands, their fathers, their husband's fathers, their sons, their husband's sons, their brothers or their brother's sons or their sister's sons or their (Muslim) women...'¹⁷⁴

'O Prophet! Tell your wives, daughters, and the believing women, that they should cast their outer garments over their persons. That is most

¹⁷¹ Ibid, 15-17.

¹⁷² Ibid.

¹⁷³ This refers under Islamic law to those men who are not prohibited from marrying a woman.

¹⁷⁴ Dr. Muhammad Taqī-ud-Dīn Al-Hilālī, and Dr. Muhammad Muhsīn Khān, *Interpretation of the Meanings of the Noble Qur'an in the English language* (Saudi Arabia: n.p., 1985), 648-649

proper for them so that that may be known and not molested. Verily, Allah is Most-Forgiving, Most Merciful'.¹⁷⁵

According to al-Albānī, the first verse is a clear command to Muslim women to cover all adornments before non-*Mahram* relations, who are strangers except what appears unintentionally. However, he notes that commentators differ on the interpretation of adornments in terms of what is exempted. Some say that it is the outerpart of the cloth that is worn, while some say it is rings, bangles, and the antimony in the eyes, and the face. For instance, ibn Jarīr in his commentary narrates these two above differing interpretations from some of the Companions of the Prophet and then prefers the second interpretation suggesting that the face and the hands are the exempted parts. He says:

The most correct of the sayings is the statement of whoever interprets that (the verse), as the face and the hands-including in that- because it is so- the antimony, ring, bangle and hand dye. This is arguably the most correct saying regarding that (the verse) as a result of deduction through a consensus of Muslim scholars that every worshipper must cover the *'awrah* in prayer and the woman is allowed to uncover her face and hands in her prayer, while covering every other portion of her body. If this is so, it is because it is not forbidden for her like men to expose what is not part of the *'awrah* and it is well known that this is so because the exposed portions are included in the exception Allah mentions: except only that which is apparent.¹⁷⁶

Al-Albānī also cites other commentators on the first verse, such as ibn 'Alīyyah and al-Qurtubī, who also uphold the named interpretation of the face and the hands as parts of a woman's body that, can be exposed to non-*Mahram* relations. According to them the phrase "except only that which is apparent" in the above verse refers to what is exposed as part of custom or worship, but characteristically of al-Albānī, he says that their argument does not appear convincing to him initially. He argues that he was not convinced because all their arguments are analogous and not direct Qur'ānic directives and any antagonist can argue that the permission to uncover the face and hands is limited to such occasions as prayers and *Hajj*. That is so as on these occasions, the exposed parts are left uncovered intentionally, whereas the above verse actually refers to unintentional exposure.

To Al-Albānī however all these scholars are right because the early generation agreed that "except only that which is apparent" refers to the

¹⁷⁵ Abdullah Yusuf Ali, *The Qur'ān, English Translation of the Meaning and Commentary*, Saudi Arabia: King Fahd Publishing Complex, 1411 A.H.

¹⁷⁶ Al-Albānī, 39-41.

face and the hands as parts of a woman's body that can be exposed to non-*Mahram* relations. Thus expositing them is an action that is carried out by a woman in line with the *Sharī'ah*. This is so though they differ on what is considered exposed intentionally. Al-Albānī concludes therefore that the meaning of "except only that which is apparent" is what is customarily exposed in line with the *Sharī'ah*. He submits that if it is clear that the *Sharī'ah* has permitted the woman to expose any part of her adornments, whether it is a hand or face, then it does not matter whether she exposes intentionally or not. This according to him is the interpretation of the companions of the prophet who said that what is intended by the exemption in the verse in contention is the face and the hands and which many women upheld during and after the time of the Prophet as would soon be exposed in authentic traditions.¹⁷⁷

Al-Albānī then asserts strongly that what is meant by custom here is the custom in which the Qur'ān was revealed and which was related by the Prophet as the *Sharī'ah*. According to him, ibn 'Abbās and those with him among the the followers of the companions and the commentators who in their commentary of "except only that which is apparent" in the above verse refers to what is exposed as part of the custom that was well known at the time of revelation must be followed. Their exegesis cannot be opposed merely due to the purported commentary of ibn Mas'ud that was not followed by any of the the companions and their followers. Further, the nature of the text of commentary of ibn Mas'ud is too general. He refers for instance to the garment, which includes both the inner adornment. Ibn Mas'ud could therefore not be referring to the inner garment as that which can be exposed.

According to Al-Albānī, he must have meant the outer garments as defined earlier. This is in conformity with the rest of the verse. The verse reads "and not to reveal their adornments except to their husbands, their fathers..." (Qur'ān 24: 31). The first adornment or what a woman is allowed to expose is the same with the second or what the relations mentioned in the verse can lawfully look at of a woman's adornments. It therefore implies according to those who uphold this second interpretation, the purported commentary of ibn Mas'ud that all the women's close relations mentioned in the above verse can also only look at a woman inner garment and not just any other part of her body, which is the face and the hands. This internal textual inconsistency in the purported commentary of ibn Mas'ud makes Abu Bakr al-Jassās to say:

The saying of ibn Mas'ud that what is apparent is the garment has no meaning because He (Allah) mentions *zī'nah* (adornment) which means the

¹⁷⁷ Ibid., 50-52.

portion of the body that is adorned. You can see that all a woman's adornments such as jewelry, earrings, bangles, necklaces and chains can be exposed to men when she is not wearing them. We therefore know that the meaning is "the places where adornments are placed" as He (Allah) says in the same verse "and not to reveal their adornments except to their husbands, their fathers" (Qur'an 24: 31). So the meaning is the place where adornment is placed and to stretch the meaning to garment is useless....¹⁷⁸

Following the above, al-Albānī then refers copiously to many traditions found in the two most authentic traditions of the Prophet of both *al-Bukhārī* and *Muslim* to buttress his points that the custom of unveiling these portions by Muslim women prevailed at the time of the Prophet, his companions and their followers. In doing so, he ranks the *Sunnah* as the second primary source of Islamic law. He quoted first what is known as the tradition of 'Ā'ishah which he declared as a well-established and reliable tradition despite the fact that one of its narrations is unauthentic. In the unauthentic narration, Khālid ibn Durayk relates that he heard 'Ā'ishah saying that Asmā', the daughter of Abu Bakr, the first Caliph entered into the presence of the Messenger of Allāh (SAW) wearing thin transparent outfits. Then the Messenger of Allāh (SAW) turned away from her saying: 'O Asmā! When a woman reaches the age of menstruation, it is not allowed that any part of her should be seen except this' - and he pointed to his face and two hands. At the end of the narration, the reporter says that the narration of the tradition is *mursal* (has a break in transmission) and Khālid ibn Durayk did not meet 'Ā'ishah and could therefore not have heard the prophetic tradition from her.

Al-Albānī confirms and aggravates the weakness of the above weak narration of the tradition. He then pursues this with a lengthy quotation of other narrations of the above tradition that are authentic. This includes the report by 'Ā'ishah herself concerning the woman, who reaches puberty, "Nothing should be seen of her besides her face and hands." In so doing, al-Albānī refers to those among the leading scholars of Hadīth who authenticate it, like al-Tabrānī, al-Bayhaqī and *al-Dhahabī*.¹⁷⁹ Other occurrences cited to support the above narration include the narration of Jābir ibn 'Abdillāh. He reported that he once observed the 'Id prayer with the Prophet and after the prayer and sermon, the Prophet leaned on Bilāl, the announcer of the call to prayer and admonished the women to offer alms because women would constitute most of the elements or inmates that will fuel the hell fire on the day of Judgement. A light complexioned

¹⁷⁸ Ibid., 52-54.

¹⁷⁹ Ibid., 57-59.

woman in the middle of the group of women then questioned the Prophet on this matter and he replied because you (women) cry very much over calamity and are ungrateful to your companions...¹⁸⁰ The reference to the light complexioned woman in the above hadīth shows that the enquirer did not veil her face. According to al-Albānī, if the extremists claim that the above incident occurred before the revelation on the obligation of covering the face, it would not be correct. This is because the incident is shown in another hadīth by Umm 'Atiyyah to have occurred in the sixth year of *Hijrah*, while the verse of the veil was revealed in the third or fifth year, according to the two opinions of companions of the Prophet.¹⁸¹

Another hadīth that confirms the unveiling of the face was about the woman from *Khath'am* mentioned earlier. It was narrated by ibn 'Abbās who narrated from his brother; al-Fadl ibn 'Abbās who said that the woman from *Khath'am* came to ask the Prophet some questions during his farewell prigrimage on the day of sacrifice. The woman was not only beautiful but al-Fadl ibn 'Abbās was staring at her beautiful face. It is therefore clear that her face was not exposed. Instead of asking her to veil it, the Prophet only turned away the face of al-Fadl ibn 'Abbās and even when al-Abbās wanted to know why he did so, the Prophet said that he saw a young man and woman and was not contented with with what he saw.

Al-Albānī also cites the tradition of 'Ā'ishah concerning women who prayed the dawn prayer behind the Prophet and were not recognized because of darkness and not because they covered their faces or wore dark garments.¹⁸² This according to al-Albānī shows that it was the head that was covered by women and not the face. He then cites numerous other traditions to prove that women were not obliged at the time of the Prophet to cover their faces when they came out of their homes. The above narrations especially the report of the woman from *khath'am* are the clearest evidence that what is obligatory for both men and women in Islam-in order to avoid *fitnah*-is not covering the face by Muslim women but lowering of the gaze by both men and women. This the Prophet physically and practically demonstrated by turning away the face of al-Fadl ibn 'Abbās from starring at the beautiful woman from *Khath'am*, instead of asking her to veil though the two of them were not free from temptation according to the Prophet. In the narration of 'Alī ibn Abī Tālib, the Prophet specifically used the words "*Fa lam āmin al-Shaytān*

¹⁸⁰ Ibid., 60.

¹⁸¹ Ibid., 74-75.

¹⁸² Ibid., 61-66.

'alayhimā" meaning "I am not at rest about satan's temptation on them"¹⁸³ The obligation of lowering the face to avoid *fitnah* can be found in Allah's statement:

'Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.)... And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.)...'¹⁸⁴

The above demonstrates that there is something in both men and women to be seen by either sex, hence the injunction to the two of them to lower their gazes. This is confirmed by many traditions of the Prophet such as the tradition of Jarīr ibn 'Abdillāh in that he inquired from the Prophet concerning accidental and sudden gaze and was told by the Prophet to turn away his gaze. This is in line with the view of many commentators of the Qur'ān like Al-Qurtubī, an eminent Qur'ānic commentator, who in regards to the above verse on lowering the gaze states the following:

When women in those days used to cover their heads with scarves, which served as their headgears, they cast it over their backs in the manner of the Christians. This left the neck, the upper part of the chest and the ears bare without cover. Allāh (SWT) then commanded them to cover the bosoms with the *khimār* (headscarf).¹⁸⁵

In addition, 'Ā'ishah (May Allah be pleased with her) mentioned the women of the Emmigrants, praised them and prayed for them because when just quoted verse of lowering the gaze came down, they took their covering and loin garments, tore them and covered themselves. Another narration by 'Ā'ishah also demonstrates that it was their head that was covered by these women and not their face. In this second narration by 'Ā'ishah, she reported the same incident, praising the women of the Emmigrants because after the revelation of the verse of lowering the gaze, these women came to offer prayers taking place behind the Prophet with their heads covered. The term used by 'Ā'ishah is *'Itijār* which means *Ikhtimār* or covering the head as explained earlier under the subtitle of definitions of key terms.¹⁸⁶

Al-Albānī also reveals that light make-up like the application of antimony (*Kuhl* and *Khidāb*)¹⁸⁷ is lawful for Muslim women. He cites a

¹⁸³ Ibid., 62.

¹⁸⁴ Al-Hilālī and Muhsīn Khān, 648.

¹⁸⁵ Ibid. and al-Albānī, 78.

¹⁸⁶ Ibid., 78-79. The second narration is in the footnotes.

¹⁸⁷ *Kuhl* and *Khidāb* refer to antimony and dye put on the eyebrows and finger tips. Ibid., p. 70.

Prophetic tradition in which 'Ā'ishah was reported to have narrated a report that supports this matter. She mentioned an incident in which a woman who came to give the Prophet *al-Bay'ah* (Pledge) and she was without *Khidāb* applied on her fingers. The Prophet did not accept her *al-Bay'ah* until she applied *Khidāb*. This also illustrates therefore that women did not cover their hands during the time of the Prophet.¹⁸⁸

Another important issue raised by al-Albānī, while discussing what among a woman's adornments is permitted to be exposed and which had been discussed extensively in an earlier book¹⁸⁹ is the wearing of gold ornaments. According to him, the wearing of gold adornment and use of gold utensils are equally prohibited for both Muslim men and women without any discrimination. He argues that contrary to the belief of many scholars, the traditions prohibiting the use of gold adornments for women are authentic and that it would be incorrect to assume that others actually permitting women the use of gold adornments have abrogated these traditions. He then refers the reader to his book, *Ādāb al-zifāf*, for details on the issue.¹⁹⁰ He explains in *Ādāb al-zifāf* that the prohibiting traditions fall into two categories--authentic traditions, which can stand legally on their own and mildly weak traditions that support and strengthen one another. In the first category are listed the such traditions as the tradition narrated by Abu Hurayrah saying that whosoever wishes to dress his beloved with an ornament of hell should do so with an ornament of gold. The tradition narrated by Thawbān saying that the Prophet struck the hand of Hubayrah's daughter, when he saw an ornament of gold on it. There is also the tradition that he frowned at his daughter, Fātimah, when he removed a necklace of gold from her ears. In addition, the tradition of Umm Salamah saying that the Prophet turned away from her when he saw symbols of gold on her thighs. Based on these three traditions and other mildly weak traditions, al-Albānī insists that the use of gold adornments is prohibited for women as well as for men in Islam and the responsibility lies on the Muslim scholars to correct the erroneous view of the majority that this practice is permitted for women alone.¹⁹¹

While still commenting on the verse of lowering the gaze and using the headscarf or *Ikhtimār* above, a last point made by al-Albānī is that the verse establishes the obligation of covering the feet by Muslim women. He

¹⁸⁸ Ibid, p. 70.

¹⁸⁹ Al- Albānī 's book, *Ādāb al- Zifāf* under the English title *The Etiquettes of Marriage*.

¹⁹⁰ Al-Albānī, *Jilbāb al-Mar'al al-Muslimah*, (Hadith 1, Note 2), 72 (Hadith 13), 60-61 and 90.

¹⁹¹ See al- Albānī, *Ādāb al- Zifāf*.

quotes the last part of the verse, commanding women “not to stamp their feet so as to reveal what they hide of their adornment”¹⁹², and explains that it demonstrates that women are not allowed to show their ankles and feet. Since this was forbidden the women decided to stamp their feet so as to call attention to the bangles they were wearing. The author supports his point referring to the authentic tradition of the Prophet that Allah would not look at any body on the day of Judgement, whose outfits out of pride or any suggestion of show off goes beyond the ankles. Umm Salamah then inquired concerning women’s hems and the Prophet replied “they can extend it an inch longer”. Umm Salamah added “then their feet would be exposed” and the Prophet finally said “they can extend it a cubit longer but not beyond”. Al-Albānī also quotes al-Bayhaqī, who said, “this is evidence for the obligatory of covering the feet” and Ibn Taymiyyah, who said that one of the conditions to the *Ahl al-Dhimmah* (the people under covenant with the Muslim) by the early Muslims, was that their women should uncover their feet to distinguish themselves from Muslim women.¹⁹³

However, the above verse and tradition of the prophet though authentic do not necessarily support this point of women covering their feet. Firstly, the verse only addresses Muslim women, who wear bangles on the feet and does not necessary apply to every Muslim woman who does not wear it. Consequently, it is a prohibition of ostentiously calling attention to the adornments on the feet and can therefore be regarded as a prohibition of exposing the adornments on the feet and not a prohibition of exposing the feet. Secondly, the traditions on the matter of covering the feet only provide evidence for the permissibility for women to cover their feet and not its obligation. The response of the Prophet to the query by Umm Salamah reveals clearly that he does not consider it compulsory, but permissible for women to choose to cover their feet, as it does not nullify his first statement, which permits exposing them. In fact, just as al-Albānī insists that the use of gold adornments is not lawful for women as well as for men in Islam so also is the matter of allowing outfits out of pride or any suggestion of show off to trail beyond the ankles. Women are therefore only given a mild permission in the above tradition to cover their feet.

Following this al-Albānī refers to the second passage with which he opens the section and which is what some scholars popularly regard as the verse of *Jalābīb* or the outer-garments to explain further, the female dressing in Islam:

¹⁹² Al-Hilālī, and Muhsin Khān, 648-649

¹⁹³ Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, 80-82.

O Prophet! Tell your wives, daughters, and the believing women, that they should cast their outer garments over their persons. That is most proper for them so that that may be known and not molested. Verily, Allah is Most-Forgiving, Most-Merciful.¹⁹⁴

The above passage (Qur'ān 33: 59) quoted from further directs Muslim women to put on outer-garments over their clothes, and to draw them close around them. The author then quotes what was narrated by Umm 'Atiyyah saying when the Prophet commanded all the women to attend the two 'Id prayers. One woman inquired about a woman who could not afford wearing her *Jilbāb* or the outer-garment and the Prophet said her sister should offer her one of her *Jalābīb* or the outer-garments. This only confirms that wearing *Jalābīb* or the outer-garments is compulsory.¹⁹⁵

Still in support of the author's assertion that the wearing of *Jalābīb* or the outer-garments is compulsory the following tradition narrated by al-Hārith ibn al-Hārith al-Ghāmīdī relating an incident that occurred at Minā accordingly:

... There was the Prophet (SAW) inviting the people to the Oneness of God and Faith in Him but they were opposing and insulting him until noon and the people dispersed. A woman approached crying with her neck exposed and she brought a bowl of water and handkerchief to the Prophet (SAW). He took it from her, drank from it and performed ablution and said “O daughter! Cover your neck with *khimār* and do not fear for your father. Then al-Hārith ibn al-Hārith al-Ghāmīdī, the narrator inquired concerning the woman saying ‘who was that? And he was told “Zaynab, the Prophet's daughter.”¹⁹⁶

Al-Albānī quotes another tradition similar to the preceding narrated by 'Imrān ibn Husayn that demonstrates that the Prophet's daughter, Fātimah, also failed to cover her face. According to 'Imrān:

I was sitting with the Prophet when Fātimah (may Allah have mercy on her) approached and stopped in front of him. I looked at her and her face was pale (like blood has disappeared) and the Prophet told her to move closer and so she did standing in his front. The Prophet then lifted his hand, placed it on her chest, the place for necklace, and spread out his fingers, saying “O Allah the Satiator of hunger and the Lifter of the lowly, do not starve Fātimah, the daughter of Muhammad (SAW)”.

The narrator 'Imrān ibn Husayn then added ‘I looked at her and her face had become full of blood and the paleness had gone’. I met her later

¹⁹⁴ Yusuf Alī, Chapter 33:59.

¹⁹⁵ Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, 82-83. Also, see Sunan AbĒ Dawud: Book 32, Number 4094.

¹⁹⁶ *ibid.*, 79.

and inquired about her condition and she replied 'I never starve again O 'Imrān!¹⁹⁷

At this stage, al-Albānī explains that the term *hijāb* which technically refers to the face-veil or *niqāb* is compulsory only on the wives of the Prophet, while it is *jā'iz* or merely supererogatory for all other Muslim women. This clarification, according to him has importance, as a clarification to those, who opine that the face-veil or *niqāb* is cultural, without any basis whatsoever in Islam. These individuals, he considers compose of another extremist group similar to those who opine that the face-veil or *niqāb* is compulsory. According to the *Shaykh*, it is for those opposing the basis of the face-veil or *niqāb* as a *wājib* or obligatory duty for the Prophet's wives that he devotes the next pages in his book so that they will know that it has a basis in both the book of Allah and the *Sunnah* of His prophet.¹⁹⁸

Al-Albānī then cites copiously from the traditions of the Prophet to support the ruling of the face-veil or *niqāb* as it is applicable to his wives. This explains why the wives of the Prophet were wearing *hijāb* or *niqāb* meaning the face-veil as can be learned from the following narrations. For instance, 'Ā'ishah reported that Sawdah, one of the wives of the Prophet, following the revelation of the *hijāb* or *niqāb* went out and as she was of big size, she could easily be identified by anybody who knew her. Then 'Umār, the second caliph saw her and said "O Sawdah! Do not think that you are hidden from us because you cover your face. Be careful how you go out". It is therefore clear that following the revelation of *hijāb* or *niqāb*, the wives of the Prophet started using the face-veil. It does however not apply to other women in this respect. Due to this, after the Prophet's (SAW) death no man could marry his wives, which is the twin commandment in the verse of *hijāb* or *niqāb* (Qur'ān 33: 53).

Another piece of evidence in this respect was also narrated by 'Ā'ishah regarding the incident of the infamous calumny against her and she narrated the following;

While, I was sitting down in my station, I was overtaken by drowsiness and I fell asleep. Safwān ibn al-Mu'attal al-Salmī who was in the rear of the troupe came and found someone sleeping and he identified me because he used to see me before the revelation of the verse of the veil. Then, I woke up with his exclamation and I covered my face with my *Jilbāb*.¹⁹⁹

Anas ibn Mālik also narrates the story of the Prophet's selection of Safiyyah, as his wife as follows:

¹⁹⁷ Ibid., 97-98.

¹⁹⁸ Ibid., 104-117.

¹⁹⁹ Ibid., 106-107.

The Prophet left khaybar and he did not consummate his marriage with her (Safiyyah bint Huyay) Then he carried her behind him on his camel and he put his garment on her back and covered her face. With that, she became his wife. This happened because earlier, the companions had asked, "Is she (Safiyyah bint Huyay) considered as his wife or his slave girl?" Then they said, "If he orders her to veil herself, she will become one of the mothers of the Believers; but if he does not order her to veil herself, she will be a slave girl. According to this incident since the Prophet spared her a space behind him (on his she-camel) and placed a screening veil between her and the people, they knew then that she was his wife."²⁰⁰

The above therefore confirm that the face-veil or *niqāb* was only obligatory for the Prophet's wives. The author, al-Albānī thus concludes the first part of his book, with the first condition regarding the dressing of a woman, which must be fulfilled. This first condition of leaving the face and the hands uncovered enumerated by al-Albānī is well established from the two primary sources of Islam. It was handled beautifully too by referring to those who opine that the *Jilbāb* is only obligatory on free believing women and not on Muslim female slaves. In doing so, he quotes Abu Hayyān al-Andalusī who says accordingly;

What is apparent is that the statement of Allah "the believing women" (in Qur'ān 33: 59) embraces both the free and slave women. This is because as a matter of fact, cases of molestation of slaves is higher than that of free women because of their abundant movements and combined with their leaving the house. These reasons are therefore clear evidences that entail their inclusion among the generality of women (in the use of *Jilbāb*).²⁰¹

It was, however, ibn Hazm who was mentioned before who was most vociferous against the distinction made between free-believing women and those, who were slaves on the obligation of wearing the *Jilbāb*. In maintaining his characteristically harsh words against those, who make this distinction, ibn Hazm though was very much aware that it was the second caliph, 'Umār ibn al-Khattāb, who forbade female slaves from wearing the *Jilbāb*. He not only condemns the distinction itself, he also characteristically applied abusive words to describe the protagonists of this distinction in that he says:

As for the distinction between free women and female slaves, the religion of Allah is just, as human disposition and nature are the same in both the free women and female slaves, unless there is a text that differentiates between the two, which would subsit... Some people

²⁰⁰ Ibid., 107, the remaining part of the narration is on page 94.

²⁰¹ Ibid., 90-96.

confused by the statement by Allah "that they should cast their outer garments over their persons. That is most proper for them. So that that may be known and not molested" (Qur'an 33: 59) have held that Allah commanded this. They argue that because the evil ones were ambushing women and thus free women were commanded to wear the *Jilbāb* so that the evil ones would recognize that they are free women and end their ambushing. We denounce such void commentary that is either a slip by a scholar, confusion of a demented sane person or fabrication of an evil liar because this would imply that Allah (the most High) has permitted the evil ones to ambush Muslim female slaves. This is a permanent misfortune because no two Muslims have differed on the point that the prohibition of unlawful sexual intercourse with the free woman is similar to its prohibition with the female slave. Or that the *hadd* (penalty) for unlawful sexual intercourse with the free woman is similar to the *hadd* for unlawful sexual intercourse with the female slave and just as the prohibition of ambushing the free woman is similar to that of the female slave. It is thus compulsory that nobody's statement should be accepted after the time of the Prophet unless it is has been transmitted from him.²⁰²

The remaining sections of al-Albānī's work are devoted to other conditions that according to him, govern female dressing with the second section discussing the issue of women's adornment. The second condition says that female dressing must not be an adornment in itself and in discussing this matter; the author also analyzes the concept of *tabarruj al-Jāhiliyyah al-'Ulā*. According to the author, *tabarruj* means a woman's exposure of her adornment and beauty in other words what should have been covered. He explains that since the injunction to wear the *Jilbāb* is to ensure that a woman's adornment is covered, it therefore becomes senseless the *Jilbāb* itself should turn out to be an adornment. In his opinion, Islam encourages women to stay at home but does not prohibit them from leaving home to fulfill their needs. When doing so, however, they are prohibited from displaying their feminine charms, so their '*awrah* must be fully covered. Yet the prohibition from displaying feminine charms to him does not mean wearing colourless or only white and black *Jilbāb*. Women have been permitted the use of *Jilbāb* of different colours and he cites many references to buttress his argument that include the wearing of red dresses by the wives of the Prophet.²⁰³

The third section discusses the requirement for women to wear garments of thick and not transparent material. Al-Albānī cites such traditions as the one where the Messenger of Allah (SAW) said, "There

²⁰² Ibid.

²⁰³ Ibid., 119-123.

will appear in the latter part of my *Ummah* women who are dressed but naked" and "Allah has cursed those women who wear clothes yet still remain naked" to explain that a Muslim woman must not expose any part of her '*awrah* even though she is clothed. Umm 'Alqamah the wife of Abu 'Alqamah also narrated that Hafsa, the daughter of 'Abdul-Rahmān ibn Abu Bakr, once came before 'Ā'ishah wearing a thin *khimār* over her head and shoulders. Immediately, 'Ā'ishah tore it up, saying: "Don't you know what Allah has revealed in "the verse of *khimār*" and she sent for a thick *khimār* and put it over her.

From all these and other traditions, the author concludes that the *khimār* that is required under the Islamic law must be thick enough not to reveal the shape of a woman's body as her body should not be exposed to anybody except her husband. She must therefore not wear a dress that shows the curves of her body.²⁰⁴

In the same light, the fourth section dwells on the obligation of not wearing a tight-fitting dress by women because the objective of wearing this garment in Islam is to lift away *fitnah* and this cannot be achieved with a tight-fitting outfit. In fact, this requirement is completely fulfilled by wearing the *Jilbāb*, which is a big flowing gown, hence Another piece of evidence for the design of the woman's outfit is the statement of the second *khalīfah* (Caliph), 'Umār, who once offered the people some Coptic dresses and he said following;

Do not clothe your women in the clothes. Then, a man said I dressed up my wife with it and I looked at her from the front and to the back, it is not tight-fighting. 'Umār replied that if it is not so, then it reveals the shape of the body.

It must be mentioned here that though the above-mentioned statement of 'Umār was quoted by the author, while explaining the preceding condition, it explicitly makes it clear that the dress of Muslim women must not only be thick; it must also not be tight-fitting or revealing.²⁰⁵

The fifth condition is that a woman is also required to do without strong and powerful aromatic perfume. The author cites many traditions of the Prophet that prohibit women from the application of perfume with fragrance when going out of the house. He then argues that since the perfume when used on the body also appears on the cloth, it is therefore a condition to be considered in female dressing. This prohibition of application of perfume in public, the author of the book explains, is to prevent women from calling and tempting men with their fragrance. He argues that if temptaion is possible in the mosque, as specifically

²⁰⁴ Ibid., 125-129.

²⁰⁵ Ibid., 127-128.

mentioned in the traditions, then it is more necessary outside the mosque such as in markets and streets where there is more temptation.²⁰⁶

The sixth rule according to the author that appears in the sixth section of the book says that the dress of a Muslim woman must not resemble that of men. The author as before cites numerous traditions that the Prophet not only prohibited men and women from imitating each other especially in dressing but also cursed such people who do so and said they will be denied entrance to paradise on the day of Judgement. The author also explains that what constitutes resemblance between the two sexes would be determined by what is good for the two according to the *Sharī'ah* hence according to him a man cannot decide to wear the *niqāb* or *barqa'* just as women cannot decide to uncover their hairs. This would be a clear violation of the commandment not to resemble each other.²⁰⁷

It would however appear that this rule should be further understood in the Islamic prohibition of homosexuality and lesbianism. This is because in some traditions of the Prophet cited by the author, the Prophet specifically uses the terms *al-Mukhanithīn* (Men acting as women) and *al-Mutarajjilāt* (Women acting as men). It therefore seems logical to conclude that the Prophet was simply teaching his *Ummah* that by imitating each other, it is possible for men to become effeminate and vice versa. It is therefore only when the psychological implications of gender imitation is fully studied and understood that we can find solution to the problem of homosexuality and lesbianism and other non-heterosexual relationship that have crept into the *Ummah*.

The seventh rule as contained in the seventh section is that the dress of a Muslim woman must not resemble that of non-Muslims. The author also cites copiously from both the Qur'ān and *Sunnah* to show the seriousness of imitating non-Muslims not only by Muslim women but by all Muslims generally. He categorizes the various areas where this imitation of non-Muslims has been prohibited in Islam. They include the areas of worship like prayers, fasting, burial and the area of personal and interpersonal transactions like eating, drinking, dressing and festivals. Naturally, a further understanding of cultures; customs and practices of non-Muslim especially in contemporary societies, where even some non-Muslim adorn the Muslim mode of dressing and some of their own apparel fulfill the Islamic dress codes, may also condition this rule.²⁰⁸

The last section of the book, which discusses the eight conditions governing a woman's dress and according to the author deals with the

²⁰⁶ Ibid., 137-140.

²⁰⁷ Ibid., 141-159.

