A Theological Approach to the Identity Challenges of a Modern Muslim Woman

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Abstract

The present paper focuses on the conflict of the two main identity maker factors for a modern Muslim woman: the Islamic rules and modernity's manifestations. In some Middle-Eastern societies, because of the strong social religious structures and depth of the personal religious beliefs, this conflict has more severity. In this paper, with a descriptive-analytical method, the possible conflicts are categorized into three main categories: women's rights, women's social roles, and emotional issues. The three possible ways to decrease the conflicts are identified as follows:1) "The network right-orientated" approach: the Islamic rules, as a coherent network, must not be changed, but, the obligation-oriented approach to the Islamic rules has to be replaced by a rights-orientated approach. 2) "The minimal change" approach: the main structure of the Islamic rules must be kept, however, some cultural rules could be changed. 3) "The maximal change" approach: The theological propositions and prayer rules of Islam must be kept. However, everyday life, social, and rights rules could be changed according to modern conditions. The successfulness of the special approach depends on personal and social conditions. Muslim societies must select the best manner to give the modern Muslim woman her identity.

Keywords: Identity, Modern Muslim Woman, Women's Rights, Women's Social Roles, Women's Emotional Issues.

Introduction

According to modern theories of identity, personal identity is comprised of several inner factors which are formed by the interaction between the person and outer factors. So, to change the inner identity markers, the outer factors should be changed. The theoretical framework of this paper is based on such theories of identity, which have been developed by thinkers like Giddens and Jenkins.[3] Of course, before the modern era, there was a simpler conception of identity than the modern one. The dialectic relationship between the person and outer factors was not complicated. Consequently, a traditional Muslim woman had a clearly specified perception of her identity. Also, her duties, rights, and communications were defined for her. But, in the modern era, identity has a dynamic complex of different factors, which have been continuously renewed by new interactions between the person and outer factors. Therefore, duties and rights of a modern Muslim woman (MMW) are the ambiguous aspects of her identity.

In an overview, the outer factors that form the inner identity markers of a MMW are identified as femininity, nationality, social-political conditions, cultural traditions, etc.

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[3]. In this paper we have decided not to discuss theories of identity. But, as a theoretical framework, we chose a viewpoint which is close to Giddens's and Jenkins's theory. For more study about theories of identity, please see: Giddens, Anthony. (2008). Modernity and Self Identity. Cambridge: Polity Press in association with Blackwell Publishing Ltd. And, Jenkins, Richard. (2014). Social Identity. New York: Routledge publication.

Among these factors, the Islamic rules and modernity's manifestations are the two main outer factors which form, correspondingly, the two inner identity makers for a MMW. Because some Islamic rules are not apparently agreeable with modern situations, there could be a conflict between the inner and outer factors. This creates an important challenge for the identity of a MMW. In Middle-Eastern countries, especially, because of the strong religious social structures and depth of Islamic beliefs, this problematic conflict is more serious. Therefore, on the one hand Muslim societies must find the conflict points between Islamic rules and modernity's manifestations, on the other hand the best solution to decrease this conflict is imperative. On this basis, the present paper attempts to respond to the following problems:

1) In which subjects do modern situations and Islamic rules, as the two identity makers[4] for a MMW, pose a possible conflict?

2) What solutions could be offered to reduce the conflicts caused by these subjects? To respond to these problems, this paper –with an analytical method and a theological approach[5]- tries to analyze Islamic texts, and women's situations in a few Islamic countries.[6]

1. Early Islam (Pagan Days)

To understand the conflict of the two identity markers for a MMW, Islamic rules and modernity's manifestations, we need a brief survey of Islam's gender strategy at the time of the Prophet Muhammad; the early Islamic era. In the Pagan[7] days, Arab society was strongly patriarchal (Ibn-e-Ghatibeh, 1996, p. 8) and having a daughter was a shame (Zamakhshari, 1986, p. 708). The ultimate value of the woman was only to be a sex object in Pagan poetry (Brown, 2009, p. 26). In this misogynistic atmosphere, the Prophet Muhammad created norm-breaking policies for women. He not only defended women's rights openly, but he also brought the women's rights conversation into the central tenets of Islam; that was a wondrous evolution (Gibb, 1980, p. 26). He clearly applied a new term "the women's rights," based on the Quran (2:282) that was the opposite of Arab cultural norms (Tabari, 1988, p. 151).

Also, the abominable tradition of burying daughters alive was severely attacked by the Quran and the Prophet Muhammad. In his lifetime, the Prophet Muhammad kissed his daughter's hand several times in front of Arabs' eyes, and called her "a part of my being" (Ibn-e-Hanbal, 2001, p. 326). These repeated actions of the Prophet, throughout almost twenty years, generated a new culture among the Arab society, and opened a new sphere of life to Arab women. It was the great step to remake women's identity.

