

# Islam Beyond Patriarchy Through Gender Inclusive Qur'anic Analysis

*Amina Wadud*

To consider Islam beyond patriarchy I direct our attention to the Qur'an and the Prophet Muhammad as the two primary sources of Islamic thought and practice. I start with a few appropriate quotations, followed by some commentary on how these might assist us in our goal of ensuring equality and justice in Muslim family laws and practices.

The Qur'an and the *Sunnah* are considered the primary sources for understanding *Shari'ah* and for the development of Islamic jurisprudence (*fiqh*). Muslim scholars, who were human agents, developed *fiqh* as a comprehensive field of study in order to help Muslim societies become more just and equitable. We should likewise continue to engage in the process of establishing just and equitable societies given our new experiences and current realities (*al-waaqiyyah*). This includes new ideas about justice and about the valuable roles played by women as individuals, as members of the family, and as public servants in Muslim civil societies today. What is uppermost is the belief that Islam is a fair and just way of life (*din*).

As a system of civil construction, *fiqh* also has complex secondary sources like *qiyas* and *ijma'*. While it is also important to illuminate the significance of these, I will focus less on the formation of positive law and more on the ethical nuances of legal reasoning, especially regarding reform. There is an intimate and crucial relationship between ethics, this process of reform and the sacred texts (*al-nusus*). My comments are focused on ethical theory in relationship to praxis and on ideas about the relationship between each person and Allah as well as

relationships within Muslim communities. I take as given that the Qur'an is the word of Allah revealed to Prophet Muhammad.

## **I. Equality in Creation, the Hereafter and the Life In Between**

There are three significant stages of human development as revealed in the Qur'an: Creation, the Hereafter (*al-akhirah*) and all of life in between. In considering reforms, what concerns us most is how life is lived in between (*'aalam al-shahadah*). However, it is important to set a framework based upon the other two realms, or *'aalam al-ghayb*, because the Qur'an emphasises the relationship between these two realms (*'aalamatayn*). What human beings are expected to do here in the *dunya* (this world) is related to what we believe about the nature of Allah, His creation, and the ultimate outcome of our actions in the *al-akhirah* (the afterlife), as well as to what we consider to be human nature.

### **i. Creation**

Oh humankind have *taqwa* before your Lord Who created you (all) from a single soul and created from it, its mate, and spread from the two countless men and women. (*An-Nisa* 4:1)

Starting with *nafsin wahidah* (the 'one soul') and *zawjaha* ('its mate'), we eventually move to all of humanity: *rijaalan kathiran wa nisaa'* ('countless men and women'). This means that plurality is part of the Qur'anic scheme, or of the divine design. The significance of the idea of plurality is more relevant at this time in human history than at any other time, because the world is clearly interconnected through its technology and sciences. The significance of one human life clearly affects other

human lives. Therefore, we must think and act in ways that indicate our awareness of the interrelationship between all human life and creation as a whole. The choices made about, for example, nuclear weapons, oil reserves, the way we understand and maintain family, or the way we understand what it means to be a human being and to achieve human excellence—all have an effect on others whether male or female, Muslim or non-Muslim. The foundation for the idea of pluralism is already a part of the Qur'anic worldview. The ways that we participate in and transform Muslim societies, laws and cultures through the Qur'an in the face of a more complex global reality are already foretold in the text:

Oh human kind, We created you from male and female and made you into nations and tribes so that you might know one another. Verily the most noble of you in the sight of Allah is the one with the most *taqwa*. (*Al-Hujurat* 49:13)

How does a world so interconnected manage to maintain excellence in character rather than be abased to the lowest of the low (*At-Tin* 95:4-5)? *Taqwa* is the key Qur'anic term for moral integrity as described in *Al-Hujurat* 49:13. This verse first takes note of both male and female, explicitly, as part of the creative design. That is how Allah created us: *min kulli shay'in khlaqnaa zawjayn* ('all created things are in pairs'); *al-dhakar wa al-'untha* ('the male and the female') (*Adh-Dhariyat* 51:49; *An-Najm* 53:45; *Al-Qiyamah* 75:39). This cosmology of creation in pairs has an important corollary in every aspect of human interaction and in social communities. Therefore a balance must be struck within each level of society from the most private sphere (in the family) to the public arena of governance and public policy. Therefore both the male and the female must be considered responsible for the formulation of laws and policies and be equal beneficiaries of the justice inherent in those laws and policies. Finally, the notion of plurality is again repeated in this

verse with the words ‘nations and tribes’, which are intended ‘to know one another’. The form of the verb used here, *ta’arafu*, is a reciprocal form that leads to *mu’awadhah*, or reciprocity between self and others, a term I will return to at length below. The ultimate criterion for making judgements between human beings is on the basis of *taqwa*, or a certain kind of moral integrity in mature human agents.

