

Are Males Superior to Females in Islam?

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This paper argues that dominant norms and practices of gender relations of the Muslim community, far from being rooted in the divine commandments of the sacred text, are actually functions as well as strategies of both traditional and patriarchal interpretation of texts and cultural contexts. The issue of misogyny prevalent among Muslims is surfaced again and again in the Western media, as if everything is perfect among Christians, Jews, and Western civilization. Even though such criticisms are more often emotionally motivated, lacking logic and rationality, and, also, part of a cultural war, some areas of the general Muslim gender perception requires closer scrutiny and re-evaluation. This includes gender differentiation in witnessing and the permissibility of sexual slavery. The verse 2:282 is frequently used by many antagonists of Islâm to exemplify the clear sexism of the Qur'ân. Further, there is a general consensus among classical theologians that slavery and concubinage are allowed in Islâm.

God, who speaks through the Qur'ân, is characterized by justice, and it is stated clearly in the Qur'ân, that God can never be guilty of "zulm" (unfairness, tyranny, oppression, or wrongdoing).¹

Sexism is the dominance of one gender, usually male, over the other gender. Sexism, thus, in the contemporary world, is merely male chauvinism, which epitomizes misogyny, and is very similar to racism. Misogyny is a tool of hegemony, an indispensable one in the realm of ideology, for legitimizing patriarchy and the inherent privileges associated with it for the "stronger sex". There is no reason to single out Islâm or the "popular" version of the faith as misogynous, as every faith – based systems has been made to be sexist. Thanks to the subjective interpretation of the Qur'ân (which is almost exclusively are by men), the predominance of the misogynistic 'ulema', and the regressive Shari'ah law in most Muslim countries, Islâm per se is widely believed to be misogynistic.

Most Muslims-both men and women-consider it self-evident that men are superior to women. Most females, being born in a culturally biased society and having no opportunity for being educated and enlightened, blindly accept the prevailing assumption of superiority of males. Going further, many Muslims justify many manifestations of inequality as inherent in Islâm. Throughout the world, and especially in the Western hemisphere, there exists the notion that Islâm acts as a barrier to women's human rights as it places women into a type of second-class citizenry. The traditional teachings of Islâm, even while, do not advocate the subjugation of women, places her, to some extent, a lesser status. In recent years, largely due to the pressure of anti-women laws in some parts of the Muslim world, women with some degree of education and awareness are beginning to realize that religion is being used as an instrument of oppression rather than as a means of liberation.

Qur'ân: A Manifesto of Woman's Rights

In pre-Islâmic Arabia, called Jahiliyyah, females were despised. There was preference for male births and hatred for females. ² Parents were sad on birth of a daughter. ³ Infant daughters were considered a blemish ⁴ and were buried alive. ⁵ Women were inherited as goods (4:19) and were

denied the good things of life (6:139). Qur'ân abolished all these sexist practices. Islâm allowed women to possess and exercise full control over their wealth and guaranteed women the right to inherit and bequeath property; strict limits were placed on polygamy, and women were allowed to keep their dower (Mehr). 6 Equal human dignity by birth was proclaimed as a Divine Decree. 7 Gender equity is a basic theme of the Scripture. 8 A woman is also under the same ethical obligations as men in respect of her social duties for society (16:97). Both will be equally rewarded for their works. 9 Superiority is determined by righteousness of character and not by gender, race, colour, lineage, wealth etc. (49:13). Security of faith, life, honour, and property of each individual are basic human rights which are inviolable. 10 Everybody has the right to choose a spouse. 11 Freedom of expression, 12 redress of grievances (4:148), right of privacy, 13 presumption of innocence until proved otherwise (49:6), sanctity of name and lineage, 14 right to residence, 15 rights to aesthetic choice, 16 protection of chastity 17 etc are the rights of both genders. Marriage is considered as a 'misaq', a sacred agreement, a sacred contract. 18 The Qur'ân is very clear that the basis of a marital relationship is love and affection between the spouses, not power or control. Marital rape is unacceptable in such a relationship. 19 The household affairs should be conducted through a consultative process between the spouses, and not autocratically (2:233, 42:38).

There is a striking difference between what can be safely inferred from the Qur'ân itself and what has frequently been ascribed to it. 20 God who rejects sex and gender as criteria for judgment cannot then teach the oppression of women. Thus, patriarchy is not inherent in the Qur'ân but rather has been read into it throughout the centuries of patriarchal dominance of Muslim societies.

It is morally and socially unacceptable to support a system whereby half of all the human beings that God has created are prevented from engaging in religious thought and leadership. If we understand our God as the Just (Adil) and the Compassionate (al-Rahman), it is morally repugnant and irrational to believe that God would have designated half of this human creation automatically subservient to the other half. The Qur'ânic concept of justice strongly negates any sense of injustice to be attributed to God. 21 All human beings are equal before God, except in the quality of 'taqwa', or God-consciousness. 22 In the Qur'ân, no difference whatever is made between the sexes in relation to God. 23 Religiously speaking, men and women have absolute parity: whoever does good deeds, whether male or female, while being believers, shall enter paradise. 24 It is mentioned in the Qur'ân that women not only expressed their opinions freely in the Prophet's presence but also argued and participated in serious discussions with him (58:1). The Qur'ân reproached those who believed women to be inferior to men 25 and repeatedly gives expression to the need for treating men and women with equity. 26 If she commits any civil offence, her penalty is no less or no more than a man's in a similar case. 27 If she is wronged or harmed, she is entitled to compensation just like a man. 28 God created two different and distinct genders as a pair. 29 The male is different from the female (3:36) although ultimately both are from the same source. 30

Hermeneutical Principles

The Qur'ân is God's Final Testament to the world, and He has pledged to protect it from the slightest distortion (15:9). Qur'ân is the distinguisher of truth and falsehood. 31 However, it would be unreal to deny that the Qur'ân offer possibilities of intolerant interpretation. Usually individual verses are taken out of context, distorting the intended meaning. 32 Another misuse is

by concealing other parts related to the subject in question. 33 The Qur'ân also admonishes those people who “change the words from their (right) times and places” (5:44), thereby altering the meaning of scriptures and it is equally sharp in criticizing those who dwell only on its allegorical verses as a means to sow discord among people while ignoring its clear verses (3:7). As God is supremely just, God’s speech cannot teach injustice. The Qur'ân instructs believers to follow “the best” in the revelation; 34 'the best' is that which is just and fair.

