

5 Gender and hadith

This chapter examines the topic of how the hadith body of literature can be read/interpreted in women affirmative ways. The chapter specifically focuses on recent scholarship that discusses a number of interpretational mechanisms applied to the hadith by scholars committed to gender egalitarian interpretations of Islam that are necessary for this to be possible. In order to understand the importance of hadith in relation to gender, a brief discussion of the meaning of the concept of hadith and its place as a source of Islamic law and ethics is outlined first.

1 Hadith as sources of Islamic law and ethics: A brief overview

The etymological meaning of the word hadith is “communication”, “story” or “conversation”; religious or secular, historical or recent. If used as an adjective, it means “new”.¹ As such, the term hadith itself implies an oral process/concept. The Qur’an also describes itself as hadith.² Other Qur’anic connotations include tiding, talk, discourse, tale and story.³ Post-Qur’anically, the term hadith was increasingly used in the sense given to it by the collectors and authenticators of hadith (i.e. the *muhaddithun*) as constituting the Prophet’s utterances, actions and/or tacit approvals and therefore as sole vehicles of the knowledge of the Sunna. In the post-formative period of Islamic thought, approaches to the definition of hadith and Sunna became homogenised and more or less conflated with only some minor differences between the *muhaddithun* and the Islamic jurists (*fuqaha*).⁴ In fact by the mid-second century AH, hadith was almost exclusively identified with the narratives from the Prophet.⁵ This was largely due to the effects of a broader process occurring in the background applying to the overall formation of technical terminology as a function of the development of Islamic jurisprudence.⁶ The major mechanism behind this process manifested itself in the increased semantic linkage of certain words (such as Sunna and hadith) in particular contexts. As a result, the context merged with and became almost indistinguishable from the meaning itself. What this theory tells us is that the word hadith was so frequently used in the context of the Prophet’s Sunna that these two merged completely becoming semantico-contextually identical. In other words, over time Sunna as a concept underwent what has elsewhere described as a process of hadithification which strongly contributed to the conceptual conflation between the concepts of Sunna and that of the hadith in general, and the concept of a sound (*sahih*) hadith as being the most authentic, if not the only, indicator and embodiment of the Sunna of the Prophet in particular.⁷

To understand the significance of hadith in Islamic ethics and law a brief discussion as to what constitutes an authentic hadith according to classical Islamic hadith sciences is in order, and how the canonical hadith body of literature depicts the persona of the Prophet Muhammad is useful. A sound hadith, according to the *muhaddithun*, consisted of a *matn* (text) and chain of transmitters (*isnad*), usually but not always going back to the Prophet.⁸ *Muhaddithun* have formulated an impressively elaborate and complex hierarchy of hadith authenticity that primarily focused on examining the *isnad* and asked the questions such as how trustworthy in terms of their character are the people in the chain, when and where they lived and how likely it was that they could have met each other etc. These were categorised as *sahih* (sound), *hasan* (good), *da'if* (weak) and other intermediate values.⁹

Another approach to authenticating the hadith is by the Islamic legal theorist (*usuliyyun*). They were primarily concerned with issues pertaining to the nature of knowledge, legal theory and its methodology. The *usuliyyun*, therefore, had a different methodology when approaching the issue of hadith authenticity which centred around the question of what kind of knowledge the hadith yielded, (i.e. certain or uncertain). Put differently, their approach was epistemological in nature. As alluded to above the evaluation of the *soundness* of a hadith, a task of the *muhaddithun*, was primarily based upon the uprightness (*'adala*) of the narrators founded on certain criteria such as his/her memory and character regardless of their epistemological value. The epistemological study of hadith concerned itself with the number of individual chains of narrations (*isnad*) ranging from *ahad* (isolated) to *mutawatir* (successive). The *mutawatir* hadith were said to be those narrations which have been transmitted by such a large number of people that, according to great majority of *usuliyyun*, they yield certain or immediate (*daruri*) knowledge.¹⁰ It must be noted, however, that there is no consensus on either the criteria pertaining to the assessment of the uprightness of narrators (*'ilm-ul-rijal*), or on how many *isnad* constitute and render a narration *mutawatir*.¹¹ There are indeed very few *mutawatir* hadith, including those that (could) relate to law.¹² *Ahad* hadith, in contrast, are those narrations which do not fulfil the *mutawatir* criteria. Therefore by default they do not yield certain knowledge (*yaqin*) as stipulated by the majority of Muslim *usuliyyun*, but only uncertain (*zanni*) knowledge and are thus not to be used as self-sufficient sources of Islamic theology, ethics and law.¹³ However, many influential *muhaddithun*, especially those associated with the heavily textualist and hadith centred approaches to Islamic legal theory, claim that the *ahad* hadith are self-sufficient sources of Islamic theology, laws and ethics.¹⁴ The *ahad* narrations form the large bulk of the canonical hadith literature.¹⁵ Moreover, the canonical collections of both Sunni and Shi'i hadith literature consist of tens of thousands of individual reports and many of them pertain to gender relations. These, in turn, have been heavily relied on by Islamic jurists in informing Islamic laws and ethics, including in the areas that come under Muslim family law. Finally, while the standards for incorporating hadith as self-sufficient normative sources of knowledge in Islamic theology and law were reasonably stringent they were much less so in the areas of Islamic ethics and general conduct, including that of gender related issues.¹⁶

Given the above outline of the nature and the role of hadith as sources of Islamic law and ethics and the various disagreements that surround these questions, it is not surprising that the hadith that relate to gender issues have attracted a lot of attention among (non) Muslim scholars dealing with gender issues in Islam.

