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Religion 278 - Sex, Gender, and Islam

Unveiling Women's Rights in the Quran

Islam is often portrayed in the media as a religion that oppresses all women. Articles with 'Ex-Muslims' asking for a reform of gender rights in the religion splatter the headlines of many American news outlets. Are these news sources true, are Muslim women oppressed? If so, are there any valid documents to justify the seclusion of women from the public sphere? In this essay, I will prove that Islam is not a religion of oppression, and that there are no valid documents to justify the seclusion of women from the public sphere, using the case study of the hijab and how it has evolved in the Islamic tradition over time. I will do this by first identifying the differences between Sharia law and *fiqh*, and explain the importance of these differences. I will then identify the contextual facets of women in the Pre / Early Islamic eras to show the difference between culture and religion, and I will conclude by examining how modern women are reinterpreting Sharia law in a gender-critical manner.

I will start by pointing out that 'Muslims' cannot be categorized into one group of people. This is problematic because as of 2019 there were 1.9 billion of them in the world. This is 24.4% of the human population, and it is absurd to think that almost a quarter of the humans on this world will all follow the same customs with things in regard to veiling, drinking, etc¹. Another

¹"Muslim Population by Country 2020." World Population Review. Accessed January 24, 2020. <http://worldpopulationreview.com/countries/muslim-population-by-country/>.

problematic view that many people hold are exchanging the term ‘Islamic’ for ‘Middle Eastern.’ This is hardly the case, as the largest Muslim country is Indonesia, where an estimated 87.7 percent of the population (around 229 million people) are Muslim. This fact further proves that nobody can provide one cohesive ‘Muslim’ culture, because it is clear that customs and laws in somewhere like Indonesia are not the same as in Saudi Arabia.

Somehow, though, people still carry assumptions that Muslim women are required by the Quran to veil in order to be modest. This is largely because of nations that have taken the Quran and put their own interpretations to it, creating something called *fiqh*. Sharia law is seen as the entirety of God’s law as it was revealed to the Prophet Muhammad. It is the most sacred text in Islam, and it is never changed, only interpreted. *Fiqh*, on the other hand, is not part of the revelation that was sent by God. It is the religious interpretation of the Quran, in order to discern the meaning as much as possible.² The obvious error with this is that all humans have biases, and *fiqh* can be created from these biases. Religious studies, along with history, is dependent on who is studying it. In *Gender Critical Turns in the Study of Religion*, Ursula King points out that “All historical religions are shaped by patriarchal and androcentric, that is to male-centered, frameworks little noticed or critiqued before the modern period...”³In other words, history depends on who is telling it, and who is given the power to interpret it. And up until recently, the patriarchal origins of some *fiqh* were not questioned because there were not enough gender-studies scholars to accomplish this task.

² Mir-Hosseini, Ziba. “The Construction Of Gender in Islamic Legal Thought and Strategies for Reform.” *Hawwa* 1, no. 1 (2003): 1–28. <https://doi.org/10.1163/156920803100420252>.

³ King, Ursula. “Gender-Critical Turns in the Study of Religion.” *Religion and Diversity: Cross-Cultural Perspectives*, 2005.

It is quite a difficult task, too, as religion and gender are intrinsically tied together. King refers to this as ‘embeddedness,’ that since gender patterns are so tied into all aspects of religion that without making a conscious ‘gender-critical’ turn when looking at every aspect of religion, it is difficult to separate the two to interpret how gender plays a role in the religion.⁴ To explain this, I call on the example of veiling in Quranic verses. The Quran has very few mentions of how women should dress. One of these verses says,

“And those who undeservedly insult believing men and women will bear the guilt of slander and flagrant sin. Prophet, tell your wives, your daughters, and women believers to make their outer garments hang low over them so as to be recognized and not insulted: God is most forgiving, most merciful”.⁵

Sects of Islam such as the Hanbali and Shafii schools of thought interpreted this verse to mean that Muslim women should always cover their entire body, including their faces and hands.⁶ Clearly, the Quran never specifically states that women have to cover their entire body, but some schools of thought have interpreted the verse to mean this based on various aspects. I will delve deeper into the interpretations of veiling in the following paragraphs, when I analyze the historical context of the Quran.

It is important to think about the historical context of when the Quran was revealed to the prophet Muhammed, and when taking a gender-critical approach to reading the Quran as King recommends, it is important to look at what the women were doing in the Pre-Islamic era versus the Early Islamic Era. The first example of what women surrounding the Prophet were like is

⁴ Ibid.

⁵(Quran 33: 58-59)

⁶ “Islamic Jurisprudence & Law.” ReOrienting the Veil. Accessed January 24, 2020. <https://veil.unc.edu/religions/islam/law/>.

