ETHICS AND WOMEN'S RIGHTS IN CONTEMPORARY PAKISTANI MEDIA
TRADITIONAL DEVELOPMENT? JAVED AHMAD GHAMIDI, *SHARI'A*

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PURPOSE
PAKISTAN has been undergoing a religious, social, and media revolution. This paper will examine a unique voice within this phenomenon – Islamic theologian and public intellectual Javed Ghamidi – and will shed light on his ideology and his distinctive utilization of both popular electronic media and innovative Qur'an-based research in influencing public opinion on various facets of socio-religious shari'a ethics in Pakistani women's rights issues.

Design/Methodology/Approach – *A narration and analysis of relevant aspects of Pakistan's religious, social, and media situation will lay the background for exploring Ghamidi's analytical/intellectual strategy, his ideology/beliefs, and his strategies of implementing electronic media. His views regarding the shari'a ethics of women's issues (e.g. rape laws, head covering, and gender roles) will develop these points of discussion. Analogies between his and others' current socio-religious ethics movements, native and foreign, will lead toward the paper's conclusion on the nature, purpose, and possibilities of Ghamidi's work.*

Findings – *Analysis of primary and secondary sources suggests that Ghamidi's work combines rejections and/or acceptances of: the state, fundamentalism, Orientalism, Occidentalism, modernization, and modernity/post-modernity. These combinations suggest possibilities and pitfalls for a culturally unique adaptation and modernization of Islamic shari'a ethics.*

Research Limitations/Implications – *The study bases itself mainly on English sources – not only Ghamidi's own original or translated words but also secondary sources of popular media (e.g. news and journal articles and interviews) and academic materials (e.g. scholarly articles on Ghamidi and books on topics relevant to Pakistani social and religious ethics).*

Practical Implications – *Results of this research should provide valuable information on Ghamidi and help examine dilemmas between inner, Islamic discourses and outer, Western academic treatments regarding his scholarly and public work and subjects directly relevant to it.*

Originality/Value – *There is a dearth of scholarly secondary sources on this important public figure (especially in English). This paper is most likely among the first to examine contemporary Pakistan's media revolution exclusively with an eye towards Ghamidi, or to focus on his role in women's issues in Pakistan's shari'a ethics developments.*

Key Words: Javed Ahmed Ghamidi, Religion and the Media, Islam, Shari'a Ethics, Pakistan.

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Introduction

On Thursday, August 24, 2006, two unknown men shot Syed Manzoorul Hassan, editor of the Islamic education and research journal *Ishraq*, as he was exiting his office building in Lahore, Pakistan (Al-Mawrid, 2006). Hassan, though critically injured, with a bullet lodged in his neck, remained alive, and was after several days released from hospital care (Khan, 2006). Some news media sources suggests that the attack was politically and religiously motivated assassination attempt (Khan, 2006).

Such violence is by no means uncommon within the realm of Pakistan's religious and intellectual sphere. A relatively new country, only got independence from the United Kingdom since 1947, Pakistan is a changing society with a changing ideology. In the past decade or so, during the coming of age of Pakistan's academic and social media (Ahmad, 2010), the role of religion, and the role of the public religious scholar, has been an extremely volatile one. The Pakistani government is no longer supporting the Taliban or *jihad* as supportive of its interests (Ahmad, 2010). The traditional *'ulama'* (community of trained Muslim scholars (Glassé and Smith, 2003)), the Taliban, and generally speaking the conservative forces, are beginning to fade in influence, whereas the influence of the public religious scholars (not trained in the traditional manner) is beginning to grow (Ahmad, 2010). Understandably, the opposition of conservative forces to the more non-traditional is also beginning to grow. In 2007, Abdul Rashid Ghazi, a formally trained Pakistani cleric, demanding the implementation of *shari'a*[1] (Islamic law) and the overthrow of the Pakistani government, led a group of Islamic militants into an armed occupation of the famous Red Mosque and a confrontation with the Pakistani army (Roggio, 2007).

In these rising conflicts, members of ultra-conservative parties and groups have targeted many public scholars and activists. Salman Taseer, governor of the Punjab province, was shot dead because of his opposition to Pakistan's blasphemy laws – laws resulting from Islamism (i.e. fundamentalist movement for the political unification of Muslims and the integration of Islam and politics (International Crisis Group, 2005)). Islamist religious parties in favor of these laws "warned that anyone who expressed grief over the assassination could suffer the same fate" and the Taliban stated, "anyone offering prayers for Mr. Taseer would be guilty of blasphemy" (Taseer, 2011). As the *Daily Guardian* mentions, "Sherry Rehman, a PPP [Pakistan People's Party] parliamentarian who proposed changes to the [blasphemy] legislation, was … charged with blasphemy this week … [and] has been confined to her Karachi home after numerous death threats, some issued publicly by [*'ulama'*]" (Islamic Scholar Attacks, 2011). Due to his public opposition and argumentation against these same blasphemy laws since 2006 public Islamic scholar Javed Ahmad Ghamidi has begun to be criticized for producing work which is *fitna* (2006) (sedition or rebellion, a sign of the impending Day of Judgment (Glassé and Smith, 2003)). He began to receive death threats, which in 2010 escalated to a (foiled) plot to bomb his family's home, causing him to flee with his family into exile in Malaysia (Mufti, 2007). In the same year, the famous and outspoken moderate Islamic scholar Dr. Farooq Khan was shot and killed. The Taliban took responsibility (Farooq, 2010). These occurrences are not random, and many of these people know each other or share causes. The assassinated Dr. Farooq Khan was also a close associate of Ghamidi (Islamic Scholar Attacks, 2011). As mentioned before, the attack on Hassan (again, a public religious scholar) may very well have been an assassination attempt by the more conservative opposition, and although the attackers remain unidentified, these suspicions of attempted assassination are by no means unreasonable, given Hassan's affiliations. As editor of the monthly Urdu journal *Ishraq*, one of two monthly journals organized by the Al-Mawrid Foundation (2011), Hassan represents the interests of that institution and its founder, Javed Ahmad Ghamidi.

