

STUDY ON GENDER EQUALITY: OVERVIEW THE REALITY OF MUSLIM FEMINIST MOVEMENT

Nur Zainatul Nadra Binti Zainol*

Nowadays, the Muslim communities are confronted with the groups of people that demand for the opening of the gate of *ijtihad* by putting the rational first before the Quran and al-Sunnah. These groups do not disclose themselves as people who reject religion, but they hide behind the idea of reviewing the religion. They reassess the Shari'a and fiqh statutes and reject any interpretation of scholars on religious grounds. For them, the laws in Islam must be compatible with the current realities, even they have to deny the laws that have been thabit with Islamic texts for *qat'i*. Among the thinkers are the feminists who struggle for women's rights. They argue that there are some laws in the Quran which have oppressed and discriminated women. Thus, these Muslim feminists who fight to defend the Muslim women, standing up for the issue of gender equality in the hope to revise the Shari'a laws in accordance to their liking. This article aims to analyse the issues of gender equality brought by feminist groups to explain the reality in Malaysia. The results showed that the issues propagated by them is the consequence of the Quran re-interpretation. The implications of this study indicate that the movement should be observed and taken seriously because the idea of gender equality is not initially derived from Islam. Thus, the thoughts of having the openness in *ijtihad* by putting rational over al-Quran and al-Sunnah like what the feminists advocate must be controlled from penetrating into the minds of the Muslim community.

Keywords: Modern thought, Muslim feminist, NGO, Sisters in Islam, Fiqh, Malaysia.

I. INTRODUCTION

Muslim feminist groups are the groups that have existed in the Muslim world called for equality in gender (gender equality) between men and women (Zainol *et al.*, 2015; Muhammad Ariffin, 2012; Khalif Muammar, 2006). This group consists of modern Muslim women who want *'adalah* (justice) and *musawah* (equality) to be given equally to men and women, because they believe that social injustice, especially to women still exists in Islamic societies today. In fact, they think that women are even oppressed by the law established in Quran (Zaitunah Subhan, 1999; Asghar Ali Engineer, 1994; Riffat Hassan & Amina Wadud Muhsin 1992; Mazhar al-Haq Khan & Fatima Mernissi, 1991; Asma Barlas, 2002). This group is referred as the Muslim feminist (Muhammad Ariffin, 2012).

According to Humm (1992), feminism is used as a term that is needed to understand the situation that puts men as the gender that is more superior than women. As an ideology, feminism is the incorporation of doctrine (teachings) of equality for women and its purpose is to be a social ideological transformation (change) in creating equality between men and women. Mansour Fakih (1996)

* Lecturer Department of Islamic Studies and Social Science, Centre for General Studies and Co-curricular, Universiti Tun Hussein Onn Malaysia, Parit Raja, 86200, Batu Pahat, Johor, *E-mail: nadra@uthm.edu.my*

meanwhile defined feminism as a movement that struggle to transform the unjust structures to a fairer system for women and men. Thus, it can be clearly seen that the true nature of feminism is not only fighting for women's rights but focused on the issue of justice too. Therefore, the struggle of feminism is no longer meeting the personal needs of women, minimise the exploitation of women, end theneglect abuse or violence against women in the household, but in the long run it also manifests a struggle for social transformation towards the creation of a system that is fundamentally new and better than the existing ones. While, Muhammad Arifin Ismail (2012) said in the Muslim world, among the earliest ideological feminists fighting for the awareness of gender issues include Aisha Tamymuriyah (Egypt), Zaynab Fawwaz (Lebanon), Kajal Sulthaniyah (Iran), Malak Hifni Naser and Nabawiyah Musa (Egypt) and Fame Aliya (Turkey). However, over the last decade, feminist thinkers began calling themselves as the Muslim Feminism Movement, a group of activists that is racist and can directly question the basics of religion. They continue to defend women that are claimed to be oppressed by the *Shari'a* law, including in *munakahat* such as in marriage, polygamy, *talaq*, *nusyuz*, and *faraid*.

