

ISLAM AND WOMEN'S HUMAN RIGHTS:

ESSAY

A Reappraisal in Light of the Qur'an and the Hadith



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Islam is a full and complete religion which addresses every aspect of life: social, economical, familial, spiritual and political. There is no doubt that there are physiological and psychological differences between men and women, but this does not obviate the fact that they are both human beings endowed with intrinsic rights and worth. Thus, they should be treated equally, taking into consideration the implications of their inherent differences.

Contemporary Muslim societies interpret women's rights in a drastically different way from the actual teachings of the Qur'an. Because of the existence and influence of a deeply-rooted patriarchal social system and culture, many Muslim men tend to interpret the Qur'an and the Hadith (teachings of the Prophet Muhammad) in a limited and literal manner which suits

their own temporal interests. Muslim women, on the other hand, have historically been unaware of their rights, mostly due to their lack of religious and formal education. Today, however, women's ignorance stems from the fact that they have unthinkingly given into traditions which are based on misinterpretations of religious teachings.

Women's rights in Islam have existed since the Qur'an was revealed to the Prophet Muhammad. All women's rights are to be applied as they have been assigned. Some members of Islamic communities, however, misuse or ignore women's rights due to a lack of faith or knowledge. This inevitably leads to a wide-spread misconception of Islam and its teachings concerning women, thus fueling so much of the stereotypes and prejudices non-Muslims hold about the Islamic world.

During *al-jahiliyya* (the pre-Islamic period), it was the tradition

of the Arabs to bury alive newborn infant girls. These young females were not valued as highly as male offspring, and parents feared that girls might put the family's honor at risk by bringing shame through improper behavior. The inhumane practice of female infanticide continued until the Qur'an was revealed, stating clearly that girls and boys are equal in worth, and specifying that the only meaningful differences between people are those related to faith and belief in God, not gender, linguistic or racial differences:

"O, humankind, we have created you male and female and have appointed you races and tribes that you may know one another; surely the noblest among you in the sight of God is the most God-fearing of you"
(Sura 49; verse 13)

With the revelation of the Qur'an, female infanticide was henceforth forbidden, yet the disappointment which marks the birth of a girl child still lingers in many Muslim societies, and in quite a few non-Muslim communities as well.

Before considering the question of gender equality from an Islamic perspective, we must first examine the physical, biological and psychological attributes of men and women in order to judge the kinds and degree of their differences. If such differences do exist, should they automatically require a limitation of rights, or the assignment of special rights or duties according to gender? Concerning physical structure and function, it is clear that most men, in comparison to most women, have clearly discernible natural characteristics, e.g., greater muscle mass and bone density, as well as greater weight and height. Just because men are physically stronger, however, does not mean that they are entitled to more rights than women. Men's physical attributes merely indicate that "he is made for hard and difficult jobs" (Bahonar, 1985: 32). Islam teaches that, in the eyes of God, men and women are equal in rights and responsibilities. Although differing in physical structure, biological functions, and the social roles each plays in the community, neither is accorded more value or worth than the other in the Islamic world-view. Islam does not deny, however, that God has given men the capacity to lead during crises due to their physical power, which enables men to protect their spouses and offspring in times of danger, strife and hardship. Because of their physical strength, men are obliged to perform certain duties from which women are exempted. A woman's strength, on the other hand, is found in the emotional and affective realm, according to Islam. A woman's physically distinguishing characteristic is her ability to carry children, bear offspring, and care for the young. Islam states that women are thus equipped by nature with the necessary emotional and mental skills to nurture children. Bearing children is one, but certainly not the only, responsibility that a Muslim woman fulfills in her community.

Another contribution Muslim women can make to society is through work. Although men are responsible for supporting women and children, and thus removing the economical necessity for a woman to work outside the home, Islam does not, as so many people assume, forbid the woman to work. Compared to the West, where family ties have been dangerously weakened, and where women must carry a double burden of holding down a demanding full-time job while also maintaining a good home for their families, Islam's perspective appears eminently humane and practical. Women in Muslim societies are encouraged to give primary attention to the care and education of their children, yet work is not forbidden if the situation calls for it. "Between the two, male and female, there are social solidarity and mutual responsibility" (Abodalati, 1993: 124).

It is not the Islamic faith, but rather, patriarchal society which forbids Muslim women to work. Social and cultural traditions, not religious precepts, maintain that women should not work outside of the home. Also, few men's egos can endure the fact that they are not able to support their families alone. An additional reason that men do not permit women to work is to prevent her from coming into contact with men who are not relatives. This consideration explains why Muslim women veil, to prevent problems from arising:

"Say to the women believers that they cast down their eyes and guard their private parts, and not reveal their adornments save such as is outward; and let them cast their veils over their bodies"
(Sura 24; verses 30-31)

As one recent magazine article explained the Islamic practice of veiling to a Western audience, "wearing a veil does not mean that a woman is weak; she wears a veil because she knows the high status that Allah has given her, to protect society and to prevent immorality: The *hijab* helps women to achieve justice in society. This does not mean that men should not also dress modestly" (Mahjouba, 1984).