The pre-existing misogyny was incorporated seamlessly into Islâmic interpretation during the Middle Ages, shaping Muslim discourses on women and gender for years to come. Ka`b al-Ahbar ((d. 652) and Wahb Ibn Munabbih (654-729 CE), two Jewish converts to Islâm, have transmitted many Isra'iliyyat narrations into Islâmic literature. Many of the early Tafsir such as those of al-Tabari, al-Zamakhshari, al-Razi, al-Baydawi, al-Qurtubi and others were predisposed by Isra'iliyyat to an extent that it became difficult to isolate them from the original norm and precedent. Some of the hadith are full of narrations against women, insulting them and looking down upon them: ‘Women, house and horses are evil omens’ (Bukhari). ‘A prayer is annulled by a passing woman, dog and a monkey’ (Bukhari). ‘The urine of a male baby is cleaner than that of a female baby.’ (Ibn Majah). "Treat your women well, for they are captives with you" (Tirmidi). ‘Even though her husband’s body is smeared from head to foot with pus and the wife cleans it by licking him, yet her debt to him would still remain unsettled.’ (Ahmad bin Hanbal: Musnad). ‘A man will not be questioned about why he beats his wife’ (Mishkat). ‘Do not take counsel from women; oppose them, for opposition to womankind brings prosperity’ (Suyuti). The continuing popularity of these Ahadith amongst Muslims in general also indicates that they articulate something deeply embedded in Muslim culture, namely, the belief that women are derivative and secondary in the context of human creation.

The presence of fabricated matter in the body of Ahadith is especially noteworthy on the subject of women, containing sometimes of statements that stand in total contrast with the Qur'ân and the dignified speech and conduct of the Prophet. Fabricated Ahadith, exaggerated interpretations, and indefensible conclusions in the Tafsir have in turn influenced the fiqh works on the subject of marriage, guardianship, dower, maintenance, polygamy and divorce, as well as women’s dress, mannerism, and movement. The model of gender constructed by classical fiqh is beached in the patriarchal ideology of pre-Islâmic Arabia, which continued into the Muslim era, though in a tailored form. As Esposito notes, “(it) produced a situation in which a woman was subjugated by males, her father, brother or close male relatives...As a matter of custom, she came to be regarded as little more than a piece of property.” 35

As in other monotheistic religions, the classical fiqh texts - that is, texts of early Islâmic legal jurisprudence - ignored gender equality as it was presented in the Qur'ân and introduced interpretations in line with the patriarchal social order. 36 As Islâm spread and came into contact with well-established, patriarchal cultures to its North - Judaism, Christianity, and Zoroastrianism - it assumed many of their values and assumptions. To quote an example, the Qur'ân says absolutely nothing about the Eve’s Creation from the rib of Adam. There is no rib, no apple, no serpent, and no Original Sin. The Qur'ân is simply silent about such matters. 37 Yet, within a hundred years of Prophet Muhammad's death, Islâmic literature had made its own theory that Eve was created from Adam's rib!

The practical role- models for women in Islâm could not be erased from historical memories: Prophet's first wife, Khadija was an economically independent, rich businesswoman; the greatest

scholar-activist in the history of Islâm was A'isha, who became one of the major narrators of traditions and arguably the most influential person after Prophet Muhammad. However, within a century after the Prophet, Muslim society was noticeably more patriarchal. By the twelfth century, the noted scholar Al-Ghazali (d.1111 CE) could declare, without fear of contradiction, that women are indeed intellectually inferior to men. This idea is still widely-conceived by many Muslims (just like people at large). Women were relegated out of public life and back into the seclusion of the home. Women lost most of their rights to divorce or to remarry. Their testimony and their worth were literally devalued.

Every Tafsir (Qur'ânic commentary) is man-made and, therefore, subject to human nuances, peculiarities, and limitations. Divine will is always in the process of becoming; humankind can only hope to gain direction toward that will by likewise being in process, but never complete. By the third Islâmîc century, even Qur'ânic exegesis showed that the egalitarianism once associated with the Qur'ân had lost its subversive connotation. 38

Shari'ah is a product of the intellectual, social, and political processes of Muslim history and was constructed by its founding jurists. 39 It was through a biased interpretation of the Shari'ah, along with the rigid cultural tendencies of male jurists, that women became confined to a secluded life and subordinate existence to men. Customs and traditions that were an integral part of society before the Prophet began to resurface after his death. These social norms were so deeply rooted that one generation could not eradicate the built-up injustices that had developed over the centuries. The behaviour and attitudes that the Prophet had tried to correct inevitably reappeared, imprinting themselves on the religion as Muslim scholars began to interpret the religion and apply its laws to suit their own circumstances. Societal impulses not only stopped the gradual progress of change but also reversed the trend, affecting the interpretation of Islâm in such a way as to reinforce the pre-existing customs and traditions. Further elaboration of the Shari'ah with regard to its contradictions with Qur'ânic teachings and principles portraying it as the source of a new theology, ethics and law in parallel with the Qur'ân and, some times, in total contravention of Islâm. I may cite two examples to prove the assertion: 1) While the Qur'ân prescribes 100 lashes as punishment for adultery (24:2), the Shari'ah sanctions stoning to death for both the adulterer and adulteress. 2) While there is no death penalty for apostasy in the Qur'ân for renouncing Islâm, 40 the Shari'ah is very strict about enforcing the death penalty for the apostate.

Most prominent contemporary interpreters of the Islâmîc position on women accounts for the ideology that discriminates against women by pointing to the anatomical differences between men and women such as the size of the heart, the weight of the brain, and the size of the skull, the psychological differences etc. 41 The notion that the differences between the sexes is inherent in their nature and determined by their biological differences which in turn leads to psychological differences have been used both in the East and the West to justify the social inequalities of women. 42 Biological determinism and the emotion/reason dichotomy are not specifically Islâmîc and in parts are in fact contradictory to the teachings of the Qur'ân. The biological differences, "inadequacies", of female biology are used to negate her spirituality and relationship to her Creator. As Wadud states: "There is no term in the Qur'ân, which indicates that childbearing is 'primary' to a woman. No indication is given that mothering is her exclusive role. The capacity is essential to the continuation of human existence. This function becomes the primary only with regard to women since they are the only ones capable of doing so." 43 The

Qur'ân does not support a specific stereotype role for its characters, male or female. It does not strictly delineate the role of women and the role of men to such an extent as to propose only a single possible outcome for each gender.

