

# GENDER AND WOMEN'S RIGHTS IN ISLAM

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Islam's rich tradition of scriptural guidance on equality between the sexes and examples of such equality have commonly been in practice within Muslim societies from the inception of Islam. Such teachings and practices have sought to end discrimination and provide societal inclusivity for men and women. Yet there are a plethora of problematic gender attitudes and norms across Muslim communities and societies today. Religion, at times, is weaponized to perpetuate gender inequalities. It is necessary not only to look back into history to understand the changing nature of gender roles but also to imagine the future of what healthier societies, with a more harmonious balance of gender equality, would look like. Islam offers tools for reimagining gender equality in an enriching and holistic way.

## Gender Equality: The Human Rights Context

The United Nations' (UN's) Universal Declaration of Human Rights does not mention gender; however, article 2 states that "everyone is entitled to all the rights and freedoms set forth in the declaration, without distinction of any kind . . . such as . . . sex . . ." <sup>129</sup>

Although the term "gender" is not employed directly, the declaration refers to equal rights for men and women, often translated in practical terms to "gender equality." This became recognized in the Millennium Development Goals, representing a shift in focus from women in development (see the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women) <sup>130</sup> to gender and development, which was more than simply a change in terminology. Much of these efforts came as a response to sex- and gender-based discrimination, with policy

reforms focusing exclusively on the multilayered and deep-set discrimination faced by women across the world and throughout the ages in the domestic and public spaces, focusing on patriarchy and an analysis of power structures.

Discussions relating to gender within the contexts of health, education, employment, and other civil rights and freedoms often center on equality of access and opportunity. They also acknowledge the needs and priorities of different groups, in this case, men and women, from a human rights perspective. Through a policy of gender mainstreaming, countries have integrated a gender perspective into the preparation, design, implementation, monitoring, and evaluation of policies and regulatory measures in order to combat discrimination and promote equality between the sexes. <sup>131</sup>

## Right to Life and Protection of Life: Sex-Based Reproductive Discrimination

Sex-based discrimination in the form of favoring the birth of boys is a serious concern across several countries. A Pakistani nonprofit says it found 345 dead newborns—99 percent of whom were girls—dumped in garbage piles in Karachi. <sup>132</sup> A study from the Oxford Institute of Population Ageing highlights a "son preference" in Pakistan and states the country needs to address "inequitable gender norms that uphold the perception that sons are more valuable than daughters." <sup>133</sup> In her book *Endangered Daughters: Discrimination and Development in Asia*, anthropologist Elisabeth Croll writes that this "son preference" coupled with "daughter discrimination" has led to millions of missing girls in India and China. <sup>134</sup> Medical anthropologist Marcia Inhorn, quoting the figure of a million abortions in China each year, suggests that "it

129 United Nations, *Universal Declaration of Human Rights*, December 10, 1948, <http://www.un.org/en/universal-declaration-human-rights/>.

130 United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, December 18, 1979, <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.

131 See "What Is Gender Mainstreaming," European Institute for Gender Equality, <http://eige.europa.eu/gender-mainstreaming/what-is-gender-mainstreaming>.

132 Fakhur Durrani, "Karachi Becoming a Killing Field for Newborn Girls," *The News*, April 25, 2018, <https://www.thenews.com.pk/print/309162-karachi-becoming-a-killing-field-for-newborn-girls>.

133 Melanie Dawn Channon, "Son Preference and Family Limitation in Pakistan: A Parity- and Contraceptive Method-Specific Analysis," *International Perspectives on Sexual and Reproductive Health* (2017).

134 Elisabeth Croll, *Endangered Daughters: Discrimination and Development in Asia* (New York: Routledge, 2000).

is plausible that abortion is being used as a primary method for sex selection,”<sup>135</sup> or female feticide.

Modern technologies are facilitating gender-based reproductive discrimination in the Middle East. Many couples are opting to use preimplantation genetic diagnosis (PGD), a procedure that screens for genetic abnormalities but that can also be used for sex selection. Family-balancing policies allow sex selection using PGD—where male embryos are selected. Inhorn underscores the importance of PGD due to the high prevalence of genetic diseases, but expresses concern that it is increasingly being used solely for sex selection, with boys chosen over girls.<sup>136</sup> Reports from fertility clinics in Jordan and the United Arab Emirates (UAE) demonstrate a rising trend of couples turning to in vitro fertilization for gender selection. According to one fertility clinic in the UAE, 95 percent of couples using the clinic for gender selection want a boy.<sup>137</sup>