As mature and responsible human agents, we are able to choose between what is good and just and what is evil and oppressive (*zulm*). This is part of human free will. We can exercise this free will any way we want. However, although we are completely free to exercise this will any way we want, the judgement for how we choose to act on this free will lies completely outside of us—it lies with Allah. Allah is the ultimate judge. Allah sees and knows all things, whether in the public arena or in the private sphere, such as in the home. Therefore these two spheres of human interaction are not intended to require two separate ways of behaving. **The level of just and fair behaviour in the public space is neither greater nor less important than the level of just and fair behaviour in the home.** Both spaces demand of us moral excellence or *taqwa*.

It is self-evident that the development of fair and just laws requires a harmonious balance between public and private spaces, between women and men, as well as between responsibility and benefits. An example of imbalance or injustice common today is that Muslim women experience a dichotomy in their role with regard to the law. They are considered morally responsible subjects of the law without being considered equally as creators of the law. *Taqwa* is considered in the Qur’an as the ultimate criteria for the judgement of all human worth, but women are often socially conditioned to demonstrate *taqwa* by being subservient and silent, while men are encouraged to demonstrate *taqwa* through social activism, intellectual contributions and formation of the laws. One of the simplest ways to reform the law in accordance with the ethics of the Qur’an may be to encourage active and equal public

participation by both women and men, especially in legal and policy reform, so they are equally able to express their *taqwa*.

I make one more point here about the Qur'an and human creation. When the Qur'an says, *Inni Jaa'ilun fi-l-'ard khalifah* ('Indeed, I will create on the earth an agent or trustee') (*Al-Baqarah* 2:30), we know that humankind is meant to live out its destiny here on earth, *fi-l-'ard* (*Sad* 38:26). The way in which we fulfil our destiny is through *khilafah*, or moral agency. Human beings are created to be moral agents. There is no distinction made between male and female in terms of this divine mandate. Thus each and every one of us is held accountable for what we do in our lives. Most importantly, as *khalifah* (moral agents) we are trustees of Allah, entrusted to fulfil Allah's will on earth. The choice to do good deeds and to uphold justice is part of our *khilafah*. It is best carried out by *taqwa* or the awareness that although we are free to choose how we behave, we will be inclined to choose to follow Allah's will since that is the best choice. It is the choice that helps humankind to fulfil its destiny as *khalifah*. To show our *taqwa* and fulfil our agency we must do justice here on earth. Justice on earth means to establish human relationships of equality.

## ii. The Hereafter

I refer to only two verses about the Hereafter, because the Qur'an consistently cites both man and woman as morally responsible—promising reward or punishment for both based upon their faith, actions and intentions, whether they act alone, in the family, in the community, or in the wider world. For example,

Whoever does a good deed, whether male or female, and is a believer,  
all such shall enter the Garden... (*Ghafir* 40:40)

And remain conscious of [the coming of] a day when no human soul shall in the least avail another soul, nor shall intercession be accepted of them, nor ransom taken from them [for or from another] and none shall be helped. (*Al-Baqarah* 2:48)

These Qur'anic verses clearly emphasise moral responsibility and the certainty of reward or punishment for both man and woman. No human soul (*nafs*) will be able to gain any benefit from or lose any virtues because of another human soul. Judgement is on the basis of the individual's faith and actions on earth that follow from that faith, with regard to each other and to all humanity at large.