Moreover, the Islamic laws and ethical rules towards the family were mostly in order to improve the situation of women. There are a lot of the Prophet's sayings in Islamic books about both the emotional position and rights of women in the family. The Islamic moral orders on the family, especially the relationship between the man and woman, insist on taking care of women's emotions (Bukhari, 4787; Muslim, 2671).[8] On this basis, women could obtain a gender identity in their home, instead of being only sex objects. Moreover, the woman does not have to do housework if she does not want to; the man must make money for her, and must provide everything that she wants (Ameli, 2010, pp. 157, 251). Even for breastfeeding, she can request money from her husband, and he has to pay (A Group of Writers, 1998, p. 75). Briefly, in the Islamic context, women have many economic rights, but they have no economic tasks in the family. These are the Islamic women's rights that the Prophet established. Based on above, a new identity was created for Arab women by the Prophet Muhammad, which was hugely different from women's identity in the Pagan days.

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[4]. In this paper, when we use the term "identity makers," we mean both inner and outer factors.

[5]. In the present paper, the main approach is a theological one. But, we need the historical, sociological, and political backgrounds to progress the discussion. In other words, we will use the results of the other knowledge to help our theological approach.

[6]. We are not going to discuss the modernity and its aspects. In fact, neither Islam nor modernity is focused upon in this paper. But, the conflict between these factors is important. The main focus is the identity of a modern Muslim woman.

[7]. In the present paper, the term "Pagan" is applied to the cultural period of Arabs before the emergence of the Islam.

[8] These are according to classical numbering of hadiths.

2. The First Category: Women's Rights

It is clear that the rights of the people are a part of their identity. In other words, identity is not the cause of the rights, but, there is a dialectic relationship between the identity and the rights: each of them has an effect on the other one. So, a damage to the rights causes an inner damage to the identity of a MMW. Therefore, exploring this conflict is important not only from a rights perspective but also for the stability of the MMW's identity. Of course, due to the established religious structures, especially in Middle-Eastern societies, deletion of Islam from legislation is impossible. Therefore, the main question is not about the deletion of Islam, but it is about the importance of Islamic laws and the interpretation of them. It is a fact that some Islamic rules and modern legislation are not compatible. This conflict is especially highlighted by some subjects like inheritance, blood price, the right of divorce, and the custodianship over children.

For example, after the Pagan era, the rules of the heritage were replaced by the Islamic ones. As we mentioned, in the Pagan days, Arab women did not have any portion of the inheritance. That was one of the fixed Arab rules; nobody could think of a legal inheritance for women. But, according to the Quran, the Prophet Muhammad ordained a certain law for the rights of the heritage for women. Of course, compared to man, this was not an equal portion. But, considering the Pagan conditions, it was a large step to a gradual reshaping of women's identity. According to Germaine Tillion,[9] the Quranic statements on inheritance were the most feministic legislation of the civilized world at the time of the Prophet (Tillion, 1966, pp. 170-178).

After the Prophet Muhammad, the topic of inheritance has had complicated details over the years, and scholars (and judges) occasionally have to solve an enigmatic problem to give heirs their portion. But, generally, it seems that the principle of equality is not observed in these rules. After the husband's death, for instance, his wife inherits only one-eighth of his properties, and the rest of the man's properties have to be divided among the children. After the father's death, the portion of the sisters' is determined to be half that of the brothers' by the Islamic laws (Quran, 4: 11, 12, 176).

A similar problem occurs in the case of the "blood price." Suppose a person kills a man by accident. By law he/she has to pay $X as the blood price. But, if he/she kills a woman by accident, he/she has to pay half of $X. For some people, that means that, in the Islamic approach, the value of a woman is half of a man. Another instance is the right of divorce. According to the Islamic laws, a woman cannot request for a divorce, except in very special conditions. But, a man can divorce his wife whenever he wants, provided that he repays the dowry. In addition, custodianship over children is a man right. Even if the man was dead, this is his father's, or his brothers' right, not his wife's.[10]

In the modern era, these rules have caused strong protests by modern thinkers and feminist groups. Even ordinary people have expressed dissatisfaction with these rules.In Iraqi society, for example, many efforts have been made in this area. The fourteenth article of Iraq's new Constitution, which was approved by a national referendum on October 15, 2005, focuses on the equality of the Iraqi people's rights, disregarding their gender. But, there are religious limitations that have a significant conflict with the content of these modern expressions. The second article of the new Iraqi Constitution, meanwhile, clarifies that no law could be passed in opposition to the absolute Islamic rules. For some scholars who are interested in the modern approach to women's rights, like Yanar Muhammad, this could be a contradiction (Matthews, 2007).

