



**Five things you need to know about women in Islam:  
Implications for advancing women's rights in the Middle East**

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The issue of women's rights in Islam has been a contentious area of discussions and intense debates both in the Muslim world and in the West. The two dominant mainstream narratives have victimized Muslim women, though in different ways. On one hand, many Muslims and Muslim governments appropriate Islamic text to justify discrimination against women and to impose social and legal restrictions on women's rights and freedoms. On the other hand, Western islamophobic neo-orientalists use these popular yet traditional misogynistic readings of Islam to support their xenophobic claims against Islam and Muslims.

This leaves Muslim women in a dilemma. Muslim women who want to be good Muslims and want to also have their rights experience conflict and frustration under these popular interpretations. At the same time, they struggle to respond to Western attacks on Islam. These women (and men) react defensively that "Islam honors and protects women, and grants them full rights" but without having access to solid religious foundations and scholarship. Meanwhile, any attempts to discuss women's rights and freedoms in the Middle East are labeled imperialist colonialist western hegemonic enterprises that corrupt the piety of Islamic moral fabrics and traditions. Genuine attempts to protect Muslim women from discrimination through the international models of gender equality and empowerment programs end up alienating local contexts and will be likely unsuccessful without giving the local communities proactive and independent roles. Evidently, the issue of women in Islam is complex and multifaceted. What remains constant, though, is that Muslim women emerge as the victims in all these accounts.

In contrast to these mainstream narratives and the popular traditional interpretations of Islamic text, a solid (although still peripheral) feminist Islamic perspective has emerged. The less known narrative is that of Islamic jurisprudence female scholars who provide contextual readings and alternative interpretations of Islamic text. These Muslim women, who are also practicing believers, dispute the misogynistic Islamic interpretations that subordinate women in Muslim societies, and demonstrate -in the name of their faith- that the popular prejudiced readings of Islam are not inherent in the text but are products of their time and place.

The issue of women in Islam is very intricate and requires a great level of theological, linguistic and historic expertise and skills to understand and analyze. Below is but a brief introductory summary of these alternative readings, referencing some of the work of experts in Islamic jurisprudence and human rights scholarship, and my ensuing recommendations for advancing women's rights in the Middle East.

## Five unknown and misunderstood issues about women in Islam

### 1. Patriarchal traditions colored the early and dominant interpretations of the *Qur'an*

The foundations of Islamic Law are based on the *Qur'an*. In addition, the *Sunnah* (the *hadith* and the example of the prophet) is used as a secondary source for further clarification and guidance. When the *Qur'an* and *Sunnah* leave an issue unresolved, Muslim scholars resort to *ijtihad* – the science of interpretations and rule making, where they can supplement Islamic Law with local customs. Naturally, scholars from different communities and schools of thought disagree in their *ijtihad*, which is unobjectionable as long as these scholarships are based on religious and linguistic knowledge and are conducted piously and in good faith. While Muslims are free to choose the interpretations most convincing to them, it is inevitable that these individual *ijtihads* are influenced by the patriarchal customs and beliefs of their surroundings.<sup>1</sup>

According to Dr. Aziza al-Hibri, professor emerita of Law at the University of Richmond and one of the leading scholars in Islamic law and human rights; medieval Islamic jurisprudence and the dominant schools in *ijtihad* adopted today, are largely influenced by the patriarchal traditions of their times. These patriarchal cultural assumptions became deeply rooted in *ijtihads* and Islamic jurisprudence to the point that such patriarchal structures are inaccurately believed to come from the *Qur'anic* text itself. In addition, the free practice of *ijtihad* was restricted by authoritarian political establishments in order to preserve their political interests. As a result, the subsequent mainstream interpretations became based on authoritarian patriarchal interests and imposed by nation states.<sup>2</sup>

It is therefore evident that Muslim jurists are a product of their societies, where the central patriarchal concept that men are superior to women influenced understanding of *Qur'anic* texts. As such, these *ijtihads* are a product of their times and patriarchal circumstances, and need to be addressed and re-evaluated. In the words of Dr. Asma Lamrabet, a leading figure in revising Islamic texts from feminist perspectives; “Islamic thought should evolve in order to redefine and rethink itself, and to make the necessary distinction between the spiritual message and certain interpretations that have frozen the text, occasionally suffocating its true message.”<sup>3</sup>

