



# Gender & Islam

## Women's Rights & Islam

Islam, like all religions, strongly influences social, economic and political spheres of life. Tenets that are perceived to be Islamic shape the status of and relationship between women and men. These tenets result in women – because they are women – being denied a number of human rights, for example in cases of divorce or inheritance law. Religious leaders and scholars often justify these forms of discrimination by referring to Islamic sources.

### Patriarchal interpretations of religious sources

Central to understanding Islam is the *Shari'a*, the body of all the rulings and provisions that are binding on legal and religious grounds. The *Shari'a* is derived from the *Qur'an* and *Hadith* – the texts that record the sayings and practice of the prophet Mohammed, which were compiled over a century after his death. Interpretations of Islamic sources as well as the Islamic jurisprudence (*fiqh*) itself have been and still are almost exclusively in the hands of male religious scholars. The effect is that the majority of the Islamic sources are interpreted in a patriarchal way. In most Islamic countries, national Family Law is generally based on the Islamic jurisprudence and constitutions of many Muslim countries refer to the *Shari'a* as resource for the legislation. From country to country there are different interpretations by the jurists, often containing a variety of forms of discrimination against women. The interpretation of Islamic sources limits the scope of action of

### Judgeship for women forbidden or allowed?

In several countries in the Arab region, women do not have the right to be judges. The reason often cited is the claim that women are “too emotional” to hold such a job, which is usually justified by references to verses in the Qur'an. In other Arab countries, on the contrary, many women hold judgeships. In these places, even official, religious legal decisions (*fatwa*) have determined that, according to Shari'a, women are allowed to hold positions as judges. This demonstrates that the arguments used for the justification of certain discriminations against women in several rights issues

1. are contradictory, which is due to the different interpretations of the Islamic schools of thought
2. can change (so women couldn't work as judges in the past, but do today).

The fact that interpretations of Islam differ and change from country to country shows the possibility that transformation in Muslim countries can occur in line with Islam.

women according to their social stratum. Contemporary laws which are legitimated by reference to Islamic sources determine, for example, whether a woman can travel alone or if she requires a legal guardian to enter a marriage.

### Using the potential of Islam as a positive resource for women's rights

For decades, women activists in Islamic countries have been striving for political and legal reforms in order to overcome gender-specific discrimination. Most activists have derived their claims from International Human Rights Standards – such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) – and the key principle of non-discrimination which is stated there. At the same time, they support a stronger separation of politics and religion.



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Another group of activists focus on the potential of Islam as a positive resource for gender equality. Since the 1980s, an increasing number of women and men have started to engage in the promotion of women's rights within the framework of Islam. These reform-oriented religious scholars, both female and male, believe that the spirit of the message conveyed by the religious sources – especially equity (before God), justice (through God) and the priority of general well-being – must be applied to our times. According to this school of thought, the *Qur'an* must be interpreted in the historical context of its origin in order to make the former background comprehensible. Afterward the meaning of the verses should be rechecked in relation to today's context. This discourse includes a new approach to *Qur'anic* reading: instead of concentrating on single verses, they emphasize the interpretation of all parts of the *Qur'an* dealing with a particular topic, an approach that is holistic and takes account of the historical context. This is important in order to avoid taking verses out of context, which distorts the intended meaning.

This religious-based approach is a politically necessary, although controversially complementary strategy to women's rights activism. Both strategies aim for the realization of human rights in the daily lives of women and men; however religious-based activists don't feel as though they should have to renounce their religious and cultural identities in order to live equitably.

Accordingly it is been argued that the *Qur'an* and the *Hadith* can and must be interpreted in a gender-equitable manner. It is not the *Qur'an* itself, but the patriarchal interpretation of the secondary religious texts that is responsible for the subordination of women. They believe that God is just and that therefore in "true Islam" there can be no discrimination against women.

In Aceh, Indonesia, a *Charter on Women's Rights* was announced that illustrates the efficacy of a religious-based approach in the struggle to curb gender-specific discrimination:

### The first charter on women's rights in the Islamic world

In November 2008 Indonesia's Aceh province adopted the first Charter on Women's Rights in the Islamic world. This Charter was developed in line with traditional and Islamic authorities and was supported by the GTZ. With an explicit reference to Islam, it allows women to own land, gives them the right to education and entitles them to protection against domestic violence. Even though it is just a "moral obligatory framework", the Charter represents a good basis to improve the situation of Aceh's women. <http://www.piagamhakperempuanaceh.org/>



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## Experiences of the BMZ funded sector programme 'Promoting Gender Equality and Women's Rights'

### Yemen: Raising Awareness of Women's Rights in Islam

In Yemen, as in many Islamic countries, legal discrimination against women is often justified by conservative interpretations of Islamic resources. However, it is the deep-seated patriarchal traditions and attitudes of the Yemeni population that deeply affect women's lives and often even contradict the teachings of Islam. Therefore women from different professional backgrounds (e.g. lawyers, teachers, journalists, NGO representatives) with a good knowledge of the *Qur'an* and *Hadith* were trained as facilitators in the women-friendly interpretation of Islamic resources. These women participated in workshops where they were asked not to accept existing patriarchal interpretations (mostly interpreted by male religious scholars) but rather to search individually for the meaning of the verses of the *Qur'an* and the sayings of the Prophet. Thus women were provided with sound arguments about their rights in Islam and enabled to participate in public debates with the judiciary, the media, university scholars and religious leaders. As female facilitators they gave lectures to other women and discussed specific issues related to women's rights and Islam in the private sphere as well as in mosques. In addition, a group of mosque preachers (Imams) were trained and were won over as allies for women's rights in Islam along with male university professors, journalists, parliamentarians and human rights activists. They addressed women's rights (also from an Islamic perspective) in their work and initiated a debate. A training manual and a sourcebook have been produced as results of the project.

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