SISTERS IN ISLAM'S QUEST FOR THE REINTERPRETATION OF THE QUR'AN AND HADITH: AN ANALYSIS OF THEIR VIEWS ON EQUALITY, WOMEN JUDGES, AND POLYGAMY

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This article examines the reinterpretation project of an Islamic feminist movement in Malaysia, Sisters In Islam (SIS), by analysing some of its book projects on the issues of equality, women judges in the Shariah Courts, and Islam and polygamy. The article examines the attempts by SIS to reinterpret some Qur'anic verses and the Hadith and to reform Islamic family laws to suit its view of the way that contemporary Muslim society should relate to its women with respect to equality between Muslim men and women, appointing female Muslims as Shariah judges, and eradicating polygamy in Muslim societies. Utilising analytical and critical methods, this research analyses some books written by SIS members on these issues, identifying some plausible points and pointing out misreadings because SIS members did not consider holistic perspectives and situations of contemporary times. Finally, while acknowledging the usefulness of this effort in certain areas, this article rejects the extremism and impracticality in some aspects of works by SIS and calls for a rethinking of the areas in which this movement has erred in its mission to reinterpret verses of the Qur'an and the Hadith and to reform Islamic family law.

Keywords: Sisters In Islam (SIS), reinterpretation, Islam, equality, judges, polygamy, Qur'an, Hadith, Islamic law, Muslim, feminist

INTRODUCTION

Sisters In Islam (SIS) is an Islamic feminist association that advocates for the rights of Muslim women in Malaysia. It was founded in 1987 by a group of professional Muslim women and was registered in 1993 as a non-governmental organisation under the name SIS Forum (Malaysia) Berhad, while retaining Sisters in Islam as its authorship name. SIS is involved in many activities, such as workshops, seminars, conferences, and activism for the rights of women and

counsellors, guardians, and shelter providers for oppressed and abused Muslim women.

One project that is dear to the Sisters in Islam and is at the heart of their campaign for women's right in Malaysia is the reinterpretation and reform of Islamic or Muslim law through the reinterpretation of the Islamic holy text, the Qur'an, and the Hadith of the Prophet (PBUH) to reflect "the contemporary realities of the time." This is important because, according to SIS, Muslim family laws such as those "that govern the relationships between men and women based on a framework of the superior husband and the subordinate wife are unsustainable in the twenty-first century" (Sister In Islam, n.d.). This is true because the "medieval legal reasoning that defined the roles of the husband as 'providing' and the wife as 'submissive' has little bearing on today's realities, especially in view of the changing status and roles of women and men" (Sister In Islam, n.d.). Likewise, SIS believes that the Qur'an "provides a wealth of guiding principles to develop a new body of law on family relationships based on justice and equality" and that the "codified law is not the sacred Shariah itself, but the product of human engagement with the revealed text" (Sister In Islam, n.d.). Thus, no harm exists in revisiting the law and reforming it to reflect present realities.

Moreover, SIS holds that reforming, reinterpreting, and re-understanding the Qur'an from a feminist perspective are possible and desirable on several grounds, including the following:

1. The Qur'an directly upholds principles of Islam that support relationships based on equality between men and women, and between husbands and wives. Furthermore, these laws are based on divine and immutable (*sic*). The codified law is not the sacred Shariah itself, but the product of human engagement with the revealed text. Prime Minister (now former Prime Minister) Datuk Seri Abdullah Ahmad Badawi himself has supported the idea of reform, saying that "the renewal of Islamic thought must be an on-going processóensuring the universality of the message, its pluralism and diversity, and not be ossified and fossilised by blind imitation of traditional thought and opinion (Sister In Islam, n.d.).

2. The existing Islamic family laws in Malaysia contravene provisions of the Federal Constitution, such as Article 8(2), which specifically forbids discrimination on the basis of gender. As they stand, the individual family laws in each State also violate key aspects of our domestic policies, and contain provisions that have proven inequitable compared to civil laws governing the same matters for non-Muslims (Sister In Islam, n.d.).

3. Malaysia must also institute legal reform if it is to fulfil its commitments to international human rights standards. Our country is a signatory to the UN Convention on the Elimination of All Forms of Discrimination

Against Women and the UN Convention on the Rights of the Child. In addition, Malaysia is morallyô if not legallyô bound to observe the Universal Declaration of Human Rights, which is generally recognised as international customary law, the Beijing Declaration and Platform for Action and the Non-Aligned Movement's Putrajaya Declaration, which Malaysia strongly promoted in its role as host and chair of the meeting at which it was adopted (Sister In Islam, n.d.).

4. Finally, our Islamic family laws must reflect the realities of modern life. As the former Prime Minister said: "Ensuring the rights of women will require reform and renewal in Islamic thoughtí The problems that contemporary Muslim societies are confronted with today are not the problems of the sixth century, and the solutions we need today do not lie with the notion of a Shariah purportedly final and complete fourteen hundred years ago - particularly in the case of women." Our laws must, therefore, address the complexities and realities of modern life while accounting for the universal and eternal principles of justice and equality in Islam (Sister In Islam, n.d.).

In light of the above statements, SIS commissioned a number of book projects that address issues that Muslim women face in their societies and examine how these issues could be overcome through a reinterpretation of some of the Qur'anic verses and the Hadith on relationships between women and men in society. In attempting this examination, the principles outlined above have been used by SIS to conduct their project of reform and reinterpretation in the area of Islamic law and their quest for the equality of males and females in Malaysian society.

Using textual analysis and critical methods, we examine how this reinterpretive work was performed by some of the commissioned authors and members of SIS and how this reinterpretation was used in relation to three issues, (1) the equality of men and women before Allah, (2) women judges in Shariah courts, and (3) Islam and polygamy, in order to determine the validity of the submissions or conclusions by these SIS commissioned authors on these issues. Primarily, this study analysed the books written by these SIS authors on these three issues and examined their conclusions, comparing them against the verses of the Qur'an and the Hadith to determine the plausibility of their conclusions.

THE EQUALITY OF MAN AND WOMAN BEFORE ALLAH

First, to establish a foundation for their arguments, SIS, like many other Islamic feminist scholars whose opinions they support, instituted a project to uncover the historical lives, contributions, roles, and activities of the female companions of the Prophet Muhammad (PBUH). As part of this endeavour, which was undertaken by Shayan Afzal Khan, SIS produced a book titled *Unveiling the*

Ideal: A New Look at Early Muslim Women.[1] According to Zainah Anwar, who wrote the foreword to this book, the aim of SIS in commissioning this project was "to educate the Muslim world and others that the common image of the Muslim woman as inferior, oppressed and backward is not an accurate or fair reflection of our heritage" (Khan, 2007: v). This goal is important because, according to Anwar, all "too often Muslim women who are strong, outspoken, independent and who stand up for their rights are regarded as Westernised and unIslamic" (Khan, 2007: v). Khan suggests that this perception is erroneous and in bad taste because "we grew up with stories that Khadijah, the Prophet Muhammad's (PBUH) first wife, was a rich businesswoman who proposed to the Prophet; that Aisha, the Prophet's feisty young wife, led men to battle" (Khan, 2007: v). She continues that as "we continued to study our religion, we found out even more: Umm Waraqah was the imam of her household that included men, and Shifa bint Abd Allah was the inspector of the marketplace. And there was Sukayna bint Hussain, the Prophet's great-granddaughter, a woman of great intelligence, independence, wit and beauty who was famous for the conditions in her marriage contract which stipulated that she would not obey her husband, that she had total control of her life and that her husband should not commit polygamy. A break of any of these conditions was a ground for divorce" (Khan, 2007: v). Thus, in the view of Zainah Anwar, the contentions and beliefs that Muslim women "are inferior to men, that they must obey their husbands, that they cannot be leaders" (Khan, 2007: vi) that are justified in the name of Islam are unfounded and unjustifiable, as the stories of these early Muslim women show.