The Word 'Daraja' in Verse 2:228

According to the Qur'ân, love, mercy, intimacy and mutual protection and modesty are the qualities expected from marriage. Even in Paradise marriage remains as one of the great joys. 44 According to God's law, women have the same rights as men (2:228). Women can divorce their husbands. 45 She cannot remarry until they have three menstrual periods but men have no such obligation and this is the only difference. According to the Qur'ân, divorce is a case that takes at least four months to be put into effect. 46 Those who do not menstruate due to old age or some physical disorder or those who do not habitually menstruate should also wait for three months (65:4); those whose marriage has not been consummated have no waiting period (33:49). If a woman is pregnant she must make this fact known. The waiting period for a pregnant woman is until the delivery (65:4).

If the dissolution of marriage was initiated by the husband and he wishes, of course with the consent of his wife, to resume the marital relationship, he may do so even within the waiting period. There is no waiting period for the husband for physiological reasons and this is the only advantage he has over the wife who has to wait for three months before remarriage. Men, however, do not have a waiting period for remarriage for obvious physiological reasons. That is where men are on a platform different from them. 47 Excepting this, the rights and responsibilities of men and women are the same in all spheres of life. A husband can pronounce divorce twice and can remarry, but after the third divorce he cannot remarry consecutively (Qur'ân 2:229-230).

A Qur'ânic passage which is cited to support the idea that men are superior to women is in the specific context of "iddah" - a three-month waiting period prescribed for women between the pronouncement of divorce and remarriage. It would be contradictory to conclude from the statement: "li Rijaale alayhenaa darjah" "men are a degree above them" that men are superior to women, as at one hand the verse says that women and men have rights similar to each other, and the implication that men are superior, will contradict this impression. One gender cannot be superior to another if their rights and obligations are equal. The word used by the Qur'ân is "darajah" meaning "degree". This "degree" can be understood easily by reviewing the whole verse. The context of this verse informs us that it deals with the conditions attached to remarriage after divorce. The whole verse reads thus: "And the divorced women should keep themselves in waiting for three courses; and it is not lawful for them that they should conceal what God has created in their wombs, if they believe in God and the last day; and their husbands have a better right to take them back in the meanwhile if they wish for reconciliation; and they have rights similar to those against them in a just manner, and the men are a degree above them, and Allah is Mighty, Wise" (2:228).

Ibn Jarir al-Tabari (839-923 CE) wrote that the best explanation in this regard is that of Ibn Abbas: "The 'darajah' mentioned by Allah Most High here is the exemption, on the man's part, of some of his wife's obligations towards him and his indulgence towards her, while he is fully obligated to fulfil all his obligations towards her, because the verse came right after [And they (women) have rights similar to those (of men) over them in kindness]. Hence Ibn Abbas (d.687)

said: 'I would not like to obtain all (astanzif) of my right from her because Allah Most High said [and men are a degree above them].'" In other words, God: (1) gave men and women similar rights; then (2) He gave the men a greater degree of responsibility over the women than that of women over men. It follows that the rights owned to the wife are un-negotiable, whereas the husband has to give up certain rights. This is not a feminist reading but the actual explanation of Ibn Abbas (companion of the prophet) according to al-Tabari in his Tafsir. 48

Sayyid Qutb (1906-1966) explains the idea thus: 'This advantage ...is in no way absolute but is contingent, within the present context, upon the fact that it is the man who initiates the divorce and would, therefore, have the prerogative to take his wife back, a decision that could not be left to her to take. This advantage, indeed a useful and proper one, is by no means universal, as some have erroneously concluded, but is simply dictated by the nature and circumstances of the dispute.' 49

Interpretation of 4:34

The majority of anti-women reasoning centres on the Qur'anic verse 4:34: "Men are [qawwamuna ala] women [on the basis] of what God has [preferred] (faddala) some of them over others, and [on the basis] of what they spend of their property (for the support of women)" (4:34). 50

The word 'qawwammun' is often translated as 'managers'. As Amina Wadud, Azizah al-Hibri, and Riffat Hassan argue, linguistically 'qawwamun' means 'breadwinners' or 'those who provide a means of support or livelihood.' 51 Thus, 'qawwam' cannot be understood as to imply men's superiority or even being managers for women, as widely interpreted by conservative exegetes. As to gender relations, the Qur'an has clearly appointed women and men each other's 'awliya', or mutual protectors, which it could not do if men were in fact more superior to women and become their 'managers'. The Divine sources mention "care" and "responsibility" within the family, but not superiority (9:71). Responsibility is not, and cannot be interpreted as, superiority. The material responsibility of men mentioned in the Qur'an, that they are invested with the responsibility of spending for women's support, has corresponding advantages. Quoting Hibri, Barlas 52 argues that men as a class are not 'qawwamun' over women as a class. If a woman becomes economically sufficient, say by inheritance or by earning wealth, and contributes to the household expenditure, the male superiority would be to that extent reduced, since as a human he has no superiority over his wife. 'Qawwamun' over women in matters where God gave some of the men more than some of the women, and in what the men spend of their money. By this rule, Hibri 53 concludes that "no one has the right to counsel a self-supporting woman." In this context, Fazlur Rahman (1911-1988) also argues that a wife's economic self-sufficiency and contribution to the household, reduces the husband's superiority, "since as a human, he has no superiority over his wife." 54

Generally, Muslim scholars consider 'faddala', used in the verse 4:34, an unconditional preference of males over females and do not restrict 'qiwamah' to the family relationship but apply it to society at large. Further, the word 'qanitat' in 4:34 is most often referred to as obedience to husband. This view opposes any possibility of female leadership as it claims the Qur'an prefers men as leaders both within the family and within society. On the other hand, Sayyid Qutb, a great exegete, restricts the applicability of the verses to the family. Wadud 55 and Siddique 56 point out that the Qur'an uses the word 'qanitat' in other contexts to refer to human

behaviour towards God; we cannot, therefore, assume that it refers to the wife's conduct alone. The Qur'ân classifies Mary as "one of the qanitin" (66:12) using the masculine plural form of the word that indicates one devout to God. 'Qunut' appears on many other occasions in the Qur'ân, where it is used exclusively in the sense of submissive obedience to God. 57

The marriage relationship should be based on mutual consultation, respect, and that obedience is only to God, and obedience even to the Prophet was only in righteousness (maruuf). Muslim marriage is a partnership based on consultation characterised by affection and mercy (2:233, 30:21).

