Contemporary Gender Thought in Islam and Judaism: The Position of Women According to Ayatollah Morteza Mutahhari and Rabbi Joseph Dov Soloveitchik

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Abstract

In a basic outlook shared by Islam and Judaism, addressed in this study, man is born as man and woman as woman, so that manhood and womanhood are natural states entailing different personalities, rights, and responsibilities. In other words, in both the Islamic and Jewish worldviews, man and woman are created differently in order to accomplish different tasks, which are finally aimed together at the single objective of obeying and encountering God. This basic conception is faithfully reflected in the numerous detailed regulations of these two law-centered traditions. A study of gender issues in Islam and Judaism is thus bound to take into account how the status of the genders is defined in the tradition; how the different positions prescribed for men and women are thought to serve humanity in its journey to God; and whether those positions entail superiority and inferiority.

In light of this outlook the present study offers a critical appreciation of the views on gender of two prominent clerical authorities, one each from the Muslim and Jewish traditions: Ayatollah Morteza Mutahhari (1920-1979 CE) and Rabbi Joseph Dov Soloveitchik (1903-1993 CE). This thesis constitutes the first attempt to draw a comparison of gender thought at the heart of Judaism and Islam in modern times, through two influential scholars devoted and loyal to the original principles of their religions.

A properly critical account of thought requires examination not only of context and structure, but also apparent limitations and inconsistencies. That has been the approach taken here, in contrast - in the case of Mutahhari at least - to existing literature, which tends to be admiring. The thesis has also, however, tried to discern the affective qualities of the gender thought of the two scholars; comparison has been especially useful

in this regard. Thus I have suggested that Mutahhari's ideas about women along with those of Soloveitchik are ultimately in harmony with their sense of the tradition and its fundamental spirit; this is the basic impulse for both, rather than systemization. I have also suggested that difficulty in appreciating the feelings of women sets limits on the understanding of both scholars; but they are far from being misogynistic, and feel very genuinely that women are valuable as human beings and have vital, respected roles in religion and society. This leads to the subject with which I close the thesis: the reception of Soloveitchik and Mutahhari's gender thought by women.

The thesis also draws attentions to two outstanding differences in the thought of Mutahhari and Soloveitchik: their mode of approaching gender and the ways they see their traditions responding to evolving times and circumstances. In brief, Mutahhari's approach and tone is more defensive, polemical and political than that of Soloveitchik; and Soloveitchik seems less ready than Mutahhari to contemplate change in the tradition in response to changes in society or pressure from the broader Orthodox and non-Orthodox Jewish community. However, when we consider, as should be the rule in comparative studies, both figures together in their contexts, we see that Mutahhari's openness to change was somewhat theoretical, since he lived at a time before the consolidation of the Islamic Republic of Iran when official religious ideology did not hold much formal power over women's or people's lives. By the same token, Soloveitchik's discourse should be read against the background of his actions, which do show that he was willing to admit evolution in the Halakhah as long as what he considered basic principles were preserved, as well as in light of his attitude toward

women's learning, which demonstrates his ability to contemplate change that would allow the community to effectively meet the modern world.

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Introduction

Awareness of differences between men and women is as ancient as humanity; but gender studies and the interdisciplinary study of gender is a concern of modern times not more than several decades old. Gender studies may refer to the social and cultural construction of femininities and masculinities, rather than the entire state of being male or female[1] - as Simone de Beauvoir said, "One is not born a woman, one becomes one"[2] - or it may refer to examination of the role that biological states of maleness or femaleness play in social constructs of gender.[3]

A third view, historically many centuries removed from the social-scientific study of gender, considers gender differences in man and woman to be essential in nature, while also emphasizing that these differences are part of a divine plan. This is the view of traditional Judaism and Islam, each of which claims to possess a religiously authentic understanding of human beings. Both traditions view gender differences as divinely planned measures in the creation of humanity and the immutable basis of distinctively different social roles for men and women.

In this basic outlook shared by the two traditions addressed in this study, man is born as man and woman as woman, so that manhood and womanhood are natural states entailing different personalities, rights, and responsibilities. In other words, in both the Islamic and Jewish worldviews, man and woman are created differently in order to accomplish different tasks, which are finally aimed together at the single objective of

[1] Stephanie Garrett, *Gender* (London: Tavistock Publications,1992), vii.

[2] Simone de Beauvoir, *The Second Sex,* trans. Constance Borde and Sheila Malovany-Chevallier (New York: Vintage Books, 2011), Vintage eBooks, 899.

[3] For the effect of biological differences on social constructs, see: David P. Barash and Judith Eve Lipton, *Gender Gap: The Biology of Male and Female Difference* (New Jersey: Transaction Publishers, 2002).

obeying and encountering God. This basic conception is faithfully reflected in the numerous detailed regulations of these two law-centered traditions. A study of gender issues in Islam and Judaism is thus bound to take into account how the status of the genders is defined in the tradition; how the different positions prescribed for men and women are thought to serve humanity in its journey to God; and whether those positions entail superiority and inferiority.

The present study examines the views on women and gender of two prominent clerical authorities, one each from the Muslim and Jewish traditions: Ayatollah Morteza Mutahhari (1920-1979 CE) and Rabbi Joseph Dov Soloveitchik (1903-1993 CE). I will begin with a brief biographical sketch of each figure.

Morteza Mutahhari was born in 1920 in the town of Fariman, near Mashhad in northeast Iran. After finishing his primary education, he moved at the age of thirteen to the ancient shrine city of Mashhad to attend the *hawzah* (a seminary or centre for Islamic learning) located there. In 1937, Mutahhari decided to settle in Qum, the chief seminary town of Iran, where he remained until 1952. This decision was the first step in the formation of his intellectual character, in which two distinguished *hawzah* figures, Ayatollah Khomeini (1902-1989 CE) and Allameh Tabatabai (1892-1981 CE), played a major role. From these scholars, he received not only a formation in the Shiite juridical tradition, but also training in and a love for philosophy, a focus that can be seen clearly in his own writings in which he employs philosophy to formulate an approach to modern problems more flexible than that allowed by law. Mutahhari attended Allameh Tabatabai's classes on *Avicenna* and materialist philosophy, as well as Ayatollah Khomeini's lectures on ethics. When Ayatollah Khomeini initiated a series of classes on

irfan[4] (mysticism), Mutahhari was among the small elite group who attended. These gatherings lasted until 1951 and established a close link between Mutahhari and Ayatollah Khomeini. Among the factors that contributed to their association was the fact that they both had a vision of Islam as a comprehensive, total system of life and belief, a worldview profoundly influenced by the Islamic philosophical and mystical traditions. Both also believed profoundly in political and social change.[5]

In 1952, despite Mutahhari's promising future in the *hawzah*, he decided to leave Qum. He went to Tehran, the great capital city of Iran, where he accepted an appointment as a professor of Theology (*ilahiyat*) in the School of Theology of the University of Tehran, the most prestigious academic institution in the country.[6] This decision greatly affected Mutahhari's intellectual and social life, as well as the Iranian clerical and even non-clerical intellectual communities. Mutahhari's migration to an academic post in Tehran was significant because of the very large gap at that time between the *hawzah* and the university. The University of Tehran, as the word 'university' (*danishgah*) suggests, is a basically secular institution, while the designation *ilahiyat*, which I translate 'Theology', indicates a historical and philosophical orientation to religion rather than the purely believing approach of the seminary. As a brilliant *hawzah* scholar who was also open to new ideas and questions and had acquired a good knowledge of Western philosophy and materialism, Mutahhari contributed to bridging the gap and creating a

[4] Arabic and Persian romanization is according to the Library of Congress system; although dots and macrons indicating special characters are not represented, since this thesis is not a philological work and concerns Judaism as well as Islam. Hebrew terms are rendered according to what seems to be the usual romanization in the English-language texts and sources used.

[5] Vanessa Martin, *Creating an Islamic State: Khomeini and the Making of a New Iran* (London; New York: I.B. Tauris, 2000), 76. See also Husayn Shafi'i Darabi, *Yadavarah-i Ustad Muṭahhari* (Qum: Chapkhanah-i Mihr, 1360 [1981]), 10-20.

[6] See Martin, *Islamic State*, 75-76.

conduit between the two worlds. He heightened respect for traditional training and knowledge in the university at a time when interest in the Islamic heritage was on the rise, while Mutahhari's activities served to interest his fellow *hawzawiyun* (those who study and teach in the *hawzah*) in a constructive relationship with academia.

Gradually, Mutahhari attracted the pious students and professors of the university to himself, a phenomenon that led to the formation of various Islamic associations among the students and faculty such as the Islamic Association of Doctors and Islamic Association of Engineers. He taught classes on subjects such as the Quran and philosophy to these groups; a number of his published books are actually transcripts of these lectures, which he subsequently revised on the basis of notes made by himself or his students. Mutahhari's lectures in the university marked the beginning of a writing career that saw a tremendous production of material aimed at a wide audience, much of it concerned with social and political issues. His lecturing and writings were a great departure from the complicated Arabic-based production of the *hawzah,* centered on law and meant for a limited, elite audience. He finally composed literally hundreds of books and articles on different subjects in this style, even writing a two-volume storybook for children titled *Dastan-i Rastan* (Tales of the Righteous). Mutahhari's lectures and writings, including but not limited to the most popular, were driven by a desire to see the place of Islam secured in the modern world; and this is also the case with his writings on gender.

Although Mutahhari's works attracted many minds and souls, they also inflamed a fierce animosity against him. The reason for this animosity can be traced back to his attacks on three approaches: Marxism; traditional Islam; and *'iltiqat* - literally, 'gathering' or 'gleaning', referring to the addition of non-religious to religious thought. In the social,

political and intellectual climate of his time, Mutahhari perceived each of the three as a manifest danger both to the faith of the people and Islamic thought itself. As the critiques of these tendencies, which emerge constantly in Mutahhari's writings and speeches, helped to negatively form his approach to the tradition overall, I will briefly consider his objections to each in turn.

Marxism in Iran was promoted by the Communist *Hizb-i Tudeh* (Party of the Masses) and was principally aimed, as in other parts of the Muslim world, at youth. Mutahhari believed that the appeal of the Tudeh for the younger generation lay in its association with heroic rebellion against exploitation, whether class-based or associated with colonialism and imperialism (two prominent problems and concerns in the Iran of his time). He perceived, in other words, that the attraction of Communism and leftism in general was more emotional than intellectual. He firmly rejected the view that Marxism had arisen in part as a result of the weakness and obscurantism of religion. Mutahhari's response was two-pronged: he offered, as suggested above, a comprehensible, socially and politically relevant Islam; and he also used the intellectual equipment afforded him by philosophy to attack, in texts written in a much more elite style, the intellectual basis of Marxism. By far the best known of the latter is Mutahhari's *The Principles of Philosophy and Method of Realism*, which uses the traditional Shiite commentarial style to counter the premises of Marxism. Of all the ulema, Mutahhari launched the most effective attacks against Marxism and materialism; and he did this by direct criticism and

refutation of their ideas, rather than simply asserting the truth and moral superiority of Islam.[7]

By traditional Islam (the second target), Mutahhari meant a religion that accommodated itself to the current situation with no sensitivity to the corrupt social, political and cultural system, and with no motivation to fight to change the situation. Mutahhari believed that traditional Muslims because of their superficial understanding of Islam, prevented it from playing an active role in society. This was not a call for political Islam as such, but rather for consciousness, relevance and activism.

Mutahhari also criticized his fellow ulema for not doing enough to present the real Islam, i.e., the socially aware and problem-solving Islam he envisioned, to the people and especially the young. As a result, he thought, youth had become drawn to the more active and apparently relevant Marxism. To put it a different way, Mutahhari saw what was attractive in Marxism, and perceived that it rather belonged to Islam; and specifically to Shiite Islam, since although he spoke about Islam in general, his thought and images were profoundly Shiite and he was preoccupied with the situation of Islam in Iran with its overwhelmingly Shiite-majority population.

Finally, by *iltiqat,* or eclecticism, Mutahhari meant the approach of those who would mix elements from non-Islamic schools of thought with Islam and introduce a new version of a so-called "modern Islam". Mutahhari had in mind not only a general trend in modern Islamic thought, but particular currents in Iranian society. This included groups such as the *Mujahidin-i Khalq* (“Warriors of the People”, a militant movement that

[7] Ibid., 92-95.

blended Marxism and Islam) and *Furqan* ("Criterion", an anti-clerical group). With his extreme sensitivity toward any violation of Islamic beliefs, Mutahhari detected a deviation of these groups from what he considered to be "authentic Islam". He constantly monitored their books, newspapers and lectures and analyzed their ideas. It is fair to say that Mutahhari devoted much of the last five years of his life to clarifying and refuting the views of these groups.[8]

Of the three approaches outlined above, Mutahhari found the last the most dangerous because it had the advantage of applying an Islamic label to its own views, so that, he thought, believers would not immediately reject them (an advantage that Marxism lacked); while on the other hand, such groups were actively involved in social and political change and therefore had a great potential for attracting the young (an advantage currently lacking in traditional Islam).

Mutahhari's ceaseless battle against what he considered to be non-Islamic ideas masquerading as Islam resulted in his assassination organized by the group Furqan in 1980.[9] Thus the development of his thought and its possible impact on events was cut short immediately after the Iranian Islamic Revolution of 1979. It may be said that he had hardly begun his work and did not finally have the opportunity to demonstrate the potential of his ideas. His writings did, however, acquire a heightened prestige by being associated with a noted Martyr of the Revolution (*shahid*).

The life of Joseph Dov Soloveitchik also spanned the great changes of the twentieth century, including in his case the shift of the center of Western Jewry from

[8] Ibid., 93-94.
[9] Darabi, *Yadavarah-i Ustad Muṭahhari,* 308.

Europe to North America. He was born in 1903 in Pruzhana (Poland), a decendant of a Lithuanian rabbinical line. His father Rabbi Moshe Soloveichik (1879-1941 CE) was a renowned Talmudist who held various positions in the rabbinate before he moved to the United States where he became the head of Rabbi Issac Elchanan Theological Seminary (RIETS) in New York beginning in 1929. New York City was a great centre of Jewish and Eastern European Jewish immigration in those times.

Soloveitchik completed his primary education in a traditional system of education with private tutors. Around 1922 in his late teens, Joseph Dov Soloveitchik did, as he himself pointed out, acquire the equivalent of a Gymnasium, i.e. advanced academic secondary education.[10] In 1924, he proceeded to the Free Polish University, where he studied political science.

Soloveitchik's entry into university marked his first exposure to the serious study of a secular discipline. He was keen to broaden his education, and became increasingly attracted to philosophy. He entered the University of Berlin in 1926, and began his studies there in that very field. The young Soloveitchik was intrigued by the Neo-Kantian school and wrote his dissertation on Herman Cohen (1842-1918 CE), whose new interpretation of the philosophy of Immanuel Kant (1724-1804 CE) made him known as the founder of the Marburg school of Neo-Kantianism. Soloveitchik received his doctorate in 1932. Remarkably, during his university years, Soloveitchik also continued intensive study of the Talmud.

[10] Aaron Rakeffet – Rothkoff. *The Rav: the World of Rabbi Joseph B. Soloveitchik*, (New Jersey: Ktav Publishing House Inc, 1999), 25.

In 1931 Soloveitchik married Tonya Lewit (1904-1967 CE), who shared a similar background, having been raised in Eastern Europe and having then sought higher education in Western Europe. The Rabbi's wife was the holder of a Ph.D in education from Jena University in Germany. Then in 1932, the young Soloveitchik family emigrated to the United States. Soloveitchik settled in Boston, Massachusetts, where he remained for the rest of his life. He was already well known among the Orthodox community in the United States. Not only because of his family's illustrious rabbinical heritage but also his personal capabilities and intellectual accomplishments, he served in various communal, rabbinic and academic positions in Boston, and later, in New York.

Soloveitchik's main achievement in Boston, however, was in the area of Torah education. He founded the Maimonides School, an institution that was much more than the other Jewish day schools existing at the time. The Maimonides School, Farber states, became "a critical hinge in Boston's modern Orthodoxy because it articulated a philosophy that promoted traditional observance, modernity, and Americanism."[11] The determination of Soloveitchik to bring Orthodox Judaism into modern times while remaining faithful to the tradition was fully reflected in this important institution.

Through the hard work and dedication of Soloveitchik and his wife, the Maimonides School played a major role in the establishment of Boston's modern Orthodox community.[12] The institution was home to Soloveitchik's innovative and revolutionary decision concerning women's egalitarian Talmud education when the high school was founded in the Maimonides school in the late 1940s. He later advocated more

[11] Seth Farber, *An American Orthodox Dreamer: Rabbi Joseph B. Soloveitchik and Boston's Maimonides School*, (New Hampshire: Brandeis University Press, 2004), 70.
[12] Ibid., 9.

intensive Talmud education for women by establishing the Stern College for women at Yeshiva University in New York.

Soloveitchik served in different areas of Jewish religious life in Boston such as supervising of kosher slaughtering (*shechita*); but his main and prime focus was academic and intellectual activities. He was appointed head of RIETS at Yeshiva University in New York in 1941 to replace his late father Rabbi Moshe Soloveitchik and continued teaching there until 1986, when his poor health did not allow him to carry on.

During this period, Soloveitchik ordained as many as two thousand rabbis, some of whom were amongst the most influential leaders and figures of modern Orthodoxy, not only in the United States but also the wider Jewish community. Soloveitchik may thus be considered one of the founders or sustainers of Orthodoxy in America and the twentieth century overall.

A constant theme of the Rabbi's life and learning was pursuit of the modern along with traditional learning. This move began on a personal level in early stages of his academic and intellectual life in Berlin, and continued at the religious and communal level through his Yeshiva years. Soloveitchik initially chose to master modern secular knowledge by pursuing a university education in Berlin, all the while deepening his knowledge of the Talmud and traditional practices. This dual study continued during his years at Yeshiva University, when in addition to his Talmudic lectures, Soloveitchik stressed the combination with secular scholarship and deepening of Western civilization through the exchange. Serious consideration of the modern world can be regarded as a lasting influence of Soloveitchik on the shaping of modern Jewish Orthodoxy.

Soloveitchik passed away in 1993 after a period of illness. The life of the Rabbi was longer than that of the Ayatollah, and he had more opportunity to develop and institutionalize his thought. Nevertheless, we can see a common trajectory in a brilliant beginning in traditional learning, a personal awareness of new knowledge and determination to acquire it, attraction to philosophy, and final synthesis. The two figures are also similar in that they intended, as this thesis will also illustrate, not to produce a new thought but rather to renovate and defend traditional knowledge in order to make it endure.

This thesis, as far as I am aware, constitutes the first attempt to draw a comparison of gender thought at the heart of Judaism and Islam in modern times, through two influential scholars devoted and loyal to the original principles of their religions. It seems surprising, given the similarities of Judaism and Islam in law and other aspects, that more work on women and gender embracing the two traditions has not appeared. A short review of the literature that does exist will serve both to describe this gap in academic study and situate my own work.

Judaism and Islam are brought together in regard to women and gender mostly in a context that also includes other faith traditions. Comparison of these two particular religions is usually not, in other words, a particular concern, but occurs as part of the larger study of women and religion. Writings that have adopted something closer to a comparative approach have relied on parallels in the Torah and the Quran that have shaped the gender approach of these two theistic, Abrahamic, and law-centered traditions. These parallels pertain to either doctrinal or legal issues, and the literature has accordingly compared the traditions on these two grounds.

Works with a doctrinal approach examine fundamental conceptual issues such as the creation and supposed sin of Eve. One of these is Haddad and Esposito's *Daughters of Abraham: Feminist Thought in Judaism, Christianity, and Islam* (2001)[13] which attempts to place the three Abrahamic traditions together. The aim of *Daughters of Abraham* seems to be to suggest that there are parallel feminist movements in Judaism, Christianity, and Islam; but the book is a collection of essays rather than actual exercises in comparison. The introductory essay by one of the editors (there is no conclusion) does assert that the common thread of the three feminisms is "empowerment"; the focus or point of comparison, in other words, is the activity and impact of feminism, rather than the various traditions. *What Men Owe to Women: Men's Voices from World Religions* (2001)[14] is a compilation of male voices that address gender justice in world religions, including Islam, Judaism, Hinduism, Roman Catholicism, Protestantism, Taoism, Buddhism, and Native American and African traditions. The objective of the male scholars is to find the resources within these religions that support the empowerment of women. Again, this book is, like most other literature discussed here, more a juxtaposition than comparison; we notice again that the common thread is feminism or modern gender thought, rather than elements in the traditions themselves. This focus is, of course, a natural one, since feminism, for all its differences, is in some respects a global movement. The book *Abraham's Children* (2005)[15] is different only in that it is

[13] Yvonne Yazbeck Haddad and John L. Esposito, eds., *Daughters of Abraham: Feminist Thought in Judaism, Christianity, and Islam* (Florida: University Press of Florida, 2001).

[14] John C. Raines and Daniel C. Maguire, eds., *What Men Owe to Women: Men's Voices from World Religions* (Albany: State University Press of New York Press, 2001).

[15] Norman Solomon, Richard Harries and Timothy Winter, eds., *Abraham's Children: Jews, Christians and Muslims in Conversation* (New York: T &T Clark, 2005).

somewhat dialogical;[16] it treats some of the same material by bringing together essays by leading scholars of each faith to address key issues, including but not limited to gender.

A small amount of similar work has also been done in Arabic and Persian. One example in Persian is "Azadi, Jinsiyyat, Adyan-i Ilahi (Freedom, Gender, Divine Traditions)" (1384[2005])[17] an article by an Iranian Muslim scholar that investigates the limits of liberty in regard to gender in Judaism, Christianity, and Islam, known by Muslims as the "heavenly" or "divine" religions. The author relates the "freedom" of women to religious views about her creation and first sin, on the basis of the Bible and Quran. I have not, however, come across comparison or juxtaposition in Arabic and Persian that brings together experts or participants in the various traditions. This is no doubt a reflection of the relatively underdeveloped state of the study of religions on the one hand, and inter-religious dialogue or communication on the other; although Iran and the Shiite religious establishments are probably most advanced in the Muslim world in this area.

Another work that might be mentioned here is *Eve and Adam: Jewish, Christian, and Muslim Readings on Genesis and Gender* (1999)[18]. Although merely a source-book, *Eve and Adam* is useful in that it brings together nearly a hundred excerpts from more

[16] Shari Goldberg discusses dialogues and dialogical scholarship between Muslim and Jewish women in her upcoming dissertation, "When Beruriah Met Aisha Textual Intersections and Interactions among Jewish and Muslim Women Engaged with Religious Law". Notice of the dissertation in: *Bulletin for the Study of Religions* 39, 1 (2010): 22-24. See also, Judith Plaskow and Aysha Hidaatullah, "Beyond Sarah and Hagar Jewish and Muslim Reflections on Feminist Theology", in *Muslims and Jews in America: Commonalities, Contentions, and Complexities,* eds. Reza Aslan and Aaron J. Hahn Tapper (New York: Palgrave Macmillan, 2011). I am grateful to Ms. Goldberg for both references.

[17] Roya Matin, "Azadi, Jinsiyyat, Adyan-i Ilahi, " Majallah-i Banuvan-i Shí'ah 3(Bahar 1384[2005]): 49-68.

[18] Kristen E. Kvam, Linda S. Schearing and Valerie H. Ziegler, eds., *Eve & Adam: Jewish, Christian, and Muslim Readings on Genesis and Gender* (Indiana: Indiana University Press, 1999).

than two millennia to show that how social, political, and religious debates over gender and power have depended upon the story of Adam and Eve and their descent from heaven to Earth.

Hagar, Sarah, and Their Children: Jewish, Christian, and Muslim Perspectives (2006)[19] reminds the reader that Judaism, Christianity, and Islam all trace their beginnings to Abraham. The authors look at narratives of Abraham and his wives, Hagar and Sarah, noting that they have received little attention even though the stories are pivotal to the three traditions. In this book, Jewish, Christian, and Muslim scholars discuss Hagar, Sarah, and their children, from Ishmael and Isaac to their many descendents. The authors begin with an overview of the three religions, from their scriptural beginnings to contemporary questions, including womanist and feminist perspectives.

One work that attempts serious comparison is *Women, Religion, & Space: Global Perspectives on Gender and Faith* (2007).[20] The author examines the role of religion in defining space for women and their regulation within it. Islam and Judaism are the subjects of two very different essays in the book rather than directly placed together; but themes treated in the introduction: of exclusion, segregation, and attempts to enlarge allowed space, do throw light on one commonality of the two traditions. Jacob Lassner's *Demonizing the Queen of Sheba: Boundaries of Gender and Culture in Postbiblical*

[19] Phyllis Trible and Letty M. Russell, eds., *Hagar, Sarah, and Their Children: Jewish, Christian, And Muslim Perspectives* (Kentucky: Westminster John Knox Press, 2006).

[20] Karen M. Mori and Jeanne Kay Guelke, eds., *Women, Religion, & Space: Global Perspectives on Gender and Faith* (New York: Syracuse University Press, 2007).

Judaism and medieval Islam (1993)[21] is another pioneering work that traces the exchange of tales of the Queen between the two related traditions; the book is primarily, as the author says, a study in "cultural diffusion" and "inter-communal relations"[22], but also includes insights about how the two traditions travelled similar paths in constructing the Queen as a powerful female in conflict with dominant males.

Gender in Judaic and Islamic law - rather than in narrative as in the examples immediately above - receives attention only in scattered articles and chapters, despite the broad similarity of the two legal traditions. Radford's "The Inheritance Rights of Women under Jewish and Islamic laws" (2000),[23] for instance, gives a brief overview of the legal systems of Judaism and Islam and the place of women in both. The author goes on to provide a fairly detailed description of the ways in which the laws of Judaism and Islam govern the inheritance rights of wives, mothers, daughters, and other female relatives. The author's conclusion is that, although classical Islamic law afforded women more property and inheritance rights than in Judaism, the situation in modern times has been reversed due a series of state reforms along with attempts by the Orthodox to find greater rights in the traditional Law, while Muslim women are often not even afforded the rights originally granted by the Quran.[24] Radford's article, along with Rispler-Chaim's piece, "Islamic Law and Jewish Law on Deserted Wives/Missing Husbands" (2000),[25]

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[21] Jacob Lassner, *Demonizing the Queen of Sheba: Boundaries of Gender and Culture in Postbiblical Judaism and Medieval Islam* (Chicago: University of Chicago Press, 1993).

[22] Ibid., ix.

[23] Mary F. Radford, "The Inheritance Rights of Women Under Jewish and Islamic Law," *Boston College International and Comparative Law Review* 23(2000), lawdigitalcommons.bc.edu/iclr/vol23/iss2/2/

[24] Ibid., 181.

[25] Vardit Rispler-Chaim, "Islamic Law and Jewish Law on Deserted Wives/Missing Husbands: Humanitarian Considerations" in *Judaism and Islam: Boundaries, Communication and Interaction: Essays in Honor of William M. Brinner*, ed. B. H. Hary et al. (Leiden: Brill, 2000) 257-268.

published in the same year on Judaic and Islamic law concerning deserted wives, thoroughly investigates the two sets of laws to arrive at a conclusion that throws light on the trajectory of both traditions, and is a good model for future work.[26] An older and broader, but still useful article is Judith Romney Wegner's "Status of Women in Jewish and Islamic Marriage and Divorce Law" (1982);[27] Wegner also touches on similarties and differences in law reform up to the 1980s when the article was written. Haggai Mazuz's recent article on menstruation, "Menstruation and Differentiation: How Muslims Differentiated Themselves from Jews Regarding the Laws of Menstruation" (2012), in Judaism and Islam, which argues that Muslim laws regarding menstruation were part of an attempt to differentiate Islam from Judaism,[28] demonstrates the potential of historically contextualized comparison. *Faith and Fertility: Attitudes Towards Reproductive Practices in Different Religions from Ancient to Modern Times* (2009)[29] outlines each tradition's core beliefs and values and explores their influence on moral and ethical perspectives surrounding the issue of fertility. *Faith and Fertility* does not compare Islam and Judaism directly, so that it is left to the reader to infer differences and similarities and the significance of both. The book's approach, however, has a virtue

[26] David M. Freidenreich criticizes Rispler-Haim's article on the grounds that it asserts the superiority of Islamic law on this subject; see "Comparisons Compared: A Methodological Survey of Comparisons of Religion from 'A Magic Dwells' to A Magic Still Dwells," *Method and Theory in the Study of Religion* 16(2004), 86. However, although Rispler-Haim does, unfortunately, use language suggesting relative merit, I believe she simply means "potentially more advantageous".

[27] Judith R. Wegner, "Status of Women in Jewish and Islamic Law," 5 Harv. Women's L. J. 1(1982), 1-33. See however the critique of Wegner's approach in Freidenreich, "Comparisons Compared", 83. In Freidenreich's view, the article suffers from a tendency to emphasize sameness by considering Muslim marriage and divorce simply Jewish law "in Arabic".

[28] Mazuz Haggai, "Menstruation and Differentiation: How Muslims Differentiated Themselves from Jews Regarding the Laws of Menstruation," Der Islam 87 (2012), 1-2; 204-223. Mazuz mentions that his article is extracted from a larger Hebrew language work. Although I was not able to take account of scholarship in Hebrew, Professor Norma Joseph as one of the members of my thesis committee kindly took her time to attempt to verify that I had not missed a key source written in that language.

[29] Eric Blyth, Ruth Landau, eds., *Faith and Fertility: Attitudes Towards Reproductive Practices in Different* (Philadelphia: Jessica Kingsley Publishers, 2009).

similar to that of the work on women and space mentioned above in that it uses an important dimension of women's lives as it is practiced among diverse traditions, including Islam and Judaism, to invite readers to think comparatively. Some useful points of comparison regarding gender and law can also be extracted from Neusner and Sonn's *Comparing Religions through Law: Judaism and Islam* (1999).[30]

Comparison of the position of women in different religions inevitably elicits an apologetic or polemic approach. Although such literature is not strictly academic, awareness of it alerts the scholar both to the pre-conceptions of a potential audience and need to avoid the same pitfalls. One Muslim example in English is *Women in Islam Versus Women in the Judaeo-Christian Tradition: The Myth & the Reality* (1995).[31] Originally commissioned or produced by a Saudi organization and widely reproduced on the internet (e.g. www.al-islam.org/women_islam_juchr/), this book begins by recounting the story of Eve and then goes on to examines issues such as inheritance and veiling. The objective of the author is to correct the views of Westerners about Islam subordinating women, the conclusion being that both the mistreatment of women in contemporary Islamic societies and Western conceptions of women invite oppression and exploitation, while Islam, if properly understood, is ideal for both women and the family. The Persian-language "Barrasi-i Tatbiqi-i Talaq dar kitabha-yi Asmani: Quran, Tawrat va-Injil (Comparative Examination of Divorce in Divine Scriptures: the Quran, Torah, and New

[30] Jacob Neusner and Tamara Sonn, *Comparing Religions Through Law* (London; New York: Routledge, 1999).

[31] Sherif, 'Abdel Azeem, *Women in Islam Versus Women in the Judaeo-Christian Tradition: The Myth & the Reality* (World Assembly of Muslim Youth, 1995).

Testament)" (1386[2007]),[32] though more subtle, has a similar flavor in that it compares the Quranic and Muslim model of divorce with Jewish and Christian laws in idealized fashion, without taking into account practice or reality in general.

Muslim polemical literature generally takes as its target or "mirror opposite" the position of women in the West overall or sometimes Christianity (the two often being equated, even though authors are aware that Western countries are strongly marked by secularism). Judaism does not seem to be a particular target. It should also be acknowledged that there is a very extensive Western non-scholarly literature on the supposedly inferior position and "oppression" of Muslim women; although here the goal seems to be to assert the superiority of Western civilization or secularism, rather than Christianity.

This overview of literature on women in Islam and Judaism suggests that the work of comparison has just begun. We notice not only a scarcity of real comparative scholarship, despite some promising beginnings, but a tendency to concentrate on feminist movements and struggles. My work, in contrast, considers contemporary traditional clerical thought, surely a very important part of both traditions. It is interesting that no attempt (again, as far as I am aware) has been made to compare Jewish and Muslim thinkers.[33] Doing so, I believe, provides a more panoramic view of gender thought than focusing on single issues or aspects. Comparing two figures globally does,

[32] Riza Kiyani, "Barrasi-i Tatbiqi-i Talaq dar kitabha-yi Asmani: Quran, Tawrat va-Injil," Jam'iyyat 61: 62(1386 [2007]): 91-106.

[33] Please note that modern Hebrew/Israeli scholarship is not readily available to me, and therefore cannot be included in the above statement.

however, present challenges. I will outline my approach to these following a short review of literature concerning Ayatollah Mutahhari and Rabbi Soloveitchik individually.

Scholarship about Mutahhari's gender thought can be divided into material published in and outside Iran. This, as will become clear, is not a matter of geography but different approaches.

Mutahhari's gender views are deeply rooted in the Shariah. Optimum conformity with the teachings and principles of Shariah is thus a key element in his thought. Ayatollah Mutahhari also strives, however, to be responsive to the "needs of the times" (*muqaziat-i zaman*) and modern concerns. This dual commitment seems to have appeal for a broad spectrum of scholars and writers in Iran. Except for extreme traditional and secular views, writers and intellectuals in Iran have found Mutahhari's gender thought consistent, to a large extent, with their own views and sentiments.

Among the two extremes, the traditionalists disliked Mutahhari's openness towards modern concerns, such as his views reflected in his *Mas'alah-i Hijab (The Issue of Hijab*) (1379[1980])[34] which sparked resentment among traditionalist ulema and caused Mutahhari to react by penning a piece he called *Pasukhha-yi Ustad (The Mentor's Response*) (1386[1988]).[35] Though severely critical of Mutahhari's gender teachings and principles as a whole, the traditionalists have not, however, continued their critique in writing after his death, possibly because of lack of interest and an audience. The same may be said of secularists.

[34] Murtada Mutahhari, *Mas'alih-i Hijab* (Teharan: Sadra, 1379[1980]).
[35] Murtada Mutahhari, *Pasukh-ha-yi Ustad* (Tehran: Sadra, 1386[1988]).

Thus Persian-language literature relevant to Mutahhari's gender thought comes chiefly from those who essentially agree with him and elaborate on his outlook without contributing much real analysis. Different aspects of Mutahhari's views on issues such as equality versus similarity between men and women, family laws, and the full humanity of women in Islam are discussed in this manner in numerous works, three typical representatives of which are described below.

Manzilat va-Huquq-i Zan (Woman's Station and Rights) (1389[2010])[36] regards Mutahhari's work, as it states in the preface, as part of the "valuable heritage of Islamic thought" as well as a "comprehensive, balanced, wholesome, reasonable and substantial intellectual framework which can lead today's and tomorrow's youth to a secure path."[37] The author groups a variety of women's issues raised by Mutahhari under the headings of "woman's station and individuality" (*manzilat va-shakhsiyat-i zan*) and "woman's rights" (*huquq-i zan*). The author's contribution, as confessed in the preface, is limited to a convenient re-statement; the result is a brief introduction, sponsored by an organization called The Research Institute for Islamic Culture and Thought.

Our second example is titled *Duvist va-Chihil Asl-i Khanvadigi dar Andishah-i Mutahhari* (Two Hundred and Forty Principles Concerning the Family in the Thought of Mutahhari) (1388[2009]).[38] The objective of this book also seems to be to present Mutahhari's thought in a more accessible style; in effect, to canonize them. The book is very popular, having gone into a ninth edition in just a few years. The author has

[36] Ibrahim Husayni, *Manzilat va-Huquq-i Zan*) Tehran: Intisharat-i Kanun-i Andishah-i Javan, 1389[2010]).

[37] Ibid., 7.

[38] Abdul-Majid Burazjani, *Duvist va-Chihil Asl-i Khanvadigi dar Andishah-i Mutahhari* (Qom: Intisharat-i Akharin Wasi, 1388 [2009]).

succeeded in transforming Mutahhari's scholarly-clerical discourse into a handy guide to successful family relations. While serving to perpetuate some of Mutahhari's ideas and perhaps give them practical application, such treatment may have also contributed to a lack of critical examination that might otherwise have resulted in a more profound understanding of Martyr Mutahhari's progressive gender views. Critical examination of Mutahhari's philosophical works published in Iran in recent years by scholars such as Ahad Faramarz-Gharamaliki has not at all diminished respect for his scholarship and resulted, in fact, in a better understanding of his philosophical views. More critical examination of his gender thought is likely to be of similar benefit.

Though written mainly by authors of Iranian origin, literature appearing outside Iran has different traits. For one thing, it generally appears as part of an examination of post-revolutionary circumstances in Iran. Thus Mutahhari is portrayed as a leading figure in the pre- and post-Revolutionary intellectual, cultural and social environment; and his gender views are discussed as a part of his overall worldview. Mutahhari's views about women do not seem to be an independent subject of interest for these authors. One example is Dabbashi's *Theology of Discontent: The Ideological Foundation of the Islamic Revolution* (2006).[39] Dabbashi introduces Mutahhari, among eight other influential figures, as "the chief ideologue of the Islamic Revolution". He discusses several key elements in the Ayatollah's thought, his views on the position of women being one. Dabbashi concludes that Mutahhari's discussion of women centered around his distrust and suspicion of the West, along with firm belief in the superiority of Islamic gender arrangements.

[39] Hamid Dabashi, *Theology of Discontent: The Ideological Foundation of the Islamic Revolution* (New Jersey: Transaction Publishers, 2006).

Davari's *The Political Thought of Ayatollah Murtaza Mutahhari* (2005)[40] similarly portrays Mutahhari as "an Iranian theoretician of the Islamic state". The book takes a biographical approach by recounting Mutahhari's political and academic life, so that discussion of his thought concerning women and philosophy enters the scene only occasionally. The author does unfold the saga of Mutahhari's encounter with both "secularists" and "traditionalists" on the issue of women in general and the veil in particular. He tells the story of the Ayatollah's encounter with secularists in the person of a judge who proposed changes to certain Shariah-based family laws, and describes his strong reaction (according to the author, he was the only member of the clergy to openly object) to a film sponsored by the ruling Pahlavis mocking the sexual relations of religious families and piety of religious institutions. Mutahhari's encounter with the traditionalists was most dramatically displayed in his answer to criticism of his "Issue of Hijab" and his reaction to the view that opposed women covering with a scarf and long-sleeved smock (known in Iran as *manteau*), instead of the traditional *chador* (literally, "tent", an enveloping outer garment or open cloak) and *rubandeh* (a long, face-covering garment similar to a *burqah* worn by Iranian women in the past).

Writings on women in Iran sometimes refer selectively to Mutahhari; those focusing on the post-revolutionary period rarely fail, in fact, to mention him. Two examples are the edited volume *Women, Religion and Culture in Iran* (2002)[41] and Valentine Moghadam's *Modernizing Women: Gender and Social Change in the Middle*

[40] Mahmood T. Davari, *The Political Thought of Ayatollah Murtaza Mutahhari* (New York: RoutledgeCurzon, 2005).

[41] Sarah F. D. Ansari and Vanessa Martin, eds., *Women, Religion and Culture in Iran* (Richmond: Curzon Press, 2002).

East (2003).[42] These do not however, seem to offer original contributions concerning Mutahhari in particular.

One work that intersects the two categories in that it was presented in Iran by a non-Iranian scholar is Lynda Clarke's article titled: "Ayatollah Mutahhari and Women: Construction of Liberal-Conservatism" (2004),[43] part of a collection derived from the annual International Conference of *Hikamt-i Mutahhar*. In her piece, Clarke refers to elements of conservatism and liberalism which, she believes, both shaped Mutahhari's approach to gender. By conservatism and liberalism, Clarke does not seem to mean exactly what these terms might imply in politics, i.e. that Mutahhari's conservatism led him to unreasonably persist in traditional doctrines regardless of their viability, or that he was a liberal in a secular sense. It appears that Clarke thought of Mutahhari as "conservative" in the sense of being persistent in keeping the principles of Islamic doctrine intact, a stance perhaps more properly referred to in Persian as "*usul-gira'i*" (principalism). By liberal, she certainly did not mean that Mutahhari was ready to make concessions on the fundamentals of Islam. What was rather meant is that Ayatollah Mutahhari was prepared to make progressive and innovative modifications within the bounds of the Shariah. These two aspects, I would suggest, may be described together as "*usul-gira'i-i pishru*" (progressive principlism). Clarke's suggestion that Mutahhari could be characterized as " liberal-conservatism" nevertheless sparked harsh criticism in the Iranian audience.

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[42] Valentine Moghadam, *Modernizing Women: Gender and Social Changes in the Middle East* (Colorado:Lynne Rienner Publisher, 2003).

[43] Lynda Clarke, "Ayatollah Mutahhari and Women: Construction of Liberal-Conservatism," (paper presented at the annual international conference of Hikamt-I Mutahhari, Tehran, Iran, April 2004).

The literature on Rabbi Soloveitchik and women is somewhat more substantial. There is, for instance, a good deal of writing that discusses or seeks to resolve the Rabbi's apparently inconsistent stances on women's education and prayer groups. A constant theme of scholarship on Soloveitchik is to reconcile the descriptors "modern" and "orthodox" in the phrase sometimes applied to him, "the authority figure of modern Orthodoxy". Soloveitchik's positions on women's education and prayer groups become points of references in debate as to whether Soloveitchik should be seen as a traditionalist who was acquainted with modern philosophical knowledge and modern questions, or a modern figure who was "anchored in the sea of Talmud and the Brisker tradition", as Moshe Sokol puts it.[44]

Thus, for instance, Twersky's "A Glimpse of the Rav" (1996)[45] acknowledges Soloveitchik's position on intensive Talmud education for women, while arguing that his reaction to the *mechitza* controversy is strong and forceful enough to disprove that the stance on education was motivated by modernity. The author argues that Rabbi Soloveitchik's position on women's Talmud education is rather motivated by his Torah intuition. Wurzburger's, "Rav Joseph B. Soloveitchik as Posekh of Post-Modern Orthodoxy" (1994),[46] in contrast, argues that in the long run, Soloveitchik's approach "holds the greatest promise for those seeking to combine commitment to halakha with a selective acceptance of the ethos of modernity."[47] While the author believes Soloveitchik's position on women's education to be modern, going so far as to

[44] Moshe Sokol, "'Ger ve- Toshav': Modernity and Traditionalism in the Life and Thought of Rabbi Joseph B. Soloveitchik," *Tradition* 29:1(1994), 1.

[45] Mayer Twersky, "A Glimpse of the Rav," *Tradition* 30:4 (1996), 92.

[46] Walter S. Wurzburger, "Rav Joseph B. Soloveitchik as Posekh of Post-Modern Orthodoxy," Tradition Volume 29, 1994

[47] Wurzburger, "Rav Joseph B. Soloveitchik as Posekh of Post-Modern Orthodoxy", *Tradition* 29(1994), 21.

characterize his objection to the use of modern historic and textual scholarship as "highly sophisticated post-modern critical thought", he does not view the Rabbi's position on women's Talmud education as a sign of concession to modernity. The author of "Modernity and Traditionalism in the Life and Thought of Rabbi Joseph B. Soloveitchik" (1994)[48] seems to express a similar view, not only viewing Soloveitchik's position on women's education as a modern move, but also welcoming his awareness of modern conditions and praising his "personal blend of traditionalism and modern elements", which, he judges, "contributed to his success".[49]

The author of *Women at Prayer: a Halakhic Analysis of Women's Prayer Groups* (2001)[50] considers Soloveitchik's views on women's *tefillah* as part of a study of women's prayer in general. He includes the views of two medieval Talmud scholars, Maimonides (1135-1204 CE) and Nahmanides (1194-1270 CE), along with those of Soloveitchik and Feinstein (1895-1986 CE). Following examination of Soloveitchik's thoughts on women's prayer in general and women's prayer groups in particular, the author concludes that Soloveitchik does not oppose women's *tefillah* as a whole. He accuses opponents of women's *tefillah* of extending of Rabbi Soloveitchik's rejection of some practices of the groups to the whole issue.

