

# Muslim Women and Gender: Culture Vs. Divine Text

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## Abstract

Much confusion have developed on the issue of Islam and gender. Islam as a religion is seen to give preference to one gender over the other. This has been particularly realized in dealing with issues which are of concern to women such as: duties and responsibilities of both husband and wife and inheritance. The issue of gender will always raise the question of Muslim Women's full participation and productive functioning within the society. This paper attempts to examine whether the above-mentioned issue is a simple misconception, or the existence of any evidence within the Muslim doctrine and/or interpretation of Muslim scholars that support such a claim. The issues discussed here are highly controversial and debatable. Thus, in order to identify and clarify the stance of Islam on the issue of gender, we undoubtedly need to revisit the Islamic sources and hold a comparison to social and historical events that took place within the early Muslim society. This paper aims to highlight this issue and attempt to identify whether any validation for such practice was made within the religious approach or through traditionally-acquired concepts that have lived and grew within the Muslim cultures throughout the ages.

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**Keywords** Religion, Islam, Women studies, Gender, Muslim cultures

## Introduction

Islam has been used in some Muslim societies as an excuse to legitimize practices that are, in fact, in contrary to the true message of Islam. Muslim women are still in many places deprived of their right to education despite Prophet Muhammad's emphasis on the importance of education, as stated in his traditions "Hadith", "Seeking knowledge is obligatory on every Muslim man and woman". If we look at the Islamic law, which claims to be extracted from the Quran and Prophetic actions "Sunnah" we find an emphasis on the protection of women's rights, and to enable and ensure the progress and achievement of justice. The prophet was an advocate for women's to attain their advancement. In his last farewell sermon he

emphasized on caring for women “O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under Allah’s trust and with His permission. If they abide by your right then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers.”

Unfortunately, in reality, when we look at some parts of the Muslim world today, we would find women suffering from oppression, systematic discrimination, violence and even the denial of their basic rights. Islam came to invalidate this belief and emphasize that men and women, are to complete one another. Islam has granted women many rights including; justice, being gentle and compassionate when dealing with them, the rights to own property, attain education, inheritance, divorce, custody of children, work and many more. Women in Islam have fulfilled many prominent roles. We would find among the wives of the Prophet, his daughters, and among Muslim women during his life and thereafter to contribute in many ways and fulfil important roles in the community. We would find Muslim women filling the role of a mother, a jurist, a business woman, a lawyer, a political agent, all contributing with what they can through the endowment system “*waqf*”, to build a civil society that responds to the needs of the community through cultural and social needs. We would find the construction of mosques, schools, shelters, and orphanages and others in response to the needs of a society.

Let us first start with this Quranic principle “O ye who believe! Stand out firmly for justice, as witnesses to Allah, Even As against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, Verily Allah is well- acquainted with all that ye do”. (Quran chapter 4:135)

Islam’s stance on the issue of gender is rarely understood by non-Muslims and, at times, by some Muslims too. This is mainly due to the contradictory cultural practices in different parts of the Muslim world as well as to the tendency to treat some juristic interpretations and points of view unquestioned. The main question that need to be addressed here, is whether or not Islam gives preference to one gender over the other? In assessing the condition of Muslims today and the cultural practices that exists, one can simply answer that in no doubt that there is a clear disadvantage of females in comparison to their males’ counterpart. However, in divine text, it is totally the opposite. Gender discrimination has never been an issue in Islam, it was rather a responsibility. Islam came to elevate the status of women and insure that the female who had been for so long in a state of being disadvantageous to be fairly treated and respected.

The researcher shall try in this few pages to address this misconception by focusing on two issues, namely the concept of superiority of man, as well as the assumed unfairness in inheritance.

### **Men Superiority to Women**

In dealing with this issue we need to refer to the Quran (which Muslims believe to be God's word transmitted to Prophet Muhammad through Angel Gabriel) as well as to the Hadith collections (which encompass the saying, action, and silent approval of prophet Mohamed). Although the Quran is considered by Muslims as unchallenged the Words of God, interpretation of its verses could well vary from one scholar to another. The same applies to both the authenticity of the Hadith collections and its interpretations. Here lies the importance of understanding both texts in light of the actual life and practices of Prophet Muhammad himself as a role model to mankind, since his actions represent the best interpretation of Quranic text.