²⁰⁸ Ibid., 161-212.

necessity to avoid dressing for pretension or out of arrogance. It is only here that the author cites just one tradition of the Prophet (SAW) though with numerous chains to support his point. He explains that any outfit with the intention of pretension by the wearer is categorized under what is prohibited.²⁰⁹ This explanation may be used in understanding some traditions of the Prophet earlier cited by the author in regards to the trailing of cloth below the ankle, where the Prophet said that Allah would not look at or talk to whoever allows his cloth to trail below the ankle. Though author, as explained above, has argued that this prohibition is related to men alone as women are not included, yet the prohibition has been qualified by the condition of pretension. Added by this last condition, it may not be wrong to conclude that Islam is totally against all forms and acts of pretension, pride and arrogance. This is because a person may still wear jumpy trousers and garments with the intention of pretension, What has just been explained is supported by the opinions of two scholars quoted by the author. The first opinion is expressed by al-Shawkānī accordingly;

The (above) tradition points to the prohibition of wearing the outfit of pretension, and it is not applicable to any particular dress, but rather it is applicable to anybody, who wears a dress different from what the poor people may wear, so that they may see, be impressed and amazed.²¹⁰

The second, by ibn Rasulān saying;

If the wearing of the outfit has to do with the intention of pretension, there is no difference between the dress of big and low people. There is also no difference between wearing the same or different dress from what the people wear. This is because the prohibition revolves round the issue of pretension and the determinant is the intention, even if it is not in line with the reality.²¹¹

Finally, the author, al-Albānī concludes his book with a clarion call to all Muslims to ensure the implementation of the above eight conditions and rules on the code of dressing for women. He made this call in response to the Prophetic tradition saying; "Every one of you is a shepherd and every one of you will be accountable for his sheep" and the Qur'ānic injunction that the believers should protect themselves and their families from hell.²¹²

²⁰⁹ Ibid., 213-215.

²¹⁰ Ibid., 215.

²¹¹ Ibid.

²¹² Ibid.

Conclusion

So far we have traced the concept, origin and emergence of feminism, especially postmodern gender feminism as well as other shades of the phenomenon like the version labeled "Islamic". This chapter in particular has also discussed and analyzed the main themes and aspirations of the feminist movement in Muslim societies as advocated by Muslim women who believe in and hold tenaciously to the Islamic teachings. The chapter has made known that there are many perspectives in the feminist movement that give evidence that this Islamic feminism, as a movement working for the improvement of life of Muslim women and by Muslim women activists, especially those active in the Muslim movements, organizations and societies cannot be wished away. The chapter has rather argued that the feminist version termed 'Islamic feminism' should be welcomed by Muslims and should only refer to those feminists who believe in and hold tenaciously to the Islamic teachings. As for other Muslim feminists who are not to be found in this category, the term Muslim feminism should suffice. This is so while the former believe in and live the Islamic message, the latter does not. The chapter has also revealed that Muslim women were very active participants at all levels of community affairs, religious, political, social, educational, and intellectual during the period of the Prophet and the early period immediately following his death. They played key roles in preserving traditions, disseminating knowledge and challenging the political authority when it erred according to their understanding of the Qur'an or the Prophetic legacy. But it is in the field of education and learning that the contributions of Muslim women appear to be most profound. This activism of Muslim women in early Islam is confirmed by examples of events that took place right from the Islamic struggle in Makkah till Madīnah. From the Islamic struggle in Makkah, where a woman, Sumayyah, became the first martyr, through the first *hijrah* where women like Asmā' featured prominently, to Madīnah where women took part in *Jihād* and were sometimes being consulted in regards to state policy, like the case of Umm Salamah who saved the whole *Ummah* from a catastrophe at *Hudaybiyyah*. Muslim women therefore participated fully in the building and sustaining of the nascent Muslim community.²¹³ Finally, the chapter has demonstrated through the work of a Muslim scholar that the above roles played by early Muslim women and which many Islamic feminists are trying to play in today's Muslim society are hinged on the absolute reference frames in Islam. According to this Muslim scholar, Muslim women are allowed to

²¹³ Doi, 140-144.

partake in public activities. They are only required to wear the outer garments when they do so.

CHAPTER FOUR

ISLAMIC FEMINISM IN NIGERIA

This chapter will now examine some of the various feminist issues that engage Muslim women in Islamic organizations such as participation in politics, dress code, female circumcision and gender biased application of Islamic law. It will show that the above depiction of the role played by Muslim women in Nigeria, both during and in the post Sokoto *Jihād* era, as contained in chapter one, contradicts the damaging manner in which most feminists and western orientalis depict Muslim women. Among damaging images and stereotypes produced on Muslim women in Nigeria can be related those by Barbara Callaway and Lucy Creevey, two American scholars who, similarly to the generation of colonial scholars before them, conclude that Islam was oppressive and unfair to women, and for women to make any progress; Islam would have to be curtailed. They however observed that these Muslim women were not altogether unsuccessful in developing strategies to counter men who manipulate their marriages to these men's advantage in order retain control over women's resources and income.¹

Sadly, the image depicted by such scholars tallies with the conditions of Muslim women after the colonial masters dismantled the Caliphate and defeated the Muslim resistant struggles in the Northern part of Nigeria. The colorful and glorious era of Muslim women in the Nigerian history ended, thus creating an enabling environment for those who would condemn Islam for the prevailing conditions of Muslim women. Barely two hundred years after the dismantling of the Sokoto Caliphate for instance, though a few women scholars may still be found here and there, according to Usman Bugaje, many Muslim women today are completely ignorant, illiterate in both Arabic and Latin scripts. The teaching of these women has once again been abandoned by the scholars making men treat

¹ Barbara Callaway and Lucy Creevey, *The Heritage of Islam, Women, Religion and Politics in West Africa* (Boulder: Lynne Rienner Publishers, 1994), 1- 221.

them as chattels, and render them prisoners to interpretations, that serve the interest of only male scholars.²

The above description of the prevailing conditions of Muslim women in the whole of Nigeria by scholars like the above two American scholars, cannot be denied. The scenario was realized in Nigeria after the colonial masters successfully dismantled the Caliphate and the *sharī'ah* which had gradually departed from the from the glorious days of the founders and had been adulterated with many of the un-islamic practices fought against by the founders. This was followed by a series of reformation, aimed at bringing the *sharī'ah* application in Nigeria into harmony with western sense of justice and progressive law until it was finally substituted with the penal code of at the time Nigerian independence. This is the reason behind the continuing attempts in Nigeria by both Muslim men and women to redress the conditions of the *Ummah*, especially as it affects Muslim women using Islamic matrices, making Tijani to conclude that these Muslim women by aiming at the eradication of women's oppression in the larger Nigerian society and supporting their moves within Islam, clearly demonstrate that Islamic tenets are not contradictory to issues of equity, equality, and justice for all races, groups, sexes etc. To him, their moves also reveal that these women differ from secular and western feminists in their attempts to eradicate women's oppression and this cause him to endorse the decision to label these women's brand of the struggle against patriarchy or male domination as 'Islamic feminism'.³

Among leading members of FOMWAN can be found Dr. Mrs. Durosimi, the incumbent National *Amīrah* (President) of FOMWAN and lecturer at the Obafemi Awolowo University.⁴ She submits that Muslim women in FOMWAN have succeeded in reforming the life-styles of many of their husbands and families. She believes this exercise is in line with Islamic teachings and that the few Muslims men who prevent their women from joining FOMWAN and other Islamic organizations are beginning to realize their follies. The position of the *Amīrahs* of FOMWAN in Osun state and Osogbo divisions respectively is upheld by Chief Mrs. Adewusi and Alhaja Giwa. They went further by reiterating the numerous accomplishments of the organization that has made it to cover the whole

² Bugaje.

³ Dr. Tijani, interview.

⁴ Dr. Mrs. Durosimi, interview by author, Obafemi Awolowo University, Ile-Ife, Osun State, 15th February 1998.

country even in the areas where people are still averse to women participation in *da'wah* activities in Northern Nigeria.⁵

Muslim women Active participation and Veiling the Face

Respondents and participants were asked as to whether the active participation of Muslim women in the work of *da'wah* and Islamic revivalism will adversely affect their effectiveness in fulfilling their vocations as mothers and full time workers. To this, Mrs. M. S. Olorode, a prominent member of the *Al-Mu'mināt*, the female wing of one of the Islamic organizations in Nigeria, the Muslim Congress and a senior high school teacher, explained that involvement in Islamic work is not a barrier to most women, as mothers and career women at the same time.⁶ This she attributed to the understanding of their husbands and the assistance of their house maids. In her opinion with the cooperation of their spouses, it is possible for Muslim women to cope with Islamic work, their vocations as career women and mothers. The above is also the view of Dr. Abubakar Sanusi, the Chief Imam of Obafemi Awolowo University and a Nephrologist,⁷ who argues that it is not only possible but proper and compulsory for women to partake in the work of commanding what is good and forbidding what is bad. He believes that Muslim women in Yoruba land are already contributing well in Islamic work, especially those who are past the stage of childbearing and whose children are fully-grown.

When questioned about the issue of veiling the face and its attendant segregation of women from public life, Mrs. Adesina-Uthman, a former *Amīrah* (Female President) of the MSSN, Oyo state chapter, asserts that it is evident from experience in modern Nigerian and other similar societies that the wearing of outer garments that cover a woman's body is an essential sign of modesty. To her, this simple and modest Islamic form of dressing is required to safeguard women from unwarranted molestation. She argues that women really require this protection due to the eagerness of some men to enter into relationship with women even if they have to apply force. She supports the wearing of the face-veil for this reason but

⁵ Chief Mrs Adewusi and Alhaja Giwa, interview by author, FOMWAN Secretariat Osogbo, Osun State, 6th February 1998.

⁶ Mrs. M. S. Olorode, a professional secondary school teacher of seven years experience and married with three children, interview by a research assistant, Ibadan, Oyo Stae, June 2003 and email, 8th November 2004.

⁷ Dr. Abubakar Sanusi, interview by author, Obafemi Awolowo University, Ile Ife, Osun state, 18th February 1998.

she just does not view it as obligatory. A Muslim woman who wears *hijāb* is according to her not necessary of better character than one who wears the face-veil and vice versa. Nobody can be considered of better character than another except in terms of piety or the fear of Allah; the Most High who alone knows what is in the heart and the intention behind all human deeds.⁸

Mrs. G.Y. Akinyemi, a member of the MSSN and a senior high school teacher, also supports this point as she believes in the requirement for Muslim women to be properly adorned especially at their place of work. She explains that what women are seeking is the right to be humble but dignified, self-controlled but assertive, and spiritually upright but at the same time politically and economically thriving. They do not wish to be intimidated as they are not according to Islam characterized by the inferior feeling of shame or being bad and unclean due to a purported sin of the first woman. Men according to her will only respect women who dignify themselves and not offer themselves as easy prey for men. She buttresses her submission relating the experiences by many women which reveal that most men rather love to run after the easy women for their shameless conquests but when they wish to settle down in marriage, they usually choose to marry someone who is dignified, esteemed and appears pure intrinsically even if she is counterfeit.⁹ She argues further that these easy women who are mostly of western or secular background are now despairing of their un-Islamic lifestyle which has reduced them to mere sex-objects for men and are now in many instances turning to Islam and in huge numbers leaving their immoral lifestyle for the way of Islam.

Another reason for women to uphold the wearing of the outergarments according to her and others is the requirement for the practice of modesty in Islam for both men and women. Both genders according to these Muslim women would then before being offered assignments, positions and appointments be assessed based on their intelligence and skills etc rather than looks and sexuality. These Muslim women simply desire among other objectives to uphold the wearing of these outergarments in an attempt to curb shameless men who only perceive women as objects of their immoral gratification and nothing more. Their aim is at diverting men

⁸ Mrs. Adesina-Uthman, Account Fellow at the Crescent University, Abeokuta and currently completing her PhD Research at the Faculty of Economics, University Putra Malaysia. Interview held with her by author at Federal Polytechnic Ede, Osun State, 13th February 1998 and also at the International Islamic University, Malaysia, 23rd January 2004 and 26th September 2004.

⁹ Mrs. Akinyemi, interview by a research assistant, Ibadan, Oyo state, 3rd July 2003.

from focusing on women's appearances, and rather pays attention to their personalities and intellect. They wish men to assess them based on moral and academic qualifications and not pursue them simply for feminine bodily charms and physical looks.¹⁰

Mrs. A. O. Alarape and Mrs. R. A. Raji, two former *Amīrahs* (Female Presidents) of the MSSN, Oyo state chapter, submit that the Islamic dressing is a symbol of their feminine freedom in a society that imposes shameless degrees of a culture of nudity and immodesty on women. Mrs. Alarape believes that wearing the outer garments prescribed in Islam is dignifying and beautiful for those women who choose to dress in order to achieve self-respect and dignity instead of pleasing the tastes and desire of men.¹¹ Mrs. Raji however adds that the Islamic modest form of dressing has a liberating function but can become punitiven in societies where women are not allowed to make their own choice and are segregated from public life. This, she argues distorts totally the underlying goal and beauty of the Islamic code of dressing.¹²

Similarly, Mrs. Sekinat Omotosho, a senior high school teacher, views the wearing of the Islamic dress by some women who are nominal Muslims or even those of secular and western orientation this as an indication of their unwillingness to conform to the western culture of nakedness and indignity which reduce women to advertising agents and hostesses instructed to dress in order to please men.¹³ They have chosen the Islamic attire because it directs attention more to their intellectual competence and impressive personality and not to their feminine charms. The above opinions tally with those of men earlier interviewed. They all condemn the manner in which some women advertise and exhibit their feminine charms to men and believe that this contribute a great deal to sexual assault against them.

¹⁰ Mrs. Olorode, Akinyemi, Monsurat Mustapha, Badmus, Mudathir, Raji, Alarape, Omotosho, Oseni, Adesina-Uthman and Aminah Otulana-Apembe, interview by author and Research Assistant.

¹¹ Mrs. Alarape, series of informal and formal discussions by author between 2000 and May 2003 and interview by a research assistant, Ibadan, Oyo State, 14th July 2003.

¹² Mrs. Raji, series of informal and formal discussions by author between March 1999 and May 2003 and interview by a research assistant, Ibadan, Oyo State, 17th July 2003.

¹³ Mrs. Omotosho, interview by a research assistant, Ibadan, Oyo State, 14th August 2003.

However, some Muslim men interviewed such as Abdur-Rahman, a professor at the Obafemi Awolowo University,¹⁴ disagreed with the above. Instead of condemning women for the assault by men, they still hold men responsible for the cowardly crime of rape and other forms of sexual assault on women. In fact, Mr. Oseni, a former a former *Amīr* (Male President) of the MSSN, Oyo state chapter, proprietors of Nursery and Primary schools and a senior high school teacher,¹⁵ while believing that women seductive and shameless dressing contribute much to men's unbecoming misconduct, still blame men for their inability to control their desires.

Mrs Adesina-Uthman concurs to the above point that women unwittingly contributes to some men's depravity and sexual misconduct. She opines that though it takes the two, both men and women to commit immorality yet it is regrettable that women are cooperating with men who seek to turn these women into sexual commodities, sex-workers and traffickers when they, the women, more than the men, have perhaps been the greatest victims of this sexual liberalism, not only because Nigerian campuses and in fact the larger societies are becoming increasingly unsafe as women have to live under the constant fear of rape and other forms of harassment, but more because the women seemly encourage men by their shameless attires.¹⁶

Though in Nigeria, the stigma being attached to victims of rape has prevented the reports of such incidents, thus making the statistics of rape virtually unavailable, despite that fact; many cases of rape are taking place in many Nigerian universities, especially among rival secret cult groups and their members as well as in the larger society.¹⁷ As a result of the above Muslim women's tenacious and uncompromising adoption of the above Islamic female dressing, they believe that their sexuality, charms and physical looks are concealed though they are in the vanguard of Islamic work, allowing their femininity to be seen, heard and reckoned with. These women who often are in senior professional careers refuse to allow their sexuality to become public consumption. Wearing this modest

¹⁴ Professor Abdur-Rahman, interview by author, Obafemi Awolowo University, Ile-Ife Osun State, 15th March 1998 and series of informal discussions afterwards.

¹⁵ Mr. Oseni, interview by author both formally and informally, at his schools and MSSN activities, 24th February 1998, 16th March 2001 and 28th May 2002. He is currently pursuing his PhD in the Institute of Education, International Islamic University Malaysia.

¹⁶ Mrs Adesina-Uthman, interview by author.

¹⁷ See Federal Ministry of Justice, "Women and Children under Nigerian Law", *Law Review Series*, Vol. 6.

dressing, they explain make them to radiate the confidence and focus of real professionals. Though their decision to adorn this form of dressing according to them is at times met with harsh opposition, most of these women have refused to be daunted. Due to their personal decision to wear the Islamic *hijāb* as their outergarments are popularly known in Nigeria, some of these women have lost their husbands of many years, their position and family friends. Some of these women who choose to wear the Islamic dressing by conviction, according to this investigation have even witnessed many violent confrontations with their supposedly loved ones and relations.

There is a case from the University of Ibadan of an incident in which the parents of a student tore their daughter's dressing into pieces publicly as they saw the wearing of the outergarments as "uncivilized". Hundreds of Muslim female students at the Universities, Polytechnics and colleges of education in Nigeria are encountering or have encountered confrontations over the Islamic *hijāb* at one time or the other. Some students in fact witness opposition from government owned institutions, where they have been barred from attending classes because of scarf. One such incident took place at the College of Education staff school in Ikere Ekiti where a female Muslim student was requested to remove her scarf in order to allow continuing her studies. As a matter of fact, the guardian of the scarf wearing student was summoned at the College where he works when his ward declined to remove the scarf.¹⁸ Yet at the same college, Christian students, who were nuns wearing head-covering similar to scarf wearing sisters and are pursuing their studies. Even, a principal lecturer at the college claimed that the wearing of scarf would be a disturbing factor in the students' studies especially in the laboratories. However an unbiased non-Muslim lecturer at one of the universities in the Southwestern part of Nigeria insisted that wearing the Islamic *hijāb* did not appear to have any negative effect on the performance of Muslim female students, who actually excelled in their classes in fields like engineering and accounting.

It would seem from the response above therefore that even the ordinary Islamic scarf has an alarming effect on some non-Muslims and western secularists. This may be because this brand of *hijāb* wearing sisters under study in this book are not only articulate, well dressed, intelligent, and professional Muslim sisters and women but more importantly present the alternative to western women who make their looks and sexuality tools for what they can attain. The above anti-*hijāb* wearing postures according to

¹⁸ The author interviewed the student, see Ibrahim Olatunde Uthman, "The role of Arabic and Islamic Studies in a Secular Society" *Journal of the Nigerian Teachers of Arabic and Islamic Studies*, Vol. 6, No 2, (2002): 80- 86.

all the interviewed Muslim women are contrary to the mainstream western secularists' attitudes to Christian nuns' world-wide. They explain that while nuns like their male catholic fathers are positioned significantly to direct their attention towards services to the Church, receiving grants from universities, local governments and even feminist organizations to study Christian theology and other disciplines that can contribute to the growth of Christendom, Muslim women are intimidated to remove the *hijāb* which eliminates attention from their looks and sexuality to their articulation, intelligence, and professional qualifications.

They go further to argue that if those opposing the ordinary Islamic scarf are not averse completely to the above qualities of articulation, intelligence, and professionalism in *hijāb* wearing sisters, they should therefore stop promoting anti-*hijāb* wearing values in the minds of the Muslim women in the guise of secularism, westernization and modernization. They argue that it appears that to those opposing the ordinary Islamic scarf, all the *hijāb* wearing sisters have to do is to remove their *hijāb*, and start wearing tight and see-through attires like mini-skirts, tight-jeans and jumpers in order to adopt a modern, western and maybe secular mode of dressing. Then they are to follow the removal of the *hijāb* up with engaging in pre-marital and extra marital sexual relations as being promoted by postmodern feminism, thus making the so-called average western, secular and modern women consider pre-marital and extra marital sexual relations acceptable, entering and ending sexual relations with either married or unmarried partners or even both, consuming alcoholic intoxicants, smoking cigarettes, LSD and other dangerous drugs, partying and dancing with men, walking around in sheer nudity or semi nakedness.¹⁹

Mrs. M. S. Olorode therefore asserts that to her, the simple and modest Islamic dressing makes a woman conspicuous but respected and honored member of the society. Since she started work some eight years ago, she has always been approached, assessed and accorded with respect by both her fellow female and male workers and even male strangers. This, she strongly believes is connected to her wearing the outer garments prescribed in Islam. So according to Mrs. Olorode, the message men extract from non-*hijāb* wearing women is that they have free access to as many companions among them as they wish and never are required to settle down in marriage to a monogamous relationship with one woman. This explains why according to her, she feels the average non-*hijāb*

¹⁹ Mrs. Olorode, Akinyemi, Monsurat Mustapha, Badmus, Mudathir, Raji, Alarape, Omotosho, Oseni, Adesina-Uthman and Aminah Otulana-Apempe, interview by author and Research Assistant.

wearing women are dated by men. These women enter relationships with men for decades at times or worse constantly without settling down in marriage or not even succeeding in forming a lasting relation with a man although some of these women may be in badly need for marriage. Yet, even some of the non-*hijāb* wearing women who succeed in entering marriage appear to have to continue to maintain the façade by dressing even more alluring to attract and so to say "kill" their husbands in order to make them stay in the marriage lest their 'Casanova' husbands may find other younger, prettier and more delicate females.²⁰

The views of other women interviewed in this study tally with that of Mrs. Olorode. According to these respondents and participants, non-*hijāb* wearing women are more harassed, stressed and raped by their gaping and roving male partners at one spot, time or the other. It is therefore concluded that the *hijāb* is not male inspired, politically motivated or culturally-based but rather an Islamic duty meant to maintain the dignity and respect of all *hijāb* wearing women. Thus the *hijāb* is to express this unique dignity of Muslim women and men who glance at them will know that they are highly honoured women who possess good moral character. Muslim women who cover their body are therefore filled with dignity and self-esteem; they are pleased to be identified as Muslim women who are struggling to maintain their purity, chastity and modesty and do not wish their physical appearance to enter into interactions with men in any way.²¹

Though Muslim scholars differ on their position of veiling of the face of Muslim women and their seclusion in Islam as discussed extensively in the last chapter of this book, they all agree that there is a code of dressing for women in Islam just as there is for men. This code says they should cover their 'Awrah or nakedness but what constitutes the 'Awrah is one of the most contentious issues among them. There is an age-long controversy among Islamic scholars on whether the face of a woman is part of her 'Awrah that should be covered or not is already. Some argue that it is not only compulsory for women to veil their faces when they appear in public; it is also compulsory that they should be segregated or secluded from the public life.²²

²⁰ Mrs. M. S. Olorode, interview.

²¹ Mrs. Olorode, Akinyemi, Monsurat Mustapha, Badmus, Mudathir, Raji, Alarape, Omotosho, Oseni, Adesina-Uthman and Aminah Otulana-Apempe, interview by author and Research Assistant.

²² A. Al-Jaziri, *Kitāb al-Fiqh 'ala-madhālib Al-arbah'* (Bayrut: Dār al-fikr, 1990), Vol.1, 192 and M.N. Al-Albāni, *Hijāb Al-mar'ah Al-Muslimah Fī al-kitāb Wa al-Sunnah* (Beyrūt, Al Maktab Al-Islāmī, 1389A.H), 41-2

The above opinions expressed by respondents and participants represent the view of the majority on the the *hijāb* in Nigeria. Right from the establishment of the Sokoto caliphate, as elucidated in chapter one, Muslim women were not compelled to be in *pardah* or observe the face veil. They were also not kept in seclusion from the public nor segregated when they participated in the communal life. *Shaykh* Ādam while writing on Muslim women in Ibadan and other parts of Yoruba land identifies the veiling of a woman's face and the seclusion of women as very controversial issues in the area. He explains that the practices have not been widespread, as it is not considered obligatory for Muslim women to either veil the face or be segregated from communal life. He holds that veiling the face is not compulsory on Muslim women and insisted that to segregate them from public life is un-Islamic and he concludes that any attempt to make it obligatory is contrary to teachings of the Qur'ān and Sunnah.²³ This is also the view of another Muslim scholar in Yoruba land, *Shaykh* Mustafā al-Zughlul who decries the imposition of veiling the face on Muslim women and considers it to be contrary to the teachings of Islam. He quoted the Egyptian Hāfiz Ibrāhīm to support his insistence on the necessity to take a middle course between the segregation of women in the society and the uncalled-for display of nudity by women. He also condemns the culture of constricting women into forced labor and toiling on farmlands and similar places especially in Africa, where most men marry many women so as to get cheap labor.²⁴

Nevertheless, Abdul Wahid Lawal, a Lawyer with the Ministry of Justice in Oyo state explains how the veiling of Muslim women came to the limelight in recent times and why the work of al-Albānī came to be appreciated in Yoruba land. It all started around 1996 over a dispute at a local Arabic school where one of the teachers, a graduate of Islamic Law from the University of Madī nah in Saudi Arabia attacked the Proprietor and Principal of the school for allowing one of his wives to expose her face in public. The Proprietor then invited the teacher to his office and gave him a copy of the book of al-Albānī and after reading it, the teacher apologised for his overzealousness. He later pleaded to the Proprietor not to make the book available to others, but some members of the Muslim Students' Society eventually became aware of its existence and since the controversy over the veil was intensive among them, they made copies of

²³ Al-Ālūrī, 124-143.

²⁴ M.Z. Al-Sunūsī, *Al-Mar'ah Bayn al-Hijāb Wa al-sufūr* (Bayūt: Dār Al-Maktabah Al Hay'ah), 1-16.

the book and circulated it among their colleagues. Hence the book became a landmark in the controversy ranging in Yoruba land over the face-veil.²⁵

A few Islamic organizations regarded as movements in Nigeria however do argue that Islam obliges Muslim women to cover their faces. Foremost among them is the Muslim Students' Society of Nigeria, (MSSN) which used to be in the forefront of a dynamic movement for change in the country. The most active of the Islamic organizations founded in Nigeria for so many years was no doubt the MSSN. Though founded by secondary school students in Lagos in 1954, the MSSN soon became a national society with its operation mainly coordinated in the higher institutions of learning throughout Nigeria. The society was so strong that it united all Muslim Students of different organizational affiliations under its umbrella. The MSSN was the sole organization that represented all Muslim students in all schools including higher institutions of learning throughout Nigeria. It was so powerful that it curtailed the activities of Christian fundamentalist organizations especially the Christian fellowship in the higher institutions of learning for many years, before it was embroiled in the above internal crisis.

In fact for many decades it was the only true national Islamic organization in the country until it became divided in the late eighties over the issue of the main features of an Islamic movement. A major aspect of contention among its members especially in the Southwestern part of Yoruba land is the female code of dressing. Some of its members even rebuke Muslim women who fail to wear the face-veil which they consider not only an important but also compulsory part of the acceptable proper Islamic dress. They opine that such women are either not Muslims at all or are at best weak Muslims. The belief, which was propagated by some of very few Islamic organizations outside the society gradually crept into the MSSN and has caused a very serious intra religious conflict within the Muslim community of the Southwestern parts of Nigeria and is spreading to other parts of the country. The MSSN which used to be the largest and most virile Muslim organization in Nigeria has because of this imported view been torn apart by sectarian differences. All details about the issue of veiling a woman's face and other sectarian differences that are considered as fundamental creeds by some members of the society can be found in one of its publications.²⁶

²⁵ Lawyer Abdul Wahid Lawal, interview by author, Ministry of Justice, Ibadan, Oyo state, April 18 1998.

²⁶ These members who are now mostly in the leadership of the society currently impose the face-veil on Muslim sisters as a condition of being Muslims and

The view of the face-veil as being a part of the only acceptable proper Islamic dress for women has largely been regarded by many other Islamic organizations as a strategic position. This is so as the few organizations that propagate the view including the Muslim Students Society of Nigeria still appoint some leading Muslim women in the country, most of whom are active politicians, lecturers, business magnets, and civil servants, some of whom barely cover their hair with the ordinary scarves as their matrons, sponsors and even special guests at religious functions and activities. Most Islamic organizations in Nigeria therefore still consider wearing the face-veil as a form of attire by Muslim women not to be considered compulsory. The practices of veiling the face of a Muslim woman, and segregating her from public life has however always been upheld by the following few Islamic organizations. Within the Yoruba speaking area of Nigeria, it is to a considerable extent prevalent among the *Zumuratu Islamiyyah*, *Islahudeen*, *Lanase*, *Bamidele* and Saudi affiliated Islamic organizations. To these Islamic organizations, veiling the face by a Muslim woman is not only an Islamic norm but also a compulsory creed whose neglect takes a person out of Islam. Some members of these Islamic organizations even hold the despicable practice that a Muslim woman wearing the face-veil can only uncover her face on three occasions, in her youthful age before she reaches puberty, on the day of her marriage and when she dies, a practice similar to the practice found in some regions of Pakistan.²⁷

Political Empowerment of Women

The twentieth century saw the empowerment of women in virtually all aspects of societal life. This development however came after a long feminist struggle for equal participation of women in the labor force, educational arena, political decision-making, economic sector and every other facet of the modern society. This struggle came to a head at the Beijing World conference on women organized by the United Nations in 1995. Many of the countries represented committed themselves to the action plan drawn at the conference. The plan calls for a 50-50-quota system based on sex differences and equal participation and empowerment of women in political, educational, sexual and reproductive rights. This was to serve as a short-term measure to ensure equal participation of

consequently members of the society. See *An-Nur Magazine* (Published by the MSSN, Obafemi Awolowo University Branch), April, 2002.