Another example of social traditions obscuring true Islamic teachings is that of women's role in the choice of her marriage partner. According to the Qur'an, women are to choose whom they wish to marry and when they want to marry. But, "unfortunately, the traditional tenet was that the male guardian of the family should choose [a woman's] husband and force her to marry if necessary. Girls were usually married at a young age to relieve her parents of economic burdens" (Al-Samawi, 1995: 300). As far as women's marital rights are concerned, the man is obliged to provide all the necessities of life. "Men should spend on women even if they work or have their own money because the woman has no obligation to participate in the marital expenses, and the man has no authority to manage her possessions or to use them, unless she permits him to do so" (Al-Gamari, 1993: 117). Bearing children and house-keeping are

the only contributions that a woman is required to make to the sacred institution of marriage. Nevertheless, some men in our Islamic societies still believe that a married woman is required to stay at home, do the housework and be available to serve the man's every need whenever he wishes. Thus, many Muslim women are denied their social life. Whereas a man has both a public and a private life, most women's lives are only private: the life she shares with her husband and children in the home.

Perhaps the most widely misunderstood and denigrated practice in Islam is that of polygamy. This practice, which most people consider unfair, is, of course, unjust because of men's lack of knowledge of the Islamic religion. There are several theoretical reasons which may be invoked to justify polygamy: "First...men remain potentially fertile all of their adult lives, while women become barren at menopause....Another reason is that men are exposed to more danger, *i.e.*, fighting in wars and suffering accidents during work. Thus, many women were often widowed, and others remained unmarried due to the loss of men" (Hojjatulislam, 1995: 28). The verse in the Qur'an which permits polygamy is as follows:

*"Marry such women as seem good to you, two, three, or four.
But if you fear that you treat
them unequally,
then only one..."
(Sura 4; verse 3)*

Since women give birth, marrying more than one man could lead to a confusion of paternity, and hence to a loss of social identity for the child, in a patriarchal social system. "Those who are ignorant of the actual Islamic teachings take advantage of this verse, being able to marry up to four wives, while ignoring the fact that they have to treat each one equally" (Al-Gamari, 1993: 126). This is another illustration of how men use the Qur'an however they wish, emphasizing their rights yet ignoring their duties to treat all of their wives equally and with impartiality. Some men who are not even true believers claim this right for reasons that are far from religious.

Islam is the only one of the three great monotheistic religions which permits divorce, especially in cases of marriages that stand no chance of lasting. "Although Islam allows divorce, it provides various ways of resolving the conflict between the couple before it leads to a divorce. Therefore, divorce is the final decision that takes place "after much effort has been expended to heal the rift" (Al-Gamari, 1993: 136). At the same time, Allah considers divorce "the worst of all the permitted things (*halla*l)." Divorce is not to be undertaken lightly; "it is a bitter medicine which should not be administered except in extreme cases" (Al-Farouqi, 1988: 27). If the only other alternative is for the couple to live a miserable life, divorce is the sole solution. "Only the man has the right to divorce, due to the reason that a woman tends to be more emotional by nature and

thus her feelings get hurt easily" (*ibid.*), but it should be noted that there is an exception which most Muslim women today take advantage of: they can request, before marriage, that the right to ask for a divorce rests with them, and this right is now written into the marriage contract if the woman wishes. As we saw in the cases of work, marriage and polygamy, divorce illustrates another way in which Islamic teachings can be misinterpreted and misapplied. Some men invoke the right of divorce whenever they wish, even when their reasons are insignificant. Another case of misusing this right is seen when a man marries another woman and fails to support the first wife or even to acknowledge her. Such men, of course, are not true believers. There is a verse in the Qur'an which clearly forbids such selfish behavior:

*"And when you divorce women and they reach their prescribed time [i.e., three months, to determine pregnancy], then either retain them in a good fellowship or set them free with liberty, and do not retain them for injury so that you exceed the limits. Whosoever does this is indeed unjust to his own soul; and do not take Allah's communications for mockery. And remember the favor of Allah upon you, and that which he has revealed to you, the Book and the wisdom admonishing you thereby, and be careful of your duty to Allah, and know that Allah is the knower of all things."
(Sura 2; verse 231)*

Another area of controversy for non-Muslims concerns the Islamic teachings about inheritance. The Qur'an says "God charges to the male the like of the portion of two females" (Sura 4: verse 11). Given the aforementioned economic structure of the Muslim household, it only seems fair and logical that a man should receive double the share of inheritance received by his sister, since a man has unlimited financial responsibilities towards his mother, unmarried female siblings, his wife and children, whereas a woman usually has only limited personal expenses. Muslim men who do not fulfill their economic responsibilities to their families are not true believers.

