

WOMEN'S RIGHTS IN ISLAM:
A COMPARISON BETWEEN THE HOLY QU'RAN AND THE QUR'ANIC
INTERPRETATION IMPLEMENTED IN ISLAMIC SOCIETIES

BY

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Abstract

In Islamic societies present in the Middle East and North Africa region, there is an indefinite line between the religion of Islam and culture. The patriarchal interpretation of the Holy Qur'an by male jurists has led to its implementation within Islamic societies by a means of Islamic law (Shari'a) which deprives women of their rights. God granted women equal rights through the revelation of the Holy Book. However, the Qur'anic text, the word of God, has been interpreted in a way that merely serves patriarchal objectives and simply benefits men in society. Today, female activists along with modern Islamic scholars, call for a re-interpretation of the Holy Qur'an in order to bring justice and equality to women as well as uphold a true representation of Islam. Islamic societies have been living under laws that claim to be supported by Islam but in reality, these laws have been influenced purely by customs and traditions that have no relation with Islam. This re-interpretation of the sacred text is not only necessary for Islamic societies to fulfill Islam's true potential, but crucial for their existence in the future.

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Introduction

The distinction and relationship between culture and religion is critical for understanding Islamic jurisprudence. According to Muslims, the Qur'an is the revealed word of God verbatim; however, culture is human fabrication. Therefore, Muslims are bound by every verse in the Qur'an, but they are not bound by their cultural values. In other words, being true followers of Islam, they cannot reject a single word from the Qur'an but they can reject cultural assumptions and values that have been supposedly "substantiated" by the word of God. These cultural assumptions and customs have often been justifiably introduced into the Islamic legal system, denying women's rights which were granted to them by Allah. These assumptions have become so deeply-rooted in Islamic jurisprudence that many Muslims are no longer aware of their non-religious origins. The assumptions gave rise to a then common model of state and family relationships which are best described today as authoritarian/patriarchal. This model has not only been detrimental to women, but it has also caused serious damage to society as a whole [by suppressing women and hindering Islam's capability of fulfilling its true potential].¹ In order to separate patriarchal, man-made interpretation of Islam from true Islam that confers women's rights to equality, the Islamic philosophy of gradualism must be implemented. This essay will attempt to validate the need for the philosophy of gradualism in order to fulfill Allah's true intentions for both men and women by comparing the patriarchal interpretation of Qur'anic verses to the actual sacred text in reference to the status of women in order to demonstrate that this form of traditional interpretation deviates away from the Divine Will of Allah.

Gender Equality Established by the Qur'an

A. Origin of Men and Women

¹ Webb, *Windows of Faith*, 54.

The creation story described in the Islamic Holy Book establishes gender equality by stating that both the male and the female were created from the same *nafs* (self or soul), Therefore there is no human hierarchy as the two genders share a single origin. Furthermore, in the Qur'an, the fall of Adam is not blamed on Eve, but rather were *both* tempted by Satan.² The creation story and the story of the original sin depicted in the Qur'an show that Allah intended for men and women to be treated and viewed as equal partners in society. The following Quranic verse 4:1 further demonstrates that the Qur'an stresses the common origin of the human race and that both sexes have originated from one living entity. "O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like-nature, his mate, and from them twain scattered (like seeds) countless men and women; Fear God, through Whom you demand your mutual (rights), and (reverence) the wombs (that bore you): for God ever watched over you."³ Furthermore, another Quranic verse strengthens this claim by stating, "And God has made for you mates (and companions) of your own nature (*aanfusaykum*)..." (16:72).⁴ The verse 42:11 also substantiates this claim by saying, "(He is) the Creator of the heavens and the earth: He has made for you pairs from among yourselves (*aanfusaykum*)."⁵ The underlined words in these three Quranic verses demonstrate that Allah created both men and women of equal nature and were both extracted from one another. By looking at the Quranic verses referenced above, the verses about creation do not emphasize or mention the differences between male and female but accentuate their equal partnership in completing and coming from one another. Although the male and female are essential contingent characters in the creation of humankind,

² Al-Hibri "Muslim Women's Rights in the Global Village," 46.

³ The Position of Women in Islam, 18.

⁴ Ibid.

⁵ Ibid, 19.

no specific cultural functions or roles are defined at the moment of creation.⁶ This further validates the fact that from the point of creation, Allah intended His creation to live together as equals.

B. Same Reward and Punishment of the Sexes by God as Prescribed by the Qur'an

The Quranic verses that deal with reward and punishment by God clearly demonstrated Allah's equal treatment of men and women because these rewards and punishments are given irrespective of one's sex. For instance, the Quranic verse 5:10-11 states, "To those who believe and do deeds of righteousness has God promised forgiveness and a great reward. To those who reject faith and deny Our signs will be Companions of Hell-fire" (The expression, Our signs, refers to God's revelations).⁷ The Quranic verse 32:19-20 states, "For those who believe and do righteous deeds, for them are Gardens as hospitable homes, for their (good) deeds. As to those who are rebellious and wicked, their abode will be the Fire..."⁸ The following Quranic verse mentions men and women separately but are addressed in the same manner. "If any do deeds of righteousness—be they male or female, and have faith, they will enter Heaven, and not the least injustice will be done to them." (4:124).

The Quranic verse 35 of Sura Ahzab (33:35) is a monumental piece of evidence that clearly demonstrates equality for both men and women which encompasses the meaning of the *taqwa*—the essence of moral personality by orienting humankind towards God.⁹ The *taqwa* consists of humankind's willingness to embrace virtue and refrain from evil by exercising their reason, intellect, and knowledge which is non-exclusive of gender. Asma Barlas clarifies that, "

⁶ The Qur'an and Women, Amina Wadud, 25.

⁷ The Position of Women in Islam, 28.

⁸ Ibid, 29.

⁹ Barlas, Asma. "Believing Women in Islam," 143.

In no context does the Qur'an suggest that men, either in their biological capacity as males, or in their social capacity as fathers, husbands, or interpreters of the sacred knowledge, are better able than women to acquire *taqwa*.¹⁰ Her statement is supported by the Quranic verse 33:35. This verse is as follows:

“For Muslim men and women—
For believing men and women,
For devout men and women,
For true men and women,
For men and women who are patient and constant,
For men and women who humble themselves,
For men and women who give in charity,
For men and women who fast (and deny themselves),
For men and women who guard their chastity, and
For men and women who engage much in God's praise—
For them has God prepared forgiveness and great reward.”¹¹

According to Muhammad Ali, verse 33:35 puts women on the same spiritual level with men by repeating ten times the good qualities of both men and women separately and by declaring the same rights of reward from Allah for both sexes. Furthermore, this verse exhibits that the Qur'an does not distinguish between the moral and social praxis of men and women but rather holds them to the same standards, and judges them on the basis of the same criteria. By stating “for men and women,” the verse also shows that both men and women are equally capable of abiding by Allah's wishes.

The fact that Allah promises both male and female the exact same rewards as well as consequences for their actions only further demonstrates that Allah views all humans, male and female, equally. The problem here isn't the way Allah views humanity, but how humanity views itself. Allah may have intended for a society based on equality, but the humankind in Islamic

¹⁰ Wadud, Amina. “Qur'an and Women: Rereading the Sacred Text from a Woman's Perspective,” 46.

¹¹ Syed, Mohammed Ali, “The Position of Women in Islam,” 15.

societies have morphed these intentions into a patriarchal society depriving women of their rights and enforcing laws that benefit and empower men.

Philosophy of Gradualism: An Opportunity to Change the Status of Muslim Women

The Qur'anic philosophy of gradualism is based upon the fact that fundamental changes in human consciousness must be implemented by a system of gradual change. According to this philosophy, the Qur'an utilizes a gradual approach to change amalgamated customs, beliefs, and practices with the exception of the belief in the oneness of God and the prophethood of Muhammad (pbuh).¹² This Qur'anic philosophy of gradual change can be supported by the belief that Islam is an everlasting, renewable religion that applies to all situations and periods of time. God knew the struggles that the Prophet (pbuh) and Islam were going to face during the time of *Jahiliyya*, which is the reason why the Qur'an takes into account the depth of the entrenchment of certain cultural beliefs and customs by adopting a philosophy of gradualism with respect to social change. Islam represented a radical change in direction for the society in which it flourished; therefore, different methods had to be used to accommodate different aspects of society. All changes were meant to attain the ultimate goal of a new society that would live according to more enlightened standards than those that existed prior to the Prophet's revelations.¹³ Hence, to understand the Qur'an properly, its underlying philosophy of gradual change needs to be understood. This philosophy is further sustained by the fact that a given topic within the Qur'an cannot be fully comprehended by solely reading a single verse as the Qur'an intertwines and comments on topics throughout the entire sacred text.