Khadija, the prophet's first wife. She is a good example of a Pre-Islamic woman, as she was 40 when she proposed to Muhammad. She ran a caravan business, meaning that she was economically independent, and married a man many years her younger (the Prophet was only twenty-five). All of these facets of empowerment were classic of a woman in the Pre-Islamic era.

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Muhammad's second wife, after the death of Khadija, was Aisha, who was six at the time of betrothal. Certainly, it is looked down to marry a six year old as an adult during this time period, but this is another instance where context is pertinent to look at. Aisha was married to Muhammed when verses were revealed to him about his wives veiling. The verse previously mentioned, about the prophet's wives veiling, came during this time period. During this time, women had to walk distances to use the restroom, as there was no plumbing in this day. Wearing the veil, then, distinguished these women as wives of Muhammed and made them safe from men that would sometimes attack and molest women while they were walking to use the restroom at night.⁸ Although this verse was introduced by the Prophet, the practice of veiling was prominent long before Muhammad came to the area.

In the nomadic Middle East, such as in the Seljuq and Mongol dynasties, women were often not required to veil, and could hold higher positions of power than in the settled areas of the region. The early Safavid empire in Iran was an excellent example of this, as early on they were militarily supported by nomadic Turkish groups. Early records of Safavid women show that they were unveiled. As time went on, though, the division of religious classes began, and women

⁷ Ahmed, Leila. "Women and the Advent of Islam." *Signs: Journal of Women in Culture and Society* 11, no. 4 (1986): 665–91. <https://doi.org/10.1086/494271>.

⁸ Ibid, 682

once again veiled to show status, as was the original purpose of the veil ⁹. If veiling was truly just a religious law, instead of a cultural or political tool, then it would not have been so subject to change over time and political class. How did it happen, then, that people have come to believe that Islam has imposed undue laws upon women that oppress them?

After the Prophet's time, it was up to Muslim scholars of Islam to interpret the Quran and sayings of the Prophet to fit their context. Nikkie Keddie, an Islamic feminist scholar who wrote *The Past and Present of Women in the Muslim World*, claimed that, "[t]he difference between Muslims and Non-Muslims comes from the twentieth century Muslim resistance to change and with the current Islamic revivalist desire to 'return to Islamic ways'" ¹⁰. She goes on to explain that Islamic scholars used interpretations of veiling and seclusion to create a patriarchal system. She says, "Veiling or seclusion do not prevent women from living varied and significant lives, but they are signs and parts of a system in which males are dominant and in which it is believed that females must be controlled by a male household head..." ¹¹ To fully prove that the Quran is not oppressive, and that laws people see as Islamic are interpretations and not religious law, there are gender scholars who are engaging in *Ijtihad*, or reevaluation of religious texts.

One of the most well known of these scholars is Amina Wadud. In rethinking the interpretations of the Quran, she analyzes the importance of challenging the patriarchy through an emphasis on equality. The Quran mentions moral integrity, or *taqwa*, several times as well. Wadud draws the conclusion, then, that God is asking all Muslims to treat everyone, male or

⁹ Keddie, Nikki R. "The Past and Present of Women in the Muslim World." *Journal of World History* 1, no. 1 (1990): 77–108.

¹⁰ Ibid.

¹¹ Ibid.

female, with moral integrity in the public and private sphere.¹² She goes on to elaborate that reciprocity is also an important facet of the Quran, and because of this, a relationship of reciprocity between any individuals means that any Muslim has the responsibility to be fair and just to all others.¹³ Sexism and patriarchy obviously is not part of equality of moral integrity. The final facet of Wadud's interpretation of Islam comes from a Hadith that says God is above all. She draws the conclusion from this Hadith that to put men over women in society is comparing men to godliness, and is therefore going against the word of God.¹⁴ This translates into veiling in the way that forcing a woman to veil is forcing a patriarchal structure onto her by taking away her right to choose how she displays her modesty.

In conclusion, Islam is not a religion of oppression. This is clear in the way that women were treated in the Early Islamic period, during the time of Muhammed. Today, Islamic scholars used *fiqh* to interpret holy scripture in a way that fits into their patriarchal mindset, as is clear by certain ideas about veiling. Many gender studies scholars, though, are engaging in *ijtihad* to reinterpret these holy texts to fit with today's context. Through the way that holy texts can be interpreted and reinterpreted, it is clear that there are no valid documents that justify the oppression of women in Islam. The biggest task faced with scholars for the future is to have these reinterpretations be accepted more broadly by the Islamic community.

¹² Wadud, Amina. "Islam Beyond Patriarchy Through Gender Inclusive Qur'anic Analysis." *Wanted: Equality and Justice in the Muslim Family*, n.d., 95–112.

¹³ Ibid.

¹⁴ Ibid.