Also, the fourth and the twentieth articles of Iran's Constitution insist on the domination of the Islamic rules over all laws; every law has to be interpreted through the Islamic lens. This means that in Iran's Constitution, as well as Iraq's, women's rights are protected, but, they must be matched with the Islamic rules. It seems that these articles have raised some problems with joining the "Convention on the Elimination of All Forms of Discrimination Against Women" by these countries (Raeesi, 2008). This problem has been more serious for Saudi Arabia because, according to the Freedom House report (2009), among 17 Arab countries, Saudi Arabia is the only one that does not defend the proportional rights of women in the Constitution. Nonetheless, Saudi Arabia Joined the Convention in Sept, 2000.

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[9] Germaine Tillion (30 May 1907 – 18 April 2008) was a French ethnologist, historiographer, and Islamic Scholar. She spent her life in fighting for women's rights, especially for Algeria's people.

[10]. Of course, the issues "blood price," "the writ of divorce," and "custodianship over children" are not clearly expressed in the Quran. These laws are the decisions of the Islamic jurisprudents.

3. The Second Category: Women's Social Roles

It is a fact that many Muslim women are working in very important social and governmental positions.[11] However, it is a fact that in the modern era, Islamic rules create obstacles for certain jobs, sports and other social roles for women, and this problem causes another point of conflict for the identity of a MMW. The strategy of the Prophet Muhammad, however, was in the way of women's participation in social roles. In the Pagan era, the number of people who knew how to read and write was small. Women, especially, women were prevented from training due to cultural traditions. The Prophet Muhammad, once Islam was firmly established, allocated some days of the week for training and educating women (Kermani, 1937, p. 99; Tabarsi, 1987, p. 74). The prophet's family were the first people to participate in the training. At this time, women poets, missionaries, and teachers for other women, were successfully trained. Along with education, women were trained for their religious and social roles. They participated in all social events, like Haj, communal prayer, urban decision making, and even wars (Kerker, 1990, p. 351-352). Women were asked for advice by the Prophet during some important social and political events; the main instance was "the Peace of Hodaybiiah," when Ommo-al-Salameh, the Prophet's wife, gave advice that led to peace (Vaghedani, 1989, p. 613). During wars, women were doing their tasks as nurses and suppliers. So, having social roles for women was not originally rejected by Islam.

But, as we mentioned, under modern conditions, there are some obstacles for a MMW to participate in some social roles. The well-known rule that is most commonly mentioned as an obstacle is veiling (*Hijab*). Disregarding whether veiling is a civil law or not, the problem is that it is an obstacle to doing some work, sports, and hobbies. This is the problem that some modern thinkers insist on. They say, for example, that swimming in a public contest, like the Olympics, is not possible for a MMW if she chooses to adhere to Islamic regulation.

Regarding veiling from a theological perspective, there are two main problematical questions: is the veiling truly a religious law, or is it a cultural one? If it is a religious law, what are its limitations? Some Islamic scholars view veiling as a cultural phenomenon. They argue that there is no law in Islam for veiling.[12] It depends on the culture, geography, and traditions of a society (Amer, 2014, p. 37; Clark, 2003).

However, most scholars and jurisprudents insist on the veiling as an absolute religious law. According to a famous opinion, which has been developed by scholars of different branches of Islam, veiling all of the body, except face and palms, is necessary (*Vajib*) for Muslim women (Jaziri, 1990, p. 192). In other words, if even one hair of a Muslim woman is apparent in front of the eyes of a man[13], that woman is a sinner. Accepting this opinion, a MMW would have a serious challenge in performing certain actions, and this is a conflict point in her identity. These scholars mostly cite the Quranic verses which are respectively sometimes referred as "the verse of the veiling (33:53)" and "the mantle verse (33:59)."

…When you (people) ask his (Prophet's) wives for any object, ask them from behind a curtain (Hijab); that is cleaner for your hearts and theirs (Quran, 33:53).

According to some commentators, this verse is showing that women have to be concealed from men's eyes. And: O Prophet, say to thy wives and daughters and the believing women, that they draw their veils close to them; so it is likelier they will be known, and not hurt. God is all-forgiving, all-compassionate (Quran, 33:59).

This is the most important Quranic verse to the commentators who believe in veiling as an Islamic law. Especially in this verse, the entirety of believing women are addressed, not only the Prophet's wives. But, the other group of scholars argue that these Quranic verses are for a particular time and place. The prior verse was revealed when, in a wedding celebration, a lot of people went non-permitted into the Prophet's house, asking his wives for a meal. This caused the prophet and his family to become upset. So, God ordered the people to be polite around the Prophet's house (Ibn-e-Sa'd, 2001, Vol 10, pp. 103, 167).

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[11] For example, the head of Iran's environment department has been a woman for about 20 years, and there are 17 women in the 10th Iranian parliament. Also, in Iraq, according to the new Constitution, a quarter of positions in parliament are reserved for women.

[12]. Of course, virtue (or chastity) is different from veiling; it is an order in the Quran. Veiling is a special clothing which covers all of the hair and the body of a woman.

[13]. Except accepted men, such as the husband, brothers, sons, and father.