¹² Al-Hibri, "Muslim Women's Rights in the Global Village," 56.

¹³ Webb, *Windows of Faith*, 56.

The Qur'an describes various actions and words as "good" and others as "better" which encompasses the entire philosophy of gradualism. According to gradualism, there are various levels of being a good Muslim; some of which are better than others that require a person to reach higher standards. These higher standards require higher consciousness, deeper moral insights, and greater tolerance of human imperfection.¹⁴ Therefore, in addressing the patriarchal oppression of women, the Qur'an utilizes the gradualist approach to change in both the societal and individual spheres. This recommended course of action is based on the fact that religious people will always strive to follow Divine Will regardless of existing social or political trends. Consequently, to implement real change, people must be shown that the new laws do not defy Divine Will. Rather, they are thoughtful attempts to serve it better. This is especially important in Islamic law, which prides itself on being based on the requirements of both rationality and *maslaha* (public interest). If one can show that neither is served by an existing law, then the door for change is thrust wide open and opposition melts away without heightened conflict.¹⁵ As Azizah Yahia al-Hibri states, "It took over a thousand years in some Muslim societies to prohibit slavery. We should not wait another thousand years to recognize the rights of women in Islam."¹⁶ Islam has proven to be an everlasting religion; women in this generation alongside men have the opportunity to strive towards the higher standards of Allah depicted within the Qur'an that reject man-made customs by gradually making changes that truly represent Allah's *umma* (community) equally.

Polygamy through the Lens of Gradualism

¹⁴Al-Hibri, "An Introduction to Muslim Women's Rights," 56.

¹⁵Webb, *Windows of Faith*, 55.

¹⁶ Al-Hibri, "Muslim Women's Rights in the Global Village," 58.

The Qur'an was revealed to a culture steeped in polygamy. During the time of *Jahiliyyah*, men married an unlimited amount of women.¹⁷ According to al-Hibri, it was unrealistic, given human nature, to prohibit polygamous behavior abruptly. The Islamic approach to this situation as in other matters was to limit the practice severely, designate avenues for ending it, and provide a description of the ideal state of affairs that excludes the practice.¹⁸ The Qur'an states that if men feared being unjust towards orphans, then these men may marry up to four wives so long as they treat them equitably and fairly. Yet the Qur'an also states in the same chapter that it is not possible to be equitable and fair in these situations.¹⁹ It is clear that the Qur'an expressly states that polygamy results in injustice.

The Qur'anic verse that allows male Muslims to have four wives was God's way of reforming and implementing change during the emergence of Islam. However, now that Muslim societies have well surpassed the time of ignorance, it is time to adapt and adhere to God's higher standard of only having one wife. In terms of gradualism, the marrying of one wife is the "better" action that can be taken by Muslims as opposed to the "good" action of complying with a reformative rule set during the seventh century. Given the level of social consciousness and development, there is no excuse to continue abiding by standards more suitable for the time of ignorance. The Qur'an also states in 33:4, "God has not made for any man two hearts."²⁰ For this reason, some pious men abandoned polygamy in the hope of reaching a higher state of marital and human relations. Other opted for the minimal standard, despite its questionable application to contexts broader than those referred to in the revelation.²¹ While some Muslim societies and

¹⁷ Engineer, *The Rights of Women in Islam*, 21.

¹⁸ Al-Hibri, "Muslim Women's Rights in the Global Village," 23.

¹⁹ See Qur'an 4:129.

²⁰ Engineer, *The Rights of women in Islam*, 103.

²¹ Al-Hibri, "Muslim Women's Rights in the Global Village," 59.

individuals misunderstood the full force of the Qur'anic message, others with a higher level of consciousness did not. As some Muslims continue to engage in polygamy, many pious male scholars have refused to marry more than one woman for fear of violating the Qur'anic warning that polygamous men *will be* guilty of injustice.²² This shows the capability of humankind to reach a higher divine consciousness that was intended to evolve over time as the sacred text was created to serve generations throughout time until the Day of Judgment.

Interpretation of Wife Beating

Another example of Qur'anic gradualism in the context of women's rights in the verse most often quoted to justify violence against women. The Qur'anic verse 4:34 states that: "as to those women on whose part you fear disloyalty and ill conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly)."²³ The *Jahiliyyah* society was a rough desert society plagued by tribal wars. Many men during this era beat their wives. They carried this practice into Islam and were so violent that the women complained to the Prophet (pbuh) about this situation. The Prophet then prohibited the practice by allowing the wife the right to *qisas* (retribution). However, the Prophet (pbuh) then received a revelation which reflected the Qur'anic philosophy of gradualism as the Prophet (pbuh) stated after this revelation, "Muhammad wanted, but God did not want (the ban on "hitting" one's wife)."²⁴ It did not authorize wife abuse. It only introduced a transitory stage for change, while preserving the Qur'anic view of ideal marital relations. As stated earlier, verses in the Qur'an explain one another as the Holy Book is an integral whole and thus the full and proper meaning of any verse cannot be understood in isolation from other verses in the rest of the Qur'an. After stating this,

²² Ibid, 59.

²³ Scott, "A Contextual Approach to Women's Rights in the Qur'an Readings of 4:34," 61.

²⁴ Al-Hibri, "Muslim Women's Rights in the Global Village," 58.

there is another verse, Qur'an 2:231, that "softens" the previously stated verse as it states "live together in kindness or leave each other charitably."²⁵ Additionally, a Muslim woman has the right to take her husband to court or divorce him for abusing her. Furthermore, the Prophet (pbuh) himself denounced repeatedly spousal abuse. He asked on two separate occasions, "How can one of you hit his wife like an animal, then he may embrace her?" and "How can one of you whip his wife like a slave, and he is likely to sleep with her at the end of the day?"²⁶ The Prophet (pbuh) also told men, "The best among you are those who are best towards their wives, and I am the best among you in that respect." This is significant as Muslims emphasize on modeling after the Prophet (pbuh). Prophet Muhammad showed kindness and gentleness towards his wives and never raised his hand against any of them.²⁷ Referring to the philosophy of gradualism, the Qur'an imposed on the husband various limitations before he was permitted to resort to "hitting." He was required first to communicate with his wife as to what he thinks she did wrong. Then the wife is given the opportunity to explain. If the misunderstanding is not resolved by communication, and the husband remains angry, he can separate himself physically from his wife for a while.²⁸ Through the lens of gradualism, the prescribed stages are steps in anger management for an aggressive patriarchal male who is likely to use force as a first result.²⁹ In the sarcastic words of al-Hibri, "Although these announcements were made by Muhammad (pbuh), "Muslim men today forget these important Prophetic statements and examples, and limit their emulation of the Prophet to the style of his dress or his grooming habits."³⁰ Throughout Islamic history, patriarchal jurists have manipulated verses from the Qur'an by interpreting them as what

²⁵ See Qu'ran 2:231.

²⁶ Al-Hibri, "Muslim Women's Rights in the Global Village," 59.

²⁷ Ibid, 59-60.

²⁸ Scott, "A Contextual Approach to Women's Rights in the Qur'an Readings of 4:34," 62.

²⁹ Al-Hibri, "Muslim Women's Rights in the Global Village," 61.

³⁰ Al-Hibri, "An Introduction to Muslim Women's Rights," 66.

is beneficial to them meanwhile unfulfilling Allah's wishes by depriving Muslim women of their rights and equal status.

Guardianship and Equality

According to the Holy Qu'ran in verses 4:1 and 7:189, Allah created both man and woman from the same single person (*nafsin*), each other's mate, in order for both to dwell in love.³¹ Furthermore, the Qur'anic verse 2:187 states that husband and wife are each other's "garments," that is they protect each other's privacy and cover each other's shortcomings.³² After reading these verses, it is clear that Allah intended both men and women to equally protect one another, love one another, and live together as equals in harmony. Nevertheless, the patriarchal mentality of these verses, supported by Maudidi, has granted superiority of a man over a woman which has been widely accepted within society.³³ What Maudidi and similar jurists have failed to see is that the term "*qawwamun*" encompasses various meanings. The word "*qawwamun*" in the Qur'anic verse is interpreted as men being the "protectors and maintainers" of women, but traditional patriarchal interpreters (and the average Muslim man) understood the term to refer to superiority of men over women (mostly by virtue of their physical strength). However, ancient Arabic dictionaries have included definitions pertaining to the term "*qawwamun*" as guiding and advising.³⁴ According to various female scholars such as Amina Wadud, these meanings are more consistent with the general Qur'anic view of gender relations than the ones preferred by male traditional jurists.

