

### Gender Equality and Islam Promoting Women's Human Rights through Religion

The religion of Islam strongly influences the social, economic and political spheres of life. One dimension, which is particularly shaped by Islamic tenets, is the status of and relationship between men and women. The general perception and common existing reality is that women are denied a number of basic rights under Islam, which range from the requirement of a guardian to enter a marriage to the obligation of the wife to obey her husband. These Human Rights violations are often being justified by religious leaders and scholars by referring to Islamic writings.

One of the key institutions of Islam is the Islamic law (*Shari'a*). The *Shari'a* is derived from the Qur'an and *Hadith* – the texts that record the sayings and practice of the prophet, which have been compiled over a century after his death.<sup>[1]</sup> The readings of the Islamic sources as well as the religious jurisprudence (*fiqh*) itself have been and still are almost exclusively in the hands of male religious scholars, with the effect that most of the Islamic writings are interpreted in a patriarchal way. In most Islamic countries or countries with a predominantly Muslim population, the national Family Law is generally based on the *Shari'a*. The *Shari'a* is interpreted differently from country to country based on the Islamic schools of thought (*madhhab*), often containing a number of discriminations against women.

[1] ...it is through the hadith that many ideas and customs of pre-Islamic Arab and Mediterranean civilizations as well as from Judaism and Christianity were introduced into Islam. For instance, the idea that a woman was created from the man's rib, which some Muslims also believe even though it is reasonable to assume that the Prophet could not have said something that contradicted the Qur'anic teaching that women and men originated in a single self, or *nafs*." From *Interpreting and Understanding the Qur'an*, Asma Barlas, April 17, 2005, Los Angeles Latino Muslims Association, Los Angeles, California.

For decades, women activists in Islamic countries (ex. Egypt, Pakistan and Morocco) have been striving for political and legal reforms in their countries in order to overcome gender-specific discriminations. Most activists have been deriving their claims from the International Human Rights Standards - such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) - and the key principle of non-discrimination. At the same time, they actively support a stronger separation of national politics and religion.

A different position is being held by activists and academics, who believe in the potential of Islam as a positive resource for democratic reforms, including gender relations. Since about the 1980s, an increasing number of women and men have started to engage themselves in the promotion of women's rights within the framework of Islam. Many feminist scholars like Fatima Mernissi, the well-known Moroccan professor of sociology, the Pakistani academic Asma Barlas and the Iranian Nobel Peace Prize winner Shirin Ebadi, as well as certain male religious scholars such as Dr. Khaled Abou El-Fadl strongly believe in the possibility of interpreting the Qur'an and *Hadith* in a gender-equitable manner.

Their conviction is that not the Qur'an itself but the patriarchal interpretation of the secondary religious texts, the *Tafsir* (Qur'an exegesis) and the *Ahadith* (*Hadith*), is responsible for the subordination of women<sup>[2]</sup>. They believe that God is just and that therefore in "*true Islam*" there can be no discrimination against women. According to Asma Barlas, the Qur'an is anti-patriarchal and advocates "*the radical equality of the sexes.*"<sup>[3]</sup>

Reform-oriented female and male religious scholars believe that the religious sources must be interpreted in the context of the period in which they were written and that the spirit of the message – especially equity – must be applied to our times. Moreover, women activists who follow this discourse believe in the necessity to read the Qur'an cumulatively and as a whole. Usually individual verses are taken out of context, distorting the intended meaning. Similarly, all verses related to the same subject should be taken into consideration when finding an appropriate interpretation. This has also been emphasized in the Qur'an by the following verses: „*Those who break the Qur'an into parts: Them, by the Lord, We shall question, every one, of what they used to do*“ [Surat Al-Hijr 15: 91-93] and “*Those who listen to the Word, and follow the best (meaning) in it: those are the ones whom Allah has guided, and those are the ones endued with understanding*“ [Surat Al-Zumur 39:18].

The German political scientist Renate Kreile provides a rationale for the increasing number of women (and men), who are demanding a greater scope for action and empowerment of women on the basis of Islam. She claims that this is due to the weaknesses of the concepts advanced by “secular” feminists, who focus on the woman

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<sup>[2]</sup> Believing Women in Islam: Unreading the patriarchal Interpretations of the Qur'an, Asma Barlas, 2002, p. 3.

<sup>[3]</sup> Ibid, p. 2.

<sup>[4]</sup> Politische Herrschaft, Geschlechterpolitik und Frauenmacht im Vorderen Orient, Renate Kreile, 1997, p. 366 f.

