

Gender equality and islam



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CHAPTER I Introduction

Introduction

Nowadays, in most of the time, whenever we consider about Islam, we immediately visualize suicide bombing, jihad, terrorism, violent protests, repressive regimes and veiled women in the Middle East. That means we, unknowingly, have a sense of negative feelings towards Islam world.

Especially when we think about a muslim woman, we almost always think they are the victims who are suffering from gender discrimination, inequality and injustice. However, since my young age, whenever I found and met with muslim female friends, almost all of them are happy, friendly and peaceful and so I came to have doubts about the existence of gender inequality within muslim society. Especially when I started to study the course named “ Gender, Labor and Human Rights”, I begin to have lots of questions on gender inequality issues in Islam world. This makes me to read a lot of books, papers and journals concerning gender problems in muslim countries. Therefore, in this paper, I try to make the analysis of gender inequality issues in Islam world. In my opinion, it is very important to know about another religion and culture properly and, otherwise, we can make wrong judgments on another religion and we can even make wrong accusation and improper insults on them.

First of all, before we criticize any religion or any culture, we should remember what is written in Article 18 of “ 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 observance.

(UN 1948)

Therefore, we must respect their religion and, at the same time, we have to try to find ways to attain third Millennium Development goal which states “ Promote Gender Equality and Empower Women”.

Generally, it is mostly assumed that gender equality has been present in western countries long time ago. However, it is important to note that, until a hundred years ago, Western women had virtually no rights in law or practice. It means gender inequality has been in place for quite a long time not just in Muslim world, but also in a lot of countries around the world. However, when we look into the Qur’an, it can be seen that Islam gave far-reaching rights and a defined status to women before the first European woman suffragette. Therefore, the general assumption of the presence of gender inequality in Islam cannot be correct and so we do need to find out why gender discrimination came into existence in Muslim world and how we can help and bring gender equality for Islamic women.

Therefore, in my paper, I will try to explore and analyze what caused gender discrimination to be present in Muslim world and examine whether is it is possible attain gender equality goal within the framework of Islam religion. Before I mention my analytical framework, I would like to describe seven types of gender inequality which is stated by Amartya Sen. He differentiated and categorized gender inequality into seven different forms such as “ mortality inequality, natality inequality, Basic facility inequality, special

opportunity inequality, professional inequality, ownership inequality and household inequality” (Sen 2001). It would be perfect if I can go into details in these seven issues and check whether it is prevalent and how intense it is in Muslim world. However, because of the limitation of time and space here, I will analyze based on four perspectives namely economic, educational, health and political perspectives, using two case studies on Tunisia and Indonesia. Finally, I will try to answer how gender equality could be achieved in Muslim World.

Background Information of Islam

What is Islam?

The very word ‘ Islam’ translates from Arabic as ‘ submission’ or ‘ obedience’ (to the will and laws of Allah as set down in the Qur’an) and the word Muslim, with the same Arabic root, means ‘ that person or thing which obeys Allah’s law’.”

(Horrie and Chippindale 2001)

One of the key institutions of Islam is the Islamic law (Shari’a). The Shari’a is derived from the Qur’an and Hadith – the texts that record the sayings and practice of the prophet, which have been compiled over a century after the death of the prophet Mohammad (Starken 2005).

In fact, when we look back into the history, it can be found that Islam, Judaism and Christian religions have quite close relations in the past, but, now, they have been quite different in their contents and beliefs.

Whatsoever, it is not a deniable fact that those muslim countries in the Middle East did possess a glorious time in the past. Since 622AD (CE) when

Islam was founded, this Religion has been spreading all over the world and, now, the number of Islam believers reached 1.5 billion in 2005. It became the second largest religion after Christianity and it is still growing at 19%.

Additionally, throughout evolution over time, Islam has been differentiated into several categories.

In certain ways, Muslims are the same everywhere, and yet their societies are different everywhere. Confronted by the wide range and diversity of Muslim societies, the present generation of writers suggests their categorization thus: Moroccan Islam, Pakistani Islam, Malay Islam and so on.

