



Muhammad Imarah. *Al-Tahrir al-Islami lil-mar'ah: al-radd 'ala shubuhah al-ghulah.* Cairo: Dar al-Shuruq, 2002. iv + 139 pp. EUR 10.00, paper, ISBN 978-977-09-0757-3.

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Muhammad Imarah's 2002 book published in Cairo by Dar al-Shuruq, *The Islamic Liberation of Women: In Answer to Suspensions Raised by Extremists*, definitely belongs to the genre of apologetics as the subtitle clearly shows.[1] It sets out to present a counter defense of the status of women in the Islamic value system, specifically tackling the most problematic legal and interpretive issues usually targeted by these "excessive" or "exaggerating" groups (*ghulah*, in Imarah's words) to attack the Islamic position on women and gender. Most contemporary Arabic writings on the subject of women in Islam suffer the usual polarization between totally defensive (i.e. traditional and superficial) treatment--as well as recycled women's *fatwas* or *fiqhi* rulings--or an unrealistic modernist stance that shuns a religious referential frame altogether as a thing of the past and calls for the historicity of religious texts in favor of international standards on human and women's rights. Both positions can be criticized for sweeping generalizations, lack of specific practical alternatives or even solutions to certain problems, and focus on settling scores with the "other." (Exceptions to that situation do exist of course, in such controversial writings by Nasr Hamid Abu-Zayd, Gamal al-Banna, and the Syrian Muhammad Shahrur who--albeit the difference in opinions and reactions they raised--managed to present specific *ijtihadat* (independent reasonings) concerning actual issues).

Imarah's book positions itself--as he explains in the introduction--between the two extreme poles of "the extremist Islamists," meaning the ultra-conservatives, and "the extremist secularists" (p. 23). In other words, he could very well be aligned to the current of Islamic intellectuals and thinkers referred to often as the "New Islamists," deemed to present a new centrist discourse couched in basic Islamic and Qur'anic world view as well as mature enough to oppose conventional biases/injustices against women. Furthermore, Imarah obviously aligns himself with earlier acclaimed centrist and enlightened Islamic works of that trend, such as the widely celebrated six-volume encyclopedia of Abdel Halim Abu-Shuqah Tahrir al-Mar'ah fi 'Asr al-Risalah (*The Liberation of Women in the Age of the Prophetic Message*, 1990), as well as the writings and moderate opinions of the popular religious ulama-scholars Muhammad Al-Ghazali and Yusuf al-Qaradawi.

The book consists of an introduction and two main parts, and it is the second part that contains the work's counter arguments against the *shubuhah* (suspect or oppositional points), namely five well-known issues: (1) the inheritance law of half the sum, (2) two women instead of one as witnesses, (3) the Hadith concerning deficiency of women in mind and religion, (4) the second Hadith concerning women's leadership, (5) the verse assigning guardianship of men over women--or the issue of *qiwama*.

Despite the importance of the introduction in providing Imarah's proclaimed stand of moderation--"the centrist model" (p. 11)--where he also criticizes rigid and stagnant customs and traditions that forbid women in some societies from even driving cars and appearing on the streets, the segment is not without problems. The writer begins immediately with two of the most widely used and standardized charges leveled against Arab feminists and activists: (a) the juxtaposition of urban and over-compensated women activists vs. the real hardworking rural women; (b) a generalized lash against the Western model of feminist movements calling for competition, conflict, and sameness with men.

The first and shorter of the two main parts deals hastily with the topics of women's participation in the public sphere at the time of the Prophet (PBUH) and the Rashidi period, early Muslim women's forthright expressiveness, and the social mixing of genders. Imarah here depends heavily on Abu Shuqah in citing examples of *sahabiyat*, women companions of the first generation who were quite visible in public society, and in deducing from their varied activities Islam's sanction, even expectation, of women's participation in social and public life. He also summarizes a discussion of the *fiqhi* rule of "sadd al-dhara'i'" (which depends on the concept of preempting the possible fall into error, hence the preventive laws to hinder its perceived causes). In short, the exaggeration in using this rule has led to forbidding the mixing of genders and participation of women in the public sphere in some societies, yet it should be regulated and subjected to the criterion of "Islamic moderateness" (p. 57). However, a better and more comprehensive discussion as well as specific logical arguments and historical evidence concerning this issue can be found in Abu Shuqah, volume 3.

