

Religious and Cultural Divide of Women's Rights: Exploring Both Sides of the Coin

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Introduction

Islam has been a religion for past 1500 years and believers of this religion are called Muslims. This religion has a control over the lives of Muslims, not in terms of impositions but Muslims feel like obeying the preaching of their religion and practice them. Islam has certain set patterns of laws of life, and these Islamic laws are called *Shariyaah*. This *Shariyaah* contains rules and laws, which are according to orders of Allah, and it covers lives of every Muslim regardless of the fact that the Muslim is male or female. The term *Shariyaah* means the way to a watering-place (as cited in Wickiepedia Encyclopaedia, 2006) from which human beings can derive the element vital to their life and is used in the Qur'an to denote a system of law necessary for a community's social and spiritual welfare.

The position of women can not be understood properly without taking into account the rights granted by the Islamic doctrine and the actualities of the present conditions. The Islamic doctrine, include the teachings of the Quran and the traditions of the Prophet (Sunnah).¹ The Islamic doctrine, therefore, provides legal-normative postulates. However a distinction may be made between the Islamic doctrine and those customs which are inherited by the Muslim societies. In the same way a number of customs which are now treated as Islamic have nothing to do with Islam. These customs and practices have been the features of the social and cultural life of the people who did not abandon them after embracing Islam. In other words religion, normative or popular, is not tot be viewed as an autonomous and independent phenomenon. It is a part of a network of social and cultural relationships and linkages. Religion is

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1 The *Sunnah* refers to the words, actions, and confirmations (consent) of the Prophet Muhammad in matters pertaining to the meaning and practice of Islam. Another common term which some authorities consider to be equivalent to the *Sunnah* is the *Hadeeth* (plural: *Ahadeeth*) which literally means "sayings".

one important factor but there are equally important factors which determine gender relations in a society.

Islam envisions an egalitarian society for all members of the community, with social justice for all. Unfortunately, the patriarchal culture has usurped the rights of women in practice by the gender biased application of the religion to the detriment of women's rights. Islam is the religion of enlightenment, to fully appreciate the significance of the rights it granted to women one must view these in the perspective of seventh century Arabia to understand how truly revolutionary they were. That appreciation however does not and should not confine us today. The grant of specific rights at a specific time and place in history does not mean that women have no other rights except those enumerated specifically. As times have passed however, the institution of patriarchy has sought to limit women to those rights only, and crippled their effective exercise of those rights as well.

The concept of gender equality in Islam is stressed by the non-superiority of either sex over the other. It came at a time when it was necessary to elevate the demeaned status of women and grant them rights equal to those of men. Islam has always recognized the prominent role that women play in society. They are given the freedom to pursue any profession. Those are just a few of the facts. Why then is Islam portrayed as a religion that oppresses women and puts them in a position inferior to men? Part of that is certainly due to the stereotypes prevailing in our society. Culture does not treat women according to their God-given rights. But this is not the fault of Islamic ideology but rather the misapplication or sometimes the outright denial of the ideology. Many things we follow are deviated from or are totally unrelated to the origins of Islam. Instead many of these practices are based on cultural or traditional customs which have been injected into our culture through external factors. To discuss the process of gender construction and position of women according to Islam and cultural norms and values, I drew both on Islamic doctrine and (to document cultural perspective) on exploratory qualitative interviews that were conducted during a six-month fieldwork in Burhan, district Attock, tehsil Hassan Abdal, with a population of about 8,000. The socio-economic survey was conducted from 80 households only and the total population of the selected households was 616 persons comprising 56 per cent males and 64 per cent females.

Aims and Objectives

The status of women in Islam is one of equality and honor. When dealing with the Islamic perspective of any topic, there should be a clear

distinction between the normative teachings of Islam and the diverse cultural practices among Muslims, which may or may not be consistent with them. The aim of this analytical paper is to discuss the discrepancy between Islam and cultural practices, norms, traditions, values in Pakistani society where culture is quite dominant and traditions have won over Islamic teachings and making women are subdued.

Discussion and Analysis

This paper is a brief review of the position of woman and concept of gender equality in our society from an Islamic perspective. The topic is divided into spiritual, economic, and social, and aspects.

