

Islam and Women's Rights

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The setting

The Islamic resurgence that has engulfed most Muslim countries today has thrown forth different levels of tension and competing ideologies within these societies: what Islam, whose Islam is the right Islam? Very often, it is the status and rights of women that have become the first casualty in this battleground.

The struggle for equality and justice for Muslim women must therefore be placed within the context of women living in Muslim societies where Islam is increasingly shaping and redefining our lives. Very often, it is the Muslim women who are targeted to reflect society's renewed commitment to the faith in ways that are often discriminatory and oppressive.

It is therefore not surprising that in these countries, from Egypt to Iran, Pakistan, Indonesia and Malaysia, women's groups are at the forefront in challenging traditional authority and fundamentalists and their use of religion to justify women's subordination and inferior status, and most perniciously, to use religion to silence any dissent or defame or incite hatred against those who offer alternative views or protect and promote the rights of women in Islam.

Such attitudes and actions committed in the name of Islam have fed the prejudices of the West and non-Muslims who believe that Islam is unjust, undemocratic, and anti-women. And of course, it is these actions that attract the attention of the world press.

The challenge we must confront is: how do we as Muslims reconcile the tenets of our faith to the challenge of modernity, of plurality, of changing times and circumstances? How do we deal with the new universal morality of

democracy, of human rights, of women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world?

Competing Discourses on Women's Rights in Islam

The response to this challenge has led to various forms of discourses on Islam and rights. The discourse about women's rights in Islam have taken three broad strands: first, are those Muslims who acknowledge that Islam liberated women and granted them rights unknown to any other society. They point out the Qur'anic injunctions that recognise a woman's right to contract marriage, to divorce, to inherit and dispose of her property as she pleases. The Qur'an also outlawed female infanticide and enforced the payment of the dowry to the bride herself, not to her father or guardian. Yet, while progressive in tendency, this ethical vision of equality and justice for women in the Qur'an did not develop further or sustain any emancipatory or egalitarian thrust within the Muslim juristic heritage. Instead, the process of interpretation and codification of the laws, dominated by male jurists and scholars, eventually led to an orthodox mainstream view that men and women in effect are not equal.

In responding to the international discourse on women's rights, such Muslims say that because men and women are not the same, there cannot be equality. Instead, they say that in Islam men and women complement each other and therefore what Islam recognises is equity, not equality. What is meant is that because men and women are different, they have separate and distinct roles to play. This then leads to befuddled and contradictory positions. They believe in the equal right of women to education and to employment, but not for example, equal right to divorce. Women can work outside the home, but only with the permission of their husbands, women can be doctors but they must not touch male patients, women can be heads of departments in charge of men, but they cannot be in charge at home for they must remain obedient to their husbands.

The second strand reflects the obscurantist view that men and women are inherently unequal in Islam, quoting verses in the Qur'an such as 4:34 which talks about men being responsible for women and 2:228 which mentions that

men are a “degree higher” than women. Such verses are interpreted literally and atomistically to legitimise men’s dominance and superiority over women. Other verses in the Qur’an and traditions of the Prophet *saw* have been interpreted to mean that women cannot be leaders, women cannot work outside the house, a woman’s voice is part of her *awrah* and therefore cannot be heard in public, women cannot participate in the performing arts, etc. These Islamists believe in the total segregation of women and men and that women are best suited to remain behind the confines of the four walls of the house to take care of the husband and children and to do the household chores. If at all women can be educated, that education is not meant for a career outside the home, but to help women to be better wives and mothers.

Between these two positions lies a middle ground – a space within which some of the most creative and humanly inclusive socio-legal thought is now being created. (Norani 1997). This emerging contemporary Muslim discourse about women’s rights, human rights, democracy, and modernity is led by Muslim scholars and activists who advocate a review and critical re-examination and re-interpretation of exegetical and jurisprudential texts and traditions. It argues for gender equality on all fronts. It contends a difference between what is divine revelation and what is human understanding of the divine Text that allows for change in the face changing time, place and circumstances.

Just as the mores and attitudes of urban Middle Eastern society during the classical period - which treated women as sexual objects, which licensed polygamy, concubinage and easy divorce for men - had informed the ideology of the day, thus determining how the Text was heard and interpreted and then codified into law, so too should today’s changing realities of women’s lives inform our reading of the Text and how our interpretation of the Text is then rendered into laws for a modern, democratic, and pluralistic state where women demand for equality and justice.

