

»» Gender and women's rights in Islam

No. 22, 8 June 2016



Author: Karla Henning
Editor: Dr Julia Sattelberger

In public and media perceptions of Western countries, there is often the impression that there is a strong link between discrimination against women and the practice of Islam in a conservative sense. Although women and men are equal before God in Islam, this impression is reinforced by passages in the Quran, where the direct interpretation awards further rights to men than women. The example often cited is the permission to physically punish one's wife, under certain circumstances. According to the WHO, levels of violence against women in Sub-Saharan Africa, the MENA region and South East Asia are at the highest, at 37%. On average it shows that there are higher values in Muslim countries. Is religion a decisive factor here?

Not Islam per se, but rather its interpretation can be problematic for equality

Historically speaking, the widespread adoption of the discrimination of women in Islam barely reflects reality. Reforms in the 7th century improved the rights of women in an almost revolutionary way in the areas of marriage, divorce and succession, at a time when other cultures and religions were still far from awarding women this legal status. But how does it look in contemporary Islam? The Quran is considered to be the direct word of Allah and is thus uncontested in the eyes of orthodox Muslims, and its content cannot be modified. However, it is only a basis of sharia law (Islamic rules and standards of behaviour), which consists of further sources of speeches and early interpretations of the actions of the Prophet Muhammad. Yet, even in the eyes of religious scholars, some passages are difficult to understand and not free from contradictions.

Islamic reform theologians believe that the implementation of sharia law as a whole (including the Quran) could and should be newly interpreted in light of modern times. This applies in particular to questions which first arose in the modern era – such as whether the use of reproductive medicine and contraception are allowed in Islam, but also as to how the traditional role of women in the

context of a changing society is to be assessed.

Gender roles and women's rights are strongly influenced by contextual factors and cultural values

The extent to which Muslims abide by the rules of sharia law and how they interpret this depends – as in all religions – on the judgement of the individual. This includes important contextual factors, such as traditions and cultural conventions, but also the political importance of sharia law in the respective country. Interesting insights into context-sensitive diversity are provided by the results of the Pew Research Center's global opinion polls on the role of women in society:

- Muslims who favour sharia law as the applicable legal structure of their country support a conservative interpretation of gender roles.
- In 20 out of the 23 countries surveyed, significantly more than 50% of Muslims are of the opinion that a woman should obey her husband.
- In South East Asia, Central Asia and South East Europe, 80-90% of Muslims believe that women should decide for themselves on whether they should wear a veil. In Sub-Saharan Africa only 30-50% are of this opinion.
- In 13 of the 23 countries, significantly more than 50% of the respondents are for the right of women to divorce and for inheritance and ownership rights. Lagging behind are Iraq, Jordan, Egypt and Malaysia, with rates of acceptance of these rights below 15%.

Only half of the countries show the women interviewed as having significantly different attitudes to men.

Islamic Feminism – not of Western design

There are many different ways that Muslim women define themselves and their role in society. This is highlighted by the liberal trend of Islamic feminism, which is in no way an idea of western

gender discourse, but actually dates back to the 12th century.

Representatives of the movement emphasise the deep-rooted teachings of equality in the Quran, and in addition, encourage challenges to the patriarchal interpretation of Islamic teachings for a more egalitarian and fairer society. Specific issues for the movement are, in particular, family law and sexuality, but also the rules on clothing or access to education and employment. One of the major concerns for Islamic feminism is also the resolution of common prejudices of an inherent discrimination of women in Islam.

Human rights as a religion-neutral yardstick for evaluating unacceptable religious discrimination

Overall, it should be noted that contemporary Islam is not problematic for equality per se, but that many Orthodox interpretations of Islam exhibit clear discriminatory elements. This also applies in the same manner to most of the other world religions. In the Bible there are also several clearly misogynistic statements, and even today unequal treatment is accepted by the majority on religious grounds (such as the ban on the ordination of women in the Catholic church). The question as to how far differentiating religious conventions in the framework of the freedom of religion are acceptable, and as to when unacceptable discrimination begins, is extremely difficult to answer in a general form. A religion-neutral assessment scale could use international human rights to do so. Some Islamic states criticise these as being primarily based on Western values, yet nowadays they have been ratified and thus recognised by almost all countries. Included in human rights is the right to freely choose one's religion and also to change it (Civil Pact, Article 18), but also the prohibition of any form of discrimination against women (CEDAW, 1979). Accordingly, any person can voluntarily submit themselves to religiously motivated unequal treatment, but no one may be forced to.■