### Right to Be Recognized as Equal Members of Society: The Limited Expression of a Specific Gender

In societies like Afghanistan, the stigma associated with being female is deeply rooted in an ancient practice where girls are raised as boys. This phenomenon, known as *bacha posh*, demonstrates the limitations surrounding the expression of a particular gender in the public sphere, and the need for females to transition to a male gender identity in order to function and participate in society. This “third gender” facilitates access to education, employment, and a presence in society for women who would otherwise be absent if they retained their initial gender identity. The “girls raised as boys” are able to enter society freely and seek an education as well as employment. However, they are eventually forced to revert to being women in their late teens, and in some cases at twenty years of age, causing them to express confusion and resistance to the

way of life that comes with the transition back to their birth gender.<sup>138</sup>

This reality touches upon questions of autonomy and freedom of expression within the Islamic and human rights frameworks. Women are afforded fewer freedoms, with their place restricted to the domestic sphere, and an inability to participate equally within society. The value of females in such contexts is measured relative to males who are seen as more economically productive. It is significant to note the influence of economics and social order in perpetuating social stigma around gender. Inequalities are thus often exacerbated by structures specific to global labor markets, manufacturing, and financial capital. The consequence of the latter factors is that the measure of success against which human beings are judged leads to persistent inequality. This is particularly the case between the sexes, where a person’s net worth is measured in terms of economic output.

### Right to Be Remembered: The Role of Missing Historical Narratives and Public Spaces

History plays a critical role in setting precedents, inspiring customs, and contributing to our heritage and sense of self, from racial, religious, cultural, geographical, and gender-based perspectives.<sup>139</sup> History, however, has been transmitted such that all perspectives are not equally prevalent. The superiority of one gender over another is a common feature of historical record, with women often portrayed in literature, religion, and other forms of historical narrative as the intellectually inferior counterparts, playing few meaningful roles in the progress and story of societies.<sup>140</sup>

Public spaces—both physical and professional, historical and contemporary—and their gender constitutions send a powerful message about inclusivity or exclusivity. They are also important for shaping perceptions and individuals’ aspirations. Today, only a quarter of

135 Frank van Balen and Marcia C. Inhorn, “Son Preference, Sex Selection, and the ‘New’ New Reproductive Technologies,” *International Journal of Health Services* 33, no. 2 (2003): 235-52.

136 Ibid., 245-47. Inhorn describes the ethical challenges of using PGD in societies where there is a son preference.

137 Asmaa al Hameli, “Couples in the UAE Use Gender Selection to ‘Balance Families,’” *The National*, November 25, 2014, <https://www.thenational.ae/uae/health/couples-in-the-uae-use-gender-selection-to-balance-families-1.444714>.

138 Jenny Nordberg, “The Afghan Girls Raised as Boys,” *The Guardian*, September 22, 2014, <https://www.theguardian.com/lifeandstyle/2014/sep/22/girls-boys-afghanistan-daughters-raised-as-sons-puberty-bacha-posh>.

139 Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1999).

140 Mary Beard, *Women & Power: A Manifesto* (Profile Books, 2017); and Ferris Museum of Sexist Objects, “Women Portrayed as Animals/Beasts,” <https://ferris.edu/moso/objectification/womenasanimals/index.htm>.

professors in academia are female.<sup>141</sup> And between 30 to 50 percent of mosques in the United Kingdom do not offer facilities or a prayer space for women.<sup>142</sup> UN Peacekeeping reports that in 2017 women constituted only 22 percent of the 16,507 civilians working in peacekeeping missions.<sup>143</sup> Women have always been a part of the human story and have played a significant role in their communities, in academia, and in other areas of society. This history is largely absent from our collective consciousness and educational curricula, and the impact of this missing narrative is visible and now becoming more recognized. For example, there are growing concerns about the disparities in wages, career progression, and recognition through awards between men and women. These factors impact how men and women identify with their gender and the subsequent pride and respect that is afforded to each. The missing narrative also creates a vacuum in society today, where women feel less welcome and less able to participate across different spaces in society.

### Gender and Islam: Historical and Current Trends

It may appear as though gender equality is a foreign import to Islam, with any emphasis on it the result of external forces pressuring Muslim communities to reform attitudes and practices related to widespread gender inequality and discrimination. However, from the inception of Islam, issues surrounding gender equality have been of central concern and focus within scripture and prophetic practice, and the paradigm that was constructed for Muslim societies. The expanding field of Muslim feminism<sup>144</sup> and academic Muslim feminist critiques present and address gender inequalities specifically through the lens of Islam and Muslim cultures. These are further complemented by development and

policy reform initiatives, which deliberate on gender discrimination within Islamic law and Muslim cultures.

