

Rights of Women Within Islamic Countries

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L'auteure examine les droits humains des femmes musulmanes dans la tradition islamique. Par exemple, dans les sociétés musulmanes patriarcales, même si le Qur'an semble pecher en faveur des femmes beaucoup de ses doctrines «féminines» sont utilisées contre les femmes plus souvent qu'en leur faveur. Dans cet article, l'auteure explique qu'en général les femmes sont la cible des plus grandes violations des droits humains qui surviennent dans les sociétés musulmanes.

Given the reservoir of negative images associated with Islam and Muslims in “the collective unconscious” of the West, it is hardly surprising that, since the demise of the Soviet Empire, “the World of Islam” is being seen as the new “enemy” which is perhaps even more incomprehensible and intractable than the last one. The routine portrayal of Islam as a religion spread by the sword and characterized by “Holy War,” and of Muslims as barbarous and backward, frenzied and fanatic, volatile and violent, has led, in recent times, to an alarming increase in “Muslim-bashing” – verbal, physical, as well as psychological – in a number of western countries. In the midst of so much hatred and aversion toward Islam and Muslims in general, the outpouring of so much sympathy, in and by the West, toward Muslim women appears, at a surface level, to be an amazing contradiction. For are Muslim women also not adherents of Islam? And are Muslim women also not victims of “Muslim-bashing?” Few of us can forget the brutal burning of Turkish Muslim girls by German gangsters or the ruthless rape of Bosnian Muslim women by Serbian soldiers. In what way, then, am I – a Muslim woman – to interpret the “sympathy” shown to Muslim women by the popular rhetoric of the West?

As a Muslim woman who has lived for the greater part of her life in the West, I find it difficult to believe on the basis of my lived experience, that there is much genuine concern for Muslim women in many western countries or people. The concern which exists in a country with a large Muslim population – such as England – is that the cultural norms and values of British society not be jeopardized or compromised by “foreigners” like the Muslims. A large number of Muslims living in England happen to be blue-collar workers who are devout religiously and highly conservative insofar as attitudes toward women are concerned. This was the case when I was a student at the University of Durham in England during the 1960s. At that time neither the religious devotion of the Muslims nor their attitude toward women caused much concern to British society. But things changed radically and dramatically after the publication of *The Satanic Verses* by Salman Rushdie, in the fall of 1989. The intense reaction of the Muslims to this book which degraded, with a calculated deliberateness, that which was most sacred to them in their religious tradition, caused grave alarm to the British who began to see the Muslims in Britain as a threat to their “secular democracy.” One very effective way to get back at the Muslims was to hit them where it would hurt the most – by politicizing the issue of Muslim women. Images of “poor, oppressed” Muslim women began to attract more and more publicity, not only in England but also in other western countries with sizable Muslim minorities, as Muslims in general were denounced as anti-western, anti-rational, anti-modern, and even anti-human.

Muslim women and human rights: the unarticulated quandary

Since the modern notion of human rights originated in a western, secular context, Muslims in general, but Muslim women in particular, find themselves in a quandary when they initiate, or participate in, a discussion on human rights whether in the West or in Muslim societies. Based on their life experience, most Muslim women who become human rights advocates or activists, feel strongly that virtually all Muslim societies discriminate against women from cradle to grave. This leads many of them to become deeply alienated from Muslim culture in a number of ways. This sense of alienation oftentimes leads to anger and bitterness toward the patriarchal structures and systems of thought which dominate most Muslim societies. Muslim women often find much support and sympathy in the West so long as they are seen as rebels and deviants within the world of Islam. But many of them begin to realize, sooner or later, that while they have serious difficulties with Muslim culture, they are also not able to identify with Western, secular culture. This realization leads them to feel – at least for a time – isolated and alone. Much attention has been focused, in the western media and literature, on the sorry plight of Muslim women who are “poor and oppressed” in visible or tangible ways. Hardly any notice has been taken, however, of the profound tragedy and trauma suffered by the self-aware Muslim women of today who are struggling to maintain their religious identity and personal autonomy in the face of the intransigence of Muslim culture, on the one hand, and the imperialism of western, secular culture, on the other hand.