<sup>[5]</sup> Ibid, p. 367.

as an individual, rather than as part of the extended family. In her view, the individualistic feminist concepts are *"only a realistic prospect for a tiny privileged minority of educated and economically independent women"*[4], who is not dependent on the economic support of their families. Moreover, the gender-sensitive interpretation of Islam reaches a much broader social spectrum as it does not openly undermine the value of the traditional roles of women: *"Traditional borders can be crossed and greater scope for action won, without calling into question the foundations of the customary gender discourse, radically throwing overboard the norms of "honourable femininity" and as a result losing social acceptance on a broad scale."*[5]

Another position, which goes further than the one held by Kreile, believes that within the context of Islam even the foundations of the customary gender discourse - which ascribes to complementary roles to men and women - can be overcome. This position sees a general agreement between human rights principles such as CEDAW and the *Shari'a*. In this context, in 1999, a roundtable was organized by UNIFEM in Amman, Jordan, which aimed at conducting a comparative study of the rights of women in Islamic legislation and in CEDAW.

The participants concluded that *"not many of the provisions subject to reservations were in contradiction with Islamic legislation, and thus called for a review of these reservations and for an elucidation as to the reasons for their invocation"*. [6]

Dr. Farida Bennani, Professor of Law at the University of Marrakech, Morocco, shares this view [7] and points out that a *"confusion between that which is holy and divine, and that which is human and relative"* [8] exists. She claims that there *"is a confusion, which is held onto by some and even used as a means of protection to place reservations on CEDAW such as those made by these Arab countries"* [9]. According to her, the Islamic schools of thought (*madhhab*) – also called Islamic jurisprudence - are the main sources of Arab Family Laws making it a *"human legislation"*, a *"product of human thought"*. She concludes that *"based on this, when placing these reservations, neither the process nor the result can be absolute or unconditional by using the pretext that some of its clauses contradict with the Islamic Shari'a, as a pretext that intends to make holy these interpretations"* [10].

As illustrated above, different concepts and strategies to achieve more gender equality in Islamic countries exist. Among those reformers favouring a religious-based approach, there are different views on the question of how far such an approach can go and what it can achieve and if the common concept of traditional roles of men and women in Islam can and should be overcome.

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[6] Report of the Round Table Workshop: CEDAW and Islam and the Human Rights of Women, UNIFEM/Western Asia Regional Office, Amman, 18-19 October 1999.

[7] Dr. Bannani focuses on family law with particular attention to Islamic *fiqh*.

[8] CEDAW – Shari'a Panel Discussion and Internal UN Briefing on CEDAW and Shari'a, 2-3 March 2000, CSW-New York.

[9] *Ibid*, p. 4.

[10] *Ibid*, p. 5.

In our view, reflecting reality and acknowledging the fact that the religion of Islam constitutes a major ethical and political orientation for most people in Islamic countries or countries with a predominantly Muslim population, we feel that using the progressive potential of Islam represents a powerful resource for gender-equality. We do not view this approach as a competing or contradicting strategy to a human rights-based approach but rather as a complementary one that supports a progressive realization of human rights in the daily lives of women and men.

Thus, in the recent past, reforms in some Arab countries illustrate the impact of a religious-based approach in the struggle to curb gender-specific discriminations: In Egypt and Morocco, family law has been reformed to accord women more rights with an explicit reference to Islam. The reformed Personal Status Law of Egypt regarding divorce was based on a *Hadith* of the prophet. Similarly, when announcing the Family Law (*moudawana*) reforms in Morocco, King Mohammed VI stressed: “I would not allow anything, which Allah has forbidden, or forbid anything which Allah has allowed”. This confirms the view of Asma Barlas: “...even if such readings do not succeed in effecting a radical change in Muslim societies, it is safe to say that no meaningful change can occur in these societies that does not derive its legitimacy from the *Qur’an’s* teachings, a lesson secular Muslims everywhere are having to learn on their own detriment.”<sup>[11]</sup>.

In the following, we will illustrate a practical example of supporting a reform-oriented and gender-equitable interpretation of Islam in Yemen.

