



CHAPTER 1

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ISLAMIC LEGAL STUDIES

A CRITICAL HISTORIOGRAPHY

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We have fought hard and long for integration, as I believe we should have, and I know that we will win. But I've come to believe we're integrating into a burning house.

Martin Luther King, Jr.

I.

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Is the Qur'an a book of law? Is Islamic law rooted first and foremost in the Qur'an? What is the relationship between the Qur'an and Islamic law? These are questions that are asked of Muslims the world over, and at their root, the questions that are

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really being asked are these: Where is Islamic Law? Where can we find it? Where is it located? The answers to these questions, which are variations of the same question, differ based on who is asking and answering them. And with a religion that belongs to 1.6 billion living Muslims, it is not surprising that the answers to these questions are varied. Is the Qur'an a book of law? Yes and no. Is Islamic law rooted in the Qur'an? No and yes. What is the relationship between the Qur'an and Islamic law? It's complicated. The answers to these questions do not tell us very much, and the fact that we learn so little from them probably means that they are not the right questions.

So, then we should wonder, who is asking these questions? And why? After all, these questions are not leveled at other scriptures in the same way; such as, is the Bible a book of law? This alerts us to the fact that questions are asked and answered in a complex political and social web of power. The ability to ask questions and demand answers is usually a function of power. And asking questions, especially questions that feel irrelevant and unimportant, is a performance of power that ought to be evaluated. If most Muslims do not care about, nor are animated by these questions, then these questions do not center Muslims, and in fact, they de-center Muslims. If Muslims are de-centered by these questions, then who is being centered? Whose questions about Muslims and Islam matter more than the questions of Muslims themselves?

The answer to this question—who do these questions center as the primary audience for the production and consumption of scholarship on Islam and Muslims—helps us uncover the roots and operating assumptions of Islamic studies as conceived of in western countries, where these questions are incessantly repeated and are considered to facilitate legitimate scholarly inquiry. By western countries, I mean countries that systematically and institutionally enshrine whiteness and white subjectivities as privileged. In this chapter, I'd like to consider the topic of the Qur'an and Islamic law as a lens through which to discuss the politics of knowledge production in the field of Islamic studies, of which Islamic Legal Studies is a subset.

II.

On a typically rainy and grey November morning in Vancouver, I made the tough decision to skip my Saturday morning boot camp class, which I love, to attend an Islamic law conference. I made the decision to support a bright young scholar, woman of color, who was presenting on a panel that morning. I had met her the night before and wanted to hear her paper. On the panel with her was a South Asian, Muslim American man, presenting on his lengthy pre-circulated paper. He was discussing



the case of *rajm* laws in Pakistan in the 1980s. *Rajm* is the law of stoning to death. In the classical conception of Islamic law, illicit sex is prohibited and punishable corporally. The Qur’anic text delineates the punishment for *zina*, interpreted variously as fornication and/or adultery, with 100 lashes for both the male and female:

Al-zaniyatu wa-l-zani fa-l-jliduu ihdahuma mi’ata jilda.

[The female who commits *zina* and the male who commits *zina*, whip each of them 100 stripes.]

But precolonial legal scholars distinguished between the marital subjectivity of the person engaging in illicit sex. If the “culprit” was unmarried, they applied the punishment found in the Qur’anic text—100 lashes. But if s/he was married, then they thought the punishment ought to be more severe. So, relying on a prophetic report of dubious strength, they argued that married “culprits” ought to be stoned to death. *Rajm*. If the application of this punishment seemed too gruesome to those executing it, legal scholars countered with the Qur’anic verse,

Wa-la ta’kudhkum bi-hima ra’fatan ...

[Do not let compassion for the two sway you ...]

Qur’anic and extra-Qur’anic sources were interpreted to create laws around illicit sex, creating a loop that moved from personal interpretation to the Qur’an and back again. Personal interpretation, based in social, historical, political, and philosophical reasoning, was mixed in with readings of various Qur’anic verses to create laws on illicit sex. Take, for example, the way that precolonial legal scholars defined “illicit” sex, or *zina*. *Zina* is used in a gender neutral way in the Qur’anic verse, both the crime and its punishment treat the genders with parity. But precolonial scholars turned *zina* into a gendered crime. They defined *zina* in the case of women as sex with anyone other than a woman’s own husband. But for men, *zina* was defined as sex with anyone other than one of his four wives or unlimited concubines. Consent was not a relevant category for licit sex. Nor was age; sex with minors was considered licit.

Precolonial legal scholars felt that this definition of “licit” sex should be the determining factor for corporal punishment, and argued that those who have access to “licit” sex should be punished differently than those without. So they defined the “*zani*” mentioned in the Qur’anic verse narrowly as a “fornicator” rather than “adulterer,” even though there is no philological basis for this interpretation. This restricted definition of the *zani* as fornicator created space for a different, extra-Qur’anic, non-Qur’anic punishment—*rajm*—for the adulterer, which is anchored in contested prophetic reports. You can see through this example, I hope, why the question, “Is the Qur’an a book of law?” is pointless. As long as law is created by humans and scripture is interpreted by humans, there can never be a straightforward answer to this question.

At any rate, the American Muslim South Asian male scholar was discussing the permutation of the *rajm* debate in the 1980s, in the postcolonial, self-identifying Muslim nation-state of Pakistan; which, incidentally, means “Land of the Pure.” You



can imagine that this might be a fascinating paper—the topic allows us to see how Muslims with vastly different moral and social compasses reckon with historical laws in the contemporary world. And since no Pakistani has ever been sentenced to death by *rajm*, despite *rajm* being formally adopted as part of Pakistani Law, the case of *rajm* can help us see the kind of discretionary power that Pakistan's Federal Shari'a Court wields in determining what is "Islamic" in the face of the country's shari'a source laws. However, the paper entirely ignored these fascinating questions and instead focussed on the minute details of a very narrow debate about *rajm* among male Pakistani *ulama*, without taking into account even their own political and social context. I sat there, somewhat agitated and surprised at this familiar form of scholarship in Islamic Legal Studies. I was disappointed because I expected better from this Muslim South Asian American scholar, for whom, presumably the stakes of this debate are higher. Or should be higher. And as I listened to him, I noticed that all the people he was referencing in his paper were either Muslim men or white men (and a few white women), writing about Islam and Muslims and Pakistan and sex.

So, here was a South Asian, American, Muslim man, a postcolonial subject, writing about a postcolonial nation-state—Pakistan. Pakistan, whose borders were drawn by a white man named Cyril Radcliffe over lunch (!). Pakistan, the creation of which entailed the massacre of millions, and the rape and displacement of millions more. And this South Asian scholar was using only patriarchal and white colonialist frames to theorize about laws related to sexuality in Pakistan, despite the fact that Pakistani Muslim women had participated vigorously in the national debate on this exact topic. The paradoxes being performed in that room that Saturday morning were stunning. Whose voices were being erased in this performance of patriarchal and colonialist scholarship? Muslim women's voices, the erasure of which is unconscionable, especially since Muslim women's voices are finally part of the production of Islamic knowledge after centuries of silence through erasure. And this topic—on the laws around sexuality—not only concerns Muslim women but affects them disproportionately and detrimentally. This young scholar was erasing the voices of the very people whose voices should have been the center of the debate. And I wondered, how are we accountable for using patriarchal and colonialist frames for thinking about Islam in a postcolonial context, for studying colonized people through colonialist perspectives as postcolonial subjects?

What was equally fascinating to me, having started to ask these questions, was watching the white male scholar who responded to this paper. He kept qualifying his questions and comments by identifying himself as an "anthropologist." He'd start sentences with "as an anthropologist . . ." Not as a white, elite, male, outsider, but as an "anthropologist." It occurred to me that whiteness is rarely discussed, or even mentioned, in Islamic Studies, even though the field is dominated by white scholars; perhaps *because* the field is dominated by white scholars. Even though brown Muslims are regularly asked to demonstrate, to prove their objectivity in the face of whiteness that sets the standard for objectivity. And it also occurred to



me that in Islamic Studies, the two voices that dominate the field, that created it, are the seminal voices in it, that set the form and standards of excellence in Islamic Studies are either a small, white, male elite, or a small, Muslim, male elite. I'm using the word seminal here intentionally; "seminal" comes from the word "semen," assuming that semen is the foundation for life, as opposed to an ovum. And while this assumption is incorrect about life, it is appropriate for the description of Islamic Studies, founded as it is by a small group of elite men.

Islamic Studies in the western academy finds its roots in the colonialist project, which was, at its core, a white supremacist project. Colonialism championed the ideology that whites ought to rule the world and in the hierarchy of human races, whites ranked above all other colors. In this ideology, they are the chosen people. God (and/or "nature," and/or social Darwinism, and/or whomever) chose them and made them better. This thinking privileges whites above all other races, is white supremacist without regard to its intentionality. In the same way that patriarchal thinking privileges men over women; it does not matter if a patriarchal thinker means to be patriarchal or not. Similarly, it does not matter if white supremacist thinking means to be white supremacist, if it privileges whites and whiteness de facto, then it is white supremacist. The French and German colonialists studied Muslims in the lands they colonized, along with the animals, and vegetation, and architecture. There is a reason that Islamic Studies doctoral programs require language competency in German and French, rather than other living Muslim languages. The Study of Islam in the western academy follows the frames of these early colonialist scholars, where white scholars can presume to master and speak authoritatively about Islam and Muslims. They can presume to know them better than they know themselves, to "correct" their knowledge about their own religion and traditions, based on "arm's length," "objective" study, treating their distance as an asset rather than as a weakness and shortcoming. In what other discipline is intimate knowledge of a subject, knowing too much about a subject, a drawback? Only in disciplines constructed around the imagined "other," for instance in race studies. It never ceases to amaze me that whites presume themselves to be in an ideal position to study, examine, and judge racism, when they are uniquely unqualified for such study given that they have never experienced racism.

And from this position of superiority, the colonialist, the white supremacist study of Islam decides which Muslim voices are more valuable, more authentic, more reflective of "true" Islam than others. Colonialist Islamic studies, which is to say, white supremacist Islam Studies designates above all else, precolonial, medieval male Muslim voices, as captured in precolonial texts as the most important, and authentic expression of Islam and Muslims eternally. So, a small, male, Muslim elite comes to speak for Muslims universally and eternally. Thus, a living religion—an evolving and vibrant religion—is treated like a dead religion, captured only in medieval texts. Even when discussing urgent contemporary debates, the standards of excellence in the field demand that we ignore contemporary Muslim voices, that we



confine ourselves to historical, textual study, because that is what “good” scholarship looks like.

And thus, the colonialist study of Islam finds a fruitful alliance with the patriarchal study of Islam, because the patriarchal study of Islam is also birthed during the period of colonialism to serve the interest of the colonialist and later the post-colonialist nation-state. For its own reasons, the patriarchal study of Islam would also rather center the voices of precolonial male Muslim scholars, that is to say, dead Muslim scholars, rather than respond to the pressing moral needs of living Muslim communities, especially with respect to legal studies. As its name suggests, Patriarchal Islamic Legal Studies assumes a gendered rather than racial hierarchy, where men are the chosen people. Again, God (and/or “nature,” and/or social Darwinism, and/or whomever) said so. He made them better.

The main challenger to both these forms of Islamic Studies is a new and burgeoning form of Islamic study, Intersectional Islamic Studies. Intersectional Islamic Studies raises the ire of both White Supremacist Islamic Studies and Patriarchal Islamic Legal Studies because it challenges the definition of Islam and Muslims posited by both; it asks questions about the political nature of the Study of Islam; it names and challenges existing white supremacist and patriarchal power structures; and it breaks the very form of Islamic Studies in these two modes, using subjectivities as a way to make scholarship accountable. Feminist Islamic Studies is a subset of Intersectional Islamic Studies, but, given the racially violent history of feminism, with its willingness to serve as cover for white supremacy, feminism alone is insufficient for challenging these two dominant modes of thought in Islamic Studies. Intersectional Islamic Study goes further and centers social justice as its main axis. Drawing on Kimberlé Crenshaw’s term “intersectionality,” Intersectional Islamic Studies considers the various intersecting layers of multiple identities that compound the privileges and oppressions that influence scholars and their scholarship.

