

THE CHANGING ROLES OF MUSLIM WOMEN IN SOUTH AFRICA

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DECLARATION

The Registrar
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Dear Madam

I, ZUBEIDA BUX, hereby declare that the dissertation entitled

“The Changing Roles of Muslim Women in South Africa”

is the result of my own investigation and research and that it has not been submitted in part or full for any other degree or to any other University.

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INTRODUCTION

To activate change in any society is a tremendous challenge, but to activate change in the minds of a secular society dominated by patriarchal Western ideology about the role of a religious female minority is decidedly more so. Fortunately, the writer of this thesis lives in a society that has been universally applauded for its recent commitments to political and social change. South Africa, during the past decade, has been characterised by extraordinary advancements made in the political arena, social structure and even human social welfare.

From a nation condemned for its draconian policies of segregation steeped in racial and cultural intolerance to a nation widely condemned for being at the forefront of human rights activism, South Africans have indeed been witnesses to an almost miraculous transformation. If nothing else, the revolutionary shift in the country's political discourse is testimony to the world, that even the most repressive of mindsets are capable of being altered once a commitment has been made for change.

South Africa's governance at present is premised on principles of freedom, equality and justice as embodied in what has often been hailed as one of the most progressive Constitutions in the world - a far cry from the value system of the previous regime. In this brand new Constitution a commitment has been made for the first time to achieving not only racial, but gender equality as well. Prior to this, under the abominable Apartheid policies that were based on hatred, intolerance and White male supremacy, Muslim women were subjected to discrimination on a number of fronts.

Firstly, as most South African Muslims fall into non-White classifications, Muslim women were the objects of racial hatred. Secondly, the ruling Afrikaner minority proclaimed themselves as staunch Christians, thereby providing the basis for religious intolerance towards all non-Christians. Finally, until 1994, women themselves irrespective of race were granted inferior status by the law. Thus, post the first democratic elections in 1994, South African women were classed as a disadvantaged group because of prior non-recognition in almost all spheres of economic, political and social life.

The newfound commitment to equality has therefore created certain expectations, opportunities and challenges for all South African women, including our Muslim sisters. The rights contained in the Constitution are representative of South Africa's first real commitment to achieving substantive equality between the sexes. This includes an affirmative action mandate in the Bill of Rights which calls for attempts to redress the imbalances that exist as a direct result of previous patterns of racial and gender discrimination.

This creates new opportunities for women to move into more recognisable and functional spheres of social, political and economic life, thereby facilitating greater women empowerment programmes. The woman's voice in South Africa can no longer be coerced into silence. Instead a revolution has occurred granting her freedom to express herself vociferously and triumphantly.

The equality clause, cultural and religious freedom, and freedom of expression of clauses in the Bill of Rights all provide strong platforms enabling Muslim women to participate in the rebuilding process while retaining their Islamic identity. Theoretically, we no longer need to fear being ostracised, ridiculed or slighted if we choose to practice Islam in public, e.g., the use of the *hijāb*.¹

Even prior to liberation, a few South African Muslims stood out as dedicated activists in the pursuit of democracy. While the dominant force of the struggle was the spirit of the Black male, many Muslim women, most notably Professor Fatima Meer, were at the forefront not only as supporters for their husbands, but as powerful voices in their own right as well. As we look to the future, we must recognise that there are many challenges to be overcome if Muslim women are to continue as active participants in nation and community building. Years of patriarchal oppression and misinterpretation of the *Holy Qur'ān* and *Ḥadīth* have instilled a sense of demoralization among many Muslim women. Low self-esteem is the greatest hurdle to be tackled if we are to effectively reach out to our sisters. Muslim women need to be empowered and convinced of their innate potential and ability to make vital contribution towards progress in a society still recovering from decades of political upheaval and change. While the Constitution has undoubtedly created tremendous scope for religious and gender reform, we also need to address the reality that the codification of equality principles has not resulted in an automatic end of discriminatory practices.

¹ *Hijāb* refers to the Muslim women's covering of their entire bodies, head and hair with the exclusion of their faces, hands and feet when they step out of their homes to be in public places.

Women continue to occupy the lowest paid, least influential and least secure positions and are more likely to be victims of poverty, unemployment and sexual violence than men. It is naïve to think that the results of centuries of misogynist attitudes can be eradicated in a handful of years with a single document. This, therefore, means that in activating the participation of women in society, men will need to be enlightened as well. Many South African men still cannot see beyond the image of women as subservient, submissive sexual objects.

The reactionary attitude of many males to a recent series of anti-rape advertisements depicting South African men as the dominant perpetrators of sexual violence, signified just how far off they are from accepting responsibility for their role in the subjugation of women. South African Muslim women will no doubt be exposed to a range of Western discourses on feminine issues. The challenge for us is to ensure that our response to these ideologies is tailored by our commitment to abide within the framework of gender relations inherent to our *dīn* (religion). The reassuring news is that the transformation of South Africa into a democratic government has created a conduit for the resurgence of Islamic religious ethos in South Africa. Muslim women and men are trying to assert their religious identities and gain potential recognition to ensure their survival in the new South Africa.

In the past, Muslim women in South Africa have essentially been excluded from involvement in policy/decision-making, property laws/ inheritance laws, divorce laws, public roles, politics, etc., in South Africa. There have been few exceptions. Prominent Muslim female personalities like Professor Fatima Meer and Amina

Cachalia were actively involved in the struggle against the Apartheid regime. Subsequently, in post-Apartheid South Africa, we find that Muslim women have not been restricted to the role of housewives, but have become career-orientated and are determined to actively participate in the collective life of the professionals as educators, lawyers, magistrates, social workers and counsellors. However, the fact is that Muslim women professionals represent a minute percentage in our country and this is an unfortunate reality.

This research proposes to explore the social conventions and norms that may have impeded Muslim women from entering the public arena. These may be either on religious or cultural grounds. I will examine these issues so as to expose the religious and cultural myths that may have largely been responsible for the exclusion of Muslim women from participating in civil society.

Muslim women need to come up with alternative strategies and solutions to problems that are unique to their community. Unlike the approaches of their counterparts in the West, these strategies need to be broadly inclusive. When we talk about women's rights from the Islamic perspective we cannot talk about these rights out of the context of the family, community, and national and international development.

This study will be of immense relevance to Muslim women residing in South Africa in that it proposes to explore why Muslim women in general have not participated in public life. Since our Constitution accords gender equity to all citizens, there are misconceptions about the status of women in Islam. It is thus imperative to tackle

the issue of the status of Muslim women and the roles that they can play in public life.

Since Muslim women constitute more than half of the total Muslim population in South Africa, the writer of this thesis inclined towards holding the view that our country should benefit from their talent and hence the need for this research so that the records can be set straight and Muslim women could be empowered to occupy their rightful place in society.

Chapter one of this thesis deals with the status of women in the light of Islamic teachings. Some of the issues that are discussed pertain to whether Muslim females ought to be educated, whether they are allowed to attend the congregational *ṣalāh* (prayers) in the *Masājid* (Mosques), the Islamic dress code, polygamy, and the economic rights of Muslim women.

Chapter two, on the other hand, touches upon a problematic issue, namely, the Muslim feminist perspective on the status of women in Islam. The views of two prominent Muslim feminists, namely Riffat Hassan and her protégé, Amina Wadūd-Muḥsin are discussed. They raise issues pertaining to the interpretations of Islamic sources and the equality of men and women in the *Holy Qur'ān* and *Ḥadīth*. An attempt is made in this particular chapter to assess the relevance and validity of their views.

Chapter three sheds light on the roles of some prominent Muslim women in the political struggle in South Africa.

Chapter four focuses on the challenges confronting Muslim women in South Africa in the context of asserting themselves in every facet of religious and social life.

Chapter One

THE STATUS OF WOMEN IN THE LIGHT OF ISLAMIC TEACHINGS

INTRODUCTION

The status of women in Islam is the same as that of man. Injunctions about honour and respect enjoined for one sex are enjoined equally for the other sex. As far as rights in this world and rewards, there is in no difference between the sexes. In the organization of daily living, both are equal participants and partners. Yet, Islam sees man as man and woman as woman. Considering the natural differences, Islam advocates the principle of the division of labour between the two sexes rather than the equality of labour.

1.1. EDUCATION

It is generally believed that Muslim women are not encouraged to receive an education. However, the Prophet Muḥammad (s.a.w.s.) made women integral to his plan for Muslim education and learning when he declared:

*“The search for knowledge is a duty for every Muslim male and female”.*²

² As quoted in Doi, A.R. *Women in Shar‘īah*. (1990). Malaysia. A.S. Noordeen, p. 138.

From the above, it is clear that, in Islam, both men and women have the capacity to study, understand and teach. Women were encouraged to study the *Holy Qur'ān* and the *Ḥadīth* (sayings and precepts laid down by the Prophet Muḥammad - s.a.w.s.) during the Prophetic era. One of the primary aims of acquiring knowledge is to enable one to become more *Allāh*-conscious (SWT). Islam considers that the more a person, male or female, studies the creation and its workings, the more he or she would appreciate the Divine Being who originated and sustains all creation.

In the Muslim world, during the early and mediaeval times, there was no prohibition on women pursuing education. She was actually encouraged to do so. As a result, a number of women became famous religious scholars, writers, poets, doctors and teachers in their own right. A descendent of *Sayyidunā* 'Alī (r.a.), namely Nafisah, was such a great authority on *Ḥadīth* that even the likes of *Imām* al-Shāf'ī sat in her circle in al-Fuṣṭāṭ when he was at the peak of his fame³. *Shaykah* Shuhdah, designated *Fakhr al-Nisā* (The Pride of Women) publicly lectured in one of the famous *Masjid* of Baghdad to large audiences on literature, rhetoric and poetry, and she was also one of the foremost Islamic Scholars.⁴ Amongst the most famous women in the history of Islam is *Sayyidatunā* 'Ā'ishah (r.a.), the Prophet Muḥammad's (s.a.w.s.) wife. She is especially remembered for her intelligence and is even considered to be one of the most reliable sources of *Ḥadīth*. The Prophet Muḥammad (s.a.w.s.) is reported to have advised Muslims that they could rely upon *Sayyidatunā* 'Ā'ishah (r.a) for half of their religious instruction⁵. *Sayyidatunā*

³ *Women in Shar'iah*, op. cit., p. 252.

⁴ Shalaby, Ahmad. *History of Muslim Education*. Beirut. Dār-al-Khashāf. 1954, p. 193.

⁵ Azzam, S. *The Challenges of Islam*. London. Islamic Council of Europe. 1978, p. 251.

‘Ā’ishah (r.a) used to praise the women of the *Anṣār* (the Helpers of the Prophet Muḥammad - s.a.w.s. - in Madīnah) with the following words:

How good were the women of the *Anṣār* that they did not shy away from learning and comprehending religious matters.⁶

Muslim scholars recognised *Sayyidatunā* ‘Ā’ishah’s (r.a) proficiency in various fields of learning and praised her highly. She was versed in poetry since she was the daughter of *Sayyidunā* Abū Bakr (r.a.) who himself was very eloquent and a great literary figure, but what is surprising is her profound knowledge of medicine. Historical evidence exists that whenever the foreign delegations came to the Prophet Muḥammad (s.a.w.s.) and discussed various remedies for illnesses, she used to remember them. She was also equally well versed in mathematics and the *Ṣaḥābah* (Companions of the Prophet Muḥammad - s.a.w.s.) used to consult her on the issue of *mirāth* (inheritance) and the calculation of the shares. Moreover, *Sayyidatunā* ‘Ā’ishah (r.a.) had a very sharp memory and memorised and transmitted a number of *Aḥādīth*. She survived the Prophet Muḥammad (s.a.w.s.), and lived for fifty years after his demise and was instrumental in teaching a large number of people and all benefitted from her knowledge in the Islamic Sciences.⁷

⁶ Al-Qushayrī, Muslim bin al-Ḥajjāj bin Muslim. *Ṣaḥīḥ Muslim*. Cairo. Kitāb al-Sha‘b. N.D. Kitāb al-Hayḍ. Vol. 1, p. 629.

⁷ Siddiqi, M.S. *The Blessed Women of Islam*. Lahore. Kazi Publications. 1982, p. 32.

Another notable Muslim female scholar was Umm ‘Atiyyah. Some *Ṣaḥābah* and learned scholars among the *Tābi‘ūn*⁸ used to come to her to learn various aspects of Islamic jurisprudence from her in Basrah. She also narrated many *Aḥādīth* of the Prophet Muḥammad (s.a.w.s.). Imam al – Nawawi had this to say about her:

“She was a scholarly *Ṣaḥābiyah*, and one of those who went on *jihād* with the Messenger of *Allāh*”⁹.

Umm al–Dardā’ (r.a.), the wife of the famous *Ṣaḥābī* Abū al–Dardā’ (r.a.), was so learned in the Science of *Ḥadīth* that *Imām* al–Bukhārī, one of the compilers of the *Ṣiḥāḥ Sittah*, made reference to her in his compilation as an authority on *Ḥadīth*. Ibn ‘Abd al–Bār calls her “an excellent scholar among women, and a woman intellectual, being at the same time extremely religious and pious.”¹⁰

Fāṭimah Bint Qays (r.a.) was also a scholarly lady in the early days of Islam. Her learning was so deep that she was engaged in discussing juristic issues with *Sayyidunā* ‘Umar (r.a.) and *Sayyidatunā* ‘Ā’ishah (r.a.) for a long time and they could not change or challenge her views. *Imām* al–Nawawī says: “She was one of those who migrated in the early days, and possessed great intellect and excellence”¹¹.

⁸ This refers to the people who met the Companions (r.a.) of the Prophet Muhammad (s.a.w.s.) and did not actually have the opportunity to directly meet the Prophet (s.a.w.s.) himself.

⁹ *The Blessed Women of Islam*, op. cit., p. 135.

¹⁰ *Ibid*, p. 163.

¹¹ *Ibid*, p. 156.

The list of learned women is replete in the history records of the early days of Islam and that testifies to the fact that women were not kept illiterate and ignorant, but rather were fully encouraged to participate in the process of learning and scholarship. They also knew their rights and responsibilities very well. There were occasions when some women even challenged great scholars of their times if they said something which contradicted the rights accorded to women by the *Qur'ān* and the *Sunnah*.

However, any discussion about the education of women would not be complete without considering what type of facilities should be provided so that Muslim women may not only acquire knowledge but also combine it with high moral qualities that Islam seeks to inculcate in the future mother's of the *Ummah*.

Insofar as religious knowledge is concerned, its acquisition is obligatory for both men and women. But even in the case of education in other branches of human knowledge, there is absolutely no prohibition in the Prophetic traditions regarding its acquisition. Hence, Muslim girls have every right to pursue primary, secondary and tertiary education with the proviso that proper arrangements are made for them to receive instruction without free intermingling with male students.

Countries like Saudi Arabia, Iran and Pakistan, have recently started specialist educational institutions for women up to University level. King 'Abd al-'Azīz University in Jeddah, Saudi Arabia, has even set up a medical college for women which is being run and taught by females only.

It is thus imperative that Muslim women avoid looking at themselves as inferior beings and evolve a new educational system that is more in line with their own rich Islamic legacy.

1.2 WOMEN IN THE MASĀJID (MOSQUES)

The Prophet Muḥammad (s.a.w.s.) granted permission to Muslim women to attend the *masjid* and pray standing behind the rows of men. He even advised his *Sahabah* saying:

Do not prevent the female servants of *Allāh* from going to the *masjid*.¹²

And husbands were specifically told by him:

When your womenfolk ask you for permission to attend the mosque at night, do not prevent them.¹³

Of course this permission to attend the mosques was on the condition that women strictly observe the various restrictions imposed upon them by the *Shari'ah* regarding dress code, etc, and it is known that that the Prophet Muḥammad (s.a.w.s.) considered it preferable for women to pray in their own homes rather than attend the

¹² Khān, Muḥammad Muḥsin. *Ṣaḥīḥ al-Bukhārī*. Arabic-English. Turkey. Hilāl Yayinlari. 1974. Vol.2. Hadīth no. 23, p. 10.

¹³ Ibid. Vol. 1 Hadīth no. 824, p. 456.

mosques. There is also a clear *Ḥadīth* of the Prophet Muḥammad (s.a.w.s.) in which he encouraged women to offer their prayers inside their houses:

The best mosques for women are the inner parts of their houses.¹⁴

Since the Prophet Muḥammad (s.a.w.s.) had not forbidden women to attend the mosques, they continued to come to the mosques. But after his demise it became increasingly clear that it was not in keeping with the dignity and honour of Muslim women to come to the mosques for prayers, especially at night, because men, being what they were, would tease them. Therefore, the *Khalīfah Sayyidunā* ‘Umar (r.a.) told women to avoid coming to the mosques, but to offer their prayers inside their own houses. The women of Madīnah resented this prohibition and complained to *Sayyidatunā* ‘Ā’ishah (r.a.), but received a fitting reply from her:

If the Messenger of *Allāh*, may *Allāh* bless him and grant him peace, had seen what women do now, he would have forbidden them to go into the mosques, just as the women of the Banī Isrā’īl were forbidden.¹⁵

Now, what *Sayyidatunā* ‘Ā’ishah (r.a.), said by way of admonition was in the context of what happened immediately after the death of the the Prophet Muḥammad (s.a.w.s.). But what is happening today 1400 years after his (s.a.w.s.) demise is much

¹⁴ *The Blessed Women of Islam*, op. cit., p. 112.

¹⁵ Malik, Ibn Anas. *Al-Muwaṭṭa*. English Trans. by Aisha Abdurrahman Brewley. London. Kegan Pane International. 1989. *Ḥadīth* 14.15, p. 75.

more serious in the context of modern fashions and manners. It would have shocked *Sayyidatunā* ‘Ā’ishah (r.a.), beyond measure and she would have reinforced her admonition. Be that as it may, the fact remains that the Prophet Muḥammad (s.a.w.s.) did grant permission to women to attend the mosques.

In the modern world a new situation has arisen. There are many Muslims living in Western countries, and Western culture and fashions have affected women, even in the East. In addition, the economic tyranny of today has forced many women to work in factories and offices to earn their living. These developments have largely contributed to making many Muslims neglectful of their prayers. Muslim women have to find ways and means of encouraging each other to be particular about their prayers. With due respect to what the *Khalīfah Sayyidunā* ‘Umar (r.a.), and the Mother of the Believers, *Sayyidatunā* ‘Ā’ishah (r.a.) said, it is imperative in today’s context to resort to the original Prophetic tradition, that is, permitting Muslim women to attend the *masājid* to offer their prayers, subject to all the restrictions laid down by the Prophet Muḥammad (s.a.w.s.) about their dress code, etc.

People generally learn by example. Therefore the chances are that, if women started coming to the mosque for prayer, a social pressure would start building up that would make Muslim women feel the urge to come to the mosque to offer their prayers and give up their neglectful attitude. However, proper arrangements would have to be made for Muslim women to attend the mosques. They must not be allowed to intermingle freely with the men, and their rows must be kept separate from those of

the men. However, it would be better to have them accommodated in separate sections of the mosques with separate entrances.

It is well known that during the lifetime of the Prophet Muḥammad (s.a.w.s.), women were permitted to attend the mosques subject to fulfilling the *Sharīʿī* conditions such as covering their heads, wearing loose simple and dignified clothes, avoiding the use of perfumes and ostentatious display of ornaments, etc. Therefore, in order that the above suggestion may come into effect, every effort ought to be made from now to persuade Muslim women who want to attend the mosques to start complying with the *Sharīʿī* conditions.

1.3 THE *ḤIJĀB* (ISLAMIC DRESS CODE FOR MUSLIM FEMALES)

Modesty is a virtue which Islam enjoins upon Muslim men and women. The most authentic verse commanding the believers to observe modesty appears in *Sūrat al-Nūr* of the *Qurʾān* as follows:

*“Say to the believing women they should lower their gaze and guard their modesty, that will make for greater purity for them, and Allāh is well aware of what they do.”*¹⁶

The rule pertaining to modesty is equally applicable to both men and women. A brazen stare by a man at a woman or another man is a breach of correct behaviour.

¹⁶ *Qurʾān*, 24:30.

The rule is not only to safeguard women, but is also meant to safeguard the spiritual growth of men.

Looking at the sexual anarchy that prevails in many parts of the world, and which Islam came to check, the need for modesty both in men and women becomes abundantly clear. However, it is on account of the differences between men and women in nature, temperament, and social life, that a greater amount of veiling is required for women, especially in the matter of dress.

The *Qur'ān* stipulates the following complete code of modesty that ought to be observed by Muslim women:

*“And say to the believing women that they should lower their gaze and guard their modesty, and that they should not display their beauty and ornaments except what (ordinarily) appear thereof, that they should draw their veils over their bosoms and not display their beauty save to their husbands, or their fathers or their husbands’ fathers, or their sons.....”*¹⁷

The second divine commandment in this regard is as follows:

“O Prophet! Tell your wives, daughters and the believing women to draw their veils close round them. That is more proper, so that

¹⁷ *Qur'ān*, 24:31.

they may be recognized (as virtuous women) and not molested.

Allah is Oft-Forgiving and Most Merciful.”¹⁸

Thus it is quite clear from the *Qur’anic* injunctions and from the teachings of the Prophet Muḥammad (s.a.w.s.) and the practice of the Companions (r.a) of the Prophet Muḥammad (s.a.w.s.), that whenever a woman steps out of her home, it is incumbent upon her to cover herself completely so as not to show any part of her body except the face and hands.

Thus, judging from the aforementioned quotations from the *Qur’ān*, the following rules of *ḥijāb* (dresscode) are applicable:

1. The whole of the female body, except for the exempted parts¹⁹ should be covered.
2. Any veil which in itself becomes an attraction is to be avoided.
3. Garments should not be semi-transparent.
4. Dress should not be tight fitting.
5. Garments should not be perfumed.
6. The form or dress should not in any way resemble that of men.
7. It should not resemble that of non-believers.
8. Garments should not reflect worldly honour.

W. Khan interestingly elaborates upon the above rules as follows:²⁰

¹⁸ *Qur’ ān*, 33:59.

¹⁹ These include the face, hands and feet.

The first rule of *ḥijāb* is derived from this Qur'anic *āyah*:

“ to cover their adornments except such as are normally displayed ...”²¹

The second rule of *ḥijāb* is that that which is worn as *ḥijāb* should not be a source of attraction. This means that a woman should not display her beauty and attraction in such a way as to arouse carnal desires in the heart of men.

The third rule of the *ḥijāb* is that the garment should not be thin because a thin cloth can never provide adequate cover. Also a thin, semi-transparent garment only accentuates the attraction of a woman and becomes a potential source for mischief.

