



# FIMA Year Book 2008

FEDERATION OF ISLAMIC MEDICAL  
ASSOCIATIONS

الاتحاد العالمي للجمعيات الطبية الإسلامية

WOMEN'S ISSUES:  
ISLAMIC PERSPECTIVES

قضايا المرأة: أبعاد إسلامية

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In Collaboration With

Federation Of Islamic Medical Associations (FIMA)



# **FIMA**

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Women's Issues: Islamic Perspectives

قضايا المرأة: أبعاد إسلامية

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# Editorial

Dear FIMA members

Assalamu Alaykum

Bismillah al-Rahman al-Rahim

Praise to Allah the most Merciful, the Most Beneficent. May Allah shower His blessings and peace on His Prophet and Messenger Muhammad <sup>(PBUH)</sup>.

I begin by thanking the FIMA Executive Committee for honoring me with the responsibility to be the Editor-in-Chief again for this year book. I thank Allah ﷻ for giving me the opportunity and enabling me to accomplish this task. I pray to Allah ﷻ to accept this effort in His way and to reward all who participated in this endeavor.

Unfortunately I have to start by announcing that FIMA lost two great Muslim workers, Dr. Ahmad Elkadi and Dr. Hassan Hathout, last April. They are well known to many of you. Dr Elkadi was one of the few who established FIMA in 1981. He orchestrated the very first meeting in Orlando, Florida ,attended by representatives of ten Islamic Medical Associations (IMAs) from different countries ,and was elected the secretary general of the new FIMA. In addition to his efforts in the Islamic Medical Association of North America(IMANA) he was instrumental in the establishment of other IMAs, especially that of South Africa. Dr. Elkadi was the first receipient of the prestigious FIMA Life time Achievement Award.

Dr. Hathout is well known as a pioneer in the fields of Islamic Medicine and especially Islamic Medical Ethics. I wrote obituaries for both that you can find in this year book. May Allah bless them, admit them to paradise and give patience to their families.

This is a very special issue of FIMA year book. It is exclusively addressing not a medical topic but a very important cultural/social/religious one, the status of Muslim women.

Islam has been attacked throughout its history, but the attacks became more vicious in the last few decades, especially after the September 2001

attacks on the United States. The polemics have been against the Glorious Quran and the person of Prophet Muhammad ﷺ. More recently, Islam's critics have concentrated on the status of women in Islam. Muslim women are portrayed as being oppressed, humiliated and devoid of rights because of Islam.

There is no denial that, in many Muslim societies at present, women are not given equal rights, kept in seclusion, prevented from education and work, sometimes forced into marriage, unfairly divorced and not given an equal share of care, including medical care. However, this is not the result of following Islamic teachings or guidelines. Contrary to the Islamophobes, this is due to the abandonment of true Islamic teachings. With this in mind, an international conference, co-organized by Dr. Musa Nordin, the FIMA president, was held in Kuala Lumpur, Malaysia, in September 2007. Its theme was Muslim Women in the Midst of Change. Later, the executive board of FIMA decided to dedicate this year's year book to this topic.

We asked well-known Muslim scholars and social scientists to contribute their thoughts on this topic. The Editorial Board is pleased to have collated many informative articles addressing this topic from different angles in this year book. I hope that all of you enjoy reading them and that, armed with this information, you will be able to support women's rights in your locale and respond positively to the charge that Islam denigrates women.

Dr. al-Khayyat starts this discussion with a detailed accounting of the position of women in Islam. He points out the complete equality of men and women as depicted in the Quran. Equality extends to equal responsibility, accountability, and rights, including the right to education, ownership, inheritance, and work. He further points out that Islam instructs men to provide proper care of women in various stages of their lives. He underlines women's involvement in social and political discourse, as implied by the applicability of the verse "...Enjoining what is right and forbidding what is wrong ..." to both men and women. He believes that this concept has been distorted by some who limited its applicability to a small number of superficial matters.

Dr. al-Khayyat attributes the gradual deterioration of women's status to the influx of new Muslim communities from East and West with their social traditions and cultures which gradually crept into Muslim society and resulted in introducing concepts that were in some instances in actual conflict with Islamic teachings. He cites as an example the pre-Islamic Persian culture in which women were considered the symbol of tempting sexual desire/evil and that is how emphasis was placed on the concept of (fitna) beginning with the Abbasids.

Dr. Kasule further elaborates on these concepts. He stresses that males and females get equal rewards for good acts and that the opinion of women needs to be sought. He reminds readers that women made the pledge of allegiance to the Prophet as did men, thus affirming their equal participation in the political affairs of the Muslim state. He points out that, although in Islam there is equality between women and men, this does not mean they should have the same roles in society. He stresses the point of gender parity as a basic phenomenon of creation which means that men and women complement each other, bringing to the relationship the unique features of the respective gender.

Dr. Ajlouni and Dr. Misha'el present a comparison of the status of women in Jewish, Christian and Islamic religious texts. The Bible states that Eve was created from Adam's rib, a concept that renders women subservient to men. More sinister is the representation that Eve is the origin of sin and evil in Judeo-Christian theology. On the other hand, the Quran states clearly that both Adam and Eve are created from the same source and that both Adam and Eve were equally responsible for eating from the forbidden tree and that both were forgiven after their repentance. The authors cite several examples from Jewish and Christian scriptures that belittles the status of women and give them inferior rights. The authors then contrast many of these examples with Islamic teachings regarding women's status and rights. Although there are stark differences, I like to remind the readers that we -as Muslims- believe in the divine origin of both the Old and New Testaments (Torah and Injil). We also believe that there were alterations in the original revelations by clergy over many centuries. Although it is possible that there may have been a change in some of Allah's rulings, for example about ritual purity, marriage, etc., the basic concept of the relation of men to women, women's worth and their rights should be the same. Specifically the concept of the original sin and the role given to Eve as the source of Man's fall is man-made and not based on the true revealed words of God.

Professor Abul Fadl Ebrahim draws attention to the problem of pregnancy resulting from rape. Pregnancy can usually be prevented by using emergency contraception, if the victim seeks immediate medical care<sup>1</sup>. Dr. Ebrahim points out the difficulties that Muslim women generally face in this devastating circumstance. Usually they do not report rape to the authorities, and sometimes not even to their families and do not seek medical attention. They may contract a sexually transmitted disease that does not get treated. Further, if pregnancy results, it will be impossible to document at that time it was the result of rape and then the victim will be confronted with the decision of whether to continue or terminate the pregnancy. The author believes that termination of the pregnancy is Islamically permissible before 120 days of

conception under these circumstances. He cites the concurring views of the Supreme Islamic Council of Algeria and of the well known Islamic scholar Shaykh Yusuf al-Qaradawi.

Dr. Tariq Tahboub addresses another significant problem, violence against women. He specifically addresses the violence in the United Kingdom (UK). He reports the alarming statistics that each year 3 million women in UK experience violence including domestic violence, rape, sexual harassment, female genital mutilation, forced marriages, trafficking, and sexual exploitation. He cites a 1999 study that 1 in 4 women have experienced rape or attempted rape. He further reports that there is surge of the violence despite all the progress in legislation, women liberation movements and the United Nations adoption in December 1993 of The Declaration on the Elimination of Violence against Women.<sup>2</sup> Unfortunately, these statistics are not unique to the UK. In a survey published in the USA by the Department of Justice and the Center for Disease Control in 2000, 51.9% of surveyed women said they were physically assaulted as a child by an adult caretaker and /or as an adult by any type of attacker. Of the women surveyed, 17.6% said they had been the victim of a completed or attempted rape at some time in their life. Sadly, 21.6% of these women were younger than 12 when they were first raped and 32.7% were 12-17 years old. Physical assault by an intimate partner was reported by 22.1% of surveyed women. Of the women who reported being raped, physically assaulted and /or stalked since age 18, 64% were victimized by an intimate partner.<sup>3</sup>

In his article Dr. Tahboub believes this surge in violence to be at least due in part to the lack of commitment to social and moral standards. One then would assume that the high moral standards of Islam will protect women in Islamic countries. Unfortunately, that is not true. It appears to be a common problem but it also seems that there is a determined denial of the problem at all levels. I have to admit that I did not search the scientific literature in Muslim countries to find out the extent of the problem. I looked only in World Health Organization (WHO) reports. A recent WHO report surveyed women in 10 countries, only one of which, Bangladesh, had a Muslim majority. In that report many women said that their first sexual experience was not consensual (24% in rural Peru, 28% in Tanzania, 30% in rural Bangladesh, and 40% in South Africa).

In Dhakka, Bangladesh, 53% of ever married women surveyed have ever experienced physical or sexual violence by their partners.<sup>4</sup> In another report published by the Johns Hopkins University School of Public Health in 1999, 34% of Egyptian women reported being assaulted physically by a partner and 16% reported being assaulted during the previous 12 months. In a survey to measure Egyptian urban women's approval of husbands disciplining their wives through force, 40% of respondents considered it justified for neglect of house/children,

57% for refusal of sex, and 59% for answering back or disobedience.<sup>5</sup>

I believe these reports are eye openers. Physicians caring for women and children have to keep this in mind when history taking and on physical examination, especially in case of the presence of physical injury. However, the key is prevention. This is the responsibility of religious leaders and Islamic scholars. They have to correct the misconceptions about wife beating and the proper way of resolving marital conflicts. Religious leaders should also educate the community not to stigmatize physically or sexually abused women so that they become willing to report these crimes to the authorities and to seek medical attention. It is also incumbent on the Muslim communities to have social services to these women and to provide shelters to those who need them.

This is actually the topic of the article by Dr. Suhaima Hoosen from South Africa. She believes that communities have a fundamental responsibility of providing short and long term protection for abandoned, destitute, and ill women, especially those who are subjected to violence and to their children. She conducted a needs assessment study in Kwa Zulu Natal (KZN), South Africa for a respite center for Muslim women that will meet their spiritual as well as physical needs. She found out that 813 out of 880 respondents stated that there are abandoned, battered, destitute and ill Muslim women in the community. The respondents overwhelmingly support the idea that the Muslim community should provide a center for the Muslim women with these problems.

Dr. Mazeni Alwi describes the concept of secularism and compares its interpretation in France and Britain. The differences in their interpretations are rooted in the history of the development of liberalism in the two countries. He believes this resulted in better integration and more social upward mobility of Muslims in Britain than in France, and particularly the greater acceptance of Islam and its teachings in Britain. In France, secularism became sacralized and has assumed a distinctly anti-religious stance. This led to the passage of the law prohibiting Muslim girls from wearing the scarf in public schools. The author states that when some Muslim girls insist on wearing the headscarf to school, this is seen as a threat to French secularity. Dr Alwi reports one hopeful development. A federation of Christian Associations recently created a think tank devoted to promoting a more modern form of secularism relevant to the pluralism of today. It takes as a starting point article 18 of the Universal Declaration of Human Rights, which expressly advocates freedom of religion. Dr Alwi advocates Muslim participation in the democratic process, social debate and the civic life of the mainstream society whilst remaining steadfast to Muslim identity and character as perhaps the only way forward for successful integration of Muslims in modern societies where they are a minority.

Dr. Heba Ezzat from Egypt participated in the conference in September, 2007. She gave an interesting lecture entitled *Muslim Women at the Crossroads*. She stressed the need to consider the fact that alongside the ideals and notions embodied in the Quran and Sunnah, one must look at the actual condition of Muslim women in the past and present. She believes that social custom, poverty, and illiteracy often eroded or subverted Quranic wisdom. She states, regional and local traditions defeated the verbally admitted rights of women in Islam. She relates the position of women and the different roles they played during the Prophet's time and traced these to the present time. She stresses the role of *tajdid* (renewal) in the last 2 centuries with specific mention of the roles played by reformers like Shaykh Jamal al-Din al-Afghani and Shaykh Mohammad Abduh, among others. They saw Islam as compatible with the pillars of modernity i.e. reason, humanism, science and technology. Reformers supported women's rights to education and social involvement. More recently, al-Azhar University in Cairo, the most famous and oldest Islamic university, under the leadership of Shaykh Gadd al-Haqq, issued a book before the International Conference on Population and Development (ICPD) that was held in Cairo in 1994. The book was supportive of women's rights. The Muslim Brotherhood in Egypt issued a declaration of their position in support of the same. They supported women's presence in the social and political spheres. Dr. Ezzat then moved to suggest a model of addressing women's rights that is based on *maqasid al-Shariah* (ultimate goals of Islamic jurisprudence). She proposed a program of action by the women to regain their rightful status and rights.

The dinner talk at that conference was given by a young Muslim convert from Australia, Ms Susan Carland. She gave an impressive report of her experiences becoming a Muslim and the challenges she faced then and since. These challenges are shared by many converts, especially women. These include unreasonable pressure on converts to become *sahaba* (companions of the Prophet-pbuh) overnight. Converts are made to feel they are never full Muslims. Some Muslims expect a cultural conversion to go hand in hand with the new Muslim's religious conversion. They expect converts to change their names, dress in either Arabic or Pakistani dress and to eat different types of food. Converts frequently suffer from lack of adequate support. Many struggle, socially and professionally, from the adverse reactions of their families, friends and colleagues. They risk being kicked out of their homes and the loss of their jobs. This particular point is very important and of special significance to those of us who live in majority non-Muslim countries. I believe it is true that in the West there is no formal structure to help new converts. It is also true that individuals from the Muslim community rarely befriend the new converts or provide counseling and social, emotional and financial support for converts. The latter is especially important for incarcerated Muslim converts.

when they are released from prison. Ms Carland offers thoughtful, practical recommendations of how to deal with new converts.

The articles in this year book contain many sensitive if not controversial viewpoints. These views are those of the authors and do not necessarily represent the views of the editorial board or FIMA. Readers may agree or disagree with one or more of the many viewpoints expressed. Each one needs to investigate any of these viewpoints and decide for him/herself whether to accept it or not.

Finally, I want to thank the authors who contributed to this issue. I commend Dr. Mishal and Dr. Ebrahim of the editorial board for their valuable help and guidance. I sincerely appreciate the work done by Dr Mishal's staff for copy editing and proofreading of the articles, especially Miss Elham Mohammad Swaid.

I pray that Allah ﷻ accept and bless our efforts in His service. May Allah ﷻ guide us to the right path and have mercy on us.

Wassalam

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# In Memoriam

## Dr. Ahmad Elkadi, an IMANA Founder, Leaves this World

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Dr. Ahmed Elkadi, one of the past presidents of IMANA and a life member, died on April 11, 2009, in Tampa, Florida. Besides being an active cardiothoracic surgeon who treated innumerable patients, he spent a great deal of his time serving Islam and Muslims worldwide, but particularly in North America. He was 69 years old.

IMANA offers its sincerest condolences to Dr. Elkadi's family and the Muslim community-at-large.



Dr. Elkadi immigrated to the United States some 44 years ago in 1965 after completing his medical education in Austria. He is remembered for his dedication to Islamic work, both in the United Kingdom as a student and later in the United States. He was instrumental in helping the fledgling Muslim Students Association of the United States and Canada in the 1960s. He was a founding member of the Islamic Medical Association of North America (IMA) in 1967, which later became IMANA. He was its president from 1974-1975. He recognized the importance of the developing field of ethics in medicine and believed that Muslim physicians should make an effort to know the Islamic views on the various aspects of the practice of medicine. He thus was a strong, early proponent of the concept of Islamic medical ethics.<sup>1</sup> He formed and chaired the Ethics Committee of the IMA. He was helped by Dr. Wahaj Ahmad, who subsequently assumed the chairmanship of this committee. Dr. Elkadi was also a member of the JIMA editorial board for many years.

Dr. Elkadi was instrumental in founding the Federation of Islamic Medical Associations (FIMA), a federation of Islamic medical associations in 22 countries, which was launched in 1981. He served as its first secretary.

Dr. Elkadi was a strong supporter of the Muslim Youth of North America (MYNA) and a keen supporter of the Islamic Society of North America (ISNA). In 2002, he was honored for his service to the community with ISNA's Mehboob Khan Community Service Recognition Award.

Dr. Elkadi, an Egyptian-born surgeon, was a visionary Muslim physician. He was a pioneer of developing the concept of Islamic medicine.<sup>2</sup> He established the Akbar

Clinic, based in Panama City, Florida, and later the Institute of Islamic Medicine for Education and Research. Dr. Elkadi was active in Islamic medicine research and education.<sup>3-5</sup> He presented his results at national and international meetings of Muslim physicians and published his work in medical journals, particularly in the Journal of Islamic Medical Association of North America (JIMA).

Dr. Elkadi was well-liked and respected by all those who knew him. He was gifted with a quiet unassuming personality and a deep knowledge of Islam. He will be remembered for his soft-spoken and caring demeanor and constant service to Islam and Muslims. He will be sorely missed.

May Allah ﷻ have mercy on him, admit him to paradise and give his family patience to bear their loss.

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# In Memoriam

## Dr. Hassan Hathout

It is with great sadness that I write an obituary on one of the great cotemporary Islamic thinkers, Dr Hassan Hathout. He died on April 25, 2009. Dr Hathout was a pioneer in the American Muslim movement, a distinguished physician, ethicist, man of letters, prolific writer, and a great orator.

He was born in Egypt, 1924. He joined the School of Medicine at Ain Shams University at its inception in the early 1940s and graduated in December 1947. Throughout his life, Dr. Hathout showed his love for humanity. He became known for his enduring message of love, compassion and understanding.

Dr. Hathout, the physician, specialized in obstetrics and gynecology and received his extensive postgraduate training in Britain at the University of Edinburgh, Scotland. There, he earned the triple degrees of Fellow of the Royal College of Surgeons (FRCSE), Fellow of the Royal College of Obstetricians and Gynecologists (FRCOG), and doctorate of philosophy (PhD) in the field of reproductive genetics. After his return from the United Kingdom, he taught for few months at Ain Shams University. It is during this time that I came to know him as my teacher. I found him to be a gentle, knowledgeable teacher and an excellent physician. He then became professor of obstetrics and gynecology at the University of Asyut, Egypt, and later a member of the planning committee of the Medical School at the University of Kuwait, founding Professor of obstetrics and gynecology at that school, and professor of history of medicine and medical ethics, Kuwait University from 1973 to 1988 when he moved to the USA.

Subsequent affiliations included Fellowship of the American College of Surgeons (FACS), International Federation of Obstetricians and Gynecologists (FIGO), and the World Health Organization (WHO) Committee for Medical Ethics.

Dr. Hathout was a key founder of the Islamic Organization of Medical Sciences (IOMS), headquartered in Kuwait. Its primary goal is the dissemination of God-guided, value-based medical ethics in rapidly advancing controversial fields such as reproductive medicine, assisted reproductive technology, alternative medicine, genetic engineering, organ transplantation, and stem-cell research. He attended almost all of its annual meetings and was an active participant in formulating its



recommendations and policies.

He authored books under the auspices of IOMS and participated in writing some of its position papers.

Dr. Hathout is a well-accomplished, well-recognized man of letters in Arab countries. He was one of the few people who can speak classical Arabic without grammatical mistakes. His mastery of the Arabic language was widely appreciated. His diwan (poetry collection) *Jirh wa afrrh* (Wounds and Pleasures)<sup>5</sup> gained him recognition as a first-class poet in the Arab world. Among his beautiful poems are 'The Migration, In the Hands of the Prophet, and Jesus, the Son of Man.

He contributed innumerable writings, broadcasts, and television appearances in the Arab media dealing with religion, science, and society that have always been tremendously appreciated.

The relationship with God has always been the axial point of Dr. Hathout's life. He believed that such a relation emanates from the depth of the heart and is manifested by behavior through the journey of life. He believed that the essence of religion is basically love; rules and regulations come next.

Dr. Hathout was widely known in the religious community in the United States. He has been a khatib (preacher) in Friday prayers and frequently preaches the message of love, mercy, and justice in Islam.

He was the keynote speaker at the first Christian-Muslim celebration at the White House in 1999. Additionally, he was the cofounder of the Interfaith Council of Southern California and has been involved in interfaith activities throughout the United States. He was the recipient of many awards from interfaith and humanitarian communities, including the Jewish-Christian-Muslim Olive Branch award for his efforts in making peace and harmony between people of different faiths.

On behalf of myself and FIMA I offer my deep condolences to his family, his wife of 56 years, Dr. Salonas, his daughter, Eba, a professor of pediatrics at the University of Southern California, and his brother Dr Maher Hathout, a retired cardiologist and the spokesperson of the Muslim Public Affairs Council, Los Angeles, USA.

(For a more detailed account of his accomplishments refer to JIMA.<sup>1</sup>)

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# Federation Of Islamic Medical Associations (FIMA) in Brief

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- Established at the outset of the 15th Hijrah century, December 1981, in Orlando, Florida, USA, where senior leading medical figures representing ten Islamic medical organizations, from various parts of the world, convened and laid down the foundation of the Federation.
- Subsequently FIMA was incorporated in the State of Illinois as a non-profit organization, then acquired the special consultative status with the United Nations Economic and Social Council ( ECOSOC ).
- Since that time, FIMA membership progressively expanded to include 25 full members, 6 associate members, and more than 15 prospective and collaborating organizations from all over the world.
- Most FIMA activities and achievements are based on the endeavors of its member Islamic Medical Associations, in constructive mutual cooperation, and harmonious understanding.
- These activities include, but are not limited to:
  1. Cooperation in medical relief work, where and when needed in disaster stricken countries. The last endeavor was the “ Save Vision Campaign in Africa ”, where more than 40,000 cataract and intra-ocular lens surgeries were performed in Darfur-Sudan, Chad, Somalia, Senegal and Nigeria, by ophthalmology teams volunteering from IMAs from several countries.

This activity qualified FIMA for a distinguished award from the American College of Physicians (ACP), designated for outstanding humanitarian achievements.

In Gaza and other Palestinian Occupied Territories, FIMA has been functional in establishment of eye facilities, provision of ophthalmology equipments, as well as training of doctors and other paramedical personnel.
  2. Scientific, professional and ethical jurisprudence -related conferences, seminars and publications.
  3. Establishment of the Consortium of Islamic Medical Colleges (CIMCO), to foster cooperation in improvement of curriculum, training, research, administration, and up-bringing of model medical practitioners.

4. Establishment of the Islamic Hospitals Consortium ( IHC ), to pursue cooperation and coordination among medical professionals and hospital administrators in areas of experience exchange, improvement of health care delivery, ethical, administrative and operational activities, to meet the most advanced international standards, in the context of Islamic principles.
  5. Publication of FIMA Year Books, which address biomedical ethical issues that are needed for medical practitioners, educators as well as Jurists.
  6. Medical students activities, including conferences, seminars, publications, camps, Umrah and Ziarah programs.
  7. Collaboration to extend a helping hand to Muslim medical practitioners in underprivileged countries, to work together and organize professional medical societies.
  8. CME programs, and establishment of a Council of highly qualified professionals for development, improvement and supervision of these activities.
  9. Recently, FIMA embarked on establishment of Resource Centers, such as the HIV/AIDS Resource Center, Islamic Biomedical Ethics Resource Center, and in the planning, is the Women's Affairs Resource Center.
- Islamic medical activities of FIMA have a holistic nature. Leadership, mutual cooperation and innovation are prerequisites for the welfare of our communities, our Ummah and humanity at large.
- .....

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# Islam And Gender

*M. Haitham Al-Khayyat\**

## Abstract

Equality of men and women in Islam is manifested by the equal way of addressing both of them as one in Qur'anic verses and Prophetic sayings, which should be properly understood according to the original Arabic language spoken by the Prophet ( PBUH ) and his people.

Equality expands to include responsibility, accountability, human rights, and rights in education, ownership, inheritance and work. Women have the right to choose their husbands, approve marriage, and to end the marriage relationship.

Islam makes equality equitable by instructing men, whether husbands, fathers, brothers or other relatives, to provide proper care to women in various stages of their lives, and men are honored to perform this undertaking.

Women continued to enjoy this respectable status in Muslim society during the first century or more after the time of the prophet ( PBUH ) and his rightly-guided Caliphs. Subsequently and gradually, there was influx of new Muslim communities with their social traditions and cultures which crept into Muslim society. Diverse trends were influential to induce concepts that were in conflict with Islamic teachings. Women status, among other society values, suffered gradual deterioration.

Fueled with women sufferings and injustices, we witnessed waves of women's liberation movements, followed by various feminism trends that reached extreme dimensions.

This paper will present the genuine Islamic standards and values of male-female equality as understood from the Qur'an and Sunnah, and will dissect what is Islamic and what is insurgent non-Islamic traditional and cultural.

**Keywords:** *Women in Islam, gender, feminism.*

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## Introduction: Culture and Language

As far as the individual is concerned, culture means certain basic values that take root within him from the early days of his life until he begins to look at things with clear understanding. These include what he learns from his parents, family, social surroundings, teachers and community. When he becomes independent, he uses his mind to look into things, formulate his own views and express them as he thinks fit. Language has a major role in giving firm roots to what is implanted within us, as also in transmitting essential information that helps us to communicate.<sup>1</sup>

National culture, on the other hand, is the total sum of the cultures of its individuals who have a common denominator of education that provides common grounds between, say, an English shepherd and an English doctor. Such common factors constitute culture which we may compare to a mirror reflecting every variant of the culture of all individual members, widely different as these may be in their views, inclinations and lifestyles. This mirror is essentially the language of a particular community.

Religion also has a major role in formulating the culture of both individual and community. This applies to divine religions, such as Islam, Christianity and Judaism, as well as to other religions including idolatrous ones. T.S. Eliot is of the view that “culture and religion are two faces of the same coin, because the culture of a

certain community is no more than the expression of its religion.”<sup>2</sup>

Thus, the socio-cultural framework of this region of ours is closely related to its language, religion and prevailing traditions.

As for language, God has chosen Arabic as the language of the Qur'an which embodies His final message. But we need to ask here: which type of Arabic is that? The answer is given clearly in the Qur'an, for God says: *“Never have We sent a messenger otherwise than speaking the language of his own people, so that he might make [the truth] clear to them.”*<sup>3</sup> Referring to the Qur'an, He says to the Prophet: *“And so have We made [the Qur'an] easy to understand, in your own tongue.”*<sup>4</sup> This means that the Qur'an was revealed in the language spoken by the Prophet and his tribe, Quraysh, and its Arab neighbours. Needless to say, language develops and admits new concepts giving old words modern meanings. This is a beautiful aspect of all languages. What is unacceptable, however, is that we impose modern meanings on the text of the Qur'an or the statements of the Prophet, thus twisting the text to make it fit with our own prejudices.

The language that should be our light in understanding the Qur'an is the one that was spoken by the Prophet and the Quraysh tribe at the time. We cannot refer to any other language or dialect even though it might have been spoken by other Arabian tribes. Abu Amr ibn



al-Alaa', (d. 154 H/ 771 CE), who was one of the greatest authorities on Arabic and its different dialects and styles, says: "The language used in the Qur'an and which people spoke at the Prophet's time is a different form of Arabic to what we speak today."<sup>5</sup>

Arabic uses two modes only in both address and reporting: one for females (feminine gender) only and one for both males and females (masculo-feminine or common gender). Arabic does not employ any special form or mode which makes the address specifically masculine. If males are addressed on their own, there must be some evidence that limits the address to them alone. When an address is made in general terms, then it is intended for both men and women, unless we have specific evidence making clear that women are excluded. Evidence in support of this is provided by Imam al-Khattabi as he comments on the Prophet's hadith that states: 'Women are men's full sisters.' Al-Khattabi says: "If an address is made in the masculine form, then it is a common address that includes men and women alike, except in special situations where we have some indicators making it specifically intended otherwise."<sup>6</sup> Imam Ibn al-Qayyim makes a similar point: "It is an established norm that all provisions stated in the masculine form apply to both men and women when they are expressed generally, without a special factor limiting them otherwise."<sup>7</sup>

Prior to both, Imam Ibn Hazm, one

of the leading scholarly figures in our history, said: "There is no disagreement among Arabs, or Arabic speaking people, past or contemporary, that an address or piece of information given about both men and women, males and females, is expressed in the same form as used for addressing men only or reporting about them. There is absolutely no distinction between the two. This is always consistent. It is, then, true to say that Arabic does not have a formula intended specifically for males other than the one that includes females with them. Thus, something extra has to be added to indicate that the address or the information given is meant for males alone. Hence, it is not permissible to limit an address to only a part or section of its intended addressees without clear evidence stated in a clear text or relying on clear unanimity. This means in practical terms that the word 'Do' and the regular and irregular plural formulae address both males and females. When we take this into account, and we are aware that God's Messenger was sent to both men and women on equal footing, and that God and His Messenger make the same address to both, we conclude that it is not permissible to exclude women from any address or instruction without clear evidence made in a text or by unanimity."<sup>8</sup>

Ibn Hazm further develops this point before he says: "We are absolutely certain that the Prophet has been sent by God to address women as he addresses men, that the divine law is applicable

to women as it applies to men, and that all provisions and rules of Islamic worship and Islamic law are applicable to both on equal footing, except for what is clearly stated to apply to one sex but not the other. All this makes it imperative that men should not have any privilege over women concerning anything addressed to the Muslim community in its entirety, unless such exception is clearly stated in a religious text or by a unanimous ruling.”<sup>9</sup>

Ibn Hazm certainly states the truth. May God bless his soul and reward him well. No one doubts that the address in verses like the following are meant for both men and women:

*“Give generously for the cause of God.”*<sup>10</sup>

*“Believers, submit all of you to God and do not follow Satan’s footsteps.”*<sup>11</sup>

*“Spend [for God’s cause] out of that with which We have provided you.”*<sup>12</sup>

*“Spend in charity out of the good things you have earned, and out of that which We bring forth for you from the earth.”*<sup>13</sup>

*“You shall not withhold testimony.”*<sup>14</sup>

*“Fear God as you rightly should.”*<sup>15</sup>

*“Let there become of you a nation that invites to all that is good.”*<sup>16</sup>

*“Hasten, all of you, to the achievement of your Lord’s forgiveness.”*<sup>17</sup>

*“Do not devour each other’s wealth*

*illegally.”*<sup>18</sup>

*“Be true to your contracts.”*<sup>19</sup>

*“Be steadfast in your devotion to God, bearing witness to the truth in all equity.”*<sup>20</sup>

*“Believers, fear God and seek the means to come closer to Him.”*<sup>21</sup>

*“Believers, do not forbid yourselves the good things God has made lawful to you.”*<sup>22</sup>

I have given all these examples, from the first five surahs only, so as to drive the point home, but there are many

more examples that could be quoted

from the Qur’an. The same applies to the Prophet’s own statements, such as

“Every Muslim has an incumbent duty to do an act of charity.”<sup>23</sup> The word

‘Muslim’ in this context refers to both men and women who are Muslims.