2 Non-patriarchal interpretations of hadith

Hadith literature, as a whole, presents a picture of the Prophet Muhammad as issuing orders or advising the contemporary Muslim community on a vast number of issues concerning Islamic dogma, law, theology, ethics and morality, even to the extent of laying down rules concerning the most private spheres of an individual's life. This also includes issues pertaining to the status and the role of women in both the private and the public spheres which were also incorporated into Islamic law, ethics and general socio-cultural norms and etiquette in Muslim societies pertaining to gender.¹⁷ The consequence of these developments was such that textual indicants (*adilla*) on gender issues in the form of hadith became very important in shaping the views of Muslim scholars for reasons outlined in the first section of the chapter.

Many reformist minded Muslim (female) scholars have highlighted the androcentric and, at times, misogynistic nature of the hadith and their role in the construction of gender non-egalitarian cosmologies in the Islamic interpretative tradition.¹⁸ However, some Muslim scholars, both male and female, have also argued that the hadith can also be read/interpreted in women-semantic ways if approached from certain interpretational perspective/s. This chapter focuses on this kind of scholarship.¹⁹

2.1 *Fatima Mernissi*

Fatima Mernissi (d. 2015), a Moroccan sociologist, was a pioneer of Islamic feminism. Her most relevant work for the purposes of this chapter is her book *The Veil and the Muslim Elite*²⁰ in which Mernissi engages in a critical re-reading and critical reassessment of the authenticity of two misogynist hadith found in Al-Bukhari's *Sahih* hadith collection.²¹ Mernissi's broader thesis is that the egalitarian if not the feminist message and the persona of the Prophet of Islam have been manipulated and distorted by the Muslim male (scholarly) elite. Recognising the importance of hadith on the collective consciousness of Muslims and their societies and especially the detrimental effect that they have had on women's rights, Mernissi adopts the methodology and the criteria of the classical hadith scholars themselves to cast doubt on the reliability of the transmitters of the following two hadith which have been used by traditionalists to either curtail women's rights or have strong misogynist elements:

“Those who entrust their affairs to a woman will never know prosperity.” (transmitted on the authority of Abu Bakra)

“the Prophet said that the dog, the ass, and woman interrupt prayer if they pass in front of the believer, interposing themselves between him and the *qibla* [the direction of Muslim prayer]” (transmitted on the authority of Abu Hurayra).

In relation to the hadith transmitted by Abu Bakra, Mernissi, by consulting the classical biographies of hadith transmitters, not only questions the circumstances under which Abu Bakra remembered this statement but also argues that his character does not satisfy the *isnad* based criteria developed by classical hadith scholars in order for the hadith to be considered authentic. As such Mernissi opines that according to the criteria developed by the *muhaddithun* scholars themselves Abu Bakra should be considered as an unreliable transmitter of hadith.²² In this respect she states: “if one follows the principles of Malik for *fiqh*, Abu Bakra must be rejected as a source of hadith

by every good, well-informed Malikite Muslim".²³ Thus, for Mernissi, the above-mentioned hadith, despite being found in Al-Bukhari's *Sahih* collection, is not to be considered authentic and ought not be used as an argument to prevent Muslim women from assuming the highest level of political leadership.

In relation to the second hadith, Mernissi takes aim at one of the most prolific hadith transmitters in Sunni Islam, Abu Hurayra. While Mernissi's strategy in problematising the trustworthiness of Abu Hurayra as a transmitter of hadith is multi-layered, including strong elements of interpolation, we only focus on those aspects that are aligned with classical hadith authenticity criticism. In this respect Mernissi makes note that Al-Bukhari ignored the fact that 'Aisha, the Prophet's youngest wife, refuted this hadith on the basis that it was only a partial recollection of what the Prophet had stated.²⁴ For Mernissi, this is indicative of Al-Bukhari's own androcentric bias and methodology. As in the case of Abu Bakra, Mernissi's examination of classical biographical works on Abu Hurayra leads her to conclude that he had a number of reasons to exhibit a misogynistic attitude including his frequent quarrels with 'Aisha.²⁵

In both cases, Mernissi uses the methodologies and tools of classical hadith criticism to defend her broader thesis of Islam as a gender egalitarian religion and a Prophet as an early proponent of Islamic feminism. More specifically, she, in a way, de-canonises what is widely considered the most authentic collection of hadith among traditionalist Sunnis, that of Al-Bukhari's *Sahih*, in order to open doors for contemporary Muslims as a whole (and not just the *fuqaha*) to develop a more self-reflective and critical attitude toward the "authentic hadith". In her words:

What conclusion must one draw from this? That even the authentic Hadith must be vigilantly examined with a magnifying glass? That is our right, Malik Ibn Anas tells us. Al-Bukhari, like all the *fuqaha*, began his work of collecting by asking for Allah's help and acknowledging that only He is infallible.²⁶

Importantly, Mernissi's approach, like that of other scholars discussed in this chapter, also implies that, at least at times,²⁷ the classical hadith sciences can be employed to "subvert from the inside" the patriarchal residue that exists in the Islamic (interpretative) tradition in general and the hadith collections in particular.