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1 Due to the wide variety of systems used to transliterate words from Arabic into English, a variety of spellings for one Arabic word may be found in this paper, though every effort towards consistency has been made. For example, though this paper uses the transliteration "*shari'a*," this word may be spelled as "sharia," "Shari'ah," etc. in quotes from other authors.

Ghamidi: A Brief Biography

An Islamic theologian, poet, and public intellectual, Ghamidi was born on April 18, 1951 in the Sahiwal village of Pakistan's Punjab province. He was raised studying Arabic, Persian, and traditional Islamic studies and Qur'an exegesis privately under various teachers (Zaidl, 2009). In 1972, he achieved an honors B.A. in Philosophy and English Literature from Government College of Lahore, Pakistan (Research Team at Al-Mawrid, 2011). Remaining in Lahore after these studies, he then made a decision to turn his intellectual efforts from the secular to the religious (Zaidl, 2009). As "an extremely disciplined and avid reader with a well-conceived plan to educate himself in Islamic religious literature" (Ahmad, 2010), he dedicated himself to study with the respected theologian and exegete Amin Ahsan Islahi, who would become one of the major influences on his work (Zamman, 2011). Ghamidi also associated himself with the renowned Islamist revivalist Syed Abul A'ala Maududi and his group the Jamaat-e-Islami, but broke off contact with the latter in 1977, ostensibly due to Ghamidi's own less Islamist views (Zamman, 2011), and a general difference of opinion on the nature of this group (Hassan, 2009). He taught Islamic studies in the Pakistan Administrative Services' Civil Services Academy Lahore, and founded the *Al-Mawrid* Foundation for Islamic Research and Education (Research Team at Al-Mawrid, 2011), which forms the backbone of his other endeavors (such as *Ishraq*) to this day.

Ghamidi never officially studied theology on a professional academic level, pursuing a study of Western humanities at a colonial school (Zamman, 2011) rather than obtaining the *ijazah* (academic degree in Islamic law and jurisprudence (Glassé and Smith, 2003)) traditional for an *'alim'* (member of the *'ulama'* (Glassé and Smith, 2003)) at a *madrasah* (center of Islamic higher education (Glassé and Smith, 2003)). Nonetheless he is a dedicated and learned scholar of Arabic and of the Qur'an (Zamman, 2011), and in the sense that he maintains a prominent place as a widely received public religious figure, he has an influence similar to that of a traditional *'alim'* (Glassé and Smith, 2003), although with a different voice from many of them and from some of the Muslim community at large.

And differ he does, as can be seen by the above-mentioned woes that he and his affiliates have experienced. What we see in general from all of the incidents mentioned above is how high the personal stakes really are in this changing society. In Pakistan, as in many Islamic countries, religious issues and social issues are one and the same. In this context of great tension over how Islam ought to be interpreted and socially implemented, we see the role of the Islamic scholar (not only the traditional *'alim'* but perhaps more so the untraditional such as Ghamidi) as key. But what exactly is so key? When we compare Ghamidi and his ideological opponents, we can draw several comparisons – for Ghamidi favors the implementation of *shari'a*, like some Islamists that have threatened his life – yet his voice is one that many such Islamists seek to silence. What keeps Ghamidi, Hassan, and others like them from abandoning their work in the face of death? What is it about Ghamidi and his retinue that makes them so subject to violence, and what in their ideology is worth assassination to hinder?

This paper will clarify this ideology of Ghamidi's – his analytical, ideological, and practical strategies – and evaluate his position in relation to one of Pakistan's many tense social debates – that of women's rights in *shari'a* – in order to offer suggestions as to his possible place in the greater scheme of Pakistan's struggle with Islam and social ethics. In using this structure, the paper will explore one accepted view of Ghamidi, as the middle-path, moderate, community-driven (as opposed to politically-driven) reformer that much of public holds him to be, and how this paradigm exactly does or does not work.

Strategy

As we have seen above, Islam in Pakistan struggles to adapt its message to a modern world, and some figureheads of this adaptation have been meeting at best with difficulty, at worst with death. Some Islamic influentials favor westernization and modernization, while others, viewing this as *bid'a* (sinful innovation) (Glassé and Smith, 2003), have in response to these perceived evils proposed radical

fundamentalist strategies, a few effects of which were already mentioned in the introduction. The Islamic state of Pakistan, whose laws and society are influenced by principles of *shari'a*, is ever facing these issues of traditionalism[2] vs. adaptation.

Analytical

Where do we place Ghamidi's analytical strategy in this often polarized world of traditionalism vs. adaptation? Many see Ghamidi as neither Islamic modernist (i.e. a person who, in seeking to "facilitate interpretations consistent with the demands of modern society" fuses Western secularism with Islamic spirituality) (Rahman, 2005) nor Islamist, neither liberal nor fundamentalist – or rather as both: a "fundamentalist moderate", as the *Boston Globe* calls him (Mufti, 2007). He is so called because, rather than attacking fundamentalism on the grounds of needing to modernize, or even on the grounds of its violation of human rights, he attacks Islamism fundamentalist extremism on religious grounds and on grounds of analysis of the Qur'an (Islamic Scholar Attacks, 2011). As Ghamidi himself says of his methods, "I have come across people who agree with me and many who do not. All I can say is that I base my research and knowledge on the Holy Qur'an and Sunnah of the Holy Prophet, pbuh [peace be upon him]." (A Misreported Interview, 2005) Drawn heavily from the Qur'anic thought of his mentor Amin Ahsan Islahi, he has presented many of the latter's views in a more precise manner (Aziz, 2011). According to Islahi and Ghamidi, the writings of the Prophet have been gifted with a consistency and necessary clarity (Aziz, 2011). This clarity of the Prophet's writings is something that Ghamidi claims many, including both the modernists and the pro-*jihad* Islamist fundamentalists, have a tendency to misunderstand (Mufti, 2007).

Ghamidi's Islam claims to be an Islam based on rationality, since according to the Qur'an it is the duty of a messenger of Allah to "to proclaim (the message) in the clearest manner[*]." Ghamidi puts forth his understanding of Islamic logic in several books, including *Mizan* (a comprehensive introduction to his understanding of Islam) and *Burhan* (a critical analysis of contemporary religious thoughts) (Research Team at Al-Mawrid, 2011). To him, Islam has a clear and coherent message – admonition to the people (Aziz, 2011) – that is the basis of the *shari'a*, the revealed religious law.