Today, Muslim feminist fighters are forwarded by Amina Wadud, Rifaat Hasani, Fatima Mernissi, Irshad Manji, and Musdah Mulia (Arifin Ismail, 2012; Rafidah Hanim, 2013). Apart from the aspect of justice, these people questioned about the *Musawah* problem which happens between men and women. This includes the issue of guardianship within marriage where men can get married without a *wali*, while women must have a guardian for the same reason, and in a marriage vary by religion where Muslim men can marry *ahl al-Kitab* women while Muslim women are not allowed to marry non-Muslim men, including *ahl al-Kitab*. In the issue of divorce, they questioned about the rights of ending the marriage which is only given to men. Even in polygamy, they brought up the issue where men are allowed to do polygamy while women cannot practice polyandry. Furthermore, in the issue of inheritance, the distribution of the property of a son are double the share that of a daughter. There are also differences in religious matter in which women cannot lead men in prayers, and cannot be the Friday prayer preacher, while in the social and domestic division of labor, men always take precedence over women (Syafrudin Didin, 1994: 45-54).

II. LITERATURE REVIEW

(A) Gender equality argument in al-Quran

The feminists claim that the existence of unfairness in the system of the Islamic *Shari'a* is the result of a wrong interpretation of the Quran. One example is in Nasaruddin Umar in Bukhari & Lubis (2006: 50) which states that the Quran testifies that there is a distinction between men and women. However, the difference are in fact non-biased in a sense that it can be regarded as a differentiation (discrimination) that is not one-sided and detrimental to the others. The differences are due to:

- a) does not clearly distinguish the sex of gender in defining the roles of men and women.
- b) the influence of the *Isra'iliyat* stories that is widespread in Arab world.
- c) interpretations done over the years by textual approach, rather than contextual. This is because of the tendency to use the interpretation chronologically (*tahlili*) without taking into account the thematic interpretation (*maudu'i*).

According to Asghar Ali Engineer (1994: 57), Quran has confirmed the concept of equality of status between men and women. The concept of equality includes two things: First; in the general sense of acceptance of the dignity of both gender. Second; the men and women have equal rights in social, economic and political context in which both gender should have the right to hold or end the marriage contract, own or manage property without intervention of other parties, are free to choose a career or a way of life and equality in responsibility. He added that, although the Quran generally states there is equality between men and women, there are certain contextual parts in the Quran that affirm that men have more advantages over women. Jurists have given a higher position to men, as husbands status is regarded as *qawwamun* like the translation of the verse 34 of Surah al-Nisa as follows:

Men are the protectors and maintainers of women, because Allah has preferred those guys (strength) than the other women, and also because those guys have spent (spend) a part of their property ,...?

Ibn Kathir (1999, 2: 292) stated that *qawamah* refers to men as the head and leader of household because men are better than women in circumstances stated in the verse. In the interpretation of *al-Jalalayn*, *qawwamun* means man as *musallitun* (ruler). However, Asghar (1994: 61) does not agree with the interpretation of the commentators such as Ibn Kathir, but he criticised the method of the commentators that is in favor of men, for understanding this verse theologically and ignoring the sociological aspect of it. He added that the *mufasssir* should consider using the socio-theological approach to get the idea of the social conditions of the community.

Among the approaches used by the feminist groups are reviewing religion (Mohd Fairuz & Latifah, 2013; Riduan & Ahmad Adnan, 2009). They re-evaluate the law and legal jurisprudence and reject any interpretation of the Prophet, the Companions RA and scholars on religious grounds which for them must be compatible with the current realities, even it has to deny the laws that have been *thabit* with texts of legislation for *qat'i* (Zainol, *et al.* 2015; Mohammad Arifin, 2012). Apart from socio-theological approach, they put their rationale as fundamental in interpreting the verses of the Quran. From this onwards, then only the feminist issues based on the idea of gender equality was born.

(B) Analysis of the Issues by Muslim feminists

The issues raised by the Muslim feminists are as follows:

i) Polygamy: Ban the practice of polygamy which primarily oppress women and deny their rights. Polygamy to the modern world is still a debate because polygamy is considered as unfair. The practice of polygamy is executed based on lust alone. This assumption has been made by some activists or even individuals who oppose the permissibility of polygamy. The debate about polygamy is still going strong until now. At first, the question of polygamy was seriously studied by a modern Indo-Pakistan scholar, Ahmad Khan who considered the ideal marriage in Islam is monogamy, and polygamy is only an exception in certain circumstances. He put forward three arguments from different angles; that are the laws of nature, society and religion (interpretation of the Quran).