Soloveitchik's deliberations on woman's creation and attributes have generated interest from quite a wide audience. Wolosky's "The Lonely Woman of Faith" (2003)[51] demonstrates the appeal of this aspect of the Rabbi's thought. While admitting that

[48] Sokol, "Modernity and Traditionalism".
[49] Ibid., 14.
[50] Avraham Weiss, *Women at Prayer: A Halakhic Analysis of Women's Prayer Groups* (Hoboken: Ktav Publishing House, 2001).
[51] Shira Wolosky, "The Lonely Woman of Faith," *Judaism* 52: 1/2 (2003), 3.

Soloveitchik's analysis cannot be called feminist, Wolosky finds that his reading has "surprising implications for feminist theory" and "oddly intersects with a variety of feminist discussions."[52] Having detected a number of parallels between the views of Soloveitchik and those of certain feminists, the author concludes that his typology is "generic, not gendered", since the attributes of Adam the first are shared by both male and female in the first account, while the qualifications of Adam the second are similarly shared by male and female in the second account.[53] In Wolosky's view, this means that attributes are not *essentially* gendered; they are only meant to situate the human being in the world. That such views have been expressed by a halakhic scholar has promising implications for feminists, according to the author. The author believes that the covenantal relationship between man and woman in the second account, which is defined by Soloveitchik as "existentially mutual", also approximates feminist analysis. She asserts that the model presented by Rabbi Soloveitchik for "self" and "community" as dialectical tension "opens an avenue between feminist and Jewish discourses, pointing both in redemptive directions."[54]

David Hartman's *The God Who Hates Lies: Confronting and Rethinking Jewish Tradition*[55] examines Soloveitchik's fundamental thoughts on gender. Though himself a student of Soloveitchik, Rabbi Hartman was known[56] as a relatively liberal figure in Orthodoxy and does not refrain from criticizing his teacher. A chapter headed "Where Did Modern Orthodoxy Go Wrong" investigates what Hartman considers to be his

[52] Ibid., 3.
[53] This will be explained further in the first chapter of the thesis.
[54] Ibid., 17.
[55] David Hartman, *The God Who Hates Lies: Confronting and Rethinking Jewish Tradition*, (Woodstock: Jewish Lights Publishing, 2011).
[56] Hartman died in February of 2013.

"mistaken halakhic presumptions". The author criticizes Modern Orthodox Judaism in general for having been static in many respects and refusing to move and grow despite moral imperatives and simple logic. This, in the view of the author, has resulted in harm to many people, including women. A prime example is said to be Soloveitchik's position on the *aguna* issue. Soloveitchik, the author believes, failed to tackle the problem because of his faithfulness to an ancient presumption about women that no longer holds true. This presumption and Soloveitchik's commitment to not allowing its modification, Hartman regrets, has made the *aguna* crisis irresolvable.

The secondary literature on Mutahhari and Soloveitchik is of unequal quality. I have also found it to be of limited use for my work, especially in the case of Mutahhari. My approach, in any case, is centered on analysis of primary texts; although it should be said that these texts are not necessarily written by Mutahhari and Soloveitchik for publication but consist, for the most part, of lectures gathered and edited by their followers and pupils. This is a widespread custom in traditional circles in both Judaism and Islam.

Such a study requires a cogent basis for comparison. Comparison of the views of the Ayatollah and Rabbi is made possible by parallel elements existing at two levels: first, their individual concerns and accomplishments; and second, the impact of external factors such as prevailing social, and cultural circumstances. Although these two levels cannot be sharply divided and are at times intertwined, I will separate them here in the introduction for analytical purposes.

Parallels between Mutahhari and Soloveitchik at the individual level are evident both in their overall thought and views in regard to gender. First, both profess an uncompromising devotion to the principles of their tradition; to put it differently, they see themselves as traditionalists. Second, each at the same time acknowledges that it is necessary to attend to contemporary circumstances and exigencies. They may have been traditionalists, but neither was hide-bound. Third, neither Mutahhari nor Soloveitchik hesitate to make use of different branches of human sciences such as psychology and sociology, and above all classic and Western philosophy. They each take from modern knowledge what they find meaningful and useful. And last, but certainly not least, both the Ayatollah and the Rabbi pay a great deal of attention to the concept of humanity. The Human Being is a central – perhaps the central - theme in the religious thoughts of both figures, and this theme in turn deeply informs their views of Woman.

Within this frame, Mutahhari and Soloveitchik both place as key issues woman's creation, the purpose of that creation, the first sin, female spiritual capability and the origin and purpose of gender differences and roles. While they do not necessarily share views on these matters, the mere fact that they are common concerns facilitates comparative examination. Finally, the central theme running through their discussions on women in particular and gender in general is the significance and the centrality of the family. For Mutahhari and Soloveitchik, the family is the foundation of a godly society, and woman's rights and responsibilities are reflected upon mainly in light of strengthening family relations.

Parallel external factors facilitating comparison have already been suggested in the short biographies of Mutahhari and Soloveitchik. Though from different worlds, both

lived through roughly similar intellectual and social circumstances. They passed a major part of their scholarly life in a period after World War II in which religious belief systems came under fierce attack; both East and West saw the rise of Marxism, atheist existentialism, and secular feminism (though the last had less impact in the Muslim world). All of this threw into question not only the validity but very feasibility of religious views on women.

In the midst of such circumstances, the two religious scholars felt compelled to defend their respective traditions by resisting, countering, or in some cases selectively coming to terms with modern views.[57] It may be said that they attempt to redefine the principles of their religious worldviews in ways that respond or at least attend to the concerns of modern times; but always with great care to avoid distortion for the sake of compatibility with contemporary views and values. The Ayatollah and the Rabbi found the issue of women to be especially sensitive in this regard, because it was felt to be a vulnerable point through which non-religious approaches could potentially gain influence. Mutahhari and Soloveitchik both feared the emergence of a misguided and misleading reading of their traditions' teachings about gender.

At the same time, both scholars were caught between conflicting currents in their communities. Liberal elements criticized Mutahhari and Soloveitchik (the latter more

[57] For Mutahhari's critique of Marxism, existentialism, and feminism, see: Murtada Mutahhari, *Naqdi bar Marksism* (Tehran: Intisharat-i Sadra, 1377[1998]); Ali-Rida Muvaffaq, *Naqdi bar Kitab-i Exsistansialism-i Sartre az Didgah-i Ustad Mutahhari* (Qum: Intisharat-i Danishkadah-i Ulum-i Islami, 1379[2000]); and Murtada Mutahhari, *Nizam-i Huquq-i Zan dar Islam* (Tehran: Intisharat-i Sadra, 1377 [1998]). For Soloveitchik, see: Joseph B. Soloveitchik, *Festival of Freedom: Essays on Pesah and the Haggadah* (New York: Ktav, 2006), 10; and Simcha Krauss, "The Rav: on Zionism, Universalism, and Feminism," *Tradition* 34:2 (2000).

than the former, for reasons given above) for being orthodox,[58] while their views in general and approach to gender issues in particular stirred criticism and even what may be described as backlash from mainstream traditional scholars. They were accused both of being too moderate and too traditionalist.

Last, it should be noted that gender *qua* gender was not the primary or fundamental concern of either scholar. Ayatollah Mutahhari and Rabbi Soloveitchik certainly were concerned with women's rights, and they were aware of social and intellectual developments that advanced or sought to advance the status of women. This concern, however, sprung from a conviction that their respective traditions, if understood correctly (i.e., the way they understood them), acknowledged women's rights and gave them an ideal position. Thus their views are necessarily embedded in their traditions, and their discourse on women's individual, social, and spiritual positions does not necessarily address let alone conform to concerns raised in current non-religious gender thought. In order to appreciate Mutahhari's and Soloveitchik's worldviews, this should not be thought of as a limitation, but rather particular orientation.

The thesis consists of three chapters. Chapters one and two discuss the views of Mutahhari and Soloveitchik on women and gender, including the theoretical and practical aspects of their thought. By "theoretical", I mean the creation of woman, the purpose of her creation, her first sinful act, spiritual capability, and male-female differences; in other words, an overall worldview. By "practical", I mean views concerning women's position in the family and society and how these are affected by Islamic and Jewish law. In this

[58] The word orthodox – used here as an adjective and not to refer to a particular group - is not usually applied to Islam; but it does seem to describe an orientation toward "right doctrine" common to the two figures.

regard, Mutahhari's views on veiling and Soloveitchik's views on education and prayer groups will be specifically examined. These two chapters are rather long. I tried dividing them into the 'theoretical' and 'practical' as described above, but found that this fragmented my subjects' thought, without giving the compensation of making comparison easier, since they configure and express their concerns differently. Their similarities and differences and the significance of each do not lie on the surface and are better appreciated when the views of the two thinkers are presented as a whole. To put it another way, the gender thought of each figure must be seen in context of their thought overall, and I found I was able to portray the context better in this format.

The placement of the chapters on the two figures should also be explained. It might seem more logical to place Soloveitchik first rather than Mutahhari, since Soloveitchik was born somewhat earlier, belongs to the tradition prior in time, and is more likely to be a ready reference point for Western readers. I have started with Mutahhari instead because he remains the more ready reference for me, despite the opportunities I have had to study Judaism. Nevertheless, I have tried to give Soloveitchik almost equal consideration; the chapter on Soloveitchik is in fact somewhat longer as he elaborated his thought more, probably because he lived much longer than Martyr Mutahhari (ninety as opposed to sixty years) and was able to lead a quiet, scholarly life. Mutahhari, on the other hand, was constantly involved in politics – including a month in prison – before his life was finally cut short. In order to make the work accessible to readers familiar only with either Islam or Judaism, I have added notes explaining even common terms (e.g. *ijtihad, Halakhah*) relating to both traditions.

The third and final chapter of the thesis is the core of this study. In this chapter, I hope to place specific features of the two worldviews in comparative perspective while looking at Ayatollah Mutahhari and Rabbi Soloveitchik's visions of their respective traditions as seen through the lens of the issue of women. The goal is to use the thought concerning women and gender of each figure to throw light on the other; that is, not simply to point out similarities and differences,[59] but use these as a starting point for further discussion. In David Freidenreich's article, already referred to in the notes above, surveying comparative approaches to religion over the last few decades, he refers to an ideal approach that allows one to "learn from parallel cases" by creatively examining "particular aspects of individual traditions" while being careful to "*compare elements from multiple religious traditions only after examining them in their original contexts*" [emphasis in the original].[60] This is the method I have tried to apply, while also using comparison to reveal interesting absences and "offer possible explanations for problems encountered in the study of a single tradition."[61]

[59] Freidenreich, "Comparisons Compared", 80-101.
[60] Ibid., 94, 96, 100.
[61] Ibid., 92, 98.

Chapter One: Woman in the Thought of Ayatollah Mutahhari

I will begin this chapter by situating Ayatollah Mutahhari in the landscape of modern Islamic gender thought. This is particularly important for Western readers who may not be familiar with Islam and the variety of views circulating in the tradition. Issues related to women, and gender, are intensely debated in Islam. There is little consensus not only among feminists, but also within traditional religious circles. Nor are religious and feminist discourses in Islam necessarily exclusive of each other or completely opposed. They naturally have different emphases and objectives; but they are also similar in some ways since they are stimulated by the same social and cultural change, and Islam is seen by both to be a key issue. It is true, however, that most religious discourse is markedly defensive. Its chief aim is to defend the tradition in the face of current gender awareness and feminist critiques that insist on women's rights and gender equality. This characteristic is also displayed in the writings of Ayatollah Mutahhari.

The central principle that unites the diverse currents within religious discourse is that gender roles and rights are to be defined in the framework of the Quran and Islamic law. Feminism, on the other hand, posits women's rights and gender equality as an independent principle. Uncompromising adherence to these two principles represents the extreme point in each spectrum, and using them as boundary marks allows for a better understanding of other currents within each camp. At the same time, diversity within each discourse allows for the emergence of some cross-discourse, i.e. exchange between the two chief currents. This is also, as we shall see, evident in the case of Ayatollah Mutahhari.

The extreme current of the traditional religious approach to gender involves not only reliance on the Quran and the Hadith, but a thoroughly patriarchal understanding of these two scriptures. The extreme approach does not seem to view gender issues as open to debate and discussion. It engages in discussion solely for the purpose of maintaining its hold on Muslims and assumes itself to be the sole legitimate representative of Islamic thought. The Wahhabis, a group dominating religious discourse in contemporary Saudi Arabia, represent this approach, which has led to a national policy that promotes seclusion and a limited social role for women.[62] This outlook is greatly indebted to medieval thought. Two representatives of this thought frequently cited by traditional scholars are Ibn al-Jawzi (d.1200 CE) and al-Ghazali (1058-1111CE). Ibn al-Jawzi speaks of women in his book *Kitab Ahkam al-Nisa* ("Book of Rulings on Women") in terms of "immoral seduction, shameful nakedness and indiscriminate lust." He advises that women be "imprisoned" in the house, "for like female snakes, women are expected to burrow into their homes."[63] The views of al-Ghazali, one of the most prominent and influential theologians, jurists, and mystics of Sunni Islam, are reflected in his *Nasihat ul-Moluk* ("Advice For Kings"). According to al-Ghazali, most women are of dubious morality and limited intelligence. He likens them to animals, warning readers to "be aware that women's characteristics are of ten kinds, each of which is similar to the attribute of an animal."[64] He actually goes on to name ten animals and explain why a woman is comparable to each. Those rare women who share the characteristics of a ship,

[62] The literature on women in Saudi Arabia is extensive. Mansoor Moaddel's "'The Saudi Public Speaks': Religion, Gender, and Politics" (International Journal of Middle East Studies 38 [2006]: 79-108) provides a compact overview.

[63] Quoted in Homa Hoodfar, "More than Clothing," in *The Muslim Veil in North America*, ed. Sajida Sultana Alvi, Homa Hoodfar and Sheila McDonough (Toronto: Women's Press, 2003), 6.

[64] Imam Muhammad al-Ghazali, *Nasihat ul-Moluk* (Tehran: Intisharat-i Anjuman-i Athar-i Melli, 1351[1972]), 269-273.

on the other hand, enjoy al-Ghazali's praise: "And a woman of the character of a ship is blessed, for there is a benefit in each part of a ship. Such a woman benefits all; she is kind to her husband, family, neighbors, and children, and she obeys God. Be aware that a virtuous and covered (*mastur*) woman is one of God's bounties bestowed on a man."[65] Extreme conservative discourse depends much on the idea that women have a certain innate, negative nature and character; this idea, as can be seen from the material just quoted, begins in the mediaeval sources.

This traditional outlook does not, however, mean that misogyny necessarily colours all traditional discourse today. For one thing, nearly all scriptural material used to support misogyny is from the hadith rather than Quran. The hadiths are an oral tradition that preserves the ethic and attitudes of the Muslim community over the centuries, so that it is not surprising to find much woman-negative material, as well as some woman-positive statements apparently reflecting different voices. The writings of Ayatollah Mutahhari demonstrate a thorough commitment to the gender views of the tradition, but they are not marred by misogyny.

There is also a wide spectrum of feminist discourse in Islam, ranging from secular to Islamic. Figures such as Nawal El Saadawi,[66] Fatima Mernissi,[67] and Leila Ahmed,[68] promote women's rights and equality without necessarily being concerned with the religious implications of their views. Here we see, as noted above, the effect of women's

[65] Ibid., 273.

[66] Nawal El Saadawi (born 1931 CE) is an Egyptian feminist writer, activist and psychiatrist. She has written many books on the subject of women in Islam, including on the practice of female genital cutting.

[67] Fatima Mernissi (born 1941 CE) is a Moroccan feminist writer and sociologist. Mernissi is largely concerned with analyzing the historical development of Islamic gender thought and its modern manifestations.

[68] Leila Ahmed (born 1940 CE) is an Egyptian American writer on Islam and Islamic feminism, as well as being the first women's studies professor at the Harvard Divinity School, where she currently teaches.

rights and gender equality as independent principles. Figures such as the British-Iranian academic Ziba Mir-Hosseini, on the other hand, aim to reconcile feminism with religion and espouse an "Islamic feminism" (a term applied, it should be noted, largely by non-Muslims). For Islamic feminists, equality is still a basic principle, but one that can also be discovered in religion.

Reactions to the issue of veiling are an indication of the variety of approaches within feminism. Feminists have squared women's rights with veiling in quite different ways. Nawal El Saadawi, for instance, speaks of "veiling the brain", referring to a young relative who, in her view, had been intelligent and brave until she put on the veil. After that, according to El Saadawi, it became impossible to conduct a normal discussion with her.[69] El Saadawi's opposition to Muslim covering is best reflected in her pronouncement that: "women who wear the veil and say they choose to do so are either lying or ignorant."[70] However, few feminists these days hold El Saadawi's view. Fatima Mernissi questions the use of the veil, claiming that there is no Quranic evidence indicating that it is an Islamic obligation,[71] while El Saadawi does not seem to be concerned with the Quran at all and simply rejects veiling as a practice that violates women's rights. Leila Ahmed, on the other hand, although she originally rejected covering for Muslim women by arguing that it was a requirement only for the wives of the Prophet,[72] has in a recent

[69] Nawal El-Sadawi, *The Hidden Face of Eve*: W*omen in the Arab World* (Boston: Beacon Press, 1982), 53-58.

[70] Sara Wajid, "Nawal El Saadawi in Dialogue" *Online Journal of Darkmatter in the Ruins of Imperial Culture*, accessed June.4, 2013, www.darkmatter101.org/site/2008/02/13/nawal-el-saadawi-in-conversation

[71] Fatima Mernisi, *Women in Moslim Paradise* (New Delhi: Kali for Women, 1988), 32.

[72] Leila Ahmed, *Women and Gender in Islam* (New Heaven: Yale University Press, 1992)

publication accepted that it is a valid "choice" that should be left to individuals.[73] The variety of approaches taken by El Saadawi, Mernissi, and Ahmed demonstrates diversity within "pure" feminism.

Islamic feminism maintains a twofold focus on both feminism and Islam. It holds that women's liberation and rights should be defined and determined in the framework of Islamic belief. Mir-Hosseini elaborates on what that means in her view:

> The term Islamic, when attached to another –ism, just means finding legitimacy in Islamic text and sources. In this manner, the word "feminism" in Islamic feminism cannot be used to signify a lack of religion, nor can the term "Islamic" within Islamic feminism be used to signify Islamists. [74]

Mir-Hosseini and other Islamic feminists such as Amina Wadud[75] approach women's issues from within Islam. Unlike secular and quasi-secular Muslim feminists, such as El Saadawi, Mernissi, and Ahmed, they believe that Islam has the potential to address women's issues in ways that promote gender justice and equality. Mir-Hosseini and Wadud both believe that the system of Islamic law or Shariah has contributed to gender inequality and injustice; but unlike secular Muslim feminists, they do not choose for this reason to distance themselves from the tradition altogether. Rather, they remain in the system and push it towards a reading of the Shariah in which women, as Mir-Hosseini puts it, are "treated as second-class citizens in the *fiqh* [law] books that came to define the

[73] Leila Ahmed. *A Quiet Revolution: The Veil's Resurgence, from the Middle East to America* (New Haven: Yale University Press, 2011).

[74] Ziba Mir-Hosseini, "The Potential and Promise of Feminist Voices in Islam" (paper presented at the Fourth Annual International Congress on Islamic feminism, Madrid, October 22-24, 2010).

[75] Amina Wadud (born 1952 CE) is an African-American scholar who focusses on Qur'an exegesis. As an activist, she has addressed mixed-sex congregations, giving a sermon in South Africa in 1994 and has led Friday prayers in the United States in 2005. Wadud, however, does not call herself a feminist.

terms of the shari'ah."[76] With a similar objective of encouraging change within the bounds of the Shariah, Wadud refers to "the subtleties of reforming [Islamic] laws for equality and justice, not just for today but forever… [and] addressing the tension in certain Quranic passages" concerning justice and equality.[77]

There is another current of thought concerning women and Islam that attempts to secure progress on women's issues while adhering to Islamic teachings. While aiming at a certain reform in response to social and cultural changes, this type of thought is highly conscious of the need to defend Islamic teachings on gender issues from accusations that they are the reason for women's inferior position in Muslim societies. This approach is a mediate one; it cautiously avoids being labeled traditionalist or fanatic, while vehemently rejecting feminism as an import from the West. According to this view, Islamic gender values and teachings possess all that is necessary to define women's rights and roles. In its definition of gender roles and rights, this approach relies a great deal on the idea of male and female differences as determined by nature and the complementary gender roles.

Ayatollah Morteza Mutahhari represents this approach in the context of Shiite Iran. It is instructive to compare Mutahhari with the Indo-Pakistani Sunni thinker Abu al-Ala Mawdudi (1903-1979). Mawdudi relies on similar assumptions concerning the inherent natures of the sexes and complementary roles, for instance in his well-known

[76] Ziba Mir Hosseini, "The Quest for Gender Justice: Emerging Feminist Voices in Islam" *Islam 21* Issue 36, accessed June 4, 2013, www.fu-berlin.de/sites/gpo/tagungen/tagungfeministperspectives/Mir_Hosseini.pdf?1361540682.

[77] Trisha Sertori, "Dr Amina Wadud: For a Progressive Islam," *The Jakarta Post*, accessed June 4, 2013, www.thejakartapost.com/news/2009/11/19/dr-amina-wadud-for-a-progressive-islam.html

and widely translated *Purdah: Veil and the Status of Woman in Islam*.[78] Mawdudi's view is distinctly different from the traditionalist outlook described above in that he stresses the equal worth and humanity of man and woman in Islam,[79] attributing ideas about the inferiority and evil of women to other traditions such as Judaism and Christianity. He firmly rejects what he believes to be the Western approach toward woman in which she is expected to enjoy equality with man in all areas at the expense (so he thinks) of undermining her natural qualities and differences with man.

Mutahhari's thought and logic on women's issues is similar to that of Mawdudi in many ways. Although there is no concrete evidence of influence, it seems likely that he was influenced by him, particularly in his *System of Women's Rights in Islam* (*Nizam-i Huquq-i zan dar Islam*). There are, at the same time, many disagreements between the two, concerning women's covering and space and other issues. For instance, as is evident from the title of his book, Mawdudi argues for the necessity of veiling, which for him includes confinement and covering of the face, while Mutahhari goes exactly in the opposite direction by arguing against both on the grounds that they compromise women's mobility and freedom. It is principally the issue of social presence or space, crystallized in different views of covering that divides the two.

The approaches of Mawdudi and Mutahhari to scriptures are also different. In his interpretation of the Quranic verses on *satr* (covering), Mawdudi relies heavily on the traditions (*hadith*s) of the Prophet – in fact, mostly of the Prophet's Companions, since there are so few *hadith*s on clothing attributed to the Prophet himself. Mutahhari, on the

[78] Mawdudi wrote his "Purdah" in 1939. The book was translated into Persian in 1998.

[79] It should be stressed again that the "traditionalist" approach is different from that of the Quran, in which there is a spirit of egalitarianism.

other hand, refers mainly to the Quran along with carefully selected traditions of the Prophet and Shiite Imams. Mutahhari's reliance on the Quran rather than hadith is in fact key to his relatively moderate discourse, since nearly all scriptural material used to support misogyny is from the hadith rather than Quran. Mutahhari is critical of hadiths. He often discusses the authenticity and applicability of hadith texts, as traditional scholarship allows. Mutahhari is in fact a pioneer in confronting what is known in Persian as "*akhbarigari,*" i.e. excessive attachment to hadith. Mawdudi is less cautious regarding hadith, allowing him to construct a less moderate but still scripturally justified discourse on women.

This brief sketch of different perspectives ranging from secular to extreme traditionalist sheds lights on Mutahhari's position in the spectrum. He manages to distance himself from both traditionalism and feminism, while drawing, in some ways, on both. The chapter begins by examining how Ayatollah Mutahhari defines women's position through the Quran and then goes on to his discussion of women's individual and social rights and responsibilities, including the issue, very important for him, of veiling.

In order to understand Mutahhari's motivation in writing on women, one has to go back to the mid-1960's when he began contributing articles to a well-known women's magazine called *Zan-i Ruz* (*Today's Woman*).[80] In an introduction to his major work on women, *The System of Woman's Rights in Islam*, Mutahhari explains how he found

[80] *Zan-i Ruz* is Iran's oldest magazine and the only one to have continued after the 1979 Islamic Revolution. In its pre-revolutionary incarnation, it combined fashion with serious advocacy of women's rights. After the revolution, *Zan-i Ruz* continued its advocacy role and helped to shape and shed critical light on the policies of the Islamic Republic. See Ziba Mir-Hosseini, "Debating Women: Gender and the Published Sphere in Post-Revolution Iran," in *Civil Society in The Muslim World: Contemporary Perspectives*, ed. Amyn B.Sajoo (London: I.B.Tauris, 2004), 99-103.

himself writing articles for a magazine that was mainly voicing feminist approaches. He knew that simply writing in such a publication was likely to provoke negative reaction from his religious audience. Nevertheless, he accepted a suggestion by a fellow clergyman to reply to a discussion that appeared in the magazine in 1966 which largely favoured changing Iranian civil family laws from an Islamic to more secular model. The magazine agreed to publish Mutahhari's responses to an article written by a pro-reform judge by the name of Ebrahim Mahdavi-Zanjani, and these were subsequently gathered and published in book form.[81] Mutahhari's writing in *Zan-i Ruz* and his permission for the publication of the articles in book form are evidence of his desire to reach a wider audience, and especially women. That a member of the clergy would attempt to reach out to a female audience is intriguing in itself.

This was Mutahari's first public discussion of women's issues in Islam, though it was, he says, the result of years of studying women's rights in Islam as one of his main research interests.[82] Mutahhari's mere agreement to write in *Zan-i Ruz* demonstrates his willingness to go against the mainstream. He explained his motives as follows:

> It is not my intention to defend the civil law, and certainly not my intention to claim that it is a comprehensive law that conforms with Islamic laws and correct social criteria, as I myself have some criticism of the civil law… Very often I witness calamities and tensions in family relations, and I believe that there should be

[81] Murtada Mutahhari, *Nizam-i Huquq-i Zan dar Islam* (Tehran: Offset, 1379[1980]), 26.

[82] Mutahhari's gender views are developed under the headings of "women's rights in Islam", Islamic covering, and sexual ethics. In order to understand his interest, unusual among the clergy at the time, in women, one needs to place them in the perspective of a period in which women's issues were on the political and social agenda of the Pahlavi regime. Acknowledging women's right to vote, an article of the Shah's White Revolution (*inqilab-i sifid*) in 1961, as well as the Family Protection Act in 1962 and 1967, which prompted reactions from some ulema of the time such as Ayatollah Khomeini, were viewed as being in the same line as Reza Shah's policy of *kashf-e-hija*b (1931), which banned the wearing of hijab in public. In these circumstances, while Mutahhari does not deny the shortcomings of the existing family law of Iran he at the same time rejects secularization as a way of amending it. Mutahhari's discussions of women's rights in Islam and hijab should therefore be examined in light of this historical pessimism and distrust of Pahlavi policies of secularization of an Iranian religious society on a Western model.

> fundamental reforms in this regard. However, contrary to [some extreme traditionalists], I do not say that Iranian men are innocent and the blame rests entirely on civil law and its following of Islamic jurisprudence. Changing the civil law is not, in my opinion, the only way to reform. I therefore intend to examine the Islamic laws pertaining to marital rights and the marriage relationship that have been criticized … I will argue that these laws are, in truth, legislated in accordance with subtle psychological, natural, and social considerations. I will argue that men and women are equally honored and respected in these laws. I will also argue that Islamic law, if administered correctly, ensures sound and healthy marital relations.[83]

Thus Islamic laws concerning gender, which are chiefly reflected in family law, do not, in Mutahhari's view, contribute to women's legal, social, or cultural problems in Iran. The problem, as far as there is one, lies elsewhere and should be tackled at the level of executing laws, as well as opposing men's mistreatment of women and an anti-woman culture. [84]

1. Woman in the Quran: Towards an Altered Attitude

Mutahhari's fundamental premise in discussing the Quran is that it provided humanity with a new approach to women, significantly changing woman's status compared to her position in pre-Islamic position.[85] Mutahhari, in other words, considers the Quran to be a revolutionary document. As a philosopher and theologian, he also goes beyond the legal aspects of the Quran and Shariah, that is partly based on it, to discuss the philosophical and theological grounds for the Quran's views on women and gender relations. He does, to be sure, address legal issues such as marriage, divorce, and inheritance, but definitely not as his primary purpose or in a legalistic fashion.

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[83] Ibid., 35.
[84] Ibid., 36.
[85] Ibid., 25.

On the other hand, Mutahhari emphasizes that the Quran's liberating view of women is reflected in the application of Shariah laws. The idea that Shariah is a window to gender egalitarianism is in a sharp contrast to the approach of Muslim feminists such as Mir-Hosseini, who considers the Shariah as often treating women as second-class citizens. Shariah marks the great dividing line between the Ayatollah and "Islamic feminists".

The subjects through which Mutahhari develops his understanding of the position of women in the Quran are women's creation, the first sin, and spiritual capacity. These topics actually do not receive great attention in the text of the Quran, apart from a limited number of verses that obliquely address creation and Eve's share in humanity's fall from grace. Mutahhari's focus on these episodes seems to derive from his conviction that the treatment of these episodes in the Bible places women in a negative light, while (so he argues) the Quran presents a more correct view.[86] His motivation, in other words, is partly polemical.

1.1 Creation of Woman

In Mutahhari's view, the Quran's account of creation provides a firm indication of the status of women as defined in the scriptures. Thus he declares:

> In the Quran unlike in other scriptures [evidently referring to the Bible], there is no mention of woman being created from material inferior to that of man and certainly no mention of the first woman

[86] He seems to rely here on the common Muslim belief that the scriptures of the People of the Book – Jews and Christians – were distorted (*tahrif*), either in the texts themselves or understandings of the text, and that the Quran came with a full account that has been well preserved and understood by the Muslim community.

> being created of Adam's left side. There is no humiliating approach to woman's nature and her creation in Islam.[87]

In Mutahhari's interpretation, the Quran says that Adam and Eve were created from the same essence, as in the following verse: "It is He [God] who created you from a single person [*nafs*, which may also be translated as self or soul] and made of that self a mate of the same nature in order that it might find tranquility with that mate" (Q. 7:189). In support of this view, Mutahhari also cites a verse that refers to the whole of humanity: "Among His signs is [the fact] that He has created spouses for you from among yourselves so that you may console yourselves with them. He has planted affection and mercy between you; in that are signs for people who reflect" (Q. 30:21).

Mutahhari may have been influenced in this interpretation by his teacher Allameh Tabataba'i, who in his Quranic exegesis *al-Mizan* takes the further step of asserting that man and woman were created not only of the same essence, but also simultaneously. Concerning Quran 39:6, "He created you [all] from a single person: then created, of like nature, his mate", Tabataba'i emphasizes that Adam and Eve share the same level of humanity because they were created from the same nature, and that the Arabic word *thumma* (then) in this verse does not indicate any priority in humanity of Adam over Eve. Tabataba'i believes that the word "then" in this verse is simply used to recount the events, and not to imply that Eve was made from part of Adam's body or that she was necessarily created after Adam.[88] Tabataba'i here rejects the idea held by some other Muslim exegetes, including, surprisingly, the contemporary Iranian Shiite scholar Nasir Makarim-i Shirazi who is otherwise known for his relatively progressive gender approach.

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[87] Mutahhari, *Huquq-i Zan*, 147.

[88] Muhammad-Husayn Tabataba'i, *Tafsir al-mizan*, vol. 17 (Qom: Jami'ah-i Mudarrisin, 1370[1991]), 231.

Makarim-i Shirazi interprets the verse as indicating that: "God created Adam and then created his wife from the remaining clay. The creation of Eve was subsequent to the creation of Adam and before the creation of Adam's children."[89]

Mutahhari's response to the ontological question of how woman was created is followed by the teleological question of why she was created. Mutahhari's response is found in his discussion of the wider issue of the purpose of human's creation. Women, Mutahhari understands from the Quran, are as human as men, and thus they must have been created for the same reason humans were created. Mutahhari further argues that according to the Quran, the whole universe is created for human beings (*insan*), a Quranic word that is a gender-neutral in Arabic, as in Quran 76:2: "We created human beings (*insan*) from a drop of sperm."[90] Mutahhari further emphasizes that the Quran never excludes women from being human, so that women are as much the goal of creation as men. In other words, women as part of the human population (*al-nas*, another Quranic gender-neutral word) to whom the Prophet was sent and for whom the Quran was revealed; they are part of this audience. Thus Mutahhari writes:

> There exists another humiliating view [in the Bible] of woman, based on which woman was believed to be created for the benefit of man. Islam has never accepted such an attitude and expresses the purpose of creation in clear terms. Islam says explicitly that the earth and heavens, clouds and wind, and plants and animals were all created for the sake of human beings; but it never says that woman was created for man.[91]

Based on his gender-free concept of human beings, Mutahhari then goes on to argue that the Quran promotes mutual benefit and support between the spouses. In Mutahhari's

[89] Nasir Makarim-I Shirazi, *Tafsir-i Nimunah,* vol. 19 (Tehran: Dar al-Kutub al-Islamiyah, 1374[1995]), 379.
[90] Murtada Mutahhari, *Majmu'ah-i Athar*, vol.19 (Tehran: Intisharat-i Sadra, 1379[2000]), 131.
[91] Mutahhari, *Huquq-i Zan*, 151.

understanding of the Quran, man is created for woman as much as woman is created for man. This he gleans from the verse of the Quran, which reads: "They [wives] are your garments and ye are their garments" (Q. 2:187). The metaphor of a garment in this verse, says Mutahhari, extends to the covering by the spouses of each other's weaknesses, providing mutual support, comfort and protection, and adorning each other's dignity and self-respect.

Mutahhari makes much of the inferior position of women in Arabia before Islam, where a woman was treated, he says, as if she were created for men. This attitude, Mutahhari believes, was reflected in laws regulating spousal and gender relations that effectively made women chattels. He recalls that in pre-Islamic Arabia, a woman could be transferred to another owner or even inherited by the relatives of her deceased husband. The Quran, Mutahhari declares, takes a stand against this practice where it states: "You are forbidden to inherit women against their will", while the same verse goes on to say: "Nor should ye treat them with harshness, that you may take away part of the dower you have given them… [and] live with them on a footing of kindness and equity" (Q. 4:19). Mutahhari is also concerned with women's right to enjoy the fruits of their labour, which he finds in a phrase of Quran: "To men is allotted what they earn, and to women what they earn"(Q. 4:32). [92]

Mutahhari warns that the attitude that woman are created for the benefit of men and effectively belong to them should not be viewed as existing only in the past. He speaks about unfair treatment of women by their husbands that is rooted in the same attitude, and he reprimands men who treat women for neglecting the message of the

[92] Ibid., 151.

Quran.[93] Thus the fault for current conditions is not to be found with Islam, but (male) Muslims. This message no doubt had considerable appeal for the Ayatollah's female audience.

Mutahhari also criticizes the West for profiting from women.[94] In his view, having women work in inappropriate and undignified circumstances and exhibiting them under-clothed or in fashionable attire are simply modern forms of abuse. Whereas in the old system, it was mostly the husband who mistreated his wife, in modern times, according to Mutahhari, women are abused by the whole system. Mutahhari criticizes the West for abusing its own female citizens; but his chief concern, he says, is for women in the Muslim world who have become victims of westernization in the name of modernization.

Mutahhari's views of the West seem rather severe. It should, however, be noted that his critique of the West lacks the intense polemic tone that exists in, for instance, the work of Mawdudi, since he equally and even to a greater extent criticizes Muslims themselves for their adulation of the West and its extravagances. He criticizes Muslims who put all the blame on the West instead of addressing the cultural problems of the Muslim community. Nor does he reject all manifestations of Western culture as inherently evil; what is inappropriate, in his view, is blind imitation of the West. Thus he warns that Muslims should:

> approach the Western style of life watchfully and selectively; that is to say, use and adapt Western knowledge, industry, and praiseworthy and imitable social ways while avoiding adoption of customs and lifestyles that have brought misery and affliction on

[93] Ibid., 134.
[94] Murtada Mutahhari, *Hijab*, (Tehran: Sadra, 1367[1988]), 56.

> Westerners themselves. [This would prohibit] changing Iran's [presently Islamic-based] civil laws and [traditional] family relations to conform with European laws.[95]

The difference between this view of Western society and that of extreme traditionalists is considerable. Mutahhari does, however, agree with traditionalist Muslim scholars, such as Mawdudi, that the Western lifestyle undermines moral values in man-woman relations. In the view of both, the Western lifestyle involves unrestrained, ultimately immoral relationships between men and women in the name of equality, ultimately leading to undermining the foundations of family life. Again, these characteristics of the West do not, however, deter Mutahhari from acknowledging its positive accomplishments, among which he counts social services and women's education:

> It is regrettable that some ignorant individuals suppose that as social services are being conducted efficiently in the West, so are family issues and problems similarly addressed and solved. Such persons imagine that this is due to our own deficiencies… and that we should compensate by following and imitating the West. This is a hollow illusion; they [Westerners] are much worse off than we are…. Except in the area of women's education, they are in much worse shape in regard to gender issues.[96]

Note Mutahhari's focus in each case. The source of mistreatment of women in the West is presumed to be society or the economic system; while in Islam or Iran, it is said to be husbands. Perhaps Mutahhari judged that families and marital relations were weak in the West as a result of free gender relations, so that he does not bother to mention the problem of husbands, since the concept of a sustainable Western-style family seemed remote. In a traditional Muslim society such as the Iran of Mutahhari's era, on the other hand, where women were still commonly found in the home, mistreatment of women in workplaces might have been considered a remote possibility not worth elaborating on. It

[95] Ibid., 39.
[96] Ibid., 37.

is unlikely, in any case, that Mutahhari had any real knowledge of the condition of Western women or even Iranian women who worked, whether from the upper or lower classes. His principal aim was to persuade and outline ideals rather than address practical realities.

According to Ayatollah Mutahhari, the ideal is to be found in the teachings of the Quran. In the Quranic model as understood by Mutahhari, woman and man are created for each other, while the whole universe is created for both as they are completely equal in their humanity, for which reason they are referred to as *al-nas* (humans) or *insan* (human being) rather than in gendered terms. In the Quranic view, as expounded by Mutahhari, love and affection, rather than sexual desire, also bonds the two sexes. It is interesting that, while traditional Islamic law fully recognizes sexuality in marriage, the Ayatollah presents a rather idealized and chaste view of the institution.

Mutahhari's exegesis is, like most interpretative endeavors, selective. This is seen in his treatment of Quran 7:189 already quoted above: "It is He who created you from a single person and made that self a mate of the same nature, in order that the self might find tranquility with that mate". Mutahhari's highlighting of the egalitarianism of the verse undermines the phrase immediately following that addresses the purpose of Eve's creation, that the self (i.e. Adam) find tranquility in her. Turning aside from this phrase, he instead brings in the verse (again quoted above) that uses the metaphor of a garment to characterize the ideal relationship between mates. This introduces a potential difficulty in that Quran 7:189 is the only occasion in the Quran where a specific purpose for Eve's creation is mentioned; but Mutahhari chooses to ignore the difficulty in favor of proving the equal humanity of women and thus the superior attitude of Islam. Allamah Tabataba'i

states in very clear terms that God created a wife (*zawj*) for Adam (seen by him as the father of humankind) in order that Adam might enjoy tranquility, while he does not mention Eve's finding tranquility in Adam.[97] Mutahhari cannot afford to follow this view, even if it comes from his intellectual and spiritual mentor.

1.2 Woman's Historical Sin

In Judeo-Christian lore, according to Mutahhari, Eve was the first to commit the sin of disobeying God's command not to eat from the fruit of a specific tree. Not only was Eve deceived easily by Satan, but she also tempted Adam. Thus in the view of Judaism and Christianity, woman and not man was the first sinner. Although the temptation of Eve is certainly not unknown in Muslim literature,[98] its absence in the Quran is often mentioned by Muslim polemicists as evidence of a better Islamic attitude toward women, and Mutahhari is no exception.[99]

Regarding Eve as a temptress is not the end of story, Mutahhari warns, because these characteristics are then considered to be typical of women in general. Mutahhari maintains that the outlook presented in the Jewish and the Christian scriptures has affected attitudes and even literature by making woman the object of sin and cause of

[97] Tabataba'i, *Tafsir al-Mizan,* v.8,487.

[98] Al-Ghazali for instance, mentions it in his *Nasihat ul-Moluk,* 269-272, identifying no less than eighteen punishments for women as a result of Eve's sin. Interestingly, these punishments include not only menstruation and childbirth, but Shariah laws that treat men and women differently such as men's right to divorce, greater share of inheritance, and polygamy. Al-Ghazali does not mention Adam's sin and his possible punishment(s).

[99] Mutahhari is aware of the extra-Quranic occurrences and attributes this, no doubt rightly, to the importation of *Isra'iliyat* (Jewish and Christian material) into the tradition. The tendency to reject *Isra'iliyat* and view such tradition as false begins at least in the 14th century, and has accelerated in modern times. See Jane Dammen McAuliffe, "Assessing the Isra'iliyyat: An Exegetical Conundrum," in *Story-Telling in the Framework of Non-Fictional Arabic Literature*, ed. Stefan Leder (Wiesbaden: Harrassowitz, 1998).

evil; woman comes to be considered a medium through which Satan deceives man.[100] Setting aside the attribution of this view solely to Judaism and Christianity, we might credit Ayatollah Mutahhari with some cultural insight here. His motivation, however, is essentially polemical; he believes that by presenting a different account of the story of Eve and Adam, the Quran aimed to change that attitude. In the Quranic account, Mutahhari stresses, Eve is present, but not as a temptress. The dual form of the Arabic verb assigns the action to both Adam and Eve, and thus the verse, according to Mutahhari, is meant to explicitly refute the idea found in Judaism and Christianity that Eve caused Adam to commit the first sin of humankind and thereby brought about their fall from Heaven to Earth.[101] The relevant verse reads: "So Satan whispered to them to show them both their private parts which had gone unnoticed by either. He said: 'Your Lord only forbids you this tree so that you will not become two angels or you both become immortal'" (Q. 7:20). Mutahhari believes that the verse is careful to declare women's innocence by emphasizing that both Adam and Eve were tempted by Satan and were equally guilty of disobeying God's order:

> The Quran tells the story of Paradise, but it nowhere says that the Devil or Serpent misled Eve and Eve then misled Adam. It neither blames Eve nor exonerates her. The Quran (7:20-21) says: We said to Adam: Take residence in Paradise both you and your spouse and eat the fruit thereof freely wherever you wish, but go not near that tree lest you become wrongdoers. The Quran puts the pronouns in dual form whenever it speaks of the Devil's temptations, so that it says: 'Then Satan made a suggestion to them [both], then he led them [both] on with guile, and he [Satan] swore to them [both]: I am a sincere advisor to you [both]'.[102]

[100] Mutahhari, *Huquq-i Zan*, 148.
[101] Mutahhari, *Huquq-i Zan*, 149.
[102] Ibid.

Mutahhari, in my view, would have done well also to tackle the misogynous teachings of renowned Muslim scholars of the rank of al-Ghazali and Ibn al-Jawzi. He was surely aware of them. Perhaps he avoided a thorough critique because he was trying to reach a popular audience, so that his argument had to be direct and simple. He also no doubt preferred to maintain a dichotomy between Islamic and non-Islamic gender views; his aim, again, was persuasive rather than critical.

1.3 Woman's Spiritual Capability

Mutahhari asserts that the idea that women are not capable of the same spiritual achievements as men is also refuted by the Quran. His prime proof-verse is Quran 49:13, in which *taqwa* (piety or virtue) is emphasized as the sole criterion in determining the superiority of one individual over another, regardless of "tribe" and "nation" (perhaps what we would call these days race and ethnicity). The verse reads: "O mankind, we created you from a single [pair], of a male and a female, and made you into nations and tribes that you may know each other. Verily the most honored of you in the sight of God is the most righteous."[103] In Mutahhari's view, the meaning of the verse also includes gender, i.e. that *taqwa* and not gender is the criterion for being "honored in the sight of God". Another similar verse (Q. 33:35) emphasizes that proximity to God and being rewarded by Him are solely the result of an individual's faith and good deeds. In this verse, gender is specifically mentioned:

> For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their

[103] Ibid., 149.