²⁷ Jan Goodwin, *Price of Honour: Muslim women lift the Veil of silence on the Islamic World* (Boston: Little Brown and Company, 1994), 56.

women in decision-making at all levels as well as in their incorporation into mainstream of the labor force. A notable component of the plan is its three-fold agenda of equality, development and peace. The document calls for freedom of women to decide upon a satisfying and safe sex life.²⁸

Starting from the declaration, through the mission statement and down to the 'Platform' itself, the action document can be viewed as an agenda for women's empowerment in all spheres of public and private life through full and equal sharing of power and responsibility between men and women whether at home, in the workplace or in the wider national and international arenas. It views the empowerment and full participation of women on the basis of gender equality alone as fundamental to global peace and development.²⁹ The term 'empowerment', which became widely popularized by the document 'Platform for Action and the Beijing Declaration' of 1995, is believed by some to betray a deep root in the feminist movement, which had been born out of conflict and remains ridden with conflict. Western feminism emerged when English women rose to fight the discriminations imposed on them by English common law that was derived from Biblical sources. This conflict as such therefore holds little interest to Muslim women who have already been granted by Islam the rights that western women were requesting.³⁰

In line with the above development, respondents and participants were questioned on how they viewed the empowerment of Muslim women in Nigeria. In her response, the female president of the Osun State chapter of FOMWAN identified Islamic teachings, as a means for empowering and maintained that the Islamic teachings embody the only hope for women, who yearn for empowerment. To her, Islam as put into practice by the Prophet and his companions and followers at Madinah is what is required today to fight the discriminations against women. She therefore called for the adoption of a complete *shari'ah* modern state that upholds the Islamic teachings that empower women politically, economically and religiously. Hence the Osun state chapter of FOMWAN which she led fully endorsed full political participation of Muslim women in order to bring about both ideological and practical reformation in the Nigerian polity. They, the women of FOMWAN believe that women have to share power with men because men have failed woefully in the affairs of the polis or state.

²⁸ UN Department of Public Information, *Platform for Action and the Beijing Declaration*, (New York: UN author, 1996), pp. 58-59.

²⁹ Susan Roylance, *Pro-Family Negotiation Guide* (Arizona: United Family International, 2001), 213-248.

³⁰ Lamyā' al-Fārūqī, *Women, Muslim Society and Islam* (Washington: American Trust Publications, (1408/1988), 28-29.

Unfortunately, according to them, it is women and children that bear the full impact of this male failure which includes corruption, injustice and their attendant political, economic and social unrest. This informed the political participation of the female president of the Osun State chapter, when she contested for the chairmanship of her local government council in Ilesha during the elections to usher in a civilian administration in Nigeria.³¹

With some Muslim women mounting the task as seen in recent political dispensation in Nigeria, there has been an upsurge in the public roles of Muslim women. Mrs. Adesina Uthman³² cites the examples of Alhajah Latifat Okunnu, a leading member of FOMWAN and Alhajah Senatu Ojukutu who both served at different times as the deputy Governors of Lagos State. There was also the case of Alhajah Muibat, who was appointed a Commissioner in the Oyo State executive council between 1999 and 2003 by the Governor of Alhaj Lamidi Adesina. Generally, there is an upsurge in the participation of women in politics in Nigeria. (See above) The 1976 Constitution Drafting Committee for instance was made up of men only. In 1988, the Review Constitution Committee however comprised of six female members out of forty-five members (10%). In the 1988/89 Constituent Assembly comprised of fourteen female members out five hundred and sixty-five members; five of the women were elected while the remaining nine were appointed by the Federal Government of Nigeria.³³

Prior to that in 1985, the number of female Permanent Secretaries were only three, in 1994, only one female member as Director General i.e. DG for National Commission for Women out of forty Director Generals in the Federal Civil Service. At the same time, the Nigerian Electoral Commission had one female member. In the aborted third republic, women constituted a mere 4.11% of the executive members of the two political parties, three women were elected local government chairmen out of three hundred local government area councils, seven women were elected the state houses of Assembly, only one woman in a ninety-one members' federal house of senate and fourteen women in a five hundred and eighty-nine house of representatives. During the defunct military regime in Nigeria, female representation was very low, especially under

³¹ Alhajah Chief Mrs Adewusi, interview by author, FOMWAN secretariat, Osogbo, Osun State, 6 February 1998.

³² Mrs Adesina-Uthman, interview by author.

³³ Nosiru Olajide Onibon, "United Nations Organization and Some of the Challenges of the 21st Century," (M.A. thesis, University of Ibadan, April 1988), 66-67.

Abacha; there was no female member in the Armed forces ruling council, only five female ministers of states, and no female state administrators. The same is the case in the academia. After the tenure of the only two female vice-chancellors in Nigerian universities, no female vice-chancellor was registered.³⁴

This prominence of Nigerian Muslim women in not only the outdoor and public labor force, but most importantly in political and governmental roles presupposes that Muslim women in Nigeria confront little or no barriers, especially since women had been given the suffrage long ago in Southern Nigeria. However, one strong barrier confronting them is the notion that they can not hold leadership positions because the demands of such offices are inconsistent with women physiological and psychological make-up.³⁵ Hence, Lawyer Abdul Wahid Lawal cautions against total participation of Muslim women in politics especially in leadership positions. He believes that such positions are too demanding and generally inconsistent with the feminine nature of women. To him, this is probably the reason why Islam has restricted the leadership of both the domestic and political spheres to men. Lawyer Abdul Wahid Lawal does not agree with the full participation of Muslim women in politics as if Muslim women were to contest for political offices, their roles in the family would be jeopardized. This would lead to chaos and ruin in the society, and which he believes the following Prophetic tradition alludes to: 'A nation that makes a woman its leader does not prosper'.³⁶ Imām Tawfiq Abdul Hamid also argues that the biological and psychological temperaments of women are clearly inconsistent with the demanding positions of political leadership at all levels. To him, women may be compelled to act erratically under the psychological and biological strains of pregnancy, miscarriage and menopause. While he believes that Muslim women should be encouraged to be active in *da'wah* and various professions as long as they do not affect their vocations and roles as mothers, he however upholds that politics will affect this family responsibility of women.³⁷

³⁴ Ibid, 66-67.

³⁵ D.O.S. Noibi, "The *Sharī'ah*, Women and Politics", *Al-Fikr*, Vol. II, No. 1, (1981), 64-73.

³⁶ Lawyer Abdul Wahid Lawal, former solicitor with the Oyo State Ministry of Justice, interview by author.

³⁷ Imam Tawfiq Abdul Hamid, a lecturer at the Department of Electrical Engineering Federal Polytechnic Ede and the Chief Imam of the Muslim community of the institution, interview by author, Federal Polytechnic Ede, Osun State, March 1998.

The above argument against Muslim women holding political posts like that of the head of state, due to the Prophetic tradition saying that "a nation would never succeed that entrusts her affairs to a woman or put a woman in charge of her affairs" was however faulted. Dr. Mrs. Durosimi, the incumbent National President of FOMWAN who argues that holding political posts is in agreement with the spirit of the story of Bilqīs, the queen of Sheba in the Qur'ān. According to her, the above tradition should not be countenanced when it runs contrary to what she reads in the Qur'ān about the queen of Sheba who is described as a unique ruler over a mighty and prosperous nation. She submits that sex or gender does not determine the success or failure of a political leader but so do intellectual, educational and other qualifications.³⁸ Dr. Sanusi also agrees with this observation though he recognizes that the temperamental state of women during certain stages may be inconsistent with the demanding nature of some complex political decisions. He however adds that biological temperaments are temporary in nature; hence women should not be barred from political offices simply due to such reason. He extends his opinion by explaining women would fare better if they opt for political leaderships once they completed childbirth and related factors and beyond the ages of menopause. He suggests that this may be inferred from the Qur'ānic passage that allows women beyond the age of childbirth to appear in public without their outer garments (24:60).³⁹ This is similarly the view of Mrs. Muhammad, a lawyer and a lecturer in law. She considers, the age of women, home support and socio-cultural backgrounds as the major determinants of women's success in politics. To her, with a total support of her husband and family and assistance at home, women encounter no dilemma in participating in politics.⁴⁰

In regards to the above Prophetic injunction barring women from political office, the tradition is found in the collections of Imām al-Bukhārī and is graded authentic by scholars of Hadīth like Imām Ahmad Ibn Hanbal and Ibn Hajar al-'Asqalānī, on the basis of which, they all forbid a woman from participating in the political affairs of an Islamic state.⁴¹ *Shaykh* al-Ghazzālī, however explains that the Prophet said the above

³⁸ Dr. Mrs. Durosimi, interview by author.

³⁹ Dr. Sanusi, interview by author.

⁴⁰ Mrs. Muhammad, a lawyer, interview by author, Federal Polytechnic Ede, Osun State, March 1998.

⁴¹ Imām al-Bukhārī, *al-Sahih* (Bayrūt: Dār al-ma'rifah, 1978), Vol. 4, 226 and Ibn Hajar al-'Asqalānī, *Fath al-Bārī*, (Cairo: Maktabah al-Mustafaal-Bābī al-Halabī, 1963), Vol. 13, 166.

Hadīth accordingly, when Persia ruled by a tyrant and despotic female ruler, showed signs of ruins. If the situation were otherwise according to the late scholar, that is if the ruler were a man, the Prophet would therefore have mentioned a man. He only mentioned a woman because the person responsible for Persian ruin was a woman ruler. To buttress this, he cites the example of Bilqīs, the queen of Sheba mentioned whom the National President of FOMWAN was actually quoting above, who was the head of her state, and was praised by Allah in the Qur'ān for her wits and sagacity. In fact, she actually led her nation to prosperity since she came into Islam along with her people. Al-Ghazzālī therefore affirms that Muslim women can aspire for the highest political office.⁴²

Fatima Mernissi as already discussed earlier in this book has however called the authenticity of the tradition like many other traditions of the Prophet into question. She argues that it was not only fabricated but also did not actually meet the rules that al-Bukhārī himself set for verification and counter verification of Prophetic traditions though it is found in al-Bukhārī's collection of Prophetic traditions, the most authentic collection of traditions accepted by Muslims. Firstly, according to her, it was reported by Abū Bakrah, who is a suspicious and questionable character and who gave a false testimony during the time of the second caliph for which 'Umār ordered him flogged. Secondly, Abū Bakrah narrated it at an opportunistic moment, during the civil war in the reign of the fourth orthodox caliph, 'Alī Ibn Abī Tālib, in which 'Āishah was among those, who led the civil war against 'Alī.⁴³

Economic Empowerment, "Working Women", the Family and the Double-Day and Workload Dilemma

With reference to the above Beijing conference, another key issue of the conference is the demand for increase in salary for women in the paid labor force. This concern according to feminists is based on the fact that women, who in addition to their reproductive roles actually are also engaged in productive work, but their contributions, are not acknowledged or not adequately remunerated for, while most of them do not receive any payment. This research however learned that Muslim women in Nigeria, especially, Yoruba land have never solely depended on their male partner for the economic survival of the family. Hence, this dependency notion is generally a myth in Nigeria. Instead, Muslim women similarly to women

⁴² Muhammad Al-Ghazzālī, 48.

⁴³ Mernissi, *The Veil and the Male Elite*, 49-62.

in the country generally have always been holding both productive and reproductive roles. In most parts of Nigeria, women and children have traditionally been regarded as economic assets. This is one of the reasons as to why many men practice polygamy and their many wives bear many children. In this manner they will have many hands to assist them especially in farming activities. In fact some parents prohibited their children especially females from attending school in order to rather assist them in their economic activities.⁴⁴

This study is therefore of the view that Muslim women, while performing their vocations as wives and mothers are thus also involved in various economic and productive activities that are vital to the well-being and survival of their families. Despite their productive contributions, they were perceived as non-productive since most of them either made their contributions at home, within family businesses or were never paid for their input. Thus, the traditional family stereotype of Muslim women dependency on their male partner, according to which men are viewed as the breadwinners, while women are full-time unproductive housewives, is a myth in Nigeria and indeed in all parts of Africa and thus no longer viable and defensible and should be abandoned.

The situation according to respondents and participants is paradoxically very unfortunate, as some men in Nigeria have totally renounced their role as breadwinners in the family. In fact, Muslim women maintain the family in many homes. According to Dr. Sanusi, many men neglect the Islamic prescription that that they should maintain the family and women in all these cases have had to shoulder the responsibility as sole breadwinners in the family.⁴⁵ This is also the submission of Alhajah Sariat Olaoye, the former female president of FOMWAN in Ede local government, and Mrs. Adesina-Uthman who explain that some Muslim men refuse to shoulder their family responsibilities as breadwinners due to the absence of an enforcing or empowering *shari'ah* law in Southern Nigerian, particularly in Yoruba land, where many Muslims reside.⁴⁶ It is therefore a dis-service to Muslim women in Nigeria by any one to assert the traditional dependency of Muslim women on their male partner.

Closely related to the above factor is also the manner in which Muslim women in the country suffer from the misappropriation of their property

⁴⁴ See J. M. Harke, *Childrearing and Traditional Practices in Nigeria* (Ibadan: Ibadan University Press), 1972.

⁴⁵ Dr. Sanusi, Chief Imam, Obafemi Awolow University, Ile-Ife Muslim Community, interview by author.

⁴⁶ Alhajah Sariat Olaoye, interview by author, FOMWAN secretariat, Osogbo, Osun State, 6th February 1998 and Mrs. Adesina-Uthman, interview.

by the male partners of their families. Despite the long history of the *Shari'ah* law in Nigeria, many Muslims continue follow their customs in the sharing of estates such as handing the property of the deceased to the first-born male or excluding the female members from inheritance. Even where according to the Islamic law estates are shared, many *Shari'ah* courts lack the determination to compel men to care for their female relations. Even in some cases, following the Yoruba tradition, closed relations of their deceased husbands are still inheriting women.

Against the above background that Muslim women activists interviewed in this book, support fully the engagement of women in paid jobs though some feminists seek to deconstruct the family completely through the above call for economic empowerment of women. They do this under the guise of liberating those women who are economically dependent on men. According to them being offered the choice between staying at home, raising children and taking care of housework and rather seek employment outside the family, most women would choose the latter. They therefore insist that for their own good, no woman should be offered this choice.⁴⁷ Nevertheless, Muslim women activists affirm that the abolition of the family as an establishment and its attendant domestic chore is not a necessary condition of empowering women. Despite the goal of the gender feminist design to bring women into the work force to destroy the family heterosexual unit, the above is why Muslim women are not deterred from paid job. It is not surprising that since the establishment of Islamic organizations in Nigeria especially from the post independence era, the lives of Muslim women have witnessed unprecedented changes, especially in the area of women working for salary outside the family.

Apart from changes allowing women to seek employment, they also include full and active participation of these Muslim women in the activities of Islamic organizations and entrance into their leadership ranks and better educational opportunities. The formation of the Muslim Students Society of Nigeria by a group of secondary school students in 1954 is a watershed in the history of Islam in Nigeria. The Muslim Students Society of Nigeria and other Islamic societies have contributed a great deal to the education of Muslims including women in Nigeria. A direct result of the above contributions today is the presence of many Muslim women not only in the workforce but also at the top echelon, increase in female participation in outdoor economic activities and white collar positions as well as an upsurge in dual-earner families among Muslims. According to a former Imam of the University of Ibadan Muslim community, D. O. S. Noibi at the time when he arrived to the University in

⁴⁷ Sommers, 257.

the post independence era in 1976, any presence of Muslim women was minor and no one in Islamic attire.⁴⁸ Three decades later, the presence of Muslim young ladies had vastly increased and in virtually all disciplines, and they also adorn the Islamic mode of dressing. He described the development as a momentous and overwhelming change in the history of the Muslim community in particular and the country at large.

The entrance of active Muslim women into the workforce therefore raises much genuine concern in regards to their work and family. These concerns are interrelated to the quality of time spent with their families, the linkage between their work and their family or non-family expectations and further the influence of their family life on their work. Much research has been conducted on these issues such as the work by R. C. Barnett and N. L. Marshall and generally findings have exposed a kind of conflict experienced by women between work and the family. It is the submission of most researchers on the matter that the *effects of the impact of work* on the family lives and attitudes of women and vice versa are negative. In most cases, the demands of work have been incompatible with those of the family leading to increase in divorce rates, single mother-hood and broken families. On the other hand, family demands have led to women absenteeism, unpunctuality and lack of concentration at work. These negative effects show a higher figure among married women with children.⁴⁹

According to traditional sex/gender division of work at home in Nigeria as a whole, women have the primary responsibility for household chores such as cooking and rearing of children, full-time employed women would therefore have to combine these duties between at least forty and forty-five hours work per week for those, who are employed in government service. This increase in women's total work hours has been found to be a source of work/family conflict. However Nigerian women's family relationship has much influence on their performance in their

⁴⁸ Prof. D. O. S. Noibi, talk given to the Muslim Students Society, University of Ibadan Branch when author was a student (1991-1992) and formal and informal discussions with author between 1998 and 2003.

⁴⁹ See R. C. Barnett and N. L. Marshall, "The relationship between women's work and family roles and their subjective well-being and psychological distress" in M. Frankenhaeuser, U. Lunderberg, and M. Chesney eds. *Women, work and health*, (New York: Plenum Press, 1991), R. C. Barnett, N. L. Marshall and J. D. Singer, "Job experiences over time, multiple roles, and women's mental health: a longitudinal study", *Journal of Personality and Social Psychology*, (1992): 62, 634-644, and C.E Ross, J. Mirowsky and K. Goldstein, "The impact of the Family on Health: the decade" in review, *Journal of marriage and the family*, (1990): 52, 1059-1078.

family and on work responsibilities, as these women in paid work must manage balancing family responsibilities and their formal duties. Accordingly, some women handle the dilemma better with the help of their husbands, house-maid and grown-up family relations who assist them with domestic chores.⁵⁰

This is particularly true in regards Muslim women who do not experience any significant stress or distress as a result of their combination of family and work duties much due to the family support. Reviewing the stress of Muslim women in their occupations, the number of hours they spend at work, their number of children and how they manage their workload, the findings of this research demonstrated the above claiming that women's family relationship has much influence on their performance in their family and work responsibilities. The research similarly reveals the above claim that Muslim women do not encounter any significant stress or distress because of their combination of family and work duties mostly due to their family support.

For instance, Mrs. Olorode explains that her profession as a teacher of seven years has not interfered with her primary duty as a mother. Despite her involvement in Islamic work, she has been able to perform well compared to some career women who are either single mothers, unmarried or yet to have children. This she however attributes to the understanding and co-operation of her husband as well as the assistance of her house help. To her with the cooperation of their spouses, it is possible for Muslim women to manage their vocations as professionals and mothers.⁵¹ This is also the view of Mrs. Muhammad who from her personal experience as well as the experience of most other women within her circle of friends, agreeing to that home support from the husbands, children and other members of the family plays a very determinant role in the success of women in their vocations as career women and mothers.⁵²

According to Mrs. Adesina-Uthman, Muslim women in Nigeria as a whole are successfully combining work with motherhood and wifedom. This she says is the case with most of the working women she has come

⁵⁰ Eleanor R. Fapohunda, "Urban Women's Roles and Nigerian Government Development Strategies," in *Sex Roles, Population and Development in West Africa*, ed. Christine Oppong (London: James Currey, 1988): 203-212 and Philomina Okeke, "Negotiating Social Independence: The Challenge of Career Pursuits for Igbo Women in Postcolonial Nigeria," in "Wicked Women" and the Reconfiguration of Gender in Africa, eds. Dorothy Hodgson and Sheryl McCurdy (Oxford: James Currey, 2001), 234-251.

⁵¹ Mrs. M. S. Olorode, interview by author.

⁵² Mrs. Muhammad, interview by author.

into contact with in Yoruba land especially members of Islamic women organizations. She however explains that some women find it difficult to combine these different roles due to the uncooperative attitudes of their husbands. She refers to her own personal example though it took place at the International Islamic University during her pregnancy with her last baby, Al-Jannah. She said that she was so anxious about how to manage although it is not her first baby as her work involved strenuous hours standing to arrange the shelving of the books at the resource center, where she was assigned an administrative assistantship and at the same time, she was a student. According to her; "I felt like I was going through a heavy back breaking exercise."⁵³ However her worries were rather groundless due to her husband's support and whose assistance was to the extent of providing her lunch daily. The work as administrative assistantship was also extremely supportive in its own right serving as an exercise for a pregnant woman. She even delivered her bouncing baby girl easily before the EDD without any surgical operation as anticipated by the doctors. Just two weeks after the birth of her daughter, she was back in shape for the demanding role of a student. Though it was her first time of combining pregnancy with work and studies, she says however that many Muslim women in Nigeria who have had this experience. Even though their superiors maybe supportive, women with high-powered positions often are required to return to work within weeks after delivery.⁵⁴

Mrs. Adesina-Uthman also recalls the experience of a working Muslim sister at home in Yoruba land, who once gave birth to twins and though she entitled to a 60-day maternity leave, but she had to return to work immediately after delivery. To her "That was really hard, especially "When the twins are so little and still require their mother's attention such as to breastfeed them". She had to place them in a nearby nursery so as to be able to breastfeed them and upon returning home from work, she is always too tired to do anything- such as changing diapers and here her husband's support came very handy- and Mrs. Adesina-Uthman says, this situation is similar to her own after delivery as she continued to work and attend to studies at the same time. It is clearly a very complicated situation but her husband's support has eased the burden.⁵⁵ According to her, while she was operating her own super mart in Ibadan, Oyo State before leaving Nigeria her country, her days began at dawn when she woke up for the dawn prayers after which she would prepare breakfast for her family. She usually completed this house chore by 9.00 a.m. when she would resume

⁵³ Mrs. Adesina-Uthman, interview by author.

⁵⁴ Ibid.

⁵⁵ Ibid.

at her super mart, which is located beside her home or sometime go shopping for the house and her super mart. She would always be in her mart till about 1.30 p.m. when she closes for lunch and the *Zuhr* and *Asr* prayers, time during which she would also prepare her children lunch and which she would bring to her super mart around 4.00 p.m. for the children when they returned from School.⁵⁶ After that, she continued her work until sunset when she usually closed for the day except on busy days during which she would resume at the super mart till the time for night prayers when she would close for the day. She concludes that her work did not affect her duties as mother and wife as she was usually at home preparing all the family meals and in regards to household-washing and cleaning chores, a housekeeper assisted her thrice in the week.⁵⁷

In short, Muslim women under study in this book have found solutions to the double workload syndrome. Though they attribute this especially to the cooperation and assistance of their husbands, it is also noted that most of those women interviewed are in high paid positions with qualifications ranging from first degrees to Doctorates. This may imply that being higher professions such as senior teachers, civil servants and professionals, they are not seriously vulnerable to work pressures as they may not have to answer to any superior.. Their husbands also occupy senior positions and are able to take time off to assist them with household chores. In addition, their families in most cases are also either capable of employing housemaids or have adult family relations, co-wives and mothers or mothers-in-law to assist them with domestic chores. Thus, polygamy, an Islamic practice may even contribute in no small measure to the way, Muslim women are balancing family responsibilities and their formal duties, as the presence of co-wives or other generations of women such as mothers and grandmothers must have been meaningful contributions in their domestic chores.⁵⁸

As Muslim women make inroads into all fields in Nigeria, they are learning to devise approaches in maintaining close rapport with their families, while working long hours and making frequent official trips. They are being imaginative and creative in their efforts in keeping both their family and employers happy. Yet they meet with some constraints and the removal of these constraints appears to be a serious and tough task ahead. These Muslim women while upholding the decent Islamic dressing on the one hand in their Islamic activities, however oppose the imposition

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Guy Hunter, *The New Societies of Tropical Africa* (London: Oxford University, 1962), 86.

of the face-veil on the other hand. Other constraints confronting Muslim women will form the focus of this research now.

Muslim Women and Socio-cultural Biases

As stated in the previous chapter in regards to the political empowerment of Muslim women in Yoruba land and where the data of women in the past political dispensations in the country were presented and discussed, Muslim women generally in modern Nigeria are now playing more visible socio-economic, religious and political roles than before. Currently in the line with the changing roles of Muslim women, a Muslim woman, Mrs Salmat Badru is holding the position of the Deputy Governor of Ogun State, while another woman Alhajah Seenatu Ojukutu, the former Deputy Governor of Lagos State. The two women constitute 5.6% of the thirty-six Deputy Governors in Nigeria at any given time till today. There is a general increase of women, both Muslim and non-Muslims in the political dispensation. There are altogether six female Ministers out of thirty-nine (15.4%) Minister posts in the civilian administration, since its inauguration in 1999.

This development is in accordance with the Nigerian Constitution that guaranteed civic and political rights for women. According to the National Year Book of Nigeria for the year 2002/2003, the number of women in the political dispensation of the country in the first tenure of the incumbent civilian administration was six Ministers out of thirty-two (18.8%), posts, four female senators out of one hundred and nine (3.7%), sixteen female members of the House of Representatives out of three hundred and sixty (4.4%), one female Deputy-Governor out of thirty-six (2.8%) and fifty-five Commissioners out of four hundred and eighty (11.5%).⁵⁹

This changing of roles among women in Nigeria, will without doubt provide Muslim women the opportunity to revive their pre-colonial glorious roles in Nigeria when they featured prominently in educational, socio-political and economic roles outside their homes in the Sokoto Caliphate, in particular and in other Nigerian traditional communities. Though the colonial masters undermined this glorious development by restricting participation of women and they are now re-emerging to play dynamic roles in the society. However, Muslim women who are rising to these tasks are also meeting with some new challenges, which include numerous socio-cultural traditions and practices. Some of the practices

⁵⁹ See the *National Year Book*, First Edition 2002/2003 (Lagos: Goldstar Information Communication LTD, July 2002).

that tend to curtail the participation of the Muslim women in the development of the society actually came to Nigeria with colonialism.

For instance, the British colonialists upheld the Victorian traditional notion of a patriarchal society, where women played a subordinate role to the head of the home while nurturing their children. This destroyed the economic independence of Nigerian women enjoyed before the advent of colonialism. Common vocations among women in Nigeria before colonialism included working side by side with their husbands mostly on farms, manufacturing or craft making and trading. Women enjoyed these opportunities, as they grew older, especially in polygamous homes; they gained assistance from younger co-wives, thus allowing them to spend less time in domestic chores at home and more time in economic activities outside the house. Hence, one of the areas in which Islam was better adapted to the African way of life than Christianity is polygamy, which represents the wealth of the African man. As the number of wives is indicative of the prosperity of the breadwinner of the family, women and children were considered economic assets.⁶⁰

Abdur Rahman⁶¹ also notes this sociological significance of polygamy in Africa as a whole and Yoruba land in particular. According to him, the possession of many wives and children was a sign of wealth and nobility. This fact was confirmed in a sample survey that was made in Ile-Ife, one of the towns under study in this thesis. The survey interestingly, revealed that the family life of non-Muslims including Christians were apparently more polygamous than Muslims. In fact, the rate at which many churches approved polygamy in Africa made Doi to conclude that polygamy is an established attitude in Africa. Thus, polygamy contributed in no small measure to the economic independence of women. Hence, the Islamic extended family system due to its similarity to the African family system therefore also contributed to women's economic activities outside the house. This is so, as even in the absence of co-wives, the presence of other generations of women such as mothers and grandmothers must have been meaningful in raising the children.⁶² In short, in Nigerian communities generally, women were not confined to the household.

Despite the above-related remarkable achievements by Nigerian women, the coming of the colonial masters provided an important impetus for men controlling women. They maintained contact only with the male members of the Nigerian society, thus excluded women. With this,

⁶⁰ Bartlett, 238.

⁶¹ Doi, 60-55.

⁶² Guy Hunter, *The New Societies of Tropical Africa* (London: Oxford University, 1962), 86.

colonial administrators changed the position of women in economic activities. Males began to dominate the economic sector especially in agriculture where men and women had previously complemented each other and the majority of women became marginalized. It was this marginalization of women in the economic sector that led to the Aba women's riots of the 1920s. The protests were triggered off by women's opposition to British tax and economic policies which marginalized them.⁶³ The protests turned out to be inevitable since the British economic policies removed their economic autonomy. As rightly observed by Graham Furniss, the protests must have had their roots in commercial practices, since these women had a greater concentration on market trading.⁶⁴ In a country with an estimate of 62% female with 40% in Labor force, 54.69 Life expectancy years, infant mortality rate at 72.6 deaths/1,000 live births and fertility rate at 6.31, Muslim women must certainly rise up to many challenges. Most of the Muslim women in Nigeria who are unemployed, uneducated, poor are residing predominantly in the rural areas.⁶⁵

Since Nigerian independence in 1960, educational opportunities have however expanded for these women. With education Muslim women will be better equipped to rise up to the challenges they meet with. In the previous chapter it was mentioned that in response to the necessity to provide western standard of education but with Islamic orientation for Muslim children in Yoruba land, Islamic organizations came into existence. The schools established by Islamic organizations were open to both boys and girls though the same could not be said to be applied on the Northern part of Nigeria where the general pattern was to deny girls access to education because girls once married would be fully occupied with domestic duties, which did not require any formal education.

Thus according to Alhajah Lateefah Okunnu, a former Deputy Governor of Lagos State and a leading member of FOMWAN, although the colonial period was in many aspects a set-back to the growth of Islam in the South-West Yoruba land, it however produced the impetus for the

⁶³ See Nina Emma Mba, *Nigerian Women Mobilized* (Berkeley, University of California, 1982).

⁶⁴ Michael Peel Special, "Nigerian women win changes from big oil" *the Christian Science Monitor*, 8 December (2002).

⁶⁵ Hajija Bilkisu Yusuf, "Women and empowerment in Islam", being a paper presented at the second National Conference of the Supreme Council on Sharia in Nigeria (SCSN) held at Damaturu Yobe State October 21, 2002 and published in *Weekly Trust* Friday, December 13 2002. Also the FOMWAN organization's website: <http://www.ifh.org.uk/fomwan.html>

"Islamic Re-awakening in Nigeria" through organized *Daw'ah* Societies. According to her, these *Daw'ah* organizations have produced vibrant women wings, which are complementing the *Daw'ah* efforts by women who pay attention to *Tarbiyah*, fund-raising activities and *Usrah* classes (known as Assalatu groups). Some enlightened Muslim women even engage in talks over the Radio and Television on topical issues. Their use of the Mass Media has become one of the most effective means by which they mobilize, shape and influence the Muslim community. Slowly men have come to realize the significance and value of higher education for their female children and even wives. Now, they send their daughters, other female wards and wives to school to be educated. The initial opposition by Muslims to the system gradually declined even in the North with the opening of more girl schools.⁶⁶

Alhajah Lateefah Okunnu also elaborates on the positive role of the Muslim Students Society of Nigeria (MSSN) in "insulating" Muslim adolescents from the negative aspects of secular education in the hands of Christian Missionaries. She explains that the MSSN membership spread throughout Nigeria and effectively served the role of an Islamic movement for Muslim Youths, both boys and girls and a veritable training ground for *Daw'ah* work. So vibrant was the MSSN movement in secondary and tertiary institutions according to her that it gave impetus to other post-secondary school and postgraduate movements to meet the challenges of the time.