³¹ Syed, *The position of Women in Islam*, 17.

³² Barlas, *Believing Women in Islam*, 186.

³³ Ibid, 186.

³⁴ Al-Hibri "Qur'anic Foundations of the Rights of Muslim Women in the Twenty First Century," 16.

Female scholars also believe that the this Qur'anic verse recognizes *qiwamah* (strength) over a woman only if he is supporting her financially, a woman's need for business acumen if she is not herself a knowledgeable business woman at the time, or if she is in need of physical strength beyond her own capabilities.³⁵ However, patriarchal jurists have failed to interpret this verse along the lines of its proper meaning and Allah's true intentions for humankind as male jurists have interpreted it to mean that all men are superior than women at all times. According to other pivotal Muslim feminist scholars such as Amina Wadud, Azizah al-Hibri, and Riffat Hassan argue, "*qawwamun*" linguistically means "breadwinners" or those who support a means or livelihood.³⁶ Dr. Souad T. Ali, a leading scholar in Islam and democracy and Islam and gender, stated that the Qur'an gave men the duty of being the "breadwinners" of the household.³⁷ However, this does not mean that it prohibits women to provide for themselves. Dr. Ali along with Amina Wadud both state that no one has the right to counsel a self-supporting woman. Fazlur Rahman, a prevalent modern Islamic scholar, goes on to say that in this context, a wife's economic self-sufficiency and contribution to the household reduces the husband's superiority "since as a human, he has no superiority over his wife."³⁸ In rejection of Rahman's point, women should be granted equality within the household regardless of economic means and contribution because women play a critical role within the household and contribute in other ways such as in love, care, companionship, support and nurture. Although women may play a different role than men within the household, both are equally important.

Women's *Ba'ya*

³⁵ Al-Hibri, "Muslim Women's Rights in the Global Village," 51.

³⁶ Barlas, *Believing Women in Islam*, 186-7.

³⁷ Ali, "Women Rights in Islam," University of Arizona.

³⁸ Barlas, *Believing Women in Islam*, 187.

The Qur'anic concept of membership in God's community presupposes the active involvement in communal life of both men and women, "friends/guardians of each other."³⁹ The text of the women's pledge of fealty (*bay'a*) was revealed in Sura 60:12. The Sira states that males and females swore fealty with the same text, that is, on the same conditions, until the pledge to fight (*jihad*) was later added to the men's oath; and even then some women were included among the men on several occasions.⁴⁰ The text of Sura 60:12 "enshrines the conditions of *umma* membership in terms of sins/crimes foresworn that are applicable to all believers regardless of gender: polytheism, theft, fornications, infanticide, slander, and disobedience to the Prophet.⁴¹ There is nothing gender-specific about the text of the women's *bay'a* of 60:12. However, through the means of the Hadith and traditional jurists, the women's *ba'ya* was manipulated and became a women-specific text limiting women's conditions to their "traditional" and private life.⁴² According to the Ibn Ishaq's Sira, men initially pledged their allegiance to the Prophet under the same terms. "Of the first pledge of al-Aqaba, a male participant reported, 'there were twelve of us and we pledged ourselves to the prophet after the manner of women and that was before war was enjoined.'" Although women were exempted from fighting, the Prophet's wives and other women provided water, food, and medical aid to the wounded on the battlefield.⁴³ Although men and women played different roles in terms of war, women's roles during battle were just as pivotal as that of the men; therefore sustaining equality. Here is a correlation between the roles of women in battle and within the household; both roles that women play in two different fields are equally important to that of men. Throughout history, women have demonstrated their importance in any society and their importance was initially

³⁹ See Qu'ran 9:71.

⁴⁰ Stowasser, "The Women's Ba'ya in the Qur'an and Sira," 91.

⁴¹ Ibid, 94.

⁴² Ibid, 95.

⁴³ Wadud, Amina. "Inside the Gender Jihad: Women's Reform in Islam," 9.

recognized with the introduction of Islam. Therefore, Muslim society should grant women their rights which were given by God Almighty.

As patriarchal forces tightened their grip on Muslim countries, they attempted to reduce the status of women in society to that of inactive immature dependent beings who are neither full-fledged citizens of the state nor are capable of being in full control of their own destiny. When this status is compared to that of Muslim women during the life of the Prophet, the contrast is shocking. Early Muslim women were actively involved in every aspect of the life of the nascent Muslim society. They included business women, poets, jurists, religious leaders and even warriors.⁴⁴ In order to fulfill the true potential of Islam, the Muslim society needs to move forward by going back to the Qur'anic roots and the Divine words as it was meant to be interpreted; giving women equal status and their rights. How can this be done? This can be achieved by implementing the philosophy of gradualism by gradually making changes within society today. The topics of polygamy, guardianship, and equal status were chosen to depict the changes that firstly need to be made within the private households in order for this change to flourish on a broader societal level. Especially during the time of revolutions and the demand for reform, both male and female Muslims should choose to live up to the higher standards set by Allah that were meant for this era instead of choosing to remain stagnant by conforming to the standards set during the period of ignorance.

Call for Reinterpretation of the Qur'an by Reforming Shari'ah Law

Islamic law exercised within Arab societies today is saturated with patriarchal interpretations but what is most concerning is that there is no defined line between interpretation

⁴⁴ Stowasser, "The Women's Ba'ya in the Qur'an and Sira," 99.

and authority. By observing the way in which Islamic countries have implemented their form of Shari'a law, it is clear that there is no longer a critical analysis of the Qur'an, but instead are heavily relied on "Qur'anic" interpretations. Islamic law is reflected by the interpretations based on biased jurists instead of the divine word of Allah, the Qur'an. In Muslim belief, Shari'a—revealed law, literally "the way"—is the totality of God's will as revealed to the Prophet Muhammad. *Fiqh*—the science of jurisprudence, literally "understanding"—is the process of human endeavor to discern and extract legal rules from the sacred sources of Islam—that is the Qur'an and the Sunna. In other words, while the Shari'a is sacred, universal and eternal, *fiqh* is human and subject to change like any other system of jurisprudence. The problem here is that *fiqh* is often mistakenly equated with Shari'a. What Islamists and others assert to be a Shari'a mandate (hence divine and infallible) is the result of *fiqh*, juristic speculation and extrapolation (hence human and fallible).⁴⁵ *Fiqh* texts, which are patriarchal, are frequently summoned as God's law, as a means to silence and frustrate Muslims' search for legal justice and equality.⁴⁶ Analyzing Islamic law that is practiced in Saudi Arabia, Jordan, and Egypt, will further justify this claim and will demonstrate the different varieties of Quranic interpretation reflected by their use of Shari'a law.

Case Studies: Saudi Arabia, Jordan, and Egypt

The Holy Qur'an has been interpreted by patriarchal Islamic jurists that benefits only men and brings about inequality amongst men and women. This can be seen in the implementation of this patriarchal interpretation in Islamic societies that utilize Islamic Law (Shari'a). In order to support this claim, this essay will analyze Islamic laws pertaining to

⁴⁵ Women's Quest for Equality Between Islamic Law and Feminism, 633.

⁴⁶ Women's Quest for Equality Between Islamic Law and Feminism,634

women's rights in three Islamic societies: Saudi Arabia, Jordan, and Egypt. These countries were chosen based on numerical ratings of five different women's rights themes present in the society of each MENA country such as: 1) Non-discrimination and Access to Justice; 2) Autonomy, Security, and Freedom of the Person; 3) Economic Rights and Equal Opportunity; 4) Political Rights and Civic Voice; and 5) Social and Cultural Rights. The rating performance of each country is based on the compatibility with the Universal Declaration of Human Rights. This study was conducted throughout a twenty-month-long research effort associated with Freedom House by a team of 40 analysts and advisers, a series of consultations with women's rights leaders in the Middle East, and focus groups on women's issues. The reports were prepared by scholars and women's rights specialists with country expertise.⁴⁷ These three countries were selected to provide a spectrum that includes conservative, moderate, and fairly liberal in their usage of Islamic law. In the Freedom House study, Saudi Arabia ranked the lowest on the final ratings chart; Jordan ranked average; and Egypt was ranked as one of the highest. Due to the nature of this essay, specific issues will be addressed for each country such as domestic violence, just judicial representation, and education. This section begins with a brief introduction to these three issues present in Saudi Arabia, Jordan, and Egypt.