Khan (2007) scrutinised the contributions, roles, and public activities of the female companions of the Prophet (PBUH). The author begins with the wives of the Prophet himself and the type of relationships he had with his wives. Likewise, she considers how each wife contributed to society in different fields, privately and publicly, without hindrance from the Prophet (Khan, 2007: 3ó113).

To frame her arguments that (1) the female companions of the Prophet (PBUH) were major players in the development of the new Islamic society, (2) their contributions were as important as those of the male companions, (3) they enjoyed their freedom and took an active part in public life and that some of them actually controlled their own lives, and (4) some of them dictated the terms of their marriage and divorce, Khan divided her book into parts detailing the activities of these women, their contributions and public roles, and the types of freedom that they enjoyed as equal members of Islamic society with their male counterparts.

Khan's book has five parts. The first part of the book addresses the history of the wives of the Prophet (PBUH) and their roles as knowledge givers, Hadith transmitters, women who were consulted by their husband (the Prophet) and who went with him in times of war, and women who were aware of (and exercised) their rights and freedom. The second part addresses the female

companions who took an active part in warfare and fighting, sometimes side by side with the Prophet (PBUH) and his male companions, tending to the wounded, providing supplies, and encouraging them by chanting poems (Khan, 2007: 117ó 154). The third part focuses on women of law whose actions, questions, arguments, and discussions with the Prophet (PBUH) led to one or more revelations resulting in the enactment of one or more legal provisions in the Shariah (Khan, 2007: 157ó172). The fourth part addresses the female companions who were noted for their learning and intelligence and who contributed immensely to Islamic knowledge in various fields of study (Khan, 2007: 175ó196). The fifth and last part addresses women who were in charge of their lives; they were strong-willed, outspoken, intelligent, and independent women who took control of their own destiny and dictated the terms and conditions of their marriagesô even to the companions of the Prophet (PBUH) and important men of Islamic society. In other words, they were women who were fully in charge of their own lives, who lived with freedom and equality within the confines of Islam, and who were all accepted by society (Khan, 2007: 199ó246).

Therefore, the argument can be made that through this study, SIS seeks to lay the foundation for their work of fighting for equality in modern times and correcting the belief that Muslim women are inferior to men, should not be active in public life, and must obey their husband in all things. They also attempt to correct the erroneous perception that Muslim women are oppressed and were confined to their homes since the inception of the religion.

> We hope that the stories in this book of Muslim women who challenged and questioned the Prophet, who demanded attention and consideration, who went to war, who educated men and women, who enjoyed control over their own lives, will serve as models worthy of Muslim pride in our rich and diverse heritage and break the stereotype Western image of the oppressed Muslim woman (Khan, 2007: vi).

Having established in this volume that earlier Muslim women played active and public roles during the time of the Prophet (PBUH) and his companions and that these women fully exercised their rights and freedom as equal members of Islamic society, SIS had another project that examined the question of the equality of men and women before Allah, the Creator of both sexes.

In a small book titled *Are Women and Men Equal before Allah?*, SIS searches for answers to this question by considering some verses of the Qur'an and interpretations that seek to place women as inferior to men and attempting a new interpretation of these verses from a feminist perspective.

In the introduction to the book, SIS first notes that their "research has shown that oppressive interpretations of the Qur'an are influenced mostly by cultural practices and values which regard women as inferior and subordinate to men" (Sisters In Islam, 1991: 1). Therefore, SIS holds that it "is not Islam that oppresses women, but human beings with all their weaknesses who have failed to understand Allah's intention" (Sisters In Islam, 199: 1).

To drive this point home, SIS presents the common belief that is used to position women as inferior to men: that Allah created woman from man's rib, and therefore in her origin, she is derivative and secondary; men are naturally superior to women, and women were created for men's use and enjoyment (Sisters in Islam, 1991: 3). To counter this belief, SIS quotes the Qur'anic verse "And of everything we have created pairs [*zawjayn*]" (Qur'an 51:49). SIS also cites verses in support of their argument (Qur'an 53:45; 78:8; 50:7; 22:5; 36:36) and posits that there is no difference between the value given to the creation of man and woman in the Qur'an because it is clearly stated that Allah created everything in pairs and because man and woman constitute the pair in the creation of the human species. It is, therefore, erroneous to hold that one comes from the other or that one is superior to the other. Thus, SIS holds that this belief is socially and culturally constructed and has no basis in the Qur'an and the Hadith (see Sisters In Islam, 1991: 3).

Although SIS admits that men and women are biologically different, they hold that this difference has no impact on their value as equal creations, as seen in different verses of the Qur'an. SIS cites the following Qur'anic verses as examples of male/female equality in Islam: Qur'an 33:35 36; 9:71 72; 4:124; 3:195; 40:40 and 16:97, in which Allah addresses Muslim men and women as equal participants in all aspects of Islamic life (see Sisters In Islam, 1991: 4). They quote the following Qur'anic verses to support this claim:

> The Believers, men and women, are protectors, one of another; they enjoin what is just, and forbids what is evil; they observe regular prayers, pay *zakat* and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in Power, Wise. Allah has promised to Believers, men and women, gardens under which rivers flow, to dwell therein... (Qur'an 9:71ó72).

Thus, SIS holds that because "the equal status of women and men in spiritual matters is not only recognised but insisted upon in the Qur'an, what more the equal rights and obligations of women and men in temporal matters" (Sisters In Islam, 1991: 4).

To further drive home the impact of their stand on the equality of man and woman as espoused in their study of the Qur'an, SIS holds that even "'*risalah*' (being a Messenger) is not a function only for men, rather it is exclusive to a few exceptional individuals" (Sisters In Islam, 1991: 4). According to SIS, surah 21:

verses 7 8 "of the Qur'an state that messengers were men, only to explain that they were human beings and not angels" (Sisters In Islam, 1991: 4), not to say that messengership was limited to (or exclusively for) men. Thus, for SIS, the belief that only men can be messengers and leaders is fallacious because neither the Qur'an nor the Hadith says that a woman cannot be a messenger or leader. In fact, SIS believes that the story of Bilqis disproves this belief because "the Qur'an extols the leadership of Bilqis, the Queen of Sheba" (Qur'an 27:23 44) (Sisters in Islam, 1991: 5). They note that "Bilqis's qualities as a good leader were not measured by gender but by: (1) her capacity to fulfill the requirement of the office, (2) her political skills, (3) the purity of her faith and (4) her independent judgement" (Sisters In Islam, 1991: 5). Thus, there is nothing in the Qur'an or the Hadith that explicitly states that women cannot be messengers or aspire to positions of leadership as equal members of their societies.

