# WOMEN'S RIGHTS: THE QUR'ANIC IDEALS AND CONTEMPORARY REALITIES

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Abstract: This article is a study of the rights of women in Islam in comparison with the status of women in the contemporary Muslim world. Men and women in Islam, regardless of their age, social class and education, are equal as citizens and individuals, but not identical, in their rights and responsibilities. It suggests that, in the early age of Islam, women were given full confidence, trust and high responsibilities in leadership, educational guidance and decisionmaking. But this Islamic empowerment of women bears little relation to the real condition of women in modern Muslim societies. Women suffer the most in the MENA and other conflict-ridden regions from insecurity, domestic abuse, low access to education and medical care. The absence of good governance also results in gender inequality and violation of the rights of women. Without good governance, the status of women is not likely to improve. Muslim women have a potential to play a fundamental role in curbing corruption, social ills, violence and crime in the Muslim world. Therefore, in order to achieve stability and prosperity, the government must ensure a platform for women to participate in decision-making and benefit from the rights they are accorded in Islam.

#### Introduction

The status of women in society is neither a new issue nor a completely resolved one. Many studies have been done in this field from different perspectives. They generally suggest that, in ancient civilisations, and even until the late nineteenth century, a woman was seen as a property of her husband. She did not have any rights to own assets or exercise any civil or public positions; could not be a witness, surety, tutor, curator, could not adopt or be adopted, or make will or contract. In the late eighteenth century, the question of women's rights became central to political debates in Europe, particularly in France and Britain, Throughout nineteenth century, European women were granted the rights of employment, vote and property. Yet, even today, despite the hue cry for equality and human rights for all, violence against women is prevalent. Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. As the United Nations Human Rights Council reports, violence against women in our days takes a dismaying variety of forms, from domestic abuse and rape to child marriages and female circumcision. All are violations of the most fundamental human rights.

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly. The Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights. It entered into force as an international treaty on 3 September 1981 and its implementation is monitored by the Committee on the Elimination of Discrimination against Women. Yet, discrimination against women continues to grow, particularly in war affected regions. In a statement to the Fourth World Conference on Women in Beijing in September 1995, the United Nations then-Secretary-General, Boutros Boutros-Ghali, said that violence against women is a universal problem that must be universally condemned.<sup>1</sup>

The main focus of this paper is in line with these studies. Yet, it gives more emphasis on the comparison between the ideal, presented by the Islamic sources and practiced in the early years of Muslim history, and the current reality of women's rights. Most of the contemporary scholars with a proper knowledge of Islam concur that it was Islam that empowered women for the first time in human history with the most progressive social, legal, economic and political rights since the seventh century. William Montgomery Watt, for example, suggested that Muhammad, the Prophet of Islam (pbuh), "can be seen as a figure who testified on behalf of women's rights." Yet, women in the contemporary Muslim world are suffering most from insecurity, war, domestic and cultural abuses, low access to education and medical care.

## Women in the Light of the Qur'an and Sunnah

The Noble Qur'an and the Sunnah of the Prophet of Islam, Muhammad (pbuh), indicate equity and parity between men and women although their functions in marriage, family and society are not identical. The Qur'an emphasises that God in His perfect wisdom has created all species in pairs, and so men and women have been created of the same species; as it is stated that: "He created you from a single being; then of the same kind made its mate" (al- Zumar 39:6). In the chapter of al-Nisā', Allah Almighty also said that: "O mankind! Fear Allah Who created you from a single person [Adam], and from him [Adam] Allah created his wife [Hawwa], and then from both of them, He created many men and women spread [all over the world]. And fear Allah through Whom you make claims [of your mutual rights]. And do not cut-off the relations with your blood relatives. Indeed, Allah is All-Watching over you" (al-Nisā' 4:1).

According to Islamic view, men and women complement each other and are a means of mutual fulfilment. Family life is not based on formal hierarchy of rights and responsibilities, but the basis for husband-wife relationship in

Islam are: sakīnah (peace, restfulness, honour), muwaddah (affection), raḥmah (forgiveness, grace, mercy, compassion) and rufq (gentleness). In his Last Sermon, Muhammad (pbuh) said:

O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under Allah's trust and with His permission. If they abide by your right then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers. And it is your right that they do not make friends with any one of whom you do not approve, as well never to be unchaste.<sup>3</sup>

The passages from the Noble Qur'an confirm that woman is completely equated with man in the sight of God in terms of her rights and responsibilities. It is clearly stated that: "Every soul will be (held) in pledge for its deeds" (al-Muddathir 74:38). In another occasion, the Qur'an articulates that: "Whoso does good, whether male or female, and is a believer, these will enter the Garden; they will be provided therein without measure" (al-Mu'min 40:40).