The last verse was revealed when the women had been going out at night by a necessity.[14] Hypocrites had been preventing and offending them. When the people complained about it, they said, "We do it to the slave-girls only."

So, the Quran ordered the women to wear the veiling to be recognized as a free women (Ibn-e-Sa'd, 2001, Vol 10, p. 168). Therefore, the Quranic order about veiling, is not an eternal law. It was because of the fear of the hypocrites, and when the fear is removed, the veiling is not necessary. In other words, when the reason for an order is removed, we can conclude that the order is invalid.

Both opinions on veiling are followed in Muslim societies today. However, most Islamic scholars have insisted on veiling as an Islamic law throughout the history of Islam until now (Jaziri, 1990, pp. 172-175). This conflict has raised a big problem for Muslim women.

Another obstacle, which is not unrelated to veiling, is the relationship with a non-congenial man. As is mentioned above, some scholars believe that the Quranic verse (33:53) is showing the prohibition of any relationship with men outside the family for Muslim women. An exception is made for essential affairs, but women are advised to talk from behind a curtain. In another Quranic verse, the acceptable men have been listed. Of course, in this verse the main focus is on the women's charms: And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their headscarves over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers, that you might succeed (Quran, 24:31).

Although there are various interpretations of key words in this verse, like private parts and adornment, the commentators use this verse to show women the limitations of their relationships. It is clear that the display of women's charms in public places has no moral value and is not defendable. But, Islamic feminists insist that women's social relationships are not related to their charms. According to them, many Muslim women are stay-at-home and have avoided social activities because of the incorrect interpretations of this verse and similar verses. On the other hand, there are many Islamic scholars that, based on these verses, declare women's social activities, which involve talking with men outside the family, as an un-Islamic phenomenon (Ibn-e Sa'd, 2001, Vol 8, p. 10). They believe that Muslim women have to stay as far from the non-congenial men as possible (Sadugh, 1986, p. 6).

Moreover, Islamic scholars have varying opinions about the suitability of some jobs for women. The judiciary is one example.[15] In some Islamic countries women could be judges in special cases.[16] But, it is specified that women cannot pass sentences as judges. Although Islamic scholars have some religious, social, and psychological reasons for these prohibitions, it is clear that these limitations on the choice of a job are not satisfying from a feministic perspective. For some people, in the modern era women must be able to reach any position that they want.

4. The Third Category: Emotional Issues

According to historical-religious texts, the Prophet Muhammad seriously tried to protect women's emotional feelings. He removed some and reformed other Arab traditions which hurt women's feelings. For example, in the Pagan days, there were traditions of marriage that were clearly contrary to basic human rights. An example is "commutative marriage (*Nekah-al-Sheghar*)." In this kind of marriage a man (A) compelled his sister (or another woman in his family) to get married to a man (B), provided that (B) compelled one of the women in his family to get married to (A). The Prophet Muhammad strictly interdicted this custom, and declared it contrary to women's rights (Ali, 1970, pp. 571-572).

But, some problematic traditions have remained until today. One of them, that is very important, is polygamy. In the Pagan days, polygamy was an unavoidable cultural factor. Not only could an Arab man with only one wife not be found, but such a situation could not even be imagined. The Prophet Muhammad, according to the Quran and compatible with the cultural conditions, limited polygamy to up to four wives.

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[14]. At that time, the houses did not have privet toilet. So, they had to go out, sometimes far from the house, by the necessity.

[15]. For example, see: Hadavi Tehrani, Mahdi. (2006). Judgment and Judge, Vol 1, Tehran: KhaneyeKherad, pp. 91-92.

[16] In Iran, for instance, according to the new procedural code, approved in 2013, women could be judge-advisors for family courts.

This was a great achievement especially given the difficult conditions that were ordained by the Quran regarding polygamy. One of these conditions is "the justice." The Quran says clearly "If you (men) fear that you will not be just, then marry only one" (Quran, 4:3). However, the Quran refuses the possibility of the justice for men in another verse: "And, you will never be able to be just on wives, even if you should strive to do so" (Quran, 4:129). Considering both verses, it seems that we can understand the abomination of polygamy in the Quran. In other words, the Quran rejects polygamy; although based on the cultural traditions, it allows a limited form of polygamy. For example,applying this approach, Morocco's NGOs could persuade the parliament to eliminate the right of polygamy. With the support of the king of Morocco, and despite the opposition of some conservatives, the Maudawana rules, including the elimination of polygamy, were approved in October 2003. Also, some Shia scholars, like Ayatollah Musavi Bojnordi, declare that according to above verses, polygamy is not permitted in Islam (Bojnordi, 2014).