The devastating status of women throughout time and the pre-Islamic Arab culture in particular is widely documented. Such practises and mistreatment they encountered are well known to the extent that some fathers would bury their newly born daughters alive in fear of humiliation or poverty. As mentioned by the Quran "And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief! He hides himself from the people because of the evil of that whereof he has been informed. Shall he keep her with dishonour or bury her in the earth? Certainly, evil is their decision." (Quran chapter 16:58-59) "And when the female (infant) buried alive (as the pagan Arabs used to do) shall be questioned, for what sin she was killed?" (Quran chapter 81:8-9)

According to (Abdel-hady, 1996) the Quran clearly shows the importance of caring and protecting them and declares that the killing of children is a great sin punishable by Allah: "And kill not your children for fear of poverty. We provide for them and for you. Surely, such a killing is a great sin."(Quran, Chapter 17:31)

Islam in its attempt to uplift the disadvantaged gender to a more equal level with its counterpart, made it essential to create a balanced view between both genders, and challenged cultural practises and historical prejudice placed upon women. This could be clearly noticed through the amount of Quranic verses and sayings of the prophet that honour the female and admire the kind treatment towards them. The prophet throughout his teachings gave extra concentration on taking care of female children. It was narrated that he said: "Whomsoever has three daughters, three sisters, two daughters or two sisters, is very kind and nice to them, and fears Allah in their treatment, will be admitted to Paradise" (reported by Abu Daud and

Tirmidhi). In another narration, Malik reported the prophet saying: “He, who brought up two girls properly till they grew up, he and I would come (together) (very closely) on the Day of Resurrection, and he interlaced his fingers (for explaining the point of nearness between him and that person) (reported by Muslim).

In addition, there are number of verses in the Quran that highlight equality of both genders in the sight of God as follows:

“If any do deeds of righteousness, - be they male or female - and have Faith, They will enter heaven, and not the least injustice will be done to them”. (Quran chapter 4:124)

“And their Lord hath accepted of them, and answered them: "Never will I suffer to be lost the work of any of you, be He male or female: ye are members, one of another." (Quran chapter 3:195)

“Whoever works righteousness, man or woman, and has Faith, to Him will we give a new life, a life that is good and pure and we will bestow on their reward according to the best of their actions”. (Quran chapter 16:97)

“ For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give In charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much In Allah’s praise,- for them has Allah prepared forgiveness and great reward”. (Quran chapter 33:35)

This huge reform to empower women was further illustrated during the life-time of Prophet Muhammad and the early Muslim generations. There were no such seclusion and limitation to the role that a women could lead. Women participated freely in all activities and spheres of life. They were educated; Aisha the wife of the prophet was a top scholar of hadith. Whenever a difficulty encountered the community in the matter of any hadith, they would refer to her. Women had full control over their income and wealth. Some of them were businesswomen. A prime example was the prophet first wife Khadija, whom pre-marrying the prophet was entrusted by her to manage her business. Women attended the mosque in congregations, where they learned and taught. To this effect ibn Umar reported: that the prophet said: “do not prevent women from going to mosques, when they seek your permission” (reported by Muslim). Also, the famous event when the second Caliph (leader) Umar was delivering a speech, and attempted to set a limit on the amount of dowry for marriage, a lady stood up, challenged him and convinced him with her point of view. He then admitted that she was right and that he was wrong, he further said: "Everyone is more knowledgeable than Umar."

Women even participated in the battlefield and took care of the wounded, and when there was a need for them to fight, they did. In fact, they even led an army, such as what happened with the prophet's wife Aisha, when she led the army in the battle of "aljaml". During Umar's leadership, he appointed a lady named Shaffa Bint Abdullah as the administrator of the market, where she had full power and authority to supervise and punish those who misbehaved. Moreover, towards the end of the 5<sup>th</sup> century of the Islamic calendar, during the Fatimid period, another lady named Arwa bint Ahmed served as the governor of Yemen.

