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Review article

Negotiating agency and human rights in Islam: A case of Muslim women in Kenya

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ABSTRACT
Human agency is a basic human right. Just as humans are entitled to basic human needs, they are also entitled to agency i.e. freedom of choice. Human dignity is centered on this simple fact. Sometimes cultures and religions have infringed upon this basic right. In Kenya, for instance, Muslim women continue to be conflicted between upholding their basic rights as human beings, and adhering to their religious expectations. This conflict mostly manifests in matters related to sexuality and gender roles. While some Muslim scholars have asserted that human rights principles are at the heart of Islam, others have devalued human rights arguing that they are foreign, and western propaganda intended to destroy Islam. Muslim women in Kenya are caught in this dilemma. In this article, I explore the possibility of negotiating agency and human rights in a Muslim context. I draw illustrations from surveying and interviewing thirty Muslim women from Kenya, to highlight the challenges they face, as they attempt to claim human rights. It is my argument that human rights are human entitlements, which are compatible with Islamic teachings. Muslim women should be able to negotiate agency and human rights entitlement within Islam.

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INTRODUCTION

The conflict between religion and basic rights of women in Islam is quite apparent in social behavior, especially where practices related to sexuality are concerned. In many societies, where sexuality is used to define gender and power relations, sexual control is culturally and religiously sanctioned in interactions between men and women. Unfortunately, when prescribed social norms infringe upon human rights, conflict is inevitable. Controlling female sexuality is of particular concern to the human rights discourse because it represents cultural and religious assumptions that the woman's agency is 'inferior' or 'weaker' than that of a man. For some Muslims, controlling female sexuality is often associated with practices such as *purdah, al-hijab*, polygamy, female genital cutting, divorce, and honor killings, some practices of which have nothing to do with Islam. Although underlying these practices are teachings about chastity – a virtuous principle in Islam – often times, women's agency and rights get compromised in order to uphold this virtue. It is my argument that this need not be the case.

Human rights activists have focused on the agency of the Muslim woman, because of the aforementioned culturally and religiously promoted practices. Muslims have reacted to human rights differently. While some have claimed that human rights and the agency of the individual are central to Islam, others have argued that cultural and religious rights, according to their definitions, are as incompatible with Islam. For instance, on the one hand, a practice such as gender segregation in Islam is often explained as justified by those who argue for cultural and religious rights in order to maintain decency, sacredness, modesty, female safety and the family unit. On the other hand, human activists have described this as discriminative and therefore, a violation of women's agency and human rights. While on the surface, both positions are convincing and sometimes difficult to reconcile, often they feed into the controversy, dilemma and the suffering of Muslim women.

The central question of this article is: Is it possible to reconcile cultural and religious rights with human rights? Specifically, can decency, modesty, and family honor be achieved without compromising the agency and basic rights of Muslim women? My discussion is framed within the individual and social change theory otherwise known as empowerment framework [36,48]. The discussion is based on a survey of thirty Muslim women in Kenya.[1] My goal was to investigate challenges that these women faced daily as they sought to negotiate claims and entitlements to agency and human rights while remaining faithful Muslims. All participants were identified through religious and ethnic groups and a social network and all spoke English or Kiswahili. It is important, however, to caution the reader that while the experiences of these women may be similar to that of many women in other parts of Africa south of the Sahara; their experiences do not in any way represent that of all African women. Similarly, it should be noted that some of the practices discussed are not found in all Middle Eastern, African or Asian countries. For instance, female genital cutting is not found in Islamic countries such as Iran, Pakistan, India and Turkey. It is essential that the limitations of this study geographically and contextually are recognized even as lessons are gleaned for various Muslim countries.

EXPERIENCES OF KENYAN WOMEN

Findings to the study reveal a number of things about Islam and human rights as perceived by Kenyan women. Most respondents were unable to distinguish cultural practices from religiously legitimate practices. For instance, about eighty percent of those interviewed considered the *Qur'an* as the absolute truth. Eight percent of the thirty women interviewed described cultural practices such as *purdah* and *al-hijab,* honor killings, female genital cutting, and polygamy as mandates of Islam, even though female genital cutting, honor killings and *purdah* are not mentioned in the *Qur'an*. One of my informants Maisha had this to say; "*I am a Muslim and since female circumcision is an Islamic injunction, I have to be circumcised. It is my religion . . . I do not want to be judged by God because I did not get circumcised*."

Most respondents could not see any connection between Islam and human rights. It was interesting to observe that over seventy percent of these women did not see how one could be a Muslim and make a claim to human rights at the same time. My informant, Amina noted: "*People think Muslim women are oppressed by Islam. They are wrong. Muslim women have been saved from jahiliya.*"[2]

[1] The survey was carried out between 2006–2009 via questionnaire and in-depth interviews.
[2] *Jahilliya* is an Arabic word used to describe a state of ignorance that predated Islam.

While it is difficult to showcase experiences of each woman interviewed to illustrate their unique social contexts, in this study, I draw from the experiences of two Muslim women – Isnino Shuriye and Alimo Imoni – in order to contextualize challenges these women face. In adopting a personal narrative, I am able to "fully represent the native's viewpoint as well as allow the reader to empathize and identify with the subject" [13,50].

Isnino Shuriye, an elderly mother of eight is a Muslim woman from a small village of Ijara, Garissa in Northeastern Kenya. As a trained exciser of girls in her community, Shuriye believed in her practice as a "good thing mandated by her God. This was a practice her mother had performed before. She remembers holding girls down for circumcision when her mother performed the practice. In an interview by Mark Lacey of *New York Times*, Isnino Shuriye recounts the pride she felt as an exciser. She recalls how, many years ago, when she leaned over each of her three daughters, knife in hand, and sliced their genitals. Each time, as the blood started to flow, she quickly dropped the knife and picked up a needle and thread. Quickly, expertly, she sewed her daughters' vaginas almost shut. "I was full of pride," she recalled. "I felt like I was doing the right thing in the eyes of God. I was preparing them for marriage by sealing their vaginas."

