(though not determined by) the cultures, institutions, and practices that gave rise to it. Thus, extinguishing cultures is not the answer. In any case, years of colonial and assimilationist experiments should have taught us by now that such efforts are ethically problematic as well as self-defeating in practice.

Okin's other alternative—supporting a culture's own efforts "to alter itself so as to reinforce the equality," rather than the inequality, of women—is much more promising and is, indeed, already being pursued by feminists such as Leila Ahmed and Rey Chow, and by groups such as Women Living Under Islamic Law. But the promise of this approach depends in part upon the willingness of Western feminists to hold their own practices up to the same critical scrutiny they apply to Others, to hear the plural voices of women everywhere and to learn from them, while also refusing to prejudge the merits of practices that are unfamiliar or threatening to those of us raised in bourgeois liberal societies. For the sake of a future solidarity of women as feminists, the question of what constitutes gender (in)-equality must be kept disturbingly open to perpetual reinterrogation. (This openness *is* disturbing: clitoridectomy has its female defenders as well, a phenomenon explored in Nuruddin Farah's novel *Sardines*.) And we must all resist the all-too-familiar and dangerous temptation to mark foreignness itself as fundamentally threatening to women.

Is Western Patriarchal Feminism Good for Third World / Minority Women?

AZIZAH Y. AL-HIBRI

*

THE ISSUE of conflicting rights raised by Susan Okin's paper is of fundamental importance to any serious human rights discourse. Okin's perspective, discussion, and proposal, however, all suffer from three fatal problems: (1) stereotypical views of the "Other"; (2) a conflation of distinct belief systems; and (3) conflict with American constitutional principles.

The paper is clearly written from the perspective of the dominant cultural "I," a Western point of view burdened with immigrant problems and the human rights conflicts they engender. Okin blames this conflict on a Western liberal tradition that recognizes value in the very existence of cultural diversity.[1] She argues that some cultures may in fact be worthy of extinction.[2]

Okin's statement is remarkable in its honesty. If she is right about the universality of her principles, then, of course, why should women from other cultures have a lower standard of human rights crafted especially for them? In fact, whether immigrants or residents in their home country, why should women wait for salvation, when the West can readily defend their rights by use of force if necessary? Certainly, Okin's position has more integrity than one which views the "natives" or "alien immigrants" condescendingly and argues, under the guise of Western liberalism, that "those people" should be allowed to live in accordance with their own lower standards of human rights.

Luckily, these two options are not exhaustive. To recognize other alternatives, we need to revisit Okin's article and uncover its first fatal error. A quick look at her endnotes reveals what was already obvious to a culturally sensitive reader: her understanding of other cultures/religions is derived from secondary sources outside these cultures/religions. As a result, Okin commits simple but significant factual errors in assessing other belief systems. She argues, for example, that "the founding myths" of Judaism, Christianity, and Islam "are rife with attempts to justify the control and subordination of women" and, among other things, characterize women as "overly emotional, untrustworthy, evil, or sexually dangerous."[3] As proof, she offers two stories: the creation of Eve out of part of Adam and the fall of Adam.

But the Qur'an nowhere says that Eve was created out of part of Adam. In fact, the Qur'an clearly states that males and females were created by God from the same *nafs* (soul or spirit), and that the most honored among them in the sight of God is the most pious.[4] The story of the fall of Adam is also different in the Qur'an. *Both* Adam *and* Eve were tempted by Satan, and both succumbed.[5] The story is thus about the human condition. It is not about gender. By missing these important differences, Okin attributes to Islam a position based on biblical analysis. This is a serious form of religious reductionism. It is also the example par excellence of Okin speaking in her dominant voice about the *inessential Other.* So inessential is this Other that, even when included in the discussion, it is rendered remarkably indistinguishable and voiceless. It is allowed into the discussion only through the voice and perceptions of the dominant "I." Given these ground rules, it is hard to have a serious discussion or reach a democratic resolution of existing conflicts.

The importance of a genuine dialogue is that it permits a more accurate diagnosis of the problems at hand. While "founding myths" are not patriarchal in Islam, several jurists have succeeded in developing a patriarchal interpretation of various Qur'anic passages.[6] It is these passages with the related jurisprudence, and not the "founding myths," that need to be addressed in Islam. Unfortunately, an Orientalist reductionist approach to Islam often delays productive dialogue.[7]

I now turn to the second fatal error in Okin's piece: her conflation of distinct systems of belief. In attempting to refute the thesis that minority cultures should be protected by special rights, Okin draws many of her examples from the domain of religious belief. From the outset, she refers to such matters as Muslim head scarves, polygamy, and early marriages.[8] In later passages, Okin moves from culture to religion, as if they were interchangeable. From the outside, they may very well be. From the inside, the distinction amounts to the difference between acceptance and rejection of change.