### 2. Alternative non-patriarchal interpretations of the *Qur'an* do exist

As many Islamic scholars point out, the *Qur'an* clearly instates the principle of equality among all humans. In the *Qur'an* (*Qur'an* 49:13, among other verses), God created humans from male and female, and despite the empirical differences among humans (based on race, gender, etc.), the *Qur'an* regards them as equals and only ranks humans based on their moral choices and piety. God created men and women from the same soul, as guardians of each other in a relationship of cooperation not domination.<sup>4</sup>

However, while some specific verses at face value seems to be promoting male dominance, alternative interpretations are important to consider. For example, one the most controversial and most commonly cited *Qur'anic* verse to justify male dominance is the 34<sup>th</sup> *ayah* in *surat al-Nisa'*, which is most commonly interpreted as “men are the protectors and maintainers” (original: *qawwamun*, other possible interpretations: advisors, providers of guidance) “of women,” “because” (original: *bima*, other possible interpretations: in circumstances where) “they are superior to them” (original: *faddala*, other possible interpretations: have a feature that the other lacks) “and because” (original: *bima*, other possible interpretations: in circumstances where) “they support them from their means.”<sup>5</sup>

The popular interpretation understood in light of patriarchal hierarchal traditions, as al-Hibri demonstrates, can be completely different once patriarchal assumptions are eliminated. In this case, the *Qur'an* was describing a specific situation observed at that time, where a man takes the responsibility of an advisory role if both these conditions are present; first if the man has an ability that a particular woman lacks, and second when the man is maintaining that particular woman, meanwhile the woman is free to reject the advice. Based on the rules of Islamic jurisprudence, when one verse is specific to certain circumstances, the more general principle of equality (outlined above) is to be taken as the general rule while the particular instance as the exception.<sup>6</sup>

It is important to note herein that this is only one example and there are numerous other cases where the dominant patriarchal interpretations are disputed by feminist Islamic jurisprudence scholars. While family law and personal status codes in Arab and Muslim countries restrict women's rights and freedoms (e.g., in choosing a husband, guardianship/ *wali*, obeying the husband/ *ta'ah*, initiating divorce, dowry requirement, polygamy, marriage to non-Muslims, etc.), alternative interpretations of the *Qur'an* dispute these claims of male domination based on religious texts (see al-Hibri<sup>7</sup>).

### 3. *Context matters*

The mainstream interpretations of *Qur'anic* text that consider men superior to women are therefore not objective but subjective human interpretations heavily influenced by historic and geopolitical conditions. In addition, *Qur'anic* verses in many instances are revealed in very specific circumstances, and need to be understood based on contextual terms.

For example, *surat al-Baqara* 282, is another of the commonly cited verses to claim male superiority in Islam. The verse, revealed in a business context, states that “when you enter a transaction involving a debt for a fixed period reduce it to writing and let a scribe write it down between you in fairness ... and bring two witnesses from among your men. Should there not be two men, then a man and two women of the women you choose to be

witnesses.” If taken out of context, this verse could be interpreted to suggest that a woman’s testimony is not equal to that of a man’s. However, considering the specific situation of a business transaction and the larger context in which women at the time were not involved or experts in business affairs, this verse should not be taken as evidence that women are not equal to men in Islam. In fact, in another instance, the second successor to the Prophet, Umar ibin Khattab, appointed a woman to manage the affairs of a market in Medina.<sup>8</sup>

Therefore, verses of the *Qur’an* need to be taken in the contexts in which they were revealed, as the *Qur’an* takes the specific circumstances of the societal conditions into consideration.<sup>9</sup> These specific verses are products of their times and contexts, and need not be forced onto different times and different contexts. Moreover, the *Qur’anic* verses need to be looked at in a wholesome manner and not taken in isolation from other texts and verses. In fact, the five main schools of thought in Islamic jurisprudence (*Hanafi*, *Maliki*, *Shafi’i*, *Hanbali*, and *Ja’fari*), formally adopted by Muslim countries, agree on four basic principles of Islamic law; it changes with time and place, must serve the public interest, should not cause harm, and may be discarded if its cause has faded.<sup>10</sup> This is clear evidence that some verses which were revealed in specific circumstances should not be taken out of context and generalized as the rule for all times and places.

