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## Engaged Surrender in the Void: Post-Secularist "Human" Rights Discourse and Muslim Feminists [sic]

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ENGAGED SURRENDER IN THE VOID:  
POST-SECULARIST “HUMAN” RIGHTS DISCOURSE AND  
MUSLIM FEMINISTS [SIC]<sup>+</sup>

*Emily Albrink Hartigan*<sup>\*</sup>

“Human” rights discourse is inherently multicultural, and multicultural discourse is messy. The academese for that goes something like this: I am an “agnostic and ambivalent subject of a double, decentered multicultural choice” (see the following quotations) and my text comes from a minority stance in a “different context.”<sup>1</sup>

“[A]ffirmative multi-culturalism” can bring no such closure and composure to the subject of cultural choice. Its subjectivity is performatively constituted in the very tension that makes knowledge of cultural difference dense, conglomerative, and nondeliberative. What emerges is an agonistic and ambivalent subject of a double, decentered multicultural choice.<sup>2</sup> (emphasis added)—Homi K. Bhabha

\* \* \*

Space-Craft . . . is the art of Spinning beyond the compass. It is also skill in walking/talking the Wrong Way, moving in Wicked directions, opening doors to Other dimensions, Other Spatial perceptions. By reversing the reversals of snoolish space controllers, we enter a different context. This is Metapatriarchal

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<sup>+</sup> See the text accompanying *infra* n. 35-36.

<sup>\*</sup> B.A. Swarthmore College, 1968; Ph.D. Wisconsin-Madison, 1975; J.D. Wisconsin-Madison, 1978; has taught at University of Wisconsin, University of Nebraska, Tulane University and University of Pennsylvania Schools of Law; currently Professor of Law, St. Mary’s University School of Law, San Antonio. Thanks beyond measure to faithful companions on the journey: Beto Juárez, Marie Failingler, Marie Ashe, Howard Lesnick, Doug Sturm and Andre Hampton, as well as so many others whose spirits have helped engender the Presence of the Hidden God.

1. That stance is then reversed: I presented this as an openly post-secular Quatholic at a staunchly secular Feminism and Legal Theory Workshop in March 2006 at Emory Law School, but now publish it in a journal in which the voice of religion is primary. Emily A. Hartigan, Workshop Presentation, *Engaged Surrender in the Void: Post-Secularist “Human” Rights Discourse and Muslim Feminism* (Emory L. Sch., Mar. 4, 2006) (copy of audio on file with Emory L. Sch. L. Lib).

2. Homi K. Bhabha, *On Cultural Choice*, in *The Turn to Ethics* 181, 187 (Marjorie Garber, Beatrice Hanssen, Rebecca L. Walkowitz eds., Routledge 2000).

Space/Time, beyond the measurements of compasses and maps.<sup>3</sup>

Sometimes Websters/Weavers/Spinsters lose our Way/ourselves in the process of trying to Weave our way Out of the reversal world that is patriarchy. . . . What kind of evidence is there for the calling of the Final Cause, which the Realization of Creativity? The answer lies in the realm where philosophy and mysticism meet.<sup>4</sup>—Mary Daly

\* \* \*

When Job was being tested, his wife lost her faith and blasphemed. As a result, he took an oath to strike her as punishment. A dilemma was thus created: a Prophet should not engage in such violent and unworthy behavior. In addition, a Prophet may not violate his oath. The divine solution to this dilemma is expressed in a Qur'anic verse. It instructs the prophet to satisfy his oath to discipline his wife by "striking" her with a handful of [basil].<sup>5</sup>  
—Azizah al-Hibri

In the spaces evoked by Homi Bhabha, Mary Daly and Azizah al-Hibri, how is an academic to begin a paper? One example of a postmodern, "Outsider" text comes to mind, *The Alchemy of Race and Rights: Diary of a Law Professor*.<sup>6</sup> The disarming image of Patricia Williams, depressed in her terry-cloth bathrobe, tearing her hair and watching TV, is a spectacular "subject position" opening: "Since subject position is everything in my analysis of law, you deserve to know that it's a bad morning."<sup>7</sup> Despite the indelible "subject" she portrays, her cunning text reveals some aspects of her consciousness that her very confession to the reader tends to obscure. The conclusion that she is a brilliant black woman who resents being told in effect that she is not qualified to teach at Harvard Law School, writing in a book published by Harvard University Press, requires several ironic reader inferences. The reader may also observe that Williams moves directly from a personal declaration of loyalty to the subject to an apparent flat objective: it's a bad morning. That role—the reader's construction/revelation of the behind-the-text subject position and its necessary ironies and betrayals—cannot be avoided in contemporary

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3. Mary Daly, *Amazon Grace: Re-Calling the Courage to Sin Big* 19 (Palgrave Macmillan 2006) (quoting Mary Daly, *Webster's First New Intergalactic Wickedary of the English Language, Conjured in Cahoots with Jane Caputi* (Beacon Press 1987)).

4. *Id.* at 21, 29.

5. Azizah Yahia al-Hibri, *Muslim Women's Rights in the Global Village: Challenges and Opportunities*, 15 J.L. & Religion 37, 64-65 (2000-01).

6. Patricia J. Williams, *The Alchemy of Race and Rights* (Harv. U. Press 1991).

7. *Id.* at 3.

discourse. Nor can the “subject” writing the text avoid not only a double subjectivity, but also what Bhabha and others refer to as “thirdness”—an always mobile in-between among conscious stances. There is no way to write a text as “an agonistic and ambivalent subject of a double, decentered multicultural choice” that is not in part mystifying, and misleading. So I shall simply have to begin.

But I cannot begin simply. That is Bhabha’s main point—the subject who locates herself is making a double move (fraught with thirdness) that is temporally unstable, and already plural. Is this funny yet?

Daly and Bhabha agree on the necessity of humor,<sup>8</sup> but only Daly actually jokes in her *Positively Revolting* text. Bhabha continues as if he is tenured at Harvard University, while Daly plays the same creative intergalactic space that danced her right out of the academy. Where am I? Are we still in Kansas? I think not. I am in the south Texas Hill Country, trying to imagine the community in which this paper will be performed, trying to be outrageously loving and yet comprehensible. I have a feeling this may not work.