The same may be said about other hadiths, such as:

“To pursue learning is obligatory to every Muslim.”<sup>24</sup>

“Whoever relieves a Muslim of a situation of stress in this life will be spared by God a situation of stress in the life to come.”<sup>25</sup>

“Whoever believes in God and the Last Day must not harm his neighbour.”<sup>26</sup>

“No one eats better food than what he receives for his own work.”<sup>27</sup>

“Whoever of you is able to benefit his brother should do so.”<sup>28</sup>

“The people loved most by God are the ones who are of most benefit to other people.”<sup>29</sup>

These are but a few examples, but numerous other hadiths may be cited in confirmation of what we have stated.

As a language, Arabic asserts the absolute equality between man and woman, using the word *zawj* for both husband and wife. This is indeed the word used in the Qur'an for both. It also uses the word '*arus*' for both bride and groom<sup>30</sup>. This is perhaps the reason why in love poems we often find the common gender used in reference to the woman the poet loves. Although it takes the masculine form, it is never intended for a male lover as some people suggest.

### Addressing Men and Women

I would like to cite here a couple of examples showing how errors in Islamic thought could occur as a result of ignoring the fact I started with, namely that the Qur'an is to be understood only in accordance with the language spoken by the Prophet and his people. Take the following verses that speak about all Muslims, men and women alike: “*Whatever is with God is far better and more enduring; [and it*

*will be given] to those who believe and place their trust in their Lord; who shun more heinous sins and abominations; and who, whenever they are moved to anger, readily forgive; who respond to their Lord and attend regularly to their prayers; whose rule is to determine their affairs through consultation among themselves; who spend in charity out of what We provide for them; and who, whenever tyranny afflicts them, defend themselves.*”<sup>31</sup> It is unanimously agreed by Muslim scholars in all generations that these verses speak of all believers, men and women. All the qualities they mention, such as faith, placing one's trust in God, steering away from sin, controlling one's anger and forgiveness of others, attending to prayer, charitable spending as well as determining matters through common consultation and defending themselves against tyranny, are equally applicable to men and women. Nevertheless some Muslims today insist that the quality of deciding matters through consultation among Muslims is limited to men only. The Qur'anic statement here is definitive, yet they wish to make it lop-sided, setting aside one of the qualities and limiting it to men, thus forcing the relevant part of the verse out of context. The fact is that in the Islamic system all people, men and women, are guaranteed their political rights. The exercise of such rights is required as a binding duty on all people.

Another example is the Qur'anic verses that state: “*Say to them: ‘Work, for God will see your deeds, and so will*

*His Messenger, and the believers.*"<sup>32</sup>, "*Hence, whoever expects to meet his Lord [on Judgement Day], let him do what is right.*"<sup>33</sup> Some people simply do not wish to understand that God has made work a duty incumbent on man and woman alike, even though this last verse addresses both, using the imperative mode. As such, its import is that of a requirement made obligatory to both sexes. It is phrased in the imperative to state a duty that remains obligatory unless something is added by way of a qualification. Just like the pursuit of knowledge and learning is a duty of every Muslim, male and female, so is work. Hence, it is wrong to say that women must stay at home and not seek work, because work is required of both men and women. What is meant here is good work, which is beneficial to the Muslim community. This is indeed the reason why faith is linked to good work in no less than 82 verses of the Qur'an. On some occasions, God clarifies the matter further, giving more prominence to the quality of doing good works, saying for example: "*Whoever does righteous deeds, whether man or woman, and is a believer; We shall most certainly give a good life.*"<sup>34</sup>

A third example may be taken from what is known as 'enjoining what is right and forbidding what is wrong', which is a duty incumbent on all believers, men and women. God says in the Qur'an: "*The believers, men and women, are friends (patrons) to one another: They enjoin what is right and forbid what is wrong.*"<sup>35</sup> Some people

in our time have distorted the concept of *ma'roof*, which may be translated as 'what is right or acceptable' so as to limit it to a small number of superficial matters that are of little or no consequence. What is right, or *ma'roof*, includes everything that is good for the individual and the community; and under 'what is wrong', or *munkar*, is included all that is detrimental to the individual or the community. To give some examples: breast-feeding is right. Hence, when we in the World Health Organization advocate breast-feeding, we are actually enjoining what is right. Similarly, vaccinating our children to provide them with immunization against communicable diseases is right, or *ma'roof*, because it protects children against a number of the worst childhood diseases. Hence, promoting universal immunization is part of 'enjoining what is right'. By contrast, any type of polluting the environment is wrong, or *munkar*. Therefore, preventing pollution is a prevention of what is wrong, while promoting its preservation is part of enjoining what is right. Likewise, smoking is wrong, or *munkar*, because of its great detriment to the health of the smoker and the community. Hence, when we take action against smoking we are denouncing what is wrong and trying to forbid it. When the authorities promulgate traffic rules and regulations to prevent road accidents, they are enjoining what is right. Likewise, throwing rubbish on the road is wrong, while removing harmful objects from people's way is a

charitable deed. Therefore, to enjoin a person not to throw rubbish on the road is part of implementing this greatly advantageous duty.

### Women and Public office

The rightly-guided Caliphs dealt positively with this issue, making it an important institution of Islamic society. Thus, Umar ibn al-Khattab established the system known as *al-hisbah*, a word which refers to the highest authority that controls market activity and transactions, including quality control and prevention of cheating and fraud. Its aim was to ensure that all business transactions, as well as scholarly and professional activities, are carried out in accordance with Islamic law. This requires control machinery which he founded, appointing at its head in Madinah a most suitable lady, al-Shifa' bint Abdullah, who had been active in teaching uneducated women to read and write<sup>36</sup>. This measure gave this lady a public office with supervisory authority over all men and women carrying out trade and business in the market. The system was also applied in Makkah, where another lady, al-Samra' bint Nuhayk, was at the head of this supervisory department. The reporter of the hadith from which we learn these facts says: "I saw al-Samra' bint Nuhayk wearing a thick garment, holding a stick with which she disciplined people, ordering what is right and forbidding what is wrong."<sup>37</sup> Such was the state of affairs in Islamic society fourteen centuries ago, at its

purest period, before decline started to set in.

May I mention here that we must be careful when dealing with texts that may initially appear to be contradictory. All Qur'anic verses and all hadiths have the same source, which is God Himself, who says: "*Had it [i.e. the Qur'an] issued from any but God, they would surely have found in it many an inner contradiction.*"<sup>38</sup> Since it comes from God, then absolutely no contradiction can occur in it. Therefore, when we see two texts with some apparent conflict, we cannot just uphold one and negate the other. We must try to reconcile them on the basis of careful study.

### Equality and Responsibility

When we speak about Islam, we have to refer to the Qur'an and the authentic sunnah. Here we find that equality between men and women is not limited to the mode of address; it is carried further to apply to numerous details.

Islam makes it clear that both men and women have the same origin. It states that God has created all mankind "*from a single soul, and from that soul He created its mate, and out of the two He brought forth countless men and women.*"<sup>39</sup> God also says in the Quran: "*Mankind, We have created you all out of a male and a female.*"<sup>40</sup>

According to Islam, both man and woman were equally responsible for what they did in the first stage of creation: "*Satan whispered to the two of them in order to reveal to them their*

*nakedness, which so far had been hidden from them. He said: 'Your Lord has only forbidden you this tree lest you two should become angels or lest you live for ever.' He swore to them: 'To both of you I truly give friendly counsel.' Thus, with cunning, did he lead them on. And as soon as the two tasted the fruit of the tree, their nakedness became manifest to them, and they began to cover themselves with the leaves of the garden. Their Lord called out to them: 'Did I not forbid you that tree and tell you that to both of you Satan is indeed an open foe?' The two replied: 'Our Lord, we have wronged ourselves, and unless You grant us forgiveness and bestow Your mercy on us, we shall most certainly be lost.'*"<sup>41</sup>

Equality in human responsibility is firmly established by Islam. In the Quran we read: *"Anyone who does a bad deed shall be requited with no more than what is equal to it, whereas anyone, be it man or woman, who does what is right and is a believer shall enter paradise where they will all enjoy countless blessings."*<sup>42</sup>

The responsibility of both men and women to abide by the provisions of the divine constitution and to carry out religious commandments is absolutely the same as defined in the Quran: *"It is not for any believer, man or woman, to have any choice concerning their own affairs, once God and His messenger have made a decision concerning them."*<sup>43</sup>

Both men and women stand to receive

equal reward from God for their good deeds: *"For all who surrender themselves to God, be they men or women, and all believing men and women, all truly devout men and women, all men and women who are true to their word, all men and women who are patient in adversity, all men and women who humble themselves before God, all charitable men and women, all men and women who fast, all men and women who are mindful of their chastity, and all men and women who remember God frequently: for all of them God has prepared forgiveness and a great reward."*<sup>44</sup>

They also share equally the political responsibility for keeping their society on the right track: *"The true believers, men and women, are patrons of one another. They enjoin what is right and forbid what is wrong..."*<sup>45</sup>

Islam extends equal rights of ownership to both men and women, covering anything they may earn in return for what they do or in any other legitimate way: *"Men shall have the benefit of what they earn and women shall have the benefit of what they earn."*<sup>46</sup>

Men and women are treated on equal footing with regard to their financial and economic independence and competence. A wife does not have the right to dispose of her husband's money. Likewise, a husband has no right to dispose of his wife's money, even though she may be rich and he poor. The Prophet went further than that, allowing a wife to take from her



husband's money what covers the family's needs. He said to a woman who asked him about this, complaining that her husband was stingy: "Take what is sufficient for you and your children, in accordance with what is reasonable."<sup>47</sup> Indeed, a wife may give to charity out of her husband's money, within what is reasonable, but the husband has no similar right.<sup>48</sup>

Islam also makes the right of inheritance from parents and kinsfolk equally applicable to both sexes: "*Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much – a share ordained by God.*"<sup>49</sup> However, in order to maintain complete justice, Islam has made the share received by each one of them commensurate with the financial responsibilities Islamic law imposes on them both. It also takes into account a number of other factors. The result is that a man inherits more than a woman in four cases, but they have equal shares in far more cases, while a woman inherits more than a man in ten other cases. Besides, there are cases where a woman inherits but a man of the same relationship to the deceased does not.<sup>50</sup> Indeed, the Islamic inheritance system constitutes a separate and detailed discipline in Islamic law.

Both men and women have the same rights to undertake any profession. At the time of the Prophet, women worked in agriculture, grazing, knitting, textiles

and domestic industries. Others took up professions such as treating the sick, attending to those who were wounded in battle and general nursing.

Islam makes it imperative that men and women should receive the same wages when they do the same work. Yet many countries in the developed world continue to give men higher wages than women for the same work. Figures published this year clearly confirm this trend.

Muslim children of both sexes have the same right to education. Indeed they are required to seek education. Islam makes the pursuit of knowledge a duty of every Muslim, male and female. This means in effect that illiteracy must be totally eradicated in Muslim society.

Under Islam, both men and women enjoy the same rights to have their reputation and social standing protected against any slander, ridicule or backbiting: "*Believers, no men shall deride other men, for it may well be that those whom they deride are better than themselves; and no women shall deride other women, for it may well be that those whom they deride are better than themselves. Do not defame one another; nor call one another by nicknames... Do not allow yourselves to speak ill of one another behind your backs.*"<sup>51</sup>

Both men and women enjoy the same standing before the law and bear the same responsibility for any offences they may commit. They are liable to be

punished in the same way and receive the same damages or compensation for any injury they may sustain.

Equality is assured in making a decision to get married and in the choice of marriage partners. Marriage cannot take place without the free and complete agreement of both man and woman.

Both men and women are equal partners in sharing responsibilities in their home. As Prophet Muhammad (PBUH) clearly states: "A man is a shepherd in his home, and a woman is also a shepherd."<sup>52</sup> The Prophet himself used to "mend his shoes, repair and sew his garments."<sup>53</sup> He also "attended to the needs of his household."<sup>54</sup> In their home where peace and feelings of mutual love and compassion prevail, the husband and the wife give good counsel to each other and determine all their family affairs on the basis of consultation and mutual care.

And Islam gives men and women equal rights to attend congregational worship, social occasions and any worthwhile gathering.

These are only some examples of the equality of men and women under Islamic law, which were put into practice by Prophet Muhammad (PBUH).<sup>55</sup>

### Equality and equity

In order to make equality equitable, Islam takes special care of women in certain areas, particularly those related

to physical and mental health. Women have been favoured by God as He assigned to them the supervision of the future generation. As women will inevitably experience their biological role of pregnancy and childbirth, which is described by God as an experience of 'weakness after weakness', they need to receive full health care. This means that right from her early childhood, a girl should have proper nutrition. She must never, at any stage of her life, particularly during her youth and physical development, be compelled to undertake any work that undermines her health or causes her any physical impairment. For all this, God has honoured men by requiring them to take full care of women, indicating the reason for that by saying: "*Men shall take full care of women with the bounties with which God has favoured some of them more abundantly than others.*"<sup>56</sup>

In the Arabic of the Qur'an, this means that in certain ways or bounties women are more favoured than men while in others men are more favoured. All these bounties are related to human nature, which means that neither men nor women are less favoured. They are thus created, and such is their nature. To illustrate I cite the case of Aishah, the Prophet's wife and the mother of all believers. She started her menstrual period when she was on her journey to do the pilgrimage. The Prophet found her very distressed as she felt that she might not be able to perform her pilgrimage duties. When



he confirmed with her the cause of her distress, he said to her: "Aishah, this is something God has made as part of women's nature." Thus, it is nothing to be ashamed of. Needless to say, a woman who has her period during the pilgrimage can easily fulfil all the requirements of her pilgrimage, even though she must adjust the timing of fulfilling one or two of her duties. On the other hand, it is not permissible that one person should envy another for what God has granted him or her of talent or instinctive quality: "*Do not covet the bounties God has bestowed more abundantly on some of you than on others.*"<sup>57</sup> This applies in equal measure to both sexes.

We need to speak about the meaning of the verse in which God describes men as *qawwamoon* over women. What does this description signify in the language of the Qur'an and the hadith? A basic rule in understanding the Qur'an is to look at the ways in which it uses the same words and phrases in different verses. This process is known as 'explaining the Qur'an by means of the Qur'an.' Describing His book, God says that it is "*fully consistent within itself, repeating statements in manifold forms.*"<sup>58</sup> This means that we can make use of such consistency and similarity to explain one verse by reference to another. The same applies to the hadith, which is another form of divine revelation. Thus we can understand the concept of *qawwamoon*, used in the Qur'anic verse by reference to the hadith that states: "A section of my

community will continue to take full care of God's bidding until what God has ordained shall come about when they are triumphant."<sup>59</sup> The hadith uses the same Arabic word, with appropriate inflection, *qawwamah* in expressing the role of this group as 'taking full care' of God's faith, ensuring that it remains free of distortion and helping in its implementation.

This is the concept mentioned in the verse speaking of men and women which, correctly translated, reads: "*Men shall take full care of women with the bounties with which God has favoured some of them more abundantly than others.*"<sup>57</sup> This means that it is men's duty to take full care of women, ensuring that they have what they need and they are comfortable in their life. This is so, because God has favoured the woman with pregnancy and giving birth to children. Hence, He favours her with imposing a duty on the Muslim community to take care of her from the time of her birth, ensuring that she enjoys good health. Hence, she should be well nourished and nurtured. Any contrary situation should be rejected. One such unacceptable situation is that which involves forcing a woman to work for her living. A woman may work when she finds that she is able to do so. Hence, God has honoured men by charging them with taking full care of women, providing them with what they need. Thus, the woman does not have to bear the difficulties of life. This is expressed by the Prophet as he says: "It is their [i.e. women's] right that you

should provide them with food and clothing, in accordance with what is reasonable...”<sup>60</sup>

At the time of making the marriage contract, the man makes a symbolic gesture presenting the woman with her dowry, to indicate his readiness to take full care of her. The woman may subsequently make a counter gesture should she wish to leave her husband. She refunds him the dowry when she seeks *khul'*, which denotes ‘the termination of the marriage at the wife’s request’. She thus relieves him of his responsibility, refusing that he should take care of her. Ibn Rushd says: “Just like God has given the man the right to divorce if he dislikes his wife, He has given the woman the right to *khul'* if she dislikes her husband.”

I wish to make another observation concerning this verse. God does not limit this duty to husbands. He does not say that ‘husbands shall take full care of their wives’, but He makes it a requirement of all men and a benefit of all women. Thus, an unmarried woman must be taken full care of by her father or brother or other relatives. This is a responsibility to be fulfilled by the male sex in society. If there is a case of failure due to particular circumstances, the whole community is responsible to take care of the woman concerned. We realize then that God has favoured women by assigning them the duty of taking care of the future of humanity, while men look after the present. Needless to say, the future is more

important than the present. Hence, God has given men the duty of taking full care of women, meeting their needs, so that women should have the best possible situation to fulfil their role of looking after the future of mankind.

A statement in the Qur’an mentions a step or an advantage given to men. This occurs in a long verse that includes the following statement: “...*Women shall, in all fairness, enjoy rights similar to those exercised against them, although men have an advantage over them.*”<sup>61</sup>

This advantage, or step as the relative Arabic term *darajah* literally means, may signify – but God knows best – that women are entitled to have psychological care when needed. In his commentary on the Qur’an, Imam al-Tabari mentions several reports before making the following conclusion: “Perhaps the best of these views is that expressed by Ibn Abbas which denotes that this step means that the man should graciously overlook his wife’s failure to do some of what she is required to perform while he continues to do all that he is bound to do towards her. The point is that God says, ‘men have an advantage over them,’ immediately after saying, ‘Women shall, in all fairness, enjoy rights similar to those exercised against them.’ ... He thus enjoins men to rise to a more advantageous position should women fail to meet some of what God has required them to do... Although the Qur’anic statement is phrased in the informative mood, it denotes an encouragement to men to take this advantage so that they would

have the reward of an additional step.”

### Preferential treatment

Another example that may be cited in giving preferential treatment to women is the waiting period Islam requires a woman to observe after her husband's death, or when she is divorced. The waiting period is in fact intended to ensure that the woman is honourably treated. Take the case of a woman whose husband dies and his house is taken over by his relatives, in accordance with the rules of inheritance. Those relatives of his may force her to leave home the following day. This was the prevailing situation in pre-Islamic days. When God laid down Islamic legislation, He said clearly of such women: *“Do not drive them out of their homes.”*<sup>62</sup> He also says: *“Those of you who die leaving their wives behind, shall bequeath to their wives provisions for one year without their being obliged to leave [their deceased husbands' homes].”*<sup>63</sup> What is implied in both verses is a definitive rule concerning one of the woman's matrimonial rights that remains valid for a whole year, during which a woman can sort out her situation, taking up a new home and making her arrangements with ease. Thus, her dignity is maintained. However, she has the right to leave that home if she so prefers: *“Should they leave home [of their own accord], you shall incur no sin for what they may do with themselves in a lawful manner.”*<sup>64</sup> By contrast, a widower whose wife was the owner of their home and it

is inherited by her relatives can be forced out the following day by the new owners and he cannot make even a word of protest.

Yet another example of the preference Islam gives to women is that a woman must never be compromised or made to suffer defamation merely because she might have done something her husband or community considers to be unbecoming. Hence Islam provides her with a way out should such deviant behaviour take place. We find this in what the Prophet said in his farewell speech during his pilgrimage, which means that it belongs to what the Prophet said only a few weeks before his death: *“Take good care of women, for they always look after you, and you have no authority over them... unless they perpetrate a clear act of gross indecency. Should they do that, [i.e. only in such a situation], you may admonish them, then leave them alone in bed, then beat them, provided that your beating is not too painful.”*<sup>65</sup> This hadith gives us an insight into the meaning of the Qur'anic verse which says: *“As for those women from whom you have reason to fear rebellion, admonish them [first]; then leave them alone in bed; then beat them.”*<sup>66</sup> Imam al-Shawkani says: “The apparent meaning of the above hadith is that leaving a woman alone in bed or beating her is only permissible should she commit a clear act of gross indecency, and not for any other reason, while the order to refrain from beating women is expressed in general terms in

the hadith that says, ‘Do not beat God’s female servants’<sup>67</sup>

These three graded measures to which a man may have recourse ensure that the whole problem should remain within the home. The husband should not be hasty with his wife denouncing her among his or her relatives, or in court, or in any other way. Should the problem be sorted out as a result, well and good. The past could then be forgiven. It should be remembered that these measures are applicable only to women. They do not apply to a man who might have perpetrated a gross indecency. In such a case, the first attempt to sort out the problem is to refer it to a family committee: *“If you have reason to fear that a breach may occur between a (married) couple, appoint an arbiter from among his people and an arbiter from among her people. If they both want to set things aright, God will bring about their reconciliation.”*<sup>68</sup> Recourse to such family committee represents, in the woman’s case, the fourth stage of seeking a peaceful outcome. This is one of women’s privileges under Islamic law.

### Impact of Tradition

Having spoken about language and religion, we need to cast a glance at traditions and how they affect the status of women.

Women continued to enjoy a respectable status in the Muslim community, enjoying full equality

with man throughout the rule of the four rightly-guided Caliphs and the first part of the Umayyad period. But later in the Umayyad period and early in the Abbasid reign, there was a great influx of new Muslims who brought with them certain aspects of their own cultures. Needless to say, culture relies considerably on social traditions. God says in the Qur’an: *“When it is said to them, ‘Follow what God has revealed’, they say, ‘No; but we will follow only what we found our forefathers believing in.’”*<sup>69</sup> Following in the footsteps of forefathers is indeed the essence of tradition, and it is clearly apparent that it is stronger than faith.

When such traditions crept into Islamic society, bringing in diverse trends from other cultures, the direction of that society began to change. There is no doubt that Muslim society was enriched by a diversity of cultures, Nubian, Coptic and Barber in the west, and Syriac, Greek, Persian and Indian in the east. All these trends interacted and enriched the common Islamic civilization. Muslims benefited by all these because ‘wisdom is the pursuit of a believer, and wherever he finds it, he has the first claim to it.’ Muslims were certainly very receptive of the best that such cultures could offer. While this was a great gain, it also involved importing some practices and concepts that are solidly based on traditions but are in conflict with Islamic teachings. Such traditions were soon able to establish themselves in Muslim society. Some scholars went as far as trying to find

justification for them and incorporating them within Islam. Numerous are the examples that can be given in this respect.

When Persians embraced the divine faith of Islam in large numbers during the early Abbasid period, they did so on the basis of conviction and with good intention. However, they brought with them some elements of their Zoroastrian culture which looked down on women and deprived them of their rights. This was universally known at the time. Such male chauvinist thought that is characteristic of the Zoroastrian culture derives from its legend on the beginning of creation. It speaks of a supreme Lord who is addressed in worship as he is the source of wisdom. From him twin spirits came into existence: one, Spenta Mainyu, chose truth and light and the other, Angra Mainyu, chose untruth and darkness. These two spirits represent the Supreme Deity's ability to create, but they are the ones who create the world. In this process the good spirit creates goodness while all that is bad and evil is created by the other spirit. A permanent conflict rages on between the two until final victory is achieved by the good spirit.

A later version was started in some parts of Western Iran came to be known as Zarvani, or neo-Zoroastrianism in which the two distinguished aspects of the creative attribute of the supreme deity are seen as two separate deities, with the Ahura Mazda, by now called Ormizd, being himself the creator of

good and Angra Mainyu, or Ahriman, the creator of evil. This later version of Zoroastrianism makes Ahriman, the evil spirit, very powerful and in practically full control of the world. However, like all such powers, he needs means and tools to exercise his authority and impose his will. Neo-Zoroastrianism makes the sexual desire, epitomized in the woman, his main tool to seduce good people and divert them from their good ways. In old Zoroastrianism, the woman was part of the good world, created by the spirit of truth and light, but she was transferred in Zarvanism to the realm of evil to serve Ahriman's purpose of spreading evil. Indeed under this new version, the woman's position was even worse as she was thought to have originated in the realm created by the evil spirit. Thus, the woman, the symbol of tempting sexual desire, was always manipulated by the evil spirit, ever since she tempted the first man. She has continued to do so ever since.<sup>70</sup>

When Islam spread into Iran, the true faith soon took roots. However, local traditions continued to shape the communal mentality, manifesting themselves in different ways. Thus, the woman continued to suffer under a concept that places her solidly in the domain of evil. Since she was the medium for spreading corruption and vice, then she should be kept in an inferior position, humiliated and looked upon with contempt, so that she should not tempt man into sin.

Unfortunately, a number of Muslim scholars in the Abbasid period began to be influenced by this traditional outlook, importing such concepts into Islamic *Fiqh* rather than the Shari'ah itself. Hence, we find in traditional *Fiqh* many borrowed elements that blame the woman, making her the cause of man's fall into sin and his deviation from the right path, and assigning to her the original role of seduction and temptation. It is our duty to combat such concepts and purge Islamic society from them. This is how emphasis was placed on the Arabic term *fitnah*. In the Arabic of the Qur'an, this term has six meanings: 'test; depriving a person of his freedom; persecution; encouraging dislike; admiration; and tempting someone away from the right path.' The woman was permanently linked with such temptation, which is akin to the teaching of Neo-Zoroastrianism or Zarvanism. Such are the origins of the great deviation in Muslims' outlook concerning women. It came later to influence the interpretation of religious texts.

The proper attitude we should adopt is that explained by Imam Ibn Taymiyah: "When Islamic law forbids imitating non-Arabs, the prohibition includes imitating non-Arab Muslims who do not follow the example of the early generations of Muslims. The same applies to the term Arab *Jahiliyyah* which denotes the beliefs and practices that prevailed in Arabia before Islam, some of which have been revived by many Arabs."<sup>71</sup>

### Feminine movement trends

Such was the situation in Muslim communities. In the end, women were in no better position. Women endured injustice, humiliation and exclusion in great measures, leading eventually, and by natural social process, to extremism in the opposite direction.

It was natural at first that certain movements advocated fairness in the treatment of women so that all injustice could be removed. This trend came to be known as Women's liberation. But this gave way to more extreme trends, some of which considered women's biological constitution to be responsible for much of the injustice that women had suffered. This we see clearly, for example, in Simone de Beauvoir's reference to child bearing as 'the slavery of reproduction'.<sup>72</sup> She thus considered human reproduction, beautiful and enriching as it is, to be a form of slavery, limiting women's freedom.

That was the first step towards making a complete break between sexuality and reproduction. The second and most decisive step was the manufacture of the contraceptive pill by Gregory Pincus in 1965.<sup>73</sup> With the pill, the Western woman was able to exercise her freedom in enjoying unrestricted sex, feeling that she was the one to decide whether to have a child or not. Further developments, such as in vitro fertilization, made the break between sexuality and childbearing total. Since the social biological function



of reproduction has been split from the individual one of sexual pleasure, it was only to be expected that further steps would be taken to promote sexual permissiveness. This meant that the woman's body was used as a commercial and marketing agent. We need only look at press advertisements and television commercials to see a full picture of such usage. Beauty contests, fashion shows and similar activities go much further in revealing women's bodies before all spectators.

We see how traditional feminism gave way to liberal feminism, only for a new trend that is now known as gender feminism to gather force and become very active. This new trend aims to abolish all types of distinction between men and women, regarding these as artificial, be they physical and biological or social distinctions, or ones that assign different roles to men and women on the basis of their different biological make-up.

### **The term "Gender"**

This trend felt the need to have a brand new term to refer to this new creature which carries no distinction between males and females, as its advocates maintained, except for their respective sexual organs. Hence, they retained the word sex to denote this difference. The irony is that in English they could only find a word used to denote complete distinction between male and female. Thus they plucked the word 'gender' out of context and deprived it of all its former connotations in order to give it

a neutral sense.

