

RE-READING MUSLIM WOMEN'S RIGHTS IN BANGLADESH

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Abstract

Religious interpretations play an important role in women's life. Misconceptions about Muslim women's rights have become norms in many countries. This paper explores the conventional interpretation of women's rights by interviewing both male and female madrasa teachers and mosque Imams in the capital city Dhaka in Bangladesh. We have used two instruments to collect data: in-depth interviews and focus-group discussions. The study finds that the patriarchal male values tend to dominate in providing explanations of women's rights. Such male-dominated views are constructed and reconstructed by misreading certain sections of religious text, and thus conceal an appropriate religious interpretation of women's rights. The adverse effect of such misinterpretation of religious text is enormous. It devalues women's agency and work; and exposes women to numerous challenges throughout their lifecycle. This paper concludes with an observation that Muslim women's subordination is not rooted in either religion or in tradition, rather, in patriarchal influence and arbitrariness, which have been dominating them for centuries.

Introduction

Religious interpretation plays an important role in shaping people's daily life. Members of the society rarely stand up on their feet to raise their voices against religious rights, defined by the holy books. Since religious laws often have been used to ostracize people from the community, any right can go unchallenged. For years, women around the world claim that their desire to enjoy equal rights has been denied. Even though most religions support women's human rights, these rights are called into question because of religious misinterpretations.¹ Since majority of the people in Bangladesh observe Islam as a religion, Islam undoubtedly plays an important role in the country. Even though the Quran stresses equity and equality between men and women's status, some practitioners

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1 Mahjabin Sultana, "Religion and Misinterpretation: Gender Perspectives", *Empowerment*, Vol.10, 2003, pp. 59-66.

use it for exploiting and discriminating against women after modifying some verses of the text to dehumanize them.²

After paying careful attention to the original texts of the Quran (Holy book for Muslims) for analyzing women's rights, we found that the Muslim women's rights in Bangladesh is a product of sheer misreading of religious scriptures. Many Muslims hold misconceptions about women's rights due to misinterpretation of the holy text. More specifically, some argue that male religious interpreters play a key role in interpreting women's rights.³ According to Hussain (1984), 'There are no Islamic societies to be found in the world today, various distorted interpretations of Islam have manifested themselves in Muslim societies. Such interpretations have been imposed on women and over the centuries have resulted in the institutionalization of a pseudo Islam.'⁴ Feminists try to reduce the gap between religion and feminism. They do not raise any question about the legitimacy of the Quran but express serious doubts of using the patriarchal interpretations of the text itself.⁵

As a result of this split, a vibrant debate continues over the rights of women in the Muslim world. Feminist scholars are continuously searching for plausible explanations behind gender disparities. They raise their voice against women's rights in Muslim societies by providing an alternative explanation.⁶ They have thrown challenges at Islamic jurisprudence based on patriarchal interpretations of the women's rights. Some found atypical verses used by the traditional scholars to formulate the laws discriminating against women. These laws mostly targeted women's marriage rights. Their attempts established women's right based on the Quran in some parts of the world. They consider it as a "Gender Jihad" (Jihad means fighting for religious reason) of their own.⁷

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- 2 Rashida Akhter Khanum, "Feminism, Status of Women and Islam", *Empowerment*, Vol.15, 2008, pp. 67-78.
 - 3 Mohd. Shahadat Hossain Mahmud and Maksuda Parvin Mimi, "Oppression of Muslim Women: The Text and Bangladesh context", *Empowerment* Vol.5, 1998, pp. 75-90.
 - 4 Freda Hussain, 'The Ideal and the Contextual Realities of Muslim Women'. Freda Hussain (ed.), *Muslim Women*, (St Martin's Press 1984), p. 2.
 - 5 Yvonne Haddad, 'Feminism and Islam: The Global Islamic Feminist Movement', <http://www.themosqueinmorgantown.com/forum/tag/amina-wadud/> (accessed 10 January 2010).
 - 6 Islam and Laicite. org, 'What is Islamic Feminism? Promoting Cultural Change for Gender Equality,' http://portal.unesco.org/pv_obj_cache/pv_obj_id_F5F76BF7E4F12FA6393AB48BA50DB83E68260100/filename/programme.pdf (accessed 9 December 2009).
 - 7 Yvonne Haddad, 'Feminism and Islam: The Global Islamic Feminist Movement', <http://www.themosqueinmorgantown.com/forum/tag/amina-wadud/> (accessed 10.1.2010).