My perspective as a Muslim woman on the issue of human rights in the context of the Islamic tradition

Before stating my perspective as a Muslim woman on the issue of human rights in the context of the Islamic traditions, it would be useful – I believe – to clarify what the term “the Islamic tradition” stands for. The Islamic tradition – like other major religious traditions – does not consist of, or derive from, a single source. Most Muslims if questioned about its sources are likely to refer to more than one of the following: The Qur’an or the Book of Revelation which Muslims believe to be God’s Word transmitted through the Agency of Angel Gabriel to the Prophet Muhammad; *Sunnah* or the practical traditions of the Prophet Muhammad; *Hadith* or the oral sayings attributed to the Prophet Muhammad; *Fiqh* (Jurisprudence) or *Madahib* (Schools of Law); and the *Shari’ah* or code of law which regulates the diverse aspects of a Muslim’s life. While these “sources” have contributed to what is cumulatively referred to as “the Islamic tradition,” they are not identical or considered to be of equal weight. Of all the sources of the Islamic tradition, undoubtedly, the most important is the Qur’an which is regarded by Muslims in general, as the primary, and most authoritative, source of normative Islam.

Given the centrality of the Qur’an to the lives of the majority of the more than one billion Muslims of the world, the critical question which has been the subject of my reflection for many years is: what, if anything, does the Qur’an say about human rights? On the basis of my lived experience as a Muslim as well as on the basis of my study and research, I believe that the Qur’an is the Magna Carta of human rights and a large part of its concern is to free human beings from the bondage of traditionalism, authoritarianism (religious, political, economic, or

any other), tribalism, racism, sexism, slavery, or anything else that prohibits or inhibits human beings from actualizing the Qur'anic vision of human destiny embodied in the classic proclamation: "Towards Allah is thy limit" (Surah 53: *An- Najm* : 42).

Rights of women: Qur'anic ideals versus Muslim practice

Muslim men never tire of repeating that Islam has given more rights to women than has any other religion. Certainly, if by "Islam" is meant "Qur'anic Islam" the rights that it has given to women are, indeed, impressive. Not only do women partake of all the "general rights" mentioned in the Qur'an, they are also the subject of much particular concern. Underlying much of the Qur'an's legislation on women-related issues is the recognition that women have been disadvantaged persons in history to whom justice needs to be done by the Muslim *ummah* (community). Unfortunately, however, the cumulative (Jewish, Christian, Hellenistic, Bedouin, and other) biases which existed in the Arab-Islamic culture of the early centuries of Islam infiltrated the Islamic tradition, largely through the *Hadith* literature, and undermined the intent of the Qur'an to liberate women from the status of chattels or inferior creatures and make them free and equal to men.

A review of Muslim history and culture brings to light many areas in which – Qur'anic teaching notwithstanding – women continued to be subjected to diverse forms of oppression and injustice, often in the name of Islam – and what is far worse – in the name of a just, merciful, and compassionate God. While the Qur'an, because of its protective attitude toward all downtrodden and oppressed classes of people, appears to be weighted in many ways in favor of women, many of its women-related teachings have been used in patriarchal Muslim societies against, rather than for, women. Muslim societies, in general, appear to be far more concerned with trying to control women's bodies and sexuality than with their human rights. Many Muslims when they speak of human rights, either do not speak of women's rights at all (Jullundhri), or are mainly concerned with how a woman's chastity may be protected (Maududi). (They are apparently not very worried about protecting men's chastity).

Women are the targets of the most serious violations of human rights which occur in Muslim societies in general. Muslims say with great pride that Islam abolished female infanticide; true, but it must also be mentioned that one of the most common crimes in most Muslim countries (e.g., in Pakistan) is the murder of women by their husbands. These so-called "honor-killings" are, in fact, extremely dishonorable and are frequently used to camouflage other kinds of crimes.

Female children are discriminated against from the moment of birth, for it is customary in Muslim societies to regard a son as a gift, and a daughter as a trial, from God. Therefore, the birth of a son is an occasion for celebration while the birth of a daughter calls for commiseration if not lamentation. Many girls are married when they are still minors, even though marriage in Islam is a contract and presupposes that the contracting parties are both consenting adults. Even though so much Qur'anic legislation is aimed at protecting the rights of women in the context of marriage¹, women cannot claim equality with their husbands. The husband, in fact, is regarded as his wife's gateway to heaven or hell and the arbiter of her final destiny. That such an idea

can exist within the framework of Islam – which, in theory, rejects the idea of there being any intermediary between a believer and God – represents both a profound irony and a great tragedy.