This new term started its life cycle as a product of the new world order during the Conference on Population and Development held in Cairo in 1994. The term was used about 50 times in the basic document of the conference. With its newly acquired connotations, the term 'gender' was later used extensively in the basic document of the Beijing Conference on Women held in 1995, where it occurs more than 130 times. There was, however, inconsistency in its usage, making it denote 'both sexes' in certain cases, or 'women' in others, while it meant 'the roles and qualities of the two sexes' in a third set of cases. In fact, the title of this basic document, 'Remoulding the World from Women's Perspective', and the multiple meanings referred to by the term 'gender' caused much uneasiness among a number of delegations which demanded that the ambiguity should be cleared. The Conference Secretariat formed an ad hoc committee to define and explain the term 'gender'. This committee reported on 7 July 1995, offering a comic definition stating that "the term 'gender', as used in the document of the Conference on Women should be understood in the same 'ordinary' way it has been used in previous conferences and seminars held by the UN. There are no new connotations given to this term in the present document." Thus they actually evaded the task of defining the term, which similarly was neither defined nor explained in previous meetings.<sup>74</sup>

When this new term needed to be expressed in other languages, a problem of translation occurred. French, Spanish and other Latin languages translated 'gender' as 'sexospécifité', because there was no Latin word that corresponds to 'gender'. Hence, they coined a word that expresses what they thought it to denote. The same may be said about translating it into Arabic. Some writers and translators used *al-naw' al-ijtima'i*, which means 'the social kind'. This usage is highly problematic, because we speak about 'mankind' or the 'human kind', and if we were to use the term that means 'the social kind' then this may give an impression that women are different from mankind. Hence, this term must never be used as an equivalent to 'gender'. Other people have been using the phrase *al-jins al-ijtima'i*, which means 'the social sex', while others are expressing it as *khasa'is al-jinsayn*, which means 'the specific characteristics of the two sexes', which is more or less a translation of the term 'sexospécifité'. Some writers have derived from the root denoting sex a new word, *junoosah*, following the same form as *dhukoorah* and *unoothah*, meaning masculinity and femininity respectively. Others, on the other hand, have imported the word 'gender' as it is and added it to Arabic vocabulary.

### Islamic view of "Gender"

What is the Islamic attitude with regard to gender?

Islam draws clear distinction between

three separate areas:

- 1) Biology
- 2) Social and public activity
- 3) The family.

With regard to biology, the distinction between male and female is absolutely clear with regard to genes, anatomy and hormones. In all these we see that a woman is totally different from a man. Femininity in this respect is a bequest given with a whole range of potentials and talents that may be developed or neglected. Here upbringing plays a vital role at the family, local community and society levels.

The gender concept advocates that all biological differences between man and woman are artificial and should be discounted together with all psychological and social differences based on them. Yet human experience shows this view to be wrong, particularly when we look at things from a broad, rather than a narrow perspective. Let us take emotion as an example. It is true that in its origin, the woman's emotions are the same as the man's. But the two are certainly different in the scope of their emotions, in volume, flow and ways of expression of emotion, both in the case of initiation and in that of reception. This state of affairs has led to an unresolved dispute with one party making hard endeavours to deny this fact, asserting that the whole question of emotion is the product of family and social upbringing. The opposite party makes the emotional distinction



between man and woman the basis of a strict division of social roles. According to this party, women should only work in the areas that suit their feminine nature, such as teaching, nursing and medicine. Any employment that requires intellectual activity is deemed 'naturally unsuitable' to women!

Despite the apparent conflict between the two parties, both look at emotion as derogatory, or at least as something lower than intellect. Some see it as a shameful thing that they would love to disown, while others want women to resign themselves to it as their apportioned lot, accepting the role given to them on its basis. But this is a mistaken outlook. Emotion is by no means lower than intellect. New trends in psychological research show that there can be no mature intellectual thought without warm feelings and emotions. The reverse is also true. That women are emotionally different from men does not mean that women have a lower intellectual capacity, with all that entails of role assignment to both men and women. What it means is that a woman differs from a man in the way she looks at things and appreciates them. When we make proper use of this fact, it enriches social activity instead of excluding women from it.<sup>75</sup>

In the second area of social and public activity, the equality of men and women is complete. Distinction may be made only on the basis of equal opportunity and competence. It is unfair that a woman is barred from any

activity she wants to perform and feels able to undertake under the pretext that it is incompatible with feminine nature. The argument to be made is whether this particular activity is suitable to the particular woman who wants to do it, and whether she fulfils its requirements? What is unsuitable for one woman may suit another. A particular activity may not suit a certain woman at a particular period of her life, while it could be highly suitable to her at an earlier or later stage. The same argument applies in the case of a man as well.

Many people cite the Islamic dress code, which is often referred to as the *hijab*, and approvingly or disapprovingly exaggerate its significance. A piece of cloth, one metre in length, dominates our discussions, to the exclusion of more important and constructive issues we need to address. The issue here is that God has ordered both man and woman to work, which means that a woman is allowed to have a regular job, outside her home, but He has made certain rules for her going out, making a distinction between what is appropriate at home and what is appropriate outside. What we need to understand here is that when a man goes out to work, he does so as a human being, not as a male. Likewise, when a woman goes out to work, she should do so as a human being, not as a female.

Thus, when a woman covers some aspects of her femininity, observing a dress code that makes certain requirements, she actually emphasizes

her humanity which becomes the basis of her interaction with society. As such, she demonstrates her absolute equality with man, competing with him on the basis of equal opportunity, personal competence, talent and abilities. If femininity, charm, beauty are allowed into play, then fairness, equality and competence are placed at a great disadvantage.

The detailed dress requirements of both man and woman are made by the local community, provided that, in the women's case, two conditions are met: that a woman should cover her physical charms as appropriate and that her attire should be pleasant. In the Qur'an, God refers to clothes as *zeenah*, which we normally translate as 'adornment or charms', but in this sense means 'smart'. He says in the Qur'an: "*Let them not display their charms except what may ordinarily appear thereof.*"<sup>76</sup> We understand from this that what appears of our clothing should be decent and smart. Such adornment does not mean black or white, but means other colours such as red, green, yellow and blue. Muslim women used to wear such colours during the time of the Prophet.

During the Prophet's only pilgrimage, known as the farewell pilgrimage, he ordered all his companions who were not committed to perform their pilgrimage in the *qiran* method, which combines the pilgrimage and the umrah (i.e. mini-pilgrimage) in performing the same rituals to release themselves from

the state of consecration by performing their duties in the *tamattu'* method, which involves doing the umrah first and then doing the pilgrimage on its own at the appropriate time. This relaxes the restrictions on the clothes they wear, the prevention of using perfume, and some other restrictions. Ali ibn Abi Talib, the Prophet's cousin and son-in-law, was in Yemen and he travelled to join the Prophet on this farewell pilgrimage. When Ali arrived and joined his wife, Fatimah, the Prophet's youngest daughter, he found her wearing a colourful dress and some make up, which is the normal situation. He felt that this was not appropriate as she was on pilgrimage. Hence, she replied to his questions by saying: "My father [i.e. the Prophet] ordered me to do so." He went to the Prophet and reported the incident, but the Prophet told him: "What she said is certainly true."<sup>77</sup>

Another hadith mentions that Subay'ah al-Aslamiyyah gave birth a few days after her husband's death. When she finished her postnatal discharge and purified herself she put on her adornment, hoping to be sought in marriage."<sup>78</sup> Another version of this hadith related by Ahmad mentions that "she used kohl and other forms of make up." Aishah reports a hadith in which the Prophet says in reference to Usamah ibn Zayd, who was very dear to him: "Had Usamah been a girl, I would have adorned her so that she is married."<sup>79</sup> Such was the normal situation which we need to emulate.

It is certainly inappropriate that men and women should appear only in two colours: one sex wearing black and the other wearing white.

Indeed the Prophet and his companions considered a woman's abstention from adorning herself to indicate her dissatisfaction with her marital situation that may result from her husband's failure to fulfil his physical duty. Aishah reports: "Uthman ibn Maz'oon's wife used to wear make-up and perfume, but then abandoned that. She came once to me... and I asked her what was wrong. She said: 'Uthman cares nothing for anything in the world including women.'" Another version of this hadith mentions that "the Prophet met him and said: 'Uthman! Are you not required to follow my example?' When Uthman acknowledged that, the Prophet told him: 'I do this, and I do that... Certainly your wife has rights which you should fulfil.' The woman subsequently came to them wearing perfume, as if she was a bride. When she was asked what happened, she said: 'What happened to other people has happened to us.'<sup>80</sup>

The Prophet established a bond of brotherhood between Salman and Abu al-Darda'. One day Salman visited Abu al-Darda' and found his wife wearing a plain dress. On asking her the reason, she said: 'Your brother, Abu al-Darda' has no use for anything in the world.' When Abu al-Darda' came in, Salman said to him: 'Your Lord has a right against you; and your wife has a right

against you, and your body has a right against you. Give each their rights.' Abu al-Darda' went to the Prophet and mentioned this to him. The Prophet said: 'Salman is certainly right.'<sup>81</sup>

### Men and Women: Complementary bonds

In order to outline women's social and public role we need to refer to the Qur'an and the Sunnah. This will help us in establishing a Muslim's role, male or female, in building life on earth and promoting human society. The first statement we should consider is the Qur'anic verse: "*The believers, men and women, are friends (patrons) to one another: they enjoin what is right and forbid what is wrong.*"<sup>82</sup> The first thing we note is this friendship. Indeed the word 'friends' fails short of conveying the full meaning of the Arabic term *awliya'* used in the verse, which is a bond between all believers, males and females, reflected in their mutual cooperation, solidarity and readiness to help one another in every way. This is clearly explained in the hadith that says: "In their mutual friendliness, compassion and care, believers are like one body: when any organ suffers a complaint, the rest of the body will respond with sleeplessness and fever."<sup>83</sup>

Thus, every Muslim, man and woman, is supposed to bring benefit to their brethren, doing their best to ensure what serves their mutual interests. Islam does not permit that a Muslim, man or woman, should remain idle or negative.

Islam requires every Muslim, male and female, to prove at least once a day, his or her belonging to the Muslim community by undertaking at least one civilized action, which it calls *sadaqah*. By its very connotation, *sadaqah* provides true evidence of the individual's belonging to the civilized Muslim community. Hence, the Prophet says: "*Sadaqah* is a proof."<sup>84</sup> Issuing a general directive to all Muslims, the Prophet says: "It is an incumbent duty for everyone to fulfil a civility (*sadaqah*) every day the sun rises."<sup>85</sup> The Prophet gives a full clarification, indicating the numerous aspects of civility (*sadaqah*) in the Islamic sense. He said: "Among the ways of civility (*sadaqah*) are ... enjoining what is right and forbidding what is wrong; removing a thorn, a bone or a stone from people's passage way; guiding a blind person; helping a deaf or a deaf-mute person to understand; giving directions to someone who wants something you know where to find; rushing to provide help to someone appealing for urgent assistance; helping someone to lift something that is too heavy for him... All these are aspects of civility (*sadaqah*) you bestow upon yourself."<sup>86</sup>

In another version the Prophet says: "Turning to your brother with a smile on your face is a civility (*sadaqah*); enjoining what is right and forbidding what is wrong is a civility; giving directions to someone who has lost his way is a civility; helping a person with poor eyesight through his difficulty

is a civility; removing a stone, thorn and bone from people's pathway is a civility; and pouring water out of your bucket into your brother's bucket is a civility."<sup>87</sup>

In a third version the Prophet says: "Every kind word is a civility; a help provided by one person to another is a civility; a drink of water given to someone is a civility; and removing harmful objects from people's passage is a civility."<sup>88</sup>

With such a long list of civilities, or *sadaqah*, and good actions, we see in front of our eyes a bright picture drawn by the verse that says: "*The believers, men and women, are friends (patrons) to one another: They enjoin what is right and forbid what is wrong.*"<sup>45</sup> We can thus see the importance of all believers, men and women, exercising their duty of enjoining what is right and forbidding what is wrong. This means enjoining what promotes the interests of the individual and the community and forbidding what undermines them. If we add here what we have already said about how this duty should apply in our contemporary world, the image of the good society Islam advocates becomes even clearer, particularly as we broaden the concept of the interests of society.

Muslim women, like Muslim men, are required to fulfil a long list of collective duties, some of which we have already mentioned. It is not by coincidence that faith is frequently linked with good action in the Qur'an. Being a true

believer cannot be based on wishful thinking, but it is something deeply ingrained in one's mind and confirmed by good action: *"It may not accord with your wishful thinking, nor with the wishful thinking of the people of earlier revelations. He who does evil shall be requited for it, and shall find none to protect him from God, and none to bring him support. But anyone, be it man or woman, who does good deeds and is a believer, shall enter paradise and shall not suffer the least injustice."*<sup>89</sup>

First of all, women have a very important role in health education, which is a kind of enjoining what is right and forbidding what is wrong. We have already mentioned some right and wrong practices in the sphere of health, highlighting breast-feeding and immunization as rights and smoking and pollution as wrongs. But the list of rights and wrongs in this area is very long indeed. Women are the ones best qualified to exercise a role of promoting right and combating wrong in the health area.

Similarly important is women's role in nutrition. It is the woman indeed who provides nutrition for the world. It is beyond the scope of this paper to speak about the woman's role in food production, which is vital indeed according to the reports of the UN Food and Agriculture Organization. We only need to refer to her role in choosing her family's food and preparing it in accordance with the best healthy practices. The woman also explains to

others in society the necessary elements of healthy nutrition, and directs them to observe health standards in preparing food, its safety and proper storage. More important than all this is the woman's role in ensuring that her children develop healthy food habits.

Women play a leading role in children's immunization. May I cite the case of Afghanistan as an example. We in the World Health Organization only needed to broadcast through the radio an invitation to Afghan women to bring their children for immunization. These Afghan women, who are often wrongly described as backward, responded in a way none of us could have expected. They came in large numbers, bringing their children to immunization centres, so that the coverage ratio was soon on a par with developed countries, despite the fact that Afghanistan was still in a state of war.

It is often the woman that ensures the provision of drinking water for her family. She often has to carry water for long distances. She also trains her family to observe proper standards of hygiene and waste disposal.

Moreover, it is women who provide care for other women who are pregnant and breast-feeding and take care of young children. They are the ones who provide first aid when children are involved in accidents, and decide whether she or anyone in her family should have recourse to health services.

Furthermore, it is the woman who

undertakes the management of treatment of numerous cases of ill-health that may not need to be referred to a doctor, such as headaches, constipation, diarrhoea, throat infection, colds, slight temperature, etc. She is the one who takes the necessary precautions to protect other family members and prevent further infection.

She is the one who administers medication to her sick family members, and ensures that medicines are kept away from heat and dampness, and out of the reach of children.

She does all this, but we have not mentioned anything about the woman's role as a doctor, nurse, health visitor, or professional worker in a health center or facility.

### **Islam and the West: Agreements and disagreements**

Many a well meaning person feel worried that when women undertake this sort of social activity God requires her to do, they actually imitate others whose societies suffer from loose morality and social disintegration. To these we will quote Imam Ibn Taymiyah who says: "What we are forbidden is to imitate them in such things as were contrary to the practices of the early Muslim generations. What those generations did is perfectly acceptable, whether such people do or omit to do it. We must not refrain from doing what God has ordered simply because unbelievers do it."<sup>90</sup> A similarly valuable remark is stated by Imam al-

Izz ibn Abd al-Salam: "The order not to follow the unbelievers' example is limited to those of their practices that are in conflict with our faith. As for their practices that are in agreement with what is required, encouraged or permitted in our faith, these we cannot omit because they do it. Islam does not forbid us to emulate those that do what God has permitted."<sup>91</sup>

It is not to be assumed that when a woman undertakes a job in her home or community, this is bound to be at the expense of her children's upbringing. The practice of Muslim women during the Prophet's lifetime indicates otherwise. Asma' bint Abi Bakr says: "Al-Zubayr married me when he had no property, slave or anything in the world other than a camel used for carrying water, and his horse. I used to feed his horse, fetch water, mend his pail, and make the dough... I also carried over my head date stones from the plot of land the Prophet gave him, which was a long distance (nearly 3 kilometres) from where I lived... Then my father sent me a servant to take over feeding the horse. It was as if he freed me from slavery." She, a noble companion of the Prophet, did all this work. Can anyone suggest that because of her work she neglected the upbringing of her two sons, Abdullah and Urwah?<sup>92</sup>

### **Men, Women and Family**

The family, which is the third area Islam distinguishes in its attitude to the gender issue, is the basic unit of society. If it is sound and wholesome,



the society is stable and strong. This basic social unit begins to take shape with marriage, which is a tradition laid down by God's messengers. God says: "*We have indeed sent messengers before you and given them wives and offspring.*"<sup>93</sup> Prophet Muhammad has encouraged marriage and enjoined his followers to be married, saying: "Marriage is part of my tradition. Whoever abandons my tradition does not belong to me."<sup>94</sup> Addressing the young among his community, the Prophet said: "O you young people! Whoever of you has the wherewithal should get married."<sup>95</sup> Perhaps it should be explained that the address is made to all young people, men and women, and that 'the wherewithal' includes physical, psychological and financial ability.

According to Islam, marriage is not merely an individual duty; it is also a duty of the Muslim community. God addresses the Muslim community saying: "*Marry the single from among you.*"<sup>96</sup> However, Islam requires those who are unmarried to preserve their chastity until they are able to get married: "*As for those who are unable to marry, let them live in continence until God grants them sufficiency out of His bounty.*"<sup>97</sup> The point here is that Islam considers choosing celibacy and refusing to facilitate marriage a means leading to corruption. This is clear in the hadith that says: "If someone whom you find acceptable with regard to his strength of faith and trustworthiness comes to you seeking marriage, accept

his marriage proposal. Unless you do, there will be oppression on earth and much corruption."<sup>98</sup>

This basic social institution, the family, is given important status and viewed in high regard. Thus, it is regulated through a formal contract, or pledge which God describes by saying: "*They (i.e. your women) have received from you a most solemn pledge.*"<sup>99</sup> In reference to the marriage contract, the Prophet says: "Fear God in your treatment of women; for you have taken them according to God's trust."<sup>100</sup> This contract is regulated with well defined conditions in accordance with clear and definitive laws. It remains, however, a simple contract that is free of complication. The Prophet said to a certain man: "Do you agree that I marry you this woman?" [The Prophet named her.] When the man agreed, the Prophet asked the woman whether she agrees to marry the man, and she expressed her consent. He married them, and the man consummated the marriage.<sup>101</sup>

With the importance Islam attaches to the family, it takes all necessary measures to ensure its success from the physical, psychological, social and sexual points of view.

Islam first defines the desirable qualities of a Muslim wife. The Prophet says: "A woman may be sought in marriage for any of four qualities: faith, lineage, wealth and beauty. Make sure to choose the woman with faith."<sup>102</sup> The Prophet does not undervalue beauty, wealth or lineage, but he simply emphasizes the

importance of the central quality, i.e. faith, without which all else becomes valueless. The Prophet says: "The best of your women is the one who is friendly, gives you children, comfort you when you are in distress, and responds to your needs".<sup>103</sup>

Hence, Islam stipulates that a woman should have the freedom to choose her husband and forbids marrying a woman to any man against her will. The Prophet says: "A woman without a husband must not be married unless she gives her consent, and a virgin girl cannot be married unless she gives her permission."<sup>104</sup> Khansa' bint Khidam of the Ansar reports that her father "married her against her will while she had been married before. She complained to the Prophet, and he annulled the marriage."<sup>105</sup>

In order to ensure the success of the marriage, Islam encourages that a man should see the woman he proposes to marry. It does not like choosing a wife without first looking at her. The Prophet said: "If any of you proposes to marry a certain woman, and he can see of her what encourages him to proceed with this marriage, he should do so."<sup>106</sup>

Islam also prefers that the age gap between the couple should not be too wide. On separate occasions "both Abu Bakr and Umar proposed to marry Fatimah, the Prophet's daughter, but he said to them: 'She is too young.' When Ali ibn Abi Talib made a similar proposal, the Prophet sanctioned her marriage to him."<sup>107</sup>

Another important safeguard is to ensure the health of one's offspring. This begins with choosing a good and suitable marriage partner, in fulfilment of the Prophet's directive: "Make a good choice for your offspring."<sup>108</sup> Needless to say, this is something that changes with time so as to make use of the best means to make such a good choice, including the latest medical tests and scientific methods.

### Love and Sexual relations

Now we need to ask how does Islam view the sexual relation between husband and wife?

There is no doubt that the continued survival of mankind is one of the essential aims of Islamic law. This is achieved through reproduction within the legal framework of marriage. Thus, child bearing is an important aim of marriage, as indicated in the hadith that quotes the Prophet as saying: "Marry the one who is friendly and who gives you children."<sup>103</sup> There is, however, another aspect of marriage to which Islam attaches much greater importance, namely legitimate sexual pleasure.

Islam elevates sexual relation between husband and wife very highly so as to make it earn reward for the married couple in the same way as worship. The Prophet says: "Even in sex you have an act of *sadaqah*." People asked: "Messenger of God! Are we to be rewarded for the fulfilment of our sexual desire?" The Prophet said: "Is it



not true that when someone uses it in a forbidden way, he incurs a punishable sin? Likewise, when he uses it in a legitimate way, he earns a reward.”<sup>109</sup>

It should be remembered that when God made fasting obligatory on believers, He initially required them to abstain from sex if they sleep, even for a short while, after they had ended their fast. Many of the Prophet's companions, however, found that too hard. Therefore, God revealed the verse that relaxes this rule, stating: *“It is lawful for you to be intimate with your wives during the night preceding the fast. They are as a garment for you, as you are for them. God is aware that you have been deceiving yourselves in this respect and He has turned to you in His mercy and pardoned you. So, you may now lie with them and seek what God has ordained for you.”*<sup>110</sup> It is clear that the Prophet's companions did not deceive themselves in order to have children. This is something that could easily be postponed. They did so for the satisfaction of the sexual urge and to have pleasure. This is a very strong motive, well entrenched in human nature, as evidenced by the Qur'anic verse that says: *“Alluring to man is the enjoyment of worldly desires through women.”*<sup>111</sup> God graciously responded to them and allowed them sexual intercourse during the night of any fasting day.

Islam has taken every care to ensure that marriage should be successful in meeting the couple's sexual needs. Jabir

reports that the Prophet once asked him: “Have you got married?” When he answered in the affirmative, the Prophet said to him: “When you want to approach your wife, be gentle.”<sup>112</sup> Here we see God's messenger as “a great educator instructing a newly married young man to be gentle with his wife, resorting to pleasant methods and foreplay, and not to take his wife by surprise.”<sup>113</sup>

Islam also encourages foreplay, flirtation and gentle arousal before intercourse.

In recognition of the strength of the sexual urge, the Prophet says: “When a man wants to take his wife to bed, she must positively respond.”<sup>114</sup> It is clear that the situation is true in reverse: a man should fulfil his wife's desire when she makes an express or implicit indication, as God states: *“Women shall, in all fairness, enjoy rights similar to those exercised against them.”*<sup>115</sup> Indeed Islam encourages positive response to the sexual desire whenever there is need for that. The Prophet says: “If any of you sees a woman and feels sexually attracted to her, let him go to his wife and make love to her.”<sup>116</sup>

Mutual love and compassion are essential elements in the relation between man and wife. God says in the Qur'an: *“And among His signs is that He creates for you spouses out of your own kind, so that you might incline towards them, and He engenders love and tenderness between you.”*<sup>117</sup> *“It is He who has created you all from*

*a single soul, and out of it brought into being its mate, so that he might incline with love towards her.”*<sup>118</sup>

This relationship is founded in the moral dimension of Islam which is reflected first and foremost in love and tenderness. Besides, Islam lays strong emphasis on love. Can we imagine that God in His glory descends to the level of man so as to allow a love relationship to flourish between them? In reference to believers, God says: *“He loves them and they love Him.”*<sup>119</sup> The Prophet considers the first sign that a certain person is a true believer: “that God and His messenger should be dearer to him than anyone else.”<sup>120</sup> In the Qur’an God bids the Prophet to say to all people: *“If you love God, then follow me and God will love you.”*<sup>121</sup> Such mutual love and intimate relationship which are often overlooked by most people is the essence of the relation between man and God. Christianity expresses it by saying: “God is love.” Among true believers, this love penetrates everything. God bestows His grace on His servants, particularly those who love Him and follow the light and guidance He has revealed, establishing and furthering a bond of love between them all, as He says: *“As for those who believe and do righteous deeds, God will certainly bestow love on them.”*<sup>122</sup> “In their mutual friendliness, compassion and care, believers are like one body.”<sup>83</sup>

Thus, love between husband and wife is greatly important, although many overlook this fact. While love and

mutual inclination are the predominant feelings when they are young, as they grow older, tenderness and compassion take over: *“He creates for you spouses out of your own kind, so that you might incline towards them, and He engenders love and tenderness between you.”*<sup>123</sup>

It is this tenderness that makes each of them easily handle all the faults and stupidities of the other in old age.

All these concepts are solidly established in this bond which ties the couple together. This is what makes the family the essential institution of society. Therefore, when one of them is unfaithful, the crime committed is in no way less than high treason. This is the reason why Islam punishes adultery with death by stoning. At the national level, high treason is a crime punished by the death penalty. By the same token, high treason at the family level is a similarly serious crime.

### Safeguards

To ensure stability of the delicate institution of the family, God speaks of three safeguards. The first is the strong emphasis that men should always take full care of women. Many are the hadiths that enjoin that, such as:

- “Take good care of women.”<sup>124</sup>
- “Fear God in your treatment of women.”<sup>125</sup>
- “I strongly urge you to give their full rights to the two weaker elements: the orphan and the woman.”<sup>126</sup>
- “The best of you are those who are

best to their women.”<sup>127</sup>

- “The best one among you is the one who is best to his wife, and I am the best of you to my wives.”<sup>128</sup>
- Umar ibn al-Khattab reported: “... We, the people of Quraysh, used to have the better of our women. When we immigrated to Madinah and lived with the Ansar, we found that their women had the better of them. Our women began to learn some of the ways of the Ansari women. One day I spoke hard to my wife and she objected to me. I was amazed that she should object to me. She said: ‘Why do you wonder that I should object to you? By God, the Prophet’s wives object to him sometimes...’”<sup>129</sup>  
In commenting on this hadith, Ibn Hajar says: “This hadith makes clear that harsh treatment of women is unacceptable, because the Prophet adopted the Ansar’s gentle way of treating their women in preference to his own people’s way.”<sup>130</sup>

The second safeguard is what is known as ‘the bounds set by God’, which He has set so that no one should transgress or even come close to them. We frequently come across this expression in the Qur’an, as in: “*These are the bounds set by God, so do not come near them.*”<sup>131</sup> “*This, so that you might prove your faith in God and His Messenger: Now these are the bounds set by God.*”<sup>132</sup> “*These are the bounds set by God, so do not transgress them.*”<sup>133</sup> “*These are the bounds set by God. Whoever transgresses the bounds*

*set by God does indeed sin against himself.*”<sup>134</sup> This means that God has set for us the guidelines and set for us the limits that we must keep within, but He gave us the freedom to choose concerning details.

The third safeguard to ensure keeping the family on an even keel is immediate intervention whenever it is ‘feared’ that something might go seriously wrong. About the privilege of marrying more than one wife, the Lord of all the worlds says: “*You may marry of other women as may be agreeable to you, two or three or four. But if you fear that you will not be able to maintain fairness between them, then marry only one.*”<sup>135</sup>

We see here that a mere suspicion that transgression may occur denies the person concerned this privilege, because the matter is too serious to be left until we make certain. God also says: “*... If you have cause to fear that they would not be able to keep within the bounds set by God, it shall be no offence for either of them if she gives up whatever she may in order to free herself.*”<sup>136</sup>

In other verses He says: “*If a woman has reason to fear ill-treatment or desertion by her husband, it shall not be wrong for the two of them if they should try to set things peacefully to rights between them; for peace is best.*”<sup>137</sup> “*If you have reason to fear that a breach may occur between a (married) couple, appoint an arbiter from among his people and an arbiter from among her people.*”<sup>138</sup> Verses speaking in similar terms are in plenty.

Such is the proper relationship that we should promote and maintain between the two sexes, keeping always in mind that the divine address in the Qur'an, as also by the Prophet, is always made equally to both, unless a clear indication makes it otherwise. To my mind, this must always be kept in front of our eyes as we try to define the status of women in Islam and assign to them their role in the family and in society. A woman has a social role that enables her to enjoin what is right and forbid what is wrong: *"The believers, men and women, are friends (patrons) to one another: they enjoin what is right and forbid what is wrong."*<sup>45</sup> We should also reflect on how she could be empowered to fulfil her political role in the best possible way? How has Islam guaranteed her economic independence, giving her

full authority over her money and property: *"Men shall have a benefit of what they earn and women shall have a benefit of what they earn."*<sup>139</sup> *"Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind; whether it be little or much. It is an apportioned share."*<sup>140</sup> This equality, which is full and complete in principle, may take different ways in certain details so as to make it equitable equality. We need to study all this and reflect on it in a proper way so as to grasp the profound concepts it lays down to ensure what is best for mankind in all situations, whether easy and comfortable or hard and difficult.

God always says the truth, and to Him we look for guidance.