It's the second part with its five controversial issues/defenses that deserves the reader's attention. The counter argument is not long or over

complicated, but straightforward, with relevant evidence and quotations from classical authoritative sources, and in plain lay Arabic. The first concerns the opposition to the inheritance law of females inheriting half the sum of their male counterparts. There is an initial reminder that the text of the verse in question mentions specifically and only the case of "children" inheriting from parents. Then the writer briefly states the three criteria that govern the Qur'anic logic of the distribution of inheritance--none of which is a consideration of gender: (a) the degree of closeness in relation between an heir and a testator; (b) the position of the inheritor within the age scheme of the family; (c) whether there exists a financial burden/commandment assigned as a religious duty upon an inheritor towards other members of the family. An example of the second case would be a young girl or even female infant inheriting more from a deceased father than his own father (i.e. the grandfather), since the girl is of a younger generation and in need of support to start off her life. Hence, there exist four diverse categories of situations: (1) in four cases only a woman would inherit half the sum; (2) in cases twice as much a woman inherits the same amount; (3) in ten cases or more a woman would inherit more than a male; (4) situations in which only the woman would inherit, and not her male counterpart at all. In the end, the combination of cases in 2, 3, and 4 amount to almost thirty versus the four initial situations of women inheriting halves.

The second *shubha* concerns another verse that mentions the need for two women as witnesses--not just one--along with one other man. Imarah presents convincing arguments here because of the methods he uses: he contextualizes the injunction within the totality of the whole verse to limit its application to specific conditions; he uses a common sense approach that relates this ruling to other verses or other instances in early Muslim history which put more trust in a woman's "word" so to speak. The writer in this segment quotes extensively from the thirteenth-

century jurist and scholar Ibn Taymiyya, who first wrote on this interesting distinction here between *shahada* (legal/court testimony) and *ish-had* (written certification). The verse specifically refers to the latter which is a recommendation directed to the creditor--living in a male dominated society--for assurance in accordance with prevailing social customs. The measure also applies to one kind of financial debt, and not to trade or other forms of commercial dealings. Thus, it does not address judges, who are free to use a variety of means and testimonies to seek justice and issue a ruling. It is in fact left to a judge to solicit any number of witnesses, men only or even women only, and exercise his own sense of judgment on the truth. Not only that, but Ibn Tamiyya clearly states the two criteria used by a judge to determine the choice of women's testimony: experience and trustworthiness (i.e. known to be fair and morally upright). A very significant detail that Imarah, ironically, includes from Ibn Taymiyya is the proclamation that the "forgetting" is not an innate nature of women, but it is a matter of experience and training in certain activities. I say ironic because we will see how in other parts of the book the writer forgets this interesting reference to socio-historical factors and resorts to essentializing the female nature.

Two other relevant instances that Imarah uses to balance the notorious verse are verses 6-9 in Surat al-Nur (known as *li'an* witnessing) and the tradition of women's narration of the Hadith, which is really the ultimate testimony upon the Prophet's words and actions that Muslim generations have accepted and trusted for centuries. The verses of *li'an* refer to the Qur'anic measure--in a situation of accusation of marital infidelity with no outside witnesses--that the man publicly invokes the curse of God upon him in case he is falsely accusing his wife of adultery, followed by the wife's own invocation in case he is right. This means that it's the latter woman's individual testimony and plea of innocence that should be believed and applied in the end. In other words, the

writer asks us to consider this issue of "two women as witnesses" in the light of a total Qur'anic and *fiqhi* picture, as well as in relation to the "textual" context of the verse itself, which does not merit a generalized interpretation but only a limited application.

He uses the same methods in the fourth major argument, which is also considered a good segment, in contrast to the third and fifth (that I am keeping to the end). This fourth section discusses the Hadith stating that no people will eventually succeed if they make a woman lead them. Hence, this is the controversial concept of *wilaya*, or women's leadership--also relevant to the issue of women judges. The two significant points that the writer makes here are the change in the modern process of leading/ruling states and the Qur'anic contrast between the autocratic rule of Pharaoh and the consultative rule of Queen Sheba. The first factor has complicated the nature of leadership and moved it from ancient individual authorial rule to forms of government based on institutions and majority decision making in democratic systems. This means that this form of rule referred to by the Hadith is outdated and inaccessible to both men and women in modern times. This view is of course corroborated by the usual historicizing of the Hadith in reminding that it particularly refers to the Persian Emperor's daughter taking the throne at the time (the Persian Empire being one of the two superpowers); the Prophet is predicting its downfall to the advent of Islam. As for Imarah's second relevant point, it is the Qur'anic criterion for good ruling, irrespective of gender. The Pharaoh has been shown to be a dictator, while the Queen of Sheba is praised and shown to be a wise democratic ruler because she solicited consultation for making a decision. As for the wide variance in *fiqhi* opinions over women judges, the writer summarizes the differences among schools and concludes that obviously it is a matter of *ijtihad* and allowed legitimate diversity in an issue that has

no legislative fixed text, but can withstand more *ijtihad* and creative interpretations.