From the perspective of natural law, biologically, men are capable of impregnate several women so there are no obstacles for them to practice polygamy. However, from a certain social angle, remarrying is considered as a crime, whet her it is done by divorcing the first wife or not. From the point of religion, Ahmad Khan interpreted the word 'fair' in verse 3 of Surah al-Nisa' as a condition which require the men to be fair in all aspects, including in matters of love. Men emotionally cannot love more than one woman with the same amount of love, hence polygamy is prohibited in Islam (Rachmawatie & Haryono, 2000: 196).

Qasim Amin (2003: 133, 139) is more likely to prohibit polygamy except under certain circumstances and that with immediate urgency, by reminding about the dangers and harms that could arise from the practice of polygamy. For Muhammad Shahrur (2000: 306-307), he stated that polygamy depends on the decision of the society. Nasaruddin Umar (2001: 283) on the other hand claimed that it is impossible for the men to do justice to all wives, despite the fact that they have tried to do so with the proposal to reject polygamy or restrict the requirements of its implementation.

A more audacious opinion on banning polygamy is the opinion which insists that Islam forbids polygamy as it seems impractical for the conditions to be met forever, thus it is also impossible for Allah to enquire an act of obedience that cannot be done. So, the order of polygamy in Surah al-Nisa' 4: 3 is the order in the form of *ÓÎÑíÉ* insult to those who practice polygamy because of the conditions which may not be met (al-Rumi, 1986: 1067-1068). Therefore, they try to formulate rules in the family law regarding polygamy, as in the statement of Fatima al-Marnisi (1996: 34): "Once the man fears that he cannot do justice to his wives, then polygamy is prohibited". The movements that support for an official ban on polygamy do not exist in the countries of Arab World only, but also in Asia, including in Indonesia and Malaysia. For example, in Indonesia, the movement is known as the Islamic Liberal Siti Musdah Mulia.

In the matter of polygamy, the knowledge of the concept of fairness is important. Abu Bakar Sahlawati's study (2003) presented that 80 percent of his respondents had a misunderstanding about the issue of justice in polygamy. The cause of this misunderstanding is the beginning of negative responses toward polygamy, where polygamy has always been portrayed as a problem in the society. The misunderstanding could also be because of the lacking in the role played by the clergy in promoting polygamy and the trend of making polygamy negative issues goes viral by mass media. Although this study focused in Selangor, but generalisation can somehow be applied to the public perception and misunderstanding of the practice of polygamy.

ii) Distribution of inheritance (*faraid*): The question of distribution of inheritance has been discussed in the Quran in several verses very clearly that it does not need to be elaborated (Atabik Luthfi, 2004). However, the question raised by the feminist is that women get only half of what men get, whereas the basic principles of Islamic law is to uphold justice and to ensure the benefits for the *ummah*. Therefore, to understand the provisions of the heir, the Quran must be understood based on the contextual and the whole contents of the text instead of textual only. Based on this contextual understanding concept, the group suggested the idea of a prorated amount in property inheritance among men and women. In order to achieve fairness in the distribution of property, the feminists urged to re-interpret the related verses in Quran. Among the context analysis approach sections is *asbab al-nuzul* that is by comprehending sentences on the issue of *al-Faraid* based on justice rather than simply looking at the number of division. For them, the division of property based on the Quran is not in accordance with the principles of justice and equality of dignity between both gender, as Islam should have drawn this aspect of human honor and dignity without distinction of race, gender, skin color or religion. This understanding of justice is stated in verse 70 of Surah al-Isra ' and verse 13 of Surah al-Hujurat (Fakih, 1996).