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# GENDER:

## Some Concepts From An Islamic Perspective

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**Omar Hasan Kasule\***

### **Introduction**

This paper introduces and discusses some basic concepts on the gender issue. These concepts will be the basis for a subsequent article analyzing Islamic legal provisions that assure rights and obligations of the 2 genders while at the same time assuring gender equity.

### **Gender identity**

Gender identity is self-recognition as a male or a female. It may coincide or not coincide with biological gender. The biological basis for gender identity exists at birth in most people in the form of distinct external genitalia. Both physiological and social factors contribute to formation of a definitive gender identity. By the age of 7 basic gender identity is established and is difficult to modify later. Issues of gender identity become more complicated in cases in which the biological gender is ambiguous.

### **Gender awareness**

Gender awareness develops very early in children. Sexual awareness develops towards puberty. Innate knowledge or awareness of gender is reinforced by the child's observation of anatomical and behavioral differences between men and women. Socialization also plays a role in strengthening gender awareness.

### **Gender-based roles**

Islamic teachings and most traditional societies assign gender-based social roles as a form of efficient labor division in society. Many animal societies have also been observed to accept gender-based roles. The acceptance of gender roles as a norm has been predominant for millennia until it was disputed by modern European secular culture. However this culture has inconsistency in its ideas about gender and equality. Insistence on exactly the same roles for men and women is biologically and socially illogical. Roles of men and women cannot be exactly the same because males and females are different. Treating dissimilar persons in the same way enhances and does not relieve inequality.

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### Gender parity

For proper functioning of human and animal societies, it was necessary to have gender parity. The Qur'an has taught the issue of parity as a general phenomenon in creation. Parity in gender, *zawjayn*, with emphasis on complementary relations between males and females is just one example of parity found in other living and non-living things. We will subsequently discuss issues of equity, equality, justice, and division of labor that are associated with parity.

### Gender balance

On the demographic level, there should exist equal numbers of males and females. This is maintained in a normal social setting. In abnormal situations the balance may be lost leading to social problems. One of the signs of the impending Last Day, *yawm al qiyamat*, will be gender imbalance with too many women for few men<sup>1</sup>. This will be associated with many evils including fornication<sup>2</sup>.

### Gender distinction

Allah created 2 different and distinct genders as a pair<sup>3-5</sup>. The male is different from the female<sup>6</sup> although ultimately both are from the same source<sup>7-10</sup>. Each gender is encouraged to maintain its biological, psychological, emotional, and social identity. This is for the purpose of facilitating and regulating relations between the two genders for the good of the whole society. Parity, *zawjiyyat*, is a basic phenomenon of creation that requires that men and women complement one another each bringing to the relationship unique

features of the respective gender identity. This complementation would be meaningless if the two genders lost their separate identities

### Blurring gender distinction:

Islamic Law considers any blurring of the gender distinction between males and females as highly undesirable. This applies to the way of dressing, talking, behaving and socializing. Effeminate men must not be allowed to enter homes<sup>11</sup>. Severe condemnation is reserved for men who try to appear like women, *mukhannath*, and women who try to appear like men, *mutarajjil* and those who try to resemble the opposite gender, *mutashabihiin* and *mutashabihaat*<sup>12-13</sup>. The Law specifies acceptable clothing and other bodily ornamentation for men and women. Men are forbidden from wearing silk<sup>14</sup> or gold<sup>15</sup>.

### Gender discrimination:

All human societies have been guilty of some degree of gender discrimination. In the pre-Islamic era, *jahiliyyat*, there was despise for females. There was preference for male births and hatred for females; parents were sad on birth of a daughter and infant daughters were considered a blemish<sup>16</sup>. They were buried alive, *wa'ad al banaat*<sup>17</sup>. Women were inherited as goods<sup>18</sup> and were denied the good things of life<sup>19</sup>.

### Gender in the Qur'an:

The Qur'an has many verses that relate to the gender issue; we will here discuss only some of them. Males and females are from the same creation<sup>20</sup>. Males



and females are allies of one another<sup>21</sup>. Males and females get equal reward for work that they do<sup>22</sup>. Women made the pledge of allegiance to the Prophet just as men did<sup>23</sup>. This reaffirmed their equal participation in the political affairs of the Muslim state. The testimony of one woman is equal to that of one man in accusations of marital infidelity<sup>24</sup>. Like men some women are good and others are not. The Qur'an gave the wife of Pharaoh and Mariam as examples of god women<sup>25</sup>. It gave the wives of Nuh and Lut as examples of bad women<sup>26</sup>.

### **Gender in the sunnah:**

There are many ahadith that provide a glimpse on the gender issue and we will quote a few. Women like men should be allowed to attend masjid<sup>27</sup>. They used to attend fajr prayers in the Prophet's mosque<sup>28</sup>. They were allowed in the mosque at night<sup>29</sup>. The Prophet ﷺ set aside a special time for teaching women<sup>30</sup>. Women pledged allegiance to the prophet just as men did<sup>31</sup>. Women participated in war side by side with men<sup>32</sup>. Women can go out of their houses to fulfill their needs<sup>33</sup>. Despite many equal or similar challenges and responsibilities, women should not behave like men because they are different.

### **Islam and the woman's rights and obligations**

Islam has emphasized gender identity while rejecting all forms of discrimination against the woman on the basis of her gender. The Qur'an makes it clear that both Adam and Hawa were misled<sup>34</sup>. They both sought forgiveness from Allah<sup>35</sup>. In 2

verses it is Adam and not Hawa who is mentioned as seeking forgiveness<sup>36-37</sup>. Human sexuality could be a cause of corruption. Women because of their sexual attractiveness can be a source of temptation. This has been misunderstood as derogatory to the moral standards of women. In practice it is men who are more often the active or aggressive party in sexual corruption and should take the blame. Any situation of corruption involves both a man and a woman and both are morally guilty. Islamic Law equalizes their guilt and their punishment<sup>38</sup>. In the same way Islam equalizes their reward for good work<sup>39-43</sup>. Men can also be a sexual attraction as the Qur'an tells us in the story of Yusuf ﷺ. His beauty was a temptation for women<sup>44</sup>.

### **Gender as a non-Issue if Islamic Law is applied:**

Gender is a subject of contemporary controversy and intellectual debate for which Islamic Law has adequate solutions if properly applied. From the Muslim perspective, behavior and practice of many Muslim societies is at variance with the correct and original Islamic teachings. Stereotyping makes it difficult to discuss gender issues logically because observations of deviant practices by some Muslims are seen as if they represent Islamic teachings. The issue of gender seems very clear from the Islamic perspective but even some Muslim intellectuals have been confused when they discuss gender from a defensive perspective following attacks by Europeans on certain practices in Muslim societies.

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# STATUS OF WOMEN

## In Jewish, Christian and Islamic Religious Texts: A Comparative Analysis

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**Kamel Ajlouni\* & Aly Misha'el**

### **Abstract**

Since the dawn of human life on Earth, in almost all cultures of the world, women had been exploited mainly because they were the weaker sex in respect of their physique and that had culminated in disastrous and long lasting tragic human exploitation of the so called inferior sex.

Even philosophers and thinkers like Aristotle, Plato and several other ancient and medieval thinkers had been instrumental, through their philosophy and writings, in perpetuating more injustice against women in society over time.

The Judaeo-Christian religious outlook on women, as clearly portrayed in the book of Genesis, and subsequently in Jewish and Christian theology and way of life, had in effect entrenched views that represent an affront to the dignity, human rights and social status of women.

In the Bible, we read that Eve was created from the rib of Adam, a concept that renders women subservient to men, an aberration from what is normal. Moreover, women, represented by the first woman (Eve), were considered to be the origin of sin and evil in Judaeo-Christian theology.

She was firmly accused of conspiring with the devil to bring about the fall of Adam. St. Paul emphasized that the devil was unable to beguile Adam, who was created in God's image. The devil was successful to do so through Eve. Women therefore deserved divine anger and punishment, which extended throughout human history on Earth.

These notions have no relevance in Islam. The Qur'an and Hadith state clearly that both man and woman were created from a single living entity and the same soul evolved to become Eve on the one side and Adam on the other.

The concept of original sin of the woman has absolutely no basis in the Qur'an or Hadith. In fact, most Qur'anic texts primarily touch upon Adam's responsibility. Although some texts allude to mutual Adam-Eve responsibility, they categorically state that forgiveness was extended to both Adam and Eve by their Creator.

This article presents a comparative analysis of the status of women and other gender related issues in Jewish, Christian and Islamic texts with the aim of filling the paucity of analytical comparative studies of the status of women in various religions.

**Keywords:** *Women equality, Book of Genesis, Original Sin, gender.*

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## Introduction

Over the past decades, we have witnessed continuous and systematic campaigns directed against Islamic civilization and principles, concentrating primarily on the status of women in Muslim societies.

Various media, forums and publications were used to project distorted views of the status of Muslim women in family relations, social, economic and political structures.

In view of the fact that there is significant paucity of analytical and comparative studies that tackle women status in other religions, including Judaism and Christianity, it is imperative to analyze the dignified status of women in Islamic jurisprudence, scrutinize non-Islamic cultures and ways of life from genuine Islamic principles. This article will hopefully provide proper understanding of the Islamic stance on the various aspects of the status of women, and dispel the continuous unfair campaigns against Islamic civilization and principles of human rights, dignity and justice.

## JUDAISM AND WOMEN

In authentic Jewish texts, there are clear verses that incriminate (the woman) as the origin of sin and evil since the initial stages of humanity.

The woman (Eve) had been held responsible for seduction and beguiling Adam to eat from the forbidden tree, in disobedience of the Creator who instructed them to avoid it. Eve, therefore, brought upon herself, Adam and the whole human race, the anger of God, which resulted in perpetuating humankind's eternal misery and agony.

Judaism subscribes to the view that God imposed eternal punishment on women through the pangs of pregnancy and delivery. Man, on the other hand, was also punished by eternal hard work and heavy manual strife to sustain human life.

Jewish tradition and culture had been deeply entrenched by a remarkably narrow view of women and their status

in society, which persistently and systematically degraded their status at various levels. Some examples in this connection are worth mentioning.

In the Book of Genesis <sup>(1)</sup> we find a conversation between the serpent (the devil) and the woman (Eve):

*Then the serpent said to the woman, "You will not surely die (if you eat of the fruit from the forbidden tree), for God knows that the day you eat of it, your eyes will be opened, and you will be like God, knowing good and evil."*

And the conversation continued between the serpent and the woman (Eve), with no involvement of the man (Adam), until *both Eve and Adam opened their eyes and realized they were naked, and they sewed fig leaves to cover themselves, and the Lord addressed them. "Have you eaten from the tree of which I commanded you that you should not eat? And the man (Adam) responded: "The woman whom*

*You gave to be with me, she gave me of the tree, and I ate."*

*"And the Lord God said to the woman: "What is this you have done?" The woman said: "The serpent deceived me and I ate."*

*"And the Lord God addressed the woman: "I will greatly multiply your sorrow and your conception, in pain you shall bring forth children, your desire shall be for your husband and he shall rule over you."*

*"Subsequently, the Lord God addressed Adam, "Because you have heeded the voice of your wife, and have eaten from the tree of which I commanded you.... Cursed is the ground for your sake, in toll you shall eat of it all the days of your life. Both thorns and thistles it shall bring forth for you, and you shall eat the herb of the field. In the sweat of your face, you shall eat bread..."*

### **Women's Impurity**

The issue of the impurity of women and their un-cleanliness was widely addressed in Jewish texts. During a woman's life, extended times of impurity prevail throughout her reproductive life. In what follows below are few examples from the book of Leviticus <sup>(2)</sup>:

*"Then the Lord spoke to Moses, saying: "Speak to the children of Israel, saying: (If a woman has conceived, and borne a male child, then she shall be unclean seven days....)"*

*"She shall then continue in the blood of her purification thirty three days. She shall not touch any hallowed thing, nor*

*come into the sanctuary until the days of her purification are fulfilled."*

This period of un-cleanliness is doubled when the newborn is a female child.

What is noteworthy is the marked difference between the impurity produced by female and male babies. If the baby is a female, the mother's period of defilement was exactly double that of giving birth to a male baby.

*"Moreover, when the days of her purification are fulfilled, she shall bring to the priest a lamb of the first year as a burnt offering, and a young pigeon or a turtledove as a sin offering ...."*

In chapter 15 of the Book of Leviticus <sup>(3)</sup>, the impurity of women is manifested: *If a woman has a discharge, and the discharge from her body is blood, she shall be set apart seven days, and whoever touches her shall be unclean until evening."*

*"Everything that she lies on during her impurity shall be unclean, also everything that she sits on shall be unclean."*

*"Whoever touches her bed shall wash his clothes and bathe in water, and be unclean until evening."*

*"And whoever touches anything that she sat on shall wash his clothes and bathe in water, and be unclean until evening."*

*"And if any man lies with her at all, so that her impurity is on him, he shall be unclean seven days, and every bed on which he lies shall be unclean."*

Some excerpts from the Talmud <sup>(4)</sup> may shed more light on some Jewish notions in this regard:

- A Jewish man must start his day by thanking God for three favors:

First: That he is Jewish. Second: That God has not created him as a woman. And third: That he is not one of the others (*goyim* or Gentiles).

- The words of the Torah are better burned rather to be handed over to a woman.
- *Goyim* (Gentiles), slaves, women, homosexuals and youngsters: Their testimony (in court) is not accepted.
- Praise be to God Who had not created me as a woman.
- Eve was created and with her Satan (the devil) was created.
- A woman, who abstains from performing her duty, must be forced to do so, even by using a whip.
- “ .... Nor is a man allowed to pass between two of these three: A dog, A palm-tree or a woman”<sup>(5)</sup>
- The Talmud prohibits women from joining Talmudic schools, or becoming ordained Rabbis.

As stated in the Jewish Encyclopedia<sup>(6)</sup>, the prohibition is ascribed to two reasons:

First: Women education was never recommended in Judaism.

Second: Women, in their view, have inferior mind and thinking.

- Females were excluded from all rights of inheritance in ancient Jewish law, while the Mosaic Law gave the inheritance to the daughter or daughters when there were no sons, and to sisters or paternal aunts when there were no brothers.<sup>(7)</sup>
- Some of the Jewish text Halacha<sup>(8)</sup> rulings:
  - The woman is owned by the man.
  - Man only has the right of divorce.
  - Following death of a husband, his wife must be married to his brother. And in case this brother was a minor, the wife has to wait until the minor becomes a legal adult.<sup>(9)</sup>
- In the Jewish Encyclopedia, Old Testament and the Talmud, we find that the father can sell his daughter into bondage, if she is under the age of puberty<sup>(10-12)</sup>, but a woman may not sell her daughter.

### Polygamy

In Judaism, there is no ceiling on the number of wives a man is allowed to marry. It is noteworthy that King Solomon had 700 wives, in addition to 300 women slaves.<sup>(13-15)</sup>

Contemporary polygamy is still practical in Israel by Orthodox Jews until the present time.<sup>(16,17)</sup>

## Divorce

In Judaism, divorce is totally in the hands of men. A man has the complete freedom to divorce his wife for reasons such as: Seeing a more attractive woman, or if the wife commits mistakes in running home affairs.

Women are deprived of the right to divorce, even when it is established the husband is infertile or had committed adultery. This is also extended to situations when the wife hates her husband, and when he suffers from disfigurement, shape aberrations or illness.<sup>(18,19)</sup>

## Sexual relations

In Judaism there are other areas of injustice which are demeaning to the status of women as exemplified in the following texts: <sup>(20)</sup>

- A man may do whatever he pleases with his wife (during intercourse): A parable of meat which comes from the abattoir may be eaten salted, roasted, cooked or seethed, so with fish from the fishmonger.
- A woman once came before Rabbi and said: "Rabbi! I set a table before my husband, but he overturned it." Rabbi replied: "My daughter! The Torah hath permitted thee to him. What then can I do for thee?"
- A woman once came before Rabbi and complained, "Rabbi! I set a table before my husband, but he overturned it". Rabbi

replied: Wherein does it differ from a fish?"

## Sex with children by Talmud Rules

Under Talmud law grown men may have sexual intercourse with children.<sup>(21)</sup>

Sex with girls younger than three years old is also permitted!.<sup>(21)</sup>

## Homosexuality

Jewish Law permits homosexuality if the passive partner is younger than nine years old, but homosexuality between adult men is punishable by death.<sup>(22)</sup>

## Prostitution

In the Talmud there is no clear prohibition on prostitution. A harlot's hire is permitted, provided the payments or gifts are separated from the act of intercourse.<sup>(23,24)</sup>

Over the years, many of these original Jewish views and regulations have been subjected to modifications and alterations under influence of modernization, social and political developments.

Some verdicts, however, are still functional until the present time. An example of that in Orthodox Judaism is the civil code, ruling # 2731 in the year 1953<sup>(25)</sup>, which imposes on a woman, whose husband has died, to be forced to marry his brother, unless she had male children from the deceased.

In contemporary western life, many reforms of Jewish traditions have been made which are in contradiction to the original texts.

Reform Jews went as far as considering Judaism as an ethical concept, just like

other religions, and thereby abandoned strict interpretations of many issues related to women. Women have been allowed to become priests. Homosexuals received tolerance or even respect. Other parallel changes continued to evolve which are similar to contemporary worldwide waves of liberalism.

### **WOMEN STATUS IN CHRISTIANITY**

As in Judaism, incrimination of women continued in Christianity. Women were looked upon as the origin of sin and evil. There was continued condemnation of Eve for her having swayed Adam to disobey the Creator, and thereby both were expelled out of Paradise as an eternal punishment.

This concept formed the basis of many positions and statements that marked the history of Christianity.

Until the early years of the 21<sup>st</sup> century, few Christian faith groups allowed women to be ordained as ministers and pastors.

The Roman Catholic and Orthodox Churches, generally still exclude all women from the clergy because of their gender, irrespective of qualifications or talents.

In religion institutions women were not allowed to be placed in positions of authority over men. <sup>(26)</sup>

Women's roles are restricted as women were restored to their former inferior status as seen in the Hebrew scriptures (Old Testament). <sup>(27)</sup>

Women roles in Church, as well as at

home, were markedly reduced, as evident from the following texts:

"Let your women keep silent in the churches, for they are not permitted to speak, but they are to be submissive, as the law also says". <sup>(28)</sup>

"And if they want to learn something, let them ask their own husbands at home, for it is shameful for women to speak in Church". <sup>(29)</sup>

"Wives, submit to your husbands, as to the Lord. For the husband is the head of the wife..." <sup>(30)</sup>

".... Just as the church is subject to Christ, so let the wives be to their own husbands in everything". <sup>(31)</sup>

"And I do not permit a woman to teach or to have authority over the man, but to be in silence" <sup>(32)</sup>

"For Adam was formed first, then Eve" <sup>(32)</sup>

"And Adam was not deceived, but the woman being deceived, fell into transgression" <sup>(32)</sup>

The original concept that considered women as the origin of sin has led to the principle that sexual relationships are unfavored and disgusting acts, even within the legal marriage framework.

Some earlier pioneer Christians have long advocated castration as means of self purification, to honor God:

"Blessed is the castrated whose hands committed no sin, whose minds entertained no evil thinking related to the Creator... for he will be rewarded for his purity with great favors, and most



tasteous share in God's Temple" <sup>(33)</sup>:

"... Blessed are the barren, wombs that never bore, and the breasts that never nursed." <sup>(34)</sup>

"... There are eunuchs who have made themselves eunuchs for the Kingdom of heaven's sake. He who is able to accept it, let him accept it" <sup>(35)</sup>

### **Women impurity**

As in Judaism, women were considered unclean and impure during their menstrual periods.

Pregnancy is considered a God-ordained punishment to the woman, and atonement for her role in the "original sin".

Women were considered impure and unclean for 30 days after delivery. In original Orthodox Christianity, women were absolutely barred from entering the Church, prior or after child birth.

### **Sex in Christianity**

As mentioned above, during the early centuries of Christianity, the prevailing outlook to women and sex was characterized by advocating chastity, abstinence from sex in pursuit of spiritual purity and abandonment of worldly pleasures. Sexual relations were looked upon as demeaning and despicable, while abstinence was looked upon as paragon.

Even marriage, pregnancy and child delivery were barely accepted and considered as human weakness and as succumbing to worldly instincts.

Within legal marital relations there was a tendency to limit sexual relations during most days of the week: <sup>(36)</sup>

Sunday was considered to be the day of steadfastness.

Monday was considered as the day of the ascendance of the Spirit.

Thursday was considered as the day when Jesus was arrested.

Friday was considered as the day when Jesus was crucified.

Saturday was exclusively in respect to Virgin Mary.

Only Tuesdays and Wednesdays were left for married people to satisfy their sexual desires and instincts.

Sex acts were also banned within 40 days prior to Easter, prior to Christmas, 3 days prior to menstrual period, during pregnancies and during any period of repentance.

With variable degrees of compliance, these concepts were adhered to throughout the Middle Ages, with many examples of non-compliance, especially by men.

The Church continued to cling to the long-held concept of sex as a sin, and that the only motive for engaging in sex was for reproduction within the bondage of marriage.

### **Divorce in Christianity**

The original concept of banning divorce stems for the principle:

(What God has joined together let not man separate). <sup>(37)</sup>

In the original texts of Christianity, we come across the following question that was posed to Jesus by the Pharisees <sup>(38)</sup>: Can a man divorce his wife? "Why then

did Moses command to give a certificate of divorce, and to put her away?”.

Jesus said: “Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so”.

And Jesus concluded: “ And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery: and whoever marries her, who is divorced, commits adultery”<sup>(39)</sup>

These concepts have been deeply entrenched into Christian consciousness and behavior. Absolute chastity and abstinence from marriage were strongly looked upon as a gold standard for proper ethical behavior. Marriage was looked upon as an unavoidable evil.

This line of thinking has persistently led to serious deterioration of women status in Christian mind, at all levels, and has prevailed for long dark centuries, until the era of the Renaissance, when Christian Europe decided to do away with religious commitment and to practically “shelve” the Church’s impact on the way of life.

This trend became more pronounced after World War 1 with progressive promotion of women freedom and autonomy, with gradual improvement of her social, economic and political status.

### WOMEN ISSUES IN ISLAM

In the Islamic tradition and value system, the status of women and gender issues occupied a central position as evident in a number of Qur’anic verses, Prophetic sayings and Jurisprudential rulings.

Islam has established systems of genuine man-woman equality, accountability and responsibility.

In Islam, both man and woman are equal in their political, economic rights, legal and criminal responsibilities.

The following overview of women status in Islam summarizes the many facets of this issue which has long suffered from serious and persistent deviations, especially in the gloomy periods of political and social deterioration in Muslim societies.

### Men, women and the “original sin”

No specific condemnation is directed against women in Islamic theology. In fact, Qur’anic verses point clearly to the primary responsibility of Adam in submitting to the insinuation of the devil (Satan) to eat from the forbidden tree.

*“We had already, beforehand, taken the covenant of Adam, but he forgot: and We found on his part no firm resolve.”*<sup>(40)</sup>

*“But Satan whispered evil to him: he said, “O Adam! Shall I lead thee to the Tree of Eternity and to a kingdom that never decays?”*<sup>(41)</sup>

*“In the result, they both ate of the tree, and so their nakedness appeared to them: they began to sew together, for their covering, leaves from the Garden: thus did Adam disobey his Lord, and allow himself to be seduced.”*<sup>(42)</sup>

Adam was held responsible for that deviation, and when he repented to his Creator, he was granted forgiveness. Eve was included in both the deviation and subsequent forgiveness.

*"We said: 'O Adam! Dwell thou and thy wife in the Garden; and eat of the bountiful things therein as (where and when) ye will; but approach not this tree, or ye run into harm and transgression.'"* <sup>(43)</sup>

*"Then did Satan make them slip from the (garden), and get them out of the state (of felicity) in which they had been. We said: 'Get ye down, all (ye people), with enmity between yourselves. On earth will be your dwelling-place and your means of livelihood - for a time.'"* <sup>(44)</sup>

In the Muslim psyche, the whole ordeal was concluded by Divine forgiveness, with no concept of "original" sin hanging over the whole of humanity.

Moreover, the initial human deviation from the Creator's guidance is not considered an "eternal sin" that accompanies the human race throughout all times. The Qur'an states that Adam prayed to God following the initial deviation, requested forgiveness and was immediately pardoned:

*"Then learnt Adam from his Lord words of inspiration, and his Lord turned towards him (pardoned him); for He is Oft-Returning, Most Merciful."* <sup>(45)</sup>

### **Equality in creation and accountability**

Islamic teachings assert the basic and original equality of both men and women in their creation. The Qur'an states clearly that God has created both of them equally from a single soul:

*"O mankind! reverence your Guardian-Lord, who created you from a single person (soul), created, of like nature, his mate, and from them twain scattered*

*(like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you."* <sup>(46)</sup>

This is in contrast to the traditional Judeo-Christian concept which established the creation of Eve from the "rib" of Adam. This concept renders women inferior or subservient to men based on their origin of creation.

Equality of men and women is clearly manifested in Qur'anic verses in which both when men and women are quoted together or separately with men or women mentioned first:

*"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."* <sup>(47)</sup>

*"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: Those who have left their homes, or been driven out therefrom, or suffered harm in My Cause, or fought or been slain,- verily, I will blot out from them their iniquities, and admit them into Gardens with rivers flowing*

*beneath;- A reward from the presence of Allah, and from His presence is the best of rewards.*"<sup>(48)</sup>

*".....And women shall have rights similar to the rights against them, according to what is equitable..."*<sup>(49)</sup>

*"..... and he that works a righteous deed - whether man or woman - and is a Believer- such will enter the Garden (of Bliss): Therein will they have abundance without measure."*<sup>(50)</sup>

*"To Allah belongs the dominion of the heavens and the earth. He creates what He wills (and plans). He bestows (children) male or female according to His Will (and Plan)."*<sup>(51)</sup>

### **Responsibilities and Public duties**

Both men and women stand on equal footing in their social relationships, duties and responsibilities:

This also applies to responsibility to do public and social work, including guiding and counseling of people:

*"The Believers, men and women, are protectors (patrons) 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."*<sup>(47)</sup>

*"Whoever works righteousness, man or woman, and has Faith, verily, to him will We give a new Life, a life that is good and pure and We will bestow on such their reward according to the best of their actions."*<sup>(53)</sup>

The Qur'anic verses that ordain

Shura (democratic consultation) were generalized to include men and women:

*"Those who hearken to their Lord, and establish regular Prayer; who (conduct) their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance."*<sup>(54)</sup>

*"..... and consult them in affairs (of moment). Then, when thou hast Taken a decision put thy trust in Allah. For Allah loves those who put their trust (in Him)."*<sup>(55)</sup>

In the Qur'an, as well as in the Prophetic tradition, there are no barriers to preclude women assuming public duties as long as they acquire competency, knowledge and the necessary qualifications.

'Umar رضي الله عنه, the second *Khalifah*, appointed a woman (Al-Shifa bint Abd Allah) as chief of *Hisbah* in Madinah business and markets, whereby her authority included monetary prices, scales, contracts or agreements and adjudicating in differences and conflicts between parties. This position enabled her to act as a field judge, to apply laws and issue verdicts towards all concerned.<sup>(56)</sup>

In addressing legal rights of women, Islamic Jurisprudence allows testimony of women in courts, as having half of the weight as that of men in certain (not all) legal issues. This is in contrast to the complete denial of this right to her in Judaism.

### **Marriage and divorce**

Both men and women have equal rights to choose their marriage partner.

Islamic Jurisprudence has established

definitions, conditions and system of rights for both husband and wife.

A woman has the full right to choose her future husband. A marriage contract could not be executed without mutual and explicit approval of both man and woman.

The Prophet ﷺ said: “A woman who was previously married (*thayyib*) should not be led to marriage without her explicit approved. And a virgin woman (*bikr*) should not be led to marriage without her permission.”<sup>(57)</sup>

It was also narrated that Khansa al-Ansariyyah was led to marriage without her approval. She went to the Prophet ﷺ and informed him. The Prophet ﷺ annulled her marriage.<sup>(58)</sup>

Termination of the marriage bond is the right of both husband and wife. A woman who finds it difficult to continue in the marriage relationship because of hatred, or concern that continuation of marriage will not fulfill guidance and limitations that God ordained, was given the right to annul the marriage:

*“A divorce is only permissible twice: after that, the parties should either hold Together on equitable terms, or separate with kindness. It is not lawful for you, (Men), to take back any of your gifts (from your wives), except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom. These are the limits ordained by Allah.*

*So do not transgress them. If any do transgress the limits ordained by Allah, such persons wrong (Themselves as well as others).”<sup>(59)</sup>*

A woman could also ask the court to grant her this right for no obvious reason.

### **Termination of marriage (*Khul'a*)**

Women could place a condition in the marriage contract to give them the right to divorce, or to put down any other condition she may choose to.

The early Islamic era witnessed many examples in the application of this rule. Here is only one incident:

The wife of Thabit bin Qays came to the Prophet ﷺ and expressed her feeling of hatred to her husband, and stated: “I have no ill feelings towards Thabit’s religious commitment or conduct, but I fear the bad company. The Prophet ﷺ said: “Then you return back to him his garden (which was her dowry, i.e. the *mahr*). She approved that, and her husband complied with the Prophetic order to end the marriage contract.”<sup>(60)</sup>

### **Marriage and women as a blessing**

In Islam, marital relationship is looked upon as a source of happiness, intimacy and pleasure and also as one of the most important blessings in this life and the Hereafter.