The rationality that Islahi and his protégé Ghamidi ascribe to Islam, to the Qur'an, is an internal and a poetic one. Both men being poet themselves (Research Team at Al-Mawrid, 2011), they rely on pre-Islamic classical Arabic and Urdu poetry in their effort to discern the Quran's meaning and style (Masud, 2007), arguing for a literary and poetic coherence rather than the linear coherence of academic or legal language (Ghamidi, 2011). In their interpretation of the Qur'an, they emphasize the concept of *nazm* (which in Urdu poetry indicates structural and thematic coherence) – each *sura* (chapter) of the Qur'an is a complete linguistic, literary, and thematic structure (Hasan, 2009). As an example of the literary nature of his analysis, Ghamidi worked on an annotated Urdu translation of the Qur'an. The *Al-Mawrid* website describes this translation project's aim:

"his ongoing annotated translation of the Qur'an, al-Bayan … takes the reader close to the classical Arabic of the Qur'an in which ideas are conveyed with brevity and terseness. Words and concepts which are understood are suppressed and left to the perspicacity of the reader … [V]arious devices are employed in classical Arabic which are not found in most other languages. Ghamidi has tried to unfold the meaning of the divine message by taking into consideration these devices within the text of the translation" (Research Team at Al-Mawrid, 2011).

In other words, Ghamidi asserts that the meaning of the Qur'an is tied to the meaning of its literary structures, and its meaning is thus to be taken within their context.

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2 I.e. the tendency to make tradition the the supreme criterion and rule of assurance.

* Qur'an, 5.797.

Every verse has its own context-specific meaning to Ghamidi (Masud, 2007), which is why he maintains that all similar verses must be studied together (Masud, 2007) to reveal the difference between general and context-specific issues. To him, the Qur'an is an absolute authority, the revealed word of Allah, but the interpretation of any single verse into a general *shari'a* should not be overextended past its context. As Iftikhar says, "each verse of the Qur'an (and any directive emanating from it) is specific to its first addressees and their times unless its universality and generality can be proved from the context" (Iftikhar, 2004) The truth comes out of unity of all the contexts. In this interpretation, there is no abrogation (i.e. contradiction) among these verses, but rather a mere difference in their contexts. He maintains the fundamental and traditional value of the Qur'an, while coming to a contemporary-friendly conclusion. His idea of the text is a sort of a post-modern one, in that it treat religious text as something that has just as much to do with its reader and context as with its writer, and his interpretation treats the religious relationship between Allah and the *jamaa* (Muslim community (Glassé and Smith, 2003)) as one mediated through text with context and agreement.

This idea of religious relationship mediated via text is underscored by his refusal to accept an Islam that is dictated by every single Islamic text and tradition with an equal weight of authority. The *sunna* (the practices of Muhammad and of Islam (Glassé and Smith, 2003)) and *hadith* (traditions related to Muhammad's sayings and deeds, as handed down by his followers (Glassé and Smith, 2003)) are merely the primary and secondary supports, respectively for the hermeneutic, context-driven textual criticism of the Qur'an that he regards as the base of *shari'a*.

He maintains that the authority of the *sunna* is secondary to that of the Qur'an, and together they make the base for *shari'a*. The beliefs of Islam are contained within the Qur'an alone, while the practices of Islam are guided by both the Qur'an and the *sunna* (Ghamidi, 2009). He argues that the *sunna* can explain what is not completely clear from the context of the Qur'an alone, but that it may not be used to add to or abrogate anything that the Qur'an has said (Masud, 2007). The *sunna* are those practices of Muhammad which were passed down via a combination of the Islamic community's agreement (*ijma'*) and continual adherence (*tawatur*) (Iftikhar, 2004).

Separate from and below the *sunna* are the *hadith,* which are "vague and full of internal contradictions that require a critical and careful reading" (Masud, 2007). Coming up with a complete list of what practices are *sunna* (Iftikhar, 2004) means that he is drastically reducing the authority of those *hadith* passages that are not part of his *sunna* conception, or even rejecting them. Although the *'ulama'* and the *mujtahidun* (Islamic canon law jurists) (Glassé and Smith, 2003) tend to cite these sources in order to pass laws based on *shari'a*, Ghamidi wants to "restrict the hadith as a source of religious norms, thereby facilitating the revaluation of legal norms" (Zamman, 2011) Since *hadith* is not a revelation from Allah, it must be returned to a status secondary to the Qur'an, and when it conflicts with the Qur'an it should be rejected. To restrict the *hadith*'s authority would by nature bring about a re-evaluation of the *hadith*, and vice versa (Islahi, 2011) thus also leading to a re-evaluation of the laws based upon that *hadith*. In sum, Qur'an is immutable, a matter of belief whose practice is contextual, whereas the *sunna*, of which the *hadith* may be a part, is purely a matter of practice, encompassing the *hadith*, that ought always to be regarded skeptically and closely criticized.

Ghamidi further differentiates between the concepts of *shari'a* and of *fiqh* (laws practiced by Muslims). His distinction between Divine guidance and its understanding and its interpretation" (Iftikhar, 2004) is also a distinction between *shari'a* and *fiqh*. When the state adopts the *mujtahidun*'s educated understanding of the Divine directives, it is this understanding that becomes practiced Islamic law (*fiqh*) (Iftikhar, 2004). But the contents of religion, the divine directives (*shari'a*), are pure and unchanging, and not the understanding of them, the practiced laws (*fiqh*). Due to this

human nature of the *fiqh*, Muslims should not be obliged to adhere to it (Masud, 2007), in contrast to the divine *shari'a* by which the Muslim must direct his life.