(Ahmed 2002)

Nowadays, at the time of globalization, Islam religion has been questioned by the west whether this religion is against human rights or not. At the same time, gender discrimination issue also becomes a very controversial topic for Islam among international scholars.

CHAPTER II Islam and Gender

Islam and Gender equality

According to the global gender gap index 2009, it can be found that “ most Middle East and North Africa region countries not only continue to perform far below the global average, but also do not show much improvement over the last year or have deteriorated with the exceptions of Israel, Bahrain, Algeria, Morocco, Egypt and Saudi Arabia, each of which has improved as compared with their absolute scores in 2008.” (Hausmann et al. 2009).

Moreover, out of 134 countries, the countries which got the least overall

gender index score are mostly from Muslim countries, with Yemen at the bottom.

In addition, we generally perceived that Muslim women are denied a number of basic human rights under Islam, which range from the requirement of a guardian to enter a marriage to the obligation of the wife to obey her husband (Starken 2005). Additionally, we are hearing lots of stories about how women were set at a lower standard and bullied by Muslim men and so we are nearly blaming Islam religion and Prophet Muhammad.

However, when we really want to understand the whole situation as an unbiased analyst, we must be very careful in criticizing another religion. When we look into Qur'an, we can find that the basic premise of Qur'an is that women are spiritually and morally equal to men. In one verse, " the Qur'an states:

The Believers, men And women, are protectors, One of another: they enjoy What is evil: they observe Regular prayers, practice Regular charity, and obey God and His Apostle.

This ethical and religious equality between men and women can be summed up in terms of respect between spouses, obedience to God, and practice of the five pillars of Islam. Their roles are defined as complementary. Other Qur'anic laws preached several enlightened ideas in favor of women, such as property and educational rights" (Halila 1984).

Concerning education, the Qur'an Sura 35 Verse 28 states:

Those truly fear Allah, among His Servants, who have knowledge.

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Moreover, Prophet's Hadiths repeatedly emphasizes the acquirement of education and knowledge for every Muslim male and female. For example, one Hadith states that , “ Seeking knowledge is a duty of every Muslim, man or woman.” (Ayisha Lemu 1978: 25). Another Hadith states, “ Seek knowledge from the cradle to grave.” (1978: 25). Another Hadith states that, “ Father, if he educates his daughter well, will enter Paradise.” (The World Bank Report July 9, 1993: 25). Yet another Hadith states that, A mother is a school. If she is educated, then a whole people are educated” (Shamley 2009).

Moreover, there are still a lot of verses in which women's rights are well-stated and so it is sure that gender equality is not something incompatible with Islam religion itself.

Factors for Gender Inequality in Muslim World

Historical Factors

First of all, we cannot forget about the long history of patriarchal dominance throughout the history in which most of the Islamic writings are almost exclusively in the hands of male religious scholars who interpreted in patriarchal way. Additionally, Muslims faced European colonization almost inevitable. Moreover, we can find lots of misuse of Islamic religion throughout the history by many a king. Hence, in 1981, Iman Khomeini said:

Unfortunately, true Islam lasted for only a brief period after its inception. First the Umayyads and then the Abbasids inflicted all kinds of damage on Islam. Later the monarchs ruling Iran continued on the same path; they completely distorted Islam and established something quite different in its place. The process was begun by the Umayyads, who changed the nature of

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government from divine and spiritual to worldly. Their rule was based on Arabism, the principle of promoting the arabs over all other peoples, which was an aim fundamentally opposed to Islam and its desire to abolish nationality and united all mankind in a single community, under the aegis of a state indifferent to the matter of race and colour. It was the aim of Umayyads to distort Islam completely by reviving the Arabism of the pre-Islamic age of ignorance, and the same aim is still pursued by the leaders of certain Arab countries, who declare openly their desire to revive the Arabism of the Umayyads, which is nothing but the Arabism of the Fahiliyya.