It is to a large extent true according to her to state that the MSSN provided the launching pad for the Islamic re-awakening in Nigeria witnessed in the last four decades. Fortunately, Muslim women have not been left out of the movement and as a result of these activities; there are now many schools for children, nursery and secondary schools with Islamic bias and adult literacy classes, one of which is the FOMWAN nursery and primary school established in Minna, Nigeria in 1990. Six classrooms for the primary school and six classrooms for the nursery are constructed around two planted courtyards which permit cross ventilation. Built of load-bearing clay bricks, the roof is made from timber and covered with aluminum. The results of these efforts are visible as Muslim

⁶⁶ Alhaja Lateefah Okunnu, "Women, Secularism and Democracy: Women's role in the Regeneration of Society", a Paper delivered at the Conference on Islamic Law held at the Commonwealth Centre, Commonwealth Institute, Kensington, London, 14-15 April 2001, see *ibid*.

women are becoming more articulate on matters of religion and Islamic education is thus within the reach of many Muslim children.⁶⁷

Muslim Women and Juvenile Delinquency

As mothers of two, three, and four or even of several children, women are directly affected by juvenile problems. The impact of these problems affects women's state of health. Hence, it was considered relevant to look into the phenomenon from a research perspective in order to demonstrate how Muslim women confront the challenge of juvenile delinquency. According to the respondents of this study, as a result of the subversion of family life, the traditional Nigerian family has since been crumbling at an alarming rate through divorce with terrible and disastrous consequences. The rate of broken families in the last decade has risen sharply going by the statistics at Nigerian customary courts where marriages are dissolved easily. In fact, a high court Judge once delivered judgment on one of the cases of custody of children from broken homes and divorced parents that were initially decided at a customary court. In his judgement, he concluded that the customary law is a mirror of accepted usage and the mirror does not create images nor beautify an ugly face but only reflects what it sees.⁶⁸

Therefore, the ugly face of the customary law it has brought miseries to women in Nigeria. The ease with which marriages are being dissolved in customary courts has according to the women interviewed, been the consequence of the absence of *shari'ah* courts in southern parts of Nigeria especially, Yoruba land. They also identify the source of this phenomenon as the patronage of customary courts by most Muslim women in these areas. According to Dr. Ibrahim Abikan Abdul Qadir, a barrister at law who also lectures law at the University of Ilorin, the only Yoruba speaking area with area courts where the *shari'ah* laws are applied is Ilorin. This is due to its location in the Northern part of Nigeria that is presumed under the Nigerian constitution to have customary laws that are Islamic in origin. He explains that in the remaining part of Southern Nigeria, there are only customary courts, where all family matters are adjudicated applying customary traditional practices.⁶⁹

⁶⁷ Availabel at FOMWAN's website: <<http://www.ifh.org.uk/fomwan.html>>.

⁶⁸ Federal Ministry of Justice, "Women and Children under Nigerian Law," in *Nigerian Law School Series*, Lagos.

⁶⁹ Dr. Ibrahim Abikan Abdul Qadir, interview by author, while he was a student at the International Islamic University, Malaysia, 5th January 2005.

The increase in number of broken homes as mentioned above has in turn led to the increase in the crime rate and declining school performance of many of the children especially girls from such homes. Crime in Nigerian major cities has not only increased dramatically and grown more violent in nature over the recent years, but is perpetrated mostly by young men and women of school ages. Much of this can be attributed to the rise in disrupted families. Nationwide, most of the juveniles in state reform institutions come from fatherless or motherless homes. The same can be said in regards to disciplinary problems in most schools, such as assaults on teachers, unprovoked attacks on other students, screaming and other emotional outbursts in classes, which are mostly expressions of children from broken homes.

One senior secondary school teacher tells that many of her students are growing up less fearful of the streets than their own fathers and mothers, who have turned their homes into shouting, abusing and fighting living quarters. These children are therefore increasingly becoming victims of dehumanizing attacks and insults not from outsiders but from the very close members of their family. Sadly, the home has ultimately degenerated in to a dungeon, where parents and/or close relatives assault children, physically, morally as well as sexually.⁷⁰

As revealed in chapter two, the above has been engendered by postmodern and secular movements for gender feminism that seek to subvert and deconstruct the actual foundation of the heterosexual family making it increasingly vulnerable to disintegration. These movements as already mentioned above emphatically encourage homosexuality and lesbianism as alternatives to heterosexual marriage not just as a form of social experimentation or as being part of the liberal postulate of human beings, as progressive beings, but essentially as their gender feminist designs to make women completely free with the aids of modern technologies and the alternatives they have provided to marriage. This secular gender feminism is destroying the family system due to colonialism making secularism the basis of modern educational system brought to Nigeria.⁷¹ Many young people are therefore being socialized to accept western immoral secular life very early in their formative years. This can be also viewed in the life-styles of students on Nigerian campuses, where this researcher pursued education and lectured for many years, in the form of an illustration of the morally depraved social

⁷⁰ Ibrahim Olatunde Uthman, "the Problem of Child Abuse and Islamic Solutions" in the *Journal of Religion and Culture*, University of PortHarcourt, (March 2000): 81-87.

⁷¹ Ibid.

life of drugs, secret cults and armed robbery, which are the dire consequences of the secular materialistic culture.

Another factor, according to the participants in this study, which has caused juvenile problems to degenerate further, is inter-ethnic and tribal fighting over oil settlements and fertile farmlands in several parts of Nigeria e.g. the Niger Delta, central state of Plateau, and Ife. Pogroms in different parts of the country against minorities, both Christian and Muslims, have spread as tribal and religious communities compete for wealth and political power amid economic stagnation. Muslim women argue that these tribal and religious wars have militarized so many young men and women. The Ife-Modakeke war in Yoruba land is a classic example as youth, most of who are of school ages, were seen wielding guns and leading military operations. These crises had been fuelled by the civilian governments' economic policies. For instance between November 1999 and today, people have lost counts of the number of times the Obasanjo government has announced hikes in petroleum prices following his unending petroleum market deregulation. This hike also took place on the eve of his departure from office in May 2007, which has further impoverished Nigerians. People are now stranded at bus stands as they can not afford the ever increasing new transport fares. The bus conductors do not only embarrass those who try to pay the old fares but at times attack them physically. There are cases of Nigerians, who see themselves forced to withdraw their children from school due to the increase in school fees against the background of the fuel crisis.⁷²

The Obasanjo's unending petroleum market deregulation economic policy, which the current government wants to continue, must be viewed as a continuation of the 'Structural Adjustment Programme'. This and many other similar economic plans by notorious military rulers in Nigeria before him which include the removal of subsidies on staple food items and domestic fuel consumption, retrenchment of civil servants and reduction of subsidies on education, health and other social services. These economic plans, rather than alleviating the economic woes of the country, have inflicted more economic harms on the people especially the most vulnerable among the masses such as children, women, the disabled and the old. This economic recession demoralized the citizens and led to an unprecedented increase in religious intolerance.⁷³

⁷² *Newswatch* "The Oil Burden: Rich Nation, Poor people", 21 June 2004, 14-23 and *The News*, "A fight to the finish", 14 June 2004, 27.

⁷³ Sabo Bako "World Economic Recession and the growth of religious Intolerance in Nigeria" in Jacob Olupona ed. *Religion and Peace in Multi-Faith Nigeria* (Ile-Ife: Obafemi Awolowo University Press, 1992), 151-156.

Yet the incumbent leadership of the thirty-six states that make up Nigeria has admitted the above economic injustices in the ongoing crises in Nigeria with no apparent plan to end it. A Nasarawa state governor, Alhaji Abdullah Adamu explains that the pervasive poverty and unemployment prevalent in Nigeria today are the major causes of the conflicts in the North central zone and middle-belt regions of the country.⁷⁴ According to the Emir of Kano, Ado Bayero, life in Nigeria in recent times has become very difficult because the prices of essential commodities are high. In short, no social security, insurance or basic livelihood is guaranteed for the people despite the wealth of the country.⁷⁵ Today, there is an ever-growing geometric rate of unemployment and retrenchment. Gamji reports show that there are currently six million unemployed graduates and professionals in the Nigerian labor markets.⁷⁶ These negative economic conditions must have contributed to the upsurge in prostitution and women trafficking in Nigeria. These practices have grown so notorious especially in Edo state that the governor of the state had to launch anti-prostitution and women trafficking programme.⁷⁷

Since women are the prime victims of the above severe economic conditions in Nigeria, the Muslim Women Group, *Al-Mu'minat* called on the Federal Government to attempt to alleviate the sufferings of the masses of the country, especially women. The call was made by the female President of the organization, Hajia Aminah Abdul-Sattar Anifowose, at the ninth annual camping of the group labelled 9th National Training Forum (ATF) which was held in Ikorodu Lagos state. In her call, Hajia Abdul-Sattar Anifowose urged Nigerian leaders to be sensitive to the plight of the masses, instead of spending unwisely on sports and other related activities to the detriment of the citizens' welfare and that government's policies should be made to have the prime interest of the citizens as its focus at all times.⁷⁸

It therefore appears that Muslim women fear the consequences should families become further estranged. In order to resolve the dilemma of juvenile delinquency, Muslim women are calling for greater recognition of women's role as mothers and urge the society to give significance to this as real work in order to solve *these juvenile problems*. For instance, Mrs Olorode, a member of the above Muslim Women Group, explains that

⁷⁴ *Daily Trust*, 19 June 2004.

⁷⁵ *Gamji News*, 14 October 2003 via <www.gamji.com/>.

⁷⁶ *Ibid.*, June 2004.

⁷⁷ Uthman, "The Role of Arabic and Islamic Studies," 84

⁷⁸ Iheanyi Alozie, "Muslim Women Urge Govt to Address Poverty", *This day* (29 December 2003).

women's access to the workplace should not be limited. Though motherhood is a key element of women's identity, this to her does not mean that women's role should be considered from the sole perspective of biological procreation. If there is somebody reliable to take care of the home and the kids, it is acceptable for women to go out and work, according to her. If not, she believes that a woman should stay at home in the meantime. If this not so, the homefront suffers. Housemaids are acceptable to Mrs Olorode if they can be faithful, dutiful and God-fearing especially where there are children but if not, they can be devilish. Day care centers can also assist with the children depending on their locations and care providers but if it can be avoided, it is better. New born and young toddlers according to her are better taken care of by their mothers. She believes that the best paid job for a woman is teaching as this will allow the woman to close and go home on time, as well as give the woman enough experience to be a teacher for the children. Then she calls for support for full-time mothers, especially by the various levels of governments, by making it easier for women to hold outside jobs without relinquishing their family life.⁷⁹

Muslim Women, Domestic and Public/ State Violence

The issue of domestic violence is a relevant aspect to this research as one of the challenges confronting Muslim women in Nigeria. The term is defined as any act of violence that occurs within the private sphere, especially between individuals who are related through intimacy, blood or law and perpetrated most often by men against women.⁸⁰ According to Human Rights Watch, it appears that domestic violence has been one of the principal causes of female injury in almost every country in the world.⁸¹ Since this however occurs within the family environment, it is exceedingly difficult to conduct a study and document the matter. Women are often psychologically and emotionally traumatized from seeking protection. They may also be deterred from taking any action due to their desire not to break up the family. This vulnerability is compounded by economic dependence of women on their male family members.

⁷⁹ Mrs Olorode, interview and e-mail.

⁸⁰ Radhika Coomarswamy (UN Special Rapporteur on Violence against Women), "Further Promotion and Encouragement of Human Rights and Fundamental Freedoms", *Report to the UN Commission on Human Rights*, 6 February 1996 (E/CN.4/1996/53).

⁸¹ *Human Rights Watch World Report 1998* (New York), 392.

Hence, the situation in this matter in many countries is that there little or no statistical information, indicating that domestic violence is on a crime that is under-recorded and under-reported.⁸² The problem of domestic violence is manifested in several forms, but feminists believe that all these forms serve the same end: the preservation of male control over resources and power.⁸³ Going by the above, many feminists believe that Nigeria represents an example of countries where domestic violence actually thrives with the collaboration of the government because of the country's multiple legal systems, the secular, customary and *Shari'ah* laws. Recently, there has been a call in some quarters to further govern the country as a secular polity. Despite the move to secularize the country, the Nigerian nation is religiously diverse. The national political system is not secular in nature and it has a multiple non-secular constitutionally-based legal system.⁸⁴

In fact, the Nigerian constitution not only recognizes the rights of the citizens to freedom of belief and worship, it also permits them the rights to propagate their religious beliefs such as the operation of the *Shari'ah* law. The Constitution of the Federal Republic of Nigeria succinctly highlights these rights as fundamental human rights to which all citizens are entitled. It also provides that nobody shall be made subject to any religious law by force in Nigeria that is not with the person's accord.⁸⁵ Hence, many written work by Muslim scholars in Nigeria serve as evidence for the fact that the country is in reality a multi-religious and not a secular society.⁸⁶ Nevertheless, because in Nigeria, the constitution provides every religious group with its own personal status laws, especially the Islamic law that is officially administered in the Northern states; most feminists argue that Nigeria does not take actions against domestic violence in practice. It is held by these feminists that government officials generally tend to reinforce the permissibility of domestic violence and intra-family violence. They argue on the basis of Section 55 of the Northern Nigerian Penal Code which permits wife beating as long as it does not amount to grievous

⁸² UNICEF, *Domestic Violence against Women and Girls* (Florence, Italy: Innocenti Research Center, 2000), 4.

⁸³ December Green, *Gender Violence in Africa: African Women's Responses* (New York: St. Martin's Press, 1999), 1-2.

⁸⁴ Uthman, "the Roles of Arabic and Islamic Studies in a Secular Society," 80-88.

⁸⁵ Federal Republic of Nigeria, *The Constitution of the Federal Republic of Nigeria*, (Lagos: A Daily Times Publications, 1979), Section 35, paragraph 2.

⁸⁶ Uthman, "the Roles of Arabic and Islamic Studies in a Secular Society," 80-88 and see for some of the writings Syed Khalid Rashid ed. *Islamic law in Nigeria* (Lagos: Islamic Publications Bureau, 1986).

injury that no ill-treatment of the wife and which is done by a husband for the purpose of correcting her under the *sharī'ah* is considered an offense. The implications of such laws according to the feminists condone domestic violence and the legal impunity of its perpetrators.⁸⁷

Following the political transition in the country from military to civilian regime in 1999, the status of the criminal aspects of *sharī'ah* has undergone a rather revolutionary transformation, which feminists like Ayesha Imam, the human rights prize winner, lawyer, and scholar, who carried the struggle to free female victims of the *sharī'ah* Law in Northern Nigeria to the United Nations and gain the attention of the international community, have opposed and described as dramatic. They argue that this development has led to increases in cases of assault against Muslim women in Nigeria, especially in domestic matters and the implementation of the *sharī'ah* criminal provisions that violate women's rights to justice and security while protecting those, men who harass, molest and rape women and girls.⁸⁸ The replacement of military leaders with civilians in the national government inspired the Muslim efforts to "Islamize" the northern states, which have large Muslim populations. The primary manifestation of this has been the enforcement of the criminal aspects of *sharī'ah* hence the above feminist concerns.

There however, appear to be a general increase in cases of assault against women in Nigeria contrary to the feminist allegations. One study found that 31 percent of Nigerian women have been subjected to physical abuse at least once in their lives and that domestic violence is common among all tribes, regions, social classes, and religions.⁸⁹ One of the strongest predictors of violence against women for instance, according to a study⁹⁰, is the denial of easy divorce or restriction on women's ability to leave the family setting. Most of the Muslim women interviewed however argue that divorce does not constitute an adequate form of protection or even an option for them and in fact, according to them, it is the manners in

⁸⁷ Chapter 87, Penal Code: Laws of Northern Nigeria, 1960.

⁸⁸ Ayesha Imam, "The Development of Women's Seclusion in Hausa land, Northern Nigeria" in *Women Living under Muslim Laws Dossier* 9/10 (1991): 4-18 and "Introduction to Islam, Islamization and Women in Africa," in *Women & Islam in Africa Series* No.1. (Grabels, France: WLUMI, Research Information and Documentation Unit, 1994): 3-5.

⁸⁹ O. Odujinrin, "Wife battering in Nigeria," *Journal of Gynecology and Obstetrics*, no. 41 (1993), cited in *The World's Women* (2000), 154.

⁹⁰ Other factors are: sexual economic inequality; use of violence for conflict resolution; patriarchal authority and decision-making in the home, see David Levinson, *Domestic Violence in Cross-cultural Perspective* (Newbury Park: Sage, 1989).

which some men indiscriminately divorce their wives that are a constraint in Yoruba land. Lack of financial resources to support themselves, powerful social expectations and pressures to maintain family relations at any costs discourage, impede or prevent women from seeking for divorce.

For Muslim women, who are activists, it is also difficult to abandon their homes especially when children are involved. Unfortunately, the men according to the Muslim women interviewed do not experience the same restraints confronting women, hence they seek divorce indiscriminately. From the above, the conclusion of Dr. Sanusi is that there is a high degree of tolerance for domestic violence, to the level of being a culture among women in Nigeria.⁹¹ This has compelled many women to bear various forms of domestic violence. According to Dr. Ibrahim Abikan Abdul Qadir, the above inability of women to obtain appropriate redress over the recalcitrance of their husbands is either because of the absence of *sharī'ah* courts in all parts of the South, especially, Yoruba land except Ilorin. On the other hand, it could also be because of the women's ignorance of their rights under the *sharī'ah* courts, where all family matters are adjudicated applying *sharī'ah* laws.⁹² This, he feels must have been responsible for the pathetic cases of women residing in Southern Nigeria

However, non-governmental *sharī'ah* courts were inaugurated by the Supreme Council for *sharī'ah* in Nigeria on the 1st May 2000 in Ibadan. According to the National President of Council of Muslim Youth Organization, Alhaj Ishaq Kunle Sanni, the initiative became necessary after many unguarded appeals to the Federal and state governments of Southwestern Yoruba states to inaugurate *sharī'ah* courts in the area in line with the provisions of the Nigeria constitution.⁹³ Yet this development has not been of much assistance to Muslim women. According to the Muslim women interviewed, one of the ways the *sharī'ah* has been stunted in practice is in the area of divorce. The issue of divorce is particularly illuminating women's limited rights and their vulnerability to violence in Nigeria, as is clear from the responses of the above Muslim women suggesting that most women are not even aware of the many options available to them to obtain divorce under the *sharī'ah* law as practiced in Nigeria. Instead, they believe their only option is to seek relief from a judge and that while pursuing their course of seeking relief, they must

⁹¹ Dr. Sanusi, interview.

⁹² Abdul Qadir, interview.

⁹³ Alhaj Ishaq Kunle Sanni, an Address presented at the Inauguration of the *Shar'Ēnah* sittings in Ibadan on the 1st of May 2000 at Oja Oba Central Mosque, Ibadan.

continue their obedience to their husbands and cohabiting with him in the marital home.

Similarly, many women do not even avail themselves of this perceived option, due to the complexity in meeting burdens of proof and a perceived general reluctance on the part of judges to grant women divorce. This inability of women to obtain adequate relief from the *sharī'ah* courts is often said to be in accordance with the prevailing *sharī'ah* School of Islamic law that is observed in Nigeria. This practice is unfortunately is not in line with legal treatises of the *Mālikī* School according to the *Risālah*⁹⁴, mentioned in chapter one of this book. For instance, both the man and woman possess divorce rights and if the repudiation (*Talāq*) is at the instance of the husband by three declarations, the wife has the right to half the bridal gift if the marriage has not been consummated, if it has however the husband is encouraged to offer her a severance award (*Mut'a*). If however the divorce is at the instance of the wife (*Khul'*), she is to return her bridal gift or a sum equal in size to her husband except in the event the separation is a result of some harm done to her. The wife may also obtain a divorce by making three declarations on the authority of her husband (*Tamlik*) or by taking his offer of the option of divorce (*Takhyr*). The divorced wife is only entitled to lodging if the divorce is irrevocable. She is however entitled to both lodging and maintenance if the husband's repudiation is revocable and if she is in the state of expecting a baby, she has the right to both even if it is irrevocable repudiation.

A woman divorced through (*Khul'*) however has no right to maintenance unless she is in the state of expecting a baby. The same is applicable to a widow though she is entitled to lodging and must not depart from the husband's house until she has completed her *'iddah* (waiting period). Wives are also entitled to nurse their babies unless women of their status do not carry that responsibility. Even divorced women have the same right as well to obtain wages for nursing these babies if they wish. Similarly, they have the right to custody of their children until puberty for sons and the time of marriage consummation for daughters. If these women remarry or pass away, the right of custody goes first to their relatives from maternal grandmother, aunt, to sisters.

Finally, according to the *fiqh* treatise, a man owes maintenance to his wife whether she is rich or poor and if he has the means, he should provide her with domestic assistance. He also owes maintenance to his daughters until they marry and the marriage is consummated. The above clarifications as contained in the the above *fiqh* treatise, the *Risālah*, and other *fiqh* books widely observed in Nigeria such as the *Mudawwana* and

⁹⁴ Kenny, 9, 122-135.

even the *Muwatta'* of Imām Mālik himself, illustrate the manner in which many Muslim women are not aware of the *sharī'ah* provisions. The sources also reveal the extent to which Muslim women are living in miseries because of an adulterated and distorted understanding of Islamic teachings regarding women in Nigeria since the advent of the bastardization of the *sharī'ah* in the country.

The distress of these women is obvious in the implementation of the *sharī'ah* criminal provisions since its reintroduction in Northern. By 2004 according to an Amnesty Report, over ten persons had been sentenced to death since the re-introduction of these provisions.⁹⁵ Bariya Magazu was the first woman to be sentenced to flogging for having sexual relations outside marriage, and that sentence was carried out though she claimed that she had been raped, but this plea was not accepted. In fact, she was originally sentenced to 180 lashes as punishment for fornication and calumny against her alleged rapist but after much plea and according to the presiding Judge, he reduced the amount of her flogging on humanitarian grounds.

Another woman, Safiya Husseini, 35, who had been passed the sentence of death by stoning, saw her conviction reversed on March 25 2002 on appeal. The *sharī'ah* court Judge in Sokoto City acquitted her because the alleged offense occurred before the implementation of the criminal aspects of *sharī'ah*. The third woman, Amina Lawal Kurami, was also convicted for adultery though she was divorced. A *Shari'ah* court in Katsina state ruled on March 22 2002 that she could breastfeed her baby for eight months before she would be executed.⁹⁶ Her sentence was also later overturned on appeal. In 2004, another woman, 26-year-old Daso Adamu, was handed the death sentence on September 15 by a *Shari'ah* court in Ningi area of Bauchi state. Though Adamu admitted to having sex with a 35-year-old man 12 times, the man was acquitted for want of evidence, while Adamu was put in custody in Ningi prison.⁹⁷ Hajara Ibrahim, a 29-year-old woman, was also sentenced on October 5 2004 by a *sharī'ah* court in the Tafawa Balewa area of Bauchi state, after having confessed to having sex with 35-year-old Dauda Sani and becoming pregnant but the court however set her alleged partner free and consequently acquitted him due to lack of four witnesses.

⁹⁵ "Nigeria: the Death Penalty and Women under the Nigerian Penal Systems," in *Amnesty International Report* (February 2004).

⁹⁶ "Nigerian Leaders", 2002; BBC News, 2002.

⁹⁷ As reported in *Black look*, October 15 2004, <<http://www.typepad.com/t/trackback/1249739>>.

These women received their sentences under similar circumstances based on circumstantial evidences for *zinā* which is defined as sexual intercourse by a man or woman through the genital of a person over whom he has no sexual rights and in circumstances in which no doubt exists as to the illegality of the act.⁹⁸ Consequently, over time, Muslim women activists in Nigeria have found compelling reasons or needs to call for the rights and protections of women. The manner of implementing the *hudūd* has in no small measure contributed to the vulnerability of women to abuses in many forms, by creating conditions in which this abuse can be perpetrated with relative impunity. The evidence of a woman is accepted when she confessed to committing an offence yet her evidence is not good enough for her fellow male culprits and when she retracts her confession, it is not accepted. The absence of bleeding on a woman's wedding night or pregnancy which is all only circumstantial evidences can suffice to establish her guilt of fornication or adultery in a religion that has set very high and impeccable standards for the procedure of establishing the commission of *zinā* (adultery or fornication). It is therefore a necessity for a total restoration of the operation of the *sharī'ah* law especially in respect of the application of the *hudūd* law on Muslim women.

The above misgivings regarding the application of the *sharī'ah* have opened up debates over patriarchal interpretations by the '*ulamā*'. This debate has taken a highly public form, notably in the cases of Muslim women sentenced to death. For instance, when Safiya Hussein was sentenced to death by stoning, World Women Parliamentarians gathered together and made a passionate call for Amnesty for Safiya Hussein. These women, altogether 130 parliamentarians, representing 130 countries, adopted a motion in Rabat, Morocco, calling for an amnesty for Safiya Hussein and condemning the death penalty against her. Moroccan parliamentarian Badiia Skalli, who presided over the session, believes that the motion may have contributed in convincing the Nigerian government to act. The motion was adopted without debate, even by the attending Nigerian MP who said that it would support the wishes of women in Nigeria to defend Safiya Hussein. According to these parliamentarians, they were not convinced the sentence was in line with Islamic teachings. They argued that there are very strict and precise conditions for dealing with the issue of adultery in Islam. For example, the provision of producing four eye-witnesses, who can confirm that the crime does take

⁹⁸ Zamfara State, *Sharī'ah* Penal Code Law 2000, Section 126.

place. Adultery is punishable in Islam but they believe not in the uncivilized manner in which Safiya was sentenced to death.⁹⁹

In addition, both Amnesty International and Baobab on the cases of Bariya Ibrahim Magazu and Safiya Hussaini above emphasized that *sharī'ah* Law as practiced in Northern Nigeria, does not protect women from possible sexual assault and coercion, instead it is prepared to punish the victims of such assault. To them, the clear implication of not pursuing the allegations of rape is that men would violate and rape girls and women with impunity as long as they make sure that there are no witnesses to their crime. On the other hand, women and girls who are victims of rape or coercion would have their situation further compounded as they would be subjected to charges of both *Zinā* and *Qadf* (false sexual accusation against their molesters). This according to Baobab and Amnesty International clearly violates women's rights, justice and security, while protecting those men, who harass, molest and rape women and girls. The two organizations also observed that the cases of those tried show that the convicted are often from deprived backgrounds. Such is the case of Safiya Hussaini. Just as the lower court that handed down her death sentence, did not have penal jurisdiction and lacked adequate *sharī'ah* training, Baobab and Amnesty International finally urged the Nigerian federal authorities to reiterate their commitment to the international human rights legislations. They also asked the government to take all necessary steps to make sure that both at federal and states level, all penal judges in *sharī'ah* courts meet internationally recognized human rights standards and honour all the international human rights legal instruments signed and ratified by Nigeria. Baobab and Amnesty International also urge the Nigerian federal authorities to guarantee the constitutional right of appeal for all those condemned under *sharī'ah*-based penal codes ensuring that they are able to appeal to higher jurisdictions not only at state level but also at Federal level.¹⁰⁰

This last point agrees with the submission of Noibi, a consultant on Islamic matters in the UK, in regards to the above sentence of Amina Lawal saying that the sentence would be overturned at the *sharī'ah* court of Appeal. This is so as according to him the *sharī'ah*-based penal codes already possess provisions for justice to be done and if the various criteria are applied, then justice would not only be done but would also be seen to

⁹⁹ All Africa.com, March 21, 2002 Posted to the web March 21, 2002 Washington, DC.

¹⁰⁰ Amnesty International and Baobab for Women's Human Rights, 25 March 2002, AFR 44/008/2002, 54/02.

have been done.¹⁰¹ Hajiya Bilkisu Yusuf (mni) editor, Citizen Communications, Kaduna and a leading member of FOMWAN in Nigeria, is one of the Muslim women clamoring for this justice in the implementation of the *sharī'ah* law in Nigeria. According to her, what women required was that justice should be entrenched as part of an equitable society, where Islam and its intrinsic concept of justice are reflected in all aspects of life. Their hopes in this regard have however been dashed as *sharī'ah* has been reduced to a body of laws in 'the hands of poorly trained and incompetent judges, who abuse procedure and ill equipped supervisors, whose only pre-occupation is to fish out women who commit adultery'.¹⁰² In spite of their pretensions, according to Hajiya Bilkisu Yusuf, the flawed implementation of the *sharī'ah* by the authorities is underscored by the fact, that only poor women and men seem to become the convicts of the *sharī'ah* courts. The elites and the rich appear to have some inbuilt immunity from *sharī'ah* laws. This fact she asserts is a clear case of injustice, which cannot be rationalized in a Muslim community.¹⁰³

Denial of education to women in *sharī'ah* states is also a glaring flaw as female children are sent to hawk (*talla*). This makes them vulnerable to sexual abuse from those posing to be buyers of their goods. Even male children (*almajirai*) are left to roam the streets, exploited by their teachers (*malams*) and spending more time trying to seek a living for their teachers. Hence, Hajiya Bilkisu Yusuf submits that the *sharī'ah* operators have only succeeded in producing an angry and hungry army of unemployed youths eager to be used as the principle fodder for social unrest, riots, looting and arson. She also explained that the divorce rate in *sharī'ah* states is too high as women are married and divorced at will by men. This point contradicts the claim by feminists that *sharī'ah* law denies Muslim women access to divorce.

Based on the above, Hajiya Bilkisu therefore calls on the Supreme Council for *sharī'ah* in Nigeria (SCSN) to organize both intra and interfaith dialogues in order to promote an understanding of the *sharī'ah* among Muslims and the various religious groups in the country. She argues that tolerance and respect for people's beliefs will make the

¹⁰¹ D.O.S. Noibi, "In Conversation with Professor Dawud Noibi: Honouring Wisdom", London: *Q News*, (2004), 40-42.

¹⁰² Bilkisu Yusuf quoted in Ibahim Olatunde Uthman, "Muslim Women and the Islamic State between Political Activism and the Islamic Law: An Analysis of the *Jilbāb al-Mar'ah al-Muslimah fi al-Kitāb WA al-Sunnah* of Shaykh al- Albānī," *IKIM Journal of Islam and International Affairs*, 2/1, (2006): 127.