SIS holds that the problematic interpretations of the Qur'an that led to the belief that women are inferior to men are due to certain factors in the interpreters' approach to the Qur'an:

1. Isolating Qur'anic verses from their context and turning them into universal rules or moral injunctions. According to SIS, many interpreters of the Qur'an make the mistake of isolating Qur'anic verses from their context by not considering the particular context or issue related to the revelation of the verses. SIS cites the example of Qur'anic verse 4:3, which permits a man to marry more than one wife. SIS says that the problem with this verse is its isolation "from its context and turning it into a universal rule or moral injunction" (Sisters In Islam, 1991: 5). For example, SIS notes that "Muslims who consider that polygamy is the right of men have overlooked that verse 4:3 states 'if you fear that you will not be able to deal justly with the orphans, marry women of your choice, two, three or four....'" (Sisters In Islam, 1991: 5). SIS posits that it "is explicit here that polygamy is not a right, but a responsibility to ensure that justice be done to orphans" (Sisters In Islam, 1991: 5 6).

2. Not taking into consideration the issue of abrogation. According to SIS, the issue of abrogation is rarely considered with regard to the verses that affect women, which they consider to be a contradiction. "For example, while earlier revelations discourage intoxicants and gambling (Qur'an 2:219 and 4:43), later revelations clearly condemn and prohibit them (Qur'an 5:93 94)" (Sisters In Islam, 1991: 6). Therefore, if a person quotes verses 2:219 and 4:43 as the basis for his/her consumption of alcohol, verses 5:93 94 could be quoted to him or her as evidence that Islam prohibits this consumption and that the first verses were abrogated by the last verses. However, SIS holds that this method is not always applied with regard to the issue of women. For example, verse 9:71 should be the grounds for the equality of men and women in Islam

because in this verse, the Qur'an talks about women and men as each other's *'awliyya* (friends). This is the last verse that sums up the relationship between women and men as each other's protectors and friends (Sisters In Islam, 1991: 11). In other words, if the method of abrogation were applied here, this verse would have abrogated all other verses that portrayed men as having the upper hand or having rights over women because it was the last verse that was revealed concerning the relationship between women and men.

3. Because the Qur'an was revealed within a socio-historical context, some of its verses must be considered in this light and within this context without imposing them on a different socio-historical context (Sisters In Islam, 1991: 6ó7). For example, SIS cites the case of the witness of one man being equal to that of two women. According to SIS, the Qur'anic verse 2:282, when considered in its context, calls for two witnesses, two males or one male and two females, "so that if one of them errs, the other can remind her" in a situation that involves a written transaction or contract, not in the universal sense in which it is currently understood. Second, this injunction came into being because at that historical time, women normally did not engage in business transactions as their male counterparts did. Thus, they were less likely to remember such contractual transactions. However, currently, this is no longer the case, and this injunction can no longer be imposed on women because women today are knowledgeable about the world of business. Moreover, SIS believes that the underlying value of this injunction was that justice should be done. Therefore, if only one woman and one man witness a transaction and if the woman happens to be an expert in that field, justice demands that her testimony be accepted as valid and equal to that of the man (Sisters In Islam, 1991: 6ó8).

Thus, for SIS, if all the above factors are considered when attempting to interpret the Qur'an, it will be clear that women and men are equal before Allah, and no one has special privilege over the other in spiritual or temporal matters. This is especially evident when Allah Himself affirms that "the most noble of you in the sight of Allah is the one with the most *taqwa* (piety)" (Qur'an 49:13)ô a statement that SIS believes is universal to both men and women because it has no gender connotation.

APPOINTING MUSLIM WOMEN AS JUDGES IN SHARIAH COURTS

Having shown that the interpretations of the Qur'an that discriminate against women were socially and culturally constructed, since the 1990s, SIS and other women's societies have canvassed for the appointment of women as judges in the Malaysian Shariah Courts. Women have been granted the same position in the

civil courtsô the Lower Courts since the 1960s and the High Court since the 1980s (Nik Noriani and Yasmin, 2009: 1). However, to "counter the objections alleging that such appointments would be contrary to the Shariah, SIS embarked on a research project to put forward arguments supporting the appointment of women as Shariah Court judges" (Nik Noriani and Yasmin, 2009: 2).

To fulfil the objectives above, SIS published a book titled *Women as Judges*, which was written in a questionóandóanswer format. The questions raise different and varied objections that are likely to arise with regard to the issue of appointing women as judges. The answers serve as replies to these objections and as opinions and new interpretations of the Qur'anic verses and the Hadiths used to support these objections.

The book, written by Nik Noriani Nik Badlishah and Yasmin Masidi, first examines the juristic views concerning the appointment of women in the four Sunni schools of jurisprudence. Second, it analyses the textual sources that are usually cited in favour of male dominance over women. Third, it explains the textual sources that talk about the equality of men and women. The fourth and fifth sections examine the roles that Muslim women played in Islamic history and the socio-historical circumstances that determined these roles to justify the assertion that women are fit to be judges. Finally, the book considers modern times and cites the case of countries in which women are now appointed as Shariah Court judges.

With respect to juristic views concerning the appointment of women as judges, the majority view in the Sunni school of jurisprudence in the Imam Shafii, Malik, and Hanbal schools is that women cannot be Shariah Court judges. This view is based on the Qur'anic verse that says that men are *qawwamuna*, or protectors of women (Qur'an 4:34). There is a minority view in the Maliki and Shafii schools that holds that women can be appointed as judges, especially if their services are needed. However, these views are rarely addressed. The Hanbali school has stood unanimously against the appointment of women as judges (Nik Noriani and Yasmin, 2009: 3).

Imam Abu Hanifah, for his part, holds that women can be appointed as judges based on his opinion that a judge should possesses the attributes of a witness. Because women can be witnesses according to Qur'an 2:228, they can also be judgesô albeit excluding cases that are *hudud* and *qital* in nature (Nik Noriani and Yasmin, 2009: 3).

However, although the opinion of Imam Abu Hanifah is seen as a minority view, SIS notes that he is not alone in holding this view. Scholars such as al-Tabari and Ibn Hazm hold the same point of view based on the Qu'anic verse that says that believing men and women are each other's friends [*'awliyya*] (Qur'an 9:71). In fact, they both go further than Abu Hanifah to say that women are free to judge in all cases provided that they are qualified to do so (Nik Noriani and Yasmin, 2009: 3ó4).