The Prophet Muḥammad (s.a.w.s.) said:

Towards the end (in the last phase) there will be women among my followers who will appear naked, or as good as naked, even when wearing clothes.”²²

The fourth condition of *ḥijāb* is that the garment should be loose-fitting. There is an instance where *Sayyidatunā* Fāṭimah (r.a.) - the Prophet Muḥammad's (s.a.w.s.) daughter expressed her disapproval of a dead woman being wrapped in such a shroud

²⁰ Khan, W. *Women Between Islam and Western Society*. New Delhi. Al-Risala Books. 1997, p. 228.

²¹ *Qur'ān*, 33:59.

²² *Women Between Islam and Western Society*, op. cit., p. 228.

as might display her body as being that of a woman.²³ From that incident it may be deduced that it would be far more detestable for a living woman to use a similar kind of cloth as that which was used to drape the dead woman's body.²⁴

The fifth condition of *ḥijāb* is that the garment should not be perfumed (if the woman has the intention to leave the precincts of her home). There are many *Aḥādīth* forbidding women to use perfume if they have the intention to visit public places. Muhammad Nasiruddin al – Albani writes:

A woman is forbidden to go to the mosque wearing perfume, because it stimulates carnal desires in men. So when it is forbidden for women wearing perfume to go to the mosque, their use of perfume when they go out shopping, or for any other purpose, is all the more sinful. Going out wearing adornments and perfume is also a major sin, even if it is done with the husband's permission.²⁵

The sixth condition of *ḥijāb* is that a woman's garments should not resemble those of men. The Prophet Muḥammad (s.s.w.s.) condemned men who imitate women and women who imitate men.²⁶ From that it may be deduced that a garment, which in most parts resembles those of men, is not permissible for women, even if it covers her adequately.

²³ Ibid, p. 229.

²⁴ Siddiqi, M.I. *The Family Laws of Islam*. Lahore. Kazi Publications. 1984, p. 173.

²⁵ *Women Between Islam and Western Society*, p. 229.

²⁶ Ibid, p. 230.

The seventh rule of *ḥijāb* is that it should not resemble that worn by non-believers.

The *Qur'ān* indirectly alludes to this also in the following *āyah*:

“.....so that they may not be like those who were given the
Scriptures before this”²⁷

The tradition of the prophet (S.A.W.S) also forbade Muslims adopting the ways of non-believers in prayers, funeral prayers, sacrifices, food, dress, etiquette, etc.

The eighth rule of *ḥijāb* is that a woman's garments should not reflect worldly honour. This may be deduced from the following *Ḥadīth*:

One who wears the mantle of fame in this world will be made to wear the robe of dishonour in the hereafter.²⁸

1.4 POLYGAMY

In order to understand the rationale of polygamy in Islam, it is imperative to note that wars and natural disasters may sometimes cause an appreciable decline in the number of men in society as compared with the number of women, for the reason that men take greater risks on such occasions as soldiers and fighters. Such events may leave countless women without any home or help. Now the question arises as to what

²⁷ *Qur'ān*, 57:16.

²⁸ *Women Between Islam and Western Society*, p. 80.

should be the solution to this problem. In view of the inevitability of this imbalance, how is a healthy relationship between the sexes to be established? The choice for us, therefore, is not between monogamy and polygamy, but rather, between the lawful polygamy of Islam or the illicit polygamy of non- Islamic peoples.

The *Shari'ah* aims at the establishment of a pious, just, and morally strong society. It does not tolerate any woman seeking refuge under the roof of any man unless she is married to him or he is within the prohibited degrees of relationship to her. In such a situation polygamy seems the only reasonable alternative to meet the needs of women for protection and care. However, there is no compulsion on any woman. If a woman feels she can secure her peace, comfort and happiness from others without seeking help or protection no one can compel her to marry a man who is already the husband of another women. Thus polygamy is a sort of remedial law in Islam which a person may use only if they so desire.

Before the advent of Islam polygamy was practised by the pagan Arabs without any check or limits. The result was oppression and injustice for all wives. Islam sought to remedy this situation and laid down that a maximum of four wives might be taken by a man

at one time, and only if he possessed the strength of character to deal justly with them.²⁹

The only Quranic verse that refers to polygamy is as follows:

*“If you fear that you will not be able to deal justly with the orphans, marry women of your choice, two or three or four, but if you fear that you will not be able to deal justly with them, then only one.”*³⁰

The above *āyah* was revealed immediately after the Battle of Uḥud when the Muslim community was left with many orphans and widows and some captives of war. The treatment was to be governed by principles of the greatest humanity and equality. ‘Allāmah Yūsuf ‘Alī aptly states:

The occasion is past but the principles remain. Marry the orphans if you are quite sure that is the way to protect their interests and their property with perfect justice to them and to your own dependants, if you have any.

²⁹ *The Family Laws of Islam*, op. cit., p. 184.

³⁰ *Qur’ān*, 4:3.

The verse was not merely limited to orphans, but has a general application with regard to the marriage laws in Islam. Muslim jurists therefore, have laid down the following conditions if someone wants to take more than one wife:³¹

- (i) He should have sufficient financial resources to look after the needs of the additional wives that he has taken.
- (ii) He must do equal justice to them all. Each wife should be treated equally as far as the fulfilment of their conjugal and other rights is concerned.

If a man takes more than one wife it is absolutely essential for him to be as just as possible between them. The very object of marriage in Islam is to have a healthy family where a man and his wife or wives and children live in peace, love, and harmony, as is required by the injunction of the *Qur'ān*:

*Among his signs is that he created for you mates from among yourselves that you may dwell in tranquillity with them, and He has put love, and mercy between your hearts.*³²

Thus the man as the father and the woman as the mother of the children dwell together and bring up a family unit. Different people have different temperaments and feelings, but if kindness, love, tenderness and tranquillity can be maintained,

³¹ Engineer, A.A. *The Rights of Women in Islam*. Malaysia. IBS Buku Sdn. Bhd. 1992, p. 102.

³² *Qur'ān*, 30:21.

such a family is successful. If this is not possible, then one must limit oneself to what one can easily manage, that is, one wife.

The following situations will allow polygamy as the best solution:³³

- (i) When the wife is suffering from a serious disease like paralysis, epilepsy or a contagious disease. In these circumstances it would be better if there were another wife to look after the needs of the husband or children. Her presence will also help the sickly wife.
- (ii) When the wife proves barren and after medical examination the experts have given their opinion that she is not capable of bearing a child. The husband then should marry a second wife so that they may have children since a child is one of the joys of this life.
- (iii) When she is of unsound mind. In that case the husband and children will suffer a great deal.
- (iv) When the woman has reached old age and has become weak and infirm and cannot look after the house and property of the husband.
- (v) When the husband finds that his wife has a bad character and cannot be reformed. He should then have another wife.
- (vi) When she has moved away from the husband's house. He should then take another wife.
- (vii) During a period of war when men are killed and women are left behind in large numbers, polygamy can provide the best solution.

³³ Doi, A.R. *Shari'ah: The Islamic Law*. London. Ta-ha Publications. 1984, p. 146.

- (viii) Apart from the above circumstances, if the man feels that he cannot do without a second wife in order to satisfy his natural desire in the case of it being very strong and when he has enough means to support her, he should take another wife. There are certain areas in the world where people are physically very virile and cannot be satisfied with one wife. In such cases polygamy can provide an answer.

People who would outlaw polygamy have to pay the price. That is, they are forced to tolerate men and women having illicit relations, which is surely a much more unsavoury state of affairs. Failure to control a natural process whereby the male population dwindles, leaving “surplus” women, coupled with the outlawing of polygamy, has given rise to the evil of the “mistress” (defined by Webster’s dictionary as “a woman who has sexual intercourse with and, often, is supported by a man for a more or less extended period of time without being married to him, paramour.” This, in effect, sets up a system of illegal polygamy. The solution to this problem in *Shari‘ah* is the giving of permission to men, under special conditions, to marry more than one woman. This principle of polygamy, as enshrined in the Islamic *shar’iah* is designed, in actual fact, to save women from the ignoble consequences mentioned above. This commandment, although apparently general in application, was given only as a solution to a specific problem whereby surplus women may save themselves from sexual anarchy and have a proper stable family life. That is to say, it is not a question of adopting polygamy rather than monogamy. The choice is between polygamy and sexual anarchy.

If the commandment to practice polygamy is seen in the abstract, it would appear to be biased in favour of men. But when placed in the context of social organization, it is actually in favour of women. Polygamy is both a proper and a natural solution to women's problems. The permission to practice polygamy in Islam was not given in order to enable men to satisfy their sexual urges. It was designed as a practical strategy to solve a particular problem.

The Encyclopaedia Britannica (1984) aptly concludes that one reason for adopting polygamy is the surplus of women. Among most peoples who permit or prefer it, the large majority of men live in a state of monogamy because of the limited number of women³⁴.

To have more than one wife is not an ideal in Islam. It is, in essence, a practical solution to a social problem.

1.5 ECONOMIC RIGHTS OF MUSLIM WOMEN

Islam maintains that the roles of the spouses are biologically determined. Islam reaffirms this differentiation and prescribes specific basic rules for socialization as follows:³⁵

- (1) The family is a vital mechanism for the sane structure of society. It must be based on legitimate marriage.

³⁴ *The New Encyclopaedia Britannica*. Chicago. 1984. 15th Edition. 4th Volume, p. 1530.

³⁵ Qutb, M. *Islam the Misunderstood Religion*. Delhi. Markazi Maktaba Islami. 1986, p. 107.

- (2) It is the law of creation that in every grouping there must be order. In animals in general and in man in particular, there must always be a leader, for every herd, for every flock and for every social or political formation.

- (3) There are moral and legal rights and obligations that come into force when marriage takes place. Unless both are accepted with conviction and contentment, no happy family relationship can result. The main moral values of an Islamic marriage are unity and sharing, always keeping the main purpose of marriage in view. When these moral values are adopted, the question of “equality” becomes invalid because it does not arise. Man and women are created equally by their creator and are subject to the same transactional and behavioural views expressed in the *Qur’ān*.

- (4) Because of their different physiological structures and biological functions, each sex is assigned a role to play in the family. This role is compatible with and emanates from their respective biological formations.

In the olden days, women everywhere looked after their home and family and did not leave home. Arnold J. Toynbee, the renowned author of the famous *Study of History* had this to say:³⁶

³⁶ *Islam the Misunderstood Religion*, op. cit., pp. 94-95.

Certainly our recent efforts to solve our problems in strictly materialist terms have failed and made caricature of all our brave plans. We have made enormous strides in the development of labour – saving machinery but one of the odd results of this progress is that women today are over- worked as never before. Wives in America and most parts of Europe can no longer get household help or afford to devote themselves exclusively to the home. As a result, the woman of today does two jobs: one as a wife in the home, and the other as employee in the office or factory.

Islam does not require women to participate in trade, the vocations or professions unless it is very necessary. As we have seen earlier, the realm of activity for which men and women are created requires a woman to look after her matrimonial home, bring up children in a befitting manner and so on. If she is not neglectful of these duties, or she has reliable household help available to look after her children and relieve her of some of her domestic work, while at the same time she needs a little income to supplement her husband's earning, there is no objection in the *Shari'ah*, if she goes out to work, but only with the consent of her husband.

The jobs that she undertakes to do must be lawful. She must not work as a dancer, a model, a barmaid, a waitress, a film actress, a musician or a prostitute to sell her femininity in order to make money, even with the consent of her husband. Apart from these, all other work and professions are lawful if Muslim women adhere to Islamic principles in respect of dress and modesty.

It should be understood that a woman is not forbidden to go out of her home for essential work. The Prophet Muḥammad (s.a.w.s.) did not stop any woman who were in *'iddah* from going out of her house in the case of necessity. This is evident from the following incident:

Sayyidunā Jābir Ibn 'Abd Allāh says that his aunt was divorced by her husband. Although she should have spent her *'iddah*³⁷ in her house, she wanted to go out to get some of her date palms harvested and sold. Someone stopped her, saying that it was not lawful to go out of the house during the period of *'iddah*. She went to the Prophet (s.a.w.s.) to get his verdict. The Prophet (s.a.w.s.) replied, "you go out and get the date trees harvested (and sold) so that you may be able to do some other good work."³⁸

The *Shari'ah* thus permits women in *'iddah* to go out if there is real need for it.

1.6 ABUSE OF WORKING WOMEN

The idea of working women, so much in vogue in the Western world, has led to the problems of sexual abuse in the workplace. There is frequent incidence of sexual harassment, either through the threat of dismissal or allurements and promises of promotion given by the boss. It is a common scene in offices, factories and working

³⁷ This signifies the "waiting period" whereby a divorced woman or widow remains in the confines of her home for four months and ten days before such a woman is in a position to remarry if she so desires of may go out of her home to attend to her lawful needs.

³⁸ *Shar'iah: The Islamic Law*, op. cit., pp. 200-202.

places that co-workers and bosses make off – colour jokes and at times there are incidence of direct interference.

In Western society, some sexual advances made by men in the office like pinching the buttocks of a woman or creating an atmosphere loaded with sexual innuendoes and jokes are not taken very seriously. What would amount to sexual harassment in Eastern countries is considered as “natural” in Western society. It is due to this reason that sexual harassment remains difficult to define in the Western world. But there too, there are women who are shy and sexual harassment can drive them to tranquillizers while other women may dismiss the sexual advances as merely innocent or manageable flirting.

If women in the Muslim world were allowed to work anywhere in any office or factory, even slight sexual abuse would amount to “adultery of the eyes”, “adultery of the legs”, “adultery of the hands” and so on. Islam does not look kindly upon a man flirting with a woman since this can ultimately result in sexual anarchy as is somewhat prevalent in the Western world. Sexual abuse is not limited merely to men making advances to women and hence not only women become victims. There are even cases of young men working under female bosses who become victims of sexual harassment.

Professor Khurshīd Aḥmad, while analysing the evils of imposing upon women the obligation of earning their daily bread by working laboriously in mills, factories, and farms states:

This new role of women has proved in reality to be a great liability. It has struck a fatal blow to family life and acute disintegration has set in. The once noble institution of the family, the guardian of culture and protector of civilization, has collapsed like a house of cards. Women have abandoned it. Men dislike it. Streets have become centres of illegal activities, restaurants and parks become the places of romantic ventures which further fans the flames of sexual desire. We have come to such a stage that George Ryley Scott says: 'Today far more than ever before in the world's history there are for the finding large numbers of girls who are willing for all sorts of reasons to meet me halfway to sexual excitement and satisfaction. These are the amateur prostitutes of modern civilization.'³⁹

Although it may not happen with all working women, there may be a certain percentage of women who argue as to why should a woman who wins her own bread, supports herself economically and does not depend on anyone for security and maintenance, remain faithfully attached to only one man for the sake of satisfying her sexual desire? Why should she be prepared to subject herself to so many moral and legal curbs to shoulder the responsibilities of family life? Especially when the concept of moral equality has cleared her way of all obstacles for satisfying sexual desires freely. Why should she forsake the easy, pleasure - giving and alluring way of

³⁹ Ahmad, Khurshid. *The Position of Woman in Islam*. Karachi. 1969, pp. 35-36.

satisfying them and choose instead the antiquated way that is not only laden with responsibilities but demands sacrifices also? With the banishment of religion from life, the fear of committing sin has been automatically destroyed as we see in Western society today.

In majority of cases, it is the parents or husbands who encourage their daughters or wives to go out and work with a view to increasing the family income so that they may compete with their neighbours or friends in enjoying the luxuries of this modern way of life, even though it is at the risk of losing their family dignity and honour. On the other hand, some women take up jobs simply to escape the boredom of staying in empty homes during weekdays. There are, however, certain genuine cases where a family due to financial circumstances is compelled to send women out to work so that they can make ends meet.

With Islamic teachings on sex roles being what they are, has the *Shari'ah* made any alternative arrangement for women? The answer is in the affirmative. The economic rights of a Muslim woman can be summed up as follows:⁴⁰

- (1) A woman is entitled to inherit from her father, her husband and her children.
- (2) She is entitled to a mahr (dowry) from her husband which is a gift given at the time of marriage. However, it is obligatory and not optional and no limit is set as to its amount. It all depends on the

⁴⁰ *The Position of Woman in Islam*, op. cit., pp. 37-38.

financial means of the husband and the social status of the woman. All money or other property she gets from these or from other lawful sources belongs solely to her and her husband can claim no share in them according to Islamic law.

- (3) She can if she wishes, run her own lawful business within the bounds of Islamic teachings and keep the whole income to herself. Islamic law does not put any responsibility for domestic expenses on her.
- (4) Allah orders husbands: “*to retain their wives in kindness and to release them in kindness*”⁴¹ in case of divorce. Therefore the dowry, the belongings and the right to receive maintenance during a period after divorce are fully granted to the wife by the Qur’anic injunctions, except in the case of adultery.
- (5) If the husband dies, the wife’s rights mentioned in the marriage contracts have a priority in settlement of his property. These Islamic rights have been granted by the Shari’ah to give a woman economic security within marriage and after its dissolution whether by divorce or by the death of the husband.

As Professor Khurshīd Aḥmad points out, the status of women in Islam with regard to inheritance, property, marriage and divorce is much higher than in other religions. The world must know and accept the truth that no other Faith has given womenfolk so many rights and preserved their chastity and honour as Islam has done.

⁴¹ *Qur’ān*, 2:229.

1.7 INHERITANCE

It is often argued that a Muslim woman has the right to inherit, but she receives less than the male. The *Qur'ān* stipulates the following in this regard:

“To the male the equivalent of the portion of two females.”⁴²

Taken in isolation, this legislation may appear to be unfair, but upon careful consideration, one can conclude that this ruling is justified. In Islam, the man is charged with the responsibility for the maintenance of all the women and children in his family, thus his obligations to spend on the family are far higher than those of women. It must be noted that according to the *Shari'ah* any money or property that is owned by a woman, or any business which she runs, is entirely her own and her husband has no right to any part thereof. A Muslim woman is not obliged to spend on anyone other than on her own person. Thus, insofar as inheritance is concerned, the woman gets one-third of the inherited property to spend it on her person, whereas a man inherits two-thirds, but has the obligation to fulfil the needs of his wife and children. As such, looking at this in term of simple mathematics, to whom does the larger portion go? Of course, there may be certain men who would choose to spend all their money on themselves and show no inclination to marry or have a family, but such cases are rare within the Muslim community. Normally it is the man who shoulders the financial burden of his family including his wife, not as an act of grace, but as a moral obligation. If a woman is in possession of a property, her husband

⁴² *Qur'an* : (4:11)

cannot take it away from her without her consent. Moreover, despite her financial assets, her husband has to bear her financial burden as if she had nothing in her possession to support herself with.⁴³ And if he should refuse her this allowance or should be miserly in spending towards the household, she can lodge a complaint against him in the court and force him to give her due allowance. Taking all the above into consideration, there is hence no justification to dismiss Islamic Law of Inheritance as discriminatory in favour of men. The obligation entrusted upon man to shoulder the financial burden of his family justifies his inheriting double the share of a woman.

CONCLUSION

We have seen in this chapter that the Muslim woman is accorded full spiritual and intellectual equality with man, and is encouraged to practice her religion and develop her intellectual faculties. Both men and women are to observe modesty of behaviour and dress, and a strict code of morality which discourages unnecessary mixing of the sexes. Her relationship with her husband should be based on mutual love and compassion and not of competition. He is responsible for the maintenance of the family, and she is to give him the respect due to as the head of the family. She is responsible for caring for her home and for her children's early training. She has the right to own her own property, run her own business and inherit in her own right. She may not be married without being consulted and she is able to obtain divorce. The system of limited polygamy can be seen to have a place in society which may prove

⁴³ *The Rights of Women in Islam*, op. cit., pp. 70-73.

to be in the interests of women as well as men. Finally, she can look forward to an old age in which she is respected and cared for by her children and by society as a whole.

In the discussion on the status of women in Islam, the writer of this dissertation has made use of the original sources of Islam, namely the *Qur'ān* and *Ḥadīth*. One ought to concede that at different times and in different places these principles and laws have sometimes been distorted. However, it is not the principles and laws which are at fault, but man's selfishness which sometimes leads him to distort, ignore and flout that which he has no liking for, and to turn away from the truth.

Fortunately, no one can change the words of the *Qur'ān*. The regulations for the protection of women that were revealed in the 7th century can still be verified in the 21st century and beyond. These laws and social regulations regarding women contain certain fundamental truths which will benefit whoever applies them.

In the present time, when there is widespread rethinking of the role and rights of women, it is perhaps the perfect time to look with an unbiased mind at the Islamic point of view. Islam has undoubtedly succeeded in creating stable societies in both sophisticated and underdeveloped countries around the globe. During the past fourteen centuries, it has retained the continuity of its principles. There may well be lessons from that which the Western world could learn and implement to rid our world of rape, domestic violence and marital infidelity which are on the increase.

Islam removed the stigma of wickedness and impurity which other religions of the world had imposed upon women. Islam proclaims that man and woman come from the same essence, and therefore, if women are said to be wicked, men also should be regarded as such.

The Prophet (s.a.w.s.) declared:

The whole world is to be enjoyed, but the best thing in the world is a pious woman.⁴⁴

And the *Qur'ān* states:

“O mankind! Fear your Guardian Lord, Who created you from single soul. Created out of it created its mate and from them twain scattered (like seeds) countless men and women. Fear *Allāh*, through Whom you demand your mutual (rights), and be heedful of the wombs (that bore you): For *Allāh* watches over you.”⁴⁵

⁴⁴ Ahmed, Ghazi. *The Sayings of Muhammad (A Select Collection)*. Delhi. Kitab Bavan. 1969. p.20

⁴⁵ *Qur'ān*, 4:1

CHAPTER TWO

MUSLIM FEMINISTS' PERSPECTIVES

INTRODUCTION

Historically, there has been male domination in all societies throughout the ages except in matriarchal societies, which have been comparatively few. Throughout the annals of history, women were considered inferior to men. From this emanated the doctrine of inequality of the sexes, i.e., women cannot match the power and competence of man himself. Men must possess and dominate women, have mastery over them and determine their future in the capacity of fathers, brothers or husbands. It is in the women's interest as the argument goes, that they should submit to the superior sex. Confined to home and hearth, women were thought incapable of taking decision outside their domain. There would be absolute disaster, it was said, if they happened to become the rulers of a country.

Today women, especially Western educated women, are demanding equal status with men. Now the question is: what is concretely implied by equality of status of the sexes? Firstly, in its generalised sense this means acceptance of the dignity of the sexes in equal measure. Secondly, one had to see both men and women enjoying equal rights social, economic and political. Both should have equal rights to contract a marriage or to dissolve it, both should have the right to own or dispose of property without interference from the other, both should be free to choose their own

profession or way of life, both should be equal in responsibility as much as in freedom.

