

# Women, Gender and Islam

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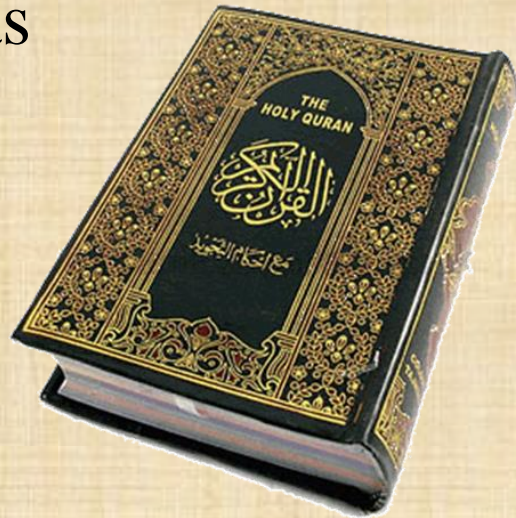
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# Sources of Sharīa’/Islamic Law

The primary sources, accepted universally by all Muslims, are:

## 1. The Qur’ān

- ~ revelation from God
- ~ holy book of Muslims
- ~ 114 suras



## 2. Sunna and Ḥadīth

- ~ traditions and practices of Muḥammad
- ~ model to be followed by Muslims
- ~ Muḥammad – the best exemplar for Muslims

# The secondary sources of Islamic law:

## 3. *Ijmā'*

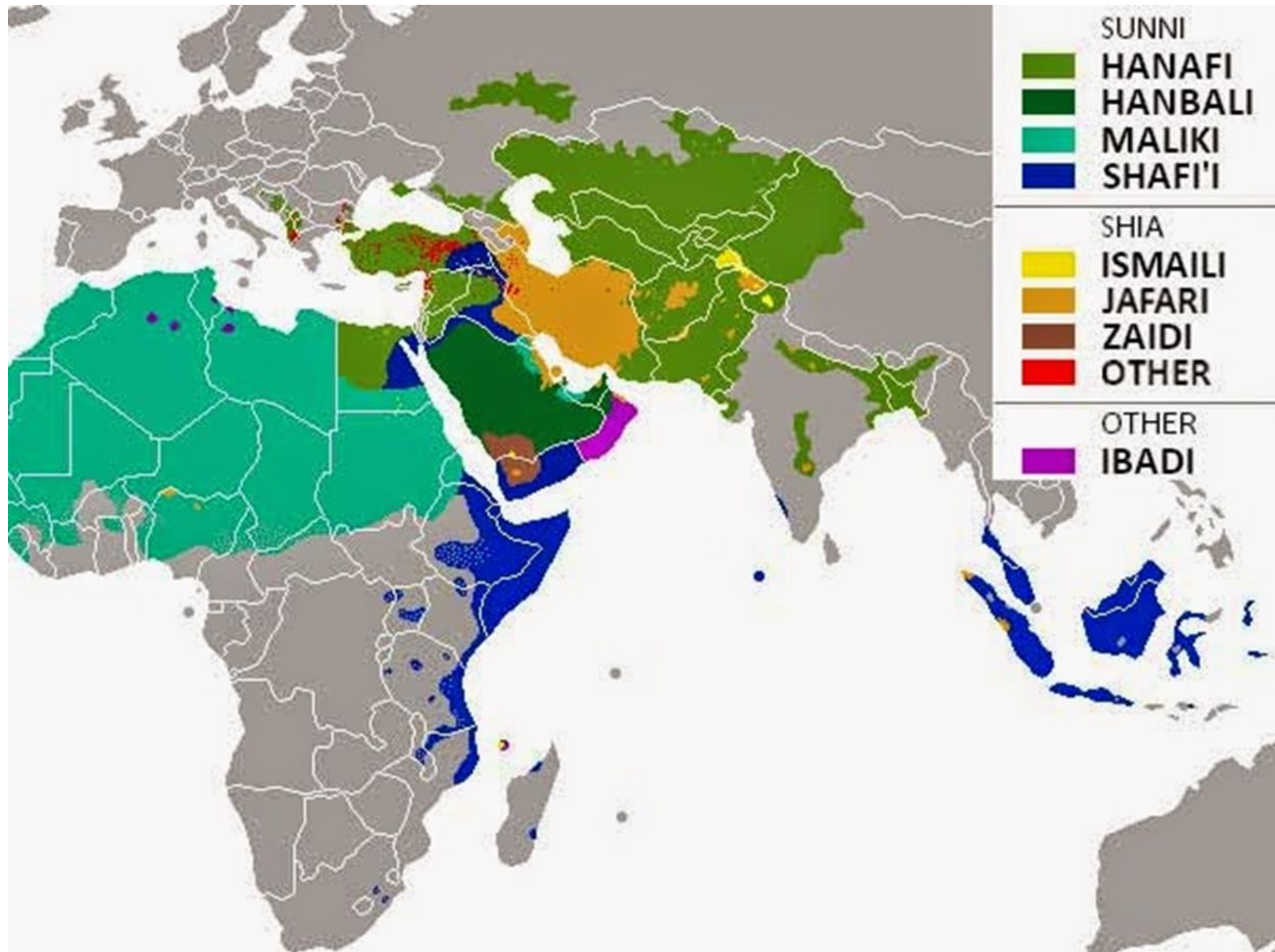
~ consensus amongst Muslim jurists on a particular legal issue