Domestic Violence

Domestic violence is a serious problem in the Middle East. Lack of legislation criminalizing domestic violence, lack of government accountability and protections for women's rights inside the home, and social stigmas associated with women victims instead of social disapproval of the perpetrators of domestic violence.⁴⁸ While domestic violence is widespread,

⁴⁷ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 3.

⁴⁸ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 6.

no country in the region has adopted a law that clearly outlaws all its forms and ensures that those guilty of domestic abuse be punished.⁴⁹ The UN estimates that more than five thousand “honor killings” occur each year mainly in the Middle East, North Africa, South Asia, but also increasingly in Muslim communities in the West. This number does not include women who are beaten, wounded or disfigured, or who go into hiding or leave the country.⁵⁰ Many Islamic countries in the Middle East possess laws, practices, and customs that pose major obstacles to the protection of women or the punishment of their abusers. The problem is intensified by a legal structure that places the burden of proof entirely on the female victim in cases of gender-based violence which discourages women from reporting acts of violence or demanding legal justice. In many countries, laws exist that condone domestic violence such as legally encouraging men who rape women to marry their victims. Women are often coerced by social pressure to marry their rapists in order to avoid the social “dishonor” associated with being raped.

Education and Lack of Information

Under family code of most MENA countries, women are not permitted to interpret the religious texts that are the basis of Shari’a or to serve family court judges.⁵¹ In this way, women are effectively excluded from those aspects of the legal system that have the most intimate and powerful impact on their lives. These patriarchal attitudes, prejudices, and traditionalist leanings of male judges, lawyers, and court officials often contribute to a denial of due process for women, particularly through these functionaries’ selective interpretations of what is “Islamic.”⁵² Moreover, to critically examine patriarchal Islamic jurisprudence from within the “tradition,” a

⁴⁹ Moghadam, Valentine M. “From Patriarchy to Empowerment,” 278.

⁵⁰ Lichter, Ida. “Muslim Women Reformers,” 224.

⁵¹ Al-Sheha, Abdul Rahman. “Women in the Shade of Islam,” 45.

⁵² Nazir, Sameena and Leigh Tomppert. “Women’s Rights in the Middle East and North Africa,” 8.

woman must be familiar with the logic of *usul al-fiqh* (Islamic jurisprudence and its basic principles of reasoning). This requirement is difficult to satisfy because over the centuries patriarchy has drastically reduced women's access to the arena of Islamic jurisprudence despite the women's early involvement and contribution to it. Consequently, the demand for the education of women, particularly in the area of religious studies, is critical.⁵³

A major problem for women in the MENA region is a lack of information about women's rights, women's leadership, and women's global achievements. Devastatingly, women in the region are unaware of their rights under the constitution or the laws of their countries.⁵⁴ This is due in part to students, especially girls, are not taught about their rights as citizens. Governments do not feel obliged to inform their female populations of the available laws and policies that women could use to empower *themselves*. The media also largely fails to cover the injustices women suffer and problems specific to women.⁵⁵ Women's organizations have also made insignificant headway in certain areas despite the impediments of law and custom. However, some countries use licensing and registration requirements to discourage the proliferation of independent advocacy organizations and often prevent nongovernmental organization from receiving financial assistance from independent sources or from outside the country.⁵⁶

Case Studies

Saudi Arabia

The Kingdom of Saudi Arabia is an absolute monarchy that has been ruled by the Al Saud family since the country's unification in 1932. Saudi Arabia's 1992 Basic Law declares

⁵³ Al-Hibri, "Islam Law and Custom Redefining Muslim Women's Rights," 6.

⁵⁴ Moghadam, Valentine M. "From Patriarchy to Empowerment," 230.

⁵⁵ Human Rights Watch, *Perpetual Minors – Human Rights Abuses Stemming from Male Guardianship...* 10.

⁵⁶ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 7.

that the Qur'an and the *Sunna* (Prophet Muhammed's traditions), are the country's constitution. The constitutions of most Middle Eastern countries include a clause that guarantees the equality of all citizens by declaring, "All citizens are equal and there shall be no discrimination among citizens on the basis of sex," or "all citizens are equal under the law." Only in Saudi Arabia does the constitution not include a clause or statement committing the government to a policy of nondiscrimination.⁵⁷ Saudi Arabia also follows its own state-sponsored version of Sunni Islam known as *Wahhabism*.⁵⁸ All legal issues related to women are decided under religious law, and interpreted by the Council of Senior Ulama (religious scholars) with permission by the king. Muslim clerics, who enforce the social code, preach that "women's" rights are Western ideas that are being imposed on the nation.

As holders of Saudi nationality, women are at a disadvantage when it comes to gaining access to the benefits of the state. Saudi women who marry non-Saudi are not permitted to pass their nationality on to their children, nor can their husband receive Saudi nationality. However, a man with Saudi nationality who marries a non-Saudi is entitled to apply for, and receive Saudi nationality for his wife and children.⁵⁹ This discourages Saudi women to marry outside of their culture and nationality where these patriarchal customs are present and keeps this cycle of inferiority ongoing.

The Saudi government has also instituted a system whereby every Saudi woman must have a male guardian, normally a father or husband, who is tasked with making a range of critical decisions on her behalf. This policy, grounded in the most restrictive interpretation of an ambiguous Quranic verse, is the most significant impediment to the realization of women's

⁵⁷ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 5

⁵⁸ Ibid, 258.

⁵⁹ Lichter, Ida. "Muslim Women Reformers," 285.

rights in the kingdom.⁶⁰ For instance, women do not have equal access to the courts or an equal opportunity to obtain justice. Saudi women are not allowed to act as lawyers, and a woman seeking access to the courts must either work through a male lawyer, have a male relative represent her, or represent herself before a court of all-male judges where she might be forced to provide intimate details of her legal, financial, or family affairs.⁶¹ In divorce or child custody cases, women sometimes have to rely on their husbands, who are also their legal adversaries, to represent them.⁶² However, in the light of all this darkness, there is newfound hope in Saudi Arabia for women in regards to women's judicial representation. The Justice Ministry on April 8, 2013, licensed Arwa al-Hujaili, a King Abdulaziz University graduate from Jeddah, as a legal trainee, which allows her to practice law and, after a three-year apprenticeship, to become a fully licensed lawyer.⁶³ Deputy Middle East director at Human Rights Watch, Eric Goldstein, said, "But for Saudi women to practice law on anything close to an equal footing with men, they need protection from discrimination against women in the courtroom, and freedom to travel and drive."⁶⁴ Although women seeking to practice law in the Kingdom of Saudi Arabia will have major hurdles to overcome, especially with the presence of sexist Saudi judges, these women will begin to pave an unpaved road and hopefully will open the doors for just women representation in the courtroom.

According to the World Bank, 33 percent of women in Saudi Arabia are illiterate compared to 17 percent of men, but their educational opportunities have improved and they now make up 58 percent of university students. However, women are excluded from courses such as

⁶⁰ Human Rights Watch, *Perpetual Minors—Human Rights Abuses Stemming from Male Guardianship...2*.

⁶¹ Amnesty International, *Saudi Arabia: Gross human rights abuses against women*, 6.

⁶² Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 260.

⁶³ Human Rights Watch, *Saudi Arabia: Huge Obstacles for First Woman Lawyer*, 1.

⁶⁴ *Ibid*, 1.

engineering and architecture, and constitute only 5 percent of the labor force when women make up 55 percent of university graduates in Saudi Arabia.⁶⁵ “Religiously supported” laws play a role in the low percentage of women in the workforce. It is a basic philosophy of the government’s education policy to restrict women’s employment opportunities from childhood, as stipulated in Article 153 of the Policy of Education, which states that one of the primary aims of girls’ education is “...to prepare her for work compatible with her disposition as a woman, such as teaching, nursing, and the medical profession.”⁶⁶ On the basis of sex, women are already given limitations on not only on their choice of profession, but on their dreams as well. Furthermore, the discrimination derived from the segregation of the sexes is contained in Article 160 of the Labor Code which also prohibits the co-mingling of men and women in the workplace and its facilities.⁶⁷ Since the work field is dominated by men, this leaves little to no room for female employees which also contributes to the low percentage of females in the work force. Women work towards their degree just as men, but unfortunately they are not given the gateway to exercise their preparation due to their discriminatory governmental system that hides behind a façade of being Islamic and righteous by God.