In answering and countering the opinion against the appointment of women as judges based on Qur'an 4:34 and the Hadith of Abu Bakr (not the first Caliph) that says that women cannot hold positions of authority as judges or political leaders, SIS proposes the following arguments and reinterpretation of the verse and the Hadith. According to SIS, the verse in question (Qur'an 4:34), which says "Men are *qawwamuna* over women, (on the basis of) [what] Allah has (*faddala*) preferred some of them over others and (on the basis) of what they spend of their property (for the support of women) í ," "has been misinterpreted to mean that men have authority over women and that all men are superior to women" (Nik Noriani and Yasmin, 2009: 5). The problematic word in this verse, according to SIS, is "*qawwamuna*," which has been translated to mean "to be in charge of something"ô in this case, men being in charge of women. To SIS, this word, and in fact the entire verse, has "a specific social context" and cannot be extended beyond that context. The verse talks about the social responsibility of men to women based on the concept of division of labour. Because only a woman is biologically capable of bearing a child, to ease the task of the woman and create a harmonious and just society, the man has been charged with the responsibility of providing for the woman to eliminate injustice between the spouses. Therefore, to SIS, this verse talks about the harmonious working of the Muslim family and not, generally, about the position of men and women in society. Moreover, they hold that because this is a verse of responsibility, it is impossible (and, in fact, incorrect) to interpret responsibility as superiority, as it is currently interpreted and in a way that leads to the exclusion of women from the position of judges (Nik Noriani and Yasmin, 2009: 5ó6).

With respect to the use of the word "preferred" (*faddala*) in the same verse, SIS refutes the claim that the word means that Allah prefers men over women or that all men are superior to or better than all women. Rather, they insist that the word is not gender specificô that is, it says that "some (unspecified gender) are preferred by Allah (SWT) over others" (Nik Noriani and Yasmin, 2009: 6). Therefore, this word does not mean that men are preferred to women by Allah. In other words, they affirm that the word reflects a general observable reality as "some creatures have some advantages over others, and even some humans over others. It does not mean that all men always have an advantage over all women, or all women over all men" (Nik Noriani and Yasmin, 2009: 6). Therefore, the use of this verse to exclude women from positions of authority is both incorrect and a misinterpretation.

Regarding the argument that men receive double women's share in the case of inheritance and that this doubling shows that men are superior to women, SIS notes that this issue boils down to the responsibilities of men in society. These responsibilities involve spending money to care for women while women fulfil their own responsibilities, which men cannot shoulder. Thus, the double share of inheritance that men receive cannot be used as a yardstick to say they are

superior to women because this issue relates to the context of responsibility and nothing more (Nik Noriani and Yasmin, 2009: 6).

Concerning the Qur'anic verse (2:282) that states that two female witnesses are equivalent to one male witness and that is usually used to point to the fact that "women are intellectually and morally less capable" (Nik Noriani and Yasmin, 2009: 7) than their male counterparts, SIS says that this verse must be viewed in the socio-historical context of its revelation and should not be extended beyond that time. This is because at that point in time, "women were less familiar with business procedures than men. Therefore, they were more liable to commit mistakes" (Nik Noriani and Yasmin, 2009: 7). Thus, the "presence of a second woman was so that if the woman witness erred or forgot, the other was needed to remind her" (Nik Noriani and Yasmin, 2009: 7ó8). However, because this is no longer the case in the present time, SIS holds that this verse should not stand in the way of women becoming judges and can only be truly understood and interpreted when its socio-historical context is considered (Nik Noriani and Yasmin, 2009: 7ó8).

The Hadith of Abu Bakr used to justify the exclusion of women from positions of authority says, "When the news reached the Prophet (PBUH) that the Persians had made the daughter of Chosroe their ruler he observed: 'That a nation can never prosper which has assigned its reign to a woman'" (Nik Noriani and Yasmin, 2009: 8). Interpreting this Hadith, SIS holds that the Hadith is unreliable and falls into the category of false Hadiths for the following reasons:

1. The Hadith was narrated for the first time during a political event in the Battle of the Camel in which Aisha led her forces. It could have been uttered by the narrator for political expediency because he was also part of Aisha's forces that were defeated by Ali, and he had not uttered it before their defeat by Ali (Nik Noriani and Yasmin, 2009: 9; 15ó16).
2. Many modern day commentators view this Hadith as a false one. How could it be said that a woman cannot become the leader of a government when Aisha's leadership was accepted by eminent Companions of the Prophet? (Nik Noriani and Yasmin, 2009: 9).
3. The Hadith in question is of the nature of *khabar* (information) and is not a binding legal injunction, as explained by Yusuf al-Qaradawi (Nik Noriani and Yasmin, 2009: 9; 18).
4. The Hadith is not reliable and is defective according to the former Chief Justice of Pakistan, Justice Aftab Hussein. He also quoted Dr. Abdul Hamid Mutawalli, who said that this tradition is clearly one of the thousands that were forged and ascribed to the Prophet (PBUH) falsely because it contains all three defects of an unacceptable Hadith: (1) it describes what is impossible or unacceptable to human reason, (2) it is contrary to the Qur'an, and (3) it is contrary to historical facts (Nik

Noriani and Yasmin, 2009: 9); see Nik Noriani and Yasmin (2009: 11ó24) for further explanation of these three criteria.

5. The narrator is not reliable. If one is to follow the principles of Imam Malik for fiqh in assessing him, he would be rejected as a good narrator and source of the Hadith because "one of the biographies of him tells us that he was convicted of the offence of *qadhf* (slander for giving false testimony by making an unproven accusation of *Zina*) by the Caliph Umar al-Khattab, and flogged" (Nik Noriani and Yasmin, 2009: 16).

As for the second Hadith, which states that women are "*naqis al-'aql wa al-din*" (defective or imperfect in reasoning and religion), SIS holds that this Hadith is "neither acceptable to reason nor in conformity with the Qur'an or to the present-day society" and that it contains "all the three elements of forgery" (Nik Noriani and Yasmin, 2009: 13). Moreover, they say that if "this tradition is assumed to be true, it would conflict with various injunctions in the Qur'an itself and also in other traditions. It would also conflict with several historical facts in the Prophet's time and that of the rightly-guided Caliphs" (Nik Noriani and Yasmin, 2009: 13). Added to this is the fact that "this argument was described as weak by Ibn al-Shatt (d.1323). The reason is that if one accepts this argument, this deficiency must also be present when a woman acts as a narrator of Hadith" (Nik Noriani and Yasmin, 2009: 28), as a *mufti* (a capacity in which all legal experts, medieval and modern, agreed that women can act), and as a dispossessor of her propertiesô a right granted by Allah in the Qur'an (Nik Noriani and Yasmin, 2009: 29).

SIS discusses the real reason Muslim women were excused from being judges, to quote them extensively:

> There were arguments in medieval Islamic legal discourse that sought to locate the source of gender-based distinction against women not within the biological nature of women, but in specific social circumstances. These include women's marginalisation in political contexts and the role that women played within those social circumstances.
> A witness's testimony and a judge's verdict are both political because the consequences of each are immediate, tangible and binding. However, as noted by al-Qarafi, courts faced difficulties in enforcing the law. More generally mení in the 13th century Egyptian society [for example] viewed women as being inferior to men. Subsequently, there is a greater likelihood that the losing party will not respect a court decision involving a woman judge or witness (Nik Noriani and Yasmin, 2009: 27ó28).

However, in the present time, "where men would respect the decision of the court and comply with court verdicts regardless of the gender of the witnesses or the judges, there is no reason to exclude qualified women from being appointed as judges" (Nik Noriani and Yasmin, 2009: 28). Examples abound in Pakistan and Indonesia, where women are now judges in the Shariah Courts (see Nik Noriani and Yasmin, 2009: 30ó36 for further reading on this issue). In other words, in the assessment of SIS, all the evidence used to proscribe the appointment of women as Shariah Court judges is false and stands on shaky ground. For SIS, the truth is that the prohibition is merely for social expediency. Because the situation has changed, it is necessary to lift this ban and allow women to play their role in society, including being judges in the Shariah Court.