From experience, I know that Martha Fineman gathers a rich mix for true and difficult conversations, a mix that is engagingly volatile in her periodic *Feminism and Legal Theory Workshops* like this one. One of the seams of volatility here is between the habits of so-called secular discourse and those of a more self-consciously spiritual cast. This is the boundary around which I hope to circulate, to turn, with aspirations to hear and say something new. I note that Martha, with her deft hospitality, has succeeded where others have failed. In aspiring to discuss women and Islam and human rights, questioning what is “in the family,” she has invited the Muslim women to speak.<sup>9</sup>

Discourse is by its nature social, and thus unavoidably particular along with some yearning for universality or at least commonality. This same individual/general, universal/particular tension inhabits human rights discourse, and is inherent in the construction and interpretation of the law. Bhabha depicts the terrain of cultural difference and what he calls “the poetics of identification” as unavoidably fraught with change and action, calling for jokes to evoke the ever-present but not always

8. Daly notes that the “deadly seriousness that prevails in the early twenty-first century is appalling to those women who can see this as a sign of spiritual decay” and calls for *Elemental Laughing* as a declaration of independence from the prevailing mentality. Daly, *supra* n. 3, at 37.

9. The absence of women and of any Muslims at a major conference on religion and postmodernism was duly noted by Jacques Derrida, and that notation picked up by Marie Ashe. Marie Ashe, *Limits of Tolerance*, *infra* n. 42, at 614.

acknowledged uncertainty of our talk:

[T]he “uncertainty” that the joke casts on the production of knowledge goes beyond mimetic or epistemological paradoxes. It attaches to the very mode of address of modern thought which, as Foucault once pointed out, “is itself an action—a perilous act.”<sup>10</sup>

The perils of “Outsider” scholarship are many, and when the Outsider is posing as aspiring to love beyond measure, the pose is bound to fail. That is one of the ways Daly calls us to “sin big” despite our inadequacies. To speak in the spirit is to invoke what many call God, but not to be God. (I trust you’re relieved). It involves what the medieval woman mystic Julian of Norwich called necessary sin. Perilous indeed.

While in such peril, I ask the reader: will it help to know that Bhabha is invoking Freud’s “joke-work,” which is a movement of a minority to disarm the majority, thus that I must cast myself as about as raggedy as Patricia Williams’s torn terry-cloth bathrobe fringe? Even Jacques Derrida noted that *The Post Card*, his play with love, “must be farci”—nothing is sacred, because everything is.<sup>11</sup>

My still-minority location is, in the context of Martha Dineman’s Feminism and Legal Theory Workshop, primarily in the mysticism Daly names. In specific, as if I could stay in a specific cultural (spiritual) location from the beginning of one sentence to the end of it (Bhabha elegantly assures us that I may not, while Heraclites lurks in the background, muttering that I cannot step into the same sentence—or word—twice), I, unlike Daly, have been led back to a transvalued version of my Tradition. I think that may make me a grateful Catholic-Anon. It also makes me a different sort of interlocutor with some Islamic women writers than would be those who either profess to be “tone-deaf” to the Spirit or resolute in their resistance to allegedly “religious” language or subject-locations in academic discourse.

Will it help if I tell you I believe in universal salvation, and a considered view that agnostics, atheists, and “recovering Catholics” are all necessary to salvation and to discourse? Is this funny yet?

To perform what Bhabha describes is every bit as daunting as his opening quotes suggest. Further, if Doris Sommer is to be believed, the whole discourse depends, like standup comedy, on timing.<sup>12</sup> For what

10. Bhabha, *supra* n. 2, at 198.

11. Jacques Derrida, *The Post Card: From Socrates to Freud and Beyond* (Alan Bass trans., U. Chi. Press 1987).

12. Doris Sommer, *Attitude, Its Rhetoric*, in *The Turn To Ethics* 201 (Marjorie Garber, Beatrice Hanssen & Rebecca L. Walkowitz eds., Routledge 2000).

it's worth, I am called to attempt this ludic stance; in the past, I was too earnest. About fifteen years ago, I wrote a passionate article that may have included word play, but was unlikely to get laughs (there is such a thing as good non-comedic poetry, so Bhabha's suggestion does not prohibit the serious, even the deadly serious).<sup>13</sup> I asked Carol Rose, whose wit is luminous and relentless in the best sense, to read the manuscript; she opened her comments by saying she was tempted to do a send-up of it, and I asked her not to. Now I would hope to welcome such a take, in the right spirit. (Are you taking notes for the skit? Isn't there a skit at the end of this workshop?)

Sommer also describes "planned gaps" in a text, space for the disruption that your writing may create (should create, like a "slap" she says).<sup>14</sup> The text should give the reader room to fill gaps after being dislocated. (Should I tell a Catholic joke here?) "Attitude" on the part of the reader is to be expected and "tolerated"—here I would say, in part, even cherished. The resistance of "I don't get this" or "this isn't law" or "how could you believe that?" or "Socrates was the anti-democratic cause of the Thirty Tyrants" is an attitude of difference that the dialogue needs, a necessary moment.

The discursive terrain "outside" secularism is what I in part and from time to time share with Amina Wadud and Azizah al-Hibri, two of the leading voices among practicing Muslim women concerned with women's issues. I am imperfect at it (necessarily partial—Other, always, even with some Sameness); Daly's "courage to sin big" is for me the brass to claim a potential shared partial perspective with these two. This is particularly true as al-Hibri, for instance, has clearly warned even well-meaning white Western non-Muslim women off from "helping" Islamic women, and the reality that, being closer to the dominant discourse in the Western academy by virtue of my spirituality at least being Christian (fer you-know-who's sake), I will unavoidably commit some colonial sins.<sup>15</sup> I may as well go for broke: for me, this move into the post-secular is promising and unavoidable, because we are all held in the ineffable not-yet-but-already presence of an infinitely loving G-d (or the Force, or Compassion, or Nirvana, or all the other

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13. If indeed there is what my tradition calls a Resurrection, an Other-life, then all tears will be washed away—perhaps by tears of laughter—and life is an indescribably rich Cosmic Joke. Of course, that's if I'm right and both you (the reader) and I and the atheists and the Methodists and the Zoroastrians are Resurrected.