Domestic violence and marital rape are problems that are well known in Saudi Arabia but never discussed publicly. The privacy of women is fused with ideals of family and “honor.” Consequently, society and media in general cannot talk about the reality of domestic violence without challenging public myths about themselves, and women in particular find it extremely difficult to talk about their personal situation without the fear of damaging their family’s “honor” and their own reputation. In 2004, television host Rania al-Baz broke the silence when she

⁶⁵ Lichter, Ida. “Muslim Women Reformers: Saudi Arabia,” 288.

⁶⁶ Amnesty International, “Saudi Arabia: Gross human rights abuses against women,” 5.

⁶⁷ Ibid, 6.

allowed photographs to be made public of her battered face after she had been beaten and choked by her husband. In the following month, the first Saudi research on domestic violence against women was conducted by a Saudi university. Al-Baz decided to break the silence in order to initiate change and justice for women that are victims of domestic violence, especially women living in Saudi Arabia. Al-Baz stated, “Every violent man will be able to see the suffering that he causes and every woman who is afraid of falling into a similar situation will be able to avoid what happened to me.”⁶⁸ Despite the sympathy and interest received on this case, this did not change social attitudes or encourage other women to come forward in Saudi Arabia. In 2005, Al-Baz appeared on *The Oprah Winfrey Show* in which she was then labeled as a heroine by some and as an outcast by others in Saudi Arabia. A publication in *Al-Watan* stated, “Forgiving her husband, her reconstructed new face made up, her hair unveiled and tinted with color, coming out and talking to Oprah Winfrey, she is now an outcast. She dared to unveil and dared to change. The good she did by bringing to light the long-held taboo of talk of abuse, the opening of women’s shelters since, the campaigns against violence that began, all forgotten by a society that took issue with her unveiling. Her husband had the right to it. She invited violence.”⁶⁹ Perceptions of her act to speak out against domestic violence and stand up for other domestically abused women in her country and abroad were blurred by tradition which is exemplified in her accusations of not being modest for not wearing a veil. After being unwelcomed by her country and being dismissed from her job in television, Al- Baz stated:

“In our country, if a woman complains to the police or a member of the family that her husband is violent, she is told to be patient, men are like that. What will the neighbors say? What will your family and friends say? Do nothing, otherwise he will divorce you – you will be a divorced woman, a whore, you will lose your future. So if a woman is abused, there is this mixture of humiliation and pride.

⁶⁸ Lichter, Ida. “Muslim Women Reformers,” 289.

⁶⁹ Ibid, 290.

She is afraid of speaking out, of being criticized. She wants to keep this perfect image of a woman. And this is what we have to change among women. We have to change ourselves, to awaken women who think that for her husband to beat her is normal, and that she must remain silent in public.”⁷⁰

Women in Saudi Arabia are reluctant to come forward because of the lack of protection they receive from their violent perpetrators by the Saudi Arabian government. Women are also living within a justice system that throws them back into situations of abuse discouraging them to speak out and attaining justice and presumably social change. In some instances, state officials not only condone abuses of women in the private sector, they also compound them by causing them further abuse.⁷¹

In December 1999, Crown Prince ‘Abdullah bin ‘Abdul-‘Aziz Al-Sa’ud was quoted saying, “Saudi woman is a first class citizen...has rights...duties...and responsibility...when we talk about the comprehensive development which our country is experiencing in all aspects we cannot ignore the role of Saudi woman...and her participation in the responsibility of this development.”⁷² Government officials, while stating that women should play a role in Saudi Arabian society and should be given their rights and responsibilities, have refrained from giving concrete commitments to end specific aspects of discrimination. However, Saudi Arabia’s accession to the United Nations Convention on the Elimination of all Forms of Discrimination against Women in 2001 obliges Saudi Arabia to take action to end discrimination without delay.⁷³ Nevertheless, customs and traditions wrapped behind a religious cover continue and will continue to prevent any substantive progress towards women’s rights if the usage of these customs in law-making are not changed.

⁷⁰ The Guardian, *Breaking the Silence*, 1.

⁷¹ Amnesty International, “Saudi Arabia: Gross human rights abuses against women,” 3.

⁷² Amnesty International, “Saudi Arabia: Gross human rights abuses against women,” 2.

⁷³ Human Rights Watch, *Perpetual Minors – Human Rights Abuses Stemming from Male Guardianship...* 7.

Customs and laws are highly present in Saudi Arabia and this is one of the major reasons for the lack of mobilization for a restructure to the system for gender equality. The Saudi Arabian government hides behind Islam to enforce and support its patriarchal system. For instance, in 1990 a protest against the customary ban on women drivers was staged by dozens of women in Riyadh. At this point in time, it was not illegal for women to drive. Nonetheless, the Interior Ministry issued an official ban on women driving and this echoed by a fatwa (a religious ruling).⁷⁴ This religious ruling shows that the Saudi Arabian government has utilized religion to validate a social taboo that has nothing to do with Islam itself. The fatwa issued by the late Sheikh ‘Abdulaziz bin ‘Abdullah bin Baz, Grand Mufti of the Kingdom of Saudi Arabia and Chairman of the Council of Senior ‘Ulama, on the issue stated:

“There is no doubt that such [driving] is not allowed. Women driving leads to many evils and negative consequences. Included among these is her mixing with men without her being on her guard. It also leads to the evil of sins due to which such an action is forbidden. The Pure Law forbids those acts that lead to forbidden acts and considers those means to be forbidden also. Allah has ordered the wives of the Prophet (pbuh) and the women of the believers to remain in their houses, to wear hijab and not to display their adornments to non-mahram males as that leads to promiscuity that overruns a society.”⁷⁵

This statement and case demonstrate a typical drill practiced by the Saudi Arabian government. Saudi Arabian government officials stretch Islamic teachings and mold them to serve their own patriarchal purpose to maintain control over women and strip women of their rights.

Independent women’s groups advocating for women’s legal equality are not permitted to openly operate in Saudi Arabia. On May 1, 2013, founders of a new non-governmental organization, Union for Human Rights, were detained, questioned, and accused of founding an unlicensed organization; the organization was eventually shut down. This NGO’s founding

⁷⁴ Ibid, 9.

⁷⁵ Amnesty International, *Saudi Arabia: Gross human rights abuses against women*, 9.

statement aims: “to spread and defend the culture of human rights, enforce its principles and values, and promote the Universal Declaration of Human Rights, and to reinforce the role of women in political participation and social activities in accordance with Islamic Sharia law.”⁷⁶

The Saudi government does not allow room for social justice or change in order to keep their social construction intact. However, there may be hope for women pertaining to domestic violence through the spread of a viral ad campaign against domestic violence initiated by the Saudi family through the King Khalid Foundation in hopes of bringing about change. This ad’s website includes information about the signs of domestic abuse and encourages Saudi citizens to report domestic violence crimes.⁷⁷ Will the spread of this campaign through the use of social media push the country to establish a legal framework to protect victims of domestic abuse? Only time will tell.

Jordan

The Hashemite Kingdom of Jordan is a constitutional monarchy that gained independence from Britain in 1946 and is currently ruled by King Abdullah II. Jordanian law is a blend of Napoleonic code inherited from the Ottoman and Egyptian legal systems, Islamic Shar’ia, and influences of tribal traditions. The Jordanian Personal Status Law (JPSL) is derived from Shar’ia, and includes various options from various jurisprudence schools. In absence of a provision in the law, the Jordanian courts refer back to the most authoritative opinion in the Hanafi school. The JPSL is applied in all personal status matters related to the Muslim family such as inheritance, child custody, marriage, and divorce.⁷⁸ Islam is the state religion and more than 95 percent of Jordanians are Sunni Muslims; religious minorities are relatively free to

⁷⁶ Amnesty International, *Saudi Arabia moves to stamp out new human rights NGO*, 1.