~ “My followers will never agree upon an error or what is wrong”

## 4. *Ijtihād*

~ independent interpretation of problems not precisely covered by the Qur'ān, Ḥadīth and *ijmā'* based on *ra'y* (personal judgment) and *qiyās* (analogical reasoning)

~ at the end of the 3<sup>rd</sup>/10<sup>th</sup> century “gates of *ijtihād*” were closed



# Veiling in Islam

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ  
وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا  
ظَهَرَ مِنْهَا **وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ**  
وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ  
آبَاءِ بُعُولَتِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ  
إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي أَخَوَاتِهِنَّ أَوْ  
نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ غَيْرِ  
أُولِي الْأَرْبَابَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ  
يَظْهَرُوا عَلَىٰ عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ  
بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنَ زِينَتِهِنَّ وَتَوْبُوا  
إِلَى اللَّهِ جَمِيعًا أَيُّهُ الْمُؤْمِنُونَ لَعَلَّكُمْ تَفْلِحُونَ -

Sura al-Nur 31

“ And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof; **that they should draw their *khimār* over their breasts** and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers, that you might succeed.”

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ إِلَّا  
 أَنْ يُؤْذَنَ لَكُمْ إِلَى طَعَامٍ غَيْرَ نَاطِرِينَ إِنَّهُ  
 وَلَكِنْ إِذَا دُعِيتُمْ فَادْخُلُوا فَإِذَا طَعَمْتُمْ فَانْتَشِرُوا  
 وَلَا مُسْتَأْنِسِينَ لِحَدِيثٍ إِنَّ ذَلِكَ كَانَ يُؤْذِي  
 النَّبِيَّ فَيَسْتَحْيِي مِنْكُمْ وَاللَّهُ لَا يَسْتَحْيِي مِنَ  
 الْحَقِّ **وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَاسْأَلُوهُنَّ مِنْ  
 وَرَاءِ حِجَابٍ** ذَلِكَمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ  
 وَمَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَنْ  
 تَنْكِحُوا أَرْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا إِنَّ ذَلِكَ كَانَ  
 عِنْدَ اللَّهِ عَظِيمًا –

### Sura al-Ahzab 53

يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ  
 يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ  
 فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا –

### Sura al-Ahzab 59

O believers! Do not enter the houses of the Prophet except when you are permitted for a meal, without awaiting its readiness. But when you are invited, then enter; and when you have eaten, disperse without seeking to remain for conversation. Indeed, that [behavior] troubles the Prophet, and he is shy of [dismissing] you. But God is not shy of telling truth. **When you ask [his wives] for something, ask them from behind a curtain (hijāb).** That is purer for your hearts and their hearts; and it is not allowed for you to hurt the Messenger or to marry his wives after him, ever. Indeed, that would be in God's sight an enormity.

