A CRITICAL ASSESSMENT OF THE ISLAMIC MODERNIST DISCOURSE ON WOMAN IN ISLAM

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ABSTRACT
This paper goes into a critical assessment of the Islamic modernist discourse on the “question of woman.” With a particular attention to the works of Fazlur Rahman, Amina Wadud and Fatima Mernissi, this study first provides the ways in which these three Muslim scholars approach the Qur’an and the Sunnah as well as various secondary Islamic sources on the questions pertaining to women, such as testimony and polygamy. In other words, this paper evaluates three Muslim scholars’ approaches concerning questions pertaining to women. As these authors seem to be of the modernist conviction regarding the equality of men and women, they aim to reinterpret Islamic sources in light of such a conviction. The second part of the paper, however, argues that although they aspire to reinterpret Islamic sources particularly by contextualizing the relevant statements and/or approaches to women, such a contextualizing attitude ultimately seem to contradict the universalist claims underlying Islamic teachings. In short, women’s position in Islam has been examined and discussed with a specific reference to three Islamic modernist scholars from a critical perspective.

Keywords: Islamic modernism, woman, Fazlur Rahman, Amina Wadud, Fatima Mernissi

ÖZ

Anahtar Kelimeler: İslami modernizm, kadın, Fazlur Rahman, Amina Wadud, Fatima Mernissi

1. INTRODUCTION
This paper aims to analyze and discuss the status of women in Islam with a particular attention to contemporary Islamic modernist discourse as reflected in the works of three scholars, namely, Fazlur Rahman, Amina Wadud and Fatima Mernissi. The common features of these scholars are as follows. They attempt to reconcile the modern view and the Islamic view on the ‘woman question’. Modern educated and convinced of modern critical views on gender inequality, they aspire to demonstrate that the commonly
held views about the status of women in Islam do not reflect the core Islamic viewpoint. Secondly, they deal with the two fundamental sources of Islam, i.e. the Qur’an and the Sunnah of the Prophet.

This study is divided into two parts. The first part is a critical survey of the works of Rahman, Wadud and Mernissi. Their reinterpretations of the basic Islamic sources will be shed light upon from a critical perspective. With reference to some feminist criticisms of Islamic discourse, the second part of the paper aspires to picture the patriarchal characteristic of Islam. It is important to note that this critique will also be primarily based on the same sources, i.e. the Qur’an and the Sunnah. In the second part of the paper, it is argued that these recent modernist attempts among Muslims seem to remain within the inherently patriarchal discourse of Islam. Yet while making this argument, it is noted that Islam is not one monolithic thought and practice free of internal criticism.

2. CONTEMPORARY ISLAMIC MODERNIST DISCOURSE ON WOMEN

One of the most important contemporary modernist Muslim scholars is Fazlur Rahman. His importance emanates from the fact that he has been concerned with developing an Islamic response to modernity.¹ In this attempt, the question of the position of women occupies a notable place. Indeed he deals with a number of issues pertaining to women, such as the superiority of men over women, polygamy and testimony of women. In his work “Major Themes in the Qur’an” Rahman highlights the fact that the Qur’an does not put marriage with more than one woman as a principle. Rahman emphasizes the condition of achieving justice among them, as declared in the following verse: If you fear that you cannot do justice to orphans, then marry from among [orphaned] women such as you like, two, three, or four. But if you fear you will not be fair [to your wives], then [marry] only one; that is the safest course (3: 3) (cited in Rahman, 1980: 47).

Rahman further claims that the question of polygamy rose within the special context of orphan girls (1980, 47). He also stresses the strength of the deep-rooted socio-historical traditions,² which could not have been removed at one single stroke. In other words, he argues that the prevailing Arabia of those days did not permit the immediate enforcement of monogamy (Rahman, 1979: 29).

The way in which Rahman deals with the question of polygamy invites some vehement questions. The basic problem with his approach is that it is too contextually oriented an approach. One of the fundamental Muslim beliefs is that the Qur’an is the universal guide for Muslims of all times and places regardless of their specific contexts (Stowasser, 1998: 36). One cannot help questioning the compatibility of Rahman’s overly contextually-bounded reading with the universality claim of the Qur’an. Even more strikingly, Rahman claims that “the Qur’an laid down monogamy as the moral law for long-term achievement” (1979: 29). This statement in particular demonstrates that, despite his mostly sophisticated analysis, Rahman from time to time cannot escape an apologetic position regarding ‘the woman question’. It is clear that Rahman forces the boundaries of the Qur’anic text for the sake of adjusting it to the ‘modern’ values.