2.2 *Khaled Abou El Fadl*

Khaled Abou El Fadl (b.1963) is one of the most distinguished scholars of Islamic law today. He is also one of the few progressive Muslim scholars who has fully engaged with the postmodern episteme, post-enlightenment hermeneutics, and literary theory, and applied these in relation to the interpretation of hadith pertaining to gender. Abou El Fadl's work also includes discussions pertaining to (in)determinacy of meaning, ambiguity of textual hermeneutics, and the process of meaning derivation as employed, for example, in literary theory and semiotics (which he has applied to both Qur'an and hadith texts).²⁸ Abou El Fadl has systematically engaged in these discussions and has applied them to the issue of women's rights in Islam. With reference to determinacy of meaning process, Abou El Fadl makes a distinction between "authoritarian" and "authoritative" textual hermeneutics. To substantiate this distinction, Abou El Fadl cites Qur'anic verses upholding the principle of God's

Sovereignty and Omnipotence, as well as the ontological relationship between The Creator and the created, namely that of the Lord and His vicegerent. In this context, he claims that due to this very hierarchy in the natural order, the human representatives of God on earth can never self-identify themselves with God's intent or profess to have grasped His Knowledge beyond any shadow of doubt or ambiguity – a practice that has, in his opinion, become quite widespread among present-day authorities on religious issues.²⁹ In this context, he asserts that the prevalent “Wahhabo-Salafi” “authoritarian hermeneutics” is oblivious to the intricate and subtle relationships existing between the author, text, and reader regulating the process of determinacy of meaning of God's indicators (*adilla*), and thus is guilty of equating the author's intent with that of the reader, thereby violating the principles inherent to the Qur'anic *weltanschauung* and its ethico-religious foundation.³⁰

In contrast, Abou El-Fadl, proposes a more balanced approach when engaging in the task of interpreting texts in which neither the author's intent, the language, nor the reader have the upper hand in determining the meaning that he terms “authoritative”. It is the balance between these three which upholds the “inherent ambiguity” embedded in the textual sources, thus acting as an anti-authoritarian interpretative measure. He advocates what Umberto Eco has termed “an open” (versus closed) interpretation which is capable of sustaining “multiple interpretative strategies”.³¹ Abou El Fadl terms this approach authoritative hermeneutics.³²

Importantly, Abou El Fadl applies some of these insights to deconstruct misogynist interpretations of Islamic law as espoused by contemporary Saudi Arabian scholars (whom he refers to at times as “puritans” or “Wahhabo-Salafis”), especially those based on a particular approach to and interpretation of hadith literature.³³

In this context, Abou El Fadl elsewhere asserts:

The consistent practice of puritans is to collect, publish, and disperse traditions, attributed to the Prophet or the Companions, that are demeaning to women. Such collections act as a foundation for issuing deprecating determinations in regard to women. Muhammad bin 'Abd al-Wahhab himself, the founder of the Wahhabi movement, set the precedent by collecting a group of these women-deprecating traditions and listing them under the subheading “Living with Women”. But these women-deprecating traditions, without exception, are of weak authenticity, if not pure fabrications ... The traditions utilized by the puritans invariably are of a single transmission, which means that the possibility exists that the Prophet actually authored them, but the possibility is remote and far-fetched.³⁴

One aspect of Abou El Fadl's approach to the question of hadith and its authenticity generally is best reflected in the following passage:

The mechanical and nearly mathematical methodology that Ahl al-hadith apply to the hadith and Sunna in light of our modern epistemological knowledge about reality, meaning, fiction, archetypes, symbolism, phenomenology, and especially history is untenable... . In fact, the oral reports that are commonly titled the books of hadith often construct and narrate a performance – a performance that preserves a memory of the prophet in some form but that also documents the epistemological attitude of early Muslim generations.³⁵

Abou El Fadl still sees value in preserving and studying this body of knowledge as it can be mined for its historical, theological, ethical, and moral insights, but this process of study ought to be achieved by means of an “epistemological arsenal that is available to us today – not through the epistemological tools that existed more than ten centuries ago”.³⁶ Abou El Fadl also forms the view that the traditional Islamic sciences approached this body of knowledge too literally, a feature which contemporary Muslims are, for reasons stated earlier, to avoid at every cost. In this context Abou El Fadl writes:

the books of hadith are replete with dramatized performances that are deeply embedded in the epistemological and phenomenological dialectics of the first centuries of Islam and therefore are not to be understood as strictly factual.³⁷

Apart from this epistemological critique of the hadith body of literature, Abou El Fadl, importantly, has introduced some novel hermeneutical principles in the evaluation of authenticity of the hadith which go outside of those established by the classical hadith sciences, and has applied them to argue for gender-just interpretations of Islam.

The concepts of “multiple authorship” and “authorial enterprise” are such an example. According to Abou El Fadl, the term “authorial enterprise” refers to the process of determining to what extent the Prophet’s role in the historical transmission of the report can safely be established. In this context, he argues that when evaluating reports attributed to the Prophet, we need to keep in mind that these reports are a result of what a number of Companions have “seen/heard, recollected, selected, transmitted and authenticated in a non-objective medium”, hence they have multiple authorship. This view is further supported by classical Islamic scholarship’s view of hadith as not being the actual words of the Prophet but recollections and interpretations of the Prophet’s words which (often/sometimes/at times) retained the core meaning by the individuals reporting them. Hence, hadith can be a result of several authors and various collateral influences, each impacting upon both the structure and the meaning of the report. Therefore, in each report, a personality of the transmitter is indelibly imprinted, a process he terms “authorial enterprise”.³⁸ Abou El Fadl argues that due to this nature of the hadith, “it is virtually impossible to attribute any specific report to a particular person in history, whether the Prophet or any of the early generations of Muslims”.³⁹ Rather, these reports, which might retain kernels of truth from the Prophet, are more indicative of the memory of the early generations of Muslims and the contesting ideological currents that were prevalent at the time.