While the above three sections are useful and convincing arguments, the third and fifth are not that successful. The main reason, as mentioned before, is the contradiction Imarah falls into when he stops using the method of contextualizing a verse to limit its parameters and range of meaning or resorts to "essential" stereotyping and ignores socio-cultural construction of male and female abilities. In fact, this is a typical contradiction of most contemporary Islamic discourse on the subject. The third and fifth segments read more like a justification of women's emotional and weak inborn nature, hence the "naturalness" and "logic" of men's leadership over women, than a well thought-out counter argument.

The third section concerns the Hadith that mentions women being insufficient in mind and religion. The writer of course includes the complete text, since not everyone seems to be aware of it and of the exchange done in jest between the Prophet and the women about it. He also reminds us that it was an occasion of 'Eid, when it is unlikely that the Prophet, coincidentally passing by a group of women on his way to the mosque, would deliberately accuse and upset them. Mostly, therefore, the problem resides in faulty interpretations of the Prophet's words due to ignorant customs and traditions that deem women inferior and use this Hadith as a legitimate religious justification. What is then the interpretation that the writer offers as an alternative? Although Imarah calls the statement a joke or jest (*muda'aba*) (which I personally think it is and therefore should be left at that with no attempts at explaining or deducing facts), he proceeds to give it a factual and serious import. The Hadith means that women's emotionality overpowers their reason or rationality, whereas men are more rational than emotional. He asks us not to see this meaning as a derogation directed at women or a negation of their mental capabilities, since basic Islamic duties have been

assigned equally to men and women with equal rewards or punishment. It is absolutely wrong, Imarah confirms, to disparage women's competence. However, equality means complementarity based on difference and division of roles, not sameness or exact social expectations. He then seeks evidence for this concept of distinctiveness (*tamayuz*) by quoting only parts of two verses (Al-Baqarah, 228 and Al 'Imran, 36) failing to indicate the textual context of each verse to understand the comprehensive meaning, as he had done previously. He spends the rest of the section reporting on scientific and psychological proof of these innate distinguishing features of men and women. Hence, the inconsistency in methodology and gender essentialism undermine this section, and reach their full application in the final and fifth major argument explaining and defending the concept of *qiwama* (male guardianship).

Unfortunately, the concluding segment is the least successful and the most filled with self-contradictions. After the writer rejects the concept's misunderstanding as oppression or imprisonment and focuses on the elements of consultation and compassionate treatment between the married couple, he explains *qiwama* as necessary leadership in the hands of men. He includes a long two-page quotation from Muhammad Abdu's beginning of the twentieth-century Tafsir that links this concept to verse 228 of Al-Baqarah, uses the term "presidency" (*riyasa*) for the first time in that century, and describes a man-woman relationship as the head to the rest of the body. Imarah borrows the quotation in full without recognizing the many problems with that interpretation: two of which are the fact that verse 228 of Al-Baqara is strictly about divorce legal measures and not about regular marital relationships, and the explanation that men deserve leadership because they are more knowing of the family's interests contradicts Imarah's own preceding comments on consultation and women's independence and mental capabilities. Moreover, even if a commentary is made by Imam Muhammad Abdu, Imarah

fails to be critical of some of its aspects, such as the man-to-woman like the head-to-body statement is obviously a medieval Christian allusion that could have seeped into Abdu's thought from his French education background. There is no trace of it in previous classical Islamic texts.

Towards the end of the segment, Imarah once again emphasizes the true Islamic understanding of marriage and hence *qiwama* as based on compassion, good treatment, and honest caring, to reject the false understanding of it as a justification of a master-slave kind of relationship. We are quickly reminded, however, that this care and sense of responsibility are subject to division of activities and specializations: "A woman's care or *qiwama* is distinctive in managing the family's kingdom or reign and in raising the children" (p. 122).

In the end, three out of five is not bad. The book is still useful for the non-specialized reader interested in quick answers to the usual accusations/queries without getting lost in the mire of complex issues of history, discourse, and interpretation. The book does not provide full *fiqhi* or *tafsir* research, neither does it tackle the area of laws, but focuses on discourse. It is clever and satisfactory in parts (convincing points and common sense apology), but opens the door in others for the very forms of discrimination and marginalization that the writer set up to defend Islam against in the first place.

Note

[1]. The first edition of this book published in Cairo was titled *Al-Tahrir al-Islami lil-mar'ah: al-radd 'ala shubuhah al-ghulah*; the English translation is titled *The Islamic Liberation of Women: In Answer to Suspicions Raised by Extremists*.

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