In this chapter, I will discuss these forms of Islamic Studies: White Supremacist Islamic Studies (WhiSIS), Patriarchal Islamic Legal Studies (PILS), and Intersectional Islamic Studies (IIS), focusing on the study of the Qur’an, to think broadly about the future of Islamic Studies.

III.

Let’s begin with White Supremacist Islamic Studies (WhiSIS), which traces its roots to the western university. Universities are often thought of as forward thinking, progressive establishments, as liberal bastions where the future of the world is designed and planned. Describing a university scholar as “ahead of their time” is



a compliment. And sometimes university scholars are indeed ahead of their time. However, universities as a whole are often also backward looking, conservative bastions, protectors of the status quo, where conversations are stuck decades behind the evolving social issues at hand, just barely catching up to current political and social developments, rather than predicting and leading them. This is certainly true for the field of Islamic Studies in the western academy, which is one of the last bastions where old school colonialism remains respectable.

White men are the foundational figures and central voices of authority of the western university, as they are in White Supremacist Islamic Studies. White women have recently joined the ranks of white men, so that, despite increasing gender diversity, whites still dominate the field. Religion has been used as a diversion to avoid discussing this white hegemony in Islamic Studies. Muslim scholars are often made to feel that their belief in Islam, their identity as Muslims, somehow compromises their intellectual integrity and objectivity. Belief hurts good scholarship, we are taught, in a million (not so) subtle ways. White Muslims are an exception to this rule. White Muslims—converts or born Muslims—both male and female, do quite well in the field. Their Islam becomes an asset to their scholarship, but not so with Muslims of color. The conversion of white scholars to Islam is read in the field as a magical story, a story of falling in love with one's subject matter, which deepens the insights of their scholarship. In contrast, for Muslims of color who are born into Islam, their Islam is read as baggage that can never be fully purged, that eternally threatens to color their vision and compromise their scholarly rigor. For white Muslims, their religion is part of their capital; they can choose to reveal their Islam or not in various contexts depending on whether this will increase or decrease their authority. They can speak *as* Muslims about Islam while also being able to claim distance and objectivity when necessary. In the case of converts, white Muslims can write books under their born western name, or their adopted Muslim name, or a hybrid western and Muslim name. However, Muslims of color with Muslim names, even if secular, must perform a distance from their identities and their traditions to demonstrate that they are capable of intellectual rigor, to demonstrate that their faith isn't getting in the way of their reason.

Another diversion from discussing race in WhiSIS is the terminology of “descriptive” vs. “prescriptive” scholarship; religiosity is coded this way. WhiSIS considers itself to produce “descriptive” scholarship, in which scholars “objectively” describe what they find in texts or in observations of communities, that are then examined, read, filtered through white colonialist frames and theories. This kind of scholarship is by no means “prescriptive.” That kind of “scholarship” (“can you even call it ‘scholarship?’” they will ask) is for the seminary, not the academic study of Religion. “We’re better than that here!” And this view isn't implicit either. In every interview with academic institutions, from graduate school and through two academic jobs, I've been asked, “Do you intend to do prescriptive or descriptive work?” And I've been asked to explain how I would keep my beliefs out of the classroom. But



this heightened binary of religious vs. non-religious Muslims, which detrimentally affects Muslims of color isn't applied to other religions in Religious Studies. Jewish and Christian Studies scholars are allowed to be Jewish and Christian in their scholarship. They are allowed to use the word "we" in their writings and mean their religious communities rather than the scholarly community. And they are allowed to produce openly prescriptive scholarship, theologies of grace and citizenship, which is to say, they are allowed to speak to their own communities in their scholarship.

WhiSIS fundamentally de-centers Muslims from the Study of Islam, which is an inevitable and necessary result of centering whiteness in the Study of Islam. As such, in the case of Islamic Legal Studies, the study becomes preoccupied with precolonial texts. Muslims are reduced to texts as if they are not living, not alive. So, when a prominent news reporter asks an Islamic Studies scholar at a prestigious university, "Is ISIS Islamic?," which is a form of the question, "Is the Qur'an a book of law?," the scholar says, "Yes, yes it is Islamic" because a few of the views espoused by the group can be found in medieval legal texts. Rather than complicating the civic discourse about Islam and Muslims; rather than draw our attention to the political, social, and economic nature of ISIS, which can only exist in a postcolonial, modern, and globalized world, the scholar confirms the worst stereotypes of Muslims and Islam. Perhaps he does this without even meaning to, but it doesn't matter, does it? The damage is done. The article is written. This is akin to a scholar arguing that slavery is "American" because despite the amendment abolishing slavery, slavery is accommodated in the constitution. Or because Christian religious language was a key tool for justifying slavery, that slavery is a quintessentially Christian practice. We might even say it is more Christian than Islamic, because Christianity predates Islam by several centuries. Islam was just copying Christianity in sanctioning slavery. If you're cringing, that's the point.

Despite the methodological problems with finding the "true" meaning of Islam in medieval texts, WhiSIS designates precolonial, medieval texts as "real" Islam. The reasons for this are multiple and pragmatic. For one thing, "Islam" can be mastered as a subject if you can master some of these texts. So, it is a cheat of sorts. It allows claims of mastery over a subject that cannot be mastered. Since most of the medieval texts on Islam were written in Arabic, the WhiSIS scholar is required to learn only one language, Arabic. And even then, only reading knowledge of Arabic is required. The scholar learns *fusha* Arabic, which is not a spoken language, it is only a written language. Many Arabic language textbooks are written entirely in English. I studied Arabic at university from a white man who did not speak any Arabic, using a slim red textbook with only the occasional Arabic word, and lots of archaic English grammatical terms, like subjunctive, jussive, and pluperfect. I had to learn English grammar to study Arabic grammar. Needless to say, I did not learn much Arabic in the years of Arabic courses I enrolled in, despite earning high grades. In the end, it took extended visits to Syria and Yemen, learning Arabic from Arabic speaking teachers for me to learn Arabic.



Okay, so you master reading knowledge of Arabic to master “Islam.” A language, mind you, that the vast majority of Muslims do not speak, read or write. Arabs make up barely 20 percent of the Muslim population. But many medieval texts are written in Arabic. Most of these texts are printed, so they are easily accessible. Many are digitized now. This makes the study of obscure texts that no one has ever heard of earn a scholar bonus points, even if it might make their research more obscure and irrelevant. Importantly, these are a finite, limited set of texts, they are a defined body of texts, so they can be mastered. Those words, “master” and “mastery,” seem especially apt here. Because, if WhiSIS can locate “real” Islam in a delineated body of texts, then someone who only studies these texts can claim expertise on Islam and Muslims, making calls about who is (or isn’t) “Muslim” and what is (or isn’t) authentically “Islamic,” when, in fact, such a scholar has no business, no expertise, no authority to be making such calls. This is akin to someone who studies constitutional law in the 1800s feigning expertise on Black Lives Matter. Limiting the definition of “real” Islam to texts frees WhiSIS scholars from learning about and keeping up with current and evolving debates about the topics they study in the contemporary world.

And because Muslims are de-centered in WhiSIS, WhiSIS engages in painstaking, in-depth research on subjects that are irrelevant and uninteresting to Muslims. Asking and answering questions Muslims would not ask, ignoring what might interest Muslims. Much of WhiSIS is about examining Islam and Muslims through the lens of Christianity and Judaism.

“The Qur’an is an apocalyptic text.”

“Islamic Law is *halakha*.”

“*Tafsir* is like *midrash*.”

“What does Islamic history look like if we dismiss all Islamic sources? Because Muslims are biased and polemical and unable to record events as they happened.”

“What if we reconstruct Islamic history through Aramaic sources?”

“What if we read the Qur’an as it might have sounded in Syriac?”

WhiSIS is a conversation about Islam and Muslims amongst white scholars. They are talking *about* Islam and Muslims to each other. Islam and Muslims are the object, never the subject of study.

“What do *they* think about *rajm*?”

“How do *they* engage in global finance?”

“How do *they* structure political authority?”

“What are *their* ritual purity laws?”

And because WhiSIS scholars mostly speak to themselves, they rarely engage Muslim voices beyond texts from the past. WhiSIS scholars often come to the study of Islam with faulty assumptions, asking questions the answers to which would be self-evident to Muslims. For example, one of the recent “important” developments in Islamic Legal Studies is that the study of Islamic legal texts and



Qur'an commentaries ought to be intertwined because the two disciplines, hitherto treated as discrete, are actually connected. Well, that is not news to Muslims. Of course the two are connected. Legal texts regularly cite Qur'anic verses and *tafsir* texts engage in extended legal discussions. Many of the scholars who wrote legal texts also wrote Qur'an commentaries and vice versa. Islam is a *religion*. What you believe and what you do is connected. Theology and law build on each other. To treat *fiqh* and *tafsir* as discrete bodies of literature is to miss the point entirely. As a Muslim scholar, it is embarrassing to see this as the “cutting edge” discovery in my field of study. We have far to go!

Apart from the topics that are considered “legitimate” and “serious inquiries” into the field, one of the things that WhiSIS is able to do, actually demand that “serious,” “real” scholars do, is suspend moral judgment when studying a topic. WhiSIS takes all topics, no matter how relevant or urgent, and turns them into obscure study, making sure to avoid any moral voice. An absence of a moral voice is praiseworthy in WhiSIS. Should scholars engage a topic as if it had moral relevance, taking seriously the moral accountability of scholarship itself, they risk slipping away from descriptive to prescriptive scholarship. Which is to say, they risk losing their objectivity, slipping from objective scholarship into polemical rants. So, a study about women-led prayer can focus solely on what medieval texts say about women-led prayer, examining only what dead elite Muslim men wrote to each other—another insular world! It can ignore completely the dramatic debate about women-led prayer in the world today. Such studies can uncover and highlight patriarchal arguments that catalog in intricate detail the mental, physical, and spiritual unworthiness of women, describing the arguments as “elegant,” without a word about how these ideas are contested by living Muslims. The marriage of minors can be dispassionately studied, while dismissing Muslim moral objections to the practice, often by describing these objections as “western influenced critiques” because white, Christian polemicist writings also criticized the marriage of minors in their jeremiads against Islam. WhiSIS scholars can study stories that include vivid depictions of non-consensual sex and theorize about their bearing on the law, describing the stories as “titillating,” without mentioning the word “rape.”

WhiSIS defends what it sees as a morally neutral stance, or an amoral gaze, in service to objective, descriptive scholarship. They criticize those who break rank as guilty of anachronism, imposing new moral perspectives on the past, holding dead Muslim scholars to moral standards that they could not have conceived. To make this argument, WhiSIS must posit its own scholars write in a social, political, and historical vacuum; writing from and into a vacuum. But there is no such vacuum, since scholarship is always political, produced in history, and morally accountable. And failing to wrestle with morality when studying religious topics is a moral failure. Failing to have a moral voice is an abnegation of responsibility. Not speaking morally, not making moral judgments condones what is immoral. It acquiesces to and legitimates



a patriarchal version of Islam because all of its privileged texts were written by men in patriarchal social and historical contexts. These topics and this study affect real people, in tangible ways, because Muslims are alive. This is our religion. And it is contested. There is no such thing as value neutral scholarship on Islam.

What I am saying is that when scholars avoid “anachronism” while reducing a living religion to its historical texts, they accept and re-instantiate the misogyny, racism, and elitism of the texts they are studying, texts that were written by a small male elite closely connected to power. Studying medieval texts without considering the various contemporary permutations of the topics under study is a moral failure. I am saying that there is no such thing as “anachronism” in the study of a living religion like Islam. The charge of “anachronism” creates an artificial binary between the past and the present that does not exist in the religious framework. The past is always relevant and present. As is the future. The metaphysical past and future are immanent, urgently present, requiring moral action in the present, here and now. In religious reasoning, there is no past separate, cut off from the present. So, by definition, you cannot be anachronistic in your study of a living religious tradition. The past is present, making moral demands on believers, who negotiate ways to live with the past in the present. And so, anachronism is only a relevant category in WhiSIS, which treats Islam like a dead religion, a religion whose essential truths are already determined, a long time ago, captured in static, unchanging texts. The truth of Islam, according to WhiSIS can only be recovered by reading ancient texts, rather than accessed by speaking to living Muslims. But, Islam is a *living* tradition. It is not dead.