*“And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.”<sup>(61)</sup>*

There are many Prophetic sayings that could be cited to illustrate this aspect, but it would suffice to cite only a few examples:

“The whole life on this earth is a temporary enjoyment. But the best of this enjoyment is a good woman.”<sup>(62)</sup>

A wealth of Prophetic sayings (Ahadith) portrayed guidance towards a warm and intimate marital relationship. The following are only two examples:

Ibnu Hibban narrated: “The Prophet ﷺ said: “A man’s happiness originates from four: A good wife, a good home, a good neighbor and a good mode of transport.”<sup>(63)</sup>

Al-Tirmidhi narrated :The Prophet ﷺ said: “The best of you is the best to his wife, and I am the best of you to my family.”<sup>(64)</sup>

### **Polygamy**

Islam has restricted this issue by number and by placing constraints and conditions related to justice and evenhandedness between wives. This is in contrast to Judaism where polygamy was open without any restriction.

Here are verses from the Qur’an to demonstrate these restrictions:

*“If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one...”* <sup>(65)</sup>

*“Ye are never able to be fair and just as between women, even if it is your*

*ardent desire: But turn not away (from a woman) altogether, so as to leave her (as if were) hanging (in the air). If ye come to a friendly understanding, and practise self-restraint, Allah is Oft-forgiving, Most Merciful.”* <sup>(66)</sup>

*“...And women shall have rights similar to the rights against them, according to what is equitable...”* <sup>(49)</sup>

### **Financial and economic status**

Both men and women share equal footing in ownership rights and financial independence. Women have equal rights to earn income, and to dispense of their various types of property. Moreover, a married woman has the full right for remuneration and to be properly maintained by her husband, while the husband has no rights upon his wife’s wealth or property:

*“.... To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things”*.<sup>(67)</sup>

Women have clear inheritance rights from their parents and other kinships:

*“From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large, -a determinate share.”* <sup>(68)</sup>

The rulings that entitle women to inherit half what men inherit, ensures true justice, as her share is dependent upon the financial responsibilities under Islamic Law. Women are not required to spend on their husbands or brothers. Islamic Jurisprudence clearly specify

that husbands, brothers, son and fathers have the full responsibility to properly spend on their wives, sisters, daughters, and mothers.

There are many exceptional situations in which women inherit equally or even more than men.<sup>(69,70)</sup>

### Conclusions

This comparative analysis of the status of women from the texts of the three monotheistic religions reveals the distinguished status of Muslim women's rights in all spheres.

It is noteworthy to realize how Jewish and Christian generations had to struggle for centuries to free women from the bonds and beliefs that hindered their basic human rights and dignity that originated from long held religious principles.

On the other hand, we encounter the

opposite in the case of Muslims. Here we find a religious system that dignified and equalized men and women in rights and obligations, and maintained certain limited differences that relate to human variations of their physical and social roles. At the same time, we find full application of the distinguished status of women during the early era of Islamic history. That status subsequently started to deteriorate gradually over the centuries, side by side with deterioration within the social, political, educational and economic spheres, along with resurgence and subsequent domination of tribalism and backward local cultures. With continuous deviation from Islamic standards earmarked for women, the whole *Ummah* gradually sunk into an abyss of backwardness which led to future jeopardizing of status of Muslim women in societies at large.



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# Towards Resolving The Dilemma Of Muslim Women On The Issue Of Abortion As A Result Of Rape Related Impregnation

*Abul Fadl Mohsin Ebrahim*

## Abstract

In contemporary times, Muslims cannot brag that rape is a non-existent phenomenon in the Muslim world. In the vast number of Muslim countries where the Shari'ah is not enforced, many cases of rape are left unreported and the culprits are seldom apprehended and punished. It is precisely in such cases of unreported rape that the women who had been impregnated as a result of the sexual assault face the dilemma as to whether it would be permissible, within the ambit of Islamic Jurisprudence, for them to opt for an abortion. This paper addresses this issue in an attempt to resolve their dilemma.

*Key words:* Rape, abortion, impregnation, ensoulment and termination of pregnancy.

## Introduction

It is important to note that although rape in itself is a sexual crime, it is certainly unlike adultery and fornication in the sense that it is associated with force and violence. In South Africa it is estimated that a woman is raped every 17 seconds. This does not include the number of child rape victims which are increasing day by day. A study by Interpol, the international police agency, revealed that South Africa leads the world in rapes. Between 28 and 30 percent of adolescents reported that their first sexual encounter was forced.<sup>1</sup>

It is in such cases where pregnancy occurs as a result of rape that one is confronted with the question whether termination of pregnancy would be justified.

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One would be inclined to answer that question in the affirmative in view of the fact that the sexual act was imposed upon the woman by force against her will. It can therefore be argued that the woman has every right not to desire to carry the child of someone who has no emotional attachment to her. But deeper analysis of the problem of rape and pregnancy reveals that pregnancies that result from rape are those cases that mostly have not been reported. Reported victims of sexual assault are, in most cases, given due medical attention. Mahkorn and Dolan points out the routine procedure in this regard:

Rape is both a psychological emergency and a medical emergency.... Therapeutic goals of these procedures include treatment of any physical injuries, crisis intervention with emotional support, prophylaxis for venereal disease, and medication for potential pregnancy.<sup>2</sup>

The obvious solution to preventing pregnancy as a result of rape would be for the victim to seek immediate medical attention for its possible prevention. If every woman were to seek immediate medical attention after being raped then that would surely solve the problem of resorting to abortion to terminate the pregnancy as a result of rape. But, in Muslim countries or environments, it is not so easy for the victims of rape to report the rape for the fear of being ostracized. Ostracizing such women is

certainly un-Islamic but the tendency exists to look down upon them and there is always the fear that their chances of getting married would be jeopardized. Hence, what would generally happen is that only after pregnancy had been established that concern would arise as to what ought to be done? There is no doubt that it would then be impossible to medically establish whether rape had in reality taken place. But, the questions that may be rightly posed are:

(a) Is it fair for the one who has been sexually assaulted to carry the pregnancy to term?

(b) Is it justified for the one that is to be born, to be born with the stigma of being an illegitimate child?

Joseph Fletcher argues that the ethical principle is that pregnancy should be by choice and certainly not by compulsion.<sup>3</sup> To insist that she has to carry the pregnancy to term would surely contradict the religious decree (*fatwa*) issued by the former head of the Al-Azhar University, *Shaykh* Mahmud Shaltut on artificial insemination by donor sperm (AID)<sup>4</sup>:

Artificial insemination with the sperm of a foreign person, is under the *Shari'ah*, a grievous crime and a great sin and is tantamount to adultery for their essence is the same and their result is also the same. For, it is the insertion of the sperm of a foreign person intentionally into a tilth which has not been legally tied to him

through the bond of marriage.... The legal verdict for artificial insemination in that way is the same as that of adultery which has been condemned and prohibited by the Divine *Shari`ah*.

It can safely be inferred from the above *fatwa* that since artificial insemination by donor (AID) is regarded as an illegitimate act, the legal status of the AID child too would *ipso facto* be illegitimate in terms of Islamic Law. Therefore, in case of pregnancy as a result of rape the issue would also be illegitimate. Moreover, it may happen that a married woman could be raped while her husband is in another country, say on business. It would be very difficult for him to accept that his wife bear the child of another man. Further, the woman herself would not be comfortable to carry to term the child of someone who had inflicted upon her such a traumatic experience. These are all genuine problems. The writer is inclined to hold that rape which results in pregnancy should be considered as a valid reason for the termination of pregnancy, provided that it is done before the 120-day period.

### **Views of contemporary Muslim jurists**

While the vast majority of Muslim jurists do not accept pregnancy as a result of rape to constitute a valid reason for the termination of pregnancy, certain contemporary Muslim jurists have revisited the issue after Muslim

women were brutally raped by “terrorists” in Algeria and by the Serb soldiers in Bosnia.

On April 12, 1998, *Al-Khabar*, an Algerian newspaper, reported that Algeria’s highest religious body, the Supreme Islamic Council, had issued a *fatwa* that in “extreme cases” where women had been raped by “terrorists” they could have their pregnancy ended. There are two significant points to be noted in that particular *fatwa* issued by the Supreme Islamic Council. Firstly, the *fatwa* stated that the surgical procedure (to terminate pregnancy) should not in any way pose any risk to the pregnant woman’s health, and secondly, it purposely avoided using the term “abortion” to ensure that that permission would not be misconstrued as a general sanction to end pregnancies not resulting from “terrorist rape”.<sup>5</sup>

On February 2, 2002, *Shaykh* Dr Yusuf al-Qaradawi was questioned about the justification for Bosnian Muslim women to terminate pregnancy that resulted from their having been raped by the Serbian forces. He issued the following statement in the form of a *fatwa* (legal verdict) <sup>6</sup>:

With regard to abortion, the basic principle concerning abortion is that it is unlawful (*haram*), as I have clarified in previous *fatwas* - it is not allowed from the moment of conception when it becomes a new being and is placed in a place of safety, i.e., the womb, even if this

being is the result of an unlawful relationship such as adultery. In the case of the Ghamidi woman who had confessed to adultery and thus the punishment of stoning became obligatory, the Messenger ﷺ told her to go away until after she had given birth. After she had given birth, he ﷺ told her to go away and to return after the child was weaned.

The above is the trend I follow in my *fatwas* on this issue in normal cases. But there are some jurists who think that it is permissible to have an abortion within the first forty days of pregnancy. Some of them even permit it until before the soul is breathed into the embryo.

Despite the above-mentioned view which I follow, there are some exceptional cases in which one may adopt one of the latter views, and the stronger the excuse, the clearer the reason for the dispensation is, and if that is within the first forty days, it means that the dispensation is more appropriate.

Undoubtedly raping a Muslim woman by an evil enemy is a strong reason for the victim and for her family to have an abortion, for she will hate this fetus, the result of this iniquitous attack, and she will want to get rid of it. So this dispensation is to be given because of necessity, especially in the first days of pregnancy. But this case

of necessity should be determined by religious scholars, doctors and people of wide experience and wisdom. Otherwise, the original rule (of prohibition) should be applied.

Moreover, there is nothing wrong with a Muslim woman who has suffered this disaster to keep the fetus without getting rid of it. If it is decreed that it should remain in her womb for the usual term and she gives birth to it, then it will be a Muslim child, as the Prophet ﷺ said: "Every child is born with a true faith (i.e., to worship none but Allah alone)." <sup>7</sup> It has been stated in the books of *Fiqh* (Islamic Jurisprudence) that if the parents have different religions, the child should follow the parent who has the best religion. This is in cases where the father is known, but what about the child who has no father? He is a Muslim child, no doubt, and the Muslim society is obliged to take care of his upbringing, to spend on him and to bring him up well. They should not leave the burden to his poor, suffering mother. And Allah ﷻ knows best.

### **Raison d'être for not allowing termination of pregnancy after the 120-day period**

It is important to note that all Schools of Islamic Jurisprudence concur that in the event that the pregnancy poses

a threat to the life of the mother, then termination of pregnancy would be justified.<sup>8</sup> But, if the mother's life be in danger after the fourth month of pregnancy then a serious situation arises because after the 120-day-period ensoulment of the unborn would have occurred and the unborn would at that point in time have equal right to life as that of its mother. *Shaykh* Dr Yusuf al Qaradawi points out that all Muslim jurists hold termination of pregnancy after the ensoulment of the fetus to be a crime against a living being and fully formed creature.<sup>9</sup> But this apparent dilemma can be resolved on the basis of a general principle of the *Shari'ah*, namely, that of *choosing the lesser of two evils*. In other words, the life of one should be given preference over the other instead of losing both. *Shaykh* Shaltut in his *al-Fatawa* ruled that the mother's life in that case should be saved and the unborn be aborted and explains the reason for this in the following manner:

For the mother is the origin of the fetus; moreover, she is established in life, with duties and responsibilities, and she is also a pillar of the family. It is not possible to sacrifice her life for the life of the fetus which has not yet acquired a personality and which has no responsibilities or obligations to fulfill.<sup>10</sup>

The above *fatwa* would justify inducing labour or caesarean section in a case of untreated pre-eclampsia leading to

eclampsia. Pre-eclampsia is a condition specific to pregnancy and is usually diagnosed when a woman "develops high blood pressure (hypertension), accumulation of fluid in the tissues (edema) and protein in the urine (proteinuria)." But this condition is unlikely to be detected before 20 weeks and if untreated can lead to eclampsia, which can be fatal for both mother and baby. This disease is characterized by seizures.<sup>11</sup> It would therefore be in the interest of saving the life of the mother to induce labour, although the unborn may not have the chance of survival.

### Conclusions

Western law does not accord any legal status to the unborn until it is born and is capable of breathing on its own. Islamic Medical Jurisprudence, on the other hand, takes into cognizance the fact that from the moment of conception, the fetus is to be regarded as a potential human being and an actual being after ensoulment has taken place. The Muslim juristic stance on ensoulment as the defining moment for the recognition of the unborn as an actual/real person is based on the reasoning that its movement during the early stages of its development is like that of a growing plant. Hence, its movement and perception during these early stages are not voluntary. It is only after ensoulment that the unborn's movement and perception become voluntary, linking life to volition and to the integration between muscle and nerve thereby producing a voluntary

action. For example, it is only after the unborn has passed the 120-day period (4 months) after fertilization has taken place that it has the ability to suckle its own thumb in *utero*.<sup>12</sup> From then on it is accorded certain rights and termination of its life would be tantamount to a crime against a living being.<sup>13</sup>

Insofar as justification for the termination of pregnancy is concerned, it was pointed out that that would be permissible only in the event that the pregnancy threatens the health or life of the mother. However, it ought to be conceded that some *fatawa* have been issued for the termination of pregnancy on the grounds of a grossly malformed fetus and as a result of pregnancy which resulted from “terror rape”. But in both cases, such terminations are

to be carried out prior to the 120-day period of pregnancy. It ought to be reiterated that there is no justification for the termination of pregnancy for an unwanted pregnancy, which results out of unforced sexual encounter.

The writer of this article cautions the reader not to commit the mistake of confusing abortion with contraception. While contraception is the use of certain aids/techniques to prevent pregnancy, abortion is in effect a deliberate intervention to terminate pregnancy. In other words, abortion is the premature destruction of potential or actual human life in a most inhumane manner. It is thus plausible to conclude that the unborn has the right to life, to be born and to live as long as Allah ﷻ permits.



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# Violence Against Women In The United Kingdom

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*Tariq Tahboub*

## **Abstract**

United Nations defines violence against women as “Violence that is directed at a woman because she is a woman or that affects women disproportionately”.

Each year across the United Kingdom (UK), 3 million women experience violence, and there are many more living with the legacies of abuse experienced in the past.

In the UK, it includes domestic violence, rape and sexual violence, sexual harassment, female genital mutilation, forced marriages, trafficking and sexual exploitation. It is mostly committed by men whom the women know, or are in a close relationship with.

This paper will focus on statistics covering this issue in the UK.

**Keywords:** *Violence against women, rape, sexual harassment.*

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Violence affects lives of millions of women worldwide, in all socioeconomic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society<sup>1</sup>.

Despite the United Nations General Assembly adoption of the **(Declaration on the Elimination of violence against Women )** in December 1993<sup>2</sup>, there has been alarming growth of various forms of violence against women throughout the world.

What is significantly more alarming is the persistent upsurge of this dilemma in Western countries, including the UK, with all the progress in legislation, human rights, women liberation and feminism trends.

There is a flood of documented information in the wide issues of violence against women in the United Kingdom, published in literature, websites and official basic statistics reports.

About 3 million women in UK are reported to have experienced one or more types of violence, with their expected subsequent physical, social and psychological consequences. It is very probable that there are more unreported incidents.

Violence against women in UK ranges from domestic violence to rape, sexual

violence, sexual harassment, female genital mutilations, forced marriages, trafficking and sexual exploitation. These offences are inflicted on women just because they are women, and expands to include all ages and social classes.

Sexual harassments, especially in the work environment, are noteworthy. Women who refuse to give in to their work superiors or employers, face various types of punishment including dismissal.

This growing problem in the West points to other causative factors which may include lack of commitment to sound ethical and moral standards.

### Domestic violence

The following tables<sup>3</sup>, taken from official UK statistics, reveal disturbing and deteriorating standards of domestic violence. This type of violence causes physical damage, ranging from death in extreme cases, to miscarriages, broken limbs, cuts and bruises. Women also suffer scarring, and physical disability. Sexual offenses bring about the risk of HIV, other sexual transmitted disease and forced pregnancies.

The assailants in this type of violence are husbands, other partners, and other men in close relationship with victims.

**Table 1**  
**UK Data- Domestic violence**

<b>Finding</b>	<b>Source</b>	<b>Method</b>
1 in 4 women have experienced domestic violence	Mooney, 1993	Household Survey, North London only
1 in 10 women had experienced domestic violence during the previous 12 months	Mooney, 1993	Household Survey, North London only
On average 1 in 4 women reported a physical assault by a current or former partner in their lifetime	Mirrlees-Black, 1999 (data from 1996 British Crime Survey (BCS))	Self-completion Questionnaire, England & Wales
Over 1 in 20 crimes reported to the British Crime Survey 2000 were classified as domestic violence	Home Office, 2000	BCS England & Wales
Domestic violence accounts for 23% of all violent crime	Home Office, 2000	BCS England & Wales
In 1999, 37% of female homicide victims were killed by current or former partners	Home Office, 1999	Criminal Statistics for England & Wales
Approximately every minute the police receive a call for assistance in cases of domestic violence (over 570,000 calls per annum)	Stanko, 2000	'The Day to Count' «Snapshot» Survey, UK
The estimated cost of domestic violence in England and Wales in 2001 was £23 billion	Walby, 2004	
In 2002 it was estimated that there were 12.9 million incidents of domestic violence against women during the previous year	Walby & Allen, 2004.	BCS 2002

**Table 2**  
**Femicide and homicide in the context of domestic violence in the UK**

<b>Year</b>	<b>Number of Women killed by male partner/ex-partner</b>	<b>% of total murders of women</b>	<b>Number of Men killed by their female partner</b>	<b>% of total murders of men</b>
1987	89	34	31	8
1992	106	45	31	9
1997	99	46	31	8
2002	116	46	32	5

### **Rape and sexual assault**

It is noteworthy that rape, sexual assault and sexual harassment are rampant in the UK society which is known to have sexual freedom and promiscuity.

Nearly 25% of women in the UK experience rape or attempted rape. Most of the assailants are men known to the victims, the following table reveals significant surveys <sup>4</sup>.

Rape is usually complicated by unwanted pregnancies, subsequent abortion, HIV/sexually transmitted diseases, physical and psychological trauma.

**Table 3**  
**UK Data on Rape and Sexual Assault**

<b>Finding</b>	<b>Source</b>	<b>Method</b>
1 in 4 women have experienced rape or attempted rape	Painter, 1991	Survey of 1,007 women in 11 cities, Northern England
1 in 7 women have been coerced into sex, rising to 1 in 3 among divorced and separated women	Painter, 1991	Survey of 1,007 women in 11 cities, Northern England
The most common perpetrators of rape are husbands and partners	Painter, 1991	Survey of 1,007 women in 11 cities, Northern England

<b>Finding</b>	<b>Source</b>	<b>Method</b>
97% of callers to Rape Crisis Lines knew their assailant prior to the assault	Rape Crisis Federation (RCF) of England and Wales	Analysis of RCF members' records, England and Wales
The majority of perpetrators are known to the victim	Kelly et. al, 2005	
During 2001 it is estimated that 190,000 incidents of serious sexual assault and 47,000 female victims of rape/attempted rape	Walby and Allen, 2004	British Crime Survey 2002

### Child sexual abuse

This is another disturbing abuse with far-reaching consequences in physical and psychosocial domains.

Young girls are much more exposed to rape than boys. Most assailants are men, especially those known to the victim. The following table sheds light on this problem <sup>5</sup>.

**Table 4**  
**Child Sexual abuse in UK**

<b>Finding</b>	<b>Source</b>	<b>Method</b>
59% of young women and 27% of young men have experienced at least one sexually intrusive* incident before the age of 18	Kelly, Regan and Burton, 1991	Survey of 1,244 young people attending Further Education colleges, Britain
21% of young women and 7% of young men have experienced sexual abuse involving physical contact before the age of 18	Kelly, Regan and Burton, 1991	Survey (as above)

Finding	Source	Method
Women are between 2 and 3 times more likely to experience sexual abuse than men	Kelly, Regan and Burton, 1991	Survey (as above)
14% of abusers were close relatives, 68% were more distant relatives and other previously known persons, 18% were strangers	Kelly, Regan and Burton, 1991	Survey (as above)
85% of peer abusers were male and 95% of adult abusers were male	Kelly, Regan and Burton, 1991	Survey (as above)
21% of girls and 11% of boys have experienced child sexual abuse**	Cawson, Wattam, Brooker and Kelly, 2000 (NSPCC)	National representative study of 2,869 young people aged 18-24 years
16% of girls aged 12 or under were sexually abused	Cawson et.al., 2000	NSPCC study
The majority of assaults on girls are committed by known males	Kelly et.al., 1991	

\* includes <flashing>, being made to look at pornography etc.

\*\* defined as acts <to which they had not consented or where «consensual» activity had occurred with someone 5 years or more older and the child was 12 years or less>.



## Prostitution and pornography

Data from the British Crime Survey reveal significant information about prostitution, as shown in the following table from the British Crime Survey (BCS)<sup>6</sup>.

**Table 5**  
**UK Data on Prostitution**

<b>Finding</b>	<b>Source</b>	<b>Method</b>
3 out of 4 women in prostitution become involved aged 21 or younger, and 1 in 2 aged 18 or younger		
87% of women in street based prostitution use heroin	Hester and Westmarland, 2004	study of 228 women in Hull, Manchester, Kirklees,

## UK Data on sexual harassment and stalking

<b>Finding</b>	<b>Source</b>	<b>Method</b>
1 in 2 women experience sexual harassment in the workplace	EOC 2000	
It is estimated that 1.2 million women were subjected to stalking during 2003	Walby & Allen, 2004	BCS 2002

## Economical burden of violence against women

In addition to significant physical, psychological and social consequences, violence against women has a heavy toll on economy, on the individual and the state levels<sup>7</sup>.

- It is estimated that violence against women costs society £40 billion each year (New Philanthropy Capital).
- The direct cost to the economy of domestic violence alone in England and Wales in one year is £6 billion.
- In addition, the human and emotional cost is estimated at 17 billion.
- The cost of sexual offences in a year is estimated to be 8.46 billion pounds, with each rape costing an estimated 76,000 pounds.<sup>8</sup>

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# The Muslim Headscarf: A Tale Of Two Secularisms

**Mazeni Alwi**

## **Abstract**

Ethnic and religious pluralism is the reality of many modern societies today, particularly former colonial powers “ France and Britain “ where immigration from their ex-colonies have shaped their demography. The presence of a Muslim minority in both countries - where its most powerful symbol is the “hijab” - puts to a test the model of secularism practiced in each. Though racism and Islamphobia exist in both, Britain has seen a more successful integration and social mobility among her Muslim minority, thanks to a pragmatic form of secularism that seeks to accommodate religion and multiculturalism in the context of modern democracy and respect for human rights.

In France, secularism or ‘laicite’ is state ideology born of a long and bitter conflict between the once powerful Catholic Church and the anticlerical proponents of the French republic steeped in laique humanism of French liberal tradition. Ideological secularism as doctrine of the French state, though in theory means positive neutrality of the state in matters of religion, in practice it may take a distinctly anti religion stance. “Fundamentalist” secularism combined with entrenched prejudice and ignorance towards Islam is a major factor for the failure of integration and social mobility of the Muslim minority in France.

**Keywords:** *Secularism, “Laicite”, “Hijab”, Islamphobia*

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The policy that became law forbidding Muslim girls to wear the “hijab” at state schools is one sad consequence of “sacralized” secularism.

Participation in the democratic process, social debates and the civic life of mainstream society, whilst remaining steadfast to the Muslim identity and character, is perhaps the only way forward for a successful integration of Muslims in modern societies where they are a minority.

In Charles Dickens’ novel, “A tale of two cities”, set around the time of the French revolution, the principal English character, the tragic hero Sidney Carton is portrayed as a sensitive, warm and caring to his fellow men in trouble, even to the point of self-sacrifice, whereas the principal French character, Madame Defarge, a working class woman whose family suffered much at the hands of pre-revolutionary aristocrats, is an uncompromising character whose vengefulness in the end undermined her quest for justice. In some strange way the portrayals of the novel’s characters somehow personified the political temperament of the English and the French in the encounter between religion and liberalism from the Enlightenment to the modern democratic age. With the late 20th century phenomenon of waves economic migrants from their former colonies settling in the West, we again witness the contrast in this political temperament when Muslims begin to take Islamic teachings more

seriously, the most visible aspect of which is Muslim women’s dress code. While France saw this as an affront to its state doctrine of *laïcité* (French for secularism) and a threat to its conception of the Republic, Britain accommodated to this multicultural reality by trying to integrate her Muslim citizens, such that in areas where Muslim presence is significant, religious instructions are given in state schools and the head-scarf for girls hardly became such a vexed issue. After years of struggle, Islamic private schools are given the status of voluntary-aided school and receive state funding in the manner of established Christian and Jewish schools. In some respects, modern Britain serves as a fair example of multiculturalism, religious tolerance and successful integration of second generation immigrants from her former colonies. In the 2 ½ years that I worked and trained in pediatric cardiology during which time the head-scarf issue exploded in France then a decade ago, we had 2 British Muslim doctors of Pakistani origin rotating through our department as part of their post graduate training in pediatrics. In the universities and the professions, the presence of second generation Muslim immigrants today is very much visible. This is not to say that racism no longer exists in Britain, or prejudice and ignorance towards Islam and Muslims are things of the past. Unemployment and marginalization from mainstream society still affect Muslims more than other immigrant communities, but this cannot entirely be blamed

on the host society. It has to be said that positive institutional measures for multiculturalism have in some way led to better integration and social mobility of Muslims compared to the situation in other Western countries.

The liberal atmosphere has also allowed a vibrant discourse on Islam to thrive. On the one hand writers like Salman Rushdie, Tariq Ali and Hanif Qureishi may have little respect for Islam and its traditions, but others like Ziauddin Sardar, Shabbir Akhtar, Parvez Manzoor and converts like Yusuf Islam and Abdal Hakim Murad actively articulate a refreshing exposition of Islam for the modern readers over a wide range of topics from politics to theology and spirituality. At the same time, it has to be admitted that freedom of expression has been abused by radical Islamic fringes to freely propagate their ideas and recruit members. The aftermath of September 11, 2001 has sobered up the mainstream Muslims to recognize this problem within their midst.

In contrast, Muslims in France are in a more difficult predicament. For a start, an intellectual leadership of the community appears lacking. One does not see a vigorous intellectual defense of Islam or writings on the Islamic tradition for the modern French readers, with Tariq Ramadan who is based in Geneva among the exception. The kind of social mobility among second generation Muslim immigrants that one sees in Britain is almost unheard of, and almost always at the cost of

having to dissociate from their parents' culture and religious traditions. Multiculturalism is not something that is consciously promoted or celebrated, such that one does not get to see programs like "mind your language" or "thin blue line" on French TV. Marginalization and exclusion is the sad plight of many young French Muslims who live on the fringe of mainstream French society in the grands banlieus (suburbs) of greater Paris, hidden from the multitude of visitors who throng the museums, monuments, cafés and gardens of metropolitan Paris. This is set to become worse if the government-appointed Commission on Secularism's recommendation that all conspicuous religious symbols (which means really the Muslim headscarf) be banned from state schools becomes law.