14. Sommer, *supra* n. 12, at 206.

15. And risk, in my own way, the colonial (my primary referent for "colonial"—being from Virginia originally—involves old brick and dentals) penalty: public humiliation, having locked myself in the stocks of my printed text.

names of the Unnamable that I know I can never know are the Same). The only “content” of this belief in God as Void or the Unknown then, may be hints of hope, faith, and love. It has no truly footnotable referent.

### THE POST-SECULAR

The reality of discourse on the post-secular manifests in various books and websites. Although this “reality” may be like the attributed remark about Gershon Scholem concerning Jewish mysticism (that such writing was not scholarship, but the study of such writing was), it is the natural transmogrification of modernism’s move to post-modernism. The epistemic shortfall of the Enlightenment eventually produced a stream of scholars writing from the edge of, and highly conscious of, the abyss of indeterminacy. The reasoners themselves have seen the limits of reason.

In the public realm, religion has resurfaced. At some level, the academy that poses as secular is a small and politically inconsequential voice in the national and international arena, with notable exceptions such as France’s headscarf ban and Turkey’s tenuous loyalty to Attaturk’s national reformation. Within the academy, the secular itself is directly “problematized” in books such as James K.A. Smith’s *Introducing Radical Orthodoxy: Mapping a Post-Secular Theology*, Phillip Blond’s collection, *Post-Secular Philosophy: Between Philosophy and Theology*, Talal Asad’s *Formations of the Secular: Christianity, Islam and Modernity*, and Paula Cooley’s recent *Willing the Good: Jesus, Dissent and Desire*.<sup>16</sup>

Among the restrictions that “secular” discourse would attempt to dictate are those suggested in projects to “re-enchant” the world that has become spiritually, epistemically, politically and perhaps humanly desiccated by the relegation of talk of the sacred to the private realm. In the semi-popular realm, books like Antonio R. Damasio’s *Descartes’ Error: Emotion, Reason and the Human Brain*<sup>17</sup> chronicled the dissatisfaction with the Enlightenment project as it attempted to truncate

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16. James K.A. Smith, *Introducing Radical Orthodoxy: Mapping a Post-Secular Theology* (Baker Academic 2004); Phillip Blond, *Post-Secular Philosophy: Between Philosophy and Theology* (Routledge 1998); Talal Asad, *Formations of the Secular: Christianity, Islam Modernity* (Stanford U. Press 2003); Paula Cooley, *Willing the Good: Jesus, Dissent and Desire* (Fortress Press 2006).

17. Antonio R. Damasio, *Descartes’ Error: Emotion, Reason and the Human Brain* (Putnam 1994). A particularly sophisticated but accessible recent discussion of the role of emotion in public discourse and law is Kathryn Abraham, *Legal Feminism and the Emotions: Three Moments in an Evolving Relationship*, 28 Harv. J.L. & Gender 325 (2005).

the “unreasonable” from intellectual discourse. In a more encompassing and elegant recent account, philosopher of religion Paula Cooley examines the various versions of secularism at work in the West primarily, and invokes the incapacity of secularism to recognize (at least formally) “desire or love beyond measure” and thus an inability to address or to “sustain the disciplines that support it.”<sup>18</sup> This life “beyond measure” is allied with the realm of abundance, excess, and *jouissance* tapped by postmodernism. It is that which exceeds limits<sup>19</sup> and irrupts within the dominant discourse to create newness.

Such newness and love-beyond-bounds is practiced by Mary Daly in her texts—not every woman who wishes to explore beyond the limits must claim to be a Positively Revolting Hag, but it helps. Hag comes from Hagia Sophia, or Holy Wisdom, a face of the feminine too long relegated to the private shadows of a world gone mad with secular capitalism. (Time for a capitalism joke? I, too, have a mortgage. . . .). The Old from which we need liberation is too familiar to women:

Secularism, as practiced specifically in the West, fuses European Enlightenment political philosophy with capitalist economics through a distinctively Protestant work ethic. . . . A central feature that distinguishes modern Western<sup>20</sup> secularism in general from other cultural and socio-political systems is secularism’s performance of para-religious or meta-religious functions under the guise of religious neutrality.<sup>21</sup>

The sacred nature of “family values” has become more evident, yet the vocabulary of mere Tradition lingers in what is really about “something more.” The valence of such “values” was manifest in a U.S. population that voted openly against their economic interests in 2004 in order to affirm George Bush as more in tune with public opinion on the crucial nature of the para-religious issues of gender.

Academics are prone to discount public opinion, particularly when it tends toward the Republican. This is a failure of appreciation for the very “person” on whose behalf we advocate “human” rights, and a pragmatic error.

At the pragmatic level, the progressives—and non-traditional women of almost any stripe—cede the contemporary U.S. political agenda to those who believe that there is more at stake in politics than

18. Cooley, *supra* n. 16, at 124.

19. See Drucilla Cornell, *The Philosophy of the Limit* (Routledge 1992).

20. Cooley notes that Eastern versions of secularism are more socialist (in the case of some Islamic versions, I would suggest familial and communal). Cooley, *supra* n. 16, at 113.

21. *Id.*



traffic regulation and the deficit.<sup>22</sup> By failing to realize the reality that ninety-some percent of people in the U.S. believe in God and thus believe in things of the spirit, many in the academy laud their “spiritual tone-deafness” with a barely-concealed feeling of superiority. Superiority is deadly to dialogue (and bad for jokes). A place of intersection between the inter-cultural space of Islamic women in the U.S. and the progressive political vision is suggested in Jim Wallis’s *God’s Politics: Why the Right Gets It Wrong and the Left Doesn’t Get It*.<sup>23</sup> Wallis writes that Christianity has been hi-jacked, much as many women of Islam claim that the accretions of tradition, translation and interpretation of their sacred texts have deprived them of their true faith. Wallis outlines the tremendous costs in terms of both dialogue and justice of a refusal to risk God-talk on behalf of justice.

In addition to having lost purchase on the national debate of justice and power, the purely secular has not succeeded in liberating women here at home. At this point in U.S. politics, U.S. women are hardly in a place to claim to give a lot of help to Muslim women—as we try to navigate Bush, Rove, and the formidable Scalia-Thomas-Roberts-Alito bloc, praying for John Paul Stevens’s health and Justice Kennedy’s fortitude. We are in backlash, even in our own house, as a count of the number of women who write pieces for the New York Review of Books will show. Last time I counted, the two women had each written poems, apparently unable to be trusted with prose. (If Bhabha is right about a “poetics of identity” and Rorty right about “strong poets,” however, at least the women may be in the right genre. It is hard to tell, however, as both Rorty and Bhabha keep writing prose, and they are the ones selling the books and getting tenure.)