The root-word "daraba" which has been generally translated as "beating" is one of the commonest root-words in the Arabic language with a large number of possible meanings. That the vast majority of translators -- that happen to be men -- have chosen to translate this word as "beating" clearly indicates a bias in favour of a male-controlled, male-oriented society. 'Daraba' does not necessarily indicate force or violence. The term can be used when someone leaves or "strikes out" on a journey. 58 In light of the Qur'ânic world-view that endorses equity, justice, harmony and compassion, the meaning "to strike" cannot possibly fulfil the objective of protecting the institution of marriage and securing the physical and emotional integrity of women. In marriage there should be harmony (4:128), love, and mercy (30:21), and husbands and wives should protect each other (2:187). The word "beat" as it is used in this context is the mistranslation of the Arabic word "daraba" which in the Qur'ân alone is used in six different ways, Arabic being a much more faceted language than English, other verses in which this word is used are many. 59 Further, the nature of the Arabic language must also be taken into account: each word in Arabic is designated masculine or feminine and it does not follow that use of a male or a female noun necessarily restricts the application to the mentioned gender. 60

In the light of these evidences, the translation of verse 4:34 may be read as: "Men are the maintainers (qawwamuna) of women, [on the basis] of what God has [preferred (faddala)] some of them over others and [on the basis] of what they spend of their property (for the support of women); so good women are devoutly obedient (to God), guarding the unseen as God has guarded. And (as to) those on whose part you fear desertion (nusyuz), admonish them (first), leave them alone in bed, (and last), separate from them; if they obey you, then do not seek a way over them; God is High, Great" (4:34).

Witnessing

In verse 24:6-9, it is clear that the testimony of a woman is equated exactly with that of a man in case of adultery: where one spouse accuses the other of infidelity, the accusation by one spouse is held to be just as valid as the denial by the other. In other six verses on witnessing also the Qur'ân does not specify whether witnesses should be men, women or a combination of them. 61

Witnessing is mentioned seven times in the Qur'ân, and on matters related to financial dealings is there a requirement that if two men are not present, a man and two women will suffice (2:282). 'Dhall' in the verse means 'to get distracted' or 'losing focus'. The interference of the second woman as a partner in testimony is conditional to the first one getting perplexed. If the first woman is able to express herself eloquently then the second woman will not be required, as is evident from the following portion of the verse under discussion: "if one of them gets confused or perplexed then the other can remind her." If the first one gets confused, it is only then, that the

other one is required to remind her. If the first one does not get perplexed then the other will not be required to interfere. Thus, Fazlur Rahman argues that 'when women became conversant with such matters...their evidence can equal that of men.' 62 The whole idea of not accepting women's evidence to be equal to that of men's, is a patriarchal interpretation of the Qur'ân.

In 1979, Zia ul-Haq, the Pakistan military ruler (R.1977-1988), introduced 'Islâmic' laws that discriminated against women. The most notorious of these laws were the Zina and Hudood Ordinances that called for the punishments of the amputation of hands for stealing and stoning to death for married people found guilty of illicit sex. In practice, these laws protect rapists, for a woman who has been raped often finds herself charged with adultery or fornication. To prove 'zina' (adultery), four Muslim adult males of good repute must be present to testify that sexual penetration has taken place. The combined effect of these laws is that it is impossible for a woman to bring a successful charge of rape against a man; instead, she herself, the victim, finds herself charged with illicit sexual intercourse, while the rapist goes free. If the rape results in a pregnancy, this is automatically taken as an admission that adultery or fornication has taken place with the woman's consent rather than that rape has occurred.

Qur'ânic 'zina' verse setting forth the original four-witness requirement is not exclusive to men: "Those who defame chaste women and do not bring four witnesses ('shuhada') should be punished" (24:4). This verse refers to these four witnesses with the Arabic masculine plural, "shuhada" ("witnesses"), which grammatically includes both men and women, unless otherwise indicated. In applying the exclusively male evidence rule of traditional 'zina' law to the crime of 'zina-bil-jabr,' Pakistan has transformed what was merely an unfair obsolete male bias into a direct violation of the human rights of women. That it is a direct contradiction to the Qur'ânic injunctions to stand up firmly for justice is obvious. 63 Moreover, depriving women as an entire gender of the right to testify in a 'zina' case - where a woman's honour is generally at issue-has serious societal ramifications. The Law doesn't even differentiate between adultery and rape. In a rape case, just like any criminal offence, circumstantial or medical evidence such as blood, sperm or DNA test are permitted (see: Qur'ân 12:75). The inclusion of the word "male" in the 'Zina Ordinance' is a dangerous play of misogyny. What is articulated in the Hudood Law of Pakistan had deeper roots. Despite the Qur'ânic use of the plural noun inclusive to both men and women, many Muslim jurists and scholars have traditionally limited the four witnesses in a 'zina' case to men. 64 In fact, all major schools of thought have adopted restrictive interpretations of women's ability to testify as witnesses in general, although some (significantly including the famous jurists, al-Tabari, Ibn Taymiyya (d.1328 CE), and Ibn al-Qayyim (1291-1351) have disagreed. 65 Generally speaking, Muslim jurists were reluctant to rely on the testimony of women. Most jurists agreed that the testimony of women is excluded entirely not only from all criminal (hudud) and capital (uqubat) cases, but also from claims of marriage and divorce. Ajjola, a modern Nigerian Muslim scholar, is merely reflecting the medieval Muslim attitude while he wrote: 'In the case of [Zina] the testimony of four male witnesses is required as a female is weak in character.' 66

In 1982, fifteen-year-old Jehan Mina became pregnant as a result of a reported rape. Lacking the testimony of four eye-witnesses that the intercourse was in fact rape, Jehan was convicted of 'zina' on the evidence of her illegitimate pregnancy. Her child was born in prison. 67 Thousands of women are suffering in the jails of Pakistan under discriminatory and unjust laws. Should Muslims support these injustices, just because they are glossed in 'Islâmic' garb?