(Ahmed 2002)

Moreover, concerning one of the most well-known issues, “ head scarf”, it is not really according to Islam religion since Qur’an itself instruct women to cover their hair, breasts and ‘ private parts’ in public and not ask anything more. However, “ forcing women to cover their entire bodies – as in much of Arabia and Iran – is again cultural rather than Qur’anic, as are many other examples of discrimination against, or maltreatment of, women throughout the Muslim world. These include the practice of removing parts of the female genitals, so-called “ female circumcision” or “ genital mutilation” which is widespread in Muslim Arabia and Africa. Whilst the Qur’an does place restrictions on Muslim women, it also guarantees them the right to own and inherit property, to participate fully in political affairs and to sue for divorce – in short a complete, separate legal identity.” (Horrie and Chippindale 2001)

Even though Prophet Mohammed did not discriminate women, after his death, religious scholars, kings and administrators elaborated and

exaggerated the idea of men's role as protectors and very much reshaped Qur'anic injunctions in ways that suited them (Halila 1984).

Colonial Factors

Another important causal factor for gender inequality lies in colonialism.

The impact of colonialism from the last century onwards affected society externally and internally in the most extreme manner. First and foremost, the already existing sexual divisions and roles of labour were further exaggerated. Colonialism imposed foreign values at the same time as it destroyed or eroded native ones. As a result, society collapsed internally, its destiny unsure, its confidence evaporated. Man retreated into the shell of rigid customs and sterile ritual, finding a form of security there. They also forced their women to hide behind burkhsa (shuttlecock veils) and remain invisible in the courtyards of their homes. In India, Mughal princesses were reduced to becoming prostitutes. The stereotype of Oriental females as chattels and playthings was formed. It was a bad time for Islam, a time of retreat. When the European masters began to leave from the middle of the twentieth century Muslim women were to be glimpsed still in various degrees of deprivation and subjugation. They still have to recover. Too much has been damaged. Deprived of economic and hereditary rights, and everywhere behind men in education, women formed into an inferior class. The actual situation of women, their social status and privileges, is usually far removed from the Islamic idea, whether in the tribe, village or the city.

(Ahmed 2002)

In fact, “ the Islamic civilization was virtually wiped out during the era of Colonialism, and thus what is left is a confused jumble of customs, religious ideas, imported governmental structures, political turmoil, and poverty” (Emerick 2002).

Economic Factors

One important point we could miss to take into account is economic impact on gender issues. First, we cannot deny the existence of gender discrimination on labor issue in this world. Before we solve the division of labor and wages problems among men and women, it is very important to introduce women into the labor industry which will keep them out of their confined kitchens where they cannot learn anything and can get no idea to improve their gender role. As long as the women are engaged in Labor force, they can still at least get access to economic opportunities which have lots of impacts on their lives. However, it depends on the type of economy in which the country is introduced for women to get better access to labor markets.

In Middle East oil-rich countries, the economic growth due to oil and mineral extraction is found to be a major cause for underrepresentation of women in the workforce. First of all, oil production did shape the country economy. “ When countries discover oil, their new wealth tends to produce an economic condition called the ‘ Dutch Disease’, which is characterized by a rise in the real exchange rate, and a transformation of the economy away from the ‘ traded sector’ (agriculture and manufacturing) towards the “ non-traded sector” (construction and services)” (Corden and Neary 1982). Hence, in oil-rich Middle East countries, the traded sector cannot flourish and only non-traded sector becomes dominant. “ In many developing countries, women

are largely employed in the traded sector, in low-wage jobs in export-oriented factories and agriculture; and they are excluded from many parts of the non-traded sector, such as construction and retail, since these jobs typically entail heavy labor, or contact with men outside the family” (Anker 1997). Therefore, oil booming resulted in the inability and failure of women to join the nonagricultural labor force in non-traded sector. In fact, the entry of women to the labor force can boost female political influence since women in the workforce get a chance to form and join informal networks by which they can later attain collective action to lobby, influence and change a nation’s policy for the betterment of women. In those oil-rich Middle East countries, since the women miss chances to join workforce, they are far from acquiring collective bargaining power and they cannot influence in politics and policy making of the country.