The insularity of WhiSIS is reflected in its form as well as content. WhiSIS is difficult to read, as if its primary purpose was not communication. Its sentences are long and unwieldy. Good WhiSIS scholarship is filled with specialized jargon that only a few can follow. In this way, language is turned into a tool of exclusivity, creating a fence around an elite community of knowledge, rather than a bridge that connects various communities to each other. The more footnotes a piece of scholarship has, the better it is. And the footnotes are self-referential, filled with names of white scholars. WhiSIS constructs authority as a tautology. It is authoritative because it keeps referencing itself as authoritative. A great deal of energy is spent in mastering correct transliteration technique. So, we can show off, not just by listing every source consulted but also by demonstrating our mastery over Arabic. That WhiSIS is inaccessible, its form bewildering, even alienating to most Muslims is not an accident. It is strange to read your own religious tradition treated in this foreign and unfamiliar way. What is even more painful as a Muslim scholar of color is learning to speak in this way about Islam and Muslims, mastering this jargon; it is defeat masquerading as mastery.

This brings me to the Muslim scholar of color who writes and speaks the language of WhiSIS. You will not be hard-pressed to find a Muslim scholar of color writing in the tradition of WhiSIS, replicating white supremacist scholarship. They are often compelled to do this in order to be part of the conversation, because the



gatekeepers to WhiSIS are largely white. Remember that question I was asked—“Do you intend to do descriptive or prescriptive scholarship?” I was accepted into the graduate program where I was asked that question, so you can guess that I answered correctly. “Descriptive!” I piped up, too quickly, too eagerly. Studying Islam and Muslims in this way means we must de-center ourselves from our own scholarship about our own religious tradition. We must silence our moral voice. Change our primary questions. Speak in a foreign language that feels uncomfortable, alien on our tongues, painful to our hearts.

Why do this then? Because this is the only way we can play in the game of the academic Study of Islam in western countries, where WhiSIS dominates. Since the terms, the rules of engagement are set by WhiSIS, Muslim scholars of color have no choice but to contort themselves out of shape to play the game. But playing the game like this, on these terms, that demand we de-center ourselves and write as if we do not care about our subject matter, when the only reason we are here is because we care deeply, means that even if we get to play the game, we can never win. Which is to say, we always lose.

IV.

If the central tenet of WhiSIS is a hierarchy of human races where whites enjoy pride of place, then a central tenet of Patriarchal Islamic Legal Studies (PILS) is that men rank above women in the hierarchy of genders. This means that men are better than women, they are more intelligent, more objective, more reasonable, closer to God, and thus have better access to “Truth.” PILS is first and foremost a discourse about Islam amongst a small male elite that largely ignores the voices of mainstream Muslims. PILS is conducted around the world, from the Indian subcontinent to Africa, from South East Asia to the Middle East, from Europe to North America. Some proponents of PILS are based in the western academy. PILS is populated by Muslim men who create a hierarchal ranking, not just between men and women but also between races, where Arab voices are the most legitimate representations of “true” Islam. Like WhiSIS, PILS is a form of scholarship that emerged during the colonial period. As a result, PILS has a complicated love-hate relationship with colonialism. Colonialism dismantled traditional forms of Islamic scholarship and this scholarship re-configured itself anew to first serve the demands of the colonial empires, and then anti-colonialist movements, and finally the interests of contemporary nation-states.

PILS is carried out in various settings—in secular and religious universities, in *madradas* and in governments, in NGOs, and think tanks. PILS portrays itself as representing the beliefs and practices of Muslims and Islam, with Muslims



and Islam defined narrowly and flatly, without complexity, much like WhiSIS. Medieval texts are a central source for authority and authenticity for PILS, too. During colonialism, the *ulama*, a key component of PILS, provided the colonialists with specific legal texts that would be applied in Muslim civil codes, turning dialectic texts into stagnant and reified laws. And in the postcolonial period, PILS uses medieval texts to inform, derive, and sometimes import wholesale “Islamic” laws into the personal, civil, and criminal legal codes in countries that adhere to shari‘a source laws. PILS scholars include those who sit on federal councils in Muslim majority countries where they make calls about the “Islamic” nature of various legal proposals.

PILS has a complicated relationship with colonialism because, while colonialists undermined and destroyed traditional legal guilds and forms of religious knowledge production, they also recognized PILS as authoritative and relied on PILS scholars to represent Muslims when determining “Islamic” law. PILS was created by colonialism, it is the product of colonialism. And there can be an easy and comfortable alliance between the patriarchal interests of colonialism found in WhiSIS and PILS. The best demonstration of this alliance is the white male convert who advocates for and is championed by PILS. Hence, although PILS dreams of a return to a time before colonialism when Muslims dominated the globe, before colonialism ravaged Muslim lands, before problems like Islamic feminism emerged, destroying the patriarchal family, PILS is also a product, a child of colonialism. It owes its very existence to colonialism.

Whereas WhiSIS posits whiteness and distance from one’s subject matter as the standards of excellence in Islamic Studies, PILS posits maleness and adherence to a particular patriarchal performance of faith as the key to true knowledge of Islam. In PILS, knowledge is demonstrated through a patriarchal performance of piety. For PILS, the male Muslim is the normative subject and Muslim women are fundamentally de-centered. They are the objects of study rather than producers of knowledge. Muslim male scholars speak to each other about women, ignoring their voices, erasing their substantive contributions to scholarship, much like WhiSIS scholars speak to each other about living Muslims, ignoring and erasing their voices.

Faith is essential to “good” scholarship in PILS, which is described as “sincere” scholarship. This means that, in PILS, judging a scholar’s faith is a legitimate way to judge the quality of their scholarship. So, the way that faith is expressed is important. Faith is expressed in many ways, in ways big and small. It is expressed through the use of proper respectful language when referring to the Prophet Muhammad, peace be upon him (*pbuh*); or his wives, the Mothers of the Believers, may God be pleased with them; or his family, the *ahl al-bayt*, may God be pleased with them; or his Companions, the *Sahaba*, may God be pleased with them; or his Successors, the *tabi’in*, may God have mercy on them; or the *ulama*, Shaykh so-and-so and Imam so-and-so, may God have mercy on them. It is demonstrated through extensive knowledge of Muslim rituals, the correct prayers to utter throughout one’s daily life,



the correct level of modesty and humility, praying before and throughout a project with appeals for guidance from Allah, “please do not allow me to be led astray and then lead others astray”—because then the sin of everyone will lie with the scholar. Faith is expressed by praying five times a day, undertaking supererogatory prayers, fasting, avoiding pork and alcohol. Good character and good scholarship are closely connected. And the inverse of this is true, too; bad character, defined in this narrow performance of a patriarchal religiosity, must lead to bad scholarship.

Faith is also expressed through a performance of adherence to the luminous scholars of the past. PILS takes as a fundamental precept that history is in a state of decline. The best time, the best historical moment, and the best generation to ever exist was the Prophet’s generation. This generation ought to be emulated as closely as possible. The second best generation is the generation of the Successors, and then their successors, and so on and so forth until we get to us, today, birthed by the ugliness of colonialism, tainted, impure, unworthy inheritors of this great and luminous religious tradition whose light dims and falters in the darkness of our present. By definition then, we cannot have insights about Islam that escaped or stand in contradiction to the predecessors, the “real” Islamic legal scholars, who preceded colonialism. In this framework, innovation, creativity, new ideas are not only discouraged, they are bad, they demonstrate arrogance, hubris, and delusion. Who are you to think you know something about Islam that every preceding generation of better men and better scholars missed? Of course, to remain current, relevant, and to serve the interests of vastly different political and social interests, PILS has to evolve, change, adapt to new norms and values. PILS does this by rooting, anchoring itself in precolonial Islamic legal texts, cherry picking some texts over others, sometimes falsely attributing its positions to previous scholars, changing laws, creating new laws all the while claiming adherence and allegiance to precolonial Islam to maintain authority.

This means that PILS can reform laws around Islamic finance, making permissible, *halal*, the use of *riba*, interest, usury, the taking of which is described in the Qur’an as waging war against God herself while at the same time holding onto domestic violence as divinely sanctioned in the Qur’anic text, resisting any attempt to criminalize it by insisting that this would contravene God’s law. In the case of Islamic finance, PILS scholars will make the argument that they are following the tradition by defining *riba* anew. But in the case of domestic violence, they accuse those proposing reform as subverting God’s law with innovation, they say, “an unworthy generation’s new ideas can only ever be corrupt.” PILS is willing to reform, revive Islamic law on any topic unless it challenges male supremacy, which is to say unless it improves women’s rights such that they are treated on par with men, as the normative subjects of Islamic Law. So, reform of laws related to family law is strongly resisted. As are laws regarding corporal punishment for illicit sex, laws that control women’s sexuality. But there is a great deal of reform on corporal punishment for theft, for instance—most Muslim majority countries claiming to follow Islamic law

do not apply the punishment of chopping off the hand of the thief based on legal reasoning produced by PILS that reinterprets the Qur'anic prescription of cutting off the hand of the thief:

al-sariqatu wa-l-sariqu fa-l-qta'u aydiyahuma.

[The female thief and the male thief, cut off each of their hands.] (Q. 5:38)

Ever wonder why the Qur'anic text mentions the female counterpart to the male especially in discussions of corporal punishment? The *sariqa*, the *zaniya*, the female thief, the female fornicator? This is a question that does not arise for PILS.

Similarly, in the case of the punishment for drinking alcohol, many Muslim majority countries claiming adherence to Islamic law do not apply the traditional punishment of eighty stripes. The Federal Shari'a Court of Pakistan ruled in 2015 that drinking alcohol should not elicit the punishment of eighty lashes prescribed in classical Islamic legal texts. These reforms are read as "Islamic," however, PILS strongly resists reform of sexual punishments for "crimes" like fornication and adultery, claiming such reforms to be "un-Islamic." In the *maqasid* approach, for instance, the idea of reforming Islamic law to protect the *maqasid* while accommodating change is not extended to gender equality. Questioning the patriarchal nature of the *maqasid* in which at least one *maqsad*, *nasl* (lineage), is devoted to controlling women's sexuality in order to ensure patrilineal descent, is seen as an insidious, feminist—read colonialist—attempt to destroy Islam from within.

"Islam" means "submission" and submission is a highly valued quality, so a performance of submission—whether or not the submission is actual or imagined—is important. Submission is also performed in PILS through regular criticism of others who do not submit enough, who do not adhere enough, who are arrogant enough to embrace innovation and critical thinking as ideals of scholarship. Criticizing the faith and/or the sincerity of Muslim feminists allows PILS scholars to ignore substantive arguments in favor of attacks on moral rectitude. Hence, I often find my faith questioned in scholarly contexts. For example, when I was in graduate school, still wearing the hijab and loose, long sleeved shirts and long skirts, I presented a paper on the moral dilemma that a violent reading of Q. 4:34, a verse that has been read as prescribing physical violence against women as a means for resolving marital discord, creates for the believer. A male Muslim co-panelist who embodies PILS while based in a WhiSIS academic context asked me, "what does your questioning and argument say about your *iman* (faith)?" Implying, not so subtly, that if I had faith, I wouldn't be researching this topic at all. My faith, real faith, if I had it, would magically remove all ethical and moral concerns this verse raised for me as a believer. So, rather than reading my struggle, my engagement with the moral issues raised for me by patriarchal scholarship on Q. 4:34 as a believer, as a sign of faith—why would I care about these issues otherwise?—he saw my scholarship as a demonstration of my lack of faith. I was only willing to ask these questions because I did not have any faith. And in this way, he could discredit all my research, thinking, my

intellectual engagement in one fell swoop, not taking my thought seriously, refusing to intellectually and morally engage my work. The irony is that I was clad in Muslim garb at this conference, living in America, suffering the casual Islamophobia of Americans on a daily basis because I looked identifiably Muslim, while he was dressed in western garb, without any sign of his Islam on display, avoiding the relentless Islamophobia that followed closely on my heels wherever I went. And yet, I was the one with weak faith, because I was asking the wrong questions.