Secularism, commonly defined as "separation of church and state" can be discussed and defined at a number of levels - theological, etymological, political philosophy etc. In standard Islamist political discourse, secularism is seen as anti-religion because it removes Islam from any role in the public and political sphere. The forced Westernization of Turkey and deliberate suppression of her Islamic heritage through the various state institutions served as the only vivid and lasting example of secularism in the Muslim imagination. Turkey's secularism is modeled on France's concept/doctrine of *laïcité*. But in our present day context of living in a

modern society, secularism is basically about reconciliation or compromise on the role and influence of religious tradition and values in the public/civic sphere - in legal matters, education, governance, social institutions etc. Secularism seen in this context blunts religious fanaticism or will-to-dominate while allowing freedom of conscience and promotes tolerance of cultural and religious pluralism, all within the frame work of democracy, respect for individual liberties and the primacy reason as the driving force of human civilization and scientific progress. It is the equilibrium or entente in the tension between religious tradition and values on the one hand and the humanist liberal tradition whose intellectual well-spring was the 18th century Enlightenment (Even so, religious thinkers would argue that liberalism's ideas of human dignity, brotherhood of man, respect for individual rights properly belong to religion, which in the Western context is Christianity). Good or bad, secularism in the west also means people becoming less religious as society progresses and the equilibrium seems to be always shifting towards that of less and less religion. As society modernizes it tends to loosen itself from religious strictures and traditions, and religion becomes increasingly relegated to the private sphere. But even in highly secular Western Europe, there are still many people, especially among those in Catholic organizations who argue that religion should have an important influence in the public

sphere and civic institutions. This is evident in the debate on whether the Christian heritage of Europe should be mentioned in the draft of European Union's constitution. Pope John Paul II in his speech to the European Parliament in 1988 urged the deputies not to banish Christianity from public debate, "The vocation of Christianity is to be present in all domains of existence... . If one day we were to question the Christian foundation of their continent, if we suppress all reference to ethics, then we might as well reject our European Heritage"<sup>1</sup>. If what gives the west its present shape today is this equilibrium that took form as a result of conflict, realignment and compromise between religion and liberal humanism, this process was by no means uniform among European societies. The particular historical experience of each society shaped the nature of secularism, and no where is this contrast more pronounced as that between France and Britain. The conflict between the church and the liberals in France that led to the separation of church and state had no parallel in England. A columnist in the Guardian wrote, "From John Locke onwards, Britain wanted its religion reasonable. The approach of British Liberalism has been to liberalize religion over the past 200 years, and what we have today is that very English type of faith: tolerant, accommodating Anglicanism"<sup>2</sup>. English secularism has always been leavened by this accommodation

as the English monarch as Head of State is also the Head of the Church of England. In modern multicultural Britain where the Muslim presence has become visible, this is taken one step further. The heir to the English throne the HRH Prince Charles, known for his very accommodating view on Islam, sometimes raises the ire of those who see the hallowed traditions of Englishness being threatened by multiculturalism<sup>3</sup>. France, on the other hand has had a long history of bruising confrontation between the Church and proponents of liberalism, the outcome of which wrote its way into its conception and ideals of the Republic, where “*laïcité*” (secularism) became enshrined as state doctrine. France’s secularism has its roots in the struggle against the power and influence of the Catholic church which had traditionally been aligned to the monarchy. The 18th century Enlightenment philosophers led ideological attacks on two sorts of absolutism, Royal and Theological. The movement’s clamor for “freedom of thought” and “reference to reason” sought to achieve political and spiritual liberation and this formed the basis of Western liberal tradition and scientific progress. While in the liberal atmosphere of Georgian Britain religious toleration and freedom of publication generally flourished, the harsher realities of repression and persecution gave the writings of the French Enlightenment a tone that is more bitter and less compromising. The French Revolution brought about

a head-on clash between the Church and the new state, the French Republic. Church assets were confiscated and priests made to swear allegiance to the Republic. The fortunes of the Church waxed and waned during the successive phases of the French state, reaching its peak again during the imperial reign of Napoleon III. As the 19th century drew to a close, France was rocked by a major scandal that bitterly divided French society, the “Dreyfus affair”, where a Jewish officer in the French army was accused of treason for spying for the Germans. The republicans and the majority of French intellectuals, notable among whom was the writer Emile Zola defended Dreyfus, claiming a racially motivated conspiracy. On the other side were the nationalists, the military and the Church. When Dreyfus was finally cleared, the French nation was deeply divided and traumatized, and amid renewed anti clerical militancy, the third Republic decreed the law on separation of Church and State in 1905. This has been the basis of the French state since, where there is supposed to be strict official neutrality in religious affairs. Whereas in Britain secularism means accommodation of religion and freedom of conscience in an atmosphere of liberalism, in France, secularism became a sacralized state doctrine through the principle of *laïcité*. With weakening of religious traditions and traditional ways of living, *laïque* humanism derived from the French liberal tradition, purportedly free of religious moorings, can lay claim as

forming the basis of ethics, moral code and law. Anything that has its basis in religion is viewed with suspicion and disdain, and religion connotes repressive dogmas that corrupt the mind. “Laïcité aims to develop in human nature, within the framework of a permanent intellectual, moral and civic formation, a critical mind along with a feeling of solidarity and brotherhood. It tends to institute, beyond ideological, community or national differences, a human society favorable to everyone’s enlightenment, a society from which all exploitation or conditioning of man by man, all fanatical spirit, hate and violence will be excluded” (from the “White Book of Laïcité” - source: the internet, author unknown).

In the document, laïcité also makes the assumption that identification with cultural, religious and linguistic differences must necessarily lead to violent conflicts.

In the particular historical context of conflict between the Catholic church and anti-clerical proponents of the French Republic, laïcité as state doctrine, in theory held great promise as a vehicle of achieving social cohesiveness and a sense of shared destiny for the French nation. But in the face of late 20th century phenomenon of immigration from her former colonies, laïcité has not quite lived up to its promise of a secular utopia. Those familiar with modern French society understand the phenomenon of exclusion, marginalization, and high rate of

unemployment and criminality among the second generation immigrant Arabs and blacks, and conversely, the elitism of the French upper class.

Having said that, modern civilization owes a great deal to France’s liberal, humanist tradition, whose challenge against the excesses of the powerful church was in many ways justified, and the anti-religious strain of French secularism that emerged triumphantly from this conflict and the concept of the *laïque* Republic is seen as peculiarly her own. With weakening of religious tradition, laïcité has not been a problem either as the French nation had remained essentially European in character, even as France had to absorb many refugees and immigrants from her neighbors who shared the same Christian heritage in the interwar years.

But cracks began to appear when France, over a short period at the close of the 20th century has a sizeable non European minority with a religion that has had a long history of conflict with Christianity, i.e. immigrant Arabs from her former colonies in North Africa. The encounter between laïcité and a less than welcome, sometimes troublesome minority with their (peculiar) religious expressions and practices was bound to be problematic. Muslims in France are constantly reminded to adapt themselves to the concept of laïcité, without which their loyalty as citizens of the Republic remains suspect. However the first obstacle for Muslims to adapt themselves to this doctrine is



the impreciseness of this concept and the absence of unanimity in definition. Alain Boyer, official in charge of religious affairs in the Interior Ministry during the socialist government 1980 - 1990 admitted that *laïcité* has a wide range of interpretations. He gave three explicit understandings of the term, “firstly, *laïcité* as the will to limit the role of religion and to outline the role of the individual according to an institutional framework consisting of on one side, the law (proposed by Jules Ferry) of 1881, 1884, and on the other, the separation of Church and state. Secondly, *laïcité* has also become synonymous with anti-clericalism, even irreligiosity. It has become a new faith, with its own militants and its own temple. Thirdly, *laïcité* is also a philosophy, a value that is transmitted, particularly in moral education and civic instruction in state schools that has replaced religious instruction”<sup>74</sup>.

Although *laïcité* in theory means positive neutrality of the state in matters of religion, with people generally becoming less religious, this has come to be associated with disdain for anything that smells of religion, and the term *laïque* becomes interchangeable with not having any religious belief. With instructions in the Christian religion excluded from state schools, the anti-clerical and anti-religious elements have appropriated *laïcité* and turned it into the new religion of the sophisticated, modern man. According to a researcher on

Muslims in France, “*laïcité* has been corrupted into militant, dogmatic philosophy dominated by positivism” (Jocelyne Cesari, from *Marianne et le prophète*). It is thus when some Muslim girls insist on wearing the head scarf to school, this is seen as a threat to French secularity by Islamic religious militants, to be countered with the vehemence of ages past, never mind that these girls come from a powerless, marginalized and economically weak minority. Little consideration is given to the fact many Muslims view the wearing the head scarf as a religious injunction, a right to which they are entitled to within the frame work of democracy in most societies, rather than an ostentatious religious symbol. If ignorance and the monopoly of *laïcité* by anti-clerical republicans is one obstacle that Muslims in France face in trying to adapt to the French concept of *laïcité*, an even bigger hurdle is prejudice towards Islam and Muslims. On the vexed question of the Islamic head scarf in state schools, it makes many wonder if the doctrine of *laïcité* has been used by Islamophobes and racist elements of French society as a cover for their prejudice towards Islam. This prejudice has historically deeper roots in the European psyche than secularism and the liberal philosophy, stretching back to medieval times when Islam’s rapid expansion threatened European Christendom. Spain was conquered and ruled by Muslims for 800 years and Muslim forces advanced north as far as Tours in France. The

Age of Reason ushered in by the Enlightenment has not been able to deal adequately with this deeply embedded prejudice, such that even a towering figure like Voltaire vacillated between treating Muhammad as a profound political thinker and founder of a rational religion, and an impostor who enslaved souls by resorting to religious fables. Is it against such a backdrop of prejudice that the Muslim headscarf has become such a thorny issue? President Jacques Chirac commented that there was something “aggressive” about the wearing of a head-scarf. The proponents of the ban say that it threatens the social peace and national cohesion of the French Republic. And so the standard arguments followed, that it is a symbol of oppression of women by a patriarchal religion, that it is an instrument of propaganda for an intolerant version of Islam, and women who wear them are necessarily radical extremists who support terrorism.

Such prejudicial attitudes belie the hypocrisy of dogmatic, “fundamentalist” secularists when it comes to Islam and Muslims. *Laïcité* may have its roots in secular humanism and the primacy reason, but it refuses to be reasonable nor rational in its dealing with Muslims, paralyzed by the millennium-old conflict between medieval Christendom and Islam. It ignores the voices of Muslim women who wear the head scarf out of choice and claim to feel liberated by it. Liberalism assumes that in this post-

modern, post-feminist age, everyone shares its concept of liberty. The Taliban government enforced the Burqa on Afghan women, but the issue of the head scarf must be viewed as separate from the serious and dangerous issue of religious fanaticism and terrorism among Muslims. Many in Europe, Muslims and non Muslims, have expressed the concern that the head scarf ban risks further exclusion of Muslims, and out of desperation, some Muslim youths may be lured to find meaning in religious extremism and terrorism. The story of French Moroccan Zacarias Moussaoui, “the twentieth hijacker”, in the simple book “Zacarias, my brother - the making of a terrorist” by Abd Samad Moussaoui and Florence Bouquillat, 2003, Seven Stories Press, NewYork, provides a useful insight into this disturbing phenomenon<sup>5</sup>. At a time when Muslims in the west are finding themselves on the ropes in the aftermath of September 11, 2001, Muslim leaders and intellectuals should actively participate to re-center the debate on secularism/*laïcité* away from the monopoly of those who view religion with disdain and contempt. Ethnic and religious pluralism is the modern reality. The idea of racial and cultural purity of nation-states hardly apply to many societies today and secularism/*laïcité* sacralized as state doctrine formulated in a different historical context needs to be adapted to this modern reality.

It is interesting that a federation of

Christian associations, “Reseau du Parvis” recently created l’Observatoire Chretien de la Laïcité (a think tank devoted to promoting a more modern form of laïcité relevant to the pluralism of Europe today), and published its manifesto in the January issue of *Le Monde Diplomatique*. In its initiative to bring a fresh debate into secularism, it takes as its starting point Article 18 of the Universal Declaration of Human Rights : Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in

public or private, to manifest his religion or belief in teaching, practice, worship and observation. Muslims, forming as much a part of today’s plural world as Christians, have as much a stake in this debate.<sup>6</sup> Instead of making a blanket condemnation of secularism as an anti-religious ideology, we should make it work as a principle of accommodation and peaceful co-existence within the framework of Democracy and respect for Human Rights, as a compromise between the opposing poles of religious exclusivism/domination and a self-absorbed liberalism born of hubris against the gods.

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# Needs Assessment For A Respite Center For Abandoned, Destitute And Ill Muslim Women And Children In Kwa Zulu- Natal

**Suhaima Hoosen**

*“O humankind! Revere your Lord, Who created you from a single soul, created, of like nature, her mate, and from both created countless men and women. Fear Allah, through whom you demand your mutual [rights], And [revere] the wombs [that bore you], for Allah ever watches over you.”<sup>1</sup>*

## **Introduction**

The role of communities is fundamental in providing short and long term protection and development for abandoned, destitute and ill women and children. The environment created should be an emotionally healthy one and offer safety for both women and children. Many communities in Kwa-Zulu Natal (KZN) in South Africa, as well as globally, provide and sustain these services. Muslim women in KZN have access to many good quality services such as counseling and skills training; however there is urgency for the creation of a respite center in Kwa-Zulu Natal because Muslim women need a Center that will meet their spiritual needs. The respite center should incorporate crisis and/or immediate safe care and support. A comprehensive program must be the foundation of this “one stop” center. <sup>(2)</sup>

The provision of an efficient, effective and spiritual service is not a “should be” service, but an essential one for vulnerable Muslim women and children.

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The underlying foundation should be based on the sayings and practices of Prophet Muhammad ﷺ and the Holy books which accord every human being the right to respect, care, support and dignity for a healthy life, especially for women and children in need of care.

*“Let those (disposing of an estate) have the same fear in their minds, as they would have for their own if they had left a helpless family behind.”<sup>2</sup>*

This research is an attempt by IMA Baytul-nur to engage, enlighten, inform and motivate the community into filling this gap to what is practical and just and to what is possible. A major strength of communities such as Hindu, Christian, Jewish and Muslim communities is their commitment to create rescue centers to address human development. Many faith based organisations in Africa provide these services. An example would be the Forum for Muslim Women's Associations in Nigeria (FOMWAN). This network provides crisis and developmental care to women and children especially in areas of sexual and reproductive health.

This research is also a reference point for communication, debate, looking at alternatives, advocacy and appropriate networking between non-governmental organizations (NGO's), religious leaders and the community to make this a reality center. Faith based organisations (FBO's) have

the capacity to deal with women and children's needs because of their spiritual ethers and basic value system. Key role players are the FBO's, Imams, Ulema, teachers and businesses.

### **Prevalence of women and children in need of care in KZN**

There are no known statistics of women in need of care, because this would include all categories of abandoned, destitute, abused, ill women and children. Maron states:

*“One of the major strengths of post apartheid South Africa is the commitment by public institutions to creating a new framework to address issues of Human development. While there remains strident and ongoing debate on the extent of public participation in these processes, what must be acknowledged is that the policy environment and the space for critical engagement with stake holders have improved dramatically since 1994.”<sup>3</sup>*

Poverty stricken communities are prone to continue to experience violence and a lack of access to quality services. Although policies dictate certain rights, often this does not filter down to the grassroots level. Hence communities do take responsibility within government frameworks to provide services to women and children in need of such services. Respite or Care Centers offer opportunities to provide support, care, safety needs, education,

spiritual upliftment and education to families from the community. In South Africa it is said that women are double bearers of victimization. They often feel embarrassed, blame themselves, fear of not being believed and stuck in feelings they feel responsible for.

South Africa also has the highest ratio of reported cases of sexual violence in the world. Gender inequalities lead to large numbers of women seeking temporary care and support until they are empowered to reintegrate into society. Because urban and rural women do not have the necessary skills for empowerment, they find themselves in helpless situations, that often keeps them there for a lifetime or until they are killed by partners or spouses.

Children find themselves primary and secondary victims of abuse <sup>4</sup>. The draft strategy on child protection in South Africa, September 2001 states that government wants to “effectively address child abuse, neglect and exploitation in an integrated manner”. One of its main aims is to focus on services of prevention and early intervention primarily for family preservation through civil society participation. The new bill acts as a safety net for vulnerable women and children.

Hanny El Banna very eloquently concludes his talk on the global role of Muslims in humanitarian Aid “finally I would like to emphasize that charity is a God given right for all human beings.

No human can abrogate this right, because to prevent man from doing good goes against the natural order or it cannot succeed because man will never prevail against the will of Allah the Almighty”<sup>5</sup>.

### **What is a Comprehensive Program?**

Respite care and support should be an immediate service provided for mothers and children who find themselves in vulnerable situations. Respite centers are the first entry point for intervention. The provision of counseling should be broad and should focus on all urgent issues.

Ongoing counseling and mental health services become a priority for women and children who come from traumatic situations. Mothers who are grappling with maintenance issues, grants or new jobs need to be assured that their children are safe. Schools should become part of the comprehensive program where they support women and children who are in temporary care. The children engaging in education and Madrassah education should never be compromised because of their situation. This is secondary abuse.

Alliance for children’s entitlement to social security (Access) states that it costs a minimum of Rand 490 per month to meet the basic needs of a child. In such facilities girls from 0-18 and boys from 0-12 will be accommodated. Older males will be accommodated in a facility suitable to their needs.<sup>6</sup>

For complex legal issues, legal aid, volunteer lawyers can be used.

Vulnerable Muslim women and children should be a priority concern for the Muslim community and the comprehensive program should consist of the communities endeavors to develop a coordinated, multi disciplinary approach that takes into consideration the psychological, physical, economic and spiritual needs of these women and children.

A model program will consist of the following areas of expertise:

- Counseling for women, children, the elderly and ill.
- Child protection services / childcare programs.
- Parental training for mothers/grandmothers.
- School and Madrassah for adults and children.
- Care for elderly Muslim women who are healthy and to promote health. Support and social groups.
- Justice system programs – maintenance, protection orders.
- Out of court training for women.
- Skills training for women for reintegration into the community.
- Substance abuse, domestic violence, HIV/AIDS education.
- Supervised visitation programs.
- Tutoring for schooling programs.
- Spiritual classes for women and children.
- Family preservation programs.
- Social care for elderly women on a daily

basis to prevent depression and other mental illnesses.

- Income generating activities (IGA's)

### **Careproviders response to women and children in need of temporary care**

All careproviders will provide assessments, support, and be supervised fully by professional staff.

### **Staffing:**

- Overall coordinators (professional person)
- Administrative worker
- Program manager
- Clinical supervisor
- Sessional doctor
- 20 volunteer workers
- 2 part-time housemothers
- 1 Domestic/garden staff

This single system will require comprehensive management from separate agencies and community.

### **Methodology**

The purpose of this research was to gain deeper insight in this situation using standard social research methods<sup>7</sup>. All target groups were from the Muslim faith. Community faith based organizations dealing specifically with children's issues were targeted as well. Structured questions were used to assess whether there was a need for such a center (see Appendix 1). Most questionnaires were completed at two community fairs. Questionnaires were completed by randomly selected 1000



women over the age of 18. Secondly, group discussions were used to assess the issue at hand and to contribute to further knowledge of the issue. Action research was used for the focus group discussion which was participatory. Action research fundamental principle is that the community and the researcher are equal participants in planning and implementing the necessary projects. Hence the researcher's use of the focus group discussions for the purpose of bringing together valuable resources from both sides. The learning process from both sides gave valuable insight into the area of respite care. Questions focused on: "Who are the target groups who need this respite care? Who should provide this? Who qualifies as destitute and abandoned and how will

the center sustain itself?"

Fourteen focus group discussions were held with groups of ten each. Each focus group had a facilitator and a rapporteur. Here religious leaders, community members, professional persons from NGO's, CBO's, and FBO's were targeted. These groups were specifically targeted because they form the core of service delivery in the area of women and children's issues.

### Analysis Of Data

#### Questionnaires

One thousand (1000) questionnaires were completed. One hundred twenty questionnaires were spoilt; eight hundred and eighty (880) were thus analysed.

#### ***Question 1 - In the Muslim community do we have abandoned, battered, destitute and ill Muslim women?***

Yes - 813

No - 0

Do not know - 67

This overwhelming response indicated that respondents were aware of the situation and needed to know whether resources were available or not.

#### ***Question 2 - Do you know of an in-house center that caters for Muslim women who find themselves in difficult situations?***

Yes - 0

No - 789

Do not know - 91

Not one respondent responded in the positive because there seems to be no in-house center that accommodates Muslim women. Ninety one (91) respondents did not know whether there are centers or not. This could be due to the fact that centers are not always visible in the communities.

#### ***Question 3 - Is it necessary for the Muslim Community to provide a center for Muslim women who have problems?***

Yes - 850

No - 0

Do not know - 30

Eight hundred and fifty persons indicated that such a center should be provided by the Muslim community. This clearly shows that persons are aware of the vulnerability of women and that a resource center should cater for their immediate needs.

***Question 4 - Do you think it is necessary to establish a center in KwaZulu Natal for Muslim women?***

Yes - 850

No – 0

Do not know - 30

This question ties up closely with question 3 hence the responses are identical. The establishment of a center seems to be a priority for respondents. This need could be based on their own experiences and what is currently happening in the KZN, Muslim and other communities.

***Question 5 - It is the Muslim community's responsibility to take care of their own.***

- Abandoned women have nowhere to go.
- Children are at risk of rape and assaults.
- Too many battered women have nowhere to go.
- Eleven million children are defined as vulnerable children in South Africa.
- It is the right of Muslim women in need to get help from the Muslim community.
- Zakat is for the poor and must be used for these women.
- Muslims are becoming Christians because they get help elsewhere.
- Old women are abused and lie in their beds with huge bedsores.
- Huge buildings are lying empty, yet Muslim women and children sleep on the streets.

***Question 6 - Who should establish this Center?***

- Overwhelmingly: the Muslim community because of Zakat.
- Government should take responsibility, but Muslims, should provide such a facility.
- NGO's who provide services to the community.
- Professional people like community workers, social workers, psychologists and business people and organizations such as Zakat fund, Darul Yatama.(house of orphans)
- The whole community must get together to help these women and children.
- All other religious groups do cater and have their own facilities, we Muslims should learn from them.
- Some Muslims close their eyes to these issues, they need to be empowered to take action.

### Focus Group Discussions

Fourteen focus group discussions of ten each reached one hundred and forty persons. Needs Assessment, discussions about Muslim community's role in service delivery were focused on. Results indicated; all fourteen groups stated that many Muslim women and children were in need of care. A thorough reassessment of communities from the south to the north of KwaZulu Natal indicated no care center for Muslim women existed. Care centers did cater for Muslim children but separated siblings from each other causing secondary trauma in many cases. Women, the elderly and ill women had no in care facilities that catered for all their needs and to empower them to take control of their own lives in a respectful and dignified manner. Comments like "It is about time that Muslims cater to the needs of these women like the Prophet Mohammad (PBUH) did". "It is always the women and children who have nowhere to go". The Islamic leaders must take a stand and provide support".

### Results And Discussion

Some strides have been made in South Africa to provide more intensified programs and facilities available for vulnerable women and children. It should be government priority at the moment because of the seriousness and severity of the issues pertaining to women and children, the elderly and the sick fall into this category as well.<sup>3</sup> The results from the research indicate

that a great service need exists for Muslim women and children in KZN. The knowledge of respondents in terms of care centers for women indicated that there are none in Kwa-Zulu Natal. Most Islamic NGO's and FBO's place destitute and abandoned women in shelters that do not specifically cater for Muslim women. Although the Muslim community should be commended for the professional legal, medical and material assistance that they provide, a huge gap is present in terms of support, safety, and care and this gap widens by the day. An overwhelmingly positive response for a center to be provided by the Muslim community, says that this has been recognized as a critical need of Muslim women. For various reasons such as finding suitable premises and funding, this has not materialized as yet in the Muslim community.

### Role of The Muslim Community

Both the questionnaires and the focus group discussions concurred that the Muslim community has alternate solutions. Firstly because of Zakat being a fundamental pillar of Islam. It is also incumbent on the wealthy to give as much charity as they can. It is reported that Asmaā bint Abu Bakr narrated: "Do not shut your money bag; otherwise Allah will withhold his blessings for you. Spend as much as you can afford."<sup>78</sup> The Prophet ﷺ said: "inform the people that Allah has made it obligatory for them to pay Zakat for their properties and it is to be taken from the wealthy and then to the poor

among them.”<sup>99</sup> Zakat can be positively utilized for the purposes of a care center and family preservation, especially in the instance of caring for abandoned and destitute women and children.

Islam focuses on the safety and support of the poor whether they are men, women or children. Practically in South Africa it is mostly women and children who are afflicted by abject poverty, isolation and abuse. The current trend in South Africa and also in Muslim communities is that violence has become part and parcel of everyday life. Many women are told by some religious leaders that their husbands are entitled to hit them, and that they should not complain and practice “sabr”. Baytul-Nur (House of light ) sees such cases (10 to 12 per week) where women have no recourse but to stay in abusive relationships. Many people have forgotten that Islam is based on human rights, justice, gender sensitivity, and caring for the elderly and ill. The treatment of these women remains one of the most under-resourced and least important areas for Muslims, other communities and the government. Often lack of access to health services and abuse in the home by family members leaves elderly and ill women in clinical depression for years.

## Recommendations

- The results indicate that an urgent need exists for a respite center with collaboration; networking and discussion should become a major priority for the community. This is one gap in the Muslim community that cannot be ignored anymore. Baytul Nur, a NGO, sees approximately 10 to 12 such women per week who have come to the end of the road and feel that life is worthless, only their Deen helps them survive on a daily basis.
- Muslims who are concerned and want to develop a respite center should form a management committee. This committee should comprise of professionals in the fields of social work, psychology, accounting, counseling, and volunteers, businesses and the Ulema.
- Such a facility should also be used as a training facility for all graduate and postgraduate students to do community services or intern service so that professional services can be provided at a minimal cost.
- Such a facility should also be self-sustaining. Skills development must be encouraged. This should also be a practice model based on Shariah and a role model for all community organisations who provide services in these areas.

**APPENDIX 1****Needs Assessment For A Home/Shelter For Abandoned, Abused, HIV+ And Destitute Muslim Women In KZN**

1. *In the Muslim Community do we have abandoned, battered and destitute and HIV positive Muslim women?*

YES

NO

I DON'T KNOW

2. *Do you know of a shelter that caters for Muslim women who find themselves in difficult situations? (eg. Abused women and children)*

YES

NO

I DON'T KNOW

3. *Is it necessary for the Muslim community to provide a shelter for Muslim women who have problems?*

YES

NO

I DON'T KNOW

4. *Why do you think it is necessary for such a Home/Shelter in KZN?*

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5. *Who should establish this Center?*

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# Appendix

## Introduction To: International Conference: Muslim Women In The Midst Of Change

1 – 2 September, 2007 / Kuala Lumpur- Malaysia

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**Musa Mohd. Nordin**

On the auspicious occasion of Malaysia's 50<sup>th</sup> Independence anniversary, the Muslim Professionals Forum (MPF) staged an international conference at the Kuala Lumpur Convention Centre from September 1-2, 2007, to address the theme **"Muslim Women In The Midst Of Change"**

As a grouping of Muslim professionals, MPF strives to achieve a credible intellectual engagement and dialogue on issues that touch on Islamic beliefs, practices, culture and thought with a wide cross-section of the Malaysian and international society.

And one such issue which has occupied a central position in present discussions on Islam and the modern world is the status, role and real world situation of Muslim women. Social customs and traditions, poverty and illiteracy often eroded or subverted Qura'nic wisdom. Prophetic guidance and practices which protected women's right to access religious spaces and for women to be engaged in social and political circles were often ignored and became restricted historically.

Yet women can reclaim the Islamic legacy of their dignity and emancipation, and can still find in the glorious history of Islam, voluminous examples of women's outstanding contribution to civilization. From the strong public figures to be found in the household of the Prophet such as Khadija, Umm Salama, let alone Ayesha and Fatima, the many women companions of the Prophet (Sahabeyyat), to the many millions of women through the centuries who contributed to Islamic civilization, raising children, sustaining families, working, trading, educating, establishing waqf (bequest), building mosques, serving environmental causes, providing shelter for battered women, the old and infirm, becoming guardians of heritage and language, protecting the social texture that accumulate the social capital of any civilization. One other contributory factor apart from customs and traditions is the imposition of Western models of political and economic development and secular liberalism's notion of individual liberty and gender equality that has created a conflict of roles and responsibilities, which is both confusing and detrimental.

Understanding this very complex map of women's presence in the Islamic civilization is essential in regaining some of the lost roles, increasing the awareness as well as founding new avenues to resume the lost engagement to enable the Muslim Ummah to progress and recapture its status among nations and civilizations.

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Hence the initiative of the MPF to organize this international conference in close collaboration with the Ministry of Women, Family and Community Development to achieve three major objectives, namely:

1. To understand the history and evolution of feminist “traditions” within Islam.
2. To discuss Muslim (gender) roles from the Qur’an and Sunnah (Prophetic traditions).
3. To examine the injustices against women in Muslim societies and recommend solutions.

There were well over 350 participants including representations from South Africa, USA, Egypt, Australia, Kenya, Bangladesh, Phillipines, Japan, Maldives, Nigeria, Germany, Saudi Arabia and Malaysia. The Conference attracted Muslim and non-Muslim participants and many officials from the Prime Minister’s department, various ministries, Attorney General’s Chambers, Shariah Courts and other government institutions and from many women’s organizations, NGOs and the academia.

The two (2) day conference opened with a keynote address by the Minister of Women, Family and Community Development, Y.B. Dato’ Seri Shahrizat Abdul Jalil, entitled: “Muslim Women in the Midst of Change”.

There were three plenary lectures, five workshops, two panel discussions and a dinner talk .

The titles of the plenary lectures were:

1. **Muslim Women As A Battlefield** by Waleed Aly (Australia).
2. **Islam and Gender** by Dr. M. Haitham al-Khayyat (Egypt).
3. **Muslim Women at the Cross Roads – Cultural and Traditional Values vs Religious Imperatives** by Dr Heba Rauf (Egypt).

The five workshops deliberated the following issues:

1. **Women and Violence.**
2. **Women’s Rights and CEDAW (Convention on the Elimination of all forms of Discrimination Against Women).**
3. **Women and Gender Equality.**
4. **Women, Justice and the Shariah Courts.**
5. **Women and The Future of the Ummah.**

The two **panel discussions** examined and dissected the following agenda:

1. **Muslim Women in History and the Challenges of Modernity.**
2. **The Conference Recommendations.**

The dinner talk was delivered by Australian Muslim of the Year 2004, Susan Carland on the topic “**lifting the veil**”.