Pakistan's religious environment is changing, and in order for that change to be a productive one, what is needed is a "convincing alternative epistemology and methodology" (Iftikhar, 2004) Ghamidi's is a changed analytical strategy, and regardless of whether one approves of his method, or agrees with the conclusions that he uses this method to reach, his analytical agenda is at base a systematic one, well calculated insofar as it is based on an in-depth reading of the Qur'an. In most Islamic cultures, the power of the leader is based most importantly on his intellectual method's credibility (Iftikhar, 2004), so method is a characteristic crucial to the public Islamic scholar, and especially so for one like Ghamidi who does not have the customary credibility of the traditional *'alim*'s' religious education. Since "[t]he 'laws of Islam', as interpreted by the *'ulama'*, are considered by many Muslims to be the *shari'a* and, therefore, are followed religiously, even when they do not have the force of state authority", Ghamidi, in re-casting these laws as *fiqh*, and not as *shari'a*, arguing that they should not be obligatory or have the force of state authority, has all the more need of a credible method, since "[t]he authority behind such 'laws' derives […] from the strength of the arguments given by scholars or reformers" (Iftikhar, 2004).

Ghamidi cultivates around himself an environment of these scholars and reformers. This is reflected in the goals of his Al-Mawrid Institute, which awards fellowships "to established intellectuals […] accredited with academic work of original and seminal value" and develops collaborative projects among these scholars, seeking to offer the "necessary environment to facilitate the work of Fellows and scholars, which includes maintenance of library and provision of other requisite logistics" (Al-Mawrid, 2011).

Ghamidi offers hope of getting the public attention and promoting among the people of Pakistan a convincing and effective ideology, since it is based on a systematic, and thus ostensibly credible, method. Ghamidi's analytical methodology is one that views Allah and the Prophet as the only sources truly to be trusted, and yet treats the Qur'anic text as a living and literary document whose meaning is dependent not only upon the actual words, but also upon the intent of the writer and the understanding of its readers. He uses solely the traditional framework, but with an analytical strategy different from the traditionalists, employing a postmodern understanding of text and a double hermeneutic – understanding the relationship between text and reader as two-way. In doing so, he often comes to conclusions that are similar to those of Islamic modernists, whose methods would differ from his. The change that this could effect is to offer a definition of Islam and the Qur'an itself as fundamental – fundamentally Qur'anic – yet also as a communal network of readers and thinkers – fundamentally interpreted by group contexts. He rallies himself, and rallies the postmodern reader, relying on her "perspicacity" (Research Team at Al-Mawrid, 2011) in moving toward a fundamental, respectful skepticism, not toward the Qur'an itself, but toward the assumptions in the Qur'an, such as those made by both Westernizers and Islamists alike.

Ideological
In his turning away from the traditional role of the *'ulama'*, Ghamidi faces all the more pressure to fulfill this analytically sound role beyond reproach. It is therefore not surprising that his focus on scholasticism is integrated into his ideology, "acknowledging himself as a student […] an obsessive personality who believes in continuous learning" (Zaidl, 2009). His dedicated, literary, and analytical method, the double hermeneutic interpretation of divine law, network-based (in the sense that it relies on context-dependent community network interpretation), is the basis for an ideology that is for and of the Islamic network. To Ghamidi, the *umma* (community network of believers, transcending national/ethnic definition, for which Islam encompasses all aspects of life)

(Glassé and Smith, 2003) must come together in *ijma'* (community consensus on *shari'a*) (Glassé and Smith, 2003).

Rather than being the *hadith*-based *fiqh* decisions relying on the *ijma* of the scholars and lawyers, Ghamidi's *ijma* is a consensus of the scholarly community networked together with the popular community, brought together as the *umma*. He rejects *hadith* and to it prefers *sunna*, not just on the analytical level, but also on the ideological level. His analysis of *sunna*, his analysis of how Islamic practice was carried out in the past, speaks to his ideology and the way that he handles the contemporary Pakistani Islamic community. Just as the *sunna* are those practices of Muhammad which were passed down via a combination of the Islamic community's agreement (*ijma'*) and their continual adherence (*tawatur*) to Muhammad's teachings (Iftikhar, 2004), so the *shari'a* discourse in the contemporary era must involve a coherent and interactive community *ijma* that is firmly planted in *tawatur*, firmly linked to the discourse of past networks of Islam. In turning away from the *'ulama'* and downplaying the role of the *fiqh* that they enact as what his website calls a "maze of sectarian prejudices and political wrangling" (Al-Mawrid, 2011). Ghamidi makes it clear that his is an ideology in which *fiqh* does not control *shari'a*. And likewise scholars and *fiqh* and political wrangling should not control the *umma*.

Instead, as a public-oriented scholar of the community, he is "producing results by taking people along" (Zaidl, 2009). He sees the role of the Islamic scholar as essential to the proper functioning of the Islamic *umma*, since it is a lack of understanding or false understandings of Islam that lead to its abuse. To cite the Qur'an, the source that Ghamidi accepts, Muslims must receive a well-rounded education in order to understand Allah and religion of Islam to the fullest – it is the "unlearned" who do not "submit [them]selves"[*]. To him, *Jihad*-lobbying groups pursue their behaviors because they are unlearned (Zaidl, 2009) – and as such, are not true Muslims. As his Al-Mawrid website says:

"[He] envisions the revival and perpetuation of the rich intellectual heritage of the Muslim Ummah. The Holy Qur'an, which is the basis of Islam, is [n]o longer […] resorted to for guidance toward moral reformation and intellectual development of the Ummah [….] [T]he objectives of the Institute are to conduct and facilitate academic and research work on Islamic Sciences, to educate people on its basis and to publish and disseminate it through all available means" (Al-Mawrid, 2011).

Thus, while he is certainly a scholar, his primary goal is not academics, but rather a community-oriented education network.