#### 4. *Muslim women’s rights are attainable through Islam*

According to Dr. al-Hibri, the Islamic philosophy of change embraces gradual change, and is linked to the principle of *shura* where societal affairs are conducted in consultation. The Islamic philosophy of change is also linked to the important *Qur’anic* principle of no compulsion in the matters of faith. Gradualism, *shura*, and aversion to coercion are important Islamic principles that are most appropriate to advance the rights of Muslim women. Gradual stable change to the status and rights of Muslim women is therefore achievable through Islam. Two of the agreed upon principles of Islamic law: rationality (*‘illah*; when a reason for a law disappears, so must the law) and public interest (*maslahah*; Islamic laws must serve the public interests, including those of women) are important foundations for revising patriarchal laws and re-engaging in *ijtihad*.<sup>11</sup> As such, Muslim women’s rights can be attained through these Islamic jurisprudential principles and requirements.

#### 5. *Liberation must come from within the Islamic domain*

As al-Hibri points out, Muslims women tend to be religious, and would not react well to a western feminist perspective that is imposed upon them, therefore secular approaches to women’s rights are not likely to ‘liberate’ Muslim women because people of faith will continue to want to follow their perception of the Divine Will.<sup>12</sup> In addition, many scholars argue that there is no universal model of gender quality (‘one size fits all’), and the West should not keep a monopoly on the topographies of modernity and truth.<sup>13</sup>

In this context, liberation and change must come from within the Islamic sphere, where Muslim women have a proactive and autonomous role in reform, re-reading of the Qur'an, and revealing the historical prejudices that colored the understanding of the *Qur'anic* message. In an environment of religious devotion, liberation must be rooted in the roots of the *Qur'an*.<sup>14</sup>

## Recommendations for advancing women's rights in the Middle East

Today female Muslim scholars are making their voices heard through their re-readings of Islamic text, and their call for the *Qur'anic* approach in uprooting the patriarchal principles that are very difficult to change. This alternative reading of the *Qur'an* and the Islamic approach to change are essential components for achieving women's rights in the Middle East.

As many women and women's organizations in the Middle East and in the world, who are dedicated to eliminating discrimination against women, face great challenges by current Islamic laws and religious figures, it is vital for them to incorporate the above alternative interpretations of Qur'anic text into their work. Here are some specific recommendations to better promote women's rights and achieve gender equality in the Middle East.

- 1) Because Islam is used against women, it is essential to engage with the religion in order to clarify misunderstandings and misconceptions among those who use the religion to oppress women. As most Muslim women seek to behave in accordance with the teachings of Islam, understanding the religion is important and liberating for Muslim women. The popularization of these alternative interpretations as well as alternative religious education in the Middle East can provide Muslim men and women the tools to advocate gender equality in Islam and through Islam. Gender equality programs need to incorporate an Islamic feminist component and religious education into all their projects, and support Muslim women in their efforts to re-engage with the *Qur'anic* text.
- 2) While the alternative readings of the *Qur'an* are particularly important to popularize among men and women of faith and the Islamic approach to change is an essential element in achieving women's rights, these efforts need to be implemented within a broader approach. Culture is dynamic and contextual; it interacts with, influences and is influenced by religious and legal systems. Just as patriarchal traditions infiltrated interpretations of Islamic text, these dominant interpretations prevented the much needed changes to patriarchal traditions. In this case, these Islamic interpretations legitimized the patriarchal customs, where the conservative Islamic interpretations are often brought up against any attempt to reform laws or change patriarchal traditions.

As such, a holistic multi-dimensional approach that incorporates all social, legal, and religious foundations of gender discrimination needs to be adopted.

