

Understanding Islam **Series Four: Bearers of the Final Message**

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Part Eight: Looking again at Islam and women

(see also: Building a Just Society, Part One: “The family as the basis of society,” and Standing before God, Part Seven: “Modesty: the special character of a Muslim”)

The first human beings (male and female) were created from a single entity (*nafs*) [Q. 4:1] and all human beings are equal [Q. 49:13]. The Qur'an is guidance for all humankind without distinction. Although Muhammad was a man, his exalted nature is not in his maleness but in his humanity, he is *al-insan al-kamil*, the Perfect Human Being. As such, he is the guide for all human beings on the path that leads to Paradise. God is neither male nor female; God is above such things. God is transcendent, beyond our world, therefore God does not speak earthly languages as we do, rather God is exalted beyond all such limitations [Q. 112:4]. We can talk of God “speaking” the word or speech of God (*kalam allah*) but we cannot adequately understand or articulate what that means. However, we now come against a problem: when God wants to communicate to human beings through revelation, God has to express that communication in a form that human beings can understand. This requires the use of human languages with all their limitations. The use of human language is a necessary consequence of God’s revealing the Book of God to the peoples of the earth.

In the case of the Qur'an, it was conveyed to the Prophet in the language that he understood [Q. 12:2; 41:44; 43:3]. Arabic, like many other languages, uses male personal pronouns when it speaks of God; “He created the heavens and the earth.” It also uses the masculine form to speak of both male and female human beings unless it is clearly addressing just males or just females, therefore the language “looks masculine.” After the first few decades of Islam, when women were prominent in preserving the text of the Qur'an, passing on the teachings of Muhammad, and helping the leaders to interpret the customary practice of the Prophet, men became dominant in Qur'anic commentary, systematising the Hadith collections, and drawing up the *shari'a*. This meant that, consciously or not, these key documents of Islam were written from a male perspective. These men were writing in societies that were male-centred in their public, official, economic and legal aspects. This colouring needs to be scrutinised to ensure that the spirit of Islam has not been clouded by being viewed through a male lens.

It is a common feature that ideals in any system can be distorted into realities that fall far short of them. It also has to be admitted as a general norm that men have used religion as a way to control women. One of the best means to do this has been to reserve to men access to education in the religious sciences so that women hear from men what the religion teaches rather than being able to access and research it for

themselves. Modern feminist historians will tell us that it is a norm that after a major breakthrough in the condition of women has been achieved by a revolutionary teacher it only takes a few generations before the male-centred customs return to dominate the picture. This is especially important in the history of Islam because, for most people, the thing that shapes their Islamic way of life is the *shari'a* rather than the primal texts of the Qur'an and Hadith. The *shari'a* was drawn up by men.

Women had little or no access to education in Muslim societies, just like other societies, until the last century. Since then, we have seen a growing tide of Muslim women coming to command the necessary academic tools to access the sources and scholarly heritage of Islam. Not surprisingly, they have contributed new insights and have questioned some of the received reading of the past. Some male scholars have likewise realised that they need to examine their assumptions afresh and have thus critically re-examined things that their forefathers took for granted. One bright light on the horizon is the large number of women who are now enrolled as students in many universities and centres of higher learning in the Muslim world and in western countries.

Women's contributions to contemporary Islamic literature

In the next couple of paragraphs, I note some of the contributions made by Muslim and other women to the field of the academic study of Islam and Muslims. Some male writers who have re-examined the position of women in Islam are also included. I have limited myself to works in English, most of which have been published in the last quarter-century. A full bibliographical reference is attached at the end of this article.

If we take the Qur'anic text itself, women have begun the process of translating it into English. We can look to the complete translations of Aisha Bewley (1999) and Laleh Bakhtiar (2007), and the selected excerpts of Camille Helminski (1998). Like all translations, they are interpretations but they serve to give, as Laleh Bakhtiar puts it, "a fresh view of Quranic discernment." Similarly women scholars have begun to read the text from a woman's perspective, which challenges assumptions and gives a fresh insight into the unchanging text. Two prominent examples of such scholars are Amina Wadud (1999) and Asma Barlas (2002).