iii) Hijab: The issues of hijab have also been debated extensively and there are movements that reject the women in Islamic dress rules that require covering of the head and body. According to them, it is too extreme and they want new regulations relating to Islamic dress code so that Muslim women are able to get professional education and also engaged actively in public activities (Alias & Sa'ari, 2006; Ibrahim *et. al.* 2012: 112-113). For example, in Egypt, Qasim Amin in Abdul Karim Ali and Mohd Roslan Mohd Nor (2009: 45) considered the requirement for women to wear the hijab is not an obligation in Islam. In fact, he described that wearing hijab is an ancient custom that has come before Islam. He also added that hijab is an obstacle for Muslim women to progress and even contribute to immorality and bad things. Similarly, Al-Alias Abd al-'Azim views that woman's hair is not nakedness, and covering the head is really like concealing the women's senses. Thus, they considered the head of the woman is not the nakedness and covering

the head means blocking the mind. They urged women not to wear hijab because wearing it is in line with the backwardness cultural of the eastern society and not wearing it is a secret of the west society progress. While in Tunisia, Fatima Mernissi in her book 'Beyond the Veil: A Feminist Interpretation of Women's Right in Islam' criticised the hadith about hijab. Before this, Kamal Attartuk, who led the National Turkey some time ago has encouraged women to expose their *aurah*. Attartuk's action urging Muslim women to not wearing the hijab does not stop thereas he drastically enact legislation based on the western legal civil marriage on February 17, 1926 (Riduan Mohamad Nor & Adnan Ahmad Fadhil, 2009).

iv) Homosexuality: Homosexual or in Arabic *شذوذ جنسي* (Wahbah al-Zuhayli, 1997) is the men who are sexually inclined and attracted to the people of the same gender (Merriam Web-ster, 2014; Oxford Dictionary 2014) or those who are interested in their sexual urges to those of a similar kind, particularly between males (Kamus Dewan Fourth Edition). The debate on the origins of homosexuality began in the West since 1970s and it has become seriously discussed by then. There are several studies that show homosexual people have different biological characteristics. A study by Simon LeVay (1991) found a small group of neurons in the anterior hypothalamus, which is believed to control their sexual habits which is doubled from the brain scans of normal people, while Dean Hamer (1993) also found his homosexuality tend to share the Xq28 chromosome. The origin of homosexuality biologically (genetic theory) gained extraordinary attention and this has overshadowed other studies with the stand to refute. However all this research failed to clarify whether the disorder was caused by the practice of homosexuality or they become homosexual because of the disorder.

Jeffrey Satinover (1996) expressed three main arguments brought by the homosexual activists who are better known as supporters of "gay politics". Three arguments to support homosexuality are: (a) homosexuality is something biologically inherent nature, (b) cannot be changed psychologically, and (c) a normal thing for sociology. In his book, Satinover (1996) concluded that homosexual activists are not the seekers of truth, but they are more likely to justify any means to achieve their desired objectives. Through their influence of socio-political group, they successfully pressured and influenced the American Psychiatric Association (APA) to remove homosexuality from the classification in the Diagnostic and Statistical Manual of Mental Disorders. Homosexuality was previously listed as a disease that can be treated by a psychiatrist (Moberly, 1997, 30 -33).

The the idea of questioning homosexuals in Islamic law began with a study done by a group of Muslims who lived in the west, especially in the United States. It is unclear whether this idea came from the effects of the increasingly disordered western way of life, that some Muslims were influenced by this way of life, leading them to confusion and doubt, which consequently making them seeking for legitimacy from their religion to justify their actions. Some groups have expressed

the idea that Islam actually do not forbids homosexuality. According to them, there is no solid evidence that can be used as a reason and argument for Islam to ban homosexuality. These groups argue on the penalties imposed on homosexual behavior, as recorded in the books of *fiqh*. For them, the penalty is only the *ijtihad* from the jurists who were influenced by the culture of antagonism against all forms of sexual abnormalities (Muammar, 2006: 89).

Haq (2003) in the 'Progressive Muslim' book wrote an article entitled "Sexuality, Diversity and Ethichs in the Agenda of Progressive Muslims" discussed the issue of homosexuality in detail by stating that the clerics actually do not have a solid foundation in banning homosexuality. For him, the story of the people of Lut in the Quran actually contains the message of ethics but not legislation. Therefore, the interpretation of jurists who set the ban on homosexuality for him is a total misunderstanding (Kugle, 2003: 223).