**One of the plenary lectures i.e. that of Dr al-Khayyat is published as a separate article.**



The paper of Dr. Heba Ezzat and the presentation by Susan Carland will follow this introduction.

### Conclusions

While women in the Qur'an and Sunnah have the same religious duties and promised the same rewards, the actual condition of Muslim women in different time periods and socio-historical contexts fell short of the parameters prescribed by the Islamic Law.

This short fall is a complex consequence of culture, traditions, customs and socio economic factors. This is now further complicated with the pressures of secular notions of political and economic development, gender equality and individualism.

The conference endeavoured to raise the level of awareness on the major issues surrounding **“women in the midst of change”** and recapture the pristine values and standings vis a vis the active engagement of women in virtually all domain of human existence as advocated by the Qur'an and Sunnah.

The conference recommendations would embrace these new insights into the complex issues involved and offer some viable and doable solutions, especially for policy makers and government institutions.

If women in the early history of Islam contributed to the establishment of the Islamic model at all levels and fought for it, it is the woman's right and her Jihad (endeavour and duty) to do that today. This is not a Gender Jihad rooted in a feminist perspective but a Jihad embedded in a rejuvenated vision (Tajdid) of an Islamic future.



# Muslim women at the cross-roads: cultural and traditional values versus religious imperatives

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**Heba Raouf Ezzat**

## **Abstract**

Islam has both explicitly and implicitly framed the status and role of women in Muslim society. The active and distinguished contributions of women in Islamic civilization is testimony to the wide intellectual, social, economic and political space which they enjoyed. The passage of history has unfortunately subverted the Qur'anic and Prophetic wisdom of the rights and dignity of women. Social customs, tribal traditions and conservative interpretations of the texts, among others, restricted their presence in public life.

Revival (Tajdeed) is a perpetual phenomenon in the annals of Islam and the last two centuries have witnessed a major emphasis on women's issues. Four waves of reforms, beginning from the 1890s, exemplified the authentic Islamic discourse on women's issues.

Addressing women's issues from an Islamic perspective would require a complete and holistic embrace of Maqasid al-Sharia, the essential goals and priorities of the Islamic Jurisprudence. This hierarchy of priorities includes the preservation and protection of religion, human life, human reason, human progeny, human dignity and property and capital. There is an urgent need and obligation to operationalise these religious imperatives to transform present reality towards the highest virtue, that is justice (Adl). Active engagement with post-modern conditions would require addressing the following 6 domains, namely : the Virtual, the Visual, the Vocal, the Virtuous, the Violent and the Visionary.

The liberating potential for women is inherent in Islam and not subservient to forces outside Islamic culture and civilisation, western influence included. Unless the struggle of Muslim women for equity, dignity and presence is founded on a contemporary and progressive understanding of the Maqasid, they risk losing their Islamic compass.

**Keywords:** *Islamic Sharia, Justice, Revival, women's rights.*

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## Reclaiming the legacy and legitimizing the claim.

The study of women in Muslim society is complex, reflecting the overlapping and diverse realities of Muslim societies throughout the ages. Alongside ideals and notions embodied in the Quran and the Prophetic oral and practical traditions (*Sunna*), one must look at the actual condition of Muslim women in different time periods and socio-historical contexts. The subject of relations between men and women in both the private and the public sphere is highly controversial among scholars. The status and role of women in Muslim societies was in many cases interpreted, framed and attributed to socioeconomic forces rather than to religious belief. Social custom, poverty, and illiteracy often eroded or subverted Qur'anic wisdom.

While Islamic law did provide the parameters, the actual rules and codes of conduct in practice were the result of local conditions and social relations, which often differed from urban to rural and from civic to tribal settings and from one region to another. Whether or not men took more than one wife, or whether divorce was common, or how modesty expressed itself in terms of women's dress, or the degree of participation in the work force in agricultural economies as well as urban market places – also varied from a century to another in an asymmetric way. Frequently regional and local traditions defeated the verbally admitted rights of women in Islam.

Islamic guidance of Prophetic practices

that protected women's right to access religious spaces, get engaged in social and political circles and even have a role in the military sphere were often ignored in the following centuries after his death. Communities that sought to protect the females from harassment, the public sphere from *Fitna*, and the property from division denied women the right to have an independent individual choice, nor the due economic and financial capacity and the access to all the spaces of the community. Their ability to move or travel were limited. The role of women in religious circles and educational institutions was similarly restricted, unless she belonged to a family of scholars or was the kin of one of the *Ulam'a*. Segregation, especially in the cities, became a tool of dis-empowerment, and controlling the female body was seen as the lightest evil compared to the malaises of a feared moral decay.

Yet women can reclaim the Islamic legacy of their dignity and participation, and can still find in the long history of Islam examples of women's outstanding contribution to Islamic civilization<sup>1,2</sup>.

During the Prophet's time examples of strong public figures are to be found, starting from the women of the household of the prophet such as Khadija, and Umm Salama, let alone Ayesha and Fatima, and the many female companions of the Prophet. They all were a major source of religious knowledge as well as partners in advocating the cause of Islam, and dying for it.

Sumayya the first martyr, Ayesha the

transmitter of Prophetic traditions and the leader that took stances that led to confrontations within the community, Nusayba the noble warrior, and many other *Sahabeyyat*. However, these are often regarded as “exceptional” personalities and unique characters.

And while women in the Qurán have the same religious duties and are promised the same rewards, their religious role and practice, particularly their access to the mosque as a multi-layered and multi-faceted public sphere mixing the sacred and transcendental with the humane and temporary, became restricted historically. In the centuries after the death of Prophet Muhammad, religious scholars increasingly cited a variety of reasons, from moral degeneration in society to woman’s imagined tendency to be a source of temptation and social discord, to restrict both their presence in public life and in the space of the mosque.

As in all the world’s major religious traditions, societies and cultures, in Islam both the reassertion of tribal custom and historical interpretations and practices often undermined Quránic guidance took place.

Yet we need to re-conceptualise our history not only as women but as societies that were kept out of the process of historiography in favor of the elitist military and political agenda.

Women through the centuries had a share in social, intellectual and economic life in Muslim communities.

To name just few, women’s contribution

to Islamic science dates back to early Islam, and has not ceased through the centuries, with interruptions here and there in history due to different reasons in each case and region. This history of women’s involvement in ‘Ilm and Fiqh was recorded by male scholars themselves in books of history of Islamic sciences. The issue of women’s role in creating and reforming Islamic knowledge is not initiated by contemporary feminism but has its roots in our Islamic culture. This is important to clarify the fact that the liberating potential of Islam is inherent in Islam itself and its history and is not a result of forces outside the culture and civilization of Islam or a result of the contact with the West in the colonial era, though cultural and civilization interaction should be seen as a legitimate means of extending human knowledge, and even unavoidable.

Women also had their impact and were partners in many dimensions of building and nurturing Islamic civility through centuries. From the role of women in the Sufi tradition, to their talented presence as poets and masters of literary endeavors of different forms, including the preservation and transmission of the oral traditions, they became guardians of heritage and language.

Yet the stress should not only be put on the distinctive outstanding examples as usually compiled in books on prominent figures. Millions of women through centuries contributed to the Islamic civilization working on the fields, raising children and sustaining

families, protecting the social texture and preserving traditions that accumulate the social capital of any civilization.

Women build families and join public spaces, work in trade and educate. But women also invent collective dancing, singing and entertainment. They prayed at home and in mosques, and knew how to entertain their families and communities in a way that complied with Islamic ethics.

If the talk about civil society is now at the top of the agenda in many circles and academic disciplines and policy making levels, Muslim women should be proud of the role Muslim women played historically in all regions of the Muslim world in establishing *Waqf* and devoting time and allocating money to the different societal causes. Women contributed to building mosques, hospitals, Madrasas, and helped serve environmental causes and even foster women solidarity by providing shelter and sustaining for battered women or single old women or even women who left home for domestic violence reasons and had no place to go to.

Understanding this very complex map of women's presence in the Islamic civilization is essential in regaining some of the lost roles and establishing an awareness as well as founding new organizations and networks to resume the lost engagement of women, not only because of traditions but also due to the developments that resulted from the imposition of Western colonialist of models of political and economic development that created a conflict of roles in many circles, depriving women

from structural and societal networks and avenues that empowered and supported them for centuries.

Women all over the Islamic world are struggling to combine their aspirations with the struggle of the Ummah to progress and recapture its status among nations and civilizations.

New roles need to be given legitimacy in different domains. The global era requires that Muslim women understand the challenges as well as the opportunities such an era offers and embark on reconstructing the Muslim mind to prioritize and invest its historical social and political capital in the most efficient way.

Contemporary Muslim women have been involved in studying and teaching the Islamic sciences, and Islamic Universities have distinguished women scholars. The most prominent in the Arab world was the late bint al-Shati', a professor of Tafsir (exegesis of the Quranic texts). Many female professors at al-Azhar and in all Islamic Universities are active "Muftis" addressed by women to clarify many issues. The role of women within the circles of Ilm has not been sufficiently studied.

Recent writings that started giving attention to the role of women within the Islamic social movements in transmitting and studying the Islamic sources were over-occupied with the political, not necessarily the social and cultural impact of such phenomena<sup>3</sup>. The role of the majority of women should rightly be studied as they too contribute to the

knowledge and Ijtihad by asking for Fatwas and initiating interest in specific topics within the wider Islamic public sphere. The systematic struggle of Muslim women scholars of Islamic studies is the vehicle by which new interpretations come to existence, and dominant classic religious opinions are analyzed and become subject to Tajdeed (renewal) by other male scholars.

Reforming our understanding of the Qur'an and the Prophet should be the way to understand Islam and practice it accordingly. Only then can we describe our cultures as Islamic, and as: "fair", "just", attempting to follow and nurture the general aims of Islam (Maqasid)".

#### **Women as agents of Muslim renaissance <sup>4</sup>**

Islamic- religious and intellectual-renaissance (*tajdid*) was ongoing in the history of Islam, yet in the last two centuries it took the mission of restoring the rights of women as one of its major missions. For many the hope was that, in time, the Muslim rebirth would lead to national liberation from European colonial dominance and social liberation from dominant ideas of women inferiority so they can participate in the aspired *Nahda* (Progress).

The challenge existed on all fronts: political, economic, religious, educational, and socio-cultural.

Approaches to the content of the needed *tajdid* varied, ranging from a very tight margin introduced by the more conservative ulama, to a more progressive one by Islamic intellectuals who

responded positively to the challenges of modernity.

Reformers like Jamal al-Din al-Afghani (1836-1897) and Muhammad Abduh (1849-1905) in Egypt were the leading figures of such attempts. They saw Islam as compatible with the pillars of modernity (reason, humanism and science/technology), realizing that the Umma needed to benefit from the achievements of the European enlightenment while keeping its religious foundations of civilization and its political independence.

Colonialism inaugurated a period of debate and reform that encompassed the areas of dress, family relations, education, and employment, and witnessed Western attempts to modernize Muslim societies and Islamic attempts to establish an authentic Muslim models of modernization.

In Egypt, for example **Shaikh Muhammad Abduh** and **Shaikh Refaa Tahtawy** represented a vision that supported women's education and social involvement. The former, an Islamic scholar and religious leader, condemned in his writings and legal opinions (*Fatwas*) the abuses of polygamy and divorce and advocated reforms to protect women's rights in marriage, divorce, and education. However, for **Abduh** as other Islamic modernists, women's education was less an inherent right and religious duty than a necessary means to strengthen the family and re-islamize society.

The disciple of Abduh -Qasim

Amin- advocated greater educational opportunities for women arguing that educated wives and mothers would strengthen the Muslim family and thus Muslim society. At the same time, he provided rationales for reforms in Muslim family law, arguing that the Quranic ideal was monogamy, in order to restrict polygamy as well as to restrict a male's right to divorce or repudiate his wife. If, often, males were the advocates for the "emancipation" of women, Muslim women-as individuals and through newly established women's organizations-also pressed for religious, educational, and social reforms.

It is important to note that women contributed to the early wave of women liberation by the end of the 19th century when women's press developed from the early 1890s in response to increasing interest in women's affairs and a growing, mainly upper and middle class, female readership <sup>5</sup>.

For several decades, much of the Muslim world has experienced a contemporary religious resurgence or revival. The reassertion of Islam in personal and public life has taken many forms, from greater attention to religious practice in the public square to the emergence of Islamic organizations, movements, and institutions. Islam has visibly become a significant social and political force beyond organized groups, and the call for an Islamic state put the legitimacy of the political regimes (mostly military and totalitarian) in question.

In return governments appealed to Islam

to enhance their legitimacy and mobilize popular support.

If many saw the alternative of a new Islamic order as a solution to almost all problems, others have feared the creation of an Islamic state or the forceful implementation of Shariah (Islamic law).

Yet if women's involvement and respected role within the movement manifested itself in actions and political struggle, the Islamists did not ignore the weight of words and discourses in a religion that is based on the revealed word of Allah.

During the last decades a silent reform took place in this respect that was hardly noticed or documented.

Many Muslim scholars and some Islamists have more boldly struggled with balancing the Qurán's eternal nature and the way to implement it in historical and cultural context. Dynamism and diversity of contemporary Muslim life requirements needed to be taken into consideration.

**Four specific reforms** on the level of discourse can be presented as an example of the authentic Islamic/Islamist voices that defended women's rights and provided women with a strong Islamic support during the controversy that gained momentum since the Beijing Forum 1995

**The first change** happened on the level of Jurisprudence and thought within the Islamic movement.

**Shaikhs Mohamed Al Ghazali** (1917-1997) and **Yusuf Al Qaradawi** (Born 1926) as distinguished scholars and



jurists as well as highly influential figures in the Islamic movement in Egypt –and in the Arab and Islamic world- published important literature on the right of women to be present and active in the public sphere, ranging from social presence to political participation.

This literature-in contrast to the al Azhar position that will be mentioned shortly-were published starting from the early nineties ,so they were not initiated by International event and did not have a reactionary nature , but came as a result of a growing authentic awareness of the necessity of reform and change in women situation from an Islamic perspective.

**Shaikh Ghazali** called upon Islamists to respect the rights given to women in the Qurán and Sunnah and harshly criticized their conservative attitude in women's issues-a position that many Islamists did not feel comfortable with even if they respected his other socio-political views.

In many parts of his recent books, before he passed away few years ago, he affirmed the important role of women in all areas of life in the Muslim society. The peak was his book titled “Women's Issues between the Sterile and the Imported Traditions”(1990) referring to the polarization in women's issues between Islamists' and secularists' positions.

He advocated women's participation and referred to women's role all through the Islamic history and defended women's right to access all domains of life. He resumed the topic in different chapters in the last books he wrote, stressing the

importance of revising the dominant approach to women that is affected by tradition rather than pure Islam, and called for a rational and just interpretation of *Hadiths* that were always used to undermine women and re-read them through a new egalitarian vision.

Though an advocate of an Islamic state himself ,Ghazali was aware that some of his fellow Islamists do not like the idea of women being publicly active and expressed a concern that if such voices gain women would be locked behind closed doors in a future Islamic state.

He called upon Muslim women to denounce the secular answers to women's questions on the other hand and establish an Islamic “wise” women's movement on Islamic grounds that would play a role in women liberation globally.

**Shaikh Al Qaradawi** as a jurist issued *Fatwas* confirming that women have the full right to political participation, as well as many rights in the family and in cases of divorce that were denied in the traditional culture and in daily practice.

He also criticized the over-occupation of some Islamists with questions of *Fitna* and how women's femininity can be a factor of seduction in the public sphere to legitimize segregation , and insisted in practice to give lectures to an audience of both sexes , denouncing an emerging tradition of separate schedules for “brothers” and “sisters” in conferences .He used to encourage his female students to stand up and ask questions , attacking the fellow students who wanted to shut them up and

insisted that their queries should be sent to the lecturer in handwriting.

Like Ghazali, Qaradawi too encourages in his writings women to stand up for their rights and defend their Islam by re-forming the discourse and action of women's movements to be rooted in Islam. The "Muslim woman of tomorrow" as he calls her should be outspoken and active and reach out to her history and heritage as well as be aware of her age and its challenges in order to play her expected role as an advocate of a global faith.

**The second reform** took place within the religious establishment of al Azhar in the time of Sheikh Gadel Haqq, who was often accused of being conservative .During the months before holding the ICPD in Cairo he formed a group of Jurists and scholars to study the situation of women in International conventions ,and prepare an official stance of al Azhar to be declared during the ICPD 1994.

The outcome was a book by a forward written by Gadel Haqq stating that Islam gave women all rights within both the private and the public realm.

This book included a chapter on women's political rights that allows women to elect and be elected in parliamentary elections ,a position that counters a *Fatwa* issued three decades earlier by the same institution denying women that right and holding them incompatible with political roles.

The overall position of al Azhar was supportive of women's rights, stating that only explicit anti-Islamic values

(especially the radical feminist ideas and the homosexual claims) should be attacked , and confirming that it is sure the government will not support any declaration or agreement that would go beyond the limits of Islam.

Being under attack and facing a campaign by many political forces that shared a moral concern regarding the ICPD draft document the government did have a middle position confirming it would not sign any agreements nor support any declaration that would be seen as against Islamic values.

**The third reform** was within the inner circles of the Muslim Brotherhood that used in the past to see writings of Ghazali and Qaradawi enough as a sign of respect to women's rights.

When the ICPD approached and Cairo was expecting the delegates to start arriving, the Muslim Brotherhood felt the need to assert it's position that was usually misrepresented and a statement was declared and distributed in the ICPD non-governmental forum expressing the Muslim Brotherhood position in the issues of democracy, pluralism and women.

They stressed that women have a dignified position in Islam and that they have the right to be present in the social and political sphere, opposite to what was claimed to be their position.

As the Muslim Brotherhood has no official presence (because the movement was banned since Nasser time) the movement could not be present formally in the non-governmental forum of the

ICPD, yet Islamic figures from the middle generation were present, as well as delegates from the women's section of the Labor opposition party that had a known political coalition with the Muslim Brotherhood. Syndicates with Muslim Brotherhood members in its boards such as the medical syndicate also was present with members in the NGOs forum and hosted some religious and anti-abortionist International delegates to the NGOs forum in a reception to show where it stood.

**The Fourth Reform was the women's struggle within the Islamic wider resurgence** to gain more rights and challenge the dominant stereotypical roles of women by being more politically active. With the Islamic resurgence in the late seventies many educated women in the Islamic world were rediscovering the liberating potential of their religious traditions. Increasing numbers of them chose, sometimes against the wish of their own "patriarchal" families, to join the wider Islamic movement. On the other hand they struggled with political restrictions and in some countries rigid discrimination and violation of their citizenship rights by the political regimes. In the past decades women's voices gained ground in the religious sphere which is significant.

While some researchers overlooked the Muslim women presence in the non-governmental sphere and their efforts to empower women according to the Islamic paradigm they were embracing, and simply insisted on classifying them as Islamist feminists, an identity many would be very

reluctant to accept.

Women's roles in contemporary Islamic resurgence has largely been analyzed within a **resistance model** -where they often appear as the victims of reactionary male fanatics, overlooking the current active female participation in Islamization - beyond the insufficient categories of victimization and false consciousness towards a self-determined and conscious strengthening of female Muslim identity.

The veil- usually presented as the symbol of oppression- was used as a means of empowerment and to get a social room to maneuver, enlarge women's scope of action and increase their independent mobility in the social world outside domestic boundaries, a strategy that is legitimized by religious authoritative discourse.

There are different trends of re-interpretation of Islamic sources by women, distinguishing between Muslim feminists who stand on secular grounds, and emerging Islamist voices -male and female- stressing the strong liberating potential Islam has for women.

Women's religious associations sprung into existence as local expressions of Islamization, and represented women's involvement in Islamist movements.

By playing a voluntary active social role in NGOs and grass root politics women were carving out legitimate public space for themselves within these groups.

It seems clear that women's involvement results from personal choices, as part of their active practice of modes of life which

suit their needs and expectations in new modernizing realities .

Women through their religious activities developed positions that push against fixed traditional dominant forms in different spheres <sup>6,7</sup>.

### **Re-mapping religious imperatives : Women and the Maqasid of Islam <sup>8</sup>**

Addressing religious imperatives in the context of women's issues might imply for some the strict return to traditional domestic roles as a counter position to the stress on the public presence of women assumed to be a Western approach. It might also be assumed to stress on veiling, strict moral codes, focus on the worship aspects of Islam and foremost a strong commitment to family. If traditions and cultures have historically imposed this approach on women by imposing it , sometimes even using violent or structurally violent tactics, women should embrace this imagined "idealistic" way of life by their own choice.

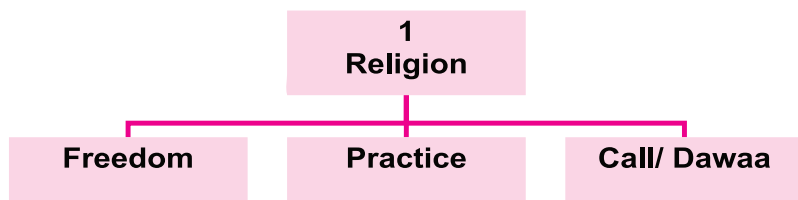
Yet what we mean here by Religious

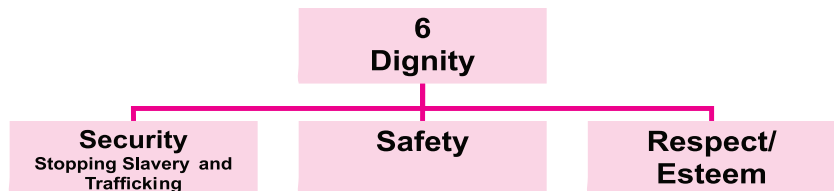
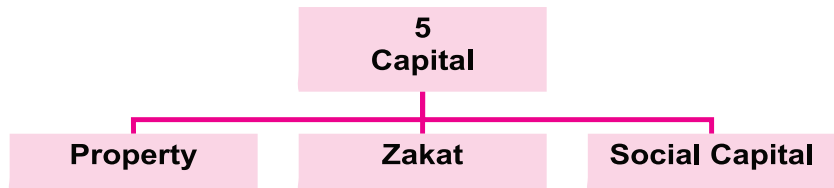
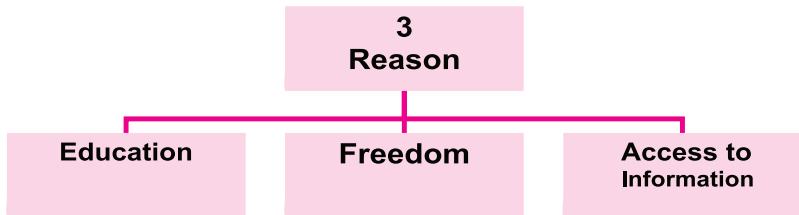
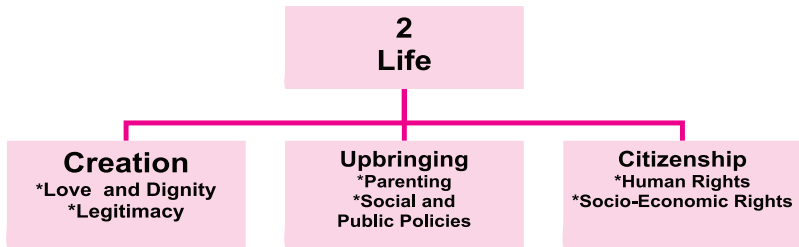
imperatives are the essential aims of Islamic Shariah which are the goals all directives and rules are serving and fostering.

These are the called by Muslim scholars and jurists "Maqasid" meaning the ultimate goals of Shariah. They include preserving and protecting: religion, human life, human reason, reproduction of the human species, property and capital, and human dignity (privacy and reputation).

In a global era with the rise of social, economic and political problems that bridge cultures and continents, the responsibility of each Muslim is to defend those aims when they are threatened by concrete problems. Hence we need to decode those terms in order to list the issues Muslim women should be active in dealing with intellectually and within civil society and on the international level at large through campaigns and networks.

One can unfold the Maqasid into issues as in the following diagrams:





These diagrams simplify the notions attributed to the 6 main aims and high imperatives of Islam. All religious obligations stem from them and fulfill their wisdom.

There is no point for example in focusing on the issue of the veil while women safety in the urban space is undermined and they are subject to harassment or even rape. And if a female baby is born and not granted the same opportunities in education, health and social respect then the aim of human dignity is not respected.

This requires that the aims of Islam be operationalised and re-defined in new terms that suit the modern context we live within as Muslim societies. And as we are the Umma bearing responsibility towards humanity we need to spread these notions and feel morally responsible for improving the quality and meaning of life within our boundaries and world wide.

This means that the struggle of Muslim women for equity and presence is very much linked with a struggle against the malaises of capitalism and global hegemony.

In an age where some nations feel free to consume goods as well as places and humans, humanity at large is threatened. Many Muslim nations suffer even more than others, and women pay the heaviest price and bear the heaviest burden.

At a certain point family was glorified

in the Islamic discourse as the heaven in a heartless world. This is definitely true, yet the family itself is subject to penetration and manipulation by the market and the state, hence its members have to struggle for its safety and security, and this necessitates a struggle in the public space, civil engagement and global solidarity.

Muslim women have no choice but to run their struggle on different fronts, and manage the struggle in different capacities.

The struggle against traditions and cultures that hinder women from living as dignified and active human beings and full citizens has to be paralleled with awareness that seeking help from a modern authoritarian political regime has a heavy price. They should also be aware of the fact that the public sphere they are obliged to participate in as citizens is colonized by the market and that its spaces have many contradicting faces.

The duty of reformation of Islam is matched by the duty of resistance to the capitalist hegemony and the re-establishment of the democratic model of Madina in a different urban context. The re-mergence of Islam is bound by the shift of the model of Islam we want to re-establish from the Polis to the Metropolis, and this requires a conceptual and methodological Ijtihad within Islam in the field of sociology, politics and economics beyond the dominant capitalist consumerist model.

Women's issues are embedded in that context and cannot be solved separately or independently.

And if women in the early history of Islam contributed to the establishment of the Islamic model on all levels and even fought for it, it is their right and their duty to do that today. This is their Jihad, but not a Gender Jihad rooted in a feminist perspective, but a Tajdid Jihad rooted in a renewed vision of an Islamic future.

### **Operationalizing Islamic goals within modern spheres: Positioning the reform vision in its temporality.**

While so much can be said about "Modernity at Large" and the hegemony it exercises, there is no doubt that there is a temporal necessity as well as obligation to place the six imperatives or high aims of Islam on the map of our age, without giving up on a struggle to change the relations of power towards a more just world. There is a need for modernity to be decoded and for the role of the theory of Maqasid - Aims of Islam in humanizing the anti-human potential in modernity to be fostered. Maqasid should be seen as developing and accumulating and unfolding in history, present and future.

Six dimensions in our age form the context within which these six aims should be positioned in order to change reality towards the highest virtue which is Justice (*Adl*).

These 6 domains or spheres are <sup>9,10,11</sup>:

### **1. The virtual.**

In an age of science and technology we are witnessing the rise of the network society. The emergence of global agents and the parallel rise of a global civil society was facilitated by communications technology, in particular the Internet. Yet many questions can be raised across disciplines regarding the dialectic relationship between global civil society, women, reform, religion and the cyberspace.

Beyond information and communication, the cyberspace is a realm of virtual realities. It introduces a notion of time and space that is relatively new. While virtual reality fosters the individuality of the Internet user, global agency promotes the logic of globality, the search for a universal common good and the sense of 'being for' peace, equality, and justice and against war, savage capitalism, violence, and so forth. The cyberspace as a space of flows, a placeless place where there is timeless time. Interdisciplinary research that explores the ontological and sociological implications of these developments could help build a new theory of the Virtual as much as it can help us develop global alliances occupied with women equity issues but realizing and asserting that in many situations imbalances and injustice are a reflection of deeper structural inequalities on the global level.

Virtuality should not obscure the

need for activism. Place in the global public sphere has diverse historical genealogies. The virtual, the real and the historical are interwoven and dialectic. In this context a multicultural conception of global civil society defies the claim of the 'end of history'. Only by realizing that women are different as much as they can share experiences and struggle together for global justice and peace that we can decide freely and with democratic consensus where the divergence takes place and where the convergence is inevitable.

Virtuality, which is usually conceived as being instant and of the present, does not nullify the historical.

## **2. The visual .**

A new dimension of the social scene in the modern age we live in -locally and globally- is the rise of the 'spectacle'. Visual messages and signals, pictures and images are increasingly becoming icons. They constitute the new vocabulary of the global age, transcending the barriers of language and culture.

On the Internet the visual is the instant medium of communication. In the broadcast and print media film and photographs signal the global shifts, reflect the scale of disasters and convey people's suffering, as well as their aspirations. Social movements are often triggered by an image that can catalyze action and social change – often more effectively than dutiful NGO campaigns .

Muslim women suffer from the image and the imaginary of who they are home and abroad. Reducing women to stereotypical images is the key of conflict. Cognitive impressions are, increasingly dependant on visual factors.