One day, an activist grass root group that works with Somalis known as members of Womankind Kenya, founded by Sophia Abdi Noor visited her home to convince her to abandon her practice. She chased them off her property claiming that she had no use of people who came to denounce her way of life. However, the opponents of circumcision did not give up. They believed that her actions violated human rights of girls she had circumcised and were determined as ever to "convert" Shuriye. Sophia Abdi explains: "It was difficult to change her mind . . . we knew she was respected, and we wanted her on our side." It was this groups hope that converting Shuriye would influence other excisers like her and in fact, other women to abandon the practice. They hoped to convince her that circumcising girls was not only a violation of their rights, but a practice that Islam does not condone. When the women's activist group realized that they could not convince her to abandon the practice on their own, they invited Muslim leaders to accompany them. As a Muslim, Shuriye could not turn an Imam away. She was soon convinced that circumcision was harmful, and was not dictated by or consistent with the teachings of the *Qur'an*. Shuriye turned from being an exciser to an active opponent of female genital cutting. She made house calls on other girls to convince them to abandon the practice. With her help, they were able to persuade 12 other excisers to denounce the practice. After her transformation, she recounts with remorse her brutal acts that she believed were divinely sanctioned (Lacey, *New York Times*, June 8, 2008).

During one of my visits to the Mosque, in Lodwar a town in the northern part of Kenya, I was introduced to a female support group after expressing my desire to learn about their activities. Here, I met Alima Imoni, a Turkana Muslim woman. Upon close observation, I realized she did not look quite well to me. Out of curiosity, I asked her to join me for a cup of tea so we could have a private conversation. I learnt that Alima was sick and worried for her life. Her co-wife had died recently of AIDS. She explained further "I have seen many people die from our Mosque and I am getting really worried. I think I will be next. I have thought of divorcing my husband, but . . ." She sighed before she continued. "I think it is too late and, it is also unIslamic."

"Have you been tested for HIV?" I inquired?

"I do not want to get tested because people will think that I am a commercial sex worker and that would shame my religion."

"Now that people are dying of HIV from your Muslim community, does the Imam speak about this issue to the congregation?"

"No, he does not, but there is a women's group that speaks to women like us about HIV/AIDS." Unfortunately, men do not want to join us in these meetings because it is led by women." After grasping Alimo's dilemma, I could only encourage her to get tested in order to receive treatment. When I received a note from her the following month informing me that she had been tested and was on medication, I was delighted. Although, Alimo is still committed to her husband and wants to do what is "right" by her religion, her husband has shunned her, and married another wife (interview, August 2006).

Stories of Alimo and Shuriye were reiterated in experiences of thirty women interviewed in this study. Their experiences are especially indicative of experiences of Muslim women in the Northeastern centers in Kenya, namely Garissa, population 65,881, Lodwar population 20,000, and Isiolo, population 80,000. This semi-arid region is mainly inhabited by nomadic pastoralists, half of

whom are either Muslim or Christian. Because of the skirmishes that existed between the colonial administration and the Muslim Somalis who bordered these communities, the people of the area became isolated as movement was restricted due to recurring conflicts known collectively as the "Shifta war," which ended in 1968. Because of climatic conditions, their only source of income was livestock. Most people became destitute until they received help from both Christian and Muslim missionaries in the region. Because Muslims in Kenya comprise 30% of the Kenyan population, they are in the religious minority. As a minority, Muslims find themselves segregated and sometimes discriminated in terms of employment, national wealth distribution, socio-economic and political aspects. Studies indicate that Kenyan Muslims have a poverty rate of 56% compared to other religions. The remoteness of the area they inhabit, coupled with local cultural taboos and religion means that Muslims in this region have a deep-seated aversion to discussing sexual matters.

Given the remarkable level of representation, the Muslim voice is often absent in decision-making structures and security forces of the Kenyan society. Thus most Muslims feel that the government has failed to address the needs of the arid and semi arid region where most of them live. To most Muslims, the government has failed to live up to the international covenant on civil and political rights (ICCPR) and the international convention on the elimination of all forms of discrimination (CEDAW) even though it is on record as ratifying these policies. They additionally feel that article 4.5 of the United Nations Declaration of Human Rights has been violated.

Muslim women, particularly from the Turkana ethnic group of Kenya feel desperately forgotten where human rights are concerned. The Turkana are associated with Kenya's lowest literacy rates with most men and women unable to read and write [37]. Men have remarkably little access to knowledge, not to mention that related to health matters such as HIV/AIDS. Most do not know how to use or access condoms. According to the IRIN source, the risk of HIV is high among the Turkana women with the prevalence rate standing at 11.4 percent, twice the national average [37]. Confronted with a religion that endorses polygamy and a culture that encourages unfaithfulness among men, Turkana women are often faced with the dilemma of how to juggle culture, religion and rights. Hospital sanitation, which is rare in this region, worsens the situation. Most births are traditional, and most attendants fail to exercise necessary caution such as the use of gloves while birthing in order to protect themselves and the child from infection. While it is crucial to acknowledge that Islam and culture are factors in these women's situation, illiteracy rates complicate matters.

Muslim women in the Lodwar township of Kenya are confronted with the dilemma of how to protect themselves from HIV, since condoms are considered by these people as unIslamic. This dilemma is apparent in the continuous condemnation of condom use among Muslims. For instance, on May 13, 2005, Muslim leaders in Kenya's Northeastern Province resolved to campaign against the promotion of condoms as a means of preventing HIV. This move was precipitated by a meeting held by over 60 Muslim scholars and teachers in the provincial capital of Garissa to address the issue about "Islam and Health." Sheikh Mohamed Ali of Garissa district commented as follows. "A lot of money is being wasted to poison our community . . . a huge amount of money is spent buying condoms, buying immorality" (*Irin, Africa, 5/13/2008*). In this conference, Muslim clerics vowed to preach actively against the use and public promotion of condoms as a strategy to contain the HIV pandemic and especially to prevent pregnancy. They also agreed to oppose the distribution of condoms in villages and educational institutions across the northeast. When questioned on why they were interfering with the government's efforts to prevent the spread of HIV/AIDS, Sheikh Ali responded: "We are not opposed to the Ministry of Health's campaigns to fight HIV/AIDS, but we are concerned that they are using the wrong way, which is not acceptable to our tradition and religion" (*Irin Africa, 5/13/2008*). According to Yahya Asuman, an administrator at Lodwar Islamic centre, most men would like to be educated on the subject of HIV/AIDS; however, this knowledge will prove irrelevant if it does not address the subject in the context of cultural and religious values of Muslims.