This knowledge-is-power approach is, in a sense, a non-political approach to politics – an approach that, though admittedly deeply involved with politics, takes political action out of the legal sphere and into in the social sphere. Both he and his teacher Islahi had left the ranks of Maududi's followers, the Jamaat-e-Islami, due to this group's decision to participate directly in electoral politics (Ahmad, 2010). So in other words, in as much as we might call Ghamidi political goal is, rather than to make decisions for the people, to educate the people to take care of themselves democratically – a community approach to politics, in which his political power is to encourage the internalization of the valuing self-education. The result of this scholarly education-activism is to help the people to formulate the *shari'a* law and government, which is the community's "public mandate and continues to exist as long as it commands the support of the majority" (Ghamidi, 2005). In this sense, Ghamidi's is an ideology of ethics – the "moral reformation and intellectual development of the Ummah" (Al-Mawrid, 2011) is necessary in order for this community to make its own ethical, *shari'a*-based decisions. As would follow from his above-mentioned differentiation

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* Qur'an, 3.20.

of *fiqh* and *shari'a*, the Ghamidian community is one that democratically controls the *shari'a*, reducing the legal *fiqh* aspects of it, and increasing its social ethics aspect of personal and communal responsibility and decision. As Iftikhar says of Ghamidi's ideology:

"The metaphysical and ethical foundations […] for a person's relationship with God and the laws and guidelines for his personal and social life in relation to his submission to God [… aim] at the purification of the souls of [these foundations'] followers […] to enable them to become true servants of God […] – an end for which these fol1owers (Muslims) should strive with an attitude of seeking excellence [….] This excellence, not any Islamic global order, is the pinnacle of a Muslim's faith and religion" (Iftikhar, 2004).

So it is exactly because of ethics that he finds education so important, the basis of the individual, and thus of the *umma*[3]. Education plants the seeds of this "excellence" in individuals, encourages ethics – the behavior that shows to Allah that the human being is his true servant. As he himself says:

"After faith, the second important requirement of religion is purification of morals [….] [A] person should cleanse his attitude both towards his creator and towards his fellow human beings […] a righteous deed. All the shari'ah is its corollary. With the change and evolution in societies and civilizations, the shari'ah has indeed changed; however faith and righteous deeds […] the foundations of religion, have not undergone any change" (Ghamidi, 2011).

Education shapes individual excellence and ethics, and individuals who form the *umma* that shapes the *shari'a*-based social ethics, so in Ghamidi's thought we see a cycle in which ethical education leads to better *shari'a*-based social ethics within the *umma*. His Mus'ab School System designed to educate the Pakistani Muslim population at large is a testament to his knowledge-is-power approach to social change (Mufti, 2007). His work as an Islamic studies instructor at the Pakistan Civil Services Academy from 1979 to 1991 demonstrates the importance he places on educating the community, and especially the elite – the upper middle class, those that will involve themselves perhaps most directly in taking up the social responsibility of change through community *shari'a*[4]. This ideology makes *shari'a* the *umma*'s social responsibility toward dialogue on ethical action (a bottom-up approach) rather than a set of laws that the state independently enacts and controls (a top-down approach).

This ideological strategy of development exclusively from the starting point of truly understood tradition is ultimately one that sees Islam as living community, past and present – an unbroken network from past to present, from decision to decision. Islamist fundamentalism that lobbies *jihad* errs from its erroneous misinterpretation and glorification of a misunderstood past, disrupting this past-present network rather than returning to it. Thus from an interactive, network-approached hermeneutic and literary analysis of the fundamental texts, Ghamidi leads to a fundamental, intertextual, and thus network ideology of a democratic *umma*.

Media
And how does he reach out to this *umma*? Through modern technology. He relies primarily on electronic media for his educational mission. As the Al-Mawrid website says: "The objectives of the Institute are to conduct and facilitate academic and research work on Islamic Sciences, to educate people on its basis, and to publish and disseminate it through all available means" (Al-Mawrid, 2011). Ghamidi and the Al-Mawrid institute do indeed use nearly every available means imaginable. As mentioned, Pakistan is undergoing a media-based social revolution, in which "new popular Islamic religious leaders have been able to spread their influence to groups previously alienated by

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3　C.f. the Islamic concepts of *akhlaq*, the practice of virtue, morality and manners, and *adab*, referring to refinement, morals, decency, and humaneness, and how these concepts are formative of the normative order.

4　Compare with Fazlur Rahman and the idea of the *umma*'s involvement in the double hermeneutic.

more traditional religious authorities, particularly the middle classes and educated women" (Ahmad, 2010). Ghamidi is among such new religious leader – arguably the most influential of them – and is taking full part in this media revolution. Those who follow his work are primarily "educated, urban-based, middle-class men between the ages of 20-35" as well as educated women, yet his television audience also "includes not only modern educated youth but also lay Islamic intellectuals and professionals" (Ahmad, 2010) both in Pakistan and worldwide, who are aware of issues in contemporary Islam (esp. Islamic controversies relating to the nature and implementation of *shari'a*), and view him as a moderate, since they are dissatisfied with the stance not only of the traditional *'ulama'* but also of the secular and the Western-educated that form the Pakistani elite.

This relationship of the popular intellectual religious leader to an electronic media audience is one in which the religious authority is shifting out of the hands of the *'ulama'*. In discussing Islam's relationship with contemporary issues, he uses contemporary media. As one article says of Ghamidi:

"The popular media gravitates to him for his impeccable oratory and the ease with which he makes common sense out of millennium-old religious texts. Of late he has become a bit of a rock star – adored, hated, popular, and notorious all at once" (Mufti, 2007).

As this article demonstrates, he is making headlines in the press – for example in the *Boston Globe*, the *Chronicle*, and *BBC News*. He frequently makes appearances on various television channels. Television and radio interviews, lectures, and debates are a key strategy in bringing his views into line with Pakistani middle-class socio-cultural practices. He makes regular appearances on government-operated and independent television channels, such as GEO (including the show *Ghamidi* – now coming back in its second season as an interactive talk show (Ghamidi, 2011) – and several airings of the talk and contest show *Alif*), ARY, AAJ News (the question and answer show *Live with Ghamidi*, and other programs) Duniya News, and PTV (Pakistan Television Corporation) (Zaidl, 2009), though several of these were cancelled due to the opposition of various traditional *'ulama'* (Mufti, 2007). His website *www.tv-almawrid.org* includes audio and video lectures from television and radio appearances as well all from Al-Mawrid's own video recording system (*www.al-mawrid.org*), and the institute publishes his work and that of his associates on audio and video cassettes, CDs, and DVDs (Al-Mawrid, 2011).