¹⁰³ Ibid.

sharī'ah a functional, spiritually uplifting and sustainable path to development, especially of women and the poor, who in this respect are the most vulnerable. These groups, she argues further could do well being educated and protected from the miscarriage of justice that is witnessed in the implementation of the *Shari'ah*.¹⁰⁴ She also decries the debates in Nigeria over the imposition of beard growing, turbans and face-veil which to her, amounts to chasing shadows, while the real issues are not being addressed. She quotes Abdullahi (2000), who argues that some Muslim scholars have identified the malady of Muslims in the manner, a number of Muslim countries declare themselves to be Islamic states and establish the *sharī'ah*. But what is actually put into practice is a small number of classical juristic rulings concerning punishment, status of women and other spectacular aspects of classical jurisprudence. Thus, according to him a great show is made of "Islamic punishment or *hudūd* laws, and flogging and amputations are advertised".¹⁰⁵

Alhajah Lateefah Okunnu mentioned above also describes how in many ways, the manner of implementing *sharī'ah* in Nigeria today has provided opportunities for feminists in the country to attack Islam, which negatively affects *Daw'ah* activities among women.¹⁰⁶ Even Muslim men interviewed have reservations on the implementation of *sharī'ah* regarding Muslim women in Nigeria. According to Lateef Sanni, a professor at the University of Abeokuta and his colleague Richardson Okechukwu,¹⁰⁷ who responded to the initiative by the governor of Zamfara state to re-introduce the criminal provisions of *sharī'ah*, saying that this action has been very risky for Muslim women and gender divisive. Imam Taofeeq Azeez, a senior lecturer at the University of Abuja, prefers to withhold his comments on the *sharī'ah* operations in Nigeria since he has no valid means of assessing it.¹⁰⁸ Dr. Nosiru Onibon, a lecturer at the University of Lagos, is in the same vein not responsive to the *sharī'ah* operations in Nigeria. This was because according to him he has no first hand information, as relying on the newspaper reports for his assessment would make it invalid. But he views the matter as a welcomed beginning for change.¹⁰⁹ Abdul-Waheed Badmus, a former non-academic staff of the

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Lateefah Okunnu.

¹⁰⁷ Dr. Lateef Sanni, e-mail-interview, 22 Nov 2004.

¹⁰⁸ Imam Taofeeq Azeez, e-mail-interview, 21 December 2004.

¹⁰⁹ Nosiru Onibon, interview by author, the International Islamic University Malaysia, 4th November, 2004.

University of Ibadan,¹¹⁰ suggests that the ongoing experiment, as it has affected Muslim women is indefensible and bad for the image of Islam and Muslims in the country. To Dhikrullah AbdulGaniyyu, a former Male president of MSSN, Esa oke and presently teaching at Federal University of Agriculture, Akure, the *sharī'ah* operations in Nigeria merely create awareness about the *sharī'ah*. To him, it could not bring about serious changes in people's way of life. The situation according to him still has no resemblance to the Islamic teachings even though frantic efforts are been made by the youth to improve the situation. However, he sees the future as very hopeful if the current tempo by the youth is enhanced.¹¹¹

For the operators of the *sharī'ah* courts however, the above objections by Muslim women are baseless, since the implementation of *sharī'ah* is based on classical and orthodox interpretations especially in the *Mālikī* School. They explain that the evidence for *Zinā* in Islam is either the availability of four witnesses to the act, pregnancy by an unmarried woman, divorcee or widow and confession by either culprit in the act. This confession is however not regarded as evidence against the fellow culprit no matter the gender. According to the *Mālikī* scholars in Nigeria, if a person confesses to committing *zinā* and later retracts the confession, the retraction will not be accepted. In addition the state of pregnancy of an unmarried, divorced and widowed woman can also suffice as evidence to establish her guilt of *zinā* (either fornication or adultery). Accordingly, the woman can only be freed if she is able to provide four witnesses to her rape and being divorced or widowed does not lift the punishment from either partner guilty of *zinā*. This is because according to the *sharī'ah* operators, they rely on one of the *sharī'ah* principles that *al-Ihsān lā yazāl bi al-talāq* which means "A person's marital protection or restriction from committing *zinā* does not cease after divorce. This term *Ihsān* refers to the marital protection or restriction that a person enjoys under the *sharī'ah*. This protection or restriction that he/she acquires because of restriction imposed by marriage requires the following: chastity, freedom from slavery, Islam and. According to the *sharī'ah* Law, a *Muhsan* or *Muhsanah* (marital restricted or protected person by marriage) guilty of *zinā* should be stoned until he or she dies and this *Ihsān* or marital restriction or protection remains even after the dissolution of marriage or widowhood according to *Mālikī fiqh*.¹¹²

The above rigid position of the the *sharī'ah* operators in Nigeria should be reviewed. In cases where there are differences of opinions

¹¹⁰ Abdul-waheed Badmus, e-mail-interview, 12 November 2004.

¹¹¹ Dhikrullah Abdul Ganiyyu, e-mail-interview, 18 December 2004.

¹¹² Kenny, 280-281.

among scholars, it should be the least painful and harsh position that ought to be adopted. This would be in line with a major *sharī'ah* principle of removing hardship from the people. For instance, the operators should accept the view of majority of the jurists in all the Schools of *Fiqh* that a woman's retraction of her confession of *zinā* nullifies the confession. This is so because the retraction raises the question of doubt. The *Mālikī* scholars in Nigeria should therefore uphold this view, which is currently not the case. Even Imam *Mālik* subscribes to the view that one of the conditions of establishing the guilt of *zinā* is maintaining consistency in evidence till punishment is meted out. Ibn Qudāmah provides as evidence for the position of the majority, the case of one of the companions, Mā'iz who was stoned at the time of the Prophet in spite of his retraction of his confession and the Prophet said "Perhaps if you had spared him, he would have repented and Allah would have forgiven him".¹¹³

At the same time, the economic and social conditions of the society should be considered in *sharī'ah* implementation. In order for a just implementation, there is need to eradicate all the situations conducive for the commission of crimes. To discourage *zinā* for instance, the operators need to eliminate the high number of un-married women and high cost of living for marriage couples. Similarly, though rape is a punishable crime in a Muslim society, most of the Muslim countries today still insist on the evidence of four witnesses before they convict the culprits or rapists. This is so according to *Mālikī fiqh* in Nigeria where the operators insist on the conditions stated in the *Risālah* in respect of the crime of rape.

The *Risālah* says that the pleas of an unmarried, divorced or widowed woman in the state of pregnancy, that she was raped, are invalid. The pleas cannot ward off the punishment of *zinā*, as her word is not to be trusted. She must be given the *hadd* punishment (the punishment of *zinā*) unless she provides a witness that the intercourse was forced on her. This insistence on producing a witness to the crime of rape only makes a mockery of justice under the *sharī'ah*.¹¹⁴ Punishing the women alone also gives the impression that the *Shari'ah* is gender-biased especially, when there are methods for confirming such allegation, as it is done for instance in Malaysia.

In upholding the classical position on the provision of a witness to an act of rape, the *sharī'ah* operators lose cognizance of the unfeasibility of rape occurring in the view of any normal human being, especially the God-fearing individual and such ineptitude will only allow rapists to

¹¹³ *Al-mawsu'ah al-fiqhiyyah*, (Wizarah al-Awqāf wa al-Ōfu'Ēn al-Islāmiyyah, 1414/1993), vol. six, 72-73.

¹¹⁴ Kenny, 176.

always free themselves from the responsibility of their crime. Today, it is possible to apprehend criminals for many crimes including rape, as modern means of obtaining evidence for the crime are available, such as DNA tests to examine the sperm of the alleged rapists, examining their fingers and palms prints on the body of the alleged rape victims as well as request the women to describe the nude body of such alleged rapists. The last suggestion is particularly applicable to men accused by women of committing *zinā*. If the act was truly mutual, the women should be able to provide some bodily descriptions of these men in their nudity. It should not be unacceptable for the operators of the *sharī'ah* in Nigeria and in fact, any school of *Fiqh* in Islam to adopt the above suggestions and even their extension.

This is so as according to Mohammad Hashim Kamali, most of the *Fiqh* corpus consists of rulings derived from *Ijtihād* (reasoning) and deductive interpretation¹¹⁵, hence these rulings do not hold the same sanctity, as the expressed injunctions of the Qur'ān and *Sunnah*. The above also clearly points to the necessity to adopt the use of forensic evidence to determine culprits of sexual offences under the *sharī'ah*. This practice would serve well in protecting women's rights to justice and security, while punishing those men, who harass, molest and rape women and girls. In this respect, the *Shari'ah* operators in Nigeria can learn a lot from the implementation of the *sharī'ah* in some parts of the Muslim country especially Malaysia could benefit This is because as By the late 90s, many Muslim scholars had come to terms with the projection of the country, as being an Islamic state following the appointment by the former Prime Minister of Malaysia, Dr. Mahathir Mohamad in 1981. Such Muslim scholars like the *Shaykh al Azhar*, Muhammad Tantawi, Yūsuf Qarādāwī, the late Muhammad al-Ghazālī, have at one time or the other hailed the Malaysian model of an Islamic state.¹¹⁶

In fact, many commentators had expressed their marvel at the manner in which the country was dealing with the concept of a modern society and Islam, as a religion.¹¹⁷ The whole world was therefore not completely astonished when in 2001; the then Prime Minister, Dr. Mahathir Mohamad boldly declared Malaysia as an Islamic country.¹¹⁸ Today in Malaysia, forensic evidence has performed many wonders in the apprehension of

¹¹⁵ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Selangor Darul Ehsan, Malaysia: Pelanduk, 1989), 109.

¹¹⁶ New Straits Times, (Kuala Lumpur: March 24 1997).

¹¹⁷ R. K. Khuri, *freedom, Modernity and Islam- Toward a Creative Synthesis* (Syracuse: Syracuse University Press, 1998), 6.

¹¹⁸ New Sunday Times, (Kuala Lumpur: September 30 2001).

unknown perpetrators of many heinous crimes, especially where women are the victims such as rape and even stark murder. For instance, in a famous case of a six-year-old girl that was murdered, the perpetrator was eventually caught six years later due to his hair, skin and other materials, which were found under the fingernails of the victim, who had scratched her attacker. It was this evidence of the DNA used in the case that convicted him for the crime. The DNA profiling includes finger and toe prints identification and the laboratorial analysis of blood and semen and falls under pure medical, pathological and other sciences.¹¹⁹ The adoption of such forensic evidence by *sharī'ah* courts in Nigeria, as rightly noted by a researcher would have prevented some of the most notable misjudgments in cases involving the rape of Muslim women such as that of Bariya Ibrahim.¹²⁰ The polemics among the classical schools of *fiqh* to accept or not to accept forensic evidence, as proof do not make sense anymore. As argued by the S. S. Shah Haneef above, the *sharī'ah* is in support of the use of forensic evidence. Its use is supported by many Islamic texts. The Prophet once accepted the evidence of an expert on facial comparison for Usamah's paternity. In addition, during Umar's time, a woman accused a man of raping her and brought an egg-stained cloth as evidence. Ali then soaked the stain in water and it turned out to be white solid yoke. These events could be said to be the beginning of the use of forensic evidence in Islamic history.¹²¹

Another suggestion in this regard would be that the criminal sanction under the *sharī'ah* should be extended to injurious intercourse within marriage. Presently, harm is not perceived as an issue in martial life between married couples and therefore crime in this respect is not given consideration. Thus, marital rape is literally non-existent. Yet most of the Muslim women responding on this issue in the study are of the view that Islam does not necessarily sanction marital injury or harm, due to divine instructions, which forbid men from forcing themselves upon their wives. To these women a wife's rejection to intercourse with her husband can be a result of illness, tiredness and even more legalistic prohibition like during her *menstruation* and therefore should be upheld by *sharī'ah* laws. This is supported by the Prophetic prohibition and annulment of forced marriage, forced marriage here can be analogous to forced intercourse.

¹¹⁹ The Sun, (Kuala Lumpur, Sunday 26 June 2004).

¹²⁰ Sayed Sikandar Shah Haneef, "Forensic Evidence: A Rethinking and Evidential weight in Islamic Jurisprudence" *Journal of Islam in Asia*, International Islamic University, Malaysia, 2/1, (2005): 126.

¹²¹ Haneef, "Forensic Evidence," 123- 127.

The above therefore demonstrates that most United Nations Conventions on the eradication of all harmful practices against women can be said to be in conformity with Islamic teachings. This assertion is supported by the fact that the convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for instance, which was adopted by the United Nations General Assembly in 1979 and came into force in 1981, was sponsored by many Muslim countries.¹²² The CEDAW clearly establishes women's rights in public and private life¹²³ and makes state institutions responsible for the actions of individual partners privately violating these rights.¹²⁴ However, according to Jane Connors who writes on the attitudes of the Muslim world to the convention,¹²⁵ some Muslim countries made their reservations pertaining to granting women equality with men before the law in domestic matters, yet none of them objected to any fundamental discrimination against women.¹²⁶

It can therefore be concluded that there is generally no incompatibility between Islam and women's human rights. Muslim governments and scholars, who wage war against freedom and women's human rights, do not fulfill their Islamic duties in ensuring the rights that Islam has bestowed on women. Though they may speak in the name of Islam as observed by Najla Hamadeh, their discourse actually constitute "the authoritarian discourse of silence," which produces a sterile patriarchal and "juridical monologue" and exclude the voices of scholars, activists and jurists, especially women who engage them in dialogue about Islam.¹²⁷

Contrary to the submission of Najla Hamadeh however, it is erroneous and simplistic to regard Islam like other monotheistic religions that command patriarchy, as this contradicts the early practice of Islam that she points to and the illustrious role played by many Muslim women

¹²² United Nations, *The World's Women 2000: Trends and Statistics* (NY: United Nations, 2000), 151-52.

¹²³ See Susana Fried, ed., *The Indivisibility of Women's Human Rights: A Continuing Dialogue* (New Brunswick, NJ: Center for Women's Global Leadership, 1994).

¹²⁴ Jean Zorn, "Women's Rights Are Human Rights: International Law and the Culture of Domestic Violence," in Dorothy Ayers Counts, Judith Brown, and Jacquelyn Campbell, eds., *To Have and To Hit: Cultural Perspectives on Wife Beating*, 2nd edn. (Chicago: University of Illinois Press, 1999), 288-89.

¹²⁵ Jane Connors, "The Women's Convention in the Muslim World," in Yamani, ed., *Feminism and Islam*, 351-366.

¹²⁶ Jane Connors, "The Women's Convention in the Muslim World," in Yamani, ed., *Feminism and Islam*, 351-366.

¹²⁷ Najla Hamadeh, "Islamic Family Legislation: The Authoritarian Discourse of Silence," in Yamani, ed., *Feminism and Islam*, 331-346.

especially 'Ā'ishah, the youngest wife of the Prophet, in the shaping of Islamic law and jurisprudence. As observed by Barbara Callaway and Lucy Creevey, these problems are universal and not unique to Islamic societies¹²⁸ and importantly have no justification in the authentic teachings of Islam. Hence, this study agrees with Najla Hamadeh on the call for questioning some juristic rulings and to restore Islamic law according to its true sources.

Muslim Women, Polygamy, Wife Beating and the Family

One major problematic area for feminists in regards to Muslim marriage is polygamy. Many of them argue that the right given to a man in Islam to marry up to four wives is to the detriment of women, but according to B. Aisha Lemu, a leading foundation member of FOMWAN, what obtains in the west in terms of concubinage is hypocritical and unrealistic. Most men in the west according to her engage in indirect polygamy in the name of concubinage, but without the legal obligation towards the second, third or fourth mistresses and their children unlike the Muslim husband, who maintains his complete obligations to these people.¹²⁹ Annie Besant supports the above view. She adds that men in the West are not yet wholesome for monogamy, but rather practice polygamy in the guise of extramarital affairs where they are pardoned of all legal responsibility. She concludes that this situation is far worse than the polygamy of the East whereby the man guards, shelters, feeds and clothes all his wives thus eliminating the prostitution of the West that makes women satiate the desire of some men, while working on the streets.¹³⁰

Many of the Muslim women interviewed in this book agree with above view on polygamy and support polygamy to some extent, as it assists them in their household chores. Women in polygamous families find it convenient to manage outside chores, as their co-wives would be looking after their children when they are not around. The younger co-wives in particular according to Durosimi should shoulder many of the household chores and responsibilities.¹³¹ Since according to her, the first wife had shouldered these responsibilities, before the younger wife arrived, justice

¹²⁸ Barbara Callaway and Lucy Creevey, "Women and the State in Islamic West Africa," in *Women, the State and Development*, eds. Sue Ellen Charlton, Jana Everett and Kathleen Staudt (Albany: SUNY Press, 1989), 8.

¹²⁹ B. Aisha Lemu and Fatima Hareen, *Woman in Islam*, (Leicester: The Islamic Foundation, 1978), 28

¹³⁰ Annie Besant, *Islam* (London: The Theosophical Publishing House, 1992), 34.

¹³¹ Durosimi, interview.

demands that as first wives get older they should have the comfort of knowing that the burden of their matrimonial and domestic chores does not fall solely on their shoulders. What most women however resent is that most men do not even respect them after taking younger wives.

These women further say they would have preferred the men to be inclined to select for wife their fellow Muslim sisters, who are widows or divorced women of no burden of theirs to assist them emotionally, physically and financially with the maintenance of their children. Alas! In most cases, these Muslim sisters are abandoned. A particular sad case was told of an active Muslim brother in one of the Islamic societies, who, while in life used to attend all the functions of his society with his wife and children. Following his death however, nobody was willing to take his young widow, as a wife until she eventually married a Christian man and she and her children embraced Christianity.¹³²

They therefore criticize the practice of polygamy along some traditional African lines, which reflects lack of adequate provisions for single aged women, divorces and widowed. They are particularly unhappy with the latter because in the event of a husband's death, the wife usually receives nothing as a person but is only entitled to a share through her children. If she has no children, she is not eligible to any entitlement. Since property can only be passed between the male genders in some traditional cultures, this means women can inherit neither their husbands nor fathers. Therefore, while the respondents are averse to the neglect of women in the practice of polygamy, they support its usefulness. One of such usefulness is the possibility of getting assistances in their household chores in polygamous families mentioned above. This possibility finds support in African history of polygamy as discussed earlier in this book. In pre-colonial indigenous African including Nigerian societies as a result of polygamy, apart from the mother, many members of the extended family were thus in the position to assist in raising the children and such arrangement provided mothers extra time to attend to socio-religious and even political activities.

The respondents participating in this research also submitted that the verse of beating a wife in the Qur'an is not problematic as it is symbolic in nature as seen in the precedent of the Prophet, who never beat his wives, but requested his followers to use pieces of clothes, when choosing to beat their wives. Some Muslim women activists like Mrs Olorode cited the example of a man who beat his wife seriously in Nigeria and was

¹³² This incident happened in the MSSN Central Branch, Ibadan and I was able to interview a one time President of this branch, Alhaji Abideen Ladeji on the matter on 13 June 2001.

compelled by the Islamic courts to pay her compensation. According to them in the view of the Prophet's advice to his people, a man is only allowed to strike his wife playfully. Mrs Olorode therefore concludes that wife-beating is in reality un-Islamic and animalistic.¹³³ Lateef Sanni sees this action as a barbaric, but a necessary evil in some marriages.¹³⁴

Taofeeq Azeez¹³⁵ says it is an abhorrent and barbaric action and should be declared forbidden or detestable. In fact, Nosiru Onibon can not understand a man, who can beat a person he calls his wife, his 'second half' and still cohabit with her.¹³⁶ For Abdul-waheed Badmus,¹³⁷ wife-beating is indefensible and bad for the image of Islam and Muslims in the country. To Dhikrullah AbdulGaniyyu, it should be banned outrightly since some men take pleasure in battering their wives in the name of correcting them.¹³⁸

According to Mrs. Adesina-Uthman, it is however most unfortunate that even some married women would agree to justification of their husbands in beating their wives due to cultural beliefs on one hand or due to the wife refusal of her husband's request for sexual intimacy with her on the other hand. She opines that many married women have been beaten by their husbands at one time or the other. She also explains that the frequency of wife-beating depends on the social and economic circumstances of the couple. She explains for example that wife-beating appears less frequent among older men and women than those below the age of thirty five to forty, and in much higher frequency among poor men, who use wife-beating as a substitute for their financial incapacity. A woman in the state of pregnancy, according to her has not deterred some men from beating their wives, as she has had experiences of many women, who have been beaten, while in this condition.

Muslim Women and Genital Mutilation

One of the coming of age rituals in almost all communities of the world is circumcision of both male and female children. Today female circumcision is termed Genital Mutilation (GM) and has been banned and criminalized by many governments. According to some medical experts, circumcision is the surgical removal of the skin or hood surrounding the

¹³³ Mrs Olorode, interview and e-mail.

¹³⁴ Dr. Lateef Sanni, e-mail-interview.

¹³⁵ Imam Taofeeq Azeez, e-mail-interview.

¹³⁶ Nosiru Onibon, e-mail-interview.

¹³⁷ Abdul-waheed Badmus, e-mail-interview.

¹³⁸ Dhikrullah Abdul Ganiyyu, e-mail-interview.

head of the male's penis called prepuce and the tip of the extra skin above the female's clitoris or vagina.¹³⁹ Some experts have described the latter as the mildest form of female circumcision that does not connote genital mutilation.

Other forms of female circumcision is what is known in medical term as *clitoridectomy*, which refers to the removal of the entire clitoris along with part of the adjacent labia *minora*, which is sutured together leaving an opening. This according to medical experts is a form of mutilation and is probably the most common form of circumcision in the world. There is also, what is referred to as pharaohnic circumcision or *Infibulation* which is the removal of the entire clitoris, adjacent labia *minora* and medial part of the labia *majora*, with both sides of the female organ or *vulva* stitched together leaving only a small opening. This procedure requires tying together the child's legs for nearly three weeks. Medical experts say this Pharaohnic procedure actually connotes total mutilation or Genital Mutilation (GM).¹⁴⁰ It is usually followed by bleeding and scars that are so painful especially during intercourse, causing difficulty to achieve sexual fulfillment. This difficulty may eventually lead to chronic pain, reduce chances of pregnancy, cause infertility in some instances, and induce chronic pelvic infection, urinary tract infection as well as lead to many psychological problems.¹⁴¹

According to physicians, since the clitoris of the woman is quite tiny, even tinier in younger girls; it is very difficult to perform even the first form of circumcision properly except by a specialist physician. Hence, female circumcision is illegal in Britain and other European countries through the passage of the Prohibition of Female Circumcision Act of 1985. In a landmark judgment, the Supreme Court of Egypt was reported to have banned female circumcision and the country Ministry of Health welcomed the development.¹⁴²

Unfortunately, many of those, who practice female circumcision, do so based on the superstitious belief or precept saying that only a circumcised woman is fit for marriage and that an uncircumcised woman is likely to be promiscuous, sexually insatiable and flirting. It is due to these and similar

¹³⁹ Haqa'iq 'Ilmiyyah Hawla Khitan Al-Imuath, (Cairo: Jam'iyyat Tanzim Al-Urah, 1983) 7-8 and Stewart, Rosemary, "Female Circumcision: Implications for North American Nurses," in *Journal of Psychosocial Nursing*, vol. 35, no. 4, (1997): 35-38.

¹⁴⁰ Rosemary Stewart, "Female Circumcision: Implications for North American Nurses," *Journal of Psychological Nursing*, 35, no. 4, (1997): 35-36.

¹⁴¹ Ibid.

¹⁴² *TIME*, 12 January 1998.

baseless reasons behind genital mutilation that the prominent Egyptian doctor and feminist, Nawal El-Sādawī argue that experienced and intelligent women are a menace to the patriarchal class structure. It seems most men fear such women would expose their unreal masculinity. Hence, according to her, such men would prefer to marry a young virgin, inexperienced, childish and simple girl or in other words "a naive pussy cat with no notion of her rights and sexual desires as a woman".¹⁴³ To Nawal El-Sādawī, women are still slaves and oppressed throughout the world by men not because they are living in Eastern, Arab or Muslim societies but because of the patriarchal system that has dominated the world, which afforded men special privileges especially in the sexual sphere.

In this respect, according to a view, the Arab and indeed Muslim societies live in better position since men openly admit and legalize their promiscuity and lust for women through marriage thereby making them responsible and accountable legally in comparison to western societies, where the practise by men is the same in secret and in a disguise of puritan morality.¹⁴⁴

The problem of genital mutilation is very much with us in Nigeria. Many women, most of who are in the Muslim dominated Northern region have suffered from the predicament of not only Genital Mutilation but also Vesico-vaginal fistula (VVF). VVF is another related ailment that has turned its female victims into outcasts, once they become mothers. In northern Nigeria, the pelvises of many women are sown during circumcision into so small size that delivering babies becomes practically impossible. They are rather left with dead babies, while draining urine and stool continuously. They develop sores on their skins and emit a terrible odor from their constant flow of urine and stool. It is estimated by a Christian evangelical group that is converting most of these women through medical assistance that more than 200,000 women in northern Nigeria alone suffer from VVF. Since 1992, over 400 of these women have undergone medical operation at Evangel, the hospital of this Christian evangelical group.¹⁴⁵

¹⁴³ Nawal El-Sādawī *The Hidden face of Eve: Women in the Arab World*, Trans. S. Hetata (London: Zed Press, 1980), 77-8.

¹⁴⁴ Barbara Stowasser, "Women's Issues in Modern Islamic Thought," in Judith Tucker ed. *Arab Women: Old Boundaries, New Frontiers*, (Bloomington: Indiana University Press, 1993), xv, 98.

¹⁴⁵ "Outcasts are restored in Jos, Nigeria" at Evangel Hospital VVF Ministry, <<http://missionary.sim.org/blyth/evangel/htm>>.

With the considerable number of Muslim women in Northern Nigeria that have suffered from the predicament of Genital Mutilation and VVF, to examine the malaise in this research work is therefore proper. It was therefore considered necessary in the light of the current malaise of Genital Mutilation and VVF in Nigeria as well as global campaign against all harmful practices against women to seek the views of the respondents and participants on the issue. They were therefore questioned on the use of such practice as female circumcision by various cultures and religions to curtail women's sexual urge, since women's libido is traditionally believed to be far stronger than that of men and consequently make women more susceptible to sexual infidelity. According to all the respondents and participants, the claim that women are more sexually free than men is based on mere superstitions and therefore baseless. Lateef Sanni while responding,¹⁴⁶ notes that the deliberate genital mutilation of anybody whether male or female is barbaric, dehumanizing and baseless. He does not observe any correlation between this practice and other similar practices such as the segregation of women and the sexual norms of Muslim women in Nigeria.

Similarly, Imam Taofeeq Azeez¹⁴⁷ does not take stand against circumcision, but rejects genital mutilation. According to him, this form of practice and equally others, such as segregation of women, meant to curb women sexual behavior are idle, miserable, and cowardly, as they have never served any progressive interest in the Muslim community. In Mrs Olorode's opinion, genital mutilation and absolute segregation of women should be condemned, as the prophet was completely against any harmful practice to Muslim women. In regards to moderate circumcision in line with the *Sunnah*, there is no predicament in Yoruba land. Nosiru Onibon also shares the same view as above.¹⁴⁸

Dhikrullah AbdulGaniyyu brings the matter further by insisting that genital mutilation and any other such practices like the segregation of Muslim women that are harmful to women should be very discouraged if not outrightly forbidden.¹⁴⁹ These men and women who responded are of the view that women are not necessary more promiscuous than men. Hence, they all oppose holding Muslim women responsible for promiscuity in the society. All such practices that are meant to curb the sexual enjoyment of women have therefore been condemned as un-Islamic and perhaps cultural in nature. This particular point was stressed by Nosiru

¹⁴⁶ Dr. Lateef Sanni, e-mail interview.

¹⁴⁷ Imam Taofeeq, e-mail interview.

¹⁴⁸ Nosiru Onibon, interview.

¹⁴⁹ Abdul Ganiyyu, e-mail interview.

Onobon mentioned above. However all of them believed that the real issue is not who is more promiscuous than the other, but rather whether female circumcision is harmful or not. They believe that the ordinary form of circumcision is not damaging though it may be painful and traumatic to the individual especially if and when performed by a non-specialist and in an unhygienic setting perhaps leading to infections and other related problems.

In the light of the above submission, it is therefore understandable if some people oppose female circumcision as part of their opposition to a tradition that has been harmful to millions of women. This perspective is highly appropriate, as simply by being part of Arab, African, Nigerian or any other tradition, practicing female circumcision should not be upheld by Muslims in the view of this author. Instead, the conformity of female circumcision with the basic objectives of Islam, which include reduction, as well as removal of hardship should be evaluated. While however female circumcision has been legally banned in some Muslim countries such as Egypt, mentioned above, this would not serve well the goal of eliminating genital mutilation in Muslim societies. It will not be a viable option in societies and cultures like Muslim countries because the practice of female circumcision is not only long but also predicated on traditional and religious beliefs. Outlawing or criminalizing the practice of female circumcision would therefore not stop the practice.

It would appear the best option in this respect to allow only specialists to carry out the treatment in government owned designated centers. This approach would be readily welcomed in the Muslim world and Nigeria in particular. This is because the approach can be inferred from the Prophetic sayings on female circumcision. One of such is a saying of the Prophet narrated by Imam Ahmad that "if the two areas of circumcision (of a male and female) touch one another, then *Ghusl* (ritual bath) is required".¹⁵⁰

This tradition signifies that the Prophet recognizes female just like male circumcision and this is why Imam Ahmad holds that women in *Madinah* at the time of the Prophet and after were circumcised. This tradition, which has been authenticated by Muhammad Al-Albānī, the scholar of Prophetic traditions, whose work on Muslim women has already been studied in this book,¹⁵¹ it only refers to the first form of female circumcision, mentioned above. This is because, the second and third forms of female circumcision would violate a known rule in the *sharī'ah*,

¹⁵⁰ Musnad Imam Ahmad quoted in Sayyid Sabiq, *Fiqh Al-Sunnah*, (Bayrut: Dar Al-Kitāb Al-Arabī, 1969, vol. 1, 37 and 66.