⁷⁷ Al-Jazeera, *The Stream: Putting a face to domestic violence in Saudi Arabia*, 6 May 2013.

⁷⁸ Nazir, Sameena and Leigh Tomppert. “Women’s Rights in the Middle East and North Africa,” 107.

practice their religions. The strong tie with the tribal communal system in Jordan remains one of the strongholds of preventing any genuine improvement for women.⁷⁹

The status of Jordanian women is currently undergoing a historic transition, with women achieving a number of positive gains and new rights. Jordanian women [presumably] enjoy equal right with respect to their entitlement to health care, education, political participation, and employment. Nevertheless, women in Jordan continue to be denied equal nationality and citizenship rights with men.⁸⁰ Article 6 (1) of Jordan's constitution states: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards their rights and duties on grounds of race, language, or religion." Article 6 (2) further stipulates: "The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians."⁸¹ Although the constitution grants these rights for "every Jordanian," it fails to prohibit gender discrimination. While Jordan's laws aren't overwhelmingly discriminatory compared to other Islamic countries, cases that fall under the jurisdiction of Shari'a, Jordanian women are not provided the same rights as male citizens and endure unequal treatment in their right to divorce, custody, and inheritance. Gaps in Jordanian laws also fail to provide protections for women's rights as no law specifically defines or criminalizes domestic violence, and there are no enforcement mechanisms to ensure the implementation of laws to promote and protect gender equality.⁸² Furthermore, a pattern of economic violence is present in Jordan as men restrict women from working or force them to do so and then retain their salaries. Women are also sometimes pressured to renounce

⁷⁹ Sweis, Rana F., "Women's Rights at a Standstill in Jordan," *New York Times*, 7 November 2012.

⁸⁰ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 107.

⁸¹ *Ibid*, 209.

⁸² Moghadam, Valentine M. "From Patriarchy to Empowerment," 20.

their inheritance rights, or not allowed to get married as a way for families to continue receiving their salary.⁸³

Article 3 (3) of Jordan's Nationality law declares, "Any child born of a father with a Jordanian nationality shall be Jordanian wherever born." Yet, it does not include the term "mother" within the statement giving preference to Jordanian males. A Jordanian woman is allowed to retain her nationality after marrying a non-Jordanian; however, Jordanian women married to non-Jordanians are not permitted to confer their citizenship on their children.⁸⁴

Women have the right to be plaintiffs and defendants in Jordanian courts and may appear before the police, public prosecutor, the courts, and administrative tribunals as witnesses or as experts. This all appears fairly equal on paper, nevertheless, social norms and traditions sometimes deter a woman from seeking justice from the courts as it seems that she is disobeying her family.⁸⁵ This is an excellent example that it is crucial that new laws that establish equality must be infiltrated in the homes in order to bring effective social change within Jordan and other Islamic communities.

Family-based violence against women in the name of family "honor" is a serious problem in Jordan where men and women receive different legal and social treatment based on their gender. The most prominent problem in family-based violence in Jordan is crimes of "honor killings." Honor killings are the murders of girls or women by their husbands or relatives because they have behaved in a way that is said to have damaged the reputation of the family or the tribe.⁸⁶ In the case of "honor" crimes, women whose lives are threatened by their families

⁸³ UN Human Rights Council, Report of the Special Rapporteur on violence against women..., 7.

⁸⁴ Ibid, 10.

⁸⁵ Moghadam, Valentine M. "From Patriarchy to Empowerment," 108.

⁸⁶ Lichter, Ida. "Muslim Women Reformers: Jordan: Rana Husseini," 221.

are placed in prison pursuant to this law for their own protection. However, the release of such women from detention is conditional upon the consent of a male relative.⁸⁷ A reporter for the *Jordan Times* named Rana Hussein that was born and raised in Jordan states, “The problem of ‘honor killings’ is not a problem of morality or of ensuring that women maintain their own personal virtue; rather, it is a problem of domination, power, and hatred of women who, in these instances, are viewed as nothing more than servants to the family, both physically and symbolically.”⁸⁸

Furthermore, women that are victims of sexual violence face tremendous gender-specific legal and social obstacles. Rana Hussein, award-winning journalist and human rights activist, was inspired to speak out about the taboo of “honor killings” when she heard about a story of a sixteen year old girl that is unfortunately shared by many females in Jordan. Hussein shares this story by saying that this sixteen year old girl was sedated with sleeping pills by her twenty-one year old brother and was raped. Her brother threatened to kill her if she told anyone, but she had to tell the family once she realized that she was pregnant. Her brother attempted to kill her but failed to do so. After surviving two traumatic events, she had an abortion and was married off to a man fifty years her senior. However, he divorced her within six months and on May 31, 1994 she was killed by her older brother.⁸⁹ Interviews conducted by the UN Human Rights Council in both the Juweidah Reform and Rehabilitation Centre and the Dar Al Wifaq women’s shelter revealed that family members, particularly younger brothers, are the main perpetrators of violence and killings committed in the name of “honor.”⁹⁰

⁸⁷ Nazir, Sameena and Leigh Tomppert. “Women’s Rights in the Middle East and North Africa,” 109.

⁸⁸ Lichter, Ida, “Muslim Women Reformers: Jordan: Rana Hussein,” 222.

⁸⁹ 221 Muslim Women Reformers

⁹⁰ UN Human Rights Council, *Report of the Special Rapporteur on violence against women*, 8.

Societal customs often serve to pressure the guardians of a female victim to waive personal claims and drop charges to avoid social shame, particularly in cases of sexual assault, rape, and homicide. Waiving the personal claim by the guardian allows the court to use its discretion, which often leads to lenient sentences for perpetrators. According to a study conducted by NCFCA, of 50 cases of murder of women committed between 2000 and 2010, in 78 percent of the cases perpetrators benefited from reduced sentences due to families waiving their personal rights.⁹¹ In most cases, a perpetrator of rape or molestation will avoid punishment if he marries his victim in accordance with Article 208 of the penal code. This provision is allegedly only applied with the full consent of the victim; societal pressures may push victims to accept this solution as the only way to be reintegrated into their communities.⁹² Article 98 of the penal code provides a reduction in sentence if a crime is committed in “a fit of fury caused by an unlawful or dangerous act on the part of the victim,” and these articles are consistently used in the defense of those accused of “honor killings.”⁹³ Article 340 exempts a man from punishment for assault or murder if he finds his wife or any female relative in the act of committing adultery, or in circumstances that lead him to *suspect* adultery.⁹⁴

Amendments to Article 340 have been passed several times in the Upper House of the Jordanian parliament since 1999 but they have been rejected each time by the elected representatives of the Lower House, who believe that the amendments violate religious traditions and are a threat to family values. To date the law is unchanged.⁹⁵ This rejection of amendments to Article 340 demonstrates the interlock and vagueness between religion and cultural tradition.

⁹¹ NCFCA, *Status of Violence against Women in Jordan*, 20 .

⁹² UN Human Rights Council, *Report of the Special Rapporteur on violence against women*, 6.

⁹³ Lichter, Ida. “Muslim Women Reformers :Jorda: Rana Hussein,” 222.

⁹⁴ *Ibid*, 222.

⁹⁵ UN Development Fund for Women (UNIFEM), *Towards Political Empowerment for Jordanian Women*, 29.

There is a misconception that Islam justifies “honor killings,” but these crimes are a part of culture trying to be justified through religion. However, there may be hope as new generations with evolving mentalities emerge. For instance, according to surveys conducted in Jordan by the UN Development Fund for Women (UNIFEM), age affects attitudes towards honor killings as 31.2 percent of the older age group of respondents thought honor killing was justifiable compared to the 22.6 percent of the younger age group respondents; the survey further indicated that education has had only a limited and modest impact on attitudes concerning such abuse of rights.⁹⁶

A significant number of NGOs work for the promotion and protection of women’s rights in Jordan. Women’s NGOs have had much success in breaking the silence on the issue of domestic violence by lobbying high political offices to denounce domestic violence and by increasing debate on the issue in the media. Despite the parliament’s rejection of several decrees and draft legislation aimed at providing greater gender equality, Jordanian women’s rights advocates have made great strides in placing women’s rights at the center of national political debates.⁹⁷ King Abdullah II has shown an interest in women’s rights and both Queen Rania and Queen Noor (the queen mother) are major advocates of women’s rights. A number of organizations such as Arab Women’s Media Center (AWMC) which train journalists and encourage the study of women’s issues; and the Jordanian National Commission for Women (JNCW), which develops programs in cooperation with non-governmental organizations and the private sector to conduct studies and assess legislation.⁹⁸ Non-governmental organizations and other women’s organizations in Jordan have contributed to the drop in the illiteracy rate among

⁹⁶ UN Development Fund for Women (UNIFEM), *Towards Political Empowerment for Jordanian Women*, 30.