Finally, it is important to conclude this section by pointing out that the agitation of SIS on this issue has borne fruits in Malaysia, where women are now judges in the Shariah Courts, following the examples of Pakistan and Indonesia mentioned above.

ISLAM AND POLYGAMY

Another issue that has generated controversy in Malaysia and has caught the attention of SIS is the issue of polygamyô the permission to marry up to four wives granted by Allah in the Qur'an in Surah An-Nisa' 4:3. Allah says, "If ye fear that ye shall not be able to deal justly with the orphans marry women of your choice two or three or four; but if ye fear that ye shall not be able to deal justly (with them) then only one or (a captive) that your right hands possess. That will be more suitable to prevent you from doing injustice."

According to SIS, in Malaysia, as in many other Muslim countries,[2] this injunction by Allah in the Qur'an has been taken to indicate a blanket freedom to marry more than one wife without considering the implications and responsibilities that accompany this permission, including financial, psychological, and social implications and responsibilities. Therefore, to highlight the problems that accompany polygamy and to explain the proper meaning and interpretation of this verse of the Qur'an, SIS created a project to address polygamy. Most importantly, their intention includes reinterpreting the verse that is purported to give permission for polygamy in conjunction with another verse of the Qur'an (4:129) and in the totality of the spirit of the Qur'an itself concerning other issues, such as slavery. In light of these issues, SIS published a book titled *Islam and Polygamy*, written by Zaitun Mohammed Kasim, in which she explains the Islamic stand on polygamy and the "higher intention" of the Qur'an and clarifies the issue concerning the social situation in Malaysia.

According to SIS, polygamy was, in fact, a restraining order placed on Muslims to circumscribe the pre-existing Arabian practice of marrying a limitless number of wives before the advent of Islam. In the view of SIS, the "guiding

principles in the Qur'an against polygamy can be demonstrated by firstly, limiting the maximum number of wives to four, then by demanding the fair and just treatment of multiple wives, and finally by declaring that fair and just treatment is impossible" (Zaitun, 2008: i). This means that polygamy is prohibited, in principle, by the Qur'an.

To further break down the argument above, SIS notes that the phrase that people usually quote in the verse that permits polygamy is "marry women of your choice, two, three or fourí " On this basis, people claim that polygamy is a "right" of the Muslim male. They forget or overlook the earlier part of the verse, which says, "If you fear that you will not be able to deal justly with the orphans, then marry women of your choice, two, three or fourí " For SIS, this means that this verse was revealed purposely to safeguard the rights of the orphans and to ensure justice for them. The verse, therefore, is a verse of restriction and responsibility, especially considering the fact that it was revealed after the battle of Uhud, in which the Muslims lost many men and there was need to safeguard the interests of the widows and the orphans who were left behind ó especially with regard to the issue of marriage or remarriage (Zaitun, 2008: 2ó3). The inference is that SIS believes that, first, the verse restricted the number of wives of Muslims to four to prevent them from falling into the primitive practice of the Arabs, who could marry as many wives as they wished. Second, it was meant to safeguard the interests of widows and orphans so that they were dealt with justly by anyone who wanted to marry them.

To underscore the fact that the "higher intent" of the Qur'an is actually for Muslims to remain monogamists, SIS explains that the Qur'an ends the verse by saying "í but if you fear that you will not be able to deal justly (with them) then only oneí That will be more suitable to prevent you from doing injustice." For SIS, the intention that Muslim men should marry only one wife is further strengthened by the fact that the Qur'an later says (in 4:129, the same chapter of the Qur'an), "You are never able to do justice between wives even if it is your ardent desire." This means that when "the Qur'an explicitly stresses just conduct towards women and equal treatment among wives, it also recognises the impossibility of fully living up to these ideals (4:129)" (Zaitun, 2008: 3). Thus, by "stressing the need for just conduct toward women and for equal treatment of all wives, and recognising the impossibility of doing so (Surah An Nisai' 4:129), verse 4:3 cannot be seen as one that promotes polygamy. It is not a command for men to practice polygamy" (Zaitun, 2008: 3). Rather, the "verse actually promotes monogamy as the original and ideal state of marriage in Islam" (Zaitun, 2008: 3).

To further buttress the argument above, SIS gives the example of the Prophet (PBUH) in which he explicitly prevented his son-in-law, Ali Ibn Abi Talib, from taking a second wife as long as he was still married to his daughter Fatimah. In an authentic Hadith reported in the Sunan of Ibn Maja, the Prophet was reported to have said that he would not allowed Ali Ibn Abi Talib to take

another wife "í unless and until Ali Ibn Abi Talib divorces my daughter, for surely she is part of me and what troubles and agitates her, troubles and agitates me too; and what harm befalls her befalls me too" (Zaitun, 2008: 5). Thus, for SIS, the Prophet (PBUH) himself understood that monogamy was the ideal state for the Muslim men. The Prophet (PBUH) himself was monogamous for 28 years (17 years before he became a Prophet and 11 years after he was commissioned as a Prophet) before he lost his first wife, Khadijah. SIS says that he practiced polygamy after her death out of political expediency and to spread the message of Islam to the communities into which he married and with whom he established ties or relationships through marriage (Zaitun, 2008: 4ó5).

In the same vein, to drive home its stand on this issue, SIS points to the issue of slavery in Islam. According to SIS, the issue of polygamy is similar to that of slavery, which "was also reluctantly tolerated by Islam, with the guiding principles towards its eventual abolition by enjoining the kind treatment of slaves as well as making the freeing of slaves a cardinal virtue" (Zaitun, 2008: i) that would eventually lead to a slave-free and egalitarian society. In other words, just as a progressive interpretation of the slavery verses yields the conclusion that slavery should be abolished in its totality because that is the "higher intent" of the Qur'an, the polygamy verse and verse 4:129 yield the same conclusion: that monogamy is the ideal state of marriage in Islam if the same principles and progressive interpretations are applied.

Finally, SIS says, several "great reformers of the 19th century such as Sheikh Muhammad Abduh, the Mufti of Egypt at the turn of the century, and Sayyid Ahmad Khan and Mumtaz Ali of the Indian subcontinent, regarded polygamy only as a tolerated institution of the past that should, in the present circumstances, give way to the Qur'anic ideal of monogamy" (Zaitun, 2008: 3). Even the popular translator of the Qur'an to the English language, Abdullah Yusuf Ali, "stated that since the condition for equality in polygamy is so difficult to fulfil, then he understood the verse to recommend monogamy" (Zaitun, 2008: 3ó4). This recommendation by Abdullah Yusuf Ali, as SIS observes, has been removed by the publisher in the revised edition of his translation (Zaitun, 2008: 4).

ANALYSIS

From the examinations of the books of SIS, we can see that SIS upholds Islamic feminist ideals: it comprises a community of woman who want to uphold the religion of Islam and, at the same time, claim their full rights as women on equal footing with their male counterpart as members of the human community and the Muslim Ummah.