2.1 MUSLIM FEMINISTS REINTERPRETATION OF ISLAM

The stance of the Muslim feminists is based on the following points:

- i) Re-evaluation of Islamic sources
- ii) Criticism of the use of Islamic sources
- iii) Criticism of interpretations of Islamic sources
- iv) Equality of men and women in the *Holy Qur'ān*

Two Muslim feminists, namely, Amina Wadud–Muhsin and Riffat Hassan, exemplify the above issues. Both these women can be classified within the loyalist and revisionist camps as identified by Carolyn Osiek. According to Osiek, the loyalists accept the Scripture as divine revelation and the word of God, but at the same time they question the divine intention of men and women living together in happiness and respect. The revisionists according to Osiek believe that the patriarchal framework for the Judaeo-Christian tradition is historically and culturally, but not theologically determined⁴⁶.

Amina Wadud-Muhsin has, in her works, restricted herself to the Qur'anic text and chose to ignore the *Aḥādīth* altogether. Riffat Hassan, on the other hand, devotes a

⁴⁶ Osiek, C (1985). "The Feminist and the Bible: Hermeneutical Alternatives" in A.Y. Collins (ed), *Feminist Perspectives on Biblical Scholarship*. CA: Scholar Press.

great part of her study to the *Qur'ān* since the *Qur'ān* is the primary source of normative Islam,⁴⁷ but she also correctly points out that the *Ḥadīth* is “the lens through which the words of the *Qur'ān* have been seen and interpreted”⁴⁸.

She takes her starting point in a discussion on the Islamic tradition, which she considers to be the Islamic texts (*Qur'ān* and *Ḥadīth*) as well as the whole body of regulations and laws built on these two texts. However, by referring to the refutations of *Ḥadīth* by so-called moderate Muslims like the Pakistani intellectual Ghulam Ahmed Parwez and the Indian scholar Moulvi Cheragh Ali and quoting from the famous Orientalist scholars – such as Alfred Guillaume and H.A.R. Gibb – whereby they invalidate the *Ḥadīth* literature, she succeeds in raising doubts about the validity of the *Ḥadīth*. Ironically, she believes that although one has to be sceptical towards the *Ḥadīth* literature, she recognizes that to a certain extent the *Ḥadīth* literature is necessary and agrees with Fazlur Rahman that if the *Ḥadīth* literature as a whole were to be cast away, the basis for the historicity of the *Qur'ān* would be removed with one stroke.⁴⁹

2.2 CRITICISM OF THE MISUSE OF ISLAMIC SOURCES

Both Amina Wadud-Muhsin and Riffat Hassan employ a hermeneutical approach to the study of the *Qur'ān*. Amina Wadud–Muhsin explains her hermeneutical model as being concerned with firstly, the context in which the Qur'anic passages were

⁴⁷ Hassan, R (1990). “An Islamic Perspective” in J. Becher (ed), *Women, Religion and Sexuality*. Geneva: Kitab Bhavan World Council of Churches Publication, p 93.

⁴⁸ Ibid, p. 94.

⁴⁹ Rahman, Fazlur. *Islam*. 2nd Edition. Chicago. University of Chicago Press. 1979, p. 66.

written, secondly, the grammatical composition of these passages and thirdly, the worldview of the *Qur'ān*. As for the latter, she states that most of the classical Qur'anic commentators had an atomistic methodology, as they would interpret one verse at a time without regarding the text as one part of a whole.⁵⁰

Riffat Hassan claims that religion was being used as an instrument of oppression rather than as a means of liberation. She further argues that the negative attitudes pertaining to women which prevail in Muslim societies, in general, are rooted in theology. She believes that Muslims in general consider it a self-evident truth that women are not equal to men,⁵¹ a belief which, in Riffat Hassan's view, has its basis in three theological assumptions that:

- (1) God's primary creation is man, not woman, since woman is believed to have been created from man's rib, hence is derivative and ontologically secondary;
- (2) woman, not man, was the primary agent of what is customarily described as "man's fall" or man's expulsion from the garden of Eden, hence "all daughters of Eve" are to be regarded with hatred, suspicion and contempt; and
- (3) woman was created not only from man, but also for man, which makes her existence merely instrumental and not of fundamental importance⁵².

⁵⁰ *Women, Religion and Sexuality*, op. cit., p. 94.

⁵¹ *Ibid*, p. 100.

⁵² *Ibid*, pp. 100–101.

Riffat Hassan gives three main explanations for these theological assumptions: Firstly, the patriarchal environment within Muslim society had influenced Islamic scholars throughout history to interpret Islamic sources in terms of male hegemony. Secondly, many *Aḥādīth* with negative connotations about women were in circulation in Muslim society although their authenticity was questioned. However, the popularity of these *Aḥādīth* among Islamic scholars resulted in women being subordinated to men in Muslim society.⁵³

Riffat Hassan also indicates that many *Aḥādīth* about women are forged and she believes that there are incompatibilities between passages in the *Qur'ān* and *Ḥadīth*. She even criticizes the Muslim position on the acceptance of the two *Ḥadīth* collections by *Imāms* al-Bukhārī and Muslim as being on a footing next to the *Qur'ān*.

It ought to be pointed out here that to Islamic scholars and even common Muslims, criticism of the *Ḥadīth* is regarded as criticism against Islam itself. This makes the prospect of a feminist reading of the Islamic sources a very delicate matter as there exist utterances related to the Prophet Muḥammad (s.a.w.s.) which convey negative views on women⁵⁴ – such as, for instance, “that the majority of the inhabitants of Hell are women”. Some feminists would refute these sayings, claiming them as forgeries. However, this method is problematic as the *Ḥadīth* is regarded as the explanation of the *Qur'ān* and thus has strong authority in Islamic theology. Other scholars, such as

⁵³ *Ibid*, p. 103.

⁵⁴ Khān, Muḥammad Muḥsin. *Ṣaḥīḥ al-Bukhārī*. Arabic-English. Turkey. Hilāl Yayınları. 1974. *Ḥadīth* no. 301. Vol. 1, p. 181.

Samira Fayyad, Muḥammad al- Ghazālī and ‘Abd al-Halīm Abū Shaqqa chose to explain these *Aḥādīth* by relating them to specific situations. Thus, the *Ḥadīth* mentioned above, namely, that “the majority of the inhabitants of Hell are women” would be explained as an admonition made by the Prophet Muḥammad (s.a.w.s.) to women in general and should be understood as a general reminder (*tadhkīr*).⁵⁵

Riffat Hassan contends that differences in the interpretations and understanding of *Ḥadīth* point to the multivalence of the text. Not only would *Ḥadīth* be interpreted differently in different contexts, but it would also depend on the interpreter, how the text ought to be perceived. She also contends that the subject of the researcher is also decisive for the understanding of the text. For example, a researcher on gender relations in Islam will search for statements about women only and would fail to notice that there are expressions about men and human beings in the Islamic sources which convey negative views of both men as a category and humankind as a whole. However, these statements have not been understood as generalizations by Muslims themselves, but rather as admonitions and reminders that human beings should follow the path of God. She also points out that even Islamic scholars have noticed, many *Aḥādīth* have actually been interpreted in terms of male preference or have been presented as authentic (*ṣaḥīḥ*) although they are either only good (*ḥasan*) or weak (*da‘īf*).⁵⁶

The traditional interpretation of Islamic sources is high on the agenda of the modern feminist debate. Amina Wadud-Muhsin discusses the objectivity of the interpreters

⁵⁵ *The Rights of Women in Islam*, op. cit., p. 146.

⁵⁶ *Women, Religion and Sexuality*, op. cit., p. 66.

of the *Qur'ān*, claiming that not one of them can be wholly objective, as their 'subjective choices' would colour the result of their research. Her main criticism is not of the commentators, but rather of the common conception that there is no distinction between text and interpretation, thus there is a tendency to elevate interpretations to a holy level. She characterizes three approaches to the interpretations of women in the *Qur'ān*: 'traditional', 'reactive' and 'holistic'. She explains that the traditional exegetical commentators (*mufassirūn*) are those who interpret the entire *Qur'ān* with certain objectives in mind, such as grammar, esotericism, rhetoric, history or legislation. She claims this approach to be atomistic with no underlying hermeneutical principles in order to interpret each part of the *Qur'ān* in the light of the *Qur'ān* as a whole. In addition, she contends that all of these interpretations, both from classical and modern times, have been written by men, and she thus believes that women's experiences have been either excluded from the text or interpreted through male vision, perspective, desire, without taking into consideration the needs of women.⁵⁷

The 'reactive' approach to the interpretation of the *Qur'ān* has, according to Amina Wadud–Muhsin, mainly been concerned with criticism of the *Qur'ān* and Islam. Modern scholars have justified this criticism because of the poor status of women in Muslim society. However, Amina Wadud–Muhsin states that these scholars, likewise, do not distinguish between the text and the interpreter.

⁵⁷ *Qur'an and Women*, op. cit., p. 2.

The aim of Amina Wadud–Muhsin’s study is to demonstrate the best tool for the liberation of Muslim women through the *Qur’ān* – the primary source of Islamic ideology and theology.⁵⁸

This represents the third approach - The ‘holistic’ interpretation of the *Qur’ān*. According to her, this method includes modern social, moral, economic, and political aspects and even the issue of women. She refers to Fazlur Rahman’s principle of interpreting Qur’anic passages, saying:

“He (Fazlur Rahman) suggests that all Qu’anic passages, revealed as they were in a specific time in history and within certain general and particular circumstances, were given expression relative to those circumstances. However, the message is not historical. A reader must understand the implications of the Qur’anic expressions during the time in which they were expressed in order to determine their proper meaning. That meaning gives the intention of the rulings or principles in the particular verse.”⁵⁹

Amina Wadud-Muhsin points out that the interpretation or of turning back to the primary sources without regarding previous scholarship as infallible, started with the intellectual *salafīyyah* movement in the nineteenth century. Although women’s issues were not particularly emphasized, some reforms were visible. One example is Muḥammad Abdūh’s interpretation of the Qur’anic verse which addresses the issue

⁵⁸ Ibid, pp. 2-3.

⁵⁹ Ibid, p. 4.

of polygamy. Amina Wadud-Muhsin points out that turning away from the common understanding that marrying more than one woman is well accepted, if not obligatory, Muḥammad Abdūh suggested that the last part of the verse should take effect, namely:

“But if you fear that you might not be able to treat them (the wives) with equal fairness, then (marry only) oneThis will make from the likely that you will not deviate from the right course.”⁶⁰

It ought to be pointed out here that in Western society feminist thought achieved a breakthrough in the sixties and seventies and brought with it a kind of relativism as perspectives changed. Various sciences opened up for new interpretations as it became clear that previous research results had been dominated by male perspectives. What Amina Wadud-Muhsin and Riffat Hassan tried to do was to follow their counterparts in the Western society and attempt to reinterpret the Islamic sources from a female perspective. Let us now turn to the reinterpretation in order to examine the elements involved.

2.3 EQUALITY OF MEN AND WOMEN IN THE *QUR'ĀN*

Initially in the Muslim feminist theological debate the idea of equality between the sexes in the *Qur'ān* is emphasized. This theological debate is mainly concerned with the ideological level and will thus take up the question of how gender relations have

⁶⁰ *Qur'ān*, 4:3.

been perceived anthropologically and cosmologically. Two main issues are tackled here: How is the creation of human being in the *Qur'ān* interpreted by the feminists? And how do they perceive the role of women on earth?

Amina Wadud–Muhsin asks the question “Do the Qur’anic accounts of the process of the creation of humankind distinguish woman from man in such a way as to confine her potential to a single biologically determined role? Does it imply created inferiority?”⁶¹

She argues that although the *Qur'ān* distinguishes between man and woman she finds no differences in value between them. It is important to note here that Islamic scholars in various times have accentuated the very same point, but they have tended to link this equality to the relationship between man and the Creator only. However, none of the classical and modern Muslim male scholars denied religious equality between the sexes in terms of Islamic obligations, such as praying and fasting, whereas sociologically man and woman are depicted as having different roles. This division of roles related to gender contrasts with the Western paradigm where social equality rests in the first place on economic equality - whether women have either private economic means or property or take active part in the economic production of society.

Amina Wadud–Muhsin thus attacks the common understanding of gender relations in Islam. She bases her arguments concerning equality between men and women in the

⁶¹ *Qur'an and Women*, op. cit., pp. 15-16.

Qur'ān on human being's incomprehension of the Supernatural. To make these matters understandable for mankind, according to her, they need to be rendered in human language. Thus, in the *Qur'ān* we can find references to other worldly happenings which we as human beings must interpret allegorically.⁶² Moreover, she turns to the story of creation in the *Qur'ān*. She believes that attitudes towards women in Muslim society are built on the interpretation of this story. She takes her starting point from the Qur'anic verse:

*“And from (min) his signs (āyāt) is that he created you (human kind) from (min) a single soul (nafs), and created from (min) it its mate (zawj), and from (min) these two, He spread countless men and women”.*⁶³

From this verse she extracts key terms, such as 'min', 'nafs' and 'zawj'. As for 'min' she claims that it can be used for the preposition 'from' in the meaning of extracting things from other things. She also holds the view that it could also be used to imply 'of the same nature as' and she states that in the above Qur'anic verse the meaning changes according to which translation of the preposition one chooses. In order to elucidate upon this, she points out that al-Zamaksharī (d. 1144 CE), a famous commentator on the *Qur'ān*, interpreted this verse to mean that humankind was created in/of the same type as a single nafs (living entity), and that the 'zawj' (mate)

⁶² Ibid, pp.15–16.

⁶³ *Qur'an*, 4:1.

of that 'nafs' was taken 'from' that 'nafs'. She thus concludes that al-Zamaksharī found backing for his interpretation of the above verse in Biblical versions.⁶⁴

Every student of *tafsīr* (Qur'anic exegesis) is aware of the fact that the commentators of the *Qur'ān* from the first century of Islamic history onwards incorporated many Jewish interpretations or Talmudic accounts of various Biblical stories (*Isrā'iliyāt*) into the interpretations of the *Qur'ān*. However, modern Islamic scholars have weeded out many of these stories from their *tafāsīr*.

Amina Wadud-Muhsin contends that the *Qur'ān* does not subscribe to the view that Eve was born from the crooked rib of Adam and points out that that notion is derived from the following *Ḥadīth* which is narrated by *Sayyidunā* Abū Hurayrah (r.a.):

“Treat women kindly. The woman has been created from a rib, and the most crooked part of the rib is in the upper region. If you try to make it straight, you will break it, and if you leave it as it is, it will remain curved. So treat women kindly”⁶⁵.

Amina Wadud-Muhsin commenting on the above *Ḥadīth*, adds that according to Riffat Hassan the *Ḥadīth* belongs to the category of *Ḥadīth Aḥad*, which means that this *Ḥadīth* was reported from one person only. She also points out that Riffat Hassan has not only rejected the *isnād* (authority of chain of narrators) of the *Ḥadīth*, as

⁶⁴ *Qur'an and Women*, op. cit., p. 18.

⁶⁵ Khān, Muḥammad Muhsin. *The Translation of the Meanings of Ṣaḥīḥ al-Bukhārī. Arabic- English*. Turkey: Hilāl Yayinlari. 1974. *Ḥadīth* no. 548. Vol. IV, p. 346.

nobody other than *Sayyidunā* Abū Hurayrah (r.a.) has related this *Ḥadīth* and hence the main (text) of the *Ḥadīth* becomes questionable.⁶⁶

Riffat Hassan also emphasizes that ‘God’s original creation was undifferentiated humanity and not either man and women’.⁶⁷ She argues that the meaning of ‘Ādam’ in Hebrew is ‘of the soil’. She further states that the Hebrew term ‘Ādam’ refers to ‘the human’ (species) rather than to a male human being. She contends that in the *Qur’ān* the term ‘Ādam’ is used, in twenty-one cases out of twenty-five, to refer to humanity. In her view, the *Qur’ān* uses both feminine and masculine terms and imagery to describe the creation of humanity from a single source. In addition, the creation of Eve (Arabic: *Hawwā*) from Adam’s rib is never mentioned in the *Qur’ān*, and even in the *Ḥadīth* referred to above, Adam is not named. Riffat Hassan interprets the function of this *Ḥadīth* to be ‘further dehumanization’ for women since the female species could have – in the *Ḥadīth* in question – been created from a disembodied rib which may not even have been human. However, it ought to be noted here that Riffat Hassan missed the true import of the above *Ḥadīth*. The *Ḥadīth* in no way suggests that woman is inferior to man, but rather, that man ought to treat woman gently and to be kind and compassionate towards her.

The next key term to be dealt with in the verse (*Qur’ān* 4:1) is ‘*nafs*’. Amina Wadud-Muhsin observes that grammatically, *nafs* is feminine, whereas conceptually it is neither masculine nor feminine. According to her, the *Qur’ān* never states that the

⁶⁶ *Qur’an and Women*, op. cit., p. 16.

⁶⁷ *Ibid*, p. 102.

creation of humankind started with the '*nafs*' of Adam. Thus she considers that the *Qur'ān* does not express the creation of humankind in terms of gender.

Both Riffat Hassan and Amina Wadud–Muhsin base their argument on the key term '*zawj*' (*Qur'ān* 4:1). Amina Wadud–Muhsin stresses that *zawj* is masculine, grammatically speaking, whereas conceptually it is neither masculine nor feminine. Riffat Hassan goes further and states that whereas the Qur'anic usage of *azwāj* refers to the married couple, man and woman, another form for 'couple', namely *zawjayn* (dual form of *zawj*), describes the process of ongoing creation, referring to the Qur'anic verses:

- 1) *“And it is He who has created the two kinds (zawjayn), male and female out of a drop of sperm as it is poured forth.”*⁶⁸

- 2) *“Does human being, then, think, that he is left without a purpose? Was he not once a drop of sperm emitted? Then he did become a leech whereupon He created and formed (Him) in due proportion. And he made out of him two sexes (zawjayn), male and female”*⁶⁹.

She concludes from this that man and woman are two sexually differentiated human beings – created by God from a unitary source (*nafsīn wāḥidah*)? Man and woman

⁶⁸ *Qur'ān*, 53:45-46.

⁶⁹ *Qur'ān*, 75 : 36-9.

are therefore, according to Riffat Hassan, 'related to each other ontologically, not merely sociologically'.⁷⁰

As for the common notion of woman as temptress prevailing in the Judaeo-Christian world as well as among Muslims, Amina Wadud-Muhsin rejects the notion that this should form part of Islamic theology. She states that the *Qur'ān* uses the dual form, with one exception, to tell how Satan tempted Adam and his mate (*zawj*) and how both disobeyed God. The one exception shows how Satan tempted Adam, and then the two of them (Adam and his mate) ate of the forbidden tree.

According to Amina Wadud-Muhsin and Riffat Hassan, the creation of humankind is thus gender neutral and nothing in the *Qur'ān* or in reliable *Aḥādīth* points to the male gender as morally or intellectually superior to the female. Male and female are thus equal before God, with the same religious obligations and the same religious rights. It is imperative to point out here that this view does not differ from the view of most contemporary Muslim scholars, who would explain men and women to have equal value, but with different social tasks and obligations.

It may be of interest to turn to Christian feminist theologians and their interpretation of the act of creation in the Bible in order to ascertain whether they had in any way influenced the thoughts of Riffat Hassan and Amina Wadud-Muhsin.

⁷⁰ *Women, Religion and Sexuality*, op. cit., p. 89.

Phyllis Bird is one of those who have dealt with this subject. She compares the two versions in Genesis, the Priestly account and the Yahwistic account. She states that the two stories contain no statement of dominance or subordination in the relationship of the sexes.⁷¹ She further argues that in the accounts “the social metaphors to which the key verbs point are male, derived from male experience and models, the dominant social models of patriarchal society. For P, as for J, the representative and determining image of the species was certainly male.... Though the Priestly writer speaks of the species, he thinks of the male, just as the author of *Psalm 8*, but maleness is not an essential or defining characteristic.”⁷²

Although there is similarity between Phyllis Bird and Amina Wadud–Muhsin in the perspective of gender-neutrality in creation of man in the two religions, Phyllis Bird’s historical critical method leads her to draw the conclusion that the Bible was written by humans, an assumption which cannot be extended to the *Qur’ān*.

2.4 ROLES OF WOMEN

When it comes to divisions of roles in Islam, the Muslim feminists take a different position than the common view of moderate Muslim scholars. Amina Wadud–Muhsin chooses to discuss the role of women from the following two perspectives:

⁷¹ Bird, P.A. (1991), *Sexual Differentiation and Divine Image in the Genesis. Creation Texts, Image of God and gender Models*. Oslo: Solum Forlag, p 20.

⁷² Ibid, p.18.

- (1) There is no inherent value placed on men or women. In fact, there is no arbitrary, preordained and eternal system of hierarchy.
- (2) The *Qur'ān* does not strictly delineate the roles of women and the roles of men to such an extent as to propose only a single possibility for each gender (that is, women must fulfil this role, and only this one, while men must fulfil that role and only men can fulfil it).⁷³

She alleges that the *Qur'ān* acknowledges that we operate in social systems with certain functional distinctions⁷⁴ and is of the view that these functional distinctions have been responsible for the idea of inherent superiority of men over women. This prompts her to question: Are there certain exceptions and exclusions for males or females? Does the *Qur'ān* value certain functions above others?

In addition she rejects the notion that men are special because only men have been selected to be Prophets. She points out that although there are no Qur'anic examples of female prophecies, women such as Maryam and the mother of Moses received revelations (*wahy*). In her opinion, all those chosen as Prophets were exceptional human beings and the prophecy is thus not a specific characterization for males.⁷⁵

Amina Wadud–Muhsin observes that in the *Qur'ān* the woman's primary distinction is on the basis of her childbearing ability. Thus, Muslims have regarded this ability as

⁷³ *Qur'an and Woman*, op. cit., p. 63.

⁷⁴ Ibid, p. 64.

⁷⁵ Ibid, p. 64.

her function. However, she rejects this notion, claiming that there is no term in the *Qur'ān* which indicates that childbearing is 'primary' to a woman and that 'no indication is given that mothering is her exclusive role'.⁷⁶

Amina Wadud–Muhsin goes further and analyses two Qur'anic terms, '*darajah*' (step, degree of level) and '*faddala*' (to prefer) which have been used to indicate value in the functional distinctions between individuals and groups on earth.⁷⁷ She argues that the *Qur'ān* does not divide the labour and establish a monolithic order for every social system which completely disregards the natural variations in society. On the contrary, it acknowledges the need for variations when the *Qur'ān* alludes to the creation of humankind into nations and tribes 'so that you might know one another'.⁷⁸ She thus concludes that the *Qur'ān* allows and encourages each individual social context to determine its functional distinctions between members, but applies a single system of equitable recompense which can be adopted in every social context.