⁹⁷ WR 106

⁹⁸ 219 Muslim Women Reformers Jordan

Jordanian women and has increased female enrollment at the university level where half the students are currently female.

Egypt

Egypt has the structure of an independent judiciary, with courts of varying degrees and judicial review by a Supreme Constitutional Court and Council of State. The country's laws are based on French, English, and Islamic legal codes. The 1971 constitution guarantees equality to all citizens without prejudice based on gender. The majority of Egypt's population of 72.1 million is Muslim, while an estimated 6 percent are Christian Coptic.⁹⁹ After the 2011 ouster of President Hosni Mubarak's autocratic and military rule, Muslim Brotherhood leader Mohamed Morsy was elected the new president of Egypt. Throughout this rocky transition, human rights problems such as police abuse and impunity, restrictions on freedom of expression, association and religion, and especially the limits on the rights of women remain. From the rule of Mubarak to the January 2011 uprisings to now, women have always played a leading role in the struggle for human rights in Egypt even though they are constantly marginalized by the Egyptian government and society.¹⁰⁰

Egyptian women have made advances during the last few decades through the work of an active civil society, women's rights advocates and organizations, and the dedication of former Egyptian president's wife, Suzanne Mubarak. Highlights of recent achievements include the passing of the khul' law, which permits women to divorce without a husband's consent; the establishment of a family court; and the revisions to Egypt's nationality law in 2004, which now extends nationality rights to the children of Egyptian mothers married to non-Egyptian fathers.

⁹⁹ WR 69

¹⁰⁰ Human Rights Watch, *World Report 2013: Egypt*, 1.

¹⁰¹ However, the nationality law failed to give nationality rights to foreign husbands and forbade the children of these marriages from holding government positions, even though the law extends such rights to foreign wives and children of Egyptian fathers.¹⁰²

While women have had full and equal suffrage since 1955, the strong legal basis for women's human rights in Egypt is often limited by the lack of proper implementation of mechanisms to ensure women's equal access to justice and the law especially when it comes to violence. Violence against women is a severe issue in Egypt. Female victims of violence mostly suffer within their home from a family member such as husbands, fathers, or brothers. Egyptian families and government authorities often ignore violence acts against women. Domestic violence and marital rape are not considered crimes in Egyptian law, and women victims of rape and incest have tremendous difficulties prosecuting their perpetrators. According to the report issued by the United Nations Children's Fund (UNICEF) in 2002, 35 percent of Egyptian women have been beaten by their husbands.¹⁰³ A 2002 study reported by the All Party Parliamentary Group on Population and Development found that 47 percent of all homicides with female victims were cases of "honor killing" in order to rid the family of dishonor.¹⁰⁴ Spousal abuse is grounds for a divorce, but the victim is required to produce medical reports of bodily harm, known as female genital mutilation (FGM), as proof which discourages many women from coming forward. Suzanne Mubarak, former head of the National Council for Motherhood and Childhood (NCCM), has contributed to the effort of banning this procedure and closing clinics. In June 2008, a law was passed ending this FGM practice used to criminalize offenders. However, this did not come without accusations from the Muslim Brotherhood which claimed

¹⁰¹ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 71.

¹⁰² Ibid, 72.

¹⁰³ Lichter, Ida. "Muslim Women Reformers," 98.

¹⁰⁴ Ibid, 98.

that “outlawing FGM was tantamount to promoting vice and that the NCMC was pandering to Western influence.”¹⁰⁵ In defense of this law, the Ministry of Religious Affairs issued a booklet explaining why the practice was not called for in Islam. In addition, Egypt’s grand mufti, Ali Guma, declared this practice *haram* and prohibited by Islam.¹⁰⁶

Women also face various forms of violence outside the home such as verbal harassment, physical and sexual abuse, and rape. The harassment of women in public is another serious problem in Egyptian society. After decades of advocacy, Egyptian feminists succeeded in getting the government to abolish the laws that had previously allowed for the forgiveness of rapists if they married their victims.¹⁰⁷ Yet, the new law is often undermined by the police, who continue to encourage the marriage of a woman and her rapist and dropping of charges against the man.¹⁰⁸ Although a law may be written on paper, it is important that those protecting the law enforce it in order for real social change to occur. Furthermore, public sexual assault has taken form on the streets of Egypt due to protecting since January 2011. This can be publicly seen by the sexual violence crimes taken in Tahrir Square in Cairo during protests which seem to be organized in order to silence women. Several women’s rights activists and others believe that the sexual assaults on women are organized and coordinated—possibly by state actors—with aim of intimidating, degrading, and silencing them; excluding them from public spaces and the political events shaping Egypt’s future; and breaking the resistance of the opposition.¹⁰⁹ To this date, no groups of men or police enforcement guilty of sexual harassment and rape have been held

¹⁰⁵ Guenena, Nemat, and Nadia Wassef. *Unfulfilled Promises: Women's Rights in Egypt*, 51.

¹⁰⁶ *Ibid*, 54.

¹⁰⁷ Amnesty International, *Egypt: Fighting for justice and human rights: Egypt's women activists*, 16.

¹⁰⁸ Nazir, Sameena and Leigh Tomppert. “Women’s Rights in the Middle East and North Africa,” 73-74.

¹⁰⁹ Amnesty International, *Egypt: Gender-based violence against women around Tahrir Square*, 8.

accountable for these crimes in Egypt.¹¹⁰ This shows the failure of the Egyptian government to bring justice for these horrid crimes against women.

In 2002, women's literacy rate of 43.6 percent lagged behind men's rate of 67.2 percent.¹¹¹ Considering the number of female students graduating from Egypt's universities and the percentage of women in the workforce, the representation of women in leadership positions is very poor.¹¹² Women make up half of the Egyptian general population and half of all university students, yet they constitute less than 25 percent of the labor force.¹¹³ This is partly due to the economic crisis and lack of job opportunities for this current generation in Egypt. In a recent survey associated with the International Herald Tribune conducted by the Pew Research Center in Washington, 61 percent of respondents in Egypt said women should be allowed to work outside the home; but 75 percent said that when jobs are scarce, men should have more right to work.¹¹⁴ Although the economic crises faced by the Egyptian youth, the fear of becoming "Western" and going against the Islamic faith also play a role in the low percentage of women in the workforce. This is exemplified in the opinion of a young Egyptian civil engineer, Mohamed Adly, 30, which was interviewed by the Global Press Institute. His opinion on women in the workforce was, "Women should not have careers. I reject the influence of the West on Egyptian society. Women were never created to work and be equals to men. Just because women in the West are doing it, doesn't mean that our Arab women have to do the same. It is not our religion, not in our traditions, and we shouldn't allow the West to brainwash our culture."¹¹⁵ A young woman also interviewed named Rawia Al-Badrawy, 29, agrees with him by saying, "Working is

¹¹⁰ Ibid, 9.

¹¹¹ Guenena, Nemat, and Nadia Wassef. *Unfulfilled Promises: Women's Rights in Egypt*, 62.

¹¹² Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 76.

¹¹³ Sadek, Dina. "Egyptian Women Pursue Higher Education, but Few Enter the Workforce," *Global Press Institute*.

¹¹⁴ El-Naggar, Mona. "In Egypt, Women have Burdens but No Privileges," *The New York Times*, 13 July 2010.