Most Islamic scholars, however, believe that in the first verse the term "just" is about financial issues, especially alimony, while in the second verse, the term "just" is for emotional issues. Based on this interpretation, Muslim men are allowed to have four wives at the same time.[17] In some Middle-Eastern countries,not only this is a legal right for men, but also they are encouraged to it (Ka'bi, 2012).[18] Another emotional issue that has become a problem for MMW, is a doctrine which is usually called "superiority" (*Ghavvamiah*). This is a Quranic term that says "Men are superior (*Ghavvamoon*) to women, by what God has given one over the other" (Quran, 4:34).

For some commentators, this is superiority in all aspects of humanity (Ibn-e-Katheer, 1999, pp. 292-295). On this basis, the creation of women is different from and lowers than that of men. This is an obvious humiliation for women and can cause emotional problems. In the modern era, this problem is more serious because of the development of women's roles in various aspects. Islamic feminists cannot accept men's superiority in all aspects; they cannot even accept men's superiority in a single aspect.

But, considering the accurate meaning of the term "*Ghavvamoon*" and other related verses, some other commentators believe that this term does not mean "superiority." In their opinion, the best translation of this verse is "Men are the protectors and maintainers of women, as God has given some of them an advantage over others."Or, "Men are in charge of women by [right of] what God has given one over the other.

It could be understood that the terms "protectors," "maintainers," and "in charge" have been chosen to translate "*Gavvamoon*." It seems that such an interpretation of this verse corresponds with women's real nature; moreover, this translation is in harmony with other Quranic verses (Tabatabaei, 1996, p. 215). So, the problematic aspect of this verse could be decreased. But, some feminist's approaches, especially in radical versions, do not want to accept even this level of men's protection. They insist on the absolute independence of women in all areas of life. From this perspective, of course, the Islamic propositions and modern expectations have a conflict.

In addition, the men's protection (*Gavvamiah*) of women is not limited by the relationship between husband and wife. This issue includes the relationship between father and daughter. For example, according to most jurisprudents, the father's permission is necessary for the marriage of the daughter.[19] If the father is dead, the grandfather must give permission for this marriage; and if the grandfather is dead, it is the responsibility of the legal guardian. This law is criticized by radical feminists too. In their opinion, this law and other similar laws confine the personal freedom of women in the most important emotional event in their life. This is a conflict between Islamic rules and a modern doctrine called "personal freedom." The advocators of this law, however, argue that this law protects women from possible perils.

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[17]In Iran one of the legal requirements for polygamy is that the first wife must be in agreement with her husband's new marriage, and she has to declare her agreement in a written document. This law was approved in 2005 by the parliament. But, women's rights advocates insist that this is just a legal document, and a woman could never be in agreement with the second marriage of her husband. The emotional rights of women are ignored in this law. Therefore, conflicts over the elimination of the right of polygamy have continued.

[18] Ata-o-Allah Al-Ebar is establishing a society with the name "Polygamy" in Saudi Arabia. He said that this society will try to encourage men to engage in polygamy and women to accept it. See: Enzi, Fa'ez. (2016). The Women, Doctors, and Engineers Start to Establish a Society for Polygamy, Online Available: http://www.alhayat.com/Articles/16961142 (Aug 21, 2016)

[19]. There are some exceptions, especially in Hanafiah's law. Also, in Shi'a's law, if a girl was a wise, mature one, the father's permission is not necessary. For example, See the opinion of Ayatollah Makarem in http://makarem.ir/main.aspx?lid=0&typeinfo=21&catid=524

Mostly, fathers are wiser than their young, sentimental daughters and can recognize the multiple aspects of marriage. It is the fact that in many Muslim societies, the marriages of modern women has caused some serious problems for their families. This issue is a danger for some Muslim societies.

5. The Solutions

In the past sections, the main conflict points of the Islamic rules and modernity's manifestations were discussed in three categories. Because of these conflicts, the identity of a MMW faces serious challenges. This is harmful to women, and, from a more general viewpoint, it is detrimental to the Muslim societies. As we mentioned before, various organizations have made great efforts to modify social conditions and religious opinions in order to decrease these conflicts. These efforts have had relative success in some societies. But, in other societies the religious resistance is such that changing or even reforming the laws is almost impossible.

It is a fact that modern Muslim societies can eliminate neither Islamic rules nor modernity's manifestations. They must find solutions to balance these two outside factors. The present paper offers three approaches to addressing the relationship between Islamic rules and modernity's manifestations as possible ways to reduce the conflict. Of course, we cannot say that one way is the best for all Muslim societies. Choosing a specific way among these three approaches depends on the cultural and religious potential of a particular society. Therefore, each society could choose the most appropriate approach for its members. Disregarding the social aspect of identity, a MMW could manage her inner identity markers as an individual. In her personal life, she has to select what she thinks will best create a stable, satisfying identity.