In the Islamic narrative, equality between the sexes is affirmed from the point of creation, with humanity originating from a single man and a single woman: “People, We have created you male and female, and 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.”<sup>145</sup> People are granted the highest form of equality—spiritual equality—such that there is no difference among them on account of their sex, race, or social status. Men and women, treated primarily as humans, are recognized as complete beings with the responsibility to fulfill their physical, emotional, intellectual, and spiritual needs, duties, and potential, while keeping their higher purpose in life at the core of their personal and communal vision. Human flourishing, above and beyond gender roles, in this life and the hereafter, is the language that is adopted in the Quranic narrative.<sup>146</sup>

The brutal practice of female infanticide, mentioned above, mirrors the pre-Islamic practice of burying baby girls alive, which was prohibited in the Quran at the earliest stages of revelation.<sup>147</sup> The right to the protection of life is one of the first principles of sharia, within the Maqasid framework,<sup>148</sup> and is in harmony with the human right to life—the right to exist and be valued without discrimination on the basis of sex. The sex selection practices resulting from a preference for boys—whether for social status or economic benefit or a belief that it is better to abort girls who will be sexually harassed in societies like India’s—point to a grave abuse that Islam and the human rights framework must challenge.

Though male stories and actors dominate the history of Islam, Islamic history has recognized and embraced

141 Simon Baker, “Data Bite: Share of Female Professors Now Virtually a Quarter,” *Times Higher Education*, January 19, 2018, <https://www.timeshighereducation.com/data-bites/data-bite-share-female-professors-now-virtually-quarter>.

142 Remona Aly, “UK Mosques Must Make Space for Women—Not Turn Us Away,” *The Guardian*, February 19, 2018, <https://www.theguardian.com/commentisfree/2018/feb/19/british-muslim-women-open-mosque-initiative>.

143 United Nations Peacekeeping, “Women in Peacekeeping,” last accessed July 18, 2018, <https://peacekeeping.un.org/en/women-peacekeeping>.

144 See the following works: Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1993); Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur’an, Hadith, and Jurisprudence* (London: Oneworld Publications, 2006); Kecia Ali, *Marriage and Slavery in Early Islam* (Massachusetts: Harvard University Press, 2010); Ziba Mir-Hosseini, Mulki al Sharmani, and Jana Rumminger, *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (London: Oneworld Publications, 2014); Fatema Mernissi, *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society* (Bloomington: Indiana University Press, 1987); Amina Wadud, *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective* (Oxford: Oxford University Press, 1999); and Amina Wadud, *Inside the Gender Jihad: Women’s Reform in Islam* (London: Oneworld Publications, 2006).

145 Quran, 49:13, <http://corpus.quran.com/translation.jsp?chapter=49&verse=13>.

146 For examples from the Quran, see 4:1, 4:124, 7:189, 16:97, 33:35, and 42:26.

147 Quran, 81:8-9, 17:31.

148 Maqasid al-Sharia is a branch of Islamic knowledge that answers the purpose of sharia, or Islamic law. It aims to preserve the faith, life, progeny, intellect, and wealth of Muslims.

the importance of both men and women from the early and formative period and throughout the centuries that followed. This tradition flourished before the human rights discourse, in which there was an emphasis on the necessity and presence of each gender within both the domestic and public spaces. Islam emphasizes that each individual is required to fulfill their God-given potential and duties towards God, themselves, their families, and their communities. Such Islamic principles can be used to challenge gender discriminatory attitudes and practices, while offering a more positive approach to how individuals ought to be valued and included in different spaces and dimensions of life. In the Quranic paradigm, men and women are described as “garments for one another” (Quran 2:187) and each individual has a value by virtue of being human, and a duty to protect and care for the other.