In addition to the education that he and his associates offer through courses, seminars and workshops on Islam, and to the training of "fresh apprentices, assistants, and scholars for the planned projects," he takes advantage of the Internet in these educational projects, creating live online lectures and online distance-learning courses (Al-Mawrid, 2011). His social mission, one of social ethics, appropriately relies on the Internet and its social media. In addition to his numerous books and articles (most of which are available online for free), and sources on him (mostly available through the Internet), he is the Chief Editor of the Urdu monthly magazine *Ishraq* and the English monthly magazine *Renaissance*[5], both organized through his Al-Mawrid Institute, and both available online for free[6]. His numerous affiliated websites include his personal website *www.javedahmadghamidi.com, www.monthly-renaissance.com*, and *www.al-mawrid.org*. In several of these, one can find links to his Facebook page *(www.facebook.com/JavedGhamidi)* and Twitter page *(www.twitter.com/JavedGhamidi)*. Also, there is an immense number of clips from his television appearances available on YouTube, for example on his personal channel *(http://www.youtube.com/user/javedghamidi)*. In terms of the technology, the movement is as contemporary as can be[7].

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5 Other resources are also available in Arabic. See "Al-Mawrid, Institute of Islamic Sciences," 2011.

6 Ghamidi himself does not usually write or speak publicly in English, but his associates have translated the overwhelming majority of his work into English. See Ahmad, 2010, p.3,

7 Compare Ghamidi's tactics to that of Yusuf al-Qaradawi's global youth movement and its large-scale implementation of social media. See Gräf & Skovgaard-Petersen, *The Global Mufti*: *The Phenomenon of Yusuf al-Qaradawi*, 2009.

Ghamidi and his associates seek not only the "clearest manner" of analysis (Al-Mawrid, 2011) but also the "clearest manner" of presentation. The very nature of this electronic media mobilization favors his own particular brand of religious revival, in that his mobilization of technology not only fuels his intellectual work and his ideology, but also mirrors them. The three aspects of his strategy – analytical method, philosophical ideals, and practical application strategies of electronic media are in a sense the same. Knowledge is power – as Foucault says, "Knowledge is not made for understanding; it is made for cutting" (Foucault, 1984). It is exactly this power to cut through to the heart of ethical issues that is to be taken from the Qur'an via a networked, hermeneutic interpretation based on group considerations and context, shared through the network of the *'ulama'* by means of electronic media networks.

Women's Rights

Through his extensive use of this electronic media, Ghamidi has been addressing the public on his ideas of *shari'a* ethics and their relationship to women's rights issues currently debated in Pakistan. This section will give several examples of Ghamidi's analytical strategies, ideology, and media outreach, not only in relation to the women's rights issues of Pakistan's Women's Protection Bill, but also in relation to others extending beyond this range.

As mentioned, educated women form a significant part of Ghamidi's audience (Ahmad, 2010). And with good reason. In his analysis of the Qur'an, Ghamidi asserts through public media that, for example, women who have their periods should not be considered untouchable or unable to touch the Qur'an (as many Muslims believe), but are simply not to have intercourse at that time. In asserting this he cites that one of Muhammad's wives would comb his hair during mosque prayers while in her menstrual cycle (Ghamidi, 2011). He also categorically maintains that "[t]here is absolutely no foundation" (A Misreported Interview, 2005) in the Qur'an or in true Islam for requiring women to wear a *hijab* (veil covering the head and face) (Glassé and Smith, 2003) in public, maintaining that the Qur'an requires simply that "when men and women meet, they should restrain their gazes and cover their private parts well. The women, in addition, are required to cover their bosoms and not to display their ornaments" (A Misreported Interview, 2005). Further, he supports women leading public prayer, saying that if women leading prayer have "done anything wrong, it is to break a tradition – not an Islamic code [....] [They] definitely ha[ve] not contravened a Shari'ah directive" (A Misreported Interview, 2005).

Yet more critically, Ghamidi has dedicated much of his energy to revising *hudud* punishments against women (i.e. the offenses and punishments defined in the Qur'an – in this case those against women) (Glassé and Smith, 2003). Since 1979, when, as a part of an Islamization project (Faruki, 1983), the former military ruler Muhammad Zia-ul-Haq enacted the Hudud Ordinances, the punishment for *adultery* had been stoning to death (Usmani, 2006). In this law, rape was also considered in ways equivalent to *zina* (consensual premarital and extramarital sex), and therefore to be punished along the same lines as fornication and adultery (Usmani, 2006). For this reason, although some claim that 90 percent of rape cases are ruled in favor of the female as victim (Usmani, 2006), others claim that this ordinance does not significantly differentiate between forced and consensual sex, and that under this ordinance, rapists have often accused their female victims of themselves being guilty of *zina* (of having voluntarily committed fornication or, if married, adultery). They contend that this has effectively resulted in women being afraid to speak out against their accusers, since some have been imprisoned for this, and some even convicted of fornication and flogged (if unmarried) or stoned to death for adultery (if married), although they had been raped or gang-raped (A Victory for Pakistani Women, 2006).

Recognition of Ghamidi, taking the form of both commendation and censure, has been in many ways related to his involvement with these women's issues in the *shari'a*, and his call for a revision of ethics

and revision of laws related to these women's issues (Mufti, 2007). In 2006, Pervez Musharraf, after usurping of presidential power, appointed him to participate in the Council of Islamic Ideology (CII) (Mufti, 2007), "a constitutional body that advises the legislature whether or not a certain law is repugnant to Islam, namely to the Qur'an and Sunna" (Homepage, 2011). Within the same year, the CII proposed changes to the Hudud Ordinances that addressed many of the above situations related to women's rights. The level of tension between Ghamidi, as public religious leader, and the *'ulama'* is clear in this situation. Ghamidi attempted to resign from the CII, when in 2006 the president called a separate *'ulama'* committee to examine the Women's Protection Bill and offer amendments to it, outside of the jurisdiction of the CII (Hassan, 2009). Through his own research, writing, educational projects, and public media appearances, as well as his work with Pakistan's Council of Islamic Ideology since 2006, Ghamidi sought to decrease public support for these laws, and to revise them, maintaining through every available media forum that the Hudud Ordinances (and the amendments that the *'ulama'*, claiming the CII's Women's Protection Bill to be anti-Islamic (Hasan, 2006), had proposed to the bill) were themselves anti-Islamic (Hassan, 2009). In doing so, he argued only from the point of religious authority, basing his arguments on the Qur'an.