This brings me to the relationship between “good” scholarship and garb. You might think these two things are unrelated, why should what you wear affect the judgment of your scholarship? Yet, in both WhiSIS and PILS, what you wear matters, because what you wear communicates your religious subjectivity vis-à-vis your scholarship. In WhiSIS, a lack of faith, and an internalization of whiteness as a standard of excellence is demonstrated through the donning of western clothing. If you’re wearing a kufi, or a non-western shirt, or a hijab, or a *jilbab*, or even if you are a male of color with a beard, you have to overcome assumptions about being a partisan and weak scholar. This works in strange and complex ways. Sometimes people—scholars of Islamic Studies—cannot hear the words coming out of your mouth because of decisions they have made about you, because of how they interpret your identity based on what you are wearing. When I was wearing hijab, scholars in the tradition of WhiSIS regularly read my scholarship as apologetic of PILS, even when I was deeply critical of it. They were consistently shocked that I could speak English, despite the numerous Islamic Studies scholars who wear hijab and speak flawless English.

Similarly, since faith is connected to sincere—and therefore good—scholarship in PILS, an expression of piety and religiosity through clothing is a performance of authority. Insofar as faith can be expressed through clothing, scholars in PILS express their religiosity through various physical markers. Unsurprisingly, these expressions of faith through clothing function differently for men than for women. Men can express their religiosity through beards, kufis, imamas, jilbabs, tasbihs (rosaries), etc. But Muslim men are not restricted to physical markers of religiosity. Plenty of PILS scholars sport short, fashionable beards or no beards at all, hipster or business outfits without compromising their scholarly standing.

Muslim women, on the other hand, are not afforded this fluidity in sartorial choice. In the framework of PILS, women, by virtue of their gender are disadvantaged. They cannot access the highest levels of education, they are largely kept out of gender exclusive and gender segregated spaces of learning. Even when there are alternative, so-called “parallel” institutions of female scholarship, like the Qubaysiyyat of Damascus, Syria or Dar al-Zahra in Tarim, Yemen, the highest ranked female shaykhs ranks lower than the male shaykhs. And they are usually related to the male shaykhs through familial bonds, such as the daughter, sister, aunt, or wife of a shaykh, where they have special access to learning otherwise denied to Muslim women. So, Dar al-Zahra in Tarim is the parallel Ba’alawi institution to Dar al-Mustafa, but Habib Umar is the grand shaykh of the Ba’alawi’s,



and whereas men can study with him, women who are not related to him, can only access him through a closed circuit TV or speaker system. Similarly, when earning an *ijaza* in *tajwid* (Qur'an recitation) from the Qubaysiyat, ultimately, I found that it was only the late Shaykh al-Kurdi who could confer an *ijaza* upon me. He was one of three shaykhs in Damascus who could confer an *ijaza*, but the only one who was willing to confer an *ijaza* upon women. So, it was up to the individual whims, beliefs, mercy of a male shaykh as to whether women could formally participate in PILS.

And in order to be worthy of PILS, there is enormous pressure on women to hyper-perform an idealized patriarchal femininity, expressed in part through covering, for a chance to participate in PILS. This is much like the scholar of color in WhiSIS, who must hyper-perform at once a kind of whiteness—speak the correct jargon and dress appropriately—and also a kind of fetishized brownness or blackness, a Muslimness, that fulfills the expectations WhiSIS scholars have for scholars of color. Similarly, in PILS Muslim women must at once overcome their gender and also fully embrace it, not act above it while also being exceptional to their gender. The Qubaysiyat, for example, wear long loose-fitting *mantos* and color-coded hijabs. The women of Dar al-Zahra cover their entire bodies, including their faces and even their eyes. Muslim women ought to at least wear a hijab and loose fitting long sleeved shirts and skirts, or loose pants in order to be taken seriously as scholars of Islam. Even a scarf around the neck is better than nothing.

A few years ago, I found myself on a panel in Morocco, organized by a Muslim NGO that promotes gender equality in Muslim majority countries. The NGO was trying to build broad based support for its goals, so they invited—and paid for the travel and accommodation—of a progressive shaykh from al-Azhar to attend the conference. The shaykh arrived garbed in a kufi, a beard, a robe, and a *sibha* (rosary), a dramatic performance of his sincerity and devotion. Everything was meant to make him look the part of a traditional Islamic scholar. I sat next to him, in an Ann Taylor pant suit, my hair uncovered and down, wearing red lipstick. After a decade of wearing *niqab* and a lifetime of wearing hijab (ever since I was five years old), I was trying to dissociate my scholarship from my sartorial choices. My book was just coming out from Oxford University Press and I felt confident in myself as a scholar of Islam. Though I'd packed a hijab, I didn't want to wear it to look more "Muslim," to be taken seriously. I wanted to be taken seriously on the merit of my scholarship. When I showed up to the room where the panel was to take place, I saw other women who did not wear hijab otherwise, wearing hijabs or shawls. We all play this game in various, changing ways.

As I sat next to the shaykh, I could sense his agitation. He didn't smile at me or return my *salam*. Though we were talking about Q. 4:34 on the panel and the challenges that patriarchal interpretations of the verse pose for criminalizing domestic violence in Muslim majority countries in which the physical discipline of wives is protected by law, and though I'd just written a book tracing the intellectual



history of Q. 4:34 from the ninth to the twenty-first century, he did not recognize me as a scholar. He bristled at the fact that there was a time limit on how long he could speak, that another panelist—a *hijabi* woman—spoke before him, that he was being asked to be a conversation partner rather than a venerated shaykh at whose feet we ought to be sitting, collecting pearls of wisdom. He quoted Q. 4:59:

Ya ayyuha-l-adhina amanu ati'u-l-aha wa ati'u-l-rasula wa ulu-l-amri minkum.

[O you who believe, obey Allah and obey the Messenger and those in authority over you.]

This shaykh saw himself in authority over us, as the only real scholar in the room, and he wondered why he was not being treated this way. And when I disagreed with him about some of his representations of the Islamic tradition and said, “In this room, we are all *ulu-l-amr*, ‘those in authority’ because we all have expertise in Islamic studies,” he lost his temper. Becoming a caricature of an Arab man yelling and screaming at everyone in the room—we were primarily women—he accused us of disrespecting him. He asked, “How could you have any expertise in Islam, you are not even dressed modestly, you’re not wearing hijab!” His critique was a prime example of PILS; dismissing our—my—scholarship based on my refusal to perform the kind of piety patriarchal Islam demands of me.

This is to say, in PILS, not only do faith, sincerity, race, and gender matter greatly, in terms of who has authority to speak on the subject of Islam and Muslims, but the performance of these identities matters greatly too; how are you Muslim or not, white or not, Arab or not, male or not. And I want to say, these identities matter as much as the content of your scholarship, if you are a scholar of Islamic Studies. But, actually, that is not entirely true. In both WhiSIS and PILS, these identities and their performances matter *more* than the content of your scholarship. So that, no matter how rigorous your scholarship is, if you’re the wrong color, the wrong gender, the wrong race, or wear the wrong clothes (which is to say, you’re the wrong combination of race, gender, and religion, or if you perform that combination in the wrong way) then your argument is irrelevant because you are already disqualified from making an argument. Your scholarship couldn’t possibly be sincere, or excellent, because you are Muslim or not Muslim, or a woman, or too western or not western enough. The gatekeepers of WhiSIS and PILS, that is to say white and Muslim men for the most part, judge our subjectivities and performances to decide if we are legitimate participants in Islamic Studies, if our voices could possibly have anything to add to Islamic Studies.

As in WhiSIS, education in PILS is highly unregulated and dramatically variable. In WhiSIS, you can become an “expert” in Islamic law even if you didn’t study Islamic law formally in graduate school. You can earn a degree in Islamic Studies in graduate programs that are three to six years long, you can graduate with a degree in Islamic Studies even if there isn’t an Islamic Studies program at your university, if there isn’t even an Islamic Studies scholar on your advisory committee. And a degree that combines some amount of Islamic Studies with western law is seen as somehow



translating into expertise in Islamic law. Similarly, madrasas and universities in Muslim countries produce Islamic legal experts who may have formal or informal training in Islamic Studies that might span a few or many years. Or, you can be trained in engineering or medicine or political science or another subject altogether and still become an authoritative scholar in Islamic law through self-study.

PILS, like WhiSIS, exalts and holds precolonial texts written by Muslim male scholars as representative of “true” Islam. But while WhiSIS performs a hyper-skepticism in relation to these texts, seemingly questioning everything about them while also accepting them to be representative of universal and eternal Muslim thought, PILS performs a submissiveness to these texts, while cherry picking the parts they will adhere to, discarding and abandoning inconvenient texts. Since PILS scholars are living Muslims, they treat the texts in the manner of living communities. They realize that adherence to these texts affords them authority, so reform must be proposed in the language of submission. Whereas WhiSIS celebrates a morally neutral gaze when approaching precolonial texts, PILS takes as a given that precolonial texts are morally praiseworthy. This means that if contemporary readers encounter something morally reprehensible in those texts, their own moral compass is askew, corrupt, tainted. Because, by definition, contemporary scholars cannot be more morally righteous than precolonial scholars, whose scholarship we inherit, unworthy though we may be.

PILS takes the male as its normative subject. This means that PILS scholarship is gender-blind and thus, serves the interests of patriarchy. Women’s issues are treated in special sections of legal manuals, like in chapters on ritual purity. And because women’s voices are absent from the selected texts that form the “Islamic Tradition” as defined by PILS, discussions about women and their bodies can be wildly inaccurate without this inaccuracy compromising the scholarly integrity and standing of the scholar in question. So, although these texts describe women as being pregnant for five years, or include treatises that promote virginity testing (a thing that cannot be tested), they remain authoritative for deriving ritual, civil, and criminal laws concerning women. In this framework, when the contemporary reader encounters a flaw, a moral problem with a precolonial text, the contemporary reader is likely wrong: we’ve misunderstood the text, maybe the violence is more limited than we think, or we need to distinguish between beating and battery, and definitely, we do not want to be anachronistic, because then we’d be applying corrupt moral standards to a tradition that represents pristine, excellent morality.

In PILS, morally reprehensible things like violence against wives, or a hierarchy between men and women, are upheld as representations of God’s will. In this way, all moral responsibility is evaded. God said it. And He created us. He knows better. As a Sunni Arab scholar prince once said to me in conversation, defending discrimination against Shi’as, “I’m not saying this. This is what God says!” Maintaining the elitist, racist, misogynist elements of the Islamic tradition, defined by PILS as captured in precolonial legal texts, does violence anew. Especially when these texts



are absorbed into the legislation of nation-states, wherein minimum marriage age is rejected, or virginity testing is a formal state exam, or where domestic violence is a protected right afforded to husbands. Thus, PILS morally sanctions what WhiSIS encourages us to suspend our moral judgment about—in both cases, for fear of anachronism. Anachronism, which can only exist if we accept the artificial separation between the religious past and the present. Anachronism, the theoretical tool used to silence morally engaged scholarship, when moral engagement is necessary to protect living humans from the elitism, racism, and misogyny of precolonial legal texts, to protect living, believing women from the violence these texts sanction against them.

PILS maintains a discourse of male supremacy by ignoring, erasing, and silencing Muslim women's voices unless they conform to a PILS worldview, and in so doing PILS recreates a precolonial male patriarchy as essential to its definition of Islam. This discourse is as self-referential as WhiSIS, where male Muslim scholars reference themselves exclusively, creating an isolated and insular discourse about Islam and Muslims that is disconnected from evolving Muslim concerns. Despite the sometimes antagonistic relationship between PILS and WhiSIS, PILS scholars are more likely to cite WhiSIS scholars in their discourse than they are to cite Muslim feminist scholars, whose scholarship is seen as pernicious, because it admittedly seeks to undermine the patriarchy that is the characteristic feature of PILS.