Another important issue pertaining to the position of women in the Qur’an is the testimony of women. The verse of 2: 283 reads as follows: “O ye who believe, when you take a loan, one from another, for a term, reduce the transaction to writing; and let a scribe record it in your presence faithfully. No scribe should refuse to set it down in writing, because Allah has taught him, so he should write. Let him who undertakes the liability dictate the terms of the contract, and in so doing let him be mindful of his duty to Allah, his Lord, and not keep back anything therefrom. If he who undertakes the liability should be of defective intelligence, or a minor, or unable to dictate, then let his guardian dictate faithfully. Procure two witnesses from among your men; and if two men be not available, then one man and two women, of such as you like as witnesses, so that if either of the two women should be in danger of forgetting, the other may refresh her memory.” (2: 283)³

At a popular level this verse is taken to simply mean that two women’s testimony equals to that of one man in Islam. However, Rahman states that first of all this verse is specific to the financial transactions. Secondly, this verse addressed the particular context of the time and place into which it was revealed. Thirdly, he argues that forgetfulness of women in this verse is not put as an inherent feature of women. Rather, this is due to the fact that women in those days did not deal with financial transactions and thus, they were not used to dealing with credits. Moreover, Rahman suggests that this verse implies “an insistence that correct evidence must be produced as far as possible” and then he asks: “Is this imperative

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¹ For a comprehensive analysis of Rahman’s views on Islam and modernity, see Berry (2003).
² For a parallel view arguing that the matters like polygamy were traditions of their specific social and historical context rather than the Qur’anic views on women, see al-Sa‘dawi (1982: 198-202).
³ Throughout this paper, for my own references, the following English translation of the Qur’an by Muhammad Zafrulla Khan is used (1971).
so difficult of implementation that the Muslim should feel peculiarly embarrassed today?” (1970: 329). To the extent that it is a matter of getting correct evidence there seems no problem. Yet the vital question, which Rahman does not ask at this point, is the following: Why is this method of getting “correct evidence” is valid only for females and not males?

The other two verses, which Rahman focuses on, are as in the following: And for women there are rights [over against men] commensurate with the duties [they owe men]- but men are a degree higher (2: 228) (cited in Rahman, 1980: 49). “Men are in charge of women because God has given some humans excellence over others and because men have the liability of expenditure [on women].” (4: 36) (cited in Rahman, 1980: 49).

Rahman’s interpretation of these two verses suggests that there is not an inherent inequality between men and women. This is a functional inequality basically originating from the division of labor peculiar to the specific social and historical context in question. In other words, if and when a woman becomes economically self-sufficient, it is not possible to talk of superiority of man (husband) over woman (wife) (Rahman, 1980: 49). As it can be seen, Rahman underlines the fact that one should not examine the verses without simultaneously taking into account the social and historical context within which the Qur’an was revealed. In this way, he leaves the door open for the possible reinterpretations of the Qur’an according to the changing historical conditions. Indeed he differentiates between ratio legis and actual legislation as in the following: The ratio legis is the essence of the matter, the actual legislation being its embodiment so long as it faithfully and correctly realizes the ratio; if it does not, the law has to be changed. When the situation so changes that the law fails to reflect the ratio, the law must change (Rahman, 1980: 48).

It is interesting that on the one hand Rahman’s reading of the Qur’an is a contextual one. On the other hand, he speaks of the Qur’an in essentialist terms. In other words, if one can speak of “the essence” of something, then most definitely the door for the possibility of a contextual approach to it is closed. Or, if the Qur’an is an open text that can be reinterpreted from one context to another, then it seems hard to speak of a certain essence. However, Rahman is neither totally essentialist nor totally contextually oriented, which leads one to suggest that his position a self-contradictory one.