The dilemma for most of these women lies in assumed contradictions between the two. Most Muslims lack a clear understanding of how Islam can be interpreted within Islam. As Muhammad Said al-Ashmawi [5]:178–184 clearly observes, there is within the Muslims community two schools of thought on the place of human rights in Islam. The first school, which has often countered human rights and views God as the origin and enforcer of the Islamic law. According to this school, they believe as the law of God is superior it trumps human rights. In other words, they believe there is no place for human rights in *shariah* law since God holds the monopoly over any human law. This position, often held by fanatical extremist Muslims, is used to counter human rights because they are

perceived as alien and heretical. The other thought, often associated with liberal intellectual Muslims, recognizes human rights as embedded within Islam. According to this group, Islamic law caters to human rights as long as one is able to distinguish between this law and Islamic jurisprudence. In other words, not all legal rules mentioned in Islam are to be considered permanent, whether abrogated or not. As al-Ashmawi validly argues, legal rules such as those about slavery and slave harems have been modified in accordance to modern morals. Interpreted in this way, human rights are clearly embedded within Islam. In spite of these differences, it is often difficult to reconcile these positions. It is no surprise that these perspectives are reflective in my respondents' opinions. The fundamental question is: How are the rights of Muslim women to be negotiated in an environment such as that in Garissa? How is a Muslim woman expected to claim her rights when her culture and religion require her to adhere to legitimate practices such as circumcision, polygamy, gender segregation and non-use of condoms, in the age of HIV? It is crucial that one understands what is at stake for these women in order to discern why agency and claims to human rights matter to human rights and feminist activists.

WHY AGENCY MATTERS

Critics of practices such as *purdah, al-hijab,* polygamy, female genital cutting and restricting condom use are often concerned with the woman's agency. Agency, the universal entitlement of all human beings, entails the right to choice especially in matters that concerns the welfare of the individual. *Purdah,* a cluster of practices that are designed to keep women secluded from unrelated men, is symbolically designed to promote honor, modesty and dignity. The Islamic principle behind *purdah* is the prevention of *zina*—fornication and adultery. As Pepper Shwartz and Virginia Rutter validly observe, women in some Muslim communities are secluded in wooden bars with installed windows that ensure the person inside is able to see out while the one outside cannot see inside [40]:73.

Critics of *purdah* consider it a basic human rights violation. Feminists consider it a consequence of socially ingrained norms of patriarchal discrimination against women. According to a Muslim scholar, Abdulahi Ahmed An Na'im, *purdah* is a policy, originating from the notion of *qawama*, an Arabic word meaning (guardianship and authority). This notion stipulated in the *Qur'an*, *surah* (verse) 4:34, grants men *qawama* (authority) over women because of "the advantage they (men) have over them (women) and because they (men) spend their property in supporting them (women)" [8]:214. The *shariah* interpretation of this *surah*, describes men as guardians of and superior to women, and therefore, responsible as guardians and superiors of women of their family. Implied in this assertion is the inferiority of women to men a claim that is often used to argue for their inability to protect themselves. The denial of women's agency is a concern to human rights activists.

In Islam, the *hijab* (veil) has also received critique in the human rights discourse. Some Muslim women use the veil to cover their bodies, head to toe in order to conceal themselves. While some Muslims have described the *hijab* as an injunction of Islam intended for protective measure, others have described it as another patriarchal instrument intended to control female sexuality. In Kenya, the veil is a common Muslim garb. It is believed by Muslim women, that the veil helps protect them from the lustful temptation that women allegedly embody and from potentially abusive, invasive attention from men [41]:22.[3]

Those who see the veil as an Islamic injunction have cited *surah's* 24:30-2 and 33:59 of the *Qur'an*. For instance, *surah* 33:59 proclaims: "O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close round them (when they go abroad). That will be better, so that they may be recognized and not annoyed. Allah is Forgiving and Merciful." The prophet is also quoted as having recommended the veil when he said the following to Asma, daughter of Abu Bakr "O Asma'! Once a girl reaches puberty, nothing of her body may be seen (by non-mahrams) except this (he pointed to his face and hands while saying so) ([38] 33: 59, [15]: 212–213).

For critics, the veil promotes the notion that women are different from men in the amount of *nafs:* (an animal life force) which includes lusts, emotions, desires and *aqel* (reason, rationality), which includes the ability to control one's emotions and to behave in socially appropriate ways [11]:53.[4] The claim that women are governed by their carnal natures and that they are perceived as less intelligent than men does not sit well with human rights activists because the woman's agency and

[3] Today veiling is seen as an emblem of political, economic and cultural emancipation and as a means of asserting multifaceted identities.

[4] This can be compared to the Greek and Christian notion of dualism where femininity is considered inferior.

ability to make moral choices is undermined, i.e a claim that women cannot exercise conscious restraint which is not only discriminative, but also undermines their agency.

Although some Muslims have argued that the *hijab* as a symbol of modesty enables Muslim women to work, earn and go about their daily business without fear of sexual harassment, critics have argued however that the *shariah* interpretation of *surah* 4:37 requires women to stay at home. According to An Na'im, for instance, women are not permitted to leave their homes except when required to by urgent necessity. When they are permitted to go outside the home, they must do so with their bodies and faces covered [8]:215. To An Na'im, *al-hijab* reinforces women's inability to hold public office since it restricts her "access to public life." Women are not to participate in public life because they are "not to mix with men even in public places" [8]:221. It is important to note that while the *hijab* can be interpreted as a symbol of oppression, in some Islamic context, in modern society the *hijab* continues to be associated with cultural identity and liberation.

Polygamy is another Islamic practice under critique in the human rights discourse. Critics of polygamy see it as feeding into the notion of female inferiority. At question is the notion that two women can be loved equally. Advocates of polygamy cite *surah* 4:33, which states:

And if you have reason to fear that you might not act equitably towards orphans, then marry from among (other) women such as are lawful to you-two or three, or four; but if you have reason to fear that you might not be able to treat them with equal fairness, then (only) one-or from among those whom you rightfully possess. This will make it more likely that you will not deviate from the right course (*Surah* 4:3).

Critics are quick to cite *surah* 4:129, which contradicts *surah* 4:3. According to this *surah* the prophet is said to have stated: "You will never be able to deal equally between women, no matter how much you wish to do so (4:129). Ammah explains:

The trend in the Koran is toward monogamy, a situation which was not possible due to the prevailing social conditions. The widely accepted practice of polygamy and the existence of the many widows and orphans left by war and therefore, in need of protection through marriage militated against outlawing it properly ([7]: 79).