It is painful to read the texts celebrated in WhiSIS and PILS, the texts that you are told make up your legal tradition, only to find that they are cold, cruel, and uncaring about you because of your gender, and race, and class. That they think of you as less intelligent, less faithful, less worthy than men, then Arabs, then the nobility. That they sanction shocking levels of violence against you. To find that these texts you grew up loving do not love you back. And then, to watch men you admire, respect, and love defend, apologize for, ignore the violence of these texts and the pain they inflict on your heart and mind, your psyche. That hurts too. And though Muslim women participate in PILS, they must accept the assumptions that PILS makes about them in order to participate. They must “overcome” their gender, which automatically puts them at a disadvantage. It is strange to participate in a discourse in which you are treated so poorly, unwelcomed, silenced, reprimanded for immodesty, reduced to a sexual object, described as less than—to withstand all of this, to withstand the loss of your dignity in order to speak in a conversation from which you were meant to be excluded. And yet, this is the only way to participate in the discourse, to be taken seriously; we must play by the rules of a game designed by and for elite men, and of which elite men are the gatekeepers. But to play the game, we must de-center ourselves, our concerns, our questions, and accept caricatures of ourselves as our most accurate representations. That is to say, we cannot play this game and win. Again, we lose.



V.

Let us now turn to the third form of Islamic Studies—Intersectional Islamic Studies. This is the youngest form of Islamic Studies, the newest, the least entrenched, and it has emerged and developed in response to the inadequacies and moral failings of WhiSIS and PILS. Whereas WhiSIS and PILS emerged in the colonial period, were created by colonialism itself, are the children—by design—of colonialism, and so are deeply entrenched in that period, IIS emerged in the postcolonial period. IIS is the result of significant and unprecedented postcolonial developments. Scholarship on Islam has become diversified so that its domain no longer belongs to a small, male, powerful elite. The printing press, increased literacy, and the internet have made it possible for many more people of different races, ethnicities, genders, and socio-economic classes and political leanings to access and produce knowledge, knowledge that can be disseminated and consumed widely. Islamic scholarship is now produced in different languages, by people formally trained in Islamic studies at traditional institutions, and also by Muslims trained through informal self-study and study circles. Increased literacy has allowed Muslims once on the margins of Islamic scholarship, about whose lives and fate Islamic Studies pondered from a distance, to now speak for themselves. Muslim women have become producers of Islamic knowledge and scholarship for the first time in Muslim history. Whereas we have little to no access to texts about Islam written by women in their own voices before the sixteenth century, by the twentieth century, we have plenty of texts written by women. Muslim women are active participants in discussing, teaching, learning, and producing Islamic knowledge. So, they can now speak for themselves, ask questions that concern them, study topics they care about.

IIS takes as an essential truth that racial and gender hierarchies are oppressive frames for the study of Islam. The theory of intersectionality, posited by the African American scholar Kimberlé Crenshaw, argues that humans operate at the nexus of various converging and constantly shifting subjectivities that compound and complicate privilege and oppression. Gender, race, class, sexuality, religion—to mention a few subjectivities—must be taken into account together when thinking about the politics of scholarship. Centering this theoretical framework means that anyone committed to social justice from an intersectional framework is an IIS scholar, no matter their race, gender, class, etc. In much the same manner that scholars of color and women can engage in WhiSIS and PILS, IIS scholars can be white and male. An intersectional view of social justice is crucial to avoid replicating some forms of oppression while fighting against others. A good example of this is that adherents of PILS might be anti-colonialist scholars who at once support patriarchy while opposing colonialism. Or feminist scholars can engage in racist discourses, supporting white supremacy while fighting for gender equality. Intersectionality



calls us to think harder, be more thoughtful, to interrogate our assumptions as we engage in social justice work. IIS seeks to engage in a form of Islamic studies that does not replicate racist, misogynist, classist structures of inequality in its scholarship.

IIS comes with its own logic, which breaks from the dominant ways in which Islamic Studies are carried out in WhiSIS and PILS. There are five underlying principles that animate IIS' approach to Islamic Studies. First and foremost, IIS takes seriously the claim that Islam is committed to social justice. The purpose of IIS is to further the cause of social justice while at the same time ensuring that it doesn't promote discourses of inequality and oppression. Social justice is understood as equality for all of humanity, without consideration of race, gender, class, sexuality, religion, etc., as measures for ranking some over others. IIS follows the Qur'anic edict that God created distinctions between peoples, distinctions such as tribes and ethnicities, not as a means for creating hierarchies between people, but rather as a way for humans to know themselves better. IIS adheres to the prophetic call for treating people as equal, "as the teeth of a comb," as captured in the idea of the pilgrimage, the *hajj*, where humanity stands before God's house, without distinctions (in theory, anyways), dressed exactly the same.

Second, and related to this, is the principle that subjectivity and positionality in scholarship matters a great deal. In this principle, IIS seems to follow the model of WhiSIS and PILS. But whereas WhiSIS and PILS posit whiteness, a patriarchal religiosity, and maleness as crucial subjectivities, as the criterion itself for producing good scholarship, IIS undermines these narrow subjectivities as the standards for producing good scholarship. Rather, by thinking about subjectivities through the lens of intersectionality, IIS connects subjectivities to power and asks scholars to interrogate the ways they produce scholarship, to wonder about the questions they take for granted, the concerns they ignore as irrelevant, and the dimensions of their scholarship that are invisible to them because their privilege blinds them to the concerns of those who are marginalized. Privilege is like a blind spot for the driver, so that awareness of it does not erase the blind spot. Blind spots are fluid, always moving, never static, never defined. You must always turn your head and look behind you to make sure you're not plowing into another driver just because you feel like changing lanes. You have to turn your head and look, even when you don't want to, even when you don't feel like it, even when it is annoying, even when you're pretty sure no one is there, so that no one will be hurt.

A presupposition of IIS is that the subjectivity of the scholar is crucial for understanding their scholarship. No one writes from a vacuum of subjectivity. So, while WhiSIS calls for historicizing Islamic texts in order to produce good scholarship, IIS calls for historicizing the scholar producing the scholarship. Why stop with precolonial religious texts, when scholars exist and live and produce knowledge in history, too? The scholars' subjectivity affects the nature of their scholarship. Once we accept this, we can ask, how does a scholar's whiteness or maleness



affect their scholarship? What blinders do these privileges produce? In WhiSIS and PILS scholarship, these questions are only leveled in a discriminatory way against scholars of color and women. But IIS calls for them to be applied to everyone, to white scholars and male scholars too. So, when someone says, “I study gender and Islam in India,” and she is a white scholar, we can ask, “Why?” The answer to this question is relevant to the scholarship this scholar produces. Insofar as all study is autobiographical, we can ask, why do white people study Islam? What is at stake for them? The answers to these questions make visible what is hidden, what must otherwise be deduced, what can easily be masked under the guise of objectivity.

Third, a consequence of presupposing that subjectivities influence and shape scholarship is that the myth of objectivity is busted. There is no such thing as an objective scholar. Everyone comes to their area of expertise with a set of subjectivities that influence the questions they ask, where they look for answers, who they write to, and how they lay claim to authority. Distance from one’s subject matter is not an “advantage,” it does not make one more “objective.” Specific performances of religiosity, your race, your gender, do not necessarily make your scholarship better or worse. Moreover, if there is no objective truth in scholarship, then we can see that all scholarship is political. IIS holds that scholarship is always produced in a nexus of power, and serves various political interests, even when it claims not to do so—*especially* when it claims not to do so. Being up front about a scholar’s subjectivities and the political interests that the scholar means to serve is important because it locates the scholar and their scholarship in its proper context. Scholarship can be more honest and less disingenuous. And it can be morally accountable for the discourses it promotes, the inequalities it reinforces or undermines.

Moral accountability in scholarship is the fourth principle of IIS. Scholarship on Islam and Muslims ought to be morally accountable. If objectivity is a myth, then morally neutral scholarship is a farce. Scholarship that expounds, explains, and clarifies racist, misogynist, elitist discourses without taking into account their bearing on living communities and without accounting for the influence of the scholarship itself, the voices it exalts and the ones it eliminates and erases—is not morally ambivalent. Such scholarship commits the violence of racism, misogyny, and elitism anew.

Finally, IIS demands that the Qur’an be treated as the meaning-generating text that it is, a text that belongs to living communities around the globe. This means that any study of the Qur’an and Islamic law must be embodied. Pure textual study of any topic related to the Qur’an and Islamic law is by definition shallow, incomplete, and inaccurate. The Qur’anic text has no meaning independent of the communities interacting with it. There is no plain-sense or literal meaning of the text, because this meaning is always created by people reading and speaking for the text. And Muslims decide, variously, when or how the text relates to law. This means that good scholarship engages Muslim voices, it centers Muslims in the study of Islam, and it speaks to Muslims, engaging Muslim communities in both forming



and answering the main questions of the discipline. And because Islam is a living religion, the experience of living Muslims is a source of expertise and knowledge about Islam. Closeness to one's subject matter, speaking about one's topic without being burdened by jargon—these enhance rather than compromise good scholarship. Intellectual expertise should help scholars engage in civic conversation rather than isolate us in an insular, self-contained world.

Together, these five principles form the ideal of IIS. And they form the major contributions of IIS to the study of Islam and Islamic law. Given that IIS breaks radically from WhiSIS and PILS, and contains in its very principles a critique of these two discourses that currently dominate the study of Islam and Islamic law, it is subjected to a contemptuous and harsh critique from both. The main criticism that WhiSIS levels against IIS is that it is not “real” scholarship and, as such, IIS scholarship is dismissed by WhiSIS scholars, mostly ignored, even when they adopt some of IIS' conclusions. So, when a white, male scholar writes an extended section on domestic violence and Islam in a book about the Prophet, he draws heavily from IIS scholarship while barely mentioning any of the robust and important scholarship produced by IIS scholars on this topic in the last decade. He thereby builds on IIS scholarship while also erasing it, by not referencing it, claiming for himself insights that are not his. And the major criticism leveled against IIS by PILS is that IIS is “insidious,” a trojan horse sent by the neo-colonialists to destroy Islam from within. This, despite the fact that PILS scholars are likely to see WhiSIS scholarship as more authoritative than IIS scholarship, citing scholars from WhiSIS respectfully, with admiration, seeking their approval, while disparaging IIS scholars. The fact that WhiSIS and PILS agree with each other in their critique of IIS brings to light their shared lineage as siblings, children of colonialism that they are. Despite the rivalry between the two, they are united in their contempt for IIS.

Here are some of the criticisms that WhiSIS and PILS level against IIS:

1. IIS is not rigorous enough. Because IIS breaks the form of these two types of scholarship, it does not reference the same body of texts as authoritative. It breaks the loop of authority as tautology created by WhiSIS and PILS. By centering Muslims, especially Muslim women's scholarly voices, to critique both WhiSIS and PILS, IIS is seen as de-sacralizing the study of Islam. IIS scholars ask different questions, speak to Muslims, take Muslim experience as an authoritative source of knowledge, write accessibly, are engaged with Muslim communities—in all these ways they are seen as compromised. But the real reason they are seen as compromised scholars is because they are not willing to contort themselves out of shape to fit the uncomfortable molds demanded by WhiSIS and PILS in order to produce “legitimate” scholarship. IIS scholars are changing the game, playing by different rules, rules by which they can actually win. What if their color, their gender, their religion gave them special insights into Islamic Studies rather than counting against them?



2. IIS scholars are accused of being “too western” by both WhiSIS and PILS, because both see, for example, gender equality, a demand for equal rights for women based on the idea of universal human rights, as essentially western. As if the west owns feminism, which it doesn’t. As if Muslims aren’t western, which they are. As if Islam is essentially patriarchal, which it isn’t. As if scholars don’t have multiple subjectivities, which they do. As if identities are not complex and fluid, which they are.
3. IIS scholars are accused of being anachronistic because they treat Islam like the living religion that it is, refusing to confine its study to precolonial texts. This way, a moral voice on scholarship is seen as weakening scholarship, rather than strengthening it. And evading moral responsibility by positing a mythical morally neutral gaze, or by pleading submission, becomes an act of “rigorous” scholarship, rather than morally failed and irrelevant scholarship that supports structural inequalities.
4. IIS scholars are often criticized for not mastering the Arabic language before writing about Islam and Muslims. But because IIS centers Muslims in the study of Islam and Muslims, there is no reason that Arabic should be a necessary prerequisite for scholarship on Islam and Muslims. Most Muslims do not speak Arabic, nor see the Qur’an as an authoritative legal text, nor live lives structured by Islamic laws, or what they believe to be Islamic laws. Why should Arabic be a prerequisite for how Muslims, for example in South Asia, think about Islamic law and the Qur’an?
5. IIS is accused of being methodologically unsound. A male, South Asian, Muslim scholar at a conference at Yale University, critiquing IIS said, “Justice is not a methodology!” Why not? And yet this same scholar saw WhiSIS and PILS as methodologically sound. So, white supremacy and patriarchy are fine methodologies?