Hence, the lack of women’s participation in economy has important policy implications. “ First, it reduced economic opportunities for women. Second, it reduced their political influence. Third, it may foster Islamic fundamentalism” (Ross 2008). A recent study of 18 countries found that when Muslim women had fewer economic opportunities, they were more likely to support fundamentalist Islam (Lisa Blaydes and Drew Linzer 2006).

Therefore, here, it is very important to accept and admit historical, colonial and economic causes as the real causes for gender inequalities in Islam.

CHAPTER III CASE STUDIES

Case Study One: Tunisia

Background Information of Islam in Tunisia

Tunisia was decolonized from French colonial rule in 1956, and Tunisia was led for three decades by Habib Bourguiba, who advanced secular ideas, including emancipation for women, the abolition of polygamy and compulsory free education. Within a few months after independence, the government changed the former family code and accelerated the enrolment of girls in primary and secondary schools and so, by the 1980s, enrolment rates for both girls and boys became very high. In 1987, Ziane El Abidine Ben Ali, who continued with a hard line against Islamic extremists, became president and he is still in power up to now. Tunisia is in the centre of North Africa and it has the population of 10. 2 million according to UN in 2009 (BBC 2009). Its human development index (HDI) in 2009 is 0. 769, falling in medium development group and it got 98th rank around the world (UNDP 2009). Even though it is a muslim country, women’s right in Tunisia is among the most advanced in the Arab world.

Gender Equality Movement in Tunisia

In Tunisia, women’s liberation movement went hand in hand with the efforts to free the country from colonization. The first advocates of women’s liberation were the first nationalist leaders. “ The most prominent nationalist and feminist figure in Tunisia was Abdellaziz Thoalbi, who coauthored a progressive book called *The Liberal Spirit of the Koran* published in Paris in 1905. In this book some Qur’anic laws pertaining to women were reinterpreted from a liberal point of view, and education reforms and a progressive unveiling of women were called for” (Halila, 1984). In 1930,

when the feminist movement gained momentum, Tahar Haddad, a young intellectual, wrote a revolutionary book called *Our Women in Islamic Law and Society*, in which he called for reforms in favor of women. In 1935, another attempt was led by a group of nationalist students, studying in French universities, who published the first feminist journal, *Leila*, in which the problems involved in the progressive emancipation of Tunisian women were addressed. Their emancipation platform included important points such as access to education and the abolition of the veil. As feminism and nationalism ran parallel in the 1930s, so did effective emancipation and social modernization in the postindependence era (Halila, 1984).

Economic Impact on gender role in Tunisia

Unlike other Middle East countries, Tunisia has a diverse economy with important agricultural, mining, tourism and manufacturing sectors (Horrie and Chippindale, 2001). Tunisia expanded its textile industry (traded sector) since about 1970 through exports, relying on low-wage female labor, and weathering changes in European trade policies and, now, it has the highest female labor participation together with Morocco in the Middle East. This high rate of women's participation in labor force has contributed to its unusually large and vigorous gender rights movements. Moreover, Tunisia has women's organizations that focus on female labor issues, including the right to maternity leave, raising the minimum work age, sexual harassment, and gaining rights for domestic workers. " The women's movement began with an important advantage: shortly after independence, President Bourguiba adopted a national family law that gave women greater equality

in marriage, and opened the door to major improvements in female education and employment” (Rose 2008).

Impacts and Achievements of Women’s Rights Movement within Islamic religious Framework

Thanks to all-out efforts of feminists along the history, Tunisia achieved lots of success in gender issue. One of the spectacular successes in the history of emancipation was the abolition of polygyny. “ The third verse of the fourth Surah mentioned as:

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.