> chastity, and for men and women who engage much in Allah's praise: for these, God has prepared forgiveness and great reward.

Mutahhari also adduces as evidence that the Quran means to reject the idea that women are spiritually inferior; that the narratives it contains about women who serve as role models are for all humans and not just other women. Pointing to Pharaoh's wife, Moses' mother, and Jesus' mother, Mutahhari declares that the spiritual heroes of the Quran are not only men. Mary is especially significant in this respect because of her high spiritual achievements, which amazed even Zakariya, the prophet of her time.[104] Mutahhari further argues that religious history in the Quran is both male and female (*muthannath*), women having played both indirect and direct roles.[105] By indirect role, Mutahhari means that women always influence men, including husbands, sons and other male relatives; when a man makes history, there is inevitably a woman behind the scenes who influences him.[106] One might think this view of Mutahhari's, at first glance at least, to be an attempt to practice the methods of women's history.

Mutahhari asserts that women mentioned in the Quran have played a direct role in religious history as well. He cites the instances of Eve, Sarah, Hagar, Asiah (the wife of Pharaoh), Moses' mother, his sister, and Mary (Maryam), Jesus' mother. He also mentions Fatimah, one of the daughters of the Prophet, and Khadijah, his first wife.

However, although Mutahhari acknowledges the spiritual achievements of women and their indirect and direct roles, he is unable to point to independent roles. As is clear from the examples he gives, prominent women in the three Abrahamic religions were

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[104] Mutahhari, *Majmu'ah-i Athar,* 117.
[105] Ibid., 370.
[106] See Mutahhari's argument for women's role in history later in this chapter.

significant due to their connections to important men. Some of the women Mutahhari mentions are not even named in the scriptures, but known only through these connections; these include Eve (whose name, Hawwa, only emerges in tradition outside the Quran), Pharaoh's wife, and Moses's mother and sister. Though these women are praised in the Quran, the shadow cast over them by males cannot be ignored.

Mutahhari is aware of the problem and explains the relative lack of independent standing for women by separating spiritual and social standing. Borrowing from Islamic mysticism, he introduces the notions of a "[descending] journey from God to man" (in Arabic, *sayr min al-haqq ila al-khalq*) and "[ascending] journey from man to God" (*sayr min al-khalq ila al-haqq*). He explains women's position in the two phases as follows:

> Islam does not differentiate between man and woman in their journey towards God. It rather differentiates between them in the journey from God to people and in bearing the responsibility of prophethood, for which it considers man to be more suited.[107]

Women's ineligibility for prophecy and presumably other formal positions is therefore not, according to Mutahhari, a sign of spiritual incapability, but only a result of gender differences that determine roles and positions in different aspects of the tradition.[108] Woman is capable of making the first journey towards God on an equal footing with man, since there is no social role to be played. She is not, however, entirely fit for the second journey in which one has to deal with the public and deliver messages and teachings collected in the first journey. Here Mutahhari does not struggle with the apparent limitation of the Quran, but accepts and perhaps even welcomes it.

2. Gender Differences: The Origin and Applications

[107] Mutahhari, *Huquq-i Zan*, 150.
[108] To be discussed below.

As a scholar determined to defend the Quran and assert that it "dignifies" women, Mutahhari could finally not afford to overlook its role in law. Although Islamic law is created largely through Hadiths, it nevertheless has a Quranic basis, while the law is often criticized for the restrictions it imposes on women. How does Mutahhari manage to reconcile these characteristics of traditional religious law with the ideal of gender equality he expounds on the basis of the revelation? One would expect the Ayatollah to be in a position to effectively address this question, as he was primarily a jurist.[109]

Mutahhari approaches the problem by referring to the notion of human rights in general. He maintains that the only legitimate source of the rights of human beings is "the book of creation" (*kitab-i takvin*).[110] This is essentially a philosophical rather than exegetical or legal argument; Mutahhari's ability to move the discussion to philosophy (for which there is much more scope in Shiism than Sunnism) serves him well at this and other difficult junctures. According to Mutahhari, only creation itself is able to tell us what the rights of humans are and what relations should exist between men and women. He criticizes views that tend to neglect this universal or cosmic standard and rely instead on man-made documents such as The Declaration of Human Rights produced by the United Nations.

Mutahhari's attitude to the UN Declaration is interesting. He actually praises it for acknowledging human dignity and rights. However, he believes that the Declaration, and similar man-made documents, have failed to present a full and correct picture of human

[109] Mutahhari was, to be precise, a jurist but not a *marja*, one of the limited number of 'resorts', i.e. scholars in each age who are qualified to issue fatwas that are to be obeyed by their followers. However, as a *mujtahid* (jurist expert in independent reasoning), Mutahhari was considered to be qualified to interpret the Shariah without having to unquestioningly conform (*taqlid*) to the edicts of a *marja*.

[110] Mutahhari, *Huquq-i Zan* 158.

beings,[111] so that while their spirit is admirable, separate articles are often mistaken. This failure, in Mutahhari's view, is due to over-reliance on limited human perspectives, which could have been prevented had they been informed by divine sources of knowledge.

Thus Mutahhari seems to acknowledge the merit of certain secular concepts and instruments of human rights while asserting that Islam, along with, apparently, religious traditions in general, espouses the same values but in a better and more complete fashion. From Mutahhari's perspective, his views are therefore not opposed to concepts of universal rights, but he merely "corrects" them. He is consequently able to appreciate the intention of the Declaration to provide humans of different races, nations, and even genders with human rights, while also criticizing the same document for failing to recognize that God, as the Creator of humans, knows best about rights and responsibilities.[112] It is interesting indeed that Mutahhari feels compelled to acknowledge the Declaration, which he seems to honestly admire. This is not something one is likely to hear from traditionalist Muslim clerics even today. The Ayatollah does not, however, accept complete equality for women; rather, he draws the line at the sensitive boundaries of gender.

In the view of Mutahhari, it is finally the 'Book of Creation' that best defines gender characteristics, roles, and rights as part of the arrangements for human characteristics and rights in general. By referring to *takvin*, which seems to imply a kind

[111] Ibid, 140.
[112] Ibid., 158.

of religious social science or natural rationality, Ayatollah Mutahhari is able to both escape particular laws and confirm their basic pattern. Thus he declares:

> It is evident that the only authoritative source of the knowledge of human rights is the great and valuable book of nature itself. Only by referring to the pages of this great book we can understand the common rights of all humanity and ascertain the legal position of men and women towards each other.[113]

Note as well that Mutahhari's argument for gender laws derived from the Quran is based on the argument that man-made laws have failed. Troubles in society and between the sexes are thought to point to a basic problem, for which God (or His "Creation") must have a solution. In answer to critics of the Shariah who accuse Islamic laws of undermining women's rights, Mutahhari says that it is rather they who seek to undermine women's distinctive natural attributes and aptitudes, which are the very basis for Islamic gender laws as legislated in the book of "*takvin*". The solution, in other words, is not to change or strike the Shariah, but fully realize it.

Traditional Shiite discourse relies on both revelation (embracing the Quran and the Hadiths of the Shiite Imams), called *naql* or "transmitted [material]", and Reason or *aql*. Being rationalists, Shiites believe that religious truth may be gained through both; although by *aql*, they do not traditionally mean free reasoning, but ratiocination disciplined by a strict logic. Mutahhari appears to depend a great deal on Reason or logic, although he does not make this explicit, so it is difficult to tell if it is a conscious method or merely a result of his philosophical bent. Other Muslim scholars, including non-Shiites such as Mawdudi, adduce rational arguments; although again, this does not involve formal procedures, but the laying out a kind of inexorable social and psychological logic.

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[113] Ibid., 180.

Modern Muslim discourse often resorts to pseudo-science, and this may also have prompted Mutahhari to rely heavily on rational arguments.

Whatever the reasons behind his methods, Mutahhari does often resort to arguments with a sociological, psychological, or physiological flavor. He phrases traditional ideas about the nature of the sexes and what is right and good for families and societies in rational or quasi-scientific terms; and then goes on to assert that these are verified in the scriptures. (Here it may be significant that in Shiism, *aql* is thought to be confirmed in *naql* and vice-versa; this is called the rule of *mulazamah* or "going together".) Thus he maintains that women and men are created physically and psychologically different. The purpose of these differences is not, according to Mutahhari, to grant one party privileges over the other or suggest that either is inferior. The differences are rather meant to provide their possessors with sufficient means and opportunities to fulfill their potential.

It is important for Ayatollah Mutahhari that the different attributes of man and woman are not acquired, but planned and implanted in nature itself. They are not dependent on history, society, or geography; they are not accidental. Rather, God placed them in nature, according to His plan. Mutahhari maintains, in fact, that every creature on earth is placed in its proper orbit or sphere. Human beings, however, have a special position, and the prosperity of all the earth, including men, women, and human society, depends on them remaining in their proper orbits. To disturb the fine balance of gender relations is to disturb the world.

To express the importance of men and women maintaining their own naturally determined paths, Mutahhari uses the metaphor of the sun and the moon, each of which must move in its own orbit in order for the whole universe to function properly. The moon and sun deviating from their pre-planned orbits would cause chaos and destruction to themselves and the universe as a whole. The Ayatollah also adduces a verse from the Quran: "The sun dares not overtake the moon nor does night outpace the day; each floats along in its own orbit"(Q. 36:40). He could hardly have phrased the imperative of traditional gender roles in stronger terms.

To this imperative, Mutahhari adds a strong and at the same time somehow vague and general concept of "prosperity" (*sa'adat*), said to be secured by men and women maintaining their pre-planned positions. "The main condition for man and woman's prosperity and in reality the prosperity of human societies", he asserts, "is that they both move in their own orbits and none of them deviate from their natural and instinctual paths."[114] The condition is absolute; there cannot be a middle option that does not require all men and women to maintain their orbits while not spoiling "prosperity".

If by prosperity Mutahhari means economic fortune, the import is that right gender roles are also the basis of a flourishing economy, something that Mawdudi makes explicit in his *Purdah*. Ayatollah Mutahhari may be referring instead, however, to the mystical idea of the Perfect Human (Arabic: *al-insan al-kamil*), which plays a role in his other thought and writings.[115] Perfect human beings, in the view of Mutahhari, are those who develop their capabilities fully and also evenly. The concept is a mystical,

[114]Ibid., 25.

[115] For Mutahhari's though on the Perfect Human, see Abdallah Nasri, *Hasil-i Umr: Sayri dar Andishah-ha-yi Ustad Mutahhari* (Tehran: Daftar-i Nashr-i Farhang-i Islami), 1383 [2004], 321-324.

individualistic one that applies particularly to the personality of the saint-like figure known as *wali* (Persian: *vali*), but Mutahhari takes from it a lesson for society and gender relations.

Mutahhari further believes that to enable human beings to function appropriately in their orbits and fulfill their responsibilities as "God's vicars on earth",[116] they have been gifted by God with the requisite faculties and abilities. He emphasizes that these faculties are placed in the nature of every human, regardless of gender. By virtue of these gender-free faculties, both men and women possess certain rights, even if individuals (whether male or female) differ in the degree they actually develop faculties, based on their individual abilities as well as opportunities or obstacles.

Mutahhari points out that the same source that created human beings and privileged them with gender-free faculties entitling them to rights has made them dual-gendered, and must have had a reason for doing so. Thus, in addition to human faculties, each gender has been given particular attributes that distinguish it from the other; although, Mutahhari insists, these gender- related or secondary faculties (if we may call them such) have nothing to do with the basic humanity of humans. In other words, they do not reduce, increase, or have any other effect on the human essence. In short, according to Mutahhari, nature has given similar human faculties to both genders along with their respective rights, as well as specific qualities attached to each gender's nature that also entail, as we shall see, different rights.

[116]Referring to the verse of the Quran 2:30 that includes the phrase, "I will create a vicar (*khalifah*) on earth," The idea that humans are vicars or stewards over the earth is a staple of modern Muslim thought, used for proof in matters from politics to ecology.

Thus in Mutahhari's view, men and women are radically the same in regard to their human essence, but necessarily and it seems quite completely different with regard to gender. Every human being is born with maleness or femaleness, and these qualities are not merely anatomical, physical, and psychological (though these dimensions are certainly included), but involve gender-specific roles and rights that go with male and female attributes or faculties. Gender is, in effect, an attribute of society, not to say of the cosmos.

The theory laid out above is crucial for Mutahhari's rationalization of the gendered laws of the Shariah, as these are said to accord with the gender-specific attributes of men and women. It also fits with Mutahhari's other principal conviction: that humans must be provided with a solid "family foundation" in order to ensure their survival, protection and well-being. This is also said to be one of the intentions of nature and its Creator in endowing men and women with different natural qualities, whether physical, psychological or emotional, along with corresponding responsibilities. According to Mutahhari, the sense of unity and cooperation between man and woman that is necessary for the functioning of the family is strengthened by their differences. Differences also attract them and make them desirable to each other;[117] divine wisdom, it appears, has perfectly coordinated gendered biology and psychology with an ideal sociology. Mutahhari even introduces an analogy from biology in which the positions of husband and wife in the family are likened to those of different organs of the human body. Each organ, Mutahhari says, has been given a special position in the human body

[117] Mutahhari, *Huquq-i Zan*, 147.

and plays a different role; but they are all finally needed for the life and well-being of a person.

Mutahhari also introduces science or pseudo-science, mainly from Western sources available to him through translation, as proof of the necessary link between biology and psychology. He remarks, for instance, that if a woman was to have the same physical and emotional features as a man, she would be very unlikely to attract a man, just as a man who has the same feature as a woman could hardly expect to be the object of a woman's attention. Same-sex attraction is evidently excluded from Mutahhari's discussion, either because it deviates from the "natural" path of gender relation, or simply because he did not consider it important or happen to think of it.

Ayatollah Mutahhari is, at the same time, careful to stress that the relationship between husband and wife is based on affection, and not merely a somewhat mechanical law of nature. He is much more conscious of this than Mawdudi. Thus he states:

> The law of creation has constituted and built man and woman according to such a pattern that they are attached to and seek each other, but not in the way in which they are attracted to other things. The interest that a human being has in other things arises from his self-interest, in other words, a human being wants things for himself. He sees them as a means: he wants to sacrifice them for himself and for his comforts. But the attachment of a husband and a wife is in such a way that each of them wishes the well-being and comfort of the other, and is happy in forbearance and self-denial for the sake of the other.[118]

This, of course, is an idealization. In this particular passage, Mutahhari does not address non-ideal situations such as forced marriages or marriages in which the wife's function is

[118] Mutahhari, *Huquq-i Zan*, 211. The above statement is taken from the English translation of Mutahhari's book: Murtada Mutahhari, *The Rights of Women in Islam*, (Tehran: The World Organization for Islamic Services, 1998), 178.

only to serve her husband's needs. Idealization rather than tackling real problems does seem to be characteristic of traditionalist religious thought concerning women. We are, however, able to give Ayatollah Mutahhari somewhat more credit, as he does address those issues elsewhere. He stresses that he despises forced marriage when he discusses the father's authority in his daughter's marriage,[119] and he thoroughly criticizes the behaviour of men who view women as servants and objects.[120]

To provide scientific support for his analysis of natural differences between men and women, Mutahhari refers to Alexis Carrel (1873-1944 CE), a French surgeon and biologist who in his work *Man the Unknown* not only acknowledged man and woman's natural differences, but also allowed that these lead to different responsibilities and rights.[121] The work is obviously outdated and was accessed through translation, since Mutahhari knew no Western languages; but it seems that it was important for him that his exposition be regarded as rational and scientific in order for it to appeal to a modern audience.

Mutahhari occasionally also uses Western "scientific" sources as a foil. He refers, for instance, to Ashley Montagu (1905-1999 CE), an anthropologist who penned a work called *The Natural Superiority of Women*.[122] Although Mutahhari praises Montagu's research on women's natural characteristics and qualifications, he rejects any attempts to assert the superiority of either gender. He stresses that gender differences are designed to

[119] Mutahhari, *The Rights of Women in Islam*, 92. That Shiite law generally gives fathers less power over their daughters' marriages than the Sunni schools may have facilitated Mutahhari's critique, as this is sometimes cited by Shiite scholars as an instance of the supposed greater rationality and openness of Shiism.

[120] Mutahhari, *Huquq-i Zan,* 252.

[121] Ibid., 193.

[122] Ibid., 174.

support family life rather than make it the scene of a battle over who is superior. Mutahhari's use of Montagu's work seems to be a rhetorical turn, since it inclines the male audience to agree with him, while also allowing him to appear more mindful of equality than a Western "authority".

Mutahhari is also at pains to demonstrate that he is in favour of some kind of movement of women's rights; although for him, this movement involves a return to or more perfect realisation of an Islamic ideal that is also proved by "science". The gender laws of the Shariah, he declares, are "woman's Islamic white revolution", a revolution he believes will serve humanity in general as well as women in particular by allowing both to move freely in their own orbits.[123] This view is inspired by his conviction that Islam originally came, as explained above, as a revolution for women that brought them rights not only absent from 7th century Arabia, but most other regions of the world. Mutahhari contrasts Islam's "white revolution" with the movements that claim to have fought for women's right in contemporary history. He explains that "white" means that, in contrast to other women's movements, the Islamic version does not necessarily require women to rebel against men or be suspicious and disrespectful of them.[124] Distrust of and rebellion against men was thought in Mutahari's time to be characteristic of women's movements; Mutahhari's notion of a "white revolution" is thus designed to distance himself from feminism.

Mutahhari argues that "woman's Islamic white movement" - which might be more accurately termed an "Islamic white movement for women" since women themselves

[123] Again referring to Quran 36:40.
[124] Mutahhari, *Huquq-i Zan*, 90.

have no role in it - will change attitudes by rejecting absolute male authority over women, such as that of fathers over girls in marriage.[125] He waxes eloquent on the advantages of the white movement:

> Islam has done the greatest service to the female sex. This service is not only in the area of denying the absolute authority of fathers over their daughters. It also recognized women liberty, personality, independent thinking and opinions, and their natural rights.[126]

Mutahhari also takes care to favourably compare Islam's service to women with her gains from secular, mainly Western movements:

> The step taken by Islam in serving women's rights is fundamentally different from what is being done in the West and which others [women's movements in Iran] follow: first, in the area of man and woman's psychological differences; and second, while Islam has acquainted women with their rights, it never asks them to rebel against the male sex and be suspicious of men. [127]

From this perspective, the gender laws of the Shariah, since they are part of the "revolutionary" movement, may be regarded as already revolutionized, in addition to ideally expressing and conforming to man and woman's inalterable natural and psychological attributes. Mutahhari does, however, allow that such laws may be modified according to the needs and requirements of different times. Here he is referring to the Shiite orientation toward independent reasoning or *ijtihad*,[128] which allows jurists to deduce rules afresh from the Quran and Hadith based on each scholar's understanding. Mutahhari's idea that laws may change[129] makes his discourse very different from that of Mawdudi, for whom the law is fixed and timeless. The Ayatollah does not go so far as to

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[125] Ibid., 90-93.
[126] Ibid., 61.
[127] Ibid.
[128] Literally, to "strive mightily" to deduce the correct rules of the Shariah.
[129] Concerning Mutahhari and *ijtihad*, see his *Islam va-muqtaziyat-i Zaman* (Tehran: Intisharat-i Sadra, 1362 [1983], 129-137.

point out laws that might be subjected to *ijtihad*; but such changes in laws relating to women are now taking place slowly and gradually in the Iranian Islamic Republic.[130]

2.1 Gender Differences in Social Sphere

We have seen that Mutahhari argues for gender differences and their application in Islamic law partly on the basis of man and woman holding different positions and responsibilities - and most important, rights - in the framework of the family. Interestingly, Mutahhari does not extend differentiation of roles to the social or public sphere. There appears to be no "natural" division of social roles. Individuals can achieve different positions based on their personal abilities and efforts. Ayatollah Mutahhari is quite explicit about this. No one, he maintains, is created to hold a specific position: "No individual human being is born to be a worker, a craftsman, a teacher, an officer, a soldier, or a minister."[131]

Although Mutahhari allows that distinct gender roles are only manifested in the family and do not apply to the larger society and professional roles, he does not address or seem to recognise the impact of "private" gender roles on the possibilities of women in the public sphere or potential undermining of gender essentialism by equal social activities. One way to look at this is to say that, while Mutahhari is a communitarian in a sense that he acknowledges the rights and responsibilities of society, he is also drawn

[130]Cautious modifications have been made to laws that mandate unequal blood money and inheritance, as well as women's eligibility for judgeship. These changes are partly due to lobbying by women's groups and enjoy the support of some ranking clerics in the government, including the "Supreme Guide" Ayatollah Khamenei. On July, 04, 2006, Ayatollah Khamenei declared: "Some laws pertaining to women in Islamic law do not represent the last word. It is possible for skilled jurists well-versed in the principles and methods of jurisprudence to deduce new points." www.leader.ir/langs/fa/index.php?p=search&q=%D8%B2%D9%86%D8%A7%D9%86+%D8%A7%D8%AD%DA%A9%D8%A7%D9%85&t=s

[131] Mutahhari, *Huquq-i Zan*, 183.

toward individualism and gives rein to this tendency in the perhaps less sensitive public sphere.[132] Mutahhari's statement cited above about no one being created to play a particular social role also attests to his belief in the equal intellectual capacity and full humanity of women.

Mutahhari in fact makes an argument for social equality from the premise of humanity by contrasting humans with animals. He talks about animals that live in a sort of social setting such as bees. Nature decides which bee takes which position; some are created to be masters and some to be workers, some are soldiers and other commanders. But in a human social setting, the situation is totally different; there is no natural law dividing responsibilities among humans in a society. What Mutahhari seems to be suggesting is that since the capabilities and individuality of humans make them superior to animals – makes them, in fact, human – each woman as a human has the natural right to fulfill her potential.[133]

The idea of "equal but not-similar" gender roles that has been a staple of some Muslim discourse seems designed to mediate between modern notions of equality and traditional ideas of difference and hierarchy. By distinguishing between family and social gender roles, Mutahhari seems to move this mediating discourse a step further toward equality, as can be seen in the following statement:

> All *individual* [emphasis added] human beings in their social rights outside the family realm enjoy both equal and similar positions. This means that their primary natural rights are equal and similar. All individuals are similarly entitled to enjoy the bounties of

[132] Mutahhari is not a communitarian or an individualist based on the definition of these concepts in modern philosophy. He is, however, both a communitarian and an individualist in a sense that he acknowledges and respects responsibilities and rights of both individuals and societies.

[133] Mutahhari, *Huquq-i Zan,* 141-143.

> creation, to work, to compete, to nominate themselves for social positions, to try to acquire such positions in legitimate ways, and to demonstrate their intellectual and practical capabilities.[134]

Mutahhari does, however, admit that individuals who are equal and similar in their "primary natural rights" will not remain so through to the finish line:

> [However] this very equality in primary natural rights gradually places them in unequal positions in relation to their acquired rights (*huquq-i iktisabi*). This means that all individual human beings are entitled to equal work and competition; but when it actually comes to the competition, not everybody performs similarly. Some are more capable and some less, some are more knowledgeable, more competent, and more efficient than others. Consequently, their acquired rights become naturally unequal with others, and in this situation, granting them all equal acquired rights similar to their primary rights constitutes sheer injustice.[135]

What Mutahhari seems to be undertaking here is a theory of social differentiation that disregards gender differences, since he includes all individuals, whether male or female, in the competition for positions in society. It turns out, however, that the notions of competition and acquired rights are used to mute equality, since the Ayatollah goes on to remark that women are generally physically less strong than men and thus tend to fall lower as competition goes on. We might add, though Mutahhari himself, as discussed above, fails to make the connection that women are also put at a disadvantage in social "competition" by their naturally determined positions in the family realm. Their position in the family might not preclude them from participation, but it does not encourage them. Though Mutahhari's spirit, and possibly intent, are different from that of Mawdudi (who says that, while some women have been outstanding, these are very unusual and women

[134] Ibid., 182.
[135] Ibid.

will not finally be able to equal the achievements of outstanding men),[136] the result is effectively the same. It should also be said that excluding women from being judges (*qadi*) in the Shariah and leading congregations and Friday prayers is evidence of natural differences still affecting positions in society, or at least positions related to religious authority. Of course, the possibility of women leading prayer – a very recent controversy - was probably outside the imagination of anyone in Mutahhari's time; although he does broach the subject of judgeship in a way that seems to open a door to female participation. [137]

Personal experience is relevant here. As a Muslim woman myself who has lived in both Muslim and Western environments, I have observed that men and women who are used to the idea of different roles and rights in the family are very likely to have an unconscious or conscious tendency towards maintaining the same differences in society. Men who are used to holding different positions and rights than women in the family are unlikely to willingly share social positions with women, while women themselves are likely to feel more comfortable keeping their distance from social positions and thus less motivated to compete for such positions. Indeed, gender equality whether in the East or West appears to be a kind of ideal, whereas real life is very different, with inequality in basic male-female relations radiating out to the family and then society. Mutahhari's proposed role division seems simply to add to the perplexity of gender notions and practices.

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[136] Abul A'la Maududi, *Purdah and the Status of Women in Islam* (Chicago: Kazi Pubns Inc., 1991), 79.

[137] Mutahhari rejects the majority of the traditions that are used to disallow women from judgeship as inauthentic. He believes that the only two authentic traditions cited by jurists to exclude women do not effectively support this prohibition. See Murtada Mutahhari, *Zan va-masa'il-i qaza'i va-siyasi* (Tehran: Intisharat-i Sadra, 1391[2011]), 39.

It is, however, worth noting that Mutahhari's recognition of women's equality in the social realm and their taking social positions is not, as Williams College Professor of Religion W. Darrow asserts,[138] conditioned by a sex-segregated atmosphere in which men and women function in all levels of society but each in his or her own sphere. Mutahhari does indeed condition women's social presence on their family responsibilities and modest dress; but he does not refer at all to segregation. He is, however, cautious about "shoulder to shoulder activities":

> Our society today witnesses the damage done as a result of mixed relations. Why is it necessary that women perform their activities shoulder to shoulder with men? Does this affect the outcome and efficiency of their work if they work parallel to each other in two separate lines? [139]

The reference is to the instances from early Islam in which the Prophet recommended different files for men and women coming out of the mosque. The Ayatollah prefers minimal intermingling between the sexes; although this is seen as a moral recommendation rather than an imperative.[140] He finally recommends a mediate path:

> This is Islam's approach amidst all instances of extremism. As we mentioned previously, Islam is aware of the risks of so called "free sexual relations" and it is thus very careful when it comes to man and woman's relations. Islam promotes man and woman's keeping their physical distance as long as it does not lead to excessive hardship (*haraj*) and paralysis (*falaj*).[141]

The suggestion seems to be that women and men should observe a reasonable distance, behave morally, and practice modest covering. It is nevertheless significant that

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[138] William R. Darrow, "Women's place," in *Women, Religion, and Social Changes*,ed. Yvonne Yazbeck Haddad and Ellison Banks Findly (New York: State University of New York City Press, 1985), 313.

[139] Mutahhari, Hijab, 233.

[140] Ibid., 236.

[141] Ibid., 233.

Mutahhari does not speak of restricting women's space by force; he does seem to accept and even value their social presence, albeit with certain cautions.

3. Woman: A Member of her Society

As is clear from the discussion above, woman's social presence outside the family realm is really secondary to her position at home, as well as depending on modesty and chastity. This emphasis of Mutahhari on woman's principal role being in the family should be placed in the context of his times. The circumstances of society in pre-revolutionary Islam may have contributed to his addressing subjects that were fundamental in a sense yet less provocative than, say, specific issues such as reform of particular laws. In a situation in which religiously committed Iranians were reluctant to send their daughters to public schools, let alone the workplace, Mutahhari probably considered that it was most important and productive to focus on women as spouses, which was the only option for the majority, while cautiously inserting some more radical views.

A collection of unpublished notes written by Mutahhari on woman's social roles discovered after his assassination in 1980 reveal the next step he planned in addressing women's issues. The notes appear to date from after the Revolution and were thus written in the short space of one year before his death. In these notes, Mutahhari discusses women as members of society and their role in decision making.

The shift in Mutahhari's focus may have been caused by women's widespread and indeed dramatic presence in the Revolution, including in demonstrations and

underground activities that led to the imprisonment and even death of some.[142] Women's presence in the Islamic Revolution of 1979 is, according to Mutahhari, one of the elements that made it unique, as he says in an unfinished article apparently meant to be added to a new edition of *The Issue of Hijab*:

> During the ten years [since the last edition], an astonishing change has taken place in the life of Iranians… It is now necessary to examine the position and situation of women during these years and in the events of the great Islamic Revolution to see what role women had in the Revolution and what caused them to play a significant part in the events of this unique episode of history. The Islamic Revolution in Iran has exceptional characteristics that distinguish it from other revolutions in the world, one of which is that women played a major role and are among the major stakeholders.[143]

Mutahhari goes on to legitimize the participation of women in the Revolution by citing the view of Ayatollah Khomeini both as "Supreme Leader" of the Revolution and *marja* (senior Shiite jurist qualified to issue fatwas):

> This reality is acknowledged by the great Leader of the Revolution, who repeatedly praised and admired the active role of women in the Revolution and perhaps counted women's share as greater than men's, as he with his remarkable intelligence had understood that the Islamic Revolution would not achieve its objective without women's contributing their share. He therefore considered women's participation in revolutionary manifestations and demonstrations as necessary and even as a religious obligation in which the consent of fathers and husbands was not required.[144]

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[142] According to Roxanne Euben and Muhammad Qasim Zaman, *Princeton Readings in Islamist Thought: Text and Context from al-Banna to Bin Laden* (Princeton: Princeton University Press, 2009), 253, women's participation in the Islamic Revolution was orchestrated by male religious leaders who determined how, to what purpose, and under what conditions women ought to appear in the public sphere, as well as when they should return home. I agree that women came to the street in response to (male) leaders, but this was also the case with men. One should also understand that in the Iran of that time, where the lives of most women were still rather circumscribed, such a presence was of great significance even if arbitrated by men.

[143] Murtada Mutahhari, *Piramun-i Jumhuri-i Islami* (Tehran: Intisharat-i Sadra, 1367 [1988]), 45.

[144] Ibid., 45. Ayatollah Khomeini's thought concerning women's political participation had shifted as a result of their participation in the Revolution. Whereas previously he had opposed the vote for women, he now allowed that they were entitled to it on the basis of their essential "humanity"; See Rubullah Khomeini, *Sahifah-i Nur,* vol. 4 (Tehran: Mu'assasah-i Nashr va Tanzim-i Athar-i Imam Khomeini), 364.

It should be noted that both Mutahhari and Ayatollah Khomeini were able to accept the legitimacy of women's political participation within the framework of legitimacy of the state; that is, they deemed the Islamic State a suitable ground for women to practice rights of political participation since its theoretical foundation had been laid by them.

In another unfinished article titled "The Role of Women in the Contemporary History of Iran", Mutahhari discusses woman's role in history, apparently with the purpose of comparing it with her role in the Islamic Revolution. This type of endeavour is very unusual for a traditionalist, and Mutahhari's examination actually seems close to the feminist idea of recovering women's history. His argument rests essentially on the notion of direct and indirect roles developed in his earlier thought. He states that women have always been a source of inspiration for men, even if from behind the scenes. He refers to Arabic and Persian epic poems in which men recount brave deeds performed for the sake of women. Mutahhari's "herstory" refers to the early Islamic era when women played direct political, cultural, and even military roles; but these, he says (without elaborating on possible causes) were gradually diminished. Mutahhari calls the history in which women played no role, male history (*tarikh-i muzakkar*). In male history, woman has been an object, at most a precious object that man keeps at home with no social and historical role to play. Mutahhari believes that Iran's history beginning a half-century before the Revolution (i.e. the time of the Pahlavi dynasty) represents such a male history in which women were physically present but had no direct influence. This reading of women's presence in the Revolution suggests that one of its accomplishments was to reclaim women's public position. Although Mutahhari is mistrustful of feminism as a

Western phenomenon,[145] his views on women's direct and indirect roles in history have a somewhat feminist tone.

Mutahhari is finally opposed to both the model of an object-like woman who is confined at home with no direct or indirect role to play; and a woman who plays a direct role in society at the expense of her primary role at home or who has undermined her moral and religious obligation of veiling and modest behaviour. This certainly raises questions about the achievability of the preferred model. One cannot help but conclude that the private role tends to obviate the need for further social participation. Mutahhari gives permission for full social participation, but then proceeds to restrict and narrow it. His model in which women function at a gendered level at home and a gender-free level in society is well-intentioned, but would have required further discussion and refinement.

4. Islamic Modest Dress: Beyond Personal Religious Obligation

Mutahhari views Islamic modest dress not only as an individual religious obligation, but as a phenomenon through which women's social presence is defined, as well as a major factor in marital relations. In Mutahhari's world of thought, the meanings of modest dress are manifold; it becomes a kind of keystone to other issues.

[145] Mutahhari actually never uses the term feminism, instead referring to "women's movements" (*nihzat-ha-yi zanan*). His view of feminism is clear in the following statement: "In this movement [feminism], deliberately or unintentionally, equality is replaced with similarity; and thus acknowledging woman's humanity leads to ignoring her womanhood. Woman's past miseries were caused by ignoring her humanity while her new troubles are caused by ignoring her womanhood, her natural situation, goals, instinctual demands, and special capabilities." Mutahhari, *Piramun-i Jumhuri-i Islami,* 37. While acknowledging that feminism has served women to some degree by "removing certain miseries, granting many rights, and opening gates that were previously shut," he criticizes it for being too hasty, manipulated by "the hidden hands of selfish, money-hungry, and lustful Western men who with the advancement of technology and building of factories needed women's cheap labor", and "contributing to the decline of the moral health of societies." Mutahhari, *Huquq-i Zan*, 216.

Mutahhari's main work on the subject, *The Issue of Hijab*, began as a series of lectures for the Islamic Association of Physicians in 1967. Encouraged by the positive feedback he received from the readers of his book, Mutahhari elaborated on his motives for the work in the preface to the second edition:

> The objective of the writer and also that of the religiously committed members of the Islamic Association of Physicians in discussing, analyzing, and publishing *Mas'alah-i Hijab* is that, in addition to many deviations in relation to "covering", this and other issues related to women have turned into instruments in the hands of filthy stooges to make noisy propaganda against Islam. It is evident that in such circumstances, youth who are not sufficiently enlightened in religious matters can easily fall victim to such propaganda.[146]

Mutahhari thus aims principally, as in most of his other writings, to appeal to Iranian and Muslim youth along with the educated Iranian middleclass, which was at that time seeking a version of Islam that was meaningful and relevant to their lives.

4.1 Veiling Versus Covering

Mutahhari begins *The Issue of Hijab* by pointing out that the term *hijab* (veiling) in Arabic, which is now predominantly used to refer to women's covering, was applied in classical and medieval Islam to things that hide, disguise, segregate, or seclude. He says that the Quran uses the word *hijab* to describe the setting of the sun (Q. 38:32) because it becomes hidden from our eyes. He also refers to various classical Arabic texts. For instance, he cites the words of Ali Ibn Abi Talib, the first Shiite Imam, in which he advises one of his governors not to prolong his "seclusion" from his people; Ibn Khaldun, the great historian of medieval Islam, where he says in his *Muqaddimah* that: "governments do not consider a separation (*hijab*) to exist between themselves and the

[146] Mutahhari, *Hijab*, 13.

people"; and he also refers to the Arabic term for the diaphragm, *al-hijab al-hajiz*, "barrier that separates". [147] The point of Mutahhari's linguistic discussion is to say that the term *hijab* in Arabic is associated with separation, hiding, and seclusion, so that if it were used to refer to Muslim women's covering, it would naturally imply the same. For this reason, he emphasizes that the word hijab is not used in legal texts in relation to women's clothing. The term employed instead is *satr* or covering. *Satr* in relation to women's clothing refers merely to covering certain areas of the body in the presence of an unrelated male.[148] Mutahhari argues that if Islam had intended to obligate women to remain secluded in their homes or completely cover when they go out in case of necessity, the term *hijab* would have been the appropriate term. Mutahhari obviously favors the term *satr*.

4.2 Islamic Modest Dress: Musts and Must-nots

Prior to presenting his own views on modest dress, Ayatollah Mutahhari refutes the views of an un-named "opponent of Islamic covering". It is common for Mutahhari to engage in refutation because of his preoccupation with leftist and "eclectic" approaches which he believed to be aimed at weakening Islamic beliefs and teachings, especially among youth. Here he takes a rational and philosophical rather than scriptural and traditional approach in order to meet the critics of veiling on their own ground.

Mutahhari maintains that opponents of Islamic covering make the error of focusing on women's covering in general and attributing it to Islam.[149] Asceticism, lack

[147] Ibid., 77.
[148] More precisely, men other than those with whom marriage is prohibited, usually because of kinship.
[149] Murtada Mutahhari, *Hijab*, 31-74.

of security and social justice, abusing women for economic purposes, men's selfishness and envy, and women's lack of self-esteem are examined by Mutahhari as issues assumed by critics to have prompted Islamic covering for women. He does not deny the validity of some of the critique as it applies to other cultures; but argues that these do not represent the entire philosophy of Islam. For instance, he rejects the idea that covering originated because of social insecurity so that it should be annulled if security is somehow established. At the same time, he argues that insecurity for women is actually greater than in the past, as dangers now appear in more frightening forms. Therefore, even if covering is assumed to be only justified in the presence of insecurity, it is still much needed.

Mutahhari not only rejects the idea that women's covering was instituted in Islam for the purpose of economic exploitation (though he sees that it may have been so in other cultures), but also takes the opportunity to roundly condemn exploitation as contradicting the Islamic legal principles of woman's financial independence and a husband's obligation to provide for all his wife's needs. Similarly, jealousy (*hisadat*) is admitted as a possible reason for covering in patriarchal cultures. But it is not a valid reason in Islam; although, Mutahhari says, the praiseworthy emotions of protectiveness and honour or "zeal" (*ghayrat)* are recognized as positive motives, if not the only ones to be admitted. Here he draws a somewhat strange conclusion about male and female psychology:

> A man very much wants his wife to be chaste and not have relations with other men. Such a tendency exists in women too…; however, this tendency in our view has a different root from that in man. In man, it is *ghayrat* or a mixture of *ghayrat* and *hisadat*, but woman's tendency merely originates in *hisadat*. [150]

[150] Ibid., 60.

Mutahhari goes on to justify what appears to be a double standard by maintaining that man is naturally "zealous" because he needs to know who his biological offspring are. A woman's detestation of her husband having relations with other women, on the other hand, is simply envy (*hasad*). *Ghayrat*, he says, "is a kind of protection that creation has placed in humankind [man] in order to prevent the mixing of bloodlines."[151] In any case, if Islam, as Mutahhari asserts, recommends only healthy and regulated relations between men and women in order to secure marital harmony, then men's relations with other women is as damaging as women's relations with other men, regardless of the issue of bloodlines. "Zeal" also gives men an excuse to restrict women's movements and space. This is a rare misstep for Mutahhari; it seems he is partly trying to explain the problematic institution of polygamy.

The assertion of Mutahhari's unnamed opponent that veiling and segregation is rooted in women's feeling of inferiority gives him the opportunity to expound Islamic views of menstruation. He points to Zoroastrianism and Judaism as two traditions that treat menstruating women as unclean objects. This, he says, is not the case in Islam, as the Quran merely says: "It is a harmful thing, so keep away from women during menstruation, and do not go unto them until they are clean"(Q. 2:222), which he interprets as a command to abstain from intercourse during menses not because of uncleanliness, but to avoid harming women.[152] Again, Mutahhari does not deny that feelings of inferiority by women or against them may have contributed to them hiding themselves; this is definitely not, he says, the rationale of modest covering in Islam.

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[151] Ibid., 61.
[152] Allameh Tabataba'i holds the same view; see Tabataba'i, *Tafsir al-Mizan*, 2: 311.

I cannot refrain here from asking if unequal Shariah laws such as those pertaining to blood money and inheritance would not cause women to feel inferior and lead to a withdrawal from society or other negative reaction. Mutahhari would no doubt answer that Islam has different laws for men and women since they are naturally different, while speaking of *ijtihad* and "the requirements of different times" as a means for amending the Shariah laws where necessary. [153]

Mutahhari now goes on to the important question of whether men have the right to visually enjoy women as they like.[154] The question is important because it concerns men's gaze and the effect it has on women's space and psychological security and dignity in the public sphere. The answer of Islam to this question, Mutahhari believes, is obviously negative. A man is allowed to look at a woman's uncovered body for pleasure only in the context of marriage.[155] Beyond that, any kind of enjoyment of women is not allowed. On the other hand, it is woman's responsibility, according to Mutahhari, to not let men other than her legitimate partner take pleasure from her, which she can accomplish chiefly through proper covering of her body.

One cannot help but notice that Mutahhari's reasoning here places a disproportionate burden on women. It seems that he has anticipated that objection, as he also argues that women's uncovering serves men in their pleasure-seeking more than it serves women in their freedom in public lives, if it serves at all. Thus his opponents, he

[153] Mutahhari's views on *ijtihad* and "the requirements of different times", which may serve to address this question, will be discussed in the conclusion.

[154] Mutahhari, *Hijab*, 82.

[155] From the point of view of the classical law, slavery would constitute another legal context, since a male slave-owner is allowed to sexually enjoy his slave. Although Mutahhari does discuss slavery in general elsewhere, Murtada Mutahhari, A*shna'i ba ulum-i Islami,* Vol. 3 (Tehran: Sadra, 1373[1994]), 132, he does not mention it in his writing on women, probably because he considered it outdated and irrelevant.

says, object to covering out of sympathy for women, but instead do them harm by exposing them to lustful eyes.

Having disposed of possible objections or misconceptions concerning covering, Ayatollah Mutahhari goes on to enumerate its advantages. The first of these is what he calls "psychological tranquility". The idea of tranquility is based (as in Mawdudi's parallel exposition in his *Purdah*) on the idea that unrestricted association between men and women causes tremendous sexual stimulation, which leads to an insatiable longing. Mutahhari uses the rather amusing metaphor of a fire that burns more hotly the more it is fed. Yet he does not see sex as negative. He argues that, while Islam values sexual relations, it does not make the error of ignoring or underestimating its power. Rather it regulates and balances it through different means, including the modest covering referred to in Quran 24:30-31, in which men and women are commanded to lower their eyes and guard their modesty. It is worth noting in this context that Mutahhari does not envision women's clothing that is not Islamic but nevertheless not provocative. For Mutahhari, the Islamic style of covering, which includes covering the hair, is *the* proper style of dress guaranteeing "psychological tranquility" and other advantages. One senses his limitations in not having traveled and encountered other cultures and possibilities. In some way, however, this is not a very valid objection, since Mutahhari's concern was Iran and the defense of Islam in that immediate environment.

Strengthening of family relations, an important consideration in any traditional society and key goal of Islam in Mutahhari's view, is another advantage of Islamic modest dress. Since, according to Mutahhari, limiting sexual pleasure to marriage strengthens family relations, the function of appropriate covering in ensuring these limits

also serve the family. If pleasure through contact or looking is easily available, spouses become obstacles rather than a positive focus, leading, Mutahhari says, to resentment. This, according to Mutahhari, is one of the reasons that today's young men and women (that is the youth of the Iran of his time) refuse to commit themselves to marriage. He believes that marriage is encouraged by limited availability of relations, so that it becomes sought as an end to a period of waiting and longing; whereas if enjoyment is quite freely available, marriage marks the onset of restrictions.[156] This view is very similar to assertions in Mawdudi's *Purdah.* Although Mutahhari does not here mention other factors contributing to the strengthening of the family relations such as love and affection between marriage partners, he does speak about these in his other writings.