¹⁵¹ Muhammad Nasir -Albānī, *Tamīm Al-Minnah fi al-Ta'liq 'ala Fiqh al-Sunnah*, (Amman: Al-Maktabah Al-Islamiyyah, 3rd printing, 1409 A.H), 67.

prohibition of the cutting of any part of the human body except for reasons like medical treatment. In fact, Islam even on the battlefield allows no mutilation of a human being.

The above interpretation of the cited tradition offers the best understanding of another saying the Prophet, that "Circumcision is a commendable act for men (*Sunnah*) and an honorable matter for women (*Makarramah*).¹⁵² This illustrates that the Prophet described male circumcision as *Sunnah* and female circumcision as (*Makarramah*), which only implies permissibility and not a religious obligation. Though this saying of the Prophet is of weak authenticity according to above scholar of Prophetic traditions, Al—Albānī, the most authentic Prophetic narration on female circumcision supports and authenticates it. In this other tradition, the Prophet is reported to have passed by Umm 'Attiyyah, a female companion who used to serve as one of the female medical experts who performed circumcision on young girls. He instructed her saying: "Cut off only the foreskin (outer fold of the skin over the clitoris or the prepuce) but do not cut deeply, for this is brighter for the face of the woman and more favorable with the husband."¹⁵³

This tradition is the clearest evidence that Islam forbids any mutilation of a woman's genital in the name of any surgical removal of female's genital such as clitoris or vagina. To ensure that his instruction is implemented thoroughly, the prophet gave this instruction to a female medical expert, Umm 'Attiyyah. It is therefore only female circumcision that follows this procedure, which a medical expert who avoids mutilation carries out, that can be regarded largely, as the circumcision that is sanctioned by the *Sunnah*. Though, the prophet specifically refers to male circumcision as *Sunnah*, but both male and female circumcision can be called by the appellation, if they fulfill the conditions set by the *Sunnah*.¹⁵⁴ In both male and female circumcision in Islam, no part of the sexual organ is to be cut off; it is only the foreskin, or outer fold of the skin, which is cut off. Properly done, it is not going to cause any medical problem, not to mention mutilation.

The question that may be posed in this respect is why the Prophet did not explicitly ban this female circumcision when he recognized that the practice could be harmful to women if the cut was too severe. The answer is that the Prophet's command to Umm 'Attiyyah not to cut deeply

¹⁵² *Muwatta' Al-Imām Mālik*, (Bayrut: Dār Al-Qalam; n.d.), 50-51

¹⁵³ Albānī, *Tamīm Al-Minnah*.

¹⁵⁴ Al-Shawkānī, *Nayl Al-Awtār*, Dār Al-Jil, Bayrut, 1973, vol.1, 139, Muhammad Nāsir al-dīn Al-Albānī, *Silsilat Al-Aḥādīth Al-Sahīḥah*, Bayrut, Lebanon: Al Maktab Al-Islāmī, 1983, vol. 2, Hadīth no. 722, 353-358.

demonstrates a great deal of wisdom. As stated earlier in this book, Feminist writers believe that one of the patriarchal or andocentric characters of Judaic law of Israel, where Jewish women still occupy a peripheral position is their exclusion from the b' rit mila, the covenant of circumcision,¹⁵⁵ which remain the central Jewish symbol. To the feminists, the most conspicuous sexist notion in Judaism is the rite of circumcision. To them, this rite represents the inability of women to attain spiritual equality with men in Judaism. By excluding women from the covenant of circumcision, Judaism ensures that women are permanently incomplete beings, because Abraham only attained perfection after he was circumcised.¹⁵⁶

Against this background, we can appreciate the Islamic inclusion of women in the rite of circumcision to show a de-emphasis of forms anti women sexism. It in fact, reveals to the Muslims that despite the biological differences between women and men, Muslim women should not be discriminated against in religious matters. This is why though there maybe the possibility of mutilation in the rite of circumcision, women are still allowed to partake of it. At the same time, the Prophet makes it abundantly clear that the avoidance of female mutilation in the rite of circumcision will engender matrimonial happiness and legitimate enjoyment, between married couples is. This is contrary to all superstitious beliefs and precepts that surround the rite of circumcision.

The Prophetic saying further implies that in some cases, circumcision may be necessary when a foreskin or extra skin covers the clitoris. It is perhaps because this excess skin is rarely found in women that the Prophet does not regard the practice of female circumcision as compulsory like circumcision in men. Thus, as has been argued in this research it is preferable for medical experts to conduct this female circumcision, as they would have the knowledge of when and what to cut. The Prophet's statement also contradicts the arguments that female circumcision "controls" the woman's sexual appetite. It rather demonstrates that the Prophet wishes both men and women to derive maximum gratification and enjoyment from the sexual act as long as it is carried out between wives and their husbands. It is correct that Islam requires both genders to be chaste but there is no textual evidence that requires selective curtailment or control of the sexual desire of one specific gender.

¹⁵⁵ R. Adler, "The Jew Who wasn't there" in M.M. Kellner, ed., *Contemporary Jewish Ethics* (New York, 1978) 348-349.

¹⁵⁶ D. Mccauley and A. Daum, "Jewish-Christian Feminist Dialogue: A Wholistic Vision, *Union Seminary Quarterly Review* 38 (1983): 160.

Women Preferred Professions

One of the main agenda of postmodern feminists, as stated before, is to achieve equal gender participation in all walks of life. According to them, the future envisaged by them is one in which, "men and women would participate in more or less equal numbers in every sphere of life from infant care to different kinds of paid work to high-level politics".¹⁵⁷ This would entail the entrance of women into all prevailing professions such as sex, singing and dancing trades. According to most gender feminists, sex trade is like any other form of profession or labor based on mutual contract between a sex-worker and her client that promises appropriate remuneration for sexual services that are rendered. Any attempt to criminalize or restrict the sex industry is therefore considered a sexually biased move. They advocate the recognition of sex work as labor and the granting of labor rights to sex-workers. Feminists argue with pride that the only professions in which women earn more money than men are prostitution and fashion modeling. While, complaining against violence towards women, they try to encourage more women to be "empowered" by exposing more of their physical appeal at work, places that more emphasis on the female figure, rather than their intelligence and qualifications. They only support criminalizing the actions of third partners, who recruit for and profit from the sex industry as well as those, who abduct young girls and women and coerce them into the profession. However, the mutual and commercial transaction and negotiation by all partners involved in the industry, that is the sex workers and their clients must be legally respected, and their mutual rights must be protected.

In light of the above feminist posture that men and women should "participate in more or less equal numbers in every sphere of life from infant care to different kinds of paid work to high-level politics", the view of respondents on their preferred professions for Muslim women was sought. According to Mrs. Giwa, Muslim women must partake in all professions whether those traditionally regarded as male fields, like medicine, engineering and law or those traditionally regarded as female fields, like teaching, to leave a lasting impact on the society like the early Muslim women did.¹⁵⁸

¹⁵⁷ See Susan Moller Okin, *Women and the Making of the Sentimental Family, Philosophy and Public Affairs* 11, no. 1 (Winter 1982).

¹⁵⁸ Mrs. Giwa, the former President of FOMWAN, Osogbo Chapter and the General Manager, NICON, Insurance Company, Osogbo, interview by author, FOMWAN Secretariat, Osogbo, Osun State, 6th February, 1998.

However, Mrs. Ajibade firmly objects to Muslim women partaking in certain professions that place more pressures on women and are too rough and demanding in nature especially in the country. While the two women both agree that Muslim women should work only in an environment that is comfortable and conducive, Mrs. Ajibade, in addition, strongly believes that Muslim women should also consider the comfort of any given profession. She does not support Muslim women partaking in professions that are too demanding or that can at times be demeaning especially in Nigeria. She therefore does not support Muslim women working as taxi drivers or bus attendants and conductors, as these professions may not be suitable and safe in Nigeria in partuar, hence Muslim women should avoid them. Beside this point and the above, she agrees that Muslim women may partake in all professions with their fellow men.¹⁵⁹

Abdur-Rahman¹⁶⁰ argues that the criteria to determine suitable professions whether for Muslim men or women should only be its legitimacy in Islam. He therefore objects to the non-participation of women in any lawful profession. He like others argue that Muslim women can and should be allowed to compete with men in all disciplines and professions except the few that are indecent and immoral like prostitution, drug trafficking, *419*¹⁶¹ business and robbery. They explain further that these exceptions ought not to be made based on gender but moral grounds and are equally unacceptable for Muslim men.

This last view is in line with Islamic teachings. According to the Islamic teachings, the opinions expressed by all the respondents and participants appear within the framework of Islam. In Islam, only professions that encourage immorality (*al-fahshā*), corruption (*al-fasād*), and temptation, lawlessness, chaos or mischief (*fitnah*) such as intoxicants and drugs, dealing with prohibited food, gambling, usury, murder, armed robbery, exploitation embezzlement of public funds and all forms of fraud are prohibited. Another important criterion according to Mr. Oseni should be personal interest of any Muslim woman. To him, Muslim women like their male partners can partake in any lawful profession of their choice.¹⁶² Perhaps, the reason why Muslim women are concerned in respect of certain professions, would be the presence of touts and hooligans within

¹⁵⁹ Mrs. Ajibade, the former president of Quadratullahi Society of Nigeria, OAU Chapter and a staff of Obafemi Awolowo University, interview by author, Obafemi Awolowo University, 17th March 1998.

¹⁶⁰ Prof. AbdulRahman, interview .

¹⁶¹ This is an official term in vogue in Nigeria today and it refers to all forms of fraudulent activities in the society.

¹⁶² Mr Oseni, interview.

some of these professions such as taxi, bus and trailer drivers as well as bus attendants and conductors, especially so in Southern Nigeria. Their concern lies also in regards to professions that would offer them the opportunity to remain close to their children.

Women and Secular Education

The significance of women's education in Islam is too well known to be debated. This fact is based on the famous authentic tradition of the Messenger of Allah (SAW) that "Seeking knowledge is compulsory on every Muslim".¹⁶³ "Knowledge" in this context primarily refers to and covers all areas of general education, which can contribute to the welfare of humanity and human civilization, therefore the early Muslims became the torchbearers of knowledge throughout the golden age of Islamic civilization. The prevailing reluctance of some Muslims in Nigeria to embrace secular education is not in line with the above teaching. As reported by all Nigerian dailies, the ongoing war by a Muslim sect, *Boko Haram*¹⁶⁴ against secular education contradicts this teaching and therefore undesirable and actually, contradicts the early Muslim study of secular sciences along Islamic ethical principles which is what distinguishes Islamic Civilization that reached its zenith and peak in the middle ages, the same period depicted as the dark ages in European History. The remarkable achievement attained by the Islamic Civilization was to shake Europe from its slumber (Lewis, 1973). According to D. M. Dunlop (1958), the contributions of Muslim scholars to modern education started appearing in Europe from the tenth century and by the thirteenth century, there were the wide publications of the works of Muslim scholars in almost all branches of knowledge. These Muslim scholars known as *hukamā* or wise men thrived under the tutelage of the Caliphs (Nasr, 1968).

However, the downfall, stagnation or decline of Muslims' contribution to modern civilization can be linked to a later-day perception of secular sciences as un-Islamic is untenable. The notion nurtured by the emergence of blind allegiance and follower-ship or *Taqīd* in the Muslim thought engendered the bifurcation of the so-called Islamic and western education. Hence, the almost unanimous rejection of the so-called western education when it appeared in the Muslim world despite the strong support of

¹⁶³ Abu Ameenah Bilal Philips, *Usul al-Tafsir, the Methodology of Qur'Ēnic Explanation* (Sharjah United Arab Emirate: Dar al-Fatah, 1997), 6.

¹⁶⁴ See Nigerian Dailies especially on Gamji. Com for e. g. "Fighting rages, death toll hits 300 in Borno," Thursday July 30 2009.

leading Muslim scholars like *Shaykh al-Azhar*, Hasan al-Khalwatī, Jamal al-Afghānī and Muhammad Abduh (Oloso 2006).

Women as mothers are the first teachers of children to form an indelible impression in their minds and ultimately determine the destiny of their nation. They thus have the first and best opportunities in their hands to shape the nation. Accordingly, the mass ignorance of Muslim women today is contrary to what took place throughout Islamic history, when both men and women earned respect as scholars and teachers in various fields of knowledge including knowledge of the Islamic Faith, as noted in the above. Many prominent women not only played significant socio-religious and political roles but also intellectual and economic roles in early Islam.

Primarily, there was the example of the Prophet's youngest wife; whose entire intellectual legacy is yet to be surpassed by any other woman. This intellectual luminary, 'Ā'ishah, once praised the women of the *Ansār* (The helpers who received the Muslim emigrants from Makkah) for their learning spirit, which she described, as unsurpassed by modesty. In short, modesty was not an excuse to keep women ignorant at the time of the Prophet and they sought to know from him virtually everything. In fact, for practical purposes, these unique early Muslim women demanded from the Prophet an exclusive session a day with him to learn from him all that was possible. This determination and spirit to learn was what turned many of these women into great and renowned scholars. In regards to 'Ā'ishah, this Prophet's favorite beloved, who lived and learnt from him for almost nine years, the Prophet once said "learn half our religion from this young and radiant girl (*al-Humayrā'*)". This must have been said by the Prophet in reference to his young wife, as 'Ā'ishah was the first product of the Prophet's educational scheme for women and later attained the rank of a great theologian, *ḥadīth* authority and political adviser to the first three caliphs. They eagerly sought her political advice virtually on all matters.¹⁶⁵ She reported 15% of the traditions of Imām al-Bukhārī, a percentage far superior in size than that of Imām Alī, the fourth caliph.

She was described as the person with the greatest knowledge of *fiqh* and the most knowledgeable and educated among the people.¹⁶⁶ According to one of 'Ā'ishah's students, 'Ūrwah ibn Zubayr, there was no scholar greater than 'Ā'ishah among the companions, who were her contemporaries in Qur'ānic and Hadīth sciences, poetry, literature and

¹⁶⁵ Muhammad Zubayr Sidiqqī, *Hadīth Literature, its Origin, Development & Special Features* (Cambridge: The Islamic Texts Society, 1993), 23- 29).

¹⁶⁶ Al-Asqalānī, vol. 1 242.

history.¹⁶⁷ She could without doubt be placed on the same intellectual pedestal as all the leading male companions of the Prophet. Her corrections of many *ahādīth* became the topic of an 8th-century book in jurisprudence, which, today, more than ever before, must be studied along with the major books of *hadīth*. As rightly noted by Zubayr Siddiqi, 'Ā'ishah was not just one of the most important figures in the entire history of the literature of Prophetic traditions but also one of the most careful interpreters.¹⁶⁸ Similar eulogize can also be said of all other leading Muslim women mentioned by him above. They certainly played active scholarly and social roles in the interpretation of not only the above literature but also the entire intellectual and legal legacy of the Islamic way of life. Yet their excellence in the intellectual field did not preclude them from other active economic, political and trade professions. In fact, almost all the wives of the Prophet held expertise in business and used to work from home.

A very good example of the Prophet's wives that were business gurus and experts was his first wife, Khadijah bint Khuwaylid about whom 'Ā'ishah said that she was jealous due to the Prophet's love for her even after she was. Khadijah bint Khuwaylid was one of the most successful business moguls and magnates in Makkah. This is an indication of her sound knowledge of Business administration. It also shows how influential she was despite being a woman in that society. The Prophet's respect for this matured woman he married was so deep, and unsurpassed by his love for any other person that he once declared that no one could replace Khadijah in his life. One of the reasons for his deep affection for her was that she was the first person to believe in him when no other person on earth did.

Another example of such capable women was Rufaydah al-Aslamiyyah that was the first female nurse in Islam, since she treated and nursed the injured Muslim warriors of the battle of *Al-Khandaq* (the Trench). Islam further produced other outstanding female scholars that turned out to be teachers of some of the most illustrious male scholars of Islam, including some of the Imams of the four famous schools. Imām Shāfi'ī, for example, was one of the noble students of Sayyidah Nafisah, the descendant of 'Alī and he placed himself at her feet in al-Fustat. Jalāl al-Dīn al-Suyutī also studied the *Risālah* of Imām Shāfi'ī at the feet of Hajar bint Muhammad. Similarly ibn Hajar al-'Asqalānī was taught by women scholars like Juwayriyyah bint Ahmad and 'Ā'ishah bint

¹⁶⁷ Doi, 140.

¹⁶⁸ Siddiqi, 117-123.

'Abdillāh.¹⁶⁹ Iyās ibn Mu'āwiyā, an important traditionalist and a judge of undisputed ability and merit said that Umm al-Dardā' was superior to all other traditionalists of the period of the Successors. These traditionalists included scholars like al-Hasan al-Basrī and ibn Sirīn.¹⁷⁰

Fātimah bint Muhammad ibn Ahmad al-Samarqāndī was both a *muhaddithah* (expert in Hadīth Literature) and *Faqīhah* (expert in Islamic Jurisprudence) who published books in the two fields and was appointed as a Muftī by Sultān al-Mālik al-Ādil Nur al-Dīn al-Ayyubī to counsel him and his family.¹⁷¹ The Sokoto Caliphate, as referred to earlier in this book, was also a shining place where women actually regained their roles as scholars. The daughters of *Shaykh* Uthmān Dan Fodio, especially Nana Asmau earlier mentioned was the writer of about 80 pieces of work, some of them were translations of the work by her father into Fulfulde or Hausa.¹⁷²

All these examples and many others show that Islam never forbids women to acquire knowledge in different fields and consequently work outside their home, whether single or married, as long as they are conscious of and observe the dress laws stipulated in Islam aimed at their protection, guaranteeing their safety, and preventing men from molesting or assaulting them. These laws include covering themselves, wearing loose-fitting outfits, thus avoiding tight-fitting and transparent materials, further avoiding harām make-up or perfume or uncovering their '*awrah*, items, as listed among the conditions contained in the book by Shaykh al-Albānī under discussion in the previous chapter.¹⁷³

In light of the abundant intellectual, political and social contributions of Muslim women during the pristine era of Islam, the respondents and participants were asked about Muslim women pursuing studies in any lawful and legitimate profession in co-educational institutions as well as working alongside men in offices, markets etc. Mrs. Adesina-Uthman expresses her support for co-education that she considers as a catalyst to a healthy and inspiring competition between young men and women. She declares that by allowing them to share the same class, they would have the opportunity to learn to appreciate their natural differences and gain

¹⁶⁹ Lemu and Hareen, 16, also see Ibid.

¹⁷⁰ Siddiqi, 118-120.

¹⁷¹ 'Umār Ridā Kahhalāh, '*lam al-Nisā'*, (Bayrut: Mu'assat al-Risālah, 1959), vol. 4, 94-95.

¹⁷² Ibn Muhammad, 80-130, Dean and Last, 285-300, Dean, , 24-33, D.M. Last, 183-204.

¹⁷³ *Harām* refers to what is unlawful or forbidden while '*awrah* refers to the parts of the body that must be covered legally under the Islamic law.

from each other's natural talents and aptitudes as well as accelerate their intellectual growth. She also supports men and women working in joint offices and believes this is in line with Islamic teachings.¹⁷⁴ She therefore sees no rationale for segregation between men and women in Muslim societies whether at schools or at work. She concludes that Muslim women must specialize in all disciplines in any institution whether co-educational or female-only in order to confront the challenges encountered in modern day Nigeria. Similarly, Professor Abdur-Rahman sees the separation of men and women at schools and offices as too restrictive and unnatural. In his experience, as a University professor, students from restrictive homes and educational backgrounds in fact appear to be more prone to sexual misconduct than those from unrestrictive homes and mixed schools.

The above responses are in consonant with our knowledge in Islamic history, where all public, civic and social affairs of the Muslims at the time of the Prophet were conducted in the mosque in the presence of both men and women. The mosque in particular served as a citadel of knowledge where both Muslim men and women were educated. As stated above, female scholars among the companions like the youngest wife of the Prophet were trained in the mosque.

Conclusion

In this chapter, we have identified and discussed some of the socio-cultural impediments confronting Muslim women in contemporary Nigerian society and the necessity for them to free themselves from these impediments. One of such cultural barrier as identified in this chapter is the Victorian male dominance and female dependency imposed on Nigerian traditional communities by colonialism. This was largely responsible for the manner in which men have dominated political and state power structures in Nigeria. This chapter has also revealed the affirmation by Muslim women in Nigeria that the men have generally failed the people and subsequently they believe that female leadership would bring about superior political decisions, choices and solutions on the myriad of socio-economic and political problems in Nigeria. An example of such problems mentioned included juvenile delinquency, which women experience strongly as mothers, domestic and public violence against women, female genital mutilation and lack of access to education. Female Genital Mutilation is a serious malaise in the Northern part of Nigeria. The respondents and participants are opposed to any

¹⁷⁴ Mrs Adesina-Uthman, interview.

practice to hold women solely responsible for the problem of immorality in the society, which they explain female circumcision represents. It is in fact, most terrible when nonprofessionals that lack the medical expertise carry it out under unhygienic conditions. In short, this book has shown that under such conditions, it becomes nothing but the very severe cutting or mutilation of the private parts of women that the Prophet has outlawed.

Muslim women have also questioned the free manner in which some men have been abusing their unilateral powers of divorce and polygamy. While Muslim women do not have trouble in regards to these provisions in the Islamic laws, they are concerned with the high number of men, appearing uncaring in their exercise of divorce and polygamy. For instance, most of the Muslim women interviewed were in support of polygamy and condemned the western permissive society, where many men have one legal wife but keep countless of concubines. They however prefer a situation, whereby the provision of polygamy in Islam would be applied in such a manner so as to assist Muslim women, who are single with no burden of theirs, such as in the case of widows. This is contrary to current practice, whereby many men chose to marry young girls, who are barely old enough to be their daughters, as additional wives.

In short, Muslim women in Nigeria are supportive of equal political rights and opportunities for women to solve national problems. One such problem, it was suggested has its roots in the absence of *Sharī'ah* courts in Southern Nigeria, especially Yoruba land. This chapter has shown that while, lack of implementation of the *Sharī'ah* in Yoruba land is viewed by the interviewees as a source of anguish for Muslim women, its haphazard implementation is the bane of the Muslim *Ummah* in Northern Nigeria. Muslim women regard the *Sharī'ah*'s operators in Northern Nigeria as not meeting with their expectations in respect of justice and care of women. Largely, there is a dichotomy between implementation of *Sharī'ah* in Northern Nigeria and the position of the the majority of the Schools of *Fiqh*. Some of the *Sharī'ah* rulings in fact also violate the provisions of the *Mālikī* School of *Fiqh* in Nigeria as contained in the *Risālah*. There are several cases where the operators of the *Sharī'ah* neglect the opinions expressed in the *Risālah* in practice. Analyses of some sections of the *Risālah* have facilitated the documentation of the claim that these operators do not respect some of the rights of women contained in the Islamic laws as enunciated and interpreted by the *Mālikī* School of *Fiqh* in Nigeria. These rights include the rights of women to initiate divorce, request for maintenance, inheritance, work, choice of husband and the general capacity to act in legal matters.

Muslim women believe this takes place due to the existing atmosphere, whereby *Sharī'ah* judges are solely men. The above case illustrates the ways in which *Sharī'ah* implementation has been gender-biased in Nigeria, since the abolition of the Sokoto Caliphate by colonialists in the country. This has contributed in no small measure to the vulnerability of women to abuse in many forms, through conditions created in which this abuse can be perpetrated with impunity using state power. Hence, there is a widespread belief among Muslim women that perhaps the absence of a woman on the *Sharī'ah*'s bench as well as national political offices is responsible for this shortcoming. In general, Muslim women in Nigeria want a total re-appraisal and overhauling of the operations and procedures of *Sharī'ah* application. They are convinced that the lacunae in the implementations of the *Sharī'ah* in Nigeria lie in the system and not in the *Sharī'ah* laws. The case of women convicted for *zinā* on circumstantial evidences by the *Sharī'ah* presents the best evidence for this conviction. Interestingly, in about a decade, since the re-introduction of the *Sharī'ah* criminal codes in the Northern part of Nigeria, the number of women already sentenced for fornication and adultery has almost doubled the number of years of its operation, which contradicts what occurred in early Islamic history. Even the not too long Sokoto caliphate in its hundred years of implementation of the *Sharī'ah* did not record such a high number of conviction of women for *zinā*. This was also not reached in the over fourteen centuries of Islamic history.

Hence, both Muslim men and women involved in this research believe rightly that largely, the implementation of the *Sharī'ah* in Nigeria is remote to the realization of gender justice. They question for instance, the rationale behind the fact that the evidence provided by a woman, when she confessed to committing an offence, suffices for her conviction. But, yet her evidence is not strong enough to convict her fellow male culprits, especially, when the *Sharī'ah* operators follow traditional jurists in rejecting the call to employ modern methods of apprehending criminals, such as checking of fingerprints and conduct DNA tests to ascertain whether the claim of these women are true or false.

Consequently, over time, many people in Nigeria including Muslim women have found compelling reasons or needs to call for the rights and protections of women, as championed by al-Albānī in his work. This debate over the protection of Muslim women, as this work has shown, has taken not only a public form in Nigeria but also a global outlook, notably in the cases of Muslim women sentenced to the death penalty. In this light, this book calls for a reformation in the application of the criminal codes under the *Sharī'ah* in Nigeria especially as far as Muslim women are

concerned and it recommends the application of the most lenient rulings, where there are differences in opinions among *Sharī'ah* scholars and schools of *fiqh*. It also calls on the *Sharī'ah* operators in Nigeria to learn from other Schools of *Fiqh*, where necessary, such as in regards to the use of DNA tests on accused men of rape and the acceptance of a woman's retraction of her confession of fornication and adultery.

They can carry out this reformation through a systematic *Fiqh* recourse to the juristic principle of *Takhayyur* for proper and necessary selection of the *Fiqh* opinions of other jurists outside the *Mālikī* School of *Fiqh*. Perhaps the first step and in fact the most important towards the task of the reformation of the prevailing conditions of Muslim women, as suggested by this research, would be to separate socio-cultural practices from the authentic Islamic teachings. Since many people are ignorant of the true teachings of Islam and view many cultural practices, as Islamic based on their face values, the necessity to eradicate the massive ignorance in the Muslim societies and Nigeria, particular, is in line with the Islamic commandment to learn. In doing so, it would require good and sound knowledge of Islam. Perhaps needless to add that seeking knowledge today has become more urgent for Muslim women because of their more complex and complicated multiple roles in postmodern society as mothers, wives, and as government, social and public workers. Muslim women should even be more concerned about the quality of education they receive, more than their concern with their ignorance, because they need to generate scholars in the Islamic sciences, similar to the early Muslim women mentioned in this chapter. If Muslim women are to play, the role expected by them in Islam, especially in the field of Islamic work, their focus should be the Islamic sciences, just as in regards to the other professions mentioned in this research.

Finally, Muslim women activists and their fellow men in different Islamic organizations in Nigeria that form the focus of this research, identify not Islam, but socio-cultural practices as responsible for much of the harmful and inimical actions and inactions against them. They however hold the Muslim scholars responsible for failing to educate the ignorant Muslim masses about these harmful and inimical socio-cultural practices.

CHAPTER FIVE

IMPLICATIONS OF THE FEMINIST DISCOURSE IN ISLAMIC ORGANIZATIONS

This chapter analyses the implications of the feminist discourse of women in Islamic Organizations in Nigeria using the book by *Shaykh al-Albānī*.

In recognition of the Islamic feminist notions and features contained in the book by *Shaykh al-Albānī* this chapter is presenting a discussion concerning the book and feminist issues that engage the Muslim women activists already identified in the preceding chapters.

Islamic Feminist Notions and Features

Postmodern and secular feminists would be greatly astonished, while perusing this work of al-Albānī as it contains views that takes into account fundamental feminist notions and features though a traditional Muslim scholar has written it. While secular feminists, writing from Islamic paraxis base their feminist thought on western and anti-religious paradigms, *Shaykh al-Albānī*'s view are purely grounded in Islamic paradigms. These notions and features may also be to extreme astonishment to the group labeled Islamic feminists. In their surprise, however, they would greatly welcome *Shaykh al-Albānī*'s views that profoundly demonstrate that the Islamic scriptural texts (Qur'ān and Hadīth) have never been discriminatory against women, neither have they endorsed the perpetration of women's oppression as often erroneously maintained in western feminist writings. They would be satisfied to know that a complete and unbending traditional scholar has joined hands with them in alleviating the conditions of Muslim women in Muslim societies. He also agrees with them in replying to western feminist writers who unjustly opine that the Islamic teachings are gender-biased, treating women with utter disregard.

Shaykh al-Albānī's work using the Muslim world, particularly the Arab societies, as a case study, has also revealed clearly that it is the traditions, customs and cultures of *Taqīd* in most of the respective Muslims societies

and not the teachings of Islam, which have brought about the gross and total misconceptions about Muslim women roles in public life. He notes that Muslim scholars' discussion on the status of Muslim women in contemporary society, still revolve round the face-veil in particular. This he explains does not occupy a central or fundamental place in Islamic paradigms as contained in Islamic scriptural texts (Qur'an and Hadith). He also like many western feminists situates the oppression of women in these Muslim societies within this context of Muslim scholars' rigid position on the face-veil. He further identifies the veiling of Muslim women with their bitter suppression in these Muslim societies; therefore it would be proper to say that the *Shaykh* al-Albānī's book begins solving the problems of Muslim women in the Muslim societies from a point of convergence with the feminist view of the veil, as a constraint to the emancipation of women.¹

This book raised a question at the beginning of this research, which is germane her. The question was why a purely feminist issue was attached to a work of a traditional Muslim scholar or why are gender issues that dominate the debate on women's rights today closely linked to the use of veil.² Now, the answer should be clear. In the introduction to this book, the book stressed the feminist obsession with the veil due to the view that the veil does not represent a religious obligation. Feminist rather perceive it as serving as a socio-political and cultural symbol to reduce women to mere objects of men's pleasures. They thus view it as a pressure on women to be modest, restricting them to a culturally acceptable conduct designed and conducted by men and for the pleasure of men. This is therefore the key issue that al-Albānī has addressed from both a traditionalist and socio-religious perspectives responsive to the status of women in the society. In his opinion, the veil when religiously and culturally imposed on Muslim women is not only oppressive and a constraint to their development, it is un-Islamic.