Wadud is another figure that can rightly be called an Islamic modernist scholar. She applies a hermeneutical model of reading the Qur’an. In this model, the following three points are important to bear in mind: The context within which the Qur’an was revealed, the grammatical composition of the Qur’an and the world-view (Weltanschauung) of the whole Qur’anic text. In a sense, her interpretation is line with that of Rahman as she insists on the contextualization of the Qur’an for an “unbiased” and “appropriate” reading. Yet most of the time she appears to force the Qur’an in order to get to her predetermined aim of demonstrating that men and women are equal according to the Qur’anic text. She even sometimes presents a distorted reading. To illustrate, when reading the verse 4: 36, she underlines the fact that this verse does not argue for men’s unconditional superiority over women but rather that of “ba’d (some) over ba’d (some)” (Wadud, 1999: 71). Therefore, she deduces that: All men do not excel over all women in all means. Some men excel over some women in some manners. Likewise, some women excel over some men in some manner (Wadud, 1999: 71).

However, her approach does not seem convincing. Following Wadud’s own method, when one looks at the wording of the verse, then s/he will see that the superiority of some over some others is the explanation and/or reason behind the preceding sentence, which is “Men are in charge of women.” She does not look at the entirety of the verse and imposes her “prior text” which is composed of her attitudes, experiences, memory and perspectives (Wadud, 1999: 94). And for the immediate concern of this paper, it should be noted that the most significant characteristic of Wadud’s prior text has basically been the motive directed to the confirmation of the fact that Muslim women are equals of Muslim men (Wadud, 1999: ix-x).

Regarding the issue of polygamy as is found in the verse 3: 3, Wadud makes similar points to Rahman. She emphasizes the fact that this verse was about the treatment of orphans (Wadud, 1999: 83). Moreover, she asserts that there is a clear concern for doing justice among wives. In the context of the testimony of women, Wadud makes several interesting points. Firstly, she argues that according to the wording of the verse the two female witnesses are not in fact witnesses as they are functionally different: “One woman is designated to ‘remind’ the other: she acts as corroborator. Although the women are two, they each function differently” (Wadud, 1999: 85).

The first point of Wadud is not at all convincing precisely because ultimately the two women are called witnesses in the wording of this verse. More importantly, one woman is not designated as a corroborator
and the other as a witness. In other words, both are considered to be apt to error and when one is erroneous the other reminds her and *vice versa*. It is quite interesting that in this verse Wadud fails to see the interchangeable possibility of both female witnesses’ forgetfulness. Rather, by viewing them as functionally different, she argues that the Qur’an specifically designs one as ‘forgetter’ and the other as ‘reminder’. However, any one of them might forget regardless of such a specification. Put bluntly, the Qur’an potentially sees both of the women as forgetful. Therefore, at this particular point Wadud obviously imposes her own reading on the Qur’an rather than letting the verse speak for itself.

The second point of Wadud regarding testimony of women in this specific verse is in parallel with Rahman’s approach. She indicates that in the time of the revelation of the Qur’an women were not engaged with financial transactions as much as men. Therefore, they might have had difficulties in remembering the matter at hand. As soon as they become involved in these matters, then their testimony can be equal to that of men. Briefly put, Wadud, too, thinks that: “the verse is significant to a particular circumstance which can and has become obsolete” (Wadud, 1999: 85). The third point Wadud makes regarding the issue of testimony is that it is specific to transactional matters. That is to say, this is not a general rule, which must also be applied in other matters. This is quite a significant point since it challenges the popular misconception that in Islam two women’s testimony equals to that of one man.

While Rahman and Wadud are concerned with the interpretation of the Qur’an in regards to an understanding of the position of women in Islam, Mernissi, another Islamic modernist researcher deals with the *hadiths* of the Prophet. As is well known, in addition to the Qur’an, Sunnah (sayings and actions of the Prophet) is considered to be the second fundamental source of the Islamic thought and practice. Muslims take the Prophet’s Sunnah as a model for themselves. Sunnah gains even more significance particularly where there is not found a verse dealing with a specific issue in the conduct of life. The *hadiths* were collected in several collections by the beginning of the 10th century (Rahman, 1979: 63). Six of these have been ever since regarded as ‘The Six Genuine Ones’ and among them, the *Sahih* of Al-Bukhari has been seen next to the Qur’an in authority (Rahman, 1979: 63-64).