O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful.



M

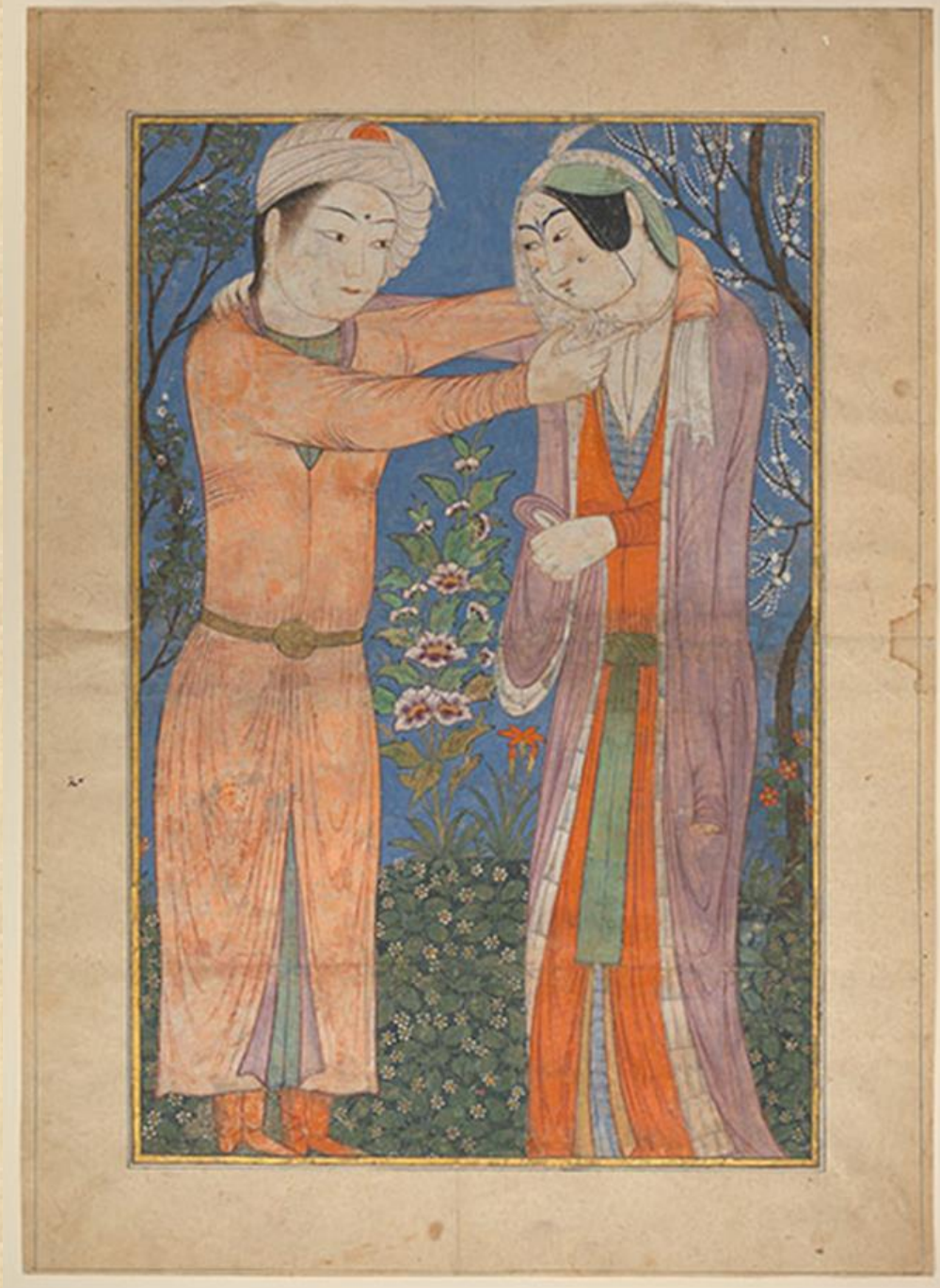
# Veiling in non-Muslim religions

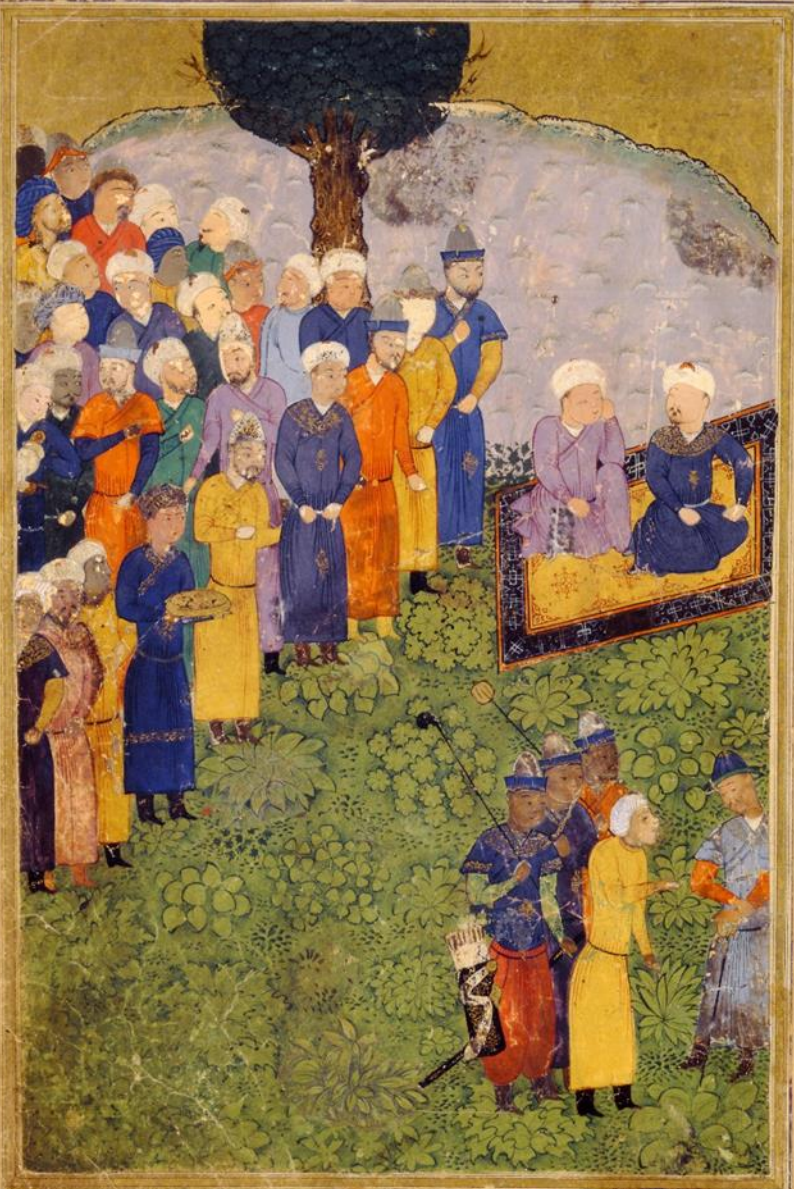
- Assyrian, Greek and Persian laws required free and high class women to cover their heads in public; slaves and prostitutes were prohibited from veiling.
- The veiling of women's hair is part of Jewish laws on modesty: women's hair was considered too sexy.
- Apostle Paul ordered Christian women to veil: "For if a woman does not have her head veiled, she may as well have her hair cut off. But if it is shameful for a woman to have her hair cut off or her head shaved, then she should wear a veil."
- Wedding veils