Additionally, Abou El Fadl applies another regulatory mechanism relating to the normative effect of hadith reports. According to this rule, reports having “widespread moral, legal, or social implications” must be of the highest rank of authority and “require [the] heaviest burden of proof”.⁴⁰ When approached with certain morally repugnant but “sound” hadith (from the perspective of classical hadith sciences) that has wide-ranging implications for society, the proof must be the highest otherwise the hadith will not be considered as normative. Lastly, when dealing with morally repugnant hadith (e.g. misogynist), as the very last methodological resort, Abou El Fadl introduces the concept of a “conscientious pause”, which is a faith-based objection to textual evidence based upon the overall understanding of the Qur’an-Sunna *weltanschauung* and its *élan/ethos*.⁴¹ He utilises these hermeneutical principles to reject the normative nature of misogynistic hadith that are relied on by Saudi Arabian scholars to deny gender-just interpretations of Islam.⁴²

In summary, Abou El Fadl does not discount the potential role of hadith as sources of an Islamic worldview altogether, but puts in place a number of methodological, ethical and epistemological caveats that ought to be applied before assessing their role and worth in informing Islamic beliefs, practices, laws and ethics.

2.3 *Sa'diyya Shaikh*

Shaikh is a prominent progressive scholar who has offered us systematic non-patriarchal interpretations of the hadith literature. Anchored in a fundamental commitment to justice as a spiritual core of Islam and inspired by a feminist hermeneutic derived from this spiritual core, Shaikh⁴³ critiques the implicit androcentric and patriarchal gender ideologies embedded in a selection of hadith found in a traditionally highly esteemed hadith collection, *Sahih* of Bukhari. She elsewhere terms this approach a feminist “hermeneutics of suspicion” which “exposes discriminatory structures and values embedded within texts emerging from an exclusively male experiential reality”.⁴⁴

Unlike Mernissi, Shaikh does not adopt the methodology of the classical hadith scholars when engaging in an alternative reading of the hadith literature. She writes:

My paper is not concerned with isnad criticism and historical authenticity. In short, I am concerned with approaching the Hadith as a religio-cultural text which provides a mirror into the dominant conceptions of gender and the category of woman within a formative period of the Muslim legacy, as well as the ways in which these become ideologically functional subsequently in defining religious ideals of gender.⁴⁵

Importantly, on the basis of a “hermeneutics of reconstruction”⁴⁶, she teases out gender egalitarian interpretations of the same hadith which run contrary to the dominant interpretation to show “how these texts have potential to not only buttress the functioning patriarchy but also provide alternative liberatory positions of gender within the legacy” (Shaikh, 2004, 99).

As aptly noted by Rhouni, Shaikh “keeps different readings of these hadiths in tension with each other. She affirms the plurality of meaning that the hadiths offer rather than verify their authenticity”.⁴⁷

Shaikh argues that her approach represents “part of an Islamic feminist approach that destabilises patriarchal gender constructs and provides alternative approaches to the tradition informed by a religious commitment to gender justice”.⁴⁸ As such it offers counter-narratives to dominant constructions of gender-unjust ideologies. Her method is best described as contextualist and is based on a critical, feminist analysis that is sensitive to the manner in which hadith literature is viewed as a *vista* through which the reader gains an insight into the competing and contesting gender dynamics during the formative period of the Islamic civilization, characterised by a tension between the budding Islamic gender-egalitarian ethos and the established and aggressive androcentric Arab culture.⁴⁹ She argues that the strong androcentric model of an ideal human being that permeates classical Islamic thought, and that in contemporary Muslim thought is often taken for granted by many, is contrary to the very core of gender egalitarian Qur’anic ethics. Based on her contextualist, feminist “hermeneutics of suspicion and deconstruction”, Shaikh advocates for an alternative “religious anthropology” of a human person in Islam in “which humanity, male and female, is presented in ways that are holistic, non-hierarchical and egalitarian”.⁵⁰

2.4 Faqihuddin Kodir

A contemporary Indonesian progressive Muslim scholar, Kodir is another important contributor to a non-patriarchal approach to hadith literature. Kodir's starting premise is that classical hadith sciences and principles of Islamic jurisprudence contain useful mechanisms for a contextualist reading of hadith on the basis of which gender-just interpretations of the same can be developed. The contextualist interpretation of hadith for Kodir entails a critical reading of the hadith by means of *ijtihad* of the text (*matn*) of the hadith conceived of as a linguistic text that functions within a certain cultural environment.⁵¹

The hadith texts are historical records. As such, they are intimately connected to the social dynamics of Arab society at the time of the Prophet. Consequently, considering the fundamentally contextual character of the hadith, a number of scholars have adopted an understanding of the hadith which is informed by the essential purpose of the text and the root problem that it addresses. The meaning inscribed in the literal language of the text is not regarded as definitive and need not be applied in an unconditional manner. In essence then, as

social contexts change, the essential purpose of a hadith should be emphasised rather than its

literal meaning.⁵² If approached as such, Kodir forms the view that the meanings of hadith can yield a number of different interpretations, some of which are commensurable with gender-just interpretations/meanings.⁵³

Adopting this contextualist approach, Kodir argues that the proper interpretation of hadith is obtained by evaluating them with respect to the original socio-political contexts in which they were embedded and by inquiring into the circumstance behind the emergence of hadith, a classical hadith science known as *'ilm asbab al-wurud*.⁵⁴ This is especially so in relation to hadith pertaining to gender issues. In this context, Kodir states:

The hadith regarding relations between men and women are windows into a particular socio-cultural reality. These texts must therefore be understood to be based on the logic of the historical role they played in furthering justice and the general welfare of specific communities.⁵⁵

Kodir also makes use of the hermeneutical principle of corroborative induction (*istiqra'*) to hadith interpretation as a pre-requisite for their proper interpretation. In this context, Kodir laments the lack of such an approach in traditional scholarship by stating that "in essence, certain hadith and indeed, specific decisions by the Prophet have been typically selectively invoked as authoritative references instead of being examined comprehensively and in totality".⁵⁶ An example of corroborative induction (*istiqra'*) to hadith interpretation can be found in Kodir's discussion of the issue of the veil and women's private body parts (*'awra*). After making reference to and analysing a couple of hadith that suggest that it is religiously ideal that women should always stay at home and that their entire bodies are *'awra*,⁵⁷ Kodir asks as follows:

Did the Prophet ever say that women were creatures that must be kept locked up inside the house? Many records show that in the days of the Prophet, women left their homes to migrate to Medina, go to war, pray and study in the mosque, work, or simply meet their needs. Thus, in the time of the Prophet, women were not considered *'awrah* that must stay cooped up in their homes.⁵⁸

Kodir, therefore, concludes that the majority of the hadith present women at the time of the Prophet as leading active and publicly visible lives, and that the corroborative power of these hadith calls into question the authenticity of those hadith which restrict women to the private sphere or consider women as *'awra*. Thus, Kodir believes that hadith texts are to be interpreted and applied according to the broader transformative spirit that characterises the Qur'an and the hadith as a whole by resorting to a thematic and holistic approach to the interpretation of hadith.

Kodir also applies a *maqasid*-based approach to hadith texts, arguing that hadith pertaining to gender issues should be read in accordance with their underlying objectives which take form in certain ethico-religious values such as justice, equality, and mercy, understood and conceptualised in ethically objectivist terms. In this context, Kodir asserts that in respect to gender issues, references to the hadith must be approached from the perspective of being aware of the crucial values the Prophet Muhammad's message entailed, including the oneness of Allah, the equality of all human beings (rich or poor, men or women), justice, and mercy.⁵⁹ The principles of justice and equality in particular play a prominent role in this type of reasoning and interpreting of hadith.⁶⁰ Kodir laments that this approach to the interpretation of hadith is lacking today, as evident from the following quote:

Contemporary interpretations of many [of these] hadith continue to engender inequality and unfairness in the relationship between men and women. This inequality, moreover, violates the most fundamental principles of the Qur'an and the hadith.⁶¹

Kodir acknowledges the long history of androcentric interpretation of hadith that in many contexts continues to the present day, but urges for a much more "gender sensitive" interpretation that takes into account women's needs and experiences.

I believe that we need to re-examine the hadith in this gender sensitive fashion so as to restore the teachings of Islam to their original truth in which women are accorded respect and compassion. Though we often hear ulama and other scholars asserting that Islam has never discriminated against women, that Islam treats women and men equally, we also constantly hear and witness the opposite. In fact, Islamic preachers commonly use the very hadith I have quoted in the preceding chapters as a justification for restricting women's rights and treating them as subordinate second class citizens. They argue that this inequality and necessary subservience has been ordained by God.⁶²

Kodir therefore calls for a new "interpretive paradigm" of the hadith that seeks to establish gender relations that are in accordance with the contemporary conceptualisations of gender justice which are also the most truthful reflections of the fundamental values and teachings of Islam itself.⁶³

2.5 *Adis Duderija*

Duderija, in the context of developing a non-patriarchal interpretational approach to gender relations (especially in the context of marriage), makes reference to a number of hadith which can be employed for such a purpose, including the following:

"The best of you are those who behave best to their wives."

"The more civil and kind a Muslim is to his wife, the more perfect in faith he is."

"Women are but sisters (or twin halves) of Men."⁶⁴

Duderija outlines a multilayered interpretational approach that would need to be employed in order for these hadith to be given interpretational privilege over those hadith (and other textual evidence and arguments found in the traditionalist approaches) that reinforce or sustain androcentric gender relations. Relying on insights from Wadud⁶⁵ and Barlas⁶⁶ one such argument employed by Duderija is the Qur'an's decidedly anti-patriarchal ontology that facilitates gender non-hierarchical relationships. Duderija, much like Kodir, also calls for comprehensive contextualisation of the hadith (and the Qur'an) that deal with gender related issues and the privileging of the gender egalitarian moral trajectories which can be deduced from (some) of these. Finally, Duderija takes recourse to the interpretational principle that acknowledges the fact that the manner in which ethical values in the Qur'an and Sunna/hadith are employed suggest that they are in principle rational in nature and therefore their significance can change with changes in context.⁶⁷ Moreover, Duderija asserts that, clearly unlike what the majority of classical jurists thought, that the values derived from the above cited hadith cannot be meaningfully fulfilled in the context of the gender hierarchical and highly differentiated relationship that dominated traditionalist gender cosmologies.⁶⁸

Duderija acknowledges the fact that the majority of hadith pertaining to gender issues are patriarchal and at times male chauvinistic in nature.⁶⁹ However, he forms the view that, if approached from the above described interpretational perspective, the women-"friendly" hadith, such as those cited above, would be considered to be a better embodiment of the objectives of the Qur'an and the Sunna, even if they are less "authentic" according to classical hadith sciences. Duderija also adds that to question the normative nature of androcentric and misogynist hadith, one could also resort to the existing mechanisms within classical hadith studies pertaining to the reconciliation of contradictory hadith (*ta'arud*), but only if this interpretational tool is incorporated into his broader interpretive framework briefly outlined above.⁷⁰