Amina Wadud–Muhsin then analyses the concept '*darajah*' in this perspective, saying that '*darajah*' is most often linked to doing 'good' deeds.⁷⁹ God also gives *darajah* to individuals, either on the basis of knowledge (*Qur'ān*, 58:1) or on the basis of social or economic distinctions (*Qur'ān*, 43:32). She quotes the Qur'anic statement: "*Unto men a fortune from that which they have earned*".⁸⁰ From this discussion she turns to the verse in the *Qur'ān* where men are said to be a '*darajah*'

⁷⁶ Ibid, p. 64.

⁷⁷ Ibid, p. 66.

⁷⁸ *Qur'ān*, 49:13.

⁷⁹ *Qur'an and Woman*, op. cit., p. 66.

⁸⁰ *Qur'ān*, 4:32.

above women. Although this verse is specifically in the context of divorce, she says Muslims have taken it to mean that a *darajah* exists between all men and women, in every context. She believes that the advantage men have over women is of 'being individually able to pronounce divorce against their wives without arbitration or assistance, whereas women can obtain a divorce only after the intervention of an authority.'⁸¹ Strangely enough, Amina Wadud–Muhsin does not question the common notion that a Muslim man can divorce his wife without any intervention and thus a more profound investigation of this matter should be of interest in a study on the *Qur'ān* and women.

Amina Wadud–Muhsin then turns to the term *faddala* (means 'to prefer' and *fadl* means 'preference'), and refers to three 'preferences' in the *Qur'ān*: Firstly, humankind is preferred to the rest of creation (*Qur'ān*, 17:70) secondly, occasionally one group of people have been preferred to another (*Qur'ān*, 2:47, *Qur'ān*, 2:122), and thirdly, some of the Prophets are preferred to others (*Qur'ān*, 2:253). She believes that preference is not absolute, as although some Prophets are preferred to others, there is no distinction between them. Thus, she concludes that in Qur'anic usage, 'preference is relative'.⁸² She notes that both '*darajah*' and '*fadl*' are given as tests, but unlike *darajah*, *faddala* cannot be earned. *Fadl* is given by God to whom He wants as is evident from the following Qur'anic citation:

*“Men are (qawwāmūn ‘alā) women, (on the basis) of what Allāh
has (faddala – preferred) some of them over others, and (on the*

⁸¹ *Qur'an and Woman*, op. cit., p. 68.

⁸² *Ibid*, p. 69.

basis) of what they spend of their property (for the support of women)''⁸³.

In her analysis, Amina Wadud–Muhsin sees this in a material context, saying that there is only one place in the *Qur'ān* where men have preference over women and that is in inheritance where men inherit twice as much as women. She links this preference to the obligation to spend of their property, which follows directly in the verse, and concludes that 'there is a reciprocity between privileges and responsibilities'.⁸⁴

Amina Wadud–Muhsin says that men have responsibility of paying out of their wealth for the support of women, and they are consequently granted a double share of inheritance. She also rejects the notion that God created men superior to women (in strength and reason), a common interpretation of this verse. She believes that *faddala* is not conditional as the text does not say that they (men) are preferred to them (women). She asserts:

The use of *ba'd* (some) relates to what obviously has been observed in the human context. All men do not excel over all women in all manners. Some men excel over some women in some manners. Likewise, some women excel over some men in some manners, so, whatever *Allāh* has preferred, it is still not absolute.⁸⁵

⁸³ *Qur'ān*, 4:34.

⁸⁴ *Qur'an and Woman*, op. cit., pp. 70-71.

⁸⁵ *Ibid*, p. 71.

Amina Wadud–Muhsin further discusses earlier interpretations of the expression *qawwamuna ‘alā*. She notes that Muḥammad Marmaduke Pickthall, an English convert to Islam who translated the *Qur’ān* in the early twentieth century, perceives this expression as ‘in charge of’. However, she points out that Sayyid Quṭb regards this verse in a family context. Sayyid Quṭb in his commentary of the *Qur’ān* points out since *Allāh* (SWT) created both males and females and He (SWT) does not intend in any way to oppress anyone. Men being the ones that are responsible to provide for their families gives them the privilege to be *qawwāmūn ‘alā* the females.⁸⁶

Building upon his argument, Amina Wadud–Muhsin concludes that within the family each member has certain responsibilities. Ideologically speaking, women’s primary responsibility is childbearing (human existence depends upon it), whereas men’s responsibility is the support of the family (the continuation of the human race depends upon it). However, in contrast to this idea she states:

This ideal scenario establishes a suitable and mutually dependent relationship. However, it does not allow for many of today’s realities. What happens in societies experiencing a population overload, such as China and India? What happens in capitalistic societies like America where a single income is no longer sufficient to maintain a reasonably comfortable lifestyle? What happens to the balance of responsibility when the man cannot

⁸⁶ Quṭb, Sayyid. *Fī Zilāl al-Qur’ān*. Beirut. Dār al-Sharq. 1975. Vol. 2, p. 650.

provide materially, as was often the case during slavery and post slavery US?⁸⁷

Amina Wadud–Muhsin is of the view that the *Qur'ān* must eternally be reviewed and reinterpreted according to social conditions with stress on mutual responsibility between males and females. She further calls for a broadening of the concept *qiwāmah* (guardianship) from the material sphere to include spiritual, moral, intellectual, and psychological dimensions as well.

CONCLUSION

While there may be some merit in the Muslim feminists view that women have been marginalized in Muslim societies and forced to follow the status quo imposed upon them by their male counterparts, it is important to note here that the *Qur'ān* uses the metaphor of *libās* (apparel) to describe the closeness that should exist between husband and wife. It states:

“They are apparel for you and you are apparel for them”⁸⁸

This clearly implies that, like apparel, both need each other and one cannot be complete without the other. There cannot be inequality where there is complementarity. Thus there is no doubt that there is a general thrust towards equality of the sexes in the *Qur'ān*.

⁸⁷ *Qur'an and Women*, op. cit., p. 73.

⁸⁸ *Qur'an*, 2:187.

The *Qur'ān* honours *Banī Ādam* (humankind)- which includes both the sexes and even in the spiritual domain, it advocates the principle of equality of the sexes:

“Lo! Men who surrender, and men who believe and women who believe and men who obey, and women who obey, and men who speak the truth, and women who speak the truth, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allāh’s remembrance, for them has Allāh prepared forgiveness and great reward”⁸⁹

Biological otherness, according to the *Qur'ān*, does not mean unequal status for either sex. Biological functions must be distinguished from social functions. Thus we see that unlike in other religions, in Islam there is absolutely no distinction between man and woman in religious matters either. In some religions a menstruating woman is considered unclean and kept away from all her normal functions such as cooking. The *Qur'ān* takes a purely biological view of menstruation. The *Qur'ān* says:

“And they ask thee about menstruation; say it is harmful so keep aloof from women during menstrual discharge and go not near

⁸⁹ *Qur'ān*, 33:53.

*them until they are clean. But when they have cleansed themselves,
go into them as Allah has commanded you.*"⁹⁰

The word used for menstruation is *adhā* which means anything that causes a slight harm. It is not menstrual discharge that is harmful but having sexual relations while the woman is in that condition. Judaic law prescribes complete separation between husband and wife during that period. In Islam it is, however, limited to cessation of sexual intercourse only.

The Muslim feminists are right when they contend that the *Qur'ān* does not speak of man having a slight edge and social superiority over woman. There is some merit also in their view that some verses of the *Qur'ān* are quoted out of context by the 'Ulamā' and are then popularised to such an extent that the impression is created that they are absolute commands of *Allāh* (SWT). For instance, after divorce men can remarry immediately while women have to wait for three menstrual cycles to avoid problems relating to paternity. This teaching is contained in verse 2:228 of the *Qur'an*. It has nothing to do with mutual roles of men and women as equals or inferiors. But, many scholars pick up a few words from this verse, and try to conceal the fact that the verse is about post-divorce issues. The verses following 2:228 in the *Qur'ān* are also about divorce.

The *Qur'ān* mentions Bilqīs as a ruler or queen of Sheba who ruled over men and women by a process of *shūrā* (mutual consultation). We are told that she came to

⁹⁰ *Qur'ān*, 2:222

acknowledge *Allāh* (SWT) as the sole Creator and there is absolutely no suggestion of any kind that she stopped ruling after she submitted herself to *Allāh* (SWT). Very few scholars have had the moral courage to note the fact that the *Qur'ān* mentions a woman as a ruler.

It is important to set up organizations in which the pure, unadulterated teachings of the *Qur'ān* and the authentic *Ḥadīth* will be put into practice. Women should also be equal participants in such organizations. Women who practice Islam, who combine *taqwā* (piety) with *'ilm* (learning) should be able to become *Amīrah* (leaders) and members of the *shūrā* if the members wish to elect them to these positions. There should be no Islamic obstacle in the way of women serving at the highest position. Our experience shows that even the men who preach equality for women become hesitant when it comes to actual leadership roles in the Islamic movement.

Chapter Three

THE ROLE OF MUSLIM WOMEN IN THE POLITICAL ARENA

INTRODUCTION

Apartheid was an all-pervasive ideology that affected all aspects of the lives of South Africans. It determined where people lived, where and how they were to be educated, whom they could marry, etc. It is not surprising then, that the struggle against Apartheid also became all encompassing for those engaged in the struggle. For anti-Apartheid activists, the national liberation struggle in South Africa deeply affected how people thought and behaved.

The political involvement of sections of the Muslim community in the anti-Apartheid struggle had a significant impact on how they viewed a range of issues. The 1980s saw the growth of strong women's organisations like the United Women's Organisation, the Natal Organisation of Women and the Federation of Transvaal Women. The increased role of women as political actors generated new political debates about the possible transformation of political organisations so that they might take account of women's interests and facilitate women's participation.⁹¹

This chapter touches upon the prominent roles which certain specific South African Muslim women political activists played within the South African context.

⁹¹ Shireen Hassim, Likhapha Mbatha and Sheila Meintjies, *Engendering the Political Agenda: A South African Case Study*, Johannesburg: Centre for Applied Legal Studies. 1999, pp. 9-10.

3.1 FATIMA SEEDAT

Fatima Seedat was born in the Strand, Cape Town on 14 October 1922. She attended Trafalgar High school up until standard 8 (grade 10). She and her twin sister, Rahima Moosa both became politically active as teenagers on noticing the impact the segregation laws had in South Africa. Fatima Seedat joined the Communist Party in Cape Town, and it was during this time that she met her husband to be, Dawood Seedat, also a member of the Communist Party from Durban. In 1945 she married Dawood and moved to Durban, where she continued her work for the Communist Party.⁹²

In Durban she concerned herself with the politics of the Indian community and joined the Natal Indian Congress. When the Indian Congress joined forces with the African National Congress as a result of the Dada-Naicker-Xuma Pact of 1947 she also became a member of the ANC. In 1946, Fatima was first jailed in Durban for her part in the Passive Resistance Campaign. Her incarceration took place when her baby was only four months old. In 1952, she was jailed for the second time for her role in the Defiance Campaign and was sentenced to one month of hard labour.⁹³

In 1956, Fatima took an active part in the famous Women's March to the Union Buildings on August 9th. She and her twin sister, Rahima always baffled the Security Branch Police as the two were identical twins. In 1964, Fatima and her husband were banned for five years under the Suppression of Communism Act. Although she was

⁹² See the website: www.anc.org.za/anc/newsbrief1994/news0809

⁹³ Ibid.

still a member of the ANC, her political activities were somewhat restricted due to her being a diabetic patient. She died in Durban in 2002.⁹⁴

3.2 FEROZA ADAMS

Feroza Adams was born on 16 August 1961, and first involved herself in political activity in 1976 while she was a pupil at Nirvana High School in Lenasia, Johannesburg. She became active in student politics while she was studying for a Bachelor of Arts degree at the University of Witwatersrand. During this time she played an active part in various community organisations and youth structures of the Transvaal Indian Congress. She was elected to the executive committee of the Azanian Student's Organisation. After completing a post-graduate diploma in Education, Feroza taught for five years in State and private schools.⁹⁵

In 1982, she began her long association with the woman's movement when she joined the Federation of Transvaal Women (FEDTRAW). FEDTRAW became one of the affiliates of the United Democratic Front (UDF). Between 1984 and 1990, Feroza worked as publicity secretary for the executive of the FEDTRAW.⁹⁶ From 1988 to 1990 she worked full-time as national co-ordinator for the UDF and was also involved in Mass Democratic Movement structures. Following the unbanning of the African National Congress (ANC), she was seconded to the Pretoria-Witwatersrand-Vereeniging (PWV) region of the ANC to assist in setting up the office. She worked

⁹⁴ Ibid.

⁹⁵ See website: Mandla.co.za/al-qalam/2000/august200/umbrella.htm

⁹⁶ Ibid.

as campaign and publicity secretary for the ANC Women's League (ANCWL) PWV executive from 1992 to 1993. Feroza was on the steering committee that brought about the National Women's Coalition (NWC) and worked as convenor of the NWC in the PWV area.⁹⁷

Her involvement in PR work for the ANC took her on a course in international relations and diplomatic training at the Clingendael Institute for International Relations in Holland. Feroza Adam died in 1994 at the age of 33 after a car accident, and was buried on 9 August 1994.

3.3 RAHIMA MOOSA

Rahima Moosa was born on 14 October 1922 in the Strand in Cape Town where she attended Trafalgar High. As a teenager Rahima and her identical sister, Fatima first became politically active after they became aware of the unjust segregationist laws that ruled South Africa. In 1943 Rahima became the shop steward for the Cape Town Food and Canning Workers' Union. She later became the branch secretary for the union and became actively involved in labour politics. In 1951 she married Dr. Hassen "Ike" Mohammed Moosa, who was a fellow comrade and who was also tried for treason. She moved to Johannesburg with her husband and they had four children.⁹⁸

⁹⁷See website: www.anc.org.za/anc/newsbrief1994/news0809

⁹⁸ Ibid.

In Johannesburg, Rahima became affiliated with the Transvaal Indian Congress and thereafter the African National Congress as the ANC had signed a pact for a common struggle. In 1955 she played an important role in the organisation of the Congress of the People, where the Freedom Charter was adopted. In 1956, while she was pregnant with her daughter, she helped organise the Women's March, under the support of the Federation of South African Women (FEDSAW). Together with Helen Joseph, Lillian Ngoyi and Sophia Williams, Rahima was at the forefront of the momentous march to the Union Buildings where women handed over petitions against the unjust pass laws. Rahima and her twin sister Fatima always managed to baffle the security branch officer as they could easily switch identities, in times of harassment.⁹⁹

In the early 1960s, Rahima became listed, a status that she remained in until the unbanning of the African National Congress in 1990. In 1970 she suffered a heart attack, as a result of diabetes. Thereafter her health declined drastically until her death in 1993, a year before independence. Before passing away, she ensured that her children would continue her work for a just South African society. Her children have since been actively involved in the ANC and her husband, though old, is still active in political work.

⁹⁹ Horn, Patricia. "The Women's Struggle for equality during South Africa's Transition to democracy" in *Transformation*. 1996. Vol. 30, p. 49.

3.4 ZAINAB ASVAT

Zainab Asvat was the daughter of E I Asvat. She was greatly inspired by her father as a young girl. She accompanied him to political meetings and thus became *au fait* with the political situation in the country. In the 1940s Zainab became politically active. At the time she was studying medicine at the University of the Witwatersrand. She then took a year off from university and went to Durban to participate in the Passive Resistance Campaign. On 13 June 1946, the first group of resisters set up camp on the plot at the corner of Umbilo Road and Gale Street. They planned to live there in tents until they were arrested.¹⁰⁰ There were eighteen resisters, six of whom were women namely, Zainab Asvat, Zohra Bhayat, Amina Pahad, Zubeida Patel of Johannesburg and Mrs Lakshmi Govender and Mrs Veeramah Pather of Durban. Dr GM Naicker, President of the NIC and MD Naidoo, Secretary of the NIC, lead the group. Zainab's sister Amina (Asvat) Cachalia, and her school friends came after school to sing and cheer on the campaigners.¹⁰¹

On the night of Sunday, 16 June 1946, a group of White hooligans overran the camp, and took away some of their supplies like tents and blankets. Zainab, Amina Pahad and Mrs Veeramah Pather were injured when the tents fell on them. The hooligans assaulted two of the women and one of the men. After this attack, the leaders became concerned and asked the women to leave the camp, but they refused to go. Only Mrs Veeramah Pather, an old campaigner who served in Gandhi's satyagraha campaign,

¹⁰⁰ "The Women's Struggle for equality during South Africa's Transition to democracy", op. cit.

¹⁰¹ See website: www.anc.org.za/anc/newsbrief1994/news0809

was not allowed to remain as she was sixty years old. The following night, a meeting was called at the camp and Dr Naicker explained what had happened and applauded the women for their courageousness.¹⁰²

Mrs Lakshmi Govender spoke at the meeting about the attack. Zainab Asvat also talked to the crowd. She made a fiery speech in which she condemned the violence, the discriminatory law, and affirmed the resisters' devotion and appealed to the people to remain calm but to take note of all that was happening. On Saturday 28 June, Zainab was arrested, but was released later the same night. On Sunday, she lectured to 800 women at a meeting at the Avalon Cinema. According to an article in *The Leader* of 29 June 1946, she said, "The Prime Minister, General Smuts had provided the stimulus for concerted resistance by passing the "Ghetto Act", and the Indian people had struck for freedom."¹⁰³

Zainab's courage and determination were very motivating and many women were inspired to join in the campaign as a result. Mrs Veeramah Pather, Miss Khatija Mayet, Dr. Goonam and Miss Zohra Meer also addressed this meeting. In July, Zainab who led a batch of resisters, was arrested, and sent to prison where she spent three months and was released in early October. Later in October, Zainab, Mrs PK Naidoo and Miss Suriakala Patel, were elected to the Transvaal Indian Congress Committee. They were the first women ever elected onto the TLC Committee. Mrs

¹⁰² Ibid.

¹⁰³ Ibid.

PK Naidoo was made a Vice President. All three of these women were devoted supporters and had served prison sentences during the passive resistance campaign.¹⁰⁴

Zainab returned to medical school after 1946 to complete her studies. She married a fellow student and in the nineteen fifties, she occupied herself with her family. At the end of 1956, she became politically active again. The arrest of one hundred and fifty six activists in December 1956 led to immense hardships for their families and Zainab set about organising a network of support. She raised funds, collected food, blankets and clothing and distributed it among the families of the accused. Zainab also prearranged meals for the accused during trial sessions. This meant arranging supplies of groceries from shopkeepers, getting women to prepare the meals and taking the food to the Drill Hall where the trial was being held.¹⁰⁵

Zainab organised a women's march to the Union Building in December 1963 to protest against group areas relocations and the establishment of the Indian National Council. Mostly Indian women from Johannesburg and Pretoria joined in this march. Unlike the previous marches to the Union Buildings, in this march the women were subjected to assault and violence. The police turned dogs on them and baton charged them. Soon after this incident, Zainab was banned for five years. After her banning ended, Zainab and her husband Dr Kazi who had also been banned took exit permits and moved to London.¹⁰⁶

¹⁰⁴ Ibid.

¹⁰⁵ "The Women's Struggle for equality during South Africa's Transition to democracy", op. cit.

¹⁰⁶ Ibid.

3.5 FATIMA MEER

Fatima Meer was born in Grey Street, Durban on 28 August 1928. Her father, Moosa Meer was the editor of the *Indian Views*, a weekly newspaper which mainly served the Gujarati-speaking Muslim communities. Fatima Meer was brought up in an atmosphere that was highly conscious of racial discrimination and this shaped her into an unstinting defender of the oppressed. She was a pupil at the Durban Indian Girls School and later went to the University of Natal where she completed a Masters degree in Sociology.¹⁰⁷

Between 1946 and 1948, Indians in South Africa actively involved themselves in the Passive Resistance campaign against apartheid. Fatima Meer, who joined the campaign, founded the Student Passive Resistance Committee, where she started her career as an anti-apartheid campaigner. She helped to bring about the Durban districts Women's League which attempted to form an alliance between Africans and Indians. A rift was caused between Africans and Indians during the race riots that occurred between the two groups in 1949. The organisation built a crèche, distributed milk and refused to accept the arrests of African women with passes.

When the National Party came to power in 1948, the Apartheid policy was enforced. Fatima Meer's involvement increased and she spoke openly against Apartheid. Her actions led to her being banned in 1952. She could not take part in public gatherings and her writings were prohibited from being published.

¹⁰⁷ See website: www.anc.org.za/anc/newsbrief1994/news0809

She was a founding member of the Federation of South African Women (FEDSAW)- a group that were at the forefront of the historical women's march to the Union Buildings which took place on 9 August 1956.

During the 1960s, when many activists were being detained without trial, she organised night vigils. Also in the 1970s when the Black Consciousness Movement began to surface, she was again banned and was then detained for trying to organise a rally with Steve Biko. Shortly after her release in 1976, Fatima Meer survived an assassination attempt when her house was petrol bombed. That same year her son, Rashied, was forced into exile. That was a very difficult time for Fatima Meer as she was not to see her son for a decade.¹⁰⁸

From the 1980s to the 1990s, Fatima Meer worked with NGOs (non-government organisations), fighting for the civil rights of shack-dwellers and rural migrants. She headed the Natal Education Trust, which built schools in Umlazi, Port Shepstone and Inanda, established the Tembalihle Tutorial College in Phoenix and a Crafts Center. These projects were shut down in 1982 as the government did not want Fatima Meer to improve the quality of education for Africans.¹⁰⁹

She has published more than forty books on a wide variety of subjects, her major publications include:

1. *Portrait of Indian South Africans*
2. *Apprenticeship of a Mahatma*

¹⁰⁸ "The Women's Struggle for equality during South Africa's Transition to democracy", op. cit.
¹⁰⁹ See website: www.anc.org.za/anc/newsbrief1994/news0809

3. *Race and Suicide in South Africa*
4. *Documents of Indentured Labour*
5. *Higher than Hope*
6. *The South African Gandhi*
7. *Resistance in the Townships*
8. *Apartheid our Picture*
9. *Passive Resistance* and many other others.

Fatima Meer has also won herself numerous awards for her activities, such as; Union of South African Journalists in 1975; Imam Abdullah Haroon Award for the Struggle against Oppression and Racial Discrimination in 1990; Vishwa Gurjari Award for Contribution to Human Rights in 1994 and “Top 100 Women Who Shook South Africa” in 1999.¹¹⁰

Fatima Meer continues with her work with non-governmental bodies, and has also served in a number of advisory positions for the government. She is also a member of Jubilee 2000 that was formed to get the Third World Debt cancelled. The past few years have been difficult for Fatima Meer, who has since lost both her husband (Ismaeel) and her son (Rashied). She has also suffered several heart attacks, yet she remains a fighter and a champion of the disadvantaged communities.¹¹¹

¹¹⁰ Ibid.