Mutahhari's emphasis on sustaining healthy relations between spouses should not avert attention from his views on polygamy and the Shiite institution of temporary marriage (*mut'ah*). Mawdudi "solves the problem" of polygamy by simply not mentioning it; his whole scheme seems to assume monogamy, though he also does not make that explicit. Mutahhari, however, addresses polygamy at length, though on his own terms and while highlighting notions such as the function and wisdom of gender differences.

Mutahhari believes that polygamy is not at odds with human nature. A man marrying multiple wives, he believes, does not contradict his nature. However, a woman being with more than one man (polyandry) contradicts both man and woman's natures. Ayatollah Mutahhari does not explain this; perhaps it has to do with his ideas about "zeal" and purity of bloodlines. Crucially, he does not take into consideration if man's

[156] Mutahhari, *Huquq-i Zan*, 445.

polygamy suits woman's nature. Apparently, if a man happens to marry an additional wife, the first or others can do nothing but face it. Nevertheless, Mutahhari asserts that Islam takes a distinct and valuable stand on this issue compared to the approach of the West, which he believes, has encouraged laxity in sexual relations beyond marriage. The rationale, not original with Mutahhari but often heard in apologetic discourse, is apparently that it is preferable for a man to marry another wife rather than have relations outside of the law. Thus according to Mutahhari, polygamy not only does not violate women's rights; it should be, in reality, considered a woman's right and man's responsibility, since, he says, single women outnumber men and need to be taken care of.

Mutahhari makes it clear that he does not advocate or encourage polygamy and temporary marriage. He rather insists that they should be viewed as remedies for certain social ailments. He points out that polygamy was not invented by Islam; but Islam did not annul it either, due to problems for which polygamy, he says, is the only solution such as single women outnumbering men:

> Without doubt, the spirit of marital relations, which is union and oneness of man and woman, is better provided through monogamous marital relations. The question, however, is not to choose between monogamy and polygamy. The issue is rather that absolute monogamy is threatened as a result of certain social realities such as single women outnumbering men needing to be married.[157]

Polygamy and temporary marriage are therefore in the view of Mutahhari legitimate solutions to unsatisfied sexual needs of both men and women when monogamous marriage is not possible: "Absolute monogamy for all families is a fantasy. There are

[157] Ibid., 423.

only two options available: either recognize polygamy or give in to unlawful relations."[158]

The well-being of society is another benefit Islamic covering is expected to provide. Mutahhari believes that in the absence of regulated clothing, sexual feelings are bound to be aroused outside the home. The resulting distraction caused by inappropriate covering and failure to set limits on relations between men and women then affects different activities. He argues that, contrary to the belief of opponents of Islamic covering that veiling deprives societies of half their work force, it is unrestricted sexual behavior partly caused by lack of appropriate covering that paralyzes workers. Unlike Mawdudi, who focuses on the effects of sexual dissipation on men since they are supposedly the ones who work and produce, it seems that Mutahhari is thinking of the economic contributions of both men and women; or at least, he does not place as much emphasis on specific harm to men as Mawdudi, who goes so far as to speak of the effects of prostitution and venereal diseases on men's productivity.[159]

Thus sexual continence or discipline of sexuality provided by regulated covering of women seems to be viewed by Mutahhari as not only beneficial to the moral fiber of society, but economically efficient. In a very large shift from traditional thought, Mutahhari further argues that Islamic covering as outlined in the Quran does not require women to confine themselves to their homes and be deprived of social activities. The Ayatollah does not by any means under-represent modesty and Islamic covering; he merely intends that women can function in society while preserving their modesty.

[158] Ibid., 424.
[159] Mawdudi, *Purdah*, 70.

Nevertheless, this is one of the great "moves" in his thought, as can be seen in the contrast to Mawdudi who in his *Purdah* takes "*hijab*" in the traditional sense, i.e. confinement. Mutahhari focuses on clothing rather than confinement; this is why he insists on the term *satr* instead of *hijab.* The result is a different definition of women's space; although, it should be said, Mutahhari still emphasizes the primacy of women's home life and duties so that a differentiation of spheres remains.

In the final analysis, Ayatollah Mutahhari tends, as in other aspects of his thought, to emphasize both women's rights and certain limitations or distinctions without managing to truly reconcile the two. Thus he states that knowledge is an obligation for women as much as it is for men, with no difference in the content and extent of education, does not rule out any economic activity for women, and insists on women's financial independence. These views suggest a vibrant engagement in society which, according to Mutahhari, Islam expects from its female followers while also requiring them to observe Islamic covering. Mutahhari insists that both in theory and practice, Islamic dress is not intended to deprive women of social freedom and mobility but only involves a reasonable degree of covering.

Mutahhari also believes that women's dignity and value are preserved by modest dress. Consistent with his foundational conviction about natural difference between men and women, he assumes it to be a fact that men are physically stronger than women – although this does not pertain to intellectual differences, as he writes: "Man's physical power is certainly superior to woman's, while his superiority in intellect and brain power

is at least arguable".[160] Mutahhari nonetheless believes that even if women are not capable of competing with men in strength, their emotional make-up is well beyond that of men. These two differences bring him to the conclusion that women are actually better off if protected by Islamic covering, since it serves to keep a physical and emotional distance from men. Ayatollah Mutahhari thus believes that Islam by promoting modest dress in fact responds to women's demand for dignity and value in their relations with men.

The discussion here seems incomplete. Mutahhari does not elaborate on why protecting women's dignity and value is so significant for women. His aim, in any case, is to convince his audience that although Islam sees women as distinctive, this is not meant in a negative way. Any differences are positive in some way, as in the case of emotion. It is very important for Mutahhari to present Islam as woman-positive and prove that various aspects, if properly understood, actually constitute "rights".

Mutahhari reinforces the impression of woman-positivity by speaking of "natural" female tendencies and placing these in a favourable light. He believes that chastity, modesty, and covering the body are part of a female's instinctual skills through which she maintains and improves her position in relation to men. Understanding that they cannot compete with men's physical power, women have detected a weak point in men's nature, that being their passion and eagerness for women. Like Mawdudi, Mutahhari maintains that man is naturally created to admire and love women, while women are in the position of being loved and adored by men. By appealing to nature, Mutahhari attempts to make his conclusions appear scientific and inevitable. He also turns to history and "Western

[160] Mutahhari, *Huquq-i Zan*, 95.

science" to confirm his view, citing episodes of the past and material available to him in translation.[161]

This psychological judgment is key to Mutahhari's statements on marriage and divorce. He argues that Islamic law has man propose marriage to woman and not the other way around because man is the pursuer. Men's unfettered right to divorce is justified by him on the same grounds.[162] It is also interesting that the Ayatollah allows that this natural and positive reason for covering is likely to have been one of the motivations for introducing veiling in other cultures. The nature of women, of course, is universal, and so other civilizations must have recognized and dealt with it in similar ways. Certainly Mutahhari implies that the modest clothing favoured by Islam would also be ideal for the rest of the world; but he does not actually say this and use a universalistic or triumphant language as Mawdudi does.

Though Ayatollah Mutahhari's exposition has a certain ingenuity, it raises many questions. For instance, his talk of preserving women's value and dignity through modest clothing is belied by his assertion that modest dress itself causes attraction (the idea being that what is hidden is more mysterious).[163] He gives the impression that for women, attracting men is a value and goal in itself. Nor does Mutahhari explain what respect, value, and dignity represent in relation to women, although these are not simple words with a single meaning in any context, let alone different cultures and times. The basis and meaning of morality in what is essentially a moral discussion are not made clear. Mutahhari also fails to consider that clothing that preserves women's value, dignity, and

[161] Ibid., 69-74.
[162] Ibid., 45-52; 340-346.
[163] Mutahhari, *Hijab*, 95.

so on in some cultures might not mean much in others. Here again we see the limits of a thinker living in an all-Muslim environment; although, on the other hand, it should be kept in mind that his project is meant to persuade a certain audience at a certain juncture in Iran.

Finally, Mutahhari's care to make rational arguments for modest dress causes him to miss that pious women choose to observe it regardless of the advantages he lists – as we can see when women veil outside a Muslim milieu, where Islamic dress may even give rise to disrespect. Ayatollah Mutahhari writes about Muslim women, but fails to foreground their religious devotion. It may also be said that, by focusing on the functions of covering in the family and society - including psychology, economics, and even as a 'mysterious' attraction for men – Mutahhari also reduces a divine obligation to a mere instrument for attracting men's respect and attention. One might thus argue that although Mutahhari strives to produce a woman-centered interpretation of Islamic covering, his account finally represents a male view.

4.3 Uncovering the Face and Hands and Women's Social Presence

It is very important for Mutahhari that Islamic covering or modest dress not severely impact women's social presence. This, as suggested above, is a significant change from traditional views and possibly his most radical proposition. Without it, Mutahhari may not have been able to attract a female audience or convince Iranian youth, since Iranian women in his time, though perhaps centered on hearth and home, were not usually confined to the house or very limited in their circulation in public space. Ayatollah Mutahhari was compelled, in a sense, to acknowledge and accommodate

reality. This is the contemporary background[164] to a steady insistence by Ayatollah Mutahhari that, while the female body should be completely covered, women should not cover the hands and face.

It is significant that Mutahhari exempts women's face and hands from covering not because they hold no attraction for men, but explicitly in order to allow women to maintain a presence in society and public space and avoid imposing an unreasonable burden.[165] He urges women to avoid jewelry and ornament that might make the face and hands attractive to men, while men are also asked to avoid casting a lustful gaze on women's face and hands. It seems that although sexual attraction exists, freedom for women to move about is more important; and therefore the self-restraint of women and men also has to be trusted to some degree.

Mutahhari backs up his argument that the face should remain uncovered with the Quran. Quran 24:30 reads: "Say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what [must ordinarily] appear thereof." He notes that, according to most exegetes, the exempted "beauty and ornaments" refer to the rings and eye make-up customarily used by women. He concludes that this must mean that the face and hands the ornaments adorn are consequently exempted, since there is no point or sense in allowing women to leave ornaments on their hands and face exposed while they are obligated to conceal those

[164] There is a long-standing traditional debate, dating from as early as the ninth century, on whether the face should be covered or not; see Lynda Clarke, "Hijab According to the Hadith: Text and Interpretation," in *The Muslim Veil in North America: Issues and Debates,* eds. Sajida Sultana Alvi, Homa Hoodfar, and Sheila McDonough (Toronto: Women's Press, 2003), 214–86. Mutahhari's interpretation of the Quran discussed below is derived from this debate.

[165] Mutahhari, *Hijab*, 181-190. Mawdudi insists that the face must be covered because it is particularly attractive, Mawdudi, *Purdah*, 138.

same areas. As for the verse following (Q. 24:31) that asks women to "draw their scarves over their bosoms", Mutahhari believes that it is meant only to define the parts of the body to be covered, as it clearly mentions the neck and breast area. If covering the face was obligatory, it should have been mentioned as well. Mutahhari also refers to the Shariah rule that forbids women from covering their faces during the Haj pilgrimage, concluding that exempting the face from covering in a context in which the two sexes perform religious rituals together conclusively demonstrates that women do not have to conceal their faces in everyday life.

It remains for Mutahhari to dispose of Quran 33:53, which reads: "And when you ask them [the Prophet's wives] for something, ask them from behind a veil [or "screen", *hijab*]." Since the verse is widely regarded as a command for Muslim women to cover, it is worth considering Mutahhari's view of it at some length.

According to Mutahhari, some Quranic commentators imagined that since the Prophet's wives were veiled, ordinary Muslim women should be veiled as well. He believes this assumption to stem from a negative attitude toward women (an assertion he does not fully explain). In Mutahhari's view, the exegetes ignored the fact that veiling by the Prophet's wives was not a matter of modesty; it was rather designed to give them dignity through a special status, as the Quran then goes on (Q. 33:32) to say: "O consorts of the Prophet, you are not like [other] women." Mutahhari treats the phrase after that commands the wives to "remain in their houses" as follows:

> The Prophet's wives, who are considered to be "Mothers of the Believers" and enjoy great respect among Muslims, were subjected to this emphatic command because of the possibility that they would become political and social tools for selfish and ambitious men. Thus the Quran orders them to "remain in their houses", just

> as they are forbidden to remarry after the Prophet's death in order to prevent their respect and dignity being misused by their husbands.[166]

In short, in Mutahhari's view, women do not have to go to extremes or be unreasonably burdened to preserve their modesty and fulfill their responsibilities in guaranteeing the well-being of families and society. They need only follow the "Book of Creation", as he calls it,[167] and heed the basic rules laid out in the Quran.

Thus far, we have concentrated on Ayatollah Mutahhari's prescriptions for female dress. Mutahhari also, however, speaks about the male body, a concern that is actually found in the Quran itself as it clearly commands both men and women to avert their gaze and "guard their private parts" (Q. 24: 30-31). Mutahhari advises women in particular to be careful in their contacts, including in verbal encounters with men as he believed that women's voices can be seductive,[168] but he also takes into account the power and will of men to attract, even if not at length or very explicitly.

Thus Ayatollah Mutahhari advises men as well as women to observe appropriate covering. Men, however, are obligated only to cover their private parts, while women should cover their whole bodies, save the hands and face.[169] Women have a greater responsibility, and Mutahhari admits this. The unequal burden, he argues, is not degrading, but due to natural differences:

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[166]Mutahhari, *Hijab*, 169-180.

[167] Mutahhari, *Huquq-i Zan*, 179.

[168] Mutahhari, *Hijab,,178*. The idea of women's voices being seductive is implied in Quran 33:32: "O wives of the Prophet! You are not like any other women. If you keep your duty [to God], then be not soft in speech, lest he in whose heart is a disease [said by the exegetes to refer to hypocrisy, evil desire for adultery, and so on] should be moved with desire, but speak in an honourable manner." The idea is widely reflected in different exegetical works and legal opinions.

[169] This is, again, in accord with traditional Shariah law.

> The reason that Islam's obligation for covering has specifically addressed women is their inclination toward beautifying and glamorizing themselves. Man [by nature] is the prey when it comes to capturing hearts and minds, while woman is the hunter. Woman's sense of self-beautification originates in her desire to seek men's attention.[170]

Men, of course, are different. "Nowhere in the world", says Mutahhari, do they "dress in revealing clothing or use provocative make-up."[171] The gender psychology that forms part of the deep structure of Mutahhari's worldview consequently remains focused on women.

[170] Mutahhari, *Hijab*, 88.
[171] Ibid.

Chapter Two: Woman in the thought of Rabbi Joseph B. Soloveitchik

The thought of Rabbi Joseph Soloveitchik is of great significance, having shaped Modern Orthodoxy for much of the 20th century. As Dean of the largest institution for rabbinical training in North America and probably the world, the Rav's[172] ideas exerted great influence on the tradition. It should nevertheless be acknowledged at the outset that discussion of gender in the writings of Soloveitchik is not aimed deliberately and narrowly at that concern. Rather, his thought on women and gender can be discerned at two different levels of his writings, which may be described as gender-relevant, if not gender-centered. The first level is in the course of theoretical discussions in which Soloveitchik defines fundamental issues related to humanity such as the relation to God and to His laws, i.e. the *Halakhah*,[173] along with the human's relation to his or her ontological (marital) partner. It is in this context that the issue of woman and her relationship to God and other humans naturally becomes part of the discussion. At this level, Soloveitchik employs his knowledge of modern philosophy first acquired in his university studies (referred to in the short biography presented in the Introduction) to delineate a philosophical perspective on fundamental issues relating to humanity. These issues include gender relations and, of course, gender differences, which in turn lead to consideration of, gendered roles and responsibilities. All these discussions necessarily take place within halakhic categories. It is thus appropriate to infer that the human being,

[172] "Rav" means the teacher par excellence. Rabbi Soloveitchik was reverently known as the Rav by his students and admirers.

[173] For the benefit of readers specialized primarily in Islam: The Halakhah refers to the entire body of Jewish law and tradition comprising the laws of the Bible and oral law as transcribed in the legal portion of the Talmud. The concept is thus larger than *fiqh* and somewhat parallel to Shariah in the wide sense.

and not woman, is the center of Soloveitchik's gender thought. To put it another way, the gender thought of the Rav emerges through his humanistic philosophy.

At this level, the present chapter focuses on Soloveitchik's discussion of the creation of man and woman, their first sin, and their relation with divinity. I will also investigate gender differences in Soloveitchik's thought as a medium through which humanity's goals, aspirations and destiny are defined and realized.

Soloveitchik's gender views rise to the surface at a second level due to his position as a legal decisor and policy maker as he offers his *responsa* concerning questions pertaining to Jewish law. In this realm, his views concerning women's Jewish education and ritual (prayer groups) are particularly significant, both in terms of the quantity of material available and its depth. Rabbi Soloveitchik, it should be recalled, was a major decisor of Modern Orthodoxy.

1. Soloveitchik's Foundational Thoughts on Gender: An Intellectual Perspective

Soloveitchik's views on women and gender in the intellectual or philosophical sphere are primarily reflected in his reading of the positions and characteristics of man and woman in the Torah. His analysis is based on male and female as depicted in the Holy Scripture. The creation of the first man and woman along with their different attributes and relations are among the elements essential to shaping Soloveitchik's worldview. The chief writings in which these are expounded are *The Lonely Man of Faith* and a posthumous compilation of manuscripts prepared for his lectures, titled by the editors *Family Redeemed: Essays on Family Relations*. As explained above, the lectures

are not necessarily gender-oriented or chiefly, despite the title, about family relations; but these elements lie within them and may be extracted.

1.1 Creation of Woman According to the Torah

Soloveitchik's reading of the two accounts in Genesis I and II of the creation of the first human beings results in delineation of two divergent aspects or types of humanity. These he calls "Adam the First" and "Adam the Second". The two Adams are a creative response to a seeming discrepancy in certain verses in the Torah that relate to the creation of man. The first account begins: "So God created man in His own image, in the image of God created He him, male and female created He them," and continues: "And God blessed them and God said unto them be fruitful and multiply" (Gen. 1:27-28). The second account, found in Gen. 2: 18-23, differs significantly:

> The Lord God said, "it was not good for man to be alone; I will make a fitting helper for him." And the Lord God formed out of the earth all the wild beasts and all the birds of the sky, and brought them to the man to see what he would call them; and whatever the man called each living creature, that would be its name. And the man gave names to all the cattle and to the birds of the sky and to all the wild beasts; but for Adam no fitting helper was found. So the Lord God cast a deep sleep upon the man; and, while he slept, He took one of his ribs and closed up the flesh at that spot. And the Lord God fashioned the ribs that He had taken from the man into a woman; and He brought her to the man. Then the man said, "This one at last is bone of my bones and flesh of my flesh. This one shall be called woman, for from man she was taken."

The two accounts verge on being contradictory, and text criticism attributes the Genesis passages overall to two different sources and traditions. This is not, however, the place to

go into the scholarly account of redaction by different sources,[174] except to note that it is not, of course, accepted by the tradition or by Soloveitchik, whose concern instead is to harmonize the narratives by seeking meaning in difference. His basic argument is that each passage describes a different mode of creation leading to different aspects of human personality. To put it another way, Adam the First and Adam the Second, as Soloveitchik calls them, are in reality two personalities of the human being, and these personalities are complementary.[175]

Gender first appears in Soloveitchik's reading of the two creation accounts in the Torah when he discusses the creation of Eve as one of four apparent discrepancies. His division of personalities is not explicitly extended to Eve. He does not speak of "Eve the First" and "Eve the Second", as one might expect, even though she is created differently in the two episodes like Adam and with a different relation to him. Difference rather refers to difference *in relation to Adam.* Thus we see that in the account in Genesis 1, Adam was never alone, as both male and female were created concurrently; while Adam the Second (to use Soloveitchik's concept) emerged alone, with Eve appearing subsequently as his counterpart and helpmate. Adam the First was created to be social and gregarious, as the text says, "it was not good for man to be alone". Male and female in the first account are also called upon by their Creator to act together; Adam in this account is in need of aid to successfully accomplish the tasks assigned. Thus Eve in relation to Adam is a "work partner", and not "an existential co-participant", Soloveitchik

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[174] One recent work that discusses this is Ronald S. Hendel, *The Text of Genesis 1-11: Textual Studies and Critical Edition (New York:* Oxford University Press, 1998).

[175]Joseph B. Soloveitchik, *The Lonely Man of Faith* (New York, Doubleday Publication, 1992), 10.

insists.[176] Adam the First, together with Eve, form a "natural community", as Soloveitchik calls it,[177] in which they can develop their capacity to "fill the earth" as well as "subdue it" by establishing "dominion over the fish of the sea, over the fowl of the heaven, and over the beasts, and all over the earth" (Gen.1:27). In this narrative, the concern is not the ontological relationship between Adam and Eve, but rather their functioning and working together.

Soloveitchik seems convinced that in order for Adam the First and Eve to meet God's expectations and fulfill their responsibilities, they should not be ontologically dependent on each other, as that would involve need or loneliness. For their divinely-determined goals, as Soloveitchik sees it, are majesty and dignity – power and sovereignty through their mastering of the world – and these ends are not achievable through solitude. As a being seeking dignity, "Adam the First was" therefore "not left alone even on the day of creation," when God "addressed Himself to both of them as inseparable members of one community." [178]

In contrast to Adam the First, the quest of Adam the Second, according to Soloveitchik, is not for dignity and majesty. Rather, he is in quest of a redeemed life, a life in which the individual finds his existence worthwhile, as being anchored in something stable.[179] This redemption is, paradoxically, achieved through surrender as the individual allows himself to be "defeated by a higher and truer being."[180] Thus God places Adam the Second in Eden and asks him to serve by cultivating and keeping the

[176] Ibid., 30.
[177] Ibid., 41.
[178] Ibid., 26.
[179] Ibid., 34.
[180] Ibid., 35.

garden,[181] while Adam the First was asked by God to actively "fill the earth and subdue it." Note how the lives of the two Adams are different, but that they are not mutually exclusive. They are two complementary aspects of one personality, one seeking dignity and majesty through mastering, and the other seeking redemption through obedient service.

We have seen how the second Genesis account of Eve differs from the first in that she did not emerge simultaneously with Adam, but only after. According to Soloveitchik, this happened when Adam the Second became aware of his loneliness in the course of naming all the creatures through what the Rav calls the "intellectual gaze,"[182] as he explains:

> Adam the second is still lonely. He separated himself from his environment which became the object of his intellectual gaze. "And the man gave names to all beasts and to the fowl of the heaven and to every animal of the field; but for Adam no fitting helper was found"(Gen. 2:20). He is a citizen of a new world, the world of man, but he has no companion with whom to communicate and therefore he is existentially insecure.[183]

In other words, unlike Adam the First who was provided with a companion at the very moment of his creation before he could sense any need, Adam's dawning mental consciousness of the world prompted emotional awareness of his loneliness, following which he was introduced to Eve by God.

Soloveitchik is struck by the fact that the story of woman's creation in the second account is told in installments, as he says:

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[181] Ibid.,34.
[182] Ibid., 37.
[183] Ibid., 37.

> After Adam's appearance, God was not concerned with his aloneness. Instead, the Torah tells us about something new, Paradise. Then, suddenly, after it has reached the event of man being enjoined from eating from the tree of knowledge, it interrupts the continuous tale and picks up another thread, namely, man's loneliness and God's decision to provide him a helper. However, the Torah does not proceed directly to tell us about the creation of Eve. Instead, while departing from its recording of the events leading to the act of creation, the Torah reports another event, Adam's naming of the animals and birds. After having narrated this event, the Torah resumes the narration about the creation of Eve.[184]

He explains that by telling the story in this fashion, the Torah is in fact "advising us about other events that happened which are indispensable for understanding the drama of man."[185] This view or approach[186] allows him to extract additional meaning from the episodic nature of the narrative, and the meaning he finds is that woman was created in response to man's growing existential feeling of need for a helper. The reading seems to magnify even more the importance of the male-female relationship, and it appears that the second story of creation as interpreted by Rabbi Soloveitchik does count woman's creation as part of God's plan for confronting and solving the drama of humankind.

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[184]Joseph B. Soloveitchik, *Family Redeemed: Essays on Family Relations* (New York: Toras Horav Foundation, 2000), 5.

[185]Ibid., 6.

[186] Jacob Neusner says, both critically and appreciatively, of Soloveitchik's approach here: "Soloveitchik chooses not to expound his theology of matters but rather to tease his points out of an acute reading of the text of Scripture. That is in the manner of Talmudic exegesis of the texts of the law. It yields a result of interest only for those who will find the exegetical premises plausible and the method compelling… It is difficult for an outsider to explain why the mode of thought, exposition, and argument that governs here - episodic and inert - has been chosen in preference to a more readily Western, philosophical approach to the active, aggressive presentation of propositions and arguments and evidence. Why Soloveitchik does not establish his frame of reference - the criteria of evidentiary truth and relevance to a stated proposition - and allow his readers to follow him as he makes his case, but rather insists upon an oracular tone of declaring truth, however, is clear. It is how Moses taught Torah. And in context, it all works: it is how Soloveitchik was received as master of Torah- teaching." See: Jacob Neusner, "Review of The Family Redeemed: by Joseph Dov Soloveitchik, 2000," *Journal of Law and Religion* 17:1/2 (2002): 263-266.

Another feature of the second account highlighted by Soloveitchik is God's providing of Adam with a companion as a gesture of redemption. Since, according to Soloveitchik, redemption is obtained through sacrifice and defeat, Adam's companionship with Eve should be of the same quality. This is the meaning of episode of the rib, [187] as it says in Gen. 2:21 that God: "caused an overpowering sleep to fall upon the man and while he slept, He took one of his ribs and closed up the flesh at that spot. And the Lord God fashioned the rib that He had taken from the man into a woman…." Soloveitchik comments that sacrifice was not necessary for creating Eve in the first Genesis account, since the community to be formed was only utilitarian.[188]

It is worth noting also that Eve's creation in the second account involves a sacrifice solely by the one who will benefit from redemption and escape existential loneliness, i.e. Adam. Soloveitchik's correlation of redemption and sacrifice does not suggest that there is redemption for Eve.[189] It might thus be concluded that Eve or woman at this juncture is only a medium through whom Adam (man) is redeemed and given companionship, albeit at a price. Soloveitchik does not, as far as I am aware, directly address this difficulty.

In addition, one could infer an equality and equivalence of Adam and Eve from the first Genesis account, since they are created at the same time as partners to rule over the rest of the world and God's command is directed to both. [190] Soloveitchik does not take care to deny this; but he does not highlight it either. It could be that he does not bring

[187] Soloveitchik, *The Lonely Man of Faith*, 38.
[188] Ibid.
[189] Nevertheless, it seems that redemption comes for women in the marriage or family relationship; see the discussion in the next section.
[190] As suggested by some feminist critics such as: Shira Wolosky, "The Lonely Woman of Faith,"Judaism," 52:1/2 (2003): 3-18.

out the point because in this account, human beings are created as an integral part of nature, in the same manner as the beasts. Humans are, of course, different in that they are formed in the image of God; but at this juncture, they "have not made as yet the momentous decision to turn a non-reflective, instinctive existence into a self-conscious one".[191] In addition, as *The Lonely Man of Faith* suggested in the second account is Soloveitchik's favoured personality,[192] it is likely that the relationship there between Adam the Second and Eve the Second would also be the ideal.

Actualization of human essence and distinctiveness from other creatures occurs only in the second account when the human is confronted with "God's moral will" and consequently experiences "the birth of a moral awareness". After man was placed in the Garden of Eden, Soloveitchik says, he aspired to an unlimited, constantly advancing existence. But then, he suddenly met with God's moral will. On the one hand, this confrontation with moral laws limited Adam the Second; but on the other, it was "his first rendezvous with God", in which he informed him of the "divine imperative".[193] The divine imperative faced here is different from that delivered to natural man and woman in the first account, since the latter only has to do with a natural biological drive, as God told them to "be fruitful and multiply, replenish the earth and subdue it"(Gen. 1:28).

In the subsequent stage in which man is fully realized, enters into a Covenant with God and acquires the maturity to receive moral commands, gender equality and similarity is absent in both the mode and purpose of creation. As noted above, the Adam and Eve of

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[191] Soloveitchik, *Family Redeemed*, 8.

[192] I do not mean by this statement to question the essential importance of both personalities in Soloveitchik's scheme (which is underlined in the discussion below), but only to draw attention to the gender implications of the two Adams and the communities they form with the respective Eves.

[193] Ibid., 10-14.

the second Genesis account are equal neither in creation, since Adam was created first, and Eve was created as a helpmate to relieve Adam's loneliness (while Adam is not mentioned as fulfilling the same purpose in relation to Eve).

Both Adams, Soloveitchik stresses, are essential in shaping a God-willed human personality, such that the rejection of either "would be tantamount to an act of disapproval of the divine scheme of creation which was approved by God as being very good".[194] As one who is faithful to the text of the Scriptures, Soloveitchik is determined to give full value to both accounts. His assertion, however, would seem to be limited in the realm of individual human personalities. It can be argued that recognition of the two aspects does not absolutely extend to the relations of man and woman, whether in the family or community level. This may be inferred both from Soloveitchik's lack of emphasis on an apparently equal (as some have seen it) creation, partnership, and set of responsibilities of Adam and Eve in the first Genesis account, and his focus on existential dependence between the two in the second.

We might then conclude that human beings, whether male or female, are to reflect both the "majestic" and "faith" personalities, while in the family and community spheres, relations between men and women or spouses should follow the model of the second account, which is characterized by non-similarity and non-equality even though humanity is equal. Thus the creation story of second Genesis becomes particularly significant, as it is associated with ideas of Jewish marriage in the thought of Rabbi Soloveitchik. Marriage, the Rav declares, is "not just a successful partnership between identical and equal male and female, as achievable in the first account, but an existential community

[194] Soloveitchik, *The Lonely Man of Faith*, 81.

between non-identical and non-equal male and female, as depicted in the second account."[195]

One can see that Soloveitchik is not at all disturbed by the idea of differences between men and women and certainly does not try to minimize them. Rather, differences are to be regarded as "part of the plan" as they allow the male and female to each bring to the marital relationship their special qualities, complementing each other to form the ideal whole. Soloveitchik does not share the concern of critics such as David Hartman, who objects:

> The biblical story of Eve's creation and the archetypal resonance of that story as the Bible's template for all marriages, appear to imply a hierarchy of man over woman embedded within the very fabric of creation. The implication is reinforced by the reason given for Eve's necessity, her very purpose: to be an *ezer ke-negdo* (a famously oblique and seemingly paradoxical expression, which nonetheless clearly marks her, in Soloveitchik's reading, as a helper of some kind) to Adam. [196]

Of course, the main loyalty of Rabbi Soloveitchik as a dedicated Talmudist and Orthodox theologian is to the divine text, whether it treats genders as similar and equal, or dissimilar and partly equal. Such things are not really his concern. The only message on the subject he tries to send across is that the accounts do not mean that one sex is more valuable than the other.

In conclusion, although the issue of Adam and Eve and their creation constitutes only a part of Soloveitchik's views concerning women, it has an absolutely fundamental position in the study of his thought in relation to gender, since the first male and female

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[195] Soloveitchik, *Family Redeemed*, 17.

[196] Hartman, *The God Who Hates Lies,* 74. Soloveitchik's understanding of *"ezer ke-negdo*" as being a helpmate is not the only interpretation. Another defines the role of a wife vis-à-vis her husband in terms of slave and master, please see Hartman, *The God Who Hates Lies*, 77.

are taken to represent the characteristics, qualities, and patterns of relations between all men and women.

1.2 Gender Differences in the Thought of Soloveitchik

Gender *qua* gender separate from the family and family relations is not Rabbi Soloveitchik's concern, and thus his thought concerning women and gender is to be gleaned from his discussion of marital union. There is rich material here, since gender differences are obviously essential to the issues of male-female relationships and roles in marriage and what he calls the "parental community". It is on the basis of divinely ordained gender differences that families that are "metaphysical in terms of their substance and goals" also stand as an "ontological unity" consisting of "father, mother, and child" dedicated to the "realization of the will of God".[197] The relational and family context of gender is reflected well in the following excerpt:

> Man and woman differ not only physiologically as male and female, of whom the first account of creation tells us, but also spiritually and personality-wise. This is the way Creator has ordained human lonely destiny. Because the woman is not the shadow of man but an independent persona, because the woman projects a totally different existential image, her companionship helps man to liberate himself from his loneliness. In the interpersonalistic existential tension both man and woman find redemption.[198]

Before we go further, Soloveitchik's focus on parental community should be clarified. In the union between a man and a woman or in Soloveitchik's words between "I" and "thou", a third – a child - is necessarily expected. The terms "marital" and "parental" may thus be used interchangeably; they are in fact one thing, as Soloveitchik emphasized:

[197] Soloveitchik, *Family Redeemed*, 30.
[198] Ibid., 22.

> It is a change of name but not of substance. The marital community, notwithstanding the fact that only two people join it at the outset it is also a threefold affair. Two join in order to expect a third member to enter the same community.[199]

This marital-parental community, says Soloveitchik, is "part of the great endless community of *mesorah*, our tradition, whose task is to pass on the covenant from generation to generation and millennium to millennium."[200] In light of this focus, gender differences should be examined in a way that fully acknowledges the matrimonial nature or context of gender relations, while not losing sight of their objectives. This could be articulated as follows: gender differences are differences springing from gender attributes of marital partners, which are only meant to render them suitable for the accomplishment of the great task of passing on the covenant from generation to generation.

According to Soloveitchik, gender differences began to emerge with the communion between Adam the Second and Eve, resulting in the first marital community. Nevertheless, Soloveitchik emphasizes that the two "have a lot in common: otherwise Eve could not be a helper".[201] Soloveitchik clearly connects Eve's ability to be Adam's helper to her being different. The companionship that helps Adam to liberate himself from loneliness is dependent on her being an independent persona and on her "projecting a totally different existential image."[202] A possible conclusion is that woman might not have necessarily reflected an independent existential image "totally different" from man were not she assigned the task of helping him.

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[199] Ibid., 29.
[200] Ibid.
[201] Ibid., 21.
[202] Ibid., 22.

The independence and existential difference Soloveitchik speaks of may be seen as very positive, since a woman who is unique and helps man to escape loneliness and redeem himself does not depend on him. On the other hand, one could ask why only one party (woman) is assigned the task of helping the other liberate himself from loneliness. It is also unclear how this is to be reconciled with man and woman's differences ordaining the lonely destiny of humans, or both man and woman, as Soloveitchik also maintains,[203] suffering existential loneliness. The loneliness of both is crucial, in fact, as it brings them together in marriage. The sense of shared loneliness of the marital partners is clearly expressed in Soloveitchik's assertion that "the cause of marriage is the exasperating and desolate feeling of loneliness; the goal of marriage is the redeeming experience of life in fellowship."[204]

There seems to be tension in general between Soloveitchik's loyalty to the scriptures and his strong advocacy of the idea of man and woman's equality in humanity. He states that: "There is no doubt that in the eyes of halakhah man and woman enjoy an equal status and have the same worth as far as their humanitas is concerned";[205] but at the same time, perhaps because of the scriptural statement, " a man [will] leave his father and mother and cling to [be dependent on] his wife" (Gen. 2:24), he is reluctant to let that sentiment be mirrored in the issue of a man and woman being equally each others' helpers.[206] This apparently dual approach has attracted criticism, as in the following critique by George P. Fletcher:

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[203] Ibid.
[204] Joseph B. Soloveitchik, "Confrontation," *Tradition* 6 (1964): 6.
[205] Soloveitchik, *Family Redeemed*, 71.
[206] Ibid.

> The tendency in Soloveitchik, repeated in Hartman, is to think of the entire saga as the story of a male figure seeking female companionship. He has this companionship in the first story, he longs for it in the second. The loneliness in *The Lonely Man of Faith* is about the experience of men yearning for the companionship of women. My critique here is not a feminist objection that male scholars ignore the experience of women because they think only of men as actors in history. My complaint is whether fidelity to the text permits the inference that men suffer loneliness while women do not.[207]

In this case, it may be said in reply to Fletcher's objection that his idea that Soloveitchik undermines woman's loneliness is not valid. As a matter of fact, Soloveitchik considers loneliness the ground for Jewish marriage, as previously explained. The point he is silent on, rather, is man and woman mutually needing each other in order to escape loneliness; his full acknowledgement of woman's existential loneliness makes his silence on this finer point difficult to understand. It could be that the apparent inconsistency is not important for Soloveitchik, since his final goal is not to demonstrate thorough equality or balance. The reader, in any case, is left with the impression that woman being man's helper without "help" proceeding in the other direction indicates either a superior quality that makes her not need help in order to be liberated from existential loneliness, or that she is created to serve man.

1.3 Man and Woman: Aspects of Differences

Soloveitchik's views on gender differences are intimately tied to the rights and responsibilities of the two sexes in personal and religious affairs, along with their standing in marital relations and participation in the larger society. Gender differences,

[207] George P. Fletcher, " Adam and Our Selves," in *Judaism and modernity: The Religious Philosophy of David Hartman*, ed. Jonathan W. Malino (Burlington Vermont: Ashgate Publishing Company, 2004), 166.

the Rav says, include physical and biological aspects found in the world of animals and even plants, while also pertaining to psychological, intellectual, and spiritual dimensions that are more exclusive to the human domain. The differences between the sexes, Soloveitchik emphasizes, do not affect the value of either. Rather, differences are willed by God to enable each gender to accomplish the assigned mission.[208]

Soloveitchik is careful to underline the humanity even of biological and sexual qualities seemingly shared with other creatures. In human beings, he says, these take on a more human quality; sexual physiology transforms into sexual personality, resulting in a personality of man and personality of woman. Man and woman consequently have different existential experiences; that is to say, man knows that he exists as a man and woman knows that she exists as a woman.[209] We might phrase Soloveitchik's view thus: biology or physiology becomes coloured by the human vessel, and is given meaning by human awareness or insight into the biological-physiological condition. The result is that "being" is manifested differently in man and woman:

> Man and woman represent not only two sexes with natural anatomic and physiological differences but two ideas of personality. As biological distinct beings they are called male and female, but they are not typical of the human race alone…what is characteristic of the world of man is that sex-physiology is transformed into sex personality…They are two individualities with unique existential experiences. The "I" awareness contains the moment of sex-personality. They experience themselves in different dimensions. The tremor of being manifests itself differently in man and woman.[210]

Difference could not be more profound. Soloveitchik goes on to further emphasize existential differentiation by situating it at the levels of creation, mystical experience of

[208] Soloveitchik, *Family Redeemed*, 72.
[209] Ibid., 68.
[210] Ibid., 67.

God, and Halakhah. The details of these levels are interesting as they show how he transforms sex difference into a spiritual concern.

At the level of creation, man and woman, whose physical and spiritual differences are actually existential, are overwhelmed by a loneliness that can be remedied only by union through marriage. In marriage they find completion, fulfillment, and redemption. Soloveitchik states that the marriage union - which he regards as human destiny - would fail if man and woman were not different and possessed of separate sexual personalities. God created them to be both physically and spiritually different for the purpose of this union; and they would not experience the attraction required for it if they were similar.[211]

To explain the difference of sexual personality at the level of mystical experience of God, Soloveitchik draws on the rich tradition of Jewish mysticism. The mystical tradition makes the Feminine and Masculine transcendental by relating them to divine cosmic principles of femininity and masculinity. In this connection, Soloveitchik writes about how God is experienced by the Jewish people as both father and mother:

> In our God-experience we sense already the dual subjective image we have of Him. God is both our father and our mother. Masculine and feminine motifs in our approach to and craving for God are of great significance for the understanding of our universal religious experience. The idea of *Shekhinah* [divine presence] and Deus Absconditus, the Hidden God, reflect the dual character of Being as feminine and masculine. [212]

The discussion here is very interesting from the point of view of study of gender and religion. One has to ask oneself if the qualities attributed to the Feminine and Masculine aspects of divinity simply reveal the attitude of the mind that attributes them; in other

[211] Ibid., 68.

[212] Soloveitchik, *Family Redeemed*, 69. Based especially on readings of the Talmud, *Shekhinah* is held by some to represent the feminine attributes of the presence of God. Note that the word *Shekhinah* in Hebrew is feminine.

words, if a profoundly gendered worldview is being projected onto the cosmos (including God), and explanation and justification for gender arrangements then derived back from that same projection. Are masculinity and femininity embedded in the dimension being contemplated, or are they are products of a human mind organized by its own perception of male and female qualities? Might this projection then be used to organize and interpret other phenomena, including metaphysical dimensions that it would otherwise be difficult to comprehend since they are not naturally and physically graspable?

Of course, Rabbi Soloveitchik received an already gendered Jewish mysticism; he did not invent it. What is important for our main discussion, in any case, is that his metaphysics are thoroughly gendered, as is clear from the following statement:

> The principles of creativity and receptivity, acting and being acted upon, energizing and absorbing, aggressiveness and toleration, initiating and completing, of limitless emanation of a transcendent being and measured reflection by the cosmos, are portrayed by the dual motif of masculinity and femininity within our religious experience.[213]

Soloveitchik's doctrine of sex personality based on gender differentiation also emerges in the context of Halakhah (the third level discussed here). He argues that the idea of bi-personality resulting from sexual differentiation expresses itself in the philosophy of Halakhah concerning "the complex relationship between the sexes".[214] To put it another way, gender difference contributes to the construction of a halakhic gender perception.

Differentiation of gender personality at the level of Halakhah is founded, in the view of Soloveitchik, on two principles. The first is that man and woman are different and unique in their existential experiences. They are, as explained above, different

[213] Ibid., 69.
[214] Ibid., 71.

personas endowed with distinct qualities and assigned different missions in life. The second principle is that man and woman are axiologically equal. We should not look for a simple consistency between these two principles in Soloveitchik's thought. They are each completely true by themselves, and the line between them is to be kept firm; the "axiological equality" of Man and Woman should not lead to undermining the uniqueness of the two sex personalities. Blurring the differences, Soloveitchik argues, negatively affects the ability of the spouses to establish a rich and fruitful marriage, for marital union is founded on the polarity of dual existential uniqueness.[215]

It is striking that Soloveitchik is enormously concerned about the danger of ignoring gender differences, but not so much with neglecting axiological equality. Negligence of the former is equated with destruction of marital union, considered an existential disaster for the human personality and Jewish people and a terrible rupture with the cosmic and divine order.[216] He does not, however, go on about the negative effects of equality being neglected.

Nevertheless, it must be said that the Rav steadfastly affirms (axiological) equality. He insists that the Halakhah views man and woman as equals as far as their humanity is concerned. He also says that both man and woman are worthy of "communing with God," which is the greatest fulfillment and highest form of human perfection. Soloveitchik affirms that man and woman are both "created in the image of God"; they both "joined the covenantal community at Sinai, both are committed to our

[215] Ibid., 71-72.
[216] Ibid., 67-72.

meta-historical destiny, both crave and search for God, and with both God engages dialogue."[217] These are strong and emotionally convincing declarations.

Not surprisingly, there are different views on equality in the modern Jewish tradition. For instance, while renowned Jewish feminist theologian Judith Plaskow[218] does not actually accuse the tradition of misogyny, she does characterize it as male-centered in regard to Torah, God, and Israel. She blames this male-centeredness for women's "otherness" in the tradition and marginalization of their experience. Her response is to encourage a reading of the scripture that would make women a part of the Jewish experience;[219] although she sometimes seems pessimistic about the prospects of success, commenting in her *Standing Again at Sinai* that, "in a system in which women have been projected as other, there is no way within the rules of the system to restore women to full personhood."[220]

If Soloveitchik were to reply to Plaskow, he might do so on the basis of Genesis 1:27: "So God created man in his own image…male and female He created them" So strongly does he feel that equality is established between male and female by their being created in God's "own image" that he lashes out at what he calls "Greek mythological misogynous tradition" and "modern misogynies" ("Greek" and "modern" perhaps standing for the secular world):

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[217] Ibid., 71.