2.6 Nimet Barazangi

Baranzagi is a scholar of religious studies with an emphasis on gender and Islam related issues. She has an Iranian background and is based at Cornell University in the USA. Baranzagi's engagement with the hadith literature is approached from the broader perspective of changing the discursive focus in understanding the very nature of Islam as a faith tradition, from what Baranzagi considers to be the prevalent "dogmatic religious law" approaches, to that of conceptualising Islam as a "religio-moral rational worldview".⁷¹ According to Baranzagi, rethinking the hadith as the "second textual source of Islam" that has significant social implications for the lives of Muslims, especially Muslim women, is central to such a discursive shift.⁷² Baranzagi's approach is to reassess the *authority* of hadith in this respect by approaching and rereading hadith and its text (*matn*) through an ethical and pedagogical lens and by corroborating the texts of the hadith with those of the Qur'an in order to develop what she terms a new and authentic theology of Sunna.⁷³ In her own words:

By rereading some of the hadith literature, I want to bolster the present Muslim woman's moral courage to stand up for her rights and to effect change in understanding the role of Sunna in her life. My hope is that there will also be a shift in understanding Islam, and a shift in the fields of Islamic studies and of Muslim women's studies by changing the current premises of studying and using hadith. By synthesising the moral effect of the theories of hadith history and theologies of the Sunna on Muslim women in general, I explore the centuries-old process that led to current misuse of hadith and subsequent unjust treatment of the present day 800 million plus Muslim women and for the past 14 centuries. My goal is to develop a new approach to understanding and using hadith literature as I and other Muslim women reclaim our identity and identification with the message of Islam – the Qur'an, with the authentic Sunna of the messenger – Muhammad, and with the early women believers and narrators 'Aishah bint Abi Bakr, Hafsa bint 'Umar, Um Salama, Um Waraqa amongst others.⁷⁴

As such Barazangi's approach to and the use of hadith is not characterised by a *total* rejection of the hadith corpus but a recalibration and reassessment of it. Specifically speaking, Barazangi wishes to dislodge the entrenched idea among traditionalist approaches that the hadith are *quasi*-divine or that they are, as sources of authority, on equal footing with that of the Qur'an. In this respect Barazangi makes her position exceedingly clear:

I must reiterate here that I am neither discrediting the reported hadith, nor refuting its central value and importance for Muslim thought and life. Rather, I want to demystify the divine halo that has been cast over Hadith literature ...⁷⁵

Barazangi puts in place a number of methodological principles that she considers need to be applied when rethinking the authority of hadith. One such mechanism is her methodological distinction between *authenticating* and *validating* hadith. In this respect Barazangi emphasises the need to view the processes of hadith *authentication* as conceptually different from hadith *authorisation*. She states:

I argue that we cannot reread hadith and rethink the Sunna with the same set of premises that were used for the authentication process. These are two different processes and require two different set of premises, regardless of whether or not the authentication process was accepted.⁷⁶

She adds that traditional approaches to hadith authenticity have in actual fact conflated the processes of authentication with that of authorisation with very detrimental consequences for women's rights.

Another interpretational tool Barazangi uses for the purposes of rethinking the authority of hadith is by divorcing the concept of prophetic Sunna from that of hadith. She defines the former as "an example of how to proceed in interpreting the message of the Qur'an *in time and place*".⁷⁷ Therefore, Barazangi does not, unlike those using the traditionalist approaches, consider the prophetic Sunna as the ultimate point of reference for Qur'anic interpretation.

Another major mechanism identified by Barazangi that is central to her project of rethinking hadith is the importance of corroborating the text of the hadith with that of

the Qur'an, especially the Qur'an's central themes of *tawhid* (God's Transcendence), *imama* (non-gender based autonomy and leadership), *'adl* (justice), fairness (*qist*) and *taqwa* (God consciousness).⁷⁸ She finds support in this approach in the writings of scholars such as Hashim Kamali, Amina Wadud, and Jama al Banna.⁷⁹ Barazangi laments the fact that the process of canonisation of hadith was not informed by the above outlined interpretational tools and that this state of affairs had the consequence of excluding women's perspectives in the context of developing Islamic jurisprudence and theology of Sunna. In her words:

As canonizing hadith authority without corroborating it by the Qur'an dominated the process of developing Islamic jurisprudence, the absence of Muslim women left the field open for male elites to further marginalise women's perspectives.⁸⁰

Therefore, Barazangi argues that Muslim women have a special role in the process of rethinking the hadith and developing a new theology of Sunna because they have been excluded from the production (in contrast to some inclusion in terms of the transmission of hadith in the early to formative periods of Islam) of Islamic knowledge in general and the construction of theology of Sunna and Islamic legal theories (*usul ul fiqh*) in particular.⁸¹ In this respect Barazangi is adamant that from a "proper" Islamic perspective, every Muslim regardless of gender has the autonomy, the right, and can exercise leadership in interpreting the Qur'an and in investigating the *authority* of reported hadith.⁸²

Barazangi applies the above outlined interpretational principles to many issues pertaining to Muslim criminal and Muslim family law. We will discuss just one example, namely the question of testimony and witnessing, to demonstrate how her interpretational mechanisms are applied to the project of rethinking the hadith.