The Issue of Modesty and Spiritual in Islamic Perspective

According to the Qur'an, men and women have the same spiritual human nature:

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; reverence Allah through Whom you demand your mutual (rights) and (reverence) the wombs (that bore you): for Allah ever watches over you.²

It is He who created you from a single person and made his mate of like nature in order that he might dwell with her (in love). When they are united she bears a light burden and carries it about (unnoticed). When she grows heavy they both pray to Allah their Lord (saying): "If You give us a goodly child we vow we shall (ever) be grateful."³

According to the Qur'an, woman is not blamed for the "fall of man." Pregnancy and childbirth are not seen as punishments for "eating from the forbidden tree." On the contrary, the Qur'an considers them to be grounds for love and respect due to mothers. On the question of pregnancy and childbirth, the Qur'an states:

And We have enjoined on the person (to be good) to his/her parents: in travail upon travail did his/her mother bear his/her and in years twain was his/her weaning: (hear the command) "Show gratitude to Me and to your parents: to Me is (your final) Goal."⁴

Men and women have the same religious and moral duties and responsibilities. They both face the consequences of their deeds:

And their Lord has accepted of them and answered them: Never will I suffer to be los the work of any of you be it male or female: you are members of one another ...If any do deeds of righteousness be they male or

2 Al-Qur'an, 4:1.

3 Al-Qur'an, 7:189.

4 Al-Qur'an, 3:195.

female and have faith they will enter paradise and not the least injustice will be done to them.⁵

For Muslim men and women and 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 Allah's praise, for them has Allah prepared forgiveness and great reward.⁶

Nowhere the Qur'an states that one gender is superior to the other. Some mistakenly translate "qiwamah" or responsibility for the family as superiority. The Qur'an makes it clear that the sole basis for superiority of any person over another is piety and righteousness not gender, color, or nationality:

O mankind! We created you from a single (pair) of a male and a female and made you into nations and tribes that you may know each other. Verily the most honored of you in the sight of Allah is (one who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things).⁷

The absence of women as prophets or "Messengers of Allah" in prophetic history is due to the demands and physical suffering associated with the role of messengers and prophets and not because of any spiritual inferiority.

Cultural Perspective

Fieldwork reveals that women were considered to have less spiritual power as compared to men. Males consider woman as a thing who has no wisdom and so they cannot take rational decision. They believe that a woman can never give anyone a good suggestion and/or advice. Most of the males during research were found to hide their family secrets from females because they believe if they were to share it with a woman they will never keep it secret and, it will be shameful for them. Females are believed to be more talkative, backbiting and more jealous ontologically than males.

Another common belief is that females are enabled to bear children due to post partum period and monthly menses but due to the menstrual cycle she can not pray regularly (till pollution) so she can never get spiritually elevated. To owing this belief women consider themselves

5 Al-Qur'an, 4:124.

6 Al-Qur'an, 33:35.

7 Al-Qur'an, 49:13.

inferior, less wise and not good advisors. They have internalized this belief so earnestly that they never interrupt males when they are discussing any serious issue because they know they have no wisdom to give them any worth while suggestion.

Women's Right to Property and Wealth in Islamic Perspective

The Islamic *Shariah* recognizes the full property rights of women before and after marriage. A married woman may keep her maiden name. Greater financial security is assured for women. They are entitled to receive marital gifts, to keep present and future properties and income for their own security. No married woman is required to spend a penny from her property and income on the household. She is entitled to full financial support during marriage and during the waiting period ('iddah) in case of divorce. She is also entitled to child support. Generally, a Muslim woman is guaranteed support in all stages of her life, as a daughter, wife, mother, or sister. These additional advantages of women over men are somewhat balanced by the provisions of the inheritance which allow the male, in most cases, to inherit twice as much as the female. This means that the male inherits more but is responsible financially for other females: daughters, wives, mother, and sister, while the female (i.e., a wife) inherits less but can keep it all for investment and financial security without any legal obligation so spend any part of it even for her own sustenance.

Cultural Perspective

The culture gives ownership of property in the hands of males. Women are mostly deprived of their inheritance rights. Women are culturally pressurized into giving up their share in patrimony to their brothers and if they take their share then they end up having no relationship with their brothers. A woman who asks for her sharia right in inheritance is sure to lose the support of her brothers. Women feel that if they leave their share in properties then they have the right to stay in their brother's home in difficult times, other wise they will never allow them to enter their homes.

A woman inheriting father's land is seen as snatching it from the rightful owner. Women themselves have also developed a psyche that accepts it. They feel embarrass to demand their property right. They also believe that it is injustice with their brothers. But most of the time women are helpless; they cannot take actions according to their will. Males impose their decisions on them. Women are psychologically threatened in both cases. If they take their share they have threat of their brothers and father that they will leave them or they will have no respect in their in laws. If they do not take their share their husbands and in laws

threat on them. Although share in inheritance is legally approved but culturally its still does not have acceptance. The cultural value system does not allow women to take their share. They are socially pressurized and threatened if they take any action against the cultural value system. Women also perform many duties but they are unpaid. A woman typically performs within the household in order to fulfill the material needs of its members. These chores are not locally recognized as work, rather they are thought of as her responsibility.