Ghamidi challenged the terminology and interpretations that the Hudud Ordinances assumed to be in accordance with Islam, arguing that they actually go against the Qur'an. First of all, since to him the Qur'an regards *zina* as a consensual sex act[*], he challenged the idea that rape should be considered *zina*, considering it a *hadith* that has nothing to do with the *sunna* of Muhammad, and saying that it should instead be considered subject to *tazir* – court discretion for punishments not mentioned in the Qur'an (Mufti, 2007). Ghamidi's line of Qur'anic argument is the thinking that is responsible for such Women's Protection Bill changes to the Hudud ordinance as moving rape away from the jurisdiction of the Islamic law of *shari'a* (since there is no true Qur'anic *shari'a* for it) toward the jurisdiction of the Pakistan Penal Code, based on civil law, and punishable by up to 25 years of prison, death/life imprisonment in the case of gang rapists (Protection of Women, 2006).

Although adultery remains under the prescriptions of the Hudud Ordinances (Protection of Women, 2006), and as such remains punishable by *rajm* (stoning) (Glassé and Smith, 2003), Ghamidi himself, while recognizing *rajm* as a legitimate punishment, and one that Muhammad approved (Hashmi, 2011), rejects that *rajm* should be the normal punishment for the *zina* act of adultery. He contends: that "a critical study of the cases of rajm decided by the Prophet reveal that they involved crimes of social anarchy (Masud, 2007). Since he considers *rajm* to be a form of *taqtil* (i.e. brutal punishment), reserved for showing a public example of those causing disorder in the society) (Ghamidi, 2004), he does not find this an appropriate punishment for the regular *zina* crimes of consensual sex. He further finds fault with the Hudud Ordinances given that, while they punish adultery severely, it is precisely the disorder-causing crimes that they underplay or exclude from such severe punishments (Masud, 2007). Ghamidi maintains that those contexts in which Muhammad favored the sentence of *rajm* in relation to fornication or adultery were primarily those of prostitution and of rape, which he considers as creating anarchy in the society (Moiz, 2000). In other words, simply because a prostitute or rapist was married did not mean that she or he received *rajm* as punishment for being married, but rather for being a prostitute or rapist. It is this circumstantial and context-based punishment-ruling system (reflective of his analytical methods) that he finds lacking in the Hudud ordinance, arguing that it "gives no concession to the accused on the basis of the nature of the crime and circumstances" (Masud, 2007).

As one of his associates says, "Mr. Ghamidi stresses the principle that Hadith can only elaborate/ explain a law stated in the Qur'an, but it can not amend or abrogate it. Only another verse of the Qur'an can amend/modify it" (Hashmi, 2011). Since there is no direct reference in the Qur'an to *rajm* as the normal and fitting punishment for adultery, Ghamidi places priority on the Qur'an on what

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* Qur'an, 24.2.

rulings are actually contained in the Qur'an regarding adultery. He places the priority of this Qur'an verse over that of *hadith*, especially the many that, as mentioned previously, he considers inauthentic and not part of the divine *sunna*, and maintains that neither the *hadith* nor the *shari'a* may override the Qur'an. For example, the Qur'an states, "The woman and the man guilty of adultery or fornication, flog each of them with a hundred stripes. Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment"[*]. For this reason Ghamidi holds flogging, not stoning, to be the proper punishment for *zina* crimes, both adultery and fornication (Masud, 2007).

Some *hadith*, however, would abrogate this. For example, Ibn Ishaq said "God sent Muhammad and sent down the Scripture to him. Part of what he sent down was the passage on stoning, we read it, we were taught it, and we heeded it. The apostle stoned and we stoned them after him [….] Verily stoning in the book of God is a penalty laid on married men and women who commit adultery" (Ishaq, 2011). Since Ghamidi holds this to be a contradiction of the Qur'an, he claims that "matrimonial status in itself is not any basis for the difference in punishments" (Aziz, 2011) and rejects it as a source for binding laws, and rejects its authority as true *hadith*, not part of the *sunna*, maintaining that "no sunna, explanation or application of the Prophet could or did ever abrogate the Qur'an" (Aziz, 2011).

It should be noted that the amendments to the Hudud Ordinances render the punishment for fornication as a fine of Rs 10,000 and up to five years of imprisonment (Protection of Women, 2006), rather than the 100 lashes that Ghamdi would favor both for fornication and for adultery (which remains punishable by stoning). Especially in those cases resulting in pregnancy, these are issues that most especially affect the woman involved, since she can, unlike the man, be assumed guilty of such charges using her pregnancy as proof. It is then in these two examples that Ghamidi's arguments have not managed, or not yet managed, to find a way into the improvement of women's rights and into the Council of Islamic Ideology's legislature, despite his close affiliation with that institution.

Since the ordinances required four male witnesses in order to convict a man when a woman accuses him of raping her (Mufti, 2007), some consider this as rendering it much more likely for a woman to be convicted of fornication or adultery simply by publicly admitting to having sex (despite claims of non-consensuality) than for the man to be convicted of rape (Mydans, 2002). Addressing this issue, Ghamidi challenged the age-old assertion that within Islamic *shari'a*, women are not given equal authority with men in legal proceedings. Iftikhar finds Ghamidi to be of the opinion that:

"If a woman testifies in a clear and definite manner, her testimony cannot be turned down simply on the basis that there is not another woman and a man to testify along with her. The [Qur'anic] words […] 'so that if one of them forgets, the other should remind her' […] further corroborate the overall context of the verse, for quite obviously the court is not obliged to force the other female witnesses to remind the first if the first one does not forget. In the context, these words can only mean that since the typical Muslim woman in the Prophet's times had the proclivity to be confused in a court of law, the Qur'an advised the Muslims to have two female witnesses instead of one. However, should one woman satisfy the court, her testimony would be as valid – *ceteris paribus* – as that of a man's" (Iftikhar, 2004).

This demonstrates Ghamidi's belief that the context of the verse, and the context of the *umma* at that particular point in time, made matters different than they are at the moment. He holds that in cases of rape, "whoever is present at the site must be regarded as a witness" (Ghamidi, 2004). He finds that, because this ordinance necessitates the presence of male or female witnesses, it is unreasonable that it "discriminates between witnesses on the basis of gender and religion" and if there are no witnesses there to prove, for example, whether or not a woman was consensually involved, that "tazir [corporal

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* Qur'an 24.2.

punishment, e.g. flogging] should be more appropriate" for her (Masud, 2007). Since the passing of the Women's Protection Bill, four male witnesses are no longer required in order to make a charge of rape.