"The Network Rights-Oriented" Approach: In this view, Islamic rules are considered as a complete, coherent network that is arranged by God for all times and all societies. It means that to study an Islamic rule, the whole network must be studied, and changing a single rule could result in changing other rules. Therefore, we are not allowed to change any of the Islamic rules. But, we can change our orientation to Islamic rules, especially those about women. A traditional orientation to Islamic rules is normally one of obligations; most focuses are on the obligations of women, causing the rights of women to be obscured. In the modern era, however, we have to change an obligations-oriented approach to a rights-oriented one. It means that, instead of placing the emphasis on women's Islamic obligations, we have to emphasize women's Islamic rights while keeping the whole network of Islamic rules.

As an example, consider the problem of blood price again. As it has been explained in section 3, according to Islamic rules the blood price of a woman is half that of a man. At a glance, it seems that the value of a woman is half that of a man in Islam. But, when we consider this problem in the network of Islamic rules, we discover that it is related to the other rules and women's position in Islam. In the Islamic point of view, women do not have any financial responsibilities in their family. This is based on their right to men supporting them completely. On the other hand, the reason for paying the blood price is so that the family of the dead man/woman would not be in economic difficulty. On this basis, it can be seen that the lower blood price of women does not mean that the value of a woman is half that of a man. It means that the death of a woman does not cause a serious economic difficulty for her family because she did not have any financial responsibilities in her family. With a man's death, however, the situation is very different. He is financially responsible for his family, and without him, it would be very difficult for them to continue their lives.

In this example, you can see the effects of considering the Islamic rules as a network. Changing the blood price rules implies many changes in other rules such as the financial responsibility of women in their families. Also, to reduce the conflict between this Islamic law and some modern feministic approaches, Muslims have to insist on women's rights instead of their tasks in the family and society; they must have a rights-oriented approach to women, not an obligations-oriented one. On this basis, we call this approach "network rights-oriented" to show both aspects of that. In the same way, the inheritance problem and other rights conflict points could be reduced by applying this approach.

Also, women's social roles could be increased while keeping the basic Islamic rules as a coherent network. In this network, veiling and privacy of women are factors for women's safety and inviolability, not cruel limitations. As we mentioned, in Islamic countries there are many important jobs that are occupied by veiled women. Of course, a MMW who believes in this approach has to accept some reasonable religious limitations, such as not swimming in a public pool. She could, however, participate in special programs for women. In brief, in modern Muslim societies there are ways for the MMW to play social roles, but, there are limits.

The emotional issues, however, are not solved by applying this approach. For example, although the network of the Islamic rules can cover the rights problems of polygamy, from the emotional perspective, polygamy is still a challenge for a MMW. "The Minimal Change" Approach: In this approach, some Islamic rules that are based on Arabic culture at the time of the Prophet Muhammad could be changed. But, those that are asserted by the Quran or the Prophet Muhammad as imperative rules, must not be changed. In this case, blood price rules could be revised because there is no verse in the Quran that expresses them. They are actually jurisprudence opinion of Islamic scholars and have historical and cultural precedents. So, under modern conditions where this Islamic rule raises some problems for Muslim women, scholars can change it and declare the blood price of women equal to that of men (Fakhr, 2011). Polygamy has the same situation as we mentioned in section 5. Although there is a verse in the Quran that accepts polygamy with the justice condition, there is another verse that states the impossibility of the justice condition. Therefore, we can conclude that polygamy could be removed from the list of Islamic rules.

According to this approach, however, some conflict points between Islamic rules and modernity's manifestations still remain. For example, the problem of inheritance is one of the Quranic rules that is expressed clearly (Quran, 4:11). Also, according to the Quran, in the legal claims the value of a female witness is half that of a male witness (Quran, 2:282).

Finally, as we mentioned in section 4, some subjects, such as veiling, have been debated by scholars over the years. It is questionable whether veiling is an absolute Islamic law or a historical and cultural rule that could be changed. So, it seems that this approach cannot effectively remove all the points of conflict. It also raises many protests in Islamic societies because, especially in some Middle Eastern countries, even a small change to the Islamic rules has a high cost and causes great resistance.

"The Maximal Change" Approach: In this approach, the rules for worship and prayer are separated from everyday life, legal problems, and cultural issues. Indeed, the only unchangeable aspect of Islam is the rules for worship and prayer. The other rules, which are related to rights, dress, marriage, etc., are not religious issues. These cultural issues depend on the customs, history, and even geography of a society, even if they are discussed by the Quran. This approach argues that the Islamic rules for inheritance, blood price, polygamy, and even veiling are rules that were very helpful for the Pagan society at the time of the Prophet Muhammad. But, in addition to the rules of Islam of that time, the modern era needs modern rules, and they could be different from the traditional Islamic rules.

Of course, there are some Islamic moral rules that remain valid and helpful for modern living as a Muslim. For example, "modesty" is a reasonable moral rule that is offered by most other religions, as well as Islam. All people, men and women, morally must have modesty, especially when they are believers. Modesty, however, is different from veiling. In other words, modesty in each culture has its own form of expression. In the Arab culture it could appear as Chador and Niqab (a complete veiling), and in Iranian culture, modesty could have another appearance.