In Bangladesh, little research has been conducted on the rights of women as enshrined in religious scriptures. Existing research reveals that women's religious rights are often interpreted with cultural values and popular notions about women. This paper adopts a feminist perspective to understand the rights of women in Islam in the national context of Bangladesh. It draws empirical evidence of cultural constructs which have existed for a long time. The central goal is to explore the religious interpretation of women's rights in Bangladesh and to examine the gap between existing knowledge and an authentic interpretation. More specifically, this paper attempts to understand the perception of gatekeepers about women's rights, and to understand the nature of interpretation. It also wishes to understand their source of explanation, to explore how this interpretation contributes to women's subordination, and to identify their existing source of knowledge.

Data and Methodology

This paper uses an interpretive naturalistic approach that emphasizes how reality can be socially constructed.⁸ Research for this paper is conducted in two areas of metropolitan Dhaka— Jurain and Mohammadpur. The sample of this study consists of mosque's Imam (leader of the mosque) and Madrasa (religious educational institution) teachers. To make a comparative analysis, both male and female teachers have been included in the study. A total of twenty five participants are randomly selected for this study. Among them, thirteen are male Madarasa teachers and Imams, and twelve are female Madarasa teachers. were randomly selected. The age of the respondents ranges from twenty to sixty years. Most of the respondents, both male and female, were highly educated religious teachers. It is worth noting that the religious education system is divided into two categories in Bangladesh, namely the Alia and the Quami systems. Most of the respondents were educated in the Quami system as they still dominate in providing explanations of religious verses.

This study used focus group discussion (FGD) and in-depth interview method to collect data on the rights of women in Bangladesh. Two focus group discussions were conducted among female Madarasa teachers. The FGDs provided the researchers with an opportunity to identify new issues which had been discussed at a length during the in-depth interview. In contrast, the interviews provide an opportunity to contextualize women's rights in Bangladesh.⁹ In addition, this tool

8 Norman K. Denzin and Yvonna S. Lincoln, *Handbook of Qualitative Research*, 2nd ed., (Thousand Oaks 2000), p.8.

9 D'Arcy Davis-Case, "The Community's Toolbox: The Idea, Methods and Tools for Participatory Assessment, Monitoring and Evaluation in Community Forestry", <http://www.fao.org/docrep> (accessed 9 January 2010).

allowed to elaborate issues related to women's life.¹⁰ The present research consulted books, journals, scholarly articles, and relevant websites as the secondary sources of the data.

Explaining Women's Rights: Other's Perspective

Religion is omnipresent in people's life in different forms. It will be difficult to find a society where a religion does not play a critical role in people's life.¹¹ Some view religion as one of the main building blocks of the patriarchal systems which also manifested in men's superiority over women with reference to knowledge.¹² According to Postmodern feminists, there is an indivisible relationship between knowledge and power. Knowledge validates the supremacy of men over women. As there is no absolute authority over truth and knowledge is always acknowledged as truth, so it can be considered as the power also.¹³

Moreover, whose knowledge will be considered as knowledge is also associated with power. Production of knowledge is a political process as some knowledge is perceived better than others.¹⁴ Historical evidence shows that men were more literate than women. Men studied texts, commented on texts, and modified texts if they felt it deemed necessary. Sometimes women were denied the opportunity to listen to explanations of women's rights based on the religious scriptures. "Women as Others" is the title women carry, which excluded them from the religious activities leading to modification of women's rights. Male religious practices were considered as authentic and influential for devaluing women's practices as an ineffective one.¹⁵

The very idea of male superiority is not new; rather it has been perpetuated for centuries molding peoples' thoughts and actions. According to Bhasin, ideology matters as it performs two functions: to perpetuate social systems and to control people's minds. By performing these functions, ideology creates an environment that preserves patriarchal ideology.¹⁶ An ideology is predominantly 'understood',

10 Mary M. Gergen, 'Qualitative Inquiry in Gender Studies'. Joan C. Chrisler and Donald R. McCreary (eds.), *Handbook of Gender Research in Psychology*, (Springer 2010), pp. 103-132.

11 Anthony Giddens, *Sociology*, (Cambridge 2001), p.530.

12 Kamla Bhasin, *What is Patriarchy*, (New York 2000), pp 61-95.

13 Pamela Abbott and Claire Wallace, *An Introduction to Sociology: Feminist Perspectives*, 2nd ed., (London 1997), p. 297.