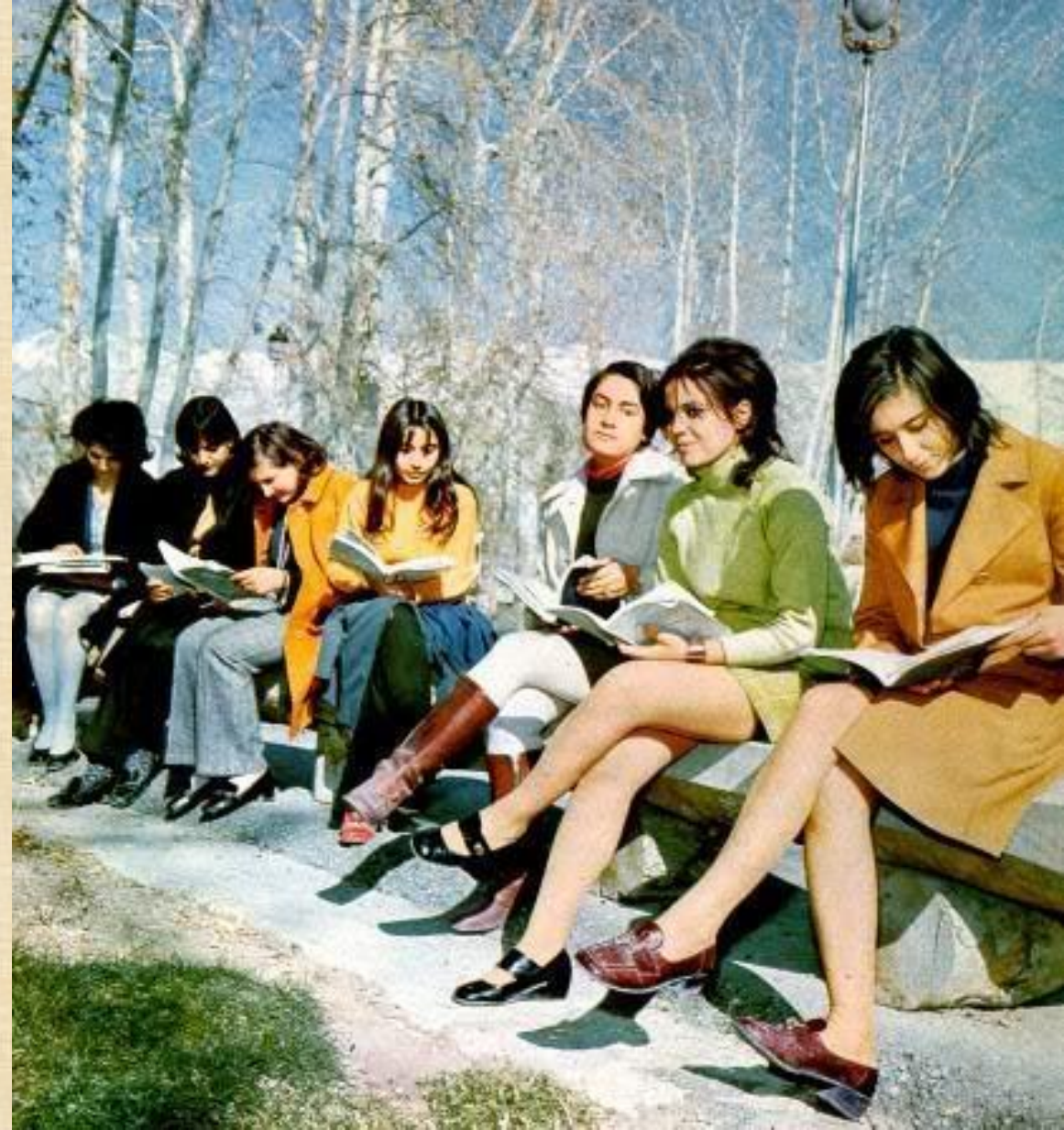
بشنده با این بنگ و کلاب  
 نشسته و یار و دوئی خستند  
 بر شده کان ایستاده بیای  
 بدیناری کرده طاوس رنگ  
 چه از سنگ و غیره با تویت نور  
 سه پرده آراسته پر لب