## **II. Challenging Patriarchy with Reciprocity**

Patriarchy is older than the history of Islam and the life of the Prophet Muhammad. Like other religions, Islam addressed the existing patriarchal norms, taking them for granted. However, the Qur'an introduced what is best understood as a trajectory to move the believer, as a person and a member of a just social order, beyond patriarchy. We can therefore ask whether this trajectory was followed. After the revelation was given to the Prophet Muhammad, to what extent did Muslim thinkers and members of Muslim societies move beyond this patriarchy in historical and intellectual terms, as well as in community and cultural practices? Did Muslims succeed in fulfilling gender justice to the extent required by the trajectory set forth in the Qur'an?

Today we face a dual mandate. From within, we must address the persistent sub-standard status of women under Muslim laws and in Muslim cultures, countries and communities. At the same time, we must also challenge notions from outside Muslim cultures that Islam is not competent to participate fully in global pluralism and universalism and to

meet the demands for democracy and human rights. We are more than competent, and we are addressing these issues from within an Islamic framework. In this way, we can overcome patriarchy and move towards more egalitarian notions and practices in Muslim civil society, whether in Muslim majority nation states or as Muslim minorities in the diaspora of North America and Europe.

In his book, *The Web of Life: A New Scientific Understanding of Life Systems*, Fritjof Capra describes a paradigm shift that began almost 100 years ago that has been important to overcoming deep-rooted, patriarchal ideas about the inequality of women. 'This paradigm shift consists of a number of entrenched ideas and values, among them ... the belief that a society in which the female is everywhere subsumed under the male is one that follows a basic law of nature.'<sup>1</sup> In response to the old patriarchal paradigm, a new notion has emerged in which domination is replaced by partnership. Such a partnership was missing in the patriarchy of the past, whether practised by Muslims or non-Muslims alike.

Patriarchy is two pronged. It has both the idea and the practice of gross hegemony in the private and public spheres. Patriarchy is not just about men, it is about persistently privileging one way of doing things, one way of being and one way of knowing. That way of knowing stems from notions about how the public space operates, based almost entirely on the way men have acted in that space, and the common perception that public space has greater significance than private space. However, according to the considerations discussed above, the requirements of *taqwa*, or moral excellence, are the same in both the public and private spheres. There is no double standard that excludes women from equal participation in the public sphere or requires participation in the public sphere only in the way that men have participated. Likewise, men are not excluded from equal participation in the private space, but are awarded equal worth for those contributions. The answer to patriarchy is neither that women should rule over men nor that women must do what men

have been doing; instead, we move from domination to partnership. Therefore, the answer to patriarchy is best understood with the term *mu'awadhah*, or reciprocity.

Reciprocity is a fundamental moral value found in various religions, cultures and philosophies and is exemplified by the 'Golden Rule of Reciprocity'.<sup>2</sup> It is a universal ethical principle that articulates a right to just treatment and a responsibility to be just to others. The teachings of Islam provide many sources and examples on the ethic of reciprocity, or *mu'awadhah*.<sup>3</sup>

*Mu'awadhah* comes from the root form *waw*, *'ain*, *dhad*. *Iwaadhah* is a legal term denoting reciprocal responsibilities or substitution (the origins of this term, according to the Hans Wehr Modern Arabic Dictionary). The term *mu'awadhah* has been used in Muslim contexts to refer to Islamic financial transactions.

In this paper, I define *mu'awadhah* to mean a relationship of reciprocity between individuals. It consists of two components: 1. mutual knowing of one another (what the Qur'an refers to in *Al-Hujurat* 49:13 as *ta'arafu*; and 2. mutual support of each other as individuals, in the family and in the community at large. Community is not restricted solely to local communities, but is taken to encompass the whole of the Muslim *ummah* as well as the entire earth, *al-'ard*. We are responsible for the effects of all our actions upon Muslim and non-Muslim alike. This notion of pluralism is one that asserts moral responsibility on our all actions towards humankind. This falls under the *Shari'ah* term *mu'amalat*, social actions or actions reflecting social justice. At the deeper level of personal self-introspection (*muhasabah*), this also means taking into account the effects of one's actions on others. This is because patriarchy is a kind of *shirk* (ultimate violation of divine unity), stemming from the Satanic notion of *istikbar* (thinking of oneself as better than another), as illustrated in the following Qur'anic story on the creation of humans.