To put this complicated issue in its proper perspective, we need to know a few basic Islamic principles. First, Islamic society is based on a system of *shura* (consultation) and the individual right to *ijtihad* (jurisprudential interpretation of religious text); hence there is no central authority charged with the task of interpreting the religion to the faithful.[9] As a result, women, as much as men, are entitled to engage in *ijtihad* (and have).[10] And each Muslim, male or female, is guaranteed his or her freedom of conscience.[11] Second, Islam was revealed as a world religion and thus, according to Qur'anic verse, celebrates diversity.[12] For this reason, a Muslim country may retain all local customs not inconsistent with Islamic revelation.[13] As a result of this principle, many countries retained local customs that we find controversial, and that have been erroneously viewed in the West, and sometimes locally, as Islamic. Third, Islamic jurisprudence adopts the principle that many laws change with the change of time and place, yet many Muslims continue to follow the jurisprudence of past centuries and civilizations. Finally, Muslim jurists believe that the laws of the Wise Lawgiver serve human *maslaha* (public interest).

A true feminist call to reform in Muslim countries or among Muslim immigrants must respect their religious and cultural sentiments, while recognizing the sanctity of the first and flexibility of the second. This means that with respect to issues such as those raised by Okin, the better approach is for Muslim feminists to reexamine existing Islamic jurisprudence critically in light of established jurisprudential principles and the *maslaha* of the Muslims. The result is a tripartite strategy. First, clearly separate customary from religious practices. This would significantly reduce the resistance of Muslims

to certain types of change—namely, purely cultural changes. Second, reexamine existing jurisprudence critically to reveal any inappropriate cultural elements in it. Third, provide modern contributions to Islamic jurisprudence, which take into account the time, place, and *maslaha* of Muslims, half of whom are women. Such a complicated and time-consuming project cannot be truncated or canceled owing to the impatience of secular feminists.

This leads to the third fatal error in Okin's discussion: it conflicts with American constitutional principles that we value greatly, such as the separation of church and state and the freedom of belief. It may not be immediately clear that the separation issue is involved, precisely because Okin conflated religious and cultural issues. Once the distinction is drawn, it becomes clear that, at least in this country, people of faith are entitled to their religious beliefs whether secular feminists approve of these beliefs or not. This principle is at the heart of our democracy. Its violation can lead only to oppression through denial of basic civil rights.

Okin casts the conflict as one in which feminists and human rights advocates are attempting to save the women of minority cultures from internal oppression. Framed this way, the endeavor is admirable. Different accounts, however, reveal different scenarios. For example, many contemporary women with established careers have adopted the Orthodox or Hasidic Jewish way of life as adults.[14] This way of life includes, among other things, early marriages, gender roles, praying behind a *mechitzah* (partition separating men from women), and even *mikvah* (ritual bath) ceremonies (following menstruation).[15] It is hard for Okin to argue that these accomplished women have been so misled as to choose an oppressive lifestyle. There is something condescending, even patriarchal, about such a claim. The women themselves see in their new life important values. For example, they see in the mikvah ceremonies "women-centered spiritual celebration of women's bodies, cycles, sexuality, and procreative power."[16] They also see an important opportunity for bonding with one another.

By persisting in advocating secular feminist arguments that are intolerant of important religious values, secular feminists run the risk of turning patriarchal. At its most abstract level, I define patriarchy as a hierarchical system in which control flows from the top. Thus, in a patriarchal system, men oppress other men and not only women. This is why ending such a system is better for all of humanity and not only women. Furthermore, the top of the pyramid in a patriarchal system could be filled with either men or women (witness Margaret Thatcher) without its patriarchal nature being changed. If Western feminists are now vying for control of the lives of immigrant women by justifying coercive state action, then these women have not learned the lessons of history, be it colonialism, imperialism, or even fascism. After all, such feminists "think that the best community is one in which all but their preferred . . . [gender] practices are outlawed." Ironically, that is the definition Okin quotes for fundamentalists.[17]