Accordingly, men and women are spiritually akin one to another, and are equally the recipients of God's favours and bounties in this life and they will be equally rewarded in the hereafter. On the economic aspect, Islam dictated the right of woman to independent ownership, which she had been completely deprived before the rise of Islam and even after in many societies up to the early twentieth century. A woman's right to her money, real estate and other properties, whether she is married or single, is fully acknowledged in Islamic law. She maintains her full rights to buy, sell, mortgage or lease any of her properties. Also, there is no ruling in Islam, which forbids woman from seeking employment although Islam regards her rule in society as a mother and a wife as the most sacred and essential ones. Moreover, there is no restriction on benefitting from woman's skill and knowledge in any field.<sup>4</sup>

There is no textual ruling in the Qur'an and in the Sunnah of the Prophet (pbuh) and in the consensus of scholars ( $ijm\bar{a}$ ), to deprive women of public and political rights as well.<sup>5</sup> According to Mohammad Hashim Kamali, during the time of the Prophet (pbuh) and the early years of Islam, women were not excluded from public life, and any restrictions that were subsequently imposed on them were partly due to circumstantial developments that did not command normative and undisputed validity in the Shari'ah.<sup>6</sup> There was a long line of women scholars and activists who attained high positions and were renowned for their excellence as scholars, social workers, public figures, educators during the time of the Prophet (pbuh) and during the next generations, when

Islamic civilisation was flourishing. Let me bring only a few examples in this occasion.

During the life time of the Prophet Muḥammad (pbuh), along with the men, women were assigned to the principal administrative posts. The Prophet appointed a woman, called Samrā' binti Nuhaik Al-Asadīyyah, as a muhtasib (market inspector), to regulate commercial activity and guard public interest; and she was kept at her position during the rule of the first two caliphs. Caliph 'Umar ibn Al-Khaṭṭāb appointed to a position of market inspector and manager another woman, Al-Shifā' (Lailah) binti 'Abdullah, who was well-known and highly respected in the community for her knowledge, piety and morality.

Moreover, 'Āisha bint Abī Bakr, the beloved wife of the Prophet (pbuh), played a key role in the growth, development, and understanding of Islam. She transmitted a great amount of knowledge learned from Muḥammad (pbuh) and is considered as the best scholar on the role of women in Islam. Being a role model to a significant amount of others added to her attributions as a consultant regarding Muhammad's (pbuh) prayer and practices, soon she introduced herself into a world of politics. In the Battle of the Camel in 656 CE, for instance, 'Āisha participated by giving speeches and led an army on the back of her camel.<sup>8</sup>

The next example of scholarly excellence at the generation of the  $t\bar{a}bi'\bar{n}n$  ('followers') is 'Amrah bint 'Abd al-Raḥmān, the pupil and secretary of 'Āisha bint Abī Bakr. With her extensive knowledge, 'Amrah was considered an authoritative voice of ḥadīth and overrode many other male scholars during that period. The renowned Umayyad caliph 'Umar Ibn 'Abd al-'Azīz (r.717-720 CE), a great scholar in his own right, said that no one remains alive, who is more learned in the ḥadīth of 'Āisha, than 'Amrah. Later in her life, she was classified as a judge (').

'Āisha, the daughter of an eminent ṣaḥāba, Sa'd ibn Abī Waqqās, was well learned in Islamic sciences to the point that a number of famous jurists and scholars on ḥadīth, including Imām Mālik, Ḥakīm ibn 'Utaybah and Ayyūb al-Sakhtiyanī, were her pupils. Imām Shāfī'ī' also studied 'ilm al-ḥadīth in Egypt with a woman from the descendent of the Prophet (pbuh), Sayyida Nāfīsa bint Al-Ḥassan ibn 'Alī ibn Abi Ṭālib, one of the leading scholars of that time.

Accordingly, women were actively engaged in public, political, economic and educational spheres of the early Islamic society. Appointment to the influential posts was based on qualifications and skills of the individual, and not on his or her gender. The subsequent subchapters of the paper provide a survey of political rights of women throughout Islamic civilisation.