¹¹⁵ Sadek, Dina. "Egyptian Women Pursue Higher Education, but Few Enter the Workforce," *Global Press Institute*.

not natural for women. If God meant for women to work and be equal to men, he would have given them strong bodies like he gave men.”¹¹⁶ The opinions of these two Egyptians demonstrate the mental framework in which they were raised in which once again uses religion to shape the mentality and actions of people in society. Traditional values and norms in Egypt denigrate women’s labor and contrast it to women’s domesticity, which is generally commended and even, in the case of Islamists, sublimed. The perpetuation of the image of the house as a woman’s kingdom is part of the resistance of society to women’s emancipation. Moreover, women who have ventured in the public sphere have often been blamed for much of the violence inflicted upon them both in the work place and on the street, while domesticity has been presented as the way for women to preserve their dignity.¹¹⁷

Women involved in non-governmental organizations have made it a point to change this entrenched mentality in the current and new generations of Egypt. For instance, the Suzanne Mubarak Women’s International Peace Movement (SMWIPM), a non-profit, self-funding NGO based in Cairo, was established in 2003 to empower women through cross-cultural dialogue, human rights, reconciliation, and peace building.¹¹⁸ Additionally, in early 2011, UN Women helped the development of a National Egyptian Women’s Charter—a powerful lobbying tool that has articulated women’s expectations in issues such as political participation and education. A wide range of training sessions and information workshops from the Charter have helped nourish political awareness of their rights among Egypt’s women.¹¹⁹ Non-governmental organizations

¹¹⁶ Ibid.

¹¹⁷ Guenena, Nemat and Nadia Wassef. *Unfulfilled Promises: Women’s Rights in Egypt*, 82.

¹¹⁸ Lichter, Ida. “Muslim Women Reformers,” 111.

¹¹⁹ UN Women, “On the First Year Anniversary of the Arab Spring, Egyptian Women Continue to Call for Real Change and Opportunities to Shape the Future,” *Arab Women’s Leadership Institute*, 9 February 2012.

along with other associations have tremendously helped Egyptian women voice their opinions as a whole and project them in a unified manner in hopes of reaching equality and justice.

Recommendations

All three countries, regardless of the conservative level and strict usage of Islamic law, face issues of inequality and lack of women's rights. The three countries have laws that do not protect women in times of violence and view them as inferior which can be seen in each country's citizenship laws. According to the study conducted by Freedom House in 2010, there are some main recommendations that should be applied to these countries pertaining to the topics touched upon in this essay. These recommendations include: family laws should be revised to ensure equal rights within marriage and family through reforms within the family court system as well as provide women's rights training to court officials; domestic violence should be considered a serious crime enforced by the court and law enforcement in all instances which applies to all forms of violence such as rape, spouse battering, and honor killings; the state should also facilitate NGO's role in creating awareness of the impact of domestic violence on women and society as well as provide counseling and support services for victims; governments should increase spending for education, ensure that women in all parts of the country have access to education in particular to rural areas; governments should take aggressive steps towards the elimination of legal and social obstacles to women's economic equality and ensure women equal access to jobs, employment benefits, social needs for women workers such as transportation and daycare facilities in order to decrease social pressures and discouragement from working; and

government should review all legislation and work to eliminate social traditions [masked by religion] that are attached to them.¹²⁰

However, in order for these changes to begin to take flight, a reconstruction of the legal system, especially pertaining to Shari'a law, must take place by a means of re-interpreting the Holy Qur'an. According to feminist Islamist scholar, Asma Barlas, a re-interpretation of the Scripture is particularly important because the Qur'an teachings provide Muslims with role models for both women and men. Those who read Islam as a misogynistic and "uncompromising and overly paternalistic" religion point both the Qur'an's alleged advocacy of sexual inequality and to the long history of discrimination against women in most Muslim societies.¹²¹ Mohammed Arkoun, an Algerian Islamic scholar, adds, "The sacred text of the Qur'an has been ripped from its historical, linguistic, literary, and psychological contexts and then been continually recontextualized in various cultures and according to the ideological needs of various actors."¹²² Barbara F. Stowasser, an Islamic expert and female activist, goes on to say, "Returning to a fresh and immediate interpretation of the Holy Book, and by taking a new and critical look at the Hadiths (sayings of the Prophet (pbuh))—in other words, by engaging in creative *ijtihad* (deriving law from the Qur'an and Hadith)—modern Islamic authority could very well reform and renew the position of Islam on the issue of the status of women."¹²³ Re-interpreting the Qur'an in a manner that leaves room for both genders to reach their full potential as Muslims, Islamic societies would attain the potential for both success and Godly righteousness. A prominent struggle besides re-interpreting the Qur'an that provides equality for both genders is exercising Islam through a lens of modernity.

¹²⁰ Nazir, Sameena and Leigh Tomppert. "Women's Rights in the Middle East and North Africa," 13-14.

¹²¹ Barlas, Asma. "Believing Women in Islam," 4.

¹²² Arkoun, Mohammed. "Rethinking Islam: Common Questions, Uncommon Answers," 5.

¹²³ Stowasser, Barbara. "Women in the Qur'an, Traditions, and Interpretation," 7.

Islam's Struggle with Modernity in Accordance to Women's Rights

The struggle for equality and justice for Muslim women must be placed within the context of women living in Muslim societies today. Muslim women fighting for their equal rights have faced problems with their Muslim societies because of their societies' struggle to gradually change through the reinterpretation of the Qur'an. Many traditionalists correlate this reinterpretation to western ideals and to modernity.¹²⁴ "It is as if those who have turned to Islam cannot cope with the monumental challenges posed by the fast-changing world, so they focus on the most disempowered in society to prove their ability to dominate and bring about change in the name of Islam."¹²⁵ This approach does not help nor benefit the Muslim world today and there is a need for the reinterpretation of the Qur'an specifically on the status of women. Muslim jurists that have called for this reinterpretation acknowledge that Islam liberated women and granted them rights. They point out the Qur'anic injunctions that recognize a woman's right to contract marriage, to divorce, to inherit and dispose of her property as she pleases. Yet, while progressive in tendency, this ethical vision of equality and justice for women in the Qur'an did not develop further or sustain an emancipator or egalitarian thrust within the subsequently developed Muslim juristic heritage.¹²⁶ Instead the process of interpretation and codification of the law, dominated by male jurists and scholars led to an orthodox mainstream view that men and women in effect are not equal.

Conclusion

The Qur'an itself recognizes the human limitation in its methodology. It was revealed gradually, and some of its prohibitions, such as polygamous marriages, were also imposed

¹²⁴ Rippin, Andrew. "Muslims: their religious beliefs and practices," 292.

¹²⁵ Hefner, *Politics of Multiculturalism*, 230.

¹²⁶ Hefner, *Politics of Multiculturalism*, 230.

gradually in order to achieve their final status over a period of time. The Qur'an was revealed in order to bring humankind out of the era of ignorance and establish equality for all. The Islamic philosophy of gradualism is the method by which Islamic jurists should re-interpret the Qur'anic text in order to bring Islam into modern society. One of the ways to do this is by re-analyzing the text through a lens of gender equality which will bring peace, social justice, and progress for Islamic societies. Islamic societies such as Saudi Arabia, Jordan, and Egypt have interpreted the Qur'an through a patriarchal lens, tailoring Qur'anic interpretation to benefit predominantly men. However, these societies along with other Islamic countries have been pushed into a corner by economic failures and pressure by its citizens. It is clear that it is time to try a different route that is not centered on patriarchal interpretations, and seek the true destiny Allah intended for all humankind. However, this is an effort that must be made by both male and female Muslims in order for Islam to develop and reach its optimum potential. In the words of a prevalent Islamic feminist activist and scholar, Azizah Al-Hibri, "Muslim men have a duty to help bring about this change in our families and societies. They have a duty to listen carefully to the voices of women, to see the tears and hear the sighs of the granddaughters of Khadija (the Prophet's first wife). They need to help devise Islamically satisfactory solutions to our existing problems, for the salvation of Muslim men and the salvation of Muslim women are inextricably intertwined. We share, after all, the same destiny."¹²⁷ Many challenges will be faced, but this generation and the generations to follow have the power to reconstruct what has been unjustly and wrongfully constructed by patriarchal, Islamic jurists and bring represent Islam as a religion of peace, progress, equality, and a religion that is meant for all time until the End of Judgment. This essay concludes with the inquiring questions of a Muslim female activist, Wajeha Al-Huwaider: "If women are 'mentally and religiously deficient,' how were the wives of the Prophet able to pass

¹²⁷ Al-Hibri, Azizah. "Quranic Foundations of the Rights of Muslim Women in the Twenty-First Century," 21.

on his teachings? Women are described as weak and overemotional, yet they are entrusted with the youth of the nation. If women are innately evil and constitute satanic temptations to men, why do men take up to four wives? How is it possible that women are so incompetent that they cannot be masters of themselves, when the Prophet's wife Aisha managed to lead an entire army into battle?"¹²⁸

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¹²⁸ Lichter, Ida. "Muslim Women Reformers," 297.

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