When it comes to arranged marriages, it is also significant to point out that it is culturally accepted amongst some Muslim societies that women are not given the chance to select their future husband or being forced into to marrying someone that they do not want. However, such action is a clear contradiction to the teaching of the prophet of Islam. Imam Ahmad reported that Aisha, said "A woman came to Allah's Messenger and said, 'O Prophet of Allah! My father offered me as a wife to his nephew (who was an honorable man with a good social status in the society, while we were normal people with no recognition) to elevate his social status. What should I do?' Allah's Messenger said, 'The matter is in your hands. If you like, you may accept and approve the marriage. If you do not, no one has the right to force you to accept it.' The woman said, 'I approve what my father had done, but I want to convey a message to other women that their fathers have no right to force them to marry whomever they don't want to. (reported by Ibn-Maja) Khansa bint Khidam Al-Ansariya narrated: that her father gave her in marriage when she was a matron and she disliked that marriage. So she went to Allah's Apostle and he declared that marriage invalid. (reported by Bukhari). Such action by this lady was a manifestation of acknowledging her full right to accept or reject such marriage while utilizing the religious authority (the Prophet) to reinstate such right and combat cultural injustice.

In addressing treatment of one's wife, (Rahman, 1986) claims that a character of a good husband is the one who is most kind and caring for his wife. What was amazing was the attitude of the prophet in dealing with his wives, and how he used to help and care for them. It was narrated by Al-Aswad: I asked Aisha: what did the prophet use to do at home? She replied: he used to keep himself busy serving his family and when it was the time of prayer, he would get up for prayer. (reported by Bukhari)

Moreover, Allah's Messenger is reported to have said: "The most believing of you are those who possess best morals, and best of those are those who are best to their wives. (reported by Tirmidhi). Aisha may Allah be pleased with her, is reported to have said, "Allah's Messenger raced with me and I beat him before I became old and heavy. Later, when I became old and heavy he raced with me again and he won. Allah's Messenger said to me

upon winning the race, “This win of mine makes up for that win of yours.”(reported by Ahmad )

The cultural prejudices that men are superior to women have no position whatsoever in the Quran. In fact it clearly rejects such belief as mentioned in the following verse: “O mankind! We created you from a single (pair) of a male and a female, and made you into nations and Tribes, that ye may know Each other (Not that ye may despise (each other). Verily the Most honoured of you in the sight of Allah is (He who is) the Most righteous of you. And Allah has full knowledge and is well acquainted (with all things). (Quran chapter 49:13)

Hence, the criteria of honour and superiority in Islam have never been based on gender, rather it had always been piety and righteousness. The Quran clearly states: “The believers, men and women, are protectors one of another: They enjoin what is just, and forbid what is Evil: They observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted In power, wise. (Quran chapter 9:71)

### **Inheritance; is it a gender issue?**

Inheritance is another example of what had always been employed to highlight the issue of gender preference. It is claimed that within the Islamic law, male inherits double of that of a female. However, an insight in the philosophy of Islam with regards to inheritance reveals the fact that the shares of inheritance are not distributed based on gender be it a male or female. As noted by (Sultan, 1999) the difference in the shares is based on three standards:

First: The degree of kinship between the heir (male or female) and the testator. Meaning that the closest in kinship the heir is, the more his share becomes. Relatively, the more distant in kinship the heir is from the deceased, the less his share becomes regardless of the sex of the heirs.

Second: The placement of the heritor generation among the time sequence of the generations. The generation which is about to embark on the journey of life and bear its responsibilities usually has a bigger share than the generations which are older and approaching life’s end. For instance, the daughter of a deceased has a bigger share of inheritance than his mother and both are females. The daughter’s share is bigger than that of the father’s even if she was an infant and even if the father was the source of the son’s wealth which she inherits half of.

Third: The financial burden that the Islamic Jurisdiction imposes on the heir towards the others. That is the only standard that results in the difference in shares between male and the female. But it is a discrepancy that causes no oppression towards the female nor does cause any depreciation of

her rights, the contrary might even be more correct. In case the heirs were of the same degree of kinship, the same placement in the heritor's generation i.e. the sons and daughters of the deceased, then the difference in the financial burdens imposed on each will be the main reason for the difference in the shares. That's why the Holy Quran did not generalize the rule of such discrepancy throughout the whole inheritance process, it had limited such ruling in one case "Allah commands you as regards your children's (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise". (Quran chapter 4:11).

The reason behind such difference in this case is that the male is required to sustain the female -the wife- along with their kids. Whereas the female heiress (sister to the male heir) is to be sustained along with her children by her husband not by her own. Even though her share of inheritance is half that of her brother, she is more privileged and distinguished through the fact that her share is hers alone and she is exempted from sustaining anyone and that is for the purpose of strengthening her feminine fragility and to safeguard her against the dangers and the years fluctuations.