As it is known, classical Islamic law takes gender into account as a criterion for establishing evidentiary levels and affords women a lesser degree of authority/value (in the case of witnessing) or bars them altogether (as for example in cases of adultery). Barazangi rejects this reasoning on the basis of a combination of the interpretational tools discussed above. Taking the issue of witnessing, her first argument is that on the basis of verses such as 2:30 and 50:21 it can be established *Qur'anically* that each individual, man or woman, acts as a witness for her/his own actions. Furthermore, she demonstrates how the vast majority of Qur'anic verses discuss the concept of witnessing and being a witness in non-gender specific ways and that the Qur'anic injunction found in 2:282 that implies otherwise is highly context specific. She adds that scholars such as Shafi'i and Ibn Kathir have been influenced by weak hadith found in al-Bukhari about the "feeble mind" of women when interpreting 2:282 and have generalised this interpretation to apply it to all women for all times, regardless of (change in) context.⁸³ Barazangi moves on to discuss a couple of relevant hadith found in *al-Bukhari* (due to its supposed highest level of authenticity), according to which the witnessing of specific women (i.e. Zaynab, one of the Prophet's wives and that of a female slave) in the context of alleged infidelity and marriage was in actual fact accepted by the Prophet. In this respect Barazangi writes in frustration as follows:

I am still puzzled that even if we assume that all of the above types of narratives of witnessing ... as documented in *Sahih Al Bukhari* are corroborated by the Qur'an (whether or not they are considered valid by the majority of the interpreters and

jurists), why did the jurist Al Shafi'i (d.ca 820) only accept weak hadith that discuss the particular situation of a monetary loan [Qur'an 2:282], and suggested that a woman's testimony equals one-half of man's? Also on what basis could al Shafi'i justify his generalization of this particular context in [2:282] across the board, stating that a woman's testimony is not accepted in *zina* (adultery) cases, a statement that contradicts the Qur'an wherein a woman could testify on her own behalf in a case of being accused of adultery ... [as per 24:8–9] ... Furthermore, how could al Shafi'i add his own words, "the just witness can only be men", something that is not in the Qur'an?⁸⁴

Hence, in this example, Barazangi uses the idea of the (lack) of corroboration of hadith by the Qur'an in order to question the validity of interpretations of the Qur'an and the hadith on which classical Islamic jurisprudence based their laws pertaining to witnessing. In doing so she also provides a counter interpretation that, in her view, is truer to the actual Qur'anic ideals and the authentic theology of Sunna.

3 Conclusion

This chapter highlighted the interpretive efforts of various Muslim scholars who have either employed the classical hadith sciences or developed innovative methodological tools to interpret the hadith from a women emancipatory or feminist perspective. Given the important role the hadith have had in the Islamic interpretative history as sources of Islamic norms, beliefs, values, laws and practices these efforts are important in understanding the contemporary debates and issues pertaining to gender and Islam both in Muslim majority and minority contexts.

Notes

- 1 Al-A'zami, Mustafa, *Studies in Hadith Methodology and Literature*, (Kuala Lumpur: Islamic Book Trust, 2002), 3.
- 2 Qur'an 39:23; 68:44; 6:68, 20:9.
- 3 Kassir, Hanna, *A Concordance of the Qur'an* (Berkeley, CA: University of California Press, 1983), 514.
- 4 Al-A'zami, *Studies*, 6.
- 5 Ansari, Zafar, "Islamic Juristic Terminology before Shafi'i: A Semantical Analysis with Special Reference to Kufa", *Arabica*, 19, 1972, 258.
- 6 *Ibid.*
- 7 Duderija, Adis, *Sunna and Its Status in Islamic Law: The Search for a Sound Hadith*, (New York: Palgrave, 2015).
- 8 Kamali, Hashim, *Hadith Methodology-Authenticity, Compilation, Classification and Criticism of Hadith*, (Kuala Lumpur: Ilmiah Publications, 2002).
- 9 *Ibid.*, 80–94.
- 10 Hallaq, Wael, "The Authenticity of Prophetic Hadith: A Pseudo Problem", *Studia Islamica*, 89, 1999, 75–90, 79.
- 11 Zysow, Aaron, "The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory", (PhD Dissertation, Harvard University, Boston, MA, 1984), 11–31.
- 12 Kamali, *Hadith Methodology*, 241–249.
- 13 Zysow, "The Economy of Certainty".
- 14 Al-Abanee, Nasir, *The Principals of Salafi Methodology*, (Toronto: TROID, 2003), 33–36.
- 15 Hallaq, "The Authenticity of Prophetic Hadith".
- 16 Abou El Fadl, Khaled, *Speaking in God's Name*, (Oxford: Oneworld, 2001).