Traditionally, daily work involves those activities which a woman does from morning to night. She starts her daily work before the breakfast. She prepares breakfast for all family members and serves it to them. After serving breakfast she washes utensils and starts cleaning the house. She does all this work as her responsibility. She never thinks about or claims a payment. Her value system has convinced her to think of all work as her responsibility. The most important responsibility which a woman performs along side all these activities is child care. Child care is considered to be the adherent and primary responsibility for a woman. A woman plays triple role simultaneously to include productive, reproductive and community work but there work is not considered valuable and has no worth because the community believes that these jobs are the responsibility of women and they are intrinsic to female nature. Such female suppressing values are transmitted from generation to generation through cultural normative system.

Economically women are not independent. Women mostly do not have the right to sell their dowry items even if they have a desire to do so without the permission of her husband or other dominated persons of the house like Mother-in-law. Women are prevented from entering certain types of jobs in which they have more contact with males because women are considered vulnerable so they should avoided free interaction with males. Teaching, nursing and female oriented jobs are considered best for girls, because they do not require much interaction with male.

Islamic Status of Women as Daughters

The Qur'an effectively ended the cruel pre-Islamic practice of female infanticide (wa'd): The Qur'an went further to rebuke the unwelcoming attitudes among some parents upon hearing the news of the birth of a baby girl, instead of a baby boy:

When news is brought to one of them of (the birth of) a female (child) his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he

retain her on (sufferance and) contempt or bury her in the dust? Ah! what an evil (choice) they decide on!⁸

Parents are duty bound to support and show kindness and justice to their daughters. Prophet Muhammad said:

Whosoever has a daughter and he does not bury her alive, does not insult her, and does not favour his son over her, Allah will enter him into Paradise.⁹

Whosoever supports two daughters till they mature, he and I will come in the day of judgment as this (and he pointed with his two fingers held together).¹⁰

Education is not only a right but also a responsibility of all males and females. Prophet Muhammad said: "Seeking knowledge is mandatory for every Muslim ("Muslim" is used here in the generic meaning which includes both males and females).

Cultural Perspective

Sons are considered more worthy than daughters. Women are considered to be the creators of family, since they bear children and provide heir to the male. Motherhood is something which gives women a higher social status. Childlessness in something which is regarded as a disgrace and people do not give proper respect to such a woman. An unfertile woman can not stay at her husband's home. Usually the mother of a son is paid more respect than that of girls and this is very obvious in case of the first child. If the first child is a male it is celebrated because he is the future security of parents.

It is not just fertility but also the number of sons that very important. A woman who has no or just one/two son is considered inferior. Those women who have more girls do not use any family planning methods because they are waiting for boys. Women consider children, especially boys to be their weapon who can give them security and help them in making their space among their in laws. The birth of many daughters is not much celebrated as parents think them liability and start worrying about the expenses they have to bear till their marriage. So a couple is not congratulated on the birth of a baby girl and in the village there is no tradition for distributing sweetmeat in relatives if the child is girl. Birth of a baby boy is rejoiced and celebrated while a baby girl is mourned resulting in guilt and despair in many families. Boys are given priority

8 Al-Qur'an, 16:58-59.

9 Ahmad.

10 Ahmad.

over girls for better food, care and education. Subservient behavior is promoted in females.

Status of Women as Wives According to Islamic Perspective)

Marriage in Islam is based on mutual peace, love, and compassion, not just the satisfaction of man's needs:

And among His Signs is that He created for you mates from among yourselves that you may live in tranquillity with them and He has put love and mercy between your (hearts); verily in that are signs for those who reflect.¹¹

(He is) the Creator of the heavens and the earth: He has made for you pairs from among yourselves and pairs among cattle: by this means does He multiply you: there is nothing whatever like unto Him and He is the One that hears and sees (all things).¹²

The female has the right to accept or reject marriage proposals. Her consent is prerequisite to the validity of the marital contract according to the Prophet's teaching. It follows that if by "arranged marriage" is meant marrying the girl without her consent, then such a marriage is nullifiable if she so wished.