It is important to understand that polygamy is not only permissible according to the *Qur'an*, but it also is a cultural practice that is legitimate both in Arabia and Kenya. In Arabia, polygamy has been a culturally legitimate practice. Currently men are only permitted to marry up to four wives however, during pre-Islam it was acceptable for men to marry as many wives as they wanted. In Kenya, polygamy is culturally accepted and is not perceived as a sign of degradation. In communities where Alimo and Shuriye live, for instance, seventy-six percent of women in a survey conducted viewed polygamy positively [23]:215–216. Polygamy in Islam should be understood in the context. Although the prophet has been criticized for engaging in polygamous marriages, often forgotten is the fact that the prophet was married only to his wife Khadija until she died. He engaged in polygamous marriages for political reasons—alliances and to provide for widowed women and children whose husbands and fathers had died in ethnic wars that were common at the time. While it is important to understand why polygamy was prevalent at the time, Ashagar Engineer may be right in arguing that "a contextual justification" should not be taken as normative. "Its applicability must be seen as dated, not for all times to come" ([17]:22). Engineer acknowledges the fact that sometimes social contexts may define norms.

Related to polygamy are the Islamic teachings about divorce, *surah* 4:128. Critics of divorce have argued that the requirement that a woman returns some or all of her *mahr* (dowry) in order to get a divorce as stipulated in *surah* 2:229 is unjust. It should be remembered that divorce was a common practice in Arabia. In most traditional ethnic communities, in Kenya, bride wealth must be returned to the groom in the case of divorce. Since most women in Kenya are economically dependent on men for survival, they are often unable to raise bride wealth to return to their husbands in the case of divorce. It is important therefore, that Alimo's decision to remain married to a man that infected her with HIV is understood within an ethnic cultural and Islamic context. The assumption that Islam allows a woman to initiate her own divorce when in danger overlooks such constraints women face. Furthermore, some men have abused dower by forcing women to buy their way out of an unhappy marriage.

Although female genital cutting is not mentioned in the *Qur'an*, it is widely associated with Islam. This socio-cultural practice involves the pricking, piercing, stretching, burning, or excision, clitoridectomy and or the removal of part of or all tissues around a woman's genitalia and in some cases infibulations (the stitching together of the vulva in order to narrow the vaginal opening). While

female genital cutting is a worldwide practice,[5] it is particularly prevalent in African and Middle Eastern countries. Genital cutting is commonly performed on girls between the ages of four and sixteen, among other reasons, as an initiation rite into womanhood ([39]: 8, [16]: 14ff).

Critics of female genital cutting describe it as a violation of basic women's rights to good health, sexuality and choice. They have described the practice as ungodly, because it damages a healthy organ of an innocent woman. They argue that God would not command an action that is harmful, painful, physically and psychologically damaging as female genital cutting [2]:150. These critics have described narratives that justify female genital cutting as misinterpretations and corruptions of Islamic traditions since they do not draw from the *Qur'an* [2]:113. For instance, some have dismissed the fact that the prophet sanctioned the practice. According to a Muslim scholar, Sheik-Abd-al-Rahman Al-Najjar, "Prophet Muhammad could not approve of the practice since the circumcision of his own four daughters is not mentioned in his biography" [2]:109. Responding to Prophet Muhammad's and Ali's supposed description of the practice as a meritorious act, critics have denounced this finding it unnecessary since it is not valued to the same degree as male circumcision. Regarding the claim that the prophet modified the practice, critics point out that this was a cautious strategy employed by the prophet in order to not incite protests against him for stopping a custom that was entrenched in his community.

Advocates of this practice consider it an Islamic injunction. As Sami Awad Aldeeb Abu Sahlieh observes, most Muslims who practice female genital cutting as an Islamic injunction considered it *khitan al-sunnah*, which means "circumcision compliant with the tradition of Muhammad" ([2]: 11). Some advocates of genital cutting have argued that the Prophet Muhammad recommended the practice because it was *sunnah* for men (commendable for men), and *makrumah* for women (a noble deed) [2]:111. Often cited as a narrative in which Muhammad is supposed to have held a discussion with Um Habibah also known as Um Atiyyah, an exciser of *jawari* (female slaves). Prophet Muhammad was said to have asked her whether she continued practicing her profession after immigrating in a group of women with the prophet. Um Habiba responded, yes, "unless it is forbidden and you order me to stop doing it." Muhammad replied, "Yes, it is allowed. Come close so I can teach you. If you cut, do not overdo it, because it brings radiance to the face and it is more pleasant for the husband" [2]:112.

To most critics, female genital cutting is a cultural practice that was prevalent in pre-Islamic Arabia. It was continued by some Muslims to reinforce sexual control and purity in women. They view this practice as a form of controlling female sexuality intended to ensure that wives give birth to children that indeed belong to their husbands [30]:40, [29]:118.

Surah 4:34 is cited as affirming this assumption. It proclaims:

Men are the (qawwam) of women, because Allah has given the one more than the other, and because they support them from their means. Therefore the righteous women are (qanitat), and guard in the husband's absence what Allah would have them guard. As to those women on whose part ye fear (nushuz), admonish them first, then refuse to share their beds and finally (adriboo) them; but when they (ataa) to you, then seek not against them means of annoyance: For Allah is Most High, great above you all.

According to a Muslim scholar Janice Boddy, genital cutting, especially infibulations and re-infibulations is practiced as a way to ensure maintenance and renewal of virginity. Women whose genital cutting are not left intact are said to bring irreparable shame to their family though misbehavior [11]:53. Islamic attitude toward condom use has also received criticism in the human rights discourse since birth control is largely discouraged by men, thus undermining the agency of woman. According to the interpretation of the *Qur'an* of some traditionalists, birth control is perceived as interfering with God's procreation purposes. It is often associated with promiscuity and unchaste behavior (*zina).* Riffat Hassan has observed that condom use contravenes the Bedouin concept of *ird (an honor code),* which is at the center of the formation of their cultural values. As some scholars have argued, the value placed on fertility and family honor (*ird*) makes birth control and abortion morally wrong.

As illustrated above, there is legitimacy to these practices however critics have described them as violations of women's rights due to the agency of the woman being compromised. According to these critics, any cultural or religious practices that undermine a woman's right to good health, choice and

[5] Female genital cutting has also been reported in Australia, Asia, Latin America, United States of America and Europe. See [32]: 179–181, and [39]: 7, [35]: 293.

sexuality undermines her agency, as well. Central to human rights claims is the need for respect of human agency, and basic human rights. As such, any individual has a claim to these rights from his/her society and as Claude Ake rightly observed, the society is consequently enjoined to allow them [4]:94. Cultural contexts should not determine these rights. This claim which is endorsed by the United Nations Universal Declaration of human rights states that "'everyone has the right to liberty, all persons are entitled to equal protection, no one shall be subjected to torture, everyone has the right to an adequate standard of living" [43]:192–193.