Mernissi critically deals with a number of *hadiths* about women in Al-Bukhari’s collection. One of the striking *hadiths* in Al-Bukhari’s book is as follows: “Those who entrust their affairs to a woman will never know prosperity” (Mernissi, 1998: 114). Mernissi examines the chain of the transmission of this *hadith* in Al-Bukhari and finds out that this *hadith* is supposed to have been heard by Abu Bakra. Then she goes on with doing some research about Abu Bakra. She finds out in the end that Abu Bakra cannot be taken as a reliable person for the transmission of the *hadiths* according to the principles of the process of verification (Mernissi, 1998: 118). His unreliability emanates from the fact that “he was convicted of and flogged for false testimony” in the time of the second Caliph Omar (Mernissi, 1998: 119).

Mernissi’s attempt is a crucial one as she develops a critical perspective within the framework of Islamic scholarship. Yet it is important to note that she indicates that according to the principles of Malikite fiqh “Abu Bakra must be rejected as a source of *hadith* by every good, well-informed Malikite Muslim” (Mernissi, 1998: 119). However, she does not speak of the views of the other schools of Islamic jurisprudence, namely, Shafiite, Hanafite and Hanbalite. Furthermore, she does not explain why one should necessarily take Malikite fiqh as a point of reference for the particular case under consideration.

Mernissi maintains her critical stance when she looks at another figure, namely, Abu Hurayra, who was a transmitter of a large number of *hadiths*. Mernissi states that many of the *hadiths* transmitted by Abu Hurayra were about the “polluting” essence of women/femaleness (Mernissi, 1998: 120). For example, one of them is as follows: The Prophet said that the dog, the ass and woman interrupt prayer if they pass in front of the believer, interposing themselves between him and the qibla [the direction of Mecca] (Mernissi, 1998: 120).

Another *hadith* transmitted by Abu Hurayra and cited in Al-Bukhari is as follows: “Three things bring bad luck: house, woman and horse” (Mernissi, 1998: 123). Mernissi indicates that Abu Hurayra, like Abu Bakra, was not a reliable source of *hadith* and that there is not unanimity on his reliability primarily because “he had a very dubious reputation from the beginning” in the context of recounting too many *hadiths* (Mernissi, 1998: 124-125). Indeed her critique is not solely limited with the question of the reliability of individual *hadith* transmitters like Abu Bakra and Abu Hurayra. More importantly, she emphasizes the fact that after the death of the Prophet, the Muslim world was divided by political dissensions to a significant extent. Therefore there were many individuals lying regarding the sayings of the...
Prophet (Mernissi, 1991: 36). She notes that at the time of al-Bukhari there were 596,725 false hadiths in circulation (Mernissi, 1991: 44).

It is quite important that Mernissi draws attention to the process of the compilation of hadiths, which corresponded to a politically torn context. There were divisions among Muslims at that time. To illustrate, only the first of the four Rightly Guided Caliphs, namely Abu Bakr, died natural death. The other three were killed. Also the first fitna (civil war) was seen in the time of the fourth Caliph, Ali. The situation was no less complicated in the time of the Umayyads. Under these conditions, Mernissi points out: “it is easy to imagine how important it was for each interest group to seek legitimacy in and through the sacred text” (Mernissi, 1991: 43).

Mernissi also casts a critical eye on the authenticity of al-Bukhari’s collection, which has been seen as a very important source of the Islamic teachings. She implies that al-Bukhari was misogynistic (Mernissi, 1998: 123-124). She frequently refers to Imam Zarkashi’s book al-Ijaba. Imam Zarkashi was born in Egypt in the middle of the 14th century (Mernissi, 1998: 124). His book al-Ijaba was composed of A’isha’s corrections to and disagreement with the religious scholars of her time (Mernissi, 1998: 124). With reference to this book, Mernissi argues that: “A’isha disputed many of Abu Hurayra’s hadith and declared to whoever wanted to hear it: ‘He is not a good listener, and when he is asked a question, he gives wrong answers’” (Mernissi, 1998: 124). It is interesting that Mernissi does in no way question the reliability of Imam Zarkashi, who lived even much later than al-Bukhari. The question here is as follows: can a work absolutely be genuine and/or reliable simply because of the fact that it includes ‘pro-woman’ and ‘non-misogynistic’ corrections in it? Another way of saying is that even though Mernissi criticizes al-Bukhari’s collection as misogynistic and thus to a certain extent finds it as unreliable, she does not present any proof regarding why al-Ijaba should be accepted as a genuine source.