[218] Plaskow is often said to be the first Jewish feminist to identify herself as a theologian. She is noted both for her commitment to her Jewish identity and for bringing her thought into dialogue with other religious feminisms. Plaskow is one of the more radical Jewish feminists; I have drawn on some of her work here to remind readers of the wide spectrum of gender thought in the contemporary Jewish community overall.

[219] Judith Plaskow, *Standing Again at Sinai: Judaism from a Feminist Perspective* (New York: Harper Collins Publisher, 1990), 2-10.

[220] Ibid., 12.

> The narrative in the Bible that both male and female were created in the image of God suffices to refute the Greek mythological misogynous tradition which found its echoes in Socratic and late Hellenistic thought and in modern misogynies such as those of Arthur Schopenhauer, Otto Weininger, August Strindberg, Friedrich Nietzsche, and Soren Kierkegaard.[221]

Soloveitchik goes so far as to suggest that women might in some ways have a superior constitution, as he allows that sacrifice and passion may be more characteristic of women, while "ability to withdraw from the positions conquered", "readiness to sacrifice", "giving [oneself] to others" and "craving as a lonely being for communion with God"[222] are counted as very great virtues.

Soloveitchik's view of female prophethood also demonstrates a concern with equality.[223] We have seen that according to Rabbi Soloveitchik, woman may equally commune with God. That God has addressed Himself to women such as Sarah, Deborah, Esther, and Miriam, so that they communed with Him at that lofty level is, in Soloveitchik's words, "clear proof" that Torah does not make any axiological difference between women and men.[224] Again, such assured talk of equality will not convince everyone. For Plaskow as a Jewish feminist theologian, these figures, though "strong", are yet another indication of women's otherness in the Torah, as they "do not receive the covenant" nor "pass on lineage."[225] In this case, however, Soloveitchik seems to have a similar concern, as he stresses the "covenantal *role*"[226] of Sarah to the extent of declaring

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[221] Soloveitchik, *Family Redeemed*, 71.
[222] Ibid.
[223] Although Mutahhari does not, as far as I am aware, mention female prophethood in any of his writings, the idea also exists in classical Islam, principally although not exclusively in relation to Mary's Annunciation mentioned in the Quran. See Lynda Clarke, "Prophecy and Women," *Encyclopedia of Women & Islamic Cultures*, ed. Suad Joseph (Leiden; Boston, Mass.: Brill, 2003).
[224] Soloveitchik, *Family Redeemed*, 71.
[225] Plaslow, *Standing Again at Sinai*, 3.
[226] Emphasis added.

that there is “no covenant” without her, while also granting her a *role* in passing on the lineage, since prophethood passed through her and Abraham.[227]

Thus Soloveitchik communicates a very firm and no doubt genuine conviction that women are equal to men. Nevertheless, it is necessary to conclude the discussion with a reminder of the emphasis he puts on difference. Even if it were to be argued that both sides are important for Soloveitchik, he lays out the deep structure of difference more extensively and seems more apprehensive about it not being adhered to. The aim of differences is, at the same time, to allow the genders to realize themselves and the tasks on earth assigned to them by the Creator. Neither of which can occur if man and woman duplicate each other.[228]

1.4 Gender Differences and the First Sin

The Genesis episode involving human sin brings another aspect of gender into the thought of Rabbi Soloveitchik. According to the Torah, it is Eve who is deceived by the serpent and eats from the forbidden tree. Adam is deceived by Eve and goes on to commit the same sin because of her: "When the woman saw that the tree was good for eating and a delight to the eyes, and that the tree was desirable as a source of wisdom, she took of its fruit and ate. She also gave some to her husband and he ate" (Gen.3:7).

Apart from the issue, critical in itself, of which of the first pair initiated the sin and bears greater responsibility, Soloveitchik’s understanding of the episode sheds lights on gender differences, since he is convinced that the two sex-personalities sin differently.

[227] Discussed below.
[228] Soloveitchik, *Family Redeemed*, 72.

Though they both ate from the same tree in violation of the same divine command, their specific gender attributes inspired different motives. Thus Eve initiated the sin not as a result of desire for mastery or passion for power, but because of longing for enjoyment and pleasure, as Soloveitchik writes:

> She was the passive personality, the receptive mind, the indulging type. She wanted to redeem herself from her sacrificial destiny, from selfless involvement in motherhood: she thought she could enjoy her status of a mother without employing passional action…. She wanted to take everything from nature without giving anything in return. She overstressed her receptive role and considered herself entitled to enjoy without working for this end since work entails withdrawal and self-discipline.[229]

Though the serpent told Eve that the fruit of the tree was "desirable" because it could "make one wise", she was motivated by "the aesthetic desirability of knowledge", rather than intellect as a means of achieving mastery over the world:

> The woman is driven by aesthetic motifs even when she engages in the intellectual gesture…The aesthete enjoys the cognitive act, because there is self-gazing and self-loving involved in learning and searching for truth. Not the mechanical utility but the recreational aspect, the desire to assure herself of her own worth, beckons to Eve if and when she is ready to give herself to a theoretical life. She finds delight in knowing.[230]

In Soloveitchik's reading, Eve sharing the fruit with Adam attests to her not being interested in gaining power and having mastery over other things; for otherwise, she would have kept it all for herself. From Soloveitchik's account of Eve's motivations, it appears that her aesthetic yearning is not negative in itself. It would rather seem that it is an aspect of her feminine personality that is good in itself - that is even an expected part of the search for knowledge – but which has in this case gone wrong, perhaps through a kind of excess or wrong direction.

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[229] Ibid., 23.
[230] Ibid.

Unlike Eve, whose fascinating vision was "orgiastic experience", Adam, says Soloveitchik, was “captivated by the vision of an over-active life dedicated to boundless conquest and domination."[231] Again, it appears that this pertains to an aspect of Adam’s male personality that is not negative in itself, but has become overbalanced. The result, in any case, is that the Divine curse that descended as a result of the initial sin affects “every human”:

> Both are engaged in a struggle for existence, but neither will ever attain the goal they so passionately pursue… There is no fully successful life. Every human work, even the most masterful bears the imprint of incompleteness and insufficiency. Everyone must live through the experience of failure and distressing frustration. In other word, on some fronts man loses the war life declared on him.[232]

Soloveitchik’s characterization of the curse is interesting. Man and woman are not subject to gendered penalties, but rather both equally find that they must face struggles in living their lives, which is in reality a reflection of the fact that neither can completely fulfill his or her (particular) personalities as Adam and Eve tried to do. It seems that the Rav is commenting on the human condition. With this statement, he also seems to be trying to avoid negative characterizations of women. Nevertheless, it is obvious that the characteristics of Eve and Adam that caused them to commit sin are female and male ones shared by all their descendants. One would guess that Soloveitchik has read the verses of the Torah through the lens of ideas formed in his conservative environment about male and female qualities. The idea of aesthetic enjoyment may be based on Gen. 3:6 where it says that Eve "saw that the tree was good for eating and a delight to the eyes, and that the tree was desirable as a source of wisdom;" but Soloveitchik seems to have

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[231] Ibid.
[232] Ibid., 22.

added other thoughts about Eve and women either from other sources without mentioning them, or his own perceptions of females. It is fair to conclude that Soloveitchik's analysis of Eve and Adam's characteristics such as the ones leading to the first sin of humanity should be read as gender characteristics in general, and that his analysis represents his *a priori* understanding of women's characteristics in the intellectual, spiritual, and psychological realms.

1.5 Woman in Relation to Divinity

In the view of Soloveitchik, man and woman's differences in their physical, sexual, psychological, and intellectual dimensions are destined by God as part of His plan for humanity, both for the purpose of propagation, and more importantly, in order to facilitate humanity's journey towards God through forming a marital-parental union:

> Each parental household is dedicated to participate in the march of the generations towards that final day on which every being will be redeemed and communion between man and God will be established, never to be lost.[233]

In this context, the relationship to divinity comes to the fore: the God-human relation that can tolerably be referred to as "spirituality". The origin of spirituality, according to Soloveitchik, should be sought in the story of creation where it affirms that humans were created in the image of God. This distinguishing characteristic of human beings, says Soloveitchik, was given to both man and woman, as Genesis 1:27 says: "And God created man in his image. In the image of God He created him; male and female He

[233] Ibid., 30.

created them" (Gen. 1:27). Since both man and woman were given this "divine gift", as Soloveitchik calls it, they are equally worthy in their spiritual natures.[234]

Man and woman being equally worthy *in* their spirituality does not by any means indicate that they are equal (the same) in spirituality. [235] Rather, they are endowed with equal spiritual worthiness before God and equally enjoy the distinction of being like God. For Soloveitchik, likeness to God is located in human intellect, which is a divine gift given to both man and woman (a view, borrowed from Maimonides, which is discussed further below). Equal spiritual worthiness, Rabbi Soloveitchik says, is confirmed in the Torah where it can be seen that "both bear His image, which is the ultimate criterion of value, both may be called to the colors to assume leadership roles, as history-makers, as God's messengers."[236]

In all this, we again see the Rav's insistence that women are not to be considered inferior. At the same time, he cautions that being created in the image of God does not mean being identical in spirituality; although he does not seem to present an outright explanation of the difference between spiritual worthiness and equality/being identical, or why there would be a difference despite both Adam and Eve being created in God's image. Perhaps what Soloveitchik is getting at is the notion that equal does not have to mean that something is similar or the same, but rather pertains to equality within a scheme of complementarity as the two come together to virtually represent a more perfect being, as he says: "God created a dual human existence, man and woman, because they

[234]Abraham R. Besdin, *Man of Faith in the Modern World*: *Reflections of the Rav* (New Jeresy: Ktav Publishing House, 1989), 84.
[235] See Ibid., 84-85.
[236] Besdin, *Man of Faith in the Modern World*, 84.

complement one another [and therefore they] represent two existential destinies, a more perfect one."[237]

Thus it is evident that the idea of man and woman's substantial differences runs strongly through Soloveitchik's discussion of the spiritual aspect of the human personality, despite his conviction that women's spiritual capacity is attested by the existence of distinguished figures such as Sarah, Deborah, Miriam, and Esther, who functioned in the heart of the tradition as "God's emissaries" at times of crisis and were even superior in some way to their prophetic male relatives.[238] Even high position and achievements of this kind do not seem to suffice to place these very special women in the same position as men. They are equally worthy, but do not enjoy *the same* spirituality.

Another unequal position preceded by an equal one is encountered in the area of man and woman's likeness to God. This means, as clarified above, their equal endowment with the gift of intellect as the privilege of being created in the image of God – implying, it would seem logical to conclude, intellectual equality. Soloveitchik, however, qualifies his estimation of the roles of biblical women who came forward in times of upheaval and transition by asserting that "in normal times when routine decisions" were to be made, women followed their men. It was only at crucial junctures that they took the lead: "When covenantal community finds itself at a crossroads and the choice of alternative courses of action is about to be made, a choice that will shape destiny, the biblical women come to the scene and play their historical role."[239] In other words, women step into the

[237] Ibid., 85.
[238]Ibid., 85.
[239] Soloveitchik, *Family Redeemed*, 116.

breach only at exceptional moments; although one should not conclude that this happened exclusively in the past with biblical women, as Soloveitchik makes clear:

> The greatness of man expresses itself in everyday action when situations lend themselves to logical analysis and discursive thinking. The greatness of women manifests itself at the time of crisis when the situation does not lend itself to piecemeal understanding but requires instead instantaneous actions that flow from the very depth of a sensitive personality. "God gave women *binah yeterah*, an additional measure of understanding over man" (Niddah 45b).[240]

Here we see that women's intellect - or at least their leadership capacity based on God-given intellect - has a different quality or genius, which becomes ideal in particular contexts. At these times, their role is to step forward where men cannot do so quite as effectively.

Soloveitchik is not disturbed by the thought that the great women of the Bible played their roles in the shadow of great men, but rather feels that they both achieve greatness through playing their male and female roles, as seen in his following statement:

> Providence selected as Divine agent not only Mordecai but Esther as well. God willed that both male and female appear as actors on the historical stage. Judaism has never discriminated against women. From the days of Sarah, the woman was on par with the man as history-maker. Both Mordecai and Esther were created in the image of God; both were endowed with dignity and majesty; both possessed great talent; both were charismatic personae; and both were called to service, to make history. God assigned equally important roles to Mordecai and Esther because both of them were metaphysically and spiritually worthy of the task.[241]

Soloveitchik carefully chooses his words in discussing the historical role of women. He stresses that Sarah and Esther (for instance) did not have to be men in order to make

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[240] Ibid.,117.

[241] Joseph B. Soloveitchik, *Days of Deliverance: Essays on Purim and Hanukkah by Joseph Dov Soloveitchik,* eds Eli D Clark et al. (New York: Ktav Publishing House, 2007), 73.

history as charismatic personalities and enjoy the majesty and dignity humans possess by virtue of being created in the image of God. At the same time, he speaks of, "equally important roles" (i.e. roles equal in importance, but not the same action) and being "metaphysically and spiritually worthy of the task" (equally worthy, but not in exactly the same way). There is no doubt that Soloveitchik deeply feels that such women were extremely important, but it is necessary to read his statements expressing that sentiment in light of his overall view of the nature and destiny of males and females. His rationale for what those not convinced of his worldview are likely to regard as inequality is "basic differentiation of the sexes":

> The assignments [of the prominent women of past] differed because there is a basic differentiation of the sexes, not only physiologically, but psychically and spiritually as well. A historical masculine role cannot be assigned to women, and vice versa, a feminine task must not be imposed upon man.[242]

Note how Soloveitchik not only says that roles meant for men are not to be given to women, but is also careful to point out that men cannot fulfill women's roles. This is a way of saying that women also have their unique and privileged sphere, a view that does indicate respect. It also suggests that differentiation finally extends to all things, including even instances of individual heroism in times of crisis. This helps to explain why Biblical women such as Sarah and Esther are not recognized as authority figures and are in fact accompanied by male authority figures.

The question of authority is relevant for women today in light of movements in Judaism and other religious traditions to allow women to hold formal positions of spiritual authority. Why do women not have access to such authority? The answer to this

[242] Ibid.

question, like other gender issues, is found in Soloveitchik's emphasis on man and woman's planned, all-encompassing differences, which are believed to provide the necessary ground for marital union and founding of a family. In this regard, encouraging women to remain private serves Soloveitchik's argument by keeping the border between men and women's roles and responsibilities at all levels very distinct and within the defined framework. Ultimately, despite women being not only equally worthy in spirituality but also superior to men in some respects, their primary role as wife and mother in the home determines their other roles, even though those may also be important in certain ways or under some circumstances. These possibilities in the lives of ordinary women, however, are not really discussed.

Soloveitchik's thought concerning the spiritual position of a woman compared to that of a man is found chiefly in his essay on the covenantal role of Sarah, in which Sarah is said to be the mother of all nations, without whom there was no covenant. Soloveitchik cites Rashi[243] in connection with the conclusion he draws from the story of Sarah and Hagar:

> When Abraham hesitated to send away Hagar and Ishmael because of Ishmael's baneful influence on Isaac, a divine instruction was given to Abraham that "all that Sarah says to you, listen to her voice" (Gen. 21:12). Here Rashi infers that Abraham was inferior to Sarah in prophecy.[244]

Soloveitchik recalls that as Abraham wondered whether his heritage would be transmitted through Ishmael as his only son, God replied that Sarah would bear a son who would continue the covenant. Soloveitchik concludes from the story that "there can be no

[243] Rashi (1040-1105 CE) was the outstanding Biblical and Talmudic commentator of the Middle Ages.

[244] Besdin, *Man of Faith,* 85.

covenant without Sarah"[245] because the emphasis is on both Isaac and Sarah; that is to say, the covenant can only be transmitted by Isaac as he emerges from both Abraham and Sarah, and not through Ishmael as he emerges from Abraham but not from Sarah.

Note, however, that even though Sarah is elevated to the rank of God's emissary and actually becomes superior to Abraham in regard to prophecy, her private role is not to be undermined. Soloveitchik fulsomely praises that role and Sarah's modest demeanor at the side of Abraham, as follows:

> When the angels asked Abraham "where is your wife, Sarah?" he replied, "here in the tent"(Gen. 18:9), to which Rashi appends, "the ministering angels knew, indeed, where our mother Sarah was, but they asked this question in order to call attention to her modesty [retiring disposition] and so to endear her all the more to her husband…she was a private person." The Talmud adds further: "from here we learn that private role is honorable for a woman" (Yev. 77). Sarah's manner was regarded as praiseworthy.[246]

What Soloveitchik implies is that Sarah being less visible was not due to any inferiority. Rather, it is a manifestation of her "praiseworthy" manner of being private and even "|retiring." Although we are not told so, it seems that Sarah's private demeanor and habit is not a result of her conforming to what she is told or recommended to do, but her own choice, or rather part of her ideal womanly nature. Since keeping modestly to the private realm is in the nature of the most prominent and dignified of women, it is how all women should behave, rather than crossing to the public and communal sphere. Abraham and Sarah are both spiritually worthy, but each functions in a different context, Abraham at a communal level and Sarah, basically, at the private level. Soloveitchik's reading is accordingly more about gender role differentiation - about women's private and men's

[245] Ibid.
[246] Ibid.

public roles - than spiritual worthiness. The whole of the discussion is finally consistent with Soloveitchik's opposition to women performing as communal rabbis or receiving *semikha* (ordination). [247]

It is also notable that man and woman's differentiated capabilities, including the spiritual and intellectual, are ultimately directed toward their marital union. In other words, even if woman is endowed with a higher spiritual power that is not meant to interfere with her marital and parental roles, but should support and strengthen them, rather than lead her to public roles. Sarah represents this ideal, as she remains a private person despite her high status and outstanding spiritual capability.

Here we see again how essential marriage is to Soloveitchik's thought on women and gender. Understanding of the Rav's views on women's position seems to pass through family and marital relations, and it is to this subject that we will now turn.

2. Marriage in the Thought of Soloveitchik

As was argued previously, gender views and women's issues in particular are not Soloveitchik's main concern. These rather find their meaning in connection with family relations. Family is traditionally formed through marriage, and thus no discussion of women is possible without examining his thoughts on that subject.

[247] Soloveitchik did not discuss the issue of women functioning as rabbis directly. Perhaps this was too distant from his views to receive acknowledgement even through refutation. However, it has been pointed out that evidence, mainly from the Rabbi's *responsa*, indicates his opposition; see Aryeh A. Frimer and Dov I. Frimer, "The View of Rav Joseph B. Soloveitchik on the Ordination of Women," *Text and Texture,* text.rcarabbis.org/the-view-of-rav-joseph-b-soloveitchik-zt%E2%80%9Dl-on-the-ordination-of-women-by-aryeh-a-frimer

2.1 Marriage and the Individuality of Woman

The two Biblical stories of creation discussed above also effectively offer two accounts of marriage, which Rabbi Soloveitchik draws upon to discuss how marriage is suited to the nature, qualifications, and teleological purposes of First and Second Adam and the respective Eves. In the first Genesis account, man and woman meet at the moment of their creation without having longed for each other. They are also both assigned a single task as God commands them (Gen. 1:28) to "Be fruitful and multiply." The second account communicates a completely different impression of the meeting of man and woman. Man has a dawning feeling of loneliness as he names all creatures, and God approves his feeling by telling him that "It is not good that the man be alone," subsequently declaring: "I shall make him a helpmate opposite him" (Gen. 2:18).

Soloveitchik also refers to two basic theories of marriage which he finds relevant to his marriage discussion as "the Bible operates with the same motifs," he has discovered.[248] These theories are based on different value systems, or perhaps it is better to say different views or dimensions of marriage. One proposes an outer-directed axiology for marriage, and the other an inner-directed axiology; Soloveitchik calls these *transeunt* and *immanent*. [249] In the first instance, the institution of marriage finds meaning "outside of the matrimonial union," being only committed to "the welfare of the group"; marriage is in the service of society. Noting that he intends to place matrimonial union in

[248] Soloveitchik, *Family Redeemed*, 32.

[249]The terms "transeunt" and "immanent" here applied by Soloveitchik to marriage are philosophical. In his review of *Family Redeemed* cited above, Jacob Neusner criticizes these and others of Soloveitchik's phrases such as "man-natura" and "man-persona" as "weird neologisms without any purpose beyond intimidating the hearer." It seems to me that neologisms, whether elegant or not, are used when a thinker reaches for new categories and meaning; philosophers and theosophers writing in Arabic also invented many terms to express ideas coming from Greek thought.

"the natural scheme of things," Soloveitchik illustrates the meaning of outer-directed, transeunt marriage through the process of pollination of plants and seasonal mating in the world of animals. In nature, the existence of individual animals and plants makes sense, as Soloveitchik states: "only in the context of the species and its continuation and survival." Thus also, marriage seen as a natural, transeunt institution is valued as a means of survival of the human species.[250]

The inner-directed, subjective-immanent theory of marriage, on the other hand, considers that the chief value of marriage lies in creation of "a personal experience" that enhances the lives of the two individuals bound in matrimonial union. This view acknowledges the human "thirst for love and fellowship." Immanent marriage, Soloveitchik explains, responds to the human need for "personalistic union", "sharing destiny with somebody of the opposite sex" and living in community. Such fulfillment of the individual wedded partners is central, rather than procreation, so that a childless marriage, in this context, is also to be deemed meaningful and sacred.[251]

Soloveitchik expands also on the Torah's accounts of marriage differ in terms of their incentives and goals, and also in terms of the relationship between the two parties involved in the marriage. In the first account, similar to the transeunt approach, marriage is promoted as a means of procreation. Soloveitchik describes the position of two individuals engaged in this type of marital union:

> In this context the individual instead of acting spontaneously reacts compulsively to the mechanical pressure of its own insensate

[250] Soloveitchik, *Family Redeemed*, 31-32.
[251] Ibid.

> nature. The individual is able neither to master nor to sublimate the biological urge. [252]

The language seems pejorative, but this aspect of marriage is essential, even though one immediately senses from Soloveitchik's exposition that it is finally not what makes it noble. It is interesting that Rabbi Soloveitchik in some way de-privileges the Genesis account that Jewish feminists take as evidence of gender equality.

The second account of the creation offers a different meaning of marriage based on "the desire of the human individuals" rather than promoting only "the need of the race." Soloveitchik comments that the reproductive urge is omitted in the second account in order to highlight the importance of fulfillment of two individual personae in marital union:

> According to the second account God was concerned not with the couple's biological motives and goals, with the meeting of male and female for the express purpose of procreation but with spiritual incompleteness of lonely man and his need for ontological oneness with another individual.[253]

The physical reproductive and sexual urge in man and woman, although not mentioned in the second account, is neither denied. This hidden aspect receives significant attention from Soloveitchik. He believes that it is exactly based on this aspect that Halakhah has merged the two accounts of man's creation, where biology and teleology are wonderfully interwoven[254] so that the reproductive urge is elevated from the animal to the human level, as he eloquently writes:

> The instinctive roar of the animal driven by biological pressure and pushed mechanically to the female in order to reproduce becomes a

[252] Ibid., 34.

[254] Ibid.

> human metaphysical cry of lonely man and lonely woman for fatherhood and motherhood.[255]

This is Soloveitchik's way of defining a union in which the physical and natural needs of human beings are acknowledged, while being different from the natural biological urges of animals. It is in fact a humanized version of male and female's natural productive urge: man and woman, in this halakhic view, aspire and long to have children when they engage in marital union. Elevation of human procreation as a mere natural urge in the service of the race to a spiritual purposiveness promoted by the Halakhah is reflected in the following statement:

> Procreation is not only a biological capacity with which God provided man but also a halakhic commitment with which God charged man. The mechanical motivation and biological push have been sublimated and raised to a level of ethical meaningfulness and intentionality. We no longer deal with mechanical motives but with spiritual purposiveness. "Man and woman" replace "male and female" and their meeting presses for a more exalted togetherness experience, one whose aim is not only the survival of the race but also the formation and extension of a small, modest community.[256]

In the view of Soloveitchik, parenthood is a human's metaphysical cry when he engages in marital union, and is the main factor in the redemption of human's instinctual desire. The logical conclusion would seem to be that individuals are not redeemed and complete if they are not parents, let alone unmarried. This approach might work well to theoretically explain and justify the human's natural needs, but it does at the same time raise a concern. If this is the underlying assumption, then it seems that in this merged halakhic approach too, the individuality of man and woman as persons is compromised. This was exactly the reason Soloveitchik did not find the transeunt approach to marriage and man and woman's union in the first account of the Torah compelling, as he criticized

[255] Ibid., 36.

both systems primarily for compromising the individuality of man and woman in order to benefit the race.[257]

In this suggested merged view, the individuality of man and woman who join together to escape their existential loneliness is compromised in the compelling name of redemption. An individual should be either a mother or a father to be redeemed from his or her existential loneliness. In this view, "existential completeness is possible only in a community of three personae."[258]

By committing themselves to marriage, two individuals who once felt existential loneliness and were redeemed from that loneliness still suffer an existential incompleteness and loneliness. This time, having a child can redeem the couples from their "loneliness experience, which is a characteristic of a shattered and imperfect existence."[259] This assumption places an immense weight on the essentiality of the existence of a child resulting from marital union of a man and a woman, without which, the individual man and woman would never be complete.

As far as I understand, this approach is not much different from the transeunt theory of marriage when it comes to preserving and respecting the individuality of man and woman. The transeunt approach to marriage denies the individuality of man and woman by its collectivist approach, while this halakhic perspective, which was believed by Soloveitchik to address the individuality of man and woman, falls into exactly the same trap. To be more explicit, an individual can never find self-fulfillment if he or she is

[257] Ibid., 31-42.
[258] Ibid., 58.
[259] Ibid.

not in reality attached to another individual of the opposite sex. This attachment needs to be further developed with the birth of a child as the third member of the community in order for the individual members to be completed and redeemed. Soloveitchik defines this process of self-fulfillment of the individuals thus:

> The halakhah says marriage fulfills a basic need of the human personality, namely, the need for existence in community. However, this community can be attained only through the quorum required by God in his original scheme of creation. The quorum consists of three people, and one of the three is a child. In the threefold community, the two original partners find their happiness and self-fulfillment.[260]

Soloveitchik criticizes the transeunt approach towards marriage for being collectivist and positivist-naturalistic. However, his halakhic outlook by suggesting parenthood as the sole means of completeness for man and woman does, though not viewing marriage from a positivist-naturalistic view, end by viewing marriage from a collectivist perspective, whether Soloveitchik likes it or not. By stressing that redemption and completeness of individuals are only possible through existential attachment to another individual by marriage and further through the existence of a child resulting from that marriage, this approach also prefers and prioritizes the community and collective body of family over individuals. In fact, in this system, man and woman as individuals can never be redeemed unless they are married and have children.

Acknowledging the reality that some couples are not naturally able to have children, Soloveitchik still strongly stresses the significance of parenthood while offering his sympathy to childless couples. He assure them that there are halakhic solutions that compensate for their childlessness through "helping others, by contributing towards the

[260] Ibid., 37.

strengthening of the covenantal community [and] by exposing children of other parents to the words of God".[261]

However when one reads Soloveitchik's views on parenthood, there is no doubt that he privileges family and community, despite his critical view of the positivist-naturalistic side of marriage. Basically, the Rav is a collectivist; for instance, he clearly states that an individual can never find self-fulfillment if he or she is not attached to another individual of the opposite sex. At the same time, he acknowledges the importance of the individual and his or her spiritual fulfillment; this is in fact a central concern in his thought. The individualism seems to come from the philosophical side of his thought, since the modern Western philosophy on which he draws (along with the ideals of modern Western society) is essentially individualistic; while the collectivism is traditional, deriving both from the texts of the tradition and concern for the integrity and long-term survival of the Jewish community. Concerning the latter, Soloveitchik stresses that the whole system of marriage in the halakhic view should be interpreted in normative terms and as part of the divine commandments.

Soloveitchik's analysis of marriage opens up another discussion that of the different roles, responsibilities, and rights of man and woman as individuals equally blessed with God's imperative in the family and marital realm. That discussion, as remarked previously, is based on the idea of natural biological, psychological, and spiritual differences that fit the two sexes for an enduring marital relationship.

[261] Ibid., 109.

2.2 Marriage and Sexual Pleasure: A Halakhic Perspective

Marriage begins with a natural attraction towards the opposite sex; but the halakhic view of sexual pleasure laid out by Rabbi Soloveitchik does not end there. He discusses different forms of human sexual life, relating them to, and evaluating them through, accounts in the Torah. As seen in the discussion in the previous section, it is a common method of Soloveitchik to employ his knowledge of modern philosophical categories within halakhic boundaries in order to formulate his own halakhic-centered philosophical perspective on an issue. In relation to sexual pleasure, he speaks of the categories of natural-paradisiacal, aphrodite-hedonic, and redeemed sexual life, each of which will be described briefly here.

Natural-paradisiacal sexual life as described by Soloveitchik is stimulated by organic demands guided by “the general functionality” of the body. Sexuality at this level is merely a function; there is a biological motivation, but no real intentionality, personalization, or awareness of the mutual personal relationship rather than only "it-it" (object and object) relations. It is somewhat like an animal eating, with the difference that, though impersonalized, there must be two parties involved.[262] Soloveitchik refers to the similarities and discrepancies between Genesis 1:27-28, which concerns the creation of the human and his tasks, and Genesis 1:22, concerning the creation of animals. In both, the word “blessed” refers to an instinctive sexual drive. That drive is different from vegetative regeneration, which does not receive blessing since it does not involve the "sexual hunger and tension" found in animal and human beings.

[262] Ibid., 86-89.

According to Soloveitchik, the aphrodite-hedonic level of human sexuality is developed through repeated experience, because of which a human becomes attracted to a specific object that seems to more easily and pleasantly satisfy the urge. At this level, the human being becomes aware of individual preferences; although individualization, if it can be called that at this level, represents an "I-it" rather than "I-thou" relation.[263]

Finally, redeemed sexual activity is aimed at “passion for an existence in sympathy.” Through the medium of sexual action, though it is carnal, the unique individual fulfills his eternal longing to escape loneliness through sharing “his personal existence with others.” At this level there is a complete fusion of the erotic and psychological or metaphysical, so that lovers yearn for each other even when the sexual urge is absent. Most significantly, the relationship is fully personalized; "I" recognizes the existence of "thou", creating a solid foundation for marriage: “[As for] the essence and the meaning of the institution of marriage, I would say that through marriage the miraculous transition from the I-it contact to an I-thou relationship occurs.”[264]

Although Soloveitchik is often praised for his careful choice of the words, so necessary when doing the job of reconciling different aspects of, or perspectives on, a reality, his use of the phrase "miraculous transition" in the statement above might be seen as resulting in an ambiguity. This is because the term "transition" draws the reader toward the conclusion that the human sexual relation exists primarily as a contact in which one party views the other as a depersonalized "it" and that it is marriage that finally facilitates the "transition" to "I-thou" sexual contact. It would therefore seem that

[263] Soloveitchik, *Family Redeemed*, 89-93; Soloveitchik gives prostitution as an example and marks a distance from the first level by noting that participants sometimes try to avoid pregnancy.
[264] Soloveitchik, *Family Redeemed*, 95.

sexual need and desire, rather than the existential loneliness of man and woman as primarily advocated by Soloveitchik, is the motivational force – at least initially - behind bringing man and woman together in a marital bond. The tension between the human as an inherently sexual being and necessity that sex be confined to marriage is not entirely resolved.

Soloveitchik's scheme also does not address the reality of marriages that do not meet expectations in upgrading male-female relations from "I-it" to "I-thou". His account of gender relationships and marriage is, of course, idealizing and prescriptive rather than intended to engage directly with human problems and the great variety of human realities. However, even if we accept this, tension remains in the theory itself, since Soloveitchik proposes that marriage is primarily motivated by a sense of existential loneliness in two individualized persons, with desire serving to make this unique attachment strong and enduring; but his view of sexuality makes it seem that desire is a necessary initial motivation. To put it another way, it appears that marriage would then begin with the "I-it" contact, rather than being founded from the outset on the "I-thou" relationship that is said to constitute its essence.

Personalization of individuals resulting from marriage is so significant in the thought of Soloveitchik that he connects its challenges to the harsh reaction of the Torah and Judaism to promiscuity (*zenut*):

> Promiscuity is perhaps the most abhorrent phenomenon of the heathen world against which the Bible mercilessly fought, because in every form of indiscriminate sex-activity the personal moment is lost and the element of dominion emerges. The "I" enjoys the "it". The experience is not shared with another "I"; it remains an

> isolated dreary experience, animal-like in seclusion and loneliness.[265]

However, it goes without saying that although Soloveitchik sees personalization as the kernel of a relationship, out-of-wedlock sexual relations of two individuals who feel lonely without each other and love and long for each other is as devastating for the family and society as relations between a personalized "I" and a depersonalized "it", if not more so. Thus the necessity of the frame of marriage rather than personalization seems to be truly the ultimate issue. It may be that Soloveitchik believes that personalization cannot possibly take place outside that frame; although he does not, as far as I am aware, elaborate on this despite it posing an evident challenge to the theories he has constructed. It could be that the negative effects of non-marital relations are simply taken for granted, so that there is no need to raise them.

Soloveitchik further grounds his view of sexuality in the text of the Torah by pointing to a difference between Genesis 1:22, according to which "God blessed them [animals], saying be fruitful and multiply", and Genesis 1:28, which reads: "God blessed them [humans] and God said to them be fruitful and multiply". Though apparently a minor variation, the addition of "God said to them" in the second passage marks, in the view of Soloveitchik, a major turning point at which man gains awareness of his personality - a crossroads, in effect, at which the sexualities of animals and humans part ways. For “said to them” indicates a divine address to man, through which he is granted the privilege of (potentially) transcending instinctual, mechanical, impersonal sexual relations and enabled to ascend to self-experience, as Soloveitchik writes:

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[265] Ibid., 95.

> Through the dialogue God addresses Himself to man; God confronts man and speaks to him, and through this conversation it begins suddenly to dawn upon man who he is. Man is spoken to, and through speech he becomes a person.[266]

Thus the human emerges as an "ethico-religious personality" in two stages of development. First, he is granted power over nature, leading to a discovery of self through dawning consciousness; and then God addresses him with an imperative ("be fruitful and multiply"), resulting in a discovery of himself as an ethical being, i.e. one who is given commands and faced with responding to them. In the first phase, power and dominion is accompanied by sensuality so that the powerful "I" does not recognize a personalized "thou", simply demanding surrender. This is the level of aphrodite-hedonic sexual relations. However, as Adam is subsequently confronted with the divine imperative, he finds not only himself, but Eve, leading to the emergence of the "I-thou" relation and what Soloveitchik describes as a "redeemed sexual life".[267]

This account of the development of human sexuality elaborated by Soloveitchik, in which personal development recapitulates the developments of Genesis, leads to the conclusion that the human personality as an "I" and ethico-religious being emerges only in light of sexuality-mindedness. Sex is God's distinct blessing upon man as it appears in the course of a divine dialogue, providing him with a sex drive.

Soloveitchik's argument here also sheds light on the different positions of male and female. Eve as the representative of the female gender is absent at the defining moment when ethico-religious personality is formed. The drama seems to concern Adam alone:

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[266] Ibid., 99.
[267] Ibid., 95-104.

> Adam who was born in sensuality, in his drive and aptitude for dominion over the world he enjoys, found only himself, not the other self. Powerful man does not recognize the existence of the thou since the whole of creation serves him exclusively. He demands from the thou total surrender and depersonalization. The Adam who was bolstered by the charge "replenish the earth and subdue it" (Gen. 1:28) had no companion; he was insanely shut up in himself. He could not discover Eve as a self.[268]

Even if Eve, as Soloveitchik says, is equally worthy in her spirituality since she was, like Adam, created in the image of God, she is still "it" until Adam develops his ethico-religious personality and finds her to make her thou. Action and development proceeds initially from Adam:

> Adam who emerged out of confrontation with God, with an overpowering will that challenges and summons, who was advised by God and to whom God communicated the mystery of the ought of the norm, found not only himself but Eve as well.[269]

Eve acquires an ethico-religious personality only in the course of events through Adam's finding and recognition. This is apparently the reason that Eve, representing the female gender, appears always in Soloveitchik's discussions as a thou and not an I. The second-person address in itself suggests reception of action, a certain passivity. This configuration, as one would expect, affects Soloveitchik's gender views and his view of marital relations in particular.

2.3 Centrality of Halakhah in Marriage

The theories of marriage and sexuality discussed above seem to be primarily aimed at making clear "what marriage is not". We learn that is not a mere depersonalized sexual relation; nor a relation in which a personalized individual relates to another as a

[268] Ibid., 100.
[269] Ibid.

depersonalized it-object; nor does it exist solely for the benefit of community and perpetuation of the human race. For exposition of “what-marriage-is”, Soloveitchik turns to the teachings of the Torah and Halakhah.

Marriage in the vision of Soloveitchik is an institution willed by God, embracing two existentially attached individuals who feel lonely without each other and come together for the purposes of self-fulfillment and completeness, as well as the collectivist goal of survival of the race. Rabbi Soloveitchik, however, goes further than this in valorizing the marriage relationship. Marriage, in the halakhic sense, is said to be a heroic act leading to holiness and redemption. As Soloveitchik says: "to act heroically means to sanctify urges by allowing their expression only within a framework of norms."[270] The element of heroism enters because man is a natural being with strong natural urges, so that conforming to norms necessarily involves challenges and sacrifice.[271] Note here that natural urges such as sex are not to be entirely frustrated or set aside. Rather, they should be heeded and satisfied, but in a sanctified manner determined by divine norms. The consequent halakhic approach to human naturalness in the vision of Soloveitchik is expressed in his dictum: "man experiences both oneness and otherness with nature".[272] That is, humans are part of nature, but not dominated by it; they are biological, but have made the transition to personality. According to Soloveitchik, Halakhah presents humans with the challenge of placing nature in a framework of norms, while also supplying guidance and discipline to help them face that challenge. Ultimately, the confrontation with God's will and endeavor to heed His norms gives human life structure and meaning.

[270] Ibid., xv.
[271] Ibid., 110.
[272] Ibid., 19.

Thus the divine commandment and blessing "be fruitful and multiply" refers to both a human capacity and halakhic commitment.

The centrality of Halakhah to marriage in the thought of Soloveitchik is also seen in the parental relation in which father; mother; and child come together to form, as Soloveitchik says, an "ontological unity dedicated to the realization of the will of God".[273] From this perspective, marriage is necessary in Halakhah because the parental community as a halakhic responsibility can be formed only in this way. If the ultimate or highest goal is parental community, marriage must be the instrument or means.

However, while marital and parental unions are believed by Soloveitchik to be halakhic commandments equally addressed to men and women who redeem themselves through sacrificing (as explained above) natural and instinctual needs, the two do not equally share suffering and sacrifice. It is quite clear that women in Soloveitchik's view bear the greater burden of both, since he feels that they naturally suffer more need for a husband and children:

> The woman finds herself in a paradoxical predicament. On the one hand, she craves for a husband and a child on the other hand this which penetrates into the very depths of her personality can be fulfilled only by means of pain and suffering.[274]

Soloveitchik also describes "the lot of the unmarried woman" as being "far more miserable than that of an unmarried man." In his view, "The impact of sexual loneliness upon a woman is more devastating, both physically and mentally, than it is upon a man".[275] Motherhood, beginning with sex, is also said to involve more suffering for

[273] Ibid., 30.
[274] Ibid., 111.
[275] Ibid.

woman than man, since men, Soloveitchik says, can walk off free, while women cannot ever feel happy not being mothers, as much as motherhood involves pain and suffering.

Thus Soloveitchik depicts women as tragically helpless, unable to escape desire for wifehood and motherhood while destined to suffer because of them. The idea evidently has roots in the Torah where God says to Eve: "I will greatly multiply your sorrow and your conception. In sorrow you shall bring forth children; and your desire shall be to your husband, and he shall rule over you" (Gen. 3:16). One cannot help but notice that the idea also fits well with the female psychology spoken of elsewhere in Soloveitchik's thought, according to which women are naturally more emotional than men. Whereas female emotionality makes woman unique in some ways in a positive sense, it also exposes her to special suffering. It might not be far-fetched to see Soloveitchik's statement also to some degree as an acknowledgement of the greater travails suffered by women in many real marriage relationships.

2.4 Marriage as a Covenant

Citing the Torah's equation of the Covenant between Jews as a community and God with the private binding - also known as *berit* - that unites two individuals, Soloveitchik declares that marriage is thus raised to the level of a covenantal commitment. Analysis of aspects of the historical covenantal commitment will thus serve to shed light on halakhic matrimony and its ideals.

Thus according to Soloveitchik, the marriage covenant places the spiritual personalities involved in an existential mutual relationship. The partners "belong to each other,"[276] a characterstic that partakes of the original convenant:

> When God reached the covenant with His chosen community, He was concerned not only with the worldly goods He placed at its disposal, but with the people as people themselves. He claims not only our material but our spiritual possessions as well…We became His people in the absolute sense of the word. It is self-evident that since mutuality is an indispensable element of definition of any agreement including the covenantal, the personalistic aspect of the latter applies to the commitment assumed by God vis-à-vis His people as well. He is our God. Hence the chosen community lays existential claims to God as its God. The community belongs to God and at the same time God belongs to the community.[277]

As consistency and permanency are unique attributes of the covenant between God and the people of Israel, enduring through overwhelming historical circumstances, so is the covenant of marriage to endure.

Soloveitchik draws contrasts with what he calls the secular approach to marriage. As implied in the quotation immediately above, covenantal marriage does not merely involve possessions and property, as it supposedly does in a civil contract. The essence of covenantal marriage is metaphysical and existential fellowship; whereas in the secular world, marriage is a civil institution in which a man and a woman come together (in Soloveitchik's opinion) for pleasure and convenience. Rabbi Soloveitchik also differentiates Jewish, covenantal marriage from marriage as a sacrament, for instance as practiced by Catholics, cautioning that covenantal agreement does not mean that marriage is supernatural in some way so that is has to be solemnized by a priest with special

[276] Ibid., 46.
[277] Ibid., 43.

powers. Rather, marriage is an institution established by human beings, with the union created and confirmed by the mutual consent of both parties.[278]

The similarity between the historical Covenant and covenant of marriage has limits – from a theological point of view, as Soloveitchik would no doubt admit, since God is not in need of that fulfillment - but also because of the priority of Adam. Soloveitchik refers fulfillment and completeness through marriage to Genesis 2:23, as follows:

> Married life is an existence in fellowship, togetherness. In it man finds completeness and existential fulfillment. The story of the first marriage in Genesis confirms this thesis, "and Adam said this is now bone of my bones and flesh of my flesh; she shall be called woman because she was taken out of man."[279]

It appears that although man and woman as partners in the historical covenant are expected to establish a mutual existential life in fellowship, they are not entirely in a position of mutual giving and accepting at a personalistic level. According to the verse, it is Adam who finds completeness and fulfillment in the creation of Eve. Thus it might be said that the marital covenant is not established on an entirely equal basis, as one partner is made from and for the other.

Adam and Eve, furthermore, are not equal in the sacrifice required (as explained above) for redemption. Adam sacrifices a part of his own flesh as a result of the loneliness he had suffered due to the absence of Eve, while Eve, having been supplied with a companion at the moment she came into existence and not being present when the creatures were named, does not feel incomplete and unfulfilled. Again, the basic problem

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[278] Ibid., 46.
[279] Ibid., 47.

is that Adam is the actor in the action of the Genesis text, whereas Soloveitchik wants to give Eve (and consequently women) a more active part. Faithfulness to the text does not allow Soloveitchik to bridge the gap; although to do so would be less demanding than for feminists, since he is not seeking complete equality or sameness.

Nevertheless it must be said that, whatever the challenges involved in interpretation of the text, Soloveitchik does place very great emphasis on mutual fulfillment of man and woman in marriage, and this should be taken seriously. Perhaps we might say that reciprocal fulfillment appears after the establishment of marriage, even if not entirely in the process of its original establishment. Soloveitchik's belief in mutuality is evident in his enumeration of six characteristics of covenantal marriage presented in the following paragraphs.