#### Women as Citizens of Islamic Governance

Respect towards all human beings, regardless of their gender and social status, is the primary rule in Islam. As citizens of Islamic governance, men and women are afforded with equal protection and security. Any fair examination of the teachings of Islam into the sources of the Sharī'ah and history of Islamic civilisation will definitely find clear evidences of women's equality with man on political sphere too, what we call today 'political' or 'citizenship rights.' Along with male citizens, women enjoy at least six basic rights under the Islamic government: the right to vote; the right to nomination for political office; the right of consultation in the affairs of the government; the right to express an opinion on political matters; the citizen's right not to obey a deviant ruler; and, lastly, the right to health, welfare, occupation and education.<sup>9</sup>

Every citizen of an Islamic polity is entitled to participate in the election of the ruler and other representative government bodies. The Prophet (pbuh) received the pledge of alliance (*bay'ah*) from both men and women on at least two or three occasions, the first two of which are known as the First '*Aqabah* and the Second '*Aqabah*, and the third as *Bay'at al-Ridwān*.<sup>10</sup>

In addition, the citizen of an Islamic polity enjoys the right to criticise and to express his or her opinion on the conduct of government as well as political matters. This right is manifested in the prominent Qur'ānic principle of *ḥisbah*, which means promotion of good and prevention of evil (*amr bi'l-ma'rūf wa-nahy 'an al-munkar*). Under *ḥisbah*, no individual in the state, regardless of his or her gender, religious belief or social strata, can be prohibited from promoting a good cause or putting a stop to an evil one.<sup>11</sup>

In the Qur'ān and Sunnah as well as in Islamic history we may find various examples of women who had participated in serious discussions and argued even with the Prophet (pbuh) himself.<sup>12</sup> The same equal treatment of both men and women in regard to the essence of human dignity, accountability, and matters pertaining to property, educational, public and social rights and responsibilities maintained in the early years of Islamic history. During the time of the second caliph, 'Umar ibn al-Khaṭṭāb, for example, a woman argued with him in the mosque, proved her point and caused him to declare in the presence of people: "A woman is right and 'Umar is wrong."

#### Women as a Ruler in Islamic Governance

In the previous pages I have suggested that there is no textual ruling in the Qur'ān and in the Sunnah of the Prophet (pbuh) to deprive women of public and political rights. The  $fuqah\bar{a}$  (jurists), however, differed as to whether women enjoy unconditional equality in political rights and participation in government.

General consensus ( $ijm\bar{a}^c$ ) is believed to have been reached that only men are eligible for the positions of the head of the state, <sup>13</sup> the caliph.

An Andalusian  $faq\bar{\imath}h$  (jurist) of the eleventh century, Ibn Ḥazm (994-1064CE), for example, has held an opinion that, except for the caliphate itself, women are eligible for all other offices of the Islamic government. The founder of the Ḥanafī school of Islamic jurisprudence, Imām Abū Ḥanīfah (699-767CE), also maintained that women may become judges in matters in which they are admissible as witnesses, which means practically all matters except the prescribed penalties ( $hud\bar{\imath}ud$ ) and retaliation ( $qis\bar{\imath}a\bar{s}$ ). The foundary is the prescribed penalties ( $hud\bar{\imath}ud$ ) and retaliation ( $qis\bar{\imath}a\bar{s}$ ).

In running of people's affairs, Islam fully considers inhabitants' public interests (*maṣlaḥah*), which take precedence over individual interests. Therefore, eligibility for leadership in Islam is based on qualifications and skills. In this context, the renowned Maliki jurist of the thirteenth century, Shihāb al-Dīn al-Qarāfī (1228-1285) said that:

In every post or authority, a priority should be given to the one who is the most capable to run it properly. In wars, for example, those who are more experienced in leading armies and fighting plans should take priority in leadership. In judiciary, those who are more aware of legal rules and intelligent enough to deal with people's complaints should be judges. Those who are more capable to take care of the orphans and their money should take the responsibility.<sup>16</sup>

Thus, if a woman or a man possesses the sufficient qualifications to lead his or her community, company or institution, then he or she could be appointed as the leader, the manager, or the head of the office. The debarment of women from becoming a caliph by the general consensus of the early *fuqahā*, therefore, was not due to gender-based discrimination, but mainly related to her competence and fitness for that position.