The followers of this approach assume that rights issues are strictly temporal and that it is not reasonable for Muslims today to apply laws which were codified during the Prophet's lifetime. This idea implies that some Quranic verses, such as the verses on inheritance and polygamy, are temporal, and in certain times and places they are invalid. Followers can also argue that as some Islamic laws, such as those on slaveholding, have expired[20], modern conditions cannot accept certain other Islamic laws, such as those on inheritance and polygamy.

6. Conclusion

According to recent discussions, modernity's manifestations have conflicts with some Islamic rules, especially those concerning women's issues. The conflict of these two outer factors causes an inner conflict for the identity of a MMW. Therefore, a MMW faces a great challenge to her identity in the modern era. In the category of women's rights, subjects such as inheritance, blood price, the right of divorce, and custody of children are currently problems for the MMW in the Muslim societies. This is because Islamic rules and modern approaches to women's rights on these subjects do not match exactly; it could even be said that they are inconsistent. Also, in the category of women's social roles, there are some Islamic rules that could be considered by modern feminist scholars as obstacles for women.

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[20] The rules of slaveholding is tacitly mentioned by Quran. But, like the polygamy and heritage, it was a reformed law for the Arab society after the Pagan days, because, there were cruelly and harsh rules for slaves at the Pagan days.

These rules are mostly related to women's clothing, such as veiling, and the limitation of women's contacts with men outside the family. Moreover, there are some debates around permitting women to get some "men's jobs," such as judicial judges.

In the category of emotional issues, the right of polygamy for men is the most controversial issue, insofar as the first wife is mostly forgotten. From the modern perspective, this is an unacceptable right for men. However, this is an Islamic right that the Quran has expressed. As we have shown in the past sections, some of these Islamic rules, like blood price, are not expressed clearly in the Quran and the Prophet's sayings; they are the understanding of jurists from Islamic texts. Also, there are serious debates about some other rules such as veiling and polygamy. But it is a fact that some absolute Islamic rules, such as inheritance and acting as a witness, have conflicts with modern perspectives. To resolve these problems, this paper has offered three solutions which are actually three different approaches to Islamic rules. Each of these solutions -"the network rights-oriented" approach, "the minimal change" approach, and "the maximal change" approach- has its own challenges. However, depending on social and cultural conditions, the various societies can choose the proper solution for themselves. For example, considering the strength of Islamic beliefs and religious social structures in Middle-Eastern countries, the first solution would be more helpful to these countries. Changing some or all of the Islamic rules has a high social charge for Muslim societies, and would raise a lot of new challenges. Moreover, the traditional Islamic scholars would have a great opposition to these changes. Therefore, "the network rights-oriented" approach can save the identity of a MMW from difficult conflicts with modernity's manifestations. However, this approach still faces some challenges that need to be solved.

References

A Group of Writers (Khane-ye-Koodak) (1998). Islamic Laws of Mother and Children. Qom: Al-Hadi Publications.

Abu Dawud, Solomon Ibn-e- Ash'as (2009). Sonan (Traditions). Shoaib al-Arnaut (Re), Vol 2, Beirut: Dar al-Risalah al-Alamiah Publication.

Ali, Javad (1970). Al-Mofassal (A Detailed Book on the Arab history before the Islam). Vol 7, Beirut: Dar al-Elm Publication.

Ameli, Sheikh Horr Muhammad Ibn-e-Hasan (2010). Vasa'el al-Shi'a (Shi'a's Documents). Muhammad Mahdi and Mulla Ali Muhammad (Res), Vol. 14, Tehran: Tehran Publications.

Amer, Sahar (2014). What is Veiling? Chapel Hill: The University of North Carolina Press.

Balazari, Ahmad Ibn-e-Yahya (1996). Ansab al-Ashraaf (The Dynasty of Noblesse). Vol 4, Beirut: Dar al-Fekr Publication.

Bojnordi, Musavi. (2014). The Mashregh news's interview with Ayatollah Musavi Bojnordi, Online Available: *http://www.mashreghnews.ir/fa/news/302665*(2014)

Brown, Daniel W. (2009). A New Introduction to Islam. (Second edition). West Sussex: Wiley-Blackwell Publications.

Bukhari, Muhammad Ibn-e-Ismail (2001). Sahih al-Bukhari (The Correct Book of Bukhari). Muhammad Zahir (Re), Damascus: Dar al-Tough al-Nejah Publication,(The Book of Marriage).

Clark, Linda (2003).Hijab According to Hadith: Text and Interpretation.In S. Alvi, H. Hoodfar, S. McDonough (Eds.), The Muslim Veil in North America: Issues and Debates (pp. 214-286). Toronto: Women's Press.