¹¹¹ Ibid.

3.6 AMINA CACHALIA

Amina Cachalia's father, E I Asvat, was an activist since the time of Mahatma Gandhi. As chairman of the Transvaal British Indian Association, and key member of the Transvaal Indian Congress (TIC), he was active in the protest movement against the Asiatics (Land and Trading) Amendment Act (Transvaal), 37/19. This act placed severe restrictions on trading rights, ownership and occupation of land of the Asians in South Africa. At that time, Indian politics was beginning to expand. There were many new political formations and within the Congress there was a split between those who wanted to negotiate with the government and those who wanted to resist the act entirely. Amina Asvat was born in 1930, into this period of political turmoil. She was the ninth of eleven children. Her mother was Fatima Essack and her elder sister Zainab Asvat was eight years older than her. Her family had moved from Vereeniging to New Clare where her mother owned property. In New Clare, Amina grew up without any consciousness of colour and race. It was only when the family moved to Fordsburg and she went to an Indian school that she became aware of racial politics that prevailed. It was at that school that she came under the influence of Mervy Thandray - a teacher who belonged to the Communist Party and took it upon himself to develop the awareness of his students about conditions in South Africa. Though as an Asvat, there was a natural tendency towards political activism, it was not her father's example that Amina followed. She was one of the younger children and very feeble. Her father had spent more time with the older children, teaching them about Gandhi and passive resistance. He died when she was about twelve and it was Mervy Thandray, later secretary of the TIC, who became Amina's mentor.

When she was fifteen years old, she transferred as a student to the Durban Indian Girls' High School.¹¹²

Amina wanted to take part in the Passive Resistance Campaign but she was never accepted, as she was too young and too frail. She remained in Durban until the campaign ended late in 1947 without being given the chance to participate in the campaign. Thereafter, she returned to Fordsburg and continued with her formal education. Shortly after she took up shorthand and typing, she found a job and became politically involved. She joined the Indian Youth Congress and attended classes conducted by the TIC to learn about the situation in South Africa and ways and strategies to overcome injustice. The Youth Congress was also involved in activities such as distributing leaflets etc. At that time, Amina did not have much contact with African people in general, only with the leadership of the African National Congress (ANC) who regularly visited the offices of the TIC. When the TIC began offering bursaries to South African Indian students to study in India, Amina became interested and applied. This is when she first met her husband-to-be, Yusuf Cachalia, secretary of the TIC. He was interviewing the bursary applicants. When she applied for a passport, she was refused so she did not go to India. She worked for the Peace Council for a while, raising funds and organising meetings. She also became very involved in Congress work and was being exposed to people like Lillian Ngoyi and Helen Joseph who were working at the Industrial Council.

¹¹² "The Women's Struggle for equality during South Africa's Transition to democracy", *op. cit.*

In 1948, she established the Women's Progressive Union that worked hand-in-hand with the Institute of Race Relations. Her goal was to assist women to become financially independent. The organisation which was well supported by the Indian community, offered classes in literacy, shorthand and typing, baby care, dress-making and music. It also offered basic training in nursing and a number of women took up nursing as a profession. The Women's Progressive Union functioned for at least six years.

During the time of the Defiance Campaign, Amina, who had joined the ANC, worked tirelessly, distributing pamphlets, making home visits and recruiting volunteers. On 26 August 1952, she marched in the Germiston batch led by Ida Mtwana. They were twenty-nine women in all, eleven Indian, one Coloured, Susan Naude, and seventeen African women. The group was arrested and imprisoned for fourteen days in Boksburg prison. Amina, the youngest, had a heart condition so the rest of the women jailed with her took special care of her. During the early fifties, Hilda Bernstein, a vibrant member of the South African Communist Party (SACP), and Ray Alexander Simons supported the idea of a women's federation that would cut across colour and race. They enlisted the aid of Helen Joseph, Lillian Ngoyi, Josie Mpama (Palmer), Ida Mtwana and Amina and in 1954, the Federation of South African Women (FEDSAW) was first started. Lillian Ngoyi was its first President and Amina was made its treasurer. The immediate aim of the organisation was to contest the proposed pass laws for women. So FEDSAW organised a protest march of women to the Union Buildings in 1955. Ida Mtwana led 2 000 women, mainly African, in the demonstration. Then FEDSAW decided on a national march to

include women of all races and on the 9th of August 1956. 20 000 women marched to the Union Buildings to hand over their petitions against pass laws. The women's efforts succeeded in delaying passes for African women for a few years.¹¹³

At the end of 1956, the police arrested one hundred and sixty-five activists on charges of treason. Charges against sixty-five people were dismissed after a year and thirty were sent to stand trial in Pretoria in 1959. In March 1961, all charges were dropped. During the proceedings in Johannesburg, Amina assisted her sister, Zainab Asvat, in support work for those on trial and those families that had been left destitute by the removal of the breadwinner. After the Treason Trial, and the banning of organisations, political activity went underground and took new shape. Activists were all regarded as threats to the State and in 1963 a number of them were banned. Amina was banned in November 1963 for a period of five years and her husband, Yusuf, was placed under house arrest. Amina was greatly restricted and could not attend social and political gathering. She also could not leave the magisterial district of Johannesburg, and likewise, she could not enter any publishing house or educational premises. When Amina's banning order was about to expire, she was served with another and then another. She stayed under banning orders for fifteen years. The banning, which restricted her movement and ability to associate freely with people, in effect put a stop to her political work.

Her banning came to end in 1978 and she immediately became involved in the struggle against the government's efforts to co-opt the Indian and Coloured

¹¹³ See website: www.anc.org.za/anc/newsbrief1994/news0809

communities. The government was trying to win legitimacy for the government appointed Indian National Council, which had become the South African Indian Council (SAIC) and was regarded by the Indian community in general as their own representatives to it. Progressive Indians, like Amina, were opposed to that new form of Apartheid and anti SAIC communities were formed to fight the phony elections. Even though the vast majority of the Indian community boycotted the election, the government regarded the election results as backing of their policy and went on to put form the Tri-Cameral system. That led to the resuscitation of the TIC and the formation of the United Democratic Front and Amina became actively involved in campaigning against the new dispensation. When the new ANC government was formed in 1994, Amina was offered an ambassadorship, which she humbly declined. She is now widowed and lives in Johannesburg.

CONCLUSION

This chapter dealt with the involvement of Muslim women in the national liberation struggle. It is quite clear that in South Arrica, the involvement of Muslim female activists in the anti-Apartheid struggle spearheaded the changing roles of Muslim women in South Africa. The roles of these women stalwarts were to a large extent shaped by the discourse of the national liberation struggle. It ought to be noted here that many of them had been involved in or came from different liberation movements.

Subsequently, the general involvement of women in anti-Apartheid struggle of the 1980s assisted in the development of feminist agendas in the broader South African society and the birth of somewhat similar agendas within the Muslim community. Thus, for example, as the Women's National Coalition assisted in developing the confidence of women in putting forward feminist demands, a similar confidence was also mirrored among Muslim feminist who began more vigorously struggling for their own agendas within their community.¹¹⁴

Sadly, after 1400 years it appears that there is still confusion and conflict as to the status of women in Islam, and the role that gender plays in an individual's worth in terms of status, position, potential and constitution. Despite the overwhelming and compelling evidence that Islam liberated women more than a thousand years ago, we find that within the Muslim community it is still problematic for Muslim women to play a dynamic role in public life. Hence, the accusation that Islam oppresses women, to which the Muslim community reacts emotionally with denial and animosity, without reflecting inwardly and addressing the existing problems.

¹¹⁴See website: <http://shams.za.org/role.htm>, 1994

Chapter Four

CHALLENGES CONFRONTING MUSLIM WOMEN IN SOUTH AFRICA

INTRODUCTION

This chapter focuses on some of the more evident expressions of Islamic feminism that have manifested themselves in South Africa in the last two decades. The focus will not only be on individual feminists but rather on organisations, significant moments and discourses. The organisations and movements that will be discussed are: the Muslim Youth Movement of South Africa (and its Gender Desk), the Muslim Personal Law Board, the Claremont Main Road Mosque in Cape Town, the Mayfair prayer congregation, the matter of Radio Islam's preventing women's voices on air, the funeral prayer of the Muslim feminist activist Shamima Shaikh, domestic violence and abuse in the Muslim community, Muslim women and the issue of AIDS in South Africa and the issue surrounding the wearing of the headscarf in South African public schools.

4.1 MUSLIM YOUTH MOVEMENT OF SOUTH AFRICA (MYM) AND ITS GENDER DESK

The Muslim Youth Movement (MYM) was established in 1970 in Durban, and since its inception has dealt with numerous women's issues in South Africa. These issues include inviting foreign women guests to deliver speeches, establishing a Women's

Council; campaigning for women to be allowed spaces in mosques and attempting to form a 'Women's Islamic Movement'. The 'women in mosques' campaign attracted a great deal of attention in the Muslim community. The MYM campaigned for mosques to provide facilities where Muslim women could pray. Many of South Africa's mosques especially in the northern provinces have no prayer facilities for women in their mosques.

The MYM saw itself as part of an international Islamic renaissance movement and one of its tasks was to bring to South Africa a range of international guest speakers to help develop its revivalist agenda.¹¹⁵

Many of these speakers had some association with the *al-Ikhwān al-Muslimūn* (The Muslim Brotherhood) which originated in Egypt. As with other international Islamic revivalist movements at the time, the participation of women in Muslim life was important for the MYM. The movement's insistence on the public involvement of women was one of the main reasons for it earning the disapproval of the conservative '*ulamā*'. For the '*ulamā*', the MYM's call for women to be accommodated in the mosques – especially in the provinces of Natal¹¹⁶ and Transvaal¹¹⁷ – and its 'mixed gatherings' – conventions, youth camps and other programmes where men and

¹¹⁵ 'Muslim Youth Movement Gender Desk', brochure of the MYM Gender Desk. See also the website: reproduced also on <http://shams.za.org/gdesk.htm>

¹¹⁶ This province is now known as the Province of KwaZulu-Natal.

¹¹⁷ This province is now known as the Province of Gauteng.

women participated together even though segregated – were seen as a deviance against the version of Islam that they had been promoting.¹¹⁸

MYM members in the 1970s met with much opposition from the more conservative sectors in the community as the organisation pushed forward to provide more public space for women. Indeed, its views on women were criticised largely by the *'ulamā*. It must be pointed out, however, that the MYM was not the first organisation to fight for women's public space. Another example is the Women's Cultural Group, which was formed in 1954.¹¹⁹ Although focusing mainly on cultural activities and activities that are stereotyped as being women's work, the Group still managed to attract the anger of the conservative clergy.¹²⁰ However, the MYM was more popular because it was the first national organisation to raise these issues and it made the issue of Muslim women's public participation an Islamic issue. It also differed from the women's cultural group as men led the MYM when it was first established in the 1970s.

The issue of women's rights has been for many years the crossing point of the different discourses between conservatives and Islamists/modernists. While in the 1970s the main 'women's issues' that the MYM concentrated on were mosque access for women and participation of women in Islamic activities, like lectures and programmes such as conventions and camps. In the 1980s that focus changed to a large extent in view of the fact that Muslim women began to align themselves with

¹¹⁸ "Muslim Youth Movement Gender Desk", brochure of the MYM Gender Desk. See also the website: <http://shams.za.org/gdesk.htm>

¹¹⁹ Interview with Zuleikha Mayat, October 2003.

¹²⁰ Interview with Zuleikha Mayat, October 2003.

and become members of the MYM out of their own accord rather than being bogged down to be perceived as wives of male activists. Most of these women were University and high school students. Many of them, like their male counterparts, had joined what had by then become its students' wing – the Muslim Students Association (MSA).

The MSA¹²¹ was the more politically active of the two organisations. Women's participation in Islamic activities became less of an issue as the students were more relaxed on this issue since they interacted freely at educational institutions. MSA programmes were also not segregated like the MYM's. As the MYM and MSA got more involved in political activity, women also naturally formed part of marches, demonstrations and protests. Thus, while in the 1970s the MYM tried to convince the Muslim community of the need for women to be in the mosques, in the 1980s it was bringing women out into the streets as well.

The latter part of the 1980s saw other issues around women being tackled in the MYM's discourse. The issues the organisation began grappling with included Muslim women's leadership in the community (including within its own structures) and the notion that Islamic Scripture, namely, the *Holy Qur'ān*, should be read in a contextual manner that exposed more women-friendly interpretations. *Mawlānā*

¹²¹The MSA was started in 1969, one year before the MYM. Initially there was no significant relationship between the two organisations and the MSA was an ideological umbrella organisation for Muslim students. By the early 1980s, however, students trained by the MYM got involved in the MSA and began leading it in the same ideological direction as the MYM.

Ebrahim Moosa¹²² who was the deputy president of the MYM spearheaded that process in the organisation's Western Cape. Increased political activity, interfaith relations and women's rights became among the most important issues on the MYM's agenda.

In 1990 the MYM launched its 'Women's Rights Campaign'. It was one of a number of changes that the organisation made at its 1990 General Assembly. Other changes included changing the membership structure of the organisation from its previously 'cadre-based' to a new 'open-membership' structure. New regions were added and it was decided that the organisation was to focus the recruitment drive of the organisation into African areas. Its activities were divided into three areas: organising, education and campaigns. The women's rights campaign was one of three campaigns the movement decided on.¹²³ This General Assembly also saw the appointment of the first African president of the MYM – Shaykh Tahir Sitoto.

One of the strong campaigns of the MYM was in Transvaal where the focus became women's access to mosques. However, unlike in the past when the MYM pleased itself with speaking and writing pamphlets about the issue, MYM women embarked on a more aggressive approach. In 1993, just before the holy month of *Ramaḍān*, MYM women activists anonymously printed and distributed pamphlets calling on women to attend the *Tarāwīḥ ṣalāh* daily at the 23rd Street Mosque in Fietas, Johannesburg. Women's defiance of the mosque committee and the committee's

¹²² Sa'diyya Shaikh, *Battered Women in Muslim Communities in the Western Cape: Religious Constructions of Gender, Marriage, Sexuality and Violence*. Unpublished MA Dissertation, Religious Studies, Cape Town: University of Cape Town, 1996.

¹²³ MYM, *Handbook of the MYM of SA*, undated.

fierce response to it drew much media attention – especially for the leader of the campaign, Shamima Shaikh.¹²⁴ The action was the main driving force for the MYM's General Assembly deciding later that year to form the MYM Gender Desk with Shamima Shaikh as its national coordinator. The mission statement of the Gender Desk is as follows:

Committed to the Islamic values of justice, freedom and equality, the MYM Gender Desk focuses on gender issues in order to transform society and affirm people's humanity through education, campaigns and the empowerment of women.¹²⁵

The mission statement showed a shift in the thinking of the MYM. It did not speak of women or women's rights, but rather of 'gender issues'. Further, its objectives were clear: 'to transform society and affirm people's humanity'.¹²⁶ However, key to the programme of the Desk was also a transformation of the movement itself. Firdousa Waggie says that following the women's leadership debates up to 1990, women realised that they had been marginalized in the MYM. The Gender Desk, she says, was thus a response to such marginalisation.¹²⁷

¹²⁴ "Johannesburg women take initiative" in *al-Qalam*, March 1993, p. 3.

¹²⁵ *Muslim Youth Movement Gender Desk*, an undated, but most likely from its 1994 brochure. See also the website: <http://shams.za.org/gdesk.htm>

¹²⁶ MYM Gender Desk Brochure, undated (probably printed in 1994). See also the website: <http://shams.za.org/gdesk.htm>

¹²⁷ Ibid

The Gender Desk became an effective structure promoting gender equality and the agenda of Islamic feminism within the organisation and the Muslim community as a whole. It is interesting to note however, that the Desk never claimed for itself the title 'feminist'. The first time that Shamima Shaikh publicly applied the label 'feminist' to herself was at an MYM training programme in 1997, three weeks before her death.¹²⁸ Female and male members of the organisation from all over the country related to the agenda of the Desk and its various campaigns. These included the attempt to get Muslim women 'equal access' to Muslim institutions and the campaign for a 'Just Muslim Personal Law'. The Gender Desk also supported the idea of a national federation of Muslim women in South Africa and the development of 'networks with local and international, Muslim and other, women's organisations' – and the lobbying for Muslim women's rights.¹²⁹

However, it must be noted that the passage of these structures and campaigns in the organisation were not always smooth.

Another important project of the Gender Desk was the Divorce Support Group in Cape Town. This was one of the projects which the Gender Desk saw as one of its practical community outreach activities as compared to its educational, and lobbying activities. Through the Divorce Support Group, divorced Muslim women and women with marital problems received emotional support. The group served up to 30 women

¹²⁸ Shamima Shaikh, "Women and Islam – The Gender Struggle in South Africa: The Ideological Struggle", paper presented to the MYM Islamic Tarbiyyah Programme, December 1997.

¹²⁹ See *Muslim Youth Movement Gender Desk*, brochure.

at a time.¹³⁰ For Shamima Shaikh, the Divorce Support Group – which began in 1996 and still exists – was an integration of the strategies of presenting the *Qur'ān* as a 'source of empowerment for women' and providing immediate relief to those women who were marginalized victims. The proposals that Shamima Shaikh put forward to the MYM executive committee were never deliberated upon - they were simply adopted. The MYM male members were silent on the MYM Gender Desk and its work. Shamima Shaikh expressed the view that the Gender Desk was too ambitious, and it seemed that the MYM wasn't ready for it.¹³¹

4.2 THE 23RD STREET MOSQUE AND THE CLAREMONT ROAD MOSQUE INCIDENTS

As mentioned earlier, the MYM embarked on a campaign to secure space within mosques for Muslim women. It was a campaign that the organisation never abandoned. However, in the 1990s, the campaign took a new turn and this is discussed with reference to three events: the 23rd Street Mosque *Tarāwih ṣalāh* incident in 1993, the incident of a woman giving the Friday sermon in the Claremont Main Road Mosque in 1994 and a small gender-equal congregation which took place in Johannesburg in 1995-1996.

While the MYM was confronted with a great deal of disparagement for its attempts to secure space in mosques for women, for most Muslims in the Western Cape this

¹³⁰ MYM Gender Desk Brochure, undated (probably printed in 1994). Can also be viewed on the website: <http://shams.za.org/gdesk.htm>

¹³¹ Ibid.

was a campaign that they could not identify with. The reason was that most of the mosques in the Western Cape had provided women with facilities for prayer in mosques for many decades – even centuries. Muslims in the Western Cape – who make up about 50 percent of South Africa’s Muslim population – are mainly of Malay origin with a culture of more relaxed mixing of the sexes. The Muslims in the Northern provinces – what used to be Natal and Transvaal in apartheid South Africa – are mainly of Indian origin with a more restricted culture of gender mixing and interaction. Thus the struggle for women to be able to pray in mosques was very much a Northern battle. The 23rd Street Mosque incident was the beginning of a new way of dealing with the issue of women in mosques for the MYM, one which would have national implications.

The 23rd Street Mosque is situated in what used to be Fietas – from where a multi-racial community had been removed and relocated by the apartheid government in the 1960s.¹³² While houses and businesses had been demolished to make way for a White settlement, the two mosques in the area – which is now called Pageview – remained standing. These were the 15th and the 23rd Street mosques. The management of the 23rd Street Mosque changed hands many times as committees found it difficult to fill the mosques as its congregants had been moved to about 30 kilometres away.

Early in the 1990s, the mosque committee came under the majority control of former members of the MYM. They attempted to make some changes to the running of the mosque in line with past MYM policies. These included attempts to have *khutbahs*

¹³² “Johannesburg women take initiative” in *al-Qalam*, March 1993, p. 3.

(sermons) delivered in English rather than in Arabic; the introduction of a range of different speakers rather than just clergy and the appointment of an African *Imām*. The mosque became the closest thing to an 'alternative' mosque in Johannesburg. Some MYM members attempted to exploit this mosque in other ways as well. The month of *Ramaḍān* in 1993 was witness to one of these attempts.

During the month of *Ramaḍān* there is an additional daily prayer: the *Tarāwīḥ* prayer, which follows the late night '*Ishā*' prayer. While it is not necessary for *Tarāwīḥ* to be prayed in congregation, it is *sunnah* to do so, and in most mosques the entire recital of the *Qur'ān* is completed during the month long *Tarāwīḥ* prayer. In the Northern provinces, women had been fundamentally excluded from the congregational *Tarāwīḥ* prayers because no facilities were provided for them. In Johannesburg, women who wanted to attend the prayer would go to one of the 'Malay' mosques in Bosmont, Newclare or Riverlea which did provide facilities for women.

In the *Ramaḍān* of 1993 some MYM women – led by Shamima Shaikh – decided to claim their space in the mosque of their locality, namely the 23rd Street Mosque in Johannesburg. Just before *Ramaḍān* of that year, they distributed pamphlets asking women to attend the *Tarāwīḥ* prayer at the particular mosque. Although some members of the mosque committee initially reacted with fury, threatening to evict the women, the former MYM members on the committee tacitly supported the move. However, lines were brusquely drawn on the 27th night – the night that attracts the largest *Tarāwīḥ* congregation. The mosque committee decided for that night to put

up a marquee behind the mosque to accommodate the women who had, up to this point, prayed on the mezzanine level of the mosque. About 200 women attended the *Tarāwīḥ* prayer that particular night. When they arrived they were redirected to the marquee in order to allow the additional men to occupy the mezzanine level. The committee was undivided about this decision. Shamima Shaikh and a small group of women nevertheless attempted to pray as they had done before on the mezzanine level but were forced out.¹³³

The next night this group of defiant women released a pamphlet¹³⁴ which described their ill-treatment the night before. The pamphlet claimed the mosque space for the women by the simple fact of their having prayed there. It also condoned the 'preferential treatment' that men who had not prayed there for the rest of the month had received. The following statement appeared in that pamphlet:

It is about time that our community, especially the men, begins educating itself about issues that are crucial to our lives and survival as a community. Women and children are not second-class citizens to be denied access to mosques, to be hushed up whenever we begin talking, and to be shunted around at the whims of men.¹³⁵

¹³³ "Johannesburg women take initiative" in *al-Qalam*, March 1993, p. 3.

¹³⁴ "Statement by the 23rd Street Mosque Women's Jamaah", pamphlet, Ramadan 1993.

¹³⁵ "Statement by the 23rd Street Mosque Women's Jamaah", pamphlet, Ramadan 1993.

The issue received a great deal of media attention, even beyond the Muslim community.