In the early years of Islamic rule, the caliph occupied the central stage in a four dimensional religious-judicial-military-economic space, which was shared with all members of the community, men and women alike. The caliph had four principal responsibilities. First, he was the religious head of the community and led the congregation in prayer. Second, he was the supreme judge and responsible for the implementation of the sharī'ah. Third, he was responsible for the defence of the state and led the army in times of war. Fourth, he was responsible for the economic well-being of the *ummah*; ensured fair taxation, administered public works and arranged for correct and complete documentation of contracts and civil transactions.<sup>17</sup>

In the views of the Ḥanafī, Shafī'ī, Ḥanbalī and Ja'farī schools of jurisprudence, a woman may lead a congregational prayer of other women and children only, but

not of men. The Mālikī school of fiqh was even stricter. Since a woman could not lead Friday (*jum'ah*) prayers of the whole community, this automatically barred her from aspiring to be a caliph or imām. This ruling, accordingly, was associated directly with her and the community's religious and spiritual functions and responsibilities, rather than indicating the discrimination of women's political rights in Islam. Soon later, this ruling has been extended by analogy (*qiyāṣ*) to a number of other public offices, which are also reserved exclusively for men, <sup>18</sup> contributing largely to the exclusion of women from public sphere. Yet, the spiritual and religious space remained open to women up to the tenth century. All great mosques built in the eighth and ninth centuries, had a separate section for women.

According to Nazeer Ahmed, the exclusion of women from public sphere occurred gradually over centuries and must be understood in the broader context of the fragmentation of the unitary caliphate and the separation of the masses from the rulers. <sup>19</sup> In the early years of Islamic rule, there was no distance between the head of the community and the members of the community. The young and the old, the poor and the rich, women and men, immigrants and locals had equal access to the leader. Due to the spread of extremism from the Kharijites, the Umayyad caliph Mu'āwiyah ibn Abī Sufyān (r.661-680) was the first Muslim ruler who surrounded himself with guards as a precaution against possible assassination. This was the first step in the bifurcation of political space between the ruler and the ruled. <sup>20</sup>

Very soon, in addition to security matters, the running of a vast empire over three continents required the creation of a new position, the vizier, to organise, manage and provide oversight to the executive functions. The Umayyad dynasty in Andalusia split the office of the vizier into several departments. Coordination between the different viziers and communication between the sovereign and the vizierates led to the creation of a new official, called a  $h\bar{a}jib$ . The  $h\bar{a}jib$  functioned as a chief minister, his position was considered higher than that of the viziers. He was the chief representative of the caliph and directed the central secretariat in Cordoba. With the initiation of the  $h\bar{a}jib$ , thus, the separation of the ruler from the ruled became institutionalised. The caliphs gave up the tradition of leading the congregational prayers. The Abbasid caliph Hārūn Rashīd (r.786-809) was the first caliph to employ professional  $kh\bar{a}tibs$  to lead prayers. Likewise, the privilege of administering justice and issuing legal opinions (fatwa) was also delegated to hired  $q\bar{a}dis$ .

When the Turks rose in power in the tenth century, they supplanted the institution of the caliphate with a new institution of the sultanate; thus, the separation of temporal rule from religious authority was complete. The Turk sultans became the political and military rulers. Their religious responsibility

of dispensing fatwas was entirely surrendered by delegating it to professional  $q\bar{a}d\bar{i}s$ . As the same time, the Ottoman sultans kept the time-honoured title 'caliph' along with its latest prototype, the 'sultan,' and remained being the nominal and titular head of the Muslim community. Such separation of political and military authority from religious responsibility, as Nazeer Ahmed suggests, led to the rise of despots.<sup>21</sup>

A sultan was not required to lead the congregational prayers as well; and this function was delegated to professional *khāṭibs*. Women, accordingly, should not be precluded from becoming a sultan anymore. The access of women to political and public space, however, happened rarely, especially among the Arabs.

The Turks, in fact, were more open to the entry of women into the political, judicial and military space. Turkish women rode into battle with men, took part in the affairs of state and sat next to sultans and jurists advising them in the dispensation of justice. <sup>22</sup> Ibn Battuta, a Muslim traveller of the fourteenth century, for example, recorded that the conquered city of Iznik had been ruled by one of the consorts of the sultan. <sup>23</sup> In the sixteenth and seventeenth centuries, the Ottoman Empire had a period, called the Sultanate of Women. Starting from the reign of Suleyman the Magnificent (r.1520-1566) for nearly next 130 years, the women of the Imperial Harem of the Sultanate exerted extraordinary political influence over state matters and over the male *de-facto* Ottoman sultans. The majority of the sultans during this time were minors and it was their mothers, the *Valide Sultans*, or their wives, the *Haseki Sultans*, who effectively ruled the sultanate.