Ironically, the higher levels of academic analysis tend to subvert secularism even when it is not the stated agenda of that analysis. Thus Talal Asad’s book on the *Formations of the Secular* is intended as an anthropology of secularism, but it cannot sustain such a stance. As Asad chronicles, Clifford Geertz has, along with his intellectual genealogy, dislocated anthropology. The necessity of “local knowledge” marks any text with such aspirations as an “anthropology of secularism” as at best problematic. The instability of knowledge, of the alleged “participant-observer,” will always produce a wobbly text. (As is mine, I hope and

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22. See e.g. T.R. Fehrenbach, *Politically Speaking, Christian Liberals Left Behind*, San Antonio Express-News 3H (Dec. 11, 2005) (available at <http://www.mysanantonio.com/opinion/Columnists/trfehrenback/stories/MYSA121105.3H.fehrenbach.1bba79cf.html>).

23. Jim Wallis, *God’s Politics: Why the Right Gets It Wrong and the Left Doesn’t Get It* (HarperSanFrancisco 2005).

fear.) Asad's is particularly wobbly on the nature of its subject. He cedes that "even secular views of the secular aren't all the same"<sup>24</sup> and the relations between the secular and politics are ambiguous.<sup>25</sup> And even though Asad seems to laud secularism as creating or taking advantage of social spaces that might free one from the restrictions of religious law,<sup>26</sup> the violence and potential totalization (no less than religion's potential) of the law of secular states is overt in his introduction and his conclusion.

It is because the ideology of self-government seems also to call for the "civilizing" of entire subject populations through the law that the authority of the law and its reconstructive power come to be taken as supremely important.<sup>27</sup>

As Asad notes, the stakes are nothing less than secularism's attempt "to redefine the concept of the human"<sup>28</sup> using law, and "law always facilitates or obstructs different forms of life *by force*, responds to different kinds of sensibility, and authorizes different patterns of pain and suffering."<sup>29</sup>

In effect, Asad portrays a secularism of human rights that by force tries, by invoking its supreme importance, to redefine the human, using patterns of pain and suffering—hard to distinguish that from totalism at first glance.

Having trashed my way out of current apologias of secularism, what alternative do I have to offer? Nothing, of course.

#### GROUNDED IN THE VOID

If we are to have a discussion about Women and Islam and Human Rights, where is it best "grounded"? The metaphor of foundation points to modern, and thus compromised, epistemic claims, as does "structure." Is "ground" less fraught? Certainly it has resonances that might escape the essentialism, totalization, and colonization traps: earth, humus, perhaps even Gaia.<sup>30</sup> "Ground" might thus be possible for the Western woman, but are we straining to avoid the modernist traps that those with a different genealogy of discourse are less concerned with? As we

24. Asad, *supra* n. 16, at 62.

25. *Id.* at 66.

26. *Id.* at 208-209.

27. *Id.* at 253.

28. *Id.* at 256.

29. *Id.*

30. Despite its odor of polytheism, yes, Catholics do Gaia. See Sallie McFague, *The Body of God: An Ecological Theology* (Fortress Press 1993); O.P. Sharon Therese Zayac, *Earth Spirituality in the Catholic and Dominican Traditions* (Sor Juana Press 2003).

Christian (or non-Muslim) women of the U.S., especially white class-privileged women, may tend to forget, we have dominated some of the subdiscourses of the hegemonic discourse i.e., the discourse of feminism. So I use “ground” as a parabolically constructed unstable location, in order to try to teeter on the edge, in hope of dancing toward the abyss, the void, with my sisters.

What am I doing in this conversation? Not stand-up, and at this moment not really comedy. Though I could re-start, using Bhabha’s invocation of Freud’s joke-work, by realizing how silly it is for a tradition of women—secular or Christian—to think they can help rescue their sisters of another faith, not to mention another culture. Yet Muslim women write books to call us to care about female genital mutilation, and, well, that *isn’t* funny. One answer is relatively open, perhaps even clear initially: support our sisters in Islam in their struggles within their traditions. (One might even more clearly append: do not pretend that we invaded Afghanistan to save women from burkhas.)

Thus, in her classic article published in 1997, Azizah al-Hibri is blunt. “Secular feminists tend to blame Islam for laws in Muslim countries which are oppressive to women.”<sup>31</sup> Noting in passing that the Muslim states she examines do not threaten non-Muslim women because “[i]ncidentally, the Codes apply only to Muslims. Non-Muslims are subject to their own religious laws,”<sup>32</sup> al-Hibri chides “a secular approach imposed from the outside by international bodies or from above by undemocratic governments” and concludes that “Muslim women have been quite suspicious and resentful of Western feminist concern about ‘their plight.’”<sup>33</sup>

Noting the whiffs of hypocrisy emanating from women whose plight includes “‘super moms’ who are eternally exhausted,” having turned sexuality into a commodity, al-Hibri still invites Western women, secular or religious, to a “supportive” and “secondary” posture.<sup>34</sup>

Before attempting a combination of this supportive, secondary posture with a dialogic posture, I need to get on my figurative knees and ask pardon for having, off the block perhaps because off the cuff, mis-identified the women in my topic. Amina Wadud, I should have recalled, pointedly does not use the term “feminist” for her work, as she

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31. Azizah Yahia al-Hibri, *Islam, Law and Custom: Redefining Muslim Women’s Rights* 12 Am. U. J. Intl. L. & Policy 1 (1997).

32. *Id.* at 3.

33. *Id.* at 3-4.

34. *Id.* at 4.

eschews the alignment that the term would affirm.<sup>35</sup> Al-Hibri, having come a different route, uses the term. In fact, this paper threatens to be one big prat-fall. The very title in the program gets it wrong<sup>36</sup> not only in suggesting that Wadud is a feminist, but also in identifying her or Azizah al-Hibri as Muslim. The distinction that Wadud makes is what she first taught me about Islam, as I will describe.