And the same verse of Surah IV goes on to say:

But if ye fear that ye shall not Be able to deal justly (with them), Then only one

In a latter verse, it is mentioned

Ye are never able To be fair and just As between women, Even if it is Your ardent desire: (Surah IV, Verse 129)

Mahmoud Al-Annabi, president of the Court of Appeal, remarked: “ In order to protect the family, it was decided to take into account the impossibility of treating two or more wives equally”. Moreover, President Bouguiba stated in his official speech on 13 August 1976 as:

Polygamy is no longer acceptable in the twentieth century and constitutes an insult to the spirit of justice ... God never ordered that woman's dignity should be trampled underfoot nor that she should be made man's victim.

Finally, the modern Tunisia simply chose to outlaw polygyny in Article 18:

Polygamy is prohibited. Marrying more than one shall incur a punishment of one year's imprisonment and a fine of 240, 000 francs or either of these.

The legislation wanted to prove that, while polygyny was implicitly permitted, it was not an obligation" (Halila, 1984). Additionally, lots of reinterpretation of Qur'an were done and women got more spaces in other issues such as marriage, divorce, dowry, the veil, etc.

Later on, the women's movement has been more successful, raising the fraction of female-held parliamentary seats from 6. 7% in 1995 to 22. 8% in 2002 – the highest in the Middle East, and higher than in Western countries like the United States, the United Kingdom and Canada (Rose 2008).

Concerning education, " the percentage of matriculation of girls in primary and secondary school increased from 34. 6% in 1967 to 40. 9% in 1980, and from 25. 8% in 1964 to 36% in 1980 respectively" (Halila, 1984).

According to the Gender Gap Index 2009 Report as in the figure 2, Tunisia scored 0. 623 and it was ranked as 109th out of 134 countries (Hausmann et al. 2009). In terms of political empowerment, it ranked 77th and it got 97th in terms of educational attainment. Concerning health, its maternal mortality ratio per 100, 000 live births is 100 and maternity benefits are well covered by social security services and so Tunisia got 90 the rank. Concerning

employment issue, female adult unemployment rate is 17.33% and male adult unemployment rate is 13.11% and so the gap is not much different.

Even though Tunisia is a muslim country, it has been very successful in gender relations and so it means gender inequality issue does not totally depend on the religion. In case of Tunisia, it is very obvious that their gender equality can be promoted thanks to the reinterpretation of the Qur'an and their way of economic growth depending on traded sector which brings and engages lots of women into the workforce. Nowadays, Tunisia became a unique example of successful reform among Arab and Muslim countries. Therefore, we cannot blame the religion all the time for gender inequality issue and Tunisia is a very remarkable example that gender equality is possible to be achieved within the Islamic religious framework.

Case Study: Indonesia

Background Information of Islam in Indonesia

The Republic of Indonesia is the world fourth most populated country and it got independence on 17 August 1945 after Japan's surrender (Database 2008). Its human development index (HDI) in 2009 is 0.734, falling in medium development group and it got 111th rank around the world (UNDP 2009). It has the largest population of Muslims in the world and it is commonly stated that 90% of its over 230 million inhabitants are Muslims (wieringa 2006). Islam came into existence in Indonesia during the 13th century and, since the beginning of 19th century, due to the spread of Dutch colonialism, patriarchal culture was strengthened and institutionalized primarily in the legal system. Accordingly, " even though the constitution guaranteed every citizen equality under law and government, Indonesian

family law still applied different legal principles to different groups based on religion, customs and gender. This can be primarily attributed to a patriarchal interpretation of Islam” (Katjasungkana 2004). Soon after independence, Islamic groups have been fighting for the establishment of an Islamic state. In the late 1965 and the early 1966, at the time when Sukarno was replaced by Suharto, the two major groups, namely Nahdlatul Ulama (NU) and the more rigid Muhammadiyah, grew closer and Suharto’s New Order state was built on women’s social, political, and sexual subordination, a policy justified by both anti-Communist and Islamic sentiments (wieringa, 2006). “ Various laws were enacted in which women’s subordinate position was entrenched, such as the 1974 marriage law” (Katjasungkana and Wieringa, 2003). As a result, the women became more suppressed than ever before. It has been a long way Indonesian feminist scholar, activists and women have struggled for women’s rights within Islamic religious framework.