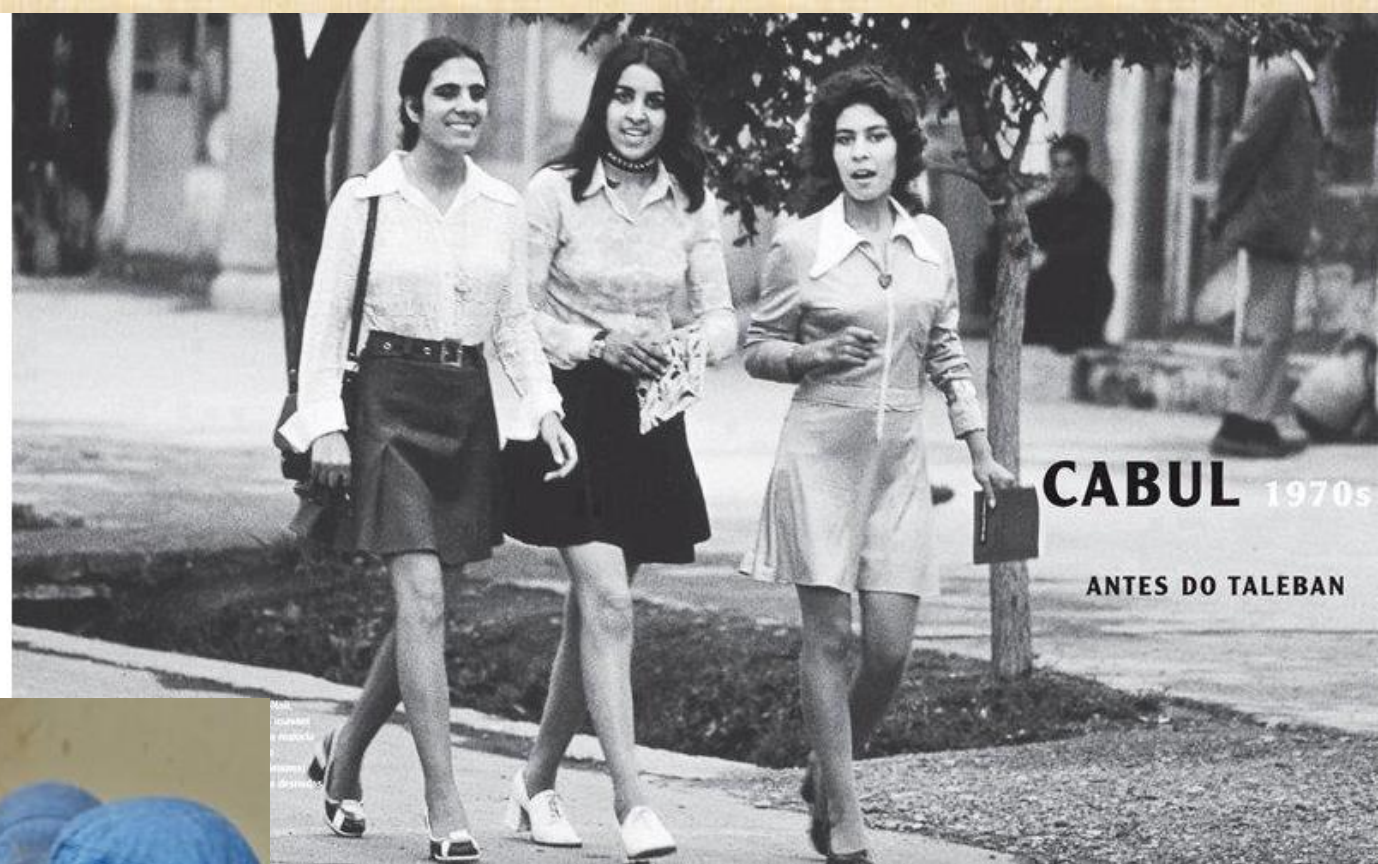


ای پس از خوردن بکام ببرد  
 بر آورد به با پیشین پس نور  
 سه روز سه شب سا بود به  
 گرفتند بر او خواب و پیشی چشم