***Women can not be judges because they are too emotional...***

*In several countries in the Arab region, women do not have the right to be judges. The reason that is often cited for this, is the claim that women are too emotional to hold such a job, which is always justified by some verses of the *Qur’an*. This also has been applied to the right of women to divorce. Due to their “high and uncontrollable emotionality”, women in many Arab countries are denied the right to get divorced. At the same time, women and men in most Arab countries are prosecuted differently when a wife or husband is killed because of adultery. Men who kill their wives for adultery receive a mild punishment or get away with a small fine. As for women, who kill their husbands for the same reason, they are harshly prosecuted and spend years behind bars. This inequality in punishment is justified by the claim that men commit this crime due to their extreme emotionality at that point, which they cannot control. On the other hand, women commit the same crime consciously and without emotions as they apparently are able to control them (!). This clearly demonstrates that the arguments used for the justification of certain discriminations against women in several rights issues are not consistent and even contradicting.*

## **Experiences of the GTZ-supported local initiative on the anti-patriarchal reading of Islamic writings in Yemen**

As is the case in many Islamic countries, family law in Yemen is derived from the *Shari’a*. The prevailing conservative interpretation of Islamic sources and thereby the *Shari’a* is being used as a justification for why women have to obey their husbands or why they require the permission of their legal guardian (husband, father or brother) to apply for an identity card or passport.

<sup>[11]</sup> Barlas (2002), p. 3.

Between November 2003 and December 2004, the "Women's Forum for Research and Training" (WFRT), with the support of the GTZ Project "Strengthening Women's Rights" on behalf of the German Government, implemented the project "Raising Awareness on Women's Rights in Islam" in Yemen. Women were trained as facilitators in the anti-patriarchal interpretation of the Qur'an and *Hadith*.

The training provided them with sound arguments on the rights of women in Islam and enabled them to take part in public debates with the judiciary, the media, university scholars and religious leaders. In addition, they passed on their knowledge to women in their communities. The women who were selected for the training come from different professional backgrounds – they are preachers, lawyers, teachers, journalists, NGO representatives and human rights activists and have good knowledge in the Qur'an and *Hadith*. Some of the women preach on religious issues in private spheres such as during funerals. These women are called *Da'iat* in Arabic. In addition to training women, the project's aim has been to mobilise influential men and to sensitize them with the hope that they will positively address the issue of women's rights in their work.

### ***Are women allowed to travel without a guardian?***

*The issue of restricted mobility of women is very crucial in most Islamic countries, limiting women's participation in the public sphere. Often women are denied the right to move freely outside of the home without being accompanied by a guardian especially when traveling long distances. This is being justified by a Hadith (saying of the Prophet) stating that a woman should not travel great distances alone, which last a day and a night. The main reason was the lack of security, which existed at that time especially when traveling alone in the desert. Additionally, the common mode of transport was the camel. Some female and male religious scholars who follow a reform-oriented approach argue that in today's context, there is no valid justification for limiting the free movement of women outside of their homes. Today, many safe modes of transportation exist in many places of the world, which do not require a guardian for protection. According to them, times have changed thereby invalidating the concern, which the Hadith is supposed to address.*

### **The training concept**

The trainer who conducted the workshop, Dr. Zeinab Radhwan, is a professor at the University of Cairo and member of the national Parliament as well as the Human Rights Council in Egypt. During the workshop, she called on the participants not to accept the existing patriarchal interpretations that are mostly interpreted by male religious scholars but rather search individually for the meaning of the verses of the Qur'an and the sayings of the Prophet.

One of the approaches to the interpretations of the Qur'an or *Hadith* is for instance the search for the actual reason for forbidding a certain act that is mentioned in a verse of the Qur'an or in a saying of the prophet. According to the trainer, this should not be regarded in a narrow context, but rather within a broader historical perspective. Crucial questions, for example, are: Why was a certain verse in the Qur'an revealed? What was the historical occasion for it and which problem was the verse intended to provide a solution for?

Another approach that was communicated during the workshop is to avoid focusing on and confining oneself to one verse regarding a specific issue. All verses of the Qur'an and the sayings of the prophet that more or less mention the specific issue should be regarded, from which a "conclusion" based on the gender-sensitive principles of the Qur'an is derived. The facilitators were called on to use their own logic as well as their own judgment when reading the Qur'an and *Hadith*.

The workshop provided the women with a deep insight into the important parts of the Qur'an that refer to women's rights addressing issues such as mobility, polygamy and testimony. These parts are often interpreted by mostly male religious scholars in a patriarchal way in order to justify various discriminations against women in the name of Islam.