The media play a powerful role, not only as vehicles for disseminating images but as arbiters of how they should be perceived. The media can create a spectacle out of an image or trivialize its significance. When the mainstream media distort the 'image' of Muslim women as social agents, activists often seek to assert their 'presence' by creating alternative platforms or seeking different avenues. Cyberspace offers a major public platform and access to a significant targeted audience, yet more has to be done on the ground and struggles have to continue to change power relations in reality.

In this context the woman's body becomes a contested space and a central platform for visual signs and signals. The physical appearance as well as body language becomes a powerful medium of communication. The problem here is the potential of focusing on the spectacle rather than the action, which creates a false sense of achievement but does not change the structural relations that lead to injustice.

This preoccupation with the visual also risks strengthening the modernist



centrality of physicality (place and body) at the expense of reason and intellect (developing theories and polishing discourses). This aspect of modernity has been neglected by critics, who often assume modernity is about reason only. It ignores the inevitable shift to physicality if reason is defined solely in terms of secularity and temporality, and any transcendental or historical dimensions are rejected.

### **3. The vocal**

Societies manage differences and diversity by different tools, mainly language and conversations. These discussions do not aim necessarily to reach a consensus but to accommodate diversity in a soft and flexible manner. Coming from different cultural and linguistic backgrounds, women as agents engage in a process of 'negotiation' to reach agreement and debate mutual concerns. In this context 'translation' and 'interpretation' in the deep sense are inevitable, yet so little has been done to improve that level of communication.

One can raise many questions, such as how language is used and how it can be manipulated. If different actors resort to the 'secular' language of- let us say- CEDAW, how far does that affect the power of opponents to express themselves in their respective native languages and discourses, and to what extent does that inhibit their ability to challenge globalism and to genuinely represent an alternative model or

conceptual framework via democratic non-violent means.

My concern is that the lack of democracy and the limitations activists face in the dominant authoritarian mood in many Muslim countries is a major obstacle facing the reform of the vision of women equity. Hence women need to be engaged citizens to make the democratic transformation possible so that the wider cultural changes would help their lives change. The voice of women has to be heard in deciding change in their societies <sup>(12, 13)</sup>.

### **4. The virtuous**

Virtues, values and morality are central to mainstream debates on women in the social domain. Deciding what is essential, and how privacy and individual freedom can be guaranteed while social texture is protected and enriched in an age of rising individualism is at the heart of women's issues.

Noteworthy is to stress that the nation state was not only a political apparatus but, it was argued, a moral agent as well, moral accountability shifting from the individual and community to the state, with its legal framework and educational institutions. Rationality was gradually superseding morality; the result was a morality without ethics, subject to interpretations of narrow or elitist interest.

While the time factor is usually the urgent one to solve problems that seem immoral like honor killing or domestic

violence, driving NGOs to aspire the change of laws and the launching of programs, namely run the struggle on the level of 'the politics of everyday life', we should always consider time in terms of the *longue durée* too. Societal backlash, sometimes by women themselves, can waste achievements and gains, and relations should be changed but without losing the very social capital that would protect them outside the realm of the legal. Day to day politics is basically social rather than only legal or political.

The modernist condition of globality is characterized by multiple and overlapping moralities. Causes that try to bridge different cultural values and synthesize moralities into a humanist layer that is shared by all (yet retains distinct value systems) usually acquire moral legitimacy. Whatever the cause, there are always ethical underpinnings. Muslim societies have webs of normative meaning. Mobilization takes place around values, identity and culture, and the investment of this 'moral capital' to bring about change.

We should identify the spaces where the different codes can meet to investigate the moral questions raised by global concerns. How are civic virtues within the global public sphere formed and 'transformed' through direct contact and negotiated public interests? And then how are they synthesized and advocated on the basis of moral and ethical values? In its resistance to capitalism, war, abuse of natural

resources, and its keen attempts to end violence against women, bring criminals of war to justice, and advocate corporate transparency, we can see how Muslim women draw on a rich moral discourse that is more relevant to the masses than ideological rhetoric. We should not undermine that.

The problematic relation between the individual and the collective (the private and the public) has ultimately moral implications as well. How can the absolute be advocated yet the relative and individual choice respected, protected and cherished<sup>12,13</sup>

## **5. The violent**

Our age is an age of rising violence. The modernist secular promise that the privatization of religion would guarantee women freedom and equality was not fulfilled, and women were not happy either to see the returning religiosity in many examples attempt to make use of their cause to assert traditional non-Islamic notions.

The blunt violence of some militant groups against women was met with resistance, sometimes applied to the Islamic frame of reference itself. This should not be the concern only of women's movements but also a matter for socio-political comparative research that would contribute to the shift to a civil Islam that advocates social peace and active citizenship.

## **6. The visionary**

Compared with the social movements of the 1960s, there is now a more idealistic

aspiration, a more public-oriented discourse, and a more universal and culturally sensitive awareness. Women who seek justice and dignity have a vision, a vision that is not merely a manifestation of a gender approach but embodies a vision and a world-view as well. They feel more than ever capable of reshaping the structure and content of social relations.

Through networks, mobilization, fair trade campaigns, alternative media and grassroots sustainable development projects, women can create spaces where sustainable development comes close to realisation. Although this is only on a small scale, the potential for the networks to grow and really make a difference in the long run is huge. Here, active women, professionals, social movements and civil circles can integrate the needs and demands of women so that women can not only be empowered, but also contribute to the redefinition of what power is and how it should be exercised on all levels.

### **Conclusions**

The overlap between these domains on the national and international level can be enriching, but it can also be hindering.

While women need to be open to global concerns and agendas, they also have to develop their own local interests and decide their priorities<sup>14,15</sup>.

A final remark is that women are not one entity, they can have different views and conflicting interests. Muslim women can also have different experiences in terms of culture and society<sup>(16)</sup>. Democracy should be seen as the guarantee to giving the disempowered women a voice and a promise of a better life.

In many countries the authoritarian regimes gave co-opted women figures to help give the state a legacy it lacks through minor legal changes that are launched with major propaganda. This is a pretext and a façade to avoid making serious concessions to the democratic forces asking for a large scale long run change on all levels. Women can become in such a context agents of stagnation and despotism. This is what I label as “the feminization of authoritarianism”<sup>17</sup>.

Hence it is important to stress at the end that unless women’s struggle for dignity is rooted in a progressive democratic vision of Islam, we risk loosing our compass.

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# Lifting The Veil:

## Converts And Conversion

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**Susan Carland**

The story of my conversion to Islam is not overly thrilling. There was no wave that washed me to shore and saved my life after a heartfelt plea to an unknown God, like there was with Yusuf Islam aka Cat Stevens. There was no bolt of lightning, no booming voice. Instead, there was just years of questioning, soul-searching and investigation as a teenager that led me to embrace Islam at 19. And contrary to popular belief, I did not become Muslim for a man.

To my knowledge, there are no other Muslims in my family tree; my family first came to Australia hundreds of years ago as convicts with the early British fleets. I was raised in a relaxed Christian household and I went to church Sunday school regularly up to the age of 12, at which point I was allowed to choose whether I continued to attend or not. At 13, I was excited at the prospect of sleeping in on Sundays and watching music videos, and so gave away attending church with my parents. I still adamantly believed in God, but found the church I attended somewhat dull. Even so, throughout high school, I was acutely aware of my belief in God. I remember feeling that this separated me from my classmates, most of whom proudly declared themselves to be atheist, without really knowing what this meant. For them, it was just another cool way to shun authority.

I started to attend a local charismatic church in an attempt to find God in a more funky, youth-friendly environment. The people there were lovely, sincere, welcoming people, but my questioning just increased. Did I believe what I did because I honestly thought it was true, or just because it was what I had been raised to believe? I started to wonder about other religions, however, Islam was the last religion I was interested in. In fact, up until the age of 17, the only thing I knew, or thought I knew about Islam was the film 'Not Without My Daughter', a movie about an American woman married to an Iranian man who shows his true colors by turning into a crazy misogynist once they return to his homeland. I believed Islam to be a barbaric, sexist, violent religion that worshipped some strange pagan god, and was not interested in it in the slightest. I remember seeing a Muslim woman wearing a headscarf walking down the street, a smile on her face as she happily swung her shopping bags. "The poor thing", I thought. "Her cruel husband must make her dress like that. How awful!"

It was around this time, when I was 17, that I decided to take a break from the church. It was not so much that I was turning my back on Christianity, it was that I felt I needed to sort out what I believed for myself- I needed to find out what I felt was an objective truth, and not one tied up in feelings for my family and the wonderful friends I had made in church. All I knew was that I believed in God, wholeheartedly and desperately, and wanted to be with Him, where ever He was. Maybe God was in every religion, maybe He was in none. I wanted to seek Him out for myself, as He seemed elusive and close at the same time. I made it my New Year's Resolution to investigate other religions.

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Despite my adamant disinterest in Islam, I seemed to keep stumbling upon it. I would turn on the television in the middle of the night in a fit of insomnia and find myself watching a program on Muslims. I would turn the page of a magazine and come across an article on Islam. Some of the depictions were positive, stimulating and uplifting, others just reinforced what I had already heard, with a bit more negativity thrown in for good measure.

But my interest had been aroused. By now I was in university, and felt a greater freedom to really think about things for myself, and not be as concerned with what my peers thought, like I did in high school. I felt the sense of intellectual liberation that I needed to properly investigate such a weighty matter. I started going to Muslim internet chat rooms and nervously asked questions. Through this, I was put in contact with some of the Muslim women who were studying at my university who patiently answered my questions and let me tag along. By this stage I was reading whatever I could get my hands on about Islam. When I was supposed to be studying for my end of year university exams, I instead read my way through *Riyad al-Salihin*. In spite of myself, I was hooked.

And I found that contrary to what I thought I knew about Islam, when I let the religion speak for itself through its traditions, scholars and holy text, as opposed to taking the words of tabloid

journalists or appallingly behaving Muslims, I found a faith that was peaceful, egalitarian, socially just, and with a beautiful balance of the spiritual and the intellectual. In fact, Islam seemed to emphasise that an intellectual pursuit of God was a valid path of the devoted. Naturally, as a Western woman, the matter of women's place in Islam was of great importance to me. After all, Muslim women are often viewed with suspicion, hostility, pity and down-right contempt in the West- was I ready to take that on? And what about the hijab? Was that really something I even wanted to wear? On and on I read. I also started speaking to more and more Muslim women, especially converts about these issues, as I figured that, moreso than books, they were the ones who could best tell me about the lived experiences of Muslim women and how they grappled with these significant issues.

The more I learned about Islam, that more I realised how much it appealed to me on so many levels. But I was frightened. I knew my family would not be happy if I became a Muslim, especially my mother, and I did not relish the reactions of my friends. I was also scared because I wondered if it were really true. What if it was not, and becoming Muslim would displease God? These may sound like insignificant issues now, but at the time, it was agonizing. All I wanted to do was the right thing, but how could I be sure of what that was? I felt caught

in a painful and lonely place. And yet, with each passing day, I realised more and more that I believed in Islam, however fear of others had me in a spiritual paralysis.

Eventually it reached the stage that I knew I was living my life for what others thought, and this was something I could not do anymore. I felt I had reached a place where all my most pressing questions had been answered and that whatever had not yet been sorted was not of the faith-shaking variety. There was no one moment of truth, where everything just snapped into place. Instead, it was more of a truth slowly uncoiling before me, and a realisation gently unfolding inside me. In many ways, it felt like my whole life had been leading up until that point, and looking back over the past 19 years, I saw many markers that had been prodding me in this direction without me even being aware of it.

I believed Islam to be true and I wanted to be a Muslim. I felt like a hypocrite and could not stand it anymore. I knew that I was really ready to take such a big leap of faith when I realised that even if my family kicked me out of home, my friends all dumped me, and I lost my job for wearing the hijab, I still wanted to convert. It was then that I knew I truly believed, as I knew I was prepared to lose everything to become Muslim. This is not meant to sound self aggrandizing; it is simply meant to illustrate that this was the point I had to

reach within myself before I knew for sure I was doing the right thing.

And so at 19 I became Muslim. I said my shahada over the phone to a convert friend, still unaware of even how to perform the salat properly. My mother cried when I told her, and things were extremely tense in our house for quite some time after that. I eventually had to move out of home, but I am happy to say that over time, things have healed beautifully between me and my family, and especially my mother, who now buys me headscarves as presents and sends me gifts for Eid.

I thought at the time that making the decision to convert was the hard part, and that once I became Muslim, everything would be smooth sailing. However, I realise now that the process of converting was simply the first step in a long journey of joys and frustrations, elation and tears. I can honestly say that I do not regret becoming Muslim at all, but there have been times when I have lamented my membership in the Muslim community. While I can truly say that the most inspiring, admirable people I have ever met are some of the Muslims in my local community and that many of the Muslims I have met have been kind, wonderful people, the very embodiment of what a true Muslim should be, I must also say that, at times, I have found the Muslim community reaction towards converts to also be judgemental, scathing, self-serving and far from the welcoming, nurturing

community I had been promised. I say this not as a general sort of complaint, but more as one coming from a convert aware of the ramifications that this can have, and as one that has heard similar reports echoed again and again from other Western converts of their experiences within the community. A number of Western convert writers have written extensively on this very topic, such as Dr Jeffrey Lang and J. Lynn Jones. And while my presentation will focus mainly on the experiences of Western converts, anecdotal evidence suggests that at least some of this reality is also experienced by converts who live in predominantly Muslim countries as well.

Please allow me to reiterate once again that this is not intended to be a big, pointless whine, nor is it meant to be an attack on the *ummah* at large as utterly useless, maybe even damaging, when it comes to the treatment of converts. I believe the vast majority, if not all Muslims genuinely like and want to help converts but are either unsure of what to do, or are unaware that what they are doing maybe causing problems for the convert. Nor am I saying that all converts, Western or otherwise, will experience the issues I am about to discuss. Instead, I am addressing this because the lack of support and negative experiences many converts report experiencing in both the West and traditionally Muslim countries can and has led to very sad outcomes, including converts completely withdrawing from

the community, and even leaving Islam all together. As Jeffrey Lang says in his book “Losing my religion”, “At least half of the American converts I have known ultimately apostatized and the greater part of those that have not, keep away from the community today.”

It is also important to address this issue because converts to Islam have the potential to be an amazing asset to the *ummah*, as they have an insight into both the Muslim and non-Muslim spheres. The impact this insight has on *dawah* cannot be underestimated. And when I refer to *dawah*, I am not merely talking about teaching others about Islam in the hope that they themselves convert. Indeed, in Australia, I believe the most important form of *dawah* we can be doing at the moment is simply showing the wider Australian community that Muslim men are not all terrorists and that Muslim women are not all oppressed slaves. That is, we simply need to show the non-Muslim Australian community our humanity. This form of *dawah*, the humanising, bridge-building *dawah*, is far more critical in countries like Australia, and I would argue other Western countries, at this stage than any other approach. People are not particularly receptive to your message of one God if they truly believe you want to kill them and their children. Converts also have a unique understanding of the real issues and concerns non-Muslims often have about Islam as they are often the very same concerns they themselves had before



they became Muslim. They know the symbolism certain things can have to non-Muslims, especially if they are from the same cultural group that born Muslims are sometimes completely unaware of.

So what is the problem? Why are many converts reporting such difficulties within the Muslim community? It is unlikely that all these people leave Islam because they were never really convinced about it in the first place. For the majority of converts, the decision to embrace Islam is a very profound one that they take incredibly seriously and at great personal expense to their relationships with family, friends and colleagues. And for many converts, it is also not a snap decision to become Muslim, but instead something that they have given serious thought to for quite some time. Yes, we all know about the brother or sister who read a verse of Qu'ran recited and embraced Islam on the spot, Sayidduna Umar, RA, being a prime example, but more often than not, it is a choice that is made after much deliberation. Thus, it is unlikely that these converts are leaving Islam again simply because they had not properly thought about the decision before doing so.

And considering how genuinely enthusiastic and happy for the convert most born Muslims seem to be when they see them take their shahada, it also seems somewhat baffling that these same converts would later report

feelings of isolation and even exclusion from the Muslim community. And yet they do.

But before we look more closely at some of the challenges facing converts to Islam today and why this seems to be the case, let us have a look at the snapshot of the typical Western convert to Islam as categorized by Lang. This is by no means a definitive list, nor will every convert exhibit all of these traits. Remember that converts come from myriad different educational levels, ethnicities, religions, traditions and socioeconomic backgrounds. They adopt Islam for a multiplicity of reasons from belief in the One God, to gaining a sense of spirituality, to be part of a community and so on, so it is impossible to completely generalize these characteristics to all converts, or the issues they face about conversion. However, I believe Lang's categorization to be a reasonable attempt at classifying the many readily identifiable traits Western converts exhibit. About converts, Lang says:

"They are relatively young, between the ages of twenty five and forty. Idealistic. Self-sacrificing. non-conformist. Periodically reclusive. Prefers the company of society's disenfranchised. non-materialistic to ascetic in nature. An activist. Liberal to radical politically. College educated. Capable of sudden drastic changes in viewpoints. Very curious. Highly opinionated. Stubborn. Argumentative. Confident. Contemplative. Tends

towards rationalism as opposed to spiritualism in religion. Critical of others. Loyal to overzealous in commitments.”

The problem is that some of these traits can work against an individual upon entering the Muslim community. For example, the perceived rampant sexism amongst Muslims is often in conflict with their liberal Western outlook, especially as many female (and some male) converts were feminists before converting. Also, the very questioning nature that brought these converts to Islam in the first place is often discouraged if not blatantly chastised once they become Muslim, as they are now seen as challenging practices and beliefs that many Muslims hold as divinely ordained.

Whilst there are numerous issues raised by converts as to the problems and disappointments they have faced within the community since becoming Muslim, there appear to be recurring themes that are raised again and again, both anecdotally and in published works. I have grouped these recurrent themes under the main headings of **Unreasonable Pressures, Lack of Adequate Support, and Perception of Converts.**

### **Unreasonable pressures**

There seems to be a real problem within our community of insisting that converts turn into overnight sahaba . It is for this reason that myself, many of

my convert friends, and converts who have written about this topic will often give examples of the last words of their shahada barely leaving their lips when they are bombarded with rules from the nearby Muslims that they must now adhere to. Never mind that the sister does not know how to pray, she is told she must get rid of all her old clothing, because it is too Western and thus unIslamic, and put on the hijab immediately. Or better yet, the niqab. Do not worry that our new brother Mike has only been Muslim for three minutes. He’s already been told he has to throw out all his music and get rid of his dog or he is committing a big sin. Other common instantaneous orders include:

- Telling them they must leave their ‘haram’ job immediately. Such orders can be given even when the convert has no other source of income, they are a single parent, the ‘haramness’ of their job is questionable anyway, and when they are not being offered any practical alternatives. A similar approach is often taken with the new converts hobbies and past times, including photography, painting, dancing, and playing instruments- even classical ones.
- Telling them to cut ties with their ‘kaffir’ families and preferably move out, because their families have wine with

their dinner, for example. Also, they need to cut ties with their non-Muslim friends.

- If they are already married, especially if they are a woman, that they must divorce their spouse immediately
- If they are a male, that they need to be circumcised.
- Pushing them, especially convert women, into getting married as soon as possible.

And the list goes on. Such demands are not only unreasonable, they are dangerous. We often expect brand new converts to start behaving in ways that we may have taken years to be able to do, or perhaps do not even manage ourselves. We push them to do (or not do) things that scholars have been disagreeing about for centuries, and thus make things unnecessarily hard for them. By expecting too much of them, too soon, the beauty of the religion that attracted them can very quickly become a terrible burden that is simply too much to be endured. By failing to recognise the enormity of what they are going through, and appropriately prioritising what is reasonable for them to achieve, we are causing them to drown in a sea of non-obligatory or non-urgent matters. After their shahada, prayer is the first thing they should be worrying about. Not their nail polish or the pictures on their walls.

We also often unreasonably expect them to give up their culture and take

on Arab, Subcontinental, Malay or a host of other cultures in the mistaken belief that this is somehow more ‘Islamic’ than the original culture of the convert. Thus, brother Richard is told he must change his name to Riyadh and sister Sarah is told she should be now wearing shalwar kameez.

### **Perception of converts**

As a community, we seem to have a somewhat schizophrenic attitude towards converts.

On the one hand, we like them because they make us feel good about ourselves and our faith. We love converts because in many respects they help us buttress our own iman and affirm our own belief. After centuries of Western domination in political, social and economic spheres the fact that a Westerner leaves his or her religion for ours verifies for many of us the ‘Truth’ of Islam. Western converts help boost our moral and as such are often seen as ‘trophies’ for many of us.

And yet on the other hand, they are often made to feel that they are never ‘full’ Muslims, that no matter how long they have been Muslim, they are still somehow inferior to born Muslims, in practice or knowledge. I know of a sister who has been Muslim for more than twenty years. She has travelled the world giving lectures on Islam and written numerous important texts on the topic, and is extremely well known. And yet even today, she is still stopped by born Muslims and asked if she is

aware that Islam is based on 5 pillars! This is not uncommon. I have been asked to recite verses from the Qu'ran to prove I was really Muslim, as the people I was with could not believe that I really knew enough to pray. This was after I had been a practicing Muslim for years. Such encounters are degrading and condescending. How would anyone here feel if I asked them to recite some Qu'ran for me to prove their Muslim-ness, or if I informed them that Islam was based on 5 pillars because I assumed that they simply could not be aware of this. Obviously, it would be quite insulting. And yet converts as a group report being overly corrected, even on matters that do not require correction, by born Muslims over every little detail, no matter how long they have been Muslim, no matter what their level of knowledge, and irrespective of the level of knowledge or practice of the born Muslim insistent on 'educating' them. As one convert asked me, "When do I stop being seen as the convert, and start being seen as a Muslim?"

The other predominant perception we seem to have towards converts in the West is highly unflattering, and that is that all Westerners have loose morals and led lives of debauchery and impropriety before embracing Islam. Aside from being quite offensive, it is also simply untrue. While, yes, there may have been some converts who led a rather rock-star existence before taking shahada, many of them already had a strong moral compass which

governed their behavior pre-Islam and in fact facilitated their embracing of the religion in the first place. Such an assumption can then also lead to negative judgments about why they converted in the first place. I know of a convert woman in Australia who, upon entering the mosque for the first time to take her shahada, was bluntly interrogated by one of the sisters there, "So, which of our brothers are you doing this to marry, then?". When you consider what so many converts have gone through to embrace Islam, such a crude suspicion is understandably extremely offensive and hurtful.

### **Lack of adequate support**

Lastly, there seems to be a real lack of adequate support in place for converts to Islam. One of the biggest concerns for converts is the reaction of their family and friends, and it is sadly common that they face the very real threat of having to move out of home upon telling their family about their new faith. They often also fear how they may be treated at work, especially women who wear the hijab. It seems to be quite common to respond to converts very real fears about such matters by telling them they just need to have iman and that they need to choose between Allah and their current situation. Such comments, while no doubt well meaning, are entirely unhelpful if that is all that is offered and gives the convert little more than a case of guilt to take away with them. Offering practical help, as well as validating the concerns

that the converts have, and offering alternatives, is very important. Often, all that is needed is a sympathetic ear. Not only do we not really have many formal structures in place to help them should they find themselves on the street, but we also do not have adequate emotional support in place. Converts often tell of how excited everyone was when they first took their shahada at the mosque, but how quickly those same people disappeared in the weeks and months following their conversion. Often, they said, this was the time when they most needed assistance.

Often, converts' complaints of unpleasant treatment by the Muslim community happens at the one place where they hoped they would be welcomed and accepted- the mosque. This is not a scenario unique to the Western convert experience. A good friend of mine is Chinese Malay; his father is a convert to Islam. When his father went to the main mosque here in Malaysia and told the people there that he wanted to come in and take his shahada, they refused to even let him in the door and told him he had to leave. Convert writers such as J Lynn Jones have spent quite a bit of time covering the often unfriendly, even non-existent reception that converts often receive at the mosque, especially women. Convert women report being shouted out, criticised, and worse, simply ignored by both other women and men, the first time they nervously entered the mosque. Often they report leaving in tears.

The ramifications of mosque inclusiveness is paramount, as Jones says,

"Not only are an unknown number of new and potentially new Muslims (of which the majority are women) turned off Islam because of the chilly or non-existent reception they receive at the mosque, but, in not providing a place of welcome or inclusion, these women are routinely denied of the only place in a non-Muslim society where they can get any support and sense of belonging. When you consider the fact, in the majority of cases, convert women are the first souls out of literally thousands of ancestors to embrace Islam, this is injustice and short-sightedness in the extreme. The simple fact is, the mosque is often the only island of safety and belonging a woman can find. If she is unmarried and isolated, where else can she feel a sense of community and support in the difficult path she has chosen? And if she is married and a mother, where else can she take her children to show them they are a part of something big and vibrant, that Islam and a devotion to God is not just something practiced in isolation, but among thousands of others just like them?"

I believe we needed to be looking at conversion as an act of hijra, or migration for the faith. Indeed, converts are making hijra from being lost to guidance, from jahilliya to hidaya. And this is a profound process. So what is the best way to help them with this process? I believe the answer

can be found in the sunnah. For the first category of unreasonable expectations of converts, we can look to how Allah revealed Islam. Allah ﷻ in His divine wisdom did not send the whole religion down on one day. Instead the complete message of Islam was revealed gradually over a period of 23 years. The Prophet taught almost nothing but tawhid for 13 years. Alcohol was not banned all at once, but over three stages and several years. So why do we expect new Muslims to be fully practising Muslims as soon as they convert? As a rahma, Allah did not expect the companions of the Prophet SAW, who were the best of generations, to change everything overnight, so why such mercy should not be extended to converts today?

We have to ask ourselves if a new Muslim is struggling with their five daily prayers, should we really be emphasising him or her to use a miswak instead of a toothbrush? Or telling someone to eat with their hands instead of using a fork?

It is also baffling that we expect a cultural conversion to go hand-in-hand with the new Muslim's religious conversion when we have a clear example to the contrary in the Prophet Muhammad ﷺ. Bilal the Ethiopian and Salman the Persian kept their pre-Islamic names with the blessing of the Prophet ﷺ. The only record we have of him ordering a convert to change their name was when it meant something blatantly unislamic, such as Abdul Messih.

Telling a convert they must change

their name really hits at the heart of their identity and self. Also think of the ramifications of this convert then telling their parents, who are likely to be struggling with their child's decision to convert that the name they thoughtfully picked out for the birth of their child has been replaced. Of course, there are converts who actively wish to take on a new name upon their conversion, and see it as symbolic of the new start in their life, however there is a big difference between someone doing this through self-determination and someone being made to feel that they must.

There is also no religious imperative for a man to now start wearing Pakistani clothing, or only eat Arab food, or for a woman to dress like a Syrian or have a wedding that goes for 5 days. Again, if this is something the convert wants to do, by all means, carry on. But when they are being mistakenly told that doing so is somehow 'Islamic', and that their old culture is 'unislamic' is where the problem lays, and also lead to a feeling of being in a cultural no man's land, where they no longer feel they can be part of their old culture, and yet their new culture seems foreign.

In terms of our perceptions of converts as perpetually ignorant or forever of a less enlightened level of Islam than their born Muslim brothers and sisters, let us remember the best of generations, the companions of the Prophet. The vast majority of these people were all converts, and contained such spiritual

giants as Abu Bakr as Siddiq, ﷺ, Umar ibn al Khattab ﷺ and Khadija, ﷺ.

So, what can we do, practically?

- Show that there are more than one way of doing something and that is okay. There are differences of opinion in Islam and often there are two or even more ways of doing things and both maybe correct
- Offer support programs or mentoring programs with other Muslim converts on how to deal with family and social issues
- Avoid emphasising unnecessary practices too early on, such as marriage or even hijab. Putting too much pressure on converts can lead them to give up and leave Islam all together. Remember, it is better to be a weakly practicing Muslim with the intention to take on more in the future than no Muslim at all.
- Offer them a staged and supportive system to lead them carefully from one stage to the next in the adoption of new practices and understanding
- Constant reassurance and friendship to help mitigate against the often antagonistic friends and family they have to leave behind in the process. This should include practical assistance in these areas, too. For example, in Sydney, an organisation has been started that even provides free temporary accommodation for converts no longer able to live at home. They achieved this through fund-raising and actually managed to

purchase a house just for this purpose. When the house is not being used for emergency accommodation, it acts as a drop-in centre for converts and people interested in Islam to come and receive advice, assistance and friendship.

- Spiritual discussions – as this is often the most important part of their new life – a genuine and sensible spiritual faith to inspire and assist them
- Acceptance and recognition of their own culture and background
- Programs for born Muslims on how to deal with converts and new Muslims. Most Muslims genuinely like and want to help converts but are either unsure of what to do, or are unaware that what they are doing maybe causing problems for the convert.
- Have induction programs for new Muslims on how to negotiate the Muslim community

Converts are crucial to the development of an indigenous Islam that is conducive to the Western context. They have cultural capital of the societies in which they live, access to a broad network of family and friends and the ability to bring the message to people that would not have normally mixed or come into contact with Muslims.

Not only do they offer important dawah potential, but they are our brothers and sisters in Islam, and for that reason alone deserve our support, assistance and respect.