Mernissi’s approach is noteworthy to the extent that she attempts to criticize traditional Islamic approach to women. She implies that an elitist patriarchal form characterized Islamic society beginning with the death of the Prophet. In other words, Mernissi is one of those who argue that: “The primary interpreters of Islam (of the Quran, traditions of the Prophet, and law) were males functioning in, and reflecting the values of, patriarchal society” (Esposito, 1998: 333-334).4 However, after a certain point, Mernissi’s approach is not as critical as it has been. She does not seem critical enough to develop a genuinely feminist interpretation of the Qur’an.

3. A CRITICAL PERSPECTIVE ON WOMEN IN ISLAMIC SOURCES

The contemporary Islamic modernist intellectuals examined so far call for a reinterpretation of the two fundamental sources of Islamic teachings, namely, the Qur’an and Sunnah. They stress that one should read these sources in their specific social and historical contexts. Thus, they present a flexible view of Islamic thought. They challenge the commonly held conceptions regarding the position of women in Islam, according to which women are seen as victims of polygamy and as inferior vis-à-vis men. They criticize traditional interpretations of Islam and would like to replace these with a ‘modern’ one.

The question coming to the fore at this point is as follows: How far is the contemporary Islamic modernist discourse satisfactory? Does it really present an alternative interpretation of the basic Islamic sources? Do they really challenge the commonly held conceptions concerning the position of women in Islam? First of all it should be noted that such an attempt in itself is appreciable. Regardless of its persuasiveness, it shows that there is not a monolithic interpretation of Islam. In other words, whether or not one finds the arguments and the way in which the fundamental sources are dealt with satisfactory, still one should bear in mind that the figures presented here are, to say the least, scholars of Islamic affiliation and they believe that Islam is to be interpreted in this way. Their position invites one to be cautious about not viewing Islam in a totalizing and homogenizing way. However, in spite of its notable contribution to the deconstruction of certain misconceptions about Islam, like in the issue of testimony, the position of these personalities is not free of some significant problems. It is possible even to argue that the problems arising out of this discourse far exceed their solutions to the ‘woman question’. Several points should be made regarding these problems.

Firstly, there is an exaggerated contextual reading, to the extent that it makes one think that the Qur’an was a book revealed to the people of Arabia of that specific time period. Moreover, while they read the Book in such a contextual manner, they do not delineate where the boundaries of this contextual reading end.

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4 For a similar viewpoint, see also Simmons (2003).
Basically, it can be argued that such an overly contextual reading of the Qur’an is full of tensions with the universalist claims of the Qur’an.

Secondly, Islamic modernists seem not to prefer to read the Qur’an with critical eyes. Between the lines of their arguments, one can read that they attribute the inferior image and position of women in Islamic culture and society to the later-coming generations after the Prophet. Therefore, they avoid facing the Book in critical terms. While they deal with specific verses and hadiths, they lose the broader picture of Islamic history and civilization, which has been quite patriarchal. Put differently, they fail to see that the prevailing discourse of the Qur’an is heavily a patriarchal one. There can be found lots of examples, one of which is the following verse: “Your wives are a tilth for you to cultivate so go to your tilth as you will (2: 223)” (cited in Berktay, 1998: 127). Another striking example is the veiling issue, which is ordered in the following verse: O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close around them (when they go abroad). That will be better, that so they may be recognized and not annoyed. Allah is ever Forgiving, Merciful (33: 59) (Cited in Fernea and Bezirgan, 1977: 25).

The question which Berktay poses about the veiling deserves a primary attention: “It is not easy to understand why the woman, the object of the gaze, is forced to cover and not the man who is the possessor of the ‘illegitimate gaze’” (Berktay, 1998: 128).