Examples of Muslim women making significant contributions to society occurred before women had the right to vote, were employed in companies, or enrolled in universities. For instance, in the seventh century, Ash-Shifa bint Abdullah, literate in an illiterate age, was skilled in medicine and involved in public administration. She was appointed as an inspector of the market in Medina. In the eighth century, Amirah bint Abd al-Rahman intervened in a court case in Medina and prevented a miscarriage of justice by presenting textual evidence from religious sources forcing the judge to overturn his decision, without requiring a second opinion. The oldest university in the world, Al-Qarawiyyin in Fez, was founded in 859 AD by a woman, Fatima Al-Qarawiyyin. Twelfth-century female scholar Zaynab bint al-Kamal taught more than four hundred books of hadith to thousands of students. Also in the twelfth century, Fatimah bint Sa'd al Khayr began her scholarly journey at the age of four in China, traveling over three thousand miles.<sup>149</sup>

Hadith scholarship sheds a more positive light on the history of Islam. Dr. Mohammed Nadwi's forty-volume encyclopedia, *Al-Muhaddithat*,<sup>150</sup> captures over 9,500 biographies of female scholars of hadith. It could be argued that the study and narration of hadith carried less authority than, for instance, the study and teaching of Islamic law. However, what is captured within this recently unearthed history is more significant than the type of scholarship or authority that women exercised, as is demonstrated by the examples that follow.

These stories form part of a collection that provides examples of the ways in which, over the last 1,400

years, men and women shared spaces of learning and education and traveled extensively in their pursuit of knowledge when the only means of travel were camel or horseback, and when women of knowledge were revered as much as men of knowledge. This history includes stories of Muslim women invited to teach in the most prestigious chairs, and paints a picture of spaces where barriers of segregation disappear. In many ways, this history is a paradox and paints a picture contrary to the many segregated Muslim societies that exist today, where women are prevented from seeking an education and from spaces of worship, and where there are fewer female scholars and minimal professional female role models.

## Recommendations

Gender-based discriminatory attitudes and practices can limit freedom of movement and the right to participate in society. Education is required to address such a gender-based social stigma through, for example, curricula in schools, community and public education programs, as well as workplace training. Nationally, policies of inclusion need to be created and implemented to overcome gender-based discrimination, which can limit the value of individuals and opportunities afforded to them by way of education and employment. Initiatives are also required to challenge and address cultural norms that help create a hostile environment towards women in the public sphere, such that individuals feel unable to enter society with their whole sense of self.

In societies where there is a stigma attached to female births, educational programs challenging cultural norms that afford greater value to males over females are required. Such programs can draw upon religious and human rights teachings to emphasize the value of human life, and in particular the value that females add to society. Women who give birth to girls in societies where females may be endangered ought to be offered extra support to prevent the practice of female infanticide. In countries where reproductive technologies are heavily relied upon, closer monitoring must be put in place to ensure that sex-selection policies are not employed in a discriminatory fashion. Governments could also establish monitoring policies for infanticide and take legal action against those engaging in such practices. As for countries where there is significant gender imbalance, governments ought to be concerned about

<sup>149</sup> See Mohammad Akram Nadwi, *Al-Muhaddithat: The Women Scholars in Islam* (Oxford: Interface Publications, 2007), for further details of the biographies of these women and others.

<sup>150</sup> Ibid.

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demographics and potentially incentivize female births to help redress the imbalance.

The educational impact of critically engaging with history, with the positive and less positive aspects, can be a tool for challenging cultural perceptions related to gender. Efforts should be made to seek out stories of women who shaped history, and those stories should be integrated into educational curricula and shared to create positive role models for both women and men. Fostering a sense of pride for the contributions of women and celebrating them in the public space is an important step, one that can bring a greater sense of balance within our collective consciousness as it relates to gender.

More emphasis needs to be placed on recognizing the value of men and women, with their similarities and differences, and their uniqueness as human beings, so that each person feels empowered within their domestic and public lives to participate fully and flourish as individuals as part of a greater whole. Such a vision built upon the consideration of men and women

as individuals, with something unique to offer, could cultivate new insights for how we reimagine gender-inclusive societies. In 2018, a statue celebrating a female suffragette, Millicent Fawcett, was added to Parliament Square in the United Kingdom,<sup>151</sup> which had previously celebrated only notable male figures. Recognition and acts of remembrance have a powerful psychological influence on how we value different members of society. Women of the past deserve to be recognized, and celebrated in the public space, as much as men. It is through such celebration and collectively owning these histories that respect for the genders will reach a desirable balance.

At a more practical level, gender-sensitive policies need to be implemented to ensure that spaces of education and opportunities for employment within communities and societies are not exclusively reserved for individuals of a particular gender. In societies where stigma is attached to one gender, greater efforts need to be made to create safer societies and to challenge repressive norms that create an unwelcoming environment.

<sup>151</sup> Mayor of London, "Historic Statue of Suffragist Leader Millicent Fawcett Unveiled," London Assembly, April 24, 2018, <https://www.london.gov.uk/press-releases/mayoral/historic-statue-of-suffragist-leader-unveiled>.



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