The importance of “subject position” indicates that this is an appropriate juncture at which to relate that I know both Azizah al-Hibri and Amina Wadud from time together on the editorial board of the *Journal of Law & Religion*. The conversations I had with them are the true basis for my present relationship to Islam. Mine was not an abstract education in doctrine, but a set of conversations among believing men and women, women especially, in which the ground of discourse that both al-Hibri and Wadud share with their fellow Muslim women included talk with a fellow Person of the Book. This shared ground, I must confess, I believe to be one of unbounded love.

#### OUTRAGEOUS LOVE, REASON AND HUMOR

My stance toward Wadud and al-Hibri is thus a result of my experience as well as my reading, and not simply about “categorical commands” of “precritical respect” for the Other, but rather “differentially earned esteem”<sup>37</sup> for their canny care of the feminine in Islam. Although they do not trumpet mystical bents,<sup>38</sup> the supple play of their interpretation in the intellectual/political/spiritual minefields they inhabit manifests the virtues of a multiple self that “suggests what Jewish mystics called *tzimtzum* to describe God’s . . . self-diminishment in order to make room for creation.”<sup>39</sup>

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35. Amina Wadud, *Qur'an and Woman: Rereading the Sacred Texts from a Woman's Perspective* xviii (2<sup>d</sup> ed., Oxford U. Press 1999).

36. The initial title failed to include [sic], which now signals the inherent incompleteness of any such “multicultural” texts.

37. Sommer, *supra* n. 12, at 207.

38. The (non) grounding is there to see, however—Wadud does not elaborate on “engaged surrender” in her text for Muslim women; but in academic meta-conversation, she directly traces this idea of Islam to “the sufis, or Muslim mystics.” Amina Wadud, *Alternative Qur'anic Interpretation and the Status of Muslim Women*, in *Windows of Faith: Muslim Women Scholar-Activists in North America* 3, 11 (Gisela Webb ed., Syracuse U. Press 2000). Similarly, in describing her path to Islam in the same book, Gwendolyn Zoharah Simmons says she was drawn by “its mystical and spiritual aspects” as taught by a Sufi, who initiated her into Sufistic practice and stories. Gwendolyn Zoharah Simmons, *Striving for Muslim Women's Human Rights—Before and Beyond Beijing: An African American Perspective*, in *Windows of Faith*, *supra* at 197, 201.

39. Sommer, *supra* n. 12, at 37. Sommer refers to the reader of a “fragile text” but I attribute this excellence and delicacy to these women in their address within the dominant discourses they must navigate.

The presence of unbounded love, of such self-diminishment in relation to the Other, grounds my suggestions that postmodernism and religion converge, at their bests. This idea, increasingly visible in academic discourse, is illustrated by a January, 2006 story told by Rowan Williams. He himself embodies the convergence of an elite esoteric conversation with the image of God in each person; his exquisite work as a postmodern Hegel scholar produced such gems as *The Necessary Non-Existence of God*<sup>40</sup> even as he was on his way to becoming Archbishop of Canterbury. The intersection of religion and postmodern play blossoms in books like Jeremy R. Carrette's *Foucault and Religion: Spiritual Corporality and Political Spirituality*<sup>41</sup> and John C. Caputo's conversations with Derrida,<sup>42</sup> as well as lapidary works like Marie Ashe's *Limits of Tolerance: Law and Religion After the Anti-Christ*.<sup>43</sup> The fond *reductio ad absurdum* performed by deconstruction upon reason, meets the mysticism of (Christian and other, particularly at this juncture People of the Book) spiritual traditions on the very "ground" I hope to invoke for the meeting with Muslim women: God the unknown. Although this God is unknown, S/He is also known, not by intellect alone, but by love. The Rowan Williams story illustrates this poignantly.

At the first meeting of the Christian-Muslim Forum in January 2006, the archbishop of Canterbury recounted a story he had read:

One day my daughter saw a woman walking towards us covered in a veil and asked the inevitable "What's that, Mummy?" "Emma," I answered, "that lady is a Muslim from a faraway place and she dresses like that and covers her head with a veil because she loves God. That is how their people show they love God." My daughter considered these words, she stared at the woman who passed us, she pointed at the woman and then pointed at my hair and further quizzed "Mummy, do you love God?" "Yes," I said, "I do; you and I are Christians and Christian ladies show their love for God by going to church, eating the bread and drinking the wine, serving the poor and giving to those in need. We don't wear veils but we do love God."

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40. Rowan Williams, *The Necessary Non-Existence of God*, in Simone Weil, *Philosophy of Culture: Readings Toward a Divine Humanity* 52, (Richard Bell ed., Cambridge U. Press 1993).

41. Jeremy R. Carrette, *Foucault and Religion: Spiritual Corporality and Political Spirituality* (Routledge 2000).

42. See e.g. Jacques Derrida & John D. Caputo, *Deconstruction in a Nutshell: a Conversation with Jacques Derrida* (Fordham U. Press 1997).

43. Marie Ashe, *Limits of Tolerance: Law and Religion After the Anti-Christ*, 24 *Cardozo L. Rev.* 587 (2003).

After this, Emma took every opportunity to point to Muslim women during our shopping trips and telling me “Mummy, she loves God.” One day we were getting out of our car in our driveway at the same time as our Pakistani neighbors. Emma saw the mother beautifully veiled and pointed at her and shouted “Look Mummy—she loves God.” My neighbor was surprised, I told her what I had told her what I had taught Emma about Muslim ladies loving God, while she held back tears this near stranger hugged me saying, “I wish all Americans would teach their children so, the world would be better.”<sup>44</sup>

Two things attach to this story. First, it was retold from a book by an American Evangelical, Brian McLaren, pastor of a large independent church in the Washington D.C. area. McLaren, Williams notes, is “the sort of Christian pastor who arouses a certain amount of anxiety in the breasts both of Muslims and of more liberal Christians, not to say columnists in some of our newspapers.”<sup>45</sup> The book, *A Generous Orthodoxy*,<sup>46</sup> includes a “long and extraordinarily moving chapter on his approach to people of other faiths.”<sup>47</sup> The second is Williams’s insistence that the conversation across difference is not a matter for the elites primarily, but rather for the ordinary people. Ordinary people believe in what most call God. Thus, as I was reading the story aloud to the daughter of a friend in a suburban South Texas lunch joint, I looked up to see the women in the next booth smiling broadly.