*Surah Al-A'raf* narrates that *Iblis* (Satan) refused to bow down with the angels before the first human soul (Adam). He said, *Ana Khayran minhu. Khalqatani min naar wa khalaqatahu min Tin* ('I am better than him, You created me from (smokeless) fire and You created him from an atom of dirt') (*Al-A'raf* 7:12). This attitude is regarded as *istikbar*—considering oneself as better than another, rather than obeying the will of Allah and acknowledging the necessary interconnection between all humans. *Istikbar* leads to all practices and systems of oppression, including the historical worldview of patriarchy. The practices of *istikbar* stem from the idea that no matter what men do, it is better than whatever women do. The continuation of this patriarchal logic is that men always do better than women in certain things and women always do better than men in certain other things, but these are always separate or 'complementary' and not interrelated. The idea that men are superior reduces women to a subordinate status.

Many people—both women and men—have often been acculturated into accepting this false notion of male superiority and thereby disregarding equality rather than seeing it as essential to their creation, to the *akhirah* and hence to all of life in between. As such, there is a long history of Muslim practices that are based on a double standard. One standard of behaviour is applied to men, and another standard, which views women as having a subordinate status, is applied to women.

To grow beyond these attitudes and structures of inequality we have to move towards reforms that acknowledge the equal significance of women's creation, women's ways of thinking and being, and their equal responsibility in judgement. We can do this by establishing a system of social justice that practices *mu'awadhah*, relations of reciprocity and equality between women and men. This system would acknowledge both women and men as competent contributors in both the private and the public spheres of activities. Such a system would encourage women

and men to excel in whatever they do and would not restrict them to one sphere over another. This would encourage people to believe and do good deeds in all spheres rather than placing undue constraints on themselves based on gender roles. In this way, the multiple competencies of the persons who perform these good deeds can be emphasised over and above the gender of those who perform them. The basis of this reciprocity is central in Islam under the rubric of *tawhid*.

### **III. Beyond Patriarchy and Towards Gender Reforms**

The way to move beyond patriarchy is twofold: *taqwa* at the level of the individual and *tawhid* at the level of social praxis and the legal codes of jurisprudence (*fiqh*). Again, the inspiration for such a movement can be taken from the Qur'anic ethos, which was also a central tenet in the statements of the Prophet Muhammad. The texts (*al-nusus*), especially the references where women and men are acknowledged as equal, provide a source for the concept of equality as an essential component of Muslim family laws and relationships. These are the foundations on which the necessity and possibility of reforming existing family laws can be built, taking into account the Islamic perspective, human rights principles and the lived realities of women.

Indeed, men who surrender to Allah and women who surrender, and men who believe and women who believe, and men who obey and women who obey, and men who speak the truth, and women who speak the truth, and men who persevere in patience and women who persevere in patience, and men who are humble and women who are humble, and men who give in alms and women who give in alms, and men who observe the fast and women who observe the fast, and men who guard their modesty and women who guard

their modesty and men who remember Allah much and women who remember Allah much, Allah has prepared for them a forgiveness and a great reward. (*Al-Ahzab* 33:35)

This verse sets the obvious framework in the Qur'an for equal and reciprocal moral relationships and responsibilities of women and men. The life between Creation and the Hereafter entails mutual duties and responsibilities, as well as *mu'awadhah* (reciprocity) in the thoughts and practices of both women and men. As a historical text, the Qur'an was revealed in the context of seventh-century Arabian patriarchy and anarchy. In its effort to reform society, the Qur'an addressed social, political, economic and moral imbalances, offering a model of greater reciprocity and explicit statements regarding reforms to the realities of women's lives. Had this important Qur'anic trajectory been fully maintained over the last fourteen centuries, the situation of Muslim women in most contexts globally would be far improved from what it is today. The foundational idea of gender equality, then, is derived from the Qur'anic worldview. Therefore, all discussions of equal human rights for women have their confirmation in this Qur'anic worldview.

*Qala rasulu-Lah (saw) Inna li-rabbi ka 'alayka haqqan wa li-ahlika 'alaka haqqan wa li-nafsika alaka haqqan, fi'ti kulla dhi haqqan haqqahu.* (The Prophet Muhammad (*saw*) said, 'Indeed, your Lord has certain rights over you, and your family has certain rights over you and your own soul has certain rights over you, so give to each according to the rights that are due.')