A related point to the previous one is that these three scholars’ ‘rereading’ of primary Islamic sources seems to be ill-sided with merely offering ad hoc ‘solutions’ to the subject matter at hand. That is to say, they always try to develop a response to specific verses and hadiths. That is why sometimes they are quite apologetic, whose reason can be said to be as follows: Their position can best be pictured as one divided between the Islamic and the modern. They seem to be able to give up neither their modern nor their Islamic convictions. They are suffering the paradigmatic problems of coming-and-going between the Islamic and the modern, both of which belong to distinct spheres and thus, whose reconciliation is simply out of question (Nasr, 1994: 99-100).

The ad hoc feature of the contemporary Islamic modernist position shares commonality with its 19th century pioneering predecessors, such as Afghani and Abdul. The problem under consideration is that their point of departure and conceptual tools are of a mind-set rooted in modern thought. Convinced by modern ideas to a significant extent, they try to find some kind of reconciliation between the Islamic and the modern, which seems problematic. That is to say, their persuasion by modern thought in general and by the modern attitude towards the ‘question of woman’ in particular, is the very basic motive of Islamic modernists. Therefore, every argument they put forward is, consciously or unconsciously, directed to and in line with this modernist persuasion. Consequently, they indeed appear to fail to read the Islamic sources on their own terms despite the fact that they argue for a ‘contextual’ reading. That is why their attempt is oriented to prove the fact that: “Women do not have secondary position in Islam vis-à-vis men.” In other words, their total rejection of each and every indication of the secondary status of women in Islam, which is claimed to be impositions and traditions outside of the basic sources, makes their attempt far from convincing. More importantly, this is precisely what makes their line of argumentation no less biased than the biased readings they criticize.

Another important point is that although it is crucial to look at the two fundamental sources of Islam, still the Islamic civilizational attitude to women cannot be totally disregarded. After all, this civilization has flourished to a significant degree from the Qur’an and Sunnah of the Prophet. Certainly this is not to argue that Islamic civilization was entirely the product of the two basic sources. Yet these two provided the very legitimate frame of reference for Muslims in every domain of the conduct of their lives. Thus, it is quite accurate also to look at the prominent Islamic scholars’ views on women. To illustrate, Imam Gazzali, the mujaddid of the millennium expresses the proper place of women as in the following: Woman… should stay in the section reserved for her and not leave her spindle. She should not go out to the roof more than necessary, nor look around from there. Also she should converse little with her neighbors and she not visit their houses (cited in Berktay, 1998: 129).

It is Sabbah who analyzes the image of women in the Muslim subconscious. She attempts to display what kind of a perception and representation prevails in the Islamic worldview. She does this through the analysis of the following sources: the Qur’an, Imam Malik’s Al-Muwatta, Imam Bukhari’s Al-Sahih, Imam Muslim’s Al-Sahih, Tarmidi’s Al-Sunan and Imam Ghazzali’s Ihya’ ‘Ulum al-Din (Sabbah, 1984: 7).
Throughout her book, she demonstrates the patriarchal image of women in the Islamic discourse. One example she gives is that the Qur’an presents women and children as the material riches for the male believers: Beautified for mankind is love of the joys (that come) from women and offspring, and stored-up heaps of gold and silver, and horses branded (with their mark), and cattle and land. That is comfort of the life of the world. Allah! With him is a more excellent abode (3: 14) (cited in Sabbah, 1984, 75). And Allah hath given you wives of your own kind, and hath given you, from your wives, sons, and grandsons and hath made provision of good things for you… (16: 72) (cited in Sabbah, 1984: 75). Similarly, Sabbah gives many other examples all of which well display the patriarchal characteristic of Islamic discourse.

4. CONCLUSION

Up to now women’s position in Islam has been examined and discussed with a specific reference to three Islamic modernist scholars from a critical perspective. These modernist attempts are quite appreciable in that they show that there are crucial reinterpretations of the 14 century-old primary and secondary Islamic sources. However, despite these modernist scholars’ considerable intellectual efforts of rereading Islam, particularly those of Rahman, ultimately they appear far from convincing due to the very patriarchal characteristic of Islam. It is Watt who argues that Islam, in its early period of expansion had similar characteristics with the pre-Islamic past in the context of its social and political organization (Watt, 1999: 14). Indeed it is possible to extend this argument as in the following: From its inception till very recently Islamic teachings predominantly proved to be continuous with the pre-Islamic past on the basis patriarchy.

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