It’s not easy for a rosary-clacker in blond Anglo-dom (the women would have made anyone a good trophy, except that the “little gals” were reading large, multiple-page spread-sheets over lunch) to generate such warmth and amusement. But Williams argues that we are simply no longer in a world where religion is irrelevant to the public sphere, or where we can afford the luxury of the myth of separation. Thus, if we are “all in the family,” we must learn how to talk with ordinary women (such conversations are the particular talent of Wadud and al-Hibri, even as they also generate foot-note studded multi-linguistic scholarly texts). How is a double, decentered, agonistic and ambivalent academic to talk

44. Rowan Williams, *Archbishop of Canterbury. Sermons and Speeches, Remarks at a reception to mark the inaugural meeting of the Christian-Muslim Forum*, January 24, 2006, ¶ 11-12, [http://www.archbishopofcanterbury.org/sermons\\_speeches/060124.htm](http://www.archbishopofcanterbury.org/sermons_speeches/060124.htm) (accessed Aug. 24, 2006).

45. *Id.* ¶ 12.

46. Brian D. McLaren, *A Generous Orthodoxy: Why I Am a Missional, Evangelical, Post/Protestant, Liberal/Conservative, Mystical/Poetic, Biblical, Charismatic/Contemplative, Fundamentalist/Calvinist, Anabaptist/Anglican, Methodist, Catholic, Green, Incarnational, Depressed-yet-Hopeful, Emergent, Unfinished CHRISTIAN* (Zondervan 2004).

47. Williams, *supra* n. 43, ¶ 11.

to non-academics? And if I have abandoned an “unnamed but coded audience of agreement”<sup>48</sup> among the highly credentialed, what can I say?

Mary McClintock Fulkerson, who characterizes the academy as that coded audience of agreement, writes to support the religious Other in her subjectivity. In a sustained and deft conversation with Pentecostal and Presbyterian women, Fulkerson resists the coded claims to superior position that tempt the privileged academic, even the feminist theologian. She reports the dilemmas of women living in marginal socio-economic conditions, and finds them illuminated with insights that are not couched in complex feminist vocabulary but paradoxically perform liberation all the same. Fulkerson continually fights the temptation to judge these “ordinary” women and their discourse as less than the post-structuralist discourse, bristling with sharp analytical critique. Over and over, she finds poetry, love, spirit and liberation. Her book is a sustained practice of interaction with the life of the Other that embodies full respect. Yet there remains an incommensurability in subject position. (Are we here yet?)

#### THE VOID FINALLY

I have yet to venture into the Void fully, but continue to clear my throat on the threshold. One last set of preludes. . . .

A key discourse on God as the Void, the Empty, the Nothing, is by David Tracy, a Catholic priest who writes from the University of Chicago’s Divinity School. Tracy’s humor is evident in his website description of his work in progress: a book on God. Of course, it isn’t out yet.

However, since he gave the Gifford Lectures which form the basis of the forthcoming book, he has presented much of what he intends to say at talks, two of which, perhaps miraculously, took place in Texas. And in reviewing my notes of the two talks, I find why I’ve taken so long (not) to get there—Tracy talks of God as the Void and the Open, but also as the Impossible. So I couldn’t get there from here, but if I had remembered, I might never have started. (This always reminds me of my favorite joke in Plato, when Socrates asks in the *Meno* why we keep trying to learn what we can never know—his answer is akin to what Tracy cites Nietzsche’s movement to be, a form of the affirmative Impossible.)<sup>49</sup>

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48. Mary McClintock Fulkerson, *Changing the Subject: Women’s Discourse and Feminist Theology* 332 (Fortress Press 1994).

49. Many atheists and agnostics are, in my experience, superb practitioners of the Affirmative

Tracy starts with the pre-Socratics who knew the Void, just as Socrates knew the very conundrum of the Impossible. Through Meister Eckhart and Pseudo-Dionysius, Nietzsche, Kierkegaard, Levinas and Derrida, Tracy follows the strands of work on the sacred that understand that we strive to Name the Real, and to Name what many call God, and all our efforts become idols.<sup>50</sup> Idolatry is sinning big. Knowing that we will commit idolatry helps us from wallowing in it, or committing triumphalism. For Tracy, every revelation by the divine reveals and also hides as much as possible. The God Who reveals in such a way is, for Tracy, the God Who attends first to the least. This God hides in those we despise, and thus we meet God when we feed, clothe, or visit in prison, “the least of these” of God’s children. The work of love, when confronted by structures of oppression, becomes justice when it attempts to change the structures. Needless to say, some folks get crabby when love tries this. Are we there yet?

In such a space, such affirmative Impossibility, it is, well, impossible to maintain a posture of superiority, because we are blessed by meeting the very parts of ourselves and our world community that we least “want” to see. This is because all is redeemed by love. Even neurosis, and bad jokes.

#### BEING THERE

I’m there. It’s time to suggest more fully what Wadud and al-Hibri have taught me. Of course, I asked them the usual dumb questions: but what about female genital mutilation? What about all that covering yourselves up? Not being able to hug the men on the Editorial Board? This was the mid-’90s, and I had a lot to learn.

Amina patiently talked about “engaged surrender”—you will find that definition of Islam in her internationally famous book.<sup>51</sup> Much of what is called Muslim, which Wadud uses as the communities of those who follow Islam—including the traditions that have arisen around the basic text, the Qur’an—she participates in. But both she and al-Hibri distinguish the practices from the core relationship with God, an unmediated relationship of ongoing engagement and surrender—and much of the engagement is constructed by the Muslim communities. As Wadud writes,

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Impossible.

50. Much of the post-Nietzsche “religion” of the People of the Book in this space of awareness of not-knowing is elegantly explored by Marie Ashe. Ashe, *supra* n. 9, at 587.