While this incident was one which Western Cape Muslims could not relate to – the pamphlet implied that further limits needed to be transgressed; demands that women all over the country would be able to relate to. That is what the MYM Gender Desk decided to do when it was formed later that year. It changed its language to call not simply for ‘space in mosques’ for Muslim women but to demand ‘equal access to mosques’. Shamima Shaikh asserted that the Gender Desk introduced that expression into Muslim discourse.¹³⁶ ‘Equal access meant that women and men should share the main space in the mosque rather than women being relegated to a separate space. Interestingly, another mosque, this time in Cape Town, was to show the way in this regard.

The ‘equal access’ demand became a reality at the Claremont Main Road Mosque in Cape Town in 1994 when the Islamic scholar and author, Professor Amina Wadud Muhsin, visited South Africa in August of that year - just months after South Africa’s first democratic elections had taken place. She had been invited to speak at a conference on ‘Islam and Civil Society’ organised by the Islamic Studies Department at the University of South Africa (UNISA). Besides her speech at that conference, she also delivered a Friday pre-sermon lecture at the Claremont Main Road Mosque. This was the first time in South Africa that a woman had delivered the Friday talk.¹³⁷

¹³⁶ Shamima Shaikh, Gender Desk Report to the General Assembly 96, 29 June 1996, p. 2.

¹³⁷ “Another first for South Africa (and the world?)!” and “A small Cape Town Mosque Makes World Muslim History”, *al-Qalam*, August 1994, pp.1-2.

The Friday prayer is divided into two main parts: the prayer and a *khutbah* (sermon) preceding it. Many Muslims regard the *khutbah* as a *dhikr* (remembrance of God) and thus argue that it must be in Arabic. Mosques which recognize this position generally have a pre-*khutbah* lecture in a local language. The Claremont Main Road Mosque usually has its *khutbahs* in English. On that particular day, however, the mosque introduced the pre-*khutbah* lecture to allow Amina Wadud to speak, without having her delivering the actual *khutbah*, thus not transgressing the norm.¹³⁸

The Claremont Main Road Mosque had already made concerted efforts to increase women's involvement in the mosque: women had spoken at the mosque on occasions other than the Friday prayer (although this was done from the upstairs women's section); there were women on the mosque committee and the mosque had a separate women's committee.

Amina Wadud's lecture had sparked an international controversy and in Cape Town alone there were violent responses. Amina Wadud was consequently prevented from speaking at another meeting at the Masjid al-Quds in Gatesville (another Cape Town suburb),¹³⁹ and six months later the Claremont Main Road Mosque saw protests by members of the Muslim Judicial Council who physically prevented congregants from entering the mosque for its Annual General Meeting. Some congregants complained that they had been physically and verbally assaulted.¹⁴⁰ After Amina Wadud returned

¹³⁸ *Al-Qalam*, March 1995, p. 1.

¹³⁹ "Anti-Wadud protestors desecrated Mosque" in *al-Qalam*, August 1994, p. 2.

¹⁴⁰ *al-Qalam*, March 1995, p. 1.

to the US and news of her lecture had spread internationally, there was a campaign to force the University where she taught to dismiss her.¹⁴¹

However, despite the violent attacks – verbal and physical – against the supporters of the Amina Wadud-Muhsin’s lecture, the incident set the scene for more, but quieter changes in the Muslim community. Nowadays, it is commonplace for women to speak before the Friday prayer (and at other times) at the Claremont Main Road Mosque. Another mosque in Johannesburg’s Brixton suburb – *Masjidul Islam* – followed the Claremont example, although in a more limited way. The co-convenor of the UNISA conference that Amina Wadud-Muhsin addressed, namely, Iqbal Jhazbhay, and members who had broken away from the 23rd Street Mosque committee established *Masjidul Islam* in 1996.¹⁴² The mosque has a gallery section for women and women often deliver the Friday pre-*khutbah* talk and lecture on other occasions from the gallery. The mosque has not as yet taken the step (officially) of having women pray in the main section of the mosque. Women, however, have prayed in the main section behind the men many times after MYM *halaqāt*,¹⁴³ but these were always done without the approval of the mosque committee.

The Claremont Main Road event had thus set a precedent: it pushed the limits of Muslim women’s participation in Muslim public life and it gave Muslim women a voice in the most important Muslim institution – the mosque. Some popular Muslim

¹⁴¹ “Anti-Wadud protestors desecrated Mosque” in *al-Qalam*, August 1994, p. 2.

¹⁴² “The pre-*khutbah*, *khutbah* and Islamic change”, in *al-Qalam*, August 1994, p.15.

¹⁴³ These are Islamic Study Circles organised by the MYM for its members.

activists optimistically commented on the incident¹⁴⁴ and the progressive Muslims monthly *al-Qalam* – which is the mouthpiece of the MYM – published Amina Wadud's entire lecture¹⁴⁵ after the MYM Gender Desk instructed it to do so.

While still on the issue of women and mosques, a small congregation was started in Mayfair, Johannesburg in 1995. In that congregation there was no gender distinction in terms of who could fulfil any of the ritual roles; men and women were given equal opportunities to deliver the Friday sermons and lead the prayer. For those who supported the MYM Gender Desk's 'equal access' call, this seemed the ideal model. The proposal for congregation was taken by members of an MYM *halqah* (study group) in Mayfair. The congregation met weekly for the Friday prayer and daily in *Ramadān* for the *Tarāwīḥ* prayer. Part of the uniqueness of that particular congregation is indicated in the expressive ways of its space allocation:

At times men would pray in front and women at the back – the size of the congregation was small and there would be only two rows. At other times a brother and a sister or a husband and wife would stand next to one another so that men and women were in one row... All the congregants present – men and women, made all decisions regarding this congregation.¹⁴⁶

¹⁴⁴ Some examples of this are: Abdulkader Tayob, "The pre-khutbah, khutbah and Islamic change", *al-Qalam*, August 1994, 15; Sa'diyya Shaikh, "Sexual Men and Spiritual Women", *al-Qalam*, September 1994, 6; Khadija Magardie, "Wadud is a brave woman" in *al-Qalam*, September 1994, p. 13; and "We applaud your courage" in *al-Qalam*, November 1994, p. 13.

¹⁴⁵ Amina Wadud, "But what did she really say?" in *al-Qalam*, September 1994, p. 4.

¹⁴⁶ See Faaiza B. Shaikh, "Muslim Women's Rights to Mosque Space", unpublished MA dissertation, University of Natal Durban, 1998, p. 31.

The above quote brings to the fore another element of the congregation: it was non-hierarchical with no concern for titles or job descriptions or gender. The congregation, however, lasted for only two years before being disbanded. The congregants then switched over to *Masjidul Islam*, which is largely seen as the only 'alternative' mosque in Johannesburg.

4.3 MUSLIM PERSONAL LAW

A set of developments in the 1990s that brought Islamic feminisms into sharp contrast with Muslim conservatism was the discourse, actions and structures around Muslim Personal Law (MPL). Muslim Personal Law has been a term given to a package of provisions within Islamic law (or *Shari'ah*) that relate to family law.¹⁴⁷ These include laws relating to marriage, divorce, inheritance and succession. MPL was developed during colonial rule in Muslim societies as these societies attempted to protect at least the basic private laws of Islam as the public expression of their cultures and religions were being repressed and were viewed as backward. MPL, then, was a compromise in colonial times rather than a body of law on its own. The idea was later also taken up by Muslim minority communities as being pertinent to their contexts.

South Africa's apartheid government had attempted on many occasions – particularly in 1985 – to win over the Muslim community with promises of the recognition of

¹⁴⁷South African Law Commission. Issue paper 15. Project 59. "Islamic Marriages and Related Matters". May 2000.

MPL. This was a significant proposal for a community whose marriages are not recognised as legal by the state and many of whose children were therefore illegitimate in terms of South African law. This illegitimate status created enormous hardships for Muslims – especially for women. Such attempts by the state, however, were continually opposed and thwarted by anti-Apartheid Muslim activists, such as those associated with the MYM. Any handout by the Apartheid state was viewed as an effort to co-opt Muslims into state structures and thus recognition of such handouts were viewed as collaboration with the Apartheid regime. Progressive Muslims at that time rejected the MPL.

In April 1994 – weeks before South Africa’s first democratic election – the ANC began a process to establish a representative body of Muslims to look at MPL, how it could be integrated into the South African legal system and to possibly prepare draft legislation for that purpose.¹⁴⁸ Thus the MPL Board was launched in August 1994 with eight founding members: the Call of Islam, the MYM, the Muslim Judicial Council, *Jamiatul Ulama* Natal, *Jamiatul Ulama* Transvaal, Islamic Council of South Africa (ICSA), *Sunni Ulama* Council and *Sunni Jamiyate Ulama*.¹⁴⁹ By April 1995, less than a year later, the Board was unilaterally closed down by the five clergy organisations (excluding ICSA) that constituted the United Ulama Council of South Africa (UUCSA).¹⁵⁰ The closure followed a period of intense organisation and mobilisation by the MYM Gender Desk and the Call of Islam. The last Board meeting was characterised by sharp debate and even personal attacks between the

¹⁴⁸ See Constitution of the Muslim Personal Law Board, adopted at the launch of the Board, August 1994.

¹⁴⁹ Ibid.

¹⁵⁰ “Religious people talk rights” in *al-Qalam*, June 1995, p. 1.

Call of Islam and MYM on the one hand and the UUCSA contingent on the other. It was, as one observer said, 'a war zone'.¹⁵¹ The Gender Desk asked women that were not members of the Board to attend the meeting as observers. These women walked out of the meeting in disappointment at the refusal by the Board's president, Shaikh Nazeem Muhammad, to allow them to speak on the grounds that women had to wear headscarves to the meeting.¹⁵²

But the Islamic feminist interventions at the Board level were not only procedural; they were also substantive. For MYM delegates, it became a campaign for a Just Muslim Personal Law – as it was called by the MYM Gender Desk.¹⁵³ In particular, they argued that any new MPL establishment must be based on the principle of gender equality and must be in line with the Interim South African Constitution. The UUCSA had been demanding that any MPL establishment must be exempted from the Bill of Rights. A representative of the *Jamiatul Ulama* Natal said at a constitutional assembly hearing that in order to avoid a conflict between Muslim Personal Law and other fundamental rights, it is recommended [that] the freedom of religion clause [in the Bill of Rights] be qualified to give it overriding effect.¹⁵⁴

At the second MPLB meeting, Maulana Yunus Patel, president of the *Jamiatul Ulama* Natal, demanded that all members of the Board sign a declaration recognising

¹⁵¹ "Women angered by MPLB meeting", in *al-Qalam*, March 1995, p. 2.

¹⁵² Ibid.

¹⁵³ MYM Gender Desk Brochure, undated (probably 1994). Also available on the website: <http://shams.za.org/gdesk.htm>

¹⁵⁴ "Religious people talk rights" in *al-Qalam*, June 1995, p. 1.

MPL as supreme over any other law.¹⁵⁵ This after the Call of Islam's representative, namely, Roshieda Shabodien, had mentioned that Muslims could not be exempted from provisions of the Bill of Rights. She was resonating the position that her organisation and the MYM had taken much earlier, after discussions had started regarding the recognition of African Customary Law. Both groups had insisted that any system of customary law could not be exempted from the Bill. The MYM's Shamima Shaikh, representing the position of many Islamic feminists throughout the country, argued that customary or religious law could not be exempted from the Bill of Rights and be allowed to perpetuate inequalities. To even consider exempting any sector of society from being covered by the Bill of Rights was in her view an injustice that made a mockery of the Bill.¹⁵⁶

Another Call of Islam's representative, namely, Fatima Hujajj, said that she recognised the absolute equality of men and women 'as sanctioned by the *Qur'ān*'.¹⁵⁷ Following on such an argument, Soraya Bosch and Ebrahim Moosa called for a review of MPL to make it consistent with legal transformation in South Africa.¹⁵⁸ The UUCSA obviously recognised the danger of such a gender equality position. Hence, after unilaterally closing down the MPLB, UUCSA accused the MYM and the Call of Islam for questioning the supremacy of Muslim Personal Law in relation to the Bill of Rights and accused them of "opposing any legitimate efforts to achieve the legal recognition and implementation of MPL".¹⁵⁹

¹⁵⁵ "Rising tensions at MPL Board" in *al-Qalam*, March 1995, p. 1.

¹⁵⁶ *al-Qalam*, October 1993, p. 1.

¹⁵⁷ *al-Qalam*, October 1993, p. 1.

¹⁵⁸ *al-Qalam*, October 1993, p. 4.

¹⁵⁹ "The MPLB is dead! (Or is it?)" in *al-Qalam*, April 1995, p. 1.

But the role and significance of Islamic feminisms in the MPLB process was also relevant insofar as it reflected new forms of working among Islamic feminists themselves. The MYM's involvement in the MPL Board was firmly taken charge of by its Gender Desk rather than by its National Executive. The MYM's representative on the MPLB executive was the theologian *cum* academic *Mawlānā* Ebrahim Moosa who was the Board's Assistant Secretary. Yet, because the MYM had decided that MPL was a campaign to be driven by its Gender Desk, he – a former deputy president of the MYM – reported to the Gender Desk rather than to the National Executive. Other MYM MPL Board members – including the organisation's president and general secretary – were also accountable to the Gender Desk through its National Coordinator. The Gender Desk's main legal mind on MPL – Soraya Bosch – was also an advisor on legal aspects of MPL to Ebrahim Moosa and she thus influenced his academic writings on the subject.

Fatima Hujaij of the Call of Islam was elected as a vice-president of the Board at a time when the clergy were refusing, on other occasions, to sit in the same meetings as women. The clergy members were also forced to accept that women would be represented on the Board 'as women' rather than only through organisations they might belong to. These developments showed how within the Islamic feminist camp itself there were shifts in the way the women got involved in various processes and asserted themselves. After the collapse of the MPL Board, the Gender Desk continued with its 'Campaign for a Just Muslim Personal Law'.

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There was a view within the MYM that MPL should not receive more than minimal acknowledgement by the State and that only Muslim marriages should be recognised. It was argued that that would afford better protection to women because the civil courts were seen as more trustworthy than clergy organisations in protecting women's rights. Soraya Bosch, as a lawyer with the Legal Aid Clinic at the University of Cape Town, represented Thoerayah Rylands in the *Rylands vs. Edross* case in the Cape Town provincial court in 1996. Rylands sued her ex-husband for a range of maintenance and other benefits after he had divorced her. The decision of the court¹⁶⁰ was a limited victory for Islamic feminists because although she was not awarded all that Bosch had hoped for (such as an 'equitable' share of the estate), she was awarded benefits that went beyond what the clergy would normally agree to award: namely arrear maintenance and a conciliatory gift. Furthermore, although the marriage in question was illegitimate in that it was only performed according to Muslim rites, the court nevertheless recognised it as a legal contract, thus allowing other distressed Muslim women the option of using the courts to obtain justice in the case of divorces.

Shaikh, Bosch and Moosa, particularly, also persisted in their attempts at educating Muslims about the issues surrounding the implementation of MPL in South Africa and in raising the issues in broader areas as well. That often resulted in clashes between the MYM and the '*ulamā*'. That was well illustrated in one case when Shamima Shaikh participated on a radio talk show on MPL.¹⁶¹ The show resulted in a brief three-letter dialogue between her and the UUCSA. The '*ulamā*' coalition

¹⁶⁰ *Rylands vs. Edross*, 4 ALL SA557 (C), 1996.

¹⁶¹ "Religion on the Line", *SAFM*, July 1995.

initially demanded that she should retract her statements or face a ‘public rebuttal’.¹⁶² After her detailed refutation of their objections,¹⁶³ they abruptly ended the conversation with a prayer that she receive guidance.¹⁶⁴ That ‘dialogue’ was a reflection of the new confidence that Islamic feminists had developed through the 1990s. In her letter, Shaikh accused the ‘*ulamā*’ body of being discourteous, and invited it to make good on its threat of a ‘public rebuttal’, expressing the hope that any such rebuttal would include her responses.

The issue of MPL also afforded Islamic feminists another right to be heard, and a voice in the national rights discourse. It is important to note here, however, that the fact that the Islamic feminists were willing to confront the positions of the ‘*ulamā*’ in the public arena outside of the Muslim community was another reflection of their confidence and their sense that they were capable to unapologetically argue for their positions.

MPL, however, faded into the background of the agenda of Islamic feminists from around 1997, but has just been given new impetus when, in the middle of 2000, the South African Law Commission’s Project Team on MPL released an Issue Paper on MPL.¹⁶⁵ The release of that document jolted many of those who had followed the

¹⁶²UUCSA letter to Shamima Shaikh, 24 July 1995, “Dialogue with the ‘Ulama” – see website: <http://shams.za.org/Dialogueulama.htm>

¹⁶³Shamima Shaikh letter to UUCSA, 9 August 1995, “Dialogue with the ‘Ulama”, see website: <http://shams.za.org/Dialogueulama.htm>

¹⁶⁴UUCSA letter to Shamima Shaikh, 24 October 1995, “Dialogue with the ‘Ulama”, see website: <http://shams.za.org/Dialogueulama.htm>

¹⁶⁵South African Law Commission, Issue Paper 15, Project 59, “Islamic Marriages and Related Matters”, May 2000.

MPL discourse ardently in the past. It also saw the admission of new actors of the Islamic feminist project.

The struggle around Muslim Personal Law, while being at one level a struggle waged by the Muslim community, was, at another level, a struggle waged for a feminist agenda. Debate around MPL had begun in the 1980s but became more forceful around the establishment of a Muslim Personal Law Board. Developments prior to the Board's establishment in August 1994, during its brief life, and after its dissolution in April 1995, resulted in vigorous involvement of Muslim feminists attempting to ensure the best possible deal within any future MPL establishment for Muslim women. The Islamic feminists shifting their MPL focus in other directions, notably the South African courts, followed the dissolution of the Board.

The issues of women and mosques and MPL have been two important campaigns that saw the participation of women. Another area of involvement for Islamic feminists that allowed them a voice was the Muslim media.

4.4 THE MATTER OF RADIO ISLAM AND WOMEN'S VOICES

The Islamic feminism position in South Africa was boosted by a radio station that had refused to allow women on air because they regarded women's voices as *'awrah* (private and should be concealed from the public).

Radio Islam was established and owned by the *Jamiatul Ulama* Transvaal and started its broadcast early in 1997. The station had an obvious policy of not allowing women's voices on air because of the belief that the voice was part of a woman's 'awrah. Initially there were no objections to this position from any section in the Muslim community – or even from the regulatory authority, the Independent Broadcasting Authority (IBA) – until a small organisation in Lenasia, Youth for Islamic Enlightenment and Development (YIELD) approached the station complaining that the exclusion of women constituted gender discrimination. YIELD also submitted a complaint to the IBA, alleging that Radio Islam was in violation of its licence conditions.¹⁶⁶

Radio Islam defended its position to YIELD and the IBA, arguing that it was within its licence conditions in serving the interests of the Muslim community in Johannesburg. It asserted that it was in keeping with the views of that community in not allowing women's voices to be heard. It 'does not discriminate against females, nor does it "condone the subjugation" of women,' claimed Radio Islam's station manager, Haider Ali Dhorat.¹⁶⁷ The station went further to say that 'throughout the *Qur'ān* and the *Ḥadīth* woman (sic) have been given equal status to men in every respect.'¹⁶⁸ Having women hosting programmes on air, Radio Islam argued, would be 'offensive to the overwhelming majority of Muslims'.¹⁶⁹

¹⁶⁶ Zayn Marimuthu, letters to *Radio Islam* and the IBA, 23 April 1997 and 15 May 1997.

¹⁶⁷ Haider Ali Dhorat, station manager of *Radio Islam*, in a letter to YIELD and the IBA, 26 May 1997.

¹⁶⁸ Dhorat, letter to YIELD and IBA, 26 May 1997, p. 10.

¹⁶⁹ *Ibid.*, p. 11.

The matter raised much debate in the media with Radio Islam on one side, YIELD and the Commission for Gender Equality (CGE) on the other and various members of the public participating in one way or the other. The IBA acknowledged the complaint and withdrew Radio Islam's licence. The station continued broadcasting illegally for a short period, then went off air and applied for a new licence. It agreed to put women on air on the grounds that after having carried out international consultations, it had obtained an Islamic opinion that women's voices may be heard. The IBA, however was not convinced that the physical female voice on Radio Islam would constitute giving voice to women and was concerned that women would end up 'reading recipes'. Further, the IBA was concerned about the manner in which Radio Islam had redefined its target community and felt this was too narrow a definition. It therefore denied the station a licence. Radio Islam went to court and won; and the IBA was instructed to issue the licence.

It must be noted here that the organisation that took up the issue – YIELD – had no history in women's right struggles. Throughout the conflict around Radio Islam, the MYM and Call of Islam – the two organisations at the forefront of Islamic feminism in South Africa – remained silent (publicly, at least). A few ex-MYM members in Johannesburg, led by businessperson Abu Bakr Karolia, attempted to mediate between Radio Islam and YIELD. But much of this, in the words of Shamima Shaikh, was 'another case of men fighting about women'.¹⁷⁰

¹⁷⁰ Shamima Shaikh, at a meeting of the Muslim Community Broadcasting Trust, September 1997.

At a public level, those identifiable from the Islamic feminist group that took some positions on the issue were a few people from The Voice, notably Shamima Shaikh and her co-host on 'Our Voices', Abdul Basit Bulbulia. While continually insisting that Radio Islam was 'our sister station', the latter two vigorously took on the Islamic arguments presented by Radio Islam and presented the progressive positions on these- particularly the question of the permissibility of women's voices being heard in public. It was an attempt at pushing forward the agenda of women's voices and it also served as a means to increase listenership and credibility for The Voice.

However, the question that pleads an answer is: Why did Islamic feminists not get involved in an issue that obviously was within their domain? A few reasons might be given for this. As a flagship for progressive Muslims in Gauteng, The Voice did not want to present itself as wanting to benefit from the misery of its 'sister station'. Hence, it never called for Radio Islam to be deprived of a licence by the IBA. It may also be argued that within the progressive Muslim community there was no real clarity about the limits of freedoms that should be allowed within an open society. It must also be asked, did an organisation with a sexist viewpoint, like Radio Islam, have the right to express that viewpoint in a free society? Should they be allowed to use a public resource – a radio frequency – to express such a perspective – which is unconstitutional? What does an imposition of a particular religious understanding – even if it is a gender equality position – on another religious group mean for freedom of religion? It should also be noted here that, there was no agreement about whether it would be better for the cause of women for Radio Islam to be closed down by the IBA or not. Finally, it can be said that the Islamic feminists were too confident at that

point in their own relative strength in the Muslim community and were willing to just ride the issue with others – YIELD and the CGE – doing the dirty work while they believed they did not need to prove themselves. The forces of Islamic conservatism were relatively weaker at that stage and that fact made the progressives contented.