All too often, history is written from a male perspective, concentrating on male leaders and thinkers but the twentieth century saw the rise of women scholars, like Fatima Mernissi (1993) and Nabia Abbott (1986 and 1998), who delved back in history to find women whose contributions have received limited attention. To make the role played by Muslim women better known, classical works have been edited and translated, such as volume eight of the eighth/ninth century biographer, Muhammad ibn Sa'd's great work *Kitab al-Tabaqat al-Kabir* (1995). The contemporary scholar of Hadith, Mohammad Akram Nadwi, a graduate of the Nadwatul Ulama in Lucknow, has been researching for more than a decade to trace women scholars and teachers of Hadith through the centuries. In a work running to some forty volumes in Arabic, he

has compiled biographies of some 8,000 such women and published an introduction to the work in English (2007).

Aisha Bewley (2004) has compiled a biographical dictionary of hundreds of Muslim women throughout the centuries, and Sachiko Murata (1992) has translated and arranged thematically many extracts on gender relationships in Islamic thought. The early years of the Muslim community in Madina provided Fatima Mernissi (1991) with a vision of the role of women within the society shaped by direct experience of Muhammad in implementing the guidance of the Qur'an.

Some male Muslim scholars have responded to the challenge raised by women's critique by re-examining the *shari'a* positions, such as the Indian Bohra scholar, Asghar Ali Engineer (1992), the Sudanese scholar-politician, Hassan al-Turabi (1973) and the Bangladeshi barrister, Mohammad Ali Syed (2004).

A genre of feminist writing in Islam has arisen, through historical surveys, like that of Leila Ahmed (1992), and regional studies, such as Margot Badran (2009), Nawal El Saadawi (1980), Haleh Afshar (1998) and Faegheh Shirazi (2009). The encounter between contemporary western perspectives on gender relations and Islam figures in the literature on converts to Islam, which can be seen within the European context in the research of Anne Sofie Roald (2004) and Kate Zebiri (2008), often with particular reference to women in the case of Anne Sofie Roald (2001). Even more material has appeared in a North American context in the form of sociological studies by Yvonne Yazbeck Haddad et al. (2006), Carolyn Moxley Rouse (2004) and Anna Mansson McGinty (2006), as well as the experiences of converts, such as Carol Anway (1995) and Debra Dirks et al. (2003).

Some preliminaries

After decades or centuries of European colonial rule in Muslim societies, we are experiencing a revival of discussion about what constitutes an Islamic society and how that should best be implemented both in Muslim-majority countries and in Muslim-minority contexts. A larger proportion of Muslims in the world today live as minorities than at any time in Muslim history. It is unfair to take various Muslim-majority countries as models of what an Islamic society should look like; if this were just then the current struggle would not be taking place. In phenomena such as the creation of Pakistan as a homeland for Muslims in the Indian subcontinent, the Islamic Revolution in Iran and the Arab Spring, we can see the social crucible engaged in trying to define just what a contemporary society based on Islamic principles might look like. It would be equally unfair to take a snap-shot at a certain point in that development and say "that is it;" history must be allowed to record a mature verdict.

The presence of hundreds of millions of Muslims living as minorities brings with it the opportunity to define Islamic culture in a quite new context. Muslims in such contexts are seeking a path that is defined on Islamic principles in the context of, for example, contemporary western feminist discourse. A discourse based on assumed

notions of “equality” is dangerous as there is a tendency to normalise male conduct along the lines of: “if a man can do something, why can’t a woman.” The nature of Arabic as a masculine language has already been noted. If fifty women are present and no men, then the language will speak of women; if one man joins them, then the language will be male. The consequence of this is that a Qur'anic reference to “men” must be understood as meaning “human beings” unless the context makes it clear that reference to the male gender is intended. Sometimes the Qur'an makes this point explicitly by repeating the same injunction for “Muslim men” and “Muslim women” [Q. 33:35].