14 *Ibid*, p. 293.

15 David Kinsley, 'Women's Studies and the History of Religions'. Arvind Sharma (ed.), *Methodology in Religious Studies*, (State University of New York Press 2002), pp.1-16

16 Kamla Bhasin, *What is Patriarchy*, (New Delhi 1993), p. 21.

'transmitted' and 'reproduced' through oral and written texts.¹⁷ Religious stories narrate male superiority, say for example, Eve was created from Adam's rib, or man was created in the image of God, or women are less intelligent than men.¹⁸ In most cases to uphold male dominance, new meanings were created with the help of the religious institutions.¹⁹ Feminist hermeneutics states that knowledge is produced using elite male perspectives, which portrayed women as objects; and used women to serve men by denying women's knowledge and intelligence.²⁰

The feminist hermeneutics perspective is particularly important as it provides logical understanding of how men use cultural values and religion to interpret the religious texts. It also provides a framework to explain male biases intertwined with the women's rights. This perspective is different from the male stereotypical ideas about women as it analyzes male focused religious myth, texts, traditions, and practices to find out how far women's lives have been marginalized.²¹

The departure of Prophet Muhammad made it important to interpret Quranic principle to convert them into pragmatic decisions. After the Prophet's death, Islam went through a major transformation until 750C.E from the Arabian community to Pyrenees. The varied cultures and dissimilar people of the huge extraterritorial land revealed the difficulties of translating Quranic guidance and converting them into laws. During the Prophet's lifetime, the tribal societies of Mecca and Medina were explicitly less 'patriarchal, less 'misogynistic' and less 'restrictive' of women than these societies. The Prophet familiarized some practices which were more liberal when compared to the time and social context, even in the late Abbasid society.²² However, after the Prophet's departure, the position of women in Islam was influenced by both the Islamic belief and the

17 Wei-Hao Lin, Erik Xing and Alexandar Hauptmann. A joint Topic and Perspective Model for Ideological Discourse, Paper presented at the European Conference on Machine Learning and Principles and Practice of Knowledge Discovery in Databases, Antwerp, September 2008.

18 Kamla Bhasin, *Understanding Gender*, (New Delhi 2000), p.21.

19 Mary Ann Stenger, 'Feminist Philosophy of Religion'. Arvind Sharma (ed.), *Methodology in Religious Studies*, (State University of New York Press 2002), pp. 147-178.

20 Elisabeth Schussler Fiorenza, 'Method in Women's Studies in Religion'. Arvind Sharma (ed.), *Methodology in Religious Studies*, (State University of New York Press 2002), pp. 207-241.

21 David Kinsley, 'Women's Studies and the History of Religions'. Arvind Sharma (ed.), *Methodology in Religious Studies*, (State University of New York Press 2002), pp.1-16.

22 Norani Othman, 'Islam'. Cheris Kramarae and Dale Spender (eds.), *Routledge International Encyclopedia of Women: Global Women's Issues and Knowledge*, Vol. 3, (Routledge, 2000).

diverse societies where Islam was practiced. The interpretation of Islamic laws and rituals became further politicized as the Ulema [religious scholars] were mostly men.²³ Consequently women's status began to decline. As Haifaa Jawad notes, "Slowly but surely their [women's] rights faded away."²⁴

This paper shows that in Bangladesh, Muslims make up the largest community. A large part of their lives is controlled by Islamic rules and regulations. But like the other patriarchal social systems, here the power to interpret the religious rules is also reserved by men and patriarchal interest is reflected through these interpretations and reinterpretations.²⁵

Finding of the Study

This section presents the central findings from the interviews and focus group discussions. It focuses on the respondents' views on women's status in Islam, their marital rights, women's inheritance rights and leadership potential. It also offers interesting perspectives on purdah (seclusion) and the potentiality for women to act as interpreter of Islamic laws.

Perception about women's status: Participants in this study agree on the view that although Islam accords women with numerous rights and privileges, there is a conspicuous discrepancy between men and women's status in almost all societies, including in Muslim majority countries. Some respondents claim that women enjoy high status, while others dispute such claims and observe that women's status in Bangladesh is lower than men's status. Interestingly, a third group of participants tends to believe that both men and women enjoy equal status in Bangladesh.