Al-Albānī therefore destroys the myth that only western secular-trained scholars that call for a re-definition of the status of women. He considers it of utmost importance to examine the socio-religious conditions of women within the Muslim societies from the empirical perspective of socio-cultural practices in these societies and he seems to agree with what Anne Sofie Roald has rightly pointed out that Muslim scholars treat the issue of Muslim women politically, socially and culturally and not as a religious

¹ Moghadam, 137.

² Reuben Levy, *The Social Structure of Islam*, (Cambridge University Press, 1969), 124

matter.³ This book therefore views the *Shaykh's* position as that of an Islamic feminist activist perspective. He clearly upholds the brand of feminism that this book has defended strongly as Islamic feminism in his condemnation of the oppressive practices against women in Muslim societies.

In short, al-Albānī argues that the *Hijāb* interpreted into the obligatory and mandatory veiling and seclusion of the generality of Muslim women is unfounded in Islam. He shows extensively how the contemporary Muslim understanding and representation of women contradict what abound in Islam at the time of the Prophet and the righteous generations that followed. He also agrees with feminists on how Muslim scholars appropriated their position and impose their representation of Muslim women on the Muslim world in the name of what they term *fitnah*. This according to al-Albānī is in clear contradiction to what obtained in the very early stages of Islam. In contrast to the above portrayal of veiling and the conditions of women by many Muslims today, especially the '*Ulamā'* in the name of *fitnah*, al-Albānī dismisses the claims and deny that Islamic laws on women impose segregation and seclusion on the generality of Muslim women. He counter-poses the indignity women are suffering today all over the Muslim world with the advancement of women in the early periods of Islam. Because this indignity takes place under the guardianship of some Muslim scholars, he concludes that the scholars tend to abandon the teachings of Islam and the Prophet in particular when it comes to the issue of Muslim women. He opines that the '*Ulamā'* by their actions tend to follow the slavish imitation of past scholars or schools of Islamic law.

However, al-Albānī totally disagrees with the feminists and other liberals on their brand of feminism. This is so, because his real aspirations for Muslim women in Muslim societies and in fact that of the respondents and participants in this research work largely differ completely from what postmodern and secular feminists tend to postulate. While the author and the Muslim women activists in Nigeria reject the oppressive practices against women, they have not selected the secular feminist alternative in their struggle for change. Al-Albānī in his books particularly opposes the view that the *Hijāb* implying the veiling of the faces of the Prophet's wives is also un-Islamic. He argues that the Prophet's wives as well any Muslim woman who desires have the privilege to adopt the face veiling and to him this is a great honor.

In his book at the same time, he provides evidence for that the adoption of the face veiling did not impede the Prophet's wives as well other

³ Roald, 369.

Muslim women who chose to emulate them, in the early days of Islam, from full participation in communal and societal activities including *Jihād*. He therefore completely rejects the idea that the wives of the Prophet adopted the *Hijāb* as a means of seclusion. On this note, this book argues that al-Albānī actually upholds the full participation of Muslim women in public life. This is because he rejects any form of seclusion and segregation of Muslim women for whatever reasons. He argues convincingly that Islam never intends to prohibit the gathering of men and women and he cites the case of *Hajj* where Islam permits men and women to perform all the rituals together. There is even evidence that the wives of the Prophet continued to partake in these rituals with the people until the reign of the second caliph. He explains that the second caliph brought to an end their mingling with men when he appointed two companions, 'Uthmān ibn 'Affān and 'Abd al-Rahmān ibn 'Awf to prevent the people from mingling with the women, as a sign of respect and honor for them. Nevertheless, other Muslim women continued to perform their rituals in the same gathering with men.⁴

In the same vein, al-Albānī would not endorse the barring of Muslim women from the mosques, which is the practice in some Muslim quarters. The practice of not building sections for women in the mosques or preventing them from observing congregational prayers on Fridays as some Schools of *Fiqh* according to al-Albānī contradicts what obtained at the time of the Prophet. This is the case in many parts of Nigeria, where there are mosques not including female sections and many people believe this to be in line with the *Sunnah*, yet it is far from that. In fact, it contradicted an authentic narration by Fātimah Bint Qays on how she observed her *Iddah* (waiting period after her irrevocable divorce) in the house of Ibn Maktum. After the completion of the *Iddah*, she heard the *Ādhān* for Friday prayer and took her bath. She then proceeded to the mosque to offer prayers behind the Prophet. At the mosque, she heard the Prophet describing how "Tamīm al-Dārī al-Nasrānī has come to accept Islam"⁵

Lastly, Al-Albānī has recorded for Islamic and western scholarship a very important landmark in that he has clearly revealed in a very simple and lucid language that the role of men and women in Islam is complementary. His contribution is of the same importance to those, who are concerned in one way or the other in regards to feminist issues, whether westerners, secularists, feminists, Islamic workers or movements. What he upholds in feminist terms is gender equity and not gender

⁴ Muhammad al-Albānī, *Jilbāb al-mar'ah al-Muslimah*, pp.108-110.

⁵ Ibid, p.66-67

equality. He has by so doing upheld the sanctity of the morality of women believing that both men and women should be responsible for maintaining moral sanity in the society. This book therefore argues that he would be averse to any Islamic *fatwā* that would set women apart for controlling men's desire. This point will serve as an answer to what would be the view of Al-Albānī on all practices such as Genital Mutilation, as the practice places the responsibility for morality only on women though it takes the two genders to commit immorality. It is also harmful to the health of the women as has been revealed in the preceding chapter. This is also supported by his supporting female public activism and participation in Islamic rituals above. By this, Al-Albānī has also demonstrated that the conflict that can be generated by women participation in public work and intermingling of the two genders can easily be resolved through observing the effective Islamic decorum as obtained in the early days of Islam. This reveals that women can combine their work and family-roles situations without the fear of causing *fitnah*.

Perspective Analysis and Resume of the Work

Al-Albānī also employs the theory of what this book refers to as '*amal al-Sahābah*' or the practices of the Prophet's companions. According to him, in order to understand the Qur'ānic and Prophetic injunctions, there is need to examine in what manner the companions put them into practice in the presence of the Prophet and under his leadership, guidance and example. It is on that basis that al-Albānī rejected some narrations of the companions, which in his opinion have no practical and *Applicative* relationship with the Qur'ān and the *Sunnah*. He concludes on this basis to reject the interpretation of Ibn Mas'ud on the phrase "except what is apparent" because it was not supported by the practice of the companions and their followers. However, he accepts the meaning of the above as given by Ibn 'Abbās because it agrees with what was customarily exposed by women at the time of the Prophet in line with the *Sharī'ah*.

This book therefore concludes that as far as the treatment of the feminist issues in the book of al-Albānī is concerned; his perspective is based solely on the primary sources of Islam, which he argues; together form the only absolute reference frames for Muslims. The two are the foundations of all Islamic principles upon, which Islam teaches that the whole edifice of the Muslim life must be constructed. According to him, this is the only way; Muslims can maintain a balance in their lives in line with their epithet, as the community of the golden mean. To al-Albānī, in short, it is not possible to live in *the shade* of the Qur'ān without this

Applicative Sunnah. In this, he would appear to have agreed with the *Malikī* School of *fiqh*. The *Malikī* School also refers to '*amal ahl al-Madīnah*' or the practices of the people of Madīnah in that they uphold the practices of the people of Madīnah that embody the living Qur'ān or *Sunnah* of the Prophet.⁶

Concerning the issue of the veiling of Muslim women under discussion in this research, this author finds it hard to categorize al-Albānī among any of the known groups of Muslim scholars based on his position on this matter in his book. He does not place well in the liberal group of scholars, as according to them a Muslim woman may do without veiling completely, including the ordinary head-cover. Some liberal scholars even go further to opine that Islam permits a woman to expose her hair and her bosoms. In this group this book has positioned those who argue that Islam, instead of obligating both Muslim men and women to wear a particular form of dress or garment merely prescribes modesty, leaving the form open to their individual discretions depending on their varied circumstances. They submit, for instance, that modesty implies that Muslim women should not draw unnecessary attention to themselves. So they consider a Muslim woman wearing baggy jeans, a jumper and an unobtrusive scarf in a Western country to be dressed in full conformity with the spirit of the Islamic law, rather than Muslim women wearing the full *Hijāb* that includes the face-veil, as this will attract attention.

Though al-Albānī saw himself purely in the *salafiyyah* or classical orthodox group of Muslim scholars, this book cannot consider him among them on the issue of Muslim women, as treated in his book. The *salafiyyah* uphold the veiling of Muslim women including the face as a fundamental aspect or one of the *usūl* in Islamic creedal statements. They therefore do not consider the subject open to discussion or debate; rather they assert unlike al-Albānī that veiling including covering the face is *wājib*, or an Islamic obligation required for all Muslim women.⁷

This book Al-Albānī may also not consider among the *wasatiyyah* or moderate group, majority of who hold the opinion that covering the face is Islamic though not compulsory, contrary to the claim of the former group of scholars. While some may place Al-Albānī logically in this group because his views on the face-veil falls into this group but he would however not place himself in this group. This is because though some of his submissions in his book on gender issues support this group's

⁶ Kenny, 1-6 and Yasin Dutton, *the Origins of Islamic Law: The Qur'an, the Muwatta' and Madinan 'Amal* (Survey: Curzon Press, 1999), Chapter Three.

⁷ See Zakaria Basher, *Muslim Women in the Midst of Change*, Seminar Paper 5 (Leicester: The Islamic Foundation, 1981).

perspective, he has many other views that oppose the position of this group. This is why the book categorizes Al-Albānī as an Islamic feminist and in order to demonstrate this clearly, it is essential to conclude this chapter by revealing the impact, relevance and contributions of *Shaykh* al-Albānī to the aspirations of Muslim women. This will show clearly the manner in which the reforming views of *Shaykh* al-Albānī reckon with the aspirations of Muslim women activists in the entire Muslim world especially in Nigeria.

The Impact of al-Albānī's Reforming Views on Muslim Women

The primary significance of the *Shaykh* Al-Albānī's book to the lives of Muslim women is in the intellectual terrain. *Shaykh* al-Albānī as attested to by many leading Muslim scholars referred to in this book was first a scholar per excellence. It deserves to mention again that he was a Professorship and *Shaykh* al-Hadīth at the University of Madīnah in Saudi Arabia, where he taught at the inception of the University. In recognition of his intellectual and academic contributions to the study of Prophetic traditions, he received various honours and awards throughout the Muslim world. He was indeed the greatest '*ālim*' or scholar of his time in Hadīth literature. It was this erudite understanding of prophetic tradition that the author brought to bear on his reforming efforts concerning Muslim women. In addition to being a scholar, *Shaykh* al-Albānī was also a reformer, *Mujāhid* scholar and in fact, a non-conformist based who departed from the mainstram opinion in regards to some women issues. *Shaykh* al-Albānī completely refused to take his seat on the fence, or to become flattered by grand positions and offers or ambivalent about the struggle of Muslim women in the Arab and Muslim society for justice.

Rather, he was firm in his condemnation of Muslim women's prevalent conditions and chose to use the pen to call for reform by proposing concrete and empirical measures to help women overcome the intellectual decadence imprisoning them. He can therefore be said to have contributed to the ongoing efforts by some scholars especially in the *Islamization* movement to re-awaken the spirit of *Ijtihād* albeit in a new form which they describe as collective *Ijtihād*. Al-Albānī's contribution to the conditions of Muslim women was therefore enormous and cannot be over emphasized. Women must be appreciative of the abundant intellectual evidence displayed by al-Albānī in proving intellectually the necessity to reform their conditions in Muslim societies along the position they enjoyed in the early days of Islam. Muslim women in Nigeria in particular

and the Muslim world or contemporary society as a whole, are perhaps in the best position to appreciate this intellectual contribution of al-Albānī.

Starting from Yoruba land in Nigeria, the work of al-Albānī came to be appreciated through a dispute at a local Arabic school in the area, a case mentioned above and in which the situation led to the members of the Muslim Students' Society making copies of the book and circulating it among their colleagues. Hence the book became a landmark in the controversy ranging in Yoruba land over the face-veil.⁸ As noted before, the book also played a major role in the Muslim Students' Society of Nigeria vacation courses where there have been long debates on the code of conduct and dressing of Muslim women. For these reasons, al-Albānī's intellectual contribution in Nigeria can therefore be regarded as a kind of re-enactment of the lofty legacy left by the Sokoto *Shaykh* Uthmān ibn Fūdī described in this book. The importance of this for Muslim women in Yoruba land and Nigeria, as a whole lies in that it may benefit in the call for the revival of Muslim women scholarship in Islamic sciences. The daughters of *Shaykh* Uthmān ibn Fūdī and other women of the Sokoto Caliphate are shining historic examples, to serve as inspiring and motivating factors for contemporary Muslim women in Nigeria to revive Muslim women's education.

This should become their priority in order to bring about reform to the prevailing status of Muslim women in the society. According to Ibraheem Sulaiman, a professor and prominent Nigerian academic, the Sokoto Caliphate not only advanced education for women, it also gave women the status of pilgrims, who could traverse the length and breadth of the Caliphate in pursuance of knowledge without any hindrance.⁹ It is the level of status of Muslim women in the position of scholars that must be revived primarily in Nigeria, a submission by an illustrious student of *Shaykh* al-Albānī, who wants Muslim women to know their rights in order to pursue Islamic goals by applying only Islamic methods.¹⁰

Al-Albānī being a great scholar and profound thinker on the status of Muslim women would therefore wish these women to be enlightened on

⁸ Lawyer Lawal, interview.

⁹ Ibraheem Sulaiman, "The future of the Shari'ah: Lesson from the Sokoto Caliphate" in Naseef Abdullah Umar, *Today's Problems, Tomorrow's Solutions: The Future Structure of Muslim Societies*, (Mansell Publishing Limited: London, 1988), 42-59 and talk on "The future of the Shari'ah" at the Ubarê Conference Hall, the International Islamic University, Malaysia, 30 June, 2005.

¹⁰ *Shaykh* Dr. Abdul Hakīm Abayomi in Uthman, the *Hijāb* of the Muslim woman, vi-vii. *Shaykh* Dr. Abdul Hakīm Abayomi (*rahimahullāh*) passed away shortly before 1425 A.H. *Ramadan*. May Allāh have mercy on him.

their rights via methods such as sound *fiqh* scholarship to achieve the lofty position Islam has granted them. As such, he did not hesitate to use his expertise in the field of prophetic tradition to call for a complete reform in what he had diagnosed rightly as the un-Islamic conditions of Muslim women in prevailing Muslim societies. He diagnosed intellectual decadence as manifested in the overwhelming problem of *Taqīd* and its attendant extremism as the deplorable malaises responsible for the deplorable conditions of Muslim women today. Al-Albānī appeared unhappy with the intellectual tradition of his time. He was especially opposed to scholarly attempts by some Muslim scholars to justify the prevailing poor conditions of Muslim women in most contemporary Muslim societies. He traced their scholarship on this issue to the aberration of *Taqīd*. Therefore, the aberration of *Taqīd* according to *Shaykh* al-Albānī has made these Muslim scholars' scholarship a product of a completely depleted, worn-out and dried intellectual mindset. *Shaykh* al-Albānī argued that this state of *Taqīd* had made these Muslim scholars to prefer the rulings of their teachers and schools of *fiqh* above the absolute sources of Islam. He particular argued against respecting the opinions of these schools above the Qur'ān and *Sunnah*. His view was that every generation of Muslims must follow only the examples of the early Muslims by turning directly to the above absolute frame work of Islam for guidance.

By turning to the Qur'ān and *Sunnah*, al-Albānī called for the review of the conventional and status quo *fiqh* position of some *Schools* of Islamic Law and their leading scholars on the status and conditions of Muslim women. This is the only way according to him to make it dynamic and to bring it in accord with the status and conditions of Muslim women as found in the *Applicative Sunnah* of the Prophet. This intellectual diagnosis *does not differ* from the submission of most Muslim women in Nigeria and indeed in the entire Muslim world. Actually, it would also be in complete agreement with the views of most feminists, modernists and liberals discussed in this book. They are unanimous in the fact that an extreme religious fervour is currently responsible for what they term the oppressive and discriminatory conditions of Muslim women. Hence, al-Albānī clearly meets the aspirations of not only Muslim women, but also all those concerned with women issues on this score.

This does however not imply in any way that al-Albānī is in support of the feminist and modernist/liberal call for rethinking Islam. Rather, he was merely in support of reviving the reforming intellectual role of Muslim scholars as against the prevailing aberration of *Taqīd* and stultification of Muslim scholarship. Though he was a daring and non-conforming

intellectual who refused to conform to the status quo *fiqh* position on the status and conditions of Muslim women in this regard, he remained a traditionalist to the core. While perhaps, some of his views may belong to the *wasatiyyah* perspective as described in this book but he was not in any way an intellectual liberal or modernist.

One of the distinguishing features of al-Albānī's work is his concern for the contemporary socio-religious status of Muslim women. This is a very important key to the understanding of the work under study. This book has already documented many abuses, sufferings and indignities that characterize in virtually all Muslim societies the socio-religious status of Muslim. For instance, the Newsweek magazine once reported that in a survey of over 15,000 Saudi men and women the findings show that a rising number of people are calling for socio-religious reforms on women's issues.¹¹ This call only confirms what al-Albānī first wrote over half a century ago concerning the same issue. Such reforms would include, granting women permission for driving licences, to practice as legal practitioners and participation in municipal elections. In fact, as stated before in this book, women have on a couple of occasions demonstrated in Saudi Arabia, the *Hanbalī* School of *fiqh* enclave against the denial of some of these rights.

This serve as a vivid justification of the relevance of al-Albānī's work in support of contemporary women issues in Muslim societies. It is also a reflection of the socio-religious and political reforms that the author called for and this call is now reverberating throughout the Muslim world. The most important theme of this work is the socio-religious activism of Muslim women. Al-Albānī has invested great care and to great extent in his book to reveal the socio-religious and political activities of Muslim women in the early days of Islam. This has shown the extent to which within Islamic boundaries allow Muslim women legally to engage in such activities as opposed to the views of those Muslim scholars, who strive to impede Muslim women from partaking. As Muslim women in the area of study and all other part of the Muslim world, are now struggling to recapture these socio-religious and political opportunities in their societies, al-Albānī's work arrives, as a immense liberation especially articulated by a hard core traditional scholar.

The author of the book has shown clearly that Muslim women do not require any form of 'empowerment' outside Islam in order to realize their functions and roles in Muslim societies. A revival of the *Sunnah* of the Prophet is what is required to do this. The Islamic teachings only stipulate *gadd al-basar* or lowering the gaze, by both genders, as practiced in the

¹¹ Newsweek 3 May 2004, 19

early days of Islam, for women to play active roles in Muslim societies. This from the Islamic perspective is essential for the health and function of the human family, as it suffices in serving as protection of the two sexes from the fear of *fitnah*, usually put forward by the scholars, who oppose the public socio-religious and political activities of Muslim women in contemporary society. The fear of *fitnah* is the most important obstacle between women and the realization of their socio-religious rights in the Muslim world, especially in the Arab world, and recent works on Muslim women in Saudi Arabia further articulate this fact. The work is an example of such works that oppose the participation of women in the society because of *fitnah*. The author makes spirited efforts throughout the book to prove that in order to prevent *fitnah*, seclusion, segregation and veiling of Muslim women must be total. The author, Bakr ibn 'Abdullāh Abu Zayd quotes ibn Taymiyyah as follows "Because the woman is obliged to protect and preserve the like of what a man is not obliged to, she is exclusively required to cover and not expose her adornment...and because her appearance before men is the cause of *fitnah* and men are protectors over women".¹² In another piece of work, the author poses the question "How can the the Islamic Law commands covering the head, neck, leg, chest, elbows and feet and will not command covering and hiding the face and it is the worst *fitnah* and most exciting on the gazer?"¹³

The same kind of fear of *fitnah* expressed by the above author caused many Muslim scholars such as Maududi, the founder of the Indo-Pakistani Islamic movement to support the seclusion, segregation and veiling of Muslim women. Though these Muslim scholars like Maududi agreed that it was *gadd al-basar* or lowering of the gaze that is what Islam has stipulated on both the male and female to prevent evil and lewd gaze, Maududi still argued for the imposition of the face-veil on Muslim women due to the aggressive manner in which men usually look at women.¹⁴

In addition to the rule of *gadd al-basar*, there are some vital regulations in Islam meant for the protection of women at work, for the guarantee of their safety, and for the prevention of any possible molestation according to al-Albānī. Among these regulations would be the role saying that a woman should wear a loose and opaque garment that covers her hair and bosoms. A Muslim woman is not allowed therefore not leave her home in tight or transparent clothing which define the shapes and contours of her body, such as jeans, sweaters and T-shirts. In other words,

¹² Bakr ibn 'Abdullāh Abu Zayd, *Hirāsah al-Fadīlah* (Al-Damām: Dār ibn al-jawzī, 2000), 42.

¹³ Ibid., 62.

¹⁴ Maududi, 179-187.

she should avoid wearing anything that may attract men unduly such as strong perfume or tinkle with her adornment. She should not walk with a swinging and jingling sensual bearing. A woman should further similar to her male compatriot only be engaged in a kind of legitimate work that does not violate any Islamic teachings regulating life when away from the home.

In addition, if married, a woman should ensure that her work would not result in any violation of the rights of her husband or children. Muslim women like their male compatriots are also prohibited from all forms of sexual orientations. The numerous Prophetic traditions cited by *Shaykh* al-Albānī clearly support the prohibition of women from trying to resemble men and men from trying to resemble women even in the mere issue of apparel. Similarly, the two genders are forbidden in Islam to gaze at the *'Awrāh* of one another, regardless of whether with or without yearning and of the same or the opposite sex. These regulations as shown by al-Albānī have support in the Qur'ān and the *Sunnah* of the Prophet.

Fundamentally, central to *Shaykh* al-Albānī's views on Muslim women is his call to the Muslim scholars and jurists to shift from their conventional position on the status of Muslim women to re-enact the *Sunnah* of the Prophet regarding these women. Al-Albānī has challenged his learned colleagues to ignore the path of allegiance to Schools of *fiqh*, as leading Muslim scholars embrace, while championing reforms in some political, economic and societal aspects of the *Ummah*, but oppose reforms concerning the conditions of Muslim women. He specifically condemned some leading scholars of his days for upholding the status quo regarding Muslim women though they are convinced of the necessity for reform. He finally attacked their stultification of the Islamic law, which has reduced it to a form without a spirit.

It can therefore be said authoritatively that while al-Albānī has not called for a new Islamic law or *rethinking Islam*, he actually desires a complete break from conventional *fiqh* and a return to the Qur'ān and *Sunnah*. It would therefore seem that to al-Albānī jurisprudence must primarily be a vehicle for implementing the foundational principles contained in the above absolute reference frames in Islam and not merely what was passed down to scholars from their teachers and schools of *fiqh*. To him, a major foundational principle of the Islamic law as found in these reference frames of the Qur'ān and *Sunnah* is compassion or mercy in relation to Muslim women. It is this foundational principle, which makes the Islamic law accommodating to human nature, but sadly appears lost in the minds of contemporary Muslim jurists. The law in Islam is humane, he argues because it is characterized by mercy and kindness more so

regarding Muslim women about whom the Prophet warned his *Ummah* from any form of hardship and rigidity in their affairs. Muslim jurists seem to have forgotten this principle, while they are today preoccupied with imposing penalty and hardship for Muslim women. In this matter, al-Albānī has rightly touched on a major obstacle in the implementation of the of the criminal codes of the Islamic law in contemporary Muslim society, which has become a punitive system for women in Nigeria and many other parts of the Muslim world as this book has.

By turning the criminal codes of the Islamic law away from the deterrent system in respect of muslim women, as it was originally intended, into a punitive system, Muslim jurists have noticeably departed from the teachings of Islam. In a discourse conference between Muslim and European scholars on the doctrine of Human Rights held in Saudi Arabia in 1972, participants clearly spelt out that death penalty for the crime of adultery should only be carried out when the following conditions were meant:

1 The culprit is legally married before the commission of the crime of adultery.

2 if there are of four witnesses at the scene of the sexual act in a manner beyond the possibility of all doubts.

3 The witnesses must be trustworthy people, who have never been condemned or incited of any criminal offence.

4 If the culprits engage in the crime of adultery, in such a way that public order or morality is severely trampled upon as confirmed by the presence of the witnesses and their corroborative evidence.¹⁵

As noted by the conference, it would be extremely difficulty, if not impossible to establish a case of sexual misconduct if these conditions are abided by strictly. Consequently, no single case was established during the time of the Prophet on the evidence of four witnesses and during the over fourteen centuries of Islamic history right from the period of the early Muslims, hardly could fourteen cases be established on the basis of four witnesses. Today however like al-Albānī has rightly noted, meeting the aspirations of Muslim women, the the criminal codes of the Islamic law have become stunted in practice. This because of the way Muslim scholars apply these criminal codes of the Islamic law in many parts of the Muslim world including the Northern part of Nigeria. Among such approaches would be the area of implementing the penalty for fornication and adultery in the Northern part of Nigeria with the verdict of the death penalty passed on Muslim women indiscriminately, even in cases whereby they are not

¹⁵ Doi, 121-124.

legally married at the time of the alleged offence simply due to their being married before.

Another juristic implication in regards to the work by *Shaykh* al-Albānī lies on the numerous Prophetic traditions cited by him that clearly support the prohibition of women and men alike from all forms of sexual orientations. While, they firmly establish that such orientations, as lesbianism and homosexuality are forbidden in Islam, they also demonstrate that it may be wrong and unjust to apply Islamic penalty on the crime to those, who are naturally and biologically inclined to these orientations. This refers to individuals with transsexual inclination, who may from a physical perspective be men, but actually have female nature and vice versa. Similarly, there are no implications in the traditions suggesting that Islamic religious authorities should quietly accept the phenomenon of sexual orientations, as occur in some Muslim societies, where individuals of this nature socialize freely. What this makes known is that those, who are inclined to such orientations outside of their natural volitions, require assistance to overcome their disorder not punishment.

Interestingly, one Islamic authority that recognized this disorder was the Iranian government of Ayatollah Khomeini, which allows people of such orientations to undergo sex change. According to a report of the Independent Magazine, following the recognition of transsexuals as people with sexual-identity disorders by the government, dozens of transsexuals have then been able to openly seek treatment to switch sexes. The government did however not permit sex-change operations based on the mere whims and caprices of these individuals, but rather after careful diagnosis, examination and in fact, even through recommendations by Islamic scholars. In short, gender transaction may be a reforming juristic solution to the gender problems of those, who suffer this disorder due to natural reasons and not merely, because they fancy to resemble people of their opposite sex. People with such ambivalent and confused feelings about their sexes are definitely in need of a clearly defined sexual identity, to be able to live a normal life.¹⁶

Concerning the issue of Muslim women, Al-Albānī has in his work, recorded the lofty and glorious status women enjoyed in early time of Islam. He has made known in this that Islam does not condone the oppressive and harmful practices against women. However, he has also clearly shown that in order to rekindle the past glory of these women, the approach by secular and western feminists, liberals and modernists should not be applied. The first point to be made in this respect is that al-Albānī has clearly revealed that the role of men and women in Islam is

¹⁶ *The Independent* quoted in *The Sun Weekend*, 27-28 November 2004.

complementary. This is not to suggest that he propounds or supports the theory of essentialized gender differences in Islam as upheld by many Muslim scholars today. He does not for instance support the traditional division of labor and by implication space. Rather, Al-Albānī invests enormous effort in his book in documenting the socio-political and religious activism of Muslim women in the early days of Islam. He has shown that Muslim women have legal support in their participating in these activities; hence, he has not relegated them to the traditional feminine indoor and domestic vocation or denied them from partaking in the public space.

Based on the submission of al-Albānī on the above, this book will argue that the prevailing denial of Muslim women from participating in outdoor and public vocations in most contemporary Muslim societies is unIslamic. His views in this respect meet the aspirations of most feminists as according to these feminists, this denial of Muslim women can be traced to the emergence of an extreme religious fervor, which they have termed extremism, fundamentalism, and traditionalism. It is however this extreme religious fervor that holds control in most Muslim societies today from the Arab world to the Indo-Pakistani subcontinent and from the African continent to even the Muslim communities living in diaspora in the Diaspora.

The author also agrees with most feminists that women in Islam are not created simply for the gratification of male enjoyment. This can be observed clearly in his insistence contrary to the view of majority of the scholars that the wearing of gold adornment and use of gold utensils are equally prohibited for both Muslim men and women without any discrimination. He argues that contrary to the belief of many scholars, the traditions prohibiting the use of gold adornments for women are authentic. According to al-Albānī, the texts prohibiting the use of adornments do not set women apart from men in regards to the issue; thereby pointing at one of the objections of feminists that Islam sets women apart only to entertain the physical pleasures of men. It is against this background the feminists like Magida Salman, as discussed above do not view the Muslim women, as equal partners to their husbands. They argue that Muslim women are not in the position to experience sexual pleasure and satisfaction because they only give this pleasure to men. Thus, al-Albānī destroys this destructive line of thinking with his novel objection. He then insists that it is the responsibility of the scholars to correct this erroneous position taken by a majority. In this respect, he actually breaks away from the mainstream view.

The above significance of this Islamic feminist position of *Shaykh* al-Albānī can be seen in the paradigm shift that has taken place both in the Islamic and feminist movement. The advent of what is upheld in this book, as Islamic feminism and as particularly advocated in the writings of Muslim women like Zaynab al-Ghazālī, Fātima 'Umār Nasif and Katherine Bullock as well as the activities of Muslim women in Nigeria supports this. It stands clear that Muslim women are uninterested with both what the western and secular ideas by secular feminism and the traditional perceptions of women upheld by some Muslim scholars offer them. A leading Muslim Imām, scholar and academic in Nigeria in that he says, sums up this view:

The quest by Muslim intellectuals to redirect the worldview of Muslims along the Islamic approach has been receiving serious attention in recent times. The Muslim youths have suffered greatly the dearth of Islamic literature to meet the challenges of sophisticated *jāhiliyyah*. The available literature is written by occidental and west influenced Muslim scholars especially on the status of Muslim women. In order to redirect Muslim thoughts, visions, views and systems along Islamic models, the educational system requires a redefinition for Muslims, who combine both the traditional Islamic education with the modern or western education, are required to articulate and operationalize ...¹⁷

Though a Muslim male scholar expressed the above, it represents the opinion of leading Muslim women in Nigeria as explained in this book by B. Aisha Lemu, Alhajah Lateefah Okunnu Alhajah Bilikisu Yusuf, Mrs Olorode and Mrs Adesina-Uthman. All these women are just some of prominent and leading members of the Federation of Muslim Women Association in Nigeria, (FOMWAN), the Muslim Students' Society of Nigeria and other Islamic organizations. They have expressed this opinion not only responding to the research questions this book has raised but also in some of their various work, papers, write-ups and books that have been presented both in Nigeria and abroad. Some of these writings have been cited in this book. The opinion is also in agreement with the submission of all the Muslim women that responded and participated in this research in different Islamic organizations whether in the various parts of Nigeria covered in the research.