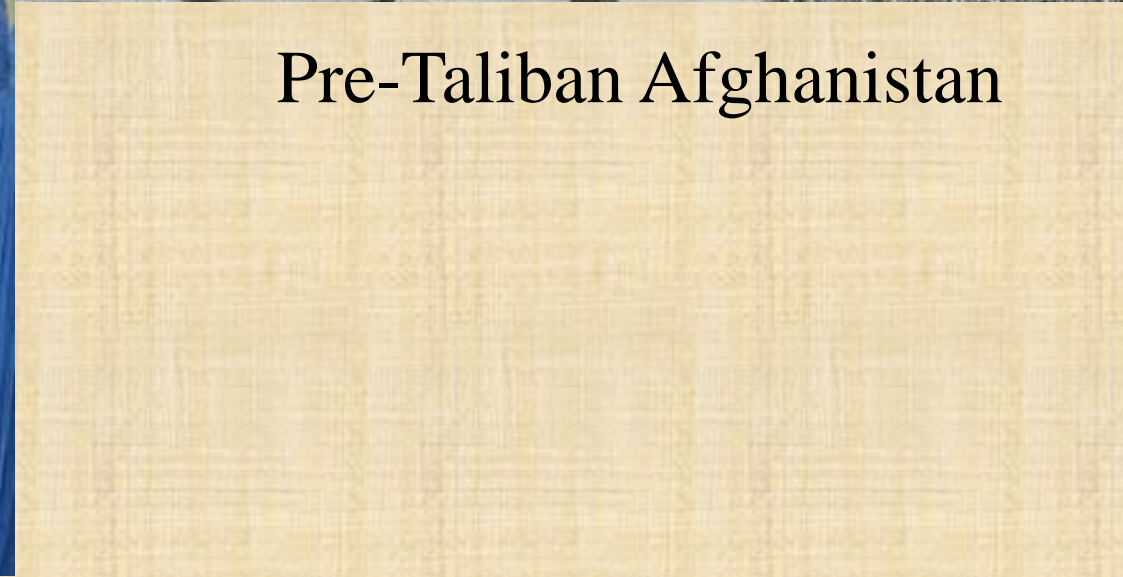


Iran before the 1979 Revolution





Post-Taliban Afghan Women



Pre-Taliban Afghanistan

# The Egalitarian Conception of Gender

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ  
وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ  
وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ  
وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ  
وَالْمُتَّصِدِّقِينَ وَالْمُتَّصِدِّقَاتِ  
وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ  
فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ  
كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً  
وَأَجْرًا عَظِيمًا -

Sura al-Ahzab 35

Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward.

In *Women and Gender in Islam*, Leila Ahmed argues:

“I contend, first, that the practices sanctioned by Muhammad within the first Muslim society were enunciated in the context of far more positive attitudes towards women than the later Abbasid society was to have, a context that consequently tempered the androcentric tendencies of Islamic practices. ...

Second, I argue that the decision to regard androcentric positions on marriage as intended to be binding for all time was itself *an interpretive decision*, reflecting the interests and perspective of those in power during the age that transposed and interpreted the Islamic message into the textual edifice of Islam.

Finally, I argue that the social context in which this textual edifice was created was far more negative for women than that in Arabia, so the spiritually egalitarian voice of the religion would have been exceedingly difficult to hear.