However, Islamic feminists did not cut themselves off from the issue. A closed e-mail list was set up to devise ideas and develop strategy. A memorandum entitled ‘In defence of a Positive Image of Islam – the Issue of Women’s Voices’¹⁷¹ was submitted to the IBA days before the hearing where Radio Islam agreed to allow women on air. The memorandum affirmed that ‘Islam is a religion of justice and promotes the equality of men and women’ and expressed the view that discrimination on the basis of gender went against the very spirit of Islam.¹⁷² Surprisingly, the document did not once mention Radio Islam by name and did not call on the IBA to take any particular course of action.

4.5 THE FUNERAL OF SHAMIMA SHAIKH

On 8 January 1998, Shamima Shaikh, former national coordinator of the MYM Gender Desk, former Editor of *Al-Qalam* and founder of The Voice, died of cancer.¹⁷³ Her death came in the middle of the Radio Islam saga. It was a period when Muslim progressives were feeling particularly confident and Muslim conservatism

¹⁷¹ “In defence of a Positive Image of Islam – the Issue of Women’s Voices”, email memorandum submitted to the IBA, February 1998.

¹⁷² “In defence of a Positive Image of Islam – the Issue of Women’s Voices”, email memorandum submitted to the IBA, February 1998.

¹⁷³ Shuaib Manjra, “Obituary to a Courageous Campaigner” - website: <http://shams.za.org/shuaib.htm>, January 1998.

was particularly weak. While not intervening directly on the Radio Islam issue, progressives regarded that as a time to push the limits and make as many gains as possible. It was inescapable then that Shamima Shaikh's funeral should play a part in enhancing that optimistic feeling. 'The day of her death and burial was a day of the relentless pushing of the religio-cultural limits,'¹⁷⁴ especially in how it propelled women's participation into the forefront. Shuaib Manjra, an Islamic activist, referred to Shaikh's death and funeral as a continuation of her legacy of 'challenging everything'.¹⁷⁵ The following few paragraphs take a look at some of these 'challenges' to 'everything'.

Shamima Shaikh requested that when she dies her *janāzah ṣalāh* was to be led by a female.¹⁷⁶ When she passed away, Farhana Ismail led her *janāzah ṣalāh*. That was a highly unusual act for a Muslim funeral service to be led by a woman and followed by both women and men.¹⁷⁷ Farhana Ismail was an activist like Shamima Shaikh and she often led the *Tarāwīḥ* prayer at the short-lived Mayfair congregation and was the host of the popular "In the Shade of the *Qur'ān*" programme on The Voice.

Shamima Shaikh's second funeral prayer at Masjidul Islam in Brixton also had women participating in it in the main space along with the men. This was the first time that that had happened with official consent at the mosque. The mosque officials

¹⁷⁴Ibid.

¹⁷⁵Ibid.

¹⁷⁶ Four funeral prayers were performed for Shaikh: at her home led by Farhana Ismail, at Masjidul Islam – the mosque she used to attend, at the Pietersburg Cemetery where she was buried and at the Claremont Main Road Mosque in Cape Town (in absentia).

¹⁷⁷ Shuaib Manjra, "Obituary to a Courageous Campaigner" – website: <http://shams.za.org/shuaib.htm>, January 1998.

took it upon themselves to offer that as a tribute to the woman who so courageously fought for 'equal access to mosques' for Muslim women. At Shamima Shaikh's burial in Pietersburg women again were not to be denied their place. They attended the funeral prayer at the cemetery and participated in the burial with the men.

These events were extraordinary in their own right. The South African Islamic feminists grabbed that opportunity to get maximum publicity, both locally and internationally. Shuaib Manjra's¹⁷⁸ obituaries were circulated on more than a dozen Internet mailing lists internationally. It was a conscious attempt at pushing the gender equality envelope within and without South Africa and, perhaps, chalking up 'another first for South Africa'.¹⁷⁹

Much criticism flowed in after the funeral, and much of it was directed against Shamima Shaikh's family. However, the Islamic feminist elation at the time meant that the criticism was faced squarely, and the feminists for each criticism quickly presented counter-arguments and the feminists thus viewed the event as a victory.¹⁸⁰ It was seen as the last major victory for Islamic feminists in the 1990s.

¹⁷⁸ Shuaib Manjra, "Obituary to a Courageous Campaigner" on website <http://shams.za.org/shuaib.htm>, January 1998.

¹⁷⁹ See "Another first for South Africa! (and the world?)" in *Al-Qalam*, August 1994.

¹⁸⁰ See "Warrior of the gender jihad returns to her maker after a life well lived" in *Sunday Independent*, 18 January 1998.

4.6 THE CHALLENGE OF *DA'WAH* IN SOUTH AFRICA

The reasons for the need of Muslim women to participate in *dā'wāh* are various and diverse. The work of the Muslim women in the field of *da'wah* strengthens the men's work, and it expands it into areas where their effectiveness supersedes that of men. It is sad that women's role in *da'wah* is so grossly overlooked and underestimated. By their nature as spiritual and psychological comforters, they can play an important role in *da'wah*.

Sayyidatunā Khadijah (r.a.)'s comfort, help, and support for the Prophet Muḥammad (s.a.w.s.) offer the greatest proof of the positive role that women can play in the field of *da'wah*. The Prophet's Companions (r.a.) who left their homes to go to places that were thousands of miles away in order to propagate the *dīn* of Islam to other people also had the support and the backing of their wives.

Very few women today understand or are aware of the significant role they could place in the domain of *da'wah*. They can be greatly effective by being good examples to others, by being kind-hearted, softly spoken, and of friendly conduct. They could also use all appropriate opportunities to educate, guide and invite other women to Islam. After all, spreading Islam has been made incumbent on all Muslims, men and women.

The level of women's education and awareness of their position and responsibility plays an important role in preparing them for *da'wah*. As education and awareness

decline, women become disinterested, their level of giving and sense of sacrifice weakens. "Unfortunately, not a lot of Muslim women feel that they know enough about Islam to share it with others. They need to realize that it is their responsibility to obtain that knowledge and then share it with others.

Indulgence in luxuries, even if they are *ḥalāl* things, usually forces women to devote more time to them and less time towards *daʿwah*. This also happens when they find it difficult to balance rights with duties. Sometimes women lose perspective, forgetting that the work inside the home is the core of their mission. By neglecting this role, or when they fail to arrange their priorities, and get tied to a job that distracts them, they ultimately fail at fulfilling their *daʿwah* roles both inside and outside the home. For many women, their jobs as wife, mother, cook, and teacher, inside their homes, are so time consuming, that the main barrier to engaging in *daʿwah* work is often at times, a lack of time itself and it is thus important for husbands to be supportive to their wives in fulfilling their obligations both within and outside the home.

Another unfortunate reality is that most *daʿwah* organizations have failed to absorb and utilize the energies of women, and have also failed to adjust their plans and programs in a way that would incorporate women as core assets in their *daʿwah* work.

4.7 MUSLIM WOMEN AND AIDS IN SOUTH AFRICA

Positive Muslims is an organisation dedicated to raising awareness, conducting

research and providing support to people living with HIV/AIDS (PLWHAs) among South Africa's Muslim population.¹⁸¹ Positive Muslims have taken up the challenge of leading South African Muslims in a quest for humanity in the face of the HIV/AIDS pandemic.

In the context of the AIDS pandemic, PLWHAs responsibility in leading the Muslim community has been exceptionally challenging. The organisation has had to deal with judgmental attitudes towards it and have confronted ignorant and misguided beliefs that AIDS is a curse from God. They thus find themselves situated in an environment of prejudice and ignorance, often resulting in a rejection of Positive Muslims and its leaders.¹⁸²

Through the experience of the organisation, they have come to realise that Muslim women and children, particularly the female children, are the most vulnerable in terms of contracting HIV. They have thus focused their awareness campaigns largely on women because of their continual marginalisation through Islamic and cultural practices. During August 2001, six Positive Muslim volunteers ran eight workshops for women from various socio-economic backgrounds on AIDS, Islam and women.¹⁸³ PLWHAs designed workshops to educate women about HIV/AIDS and to empower them to be able to negotiate their sexuality within the dominant culture of patriarchy. Women leaders and activists within Positive Muslims developed a programme that took into account religious and cultural sensitivities. By targeting existing women's

¹⁸¹ http://www.kit.nl/ils/exchange_content/html/2001-3-positive_muslims.asp

¹⁸² Ibid.

¹⁸³ Ibid.

groups, the women attending the workshops could avoid drawing attention to themselves and being labelled in any way. In turn, they could empower other women within their women's groups. The response from the workshop participants was overwhelming. Many of them became volunteers and underwent further HIV/AIDS training. In one month, the female volunteers empowered hundreds of women, the most marginalised members of Muslim society, to be leaders themselves.¹⁸⁴

One of the main difficulties faced by Muslim AIDS activists is convincing the Muslim community that AIDS is something that also affects them. Many Muslims believe that AIDS is a homosexual disease or a disease that affects black people only. This attitude stems from the belief that the Islamic way of life protects people from contracting HIV and, second, that most Muslims believe they have not seen or touched a fellow Muslim living with HIV/AIDS.¹⁸⁵

Islam, like many other religious traditions, advocates abstinence from any sexual activity before marriage. The reality is that many Muslims have sex before marriage and engage in extra-marital affairs. The belief that the Islamic way of life protects Muslims is therefore unrealistic and leads to a false sense of security in the Muslim community.¹⁸⁶

Being able to see and touch something often makes it more real for people. Since most Muslims believe that they have not touched or seen a fellow Muslim who is

¹⁸⁴ http://www.kit.nl/files/exchange_content/html/2001-3-positive_muslims.asp

¹⁸⁵ <http://archives.healthdev.net/gender-aids>

¹⁸⁶ Ibid.

HIV-positive, they conclude that AIDS does not affect them. The reality is that one cannot see who is HIV-positive or negative, and so many Muslims have come across someone who is HIV-positive while not realizing it. Due to the secrecy surrounding HIV/AIDS, Muslims are unwilling to reveal their status while alive and families are afraid to say how their loved ones died.

The denial and taboos surrounding HIV/AIDS result in people questioning Muslim AIDS activists' leadership in this field. People thus challenge the legitimacy and purpose of the organisations, questioning the type of leadership they provide and asking whether Muslim leadership on HIV/AIDS is required in the first place. Probably, one of their greatest challenges has been to establish themselves in a community that believes it does not require leadership in the face of the AIDS pandemic.

4.8 WIFE ABUSE IN THE MUSLIM COMMUNITY

Wife abuse has hurt many Muslim women, destroyed many Muslim families, and weakened the entire Muslim community. The *Qur'ān* categorically states:

*“And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and he has put love and mercy between your (hearts)...”*¹⁵⁷

¹⁵⁷ *Qur'ān*, 30:21.

Domestic violence is one of the major causes of injury to women in South Africa. Despite Islamic teachings of justice and compassion, many Muslim women in South Africa are no exception.

Wife-abuse, which stretches across all ethnic, racial, educational, and socio-economic lines in the Muslim community, results in severe emotional and physical pain for many Muslim women, a stacking up of sins for many Muslim men, and many weak, unhappy Muslim families that fail to contribute adequately to the development of the Muslim community and the rest of society.¹⁸⁸

Despite the severity of the problem, the Muslim community has not devoted enough resources to helping the victims and stopping the abusers. Domestic violence is an ongoing, incapacitating experience of physical, psychological, and/or sexual abuse in the home. Although Islam promises women protection from such problems, the reality in many Muslim homes is different.

The most common form of abuse is emotional and mental abuse. In Muslim homes, this includes verbal threats to divorce the wife, to remarry, or to take the children away if she does not do exactly as she is told; intimidation and threats of harm; degradation, humiliation, insults, ridicule; false accusations and blaming her for everything; ignoring, dismissing, or ridiculing her needs; neglect and the silent treatment; spying on her; telling her she is a failure and will go to hell; twisting Islamic teachings to make her feel worthless because she is a woman; restricting her access to transportation, health care, food, clothing, money, friends; physical and

¹⁸⁸ <http://www.alinaam.org.za/mahmood/mahmood23.html>

social isolation; extreme jealousy and possessiveness; destroying trust; etc. Emotional abuse can take place in public and also at home.

Although it is completely contrary to the example of the Prophet Muḥammad (s.a.w.s.), the Muslim community nonetheless tends to dismiss the seriousness of mental abuse, rationalizing it as a petty argument between husband and wife, and saying it's not serious unless the husband physically abuses his wife. In reality, mental abuse does severe psychological harm to many Muslim women. It destroys their self-esteem and makes them question their self-worth; some have mental breakdowns and even go insane. Furthermore, psychological abuse can lead to physical abuse.

Physical abuse includes pushing, shoving, choking, slapping, punching, kicking, and beating; assault with a weapon; physically throwing her out of the house; etc. Physical abuse escalates in frequency and severity.

The third form of abuse is sexual abuse, involving forced, violent sex. For example, a wife may not want to have sex for health reasons, but the husband may force her anyway.

These three forms of abuse are usually related and occur over a long period of time. Muslim men, just like non-Muslims, often start with mental abuse and work their way up. Muslim women need to recognize the signs of escalating abuse.

There are a number of factors that make many Muslim men abusive. Abusers are often part of a cycle, picking up the habit after watching their own fathers abuse their

mothers. Children very often learn of abusive behaviour from their fathers and in turn will end up abusing their wives.¹⁸⁹ This is an important point because the more the Muslim community tolerates abuse, the more it will be passed on from father to son and from generation to generation.

For cultural reasons, some Muslim men accept the idea that it is normal for a man to hit his wife and that she is no more than a piece of his property.

Some Muslim husbands abuse their wives as a result of frustration resulting from economic hardship, problems with the children, or an inferiority complex. Some abuse their wives because they want them to be more "modern" and less Islamic by removing their hijāb (Islamic dress), while others are abusive because they want the opposite.

Tragically, some Muslim men actually use Islam to "justify" their abusive behaviour.

Focusing on rituals, considering themselves to be Islamically knowledgeable, and disregarding the spirit of Islam, they wrongly use the Qur'anic verse that says men are the protectors and maintainers of women to go on power trips, demand total obedience, and order their wives around.¹⁹⁰ They disregard the Islamic requirement for the head of the household to consult with other members of the family when making decisions.

¹⁸⁹ <http://www.alinaam.org.za/mahmood/mahmood23.html>

¹⁹⁰ http://wcfv.confex.com/wcfv/2003/keywordprogram/abstract_1994

Then, if their wives dare to speak up or question their orders, these men misinterpret a Qur'anic verse that talks about how to treat a disobedient wife and use it as a license for abuse.

In reality, the *Qur'an* and *Sunnah* provide clear instructions on what procedures a husband must use in conflict situations where the husband is innocent and the wife is rebellious and at fault. The first step is a peaceful discussion between the two of them about the problem and solutions. This is intended to soften hearts and eliminate misunderstandings. If this doesn't work, the next step is for the husband to tell his wife his expectations in a firm, decisive manner. If the rebelliousness and disobedience continues, the husband is supposed to leave the bed, which is really a punishment for both of them for not being able to resolve their differences. If that fails to solve the problem, representatives of both sides meet to try and arbitrate. As a last resort, if he thinks it will prevent divorce by letting the wife know how serious he is, the husband can use a light slap on the hand or shoulder but not on any other part of the body, and it shouldn't leave a mark or scar. Anything beyond this is Islamically prohibited.¹⁹¹

This procedure is to be followed only when the wife is the cause of a serious problem and the husband is innocent, compassionate, and well behaved. If the husband is the cause of the problem, he has no right to do any of this. Unfortunately, Muslim wives often accept un-Islamic treatment from their husbands because they don't know their Islamic rights, and they don't realize their husbands are crossing the Islamic line.

¹⁹¹ http://wcfv.confex.com/wcfv/2003/keywordprogram/abstract_2437

Abusive men are completely disregarding the Islamic teachings of kindness, mercy, gentleness, and forgiveness, just as they are disregarding the example of Prophet Muhammad (saws), who never hit a woman and was extremely gentle and compassionate with his family.¹⁹²

Another reason why abuse isn't stopped is that many abused Muslim women simply don't seek out help. They're afraid that if their situation becomes public they will lose their privacy, and they fear the abusers will become more hostile when the negative publicity gets back to them. Furthermore, many abused Muslim women remain silent because they lack confidence in themselves and believe that they somehow deserve the abuse. Abused Muslim women also keep quiet out of a feeling of hopelessness and a belief that no one will help them, out of financial dependence on their husbands, out of a desire to keep homes together for the children's sake, or out of love for the abusive husbands. Other Muslim women accept the abuse as a fact of life and learn to live with it. Looking for other sources of help, many abused Muslim women have turned to relatives only to be told to accept the abuse because making a big deal of it could hurt the relatives' family honour and reputation.

However, the services provided by the Muslim community in South Africa for abused Muslim women are on the increase which is a positive step. Sadly, however some Muslim women go even further, leaving Islam altogether because the Muslim community fails to live up to the Islamic promise of protection, brotherhood, and sisterhood.

¹⁹² http://nation.ittefaq.com/artman/publish/article_6678.html

The Muslim community has an obligation to protect Muslim women and to bring many cruel Muslim men to justice. The community needs to deal much more effectively with wife abuse in order to stop the immediate suffering of people in abusive situations and to help build healthy Muslim families.

The community needs to firstly accept the fact that there is a problem and that it doesn't know how to deal with it. Then a core group of trusted, active Muslim men and women in each city, who are committed to ending wife abuse in the Muslim community and to strengthening Muslim families, must become knowledgeable about Islamic guidelines on the family and be trained in crisis intervention and counselling¹⁹³. Once they know what they're doing, members of core groups across the country should recruit and train others in their communities in crisis intervention and the Islamic perspective on the family.

These trained Muslims should give abused women shelter (at people's homes or at community facilities, such as a rented apartment) for periods ranging from several days to several months depending on the extent of the abuse, while counselling them. While caring for the abused women, the trained Muslims should counsel the abusers separately, making them aware of the fact that their actions are truly harming their wives, that such behaviour is completely un-Islamic, and that *Allāh* (SWT) will hold them accountable for their actions.

After separate counselling, the next step would be joint counselling for the husband and wife, and then counselling for the entire family. The objective should be to heal

¹⁹³ <http://www.alinaam.org.za/mahmood/mahmood23.html>

the family, however divorce may be necessary. Community education is an indispensable factor in dealing with the problem of abuse. Community leaders and other concerned Muslims need to educate people, about the problem and about efforts to help victims and prevent future abuse, through Friday khutbahs (sermons), educational seminars, and workshops. These educational programs can themselves reduce abuse by letting people know the community isn't going to tolerate it anymore.

Furthermore, the community needs to establish classes to teach Muslim men, young and old, how to be proper husbands and fathers and to teach Muslim women, young and old, how to be proper wives and mothers. Many Muslims don't know their rights and obligations in these roles.

In addition, in order to prevent future family problems, parents and community leaders must teach children and young adults to be compassionate, to value the family, and to resolve problems in an Islamic, non-violent manner.

If, once all these steps are taken, there are more abused Muslim women in specific communities then Muslims should establish good quality, properly staffed, and well funded Muslim shelters. Many communities may not need to go this far however, but some may.

4.9 THE EXPULSION OF A MUSLIM FEMALE STUDENT FROM A STATE SCHOOL IN SOUTH AFRICA

The veil is regarded as a symbol of oppression and servitude in the West. This however is an unfair perception. The veil or headscarf is not unique to Islamic

society. It is a known fact that catholic nuns have been covering their heads for hundreds of years. Some of the Christian communities, such as the Amish, also keep women veiled to this present day. Thus, it is clear that Islam did not invent the headcover. It did endorse it, however.

The *Qur'ān* urges believing men and women 'to lower their gaze and guard their modesty.' The *Qur'ān* also states:

“O Prophet, tell your wives and daughters and the believing women that they should cast their outer garments over their bodies (when abroad) so that they should be known and not molested.”¹⁹⁴

Thus the purpose of the veil in Islam is modesty and protection. It should be noted that the Islamic veil does not signify a man's authority over the woman, nor does it signify a woman's subjection to man. It is not a sign of oppression, sexism, extremism or fundamentalism. It is a sign of modesty, for the purpose of protecting women. A Muslim woman who covers her head is making a statement about her identity as a Muslim. Young Muslim women are being expelled from French schools because they are using the headscarf. They are denied the basic right to education because they see fit to practice their religion. It is ironic to note that in a country like South Africa, which boasts a constitution upholding, inter alia, the freedom of religion, belief and opinion, a young Muslim girl in the KwaZulu-Natal Midlands town of Ladysmith was suspended from attending a former 'White' school because

¹⁹⁴ *Sūrat al-Ahzāb*, 33:59.

she wore the headscarf, and therefore did not conform to the school's dress code. Needless to say, the school eventually allowed her back after threat of a court case and the intervention of the Provincial Education Department.

Mariam Adams was barred last year from attending Ladysmith High School because she wore the headscarf. After a protracted battle with the education department and school authorities, she was allowed to resume her schooling wearing her headscarf. However, Ladysmith High School persisted their discrimination policy and refused to admit Mariam's younger sister Hajera and her friend Sameera Mulla this year because they wore traditional scarves. The school's refusal was found to be out of line. The KwaZulu-Natal Education Department found that a learner could not be prejudiced by the fact that a parent did not agree to any aspect of the code of conduct for learners at a public school. The result was that Hajera and Sameera were allowed not only to wear their scarves but also their traditional *hijāb* which comprises a cloak. This decision is seen as a victory for the constitution and Muslim women.

The veil also gives women freedom from constant attention to their physical self. This paves the way for men to refrain from treating them as sexual objects, but to be attentive to their personalities and minds.

It is ironic that the same headscarf worn by the Catholic nun is respected as a sign of 'holiness' yet reviled as a sign of 'oppression' when worn by Muslim women.

CONCLUSION

The decade of the 1990s saw the emergence of Islamic feminisms in South Africa. It was an expected event after the women's rights campaigns and the involvement of women in Muslim public life that was promoted in the 1980s. The MYM and The Call of Islam were two organisations that had women's rights as part of their agendas since their inception – the MYM in 1971 and the Call of Islam in 1983. However, the manner in which they addressed the concerns of women and the extent to which they were willing to go differed.

The Call of Islam began using the rhetoric of gender equality since its inception in 1983. For the MYM, moving from a position of gender balance to one of gender equality took longer and it only adopted such a position by the end of the 1980s after thorough debate and study. In the 1990s, Islamic feminism surfaced through various actions, structures and discourses. The MYM's Women's Rights Campaign led to the formation of its Gender Desk, which became an assertive role-player in the arena of women's rights within the Muslim community.