Respondents who think that the status of women is higher than that of men mainly emphasize women's inheritance rights and women's status as a mother. They also think women enjoy a high status because women have no family responsibility and it is not obligatory for them to engage in income-generating activities as men are responsible for pursuing a professional career. Others, who think that women are equal to men, view that "Though the husbands have more responsibility than their wives, both spouses enjoy an equal status." Female

23 John L. Esposito, 'Women in Islam and Muslim Societies'. Yvonne Yazbeck Haddad and John L. Esposito (eds.), *Islam, Gender, and Social Change*, (Oxford University Press 1998), pp. ix-xxviii.

24 Haifaa A. Jawad, *The Rights of Women in Islam: An Authentic Approach*, (London 1998), p. 97.

25 Dalia Ahmed, *The Dispensation of Fatwa and Women's Progress in Bangladesh: Forum on Women in Security and International Affairs*, (Dhaka 2004), pp. 4-5.

respondents, who believe women have lower status than men, mainly focus on women's leadership role and, inheritance rights. They think women are not equal to men because they tend to be physically and mentally weaker than men. As a result, women's leadership has never been accepted. On the inheritance rights, they refer to Quranic rules which state that a daughter gets half of what a son gets from their parents leading to the inferior status of women in general.

Men's superiority and women's status: It is explicitly revealed in the Quran and in the Hadith (explanation of Quran) that both men and women possess distinct physical characteristics, but they have been created from the same soul. As "the Holy Quran mentioned, 'O ye people! Fear your Lord, Who created you from a single soul and created there from its mate, and from them twain spread many men and women (Al Quran 4:1).'" With this verse, one can possibly conclude that there is no basic difference between men and women in terms of rights and duties. Both will receive the same judgment for their misdeeds.²⁶ Most of the respondents' view that 'men' plays the role of provider at women and their authority over women has never been questioned.

Participants who portray women as weaker sex do not consider women's work as "real work". When they were asked who could be the household head, they made a clear distinction between men and women, where men were given a superior position over women. They unanimously explained that men would be the head of the household for two reasons: first, men (husbands) are more respectable than women (wives); and second, women are less intelligent than men. Most of the respondents claimed that men possess more knowledge about Islamic jurisprudence than women. Although they claim men to have more religious knowledge, such claim is not supported by any empirical evidence.

Most participants in this study think a specific verse from Sura Al-Nisa confirms men's superior authority over women. The Quran says, "Men are (qawwamun) guardians over women because Allah has made some of them excel others, and because they (men) spend of their wealth...And *as for* those on whose part you fear disobedience, admonish them and leave them alone in their beds, and beat them. (Al Quran 4:34)." Most respondents interpreted this verse in a way that puts men in charge of women's affairs because God created men as superior to women in strength and reason, because they provide for women. They also view

²⁶ Haifaa A. Jawad, *Op. cit.*, p. 5.

that this verse gives men the right to discipline their women in order to ensure obedience. This verse clearly expresses men's superiority over women:

Interestingly, the word "qawwamun" is interpreted as "in charge", "an authority", "ruler," or "sovereign", which reflects the traditional image of men in the society. However, Ali, who analyzed the concept of sexual equality in Islam, has argued that the men's authority over women is contextual. The statement does not validate men's authority over women. He argues that the Quran describes men as women's saviors and providers, not as guardians and rulers.²⁷ However, he uses "strength" (which the Quran does not say) to convert the meaning of 'social responsibility' which is tacit, into a more paternalistic notion of 'in the charge.' It appears that the goal of such gendered interpretation is to give the impression that Allah prefers men to women. By interpreting the verse as the legitimizer of men's duty 'to maintain the women', the biological differences between men and women have been focused without considering it as a social responsibility.²⁸ For some, the word "qawwamun" refers to a person with responsibility for taking care of another's interest. This does not imply that men are masters of women, or who desire loyalty from women. Raga' El-Nimr finds that most men interpret the word "qawwamun" for their own benefits.²⁹