Legal stipulations which indicate that the testimony of two women is equal to that of one man in cases of arbitration and judgment are explained by the following verse from the Qur'an:

*'Call two witnesses; of if there are not two men, then call one man and two women from those on whom you agree among the people who are present. So, if one of the women goes astray [in her testimony], the other woman may remind her.'
Sura 2; verse 282*

Commenting on this verse, Kotb notes that "In the verse itself, the explanation is made clear: by the very nature of her family duties, the tendency of the woman's spirit is toward emotions and passions, just as in man it tends towards contemplation and thought" (1953: 51). The implied reasoning behind this is that

women may be more influenced by their feelings and thus sympathize with one side or another depending on the conflict situation. But this represents yet another example of how men claim to be superior to justify their dominance in a patriarchal society. The following verse is often taken out of context and used to defend and affirm male dominance: "Men are in charge of women because Allah made the one of them to excel the other and because they spend of their property" (*Sura 4*; verse 34). Men misinterpret this verse, emphasizing the notion of "being in charge" of a woman, and de-emphasizing the deeper meaning, *i.e.*, that men must not dominate so much as support women. The relationship between the sexes is meant to be complementary, not asymmetrical, with one partner having all of the rights and the other being burdened with all of the duties.

Western and European Views of Islam

In general, most Westerners view Islam from their own socio-cultural perspective and using their own modes of interpretation, which are often biased by ignorance of Islam, if not marred by negative stereotypes. The fact that most Islamic societies do not correctly interpret or confirm to many Islamic tenets, and sometimes even distort Islamic teachings, adds to the West's misunderstanding of the meaning of Islam. If individuals and groups in Western countries are really interested in understanding Islam, rather than simply criticizing it, they should refer directly to the Qur'an and the Hadith and learn from knowledgeable religious scholars. If they were to undertake a serious study of the religion, Westerners would learn that men and women are indeed equal according to the logical reasoning presented above. Critics of Islam view issues from a distance and believe that women are deprived of their due rights by Islam, but to the contrary, Muslim women are granted their full and complete rights. Women's rights in Islam have been clear and unambiguous since the revelation of the Qur'an. Sadly, these rights have so often been ignored by Muslim societies. On the other hand, we must not forget that many Western women are still struggling to attain some of their basic rights, too, such as equal pay for equal work in the United States.

Regarding the contrast between the Islamic and the Western interpretations of women's right to work, most Westerners believe that a woman should seek employment because men are not obligated to support anyone but themselves. Thus, it is crucial for a woman to attain financial independence simply to survive. Unlike Islam, which burdens the man with such responsibilities, "the West imposes upon women the payment of lower wages. France does not grant married women the right of administering their own property, a right that Islam has always granted to women. Islam has always given women privileges that Western and European countries did not grant them until today" (Kotb, 1953: 53).

Turning to the practice of polygamy, which, it must be noted, is

very rare in contemporary Muslim societies, we can see that it may be justified for the reasons mentioned above, and this is indirectly proven by realities in the West, where adultery, open marriages and illegitimate children are becoming normal aspects of so many people's lives. Many Westerners engage in extra-marital affairs at least once in their married lives. "It is true that the Christians do not marry more than one woman, but we know that many engage in extra-marital relations in secret" (Hojjatulislam, 1985: 31).

The issues of inheritance and legal witnesses are generally perceived as unfair. No doubt, they have been most often defended and promoted by the least religiously-educated members of our society.

Conclusion

We have learned that Muslim women indeed have rights, but they have often been denied these God-given rights due to their lack of education, which leaves them vulnerable to unjust domination. One should not judge the religion of Islam by the way it is promoted and practiced by societies. We must take into consideration the fact that most Muslim societies are in need of more education about the tenets of the faith. Lacking such education, they are likely to misinterpret and mis-apply the teachings of the Qur'an.

The physical differences which distinguish men from women cannot be denied; these are biological facts of life. The strongest aspect of Islam is the equality given to all believers. Because of Islam's emphasis of equality and social justice, women's rights are guaranteed. Debate on this issue will probably never come to a conclusive end; there will always be misconceptions and problems in dealing with sensitive subjects, but comprehensive teaching of the true bases of the Islamic faith can prevent the worst injustices suffered by Muslim women, while simultaneously correcting many of the stereotypes Westerners have about Islam.

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