First, "covenantal marriage is a sacrificial community," requiring sacrifice from both parties. Sacrifice here signifies giving up easily attainable pleasure that is gratification outside marriage, in favour of commitment. Second, covenantal marriage is also "a hedonic, pleasure-oriented community;" it must not consist exclusively of spiritual fellowship. Celibacy, Soloveitchik notes, is disapproved of by the Halakhah to the extent that refusal or inability on the part of either spouse to provide sexual fulfillment constitutes grounds for divorce. Third, "covenantal marriage is a natural procreative community." Both partners have an undeniable right to parenthood in the marriage, as parenthood is part of God's plan. Covenantal marriage is, fourthly, cooperative, in the sense that the partners are subject to civil and economic duties and form an economic unit, without barriers between their wealth so that they are freed from their loneliness also in this sphere. Soloveitchik is speaking of the establishment of a

household in which both the marriage partners are responsible and dependent in their own ways, in which the husband provides for his wife and the wife runs the house. He believes that when both partners work and are independent of each other, marriage beomes like a business partnership rather than what he calls “economic community”, and finally does not work.

The fifth characteristic of covenantal marriage - as constituting “a community of affection and appreciation” - is very important. The relationship of the partners is founded on and strengthened by gratitude. Here Soloveitchik applies his philosophy of discovering the “thou” in one’s partner, commenting that in marriage, one discovers the reality of “thou” and finds it to be worthy of amity and love. Because of this characteristic, man and woman share not only sexual pleasure, but their very destiny and existence. The sixth characteristic is that “a covenantal marriage is an educational community.” The household should be a school in which parents educate their children, preparing them for the challenges they will face in life. For parents are teachers and guides, a deliberate spiritual activity the Halakhah deems much more important than the purely natural act of childbearing and being a father or mother.

Note in all this that it is still halakhically determined "gender differences" that ultimately determine woman's position and role in the marriage. This is clearly exhibited in the instances in covenantal marriage in which such difference plays a role in assigning tasks in the family, such as distinct economic roles for men and women and distinct roles for the parents in educating their children. [280] Though covenantal marriage is marked by mutual, personalistic, and existential relations along with permanency, that does not make

[280] The gender implications of the issue of education are discussed later in the chapter.

it any different from halakhic marriage, at least as far as woman's position in practice within the marriage is concerned.

2.5 Termination of Marriage in the View of Soloveitchik

As discussed above, the covenantal character of marriage suggests permanency, constancy, and indissolubility. As such, it is not expected that it be terminated. On the other hand, Judaism does not rule out divorce as a lawful termination of marriage, even if that might appear to undermine the covenantal nature of the marriage community. Having introduced and very much stressed the idea of covenantal marriage Soloveitchik is thus compelled to address a seeming discrepancy between the covenantal character of marriage and legitimacy of divorce. His discussion of divorce is chiefly aimed at explaining this point and justifying separation of two partners whose commitment to each other in marital agreement was supposedly everlasting. Rabbi Soloveitchik's views on legal aspects of Jewish divorce (including the *agunahh* issue, discussed below) are also effectively replies to its critics.

Soloveitchik's response involves a philosophical analysis of human personality along with discussion of the concept of the sacred. When faced with this difficult legal issue, the Rav resorts to philosophy or a kind of philosophized psychology along with theology so that the issue is placed in a different, wider perspective.

In regard to human personality, Soloveitchik speaks of its dialectical character, involving two opposite aspects, the "numinous" and "kerygmatic". The so-called numinous personality, according to Soloveitchik, represents the secluded and lonely human being who never commits himself to the Other because he does not venture out of

seclusion. The numinous, lonely man is "inner-directed" and continuously withdraws; he is "mute" so that he does not involve himself in dialogue or social interaction.[281]

The kerygmatic personality, on the other hand, is an eager communicator with the Other, striving to overcome barriers between them. The kerygmatic personality is not only social; it is the very basis of society, since any group or institution of two or more people springs from it. It is this aspect of the human personality, and not the whole of it, that commits to the Other in marriage, as Soloveitchik explains by referring to the original gender pair:

> Adam and Eve became wedded partners; yet only the kerygmatic personality took the vow of fidelity and constancy. Numinous Adam and Eve never contracted matrimony since they never met and never were cognizant of each other.[282]

The crucial point here is that since commitment to matrimony does not involve the whole but only part of the human personality (remembering that the joining of personalities as Soloveitchik describes it is essential to the marital union), commitment can change; and thus it is permitted to terminate the relationship. This is the core argument of Rabbi Soloveitchik's philosophical justification of the legal permissibility of divorce.

Having drawn parallels between the marriage covenant and historical covenantal communion between God and the people of Israel, Soloveitchik has to differentiate between them on this point. He assures his readers that the Covenant cannot ever be broken or ended, since communion between God and His people is "all-embracing" so that the whole of the human being, including the numinous personality, is committed.[283]

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[281] Soloveitchik, *Family Redeemed*, 62.
[282] Ibid.
[283] Ibid., 63.

He explains further that communion in this case is established not only through an objectified, externalized "I and thou", but also through communion between the numinous, lonely man, with the numinous, lonely God.[284]

Thus we see that the invention of categories and devising of abstract concepts to address human and in this case legal realities turns marital incompatibility with all its causes and variations into an intricate philosophical undertaking. Even in the very real issue of divorce, there is an idealizing tendency in Soloveitchik's thought, a tendency to step back from actual human difficulties. We saw the same approach in his consideration of marriage, as he focuses on what the personalities of the partners contribute to the marital relation, on internal and theoretical mechanisms rather than the realities of marriage as a social institution. This is not to deny the significance and necessity of addressing divorce at the level of human personality, which is in itself an essential element of causes and effects, but only to draw attention to the fact that practical considerations are not really included by Soloveitchik– whether intentionally or unintentionally, it is hard to know.

As for the sacred ground or what I have called the "theology" of divorce, Soloveitchik begins by recalling that the holiness of marriage in Judaism is confirmed in the Hebrew term "sanctification" (*kiddushin*) that designates the betrothal ceremony. This is an indication that the marriage agreement is viewed in Halakhah as being of a sacred character, as the partners commit themselves to creating a sacred relationship. "Sacred" here refers to the sacrifice by two individuals of their sexual desires – not meaning, of course, asceticism, but the discipline and channeling of desire into the marriage that

[284] Ibid.

serves to make it “holy” since, as Soloveitchik explains, "sacrifice and holiness are synonymous concepts in Judaism."[285]

Here Rabbi Solovietchik does emphasize reality. He says that the holy is "born out of man's actions and experiences,"[286] so that “the moment of sacredness is eliminated” the instant man “adopts a coarse attitude towards the hallowed object.”[287] Holiness, it seems, is a constant practice, no doubt laborious, and an attainment; one could hardly describe the everyday reality of marriage better.

Here we may pause in our consideration of divorce to consider Soloveitchik’s use of the idea of sanctity to tackle the issue of the physical partition (*mechitza*) that traditionally divides men and women in synagogues. He strongly objects to removal of the *mechitza* favoured by some, on the ground that it violates the sanctity of the synagogue. He goes so far as to recommend that worshippers prefer avoiding a “mixed” synagogue over fulfillment of certain other important halakhic obligations:

> Synagogue with a mixed seating arrangement forfeits its sanctity and its Halachic status of mikdash me'at [a Sanctuary-in-miniature], and is unfit for prayer and abodah she-beleb [the service of the heart]. With full cognizance of the implications of such a Halachic decision, I would still advise every orthodox Jew to forego *tefillah b'tzibbur* [group prayer] even on *Rosh Hashanah* and *Yom Kippur*, rather than enter a synagogue with mixed pews.[288]

To put it another way, the synagogue is a holy place not inherently, but because certain things are done; because of a certain correct practice and endeavor. When these are interrupted or violated, holiness departs. Note the parallel with marriage and divorce.

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[285] Ibid., 63.
[286] Ibid., 63-64.
[287] Ibid.
[288] Joseph B. Soloveitchi, *The Sanctity of the Synagogue,* ed. Baruch Litvin (New Jersey: Ktav Publishing House, 1987), 110.

When sanctity is violated by the marriage partners – when certain acts are committed or omitted – the contract is also "profaned"[289] and covenantal sanctity removed, making it liable to termination, as the Rav puts it:

> Divorce is only the formal validation of an act of disintegration which took place before, the conclusion of a process of profanation of the marriage institution which divested it of its permanency and constancy.[290]

Soloveitchik here recalls that the only violation of the marriage contract that removes holiness and thus according to Halakhah warrants divorce is adultery. He refers both to the Torah, where it says: "if he finds in her an *ervat davar* [i.e. "some indecency"]" (Deut. 24:1) and Mishnah, in which divorce is also limited to instances of *ervat davar* (Gittin 9:10). If adultery is committed, the marriage has already been effectively annulled, and divorce is warranted. Soloveitchik is thus faced with finding a way to justify divorce for reasons other than adultery – a delicate maneuver because of his faithfulness to the Halakhah. This he does by expanding on the meaning of *ervat davar*. He is, however, fairly cautious in this, confining himself to drawing on Jewish sources, rather than freely philosophizing. That Rabbi Soloveitchik deploys his philosophical knowledge and acumen to strengthen marriage but not to provide an "easy escape" from it is a further indication of the tremendous value he places on marriage and family.

Thus Soloveitchik notes that adultery can be defined in its literal sense and strictly halakhic terms, as it is by Beit Shammai,[291] so that only "legal blame" for actual adultery

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[289] Soloveitchik, *Family Redeemed,* 65.
[290] Soloveitchik, *the Sanctity of the Synagogue*, 65.
[291] Beit Hillel and Beit Shammai are two schools of thought, named after their founders Hillel and Shammai who lived in the first century BCE. The rulings of Beit Hillel are generally preferred by the Rabbis, although the Sages considered the views of both to be essentially valid.

justifies divorce.[292] *Ervat davar* can also, however, be understood in a wider sense as Beit Hillel defines it, extending even to spoiling the husband's dish (i.e. food or cooking).[293] Soloveitchik favours the wider margin of interpretation seen in the second opinion, but for the purpose of allowing the couple to part if absolutely necessary rather than allowing men to divorce freely. Thus, somewhat in the manner of Maimonides,[294] he speaks of dislike or aversion as giving a way out of marriage – although he does not like the Rambam aim particularly at women and states it in negative terms by talking about the corrupting effects of aversion, as follows:

> The corruption of the sexual feeling manifesting itself in the dislike which one wedded partner feels towards the other, in the sexual disgust and aversion, is considered adultery since the element of faithfulness and dedication is missing from the marriage. The mere desire for separation and divorce implies treachery and an adulterous motif which deprives the marriage of its sanctity.[295]

Soloveitchik carefully refers his opinion to Rabbi Akiva,[296] commenting that Akiva "raises the meaning of *ervat davar* to the moral level."[297] His discussion of divorce in *Family Redeemed* finally ends (as redacted by others, of course) with condemnation of divorce as he remarks that "Talmudic scholars deplored the separation of husband and wife" and gives examples.[298] Thus while the Rav is able to contemplate divorce, he narrows this possible exit by condemning it morally, and in fact uses the idea of "mental adultery" to warn against feelings that could lead to separation.

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[292] Soloveitchik, *Family Redeemed,* 66.
[293] Quoted from Mishnah (Gittin 9:10) in Soloveitchik, *Family Redeemed*, 65.
[294] See Rachel Biale, *Women and Jewish Law: The Essential Texts, their History, and their Relevance for Today* (New York: Schocken Books, 1995), 71.
[295] Soloveitchik, *Family Redeemed*, 65.
[296] Rabbi Akiva (137 CE) was one of the greatest of the *tannaim*, that is scholars of the Mishnah.
[297] Soloveitchik, *Family Redeemed,* 66.
[298] Ibid., 66-67.

I will now turn to the issue of *agunah*, a halakhic term for a Jewish woman who is "chained" to her marriage. Soloveitchik addresses the problem of “chained” women not as part of a larger discussion of the legal aspects of divorce - since, it seems, he prefers not to emphasize the breaking of marriages - but rather for the purpose of protecting the Halakhah in the face of controversy.

The classic case of *agunahh* is when a man who has left on a journey or to go to war never returns, leaving the wife with neither a husband nor a divorce. Today, however, it more commonly refers to a woman whose husband refuses to grant her a *get* (a bill of divorce), is unable to do so, or will only give her the *get* if she turns over custody of the children, pays, or some other condition she is unwilling or unable to meet. Without a *get*, which can be granted only by the husband, there is no Jewish divorce, a subsequent marriage will not be recognized by the rabbinical court or community, and perhaps most damaging, children of the *agunahh* woman born from a subsequent relationship will be considered illegitimate and unable to marry a Jew.

The predicament of the *agunah* has been a perennial problem for the Jewish community, since it causes grief not only to women affected, but the community in general. One strategy to prevent women becoming *agunah* is to include grounds for divorce in a pre-nuptial agreement; but the halakhic ruling itself has so far not been modified. Soloveitchik's own reaction to an attempt in 1970 CE by Rabbi Immanuel Rackman[299] to address the problem throws light on obstacles to treating it. This is not the place to go into the details of Rackman's proposal. It is sufficient for our purpose to say

[299] Another Modern Orthodox Rabbi, and sometime student of Soloveitchik. Born in America, Rabbi Rackman died in 2008.

that he considers the presumption of the Talmud (BT Yevamot 118b) that it is "preferable" for a women to "live as two bodies than to dwell in widowhood," so that a woman wanting to escape her marriage should be kept in it with the expectation or hope that she might come to her senses and change her mind, to be a "historically conditioned observation" rather than "meta-historical truth."[300]

It was precisely the idea that the Halakhah is historically conditioned - the premise on which Rackman's whole argument rests - that provoked a harsh reaction from Soloveitchik. Soloveitchik is loathed to question the validity of a halakhic ruling in any time and context, due to his unshakeable faith in the applicability of the words of the Sages of the past, as he says:

> Not only the halakhos [the entire Jewish law and tradition], but also the hazakos [a traditional presumption or concept that is considered strong even if it is not an actual law] which the traditional sages have introduced, are indestructible. For the hazakos which the Rabbis spoke of rest not on trenchant psychological patterns, but upon permanent ontological principles rooted in the very depth of the…metaphysical human personality - which is as changeless as the heavens above. [301]

Thus in the impassioned conviction of Rabbi Soloveitchik, the *hazaka* of "better dwell with two bodies" has nothing to do with changing social conditions, but is rather based on God's statement in Genesis 3:16: "I will greatly multiply the pain…and thy desire shall be for thy husband, and he shall rule over thee." That solitude is more terrible for a woman than a man, and a spinster than a bachelor, according to Soloveitchik, a fact both

[300] Hartman, *The God Who Hates Lies,* 141. Rackman's further views are also laid out by Hartman.
[301] Hartman, *The God Who Hates Lies,* 149. Excerpt from Soloveitchik's address to the 1975 convention of the Rabbinical Council of America.

"psychological" and "existential" which is accurately reflected in the tradition and cannot be legislated away.[302]

Soloveitchik's strenuous objection to Rackman's proposition has a great deal to do with faithfulness to the tradition. He evidently fears that reassessing the foundational, "indestructible" *hazakos* will lead finally to the destruction of Judaism – to, as he puts it, "self-destruction and suicide."[303] We may note, however, as a possible indication of Soloveitchik's position, that the Rav's sister reports concerning their esteemed father Rabbi Moses Soloveitchik that he was by no means indifferent to the misery and virtual imprisonment of *agunah* women. In her volume, *The Soloveitchik Heritage: A Daughter's Memoir*, Shulamith Soloveitchik Meiselman describes how her father strove mightily to address the problem.[304] She tells of the help he gave to individual women, including his struggle to secure the status of widow for women whose husbands had fallen in battle in WWI; although she also remembers that where no proof of death could finally be obtained, "the woman remained an *agunah,*" for Rabbi Soloveitchik "never deviated from the halakhah."[305]

Soloveitchik, as we have seen, asserts that men and women are existentially lonely and long for each other, and that woman, moreover, is man's helper in escaping his loneliness. Soloveitchik's thoughts on divorce seem not to have been incorporated into this philosophical system, and consequently go in a different direction. His philosophy of marriage presents a man and woman desirous of meeting each other and joining in

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[302] Hartman, *The God Who Hates Lies,* 149.
[303] Ibid., 151.
[304] Shulamit Soloveitchik Meiselman, *The Soloveitchik Heritage: A Daughter's Memoir* (Hoboken: Ktav Publishing House, 1995), 162.
[305] Ibid.

marital union; but when divorce is considered, we see that a woman has much greater need of a husband than a man does of a wife. The idea of mutual existential need that is at the heart of Soloveitchik's philosophy of covenantal marriage and creation of the first gender pair is not carried through.

3. Soloveitchik: A Legal Decisor

Rabbi Soloveitchik is chiefly known for his intellectual and academic contribution to Modern Orthodoxy. His thought described above on woman's creation, nature, and marital and parental roles may be regarded as his contribution in this regard. Soloveitchik is also, however, known for his role as a leading legal decisor (*posekh*) of Modern Orthodoxy. In this regard, his position towards Jewish education for women and women's prayer groups will be examined as instances of either new initiatives or reactionary positions in relation to issues and questions of concern for women. Soloveitchik's *responsa* show different tendencies. He initiated women's Torah education, but also discussed women's prayer groups and ordination as rabbis in reaction to growing trends in other Jewish denominations. He heeded the forces of the modern world in some ways, while resolving to stand against them.

3.1 Women's Jewish Education

Jewish education of a child, as traditionally defined, has a twofold gender implication. First, it is primarily a father's role in Judaism to teach Torah to his children; and second, only boys are supposed to be instructed in Torah. Teaching of the Torah to women is the subject of a Talmudic dispute between Ben Azzai and Rabbi Eliezar, two rabbinic Sages living in the first century CE whose views are recorded in the Mishnah.

The former, it is reported, claimed that a father must teach his daughter Torah, while the latter asserted that to do so would be like teaching her *tiflut* (triviality or immorality).[306] Interpretation of the word *tiflut* is important here, since later deliberations on the issue revolve mainly around different interpretations of this key term. This is not to say that all interpretations are aimed at different understandings and rulings. For instance, Maimonides, who seems to be an important source for Soloveitchik, argues that although women can study Torah, such study is still not advisable, for the following reasons:

> A woman who studies Torah is rewarded, but not as much as a man is, for the reason that she has not been commanded to learn. Anyone who does something voluntarily is not rewarded as much as someone who is obligated to do it is. Even though she is rewarded for learning, the Sages commanded that one should not teach Torah to one's daughter, for the reason that most women don't have the mentality for learning, and they think of Torah matters as being nonsensical. The Sages said that teaching one's daughter Torah is like teaching her trivialities. This is talking only about the Oral Torah, but one nevertheless shouldn't teach her the Written Torah either, but if one did it is not like teaching her trivialities.[307]

This is the heritage Soloveitchik draws on in formulating his position towards women's Jewish education as an Orthodox rabbi and Talmudist. His position can be examined in two parts: first, the roles of the parents in the context of an expanded view of what constitutes education; and second, Talmud education for women.

In considering the parents' role in their children's education, Soloveitchik draws on the concepts of the natural and covenantal communities formed by "majestic" Adam and Eve in the first Genesis account, and "dignified" Adam and Eve in the second. In the

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[306]See Moshe Meiselman, *Jewish Woman in Jewish Law* (New Jersey: Ktav Publishing House, 1978), 34.

[307] Rambam, *Mishneh Torah*, Hilkhot Talmud Torah, trans. Moses Hyamson, 1:13. See: Deidre Butler, "Spirituality, Textual Study and Gender at Nishmat: A Spirited *Chavruta*," a *Multidisciplinary Journal of Women in Judaism* 7: 1 (2010). wjudaism.library.utoronto.ca/index.php/wjudaism/article/view/14664/11658

natural community, in his view, women are completely absorbed in their destined roles as mothers, while the role of the father is much less so that he stands as a rather distant figure. In covenantal community, on the other hand, the father according to Soloveitchik "moves to the center where mother has been all along." Thus it seems that once the stage of an infant's life requiring purely maternal nurturing has passed, the father joins in so that the two together can create an educational environment in which the child is taught and trained to be a Jew.

At this point, the mother and father have distinct missions based on gendered personalities. Judaism, Soloveitchik believes, has both intellectual and experiential elements, both of which the child needs training in, and one of the parents dominates in each of these spheres. Thus the covenantal mother provides the experience needed by the child of the "beauty, grandeur, warmth, and tenderness of Judaism";[308] she, for instance, provides her children with the experience of Shabbat and prayers while the father has the responsibility of providing instruction about Shabbat and teaching recitation of prayer. Fathers are responsible for the intellectual upbringing of the child overall and ensuring that they are thoroughly acquainted with the principles of Judaism as a system of thought and values. The central point here in relation to women is that gender differences dictate different roles in the child's upbringing. Ultimately, both parents have responsibilities, and the reader receives the impression that Soloveitchik genuinely values the role of mothers. He does, however, seem to privilege the educational activity of the father somewhat, as can be seen in the following passage:

> The halakhah entrusted education to the father - and what is the educational gesture if not an act of granting independence to the

[308] Soloveitchik, *Family Redeemed*, 115.

> young person and training the latter to live with dignity and responsibility and in freedom? The father was charged with this task because it fits into the framework of paternal concern. The mother was relieved of the educational duties since she instinctively resents her child's adulthood and the independence that education is supposed to promote and foster.[309]

Soloveitchik's contribution to women's Talmud education came through action, in his founding of the Maimonides School. As recounted in the Introduction to this thesis, in 1937 CE, a mere five years after his immigration to America, the Rav and his wife Tonya Soloveitchik (1904-1967 CE) founded the Maimonides School as a co-educational Modern Orthodox Jewish day school in Brookline, Massachusetts. Founding of the school marked an unprecedented innovation in Orthodox Judaism, first by establishing a co-educational system for all grades and second by introducing a curriculum in which boys and girls were equal even regarding Talmud study, so that girls were instructed in the conceptual principles of Talmud and Jewish law far beyond the traditionally required regulations concerning purity and food. Moreover, Soloveitchik as *rosh yeshiva* (Dean of Talmudic studies) of Yeshiva University supported a program of Talmud study for women in Stern College of Yeshiva University.

The establishment of an egalitarian position for man and woman is not, however, likely to have been Soloveitchik's intention in advocating women's Jewish education. He did not provide a rationale for his progressive stance, but his other writings lay out views that emphasize essential gender differences, including between the roles of men and women in Jewish education. In addition to the views on education of children related above, Soloveitchik's remarks in "A Tribute to the Rebbitzen of Talne" demonstrate his insistence on role differentiation rather than egalitarianism. He maintains that the father's

[309] Ibid., 164.

task is to inculcate "discipline of thought as well as discipline of action" in his child, whereas mothers are to train children emotionally and spiritually in order to help them "feel the presence of God to appreciate *mitzvoth* and spiritual values to enjoy the warmth of a dedicated life."[310] Such a conception of the role of females does not seem to lead naturally to promoting extensive Talmud study for women. Soloveitchik's silence about his motivations have consequently given rise to speculation.

Among those who have attempted to provide explanations are Mayer Twersky[311] and Walter Wurzberger.[312] Citing Soloveitchik's very strong stand on the *mechitza* issue, Twersky cautions that his approach towards intensive Talmud study for women is not shaped by revisionism or a desire for reform.[313] Twersky's conclusion is that Soloveitchik is neither a modernist figure nor an ultra-orthodox rabbi. He attributes this apparent ambiguity - or transcending - of positions to the Rav's commitment to the truth of the Torah. According to Twersky, that commitment prompts Soloveitchik to take up seemingly opposite positions, because, he says, the truth has an unalloyed unity that often "manifests itself in a variety of guises." Twersky is finally convinced that Soloveitchik's apparently "modern" position on women's education reflects his Torah intuition as much as his orthodox stance in regard to *mechizta*, that the stance is necessary to "provide a firm foundation for faith" and in fact originates in the Halakhah:

> The prohibition of teaching *Torah she-Baal Pe to* women relates to *optional* study. If ever circumstances dictate that study of *Torah she-Baal Pe* is necessary to provide a firm foundation for faith,

[310] Joseph B. Soloveitchik, "A Tribute to the Rebbitzen of Talne," *Tradition* 17:2 (1978): 73-83, www.traditiononline.org/news/originals/Volume%2017/No.%202/A%20Tribute%20to%20the.pdf

[311] Mayer E. Twersky (b. 1960 CE) is the grandson of Soloveitchik and Orthodox rabbi.

[312] Rabbi Walter S. Wurzburger (1920-2002 CE) was a leader of Modern Orthodox Judaism and student of Soloveitchik. During his career, he headed both the Rabbinical Council of America and Synagogue Council of America.

[313] See: Mayer Twersky, "A Glimpse of the Rav."

> such study becomes obligatory and obviously lies beyond the pale of any prohibition.[314]

The idea of "Torah intuition" is important in Twersky's exposition. He describes it as "a special intuitive sense for the true intent and meaning of the *masora* [tradition]," which enabled the Rav to discern and draw upon its "internal dynamics" in order to "guide Jewry in its confrontation with modernity."[315] Torah intuition, Twersky argues, allows sages to comprehend realities lying beyond what is commonly perceivable from the scriptures.[316]

Although Twersky clearly believes that Soloveitchik understood contemporary issues well, his hesitation in associating him with a modernist approach is evident. Wurzberger, on the other hand, does not hesitate to call the Rav's approach "modern", at least in relation to certain specific issues, including women's Jewish education. Wurzberger is convinced that the true Torah scholar "addresses the realities of the world rather than seeks an escape from them."[317] Addressing the realities of the world" despite stringent halakhic rulings is what makes Soloveitchik the *posek* par excellence of modern Orthodoxy, in Wurzberger's view. Nevertheless, he warns that this does not indicate "willingness to make all sorts of concessions to modernity at the expense of genuine religious commitment" and coins the term, "post-modern Orthodoxy." Soloveitchik, he declares, would never espouse "a moderate brand of halakhic Judaism which lacks the fervor and passion associated with the *Haredi* community [right-wing Orthodoxy]."[318] Rather the Rav, in Wurzberger's view, was engaged in an "uncompromising

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[314] Ibid., 99.
[315] Ibid., 95.
[316] Ibid., 92.
[317] Wurzburger, "Posekh of Post-Modern Orthodoxy."
[318] Ibid.

confrontation of modernity,"[319] to the extent that he "consistently issued rulings that surpass in stringency those of right-wing authorities,"[320] "right-wing" here referring to those who demand total isolation from modern, secular culture.

Despite the extreme reluctance of Twersky as well as Wurzberger to suggest that modern conditions had any effect on Soloveitchik, it is not far-fetched to judge that his promotion of women's intensive Jewish education - which is certainly open to question in light of the tradition – resulted from subjective elements introduced by the realities of the modern world. Wurzberger believes that Soloveitchik was convinced that under contemporary conditions, it was necessary to confront the challenges of modernity rather than attempt to escape from them as perhaps a "naïve traditionalism" would have done. Both Twersky and Wurzberger admit this in their own, rather circuitous way. They say, for instance, that Jewish women must be provided with the intellectual resources needed to appreciate the meaning of halakhic Judaism, since familiarity with the injunctions and prohibitions of religious observance are no longer adequate; and Wurzberger in particular speaks of the need for Jewish mothers to be equipped with a real understanding of the halakhic process and thus genuine Jewish perspective in order to provide proper guidance for their children.[321]

An important proposition here is that Soloveitchik's approach to women's education is directed not at seeking equal rights for women,[322] but rather the greater purpose of deeply attaching them to the tradition and, perhaps above all, bringing up

[319] Ibid.
[320] Ibid.
[321] Ibid.
[322] The issue of man and woman's gender equality seems to be categorically beyond Soloveitchik's interest. He instead brings up the idea of equality between God and human beings as he develops his concept of "covenantal faith community". See: Soloveitchik, *The Lonely Man of Faith*, 44.

Halakhah-sensitive children. This is no doubt true. Soloveitchik constantly exhorts Jews to live a halakhic life, a goal to be secured mainly through halakhic upbringing, while it is mothers who spend the most time with their children and may in some or many instances influence them more than fathers. The growing likelihood of women and future mothers being exposed to secular education that might weaken their Jewish commitment could have also prompted Rabbi Soloveitchik to offer Torah learning. The move, it seems, is finally pragmatic and aimed at fortifying rather than altering the tradition. It is worth recalling here that Soloveitchik himself believed that halakhic decision-making is not purely mechanical, but highly creative.[323]

Thus we see that Soloveitchik has a twofold position towards women's Talmud education in the theoretical and practical realms, in which the former does not seem to support the latter, while the latter seems to have been established primarily for the sake of preserving the principles of the former. This circumstance appears to indicate that understanding the realities of the world or needs of the time is a key factor in Soloveitchik's revolutionary step towards women's Talmud proficiency (a matter that will be taken up again the third chapter).

3.2 Women's Prayer Groups

Rabbi Soloveitchik characterizes prayer as "a basic experiential category in Judaism." According to Soloveitchik, it was through prayer that the Jewish sages achieved a covenant with God and through which all Jews, women included, eventually

[323] Joseph B. Soloveitchik, *Halakhic Man* (Philadelphia: The Jewish Publication Society, 1983), 130.

realize that covenant.[324] There is, however, a difference between the prayers of the two sexes. Woman's prayer is more a personal and private obligation; although a woman is permitted to participate in congregational prayers when convenient, she is absolutely not obliged to pray in public or in a congregation. For men, on the other hand, prayer definitely has a strong and obligatory communal and public dimension.

The background to this position is Soloveitchik's emphasis on man and woman's equal spiritual worth along with their non-identical spirituality. Briefly put, woman's private and personal prayer corresponds to her private role, while man's public and congregational prayer accords with his public role. Therefore, although men and women are equally obligated to fulfill the basic requirement of praying and both have the possibility and capacity, without discrimination, to realize their covenant with God through prayer, women are not obligated to offer prayer in "the context of communal services (*tefilla be-tsibbur*)."[325] This halakhic difference, however, is not a reflection of inferiority according to Soloveitchik. Rather, it merely reaffirms proper halakhic gender role differentiation, based on natural gender differences.

The result in practice of the idea of gender differences necessitating different settings or milieu for men and women's prayer is that ritual services in the synagogue are almost exclusively male-oriented.[326]The *minyan*, i.e. minimum quorum of ten adult individuals necessary according to law for reciting certain passages and texts generally

[324] See Joseph B. Soloveitchik, "Redemption, Prayer, Talmud Torah," *Tradition* 17:2 (1978): 55-72, www.traditiononline.org/news/originals/Volume%2017/No.%202/Redemption,%20Prayer,Talmud.pdf. The essay was delivered as an address at a faculty colloquium at the University of Pennsylvania in May, 1973.

[325] See Frimer and Frimer ,"Women's Prayer Services: Theory and Practice." *Tradition* 32:2 (1998), 5.

[326] As observed by Aryeh A. Frimer, and Dov I. Frimer, "Women's Prayer Services", 5.

reserved for public worship,[327] is to be constituted only by men; women are ineligible to be counted in the *minyan*. These restrictions have the effect of furthering the male-centeredness of (traditional) synagogues.

The establishment of women's prayer groups (*tefillah*) in the early 1970s may be viewed as a sign of women's dissatisfaction with male domination of synagogue services, or at least as an attempt to increase their dynamic presence and participation in prayer, an activity at the very heart of Jewish ritual. Women (from Orthodox and Conservative congregations) began gathering together in all-female groups on a regular basis to conduct prayer services. The exclusively feminine and conspicuously public nature of the movement served to underline the issues of both male exclusivity of the *tefillah* and preference for women's prayer being confined to the private sphere. It is important to keep in mind that the women's *tefillah* movement manifested a desire not to agitate outside the tradition, but rather to react and work within it – or one might say, somewhat on its periphery. The call for women's *tefillah* was, in short, not primarily a social movement, but a profoundly religious undertaking demanding recognition of Jewish women's religiosity and right to pray. As such, it was entertained by women who wished to remain (or regard themselves as remaining) within the parameters of traditional Judaism, including Jewish Orthodoxy, by committing themselves to not violating Halakhah.[328]

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[327] A few examples that may serve to illustrate the importance of worship requiring a *minyan* are: the *barekhu* (call to public worship), *kaddish* (hymned praise of God), repetition aloud by the synagogue's cantor of the *amidah* (prayer, central to services, enumerating blessings), and benedictions at weddings. Note that denominations other than the Orthodox have moved, to varying degrees, to include women in the *minyan* quorum.

[328] For a detailed analysis of the issue of women's prayer from a traditional perspective, including some mention of Soloveitchik, see Avraham Weiss, *Women at Prayer.* For a recent account of openings in

Nevertheless, the formation of *tefillah* groups may be regarded as a demand to re-examine women's roles in Judaism fuelled by social realities. It does not seem far-fetched to relate the movement to the growth of opportunities for higher education in Jewish studies for women. It is surely logical from the point of view of human psychology that a woman who feels that she possesses the privilege of studying the Torah and Talmud will begin to imagine an even wider active and conspicuous presence for herself in Jewish religious life.[329] Considering Soloveitchik's pivotal role in providing women with higher Torah education, one might consider that he unwittingly contributed to the formation of women's prayer groups as an unforeseen consequence of his activities.

The coincidence in time of the women's prayer movement with the Women's Liberation Movement of the 1960s might lead one to suspect the influence of the former. The inspiration, if there was one, is likely to have been indirect, in view of the religious nature of the *tefillah* movement and care for faithfulness to Jewish tradition. Nevertheless, it is not far-fetched to think that the message of "women's liberation" that women should take the initiative in various spheres and the conviction of religious feminists in particular - whether Jewish or not - that women should have access to and interpret texts came together in some way with Rabbi Soloveitchik's endorsement of intensive Talmud study, with the result that Jewish women who now had access to profound knowledge of the Halakhah discovered that there was no clear halakhic prohibition against them forming such groups - or if they thought there was opposition, were prepared to question it and ask for change. There were, indeed, women attracted to

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traditional Judaism, see Daniel Sperber et al., *Women and Men in Communal Prayer: Halakhic Perspectives*, ed. Chaim Trachtman (Jersey City: Ktav, 2010).

[329] As observed by Frimer and Frimer, "Women's Prayer Services".

the movement whose commitment to feminism over-rode commitment to Halakhah; but the majority remained focused on halakhic observance.[330]

Reactions to women's prayer groups across the Jewish tradition have ranged from complete leniency to stringent opposition, with mediate positions authorizing women's *tefillah* under certain conditions. Thus some authorities allow women to hold prayer services, including those involving texts and recitation that normally require a *minyan*; others staunchly oppose women's prayer, whether they include texts requiring *minyan* or not; and still others permit it provided the *minyan* requirement is not violated,[331] thus in effect finding spaces for women's prayer in the existing structures of Jewish liturgy. Soloveitchik's own stance on the issue, as reflected exclusively in his *responsa*, was that prayer should be authorized, but in a limited and carefully structured manner. Not surprisingly for a Halakhah fideist, Rabbi Soloveitchik rules that women can join together to conduct group prayer only if they conform fully to the Law, which involves not reciting parts of the Torah that require a *minyan* quorum in congregational prayer. Soloveitchik did authorize an all-female prayer group at the Maimonides School, again provided that halakhic restrictions were strictly observed. He was, nonetheless, very hesitant to allow and approve women's *tefilla* groups as a general practice.

It is interesting that, despite Soloveitchik's emphasis in his pronouncements concerning women's *tefilla* on conformity to Halakah, his hesitation was not finally based on halakhic prohibition. He did not actually pronounce women's *tefilla* "forbidden" (*assur*), even refusing to put his name to the responsum of five other RIETS Yeshiva

[330] Frimer and Frimer, "Women's Prayer Services", 6.

[331] See more on the arguments made by these three groups in Frimer and Frimer, "Women's Prayer Services".

deans opposing it on halakhic grounds. According to Aryeh and Dov Frimer, his motivation, though not fully expressed, was rather adherence to traditional Jewish customs (*minhagim*), especially concerning the forms of the rituals and synagogue service. Supporters of the movement argued that women participating in prayer groups gained access to spiritual experience and development through enhanced fulfillment of a *mitzvah* (commandment of God); but Soloveitchik thought this was not so, because such prayer would lack certain criteria for the validity of congregational prayer such as the *minyan* and recitation of particular parts of the Scripture; here we see his concern with the integrity of the synagogue service. It appears that Soloveitchik was above all not very confident of women's motivations for promoting and creating prayer groups; and questioning motivations, as the Frimers also point out, effectively throws the whole enterprise, including the goal of "spiritual enhancement", into doubt. He seems to have felt that fully authorizing women's prayer groups might lead to calls for further modifications in traditional norms. He was, in short, concerned about the intrusion of certain social agendas and egalitarianism. Thus while Soloveitchik ventured to allow women's prayer in the Maimonides School, he instructed his rabbinical students - of whom there were many, as related in the first chapter – to avoid allowing women's prayer groups in their synagogues. [332]

Soloveitchik also appears to de-authenticate women's spiritual feeling when dealing with the issue of women donning the *tallit*, i.e. rectangular, fringed prayer shawl. In reply to a woman who asked if she could put on the *tallit* for prayer, he advised that such "a major departure from the tradition" should be contemplated in gradual stages. He

[332] Frimer and Frimer, "Women's Prayer Services", 36.

told the woman to begin with a four-cornered garment without *tzitzit* (the ritual fringes), and then report back in three months. She did return, and spoke of the "most exhilarating experience" of her life. Soloveitchik's response to her excitement was apparently dismissive, as he commented: "For three months you have been wearing a garment that has no religious or halakhic significance, so your exhilaration has come from something other than a *mitzvah*."[333] Perhaps the woman's enthusiasm raised an alarm, and a more muted response would have reassured the Rabbi that she was not intending to finally exceed the bounds of tradition.

Soloveitchik did indeed authorize limited and structured women's *tefilla*, apparently not because he was happy with the idea, but because he judged that women would proceed in any case. This cautious and vigilant stance seems to have been intended to prevent halakhic violation of the prayer ritual, thus somewhat as the lesser of two evils or "safety valve". Once again, we see the primacy of Halakhah in Soloveitchik's thought. It is extremely important that halakhic lines not be crossed; nor can they be transcended through spiritual enthusiasm.[334]

[333] Aharon Zeigler, *Halakhic Positions of Rabbi Joseph B. Soloveitchik,* Vol. 3(Maryland: Rowman & Littlefield Publisher Inc., 2004), 20.

[334] Mayer Twersky, "Halakhic Values and Halakhic Decisions: Rav Soloveitchik's Pesak Regaring Women's Prayer Groups," *Tradition* 32:3(1998): 9; 13. Here Twersky argues that Soloveitchik's position is based on a distinction between technical details of the Halakhah and its values and spirit. Soloveitchik, Twersky says, believed both to be necessary to ensure compliance with the Law. In this case, women's *tefilla* might be permitted as a technicality, but mixed motivation - including desire to gain opportunities of participation, which amounts, in Twersky's words, to "ceremonialism" – violates the halakhic value of prayer. Twersky here writes as a participant in the tradition whose attitude was closer to that of the RIETS authorities mentioned above.

Chapter Three: Comparative Analysis of Gender Thought of Ayatollah Mutahhari and Rabbi Soloveitchik

In the two preceding chapters, I examine the views on women and gender of Ayatollah Morteza Mutahhari and Rabbi Joseph B. Soloveitchik, two prominent figures of twentieth-century Islam and Judaism whose legacy and influence continues to this day. I have extracted the gender thought of each from their wider worldviews with the intention of engaging in a comparison. I will begin by briefly reminding the reader of the rationale for this exercise as discussed in the Introduction.

There is, to begin, the lack of material comparing gender and the subject of women in Judaism and Islam. A potentially valuable stimulant for conversation about the two closely-related traditions from the point of view of gender remains underdeveloped. Second, with regard to Mutahhari in particular, the scholarly and quasi-scholarly literature, whether published in or outside Iran, is not very strong. Thus an analytical rather than simply admiring or cursory examination is, I believe, a contribution in itself. I hope that the first chapter, even when taken alone, helps to establish the place of Mutahhari as a creative and indeed courageous thinker in the field of gender, as in others. Third, placing Ayatollah Mutahhari and Rabbi Soloveitchik alongside each other, noticing certain similarities and differences, and reflecting on these stimulates thought about both figures and the traditions they spring from. While more weight is put in the comparison on Mutahhari, it is expected that it will also be of some use in relation to Soloveitchik. Such an exercise, however, requires a basis for comparison, and I have thus chosen two clerical thinkers engaged in trying to strike a balance between the demands of contemporary conditions and desire to defend and preserve either Islam or Judaism. I

obviously do not assert that the two scholars have influenced each other; the fact that there cannot have been any influence actually makes the comparison less problematic, since we do not have to involve ourselves in speculating about diffusion. At the same time, because they come from two historically parallel traditions, they share some similar concerns – for example, integrity of a system of religious law – and express themselves through certain common themes – for instance, creation of Adam and Eve and female prophets - and this enables us to bring them into conversation.

The discussion in this chapter is organized around three broad resemblances that provide a basis for comparison of thinkers who might otherwise be considered poles apart religiously and geographically. First, the chief and primary concern in the gender-related discussions of Mutahhari and Soloveitchik is not gender itself. The concern is rather to define and defend the foundational thought, teachings, and rulings of their traditions. Second, the issue of women from the viewpoint of Mutahhari and especially Soloveitchik is part of the question of the human being and meaning of humanity. In the Islamic and Jewish worldviews defined by Mutahhari and Soloveitchik, the human being is the centre and goal of creation; the whole world is created for humanity. Although human beings have been created to fulfill their destiny through a journey to God, this is only a part of the picture, so that the two outlooks may finally be characterized as humanistic. Women in both cases are primarily considered in this humanistic, holistic context. Third, Mutahhari and Soloveitchik's thought about women centers around the notion of inherent gender differences. Man and woman have been created to be different, which God has done for particular, higher purposes; and because of these differences, males and females are subjected to a whole set of different rights, responsibilities, and rulings, along with

different positions in the family and society. These three broad similarities shape the gender views of each figure; although they are not given equal weight for each figure in the discussion below, as the emphasis varies in each system.

Two outstanding differences in the thought of Mutahhari and Soloveitchik are their mode of approaching gender and the ways they see their traditions responding to evolving times and circumstances. In brief, Mutahhari's approach and tone is more defensive, polemical and political than that of Soloveitchik; and Soloveitchik seems less ready than Mutahhari to contemplate change in the tradition in response to changes in society or pressure from the broader Orthodox and non-Orthodox Jewish community. I have discussed these two differences under separate headings because they are particularly striking. I do not mean at all to say that they are the only differences. Rather, I have used the three categories of broad similarity listed above as contexts or launching points to discuss many more. It is finally the divergences between Mutahhari and Soloveitchik, whether evident or subtle that are the most useful in drawing attention to features and implications of each world of thought that might otherwise not have been noticed.

1. Points of Similarities

1.1 Gender: Not a Primary Concern

Ayatollah Mutahhari and Rabbi Soloveitchik both discuss women's issues not out of concern for gender *qua* gender, but ultimately for the purpose of defining the positions and approaches of their respective traditions. Key to this approach is the full confidence each seems to have in the way his tradition approaches women's positions and rights.

Since neither believes that major change is needed - or even that change is possible if the tradition is to remain true to itself and the divine wisdom that inspired it - there is no reason to focus on women alone. Rather, traditional thought concerning women and gender need only be affirmed, with the goal of defending a deeply embedded aspect of the system that has become vulnerable in the face of contemporary pressures and critiques.

As a result, the gender thought of both these figures is somewhat idealizing, a tendency I have commented on several times in the two previous chapters. Although they do, as I have also mentioned, show awareness of and concern for some problems women encounter in their lives, it appears that since both were engaged in a defense or project of preservation, they felt that admitting the existence of grave problems would be tantamount to confessing "fatal flaws" in their religions. It is partly because serious consideration of the position of women in religion is really about discussing problems that the discourse of these two figures is not focused solely or directly on women.