Fakhr,   Husein   (2011).   Interview   of   Titronline   News   with   Dr.   Husein   Fakhr.   Online Available:http://www.titronline.ir/vdcc.sqia2bq00la82.html?2414(May 13, 2011)

Gibb, Hamilton A. R. (1980). Islam: An Historical Survey (Retitled from Mohammedanism: An Historical Survey (1949)). Oxford: Oxford University Press.

Hadavi Tehrani, Mahdi (2006). Judgment and Judge. Vol 1, Tehran: The House of Wisdom Publications.

Ibn-e-Ghatibeh, Abdollah-ibn-e-Muslim (1996).Oyuno al-Akhbaar (The Source of News).(Second edition). Vol 4, Cairo: Dar-al-Kotobva al-Vesagh al- Ghomiyah Publication.

Ibn-e-Hanbal, Ahmad Ibn-e-Muhammad (2001). Al-Mosnad, Adel Morshed and Others (Res), Dr. AbdollahTurki (Ed.), Vol. 4, Damascus: Al-Risaalah Publications.

Ibn-e-Katheer, Ismail Ibn-e-Umar (1999). Tafsir al-Quran al-Karim (A Commentary of the Noble Quran).(Second edition). Saami Ibn-e-Muhammad (Re), Vol.2, Al-Riyadh: Dar al-Tayebah Publication.

Ibn-e-Sa'd, Muhammad (2001). Al-Tabaghat al-Kubra (The Major Classes. Ali Muhammad Umar (Re), Vol. 8-10, Cairo: Al-Khanaji Publications, (The Book of Women).

Jaziri, Abd al-Rahman (1990). Ketab al-Fiqh Ala Mazahib al-Arba'e (The Book of Jurisprudence on the Four Islamic Schools). Vol 1, Beirut: Dar Ehya' al-Kotob al-Arabiah Publication.

Ka'bi, Muhammad. (2012). Al-Shargh newspaper's interview with Fatimah Ibrahim and Ibrahim Enzi, Online Available: http://www.alsharq.net.sa/2012/09/25/503885 (Feb 25, 2012)

Kerker, Esmat o-Din (1990). Al-Mar'ah Fi Ahde al-Nabavi (Woman in The Prophet's Era). Beirut: Dar al-Gharb al-Islami Publication.

Kermani, Shams-o-Din Muhammad (1937). Al-Kavakeb al-Dorari Fi Sharh-e Sahih al- Bukhari (A Commentary of The Correct Book of Bukhari). Muhammad Abd-o-Latif (Re), Vol 2, Cairo: Al-Motba'at al-Bahi'at al-Mesriah.

Matthews, Kymberlie Adams, (2007), The Satya Interview with Yanar Mohammed. Online Available: http://www.satyamag.com/feb07/mohammed.html (Feb, 1999)

Muslim, Ibn-e-Hajjaj (2006). Sahih-e-Muslim (The Correct Book of Muslim).Nazar Ibn-e-Muhammad (Re), Riyadh: Dar–o-Tayebah Publication, (Book of Fosterage).

Raeesi, M. (2008). Joining or Not Joining to the "Convention on the Elimination of All Forms of Discrimination Against Women," the Electric Journal of NedayeSadiq, No. 29.

Sadugh, Abi Ja'far Muhammad (1986). Man La Yahzaroho al-Faqih. Husein al-A'lami (ed.), Vol 4, Beirut: Al-A'lami Publications.

Tabari, Muhammad Ibn-e-Jarir (1988). Tarikhol- Omamva al-Moluk (The History of Nations and Governments). Ibrahim Muhammad Abo-al-Fazl (Re), Vol. 3, Beirut: Dar al-Kotob al-Elmiyah Publication.

Tabari, Muhammad Ibn-e-Jarir (2001). Jame'al-Bayan Fi Tafsir al-Quran (A Comprehensive Commentary of the Quran), Vol. 18, Beirut: Dar al-Ma'refah Publication.

Tabarsi, Abo Ali Fazl Ibn-e-Hasan (1987). Majma' al-Bayan Fi Tafsir al-Quran (A Collection of Hadiths on the Quran's Commentary).Seyyed Hashem RasuliMahallati (Re), Vol. 1, Beirut: Dar al-Ma'refah Publication.

Tabatabaei, Seyyed Muhammad Husein (1996). Al-Mizan Fi Tafsire al-Quran (A Criterion in the Quran's Commentary).(Fifth edition). Vol. 4, Qom: the Office of Islamic Publications.

Tillion, Germaine (1966), Le harem et les cousins. Paris: Editions du Seuil.

Vaghedi, Muhammad Ibn-e-Umar (1989). Ketab al-Maghazi (The Book of Maghazi). Marsden Johns (Re), Vol 2, Beirut: Moassesat al-A'lami Le-al-Matbu'at.

Zamakhshari, Abol-Ghasem Mahmud Ibn al-Omar (1986). Al-Kashaf, Ibn-al-MonirEskandari (ed.), Vol. 4, Beirut: Dar al-Ketab al-Arabi Publication.