The human condition

When the Qur'an speaks of the creation of humankind [Q. 4:1], the language is carefully gender-neutral: “Be wary of your Lord who created you from a single soul (*nafs*, soul, inner self, identity), and created its mate (*zawj* spouse, one of a pair) from it (*min* can mean from or of: of the same type, of like nature), and, from the two of them, scattered numerous men and women.” Thus the Qur'an avoids biblical imagery of Eve being created as a derivative of Adam. Such human beings (*insan*) are created “in the best of forms” [Q. 95:4]. Similarly, the human being was created by God from clay and ennobled by receiving the in-breathing of the spirit of God [Q. 38:71-72]. All human beings have the same dignity and duty to be the servant (*abd*) and regent (*khalifa*) of God.

It is a characteristic of creation that everything was created in pairs [Q. 51:49], not just human beings but also plants, animals, day and night, mercy and justice, attraction and repulsion, positive and negative, and so on. God alone is not paired [Q. 42:11; 112:4]. The elements of the pair find their meaning in relationship to the other; they fit together in their differences [Q. 36:36; 53:45; 3:36] and the pair take comfort in each other [Q. 30:21].

When it comes to the temptation of Adam and Eve in the garden [Q. 7:19-25], the Qur'an again avoids the gender imbalance of the biblical story and uses the Arabic dual form throughout: both of them are tempted and both of them succumb to the temptation. Indeed, in the parallel Qur'anic account [Q. 20:116-121], Adam is singled out for mention although both succumbed to the temptation. When it comes to the other end of human existence, entry into Paradise, the Qur'an makes explicit that “not a single soul” shall be dealt with unjustly [Q. 21:47] and that both men and women will receive their just rewards [Q. 40:39-40], for “you are all on the same footing” [Q. 3:195]. There is no priesthood in Islam, therefore no male priesthood, therefore both men and women have equal direct access to the divine guidance, mercy and forgiveness, and both are individually responsible for their actions. The wives of the Prophets Noah and Lot rejected their guidance and went to hell; their husbands could not protect them [Q. 66:10]. Asiyah, the wife of Pharaoh, was married to an unbeliever, who is seen as an example of godlessness, yet she is regarded as one of the four perfect women of Islam [Q. 66:11]. Note also that Mary, the mother of Jesus, is

held up as an example of faith and “She confirmed the words of her Lord and his Books, and she was one of the obedient” [Q. 66:12].

Early Muslim women

In the first generation of Muslims, women converted to Islam independently of their families or male relatives. We know of Fatima, the sister of Umar (later to become the second Caliph), who converted alone before him and who was instrumental in his own conversion. When women took their oath of allegiance to Muhammad, they did so in their own right and not through a proxy. Their oath of allegiance [Q. 60:12] was the same as for that of a man, except that they were not expected to take up arms in defence of the community. When Muhammad accepted an oath of allegiance, his customary practice was that the new convert should place her or his hand into the hand of the Prophet; in the case of women, Muhammad covered his hand with a cloth to avoid intimate contact with her.

Under the terms of the Treaty of Hudaibiyya, those “under guardianship” who fled to Madina were to be returned to the idol-worshippers of Makka unless they had their guardian’s permission. The Makkans argued that this should apply also to married women who, they argued, were under the guardianship of their husbands. Under the direction of the Qur’an, Muhammad tested them to ensure that their escape was for the sake of God and not to escape some worldly circumstance and then refused to allow them to be sent back [Q. 60:10]. A Muslim woman could not be married to an unbeliever and so they were divorced and in some circumstances they returned their dowries to their former husbands to avoid injustice. Some Muslim women in Makka endured torture rather than give up their Islamic faith and return to their family’s idol-worship. The first Muslim martyr, a woman, Sumayah bint Khubat, was killed in such circumstances.

Women were instrumental in bringing members of their families into Islam and sometimes made conversion to Islam a condition of their acceptance of a proposal of marriage. We read of Umm Saleem, who accepted her husband’s conversion to Islam as his marriage gift (*mahr*) to her. Umm Salama, one of the wives of Muhammad, is recorded as saying to him that the Qur’an speaks to men but not directly to women; this is understood to be the occasion of the revelation of the verse of the Qur’an that parallels men’s and women’s virtues and rewards in every line [Q. 33:35]. The women of the community protested that they could not hear the Prophet’s teaching because of the noisy men and so Muhammad set up separate women-only study circles to devote time to their education.