In defense of cultural or religious rights, cultural relativists have argued that rights and rules about morality are encoded in, and dependent upon a given socio-cultural context. Relativists believe that notions of right, wrong, and morality differ throughout the world because the cultures in which they are found differ. Therefore, no culture should impose its ideas on another culture [43]:192. Often, cultural relativism considers a morally universal position absolute, arrogant, and imperialistic. Cultural relativists critique a morally universal position as western because its notion of the individual is based on a "purely biologized being" [49]:503–504. Because the West tends to universalize its norms – political and religious ideology – often with disregard of non-western cultural norms, universalism is often perceived as a plan to destroy diversity of cultures and to homogenize the world. It is for this reason that cultural relativists have argued for a morality that is culture specific.

While both universal and cultural relativist positions are valid, moralists should be concerned with the implications of these positions. It is often assumed that cultural and human rights positions are always in conflict and, therefore, difficult to reconcile. In this article, I argue, that, while difficult, it is important to accommodate both positions. Is it possible that one can uphold cultural and religious rights without compromising human rights of women in a Muslim community such as that of Kenya? Is it possible to be decent, modest, without exposing women like Alimo and Shuriye to harmful practices? It is my argument that cultural relativists and moral universal moralist positions need not conflict if they are based on social justice.

It is important to recognize that attitudes towards Muslim women depend on specific cultural contexts. Often these attitudes range from being too conservative, to being too liberal. Therefore to speak about Muslim women in Kenya, Islamic and cultural values must be evoked since both determine social behavior. Recognizing that some Islamic values find legitimacy in a specific cultural context is central to understanding the relationship between these cultural and religious values. For instance, recognizing that *purdah, al-hijab*, polygamy, genital cutting, divorce and attitudes toward contraceptives find affirmation within local Kenyan cultures is crucial toward reconciliation efforts.

NEGOTIATING AGENCY THROUGH REFORM

As indicated earlier, some critics have dismissed cultural practices that undermine the dignity of women rendering them unIslamic often because they are not mentioned in the *Qur'an*. It is assumed that pre-Islamic cultural practices have nothing to do with Islam. This erroneous assumption ignores the strong relationship between religion and culture. Most scriptural teachings draw from the cultural norms that existed at the time. Speaking on the role of religion in the social construction, a sociologist Peter Berger has argued that just as religion is a world constructor, the world in turn constructs religion. In other words, culture influences religion in the same way religion influences culture. The relationship between the two is that of legitimation. The effective role of religion lies in its grounding of social realities in the "sacred *realissimum* which is beyond the contingencies of human meanings and human activity" and the "infusion of this reality with meanings given to the social" [10]:27–28, 32. This legitimating process grants social reality the semblance of ultimate security and permanence, because by referencing something beyond human society–supernatural being; God, divinities or ancestors—religion infuses reality with fear, awe and reverence. The result is an unwavering authority from adherents since human beings are made to perceive religiously sanctioned practices as unchangeable.

An anthropologist Clifford Geertz agrees with this assumption when he observes, that religion as a cultural system "produces powerful, pervasive, and long-lasting moods and motivations" in people ([26]: 127). Because it is difficult to negotiate human rights and agency where culture and religion are concerned, some critics of Islamic practices tend to distinguish between culturally and religiously legitimate practices. Attempts like these highlight universal principles of social justice embedded in Islam. By exonerating Islam from demeaning practices, such critics purport to promote a universal truth that is believed to be embedded in Islam as a religion.

Thus, the assumption that the *Qur'an* is the only authority in Islamic teachings about social behavior raises questions about the place of *hadith* or *sunnah* in Islam. *Hadith* refers to narrations about the life of the Prophet Muhammad compiled in order to guide the Muslim community. While some critics have questioned the validity of *hadith* collections by dismissing it as a record on Arabic culture, others revere the document as sacred. For instance, Fazlur Rahmah in 1968 claimed that "a large portion of the *hadiths* were judged to be spurious and forged by classical Muslim scholars themselves" ([21]: 70). Cheragh Ali Moulvi alludes to the controversy when he says:

The vast flood of tradition soon formed a chaotic sea. Truth, error, fact and fable mingled together in an undistinguishable confusion. Every religious, social, and political system was defended when necessary, to please Khalif or an Ameer to serve his purpose, by an appeal to some oral traditions. The name of Mohammed was abused to support all manner of lies and absurdities or to satisfy the passion, caprice, or arbitrary will of the despots, leaving out of consideration the creation of any standards of test . . . I am seldom inclined to quote traditions having little or no belief in their genuineness, as generally they are inauthentic, unsupported and one sided [6]:xix & 147.

Questions about the legitimacy of any practice not recorded in the *Qur'an* are further complicated by Islamic law— *shariah*. *Shariah*, the code that regulates all aspects of Muslim life is widely accepted by Muslims as Islamic. Because it is derived from the *Qur'an* and *hadith* teachings, it represents Islamic as well as cultural practices of pre-Islamic Arabia. It is important to remember that social institutions like culture and religion operate interdependently, reinforcing values embedded in them. A sociologist, Dorothy Smith [42] articulates this complex relationship in her concept of "ruling relations." According to her, both social institutions and cultural practices are determined by the social structure of a community. Using her concept of "ruling relations," Smith describes every society as operating in accordance to its social "ruling relations" because they are often tailored toward social goals of those dominant in society. As organizational units in a given society, social institutions regulate, organize, govern, and limit people's behavior. As they participate in "ruling relations" of a society, they operate in a complex system of communication, knowledge, information, regulation, and control which is largely independent in order to fulfill social goals. Religion operates to reinforce a society's "ruling relations" ([42]: 50, 77–78). It participates in the construction of the social while legitimizing the existing status quo.

In Kenya, for instance, Muslim women are confronted daily with the dilemma of negotiating indigenous and Islamic teachings about sexuality. For instance, they struggle with the fear of contracting HIV/AIDS in a religious sanctioned polygamous marriage. This complex interplay between religion and culture must be acknowledged if one is to understand the dilemma Muslim women like Alimo and Shuriye face. Recognizing the interplay of religious values with cultural opinions is the first step toward negotiating agency of Muslims in a cultural specific context.

In Muslim communities – such as the Swahili, the Somali, the Rendile, the Boran, and some Luhya groups – cultural values such as virginity, dowry, initiation rites, fidelity, and female cutting are considered as much indigenous cultural practices as they are Islamic. While some consider *purdah* as a way of reinforcing indigenous teachings about moral behavior[6], others view female genital cutting as an indigenous cultural practice, and an injunction of Islam required of every Muslim. For many, to challenge the social order is to challenge not only God, or *Allah* but also the wishes of ancestral spirits. The role of religion in defining social behavior is clear, just as the influence of culture on religious values is also apparent. Referencing this dilemma, a renowned Muslim scholar, Nawal El Saadawi has described all religions of the world, both East and West as embedded in cultural values [22]:73. Because these cultural norms find legitimacy in religious values, they are normalized and internalized, thus rarely questioned. By sanctioning dehumanizing cultural practices, religions act as powerful instruments of social legitimation. In some cases religions participate in undermining women's rights.