Although the Qur'an presents the idea of what we today call a "no-fault" divorce and does not make any adverse judgments about divorce (see Surah 2: *Al-Baqarah*: 231, 241), Muslim societies have made divorce extremely difficult for women, both legally and through social penalties. Although the Qur'an states clearly that the divorced parents of a minor child must decide by mutual consultation how the child is to be raised and that they must not use the child to hurt or exploit each other (Surah 2 : *Al-Baqarah* : 233), in most Muslim societies, women are deprived both of their sons (generally at age seven) and their daughters (generally at age 12). It is difficult to imagine an act of greater cruelty than depriving a mother of her children simply because she is divorced. Although polygamy was intended by the Qur'an to be for the protection of orphans and widows (Surah 4 : *An-Nisa'* : 2-3), in practice Muslims have made it the Sword of Damocles which keeps women under constant threat. Although the Qur'an gave women the right to receive an inheritance not only on the death of a close relative, but also to receive other bequests or gifts during the lifetime of a benevolent caretaker, Muslim societies have disapproved greatly of the idea of giving wealth to a woman in preference to a man, even when her need or circumstances warrant it. Although the purpose of the Qur'anic legislation dealing with women's dress and conduct (Surah 24: *An-Nur* : 30- 31; Surah 33: *Al-Ahzab* : 59), was to make it safe for women to go about their daily business (since they have the right to engage in gainful activity as witnessed by Surah 4 : *An-Nisa'* : 32) without fear of sexual harassment or molestation, Muslim societies have put many of them behind veils and shrouds and locked doors on the pretext of protecting their chastity, forgetting that according to the Qur'an (Surah 4 : *An-Nisa'* : 15), confinement to their homes was not a normal way of life for chaste women but a punishment for "unchastity."

Despite the fact that women such as Khadijah and 'A'ishah (wives of the Prophet Muhammad) and Rabi'a al-Basri (the outstanding woman Sufi) figure significantly in early Islam, the Islamic tradition has, by and large, remained rigidly patriarchal until the present time, prohibiting the growth of scholarship among women particularly in the realm of religious thought. This means that the sources on which the Islamic tradition is mainly based have been interpreted only by men who have arrogated to themselves the task of defining the ontological, theological, sociological, and eschatological status of Muslim women. It is hardly surprising that until now the majority of Muslim women have accepted this situation passively, almost unaware of the extent to which their human (also Islamic, in an ideal sense) rights have been violated by their male-dominated and male-centered societies. Kept for centuries in physical, mental, and emotional bondage, and deprived of the opportunity to actualize their human potential, even the exercise of analyzing their personal experiences as Muslim women is, perhaps, overwhelming for these women. (Here it needs to be mentioned that while the rate of literacy is low in many Muslim countries, the rate of literacy of Muslim women, especially those who live in rural areas where most of the population lives, is amongst the lowest in the world)

Much of what has happened to Muslim women becomes comprehensible if one keeps one fact in mind: Muslims, in general, consider it self-evident that women are not equal to men, who are "above" women or have a "degree of advantage" over them. There is hardly anything in a Muslim woman's life that is not affected by this belief; hence it is important, not only for

theological reasons but also for pragmatic ones, to subject it to rigorous scholarly scrutiny and attempt to identify its roots.

The roots of the belief that men are superior to women lie –in my judgment – in three theological assumptions: (a) that God’s primary creation is man, not woman, since woman is believed to have been created from man’s rib, and is, therefore, derivative and secondary ontologically; (b) that woman, not man, was the primary agent of what is customarily referred to as “man’s fall” or the expulsion of man from the Garden of Eden, and hence “all daughters of Eve” are to be regarded with hatred, suspicion and contempt; and (c) that woman was created not only from man, but also for man, which makes her existence merely instrumental and not of fundamental importance.

I have been engaged since 1984 in doing research which offers compelling proof on the basis of an analysis of Qur’anic text and teaching, that the three assumptions on which the superstructure of the idea of man’s superiority to woman has been erected, not only in the Islamic, but also in the Jewish and Christian, tradition, are un-warranted.