Within these limits, Mutahhari is somewhat more focused on gender than Soloveitchik. Soloveitchik did not write or lecture directly on gender issues. He was not specifically interested in gender or in women in particular. It can be fairly stated that it is the interest of a researcher like myself that leads to extracting gender views from Soloveitchik's thought. This, however, must be done on the basis not only of his wider worldview as expressed in his writings, but also his actions. It should be understood that Rabbi Soloveitchik's actions are not necessarily reflected in his writings. Extracting his views is not easy or straightforward because most of what is available is actually not the Rav's own words. Rather, the published material has been either transcribed from

existing tapes, which are mainly in Hebrew or Yiddish, or from what was passed on through his students. This indirect transmission of knowledge brings up the possibility of its being affected by the personal views of those involved in this process, and my exposition in this work should be received with this caution in mind.

Mutahhari, on the other hand, began to address the issue of women quite early in his scholarly career. In a lecture delivered between 1966 and 1977 and only recently discovered and published, he considers women's capacity to stand as a legal witness (*shahid*), judge (*qazi*), and resort (*marja*) issuing fatwas to be followed by believers, as well as political participation. As a cleric discussing such issues, Mutahhari was ahead of his time; although we see that he was also led by his audience, as the lecture in question (delivered to the Islamic Association of Physicians) takes the form of replies to questions. In another series of lectures delivered in 1969 CE on Karbala,[335] Mutahhari discusses women's role in religious history, arguing that there are what he calls he "distortions" in the record which underplay their contributions. The subject of women's history was to be further developed in his later, better-known works, principally *The Issue of Hijab* and *Rights of Women in Islam*, and subsequently continued into the brief time he lived during the post- revolutionary era in his unfinished article, "The Role of Women in the Contemporary History of Iran".

It is at the same time quite evident that Mutahhari discusses women as part of an attempt to clear Islam of the accusation that it views women as inferior. He is determined to develop his own definition of the position of women in Islam in order to counter such

[335] Karbala is the place of martyrdom in 680 CE of Imam Husayn, the third Shiite Imam and the grandson of the Prophet revered by Shiites. The event of Karbala is central to Shiite history, and several females were involved, including Husayn's sister Zaynab.

claims, which seem to have wounded him deeply; the whole premise of *The Issue of Hijab*, as we have seen, is that it answers the "propaganda" against Islam of un-named "filthy stooges". In the final analysis, the most important thing for Mutahhari is not that the definition of Islam he offers in reply to such "propaganda" be traditional or modern, but that it be effective as a reply or retort, while also showing itself to be authentic, a requirement he meets primarily by citing the Quran. His thought is, nevertheless, quite progressive. While this is certainly enabled by openness in his personal attitudes and flexibility in his thought, it is also due to his strategy of replying to a "modern" critique in its own terms. Thus, while it is true that Mutahhari paid attention to women's issues to a degree that was unprecedented among Shiite clerics – which has not, in fact, been equaled to this day – we cannot consider that he was motivated by gender awareness or set out to raise such awareness in his audience. His writings rather display "awareness of gender for the sake of Islam."

Mutahhari was also reacting to the concerns of religious intellectuals, along with a small emerging feminist movement[336] and secular critique such as the article in *Zan-i Ruz* that led to his composing *Rights of Women in Islam.* With his modern approach and cautiously critical exposition of traditional Islam, he was well placed to answer to such concerns and critiques. There was a vacuum at the time in Iran in thought concerning women that needed to filled through rational discourse that would be accessible to a wide

[336] Although the women's movement in Iran - meaning a movement that agitated for women's rights in the context of the Iranian national struggle for independence and democrary – began in the early 20th century, a movement articulating specifically feminist concerns only emerged in the 1960s or early 1970s. See Janet Afary, "On the Origins of Feminism in Early 20th-Century Iran," *Journal of Women's History* 1:2 (1989): 65-87.

audience, which Mutahhari as a public intellectual and cleric was uniquely equipped to do.

Mutahhari's stance on Shariah family law is strong evidence that his primary care was to defend Islam rather than to consider the position of women in and for itself. In the Introduction to the second edition of his *Woman's Rights in Islam*, he writes:

> I will examine the Islamic laws it has been suggested be modified relating to the couple's rights and their relationship; and I will prove that within these laws, delicate psychological, natural and social considerations are taken into account. I will also prove that man and woman's human dignity are equally considered in these laws and that if appropriately implemented, they are the best guarantors of strong family relations.[337]

Mutahhari was determined to advocate for Shariah law because it was the object of secularizing, apparently Westernizing reform. That reform, since it had to do with family law, revolved around altering the position of women; and thus his advocacy also necessarily focused on that point. As the reformers introduced new civil laws aimed - in their view - at securing more rights for women, Mutahhari was compelled to demonstrate that it was actually Islam that offered the most "rights" (*huquq*). Note also the assertion in the passage quoted above that the law accords "scientifically" with human psychology and sociology; the implication is that since Shariah family law has a scientific basis, to remove it is irrational and would damage society. Mutahhari's "scientific" argument is in fact logically the leading one.

Since Mutahhari's aim is to defend the integrity of the tradition and demonstrate its viability, he takes this very strong and uniform position on gender laws even though they are the chief source of controversy over the position of women in Islam. One senses

[337] Mutahhari, *Huquq-i Zan*, 36.

from Mutahhari's discussions of legal subjects such as polygamy, divorce, and temporary marriage that he has gotten himself into a bit of a bind by insisting on the complete rightness of the law. It seems that he might have wanted to minimize polygamy even more than he does, [338] for the sake of the integrity of families if not women, and perhaps also curb men's divorce and temporary marriage (*mut'ah*, a peculiarly Shiite institution); but he is forced to defend these and other articles of the Shariah on principle.

The Ayatollah's commitment to defense of the tradition also results in an ambiguous relation with feminism. At times, Mutahhari sounds like a feminist himself, accusing human societies throughout history, including Islamic ones, of devaluing and oppressing women. He points his finger at men - although he also says that they acted out of ignorance rather than malice. In the following passage included in a collection of Mutahhari's "notes", he praises the struggles of feminists:

> In our opinion, part of this current movement [referring to *nahzat-i zanan*, "the movement of women"] has indeed sought recognition of women's rights and has fought, as it still does, men's ignorance as a cause of women's oppression; thus it may be endorsed. This has been the case, for instance, in supporting woman's self-determination and fighting to liberate her from the absolute guardianship of her father or mother, which can result in a young woman being married to a seventy-year old man or marrying off a girl without her permission. [The movement may be endorsed] in its support of women's education and its fight against confusion over man and woman's shame and dishonor, such as differentiating between the obscene nature of man and woman's illicit sexual

[338] This has been a problem for all reformers because of the permission for polygamy in the Quran. The late 19th century Egyptian reformer Muhammad Abduh made an argument, widely accepted among Muslims today, that the Quran finally disapproves of polygamy since it says "If you fear that you shall not be able to deal equally with them [wives], then [take] one only" (Q. 4:3), and "You will never be able to deal equally between women, no matter how much you wish to do so" (Q. 4:129). Even Abduh, however, did not feel he could say that polygamy was completely banned.

> relationships [i.e. considering a woman having sex outside marriage more shameful than a man doing the same].[339]

One would imagine a "note" to represent something like a stray or preliminary thought. In such a moment, it seems, a deeper sentiment of Mutahhari is revealed. He cares about women in real situations: women lacking education, brides married off without their express consent, a woman married against her will to an elderly man, women bearing a burden of shame seldom heaped on men. He goes as far as to "endorse"[340] feminism – whatever he understood that to be – because it opposes such injustices.

In Mutahhari's published writing directed at his Iranian audience, however, his assessment of feminism is again subordinated to his defensive, polemical purpose and an idealized portrayal of Islam. While allowing that feminism does address important issues, he says that it has at the same time created other problems for women. As one might expect, he proceeds to offer an Islamic solution that treats the same problems of women and more, without inadvertently causing others. Thus it seems that, similar to his assessment of the UN Declaration of Human Rights,[341] any virtue that might be possessed by a non-Islamic movement is more perfectly owned by Islam, as Mutahhari says:

> Islam has done the greatest service to the female sex. This service was not limited to the rejection of absolute control of fathers over girls [as previously mentioned]; it also gave women freedom, personhood, independent thinking and [the right to] opinion.[342]

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[339] Murtada Mutahhari, *Yaddasht-ha-yi Ustad Mutahhari* (Tehran: Sadra, 1387[2008]), 5:99. Mutahhari adds that Allamah Tabataba'i had made the last point; either Mutahhari is inspired by his teacher, or he wants to back up a sensitive statement with the name of a venerable scholar.

[340] Literally "endorsable" *qabil-i imza*, this is not an ordinary expression and may refer to the juristic concept by which a norm is proven to be recommended by Islam by being practised by believers. Perhaps then what Mutahhari meant by "endorse" was that Islam, whether in spirit or letter, approves of such struggle against injustice against women.

[341] Mutahhari's views on the Declaration are discussed in Chapter One.

[342] Mutahhari, *Huquq-i Zan,* 90.

It is Islam, in the view of Mutahhari, that initiated the "women's movement" fourteen centuries ago, and which is still capable of leading it:

> No doubt, we in our country need a movement for women; but what we need is an Islamic white movement, not a dark, black European movement… a movement that originates from the lofty teachings of Islam, not a movement in which the decisive laws of Islam come under attack… We need a movement that launches a through and logical [*mantiqi*; probably meaning "rational"] investigation into the extent to which the teachings of Islam are implemented in societies that call themselves Islamic.[343]

And further:

> With the help of God…. after examining all the relevant topics, we will offer an evaluation of the woman's Islamic movement. The Iranian woman then will see that she can establish a movement that is novel, accepted by the world, and logical [rational], and which is at the same time based on her own fourteen-century old, independent philosophy without having to stretch begging hands toward the West.[344]

Mutahhari's rhetoric in this series of passages is skillfully constructed. The progress apparently made in the West is subsumed into Islam by claiming that it originally belonged to the Muslim tradition (a very common strategy of modern Muslim discourse in relation to women and other issues); the existence of problems in Iran and Islamic societies is attributed to the perfect teachings of the religion not being completely implemented (thus what is needed is not reform, but return); and the whole package is wrapped up with a strong appeal to cultural authenticity and national dignity ("without having to stretch begging hands toward the West"). Mutahhari seems in the last quoted passage to give agency to "the Iranian woman", who will herself "establish a movement"; but the ultimate purpose of the movement, we see, is to demonstrate the autonomy and

[343] Ibid. For the meaning of "white movement"", see Chapter One.
[344] Mutahhari, *Huquq-i Zan,* 90.

worth of Muslim “philosophy” so that it will be “accepted by the world”, that is to say, Western claims to superiority over Islam will be disproved.

Mutahhari's arguments concerning gender are thus intended to convince his audience, at a time in Iran when several different kinds of thought were on offer, that Islam is rational, scientific, progressive, culturally authentic and not only equal to but better than Western models. These propositions are not about women’s issues, but rather demonstrated through them. In his writings on women, Mutahhari generally defends or exalts Islam, rather than attacking Judaism, Christianity, or Western civilization; but he does seize on the Biblical account of the creation of the first woman and her sin to accuse Western civilization of fostering a negative attitude toward woman based on the idea that she was created from man, with a natural propensity for deception. In this case too, the Quran has a better alternative (as related in Chapter One) that shows Islam to be more rational and progressive.

Ayatollah Mutahhari's discussion took another turn after the Revolution with the prospect of establishing an Islamic state in Iran. If his chief concern related to the issue of women before 1979 CE was to utilize it to demonstrate the viability and superiority of Islam, his concern after was that it posed a potential threat to the newly established Shiite state that had pledged to restore Islamic culture and values. He feared that the issue of women could impact the legitimacy of the Islamic Republic, and recalls that Ayatollah Khomeini had anticipated his concern:

> When I had a private meeting with the Imam [Ayatollah Khomeini] in Paris [where Ayatollah Khomeini resided in exile from 1978] to discuss the issues that Westerners might have with the future state of Iran and named some, he added, "The issue of

> women." I then realized that this had been his concern before it was mine.[345]

All of this is not to minimize Mutahhari's achievement as a high-ranking Shiite cleric who lectured and wrote about women while also reaching out to address women themselves. Again, what I rather mean to say is that he wrote on women with the prime objective of defending Islam. Although he was genuinely concerned about women and recognized to some degree that they had been oppressed, those impulses were subordinate to his desire to present an idealized picture of the tradition that would win a struggle for hearts and minds.

Gender is positioned differently in the thought of Soloveitchik than in that of Mutahhari. Both, as we shall see in the next section of the chapter, define women in the context of humanity and its relation to the divine. For Mutahhari, however, the Islamic or, as he presents it, Quranic account of woman as a human being is one proof among others of the excellence of Islam. The first concern is not humanity, but the demonstration that women are considered fully human; and that in turn is important because of something that has to be proved about Islam. In Soloveitchik's thought, on the other hand, the human being is absolutely central, and his thought is organized around that pole. The Halakhah, in turn, is the central element of Soloveitchik's thought on humanity, while gender issues are an inescapable part of being human, since two-gendered humanity comes together in a marital-parental community as part of the mission to realize the ideal world and proceed toward God through Halakhah.

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[345] Mutahhari, *Piramun*, 61.

The relation of Soloveitchik's views concerning women to his religious anthropology is examined in the next section. In this part, I will address the importance of Halakhah and its priority over women's issues.

In the view of Rabbi Soloveitchik, Halakhah as the body of Jewish laws that reflects divine norms, commands and the Divine Will signals the significance of humans, as he writes:

> And let the Halakhah itself be proof. God commanded man and the very command itself carries with it the endorsement of man's existence… The fact that God linked Himself with man and prescribed for him laws, statutes, and judgments bears witness that He, may He be blessed, does not nullify and obliterate man's being.[346]

As long as the human being does not encounter Halakhah, he remains in his natural state as man-natura and a man of species; it is the encounter with the Law that elevates him to the position of man-persona and a man of God. Soloveitchik further believes that: "the man who does not live according to the Halakhah and who does not participate in the realization [through Halakhah] of the ideal world is of no worth."[347]

The importance of Halakhah is seen in Soloveitchik's reliance upon it in defining gender attributes and roles, along with, of course, legal issues. His approach to gender echoes the Halakhah and reminds us of its central place in his thought, rather than indicating sensitivity to women's issues as such. And in turn, as in the structure outlined above, concerns about the Halakhah are linked to humanity overall - the human's identity and dilemma in modern times, along with the danger of the Torah and Halakhah losing their place in the lives of Jews and the Jewish community. These are the prior

[346] Solovitchik, *Halakhic Man*, 71.
[347] Ibid.

preoccupations of Soloveitchik's discussion of gender. He addresses the subject of women for the purpose of defining the view of Halakhah on humanity and issues related to that, among them family relations and thus, inevitably, gender and women. It is as if Halakhah comes, structurally speaking, first in Soloveitchik's thought, and issues concerning women last - although it cannot be denied that those issues are extremely important to that structure and to the Law. Thus it is the Halakhah as reflected in the textual tradition, including the Torah and sayings of the sages, that ultimately shapes Soloveitchik's thought concerning women, even if there are other levels of thought (humanity, family, and so on) between.

The centrality of the Halakhah in Soloveitchik's thought concerning gender can be divided into what I would call theoretical and legal aspects. These aspects are distinct yet interwoven. The first concerns the Halakhah's vision for humanity as explicated by Soloveitchik; and the second concerns the positions of the sexes based on gender differences, which are aimed at realization of that vision.

At the "theoretical" level, Soloveitchik determines man and woman's positions in the context of the goals Halakhah defines for humanity as two parts of a whole. The genders must each function in their halakhically defined positions. Soloveitchik's halakhic gender role division in the family marks the centrality of the Halakhah in his gender thought. He relies on the Halakhah to spell out this concept in practical terms as he develops his concept of covenantal marriage in which the complementary roles of husband and wife are mirrored in their economic and educational activities in the family. He emphasizes that a covenantal marriage is a cooperative community in which "man and woman are bound by mutual civil and economic duties." Those duties are laid out in the

following passage (note how they are described as being dictated "by law" and the use of the imperative to point to Halakhic commands):

> Economic community is very important for the success of the marriage. What is important psychologically is the fact that the family constitutes an economic unit in which both are dependent upon each other. The husband, according to the law, is the provider, and the wife is the housekeeper. The husband must support and sustain the wife and she in turn is supposed to run the house. Each one fulfills an assigned task, and they need each other.[348]

The passage also confirms that Soloveitchik's focus is not on the personality or role of either wife or husband, but on their functioning together, so that they not only "need" but "are dependent" on each other. Men in patriarchal systems who are breadwinners and feel they have authority in the family are likely to consider themselves absolute leaders. In light of this human fact, Soloveitchik's emphasis on balance in complementarity may be taken as an exhortation or warning to men to acknowledge and respect the roles of their wives. This does seem to indicate a direct concern with the lives of women.

That said, the halakhic gendered division of roles in the family is so crucial in the view of Soloveitchik that any violation is thought to affect its functionality:

> The unworkability of some modern marriages is attributable to the fact that, in many case, the economic community does not exist. Both the husband and the wife provide, and each one is independent of the other.[349]

It is, however, interesting to see that Soloveitchik is not as concerned with gendered roles in the education of Jewish children in the home as in the economy of the household. That is to say, while he declares that gendered roles for both are required by the Halakhah, he does not warn of a complete breakdown of the system resulting in "unworkability" in

[348] Soloveitchik, *Family Redeemed*, 53.
[349] Ibid.

case lines are crossed in education, as he does for male breadwinning and female housekeeping. This might be explained in light of his revolutionary approach towards women's Talmud education. A woman who has access to an intensive and equal Talmud education is unlikely to be deemed ineligible to communicate intellectual aspects of the Talmud to her children (supposedly the father's role) in addition to the experiential aspects supposedly reserved for her. Come to think of it, it is unlikely that a father also would not communicate 'experiential' aspects in the course of providing intellectual education; so the boundary between the two roles is perhaps not so clear-cut. In any case, it seems that in the question of children's education, the division of roles Soloveitchik believes is demanded by Halakhah is at least slightly attenuated, even if he does not say so explicitly.

Soloveitchik's apparently softer attitude toward gendering of parental education may also be due to its finally not having as great a potential impact on halakhically defined gender roles and space as blurring of roles in the household economy. The softer attitude toward education, in other words, is further evidence of the precedence of Halakhah over women's issues, since blurring of roles in this area does not have a very great impact, whereas Soloveitchik is unyielding in his condemnation of violation of gendered roles in the household economy, since that would lead to contravening women's private role. This is because economy is, for the most part, a social affair; that is to say, an individual who engages in economic affairs needs necessarily to build mutual social relations outside the home. A woman in such position is very likely to give up her halakhically-preferred private role, while women's Talmud education does not necessarily lead to the same result.

Gendering of space - or perhaps more exactly, gendered orientation to a public or private life - is a central principle of Halakhah, as suggested by the story of Sarah as recounted by Soloveitchik.[350] Private roles are not only praised and recommended, but promoted and enforced, for instance through opposition to women's prayer groups and women holding positions of authority in the synagogue.

Moving finally to the legal aspects of Halakhah, we see that integrity of the Law is a consideration that is prior to women's issues in Soloveitchik's legal views as well. This is evident in his approach to the *agunah* issue. He is well aware of the *agunah* woman's dilemma and even strives to prevent the situation from occurring; but once it does, the application of this *halakhot* (legal ruling) is inescapable. As a result of the structural priority of Halakhah in Soloveitchik's thought, he does not take issue with the position defined for women in Torah, Talmud, and Mishnah. Wishing to devotedly surrender to the Halakhah, he assumes that it is in harmony with his inclination, seen in his philosophy, to value and respect women, and proceeds accordingly. The chief aim and overwhelming impulse, again, is to define the position of Halakhah on gender, rather than discuss gender as an issue.

One consequence of the focus of Mutahhari and Soloveitchik's thought as described above is that while they try – genuinely and in good faith, I believe - to discourse on woman-positive aspects of Islam and Judaism, this does not always fit smoothly into their other thought. To put it another way, Mutahhari and Soloveitchik would like both to affirm the high position of women and defend the tradition as it is. To do both these things, however, requires adjustment on one or both sides, or it involves

[350] See Chapter Two.

settling with or - more likely - not noticing inconsistencies. Since the leading concern for both Mutahhari and Soloveitchik is the tradition and issues related to it concerning the community or nation, that tends to wins out, and issues related to women are overshadowed or not fully worked out. A prominent example of this disjunction in both Mutahhari's and Soloveitchik's writings is the failure to fully or satisfactorily explain how women's spiritual worth or equality can be squared with certain scriptural passages and distinctive familial and social roles. Both figures make valiant attempts to deal with the problem – Mutahhari being more willing to reinterpret the scriptures and openly assert a public role than Soloveitchik – but more flexibility or at least explanation is needed.

Problems of this kind are probably inevitable in religious thought that attempts to bridge different ideals. Such bridging is necessary in the transitional times and circumstances Mutahhari and Soloveitchik lived through, but it is a difficult task. In the case of Mutahhari at least,[351] one senses that he was himself a transitional figure, or that his thought – as suggested by his posthumously discovered writings – was still in development and could have gone much further. However, I feel that a further and in some ways deeper matter prevented the Ayatollah and the Rabbi from making women an issue in itself rather than "for something else". This is their maleness.

I gather from my study of Mutahhari and Soloveitchik that the chief barrier to focusing on women as an issue in itself and for its own sake is difficulty in understanding female experience and emotions – in short, empathy. This is seen, for instance, in

[351] Here I cannot venture judgment in relation to Soloveitchik, since that would require a deep knowledge of Orthodox Judaism in its American environment.

Mutahhari's psychological analysis of polygamy, which does not take into account the feelings of a woman unwillingly faced with co-wives. In the chapter on Mutahhari, I also referred to my own experience as a female with a family to highlight the issue of the emotional or psychological effect of a woman feeling that her life must be ideally centered on the family. Mutahhari seems to believe that the roles he prescribes for women in the family can easily go together with social, public roles. This is dubious not only practically (which he seems partly to recognize), but also emotionally. Soloveitchik's response to the woman who wished to experience prayer with a *tallit* prayer shawl bearing the ritual fringes seems to me to be a striking manifestation of lack of emotional understanding. Although a deeply religious man himself and more aware than anyone of the importance of prayer in the Judaic tradition, he could not comprehend the joy of a female soul that saw an open door after feeling it had been excluded from full communion with God.

At the same time, it must be acknowledged that the two scholars do demonstrate empathy with women at some points. Maleness is not an absolute condition. For instance, Mutahhari acknowledges the historical oppression of women. He realizes the disastrousness of divorce for women and sharply criticizes men who abuse the unrestricted divorce that is allowed for husbands in Muslim law. Soloveitchik, according to the account written by his daughter, went to very great lengths to free women suffering the predicament of *agunah* status. Empathy in both scholars, however, is limited by commitment to religious law, a subject I will return to in the last part of the chapter.

1.2 Gender: A Humanity Issue

The human being stands at the centre of Mutahhari and Soloveitchik's religious and philosophical thought because of the special place occupied in Judaism and Islam by humanity in the created world. Earlier in the thesis, I described the worldviews of the two clerical scholars as humanistic. By this, I do not mean that they draw on humanistic strands of the Islamic or Jewish traditions as they developed over the centuries (though in their roles as philosophers in particular, they may do that); but rather that they build on the story of the creation of the first humans contained in the Torah and Quran to develop the idea of a human-centered world. It is also important that both the Jewish and Islamic creation myths (myth referring to "a sacred narrative which explains how the world and humanity reached their present state").[352] are historical; that is, they are used as a "paradigm for history" that expresses "the moral truth of human spiritual existence."[353] It is this aspect that allows Mutahhari and Soloveitchik to link the creation myth to real human relations and present-day society. It is also important that the creation myth in the scriptures of the two traditions is part of a sacred history with a communal focus; as Goodman suggests, "communal engagement" is deeply embedded in both "Biblical Judaism and Quranic Islam".[354] This prompts Soloveitchik and Mutahhari to produce a community-centered reading of creation that speaks to the life and condition of the present Jewish and Muslim communities. While the communal focus is more explicit in Soloveitchik with his elaboration on the original "community" formed by Adam and Eve, Mutahhari also suggests that creation marked the beginning of a society created by God to function in a certain way.

[352] Leigh N. B. Chipman, "Mythic Aspects of the Process of Adam's Creation in Judaism and Islam," *Studia Islamica*, 93(2001), 5.
[353] Ibid., 7.
[354] Lenn E. Goodman, *Islamic Humanism* (Oxford: Oxford University Press, 2003), 88.

Of the two scholars, Soloveitchik places the greater emphasis on the creation story, due, I believe, to the interiorized rather than political nature of his discourse (discussed in the penultimate section below). Thus much has already been said in the chapter devoted to him about the accounts of creation in the Torah. It will be useful before proceeding to fill in more of the Quranic account[355] that is the background to Mutahhari's discussion. According to the Quran (Q. 2:30), the human being is the vicegerent (*khalif*) of God on earth, as God said: "Behold, thy Lord said to the angels: I will create a vicegerent on earth." Despite their faults, humans are central to the plan for creation. Therefore when the angels objected to God: "Will you place therein [on the earth] one who will make mischief and shed blood while we celebrate your praises and glorify you?", God replied: "I know what you do not know" Quran 6:165 emphasizes both the special dignity and heavy responsibility of human beings, as it says:

> It is He who has made you [His] vicegerent over the earth; He has raised you in ranks, some above others, that he may try you in the gifts He hath given you: for thy Lord is quick in punishment: yet He is indeed Oft-forgiving, Most Merciful.

Similarly, human beings are described as the only creature to accept the heavy responsibility of a "trust' or moral responsibility offered by God, as He says in Quran 33:72: "Truly, we offered the trust (*amanah*) to the heavens and the earth, and the mountains, but they declined to bear it and were afraid of it. But man bore it." From these few verses, it can be seen that humans, according to the Quran, are not only the centre of creation, but also, similar to Judaism, bound by a kind of covenant with God that makes them subject to commands and unfolds through history. The theology of covenant is not

[355] The Quran favours allusions rather than extended narrative, so that many brief references to creation are scattered throughout the text. The verses cited are some of those that concentrate on the place of human beings in God's creation.

as well developed in Islam as it is in Judaism, but the idea has a similar effect of making humanity and the human community central to the two traditions.

Gender issues in the thought of Mutahhari and Soloveitchik that draw on these scriptural accounts are subsidiary to their concern with humanity and the human community. In this section, I will trace the relation in their writings between humanity and gender. This exists at different levels and with different emphases; it may be said that Mutahhari's discussion is built upon his thoughts about humanity, while Soloveitchik's discussion is rather born out of it.

Mutahhari's discussion of women and gender intersects with his notions of humanity at two levels. On a first, more direct level, he discusses the essential humanity of woman in the Quran, concluding, as we saw in Chapter One, that she is equal as a human since humanity was initially brought into being before gender. His discussion culminates in a polemical point: that the Quran purposefully corrected the views of earlier scriptures or traditions that woman was created either from man or for the benefit of man. His ultimate conclusion is that since the Quran makes no gender-distinct assertions about human values – not even, according to Mutahhari, using gendered Arabic language to refer to humans *qua* humans - the Quran's teachings on humanity are gender-neutral or gender-free.

At a second level, Mutahhari argues for the essentiality of faith in Islam as an ideology that promises prosperity for humans convinced of its truth. Teachings related to gender, including women's issues such as obligatory covering and laws of personal status that treat men and women differently, have thus been defined, Mutahhari says, in the

framework of Islam's plan for the prosperity of humanity. At this level (which I would regard as the foundational one despite the apparent logical priority of the first), Mutahhari extensively lays out the different dimensions of the human being such as inherent attributes, similarities and differences with animals, and the purpose of creating human beings, eventually concluding that humans are distinguished from other creatures in the world by intellect, faith, and will. It is striking that while this anthropological discussion serves to distinguish human beings from animals and may suffice them to solve limited issues in life, more fundamental issues of existence such as the way to salvation - even the definition of salvation and "prosperity" (*sa'adat*, which may mean material prosperity but also has overtones of felicity) – are not addressed. This is not where the weight of Mutahhari's discussion lies. Perhaps this is why he does not feel moved as Soloveitchik does to contemplate gendered faith-personalities. It also true that the language of the Quran, which is the primary referent of his discussions, takes care to assign "male believers" (*mu'minun*) and "female believers" (*mu'minat*) the same religious duties, rewards, and punishments,[356] and that may also have deterred him from speaking of gendered faith-personalities.

Mutahhari does, however, address faith in another way, that is as strong conviction in an "ideology".[357] He proposes that humanity needs an ideology, sets out the criteria for one that is trustworthy, and argues that Islam uniquely conforms to those criteria. He then argues that salvation may be gained only by faith and belief in this ideology. It is at this point that Mutahhari's philosophy of humanity intersects with his

[356] This approach of the Quran is seen in the following verses, among others: 16:97; 4:32; 4:124; 9:71; 9:72; 33:35; 33:36.

[357] The word "Ideology" has been taken into Persian; Mutahhari uses it interchangeably with *maktab*, literally meaning "school", but approximately equal to ideology.

gender discussion. As Islam is the ultimate ideology, it is necessary to have faith in all aspects of it, including those related to gender and the laws and regulations of Shariah.

Gender issues are therefore defined by Mutahhari in the following framework: Humans cannot attain prosperity without relying on an ideology, as human intellect and faith in God cannot entirely ensure prosperity; an ideology must necessarily have certain qualities, which Islam possesses fully and perfectly while other systems of thought do not; and it is therefore necessary to believe in Islam, including Islamic teachings and laws related to women. It is important here that Islam or the ideology of Islam is a "system" - *nizam*, a favourite word of Mutahhari's appearing in the title of his chief work on women. *The System of Women's Rights in Islam*. To say that salvation is gained through believing in an entire ideology or system means that no part of it may be altered or rejected if it is to function as it should.

At the same time, Mutahhari turns to the Quran to emphasize that Islamic gender laws and ethics must not be thought of as representing a low regard for women. Since the Quran and Shariah are both part of the ideology that is Islam, the egalitarianism that can be seen in the Quran is necessarily proof of the same essential quality in the law. Everything is part of Islam's plan for the prosperity of the whole of humanity, including women. Thus gender and issues related to women are absorbed into and somehow neutralized by his thought on humanity.

As for Rabbi Soloveitchik, his discussion of gender is developed as part of his theory of human personality, a very different approach from that of Mutahhari, who rather views humanity along with gender at the level of society, and present-day society

at that. Nevertheless, the two systems resemble each other in that humanity is the first concern, with gender fitted into that picture. Thus Soloveitchik comes across gender in searching for the Biblical man in order to find himself (today's human being) in him. It is true that Soloveitchik extensively discusses subjects that have great meaning for gender such as the creation of Adam and Eve, how each evolved from existence as a natural being (man-natura) to becoming a personality (man-persona), the attributes and differences of man and woman, and husband-wife and parent-child relation. These, however, are seen as constituting fundamental human issues important for understanding the human dilemma, and not as gender issues per se.

As suggested in the previous paragraph, Soloveitchik's focus on human personality as pointing to the meaning of humanity runs parallel with self-reflection. This is seen vividly in the following passage in which he speaks of the aims of his essay on Adam and Eve (a piece compiled posthumously in *Family Redeemed* that contains his principal thoughts on gender):

> An experiment in a metaphysical and axiological interpretive approach to scripture, an exercise in detecting my own self in the scriptural portraiture of man, of finding my own acute problems and questions, my own torturing anxieties and fears, my own inspiring hopes and aspirations in the story of Biblical heroes.[358]

This statement demonstrates how it is in the course of searching for today's human self in Biblical man that Soloveitchik broaches the subject of gender, for the reason that the creation stories are gendered accounts, and humanity as part of the living world functions as a gendered creature. Again, there is no doubt that gender and women are key to the worldview of Soloveitchik and that he would have addressed them in other ways if not

[358] Soloveitchik, *Family Redeemed*, 4.

through a philosophy of humanity; but in that context, the investigation arises in the course of consideration of the human being, and in the final analysis, as part of a search for self of – let it be said – a man.

Nevertheless, when man and woman in the scriptural analysis of Soloveitchik come together, it is in an exalted manner entirely different than for all other living creatures. According to Soloveitchik, the relation between man and woman has two characteristics that male-female relations in the world of plants and animals lack: first, it becomes personal; and second, it confronts God's moral will. The key point here, of course, is not that human male-female relations are different, but that they are very special. Through that relation, they become fully human and subjects of the divine command.

The two characteristics of male-female relations Soloveitchik discerns in the scriptures and the idea that their meeting and union is key to humanization shape Soloveitchik's whole philosophized theology of gender. If gender begins as a kind of sub-topic, here it surges to the fore; although we are still, of course, speaking about *relations* rather than the female herself. One has to ask why Soloveitchik dwells and elaborates on this aspect of humanity, while Mutahhari has almost nothing to say about it. That, I think, has partly again to do with the interiority of Soloveitchik's thought, as opposed to the worldliness of Mutahhari's approach. It should also not be forgotten that for Soloveitchik, male-female (husband-wife) relations are the bedrock of the family, which is, as I suggested in Chapter Two, the "survival unit" of the Jewish people as the generations march "towards that final day on which every being will be redeemed and communion

between man and God will be established".[359] Thus humans participate in the realization of God's will as members of marital and parental communities – which are themselves metaphysical in substance and goal and the site at which individuals merge existentially - making gendered relationship of utmost importance. Mutahhari surely does not fear for the survival of Muslims or Islam, and he is concerned with national rather than community integrity. Family and personal relations of husband and wife are therefore not nearly as important to him. When one looks at Soloveitchik in light of Mutahhari, the Rabbi's emphasis on the family and personal male-female relationship along with his interest in the spiritual and metaphysical dimensions becomes even more striking.

Nor does Mutahhari speak about Islamic education in the family, even though he himself was a great educator who often aside his highly specialized juristic and philosophical expertise to engage with the public on their own level. Mutahhari does not enter into such a discussion because religious education of children in a Muslim-majority country is to be accomplished publicly, as part of a national culture and political commitment, rather than privately, as part of the culture of a minority community and commitment to survival of a historically beleaguered people.

Soloveitchik and Mutahhari's concepts of the male-female relationship from the point of view of the functioning of human society rather than a metaphysical or ontological dimension are, however, similar. Each gender is assigned specific gender-

[359] Ibid., 30.

related tasks so that man and woman each play different roles; [360] although they are both, the Rabbi and Ayatollah declare, equally human.

That reading of Soloveitchik seems to be an instance of the disjunction, found in the thought of both the Rabbi and the Ayatollah, I spoke about in the previous section caused by inconsistency between a sincere desire to assert woman-positivity, and greater concerns of one kind or another. Soloveitchik's greater concern is loyalty to the Torah. Another example is the unresolved contradiction or tension between the personalities of the Eves of the two Genesis accounts as interpreted by Soloveitchik. As related in Chapter Two, the Eve of the first account differs substantially from that of the second in her mode of creation, since she was not created at Adam's request or from him, as well as in the purpose of her creation, as she was created for exactly the same purpose as Adam (to subdue), while the second Eve appears, as Soloveitchik writes: "subsequently as his [Adam the second's] helpmate and complement."[361]

Soloveitchik justifies the two seemingly discrepant accounts of Adam's creation by stating that they introduce two aspects of human personality, both of which are sanctioned by God; and that the man of faith, furthermore, should oscillate between the two and avoid immersing himself entirely in one dimension. However, unlike Adam the first, the personality of the Eve of the first account is not considered by Soloveitchik to be a halakhically sanctioned personality for the female gender and woman of faith, if such a typology can be developed at all. Women are not told to oscillate between the two personalities, since the first Eve is not consistent with the gender values of the Halakhah.

[360] Discussed in the next section.
[361] Joseph B. Soloveitchik, T*he Lonely Man of Faith* (New York: Doubleday Publication, 1992), 11.

Unlike Eve of the second account, who is a housekeeper in economic community with man, she does not represent the preferred private personality, but rather Adam's work partner who participates shoulder to shoulder with him to realize God's command to subdue nature.

The point I wish to make is that Soloveitchik's justification for man's dual personality and admissibility of two types of gender relations suggests a pattern in which all elements of the personality are divinely willed, inseparable parts of human nature, with none dismissed even though the second account portrays the "redeemed" personality. Soloveitchik's interpretation of the two accounts of Eve does not seem to follow that model of human personality. Thus we see clearly that Soloveitchik's principal aim is to identify issues related to humanity such as the halakhic essentiality of the human's double personality. Only from there does he turn to a halakhically acceptable definition of gender attributes.

1.3 Gender Difference: A Necessity not Discrimination

The idea that men and women are necessarily different by virtue of their sex is a central and essential part of Mutahhari and Soloveitchik's discussion of gender. In the view of both scholars, man and woman are created differently and are thus intended to function differently. This is a key similarity between the two, leading not just to resemblance but in some cases identical views.

Mutahhari and Soloveitchik reject the idea of absolute equality between man and woman and the undermining of gender differences. This rejection follows another key element in their views of gender: the enormous significance of the family. According to

both clerical thinkers, formation of the family is the ultimate purpose of the gender differences God has planned as part of His creation. In other words, it is the establishment of family life that not only justifies gender difference, but also necessitates it.

To clarify: I have remarked above that Soloveitchik places much more emphasis than Mutahhari on the family[362] and male-female encounter that initially creates it. While this is true, the family and gendered relationship defining it are still very important to the *structure* of Mutahhari's thought, since the family for him is the showcase of the distinctive, superior Islamic "ideology", the site where the wisdom and scientific functionality of that ideology – including, crucially, gendered Shariah laws – are confirmed while he ventures to formulate a less traditional kind of thought for the rest of society.

Nevertheless, Soloveitchik's much greater emphasis on the essentiality of parenthood and the parental roles of man and woman (as we saw, he equates marital and parental communities) does seem to promote women's domestic and private role more than Mutahhari. Although Mutahhari regards parenthood as a naturally assigned task, he does not take care to gender it, even though Shariah clearly does so through the laws of child custody.[363] It could be, in addition to the explanations offered in the previous paragraph, that Mutahhari takes the significance of parenthood and male and female parental roles for granted, since these things were not (and still are not) questioned in

[362] The significance of family in the view of Soloveitchik should be mainly viewed in light of its vitality in the making of community.

[363] For an account of the system based on the classical law books, see Mahdi Zahraa and Normi A. Malek, "The Concept of Custody in Islamic Law," *Arab Law Quarterly* 13: 2(1998), 155-177.

Iranian society, and this was not one of the issues that provoked criticism against the Islamic laws and teachings he was determined to defend. In any case, this lesser emphasis along with Mutahhari's less hesitant approach to women's social participation results in a slightly different sense of the individuality and personhood of women than in the thought of Soloveitchik.

Both Mutahhari and Soloveitchik firmly believe, at the same time, that man and woman are equal in axiological terms, i.e. as far as their humanity or spirituality is concerned.[364] At this level, there is no superiority or inferiority of genders. They protest this constantly, and there is some possibility that Mutahhari was led to his discussion of humanity by his desire to argue for spiritual equality of the sexes, rather than the declaration of equality arising only in the course of his discussion of the creation of human beings and their essence.

How are man and woman's axiological equality at the level of their humanity or spirituality reconciled with gender differences at the level of family and society? This is accomplished by asserting that equality does not mean similarity. The two figures extend this idea to the different laws in Islam and Judaism for men and women; they say that the Law is built in spirit on the equal humanity and value of the two genders, but not similarity or identically. In the view of Mutahhari and Soloveitchik, it is man and woman's naturally designed gender dissimilarities that occasion gendered legal approaches, and certainly not inequality.

[364] As discussed above, Soloveitchik puts more emphasis on equally worthy spirituality than identical humanity, since gendered personality begins for him at creation. The difference is subtle enough that I will refer simply to "humanity" in the present discussion in order not to add confusion.

Mutahhari and Soloveitchik do approach gender difference with different emphases and objectives. The idea of differences serves Mutahhari's argument by rationalizing and thus justifying the gender attitudes of Islam. It gives the traditional Islamic ideology he aims to defend a basis that is at once divine and scientific, with the latter, as I have suggested above, really being the leading argument despite the logical priority of the former. Soloveitchik's perspective, on the other hand, is basically theological. Gender differences, he stresses, are essential to providing humanity with the bonds and attachments necessary to form and sustain the existential and ontological (marital and parental) communities. Differences are thus key to maintaining humanity's distinct position (distinct, that is from other creatures and forms of life) in the universe. Gender attributes and roles are defined by Soloveitchik directly in relation to human issues, including the Divine-human relation; the idea of difference extends for him to the cosmic plane.

Note, however, that the different emphases, whether ideological-scientific or theological, do not mean that the impact of gender differences is limited to these spheres. Rather, the issue of gender difference is central overall. Thus both scholars insist that such differences are the basis of both an attraction between male and female and a functionality secured by complementarity that make family relations not only possible, but pleasant, satisfying and strong. Mutahhari contemplates an equal role for women in society and makes some very strong statements in this regard; but the idea of gender difference pulls him back so that he ends up speaking, as related in Chapter One, about "primary natural rights", "acquired rights" and the disadvantages of women in social "competition" that inevitably cause them to fall behind. He wishes to allow women free

movement in public space; but his attempt to do so through skillful re-interpretation of the institution of hijab is somewhat undermined by the idea of distinct roles of male and female in a human sexual drama in which women attract and are pursued, while men are inevitably drawn to pursue. If we do not see these inconsistencies in relation to gender differences in the thought of Rabbi Soloveitchik, that is, I think, because he does not push boundaries as much as Mutahhari.

2. Points of Difference

In the preceding pages, I have approached the gender thought of Mutahhari and Soloveitchik using significant similarities and parallels as launching points. In the next two sections, I will begin from differences. These are the different modes by the two scholars of approaching issues related to women; and very different stances on the issue of what is known in Islamic thought as "the requirements of the times".

2.1 Mode of Approaching Gender

Mutahhari's approach may be described as justificatory and defensive. He justifies and defends the position of women in Islam both for the sake of the audience he wishes to attract to his views - principally, the youth and educated classes of Iran, including women - and critics. To combat the other ideologies such as Marxism or leftism, Western liberalism, and what he called "eclecticism", he offers his own ideology, which presents Islam in a fresh and accessible way; although in his mind and presentation, of course, he is expounding on original Islam and not anything new.

Mutahhari thus defines the position of women in the Quran in order to demonstrate the wisdom and progressiveness of Islam, and he examines the gendered laws of the Shariah with the aim of proving the rationality and suitability of Islamic laws for establishing human happiness and the smooth functioning of society. If these things are established, his audience will be persuaded and critics answered. Defense, moreover, is not just a strategy; Mutahhari appears to be very sensitive about how Islamic gender teachings are perceived and judged and how Islam might appear to Westerners. The West is perhaps an additional, imagined audience for his writings.

To understand this particular preoccupation of Mutahhari, it is necessary to appreciate the feeling of having lived, sometimes for a long period, under foreign political domination or cultural influence. I am not speaking here only of Iran, for Mutahhari identified with Muslims around the world and thus felt their unhappy experience with the West to be his own. This is why, although his first audience is Iranian, he addresses himself to Muslims in general. It is also necessary to appreciate the degree to which Shariah and particularly laws and teachings related to women (including veiling) have been portrayed in the West as the cause of Muslim backwardness. Everyone is familiar with this image in contemporary times, but it actually goes back to colonial figures, missionaries, and colonial policy – for instance, under Lord Cromer in late-nineteenth century in Egypt.[365] This is why Mutahhari expends energy on a spirited and at the same time somewhat anxious defense.

[365] See: Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992), 150-154.