Various processes, campaigns and debates around the Muslim Personal Law Board also provided ways and means for Islamic feminisms to be expressed. These expressions were through the involvement of women in attempting to control the progressive responses to the MPL Board and the attempts of Islamic feminists to ensure that ordinary Muslim women were involved in discussions around MPL and how it would affect their lives. The 'Campaign for a Just MPL' was a strong

mobilising centre which helped to get both the Call and the MYM to co-operate with each other and with other organisations – particularly women’s organisations.

That women should have the right to use mosques had been a firm position for the MYM since its inception. It was an issue that the MYM continued pursuing – especially in the northern provinces. In the 1990s, however, the issue began to be addressed differently. The demand was no longer for women to have ‘facilities’ in mosques, but the call became one for women’s ‘equal access to mosque space’. While there were many practical campaigns and confrontations around this issue, to date only one mosque in the country has ‘equal access’ for women – the Claremont Main Road Mosque in Cape Town. However, the Claremont example opened up spaces for some other mosques to at least believe that there were other options. These campaigns received extensive support in the Muslim community from particularly two community media.

The monthly newspaper *Al-Qalam* and the Johannesburg-based radio station The Voice are both associated with the MYM. Both have, in the 1990s, played an important role in furthering the objectives of Islamic feminism. Both have served as tools for women’s empowerment and emancipation. And both have promoted the agendas of Islamic feminisms by the approach taken in their coverage of various issues within the Muslim community. An examination of various editions of *Al-Qalam* in the 1990s – particularly upto 1997 – reflect the deliberate attention given to women’s issues by the paper. Also, The Voice has been successful in allowing airtime for members of the Muslim community to debate issues that are otherwise not

sufficiently debated publicly. The issues of women's voices, domestic violence against women, women's access to mosques, domestic workers and MPL are just some of these issues.

The last major issues addressed by Islamic feminism in the 1990s have been the funeral of gender equality activist Shamima Shaikh and the controversy surrounding Radio Islam's decision to prohibit women from being on air. That was clearly a period when Muslim conservatism was at one of its lowest points in the past two decades in South Africa. And that situation resulted in an extra-confident attitude among the progressive Muslim groups. However, the Radio Islam saga also saw the end of harsh Islamic feminism of the 1990s.

It is also disturbing to note that as recently as last year, a young Muslim girl in Ladysmith in KZN was suspended from attending a school because she wore the headscarf. However she was readmitted after the intervention of the Provincial Education department. That was viewed as a victory for Muslim women as it was quite clear that the new generation of Muslim women wished to assert their identities in the public arena.

Muslim women also seem to be asserting themselves in the AIDS awareness and prevention campaigns. One such organisation that they are involved in is the PLWHAs. This organisation has already carried out numerous workshops organised by many of their female and male members. Despite the denial and taboos surrounding HIV/AIDS in the Muslim community, the women and men in this

organisation continue to bravely push forward their AIDS/HIV campaigns especially in the Black Muslim community.

The last issue that was tackled in this chapter was the alarming rate of domestic violence particularly in the Muslim community. Regrettably, some Muslim husbands actually use Islam to justify their abusive behaviour. They incorrectly use the Qur'anic verse that says that men are the protectors and maintainers of women to boost their egos and go on power trips. The Muslim community should get greater exposure of the re-interpretations of these verses by Muslim feminist scholars. Also an open dialogue regarding the issue of domestic violence should be encouraged in the Muslim community.

CONCLUSION

Islam teaches the equality of men and women. They are both looked upon as being equal in soul and in mind, and in spiritual responsibilities. Of course, they are not looked upon as the same, but merely different. We cannot say that the role of the mother is the same as that of the father, or vice versa because they are biologically different. But, the issue of one being inferior to the other does not arise. The mother cares for the newborn baby a lot more than the father does and this sort of motherly love is held in the highest regard in Islam. One day, one of the Companions (r.a.) of the Prophet Muḥammad (s.a.w.s.) asked him whom he should treat with more affection. The Prophet Muḥammad (s.a.w.s.) answered: "Your mother". The Companion (r.a.) asked who was next in line, and again the same reply was given: "Your mother". He asked again and the response remained the same, it was not until the fourth time that the Prophet Muḥammad (s.a.w.s.) said, "Your father". The Prophet Muḥammad (s.a.w.s.) also said: "Paradise lies at the feet of mothers".

In Islam, women are not regarded as the fountain of all evil. Eve is not blamed for Adam's mistake, both were at fault and both repented. In spiritual matters, it is clear that a woman is as responsible as the man is. Both have to fulfil the requirements of their *dīn*. In fact, women are given certain concessions due to their biological constitution. During the holy month of *Ramaḍān*, which is the Muslim month of fasting and spiritual cleansing, menstruating women are exempted from fasting during that period and have to make up for days missed at a later stage. This also applies to their being totally exempted from performing the *ṣalāh* during the period

of their menstrual cycle. Men, on the other hand, always have to observe the fasts, unless they are ill and are incapable to do so due to physical feebleness or their health being in jeopardy (same as women) if they keep the fasts. Women, like men, are required to uphold all the other pillars of Islam, like the *Hajj* (pilgrimage to Makkah), they have to give the *Zakāt* (charity to the needy). The Qur'an states:

*“Whoever does deeds of righteousness, be they male or female, and have faith, they will enter paradise and not the least injustice will be done to them”*¹⁹⁵.

The husband is supposed to provide for his family. In fact, he has to sacrifice his worldly goods to do that. The wife is permitted, under Islamic law, to spend her money as she chooses. In education, the woman also has the paramount duty to study. The man is not allowed, under Islamic law, to prohibit or restrict her quest to do so. The woman is ordered by *Allāh* (SWT), as much as the man is, to learn, to read, to seek the truth and to educate herself. The Prophet Muḥammad (s.a.w.s.) said:

“The search for knowledge is a duty for every Muslim, male or female”.¹⁹⁶

History bears witness to the fact that hundreds of years ago, Islam gave women the right to own property. And as far as running businesses are concerned, the Prophet Muḥammad (s.a.w.s.) was employed by his own wife *Sayyidatunā* Khadijah (r.a.).

¹⁹⁵ *Al-Nisā'*: 4:124.

¹⁹⁶ Doi, A.R. *Women in Shari'ah*. Malaysia. A.S. Noordeen, 1990, p. 138.

Women were eminently active in the society during the time of the Prophet Muḥammad (s.a.w.s.). In fact, it is mentioned that a debate took place between a man and a woman and the Prophet Muḥammad (s.a.w.s.) declared that the woman was correct and accurate.¹⁹⁷

In matters of finding a mate, Islam also has very clear rules about the practice of arranged marriages. It does not allow them. The woman and the man are both free to marry whomever they choose and free to divorce one another at any given time, although divorce is looked upon as the final resort. There is a story related about a woman who came to the prophet (saws) and complained that she had been married to a man without her consent, her parents had forced her into it. The Prophet Muḥammad (s.a.w.s.) told her that she was free to annul the marriage if she wanted to, since she had not freely agreed to marry him in the first place. As a matter of fact, she was happy with the marriage, but she complained so as to make the point to Muslim women that they were not under the command of any human being, only that of *Allāh* (SWT).¹⁹⁸ The *Qur'ān* states:

“Whoever does deeds of righteousness, be they male or female,
and have faith, they enter paradise and not the least injustice will
be done to them.”¹⁹⁹

¹⁹⁷ Stowasser, Barbara. *Women in the Qur'an, Traditions, and Interpretation*. New York. Oxford University Press, 1994.

¹⁹⁸ Mehtar, F. *Qur'anic directives on marriage and Divorce*. South Africa. Farooqi Mehtar Educational Trust, 1985.

¹⁹⁹ *Qur'ān*, 4:124.

In the *Qur'ān* we are told that the believing men and believing women should, and I quote, “lower their gaze and guard their modesty”.²⁰⁰ The *hijab* is not what many think it is, the basic *hijāb*, in fact, the complete *hijāb* is a scarf that a woman puts on her head, and drapes onto her shoulders. It is not a mask, or a veil. Many Muslim women do wear the mask, and the veil, but this is out of cultural demands on a people, not Islamic. There is a *Ḥadīth* that supports that notion in which the Prophet Muḥammad (s.a.w.s.) said that all the body of a woman must be kept covered except for the hands and face. Moreover, the *hijāb* is not a sign of inferiority. Many people view it as such, but anyone who meets a woman who has reverted to Islam out of her own free will, which is, by the way, a fundamental rule of religion - freedom to choose - that woman would declare that the *hijāb* is a sign of dignity and respect. It identifies her as being a noble Muslim lady, a woman who does not want to be harassed, nor molested!

Sadly, nowadays Muslim women are all but absent from Islamic public and intellectual life. There are remarkable women activists in many different Muslim countries, but there are a few impressive writers, such as Zaynab al-Ghazālī. One rarely finds a woman lecturing to a mixed audience about a gender – neutral topic such as *ribā* (usury), for example. While it is common to encounter professional Muslim women in every walk of life, it is very rare to find them on the boards of Islamic centres, or holding leadership positions.

²⁰⁰ *Qur'ān*: 24:30.

There are several reasons for this alarming phenomenon. A particularly disturbing one is the derogatory attitude that seems to have tainted the minds of many Muslim men. Very few are willing to be instructed or taught by women. Muslim men, in South Africa and particularly in many Muslim countries, seem to have developed a women-phobia that consistently seeks to exclude women from conferences, meetings, gatherings and even the mosques.

The fact is that Islam neither limits women to the private sphere, nor does it give men supremacy over the public and private life. One notices that the Greek and Roman cultures which preceded Islamic civilization did not produce a single eminent women philosopher or jurist. Likewise, until the 700s Europe failed to produce a single female jurist. The *Khalīfah Sayyidunā* ‘Umar Ibn al-Khaṭṭāb (r.a.) entrusted Shaffa bint Abd Allāh as an inspector over the market in Madīnah.²⁰¹ Moreover, Islamic history is full of examples of female professors who have tutored famous male jurists.²⁰² Yet the sad legacy of our time is that our society has taken women back to the pre – Islamic era by excluding them from public exposure and involvement.

The *Sunnah* (traditions) of the Prophet Muḥammad (s.a.w.s.) reveals that he used to assist his wives in household duties. But most modern scholars have not had the probity to suggest that the practice of men lending a helping hand in the home is to be recommended or even required in certain circumstances. Most men are content to ignore this and selectively emphasize only that which serves their interests. It is well-

²⁰¹ Stowasser, Barbara. *Women in the Qur'an, Traditions, and Interpretation*, New York: Oxford University Press, 1994.

²⁰² Abbott, Nabia. *Aishah, the Beloved of Mohammed*, London: Saqi, 1985.

known that women like *Sayyidatunā 'Ā'ishah* (r.a.), *Sayyidatunā Umm Salāmah* and many others were trusted with preserving and teaching one-fourth of our religion.²⁰³

To condemn women as ignorant and inactive is to facilitate the loss of more than half of society's productive potential, thereby creating a considerable drain upon society's resources. To educate women and to prepare them to take part in production is therefore a necessity if Islam is to successfully rival the West in power and productivity. Once women are given similar opportunities, these superficial differences will cease to be relevant. Sadly, though many people still believe that it is not necessary, even un-Islamic to educate women.

However, this exclusion of women is not due to Islam but rather to secular customs that prevailed in nations which were once conquered by Islam. Unfortunately they were not eradicated with Islamic teaching. Historically, Islam was in fact the most liberating of religions when it came to matters regarding women. Islamic law before any other legal system legalised women's equality and asserted their liberty at a time when women were still in a most debased of conditions in all other cultures in the world.

Islam granted to women all human rights and recognised their legal capacity making them equal to men in all matters, thereby reinforcing the notion that the *Qur'ān* is indeed the mightiest and most effective constitution for all civilization.

²⁰³ Siddiqi, M.S. *The Blessed Women of Islam*. Delhi : Taj Printers, 1983.

There is an urgent need to allow Muslim women to inspire and lead, thereby serving as an impetus for change in the attitudes of their sisters regarding their roles and responsibilities.

This leads one to wonder how South African women actually feature in shaping the discourses that ultimately affect their gender roles and relations. Unfortunately, there is not one South African woman or group whose views can be said to project that of a typical South African woman. Yes, there are many Muslim women's groups around the country like the Women's Cultural Group in KwaZulu-Natal, but their efforts are limited mainly to community based activities like fundraising. These groups provide invaluable assistance in empowering both indigent Muslims and non-Muslims by focusing on the improvement of their domestic skills. But there is no South African Muslim women's movement that confronts gender rights issues.

Despite the absence of a Muslim women's activist group in the strict sense, there have been a few notable efforts to bring gender issues in to focus. 1994 was a great year for Muslim women's rights in South Africa. Not one, but two Muslim women attempted to assert their rights as fully participating members of the Islamic society, much to the consternation of the '*Ulamā*'.

The late Shamima Shaikh, a passionate yet gentle-natured warrior for justice, led a rebellion of Muslim women at a Johannesburg Mosque on the 27th night of *Ramaḍān* in order to reclaim *ṣalāh* space that had been unceremoniously been usurped by their male counterparts. That marked perhaps the first and only time in South African

history that pointed to a restlessness among female Muslims who were growing weary of being denied the basic right to practice their faith freely by their own male – dominated and misinformed Muslim community.

All along Muslim women needed a strong-willed and dedicated female leader to champion their cause and they found that most fittingly in the form of Shamima Shaikh, whose own funeral was testimony of her legacy of female participation in all matters of faith. When she passed away in 1998, a large number of women participated not only in the funeral prayers but were also present at the burial – a scenario almost unheard of in many Muslim societies.

Moreover, in 1994, Professor Amina Wadud addressed the congregation on Friday at a community mosque in Cape Town. That incident drew negative reaction from the male dominated Muslim community in South Africa. What was even more unfortunate however was that Muslim women themselves were divided over the issue. There were those who supported the actions and those who generally supported the prevailing disapproval articulated by the males.

However, since the demise of Shamima Shaik, Muslim women have been robbed of a clear and definite woman's voice to lead them in their formidable battle to capture the imagination and passion of South African Muslim women. Ideally, therefore, there is a need for the appearance of a dynamic, charismatic and impassioned female leader to inspire and ignite the Muslim community in South Africa.

Living in a secular country presents a great challenge for Muslim women to preserve their identity and culture and to find expression for their religious beliefs socially and politically. The most useful strategy for Muslim women in rising to this Muslim challenge is to educate themselves, to allow for historical inquiry to be conducted by women about the role of women as portrayed in early Islamic history. This will no doubt lead us back to the greatest female role models for all women, viz. *Sayyidatunā* Khatija (r.a.), the astute businesswoman and employer first and then the wife of the greatest prophet of Islam and of course, *Sayyidatunā* ‘Ā’ishah (r.a.), a confirmed leader of men both in intellect and battle. The examples of both these women clear misconceptions about the role and responsibilities of women in Islam. For centuries male academic discourse on the subject has forced women into unflattering and unproductive positions as a result of subjugation and oppression.

Ironically, however, true Islam points to the essential unity of men and women – they ought to be working together, complementing one another and protecting each other in the path of *Allāh* (SWT), bearing in mind that Prophet Muḥammad (s.a.w.s.) called women the ‘twin halves of men’. ‘Twin’, meaning counterpart, corresponding – not competing. In the *Qur’ān*, *Allāh* (SWT) describes their co-dependent relationship:

“They (your wives) are your garments and you are a garment unto them.”²⁰⁴

²⁰⁴ *Qur’an*, 2:187.

Just as a garment hides our nakedness, so does a husband and wife guard each other's chastity. The garment gives comfort and grace; it is the beauty and embellishment of the body. So too were men and women created to complement one another, to exist in mutual understanding, tolerance and respect.

In the Prophet Muḥammad (s.a.w.s.)'s most famous Khutba on the Mount of Mercy in Arafat, he ordered everyone present and those yet to come to be respectful and kind towards women:

Verily, you have married them with the *amānah* (trust) of *Allāh*'.

During the *Jāhiliyyah*, women occupied very inferior positions in society. Pagan Arab society was characterised by barbaric, misogynist behaviour. The teachings of the Prophet Muḥammad (s.a.w.s.) brought about a revolution in their social attitude towards women. Women were no longer objectified, but rather recognised as an integral part of society. They were allowed to rediscover their potential within and hence became dynamic members of society.

Besides carrying provisions, nursing soldiers and even participating in battle, it was not uncommon to see women assisting in the fields or carrying on independent trade and business activities. That was possible because the Prophet Muḥammad (s.a.w.s.) instilled in them a sense of dignity and confidence, allowing them to believe that they had vital roles to play in establishing a progressive society. Essentially, women represent the human face of society which is integral if a society is to thrive. That is

what Muslim so desperately need today: a social revolution allowing Muslim women to awaken to their potential and capabilities hidden within them.

In his book, *Islam to the Modern Mind*, Mawlānā Fazl-ur-Rahman Ansari cites women as the most important part of humanity. He also points out that if one wants to reform any social order, then one must begin with the woman from whom the very human being comes into the world. The mother is the first teacher of the child as the saying goes: *al-ummu madrasah* – the mother's lap is the most effective *madrasah* for it provides the foundation of the child's later views, perceptions and beliefs. Clearly then, if the mother is educated, pious and in possession of moral integrity and wisdom then the children will receive at least a share of those qualities. The woman is the starting point and the last fortress of every culture, every society and every civilization. Once this fortress is broken down, no culture, society or civilization can remain.²⁰⁵ Thus Islam has taken the greatest care to protect the woman more than the man through specific requirements for modest dress and graceful behaviour at all times. These directives are by no means to degrade her, but rather to shield her.

Politics is not only limited to the realm of men, but has been made one of our primary concerns since 1400 years ago when women gave the Prophet Muḥammad (s.a.w.s.) their *bay'ah* (pledge of allegiance) personally. The Prophet Muḥammad (s.a.w.s.) addressed women equally as partners in matters of the State, yet today most

²⁰⁵ Ansari, Fazl-ur-Rahman. *Islam to the Modern Mind*. South Africa : Hidden Treasure Press. 1999, pp. 217-218.

Muslim men still carry the perception that women are bodies fit only to serve in the kitchens and to satisfy the sexual needs of their husbands.

Muslim feminists have surfaced in South Africa and the world over and they face criticism from other feminists for insisting on maintaining the link to Islam in the gender struggle. Muslim feminists look to the *Qur'ān* and the Prophet Muḥammad (s.a.w.s.) as a force for liberation, but in this ideological struggle face tremendous opposition and criticism for reinterpreting, changing the *Qur'ān* and aping Western feminists. However, they insist that they are inspired by Islam and the women heroes of Islam who stood up for justice and human rights. To them, Islam is a force of the empowerment of women and in this lies the challenge for Muslim women!

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APPENDIX I

STATEMENT BY THE 23RD STREET MOSQUE WOMEN'S JAMAAH (28 RAMADAN 1413 A.H.)

In the Name of Allah, Most Gracious, The Dispenser of Grace

Muslim women in the Transvaal have been for long denied our right of performing our salah in jamaah. We were thus very grateful to the trustees of the 23rd Street Mosque last year when special facilities were provided for us on the 27th Ramadan.

This year Muslim women have been performing salah at *this* mosque on *this* level since the 1st Ramadan. We exercised great tolerance, especially on the first night, just so that we could fulfil this Sunnah of our Nabi Muhammad (saw). On the first night we were shouted at, intimidated, and some women's salah was broken, after which they left to perform salah at another mosque over five kilometres from here. We did not expect such behaviour from a trustee of a mosque. Yet we continued attending salah here, and this practice enhanced our appreciation of Ramadan.

Last night we were shocked and disappointed that after performing tarawih here for 26 nights we were forced to offer our salah behind the mosque in a marquee with wet mats. There were about 150 women, and there would have been enough space here for all of us.

What hurts us is that while we had performed salah here for the whole month, and many of us arrived at 7:30pm last night, men that arrived late – many of whom had possibly not regularly attended the tarawih – got preferential treatment and

performed their salah in the area we had, we believe, earned through our perseverance. Why were the late men not directed to the marquee?

It is about time that our community, especially the men, begins educating itself about issues that are crucial to our lives and survival as a community. Women and children are not second-class citizens to be denied access to mosques, to be hushed up whenever we begin talking, and to be shunted around at the whims of men.

It is the Grace of Allah that liberated women through Islam 1400 years ago. It was this expression of Allah's Grace that the Prophet Muhammad (saw) ordered that women not be prevented from attending mosques.

We will not depend on the grace of some men above that of Allah. We have performed salah here for this month and will continue to perform salah here in the months to come. This mosque does not belong to a committee, or to the men in our community; it belongs to the whole community: children, women and men.

Women's attendance at this mosque for all salawat will, insha Allah, become a regular feature!

APPENDIX II

MEMORANDUM TO THE IBA

IN DEFENCE OF A POSITIVE IMAGE OF ISLAM: THE ISSUE OF WOMEN'S VOICES

This was a memorandum drawn up by a group of progressive Muslims and submitted to the Independent Broadcasting Authority during the controversy surrounding Radio Islam's decision not to allow women to be on air. The memorandum had about 30 signatories from throughout South Africa. (February 1998)

In the Name of Allah, The Gracious, the Dispenser of Grace

1. We, the undersigned South African Muslims, are deeply concerned about the message of discrimination against women being conveyed by the current controversy around the issue of women on radio.
2. Islam is a religion of justice and promotes the equality of men and women. We, therefore, believe that discrimination on the basis of gender goes against the very spirit of Islam.
3. We are also concerned about the implications of a discredited minority religious opinion that purports that women may not be heard in public. This position implies that women are perpetual social minors and goes against the

spirit of Islamic teachings. Perpetuating such a view not only lacks religious credibility, but militates against the hikmah (wisdom) the Qur'an exhorts all Muslims to employ in public life.

4. As citizens, Muslims have made a significant contribution to South Africa's liberation struggle and its general socio-economic development and are an inseparable part of this country. The current controversy not only reinforces negative stereotypes that portray Islam as an anti-women religion and all Muslim men being women-hating fundamentalists. It also has the potential to erode the positive gains Muslims have made in this country for centuries. This is not the best way of exposing others to the beauty of Islam.
5. We urge all Muslims who have just rejuvenated themselves in the holy month of Ramadan to continue with the process of social transformation aimed at upholding the dignity and equality of all of humankind. This is the vision of the Qur'an and was actively promoted by the Prophet Muhammad (Peace be upon him).
6. We call upon all our Muslim fellow citizens to commit themselves to a democratic South Africa with the entrenched ideals of non-racialism and non-sexism and to deal with their differences with dignity and integrity.