The practices and living arrangements of the dominant classes of the Abbasid era were such that at an implicit and often an explicit level, the words *woman*, and *slave*, and *object for sexual use* came close to being indistinguishably fused. Such practices, and the conceptions they gave rise to, informed the dominant ideology and affected how Islam was heard and interpreted in this period and how its ideas were rendered into law.” (Ahmed, p. 67)



- [The Noble Struggle of Amina Wadud](#)
- mins: 12-17

# Fatima Mernissi: Active Female Sexuality

Main argument: the Islamic view of women as active sexual beings resulted in stricter regulation and control of women's sexuality

- Women are destructive to the social order because they are sexually active
- Women is *fitna*/temptation; Sexuality *per se* is not a danger;
- Women are a danger to the social order; Women → symbol of disorder
- Love should be exclusively devoted to God

Mernissi's reading of al-Ghazzali:

*“Women are dangerous distraction that must be used for the specific purpose of providing the Muslim nation with offspring and quenching the tensions of the sexual instinct. But in no way should women be an object of emotional investment or the focus of attention; which should be devoted to Allah alone in the form of knowledge-seeking, meditation, and prayer.”* (Mernissi, p. 45)





# Polygamy in Islam

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا  
طَابَ لَكُمْ مِّنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ ۖ فَإِنْ  
خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۗ  
ذَٰلِكَ أَذْنَىٰ أَلَّا تَعُولُوا –

Sura al-Nisa 3

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ  
حَرَصْتُمْ ۖ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا  
كَالْمُعَلَّقَةِ ۗ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ  
غَفُورًا رَّحِيمًا –

Sura al-Nisa 129

- Qur’ān 4:3: “And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice].”
- Qur’ān 4:129: “And you will never be able to be equal [in feeling] between wives, even if you should strive [to do so].”

# Marriage and Sex in Islam

- Marriage is highly recommended: act of virtue and God's blessing;
- Celibacy is forbidden;
- Sexual urge is a creative command of God placed in human nature; no sexual suppression; not associated with sin and guilt;
- Marriage is a helping factor in attaining spiritual perfection; it prevents Muslims from committing sins.
- Pre-marital sex is forbidden in Islam; =fornication (*zina*).
- Temporary marriage (*mut'a*): forbidden by Sunnis and allowed by Shiis.
- Interfaith marriage: Muslim males may marry a non-Muslim female; conversion is optional for women; Muslim women are forbidden from marrying non-Muslims.
- Arranged and forced marriages.
- *Mahr*: a mandatory gift (money, jewelry, viable business) given by the groom to the bride.
- Islamic marriage contract: legal agreement in which either partner is free to include conditions. Violation of the contract is a basis for the partner to seek divorce.

# Birth Control in Islam

- Muslim sexual ethics forbid sex outside marriage, so its teachings about birth control should be understood within the context of husband and wife.
- Allowed according to the Islamic law.
- Contraception with the aim of having a permanently child-free marriage is not accepted.
- Video: [The imams, the Taliban and the condoms](#)
- Central Asian government policy re birth control.

# Abortion in Islam

- All schools of Muslim law accept that abortion is permitted if continuing the pregnancy would put the mother's life in danger.
- Some schools of Muslim law permit abortion in the first 16 weeks of pregnancy, while others only permit it in the first 7 weeks.
- Abortion within the first 120 days would be permitted, if:
  1. a child would be born with a physical or mental deformity;
  2. the mother is the victim of rape;
- Abortion is forbidden after a soul or “*Ruh*” is given to the fetus.
  - The three main opinions are: at 120 days; at 40 days; when there is voluntary movement of the fetus.



# Divorce in Islam

- Divorce is allowed in Islam, although it is regarded as a last resort.
- Either a man or woman can initiate a divorce.
- Divorce: husband pronounces the phrase “*ṭalāq*” to his wife three times.
- A husband who divorces his wife 3 times cannot remarry her until she has married another man and he also has divorced her.
- Husband may be required to provide a monthly maintenance support for the children.

## Categories:

- Mutual consent;
- By the will of the husband;
- By the initiation of the wife;
- Breach of marriage contract;
- Nullifications of the marriage by *qazi*/judge without obtaining divorce.

## Acceptable Reasons:

immoral behavior, adultery, apostasy, dishonesty prior to marriage, impotency, cruelty, man’s inability or refusal to support his wife, wife’s refusal to live with her husband or be with him, one spouse feels repulsion towards the other