51. Wadud, *supra* n. 35, at xxv.



I used to think that “Islam” and “Muslim” were one and the same, with the goal of all Muslims to be in (Islam): a state of engaged surrender to Allah: the One, the Originator of all things. Following the publication of *Qur'an and Woman*, I have seen that situations arise where one might be forced to choose between the two. To choose Muslim would mean a place for me and my children within the growing communities of Muslims worldwide. It would mean peaceful greetings and warm embraces. It would mean access to much needed support. That it would not always mean surrender to Allah is a reality that I have had to accept with a great deal of regret.<sup>52</sup>

This most difficult, lived distinction is what manifested to me the engagement that is integral to the surrender. Both women must navigate a terrain within their own tradition that is no less complex and subtle than the women who choose, like me, to accept the non-rational call to be in the Catholic Church.<sup>53</sup>

Al-Hibri writes of the difficulties of addressing women of her tradition, primarily because of the accretions of what we can recognize as a form of patriarchy we have not banished in the West, and because of the damage done by well-intentioned “feminist” and human rights struggles instigated from outside Muslim culture. How extraordinary, in retrospect, that I would for a moment imagine that these women would accept the horrors of the practice of female genital mutilation “on the ground” while my sisters in faith in the Catholic Church have been storming the Vatican for decades (let’s be honest: millennia) in order to claim the right to be considered “in Christ’s image” along with priests with penises. How extraordinary that women in the academy think I need to be rescued from the Catholic Church.<sup>54</sup> These latter experiences, within traditionally patriarchal communities of faith where God’s love far outshines human stupidity, were part of my shared space with Amina and Azizah.

One of the experiences I shared started with my usual prat-fall. Having gone with other Editorial Board members to a mosque to hear Azizah speak, I waltzed in the central door. Deftly, Azizah came forward, took my arm, and led me to the appropriate side of the room,

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52. *Id.* at xviii.

53. It amazes me that some people think that they have thought of more reasons why the Catholic Church is impossible than have I, who have to live with it every day, and who left it for fifteen years to sit as an agnostic among non-theistic Quakers. It’s like thinking you know better than someone else what their relationship with their partner is, after they’ve been in therapy for years, only it tends to be more intellectually presumptuous than that.

54. It’s a Mystery, for Mary’s sake. Get over it. See also David Tracy, *Plurality and Ambiguity: Hermeneutics, Religion and Hope* (Harper & Row 1987).

barely mentioning that I had used the men's entrance. I then sat while the men of the congregation gave it their best try at dislodging the calm clarity of her exegesis, that day primarily on the tenets of non-violence in the Qur'an. That my concern for her Muslim sisters could in any way outstrip or even match hers in wisdom, depth, or intelligence, much less learning and political acumen, is truly laughable.

Similarly, at some point in her studies, Amina was in a difficult living situation, and the "authorities" in a northern state took actions that in my view could only have happened to a veiled black woman in that context. When she wanted support, Amina asked for it, including prayers. That someone so formidable in intellect, strength, and spirit, would ask for prayer was a privilege. The idea that we might need to intervene uninvited in her community of faith is not only silly, but also unwise.

A key reason external attempts to intervene on behalf of women is so ludicrous is that "changing the subject" as Fulkerson puts it, is not something someone Other can do. Although there are many effects on consciousness that external conditions may have, forced change by law is one of the least effective. As the U.S. has learned and had to relearn, the full force of our legal system in the mid-1960s may, just may, have made more race "progress" than not for a period, but the backlash has been long and subtle. The profundity with which Muslims currently are constructing themselves as subjects promises to defy any Western imposition of values.

Rather, we can support and affirm the aspects of Islam that speak to our hearts, and applaud and engage our Muslim sisters. I experienced that real conversations with Amina Wadud and Azizah al-Hibri came from our shared ground of trust of the Impossible God Who keeps appearing and disappearing, revealing and concealing, and offering unbounded love hidden in plain sight.

Just as I was unsure how to begin this paper, the beginning of conversation with Muslim women is not easy. As Azizah al-Hibri notes, despite suspicion of the West, Muslim women are willing to listen to her about their rights, but only after "they recognized my serious spiritual commitment and jurisprudential knowledge of the topic."<sup>55</sup> These are not women who want the "liberation" of secular rights by means of the Bush doctrine. If they are to "surrender" to the rights that Wadud and al-Hibri find in their sacred texts, the engagement must be on a ground that is in a way impossible for us Revolting Hags.

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55. Al-Hibri, *supra* n. 5, at 39.

The primary sources of “engagement” in this Islam, this Engaged Surrender, include the patriarchal tradition, secular impositional readings of Islam, colonial distortions of Muslim societies, and those still so embedded in their own perspective that they cannot appreciate the subjectivities they project on Islam, according to Wadud and al-Hibri. Reading Wadud’s description of unhelpful Western human rights discourse sends me into flashbacks of women attempting to rescue me from the Pope, thus inadvertently continuing to bolster a discourse that gives my Church away to the patriarch. Such attributions by those from without or even formerly from within undermine the efforts of the Positively Revolting Hags among us. Wadud critiques those within the Muslim tradition who capitulate to the left-wing secular model of human rights;

[i]n their quest for rights they have become pro-Western, pro-modern, and anti-tradition, even though they fail to distinguish between lived Islam, the intellectual legacy of the Muslims, and Islam as a reflection of the primary sources.<sup>56</sup>

Along with a failure to remember the “centrality of Islamic spirituality to Muslim women” and the “importance of Islam as a dimension of identity,” such strategies use standards of measurement “external to Islamic cultural ethos” and abandon the need for “internally generated notions” of identity.<sup>57</sup>

When the ground of identity-generation is mystical, the wobbly nature of moves among difference that Bhabha’s words invoked at the start of this paper is acceptable. But the authority to speak as an Islamic woman belongs to a subject position, no matter how agonistic and fragile, that non-Muslims cannot inhabit. The position Wadud can inhabit that may disconcert some feminists is one of a sophisticated post-modern scholar. Thus, she includes an awareness of

various strategies of postcolonialist identity development” that allows her to use hermeneutic nuance as she critiques those Muslim women who seek to maintain “the romantic essentialist security of authority and autonomy

while failing to appreciate the negative effects of the sidelining of spirit and identity among their Muslim sisters.<sup>58</sup>

Wadud does not condemn the secular human rights movement or CEDAW (United Nations Convention to Eliminate All Forms of

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56. Wadud *supra* n. 38, at 8.

57. *Id.*

58. *Id.* at 9.