The Problem of Patriarchal Interpretation

Those who argue that there is nothing inherently wrong in the mainstream orthodox Islâmic interpretation of gender issues, may kindly consider the following enigmas:

- Why in the Muslim world there is a general conception that women are inferior to men, having lesser rights and privileges than men? If justice and fairness are inherent in Islam, should they not be reflected in laws regulating relations between men and women and their respective rights? Why have women been treated as second-class citizens in the fiqh books that came to define the terms of the Shari'ah?
- In the Qur'ân, polygyny is not prescribed for satisfaction of lust of male but linked with a special situation of society and that being to provide assistance to the widowed, orphaned and destitute women (4:3). Why in many part of the Muslim world, men enjoy absolute freedom to keep more than one wife without observing the Qur'ânic norms of equity? How come one half of the verse 4:3 that said a man can have up to four wives becomes codified into law, but the other half of the very same verse ("if you fear you cannot deal justly with women, then marry only one") that promotes monogamy is unheard of? How could jurists ignore the fact that the verse (4:3) goes on to say that "this will be best for you to prevent you from doing injustice."?
- Why Muslim men may divorce their wives at will, as a 'Triple Talaq', while women may only disengage themselves from their husbands by returning the dower to them with the tedious judicial process? While one finds universal condemnation of the practice of 'Triple Talaq' as reprehensible, and, even, anti-Qur'ânic, all Sunni schools of law consider it legally effective. Only the Ja'fari Shi'ite School considers a triple divorce pronounced at once to be invalid and non-binding. How can this phenomenon be explained?
- Why in the Shi'ite world Mut'ah marriage is still defended, while the Sunni world denies it?
- Why there is wide-spread prevalence of Female Genital Mutilation (FGM) among African Muslims and why their scholars can selectively use unauthenticated Ahadith in support of a cultural ritualism?
- Why it is that, except for the Hanafi, the Schools (Madhab) agree that a father who acts as a 'wali' may force his virgin daughter to enter into marriage? No agreement, including marriage (see Qur'ân 4:21) may be valid without the consent of both parties. The principle of seeking a woman's consent to her own marriage is reiterated in a large number of authentic Ahadith. How could these Schools have avoided the dictates of the Qur'ân (4:19, 2:232) in this instance?
- While the Qur'ân says absolutely nothing about Eve and does not talk about the creation of woman from man and it talks about human creation in absolutely egalitarian terms; the majority of Muslims believe the Genesis story. What might be the reason?
- Why the Muslim world is dragging behind in the acceptance of women's electoral participation?
- Why it is that in a certain Arab State, women are not allowed to drive cars and why their clerics can justify it in religious terms?

- Why many Muslim scholars object to the holding of leadership as improper for woman, despite the fact that the Qur'ân uses no terms to imply that leadership is inappropriate for her? The Qur'ânic story of Bilqis, the Queen of Sheba, celebrates both for her political and religious practices and extols her leadership for her capacity to fulfil the requirements of the office, the purity of her faith and independent judgment (27:23-44). Why in the Muslim world a general perception is prevailing that women are defective, not intelligent enough to run government and lead nation, in spite of the fact that Qur'ân contradicts it?
- Why in the Muslim world blood-money is fixed as half for woman than that of male, despite the absence of any clear scriptural authority?
- Why there is a general conception prevailing in the Muslim world that testimony of one man is equivalent to that of two women, contrary to the evidence of the Qur'ân? Why don't Muslim scholars take a firm stand on those discriminatory laws implemented in the name of Islâm? Would the problems be solved merely by repeating the slogan that Islâm has elevated the status of woman? Why Muslim media is generally silent in raising the conscience of the people on the human rights abuses happening in the name of Islâm?

It is easy for power to get corrupted and become a source of injustice, oppression, and stagnation. 68 With the rise of patriarchy, many customs and traditions were developed. Of these customs and traditions, many have disappeared or were gradually abandoned, while some still remain. The Muslim world's stagnation and backwardness, nourished by Sufism and scholasticism, have also contributed to the subjection of Muslim women.

The authenticity of different Ahadith should be judged in accordance with the letter and spirit of the Qur'ânic verses. Where there is any dispute or apparent inconsistency between the two, the Qur'ânic directive must prevail. Muslims should read the Qur'ân as an "open," rather than a "closed" text and strove continually to understand its deeper meaning. It means acting on these words of Iqbal (d.1938): "The teaching of the Qur'ân that life is a process of progressive creation necessitates that each generation, guided but unhampered by the work of its predecessors, should be permitted to solve its own problems." 69

The negative ideas about women that prevail in Muslim societies are rooted in certain theological ideas. Until we demolish these theological foundations of Muslim culture's misogynistic and andocentric tendencies, Muslim women will suffer discrimination despite statistical improvements in education, employment, and political rights. Religious endorsements of patriarchal social institutions are not an inherent part of the tradition, but represent a later addition to and distortion of its fundamental core. Indeed closer examination of the religious traditions reveals that their egalitarian cores also provide resources to undermine patriarchal family structures. Moreover, in Islâm sexual equality is ontological in that the Qur'ân teaches that God created humans from a single self (nafs). It does not privilege the man's creation or endow him with attributes or faculties not given to the woman. Rather, humans "manifest the whole." 70

The primary meaning of 'zulm' is that of putting in a wrong place. In the moral sphere it means primarily to act in such a way as to transgress the proper limit and encroach upon the right of some other person. Generally speaking 'zulm' is to do injustice in the sense of going beyond one's bounds and doing what one has no right to. 71 Readings that project 'zulm' (injustice

resulting from transgressing against a person's rights) into divine discourse violate the Qur'anic teaching that God never does any 'zulm' to people. 72 We have taken verification as to how much the creation of an Arabized Shari'ah and Muslim cultures, have eroded and disfigured the fundamentally democratic and egalitarian ethos of Islam. Islâmisatîon, in its true sense, may be interpreted as a strategy of dismissing misogynist and other hegemonic traditions and introducing Qur'anic values of equity and compassion.