Starting from the premise that people's interpretation of the text is subjective, Kugle (2003: 213-215) then argued that he interprets the verse with a different understanding. Al-Quran confirms the abuses committed by the people of Lut, and they finally accepted the punishment from Allah. However, the wrongdoings done by them were not merely homosexual act, but also the issue of people being forced to be homosexual victims. He said this was clear when they asked Prophet Lut to surrender his guests to them. Thus, according him, this forced homosexual acts on the guests of Prophet Lut that has caused the wrath of Allah. When commenting on the interpretation of al-Qurtubi who equate sodomy with adultery, Kugle (2003: 217) stated:

"One could argue with al-Qurtubi that his reading of the Qur'an is not just simple, but also erroneous, limited and misleading...one could speak of transgression in general to imply a whole range of acts that transgress the boundary of decency, righteousness, or legality".

Kugle (2003: 217) did not only reject the opinion of al-Qurtubi, but he rejected the majority view of scholars who interpret *fahisha* in the Quran as something synonymous with adultery. Instead he interpreted *fahisha* with a general interpretation that is wanton act.

Homosexual activists also argued that the absence of text in the Quran which explains the law against homosexuals means it is not included in the major sins such as adultery. This is because, for Kugle (2003), if it is a sin that can cause the occurrence of *hadd*, it is unlikely that the Quran just leaves this important issue like that without explaining the law. The absence of punishment of homosexuality in the Quran according to him, means it is not something that is forbidden (Muammar 2006: 91). M. Kholidul in Adian Husaini (2006: 126) states that there is a group of Indonesian Muslims who have fought to defend the rights of homosexuals in Islamic law dispute. They use 'freedom' as a defense to homosexuals. On this basis, the homosexual activists think that the executions, stoning and caning for adultery is actually created by the scholars without strong justification. The *ijtihad* were alleged

to have been influenced by psychological and social factors that are insensitive to homosexuals. For them, the new interpretation of the Quran should be done by 'sensitive sexuality' which refers to homosexuals (Kugle, 2003: 213).

III. METHODOLOGY OF RESEARCH

This study is a qualitative research used full content analysis method as the main source of collecting data. The content analysis is a research method that makes the focus on the message by making systematic observations of the categories chosen by the researchers. Therefore, the researchers concluded and build opinions on issues gender equality raised by Muslim feminist.

IV. DISCUSSION ON MUSLIM FEMINIST MOVEMENT IN MALAYSIA: ANALYSIS ON SISTERS IN ISLAM (SIS)

In Malaysia, the feminist movement is led by non-governmental organisations (NGOs) as well as individual representatives. The NGO that is persistent voicing out the issue of equality of rights for women is Sisters in Islam (SIS) (Nur et al, 2015). SIS which has been established since 1988, is a non-governmental organisation comprising a group of professional women who fight for Muslim women's rights within an Islamic framework. SIS highlights the importance to reinterpret the Quran and al-Hadith in historical and cultural context. It comprises of a team of lawyers, activists, academicians and journalists, including Zainah Anwar and Marina Mahathir, the eldest daughter of former Prime Minister of Malaysia. They started setting up this movement together when they had to solve the problems of Muslim women in the Syariah Court. In 1993, this movement was officially registered as a non-governmental organisation under the name SIS Forum (Malaysia) Berhad and now it is known as Sisters in Islam. Its focus is to challenge the laws and policies in the name of Islam that discriminate women. SIS was later expanded to focus on bigger issues such as democracy, human rights and the constitution.

(A) Feminist Issues Raised by SIS

Among the issues championed by SIS are as follows:

i) Polygamy: SIS is a major supporter of the ban on the practice of polygamy. Polygamous marriages are not allowed in interpretation because it is impossible for the men today to do justice to more than one wife (this interpretation is adopted in Tunisia). SIS (1990) believes polygamy has long existed in the society before the arrival of Islam and the Quran has restricted, first by limiting the maximum number of wives to four, by ordering fair treatment, and subsequently followed by verses stating that it is impossible to do justice. Although polygamy is allowed in exceptional circumstances, the main condition is the approval given willingly by the existing wife, because polygamy as mentioned in the Quran is about the

welfare and for the benefit of women and children, and not to give an advantage to man. SIS (2002) asserts that Islam does not create or encourage polygamy. Unlimited polygamy was once the existing practice in the days before the Qur'an was revealed. The verses of the Qur'an in relation to polygamy are clearly restrictive and not favorable of the matter.

ii) Hijab: SIS (2000) when discussing the topic of *aurah* of Muslim women, they affirm the concept of decency and modesty (modesty) is in line with the argument from verse 26 of Surah al-'Araf:

Meaning: O children of Adam! We have bestowed upon you clothing to conceal your private parts and as adornment. But the clothing of righteousness - that is best. That is from the signs of Allah that perhaps they will remember.