The Ethical Voice in Islam

For women and women's groups like Sisters in Islam it is the ethical vision of Islam which advocate the absolute moral and spiritual equality of women and men found in verses such as Surah 33:35 (on common and identical spiritual and moral obligations placed on all individuals regardless of sex); Surah 3:195 which declares that men and woman are members, one of another; 2:187 which describes Muslim men and women as each other's garments; 9:71, the final verse on the relationship between men and women which talks about them being each other's *'awliyya* -protecting friends and guardians - and the obligations for both men and women, to enjoin what is just and forbid what is evil, to observe regular prayers, *zakat* (tithe) and obedience to Allah and his Messenger and they will be equally rewarded. These verses are unequivocally egalitarian in spirit and substance and reflect the Qur'anic view on the relationship between men and women.ⁱ

This egalitarian vision also extends to human biology. The verses on creation of men and women, talk about the characteristic of pairs in creation (51:49, 53:45, 78:8, 50:7, 22:5, 36:36). Since everything created must be in pairs, the male and female must both be necessary, must exist by the definition of createdness. Neither one comes before the other or from the other. One is not superior to the other, nor a derivative of the other. This means that in Allah's creation of human beings, no priority or superiority is accorded to either man or woman.

It is this ethical voice of the Qur'an which insistently enjoins equality of all individuals that have been largely absent in the body of political and legal thought in Islam. When women decided to read the Qur'an for themselves, they discovered this ethical message of equality and justice in Islam. They began to question why this voice was silent in the exegetical texts of the religion and the codification of the laws. They began to read about different movements and sects that existed from the earliest days of Islam, but were silenced and marginalised by the dominant andocentric voice that validated men's superiority and control over women.ⁱⁱ It is this voice that had dominated and held power in Islam. It is their interpretative and legal legacy that defined

Islam for us. They interpreted the religion as intending to institute andocentric (male centric) laws and an andocentric vision in all Muslim societies throughout time. (Ahmed 1992:67). The ethical injunctions of the Qur'an were rarely transformed into legally enforceable rules, but were recognised as binding only on the individual conscience.(Ahmed 1992:92).

By the time the Islamic law schools emerged, women were already excluded from the interpretative and intellectual process involved in deducing the terms of syariah from the sacred sources. (ziba, IFL p 105). Rather than embodying the egalitarian messages of the Qur'an, Islamic jurisprudential rulings became literal expressions of the classical jurists' ideal model of family and gender relations. It is this heritage that regard women and men as inherently unequal in nature and in reality that has come into conflict with today's changing realities.

This has resulted in many Muslim women activists to believe it is futile to work within the religious framework because they believe that all religions, including Islam, are inherently patriarchal and unjust to women. To work with religion will only serve the interest of the male oppressors who use religion to control and maintain women's subjugation. To them, the choice that groups like Sisters in Islam has taken to work within the religious framework, is a losing battle because for every alternative interpretation that women can offer to justify equality and justice, the ulama will offer 100 others to challenge that interpretation, they say. They have therefore chosen to struggle for women's rights within the framework of universal values and principles.

However, in the past 10-15 years, more and more Muslim activists and progressive Muslim scholars have challenged the Islamic agenda of the traditionalist and also the fundamentalist ulama and activists and their intolerance and outright oppression of women. These works which recognise equality between men and women in Islam, which argue for the imperative of ijtihad (re-interpretation), which address the dynamics between what is universal for all times and what is particular to seventh century Arabia, which look at the socio-historical context of revelation, which articulate the need to

differentiate between what is revelation and what is human understanding of the word of God ... Such research, methodology, conceptual frameworks developed to deal with the challenge of Islam and modernity have enabled more and more Muslims all over the world to realise the validity and possibility of working within the Islamic framework, that they can indeed find freedom and liberation within Islam. Women have begun to study the Qur'an for themselves and the traditions of the Prophet to better understand Islam and with this knowledge and new found conviction, have begun to stand up to fight for women's right to equality, freedom and justice within the religious framework.

Increasingly in Malaysia today, women's groups, human rights groups, NGOs, the media, and concerned individuals are beginning to speak up to engage publicly in a debate on these issues. What is the role of religion in politics? Is Islam compatible with democracy? Who has the right to interpret Islam and codify Islamic teachings into laws and public policies? How do we deal with the conflict between our constitutional provisions of fundamental liberties and equality with religious laws and policies that violate these provisions? Should the state legislate on morality? Is it the duty of the state, in order to bring about a moral society, to turn all sins into crimes against the state? Can there be one truth and one final interpretation of Islam that must govern the lives of every Muslim citizen of the country? Can the massive coercive powers of a modern nation-state be used to impose that one truth on all citizens? How do we deal with the new universal morality of democracy, of human rights, of women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world?

The search for answers to all these important questions on the role of Islam in today's modern nation society cannot remain the exclusive preserve of the religious authorities, be they the ulama in government or in the opposition parties or Islamist activists pushing for an Islamic state and syariah law.