The Seljuks, the predecessors of the Ottomans, often had women of nobility playing the prominent role in public policy and affairs too. Such space for women's participation in political and public affairs has been seen by Ann K. S. Lambton, the famous British historian and leading figure on medieval and early modern Persian history and Islamic political theory, as a legacy of the tribal background and cultural traditions of the Turkic nations.<sup>24</sup> Nazeer Ahmed also observed that:

With the introduction of Turkish and African blood into Islam and the later infusion of Mongol, Indian and Indonesian elements, the rigid separation of women from politics and culture was challenged. And it was from among these "newcomers" that the great queens of Islam emerged, women such as Razia Sultana of Delhi, Shajarat al Durr of Cairo and Noor Jehan of the Great Moghuls, who distinguished themselves in the political space and left their indelible mark on Islamic history.<sup>25</sup>

Such cases of women excellence in political and public affairs, however, were exceptional, and the vast majority of common women did not enjoy any political

rights. The universal brotherhood and sisterhood that has been created by the Prophet (pbuh) was shattered and, in its place, class distinctions between the ruler and the ruled and sex distinctions between men and women had emerged. The masses were secluded from political life and, among the masses, women were even more secluded.<sup>26</sup>

## The Status of Women in the Contemporary Muslim World

I have already emphasised in the previous pages that Islam empowered women since the seventh century. Women took an active part in building what is today called Islamic civilisation. But this Qur'ānic empowerment of women bears too little relation to the real condition of women in many contemporary Muslim societies. Modern Muslim women are mainly marginalised and severely suffering from the consequences of political upheavals, poverty, injustice, corruption and other social ills prevalent in their societies.

The Muslim world today, particularly the Middle Eastern and North African (MENA) region, is experiencing a period of significant political, economic and social transition. It is badly shaken by large-scale bloodshed, political upheavals, poverty and economic depression, particularly following the recent outbreak of the Arab Spring since October 2010 and its aftermaths. For decades, the citizens of these post-colonial nation-states, men and women, suffered from an unending cycle of despotism, economic and political exploitation, poverty and public cruelty. Most of the countries are governed by monarchies, which failed to respond to the needs and opportunities of their own people, or to create a milieu of trust, appreciation and sincerity between the political elite and the people. Within two decades or slightly more, the legitimacy of the ruling families to represent the entire populace became a crucial subject in many Muslim states. Overall, the post-colonial governments in the MENA region failed to ensure the well-being and security of their citizens. Poverty, malnutrition and lack of health security are also among the foremost problems of the MENA countries. The region is home to about seventy million of the world's poor (living on less than two dollars per day) and twenty million of the world's extremely poor (living on less than US\$1.25 per day). Despite possessing 70 per cent of the world's energy resources and 40 per cent of its natural resources, the gross domestic product (GDP) of all member states of the Organisation of Islamic Cooperation (OIC) is less than that of Japan.<sup>27</sup>

Furthermore, evils like corruption, nepotism, injustice or chauvinism are widespread in Muslim societies. The results of Corruption Perceptions Index 2013 (CPI), prepared by Transparency International, warn that the abuse of power, secret dealings and bribery wreck the personal and public well-being in

the Muslim world, and ranked many Muslim countries as having the highest perceived levels of corruption in the world. The latest Index in 2013 scored 177 countries and territories on a scale from 0 (highly corrupt) to 100 (very clean). In that list, the ten bottom countries which were ranked as most corrupted, excluding North Korea, are Muslim-majority countries. Somalia and Afghanistan, along with non-Muslim North Korea, made up the worst performers in the year, scoring just 8 points each. It is followed by Sudan (11 points), South Sudan (14 points), Libya (15 points), Iraq (16 points), Uzbekistan, Turkmenistan and Syria (17 points each). Only three Muslim-majority countries score above 50: United Arab Emirates (69 points), Qatar (68 points) and Brunei (60 points).<sup>28</sup>

Such current scenario of the Muslim world suggests that the actual spirit of Islamic principles of governance, i.e. ensuring the welfare and security of the people, and establishing peace and justice in society, is gone. The basic civilian and human rights of the citizens under their authorities, regardless of their gender, age and religious, social or ethnic backgrounds, were ignored as well.