Feminist scholar Riffat Hassan argues that the verse should not be used to describe men's authority over women. She offers an interpretation of this verse, which equates qawwamun with "Hakim" or "rulers." The latter use of the word creates stratification in the middle of the Muslim community. The main thrust of this verse is to ensure that women should not be burdened with additional responsibilities as they perform the important tasks of childbearing and child-raising. She argues since women can only bear a child, men are obliged to support women economically. Hassan contends that the Quranic verse is often misinterpreted for the purpose of making men more powerful than women and to give an impression that men have the right to punish women. Although the Arabic word "Daraba" is generally interpreted as the permission of wife beating, but it has other meanings, such as separating "from the wives in the sense of living apart from them", "beating them" and "have sex with them". However, most of the interpreters, who are usually men, always read this word as "beating" to retain

27 Asghar Ali, *Rights of Women in Islam*, 3rd ed., (New Delhi 2008), p. 48.

28 Asma Barlas, "Believing Women" in *Islam: Unreading Patriarchal Interpretations of the Quran*, (Austin 2002), p. 185.

29 Raga' El-Nimr, 'Women in Islamic Law'. Mai Yamani (ed.), *Feminism and Islam: Legal and Literary Perspectives*, (ITHACA press 2006), pp. 87-102.

the control of patriarchal society.³⁰ Based on this discussion one can conclude that the popular views about women's right do not offer an authentic interpretation of women's rights in Islam.

Marital rights of women (consent, dower, divorce and polygamy): Women's consent to marriage is an important indicator of their rights. Most parents in Bangladesh tend to make important decisions on, albeit with varying level of success, who their daughters (and sons) should marry. However, the Quranic instruction is quite different: "Do not prevent them from marrying their husbands when they agree between themselves in a lawful manner (Al Quran 2:232)." A woman having full authority over and consent to her marriage is also given importance in the Hadith. A Hadith narrated by Imam Bukhari thus as follows, "a girl came to the Prophet (peace be upon him) and informed him that her father had married her to her cousin against her wishes, where upon the Prophet allowed her to exercise her choice. She then said, 'I am reconciled to what my father did but I wanted to make it known to women that fathers have no right to say in this matter'.³¹

All the respondents in this study unanimously admitted that it is obligatory in Islam to take the consent of a woman in case of marriage. However, Islamic rules were observed rarely. For example, some participants said that according to the Islamic law, a marriage should not take place without the consent of the girl. But if a girl chooses such a man who is not socially perfect for her, in such a case, her guardians can restrain her from marrying the person. However, most respondents thought this rule is exclusively for the women, not for the men. They think that a man can spend his life by marrying an ordinary girl but a girl cannot spend her life with an ordinary man. Even though Islam preaches an equal right of men and women about marriage, the interpretation often causes women to marry without consent, subsequently establishes women's inferiority and hinders a girl's rights to make a decision concerning her marriage.

Muslim women's marriage is associated with dower as well. Majority of the respondents view that dower is a women's right. Men have to pay because of women's service, which they will provide after marriage. Dower is a form of an

30 Riffat Hassan, "Religious Conservatism: Feminist theology as a means of Combating injustice Toward Women in Muslim Communities Culture," http://www.irfi.org/articles/articles_101_150/religious_conservatism.htm(accessed 15 December 2009).

31 "Exposing Fake Myth: Muslim women are forced in marriage?" <http://islamgreatreligion.wordpress.com/2011/05/08/exposing-fake-myth-muslim-women-are-forced-in-marriage/> (accessed 17 August, 2013).

honorarium from her husband to legitimize the issue of using her private parts of the body. A very critical argument came from a respondent: "If you buy a land, then you will pay for it, won't you?" Most male respondents considered women as an asset with real value. Some argued, "A woman submits herself to a man through a legalized way (marriage). Therefore, men have to give an honorable price for it. It is the order of Islam." Some think men pay price for women's chastity. Women respondents view it differently: "After marriage, women always have to stay with her husband, so through paying dower, a woman has been bought." Even though they mentioned it as an honorarium, their body language conveys it is humiliating for women. For them, women can be bought and sold as men desire.

Islamic jurists popularly define dower as an exchange of the sexual pleasure that a husband gets from his wife. Some view that dower is a standard rule set by the Sharia (Islamic law) to show respect to women and it has nothing to do with sexual pleasure. As Quran mentioned, "Of His signs is this: that Allah created for you spouses that you might find rest in them, and Allah ordained affection and mercy between you (Al Quran 30:21)." Therefore, a husband is not given permission to obtain sexual pleasure, rather he has to seek permission from his wife before performing any sexual activities, and it is a mutual right, not for sale.