In order for Muslim men and women to establish a just and moral social order, Muslim women's full human dignity needs to be realized, as echoed in the Qur'ân, by removing whatever impediments there are in the way for them to actualize their surrender to Allah as a vicegerent (khalifah). The participation of Muslim women as full and equal partners in the community's socio-economic development and progress is the need of the hour. We have to fight for women's right to equality, justice, freedom and dignity within the religious framework. Our strength comes from our conviction and faith in an Islâm that is just, liberating and empowering to woman.

End Notes

1. Qur'ân 50:29, 3:182, 8:51, 9:70, 10:44, 16:33, 16:118, 18:49, 22:10, 24:50, 29:40, 30:9
2. Qur'ân 6:137, 6:140, 6:151, 17:31, 60:12, 81:8-9, 16:58-59
3. Qur'ân 16:58-59, 43:17
4. Qur'ân 16:58-59, 43:175. Qur'ân 6:137, 6:140, 6:151, 16:58-59, 17:31, 60:12, 81:8-9; "In Arabia, as among other primitive people, child-murder was carried out in such a way that no blood was shed, the infant was buried alive. Often the grave was ready by the side of the bed on which the daughter was born." (Robertson Smith W, Kinship & Marriage in Early Arabia, Adam and Charles Black: London, 1903, p. 293). 'Infanticide has been practiced for various reasons ranging from population control to maintenance of the social structure. It has been so common that an anthropologist has called it "the most widely used method of population control during much of human history.'" (Glen Hausfater et al (ed.), Infanticide, Aldine Publishing Company: New York, 1984, p. 440)
6. Qur'ân 4:32, 4:11-12, 4:4, 2:236
7. Qur'ân 17:70, 95:4
8. Qur'ân 4:32, 33:35, 3:195, 4:124, 16:97, 40:40, 6:139-140, 2:232
9. Qur'ân 4:124, 16:97
10. Qur'ân 2:256, 6:109, 6:152, 2:269, 17:36, 24:2, 22:40, 6:152, 5:90, 2:195, 5:32, 17:32, 17:35, 17:29, 83:1
11. Qur'ân 4:3, 4:19
12. Qur'ân 2:42, 3:71
13. Qur'ân 33:53, 24:27

14. Qur'ân 49:11, 33:4
15. Qur'ân 4:100, 2:85, 6:41
16. Qur'ân 18:31, 76:13-15
- 17 Qur'ân 17:32, 24:2
18. Qur'ân 4:21
19. Qur'ân 2:223, 30:21, 2:187, 4:19
20. Neal Robinson, *Discovering the Qur'ân*, SCM Press: London, 1996, p.29
21. Qur'ân 2:57, 3:117, 7:91, 9:36, 70; 10:44, 16:33, 118; 18:49, 29:40
22. Qur'ân 33:35, 9:71, 3:195, 16:97, 40:40, 49:13
23. Qur'ân 33:35, 16:97, 2:195, 4:124, 32; 9:71-72
24. Qur'ân 4:128, 40:40, 16:97
25. Qur'ân 16:57-59
26. Qur'ân 2:228, 231; 4:19
27. Qur'ân 5:83, 24:2
28. Qur'ân 4:92-93
29. Qur'ân 75:39, 53:45, 92:3
30. Qur'ân 4:1, 7:189, 16:72, 39:6, 6:98, 31:28
31. Qur'ân 25:1, 8:25
32. Qur'ân 15: 91-93
33. Qur'ân 6:91, 15:90-93. To Asad, all of the “Qur'ânic statements and ordinances are mutually complementary and cannot therefore be correctly understood unless they are considered as parts of one integral whole.” Muhammad Asad, *The Message of the Qur'an*, Dar Al-Andalus: Gibraltar, 1980, p.261.
34. Qur'ân 7:145, 39:18
35. John L. Esposito, *Women in Muslim Family Law*, Syracuse University Press: New York, 1982, p.4-15
36. Al-Ghazali, the great twelfth-century Muslim philosopher, in his monumental work *Ihya 'Ulum al-Din* devoted a book to marriage, reflects the customary view of his time: “It is enough to say that marriage is a kind of slavery, for a wife is a slave to her husband. She owes her husband absolute obedience in whatever he may demand of her, where she herself is concerned, as long as no sin is involved.” (Abu Hamid al-Ghazali, *The Proper Conduct of Marriage* in

Islam, Book Twelve of 'Ihya 'Ulum al-Din', (Translation: Muhtar Holland), Al-Baz: Hollywood, 1998, p.89). The Qur'anic emphasize of mutuality, complementarity, and reciprocity (4:1, 30:21, 2:187) has been, indeed, subverted by the medieval theologians, and replaced in its stead the subservience of one gender for another!

37. There are lots of basic differences between Biblical and Qur'anic depictions of the Adam incident in the Paradise. The following are, indeed, very striking:

A).St. Paul extrapolated his theology based on the primordially of the creation of Adam over Eve. (See for example: I Timothy 2:13). Eve was specifically blamed by name as the one responsible for leading mankind astray (2Corinthians 11:3, 1Timothy 2:14). The Bible excluded Eve; she was not created until after God realized that Adam needed a helper. The Lord God said, "It is not good for the man to be alone. I will make a helper suitable for him." (Genesis 2:18). Eve, according to the Qur'an, is not a delayed product of Adam's rib, as in the Christian and Jewish traditions; instead, the two were born from a single soul (4:1). A similar verse points to this interpretation: 'It is God who has made from your species your mates' (16:72). Actually the word 'minha' (from the soul) in the verse does imply that both were human. Literal translation of the words 'ja'ala lakum min anfusikum azwaja' would mean 'it is God Who has created your mates from you.' It does not imply that every wife is made from her husband as Eve was! The word 'anfus' (plural of 'nafs') in this verse means 'species' or 'kind' and not 'physical being'. 'A single soul' ('nafs'), used in 4:1, is neither male nor female. In fact 'soul' is feminine and 'mate' is masculine! The argument is not that woman came first as in other parts of the Qur'an, the creation of Adam is described; and thus the gender relationship here is ambivalent. It is absolutely sure that the mate was created from the 'soul' and not the humble 'rib'. As Hibri writes: "Nowhere does the Qur'an say that Eve was crafted out of Adam. Instead it states that males and females are created by God from the same soul or spirit (nafs). The founding myths as such are not inherently patriarchal when read in this way." Azizah Y. Al-Hibri, "Is Western Patriarchal Feminism Good for Third World/Minority Women?" in Susan Moller Okin (ed.), *Is Multiculturalism Bad For Women?* Princeton University Press: Princeton, 1999, p.42.