Muslims and all citizens have to take responsibility for the kind of Islam that develops in their societies. The fact that Islam is increasingly shaping and

redefining our lives means all of us have to engage with the religion if we do not want it to remain hijacked by those who preach hatred, intolerance, bigotry, misogyny.

Of course, Muslim societies face a particular hurdle in dealing with this. Most Muslims have traditionally been educated to believe that only the *ulama* have a right to talk about Islam. Ordinary Muslims like us who do not speak Arabic, who don't wear the hijab, who don't have a degree in Islam from the "right" universities (God forbid if your Islamic degree is from Temple, Leiden, or St. Andrews or McGill) do not have a right to speak publicly on Islam. What are the implications to democratic governance, to a multi-racial country like Malaysia, if only a small group of people, the *ulama*, as traditionally believed, have the right to interpret the Qur'an, and codify the text in a manner that very often isolates the text from the socio-historical context of its revelation, isolates classical juristic opinion especially on women's issues, from the socio-historical context of the lives of the founding jurists of Islam, and isolates our textual heritage from the context of contemporary society, the world that we live in today.

For us in Sisters in Islam, when Islam is used as a political ideology to gain power or to remain in power, when Islam is used as a tool for mobilisation for political purposes, when Islam is used as a source of laws and public policies to govern the lives of Muslims, when the use of Islam in public life affect the rights of others, the non-Muslims, when Islam is stripped of its ethical, intellectual, and spiritual dimensions and reduced and mutilated into nothing more than legal obligations whose implementation has led to so much injustice, especially against women, then everyone has a right to speak on Islam and its impact on us as citizens, no matter what our credentials are and whether we are a Muslim or not.

Many Muslims have come up to me to say how much they admire the work of Sisters in Islam and the courage we have displayed in dealing with our virulent critics, but when I ask them to please speak up and support us and write letters to the editor to express their support and their concern, they would

always say, but I don't know enough about Islam. I am too scared to speak out. I say to them, claim your right as a citizen of democratic country to speak out. If you have a right to talk about politics, economics, society, etc, why is it when it comes to religion we must all suddenly shut up and leave it to the preserve of an exclusive group of people who claim infallibility as they are supposedly speaking in God's name. Nobody demands from Malaysians a degree in economics, political science or sociology before they can comment on these aspects of Malaysia's development. But when it comes to Islam, we need to speak Arabic and have an Islamic degree from nothing less than al-Azhar before we can even open our mouth. But of course, if your public voice on Islam is to demand for an Islamic state, hudud law, death penalty for apostasy, segregating men and women, a ban on music and the performing arts, then of course even if you are a third rate engineering graduate from a third rate American university, you have the freedom to speak on Islam. As a woman, I have another added credential to prove: I need to wear the hijab, otherwise I really cannot claim myself to be a true Muslim and therefore I really do not have a right to speak on Islam.

For me, when Islam is used as a political ideology to gain power or to remain in power, when Islam is used as a tool for mobilisation for political purposes, when Islam is used as a source of laws and policies to govern the lives of Muslims, when the use of Islam in public life affect the rights of others, the non-Muslims, when Islam is stripped of all its ethical, intellectual, and spiritual dimensions and reduced and mutilated into nothing more than legal obligations whose implementation has led to so much injustice, especially against women, then everyone has a right to speak on Islam and its impact on us as citizens, no matter what our credentials are and whether we are a Muslim or not.

I am tired of being told that religion is a sensitive subject, that I should tiptoe tiptoe and whisper whisper in the right ears and not speak loudly and publicly of the injustices women suffer in the syariah system, that there's so much prejudice against Islam by the West and the infidels that we should not provide them further ammunition to prove how uncivilised we are, that we

must preserve a show of unity among the ummah and not display the battles within the community of believers - have all led us to where we are today. An Islam dominated by the discourse of the obscurantists, intolerant, bigoted, militant, fanatical, misogynists. Where is the voice of moderation, of justice, of progress, of compassion and mercy in Islam?

I think it is high time we wake up and reclaim the Islam that liberated women 1400 years ago, the Islam of justice, compassion and mercy, the Islam that upholds human freedom and dignity. That was our rich heritage lost. We need to create the public space and claim the right as believers, as citizens, to reclaim that heritage lost. This is not heretical, but an imperative if religion is to remain relevant to our lives and the challenges of the 21st century.

ⁱ For an expansion of Sisters work on equality, see Sisters in Islam, *Are Men and Women Equal Before Allah?* (Kuala Lumpur, 1991).

ⁱⁱ For example, the Qarmatians which challenged Abbasid rule militarily, also departed fundamentally from the norms and values of the existing social order. Qarmatian women were not veiled, polygamy was outlawed, and men and women socialised together. See Leila Ahmad, 1992:99.