- 3) Interpretations are, after all, interpretations. While some may agree with the alternative non-patriarchal interpretations of Islamic text, others may continue to believe in and use the misogynistic prejudiced readings of Islam. Moreover, as al-Hibri herself points out,<sup>15</sup> interpretations are subject to the influence and control of powerful entities and their interests. While the call for alternative re-readings of the *Qur'an* is certainly imperative, empowering, and liberating for Muslim women, national legal systems are likely to remain welcoming of the patriarchal Islamic readings, for various (and rather obvious) reasons. In addition, secular women living in Muslim countries do not have alternative legal systems under such frameworks, and therefore must abide by religious interpretations they might not agree with. As such, while these non-patriarchal Islamic interpretations are necessary for those who choose to act in accordance with their faith, non-religious legal systems must be made available for others.
- 4) Based on the above point, a separation of religion and state and a legal system that grants women full rights and freedoms can be incorporated into the commanded change to the dominant patriarchal social and religious systems. While most Muslim scholars reject what they call the external imposition of the universal models of gender equality on Muslim societies, this dichotomous framing of external vs. internal is rather inaccurate and even misleading. These universal models of women's rights are based on basic principles of freedom and equality and many women and organizations in Muslim countries are heavily involved in these international efforts. The most recent international legislation regarding gender equality is the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted in 1979 and ratified by 189 states, which is comparable to a bill of human rights for women.<sup>16</sup> All Arab countries have signed and ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>17</sup> but with so many reservations<sup>18</sup> that defeat the purpose of the convention. Meanwhile, Arab and Muslim countries continue to impose some the worst discriminatory daily practices against women in the world, with religious, social, and legal justifications. While religious reform and alternative interpretations are an essential part of the change process, international efforts and the progress they have achieved need not be overlooked.

As such, the gradual change to these multi-dimensional patriarchal systems must be a composite effort that incorporates feminist re-readings of the *Qur'an*, social and economic change, and legal reform based on the principles of CEDAW. Additionally, this holistic approach to advancing the rights and freedoms of women in the Middle East cannot work

without giving the primary role to local voices. Finally, the ultimate goal need be the promotion and legalization of women's full rights as basic human rights.

- <sup>1</sup> Al-Hibri, Aziza. "Islam, law, and custom: Redefining Muslim women's rights." *Karamah*, (1997). <http://karamah.org/wp-content/uploads/2011/10/Islam-Law-and-Custom-Redefining-Muslim-Womens-Rights.pdf>
- <sup>2</sup> Ibid.
- <sup>3</sup> Lamrabet, Asma. "What kind of liberation are we talking about? From the Introduction of 'The Qur'an and Women: A Reading of Liberation'." *Karamah*, <http://karamah.org/wp-content/uploads/2015/07/Article-by-Asma-Lamrabet.pdf>
- <sup>4</sup> Al-Hibri, Aziza. "An Introduction to Muslim women's rights." *Karamah*, (2000). <http://karamah.org/wp-content/uploads/2011/10/An-Introduction-to-Muslim-Womens-Rights.pdf>
- <sup>5</sup> Al-Hibri. "Islam, law, and custom."
- <sup>6</sup> Ibid.
- <sup>7</sup> Ibid. See also Al-Hibri. "An Introduction."
- <sup>8</sup> Abdullah, R., Ali, A., & Hamid, S. A. *Gender Equality, Islam, and Law*. Available from <http://www.iop.or.jp/Documents/1525/Raihanah%20Abdullah1%20%5B001-153%5DJournal25-2.pdf>
- <sup>9</sup> Ibid
- <sup>10</sup> Al-Hibri. "Islam, law, and custom."
- <sup>11</sup> Al-Hibri. "An Introduction."
- <sup>12</sup> Al-Hibri. "Islam, law, and custom."
- <sup>13</sup> Lamrabet. "What kind of liberation."
- <sup>14</sup> Ibid.
- <sup>15</sup> Al-Hibri. "Islam, law, and custom."
- <sup>16</sup> "The Convention on the Elimination of All Forms of Discrimination against Women." *UN Women*. <http://www.un.org/womenwatch/daw/cedaw/>
- <sup>17</sup> "The Arab region: 30 years of CEDAW." *Social Watch*. [http://www.socialwatch.org/sites/default/files/B15ArabRegion2010\\_eng.pdf](http://www.socialwatch.org/sites/default/files/B15ArabRegion2010_eng.pdf)
- <sup>18</sup> "Declarations, reservations and objections to CEDAW." *UN Women*. <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>