In virtually all parts of the Muslim world, the Islamic Movement, which has been described as both an instrument for change and the manifestation of the Divine Will is fast coming to terms with al-Albānī,

¹⁷ Dr. Abdul Razaq Kilani quoted in Uthman, *Feminism*, vi.

socio-religious reforms about Muslim women.¹⁸ In its struggle to translate the Divine Will regarding women in Islam into reality, which is still an ideal in most Muslim societies, the Islamic Movement has adopted in most of its programmes and policies the reforms suggested by al-Albānī in different parts of the Muslim world. It is most significant that al-Albānī's book was the first of its kind in contemporary society having been first published in 1375 A.H./1955 under the title *Hijāb al-Mar'ah al-Muslimah*. Other books by both Muslim scholars and Islamic movement workers on the conduct and dressing of Muslim women, such as that of Dr. Hasan Turābī, which has been reprinted many times in Nigeria, were written subsequent to al-Albānī's book.

This book therefore can argue that al-Albānī's Islamic feminist reforms are relevant to the policies and programmes of many Islamic movements that are now assigning larger roles to women and hold women in higher esteem. This development reveals how deep, his call for reforms have been felt around the Muslim world as well as how deep it has touched the hearts and souls of all Muslims. Similar, is the case with most members of Islamic organizations in Nigeria such as the Muslim students' society of Nigeria and FOMWAN. Most of the Islamic organizations in the country now incorporate women to all their activities. Even the Muslim students' society of Nigeria, some of whose members are today calling for the segregation of Muslim women still appoint women as female presidents at all levels. This action by the society has made it possible for most other organizations in the area of study to incorporate women participation in virtually all their activities. This book has uncovered a popular opinion among female members of the Muslim Students Society of Nigeria. They explained that for the society to be in the forefront of a dynamic movement for change in Nigeria as it used to be in the past, it must as a matter of urgency especially in the Southwestern part of Nigeria give up what they refer to as its ambivalent and confusing statements.

The accommodation of all Muslim women, some of whom barely cover their hair, with the ordinary scarves on the one hand, and some of whom wear the face-veil on the other hand, to them has always been a major hallmark of the society since its inception. They want this to be maintained for the society to regain his leadership and inspirational role in the society. These Muslim women activists therefore still consider wearing the *Jilbāb* as the prescribed Islamic code of dressing and that the face-veil as a form of attire by Muslim women should not be compulsory.

¹⁸ Khurram Murad, *Islamic Movement in the West: Recollections on Some Issues*, (UK: The Islamic Foundation, 1981), p. 3.

A female member, who subscribes to this view asserts, that this position has been reinforced among most female members of the society since they became exposed to the views of al-Albānī. She believes this exposure, which started around 1997, reached its high at the society's Islamic vacation course held in December 2001 at Otta in Abeokuta. According to her, though at the course the women were not allowed to join in the discussions held on what should be the position of the society on the veiling of the face, the news soon filtered to them. They got to know how the views of al-Albānī were fiercely debated until the society's leaders were forced to acknowledge the substantial evidence of al-Albānī and decided to let the issue of veiling the face die a natural death.¹⁹ Other participants attending the course also support this point, because as women, they wish to gain freedom to be humble, and to be assessed based on their personalities in a dignified, respected manner. The above female member says in this respect, "we want all these brothers to concentrate more on our intellectual and academic qualifications and not just spend their time debating on our physical looks".²⁰

The Islamic National Front (INF) in the Sudan is among other Muslim organizations in the Muslim world, active before the reforms in these movements started and can today be described as representing the Albānīan reforms on Muslim women, ever since his book appeared in 1955. Under the leadership of a man who described himself as a fundamentalist, Hasān al-Turābī, the INF endorsed what Zakaria Bashir has termed the *Mālikī Ḥijāb* and ratified the participation of Muslim women in all public activities including politics. Dr. Hasān al-Turābī argues that the Islamic movement in the Sudan has more than any other Islamic movement anywhere else been cognizant of the lofty roles women can play in the society, hence, an enabling environment has been created for them to play active roles in all spheres of life. According to Zakaria Bashir, an intellectual ideologue of the Islamic Movement in the Sudan, the above statement is not merely theoretical, as the movement has actually surpassed all other Islamic movements in the world on its position concerning an enlarged social role for Muslim women within the movement. These include the tenacious and uncompromising's rights of women to participate even in the political operation of the society.²¹ Another Islamic movement holding similar position concerning the place of Muslim women is the Indo-Pakistan movement founded by Mawdudi. Though Maududi advocated strongly the *Hanbalī* segregation and seclusion of Muslim women, the movement he

¹⁹ Mrs. Mustapha, interview.

²⁰ Ibid.

²¹ Zakaria Bashier, *Muslim women in the midst of change*, 13.

founded is today encouraging many well-educated, articulate and politically conscious women to play active social and political roles.

According to one of the leaders and scholars of the movement in India, Syed Jalāl al-dīn Ansār 'Umrī, women can be active in all public activities, but priorities must be set by them in regards to their family responsibilities and this form of activities.²² Because of this recognition of Muslim women engaged in public work by the movement's leadership, it can be said that perhaps Maududi's advocacy of women's segregation was misplaced, as it was a reminiscent of the Saudi-*Hanbalīan* reason for denying a right granted women in Islam and this in the name of the moral decay in the society. As rightly argued by al-Albānī, any gender-based segregation is unnecessary in the inspection of moral decay and sexual depravity. The movement founded by Maududi, does not only encourage women to place active roles in the society, but also in politics. In fact, women have been appointed to the highest political offices in Bangladesh and Pakistan, the homeland of Maududi, which was actually founded by the Indo-Pakistani Islamic movement, and which called for an Islamic country separate from secular India.

The full participation of Muslim women in politics is not limited to the Indo-Pakistani subcontinent, as witnessed in other Islamic movements such as the Algeria's Islamic Salvation Front (FIS), the Tunisian Islamic movement (TIS) and the *Ikhwān*. In fact, many of these women playing active political roles in their society have been imprisoned at one time or the other.²³ This inhuman and dehumanising treatment of Muslim women activists can be traced to the ordeals of Zaynab al-Jubaylī al-Ghazālī, an ideologue of the *Ikhwān* in its early days in Egypt. She was imprisoned and tortured by the socialist government of Jamāl 'Abd al-Nāsir on fabricated charges.

In regards to the Algeria's Islamic Salvation Front (FIS), praise for its position on the role of Muslim women was obtained from an unusual quarters. Khalida Messaoudi, a secular feminist activist, who was sentenced to death by the FIS, surprisingly gave a powerful testimony of the FIS positive Islamist view of women. In an interview conducted by Elisabeth Schemla in 1995, Khalida, while angry with the FIS believes it has empowered women within its fold. According to her, women have achieved in the FIS what they did not gain from the Front de Liberation

²² Syed Jalāl al-dīn Ansār Umrī, *Women and Islam*, trans. Zeenath Kausar (Aligarh: Idāra-t-e-Tahqeeq-o-Tasnees-e-Islami, 1990).

²³ Najib Ghabbian, *Islamists and Movements in the Arab world: From reaction to reform*, *The American Journal of Islamic Social Sciences*, 12, no. 1 (Spring 1995): 27, 30.

Nationale (FLN), the Algeria's nationalist party. The FIS offered women a place in the society, from which the Algerian Arab traditional practices had banned them. Wearing their veils, these women speak out on issues they are able to defend and uphold. In marriage, they are free from all traditional restraints and they claim their rights both within and outside marriage, as part of the vision of the Islamic movement.²⁴

In a nutshell, the reforms, which al-Albānī calls for in order to empower Muslim women can be said to be reverbrating through the Muslim world starting from the students' society in Nigeria spreading to even the large Islamic movements, which have wide global tentacles. The Albānīan conceptualization of Muslim women depicts Islam as freeing women from all oppressive and harmful practices that reduce them to mere objects for the gratification of men and who at the same time must be caged so as not to threaten the world of men. Hence the Albānīan depiction of female apparel and conduct as is been gradually adopted by the global Islamic movement including the most virile organization in Nigeria—the Muslim students' society of Nigeria. This apparel, presents female dress, as a symbol for freedom and empowerment of Muslim women as opposed to both the western secular pop-culture of postmodern society and the Muslim traditionalist culture of caging the *fitnah* of women. In this lies the chief convergence between the Albānīan reforms and the aspirations of Muslim women from the early days of Islam at the time of the Prophet until today.

²⁴ Elisabeth Schemla, *Unbowed: An Algerian Woman Confronts Islamic Fundamentalism*, (Philadelphia: University of Pennsylvania Press, 1995), 113-4.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

This chapter summarizes the findings of the book and recommends ways of eliminating harmful practices against Muslim women.

According to both the report of the data collected in the study areas and the work of *Shaykh* al-Albānī, the feminist notion that Muslim traditional scholars display a conservative anti-woman posture is not entirely accurate. The interpretation of the abundance textual evidence as well as empirical facts in early Islamic history in support of the rich participation of Muslim women in the socio-religious, political, economic and other key activities of the society is not the result of the modernist and liberal attempts to re-interpret Islamic legacy. The position of al-Albānī differs from that of the likes of Abū Zayd, Fazlur Rahmān, Muhammad Arkoun, and Talal Asad etc. Both the submissions of the *Shaykh* al-Albānī in his *Jilbāb al-Mar'ah al-Muslimah* and Muslim women activists, who participated in this research, belie this claim by the secular feminists and liberals.

On the contrary, the active public participation by women is embedded in Islamic teachings and is not the result of the liberalist and secularist interpretations of Islam and its history. However, one may view the status of Muslim in Muslim societies, whether for the perspective of a secular western feminist, a Muslim traditional Islamic feminist like *Shaykh* al-Albānī or lay-Muslims like majority of the participants and respondents in this research, and it stands clear that the picture is not promising. Muslim women are still being inhibited by many socio-cultural and religious biases from fulfilling their Allah-granted roles in both socio-religious and political arenas. In line with the findings of this research, there is therefore a highly desire among Muslim women activists for more political willpower to redress the conditions of Muslim women. Muslim women in the areas of the study require the kind of political support and leadership once provided by the Sokoto Caliphate.

This may be facilitated once Muslim women are allowed to play leading political roles in the country. Most of the men, both Muslim and non-Muslims, who are seated in the government of their country today have

failed the nation woefully. They have mismanaged and misappropriated the wealth of country and due to this, Muslim women and children in specific have suffered significantly. Perhaps, if these women, who experience the economic woes of country the most, both as women and mothers, would be seated at the helm of affairs, they would be able to lay in place structures that would provide adequately for all people. This would include proper education of women in all fields, especially those fields considered essential to their survival in a modern society by the women themselves. It may also include adequate remunerations and more importantly relief packages for women, who are working. Though many women are working today, while playing their roles both as mothers and wives, they still have other domestic chores, which add to their workload. As the primary homemakers and caretakers, they require these special provisions to be able to combine their dual roles in the society.

The analysis of the socio-religious status of Muslim women in Nigeria contained in this book has revealed that Muslim women welcome the term Islamic feminism and believe the work of al-Albānī would be significant for a long time ahead in assisting redressing the conditions of Muslim women in most Muslim societies. Though the findings of this research cannot be claimed to be representative of the views of all Muslim women in Nigeria, yet it is believed that they reflect largely the views and aspirations of Muslim women in Muslim activists in Islamic societies. Based on the submissions of Muslim women in the Islamic organizations participating in the study, there are many socio-cultural restrictions imposed on Muslim women today in the name of Islam, and these restrictions have no basis in Islam according to the submission by al-Albānī.

Perhaps the most serious of these restrictions according to him is the imposition of the face-veil on Muslim women and their subsequent segregation from the society. Such socio-cultural restrictions make Muslim societies adverse to gender equity, justice and even democratization. It is therefore concluded in this book, based on al-Albānī's work, that Islam is compatible with the empowerment and full participation of women in the society. The religion is not responsible for the restricting socio-cultural practices in most Muslim societies; hence there is no necessity for the western version of feminism that advocates a deconstructive empowerment and liberation of women in Islam. The study also shows that both the opinions by Shaykh al-Albānī and the Muslim women participating in the study oppose the western and secular version of postmodern feminism. The findings therefore demonstrate that Muslim women in Yorubaland appear to support the submission of Ahmed Akbar,

in his writing; *Postmodernism and Islam* that Muslims abhor tight-fitting garments.¹ They thus claim to be proud to adorn themselves with the Islamic modest dress, as described and expatiated upon by Shaykh al-Albānī. Yet, these Muslim women reject the terms, fanaticism, extremists or political Islam that are used to describe Muslims today. They also do not describe themselves, as Islamic fundamentalists, as they believe that the term arose in a Christian context.

Should the meaning of the term imply return to the the early days of Islam, Muslim women may abide with it as they have much to gain from the practices of the golden age of Islam. In reality, they view themselves simply as Muslims trying to revive the authentic teachings of Islam in respect of their gender; hence they place themselves under the definition of Islamic feminism and Islamic feminists in this study. At the same time, these Muslim women also agree with al-Albānī on the necessity to fight against all socio-cultural practices that curtail the participation and activism of Muslim women in traditional Muslim societies. They argue that it is not required to turn into a gender feminist or a fan of gender feminism to appreciate the problems behind its formation. Dismissing postmodern or gender feminism, as many Muslims chose to do, according to Muslim women participating in this study, is similar to ignoring the unjust socio-cultural practices that gave birth to the phenomenon. In their opinion, the images of Muslim women as represented by most secular feminists are existent not because of the teachings of Islam, but because Muslim societies have since long time departed from these teachings as seen in Nigeria, following the colonial destruction of the colorful and glorious Sokoto Caliphate. It is departure from the pristine message of Islam that gave birth to gender feminism.

The truth remains that gender feminism emerged due to people's refusal to respect the rights of women. This is equally true of western societies, where the phenomenon emerged, similar to in Muslim societies, as socio-cultural practices denied women their Allah-granted rights. Hence, in any society, where women are denied their legitimate rights, the people must be prepared to live with the confusion, anarchy and deconstruction of humanity represented by gender feminism. Thus, all the characteristics of gender feminism, such as single parenthood, broken families, trial marriages and homosexuality, which had been common to non-Muslim communities, are now prevalent in Muslim societies. This is simply so as Muslim societies are now characterized by oppression of Muslim women as revealed by the work of al-Albānī under study and the findings of the data collected in Yoruba land, Nigeria. In Nigeria generally

¹ Akbar Ahmed, 154-193.

and the North in particular, this situation is evident from the treatment of women in the Islamic Courts in the North of Nigeria and to some extent in the customary courts in the South, especially in respects of divorce proceedings, inheritance practices and the discriminatory implementation of the criminal codes of the Islamic law.

Muslim women speak out against the conditions of Muslim women within the context of these oppressive and discriminatory socio-religious and cultural practices. They do not oppose authentic tenets of Islam, which they not only believe in but also uphold as the best for both men and women. They are in short challenging the socio-religious status of Muslim women because of their unflinching faith and belief in the message of Islam. In fact, they accuse most of the scholars of condoning the discrimination against women. Thus, the submissions of Muslim women concerning this important issue of the stultification of *Fiqh* in Nigeria and the failure of Muslim scholars to play a reforming role is in total agreement with the views of *Shaykh* al-Albānī, the author of the book examined in this research. It also demonstrates vividly that the author has indeed touched the souls and minds of Muslim women. *Shaykh* al-Albānī's work might not have been translated into English, the official language in Nigeria or the Yoruba language, but its relevance to the area lies in its salient feminist notions, which match the socio-religious issues in Yoruba land as revealed by the findings of interviews conducted in this research.

The students of *Shaykh* al-Albānī in Nigeria who have propagated his work and its intellectual legacy, especially on women issues, through talks, lectures, symposia and even public debates, further accentuate the relevance of contributions to the advancement of Muslim women. Many Muslim women therefore today find the reforming ideas contained in his book very realistic and practical. This is not so much because the work is introducing new ideas found in the teachings of Islam, but rather because people are not sufficiently aware of such revolutionary notions and most importantly because most Muslim scholars are mostly unwilling to concede to women their socio-religious and political rights that Islam has granted. ~~oming~~ coming from a traditional Muslim scholar generally perceived by secular and western feminists as a fundamentalist, extremist and fanatic among other derogatory titles; the revolutionary ideas of the author confirm that Muslim women do not require secular and western brands of emancipation, which are embedded in a western materialistic and consuming liberalism.

This is the key to understanding the position of the Muslim women and their brand of Islamic feminism discussed in this study. Because of al-Albānī's departure from the mainstream and conventional juristic position

concerning many women issues in Islam, some people may prefer to label him a liberal or modernist Muslim scholar, similar to many Muslim scholars. It would not be correct however for this researcher to place al-Albānī in the group of liberal or modernist feminists. Al-Albānī never subscribed to Islamic liberalism or modernism. For instance, in his opinion, Islam has not "produced certain solutions for certain problems in a certain place" similarly, he did not recognise that these solutions are not meant for modern and 'subsequent places and times'. *Shaykh* al-Albānī further did not approve of the hermeneutic methodology taking apart the meaning of the *Qur'ān* and *Sunnah*. Rather, he absolute and sought to preserve the Islamic laws contained in the unconditional sources of Islam without restricting these laws to their historical contexts. In regards to his position as a scholar he was also not placed in the *wasāliyyah* or moderate group because he resolutely defended the veil that completely covers the head and face as well as the bosoms of Muslim women, though he objects to its harsh imposition on the women.

This, his position also sets him apart from the traditionalists concerning this issue. It can therefore be said with assurance that al-Albānī can be described, as an Islamic feminist based on his submissions on gender issues in this book under study. He criticized the Muslim scholars, who are in support of the obligation of the wearing of the face-veil by Muslim women and do so as the answer to eradication of *fitnah*. In his views, they have abandoned the true and authentic Islamic tenets as revealed by Allah and explained by His Prophet. He asserts that the tradition of suppressing Muslim women has led to two forms of extremism, the first imposes the face-veil as a condition for being considered a true Muslim woman, while the other cherishes the practices of *tabarruj al-jāhiliyyah al-'ulā*, which have both emerged in the Muslim world and are flourishing.

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APPENDIX A

This section contains samples of the questions prepared for distribution to the interviewees, who agreed to participate in this research work.

INTERVIEWS QUESTIONS GUIDE

A: GENERAL QUESTIONS

1. What is your appreciation in regards to the status of Muslim women in Yoruba land?
2. Are you familiar to the book *Jilbab al-Mar'ah al-Muslimah* by *Shaykh al-Albani* and what is your view of it?
3. What is your opinion in regards to wearing face-veil?
4. What are your perspectives in regards to the operations by the Islamic Law Operators in Nigeria especially the criminal law on fornication and adultery as it affects women?
5. How do you perceive polygamy and are you in support of a man taking more than one wife?
6. What is your opinion in regards to a case of rape, in terms of its affect on women?
7. What is your view of wife beating, circumstision/female genital mutilation and segregation of women and the Islamic Law?
8. What is your understanding concerning the issue of child custody after divorce in Nigeria?
9. What is your opinion concerning the care of the home and public or paid employment for women outside the house and what do you consider as the best paid work or profession for a woman, and if it is good for her to work outside the home?
10. Are you in support of employment of housemaids in the house and placing your children in day care centers?
11. What is your opinion on the issue of the dress code for Muslim women for use both inside and outside the home, according to Islamic Law?
12. What are your reasons behind your opinion in regards to the dress code set by the Islamic Law, political, cultural or religious?
13. In your opinion do Muslim women receive positive or negative reaction for this your choice of dress code based on the Islamic Law?

14. In your opinion is the dress code based on the Islamic Law the cause for Muslim women to be oppressed and less free than other women?
15. In your opinion does this ideal dress code call for special attention to Muslim women at work and /or in the street?
16. What does this ideal dress code symbolize for you and do you think it symbolizes the same thing for Muslim women, who adopt it?
17. In your opinion are women morally more carefree than men and would that be the reason for them to be required to be more covered than men in Islam?
18. In your opinion are men and women of the same or different natures and why?
19. In your opinion should women be restricted in any form due to their nature?
20. What is your view in terms of co-education and use of joint offices by men and women?
21. Are you in support of Muslim women participating in politics and if yes, at what levels?
22. Could you provide general comments on the changing roles of Muslim women in Yoruba land?

B: FEMALE QUESTIONS

1. Are you in support of Muslim women, who work, or seek employment outside home and why do you?
2. Are you working and why do you opt to work?
3. Are you in favor of your work ahead of being a full time housewife and why?
4. Is your husband in support of your working outside the house?
5. What are the does your job impinge on your marriage and do you see any conflict between your work and your marital life?
6. What is your estimation of your time spent on household chores?
7. Do you wish to see any improvement in your work situation and marital chores or are you satisfied?
8. Do you experience any problems in bringing up your children and do you think that you spend enough time for them?
9. Do you keep any house-helper or servants?
10. Does your husband assist in taking care of the children, in cooking and other household chores?
- 11 In what manner are decisions taken in your family?
12. If you were to choose between your family and work, what would be your preference?

13. How understanding are your employers to you as a working mother?
14. How understanding is your husband to you as a working woman?
15. Do you often experience dissatisfaction in your work and wish to see a change or do you wish to discontinue your work?
16. Do you often experience dissatisfaction in your marital life and why?
17. Do you think you receive sufficient of sleep, eat, play and rest well?
18. Do you think your relationship with your colleagues with your relations and family friends is satisfactory?
19. What age do you consider as marriageable age for women in Yoruba land?
20. How do you view pre-marital and extra-marital sex and the punishment for the two?

APPENDIX B

This section contains short notes in regards to the interviewees, who responded to some or all of the various questions contained both in the guide for general interview-questions for both Muslim men and women and the guide for specific interview-questions only for the Muslim women as in the above and who have not requested anonymity.

The late *Shaykh* Dr. Abdul Hakīm Abayomi, who passed away shortly before 1425 A.H. *Ramadan* was one of *Shaykh* Muḥammad al- Albānī 's students in Nigeria and was interviewed by this writer at his school *Da'wah* Academy in Lagos state in May-June 2000, may Allāh have mercy on him. This writer also held series of informal discussions with him before and afterwards the interview.

Abdul-Akeem Apempe was a former *Amīr* of Ondo State University Ado-Ekiti and currently a Lecturer at the same university, where he is completing his postgraduate programme at the New Castle University in the UK. He responded to the e-mail interview questions forwarded to him.

Abdur-Rahman is a Professor of Geology at the Obafemi Awolowo University, Ile-Ife and the chairman of the University Muslim community at the time of the interview which this writer was granted in his office on 15th March 1998. Series of informal discussions were also held with him by this writer afterwards.

Abdul-Waheed Badmus was a staff at the University of Ibadan, Oyo State until his current studentship at a University in Belgium, where he is completing a postgraduate programme. He responded to the e-mail-interview questions forwarded to him on Nov 12th 2004.

Barrister Abdul-Waheed Lawal is a lawyer with the Ministry of Justice, Oyo state at the time of the interview in April 1998 and both formal and informal discussions were continued with him till May 2003.

Dr. Abubakar Sanusi is the Chief Imam of Obafemi Awolowo University Muslim Community and a Senior Consultant in *nephrology* at the Obafemi Awolowo University Teaching Hospital Complex at the time of the interview in his campus residence on the 18th February 1998.

Mrs. Adesina-Uthman was the former *Am ĩrah* and Vice-president (female) of the Muslim students' society of Nigeria, Oyo state chapter and the Secretary of the Student Union government at the former Ibadan Polytechnic, Esa-oke Campus. She is currently a M. Sc student at the

International Islamic University, Malaysia. Series of interviews (both formal and informal on the topic of this research) were held with her on the 13th February 1998 in Ede, the 23rd January 2004, and the 26th September 2004.

Alhājah Chief Mrs Adewusi is the Female President of the Osun State FOMWAN and an interview was held with her by this writer at the FOMWAN secretariat in Osogbo on 6 February 1998.

Mrs. Ajibade is the Female President of Qudratullahi Society of Nigeria, OAU Chapter and a staff of Obafemi Awolowo University at the time of the interview in her office on 17th March 1998.

Mrs. Akinyemi is a senior teacher with over five years teaching experience and married with children. She is an active member of the MSSN married women forum in Ibadan and was interviewed by a research assistant on the 3rd July 2003.

Mrs. Alarape is a senior civil servant with the Oyo State Government and was the Female President and Vice-President (female) of the Muslim students Society of Nigeria, Oyo state chapter at the time of this field research. Series of informal and formal discussions were held with her by this writer between 2000 and May 2003 before leaving Nigeria and an interview was conducted with her by a research assistant on the 14th July 2003.

Mrs M. Badmus is currently concluding her Phd research at the University of Ibadan and was the B Zonal Female President of the MSSN at the time of the interview in May 1998.

Miss Basirat Adesina was interviewed by the researcher in her sister's residence in Ibadan on 24 May 2000 when she was a secondary school student.

Dhikrullah Abdul Ganiyyu was a one time *Am ĩr* of the Muslim Students Society, Esa Oke, Osun State in Nigeria and currently an Achitect working in Akure, Ondo State, Nigeria. He responded to the e-mail-interview questions forwarded to him on 18th December 2004.

Dr. Mrs. Durosimi is a lecturer at the Obafemi Awolowo University, Ile-Ife, the current Natinal *Am ĩrah* of the FOMWAN and the President of the Association of Muslim Professionals in Osun state at the time of the interview conducted with her in her office on the 15th February 1998.

Mrs. Giwa is the Amirah of FOMWAN, Osogbo Chapter and the General Manager, NICON, Insurance Company, Osogbo.

Ibrahim Abikan Abdul Qadir is a Barrister and General Advocate at Law in Nigeria and at the same time a lecturer in the faculty of law, University Of Ilorin, Nigeria. He was interviewed on the 5th January 2004

at the International Islamic University, Malaysia, where he is currently writing his PhD research in the Kulliyyah of Laws.

Dr. Ishaq Olatubosun Tijani was a lecturer at the department. of Arabic and Islamic Studies of the premier University in Nigeria, University of Ibadan and has just been granted his PhD at the University of Edinburgh UK. He was interviewed through the email in July 2004.

Dr. Lateef Sanni is a senior lecturer at the University of Abeokuta Nigeria. An e-mail-interview question was forwarded to him but he responded together with Dr Richardson Okechukwu of the International Institute of Tropical Agriculture, Ibadan, Nigeria on 22 Nov 2004.

Mrs. M. S. Olorode is a professional secondary school teacher of seven years experience. She is married with three children and resides in Ilorin with her husband who is medical doctor with the University of Ilorin teaching hospital. At the time of the interview conducted with her by a research assistant in June 2003, she was teaching at Iyana Ofa Comprehensive High School, Ibadan, and also responded to email interview questions forwarded to her on 8th November 2004.

Mrs. Monsurat Mustapha was a teacher and the Muslim Community Unity Nursery and Primary School in Akure at the time of the interview and was interviewed together with her husband in her residence in May 2003. Prior to these interview series of both formal and informal discussions were held with the couple, at various occasions.

Mrs. Muhammad is a lawyer and teaches law at the Federal Polytechnic Ede and a member of Women living under Islamic law. An interview was conducted with her in her office by this writer in March 1998.

Prof. D. O. S. Noibi was at various occasions a Professor of Islamic Studies at the University of Ibadan, Editor with the London-based Iqra Trust, and a consultant on various Islamic issues both in Nigeria and abroad and is currently attached to the Muslim College, London. He presented a talk to the Muslim Students Society, University of Ibadan Branch, when this writer was the *Am ĩr* (1991-1992). Numerous formal and informal discussions were held with him both during and after the studentship of this writer at the University of Ibadan.

Nosiru Onibon is a lecturer in the Department of Languages, Lagos State University but currently on study leave at the International Islamic University Malaysia. An interview was conducted with him on 4th November, 2004.

Mrs. Omotosho is a senior teacher with seven years experience and married with three children at the time of the interview. A research assistant interviewed her on 14th August 2003.

Mr. Oseni is currently a senior teacher in the federal Ministry of establishment, Nigeria, the Proprietor of Unity International Nursery and Primary School and Heritage College of Arabic and Islamic Studies, Odoona, Ibadan and the *Am ĩr* of the Muslim students' society of Nigeria, Oyo state chapter at the time of the interview. He was interviewed formally at his schools and the MSSN activities on the 24th February 1998, 16th March 2001 and 28th May 2002. Other series of discussions were held with him both formally and informally at various occasions.

Alhājah Sariat Olaoye is the *AmĒrah* of FOMWAN in Ede North Local government, and was interviewed at the FOMWAN secretariat on the 6th February 1998

Mrs. R. Raji is also is a senior civil servant with the Oyo State Government and a former *Am ĩrah* and Vice-President (female) of the Muslim students Society of Nigeria, Oyo state chapter (1991-1993). Series of informal and formal discussions were held with her by this writer between March 1999 and May 2003 and an interview was conducted with her by a research assistant on 17th July 2003.

Dr. Imam Taofeeq Azeez is the Chief Imam of University of Agriculture's Muslim Community and at the same time a senior lecturer in the University department of General Studies. He is currently on sabbatical leave at the University of Abuja. He responded to the e-mail-interview questions forwarded to him on 21st Dec 2004.

Imam Tawfiq Abdul Hamid is a lecturer at the Department of Electrical Engineering Federal Polytechnic Ede and the Chief Imam of the Muslim community of the institution at the time of the interview. An interview was conducted with him by this writer in his office in March 1998.

Mrs Umar Mudathir Niyi Umarudeen was a former lecturer at the Ogun State University and currently a secondary school teacher in Ibadan, Oyo State and the Proprietress of Al-Iklas Nursery and Primary School at the time of the interview conducted with her in her office at her Nursery and Primary School in Ibadan on 15 May 1998.