 (*Sahih Bukhari* 3.189)

This *Hadith* is significant as it recommends that the way to fulfil the rights that Allah (*rabbika*) has over us, as human beings, is to fulfil the other two rights. The first relates to our relationship with others. The word *ahl* can either refer in a limited way to our immediate families or, in

more universal terms, could mean the family of humankind. This means that we should work in concert with others besides our own selves. The second concerns the rights that we should fulfil for our own souls.

This *Hadith* reminds us of the necessity of balancing how we fulfil the rights of others in the family or community, how we fulfil the rights due to our own souls, and how we fulfil that which is due to our Lord. This challenges the common notion that a Muslim woman's only role in her family is self-sacrifice and serving the needs of others, no matter how great the sacrifice. In patriarchy, women's labours of love and caretaking in the family tend to be exploited, as though such labours flow from some biological predisposition of being female, rather than as reflections of an intense kind of agency. For some women, this tendency can make the private sphere a kind of prison from which they may not escape lest they fall under the judgement of being less than truly or ideally female. For others, it becomes a double bind, because they must fulfil the role of primary caretaker in the home while also competing in the public sphere for wages. Moreover, that public sphere is generally defined along the lines of what men do, and those men often rely on women to take care of their families at home. The *Hadith* quoted above demands a balance for both women and men to serve themselves, serve each other and their families and communities, and serve their Lord.

Finally, in terms more specific to our intimate family relationships between women and men, the Qur'an says:

Among His signs is that He created for you from your own selves, partners, that you might dwell with them in tranquility and has made affection (*muwaddatan*) and mercy between (these partners). Indeed in that is a sign for those who reflect. (*Ar-Rum* 30:21)

The relationship between the married couple as described here is extremely gentle. *Muwaddatan* as affection also means mutual love

and intimacy. This is not a relationship of competition, violence, strife or hierarchy. It is impossible to have reciprocal terms in the family unless these start with the fundamental relationship between the married couple.

**In place of domination, we have partnership. In place of competition, we have cooperation.** These are all aspects of *mu'awadhah* and here the Qur'an explains it in even more intimate terms with the words *muwaddatan bayna al-rajul wa-l-mar'ah* ('mutual love between the man and the woman').

The traditional model of the family enshrined in Islamic legal thought is one based on a relationship of domination such that a man is only and always viewed as *qawamun*: responsible, and, in some interpretations, superior. As a result, the woman can only and must always be subject to, inferior to and therefore dependent upon, the man. Although this resembled the practices at the time of revelation, it is a patriarchal model irreconcilable with women's agency and integrity in the present circumstances. Women have made and will continue to make valuable contributions in all areas, private and public, and these realities must be reflected in the reform of laws and policies to acknowledge women's valuable contributions and full human agency. The only model which exemplifies this integrity is one based upon mutual love and respect and which is implemented in terms of full equality.

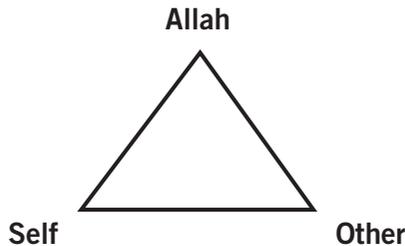
#### **IV. The *Tawhidic* Paradigm of Reform**

What makes a difference in today's consideration of Muslim personal status laws or family laws is the relationship between women as actors and agents both in matters of interpretation (*tafsir*) as well as in matters of jurisprudence (*fiqh*). In this paper I describe the legitimacy of women as actors and agents on the basis of Qur'anic analysis. In particular, the goal has been to shed some light on how women and men must form an

active partnership in both the legal or policy realms and in the family, in the name of Islam and justice.

The main inspiration for looking at this role of cooperation comes from the notion of *tawhid* as implemented at the level of social praxis and in human relationships. At its most fundamental level *tawhid* refers to the oneness of Allah. Allah is one and unique. The word *tawhid* comes from the second form of the verb, *wahhada*, and is a dynamic term, emphasising the divine power to bring all things into unity or harmony. This harmony I have already spoken of as *mu'awadhah*, or mutual reciprocity, cooperation and interdependence. Its relationship to *tawhid* is the final point I wish to consider.