It is apparent that SIS, like most Islamic feminists, situates all of its arguments for the emancipation of the Muslim women within the Islamic tradition by pointing out many possible interpretations for some of the verses that

are used to place women as subordinate to men and as the weaker sex in society, marriage, or relationships involving the two sexes. For SIS, the fact that there are many possible ways of interpreting these verses and Hadiths of the Prophet (PBUH) and the fact that some of the Hadiths could not be said to represent the true words of the Prophet (PBUH) provide opportunities to prove the assertion that these interpretations were deliberately chosen to favour the male sex in a male-dominated society (or a patriarchal society, as it is called in their discourse), which sees women as part and parcel of men's property. Moreover, in the view of SIS, the fact that virtually all the exegetes were male further lends credence to their beliefs and creates the need to re-examine some possibilities that the verses of the Qur'an and words of the Hadith could yield, mean, or suggest.

Likewise, to SIS, the above assertion opens the door for further reinterpretation of these holy traditions in ways that may be appropriate to the present circumstances, in which women have become vocal and are now speaking for themselves and occupying positions that were hitherto the exclusive preserves of men. Another development is the opening of the gate of education to women, who are now able to compete with their male counterparts and even surpass them in some circumstances. SIS believes that these new circumstances have conferred upon them the power and authority to examine Islamic traditions through their own feminist prism and to interpret these traditions based on their own understanding and experience.

However, the question is how plausible, credible, and true are these reinterpretations? First, a reading of the first book reviewed in this research, *Unveiling the Ideal: A New Look at Early Muslim Women*, shows that the female companions of the Prophet (PBUH) asserted their rights, were active, and acted as equal partners with their male counterparts or the companions of the Prophet (PBUH). However, a deeper analysis of the book reveals that author, or SIS in a larger sense, presented these women as sometimes being more assertive than their male counterparts or husbands and as being uncontrollableô especially some of the wives of the Prophet and his great grand-daughter Sakaynah.[3] The problem is that the writer sees this as the norm rather than the exception to the rule. She does not account for the fact that their behaviour troubled the Prophet (PBUH) and led him to abandon his matrimonial home. A revelation came that admonished these women by telling them to behave themselves, to lower their pride, and to submit to the Prophet, his message, and Allah or to divorce the Prophet if they wished so that he could do the work for which he was sent (see Qur'an 66: 1ó5 and 33: 28ó 34). The examples were given of the wives of the Prophets Noah and Lot who, despite being married to Prophets, were sinners and were destroyed with the unbelievers because they refused to follow their husbands' commands (Qur'an 66: 10ó12). Hence, the portrayal of these defiant attitudes and the author's discussion of them as expressions of rights leaves much to be desired. It could also be seen as an invitation to chaos, as witnessed in the household of the Prophet (PBUH). Moreover, because the goal of fighting for feminine rights is to right the wrongs

that have been done to the female sex, it would be ironic if women went to the extreme in the fight for their rights by rebelling against men in society, thereby leading to chaos.

Second, the equality of men and women before Allah, as SIS affirms, is not in dispute; only an ignorant person would hold a contrary opinion. This is especially true because Allah Himself explained in the Qur'an that the most honoured and noble in His sight is the one who is most pious, and this is not gender specific, as SIS correctly observed (see Qur'an 49:13). Likewise, the fact that men and women are each other's friends and companions is not in dispute. Nonetheless, it is according to the scheme of Allah that He, in His infinite mercy, has raised some creatures above others and has arranged things in a hierarchy so that there will be order, harmony, and peace in His creation. Thus, when Allah used *qawwamuna* and *faddala* in Surah An-Nisa' (Qur'an 4:34), these words refer to responsibility (as SIS wants to interpret it) as well as to authority. They refer to responsibility because the verse discusses the responsibility of a man to his wife and grants him authority because he has the added responsibility of exercising authority over her to keep the home in order. As the saying goes, there cannot be a ship without a captain. If there is no clear leader in an organisation or society, chaos and disharmony will ensue; hence, the man has the added responsibility of exercising authority over the members of his household. Examples abound in the Qur'an, in which Allah says specifically that the man should command his household with prayer, charity, and good deeds, indicating the authority of the man over his household, including the woman of the house (see Qur'an 19:54655; 2:132; 31:12619). Likewise, the wording of this Hadith of the Prophet (PBUH) is clear about the responsibility and authority of the man. The Prophet (PBUH) said:

> Everyone of you is a guardian and everyone of you is responsible (for his wards). A ruler is a guardian and is responsible (for his subjects); a man is a guardian of his family and responsible (for them); a wife is a guardian of her husband's house and she is responsible (for it), a slave is a guardian of his master's property and is responsible (for that). Beware! All of you are guardians and are responsible (for your wards) (Narrated by Abdullah bin Umar in Sahih Al-Bukhari).

If that authority is misused or is used to maltreat women, then the man has abdicated his responsibility and abused his authority. However, this does not mean men generally, nor does it mean that this responsibility, in the form of authority, is null and void. It should be understood that a man's privilege as the head of the household does not mean that he is inherently superior to the woman or that the woman is inferior to him. The issue of superiority and inferiority has nothing to do with this authority, which is meant to establish harmony in the

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homeô just as leadership afforded to a person in society does not confer superiority upon him and inferiority upon others. His authority or leadership role is only meant to organise society, just as the authority of the husband is meant to bring order to the home. This explains why people have a right to remove an unjust leader and relieve him of his authority over them, as the wife can also relieve her husband of his authority over her through divorce if he is found wanting in the exercise of this authority.

Third, the Qur'anic verses (9:71ó72) that talk about men and women being each other's protectors are true. Many other verses in the Qur'an talk about the relationship of men and women as a relationship of love, mercy, and friendship (see Qur'an 2:187; 30:21; 7:189). Nonetheless, this does not eliminate the fact that a family is like an institution and, like every other institution, must have its own leader and director so that order will prevail. This also does not eliminate the fact that the ideal relationship in that institution should be based on love, mercy, and friendship. This situation should naturally be the norm, even in the larger society or institutions other than the family.

Fourth, concerning the use of abrogation, which SIS believes should have been applied in the case of relationships between men and women because Qur'an verse 9:71 was the last verse revealed concerning this relationship, one is inclined to ask in what way this verse abrogates the others. As SIS explains, whereas verse 4:34 is a verse of responsibilityô and one can add, of authorityô in the family, verse 9:71 addresses believers, men and women, generally. Could the way in which they are read together lead to the abrogation of the first verse? Definitely not.

Abrogation is a technical issue that applies to specific verses that are well known to Muslims and explained by the Prophet (PBUH) himself, such as the abrogation of verse 2:284 by what follows in verses 2:285ó286. If this technique is to be applied randomly and to unrelated verses, such as the one mentioned by SIS, is this not an invitation to chaos? Likewise, all the verses quoted by SIS, such as 3:195, do not talk specifically about the family but about believers generally. Verse 2:187, which describes women and men as each other's garments, addressed Muslim men generally concerning coition and the type of relationship that should ideally exist between a man and woman, not about responsibility. Therefore, the issue of abrogation is not applicable in these circumstances.