Of course, the standards of IIS are so high, and this form of study so new, there are few works that achieve these standards, but many that aspire to them. It is difficult to shift one’s perspective about scholarship on Islam and Muslims so that we think of Islam not as defined by scholars sitting around and thinking about it, but rather as defined by Muslims living and practicing the religion. Such that even Muslim women of color, trying to write in the newly emerging tradition of IIS can find themselves slipping into WhiSIS and PILS frames of thought, which are so much more entrenched and can be especially compelling for the authority and power that their approval guarantees. They may even use the language and logic of WhiSIS and PILS to critique each other. Recently a Muslim woman of color critiqued foundational Islamic feminist scholarship in the tradition of IIS. She argued that Muslim feminists might be making the Qur’an say something it doesn’t say, that it may not be as gender egalitarian as they are claiming. Which is to say, she said, that the



Qur'an might not actually say what Muslims said it did. That reading the Qur'an as a feminist text is not a "fair" reading of the text. What struck me about this Muslim woman of color's critique was that it is a critique in the tradition and form of WhiSIS and PILS—claiming that the text has a meaning independent of and overriding contemporary Muslim interpretation and engagement with the text. This isn't a fair reading for whom? By what metric?

I recently heard an interview with Joe McNeil, one of the Greensboro Four, who changed America, who rejected its racial segregation, by insisting on the right to sit at a Woolworths lunch counter in 1960. American racism in the form of white supremacy segregated public spaces racially, so that black people were not allowed to even sit at a lunch counter reserved for white people, let alone order and be served lunch. When the Greensboro Four rejected this law of the land in North Carolina, a nationwide struggle ensued, in which black people were beaten and abused and harassed by white civilians and cops policing racial segregation. Finally, after great national uproar, the Greensboro Four prevailed and Woolworths was forced to desegregate, and black people were allowed to enter the Woolworths, sit at the lunch counter, order food, and be served. Following Woolworths' desegregation, McNeil went to the lunch counter to place an order and eat something—something he'd not yet done, something that until now he was forbidden from doing. He ordered coffee and apple pie. About the coffee, he said, "it was bad." And the apple pie—"it sucked."

Many scholars of color and Muslim women find their experience of WhiSIS and PILS similar to McNeil's experience of the coffee and apple pie at the Woolworths lunch counter. After decades of fighting, resisting, just trying to get in, have a seat at the table and be permitted to speak, we arrive, look around and think, "That's it?" Time to create the field anew.

VI.

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A fact that people with privilege are reluctant to confront is that there is no morally neutral, no innocent position of privilege. I have found that when people are made aware of their racial, gendered, class privilege, they usually ask, in a whiny tone, what am I supposed to do about my privilege? Should I hate myself for my privilege? I'm not responsible for the system that privileges me, it is not *my* fault. I didn't create it. I'm as much trapped in this system as those who are uniquely discriminated by it. And besides, my life is hard too.

And the answer I have for this is that those who are systematically privileged based on their race, gender, class, religion, etc., the onus is greatest on them to



divest from their privilege, to use their privilege, after acknowledging and seeing their privilege for what it is—unearned and unjust—in order to lose it. Use it to lose it.

Just as privilege is bestowed upon people in a million ways, in ways big and small, it must be divested from in those ways, in ways big and small. And it is the responsibility of the privileged, the ones with the most power—both soft and hard—in a system that bestows power unequally, where they enjoy advantages denied to others, to figure out how they should divest from their privilege. Certainly, this will involve listening, and seeing, and learning from marginalized and disempowered groups. But the onus cannot be on marginalized groups to come up with ways for the privileged to divest from their privilege. Such divestment will involve a commitment of resources, time, thought, creative energy, the investment of one's soul, a setting aside of the ego, experiencing discomfort and remaining steadfast in that discomfort, to continuously, consistently, persistently divest. As long as you have unearned privilege on the back of another, you have a responsibility to resist the system that grants you privilege, to fight for those who are discriminated against and abused by the same system, to use your privilege to lose it. Forever, eternally. Or until we remove the systematic inequalities that privilege us. And if it feels exhausting, unbearable, like it will never end, and you will fail; if it feels hopeless, just imagine what it feels like to be on the other side, to be the one without privilege, to be the one hurt, abused, humiliated by the system that exalts your own subjectivity. You can never imagine, or get what it's like to be on the other side, but your knowledge of the limitation of your imagination, of the terrible consequences of the structural inequalities of a system that privileges you, should be motivation enough; motivation to continue fighting to remove structural inequalities, so that others are not discriminated against, and so that you no longer enjoy privileges *de facto*, due to your race, gender, class, religion, etc. It doesn't matter how nice or well-intentioned you are, as long as you enjoy unearned privilege, you participate in and reinforce structural inequality. That is the burden of privilege.

Intersectionality is a useful theoretical tool for us here, because it posits privilege as fluid, as not fixed, and brings to light, for example, my privilege. As a woman of color, I am often on the bottom rung of both WhiSIS and PILS. I'm a person of color (POC) and a woman. This compounds the disadvantages, the discrimination I experience. However, as an educated middle class woman born in the Global North, as a scholar employed at a prestigious university, I also enjoy special privileges denied to others. I have a book published by Oxford University Press. I am the Canada Research Chair of Religion, Law, and Social Justice. I have been elected to the Board of Governors at the University of British Columbia. I wield influence from these positions of power and authority—at the same time, I endured racism and sexism and Islamophobia throughout my academic career to get to this place, and I continue to experience racism and sexism and Islamophobia. Remember, privilege isn't fixed, you don't get to a place and now you can feel comfortable and



become untouchable. It increases and decreases in various contexts. I will always be a woman of color, and my color and gender will continue to count against me in various, and compounding ways. But I also have a Ph.D., I come from the Global North, I am heterosexual, I speak English, so I also enjoy privileges of social and economic class, of able-bodiedness, of sexuality.

In this chapter, I've been performing thus far a kind of divestment from power by speaking the names of power, describing how structural inequality is expressed, preserved and protected in the Study of Islam, and how it is resisted. I want to go a step further and turn this critical gaze on my own scholarship, to speak self-critically. How does my own scholarship fit the molds of WhiSIS and PILS, how has it been shaped and influenced by these forms? How can I do better?

I'm going to address these questions by examining my book, *Domestic Violence and the Islamic Tradition: Ethics, Law and the Muslim Discourse on Gender*, published by Oxford University Press. The book emerged out of my dissertation, building on it in crucial ways, and still rooted in it in significant ways. In the first few years of its publication, the book received over sixteen reviews, mostly excellent, all of them positive, by prestigious journals in Religious Studies, Islamic Studies, Feminist Studies, and it has been reviewed by Muslims and non-Muslims alike. And I am grateful for the positive reviews and attention the book has received. But I am also troubled by the overwhelmingly positive attention, because, why? Did the book so thoroughly serve the status quo as to not rock the boat at all? As to upset no one? That disappoints me.

Looking back at the book now, I am struck by several things. It is clearly a pre-tenure project, rooted in a dissertation. The relationship of scholarship to power influences the nature and content of the scholarship itself. For example, this chapter, which dares to critique the field of Islamic Studies, can only be written from a position of relative security provided by tenure. Projects produced in the service of tenure, writing produced in service of a Ph.D. and tenure are characterized by their powerlessness. The positionality of a graduate student or assistant professor coupled with race and gender—a South Asian woman who at various points was too Muslim or not Muslim enough, too western or not western enough—means that I was well aware, I was *made* well aware that I needed the approval of WhiSIS and PILS to be perceived as a legitimate scholar, worthy of a Ph.D., worthy of tenure. And since my very subjectivities placed me at a constant disadvantage vis-à-vis PILS and WhiSIS, I had to master myself, overcome my own subjectivities, learn to speak in a foreign language about my own tradition, accept lightly a denial of my human dignity and worth, as necessary collateral damage in order to produce scholarship that would be judged worthy of the field, that would be worth merit, that would prove I deserved first a Ph.D., and then tenure, both of which I would be granted, but only reluctantly, grudgingly, like I was weaseling my way into a guild I didn't actually deserve to be in.

When I started writing my dissertation I knew only that I wanted to please the gatekeepers of WhiSIS and PILS, which, at the time, I saw as the authoritative embodiments of the western academy and of Muslim scholarship on Islam. That



is to say, I wanted a Ph.D. from a western academic institution, and still be able to speak to Muslims. I'd seen how the scholarship of Muslim feminists, scholarship that shaped my life and my intellectual trajectory, scholarship that saved my faith, was harshly criticized by both WhiSIS and PILS. I wanted to produce scholarship that contributed to a feminist Islamic discourse while avoiding all of the critiques, all of the pitfalls associated with Islamic feminism. I wanted my work to be "rigorous," based on extensive medieval Arabic and contemporary white, western sources, methodologically sound, rooted in theory; which is to say, I wanted to excel by the standards of excellence set by the myth of whiteness as objectivity, and maleness as the model of sincerity. As a Muslim woman of color, it is clear to me now that I was doomed to failure before I even began, but back then, when I started the project some fifteen years ago, I was hopeful, and naïve, and clueless.

In the dissertation, following the standards of WhiSIS and PILS, I focussed exclusively on precolonial Islamic texts, which I called "premodern" texts in the dissertation. WhiSIS designates the precolonial period as "premodern," thereby directing our gaze away from white supremacist colonialism, which ravaged Muslim lands and birthed WhiSIS. Ignoring colonialism allows WhiSIS to forget its moral responsibility to its subject of study, born as it was in the service of violence; it depoliticizes a political subject matter, allowing the WhiSIS scholar to study their subject as an object, from and into a historical, social, and political vacuum. The term "precolonial" reminds WhiSIS of its roots, of the white supremacy entrenched in its study of Islam. The move from medieval to contemporary is not smooth and uneventful; the modern is birthed by the devastating effects of colonialism and its aftermath. Since I was seeking the approval of WhiSIS in the dissertation, I used the correct nomenclature, "premodern" rather than "precolonial." Truth be told, I was so deeply caught in the desperate need of approval from WhiSIS, I could not even imagine, consider, think of the "premodern" as the "precolonial."

And in exclusively studying precolonial texts on domestic violence, I treated Islam like the dead religion it is not. Instead of treating the Qur'an as a meaning-generating text with a present and future as well as a past, I only focussed on a specific history. I traced the intellectual history of a Qur'anic verse, Q. 4:34, as it was interpreted by elite, male, Muslim scholars in Qur'an commentaries and Islamic legal works. My work was "cutting edge" in that I examined precolonial Islamic texts over the course of centuries, from the ninth to the sixteenth, but also across disciplines, examining both Qur'an commentary and Islamic law, *tafsir* and *fiqh*. I cleverly described my examination of these sources as "diachronic and synchronic," which seems silly to me now because it was work that was historical but also stubbornly pretending to be in a vacuum, which is not a good way to study religious texts.

Writing the dissertation, the research and writing were deeply painful and disappointing for me, because I was learning through my research that every luminous, great, admired, beautiful, authoritative Muslim scholar of *tafsir* and *fiqh* condoned



rather extreme forms of violence against women based on culturally contingent, essentialist theories of gender hierarchy. Men were better than women, according to these male scholars because they were stronger, smarter, better at archery, grew facial hair, could have several wives, their testimony was worth the testimony of two women, because God favored them. Men's general social privileges over women translated into the heteronormative and patriarchal marriage in which husbands were responsible for the moral rectitude of their subordinates—their wives, their children, their enslaved humans. To keep their wives straight, husbands could discipline them, through verbal council, abandonment, and physical violence short of broken bones and open wounds.