The myth that Eve was created from the rib of Adam has no basis whatever in the Qur’an which, in the context of human creation, speaks always in completely egalitarian terms. In none of the 30 or so passages that describe the creation of humanity (designated by generic terms such as *an-nas*, *al-insan* and *al-bashar*) by God in a variety of ways, is there any statement which asserts or suggests that man was created prior to woman or that woman was created from man. If woman and man were created equal by God – and this is clearly and unambiguously the teaching of the Qur’an – they cannot become unequal essentially at a subsequent time, since God is the ultimate arbiter of value. This means that the inequality of women and men in almost all Muslim (and many other) societies cannot be seen as having been willed by God, but must be seen as a perversion of God’s intent in creation. All this notwithstanding, the ordinary Muslim continues to believe, with ordinary Jews and Christians, that Adam was God’s primary creation and that Eve was made from Adam’s rib hence can never be equal to him.

In the context of the “Fall” story, it needs to be pointed out that the Qur’an provides no basis whatever for asserting, suggesting or implying that *Hawwa* (Eve) having been tempted by *ash-Shaitan* (the Satan), in turn tempted and deceived Adam and led to his expulsion from *al-jannah* (the garden). Regardless of this, however, many Muslim commentators have ascribed the primary responsibility for man’s “Fall” to woman and have branded her as “the devil’s gateway.”² Though no “Fall” occurs in the Qur’anic narrative, as pointed out by Iqbal,³ and there is no doctrine of “original sin” in Islam, patriarchal Muslim culture has used the Biblical myth to perpetuate the myth of feminist evil particularly in order to control women’s sexuality which it associates, like St. Augustine, with “fallenness.”

The Qur’an, which does not discriminate against women in the context of creation of the “Fall” story, does not support the view – held by many Muslims, Christians, and Jews – that woman was created not only from man, but also for man. That God’s creation as a whole is “for just ends” (Surah 15: *Al-Hajr* : 85) and not “for idle sport” (Surah 21: *Al-Anbiya* : 16) is one of the major themes of the Qur’an. Humanity, fashioned “in the best of moulds” (Surah 95: *At-Tin* : 4) has been created in order to serve God (Surah 51: *Adh-Dhariyat* : 56). According to

the Qur'an, service to God cannot be separated from service to humankind, or – in Islamic terms – believers in God must honor both *Haquq Allah* (rights of God) and *Haquq ai-'ibad* (rights of creatures). Fulfillment of one's duties to God and humanity constitutes the essence of righteousness. That men and women are equally called upon by God to be righteous and will be equally rewarded for their righteousness is stated unambiguously in a number of Qur'anic verses.⁴ Not only does the Qur'an make it clear that man and woman stand absolutely equal in the sight of God, but also they are "members" and "protectors" of each other. In other words, the Qur'an does not create a hierarchy in which men are placed above women, nor does it pit men against women in an adversary relationship. They are created as equal creatures of a universal, just and merciful God whose pleasure it is that they live-in harmony and righteousness, together.

In spite of the Qur'anic affirmation of man-woman equality, Muslim societies in general have never regarded men and women as equal, particularly in the context of marriage. Fatima Mernissi's observations on the position of a Muslim woman in relation to her family in modern Morocco apply, more or less, to Muslim culture generally:

One of the distinctive characteristics of Muslim sexuality is its territoriality, which reflects a specific division of labor and a specific conception of society and of power. The territoriality of Muslim sexuality sets ranks, tasks and authority patterns. Spatially confined the woman was taken care of materially by the man who possessed her, in return for her total obedience and her sexual and reproductive services. The whole system was organized so that the Muslim *ummah* was actually a society of male citizens who possessed among other things the female half of the population...Muslim men have always had more rights and privileges than Muslim women, including even the right to kill their women...The man imposed on the woman an artificially narrow existence, both physically and spiritually. (103)

Underlying the rejection in Muslim societies of the idea of man-woman equality are the three deeply-rooted beliefs mentioned earlier, namely, that women are inferior to men in creation (having been created from a crooked rib) and in righteousness (having helped *ash-Shaitan* in defeating God's plan for Adam), and having been created mainly to be of use to men who are superior to them.