B) The Qur'an makes it clear that both Adam and Eve were misled (2:36, 7:22, 20:121). They both sought forgiveness from God and were forgiven (7:23). Further, Qur'an delineates the fact that Iblis, who was attached to the hierarchical principle based on original stuff (see Qur'an 7:12), was incurred God's eternal wrath.

C) The term used in the Qur'an to denote "mate" is 'Zawj'- a word that is neutral and can be used to denote both male and female. Hence there is no indication in the Qur'an as to who came first, Adam or Eve. The Qur'an also taught that man is neither created for woman, nor woman for man, but sexes complement one another (Qur'an 3:195, 9:71, 66:19-21, 33:35-36). The word 'Adam' occurs twenty five times in the Qur'an but it is used in twenty-one cases as a symbol for self-conscious humanity (Qur'an 3:33, 20:121-2, 7:23, 3:59, 5:27, 2:31, 2:34, 7:11, 17:61, 18:50, 15:28-33, 20:116-117, 38:71-75, 7:172). In verse 2:31, "Adam" refers to the whole human race as is clear from the preceding verse 2:30, where Adam is referred to as "one who shall inherit the earth" and as one "who will spread corruption on earth and will shed blood." Adam, in the Qur'an, thus, symbolizes the whole human race. So when the Qur'an says that He taught Adam the Names (asma'), all of them (2:31), it is actually connoting that all human beings have been taught all the Names.

D) In Genesis 3:16, Eve is told that because of her sin Adam shall rule over her. The verse further says that all women must suffer great pains during child birth due to Eve eating the fruit of knowledge. Genesis 3:16, thus, made motherhood a God-inflicted curse degrading her status in the world. On the other hand, Qur'ân exalts pregnancy and child birth as an upliftment of the status of woman (31:14, 46:15, 4:1)!

38. Louise Marlow, *Hierarchy and Egalitarianism in Islâmic Thought*, Cambridge University Press: Cambridge, 1977, p.93

39. Abdullahi An-Naim, *Toward an Islâmic Reformation: Civil Liberties, Human Rights, and International Law*, Syracuse University Press: New York, 1990, p.xiv

40. Killing of a person just for leaving Islam would directly contradict the Qur'ânic dictum, "Let there be no compulsion in religion" (2:256). See also: 2:273, 6:108, 9:6, 10:99, 11:28, 109:6, 60:8, 50:45

41. The misogynous notions about women are expressed by the popular Egyptian Islâmic writer Abbas Mahmud al-Aqqad, in 'Woman in the Qur'an' (1959): "Men are the sole source of every accepted definition of good conduct whether for men or women. Woman has never been a true source of anything to do with ethics or good character even though she brings up the children. The guidelines are provided by the male." (Cited in Yvonne Haddad, *Contemporary Islâm and the Challenge of History*, State University of New York: Albany, NY., 1982, p. 63). Today, many Muslim women around the world continue to be denied their basic human rights in the name of Islam. Taliban restricted women's education despite the fact that the Qur'ân advocates the pursuit of knowledge for both sexes (20:114, 39:9, 58:11). Taliban is not an isolated phenomenon in the Muslim world; their type of interpretation has deeper theological roots. Women are abused by their husbands despite the Qur'ânic assertion on the contrary (30:21). They are denied the right to vote or work, also in the name of Islam.

42. Ashley Montagu provides evidence from biology and social anthropology not only for woman's equality but also for her superiority. In the prologue to his book, Montagu states: 'In the present book the mythology of female inferiority is challenged and dismantled on the basis of the scientific facts. My many years of work and research as a biological and social anthropologist have made it abundantly clear to me that from an evolutionary standpoint, the female is more advanced and constitutionally more richly endowed than the male. It seemed to me important to make that first claim. That is the scientific fact. Women, as biological organisms, are superior to men. If anyone has any evidence to the contrary let him or her state it. The scientific attitude of the mind is not one of either belief or disbelief, but of a desire to discover what is and to state it, no matter what traditional beliefs may be challenged or outraged in the process.' (Ashley Montagu, *The Natural Superiority of Women*, Macmillan Publishing Co: New York, 1992, p.2) Biologically, women inherit two X chromosomes, many recessive lethal chromosomes on one X chromosome would likely be masked by the dominant non-lethal chromosome on her other X. Males would not have this advantage: many traits which would be masked for a female are expressed because the Y or male chromosome does not contain many X alleles. Being much shorter than the X, it has far fewer genes compared to the X chromosome. This makes a case for the genetic superiority of women and is why many genetic diseases such as color blindness and hemophilia are far higher among males than females. These traits, though, are often inherited by males through their mother and expressed only through sons. Some biologists have even argued

for a gynaeocentric theory of evolution, concluding that woman is the trunk of evolution history, and man is but a branch on the tree, a grafted scion. (See for example: Mary A. Hill, Charlotte Perkins Gilman, *The Making of a Radical Feminist 1860-1896*, Temple University Press: Philadelphia, 1980; Sarah Blaffer Hardy, *The Woman That Never Evolved*, Harvard University Press: Cambridge, 1981) Hapgood even concludes that the evolutionary purpose of males is to serve females, arguing that "masculinity did not evolve in a vacuum but because it was selected." He notes that there are many species that live without males, and the fact that they do not live genderlessly or sexlessly shows that "males are unnecessary" in certain environments. (Fred Hapgood, *Why Males Exist: An Inquiry Into the Evolution of Sex*, William Morrow and Company, Inc: New York, 1979, p.24)