(Sultan, 1999) also found that in cases of inheritance as stated in the Science of Duties or Obligations reveals some of the facts that may astonish many:

- Only in 4 cases where females inherit half of the males.
- Multiple cases where a female inherits an equal share to that of a male.
- 10 or more cases where a female inherits more than the share of a male.
- There are cases where a female has a share whereas her male equal does not have one.

Thus we can conclude from what is being mentioned so far, that gender preference does not stand in Islamic law of inheritance nor in Islam as a whole.

## **Conclusion**

So where did this cultural perception and demining attitude towards women originated? One can easily trace it back to pervious interpretation of older scripture, some ancient cultures as well as some juristic interpretations

and viewpoints. Starting with the interpretation of the story of Adam and Eve and their descending from heaven to earth, many Muslims have adopted the Judeo-Christian ethic which views women as the source of human tragedy because of her alleged role in seducing Adam into disobedience by tempting her husband to eat the forbidden fruit, which was not only disobedient to God command, but resulted that all humanity would be expelled from heaven. Supporters of such claim utilized some false and weak hadiths to enforce this perception which resulted in viewing women as a source of evil and the gate for Satan.

(Al-Qaradawi, 2009) explained that there is nothing within the Islamic doctrine or in the Qur'an which holds women responsible for Adam's expulsion from paradise or the consequent misery of humankind. However, misogyny abounds in the pronouncements of many Islamic "scholars" and "Imams." The result of such misinterpretation of hadiths and spreading negativity is that entire societies have mistreated their female members despite the fact that Islam has honoured and empowered woman in all spheres of life. The woman in Islamic law is equal to her male counterpart. She is as liable for her actions as a male is liable. Her testimony is demanded and valid in court. Her opinions are sought and acted upon. Contrary to the pseudo hadith: "Consult women and do the opposite," the Prophet (SAW) consulted his wife, Um Salama on one of the most important issues to the Muslim community. Such references to the Prophet's positive attitudes toward women disprove the one hadith falsely attributed to Ali bin Abi Talib: "The woman is all evil, and the greatest evil about her is that man cannot do without her."

This view can be easily supported by statements from the Quran that refutes such perceptions. First when God created both Adam and Eve they were meant to undertake their role on earth "Behold, Thy Lord said to the angels: "I will create a vicegerent on earth...." (Quran chapter 2:30). Whether they ate from that tree or not, whether they listened to the whisper of the Satan or not, whether it was the sin of Adam or Eva or both of them, they were meant to be placed on earth. Moreover, we can find that both acknowledged their mistake and sought God's forgiveness and mercy "They said: "Our Lord! we have wronged Our own souls: if Thou forgive us not and bestow not upon us Thy Mercy, we shall certainly be lost." (Quran chapter 7:23)

The researcher notes from the previous citations that there is neither blame whatsoever on Eve for descending from heaven nor have the concept of the original sin ever existed within the Quran. However, some scholars in their commentary and interpretation of those verses of the Quran have relied heavily on Judeo-Christian perspective in placing a tremendous guilt on the female gender as a continuation of Eve's sin. Such interpretations have

resulted in negative stereotyping of women worldwide and hence within Muslim cultures. Ideas such as females were only created to serve males emerged, the Quran don't subscribe to, rather it stresses that both were created to complement one another and assist one another as clarified "The believers, men and women, are protectors one of another: They enjoin what is just, and forbid what is Evil: They observe regular prayers, practise regular charity, and obey Allah and His Messenger. on them will Allah pour His mercy: for Allah is Exalted In power, wise. Allah hath promised to believers, men and women, Gardens under which rivers flow, to dwell therein, and beautiful mansions In Gardens of everlasting bliss. but the greatest bliss is the good pleasure of Allah. that is the Supreme felicity" (Quran chapter 9:71-72)

Hence, Islam established the concept of individual responsibility for both males and females, and gave ultimate respect for both genders and granted them equal rights. However, cultural and political beliefs have imposed limits on the liberty that Islam gave to women. There is nothing in the Quran, nor in the saying of the prophet that could justify such unacceptable cultural practices in which women are subjugated to. It is of immense importance that scholars should not continue quoting some of the juristic interpretations and viewpoints as the sole interpretation of the Quran and the essence of its teachings. Rather, they need to re-examine the prophet's life with its various manifestations as a clear understanding and implementation of the Quran. In addition, we need to acknowledge that all those great scholars have done their best to interpret and understand those issues in the light of the culture and environment that they lived in and the situations that faced them, therefore a new and in-depth interpretation is required!

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