According to the interpretation of SIS, although this verse mentioned clothes to cover themselves, they highlighted "clothes of righteousness is the best", as the most important in that verse. While in terms of modesty in clothing, SIS argues by using verse 31 of the same *surah*. Allah says in Surah al-'Araf verse 31:

Meaning: "O Children of Adam! Put on your adornment on every occasion of prayer, and eat and drink, but do not waste; indeed He does not like the wasteful".

SIS regards modesty in Islam requires its followers to cover all that are 'disgrace' which is the private parts that cannot be deliberately exposed. Based on their understanding, these two verses 26 and 31 of Surah al-'Araf, show that Islam instructs its followers to cover their disgrace or sins. SIS also added that what is more significant that can be understood from these two verses is the Quran has emphasized on the importance of piety as compared to the extent of clothes that cover our bodies (Sisters in Islam, 2000; Mazlan Ibrahim *et al.*, 2012).

iii) Distribution of Inheritance: According to SIS, the distribution of inheritance according to the concept of *faraid* has to be reviewed. This does not mean that SIS rejects the *faraid* concept. There are other concepts that can be used to ensure fairness in the distribution of the estates. Giving more to a male heir in *faraidis* related to their duty to support the women. In situations that men do not carry out these responsibilities, a method for the balance needs to be provided. One way is to accept the opinions of the scholars who approve that the will can be made to modify the heir, as long as its purpose is to ensure fairness in the family, and not to burden any of the individuals involved. It should also be noted that the verses of the Qur'an about inheritance are derived to benefit the women - in the days before that when the properties were inherited by men only. If the recommendations about equality and balance of the rights of men and women are accepted, only then equality rights of both husband and wife on the property can be allocated respectively. The concept of gender equality should not be abused to oppress and add more burden on women by reducing the traditional rights of women and give new rights to men (Sister in Islam, 1999).

iv) Nusyuz: According to Nik Noraini (2001), one member of SIS said nusyuz should be seen as not only from the point of default of the wife to the husband, but the damage to family harmony by either husband or wife. The concept of nusyuzis applicable to both husband and wife, and it does not contradict with the principles of Islam because the Quran also uses the term nusyuz to refer to both spouses; namely wife (Surah al-Nisa' 4: 34) and husband (Surah al-Nisa' 4: 128).

V. CONCLUSION

Feminist issues in general was developed from a wrong interpretation of the verses of the Quran as the feminists only emphasise on the social conditions of the society, namely women. They have laid the foundation for the plight of women who are oppressed by the law that has been prescribed to humans. Therefore, they desperately reinterpret the verses of the Quran by using different methods, that focus on the social situation of women by denying the methods used by *mufassirin*. Whereas, if viewed from the perspective of equality, it clearly indicates that the issues brought up by the feminist groups are issues that are almost identical in Islam like polygamy, inheritance, nusyuz and hijab. They have clearly opposed the law that was prescribed to the Muslim despite the existence of the Quran verses that are *qat'i* about these issues. Indeed, SIS Malaysia also has fought for the same issue for the sake of Muslim feminists around the world. Consequently, Selangor Fatwa Committee dated 17 July 2014 has issued a fatwa that SIS is deviating from Islam.

The implication of the study shows that feminist issues were not based on true interpretation of Quran. Therefore Muslim community should equip themselves with Islamic fundamental knowledge, especially the knowledge of religion. In addition, they also must understand and embrace their responsibilities to God, self and society. Once they have been equipped with the Islamic knowledge and faith, it is difficult for them to be oppressed and treated by the elements as what has been voiced out by the feminists such as SIS, as they are aware on what to do to overcome the problem. If they happen to deal with thoughts which are contrary to Islam, al-Qaradawi (1994) reminds Muslims to refer to the methodology of Islamic sciences comprehensively as a guideline before making new formulation of ideas.

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