Fifth, on the issue of considering the socio-historical context of the revelation of some verses and not transposing them to other socio-historical contexts with different dynamics and social settings, one can agree with SIS on this point. The world is not static, and no two different generations are the same, which explains why there is a clamour for a new fiqh or for jurisprudence that considers the changes that have occurred. Moreover, the schools of jurisprudence that decree that the witness of one man equals that of two females were created by men who took into account their contemporary situation. They have nothing to

do with the holy book, which, for example, sees the oath of a man as equal in number to that of a woman in Surah An-Nur verses 6ó9. Likewise, when the same Surah, An-Nur, talks about four witnesses in verse 4, it does not specify gender. Thus, there is no harm if the consensus of these schools of jurisprudence is overturned to reflect the lack of gender bias of the Qur'an on this issue. This all amounts to another *ijtihad*.

Regarding the issue of appointing women as judges, one can simply say that because no disagreements exist among scholars on this issue and because some have accepted the fact that a woman could be a judge (albeit on issues that do not carry the *hudud* punishment) or a *mufti* with the right training, it should be left to the discretion of individual nations to determine how to go about this and to implement what it considers best for the society and people. Moreover, because some nations are now appointing female judges to the bench, as SIS observes in Pakistan and Indonesia (and including Malaysia in recent times, as we noted above), this should no longer be a cause for friction or animated debate in society.

As for the Hadith that SIS insists is used to justify the fact that women cannot be judges, the only conclusion that can be drawn here is that because the Hadith is a cause of disagreement among Muslim scholars and because the occasion of its utterance is suspicious, as SIS notes, one can agree with SIS that it cannot be taken as a basis for denying women their rights. Its authenticity is questionable, and its narrator is unreliable. The standard that applies to other Hadiths should apply to this one, and that standard is, in essence, academic fairness and objectivity.

The justification of refusing women the position of judges based on the fact that they receive half the share of men in inheritance and that two female witnesses equals one man is unacceptable to common sense, as SIS notes. The issues of inheritance boil down to responsibility, as the scholars themselves have opined, and the issue of two female witnesses being equal to one male was based specifically on the issue of trade contracts. Although, scholars based their opinion of refusing women the position of judges on *ijtihad*, nonetheless, one would be inclined to ask why scholars did not consider Surah An-Nur verse 4 and verses 6 to 9, which also talk about witnesses without being gender specific (addressing male and female Muslims) and see the oath of a woman as being equal to that of a man, in their *ijtihad*?

Thus, if this argument is considered, one could agree with SIS that the issue of denying women the right to be judges is questionable and that there is a need to fundamentally reconsider this issue in two ways. One way is through *ijtihad,* taking into consideration Surah An-Nur verses 4 and 6 to 9. The second way is by looking at contemporary times and the fact that women today are better trained and equally as competent as their male counterpartsô and even more competent in certain circumstances and societies.

Concerning the issue of polygamy, which SIS believes should be abolished and is no longer relevant in contemporary times, one is inclined to ask whether the social situations and conditions that necessitated the permission of polygamy are no longer present in contemporary times. Are there no more orphans who need protection? Are there no more single women who want to be married and experience the institution of marriage, even in a polygamous setting? Is the Hadith of the Prophet (PBUH) not true that there will be more women than men, and are there not more women than men in our contemporary times? Are there not more married men in contemporary times who are engaged in extramarital affairs because of the restriction on polygamyô especially in the developed world?[4]

SIS notes that the "higher intent" of the Qur'an is to restrict polygamy, and they say that monogamy is the ideal state of marriage for the Muslim. SIS supports this claim with the case of the Prophet (PBUH), who restricted his son-in-law, Ali, from taking another wife while still married to his daughter. The question here is whether the Prophet (PBUH) or the Qur'an said the ideal state of marriage was monogamy. Did the Prophet (PBUH) restrict others from taking wives in addition to their first wife? Should not the case of the son-in-law of the Prophet (PBUH), Ali, be treated as an exception to the rule, based on the fact that his wife was the daughter of the Prophet (PBUH) and, thus, in a unique position? Did Ali continue to adhere to this directive after the demise of Fatimah, the Prophet's daughter?

Likewise, SIS attempts to support the above arguments with a parallel comparison to the issue of the manumission of slaves in Islam. However, what SIS fails to see is that the restriction of wives to four was liberating for women compared to a situation in which they were sometimes uncertain of whether they were still married to their husband, especially in a situation in which the husband might come home with any woman he pleased. Moreover, although the Qur'an is explicit about the manumission of slaves for certain wrongdoings, it is not completely against slavery, and there is no provision in the Qur'an or the Hadith that says that one cannot have slaves. The only injunction is to treat them justly and fairly and, if the need arises, to manumit them. Therefore, if this is the case, drawing a parallel between the prohibition on slavery in modern times and the issue of polygamy is incompatible because slaves and wives serve different functions in society.[5] Slavery cannot be equated with polygamy, which functions to keep the family institution intact, to provide protection for orphans, widows, and single women (especially in a situation with excess females), to safeguard the honour of women, and to prevent immorality in society.

SIS quotes Qur'an verse 4:129, in addition to 4:3, to show that men will be unable to deal justly with women in a polygamous marriage. However, in quoting this verse, SIS does not note that dealing justly refers to issues of the heart, as many commentators note,[6] and that the verse itself goes on to admonish men not to be inclined towards one wife and to neglect another. This means, in

essence, that the verse is not a prohibition against polygamy but rather describes how not to treat women in a polygamous setting. The verse recognises the fact that two people cannot be loved equally. However, loving one more than the other should not be a barrier to justice because justice is blind to love. This, in essence, is the message of the verse in question. A reading of this verse combined with the verse above it, 4:128, and the verse below it, 4:130, makes this very clear.

In retrospect, the weaknesses noted above concerning the stand of SIS on the issues discussed are neither new nor specific to SIS alone. These weaknesses cut across the spectrum of feminist discourse, especially those from whom SIS derives its inspiration. In a paper titled "'People Like Us' in Pursuit of God and Right," Moll (2009) noted that SIS, like all other feminist movements and scholars, gives little or no regard to the concept of epistemic authority, which is central to Islamic scholarship. Hence, SIS resorts to personal *ijtihad,* or what she refers to as "public reasoning," which is devoid of the methodology of earlier scholars of *ijtihad*. This, Moll noted, stems from the feminists' belief that a believer has the right to approach the holy text him/herself without reference to an intermediary or authority, even if he/she is not schooled in the Islamic sciences (Moll, 2009: 42ó50; Barlas, 2002). This lack of Islamic knowledge and lack of reference to knowledgeable authority in the quest to reinterpret the Qur'an and Sunnah leads to the weaknesses, misrepresentations, and misinterpretations characteristic of the works of SIS mentioned above and other works not analysed here (Moll, 2009: 47ó52).

Moll also noted that most feminist discourses and the discourse of SIS are couched in the rhetoric of "rights," which seems to be antagonistic to Islam, thus giving rise to allegations that they are not promoting religion but are promoting liberal ideas.

A paper titled *Religious Liberalism in Sisters in Islam Discourse* by Munif Zarriruddin Fikri, Suhanim and Marzalina (2013) corroborates this assertion by conducting a topical analysis of news reports on SIS statements between 2006 and 2009. This paper finds that most of these reports were concerned with fighting for equality for women and were dominated by the "right" slogan, which points to a liberal ideology. Hence, these authors concluded that SIS actually promotes liberalism in Malaysia because its methods and views differ considerably from those of traditional orthodoxy.