Discrimination Against Women) but professes the necessity of “spiritual activists” with an Islamic perspective that the patriarchal tradition of Islam does not exhaust. She welcomes the concerns of secularist agendas for women, but cautions against stances that are not spiritual concerning spiritual traditions, and the potential that such secular stances will galvanize further the forces of reaction within the Muslim world. While acknowledging that “the strongest arguments for establishing unconditional human dignity for Muslim women have come from outside the primary sources,”<sup>59</sup> she herself has provided some of the strongest such arguments from within those very sources. Some of her arguments are even funny; concerning Hell, she concludes with a pithy three-sentence paragraph that cedes that “the attributes of despair and misery are not gendered!”<sup>60</sup>

It is on the field of the sacred text that Wadud and al-Hibri do some of their most elegant work. Thus, for example, Wadud takes on the notorious aspects of Muslim Paradise, the *hori*, and “unpacks” them but good. Beginning with aspects of Paradise that are less contentious, she suggests that “gardens with rivers flowing beneath” would have seemed more heavenly to someone living in the desert than to someone living, as she did, in the tropics of Malaysia.<sup>61</sup> Then she moves in, citing “horses branded (with their mark)” as well as cattle (which I, a rural South Texan, can assure you, gentle reader, are a very mixed blessing, branded or not), all of which are obviously one “single form of articulation”<sup>62</sup> of a divine longing. After an exegesis on the origins of the terms used—*huri* or *hur-al-'ayn*—and a loving deconstruction of the text, Wadud exclaims that it “is impossible to believe that the Qur’an intends white women with large eyes to represent a single universal description of beauty for all humankind.”<sup>63</sup> Couldn’t have said it better myself.

In their interpretations designed to guide their sisters to a knowledge of their full belovedness by a God of justice, both Wadud and al-Hibri include hermeneutic maneuvers with multiple, nuanced valences. With a concern for Muslim women’s longing for liberation, al-Hibri also shepherds them through a textual unfolding that would protect them from colonial pseudo-liberation. Her analysis both amplifies the freedom and justice in the Qur’an and warns off even the careful Western reader from imposing “universal” ideals. Having spent

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59. *Id.* at 15.

60. Wadud, *supra* n. 35, at 52.

61. *Id.*

62. *Id.* at 52.

63. *Id.* at 55.

time on substantive Islamic principles, al-Hibri unfolds an Islamic philosophy of change that would both counsel non-violence within Muslim communities and defend against imposition of external values by “First World” forces, whether cultural or less subtle (invasions, Halliburton, name-calling (remember the axis of evil?)).<sup>64</sup>

Al-Hibri has a sly sense of humor that transforms some of the sinister-seeming aspects of her tradition with the best of, to borrow from my tradition, “steel magnolia” maneuvers. Thus, citing the differentiation between legal and financial rights of the two genders (which are not rigidly stereotypic, but complex, contextual and fluidly dependent on the qualities and resources of the man and the woman), she notes that men are definitely taxed with the responsibility to support women. Some male relative holds the obligation, so that the Qur’an provides women with “added security in a difficult patriarchal world. Put in today’s legal language, the Qur’an engages in affirmative action with respect to women.”<sup>65</sup>

Lest this affirmative action engender a psychology of dependency, al-Hibri uses the truths hidden in plain sight of her own remarkable situation. Thus, to an audience of Indonesian Muslim women, she begins modestly, citing texts that teach that there is no “church hierarchy” in Islam, but only *ulama*, and true *ulama* recognize “that only God knows the truth with certainty” and respect the differing and sometimes opposing views of other Muslim scholars.<sup>66</sup> She proceeds through observations such as the fact that the majority of *hadiths* (sayings of the Prophet) were conveyed by women and that the Prophet worked for a businesswoman so that such work could hardly be forbidden,<sup>67</sup> toward a particularly prickly verse in the Qur’an concerning men’s role in relation to women. This verse traditionally has been interpreted as authorizing dominion by men, but al-Hibri performs hermeneutic surgery of the most skillful sort, and emerges with a text whose wavering instability is a joy to be illuminated by. She then notes that due to the complexity of the verse, when a wife is better qualified, she is entitled to give advice to (rather than exercise dominion or

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64. Azizah Y. al-Hibri, *An Introduction to Muslim Women’s Rights*, in *Windows of Faith: Muslim Women Scholar-Activists in North America* 51, 54 (Gisela Webb ed., Syracuse U. Press 2000).

65. Al-Hibri, *supra* n. 5, at 47.

66. Azizah al-Hibri, *Qur’anic Foundations of the Rights of Muslim Women in the Twenty-First Century*, in *Women in Indonesian Society: Access, Empowerment and Opportunity* 3, 9 (M. Ato Mudzhar et al. eds., Sunan Kalijaga Press 2001) (available at [http://www.karamah.org/docs/azizah\\_quranicfoundationsofmwr.pdf](http://www.karamah.org/docs/azizah_quranicfoundationsofmwr.pdf)).

67. *Id.* at 14-15.

patriarchal authority, which al-Hibri has read out of the text completely) her husband as well. “For example, if she is a corporate lawyer and her husband is a businessman, clearly she is in a better position to give him legal advice.”<sup>68</sup> She continues with verses that describe husband and wife as each others’ *walis*, that is, friends and protectors. If anyone in the audience had not known that al-Hibri the corporate lawyer is married to a businessman, her neighbor would have told her before the sentence was cold. They are very successful together.

#### THE GIFT OF IRREMOVABLE STRANGENESS

When I see Amina Wadud on the front page of the electronic New York Times, as she is called to lead both men and women in prayer, when I hear Azizah al-Hibri, whom Bill Moyers calls a Renaissance woman,<sup>69</sup> talk of the uphill battle she has when she talks to Muslim women in the Mideast because of U.S. attempts to “help” the countries there, I could both laugh and cry. And thus I have gotten there, momentarily, “there” where Bhabha promised at the end of his article:

The ironic wisdom of the joke-work lies in its emphasis on the two-fold nature of the subject. The play between first and third persons, or the relay between the *I* and *You*, makes us alive to the fact that it is by accepting our irremovable strangeness that we learn to live with one another. It is my hope that the example of survival and solidarity enunciated in the self-critical joke will allow the memory-work of our multicultural future to be carried out somewhere between tears and laughter.<sup>70</sup>

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68. *Id.* at 19-20.

69. PBS NOW, “Bill Moyers Interviews Azizah al-Hibri” (PBS Feb. 15, 2002) (TV broadcast, transcr.) (available at [http://www.pbs.org/now/transcript/transcript\\_alhibri.html](http://www.pbs.org/now/transcript/transcript_alhibri.html)).

70. Bhabha, *supra* n. 2, at 198 (emphasis in original).