Okin occupies a difficult position. She is right to be concerned about her sisters, and not to look the other way in the face of their oppression. She even shows some recognition of the fact that her views may be too severe. For this reason, she briefly refers at the end of her piece to "negotiations about group rights."[18] It is unclear, however, whether these negotiations are recommended with all minority groups or limited to those that satisfy the "requirement of internal liberalism."[19]

The issue is actually of some urgency to me personally. As a Muslim who believes that many oppressive practices attributed to Islam are either cultural ones or ones that resulted from a patriarchal interpretation of religious text, what should I do about oppressive behavior among some Muslims in this country? Two types of behavior come to mind. The first involves such actions as violence against women; the second involves such behavior as wearing a head scarf.

In the first instance, the perpetrator of violence against a woman (or man) is guilty of assault and battery under Islamic law, and his punishment is as severe as his crime.[20] Furthermore, as a good Muslim, I may not shift my responsibility for correcting the situation to the legal system and turn my face the other way.[21] If the system fails to take appropriate protective action, I have a duty to step in and try to end the violence by any legitimate means available to me.[22] The Qur'an enjoins me to take personal responsibility to correct the situation myself, the best way I possibly can.[23] The moral values

underlying this analysis are clearly shared universally, by people of faith as well as secularists. There is no dilemma here, nor a viable cultural or religious excuse that could justify violence against women.

The other example is more complicated. Why is it oppressive to wear a head scarf but liberating to wear a miniskirt? The crux of the explanation lies in the assumptions each side makes about the women involved and their ability to make choices. But suppose, for the sake of argument, that I too find covering one's head oppressive, and that it is not required religiously. Should I now organize to force those sisters to bare their heads? Should I organize to ensure that they do not pass their values to their children?

Clearly, I could build a limited united front with secular feminists and try to foster popular sentiment against self-oppressive choices. But my Islamic training and knowledge of my community tell me that many of these Muslim sisters have thought seriously about the issue of covering their heads and have reached conclusions different from mine. Forcing them to abandon their religious choices is not only patronizing but fundamentally un-Islamic! Islam has an established etiquette of difference, by which I may explain my position to other Muslims without ever claiming exclusive access to the truth or becoming coercive.[24]

Only God knows the truth, and what Okin and I believe in today as the truth may be quite different from what we may believe to be the truth ten years hence. After all, I was a Marxist in the seventies. Nevertheless, that part of the women's movement I belonged to in the United States (the Society for Women in Philosophy) made every effort to make room within it for women of faith, on the basis of feminist nonhierarchical principles. Today, as a Muslim, I am prevented by my religion, through the dual concepts of *shura* and freedom of *ijtihad*, from imposing my views on other Muslims, let alone non-Muslims. In that I am guided by the example of Imam Malik, who repeatedly rejected the Caliph's offer to adopt his jurisprudence as the official jurisprudence of the state.[25] In characteristic modesty, he was unwilling to deny others their freedom of *ijtihad*. After all, only God knows best.

Siding with the Underdogs

YAEL TAMIR

*

IN HER excellent essay, Susan Okin draws attention to inherent tensions between group rights and women's rights. She points to the fact that establishing group rights which enable minority cultures to preserve themselves may not be in the best interest of the girls and women of these cultures. This is patently true.

This brief comment supports Okin's claims and argues that the importance of the issues she raises extends far beyond feminist concerns. It is a word of caution, calling upon liberal political theorists and liberal political activists to acknowledge that group rights strengthen dominant subgroups within each culture and privilege conservative interpretations of culture over reformative and innovative ones. Women rarely belong to the more powerful groups in society, and protectors of women's rights do not affiliate themselves with conservative segments. It follows, then, that women, and those who strive to protect their rights and equal status, are among the first to be harmed by group rights. Their plight, however, is not unique. It is shared by all those who wish to diverge from accepted social norms and question the traditional role of social institutions.[1]

Why do group rights serve best the interests of those members of society who are powerful and conservative? To begin with, the notion of group rights as it is often used in the current debate presupposes that "the group" is a unified agent. Rights are bestowed upon "the group" in order to preserve "its" tradition and defend "its" interests. Identifying "the" tradition and "the" interests of "the" group becomes a precondition for realizing these rights. Consequently, internal schisms and disagreements are perceived as a threat to the ability of the group to protect its rights. Group leaders are