In the same vein, Latifah et al. (2011), in their article titled *Response of Muslim Community Concerning Liberal Islam in Malaysia*, placed SIS among the groups promoting liberal ideology in the nation because of SIS's stand concerning Islamic family law. According to the authors of this paper, the government and concerned Muslim NGOs are working hard to stem the tide of this ideology, which is seen as dangerous to Islam, the Islamic worldview, and Islamic communities. Jabatan Agama Islam Selangor (JAIS), the body that regulates Islamic activities in Selangor, published an article titled *Sister in Islam: Wajah*

Gerakan Liberalisme di Malaysia?, in which they portrayed the activities of the group as leaning towards liberalism and the group itself as a representative of liberal ideology in the nation.

These perspectives show that many are not pleased with the approach of SIS in society, and they view the existence of the association as a dangerous development that could implant ideas in the nation that are not traditionally Islamic. The fact that the ideas that they promote and their effort to reinterpret the Qur'an and Sunnah do not draw from the "wellspring" of traditional knowledge in which the people and scholars of the nation are grounded makes their efforts suspect and unwelcome by many in the nation. Their attack on the traditional authorities of the Qur'an and Sunnah, their use of personal *ijtihad*, and their occupation of the public space through the media is seen in many quarters as an affront to Islam and the *ulama* (Muslim scholars) of the nation.

However, this is not to say that SIS has no supporters in its work and activities. Writing in an article titled *Which Rights are Universal?*, Daniel A. Bell explains the need to recognise that certain rights are better fought for within a particular culture than universally. He points to SIS as fighting for women's rights in Malaysia within the Islamic religion and against the "(mis)use" of Islam "by powerful forces to justify patriarchal practices, often contravening Islam's central ideas and animating principles" (Bell, 1999: 854). Furthermore, he says, SIS "tries to advocate women's rights in terms that are locally persuasive, meaning that it draws upon Islamic principles for inspiration" (Bell, 1999: 854). In other words, for Bell, the advocacy of SIS within the Islamic religion using Islamic principles is the best form of fighting for Muslim women's rights within the Islamic religion. He does not consider the importance of being well learned in the sciences of the religion a prerequisite for doing what SIS is doing.

Taking the assertion above a step further, Farish A. Noor, writing in an article titled *You are Not Qualified to Talk about Islam*, notes that not being grounded in the religious sciences should not necessarily disqualify a person from speaking about religion, especially if the discussion addresses the normative aspect of a religion and not its dogmatic aspect. In this sense, he distinguishes between what is normative and what is dogmatic in a religion. He asserts the right of SIS and others to talk about the normative aspects of Islam, which, he says, does not amount to challenging Islamic orthodoxy, as certain "religiously conservative individuals" want us to believe. He explains this perspective using an analogy of culture:

> If I were to tell someone that I don't like Satay, loathe batik shirts and can't stand *keroncong* music, does it follow from that that I hate Malay culture in toto? Now one would have to be deliberately and consciously paralysingly stupid to believe that, by assuming that the rejection of some aspects of normative culture amounts to a total rejection of an entire culture as well. If that is the case with culture,

then why can't we see that the same rule applies to talk of religion as well? (Farish, 2009).

In his view, this analogy is appropriate because

í it has become ever so trendy in Malaysia these days to assume that any rejection, critical questioning or even debate over some normative aspects of religious epiphenomena amounts to a total rejection of the religion per se. This arises because of the unscrupulous manner in which some religiously-conservative individuals have erroneously equated the normative aspect of religiosity with the dogmatic aspect of religion in general. The two spheres, however, are distinct and should remain so (Farish, 2009).

In essence, the failure to grasp and differentiate between these two spheres is the reason "why groups such as Malaysia's Sisters in Islam have been in the limelight for so many years, and why this group of Muslim feminists have been attacked again and again, and accused of being anti-Islamic" (Farish, 2009). In other words, to Farish A. Noor, SIS is qualified to speak about Islam inasmuch as they address the normative aspects of Islam. However, considering the three topics discussed above, SIS has clearly gone beyond the normative aspects of Islam.

Finally, support for SIS is not limited to the articles cited above. A host of others, including local and international women's associations, such as The American Muslim, Global Fund for Women, and Women Living under Muslim Laws, support the work and activities of SIS.

CONCLUSION

SIS should be acknowledged for its praiseworthy efforts in helping Muslim women in Malaysia to realise their potential and be counted among achievers in society, similar to their male counterparts. SIS's fight for the emancipation of women from domestic violence and other evils perpetuated against them by irresponsible men is commendable. Likewise, the concern of SIS for women's rights in society is appreciated, and its efforts to reinterpret some controversial injunctions that restrict the rights of Muslim women are worthy endeavours. Nonetheless, SIS should not commit the same mistake that it accuses male exegetes of committing by pushing this reinterpretation too far and twisting Qur'anic verses and Hadiths to favour its own views. SIS should endeavour to put everything in its proper context and to take a holistic approach to this issue for it to be taken seriously and to avoid jeopardising the good will it enjoys among the people, especially enlightened female professionals. SIS must properly study

issues and eschew emotion because the goals it seeks to achieve involve knowledge and facts rather than propaganda and emotion.

ACKNOWLEDGEMENT

NOTES

1. This is not the first book to be published by SIS, but we have arranged the books published by them in our own order here to reflect their activism and their aims and goals. Hence, this is why this book is analysed first.
2. Some Muslim countries, such as Iran, Syria, Jordan, Morocco and Egypt, give the wife the legal right to use monogamy as a condition of marriage by which the husband must abide during their marriage, whereas other countries, such as Tunisia, have forbidden polygamy outright.
3. See pages 3 116 for stories of the Prophet's wives and the way the author relates them. These stories show these women as being defiant and sometimes show the Prophet (PBUH) as being weak and incapable of controlling them. Also see pages 1996246, titled *Women in Charge of their Live*. These women are portrayed as unconventional and going against the norm. Instead of seeing this as an abnormality, the author portrays this behaviour as plausible and virtuous, forgetting that the wider practice of such behaviour among women in a society could lead to nothing but chaos.
4. For detailed reading on sexual problems in the contemporary modern world, see the book by Sayyid Abul A'la Maududi, *Purdah and the Status of Woman in Islam (2nd ed.)*, trans. by Al-Ash'ari (India, New Delhi: Markazi Maktaba Islami Publishers, 2000).
5. Despite the call for the abolition of slavery and its prohibition in contemporary times, slavery exists in modern forms because many people still work as domestic helpers and as labourers in factories where, in many cases, they are mistreated and given scant wages for their hard labour. Females are also kidnapped and forced into slavery as prostitutes and domestic helpers. Although it has been abolished by law, slavery has been modernised and not completely abolished in practice.
6. See the English translation of the verse in *English Meaning of The Qur'an (2nd ed.)*, revised and edited by Saheeh International, (London, U.S., & Saudi Arabia: Al-Muntada Al-Islami, 2nd ed., 2004), 88.

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