Through the training, women were "armed" with arguments that are based on the Qur'an in order to be able to use them publicly when addressing aspects of women's rights. To enhance their public appearance, the women facilitators were also trained on communication, presentation and negotiation skills in order to be able to pass on their knowledge to other women as well as actively take part in public debates on women's rights issues. Additionally, the project produced a training manual in Arabic, which is intended among other things to support the women in their future work. As a sourcebook, the manual contains the most important verses of the Qur'an and sayings of the prophet regarding women's rights.<sup>[12]</sup>

### **What were the results of the project?**

Through the training, the women were exposed to a different view on the existent Islamic interpretations. Women now view the traditional interpretations of the verses of the Qur'an in a more critical way and question them. Contrary to what they have learned before, they do not easily accept an interpretation but rather research individually into the meaning of specific words and search for alternative women-friendly interpretations. The behavior and performance of the women in public places have also changed positively. Some of them claimed that they now are more self-confident and more encouraged to speak out during events.

The facilitators have already organized several meetings with women in the private sphere as well as in mosques where they gave lectures to and discussed specific issues related to women's rights and Islam. One of the facilitators, for instance, works at a university and uses her access to female students by organizing meetings with groups of women to discuss certain aspects of women's rights in Islam. Another facilitator visits women in the rural areas and organizes meetings in the afternoon with women's groups to discuss crucial issues related to women's rights such as women and education in Islam.

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<sup>[12]</sup> The manual on Women's Rights in Islam is available for download on the Homepage of the GTZ Project Strengthening Women's Rights: [www.gtz.de/women-law](http://www.gtz.de/women-law).

Another important result of the project is the identification of influential male partners for the issue of women's rights in Islam. Through the roundtable discussions, reform-oriented male university scholars, religious scholars and leaders, mosques preachers (Imams), journalists and human rights activists were won over as allies for women's rights in Islam. This resulted in the initiation of a public debate. Moreover, the male partners are slowly beginning to address women's rights aspects (also from an Islamic perspective) in their work. For example, the university scholars address the issue by producing papers or conducting research on the subject. Several mosques preachers mention the subject in a positive way in their Friday-*khutba* ("sermon") and journalists write about the issue of women's rights favorably in their newspaper articles. For the continuation and strengthening of this important process, a second phase of the project is currently in preparation with a stronger focus on working with men as change agents in the society.

## Further Recommended Reading

**Barlas, Dr. Asma (2002):** "Believing Women" in Islam. Unreading Patriarchal Interpretations of the Qur'an. Austin: University of Texas Press

**Basarudin, Azza (2003):** Interview with Dr. Asma Barlas, Author of "Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an.

[http://asmabarlas.typepad.com/main\\_menu.htm](http://asmabarlas.typepad.com/main_menu.htm)

**Eissa, Dahlia (1999):** Constructing the Notion of Male Superiority over Women in Islam. The influence of sex and gender stereotyping in the interpretation of the Qur'an and the implications for a modernist exegesis of rights. Occasional Paper. Women Living under Muslim Law

**Ilkharacan, Pinar (Hg.) (2000):** Women and Sexuality in Muslim Societies, Istanbul: Women for Women's Human Rights <http://www.wwhr.org/>

**Kreile, Renate (1997):** Politische Herrschaft, Geschlechterpolitik und Frauenmacht im Vorderen Orient. Pfaffenweile: Centaurus-Verlagsgesellschaft

**Mernissi, Fatima (1997):** The Veil and the Male Elite. A Feminist Interpretation of Women's Rights in Islam. (Translated from the French original by Mary Jo Lakeland). Cambridge: Perseus Books (Edition Albin Michel S.A., 1987)

**Shirkat Gah (1998):** Women in the Qur'an: Qur'anic Interpretations by Women Meeting July 8-13, 1990, Karachi, Lahore: 'S.P.' at Creative Design.

**UNIFEM (1999):** Report of the Roundtable Workshop: CEDAW and Islam and the Human Rights of Women, UNIFEM/Western Asia Regional Office, 18-19 October, 1999, Amman.

**UNIFEM (2000):** Report on CEDAW – Shari’a Panel Discussion and Internal UN Briefing on CEDAW and Shari’a, 2-3 March 2000, CSW-New York.

**Women Living Under Muslim Laws (2003):** Knowing Our Rights: Women, Family, Laws and Customs in the Muslim World, London.

**Women Living Under Muslim Laws (1997):** For Ourselves. Women Reading the Qur’an. Women Living Under Muslim Laws

## Recommended Links

### Women Living Under Muslim Laws

International Network for Women of Islamic countries.

<http://www.wluml.org/>

### Islamic Family Law

A Project of the Emory Law School – socio-cultural information and overview of the Family Law by region.

<http://www.law.emory.edu/IFL/>

### Rights @ Home

A project of the Institute for the Study of Islam in the Modern World (ISIM) – Documents and links to Women’s Rights issues in Islamic countries.

<http://rah.uwc.ac.za/>

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