In the above respects, within Ghamidi's influence on the public media networks, and his influence on the Council of Ideology and on the Women's Protection Bill, we have seen examples of his contextual, networked, hermeneutic, Qur'an-based analysis towards what he himself considers a truer and more traditional view of Islam than that of the traditionalist Islamists opposing him. The changing group context of the *'ulama'* dictates, for example, the analyis of the Qur'anic verses regarding the testimony of women. Thus we can further see within these examples his vision for the network nature of the community, of the *umma*. In large part through his efforts[8], the rape punishments were brought under the Pakistan Penal Code, based on civil law (Protection of Women, 2006), rather than the *'ulama'* – controlled Islamic courts based on *'ulama'*-interpreted *shari'a* laws. This suggests, as discussed above, that Ghamidi views *shari'a* as an issue of community ethics, and of social ethics education. To Ghamidi, the Qur'an-based bestowing of male authority over the household is a part of this social *shari'a*, and one is not therefore to assume that it denies women the right to participate in the public life, since, as he says, "the nature of a family and a state is so starkly different that it is incorrect to adduce a law for the state on the basis of a directive given for a family unit" (Ghamidi, 2005). This is an example of the way in which *shari'a* is the way toward Allah. The authority of the man in the household is for a striving toward excellence, and should not be taken out of context into a political sphere.

Ghamidi's intention is "not any Islamic global order" (Iftikhar, 2004). His *shari'a* ethics strive to remain related to, yet at a comfortable distance from, state punishment and state legal matters, maintaining the *umma* as having the authority to Islamize political decisions, while seeking to prevent misguided laws and politicians from politicizing Islam. Further, the fact that he maintains the right for women to have equal status as witnesses in court (and further, to lead public prayer, to own property, hold public office, etc. (A Misreported Interview, 2005)) testifies to his view of the *umma* as the majority – as in a society that should be "based on the vote of the majority" (A Misreported Interview, 2005) – the totality of Muslims functioning together as a network. He sees the *'ulama'* as the source of shari'a, and therefore as needing to be educated on the true meaning of Qur'anic injunctions.

Conclusions

It should be stressed that while Ghamidi's movement is at base one that is seeking for truth and for ethics, it is one that is looking for that truth and ethics exclusively within the context of an Islamic community, looking for a *shari'a* based solely on the authority of the Qur'an and of the *umma*. As Ghamidi himself says, "Muslims cannot enact any law in their country which is contrary to the Qur'an and Sunnah or without taking into consideration the guidance these sources provide" (Ghamidi, 2005). In this sense he at base rejects the conception of separation of church and state, seeing the movement of religion out of the public sphere as a Western concept, and as a necessity only in the West:

"The importance of secularism for the West emerged as a reaction from the theocratic environment imposed by the Christian church. Since Muslims do not have the theocratic environment, there was never a need to rebel against [...] religion in that manner. Secondly, Islam is pure democracy. The majority's say in society has more significance. Thus if people want religious laws, they are welcome to do so through a legislative process" (A Misreported Interview, 2005).

Thus, even though Ghamidi affirms gender equality and political equality, he does not affirm the separation of church and state.

This raises the question, however, of what the implications of this position could be. The possible bone of contention is this emphasis he places on the democratic majority. His understanding of democracy

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8 See also the work of the Human Rights Commission of Pakistan and their website: *http://www.hrcp-web.org/default.asp*

is majority rule. In this understanding of democracy, the Ghamidian system will work, as long as the majority is Islamic. But if democracy is to be a system in which all people have an equal say in decisions that affect their lives (rather than the majority having the say on decisions that affect all of the people's lives), it cannot survive on a purely Ghamidian system. Civil disobedience, or freedom of conscience, would be most likely limited, since "Muslims must fully cling to state authority in all circumstances" (Ghamidi, 2005), so the truth, the ethics, and the laws must remain what the majority holds to be true. In contrast, the United Nation's understanding of democracy, and thus of social ethics and of human rights is one that includes the minority, and that protects the rights of the minority (Protection of Minority Rights, 2011). While women – not a minority – are protected within a Ghamidian framework that improves social and sexual ethics and thus the status of women, minorities such as homosexuals are not protected, but rather to be punished (A Misreported Interview, 2005).

Ghamidi rejects all readings of the Qur'an except the most generally accepted one, and it is this majority reading of the Qur'an that dictates behavior, ethics, and laws. Further, in Pakistan, even though the majority of the society is Muslim, as many as twenty percent of these Muslims are Shiite (How Many Shia, 2011), so this begs the question of whether they are properly represented if the Sunni majority has control. Such a Ghamidian conception would almost certainly fail in a pluralistic society with no clear majority religious interests and with a wider variety of competing cultures, competing priorities, values, and ethics. Yet in the former examples, we can see elements in which it could also be problematic in a Muslim majority society, even for a substantial number of Muslims.

In his ideology, Ghamidi is searching for a greater coherence and inclusiveness than he perceives either in the traditionalist Islamist context or in Western society. His philosophy seeks to avoid compartmentalizing religion into obscurity while at the same time avoiding the pitfall of holding on to traditionalism or what religion was in the past. His stance on the ethical treatment of women in Pakistani culture is part of *shari'a*-based social ethics system, and an agenda that is both thorough and logically structured. Through a non-political, media- and education-based strategy, Ghamidi has been seeking to change the Pakistani public opinion, to influence the community, and has found a way to engage them on important issues of religion and social ethics. His system deals a solid blow to the Islamist traditionalism of many of the *'ulama'*. It seeks to avoid politicizing Islam or using religion as a tool for political purposes, instead seeking to promote a social and legal flexibility by its rejection of a top-down approach to laws and social ethics. Yet it remains in favor of Islamizing politics, keeping society, government, and ethics in control of the religious majority, and it fails to address the question of whether his conception of a majority-, community-decided *shari'a* is compatible with international human rights.

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