Throughout Muhammad’s time in Madina, the women offered their five daily prayers in his mosque in the same congregation as the men but in separate ranks behind the men’s ranks. He had a separate door built for the use of women only, so that they could come and go freely. On one occasion it is recorded that Muhammad was leading the prayer and heard a child crying; knowing that the child’s mother would be in the congregation and thus concerned about her child’s distress, he speeded up the

prayer to bring it to an early conclusion so that she could go to the child. The women of the community attended the festival gatherings ('Ids) and public meetings; even women who were not praying during the time of their periods attended festivals. During the battles in the time of Muhammad, the women of the community, including some of the wives of Muhammad, had their station bringing water to the men who were fighting and caring for the wounded. In exceptional circumstances, some even took up arms and joined in the fighting.

Muhammad's first wife, Khadija, was a business woman who initially employed him as her manager. Her business supported the family. Similarly, Asma, the daughter of the first Caliph, Abu Bakr, was a business woman and the second Caliph, Umar, appointed a woman as the market supervisor. The Qur'an uses parallel phrases to show that both men and women are entitled to the proceeds of their businesses [Q. 4:32]. This principle is seen in a woman's right to own and dispose of her own property and inherit money or goods in her own right. Muhammad used to visit some of the older women in Madina, eat with them, take a nap there and pray in their homes. It was especially noted that he visited them when they were ill. Elderly women, who are not interested in seeking a marriage partner, may relax their style of dress ["leave off their outer cloak" Q. 24:60].

The example of Abraham's wife, Sarah, in receiving guests and waiting on them becomes a lesson in Muslim hospitality [Q. 11:69-73]. Women in the early Muslim community are recorded as being interpreters of the Qur'an, transmitters of Hadith, skilled in medicine, calligraphy and poetry, and engaged in leather work and weaving. Both men and women are to engage in building up the community "bidding what is right and forbidding what is wrong" and to be diligent in the twin pillars of prayer and almsgiving [Q. 9:71]. There is a famous instance in which the Caliph Umar tried to restrict the amount of money that a man could give his wife as a marriage gift (or a woman could require). He announced this in the mosque, whereupon one of the women present stood up and challenged him that he was forbidding something that the Qur'an permits [Q. 4:20]; he acknowledged that she was correct and withdrew his guidance.

The social revolution brought about by the Qur'an and Muhammad

One important aspect of the life of the Bedouin clans of the desert in pre-Islamic times was raiding. This was a display of courage and skill, which characterised manliness. Such raids were not about killing people but rather capturing animals, goods and women. This practice coloured the esteem in which children were held. A boy could grow up to take part in raiding and other activities to support the clan, whereas a girl was a potential target for such raids. This situation is reflected in the practice common amongst the Arabs at the time of Muhammad of killing some of their newborn girl babies by burying them alive. This female infanticide is declared to be evil, and thus forbidden, by the Qur'an [Q. 16:58-59]. The raising of these innocent girls is one of the signs associated with the Day of Judgement [Q. 81:8-9]. The whole approach to daughters is criticised in the Qur'an where the news of such a birth caused

the father's face to darken with suppressed agony [Q. 16:58] and where they are criticised for preferring sons for themselves whilst speaking of the angels and some of their female idols as "daughters of God" [Q. 17:40; 43:16-17].

The society into which Islam came saw children as belonging to the mother's clan, therefore the identity of the father was of little importance. This meant that women could have multiple partners without prejudice to inheritance through the male line. Women had a degree of control of their own sexuality and a woman could indicate the end of a relationship with a partner by turning the entrance of her tent in another direction. There was no period of abstinence from sex for the woman after the end of such a relationship because paternity was not the deciding issue. This situation gave a degree of social status and independence to some women as can be seen by the fact that Khadija, the first wife of Muhammad, employed then proposed marriage to him without the impression that this was breaking any social norms. They were married some fifteen years before the coming of the Qur'an, therefore this reflects pre-Islamic society.