Women in Kenya live with this dilemma. To acknowledge the role of religion in social behavior is the first step in the negotiation process. When Shuriye is informed about genital cutting not being an Islamic practice, she is shocked beyond words. She expresses her shock by abandoning the practice she once valued. Her reaction is indicative of the authority of religion in social behavior.

Feminists, in particular, have responded to religion and human rights differently. Some have rejected all forms of religion on the claim that religions are patriarchal, oppressive and in violation of basic human rights of women. Others have argued for the possibility of reforming religion away from

[6] It is important to note that in Kenya, veiling is also seen as a sign of respect among some Muslim women.

patriarchal and sexist taints. These feminists argue that spirituality which is fundamental to human existence, should not be abandoned. Their argument is based on the claim that every religion contains unbiased truths that teach basic human rights and values. To deny this truth by abandoning a religion is to give up on reformative and constructive social processes. Other feminists seek alternative religions by turning to goddess worship and other forms of women-centered theology.

Feminists who opt for reform see the need to transform women's lives as central to a religious mission. Religion, to them, is seen as a system that embodies values of morality, justice, human rights and the general good of humanity. As an ideology, religion acts as an agent of social transformation. It is endowed with the authority to transform the social circumstances of women like Shuriye and Alimo. By rendering all cultural and religious practices that undermine the rights of women as inadequate and unIslamic, these feminists see religion as an instrument for negotiating human rights and social justice within Islam. As a source of moral standards, religion serves as an agent of conscientization. I argue that a practice should not be dismissed as unIslamic just because it is not found in the *Qur'an*. It is important to remember that every religion cannot be fully stripped off its cultural veil. Just as Islam adapted to pre-Islamic cultures, Arabic and non-Arabic, it is difficult to overlook deep-rooted cultural practices legitimized by religion. As I found out in my earlier study [47], most advocates of female genital cutting believe it to be an injunction of Islam.

Muslim feminist scholars such a Leila Ahmed, Riffat Hassan, Denise Carmordy have argued that human rights are embedded in Islam. They have argued that Islam teaches values of justice and respect of human worth, values that mean Islamic leaders can draw criticism, for any form of unjust practice. *Surah* 5:75 of the *Qur'an* is often cited to justify this claim and says:

"And what reason" says the *Qur'an*, "have you not, to fight in the ways of Allah, and of the weak among the men and the women and the children, who say: Our lord, take us out of this town, whose people are oppressors, and grant us from thee a friend and grant us from thee a helper."

Prophet Muhammad is described as a social reformer whose mission was to purge social injustice from his community.

Writing on Islam and the status of Muslim women, Leila Ahmed explains how the egalitarian message of Islam has been suffocated by cultural values and practices in communities that shaped this religion ([3]: 41–64). She argues for the need to distinguish the original message of Islam found in the *Qur'an* from culturally conditioned teachings recorded in other Islamic sources such as *hadith,* and the *shariah*. Riffat Hassan argues that although the teachings about women in Islam draw from Islamic sources of social life namely the *Qur'an*, *hadith*, and the *shariah,* human rights are consistent with Islamic values [29].

To these feminists, reform of Islam is a way forward. Reform can be enacted through rereading and reconstructing the past in order to highlight teachings and role models that promote social justice. Because role models are inspirational, they are likely to have an empowering influence on women. For instance, in Islam, female inspirational role models include Khadija, Aisha, Fatima, Zubayd and Rabia al Adawiyah ([12]:197, [14]:196). Khadija's immense contribution to the development of Islam is described as significant. As the wife of the Prophet Muhammad, her constant support for Prophet Muhammad is highlighted as a display of courage. Aisha another of Prophet Muhammad's wives, is praised for her leadership skills and for the time she spent treading the *Qur'an*, fasting, praying and freeing slaves. Her acts of charity and her contribution to the compilation of the *hadith* are especially recognized. Aisha is considered a great source of *hadith,* along with Umm Salama another of Prophet Muhammad's wives. Fatima, the daughter of the prophet is recognized for her zeal and courage in defending Islam from corruption. Zubayd, the queen of Harun al Rashid is remembered by Muslims for showing "how piety could flourish in the midst of difficult surroundings" [12]:197. Rabia al-Adawiya also known as Rabia al Basra is remembered for her zeal for mysticism, a spiritual endeavor restricted to men at her time.

Recognizing that human rights values transcend cultures is central to the negotiation process. It is important to understand that human rights can be interpreted in different cultures and religions. To understand the role of Islam in the transformation of social practices and attitudes towards women's sexuality, it is important to remember that Islam also began as a movement for social justice, equality and brotherhood ([18]: 3, 143). *Surah* 5:8, instructs Muslims to "do justice, it is closest to piety." The Prophet Muhammad recognized this fact in his message. The *Qur'an* denounces *zulm* (oppression). The Egyptian Pharaoh is denounced in the *Qur'an* as a *zalim,* (an oppressor), for enslaving the Israelites. Moses is projected as the leader of the oppressed by the *Qur'an* because he launched a struggle to liberate the oppressed children of Israel from Egypt.

Muhammad recognized that cultural practices that divided the Arabs were responsible for social injustices that were prevalent during his life time. He condemned oppressive cultural practices such as infanticide, unregulated polygamy, unconditional divorces, and all forms of oppression. This behavior was considered the norm at the time. As a social reformer, the Prophet Muhammad confronted these cultural practices because they alienated Arabs from basic human values. Human worth was irrelevant as means of profit, and pleasure motivated social behavior. His actions such as purging the *Ka'ba* of divisive gods, was symbolic of his intentions to unify Arabs and to promote harmony and social justice. Recognizing this fact, Ashagar Engineer has described Islam as a movement of social justice, equality and brotherhood. As the rich were chastised of corruption, the poor and the oppressed including slaves were drawn to the prophet ([18]: 143–144).