Imagine learning this about your tradition as you're writing a dissertation. I wrote my dissertation in a state of heartbreak. How could these men I loved so much care for me so little, think of me as so inferior, so unworthy? How could I belong to a religious tradition that rejected me so? The words of these scholars were like a thousand arrows to my heart. Why didn't anyone, not even one of them, see how wrong they were, speak up for the women—the poor oppressed in the texts—as the Qur'an calls them to: "What is wrong with you that you do not fight for the poor, the oppressed of the earth?" Did none of them love women? Did none of them know brilliant, intelligent women to challenge the belief that men were better than women? Did none of them want to protect women from violence in patriarchal societies, where women were already disadvantaged and marginalized? My heart bled and broke in silence, in obscurity, because in the dissertation I knew, was *made* to know, that I must write as a dispassionate scholar, as someone at arm's length, at a distance from her subject of study, in the tradition of white men, where the standards of excellence are set and measured by white scholars, as someone who didn't care. And so that is how I wrote the dissertation, performing a lack of moral compass, focusing on texts alone. Acting like these texts were not killing me, asking the correct questions, which were not my questions. All of this is to say, my dissertation was not my own. It could not be my own.

In my book then, rooted as it is in the dissertation, I missed out on the chance to have a robust moral voice. For fear of critique, I appealed to certain kinds of authority—white supremacist and patriarchal—for an important structural reason. I still needed the approval of the academy, my scholarship had to be respectable and respected for me to earn tenure. I was traumatized by the process of dissertation writing, so I took some time away from the book, even though I had a contract to write it. Under the mentorship of a supportive editor (one of the greatest gifts for a writer!), I re-wrote the entire book, virtually every sentence. I tried to bring more of myself into the book. In a new Introduction, I shared a bit about my relationship with Q. 4:34, growing up with this verse swirling around me: how did I learn of it, how did discussions about it unfold around me? I wrote about the politics of writing such a book that might be seen as airing dirty laundry, the cost of sanitizing Islam for the external gaze, what does this cost Muslims? I had to say explicitly that I was not writing for "small minded bigots."



I expanded my research to examine postcolonial and contemporary Muslim positions on Q. 4:34—treating Islam like the living religion that it is, and the Qur’an like the meaning-generating text that it is. To treat the Qur’an as a meaning-generating text is never to treat it as if its meanings are foreclosed, predetermined, static, but rather as if the meanings of the Qur’an are dynamic, unfolding, its self-disclosure eternal. I expanded the texts that I studied by looking at those written by Muslims in Urdu, alongside English and Arabic. I expanded the sources I used from written to audio-visual and web-based sources. I used that word, “precolonial,” rather than “premodern.” I treated contemporary positions and claims about the Qur’an with as much authority as precolonial sources. The myth of a pristine, perfect precolonial Islam had been dead for me for a few years by the time I was writing the book.

When the book came out, I received many emails of congratulations. One of the messages I most cherished was from a respected male, South Asian scholar of Islam. He said, “You get the award for the most intimidating footnotes in recent memory.” I was so proud of my footnotes. They were a shroud for my insecurity. I kept saying through them, “Look, I know what I’m talking about!” and “I’m not making this up!” I wanted to be as intimidating as some of the white, male founders of WhiSIS, the footnotes were in their tradition, but written for PILS scholars who might reject my scholarship out of hand on account of poor, unrigorous scholarship, on account of poor methodology. At least they couldn’t dismiss my scholarship because I hadn’t researched my subject area enough, because I hadn’t considered this or that source.

But who was I writing for? I should have been writing for the Muslim reader first, this is our tradition, and we should be centered in research and writing about our religious tradition. Here’s what I wish: I wish I’d centered myself and Muslims in the book to a greater degree. I’m amazed, for example, that in reviews of my book, people have speculated as to which postcolonial position I align myself with, whether traditionalist, neo-traditionalist, progressive or reformist, and they came to different conclusions! I was so thoroughly de-centered from my own scholarship, so committed to performing, demonstrating my arm’s-length distance, my remove from my writing, lest I be accused of allowing emotional and personal connections to my subject matter debilitate my intellectual treatment of my subject, that I didn’t even say which approach I was championing in the book that I wrote! And just to be clear now, I was championing the Reformist approach; that is the direction I’d like to see us go.

I wish I’d included more female voices in my book—as it stands, it is dominated by male scholarship. I wish I’d engaged in moral as well as intellectual critique of the scholars featured in the book. Domestic violence is a moral subject, to treat it only as an intellectual topic without regard to its moral implications for living humans is a moral failure. In my book, I speak about a “plain-sense” meaning of Q. 4:34, as if there is a standalone, plain-sense meaning independent of communities of interpreters. Although I wrote that we needed to have a performative relationship with the Qur’an, that the Qur’an has no meaning apart from its communities of



interpreters, I still treated the text of Q. 4:34 as if it had an essential meaning. I wish I'd not done that, I wish I'd treated Q. 4:34 in the way I was calling for it to be read, as a text whose meanings are only ever disclosed in relationship with Muslim communities. There is a complete absence of the category of race in my book, which is inexcusable, when this topic is also a racial topic. A white, male convert defending the right of husbands to hit their wives, as he speaks to a primarily brown audience of South Asians and Arabs is racial. His using characterizations of Arabs as "an angry people" who would not have abided a Qur'anic ruling prohibiting domestic violence is all out racist. I should have said that. I notice now how I mention the race of brown and black scholars—as in, "this African American scholar," or "this South Asian activist," but I do not mention the race of white people, instead saying, "this American convert to Islam," writing American as white, as if American stands for white, which it absolutely does not. I wish I'd connected precolonial religious texts on Q. 4:34 with the tangible implications of those texts in the personal status, civil, and penal codes of contemporary Muslim majority countries. And finally, I wish there had been an ethnographic element of the book that connected textual discussions of Q. 4:34 by scholars and activists to the beliefs of living Muslims.

I know no book can do everything, but paying attention to the power structures of the field in which I was writing would have improved my scholarship and contributions to the study of Islam and Muslims, perhaps challenging the status quo, upsetting a few people along the way, and also supporting others who may have needed it. Even though I worked hard to make my book my own, my attempt to appeal to both WhiSIS and PILS hurt my scholarship, I was intellectually contorted out of shape, not speaking of the texts I was writing about as if they were mine, as if they belonged to me. I ceded authority to white scholars and Muslim male scholars, trusting them more than I trusted my own instincts based on my own experience of lived and embodied Islam. And pragmatically, in terms of my career, it worked. The book has been extensively and well-reviewed, and I received tenure and a few other awards. The academy sets up mechanisms so that you are always at the mercy of your peers' approval in order to advance, to progress, to be nominated for an award, to publish an article, to publish a book, you always need letters of reference, reviewers for your file. All of these mechanisms amount to regulations that maintain the status quo, that constrict the kind of writing you can or cannot do, what you can or cannot say, what you can or cannot imagine. I am acutely aware of this as I write this chapter. What will this cost me? But I've learned from the experience of writing my dissertation and book, earning a Ph.D. and tenure, succeeding in the confines of a religious discourse dominated by WhiSIS and PILS. Ultimately, the entire experience has been deeply dissatisfying.

If trying to center myself by mentioning my subjectivities in the Introduction had not been an act of courage, if being myself and trying not to be ashamed for being brown and a woman wasn't an act of bravery, imagine the book I could have written. When I read passages from the book now, I cringe a little—I was so scared



to say what I thought! I'm so uncomfortable on those pages. I am contorted out of shape. I don't fit. And is it any surprise? I am playing a game designed to exclude me, writing in traditions in which my voice is not welcome, elbowing my way through resistant crowds, claiming authority that is at best grudgingly bestowed, and at worst rejected.

"You are brown."

"You are not white."

"You are a woman."

"You are too Muslim."

"You are not Muslim enough."

"You are too western."

"You are too (un)covered."

I know now what I didn't know back then. I'm the perfect set of subjectivities, perfect combination of brown, Muslim, South Asian, western, woman to write my book. Imagine if I had known that then, if I'd trusted myself when writing a book on the topic on which I am an expert. I no longer want to be the exception that proves the rule, the one who is allowed to enter, despite all her shortcomings, despite her color, despite her religion, despite her gender, despite her class. The price of such entrance is too high; the admission is not worth the price.

VII.

Some books have an afterlife, and in the afterlife of my book, I have developed my research in various ways. I've started paying attention to the role Q. 4:34 plays in the excuses that nation-states give for justifying gender inequality—patriarchy—in family law and for not criminalizing domestic violence. To this end, I have spoken, written about, and consulted on a civil case involving the United Arab Emirates (UAE), specifically regarding their reservations to Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

I also conducted surveys of about 200 Muslims in Toronto, Canada, and Kuala Lumpur, Malaysia, at sites of religious education—including mosques and academies—with conservative, moderate, and progressive leanings. These surveys reveal the importance of connecting textual Islamic Legal Studies with practice, confirming the need for a sustained interdisciplinary approach in Islamic Legal Studies. This study helped me to see that it is not only important to break the forms of excellence set by WhiSIS and PILS by writing in a morally responsible way, but also to break the forms of our disciplines to produce truly interdisciplinary



scholarship where theoretical scholarship on Islam and Muslims is connected to the actual lived, embodied experiences of Islam and Muslims.

One of the reasons I decided to conduct the surveys was to find out if Muslims recognized Q. 4:34 as a text that permits the physical discipline of wives. When presenting on my book, people often asked me how this verse relates to domestic violence in Muslim communities. I know that domestic violence is prevalent in every human society irrespective of religion, but religious discourses contribute to domestic violence in important ways, both sanctioning it and prohibiting it. In my conversations with Muslim scholars, I found that views on whether Muslims knew about this verse were anecdotal, based on our own experiences with our own communities. “Most Muslims know about this verse,” “Most Muslims have never heard of it before,” “Most Muslims don’t see this verse as permitting domestic violence.” So I decided to survey Muslims in two diverse cities, one in which Muslims are a minority—Toronto—and one in which Muslims form a majority—Kuala Lumpur.

In Toronto, I surveyed mosque-going Muslims in the month of Ramadan, which expanded the sample size of Muslims, because more Muslims go to the mosque in Ramadan than would otherwise. I surveyed Muslims in three mosques; a conservative mosque that was patriarchally structured, where all positions of authority were occupied by men; a more moderate mosque, where women held some positions of authority, sometimes spoke to mixed gendered audiences and held seats on the mosque board; and a progressive mosque, where women held positions of religious and ritual authority. The racial make-up of these mosques was diverse, peopled mostly by brown and black Muslims (South Asian, Arab, African).

In Kuala Lumpur, the Muslims surveyed were mostly Malay, but they included South Asians and Africans. And instead of surveying in mosques, which have a different function in Kuala Lumpur than they do in Toronto, I conducted my surveys in three settings of Islamic teaching and learning. These included a conservative academic setting that champions a patriarchal version of Islam, a think tank that produces reformist Islamic scholarship, and a progressive NGO that promotes a gender equal vision of Islam. There was strong representation of women in each of these three institutions.

The first question of the survey scrambled six patriarchal verses from the three Abrahamic scriptures; two verses each from the Hebrew Bible, the Gospels, and the Qur’an. I removed identifying characteristics from the verses, like any mentions of Allah or the Church, referring to them instead as God or house of worship. A translation of Q. 4:34 that permitted physical violence was one of the verses in the mix. I asked participants to identify the Qur’anic verses. Then, after a series of questions about marriage and life partners, I asked, “Is it ever okay for a husband to hit his wife to correct her behavior?” I wanted to see how many Muslims answered “yes” to this question, and whether there was any correlation between the level of structural patriarchy in an institution and its members’ acceptance or rejection of domestic



violence. I also wanted to know if there was any correlation between a participant's recognition of Q. 4:34 as a Qur'anic verse and the answer to the final question; i.e. did recognizing Q. 4:34 mean that participants believed that husbands could hit their wives?

Here's what I found.

A significant minority of participants in both cities recognized Q. 4:34 as a Qur'anic verse; 44 percent in Toronto and 35 percent in Kuala Lumpur. The majority of Muslims surveyed answered the question, "Is it ever okay for a husband to hit his wife to correct her behavior?" with a "No"; 87.7 percent in Toronto and 59.8 percent in Kuala Lumpur. A minority of participants believed that husbands had the right to hit their wives to correct their behavior; 12.3 percent in Toronto, and 25.6 percent in Kuala Lumpur, with 14.6 percent of all surveyed declining to answer the question altogether.