- 17 Mahallati, Amineh, "A List of Differences between Men and Women in Islamic Tradition", *Journal of Islamic Law and Culture*, 12(1), 2010, 1–9.
- 18 See Chapter 2.
- 19 As noted above patriarchal approaches to hadith are documented in Chapter 2.
- 20 Mernissi, Fatima, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, Mary Jo Lakeland (trans.), (New York: Pargamon Press, 1991).
- 21 Mernissi also engages in a very contextualist reading of the Qur'anic verses on the hijab and the hadith which document the occasions of the verses in question, but since the focus of this chapter is entirely on the hadith this aspect of Mernissi's book will not be discussed.
- 22 *Ibid.*, 49–61.
- 23 *Ibid.*, 53.
- 24 A specific Jewish tribe who had this vision of women.
- 25 *Ibid.*, 70–81.
- 26 *Ibid.*, 76.
- 27 A number of scholars have criticised Mernissi's methodology on the grounds that there are other instances of misogynist hadith that cannot be "rescued" on the basis of following the classical hadith criticism sciences alone. See Rhouni, Raja, *Secular and Islamic Feminist Critiques in the Work of Fatima Mernissi*, (Leiden: Brill, 2010).
- 28 Abou El Fadl, *Speaking in God's Name*, 88.
- 29 *Ibid.*, 170–177.
- 30 *Ibid.*
- 31 Eco, Umberto, *The Role of the Reader: Explorations in the Semiotics of Texts*, (Bloomington, IN: University of Indiana Press, 1979).
- 32 *Ibid.*, 50–132.
- 33 Abou El Fadl, *Speaking in God's Name*, 426–535.
- 34 Abou El Fadl, Khaled, *The Great Theft: Wrestling Islam from the Extremists*, (New York: Harper Collins, 2005), 257–258.
- 35 Abou El Fadl, Khaled, *Reasoning with God: Reclaiming Shari'a in the Modern Age*, (New York: Rowmann and Littlefield, 2014), 317.
- 36 *Ibid.*, 318.
- 37 *Ibid.*
- 38 Abou El Fadl, *Speaking in God's Name*, 88.
- 39 Abou El Fadl, *Reasoning with God*, 316–317.
- 40 Abou El Fadl, *Speaking in God's Name*, 89.
- 41 *Ibid.*, 93.
- 42 *Ibid.*, 426–535.
- 43 Shaikh, Sadiyya, "Knowledge, Women and Gender in the Hadith", *Islam and Christian-Muslim Relations*, 15(1), 2004, 99–108.
- 44 Shaikh, Sadiyya, *Sufi Narratives of Intimacy: Ibn 'Arabi, Gender and Sexuality*, (Chapel Hill, NC: University of North Carolina Press, 2012), 26–27.
- 45 Shaikh, "Knowledge, Women and Gender in the Hadith", 100.
- 46 Shaikh, *Sufi Narratives of Intimacy*, 27.
- 47 Rhouni, *Secular and Islamic*, 218.
- 48 Shaikh, "Knowledge, Women and Gender in the Hadith", 99.
- 49 *Ibid.*, 100.
- 50 *Ibid.*, 107.
- 51 Kodir, Faqihuddin Abdul, *Hadith and Gender Justice: Understanding the Prophetic Traditions*, (Cirabon: Fahmina Institute, 2007).
- 52 *Ibid.*, 19–20.
- 53 Kodir, Faqihuddin Abdul, "Gender Equality and the Hadith of the Prophet Muhammad: Reinterpreting the Concepts of Mahram and Qiwwa", in Z. Mir Hosseini, Lena Larsen, Christian Moe and Kari Vogt (eds.), *New Ideas, New Prospects, in Gender Equality and Muslim Family Law: Justice and Ethics in Islamic Legal Tradition*, (London: I.B. Tauris, 2013), 176.
- 54 Kodir, *Hadith and Gender Justice*, 1–25; cf. Kodir, "Gender Equality and the Hadith of the Prophet Muhammad", 2013.
- 55 Kodir, *Hadith and Gender Justice*, 25.
- 56 *Ibid.*, xx–xxi.

- 57 *Ibid.*, 93–104.
- 58 *Ibid.*, 104.
- 59 *Ibid.*, xxi.
- 60 Kodir, “Gender Equality and the Hadith of the Prophet Muhammad”, 171.
- 61 Kodir, *Hadith and Gender Justice*, 23.
- 62 *Ibid.*, 162.
- 63 *Ibid.*, xix.
- 64 Duderija, Adis, “Maqāṣid al-sharī’a, Gender Non-Patriarchal Qur’ān-Sunna Hermeneutics and the Reformation of Muslim Family Law”, in Adis Duderija (ed.), *Maqasid Al Shari’ah and Contemporary Muslim Reformist Thought*, (New York: Palgrave, 2014), 201.
- 65 Wadud, Amina, *The Qur’ān and Woman: Rereading the Sacred Text from a Woman’s Perspective* (2nd edn), (Oxford: Oxford University Press, 1999).
- 66 Barlas, Asma, “Believing Women” in Islam: *Unreading Patriarchal Interpretations of the Qur’ān*, (Austin, TX: University of Texas Press, 2002).
- 67 Duderija, “Maqāṣid al-sharī’a, Gender Non-Patriarchal Qur’ān-Sunna Hermeneutics”, 201.
- 68 *Ibid.*, 202.
- 69 *Ibid.*
- 70 *Ibid.*, 208–213.
- 71 Barazangi, Nimet, *Woman’s Identity and the Qur’an: A New Reading*, (Gainesville, FL: University Press of Florida, 2004), 1.
- 72 *Ibid.*
- 73 *Ibid.*, 1–2.
- 74 *Ibid.*, 2.
- 75 *Ibid.*, 8.
- 76 *Ibid.*, 27.
- 77 *Ibid.*, 16.
- 78 *Ibid.*, 188, 191.
- 79 *Ibid.*
- 80 *Ibid.*, 161.
- 81 *Ibid.*, 18, 27, 161.
- 82 *Ibid.*, 191.
- 83 *Ibid.*, 79–81.
- 84 *Ibid.*, 83. The answer to this question can be found in our discussion in Chapter 2 that provides a conceptual overview of masculinity and femininity in the premodern Islamic interpretative tradition.

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