The Arab Spring created more instability, economic depression, insecurity and bloodshed in the entire region. The Middle East got neither democracy nor good governance, but the emergence of the ISIS or the so-called 'Islamic State of Iraq and Syria' with its extremely harsh militant principles. As a result, the well-being of women has deteriorated deeply in the recent years, especially in war and conflict zones. Women are the main victims of insecurity, war and radicalisation. Genderbased violence, one of the world's most widespread human rights violations, escalates sharply among conflict-related displaced communities. In the case of Syria, gender-based violence predated the crisis and has been singled out as one of the most salient features of the current conflict. According to the United Nations High Commissioner for Refugees (UNHCR), since the outbreak of civil war in Syria in March 2011, over 3 million have fled to the country's immediate neighbours, mainly to Turkey, Lebanon, Jordan and Iraq. Another 6.5 million are internally displaced within Syria;<sup>29</sup> and the majority of them are women and children. In Jordan, as United Nations reports, women, girls and boys, who make up close to 80 per cent of this country's nearly half a million Syrian refugees, are vulnerable to an increased risk of sexual, physical, and psychological abuse, yet have limited opportunities to access safe spaces or social services.<sup>30</sup>

The report prepared by Amnesty International in 2014 indicates serious cases of abuse and offence against the vulnerable young women and children by ISIS militants. In August 2014, ISIS militants abducted hundreds, possibly thousands, of Yazidi minority, mainly women and children, from the Sinjar area in north-western Iraq, according to the Amnesty report entitled "Escape from Hell." Hundreds of Yazidi women and girls have had their lives shattered by the horrors of sexual violence and sexual slavery in ISIS captivity. The captives,

including girls aged 10-12, faced torture, rape and forced marriage, and were "sold" or given as "gifts" to ISIS fighters or their supporters in militant-held areas in Iraq and Syria. Such cases of war crimes against the vulnerable stratum of the society indicate a direct link between human insecurity and the violation of women's rights. Since women often face cultural, social, economic and political discriminations in their daily lives, they encounter even more oppression, distress and social exclusion in war-ridden societies.

The status of women in relatively peaceful Muslim societies is not encouraging as well. Widespread evils like corruption, nepotism, injustice and chauvinism often inflict the cases of gender discrimination. Since injustice and corruption hits poor, disadvantaged and vulnerable groups the hardest, women are more likely to bear a heavier burden as they are often marginalised and over-represented among the poorest. According to the United Nations, an estimated 70 per cent of the world's poor are women.<sup>32</sup>

Transparency International also reported that women are more disadvantaged in corrupt systems. Corruption creates additional obstacles for women to access and use public goods, including basic services, as well as to participate in their country's political processes. For instance, as the primary care takers in families, women have a higher likelihood of experiencing corruption, whether enrolling their children in school, seeking medical treatment for their kids or older relatives, or interacting with public officials to access government subsidised programmes.<sup>33</sup>

Besides, in many countries, corrupt judicial procedures and the prevalence of nepotism and gender discrimination makes it in the majority of cases impossible for women to win lawsuits in a transparent and open way. Roslyn G. Hees, Senior Advisor at Transparency International, observed that: "A corrupt legal system reinforces existing gender discrimination in many countries. Women's civil rights are grossly unfair with regard to marriage/divorce, family law, child custody, financial independence and inheritance and property rights. Often they have no ability to make decisions without the consent of a male relative." Therefore, Transparency International strongly recommends that anti-corruption measures need to be gender responsive to facilitate gender equity and women's empowerment. <sup>35</sup>

In sum, the absence of good governance caused many calamities in the Muslim world, including the violation of the basic civilian and human rights of the citizens. As a vulnerable segment of society, women are more likely to be oppressed and discriminated in corrupted and war-ridden societies.