43. Charles Kurzman (ed.), *Liberal Islâm: A Sourcebook*, Oxford University Press, Inc: New York, 1998, p.133

44. Qur'ân 30:21, 2:187, 36:55-57

45. Qur'ân 2:230, 233, 228; 4:35

46. Qur'ân 2:226, 4:35, 65:6

47. The husband and the wife have the right to reconcile during this waiting period of the wife. Women, in all equity, have rights similar to men. But men have one advantage over them. Men do not have a waiting period for remarriage for obvious physiological reasons. And this is where men have an advantage over women (See Qur'ân: 2:228-234, 4:3, 4:19, 4:35, 4:128, 33:49, 58:1, 65:1-4). The primary purpose of waiting-period is the ascertainment of possible pregnancy, and thus of the parentage of the as yet unborn child. In addition, the couple are to be given an opportunity to reconsider their decision and possibly to resume the marriage. A divorced wife has the right to refuse a resumption of marital relations even if the husband expresses, before the expiry of the waiting-period, his willingness to have the provisional divorce rescinded; but since it is the husband who is responsible for the maintenance of the family, the first option to rescind a provisional divorce rests with him during the waiting-period. During that period the husband is fully responsible for the maintenance of the wife whom he is divorcing in accordance with the standard of living observed during their married life. Islam tries to maintain the married state as far as possible, especially where children are concerned, but it is against the restriction of the liberty of men and women in such crucially significant matters as love and family life. It will check hasty action as far as possible, and leave the door to reconciliation open at many stages. Even after divorce a suggestion of reconciliation is made, subject to certain precautions against thoughtless action. Barbara Freyer Stowasser, points out that some male interpreters of the Qur'ân have claimed that men are preferred by God over women with respect to intelligence, physical constitution, determination, and physical strength without ever citing any place in the Qur'ân text that says this. (Barbara Freyer Stowasser, *Women in the Qur'ân, Traditions, and Interpretation*, Oxford University Press: New York, 1994, p. 35). It is clear that the Qur'ân assigns 'daraja', or the notion that one is a step, degree, or level over another person, to some individuals over other individuals. Numerous verses point to the various ways in which 'daraja' may be obtained, that is, through striving in the way of God with one's wealth, one's person, through migrating in the path of God, and through doing good deeds (4.95, 9.20, 20.75, 6.132, 46.19, 58.11, 43.32).

48. Fatwa by Sheikh G.F. Haddad at: www.livingislam.org/fiqhi/fiqha_e22.html - 20k
49. Sayyid Qutb, *In the Shade of the Qur'ân*, Volume 1, Islâmîc Foundation: Leicester, 1999, p.279
50. See for an exegetically interesting discussion of Qur'ân 4:34: Khaled M Abou El Fadl, *The Search for Beauty in Islâm*, University Press of America: Lanham, MD, 2001, p.167-188
51. Asma Barlas, *Believing Women in Islâm: Unreading Patriarchal Interpretations of the Qur'ân*, University of Texas Press: Austin, TX, 2002, p.186
52. Asma Barlas, *Ibid*, p.187
53. Asma Barlas, *Ibid*, p.187
54. Asma Barlas, *Ibid*, p.187
55. Amina Wadud, *Quran and Woman: Rereading the Sacred Text from a Woman's Perspective*. Oxford University Press: Oxford, 1999, p.70
56. Asma Barlas, *Op.cit*, p.187
57. See Qur'ânic verses 2:116, 238; 3:17, 43; 30:26; 33:31, 33:35, 39:9
58. Amina Wadud, *Op.cit*, p.15.
59. See for example Qur'ân 47:27, 18:11, 43:5, 14:24, 2:273. Instead of singling out a particular verse to interpret the Scripture, the message has to be taken in light of the whole Qur'ânic text (3:7, 2:85, 13:6, 3:72, 3:119). In the Qur'ân, depending on the context, one can ascribe different meanings to the word 'daraba': to travel to get out: 3:156, 4:101; to set up: 43:58, 57:13; to give (examples): 14:24-45, 16:75, 76, 112; to cover: 24:31; to explain: 13:17
60. Amina Wadud, *Op cit*, p.6-7.
61. Qur'ân 4:6, 4:15, 5:106-107, 24:4, 24:13, 65:2. The second woman would not be a witness in the court of law. She is there only to support the first woman if she gets distracted, for example, by her baby.
62. Fazlur Rahman, *Major Themes of the Qur'ân*, Bibliotheca Islâmica: Chicago, 1980, p.48-49
63. Qur'ân 4:135, 57:25, 5:8
64. Mohamed S. El-Awa, *Punishment in Islâmîc Law*, American Trust Publications: Indianapolis, 1982, p.34
65. Ma'amoun M. Salama, "General Principles of Criminal Evidence In Islâmîc Jurisprudence," In *The Islâmîc Criminal Justice System*, (edited by M. Cherif Bassiouni), Oceana Publications: London, 1982, p.118. Many Muslims insist that the whole system of jurisprudence is God-ordained and therefore immutable. The fact is that there are immutable principles in the Qur'ân but the interpretations of these has led to the formation of the jurisprudence. Besides the laws were interpreted by male jurists at least 100 years after the death of the Prophet Muhammad, and

developed in different parts of the world. These interpretations vary and are even now applied very differentially in Muslim countries.

66. A.D. Ajijola, Introduction to Islâmic Law, International Islâmic Publishers: Karachi, 1981, p.134

67. Rubya Mehdi, "The Offence of Rape in the Islâmic Law of Pakistan", International Journal of Society and Law, 1990, Vol. 18, p.25

68. Qur'ân 6:123, 20:24, 27:34, 33:67, 34:34, 43:23-24

69. Muhammad Iqbal, The Reconstruction of Religious Thought in Islâm, Shaikh Muhammad Ashraf: Lahore, 1962, p.168

70. Sachiko Murata, The Tao of Islâm: A Sourcebook on Gender Relationships in Islâmic Thought, SUNY: Albany, 1992, p.43

71. Toshihiko Izutsu, The Structure of Ethical Terms in the Koran, Keio Institute of Philosophical Studies: Tokyo, 1959, p.152-153

72. Qur'ân 18:49, 22:10, 24:50, 29:40, 30:9, 50:29, 9:70

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