The structure of society was radically changed with the coming of Islam. Men and women were to enter into a contract of marriage [Q. 24:32], adultery was forbidden for both partners [Q. 4:15-16], as was sexual activity before marriage [Q. 24:2,33], and the ending of such a relationship had to be through a declaration of divorce [Q. 65:1-7]. Society switched to emphasise male descent and inheritance, therefore women were not only to be faithful whilst married but were to observe a period of sexual abstinence (*idda*) after the end of a relationship, either through the death of a husband or through a divorce, so as to be sure of the paternity of any child that she was carrying. This period was set at three menstrual cycles after divorce [Q. 2:228] and four months and ten days in the case of a widow [Q. 2:234].

Looking again...

The process of re-examination of text, assumption and expression, has resulted in looking again at certain issues. In the following, we examine a few to see the direction that this scholarship is taking.

Witnessing a financial transaction

The Qur'an counsels that financial transactions should be sealed with a written contract [Q. 2:282]. Witnesses should then be brought "from those whom you approve as witnesses" to witness the transaction. Two Muslim men are the preferred combination of witnesses "and if there are not two men, then a man and two women... so that if one of the two defaults the other will remind her." At first glance, this suggests that a woman only carries half the weight of a man as a witness and indeed this is the way that it has often been read. However, closer inspection suggests that this is not quite so simple. First, this is a specific contextual example of witnessing a financial transaction or "a loan for a specified term." In seventh century Arabia, men were much more acquainted with financial matters than women because they were the

ones who usually conducted business affairs. Second, both male and female witnesses are to come “from those whom you approve as witnesses,” in other words, there is no suggestion that any of them should be incompetent as a witness as such. This is confirmed by the reference to the second woman being there “to remind” the other.

The Qur'an speaks of witnesses in several other places. In Q. 5:106-107 the context is one of witnessing a will in which two just people (*ithnani dhwa'adlin*) are required, if possible, they should be pious Muslims but if not, for example if death is approaching whilst on a journey, then non-Muslims will suffice. We could consider circumstances in which the presence of men could hardly be countenanced, for example, a woman who is dying in childbirth or in the women's baths, when two women would act as witnesses. In Q. 4:15 and 65:2 the requirement is for witnesses from amongst yourselves (*minkum* includes both sexes) and in Q. 24:4 just “witnesses” are required without reference to gender. The context of Q. 65:2 is of divorce in which two witnesses are required, whilst four witnesses are required in the other two cases, both of which refer to an allegation of sexual misconduct. There is no suggestion that any of these witnesses might be unreliable or untruthful; if that were the case then they would be unacceptable as witnesses, as confirmed by Q. 5:106. Multiple witnesses reflect the gravity of the offence not unreliability or a suggestion that some witnesses are defective on account of gender. The context of Q. 24:6-9 is a case where a man accuses his wife of adultery with no witnesses except his own accusation. In this case, he is to swear four times that she is guilty of the offence and then a fifth time invoking the curse of God upon himself if he is lying. The woman so accused can counter by swearing a similar four oaths and then the fifth invoking God's curse if she is lying. If this process is followed, then the marriage is dissolved, no further action is taken and the two are left to the final judgement of God whose curse they have invoked if they are lying. Here we see that the witness/testimony of the man and the woman are given equal weight.

The Qur'an does not lay down a specific evidential requirement for civil or criminal matters; rather there is a spread of opinion amongst the scholars based on various Hadith. In no other case is the requirement of two men or one man and two women repeated in the form that is given in Q. 2:282 in the context of a financial transaction, therefore some contemporary Muslim scholars have argued that this reference is contextual and not a statement of a general norm.

Polygamy

The Qur'an permits a Muslim man to marry up to four wives in Q. 4:2-3. Again the context is important as it refers to doing justice to orphans. The verse was revealed just after the Battle of Uhud in which seventy men were killed, leaving behind them widows and orphans. This represented ten percent of the Muslims who took part in the battle and thus was a significant problem. These were the first few years of the Muslim community in Madina and many of the women's families would still have been idol-worshippers in Makka, so they could not go back to them. For a widow, with or without orphan children, to be left without male support and protection was

unthinkable. The theme of doing justice to orphans and treating them with kindness is one of the most often repeated in the Qur'an [Q. 4:10; 6:152; 17:34; 89:17; 93:9; 107:2].