Gender Equality Movement in Indonesia

“ A Muslim feminist discourse is built around the reform of Islam along gender-sensitive terms, incorporating women’s rights, such as those contained in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)” (wieringa, 2006) . In those movements for Women’s Rights, non-governmental organizations (NGO) play a major role and so UNIEFM stated and recognized that “ Indonesia has a strong NGO base, working to end violence against women, fighting for new government policies and providing assistance for women who have experienced violence” (UNIFEM 2009). After the destruction of the women’s movement in 1965-66,

after the fall of Surkano, Yasanti founded in 1982 by some young Muslim activists was the first reappearing feminist organization (Wieringa, 2006).

One of the best-known women's rights organizations is ' the Indonesian Women's Association for Justice (Asosiasi Perempuan Indonesia untuk Keadilan, APIK)' which was established in August 1995 " to fight for gender justice in Indonesia, using the concept of ' gender and transformative legal aid'. APIK launched legal assistance program, its core program, by which it provided direct legal aid to women who are victims of violence and discrimination. APIK conducted this program in the form of consultations (direct, via email or by telephone) and litigation (representing and accompanying clients, who are referred to as partners so as not to form a patronage relationship inside and outside the court). It was also active in the fields of legal advocacy and training, and conducted research (Research and Policy Study Program) on

1. The history of the Marriage Law
2. The response of religion towards gender stereotyping
3. The impact of gender stereotyping in the Marriage Law on various state policies
4. The attitude of poor communities towards gender stereotyping
5. Discrimination of women in the legal system as observed from CEDAW
6. Articles in the Qur'an and Hadith that support the principle of gender equality
7. The position of women under Islamic Law in Indonesia
8. Baseline research on VAW

9. Impact of gender stereotyping on the working conditions of low-income women

10. An alternative Report on the implementation of CEDAW in Indonesia

Moreover, APIK provide legal information to the public and specific target groups through campaigning and public education. It also strengthened a national network for feminist legal activities, both nationally and internationally” (Katjasungkana 2004).

APIK claimed that “ Islam is not only for women but for the whole of humanity, women included. They distinguished between the basic principles of Islam, which are unchangeable, and fiqhi, the thoughts of the ulema (Muslim scholars), who are only human after all and therefore prone to biases. They advocated legal reform in Indonesia in which gender biases introduced by fallible fiqhi are eliminated” (Wieringa, 2006). “ Nursyahbani Katjasungkana, APIK’s founder, introduced the concept of gender-sensitive transformative legal aid” (Katjasungkana and Wieringa, 2003). Then, a broad range of women’s organizations were involved in these debates and struggles. The major groups are APIK, the Women’s Research Institute, and the mass-based Koalisi Perempuan Indonesia (KPI; Coalition of Indonesian Women for Justice and Democracy), the secular Women’s Human Rights Commission. Even Shinta Nuriyah who is the wife of NU leader and former president Abdurachman Wahid and Musdah Mulia who is the head of the gender unit of the otherwise very conservative Ministry of Religion joined the movement (Wieringa, 2006).

Impacts and Achievements of Women’s Rights Movement within Islamic religious Framework

Needless to say, women’s organizations fought a very long, hard and tough battle in the midst of suppressive regime, Islamic fundamentalists and extremists. Often, they were violently intervened by arresting, detaining, even kidnapping and murdering female activist (Katjasungkana, 2004).

However, because of their relentless efforts, women can move much forward than ever before. On top of their couragous advances, “ the downfall of the New Order government of Soharito in 1998 offered great opportunities to non-governmental organi