Ibn Abbas reported that a girl came to the Messenger of God, Muhammad, and she reported that her father had forced her to marry without her consent. The Messenger of God gave her the choice ... (between accepting the marriage or invalidating it)." (Ahmad, Hadeeth no. 2469). In another version, the girl said: "Actually I accept this marriage but I wanted to let women know that parents have no right to force a husband on them." [Ibn Majah] 3. The husband is responsible for the maintenance, protection, and overall headship of the family (*qiwamah*) within the framework of consultation and kindness. The mutual dependency and complementarity of the roles of males and females does not mean "subservience" by either party to the other. Prophet Muhammad helped in household chores in spite of his busy schedule.

The Qur'an urges husbands to be kind and considerate to their wives even if they do not like them.

O you who believe! You are forbidden to inherit women against their will. Nor should you treat them with harshness that you may take away part of the marital gift you have given them except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity. If you take a dislike to them it may be that you dislike a thing and Allah brings about through it a great deal of good.¹³

11 Qur'an 30:21.

12 Qur'an 42:11.

13 Qur'an 4:19.

Cultural Perspective

Culture does not give women their right to choose a life partner. Marriages are arranged by parents considering it a bond between families and communities at large not just a relationship between bride and groom. During fieldwork, I observed that the 86% of women were married to their cousin and most of the women were 7-10 years younger than their husbands. This further leads to their submissive and marginalized relationship with their husbands. It was a popular notion that a man must marry a girl and there was no case found in which a man married a woman elder to him. Although the first wife of Prophet Muhammad (PBUH) was 15 years elder than him but in our culture no man would even think of taking such a decision. Women are thought and expected to be non-expressive beings. Socially women learn that they should not express sexual desires. A woman brought up with such values then pretends as if she does not have any interest in sex.

Men are socially free and they can do every thing. It is acceptable that a man has a love affair even after marriage but a woman can not be in the same situation. Society stigmatizes such women who have love affairs after their marriages but men are free. Women are facing discrimination and subordination in every sphere of life so now they have accepted all these things as part of their fate. A woman thinks that it is her duty to serve the men be they fathers, brothers and husbands.

Women cannot choose a life partner for themselves. Most of time parents do not take consent of daughters before they fix their marriage. Women who dare to take initiative are considered shameful and face general family hatred and in some cases become victim of honour killing.

Women are considered the property of the male members in the family irrespective of their class, ethnic group or religious groups. The owner of the property has the right to decide its fate. The concept of ownership has turned women as a commodity that can be exchanged, bought and sold. Women face psychological violence which is carried out with weapons like threats, insults, humiliating treatment and denial of human existence.

Islamic Perspective on Women's Mobility and Chastity

Parameters of proper modesty for males and females are based on revelatory sources (the Qur'an and authentic *Sunnah*) and as such are seen by believing men and women as divinely based guidelines with legitimate aims, and divine wisdom behind them. They are not male imposed or socially imposed restrictions. The notion of near total seclusion of women is alien to the prophetic period.

The believers, men and women, are protectors one of another; they enjoin what is just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His apostle. On them will Allah pour His mercy: for Allah is Exalted in power, Wise.¹⁴

The rule to maintain chastity and character apply equally on men and women. A woman are advised to observe *purdah* then men are also advised to lower their gaze.

Cultural Perspective

A woman is restricted and confined in the private domain i.e. the house, while male members are free to access the outside world. Good moral character is required only from women not by men. By good character they mean that a woman should not be too mobile in the community and should not make unnecessary conversation with outside males. Females also internalized this and they know that if they were to deviate from this, they will be killed. An ideal woman is one who restricts herself to her own husband. The contrary, the attitude of society towards males is quite liberal.

Conclusion

Islam declared women and men equal. Islam condemned pre-Islamic practices degrading and oppressing women. The same injunctions and prohibitions of Islam equally apply to both sexes. Islam gave woman the right of inheritance and the right of individual independent ownership unhampered by father; husband, brother, son or anyone else. Islam gave women the right to accept or reject a marriage proposal free from pressure. Textual injunctions on gender equity and the prophetic model are sometimes disregarded by culture and society. Diverse cultural practices in Pakistan often reflect cultural influences more so that in get into conflict with teachings and spirit of the *Shariiah*. Traditional multi-culture of Pakistan as patriarchal, patrilineal, and patrilocal tells us little different than Islamic doctrine about the relations between men and women. Cultural interpretations of religious and social values are the greatest factor in whether or not daughters are sent to school, parallel cousin marriages are preferred, or women must wear a veil. In fact, women can come from similar socioeconomic backgrounds and some will wear a veil, others will not. Some families will allow a daughter to enrol in a college for higher education while others will not. Culture is so important in determining gender identities that most of our practices are purely based on socio-cultural values clashing our religion.

14 Qur'an 9:71.