In the midst of attempting to reconcile human rights and culture, it is often forgotten that these two are dynamic and bound to change. Both culture and religion are affected, modified and legitimized by humans through time and the resultant social changes it brings about. As agents of social construction, humans are responsible for evaluating cultures and religions in order to adapt them to current situations. As sociologist Margaret Archer observes, the response of an individual to his or her own culture depends on the effects it has on humans and how humans affect it ([9]: 143). Human needs and actions can reinforce a cultural system or resist its influence when it is perceived to be inhibitive to the common good. Even though culture acts on humans, it is important to remember that it is also a product of human agency ([9]:77–78, [10]:32–33).

Social reform in Islam is accounted for in the teachings of the *Qur'an*. Reform (*islah*) and revival (*tajdid*) find their rationale in Islam [1]:45–51. According to John L. Esposito, reform was preached and undertaken by Muslim prophets when they warned their sinful communities and called them to return to God's path ([20]; 116). *Tajdid* is based on a tradition of the prophet. As John O. Voll [44] explains, *tajdid* is God's promise to the Muslim community, which he will send them at the head of each century, available to those who will renew their faith for it ([19]: 33). In essence therefore, a renewer, [*mujaddid*] of Islam is believed to be a messenger of God sent to renew the faith throughout the community [20]:117. Implicit in the renewal and reform process is the assumption that the actual, true message of Islam will be corrupted over time. Prophet Muhammad's message was based on this central element. While he did not bring a new message, the *Qur'an* was a renewal of the messages of earlier prophets that had been corrupted.

Social reform is seen by Muslim feminists as an act of liberation for women. Through this movement, a Muslim woman is liberated. Her agency is acknowledged and restored. Ammah and Engineer describe Prophet Muhammad's teachings and actions as liberative for women because his prohibition of the practice of infanticide that was prevalent in Arabia is sensitive to the plight of women ([7]: 75–76, [17]: 21). By controlling reckless polygamous marriages among Muslims, he confronted a social structure that abused women's rights as humans. By advocating monogamy in *surah* 4:3 and 4:129, he elevated the status of women to that of men. In the sight of God, a woman is completely free and deserving of respect with respect to her moral and spiritual status. She is equal to man for when God instructs humankind in the *Qur'an* to worship God, both men and women are addressed" ([7]: 75).

HERMENEUTICS AND SOCIAL REFORM

Religious reform is usually based in hermeneutics. Hermeneutics of scriptural interpretation helps one to transform religion through reconstruction of the past in order to make it relevant to present experience. Feminist hermeneutics as articulated by the prominent feminist theologian Elisabeth Shussler Fiorenza is understood amongst feminists as necessary in reforming religion to promote women's rights. Fiorenza begins by acknowledging that all scriptures are "historical prototype rather than a mythic archetype" [25]:10. This means scriptures should be viewed as models of continuous revelation. Revelation is intended to transform social experience. Fiorenza outlines four strategies of reform based on scriptural interpretation that can help with the reform process. The first stage, which she calls "the hermeneutics of suspicion" refers to assumptions that any reformer should have in mind. One should proceed from the assumption that patriarchal religions possess androcentric scriptural texts. For instance, one must recognize the fact that the language of such a text is generic unless proven otherwise. To transform an androcentric perception in a religion, it is important to begin by translating this language into gender-inclusive language. Applying this approach to rituals,

symbols and other aspects of an androcentric religion is likely to isolate discriminating aspects that need reform.

The second stage, "the hermeneutics of remembrance," involves using interpretation skills to reread and recollect women's experience. By using their stories, women's lives and struggles are placed at the center of a culture or religion. This means, women's experience and contributions will be acknowledged and recognized. The third stage, "the hermeneutics of evaluation and proclamation," involves assessing the significance and power of a scriptural text before applying it to the community, including women as equal members thereof. This means one should avoid using a scriptural text that evokes cultural practices that are irrelevant to contemporary needs of the community. In the fourth stage, "the hermeneutics of creative actualization," a reformer should seek to retell the scriptural story from a feminist perspective. This means that a scriptural message that ignores women's experience should be reconstructed and retold in order to affirm their experience [25,24,27]. Borrowing from Fiorenza's argument, most Muslim feminists have advocated the use of feminist hermeneutics to affirm the agency of a woman and the egalitarian message of God as revealed to Muslim prophets.

Muslim feminists such as Leila Ahmed [3], Riffat Hassan [29], Fatima Mernissi [34], Amina Wadud [45,46] and Haifa Jawad [31] have argued that the *Qur'an* possesses an egalitarian and liberative message taught by the Prophet Muhammad. It is their claim that this message was later corrupted intentionally or unintentionally by some Muslims in order to fit androcentric and patriarchal societies of the time ([3]: 63). Some trace this corruption to the time of the compilation of the *Qur'an* and the *hadith*. According to Ahmed, the social context that influenced the Islamic textual edifice was far more negative about women. This context, she argues, led to the suffocation of the egalitarian voice of Islam ([3]: 67). Muslim women's social status declined as practices surrounding their sexuality were developed over time [3]:63, 69. These feminists' claims are supported by the controversy that surrounds the compilation of these fundamental Muslim sources. The controversy is indicative of the inevitable association of Islam with pre-Islamic Arabia cultural values [29]:94. Cheragh Ali' has observed:

The vast flood of tradition soon formed a chaotic sea. Truth, error, fact and fable mingled together in an undistinguishable confusion. Every religious, social, and political system was defended when necessary, to please Khalif or an Ameer to serve his purpose, by an appeal to some oral traditions. The name of Mohammad was abused to support all manner or lies and absurdities or to satisfy the passion, caprice, or arbitrary will of the despots, leaving out of consideration the creation of any standards of test... I am seldom inclined to quote traditions having little or no belief in their genuineness, as generally, they are inauthentic, unsupported and one sided [6]:xix and 147, also in [28]:*97*

Feminist hermeneutics is, therefore, a necessary tool for distinguishing what was revealed to the Prophet Muhammad from what he said and what was added over time. According to Ahmed it is possible to distinguish the Prophet Muhammad's original message from androcentric cultural corruptions and reconstruction that Islam was exposed to over time. She is convinced that a critical evaluation and appraisal of this message will reveal the egalitarian message Allah intended for all Muslims. In this message, the rights of both men and women are upheld and respected. She explains how a critical evaluation of the practices sanctioned by Muhammad within the first Muslim society would reveal far more positive attitudes toward women.