Woman and man, created equal by God and standing equal in the sight of God, have become very unequal in Muslim societies. The Qur'anic description of man and woman in marriage: "They are your garments/And you are their garments" (Surah 2 : *Al-Baqarah* : 187) implies closeness, mutuality, and equality. However, Muslim culture has reduced many, if not most, women to the position of puppets on a string, to slave-like creatures whose only purpose in life is to cater to the needs and pleasures of men. Not only this, it has also had the audacity and the arrogance to deny women direct access to God. It is one of Islam's cardinal beliefs that each person – man or woman – is responsible and accountable for his or her individual actions. How, then, can the husband become the wife's gateway to heaven or hell? How, then, can he become the arbiter not only of what happens to her in this world but also of her ultimate destiny? Surely such questions must arise in the minds of Muslim women, but so far they have not been asked

aloud and my own feeling is that not only Muslim men, but also Muslim women – with a few exceptions – are afraid to ask questions, the answers to which are bound to threaten the existing balance of power in the domain of family relationships in most Muslim societies.

However, despite everything that has gone wrong with the lives of countless Muslim women down the ages due to patriarchal Muslim culture, I believe strongly that there is hope for the future. There are indications from across the world of Islam that an increasing number of Muslims are beginning to reflect seriously upon the teachings of the Qur'an as they become disenchanted with capitalism, communism, and western democracy. As this reflection deepens, it is likely to lead to the realization that the supreme task entrusted to human beings by God, of being God's deputies on earth, can only be accomplished by establishing justice which the Qur'an regards as a prerequisite for authentic peace. Without the elimination of the inequities, inequalities, and injustices that pervade the personal and collective lives of human beings, it is not possible to talk about peace in Qur'anic terms. Here, it is of importance to note that there is more Qur'anic legislation pertaining to the establishment of justice in the context of family relationships than on any other subject. This points to the assumption implicit in much Qur'anic legislation, namely, that if human beings can learn to order their homes justly so that the human rights of all within its jurisdiction – children, women and men – are safe-guarded, then they can also order their society and the world at large, justly. In other words, the Qur'an regards the home as a microcosm of the *ummah* and the world community, and emphasizes the importance of making it "the abode of peace" through just living.

END-NOTES

¹For instance, see The Qur'an, Surah 4 : *An-Nisa'* : 4, 19; Surah 24 : *An-Nur* : 33; Surah 2 : *Al-Baqarah* : 187; Surah 9 : *At-Tawbah* : 71; Surah 7: *Al-A'raf* : 189; Surah 30 : *Ar-Rum* : 21.

²This expression comes from Tertullian (A.D. 160-225), a Church Father from North Africa who wrote: "And do you not know that you are (each) an Eve? The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too. You are the devil's gateway; you are the unsealer of that (forbidden) tree: you are the first deserter of the divine law, you are she who persuaded him whom the devil was not valiant enough to attack. You destroyed so easily God's image, man. On account of your desert- that is, death-even the Son of God had to die." (*De culte feminarum* 1.1 cited in *Biblical Affirmations of Women* by Leonard Swidler (Philadelphia: The Westminster Press, 1979): 341.

³*The Reconstruction of Religious Thought in Islam*, Iqbal says: "Qur'anic legend of the Fall has nothing to do with the first appearance of man on this planet. Its purpose is rather to indicate man's rise from a primitive state of instinctive appetite to the conscious possession of a free self, capable of doubt and disobedience. The Fall does not mean any moral depravity; it is man's transition from simple consciousness, a kind of waking from the dream of nature with a throb of personal causality in one's own being. Nor does the Qur'an regard the earth as a torture-hall where an elementally wicked humanity is imprisoned for an original act of sin.

Man's first act of disobedience was also his first act of free choice; and that is why according to Qur'anic narration, Adam's first transgression was forgiven..." (85)

⁴For instance, see The Qur'an, Surah 3 : *Al-'Imran*: 195; Surah 4 : *An-Nisa'* : 124; Surah 9 : *At-Tawbah* : 71-72; Surah 16 : *An-Nahl* : 97; Surah 33 : *Al-Ahzab* : 35.

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