The concern of the Qur'an here is to “do justice” to the widows and orphans. This is emphasised in Q. 4:3 where men are cautioned that if they fear that they may not be able to do justice to more than one wife, then they should remain married to one alone. This theme is emphasised in Q. 4:129 where the difficulties of doing justice to multiple wives is noted: “You will not be able to be fair between wives, even if you are eager to do so.” According to Q. 30:21, marriage is ordained by God so that the partners will take comfort in each other and affection and mercy will grow between them. Rather than being a normative provision for limited polygamy, many scholars have seen this as a provision under exceptional circumstances where men should take widows and orphans into their households as co-wives in an effort to do justice to them trusting in the mercy of God; the norm being monogamy. The example of Muhammad here is important. He married widows and divorced women; indeed amongst his wives, only one of them, Ayesha, had not been married before.

Disharmony within marriage

The Qur'an uses the term *nushuz* on two occasions [Q. 4:34 and 4:128]. It carries the meaning of misconduct, ill-treatment and rebelliousness, and is generally understood as misconduct leading to disorder within the family by failure to abide by Islamic principles for living. In Q. 4:128, it is used of men and can be grounds for a woman to seek a divorce. In Q. 4:34, it refers to a married woman. Here it results in a fourfold approach. First, the husband is to discuss the matter with his wife, advise her and seek a consensual agreement. If this fails, then the second step is for the partners to separate in bed and sleep apart. This is serious as this is a step in the direction of divorce. It provides a time of mutual “cooling-off” and obviously has an effect on both partners.

Should this cooling off period not bring about a reconciliation and change of conduct then he is to admonish her physically. The Arabic term used here is *daraba*, which has a range of meanings. Its apparent meaning is “to strike” but it is used in the Qur'an also with the meaning of “to strike out on a journey” [Q. 4:101] and also in the sense of God striking or setting out a parable for people [Q. 66:10-11] or Muhammad setting out such a parable [Q. 18:32,45]. Arabic also has an intensive form of the verb *darraba*, which would bring in the meaning of “to beat, to hurt or to injure”; this form is not used here. This is the third and last private step in the procedure, having the sense of “look where this is leading.” Those commentators who interpret it literally as “to strike” are at pains to point to its symbolic nature: thus al-Tabari “with a toothstick (*miswak* - the short piece of fibrous wood used for cleaning the teeth)” and Razi “with a handkerchief.” The Prophet himself comments in a Hadith: “How can you beat your wife during the day and then sleep with her at night?” All Schools of Islam agree that there should be no violence between the partners in a marriage, including what would today be termed “verbal abuse.” Should this third step not bring about a reconciliation

and return to observance of the Islamic way of life, then the couple are to seek arbitration from within both families.

The same verse, Q. 4:34, speaks of righteous women being obedient and taking care of that of their husband's that God has required them to guard. This raises the question of to whom the women should be obedient. The Arabic used here *qanit* can be translated as "devoutly obedient." The term is used of men being obedient to God [Q. 2:238] and also as a characteristic of pious men [Q. 3:17]. In the verse that parallels men and women, it is used of both equally [Q. 33:35] and it is also used of pious women [Q. 66:5] and in particular of Mary, the mother of Jesus [Q. 66:12]. This points to women being obedient to God and therefore taking care of those things entrusted to their husbands.

The Qur'an speaks of women having "rights similar to the obligations laid upon them... and men have a degree above them" [Q. 2:228]. The term translated here as degree (*darajah*) has the meanings of step, rank or grade. The Qur'an uses the term to speak of degrees in the afterlife [Q. 17:21]. God raises to a higher degree those who have faith and acquire knowledge [Q. 58:11; 12:76]. From those who are raised to a higher degree more is expected; theirs is the greater test [Q. 6:165]. Men have indeed been raised to a higher degree according to Islam in the sense of responsibility, for example, in having the responsibility to support their wives and children and discharge all the household expenses and not abusing their power, for example, in not acting recklessly in divorcing their wives by repudiation, approaching them during their periods, claiming back their marriage gifts, or failing to support divorced wives during the time that they are raising their children [Q. 2:221-237].

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