### **Encouraging Developments across the Muslim World**

In spite of many depressing political and social turbulences taking part in the contemporary Muslim world, the awareness about the original status of women in Islam and the potential impact of women empowerment on attaining of good governance and a strong society is increasingly common among Muslim educated circles. In that course, several governments bestow equal rights for education and employment to both genders. The Malaysian government, for example, invests in education without any gender discrimination for a long time. Speaking at the Third Women Deliver 2013 Global Conference, Prime Minister of Malaysia, Datuk Seri Najib Tun Razak, stated that 65 per cent of students in tertiary education institutions in the country are women. <sup>36</sup> Improvement in access to higher learning has helped to empower a larger percentage of Malaysian women, and more are seen moving into higher-paying occupations. According to the statistics from the Mid-term Review of the 8th Malaysian Plan, the proportion of women who are legislators, senior officials and managers has increased from 5 per cent in 2000 to 5.3 per cent in 2002.<sup>37</sup> Currently, Malaysian women represent the workforce at 47 per cent. Such an active participation of women in public and economic spheres is one of the factors for economic and political stability in the country.<sup>38</sup>

Malaysia is a rapidly developing economy in Asia. Since the 1970s, this middle-income country has transformed itself from a producer of raw materials into an emerging multi-sector economy. The Gross Domestic Product (GDP) in Malaysia expanded 5.60 per cent in the third quarter of 2014 over the same quarter of the previous year. GDP Annual Growth Rate in Malaysia averaged 4.68 per cent from 2000 until 2014, reaching an all time high of 10.30 per cent in the first quarter of 2010.<sup>39</sup>

Malaysia is perceived as having relatively low corruption levels as well. In the Corruption Perceptions Index (CPI), among ASEAN countries, Malaysia is ranked third, behind Singapore and Brunei; while globally, it managed to position itself better than other developed countries including Italy, Greece and the Czech Republic.<sup>40</sup> The example of Malaysia once more confirms that gender unfairness and corruption are closely interlinked. Where countries have made advances in women empowerment and gender fairness, they have witnessed lower levels of corruption over time.

Furthermore, women are an important source for understanding corruption and designing effective strategies to address the problem that affects their everyday lives. <sup>41</sup> Recent studies have showed that empowered women, who have an opportunity to participate in decision-making, are powerful actors that can contribute to the fight against corruption. A study by the IRIS Centre, University of Maryland, observes that higher levels of women's participation in public life

are associated with lower levels of corruption. This cross-country data revealed that corruption is less severe where women comprise a larger share of the labour force, and where women hold a larger share of parliamentary seats. Another influential study made by the World Bank in 1999, entitled "Are Women Really the 'Fairer' Sex? Corruption and Women in Government," also suggested that higher rates of female participation in government are associated with lower levels of corruption. After studying 150 countries in Europe, Africa and Asia, the research came to the conclusion that women are more trustworthy and less prone to corruption. It consequently suggested that women may have higher standards of ethical behaviour and appear to be more concerned with the common good.

Hence some Muslim countries initiated a policy of employing more women in their anti-corruption campaigns. Let me bring the example of Afghanistan, one of the most corrupted and worst hit country by the consequences of the US-led War on Terror since 2001. During his visit to the International Institute of Advanced Islamic Studies (IAIS) Malaysia on 10th December 2013, His Excellency Abdul Salam Azimi, the Chief Justice of Afghanistan and the head of the Afghan Supreme Court, affirmed that women in Afghanistan are less prone to corruption. There are already more than 180 female judges in Afghanistan today, which constitutes approximately 10 per cent of total Afghan judges (5 years ago – 3 per cent). According to Abdul Salam Azimi, there has not been even a single case of corruption with these female judges in the face of the high level of corruption in the existing Afghan legislative system overall. Chief Justice Azimi consequently intends to assign more female judges in order to lessen the endemic of corruption in the Afghan society. However, the appointment of female judges in the provinces is still extremely challenging due to safety, economic and customary reasons. At present, ten female judges are based in Balkh, five in Herat, two each in Takhar and Baghlan, with the rest based in Kabul. But the presence of female judges in all courtrooms of the country is highly essential for two reasons. Firstly, as has been articulated earlier, female judges are perceived as less corrupt. Secondly, if a female judge is present in a province, a female complainant can share her problems with full confidence while she may not feel easy to share them with a male judge.44

The similar approach of gender attentive distribution of power is intended to expand to other segments of the Afghan government. The current House of People (Wolesi Jirga), which holds the power to enact, amend and repeal laws, has 69 women members out of total 249 delegates (27.7 per cent), emerging as the 37<sup>th</sup> country with largest female participation in legislature out of 189 countries in the world. Other countries scored as follows in 2013: Germany (32.9 per cent), France (26.9 per cent), UK (22.5 per cent), Turkey (14.2 per cent), Russia (13.6 per cent), Malaysia (10 per cent), Iran (3 per cent) and Egypt

(2 per cent).<sup>45</sup> In the long run, it is believed that the engagement of women in the Afghan leadership as decision-makers, role models and conflict solvers might bring peace, harmony and betterment to an Afghan society, which is exceedingly suffering from occupation, war and conflicts for several decades.