As I had suspected, there was a correlation between the sites where the surveys were conducted and survey responses. In Toronto, the mosque with the most patriarchal structures of authority had the strongest levels of tolerance for domestic violence. Nearly half of the respondents at that mosque recognized Q. 4:34 as a Qur'anic verse (47 percent), and 20 percent of respondents said that husbands could hit their wives to correct their behavior. In the more moderate mosque, where women held positions of limited authority, 42 percent of the participants recognized Q. 4:34, but only 10.5 percent were willing to concede that husbands could hit their wives. Most interestingly, the mosque in which women had ritual authority had zero tolerance for domestic violence. 100 percent of the participants of that mosque said that, no, husbands can never hit their wives. This mosque demonstrated the largest Qur'anic literacy, with 50 percent recognizing Q. 4:34 as a Qur'anic verse.

Similarly, in Kuala Lumpur, the survey responses differed based on institutions' commitment to patriarchal Islam. At the most conservative institution, in which patriarchal Islam is seen as ideal, 43 percent of respondents believed that husbands could hit their wives, while 38 percent believed husbands couldn't hit their wives. 19 percent abstained from answering the question. At the think tank that promotes proscribed Islamic legal reform, preserving some forms of patriarchy while challenging others, 65.6 percent of respondents believed that husbands could never hit their wives, while a third (31.2 percent) responded to that question affirmatively. And finally, at the NGO that promotes women's rights and is headed by women, a majority of the participants did not believe that husbands could hit their wives (69 percent), while only 7 percent thought that hitting wives was acceptable. Interestingly, this group had the largest abstentions, with 24 percent not answering the question at all.

These surveys bring to light the correlation between structures of authority and tolerance for domestic violence, which is important: structural change must accompany social justice rhetoric. There is also a strong correlation between the desired idealized religious cosmology and attitudes toward domestic violence. The



more beholden a community is to interpretations of precolonial texts that were unabashedly patriarchal, the more likely they are to justify domestic violence.

What do these surveys tell us about Muslims and their relationship to the Qur'an and their view of Islamic law? What do they tell us about the relationship between recognizing Q. 4:34 as Qur'anic and beliefs about domestic violence? There was a strong correlation between not recognizing Q. 4:34 and zero tolerance for domestic violence; that is to say, the majority (just over a half) of people surveyed both did not recognize Q. 4:34 and believed that husbands could not hit their wives. The second strongest correlation (28 percent) was between people who recognized Q. 4:34 and answered that husbands could not hit their wives. This means, they knew that Q. 4:34 was a part of the Qur'an, but did not think that it justified domestic violence. There was a significant but weaker correlation between people who recognized Q. 4:34 as Qur'anic and who believed that husbands could hit their wives, just under 12 percent. Finally, a minority of people did not recognize Q. 4:34 as Qur'anic and thought that husbands could hit their wives, less than 1 percent.

The majority of people surveyed did not recognize Q. 4:34 as Qur'anic, and further, most participants did not believe that husbands could hit their wives regardless of whether they recognized Q. 4:34 as Qur'anic or not. This means that, for these participants, Qur'anic verses did not function as legal verses without the mediation of other factors.

What should be largely unsurprising, except to the scholar who ignores Muslims in his study of Islam, is that there is at best a tenuous and highly contested connection between precolonial interpretations of the Qur'anic text and what Muslims believe is "Islamic." And surely, Muslims ought to decide what is Islamic about Islam, no? Seen in light of these surveys, it makes little sense to ask questions like, "Is the Qur'an a book of law?" or "Is ISIS Islamic?," much less to answer these questions as if they are legitimate.

Looking back at my book, I see that the most interesting discussions about domestic violence were happening in the contemporary period. And, certainly, it was important for me to patiently, methodically, and painstakingly (and it was painful!) lay bare the violence against women and wives sanctioned in precolonial texts in order to counter the rhetoric of plurality and diversity and beauty of these same texts. Though precolonial texts might be described in those ways on other topics, they are devoid of such qualities in discussions of violence against wives. Still, even though I said in the book that the most interesting conversations about domestic violence and Islam were happening now, I acted as if the most important conversations had happened in the past, devoting three chapters to the precolonial period, and only two to the postcolonial period, and even less to the voices of living Muslims. This is something I hope to correct in my research going forward, because research on Islam that ignores living Muslims is not just irrelevant and obsolete. It is bad scholarship.



VIII.

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If we return to the question this chapter started with, “Is the Qur’an a book of law?” we can now see that the three forms of Islamic studies recounted above answer this question differently. The question is produced by WhiSIS and the answer of WhiSIS to this question is as simplistic as the question itself. The answer is “yes.” The Qur’an is a book of law, and Muslims adhere to Islam by following the laws in the Qur’an. So, corporal punishments mentioned in the Qur’an are “Islamic.” Never mind that most Muslims don’t speak Arabic, that corporal punishment isn’t applied in most Muslim majority countries, and most Muslims do not even know that corporal punishments are mentioned in the Qur’an. If precolonial texts understood the punishment for illicit sex in the Qur’an as 100 lashes, then even though most Muslims majority countries reject this historical interpretation and do not apply this law, the law is “Islamic” because it is found in precolonial texts. Muslims who interpret the Qur’anic text differently, and do not apply this law are less “Islamic,” because precolonial texts are seen as representing, reflecting Islam more than the practice of living Muslims.

When living Muslims offer new and creative interpretations of Islamic law, they are seen by WhiSIS as breaking from the tradition, rather than in a dialectic relationship with their tradition, a tradition that is still evolving and developing on account of its being alive, which is to say, not dead. In fact, when Muslims argue that the Qur’an ought to be interpreted anew so that illicit sex is not punished corporally, or that the very definition of illicit sex should be re-examined, they are seen as following “western” precedent, as acting under the influence of the “west.” Hence, living Muslims are portrayed as brainless creatures that either submit uncritically to precolonial texts or live under the influence of western moral standards. They are incapable of fresh, creative religious insights into an evolving religious tradition in which they are active participants.

The question “Is the Qur’an a book of law?” is less relevant to a PILS framework. The answer is, “partly, yes.” For PILS, Islamic law is a form of spiritual practice; rather than an orthodoxy, Islam is an orthopraxy. Faith is expressed through action, and so even the definition of law is broad rather than narrow. Islamic law is concerned with the law of the land, including political, civil, and personal law, but it is so much more than that. The laws of ritual purity, for example, are also part of Islamic law. The laws around menstruation, obedience to parents, which foot you use to step into the bathroom (left), which hand you eat with (right), this is all part of Islamic law. Islamic law is about the relationship between the believer and God, and submission characterizes this relationship. In this context, the emphasis on devotion, a performance of piety, submission, and sincerity in the production of scholarship in PILS makes a good deal of sense. PILS looks back to the prophetic



and precolonial past to live by its standards of piety in the present, which it does through adherence to a patriarchal conception of Islam law.

And this past is mediated through particular, designated living scholars. These scholars interpret which aspects of the past, of the tradition, of prophetic practice are relevant and which are to be disregarded. So, for example, though Muhammad facilitated the conditions for a female Companion (Umm Waraqa) to lead mixed-gendered prayers, assigning her a *mu'azzin* (one who makes the Call to Prayer), these scholars argue that despite these reports, Muslim women today cannot lead mix-gendered prayers. Or, for example, though the Qur'an forbids *riba* (usury) categorically, this prohibition isn't categorical and various kinds of usury can be considered "Islamic."

In the framework of IIS, the question, "Is the Qur'an a book of law" is distracting and entirely irrelevant. For IIS, the Qur'an is a book of liberation—universally and eternally. Instead of looking backwards and following the model of emulation, IIS scholars look around now and ask "How can the Qur'an help the marginalized here and now?" Law derived from the Qur'an that is not liberatory, or that leads to tyranny and oppression violates the ethos, the intent of the Qur'anic message. IIS posits that if the Qur'an is a universal text that speaks to Muslims regardless of time period and geographic location, subjectivity, etc., then Muslims should be able to receive the text as they are, with their subjectivities intact, without shame about being Muslim and western, without shame of believing in gender equality, of being anti-colonial, or feminist. Muslims can demand the Qur'an speak to them where they are, as they are, without them having to contort themselves out of shape, become people they are not, in order to receive its message of liberation.

So, if WhiSIS and PILS scholars hold that Islam is captured in precolonial texts, however narrowly and selectively defined, IIS scholars claim that Islam is what Muslims aspire to, what they hope to see in the world, what they are trying to create. IIS asks, what kind of worlds do Muslims aspire toward, how do they envision the ideal relationship between God and humans, what is their idealized cosmology? Is the world that Muslims aspire to patriarchal or egalitarian? Does it reinforce the status quo or challenge it? Is it committed to social justice or does it condemn any challenge to authority as *fitna* (sedition)? Does the ideal world reinforce or eliminate hierarchies—racial, gendered, sexual, religious, ethnic? The answers to these questions help us understand the kind of worlds Muslims see their Islam fashioning, imagining, dreaming.

Domestic violence is a powerful lens through which to think about the contributions of these three forms of Islamic Studies. Moving away from the abstract question, "Is the Qur'an a book of law?," let's ask a more useful question, "Does Islamic law allow domestic violence?" WhiSIS, consulting only precolonial Islamic texts will answer this question with a resounding "yes," as in "yes, Islamic law allows domestic violence." This is because the small, male cadre of elite scholars who wrote the precolonial Islamic texts that we now have access to were very comfortable with violence against women. Across the board, they assumed a gendered



hierarchy between men and women, and held that men had divinely sanctioned disciplinary privileges over their subordinates including wives, children, and enslaved humans. So, WhiSIS answers this question with a “yes.”

PILS scholars, who are committed to protecting, preserving, and maintaining the superiority of men over women, in a bid to adhere to the positions of the great, luminous scholars of the past, will also answer this question with a “yes, Islam allows domestic violence, but. . .” Since PILS scholars are interested in remaining relevant and speaking to Muslims, they emphasize the limitations on permissible hitting. Men can hit their wives, but they can’t break bones, they can’t leave bruises, they can “hit” but not “beat” their wives. PILS scholars worry about the optics of their positions; if Islam looks bad, they look bad. They have more skin in the game, there is more at stake for them. Still, they base their authority in the same precolonial texts as WhiSIS.

But are these positions correct? Does Islam allow domestic violence? Well, if Islam died before colonialism, then WhiSIS and PILS are correct. But it did not die then; Islam and Muslims continue to live today, and Muslims disagree strongly with precolonial interpretations of the Qur’an that permitted violence against wives to the extent that the entire conversation has shifted. Precolonial legal scholars wondered, if he causes broken bones, open wounds, or death, should a husband be held liable for beating his wife? If so, how much, or how little? Contemporary Muslims reject this entire line of inquiry. Though some still justify and protect the right of husbands to physically discipline their wives, most do not see the Qur’an as permitting domestic violence in any way, shape, or form. So, if we treat Islam like a living tradition and the Qur’an as a meaning-generating text, this creates space to answer the question, “Does Islamic law permit domestic violence?” differently. We may well answer the question with “no, absolutely not.” And this position is no less “Islamic” than that of a Muslim who answers this question with a “yes” just because that answer has roots in a misogynist, historical text.

IIS takes the “no” of a contemporary Muslim as authentically Muslim, as Islamic, and as a reflection of their Islamic view. And it goes further than that by developing a framework for answering that question in the negative, so that Islamic law cannot be read as permitting violence against women, so that Islamic law derived from the Qur’an protects women from violence. IIS is creative, it is forward looking, it is literally refreshing, it is developing the Islamic legal tradition so that it remains relevant and interesting and appealing to Muslims. So that it doesn’t become stagnant and die under the weight of its own history, so that it is permitted to evolve and change and regenerate. IIS sees Islam as more than its history. It sees Islam as alive, developing, evolving into a better future.

[Editors’ Note]: The editors wish to acknowledge the absence of footnotes and proper names in this chapter. This decision was made for two reasons. First, it models the kind of breaking of received academic form that is being advocated for in the article. Second, it ensures that the substantive structural critiques found therein are not mistaken for criticism of individual institutions or persons.