Using feminist hermeneutics of remembrance, Muslim feminists have uncovered experiences of women they consider models for women in Islam today. As Carmody explains, hermeneutics of interpretation has enabled Muslims to uncover other role models for women in Islam such as Nana Asma'u of West Africa ([12]: 197). Role models are viewed as a source of inspiration for women's agency in the struggle against social injustice. The courage of women like Khadija, Amina and Fatima – to excel in cultural contexts where women were subordinated – is inspirational as women confront injustices in contemporary society. One of the role models for women in Islam is Hagar, whose story is narrated in the *hadith* and in the Hebrew Bible's, Book of Genesis (16:1–16). Hagar was a slave of Abraham and Sarah. When Abraham could not get a child, his wife Sarah asked him to "sleep" with Hagar as was the tradition at the time in order to beget an heir. Out of jealousy, Sarah told Abraham to send Hagar away. She was sent into the desert where out of desperation she wandered with her son Ismail in search of water and food. She survived because of her faith in God's grace. Hagar's story is empowering to women because it describes her struggle to overcome obstacles and injustices she

experienced as a slave and a woman. She did not give up hope for life after being sent away by her mistress Sarah. She confronted all odds that were against her with courage. Her faith in God enabled her to sail through the difficulties she faced in the midst of a culture that despised slave women. Her determination made her a hero.

As indicated earlier, Muhammad's wives–Khadija, Aisha, Um Salama, Zaynab bint Khuzaymar, Sawdah, Juwayriyah, Safiya and Maryam–are revered as "mothers of believers" in *surah* 33:6. His daughter Fatima is also revered as a mother of Muslims. These women are not only respected as mothers of believers, they are recognized for their unique contribution to the development of Islam and their courage to fight social injustice.

To most feminists, therefore, sexist and cultural practices that demean women can be reformed using feminist hermeneutics of interpretation. Muslims should promote the Prophet Muhammad's egalitarian message which is embedded in human rights and agency. This message should guide and tramp undermining cultural practices that are found in other Islamic sources such as *hadith*, the *shariah* or *Ulema's fatwa*. While it is difficult to transform attitudes that are rooted in faith, it is not impossible to transform them through faith-based conscientization process.

Attempts toward conscientization of Muslims must be undertaken with caution and without confrontation. Any form of social reform that is perceived as an affront to Islam will be resisted. It is particularly crucial that the egalitarian message of the Prophet Muhammad is highlighted and embraced by Muslims if Muslim women, like those in Kenya are to be enabled to claim their rights as Muslims. It ought to be remembered that religions like all social phenomena are dynamic and susceptible to social change. As they transform, they represent an adaptation to new norms which often reflect a contemporary state of community.

In recognition of this fact, the Muslim scholar Muhammad Mashuq ibn Ally [33] advocates that Muslims must continue to grapple with the task of rediscovering the relevance of Islam to present day problems. As they formulate answers to challenges of the modern age, renewal of Islamic thought is necessary in order to meet the modern ideational challenge. They should reach out to persons who are disposed to righteousness in order to live up to Islamic values embedded in Islamic Jammah. They should strive to bring about societal change through individual conversion and collective effort, in which the Mosque as the community base becomes the focus and locus of activity. Considering that education is the spearhead of human development, they should develop a new cadre of leaders at intellectual, social, and cultural levels [33]:59–60.

CONCLUSION

In this article, I have examined the challenge Muslim women in an African country like Kenya face with regards to claims of human rights. I have argued that these challenges are embedded in two controversial perspectives related to human rights and Islam. I have argued that because Islam is often associated with practices such as the veil, *hijab,* polygamy, *purdah,* honor killings and female genital cutting, some of which are not even mentioned in the *Qur'an*, they are often practiced as a violation of the agency and human rights of women. I explain how Muslims positions on the issue of human rights brings about two general controversial viewpoints namely, cultural relativists who argue for cultural and religious rights and those who believe that human rights are compatible with Islam. I argue that while each viewpoint is sound in its logical assertions, the influence of both views is evident in the dilemma that Muslim women in Kenya experience.

Drawing from the human rights activist perspective, I argue for the possibility to negotiate women's agency, human rights and Islam. I have argued that Islam can promote moral virtues associated with the sexual segregation, the veil, *hijab*, *purdah* polygamy and female genital cutting such as decency, modesty, and family honor without infringing upon women's human rights. By framing my discussion in the social change and empowerment theory, I argue that the Muslim community develops deeper values within Islam in order to intelligently promote transformation within the related human rights discourse. By invoking the experience of Kenyan women especially unique experiences of Alimo and Isnino Shuriye, I argue for the need to find a way of resolving these women's dilemmas, so they can live as faithful Muslims while enjoying basic human rights.

In the article, I especially draw from the social transformation theological technique of scriptural analysis known as the hermeneutics of social reform to argue for the education and empowerment of Muslims. This will help distinguish Islamic law from Islamic jurisprudence thereby recognizing the fact that not all rules mentioned in the *Qur'an* are currently applicable. Islamic history has lived this trend

going way back to the time of the second Caliph Umar, who stopped the application of some rules that were in the *Qur'an* but did not apply to his time. Because Islam embodies values of social justice and equality of all before God, Muslims should follow the prophet's footsteps in condemning all practices that undermine the rights of women.

Although I recognize the difficulty of transforming attitudes embedded in faith, I argue for the need for conscientization process to be embedded within Islam and the Muslim community. As Muslims embark on this process, I argue for the need to clarify certain general assumptions. For instance, while it is erroneous to assume that cultural or religious rights are unimportant, it is morally right to question cultural or religious practices that undermine the human worth of any individual. To dismiss or render all cultural or religious practices as unfit for modern civilization is to ignore how dynamic these social phenomena are. It is also erroneous to assume that cultural practices have nothing to do with religion. While some practices such as female genital cutting and honor killings are not sanctioned in the *Qur'an*, to dismiss them as non-issues in the Muslim community is to fail to recognize how intertwined religious and cultural values are. Because religion often sanctions cultural practices and vice versa, Muslims should address issues associated with their religion whether they have been mentioned in the scripture or not.

I conclude the paper with a hope that an empowered Muslim community in Kenya can take on the responsibility to promote the general welfare of each member. Specifically, the Muslim community should acknowledge existing social realities such as the threat of HIV/AIDS and to empower members to address this problem as it really exists. While it should be acknowledged that some Muslim communities have begun to allow the use of condoms as a means of birth control and protection from HIV, a lot is yet to be accomplished as is exemplified by riots of Muslims in Garissa Kenya (*Irin, Africa, 5/13/2008*). As reported in a recent study, condom access remains a monumental hurdle for men. Among the Maasai for instance, a young man has to walk 26 kilometers to access condoms in a nearby hospital (Plus News, December, 2010). As long as Muslims remember that Islam teaches the need to renew and revive its religion to continue God's message of revelation, reform is one way to enrich this religion and promote the rights of all Muslims.

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