The fact that the position of women had historically been a primary line of attack for the West against Islam and the plan (eventually realized) of the Iranian government of the time to reform religious laws relating to women in particular results in a greater focus on women in the writings of Mutahhari than in those of Soloveitchik. Mutahhari vigorously defended the point at which he felt challenged. His feeling that he had to defend Islam from domestic critics and the West appears also to have put him under stress that rendered his positions inconsistent to a degree. He is pressed by criticism of Shariah to defend all its laws as they are; while on the other hand, he is drawn by a need to demonstrate the modern relevance of Islam to insist that women can move freely in public space and play equal social roles. If he had lived some years into the Revolution in a sovereign Islamic state, he would, I believe, have gone beyond defense and used his knowledge and exceptional skill in interpretation to attempt to harmonize these positions.

Soloveitchik, in contrast, concentrates on defining (rather than defending) the place of women and system of gender norms in Judaism. He does not expend effort to justify the laws of the Halakhah and prove that Jewish teachings are the best available option. This is not, of course, because he did not think it was so; it was likely because he did not find criticism - for instance, by Jewish feminists or non-Jews[366] - to be very strong or relevant. If critique coming from outside the circle of Orthodox Judaism concerned him, his reply was to address it constructively at a fundamental level by drawing attention to the centrality of the Halakhah and dilemma of the man of faith in modern times.

[366] A rough equivalent of the Western critique or stereotyping of Islam as denigrating women that concerned Mutahhari is the anti-Judaism that has sometimes been in evidence in Christian feminism. See: Judith Plaskow, "Anti-Judaism in Feminist Christian Interpretation," in *Searching the Scriptures, Vol. One: A Feminist Introduction*, ed. Elisabeth Schussler Fiorenza (New York: Crossroad. 1993), 117-29.

Diaspora Jewry and perhaps Orthodox Jews in particular do face the threat of assimilation. Soloveitchik himself refers to Christianization, in very emotional terms.[367] Thus while he is not openly defensive, one of the reasons he is concerned that the Halakhah be preserved is that it is a pillar of the tradition around which the community is gathered. He resists change to halakhic rulings such as removal of the *mechitza* barrier between men and women in the synagogue and women's prayer groups also *on principle*, that is for the sake of the integrity of the Law – not, like Mutahhari, as part of a retrenchment in the face of criticism. In short, it is fair to conclude that Soloveitchik did not address issues related to gender in reaction to any critique, but in order to affirm its centrality to Judaism and the lives of Jews. If he had felt the need to react and defend or feared a negative image of Judaism, as Mutahhari certainly did in relation to Islam, it is likely he would have addressed the *agunah* issue more proactively.

Thus in sum, Mutahhari is much more defensive - or, to put it another way, apologetic - than Soloveitchik concerning the tradition and teachings of Islam, along with being somewhat more woman-centered. This makes his thought finally more political. That characteristic may have been heightened by his modeling his chief work on women, *The Rights of Women in Islam*, on Abu al-Ala Mawdudi's vitriolic *Purdah and the Rights of Women in Islam*; but it is original with him, as he seeks to demonstrate that Islam, since it has an ideal social system, does not need to adopt Western models and civilization. His writing on women is ultimately about Western political domination. The

[367] A relevant quote by Soloveitchik, "In my opinion, Orthodoxy must mobilize all its forces and wage an indefatigable battle against the 'Christianization' (I have no other name for it) of the synagogue- a process which is accomplished by people who possess no sense of halakhah and no historical concept of the nature of prayer; but they do have the arrogance to wreck principles and traditions which have become hallowed through blood and tears." Joseph B. Soloveitchik, *Community, Covenant and Commitment: Selected Letters and Communications,* ed. Netaniel Helfgot (New Jersey: Ktav Publishing House Inc., 2005), 135.

anti-Western polemical nature of the Ayatollah's writing on women is seen both in his denigration (though it is not as complete as Mawdudi's) of Western gender norms[368] and his citation of Western pseudo-science.

The defensive and ultimately political nature of Mutahhari's gender thought comes into sharper focus when placed alongside Soloveitchik's rather interiorized approach. Soloveitchik's intention is to define the position of the human being in Judaism in order to gain insight into the nature and destiny of humanity and formulate a philosophy of man on the basis of these insights.[369] Soloveitchik's view of humans and gendered humans is underpinned by a kind of theosophy and metaphyicized psychology. Man and woman are what they are because of the interior realities of gendered human beings, their minds and their relations, all of which accord with the destiny of the Covenant. Mutahhari, though a devoted student of the Shiite-Islamic mystical philosophy known as *irfan*, does not link his gender thought to the mystical structure of the cosmos, save in the one instance in which attempts to explain why women are socially the same but spiritually different by referring to the "descending journey from God to creation" (involving difference) and "ascending journey from man to God" (involving identicality).

Soloveitchik and Mutahhari, of course, had different audiences and were in different positions in relation to them. Soloveitchik's activity and concern are basically pastoral; he has his Orthodox community, which is already turned toward him as a leader,

[368] The question is treated separately in his pamphlet Murtada Mutahhari, *Akhlaq-i jinsi dar Islam va-Jahan-i gharb* (Tehran: Muhammadi 1348/1969). It is unclear whether *Sexual Ethics* was penned before or after *The Rights of Women*. It offers a kind of history of Western sexuality roughly similar to the first part of Mawdudi's *Purdah*. Mutahhari speaks about "ancient", sex-negative and ascetic Western approaches to sexuality stemming from interpretations of Christianity influenced by Neo-Platonism and Epicureanism, and how Western attitudes toward sexuality completely changed to excessive freedom. He argues that Islam's view is different from both the old and new Western approaches.

[369] As he states, Soloveitchik, *Family Redeemed*, 3.

and he strives to reinforce the norms he believes will help preserve it. This is to be achieved primarily through the "survival unit", all-important for a minority, of the family; hence his elaborate existential grounding of the marital and parental community. Rabbi Soloveitchik, in short, is a leader and builder of community, and a minority community at that. His ultimate concern is for the survival of the Jewish people, which he seeks to ensure through the integrity of the family, including as a place where Jewish children are brought up properly in the tradition.

Mutahhari, on the other hand, was not the leader of a particular community, but rather an independent scholar with political concerns seeking an audience that potentially included the whole of (Shiite Muslim) Iranian society. His mission is therefore to give an account of women that is politically persuasive, that can attract and "convert" Iranians, whether religiously "orthodox" or not, to his perspective. He also wishes to defend and valorize Islam, something that both speaks to his audience and is important for him personally. Thus his thought is more exterior in nature. He is less concerned with the functioning of the family – not, for instance, touching on the necessity of having children and the roles of the mother and father in educating them – and more interested in how Islamic gender norms function in and benefit society as a whole, going so far as to address the relevance of gender norms to the political-national goals of an efficient workforce and "prosperity". Mutahhari's scope, in short, is wider. This is why he is led to treat women's space, endeavoring to open it up and rationalize public roles for women.

Mutahhari's societal-political rather than family-community focus also goes some way toward explaining his concern with the veil, since he uses a fresh interpretation of this issue to reconcile his rather different thought concerning women in the private and

public spheres. Soloveitchik's writings certainly strongly imply that women belong in the private sphere, and he is at some points quite explicit about this – for instance, when he speaks about proper economic roles of husbands and wives in the family. But his main or most explicit discourse about space concerns the separation of men and women in the synagogue through the *mechitza*. When the sexes are separated in the synagogue, that space is sanctified, and this is enough to establish a symbolic model for a gendered world. Since the Jewish minority, and even more the Jewish Orthodox minority, is surrounded by a non-Jewish/non-Orthodox/secular space, careful preservation of that model space becomes all the more important.

Noticing these contrasts between the approaches of the Muslim Shiite cleric and the Modern Orthodox Rabbi leads one to think about the possible course of Muslim thought in North America and other regions where Muslims have migrated. Muslim gender thought in the West, apart from that produced by feminists, is still quite defensive and political. Will it be that as Muslims find themselves in a minority position, the more "orthodox' among them will also turn to elaborating a more protective, interior, family- and community-focused thought suited to the life and concern for survival of a minority community?

2.2 Requirements of Time

Changing times and circumstances are inevitably an issue in religious thought that seeks to organize and regulate the world, since the views in question originally belong to distant historical periods, while many in the tradition will be apt to claim that its teachings are timeless. This is a basic problem facing figures such as Ayatollah

Mutahhari and Rabbi Soloveitchik, two outstanding figures of 20th-century Islam and Judaism who assert that their traditions are responsive to the needs of humanity of all times and that their scriptures are the books of all times. The Ayatollah and Rabbi, as we have seen, do not necessarily reject modern thinking and living; but they are not willing, at the same time, to compromise the basic teachings of their traditions in the name of modern values. Nevertheless, they have dissimilar stances on the issue of "the requirements of the times".

Mutahhari's treatment of this issue is extensive, and it is also quite original, especially in view of the fact that he was writing before the advent of the 1979 Iranian Islamic Revolution when adjustment of laws became a pressing matter due to the need to use them in a functioning Islamic state. Rather than relying on complex juristic arguments, Mutahhari turns to his brand of popular science or philosophy,[370] allowing him to make a direct and general assertion and communicate in a comprehensible way with his audience. He states that Islam acknowledges the requirements of the times, since evolution through time is reflected in the nature of humans. The life of an animal, says Mutahhari, is guided by instinct, whereas the lives of humans are controlled or guided by the power of their intellect and creativity; it is for this reason that innovation and advancement are to be expected in human life, but not in the life of animals. Similar to

[370] The constituents or ultimate inspiration of Mutahhari's "popular philosophy", as I have called it, is unclear. His philosophy proper, which he employs in his commentaries on Allamah Tabataba'i's *Principles of Philosophy and Method of Realism* and the 19th century Iranian clerical philosopher Sabzavari's *Sharh al-manzumah* (probably his two most famous philosophical works) draws on classical Islamic philosophy as it continued to be taught in the Shiite milieu. The arguments referred to in this paragraph in particular may come from the Aristotelian content of Islamic philosophy, as Aristotle is concerned with the characteristics that define humans as the "rational" and creative animal distinct from others. For an example of more sophisticated (though not high) philosophical writing by Mutahhari in English, see Mortada Mutahhari, "Eternity of Moral Values", www.shia.es/index.php/articles/general/22328-eternity-of-moral-values-by-murtada-mutahhari; the Persian version: Murtada Mutahhari, "Jawidanigi va- akhlaq" in *Yadnamah-yi Ustad Shahid Mutahhari* (Tehran: Sazman-i Intisharat va-Amuzish-i Inqilab-i Islami, 1360 [1981]).

Mutahhari's argument (in relation to women's social roles) outlined in Chapter One that humans are not, like bees and some other animals, assigned particular functions in society, this argument is rhetorically effective as it appeals to the special dignity of human beings.

Note that, while the argument for change is made on the basis of science and logic, it is finally divinely willed, since God is the author of creation. Whenever rational arguments of this kind are presented, it is to be understood that Islam as a divinely sanctioned, perfect message has been sent made by God to accord with the wise plan of His creation. (Soloveitchik seems to assume the same principle, for instance, in his account of human sexuality; but he is not as explicit about it since it is not nearly as important for him that Judaism be "scientific"). Thus, the rational argument having been expressed, Mutahhari finds it reflected in a Quranic verse (Q. 48:29) describing the followers of the Prophet Muhammad: "Their description in the Gospel[371] is like a [sown] seed which sends forth its shoot, then makes it strong; it then becomes thick, and it stands straight on its stem, delighting the sowers." This verse is for Mutahhari evidence of Islam's recognition of human capacity for progress and development, as he says:

> Islam is a progressive religion. In order to persuade Muslims to keep marching forward under the light of Islam, the Quran has employed this parable. This is an analogy to the society the Quran aims at. What the Quran desires is growth. The Quran wants to lay the foundation of society, which should always be growing, developing and expanding.[372]

[371] *Injil*, refers to the Christian scriptures. Since this thesis concerns Islam and Judaism, readers may be interested to know that the verse also speaks of marks on the face (i.e. forehead) from bowing down in prayer as being the "image of the faithful" in the Torah.

[372] Mutahhari, *Huquq-i Zan*, 110.

Note also here the emphasis typical of Mutahhari on the Quran. Eschewing not only a complex juristic approach but the vast corpus of the Shiite hadith, he goes directly to the revelation. This is direct and convincing for his audience – not least because of the rhetorical beauty of the Quran – and gives him, like the resort to philosophy and science, more freedom in argument, since the tradition of Quranic exegesis, despite an early stream that insists on relying on hadiths and Arabic grammar, is quite flexible. As far as I am aware, Mutahhari's interpretation quoted above is original.

In a parallel approach, Soloveitchik concedes the need to acknowledge changing times in the course of his typological examination of human personality in which he introduces Adam the first as a personality who aspires to majesty and dignity. Comparing humans with the beasts, he remarks:

> The brute is helpless, and therefore, not dignified. Civilized man has gained limited control of nature and has become, in certain respects, her master, and with his mastery he has attained dignity as well. His mastery has made it possible for him to act in accordance with his responsibility.[373]

The human being, who is created in the image of God and thus is creative like God, gains dignity and majesty only through roaming the earth and conquering nature. He therefore necessarily needs to be a man of his time in order to maintain his majestic and dignified position in the universe.

Both views suggest a God-given capability and tendency to develop, progress and conquer areas unimaginable to other creatures. The lofty expectation of humans living up to such a position is similarly construed by Mutahhari and Soloveitchik as their

[373] Soloveitchik, *The Lonely Man of Faith*, 17.

traditions' acknowledgment of the requirements of the times, i.e. the need to be aware of current conditions.

Thus Mutahhari and Soloveitchik, through a fresh interpretation of the scriptures, establish dynamism as a principle and ideal. The intention is to put their traditions in a good light by asserting that they can, as God has ordained, confidently meet modern times. Both however, have reservations. Mutahhari cautions that not all manifestations of human advances are to be valued and admired:

> One should neither fully surrender to all the changes of time, nor completely reject them. For it is the human being that shapes his time; he can change the time in a good way or in a bad way. The former should be admired while the latter should be rejected and objected.[374]

He believes, for instance, that discoveries and achievements related to nuclear physics are to be greatly praised; but using this technology in an evil way by making nuclear bombs turns human achievement into an inhumane act. That, he says, is to be completely rejected [375]

Mutahhari does believe, on the other hand, that changes and advances can be effectively evaluated through moral discernment. He believes that the human intellect can guide humanity in thinking about whether the changes are good or evil. Mutahhari is quite precise about this. One should analyze the circumstances that leads to change and its consequences, he says, taking into account the source of the new phenomenon, what direction it is headed in, what inclination in the nature of human beings has motivated the change, and whether it was initiated out of good will or to suit the political, economic, or

[374] Murtada Mutahhar, *Islam va Muqtaziyat-i Zaman,* 22.
[375] Ibid, 25.

cultural agendas of corrupt individuals, companies or governments.[376] There is openness to change here and even a kind of program; although the specific examples Mutahhari gives relate to science and technology, rather than social change and change related to Islam specifically. Change is the object of evaluation by Islam; but we do not at this point learn about if and how Islam itself can change.

Soloveitchik's reservation in regard to human progress already emerges in his analysis of the creation story - thus at the heart of his thought. He speaks of Adam the first as a representation of the modern man, i.e. one who conforms to his times so that he is fully satisfied with the results of his majestic and dignified way of life, to the degree that he regards himself as the totality of the human personality and dismisses the other part of it, that is to say, Adam the second. Soloveitchik blames Adam the first for inflicting a new type of loneliness on the man of faith, a loneliness that is due, as David Shatz reads Soloveitchik, to "specific man-made historical circumstances, the circumstances of modernity."[377]

We have so far gathered that “the requirements of the times” in the thought of Mutahhari and Soloveitchik are treated in their scripturally-based understandings of the human being and his complex personality. Mutahhari maintains that if developments and changes are the morally qualified results of human intellect and the exalted soul, they are worthy of being followed. Soloveitchik seems to admire human progress and the changes that it brings about, on the condition that they do not lead humans to dismiss their faith personality.

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[376] Ibid., 103-111.

[377] Soloveitchik, *The Lonely Man of Faith*, xiii. The author of the forward, Rabbi Dr. David Shatz, is a philosopher and Soloveitchik scholar teaching at Yeshiva University in New York, NY.

Both figures, however, consider that changes in circumstances are irrelevant and alteration senseless in regard to human responsibility before God. Mutahhari and Soloveitchik share the view that humans have been subject to God's commandments from the dawn of creation, and that they will ever remain so through the obligations of the Law, whether the Shariah or *Halakhah.* Mutahhari consequently stresses the eternality and non-susceptibility to abrogation of the S*hariah*, while Soloveitchik similarly believes in the centrality and un-changeability of the Halakhah.

This is where Mutahhari develops his definition of "the requirements of time" and compatibility of Islam with change beyond the level of scientific and technological achievement, and also where his thoughts on the subject diverge from those of Soloveitchik. Mutahhari states that Islam possesses mechanisms that accommodate change occurring with the development of cultures and civilizations. He reconciles this assertion with his view that the Shariah is unchangeable by distinguishing between the "fixed" (*thabit*) needs of humans that require fixed laws, and changeable needs that require flexible laws - which are nevertheless to be based on fixed and unchangeable principles (*usul*). According to Mutahhari, the mechanism that distinguishes between fixed and changeable needs and determines the laws to apply is *ijtihad*.[378] The process of *ijtihad*, according to juristic theory, involves adducing and interpreting relevant texts from the Quran along with hadiths (sayings of the Imams), and then using intellect (*aql*), i.e. independent reasoning, to proceed from previously established laws to arrive at fresh, rulings that address new situations.

[378] Mutahhari, *Islam va Muqtaziyat-i Zaman*, 134.

To clarify the process of *ijtihad*, Mutahhari refers to actual examples of how a "demand of time" is met without violating the principles and fixed laws of the Shariah. For instance, Islam forbids the selling of human blood and stool, for which the proof-verse of the Quran is: "And do not consume your property among yourselves for the sake of vanity" (2:188). This verse, Mutahhari says, lays down the fixed principle that people are prohibited from engaging in economic activities that consume their wealth involving material that is not useable in legitimate and *halal* ways. Thus at one time it was decided that blood and stool could not be bought and sold, because there was no legitimate use for them. However, the prohibition may be nullified through *ijtihad* if these materials can be legitimately utilized so that they are no longer "consumed for the sake of vanity". In this way, the ruling of the Quran stating a principle remains intact, while its application to a specific subject is annulled. The Ayatollah does emphasize that it is only the high-ranking clerics, called *mujtahid*s, who are able to arrive at such rulings, as he says: "There should always be true experts (*mujtahids*) to match Islamic principles with new issues that emerge [and] understand to what Islamic principle the emerging issue is related." [379]

Soloveitchik does also speak about human agency in establishment of the law. He refers, as one would expect, to the famous story contained in the Babylonian Talmud of the Oven of Aknai:

> When there was a dispute between R. Eliezer and the sages regarding the purity of the oven of Aknai, a heavenly voice declared: why do you disagree with R. Eliezer, seeing that in all matters the Halakhah is in accordance with his ruling? R. Joshua arose and said: it is not in heaven (Deut. 30:12)… for the Torah has already been given from Mount Sinai and we pay no attention

[379] Ibid., 130.

> to a heavenly voice. And the holy one, blessed be He, smiled in that hour and said: my children have defeated me, my children have defeated me. [380]

The tale and particularly the phrase from Deuteronomy "not in heaven" is traditionally taken to mean that once the Halakhah was delivered by God, it was given over to humans to be elaborated through scholarly interpretation. The text is in fact a warrant for rabbinical authority,[381] just as the Shiite definition of *ijtihad* (not just as formulated by Mutahhari, but in general) gives interpretive authority to the *mujtahid*s[382]. Obviously, neither scholar means to suggest that the law can be interpreted by believers themselves let along female believers; this limitation on possible change should not be forgotten.

Moreover, Soloveitchik's remarks on interpretation of Halakhah are really a further expansion on his theological thought concerning humanity and fulfillment of the Law, rather than a statement about evolution through interpretation. In brief, since humans are created in the image of God, they imitate his creativity; the human being is in this sense a partner of God in creation, an activity Soloveitchik eloquently describes as a "lowering of transcendence into the midst of our turbid, coarse, material world" that takes place only "through the implementation of the ideal Halakhah in the core of reality."[383] Although, as Soloveitchik says in another passage from his *Halakhic Man*, creative interpretation of the Torah is a power God has gifted humans with so that learned and insightful scholars of "future generations" may discover a wealth of law under every heading (all of which will then stand as an integral part of the oral law),[384] the lesson

[380] Soloveitchik, *Halakhic Man*, 80.
[381] For a statement on this see: Soloveitchik, *Halakhic Man,* 108.
[382] In the Sunni definition and especially that of the Hanbali school, authority is more diffuse.
[383] Soloveitchik, *Halakhic Man,* 108.
[384] Ibid, 81.

communicated is about the divine nature and fullness of that law and necessity of faithful adherence to it.

Finally, the intellectual autonomy and authority Soloveitchik describes seems to be limited to the sages of the past such as those of the Talmudic era, to whose judgments and laws Soloveitchik bows though he is himself a very distinguished Talmudist.[385] Soloveitchik's uncompromising approach towards the *hazakos* of the sages is evident in his harsh reaction to Rackman's proposal that the Talmudic presumption "better dwell with two bodies than to dwell as a widow" be modified (see Chapter Two). To demand modification of the teachings of the sages equals, in the view of Soloveitchik, destruction of the tradition as a whole. Thus it seems that, in reality, he does not accept that laws may change with changing times and circumstances; he says quite explicitly apropos of the Rackman controversy that the hazakos of the Rabbis "rest… upon permanent ontological principles rooted in the very depth of the…metaphysical human personality - which is as changeless as the heavens above".[386] To mark the sayings of the sages in this way with the seal of unchangability implies that they are beyond the rules of this material world just as the Torah is as a divine scripture - although Soloveitchik, in light of the doctrine encapsulated in the story of the Oven of Aknai, is unlikely to admit this.

Here is an opportune place to return to Mutahhari, as his views on the authority of the high-ranking authorities of early Islam are quite different from those of Soloveitchik on the authority of the sages. Mutahhari certainly does not overlook the sayings of the Shiite Imams and Prophet as a source of law and does occasionally makes use of *hadith*s.

[385] For instance, see his words about the sages in Soloveitchik, *Halakhic Man*, 108.
[386] Please see Chapter Two.

At the same time, he cautions that not all *hadith*s are valid or necessarily applicable in all times.[387] This is, generally speaking,[388] in accord with the overall approach of Muslim scholars, which is to examine hadiths for authenticity, usually on the basis of reliability of the transmitters. Moreover, Twelver Usuli Shiites (the majority group of Shiites, to which Ayatollah Mutahhari belongs) look at hadiths to some degree through the lens of reason (*aql*), which may allow for greater flexibility (I say "to some degree" and "may allow" because approaches vary[389]). In addition, as already mentioned, Mutahhari tends to rely on the Quran rather than hadith; this is a typical strategy of Islamic modernists in general, whether Sunnite or Shiite, since not having to deal with numerous hadiths allows more flexibility in thought. And finally, Muslim exegesis of the Quran, especially but not exclusively in modern times, is not weighted by the exegesis of the past. More than in law, scholars are not expected to adhere to or cite earlier authorities; and Mutahhari would have been considered to possess even more authority of his own because he had reached the rank of *mujtahid.*

Further research would be required to make any general statement comparing contemporary (Orthodox) rabbinic initiative in relation to the Talmud and Halakhah, and the initiative of Muslim or Shiite scholars in relation to the hadiths, law and exegesis of

[387] Although Mutahhari's vigilant approach towards hadith and its role in Muslim scholarship is evident throughout his works, he does not discuss the issue independently and extensively, as one might expect. He does, however, say that it is essential as a point of reference, while at the same time condemning its misrepresentation and misuse, whether purposefully or unknowingly. See Mutahhari, *Islam va Muqtaziyat-i Zaman*,79-85; and Nad 'Ali Ashuri Taluki, *Pizhuhish'ha-yi hadisi dar asar-i shahid Mutahhari* (Isfahan: Mihr-i Qa'im, 1385 [2006]).

[388] The Sunnite Hanbali school, and especially Shiite Akhbaris (the latter comprising a small minority of Shiites), are exceptional; for the attitudes of these groups along with the sifting and use of hadith in the tradition overall see: Jonathan A. C. Brown, *Hadith: Muhammad's Legacy in the Medieval and Modern World* (Oxford: Oneworld, 2009).

[389] The use of reason *('aql*) in Shiism has not been fully treated in English or French. William G. Millward "Aspects of Modernism in Shī'a Islam", *Studia Islamica*, 37 [1973]: 120-121, gives an account of ideas circulating in the time of Mutahhari, including from his teacher Allamah Tabataba'i.

the Quran. Concerning Soloveitchik and Mutahhari, however, it does appear that the Rabbi is strongly inclined to affirm the statements and rulings of the sages as an indispensible part of the tradition, while the Ayatollah feels free to use hadith sparingly and to quite freely produce his own interpretations of them and of the Quran.

Having devoted a number of pages to the attitudes of Mutahhari and Soloveitchik toward the authority of their past traditions, I will proceed to consider how this is connected to their stances on issues relating to women. It should first be said that, notwithstanding the difference noted in the previous paragraph, Mutahhari and Soloveitchik are on common ground in the close relation of these matters in their thought. Any proposition that interpretations and laws might change with the evolution of society also leads, sooner or later, to the issue of women. Conversely, when women and gender are considered, the question of changing times and possible change in the status of women immediately arises; even though Soloveitchik seems to try to avoid that path while Mutahhari intentionally takes it as he includes a discussion of "the requirements of the times" in his *Rights of Woman in Islam* and in fact uses the issue of women as a launching point to consider it.

Within this frame, I find that both Ayatollah Mutahhari and Rabbi Soloveitchik make some effort to consider and address issues related women in light of current conditions or "the requirements of the times"; but these efforts have certain limits in each case. In the remainder of this section of the thesis, I will consider the efforts and limits of both figures, hoping to use each to shed light on the other, and finally consider their responses to gender and modernity in the context of the unique situations in which they lived and taught.

I will begin with an example from Mutahhari that shows direct attention to the question of evolution and change in the tradition in relation women's issues. The example concerns a very well-known hadith concerning the political authority of women. The saying is attributed to the Prophet, and it reads: "A nation that entrusts leadership to a woman shall never prosper".[390] This hadith has been used up to modern times to argue that women cannot be heads of state or hold other high political positions, and thus has been the target of many attempts at re-interpretation, not only by modernists but also traditionalists.[391] Mutahhari begins by questioning the authenticity of the tradition[392] on the grounds that it does not actually appear in Shiite sources; although he ends by admitting that it has also been cited by Shiite scholars, so that it is not "distant" (and has consequently to be taken into consideration). He then goes on to deal with the hadith by questioning its applicability, on the grounds that the meaning of "ruling" has changed over time. This assertion involves a very particular reading. Mutahhari observes that in the past, entrusting a nation's leadership to a person meant giving them absolute authority so that the people had no say whatsoever: "Governments in the past functioned in a way that an individual had absolute authority over people… but the concept of [political] rule is different in what is known today as democracy, if democracy is to function according to its [basic] principle"[393] The logic is that even if the tradition is proven to be authentically from the Prophet (which it may not be), it is still not applicable today since

[390]The hadith is found in *Sahih al-Bukhari*, one of the six canonical collections of Sunnite Islam, see: Muhammad al-Bukhari, *Sahih al-Bukhari* (Beirut: Bayt al-Afkar al-Dawliyah, [1429]2008), 493. Shiite scholars are aware of Sunnite hadiths and sometimes quote them (although the opposite is not true).

[391] For its use and attempts at interpretation, see: Fadel Mohammed, "Is Historicism a Viable Strategy for Islamic Law Reform? The Case of 'Never Shall a Folk Prosper who have Appointed a Woman to Rule them'," *Islamic Law and Society*, 18:2 (2011): 131 -176.

[392] It would be difficult for Sunnites to question the hadith on the grounds that it is imperfectly transmitted and thus possibly inauthentic, since it has been rated "sound" (*sahih*) by the author of a Sunnite canonical text.

[393] Mutahhari, *Zan va Masail-i Qazai va Siyasi,* 81.

it pertains to absolute rule; Mutahhari remarks that such rule is not acceptable by men either. Thus he is not convinced that the hadith decisively excludes women's eligibility to rule in an Islamic society.

Mutahhari does not, however, follow through to conclude that women actually can hold such positions. Instead, he comments:

> Women holding political positions is not something proven efficient in the world today. We cannot say that there is no difference between man and woman in this regard and that women are as good and capable as men are. We cannot, in other words, say that the rules of nature have created women to perform in political authority positions. On the contrary, scientific research, at least, has proven that creation did not make women similar to men in such matters.[394]

This sentiment seems entirely at odds with Mutahhari's view, discussed in Chapter One, concerning the similarity and (approximate) equality of the sexes in the social realm. That view, strangely enough, began in the series of articles written in exactly the same period (between 1966-1967 CE) as the piece under consideration. To recall, he affirms that, "In their social rights outside the family realm, all individual human beings [including women] enjoy both equal and similar positions" so that "all individuals are similarly entitled to enjoy the bounties of creation, to work, to compete, to nominate themselves for social positions, to try to acquire social positions in legitimate ways, and to demonstrate their intellectual and practical capabilities."[395] It is true that Mutahhari did at the same time acknowledge that not all individuals who were once similar and equal in their "primary natural rights" would remain so through to the finish line;[396] but that is still

[394] Mutahhari, *Zan va Masail-i Qazai va Siyasi*, 73. Although the treatise - actually a lecture delivered to the Islamic Association of Physicians – was actually published after *Rights of Women.* It was written before it in 1967.

[395] Mutahhari, *Huquq-i Zan*, 182.

[396] Ibid.

a long ways from asserting an entirely different constitution and status of the sexes by saying that "nature has not created women as good as men." Here it seems that gender difference is definitive.

Mutahhari's treatment of the appointment of women as judges in Shariah law[397] is strikingly similar. Traditional Shiite jurists generally reject female judgeship.[398] Even though this position is powerful since it is considered to be supported by consensus, Mutahhari takes a critical approach.[399] He begins by flatly rejecting the majority of the hadiths that lay down the prohibition as inauthentic (i.e. imperfectly transmitted and attested, and thus possibly or surely not the words of the Imams). Only two hadiths, he says, are authentic; and these do not, if read correctly, actually rule out judgeship. This is because, while they use the (Arabic) term *rajul* (literally, "man") for a judge (*qadi*), that does not refer to maleness as a qualification for judgeship, since *rajul*, according to a principle of Islamic jurisprudence, can refer to both genders; for instance if it is said that a *rajul* who has forgotten which prostration of prayer he is in in the third or fourth prostration has to add an extra prostration at the end out of caution (one of several

[397] Women's judgeship is a long-standing controversy in Islamic law, see: Karen Bauer, "Debates on Women's Status as Judges and Witnesses in Post-Formative Islamic Law," *Journal of the American Oriental Society*, 130:1(2010): 1-21. For an account of Iranian debates up to the present time by an advocate of female judgeship, see: Jamileh Kadivar, "Women Working as Judges and Making Judicial Decisions"in *Women, Power and Politics in Twenty-First Century Iran*, ed. Tara Povey and Elaheh Rostami-Povey (Farnham, Surrey; Burlington, VT: Ashgate, 2012), 107-120.

[398] Kadivar, "Women Working as Judges", 110-11.

[399] Mutahhari's discussion of women's judgeship dates back in 1966, ten years before the appointment of Shirin Ebadi (the holder of the Nobel Peace Prize of 2003) as the first woman judge in Iran in 1976. Mutahhri's discussion here does not mean that he should have necessarily endorsed women's appointment as judges at that particular point in the pre-revolutionary history of Iran, as he never objected to the dismissal of women judges of their jobs after the Revolution. What it rather means is that he was in theory and as long as the principles of the Shari'ah were kept intact ready to read Islamic laws in an innovative way and to present a different and critical reading of the hadith.

possible rulings in this complicated question) , this really means all believers.[400] After all this, however, the Ayatollah finally submits to tradition by concluding that, "although all the hadiths cited [in support of a prohibition on female judgeship] are flawed and unsound, it is a question that is agreed upon and accepted in Islamic jurisprudence."[401]

I would diagnose Mutahhari's seemingly anomalous conclusion concerning female political leadership and hesitation to consider the appointment of women as judges as resulting not exactly from an unwillingness to consider modern conditions, but the fact that these matters were not, in his time, in the realm of possibility. His aim in considering the two issues was essentially rhetorical. Mutahhari was doubtless aware that the hadith "A nation that entrusts leadership to a woman shall never prosper" is a woman-negative text that is very well-known not only by Islamic scholars but Muslims in general. He therefore wanted to refute it, both for the sake of the domestic audience he wanted to reach, which was probably uncomfortable with such things,[402] and to demonstrate the advanced nature of Islamic "ideology" as reflected in its views of women. (He also manages *via* the hadith to assert that Islam is favourable to modern notions of democracy, a very significant secondary conclusion.) Similarly, since female judgeship in the Shariah was a subject of some discussion in his day, he set out to demonstrate that women could be judges *in principle.* It is the principle of progressivism in Islam Mutahhari wishes to establish, and not necessarily access of women to these particular positions.

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[400] Mutahhari refers to a principle in Islamic jurisprudence based on which the feminine proposition refers to female while the masculine preposition or the term *rajul* (man) does not refer only to males. See: Mutahhari, *Zan va Masail-i Qazai va Siyasi*, 39.

[401] Mutahhari, *Zan va Masail-i Qazai va Siyasi*, 43.

[402] This is probably why he begins by remarking that the text is not a Shiite one.

The progressivism Mutahhari asserts would certainly not have been tested by being put into practice in the Iran of his time, so it remained safely theoretical. Why he felt he had to add, despite the theoretical nature of his discussion, that women cannot hold high political positions because they are inherently unfit for them and that the tradition has finally agreed that women cannot be judges remains a mystery. He may have felt these things himself, so that his feelings clashed with his desire to show Islam (through the crucial issue of women) to be progressive; or he may have added those comments for the benefit of the conservative clerical establishment. He probably never imagined that female leadership and judgeship would become very real issues in an Iranian "Islamic Republic" in which his legacy would also be highly regarded.

Mutahhari's approach to possible evolution of the tradition overall may be described as cautious or careful rather than broad and indiscriminate; his discussions of women's political rule and judgeship are outstanding illustrations only because they are so specific. Mutahhari has, at first glance, a more free and flexible attitude to the authority of the past than Soloveitchik by virtue of the tradition he has inherited; and he also seems personally more willing to look forward and innovate in the Law through the *ijtihad* he proudly declares to be part of the tradition. But the attitudes of the two figures are not entirely different. Mutahhari approaches gender and "the requirements of the times" not only in a positive, but also negative way. He affirms a woman-positive, progressive face of Islam, condemning "irrational" traditionalism and stubborn conservatism (*jumud-i fikri*) that would, out of fear of novelty and innovation, deny basic and fundamental rights to women such as education and a social presence. But he also rejects the "ignorance" that would throw away everything and imitate the West, in

wanton disregard of the religious and cultural values of Muslim societies. In Mutahhari's view, promoting unrestricted, Western-style gender relations, mixing gender roles that should be distinct, and rejecting Islamic covering (the veil) and gendered laws of the Shariah in the name of women's liberty and equality are misunderstandings of how Islam accommodates – as he believes it does - historical and social evolution. The error of those who would take this approach, he believes, lies in imagining that because Western technological and scientific advancement is to be admired and followed (something he believes himself), so should Western gender culture also be followed.[403] Similar, it seems, to Soloveitchik, Mutahhari finds that technology and science are detachable from societal norms, so that the positive fruits of modernity may be enjoyed while traditional social structures, including the gender roles and relations that are at the heart of those structures, are maintained.

Mutahhari believes, in sum, that change in gender norms should be approached rationally and selectively, rather than dogmatically. In order to exonerate Islam from accusations of mistreating women and imposing out-dated laws and teachings upon them, Mutahhari shows that he does not hesitate to review certain laws of the *Shariah*. This should not, however, be taken to mean that he is willing to re-consider basic and central norms. He does not, for instance, negotiate women's covering, men's unrestricted right to divorce, or women's half-share of inheritance, especially as these are addressed fairly explicitly in the Quran. (Note that political leadership and judgeship are not addressed in the Quran, and thus involve only hadiths.) Rather than review these matters, he deploys an array of philosophical, psychological and "scientific" arguments to "prove'", as he

[403] Mutahhari, *Huquq-i Zan*, 122.

puts it, that these laws suit women's nature and needs. Though he declares that *ijtihad* is to be used as an internal mechanism of the tradition to decide whether each law is applicable or not, the decision about whether or not to apply that instrument is controlled by larger assumptions. If change is to be effected only through *ijtihad* applied to discrete legal regulations, how does one review and test the larger arguments framing the whole world view?

Ayatollah Mutahhari was at least willing to contemplate altering religious laws in light of changing circumstances, albeit as long as the principles are intact. This is not the case with Rabbi Soloveitchik. Although Soloveitchik encourages Jews to meet with aspects of modernity related to technology and science as part of their divine responsibility to live a dignified and "majestic" life, his insistence on the words of the sages as unchangeable sources of the Halakhah discourages accommodation at that level. Nevertheless, the Rabbi does, in the result, take changing times into account in his treatment of women's religious education.[404] For if Jews are to live a life of Halakhah – the same Halakhah that is to remain forever constant – some change in the tradition is needed to assure that aim in a new, modern environment. And it is better assured if women and mothers possess knowledge of the Torah and Talmud. Surely Soloveitchik was conscious here of new challenges necessitating a fresh approach – conscious of the "requirements of the times", to put it in the language of Islam. Soloveitchik's decisive and revolutionary action in relation to women's religious education points to this state of

[404] Religious education, including study of the scriptures, recitation of prayer, and women providing religious instruction to men is not, it should be noted, an issue in Islam. Even the most conservative authority would favour religious study for women. Controversy does arise when it comes to granting women decisive authority on the basis of learning, as in the example of judgeship mentioned above. Thus Mutahhari does not raise this issue. Apparently, he took women's religious learning for granted, to the extent that it did not occur to him to cite it as an example of superior treatment of women by Islam.

mind, I would argue, rather than witnessing to him being actually modern, as Wurzberger suggests.[405] Soloveitchik, however, never made a connection between innovation and a mechanism in the Law that would legitimate it, as Mutahhari did. In fact, he never spoke out at all about his intentions or theory in regard to women's Talmud education. This makes it difficult to interpret his action as pointing to a particular attitude to modernity, whereas Mutahhari is explicit about modern times (by which he meant essentially a modernity coming from the West) containing both good and bad elements that can be separated from each other, analyzed, and either assimilated or rejected.

Just the same, Soloveitchik made Jewish women's religious education a reality. Even though he did not relate women's education to the Halakhah, since the lack of justification for it in the Law would necessitate a reconsideration that might end by casting a shadow on the Halakhah itself, it was done. Soloveitchik's view of women's prayer groups, though apparently going in the opposite direction, also points to awareness of current circumstances, more than any negative attitude to modernity. If he opposed women's prayer groups even in the absence of a definite objection in the Halakhah – where they are ruled "not permissible" but not actually "forbidden" (*assur*) – that was possibly because of misgivings about the motivations of the participants and potential further path of the movement in an environment in which ideas about women's liberation were circulating.

Rabbi Soloveitchik has sometimes been seen as a paradoxical figure of Modern Orthodoxy, and readers might by this point in the thesis see Ayatollah Mutahhari in the same way. Twersky, as we have seen, attributes Soloveitchik's apparently different

[405] See: Wurzburger, "Posekh of Post-Modern Orthodoxy".

stances in relation to women's Talmud education and the *mechizta* to "a special intuitive sense for the true intent and meaning of the masora [tradition]" that allowed him to draw upon its "internal dynamics" in order to "guide Jewry in its confrontation with modernity."[406] This, I find, is also a useful way to understand Mutahhari; he is motivated by what he feels to be the essence of the Shariah and Islam, rather than simple consistency. Both figures can be understood as functioning, with considerable skill, to pilot their communities through modern times while adhering to the spirit of the tradition as they perceive it. Mutahhari's determination, described above, to treat modernity selectively and take a middle path between acceptance and rejection is in fact a declaration of what he believes to be the spirit of Islam. Like many contemporary Muslim thinkers across the spectrum, he sees Islam as representing a middle, moderate path, something modern but at the same time not Western, a dynamic, viable tradition with its own strength. This heartfelt conviction as much as anything explains his mediating position on women's space (i.e. granting her a social presence while insisting on Islamic covering and centering her life in the family).

This thesis has offered a critical appreciation of the views on gender of Ayatollah Morteza Mutahhari, aided by comparison with Rabbi Joseph Soloveitchik, while also attempting to throw light on Soloveitchik by placing him alongside Mutahhari. A properly critical account of thought requires examination not only of context and structure, but also apparent limitations and inconsistencies. That has been the approach taken here, in contrast - in the case of Mutahhari at least - to existing literature, which tends to be admiring. The thesis has also, however, tried to discern the affective qualities

[406] Twersky, "A Glimpse of the Rav," 95.

of the gender thought of the two scholars; comparison has been especially useful in this regard. Thus I have suggested that Mutahhari's ideas about women along with those of Soloveitchik are ultimately in harmony with their sense of the tradition and its fundamental spirit; this is the basic impulse for both, rather than systemization. I have also suggested that difficulty in appreciating the feelings of women sets limits on the understanding of both scholars; but they are far from being misogynistic, and feel very genuinely, as I have commented numerous times, that women are valuable as human beings and have vital, respected roles in religion and society. This leads to the subject with which I will close the chapter and thesis: the reception of Soloveitchik and Mutahhari's gender thought by women.

I have been informed[407] that Soloveitchik most definitely thought of women as part of his audience; not only did he take care to educate women, including his very learned wife and daughters, but he also tried to "include female protagonists in his talks." Mutahhari, of course, was initially motivated to write about women for the purpose of reaching female readers. It is surely important when evaluating the gender thought of these clerical leaders to acknowledge and appreciate these facts. Even if we find that women are not considered in their writings for their own sake, such actions speak eloquently. The educational initiatives of Soloveitchik certainly introduced vibrancy to the religious and intellectual lives of Orthodox Jewish women; Gilla Ratzersdorfer Rosen's 2000 essay "God of My Teachers: Learning with Rav Soloveitchik," in which she speaks about the impact on her life of the Rav's teaching her about the female or

[407] Professor Norma Joseph, e-mail message to author, May 13, 2013.

maternal aspects of God, is one highly personal document attesting to this.[408] The essay of Shira Wolosky touched upon in Chapter Two demonstrates that Soloveitchik's teachings are also able to strike a chord with Jewish women outside the circle of Orthodoxy. It might not be far-fetched to consider Soloveitchik's educational endeavors as a potential factor in a future Jewish Orthodox "feminism"[409] by creating a class of practicing Jewish Orthodox women very well versed in the Talmud and used to an egalitarian approach to study. I cannot finally judge the effect of Rabbi Soloveitchik's thought and action on the worldview and feelings of his Jewish female audience, but I can, as an Iranian Muslim woman, testify to the effect of Ayatollah Mutahhari. I have met several Iranian women of the generation that experienced the Islamic Revolution who became convinced of the importance of Islam for their lives and society and even the necessity and dignity of Islamic covering because of Mutahhari. His writings truly spoke to women. This, I believe, is not only because of women's issues, but also because women were as concerned as anyone about the defense and viability of Islam in Iran and the modern world, which Mutahhari addressed vigorously. It should not be forgotten that religious women are also deeply dedicated to their religions, and from that point of view, addressing their issues in the framework of a discourse aimed at defending or preserving the tradition is not inappropriate and can be very powerful.

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[408] Gilla Ratzersdorfer Rosen, "God of My Teachers: Learning with Rav Soloveitchik" in *Torah of the Mothers: Contemporary Jewish Women Read Classical Jewish Texts*, ed. Ora Wiskind Elper and Susan A. Handelman (Brooklyn; New York; Jerusalem: Urim Publications; Lambda Publishers, 2000)17-32.

[409] I am thinking of the so-called "Islamic feminism" that emerged in Iran after the Revolution as a result of religiously conscious women trying to find an authentic path to rights through their tradition.

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