A fundamental idea in Islam is that Allah is the greatest. *Allahu akbar*. Added to this, the Qur'an makes it clear that whenever two persons are together, Allah makes the third, or when three are together, Allah makes the fourth and so on (*Al-Mujadalah* 58:7). Taking into consideration that Allah is always present, the relationship of *mu'awadhah* can be described as horizontal reciprocity that looks like the following diagram:



As long as Allah is the greatest and is unique, according to *tawhid*, then there can be no other relationship between any two persons except the one of horizontal reciprocity. The horizontal plane is mutually cooperative because the role of the one can be exchanged with the role of the other with no loss of integrity.

In the patriarchal framework, man is superior to woman, which can be seen as a relationship on a vertical plane:



This is how patriarchy is a kind of *shirk*. It places men and women in a relationship that is not capable of reciprocity because one person is always ‘superior’ to the other. Under *tawhid*, this is not possible, because the presence of Allah must remain as the highest focal point. Since a new axis is formulated wherever and whenever Allah is present, **and Allah is always present**, then no one can hold the upper level without violating *tawhid*.

## V. Conclusion

At the practical level what is at stake is bringing the experiences of Muslim women to the discourse. We empower women’s voices, women’s experiences and women’s ways of knowing as equally important contributions to the lived realities of Islam. Women’s experiences become central for formulating all policies and practices related to them. In Islam, both women’s and men’s agencies are central—women cannot be relegated to a subordinate status. Women are competent to be major contributors to the laws that govern the personal, professional and spiritual lives of all citizens, in the contexts of the modern Muslim nation state and within the complex realm of today’s global pluralism and the mandates for democracy and human rights.

Muslim nation states and the global arena are seeing rapid changes, interconnections and cross discourses about human rights, women's human rights, Islamic human rights and pluralism. It is important that Muslim women and men take leading roles in assessing what these will mean in the context of our cultures, our countries, and our *din, al-Islam*. It is also important that we see these new links with the traditional sources in such a way as to transform and augment what is foundational on the basis of enduring principles and values. Otherwise, we fall prey to the blind following (*taqlid*) of traditions. We also need to make careful examination of the impact of our actions in preserving what is good and prohibiting what is evil (*'amr bi-l ma'ruf wa nahyi 'an al-munkar*). Here, *ma'ruf* is the key term for 'universal', referring to that which is self-evident and good. In respect to family laws, new policies are needed that take into account women's real experiences and potentialities as part of the full human agency to fulfil the will of Allah in light of *tawhid* and in order to bring about greater cooperation between individual members of the community.

## Notes

- 1 Capra, *The Web of Life*, p. 6.
- 2 K ng, 'The Globalization of Ethics'. Confucius was the first to formulate the Golden Rule of Reciprocity: 'Never impose on others what you would not choose for yourself.' Through the spread of Chinese culture, the concept of ren and the Golden Rule spread throughout the vast Chinese-influenced area that reaches from Central Asia to Taiwan and from Korea to Singapore.

This Golden Rule, however, also appears in the Indian tradition. In Jainism, it is stated as: 'A man should wander about treating all creatures as he himself would be treated.' In Buddhism: 'A state that is not pleasant or delightful to me must also be so to him; and a state that is not pleasing or delightful to me, how could I inflict that upon another?' In Hinduism: 'One should not behave towards others in a way which is disagreeable to oneself. This is the essence of morality.'

This 'Golden Rule' can also, of course, be found in the Abrahamic religions. Rabbi Hillel (60 B.C.) said: 'What is hurtful to yourself do not do to your fellow man.' Jesus worded it positively: 'So in everything, do to others what you would have them do to you.' Islam, too, has a similar concept: 'None of you believes until he wishes for his brother what he wishes for himself.'

For more on the existence of the 'Golden Rule of Reciprocity' in 21 religions, see <http://www.religioustolerance.org/reciproc.htm>.

- 3 'None of you [truly] believes until he wishes for his brother what he wishes for himself' (from Al-Nawawi's Forty Hadiths). 'Woe to those who ... when they are to receive their due from [other people], demand that it be given in full, but when they have to measure or weigh whatever they owe to others, give less than what is due.' *Al-Mutaffifin* 83:1-3.

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