#### Conclusion and Recommendations

After a brief evaluation of the status of women and their rights and responsibilities as citizens of Islamic governance in comparison with the contemporary state of women in the Muslim world, the paper suggests the following conclusions and recommendations.

Firstly, Islam has empowered women with the most progressive rights since the seventh century. In the early years of Islam, women constituted an important portion of their societies with their specific duties and inborn features given by God. They served as full vibrant members of their societies as skillful educators, leading scholars, successful entrepreneurs, and shining public and political figures. Also, along with men, women enjoy full and equal basic civilian and human rights as citizens of an Islamic polity. Respect towards all human beings, regardless of their gender or social status, is the primary rule in Islam.

Secondly, Islamic empowerment of women, as the paper establishes, bears little relation to the real condition of women in modern Muslim societies. Today the Muslim world is suffering from various political and economic calamities, and social ills, which are directly related to or the reasons of the ignorance of the citizens' rights. The post-colonial governments in the MENA region failed to ensure the well-being and security of their citizens; and women are the stratum that suffered most from insecurity, domestic abuse, cultural influences, and low access to education and medical care. For decades, women remained marginalised, isolated and excluded from decision-making. They were not given any opportunity to amend the unfair systems through peaceful means endorsed by the Shari'ah, such as by participation in fair elections, consultation, the assessment of the conducts of the government, and freedom of expression.

Thirdly, the paper establishes a direct relation between good governance and the rights of women. The absence of good governance results in gender inequality and violation of the rights of women. Gender inequalities, in turn, undermine good governance, sustainable growth, development outcomes and poverty alleviation. In addition, gender inequality and corruption are closely interlinked. Since women often face cultural, social, economic and political discriminations in their daily lives, they encounter even more oppression, distress and social exclusion in the corrupt and war-torn societies. Therefore, unless the Muslim states establish good governance, there will be no improvement in the status of

women. The paper accordingly proposes that the status of women is an indicator of good governance.

Lastly, Muslim women have a potential to play fundamental roles in curbing corruption, social ills, violence and crime in the Muslim world; and the active participation of women in legislature, law-making and policy-making processes could be considered as one of the principal keys for the success of the ummah. At the end, the paper proposes the following policy recommendations:

- Evils of gender-based discrimination, corruption, nepotism, intolerance, and political and economic injustice should be prevented by the authorities as being extremely harmful for the well-being and security of society, and its stability. Any government must guarantee the rights of every citizen under its authority, regardless of their gender, age, and religious, social and ethnic backgrounds.
- The will and rights of women citizens should not be neglected or interfered with by external and internal actors. The governments must ensure a platform for women to participate actively in legislature, law-making and policy-making processes. The promising potential of women in the Muslim world should be recognised and directed in a correct manner through proper education, respect and supervision. The Prophetic (pbuh) model of women empowerment may be considered as the best model on that direction.
- Muslim religious leaders, judges, 'ulamā', muftis and associations must concentrate on achieving a better understanding of the role of women in Islamic society as individuals and citizens. In order to heal the wounds and negative outcomes of the ill treatment of women in the Muslim world for a prolonged-period, they must condemn publicly all types of gender-based discrimination, domestic violence and abuse, ill-treatment of women in society and the violation of the rights of women.
- Appointment to the higher-paying and managing occupations should be based on the qualifications and skills of the candidates rather than on his or her gender. Thus, if a woman or a man possesses the sufficient qualifications to lead his or her community, company or institution, then he or she could be the leader, the manager, or the head of the office; and this is in line with Islamic teachings.
- The media and educational system should be actively utilised to raise public awareness about the status of women in Islam under Islamic governance. The Islamic concepts of governance and citizens' rights could be included in university curricula, and textbooks should be prepared to train the Muslim youth to adopt the proper treatment of women and more harmonious ways of life.

• Since women in positions of power are perceived as less corrupt and more honest, an active participation of women in law-making and public spheres is highly essential. More researches should be conducted to observe a close correlation between women's active participation in public life and well-being of society. In the Muslim world in particular, which suffers most from the evils of corruption, the rights of women to education and work should not be marginalised. Religious leaders, scholars and judges could play an important role in the betterment of Muslim countries through publicly condemning all types of corruption, cheating and bribery, as well as empowering the status of women in their societies.

#### **Notes**

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