Aftab outlines five terms in the Quran to denote dower: Atiyya (gift), Farida (gift), Sadaqa (voluntary charity/friendship, companionship), Nehala (gift), and Ujur (wage). None of these terms indicates or signifies the issue that men provide women dower out of consideration. The literal meaning of dower also nullifies the very idea of dower as "consideration" which lowers down women's image in the Muslim society. Rather a wife gains financially by receiving dower from her husband. Simply, dower provides an opportunity for a woman to enter into a man's life and to have access to his property.³² In addition, if a husband does not have sex with his wife from for the period of not less than four months to an unspecified period or if the husband is unable to fulfill his marital obligations without reasonable cause for a certain time, a wife is entitled to obtain divorce. These two provisions clearly indicate that the wife also has the right to sexual intercourse and thus one can conclude that marital intercourse is a mutual right and not a unilateral right to have been purchased by the husband from the wife in the name of dower or in the form of consideration.³³

32 Aftab Hussain, *Status of Women in Islam*, (Lahore, 1987), p.560

33 Babu Ram Verma, *Muslim Marriage and Dissolution*, (Allahabad 1975), p.130.

Since marriage is considered to be a contract, it can be dissolved either by a mutual consent or by either partner of the contract. Most of the respondents reported that a woman cannot divorce her husband, rather, she asks her husband to get a divorce. They claim that a husband has the unilateral and exclusive power over divorce issues. However, Islamic law provides right to divorce by a woman. A woman is allowed to use a special form of divorce called Khula.³⁴ A wife had the right to ask for a divorce from her husband on the same grounds on which a husband can ask to divorce his wife.

It is mentioned in the Quran: “And if you fear a breach between them, then appoint an arbiter from his folk and another orbiter from her folk. If they (the arbiters) desire reconciliation, Allah will affect it between them (Al Quran 4:36).” This verse stated the specific procedure to follow for carrying out a divorce. It is the business of the judge to decide the case, not a public matter. The judge’s responsibility is to nominate two persons, one from the wife’s family and the other from the husband’s family, to resolve the issue. Appointed persons have to find a way to resolve the matter. If they fail to reunite the couple, a divorce takes place with the permission of the judge.³⁵ However, in some instances, a husband has the right to ignore any judicial intervention to divorce his wife even when his spouse is not willing to get a divorce.³⁶

Polygamy is also a big issue, which makes Islamic law controversial around the globe. In response to the issues related to men’s polygamy in Islam, most of the respondents mentioned that Islam permits polygamy under certain conditions. According to them, in order to marry more than one woman, a man has to ensure fairness and justice for all of his wives provided he is an economically sound person. If a man fulfills the conditions, he can marry more than one woman at any time if he wishes to do so. If the husband fails to exercise equality, he is not allowed to marry more than one woman. Male sexual privileges allow them to practice polygamy in general. As some respondents mentioned, “In the devastating wars, generally females outnumber males. To fulfill the duties of the widows and orphans, Islam allows polygamy for men.” They believe that Islam also permits polygamy in normal situations as Islam considers that a husband is physically stronger than his wife. However, a husband is not obliged to take permission from his wife when the question of polygamy comes up.

34 Asghar Ali, *Rights of Women in Islam*, 3rd ed., (New Delhi 2008), p. 143.

35 *Ibid.*, p. 145.

36 Syed Ameer Ali, *The Spirit of Islam: Life and Teachings of Muhammad*, (Calcutta 1902), p. 204.

To justify their arguments, some participants in this study mention the following verse of the Quran: “If you fear that you cannot treat orphans with fairness, then you may marry such women as seem good to you: two three or four of them, if you fear that you cannot do justice, marry one only or those you possess (Al Quran 4:3).” If we carefully read the verse, we can understand that this verse is not used properly. First, this verse specifically mentioned about orphans, which implies polygamy was allowed only for helping out the orphans and widows in wars.³⁷ If the social context of the revelation of the verse is considered, it would make more sense. The Quranic verses on polygamy came after the battle of Uhud. Out of seven hundred fighters in Medina, seventy were killed in the Battle of Uhud. In most cases, the State of Medina was unable to make any provision for widows and orphans.³⁸ Consequently, four marriages would have been permitted in a case if there were a large number of orphan girls and widows, or if there were any possibility of injustices, or had there been no responsible person available to take care of them. This law in the Quran is not general but conditional and the practice of polygamy is highly restricted. The sole purpose is not to serve men's sexual pleasure, nor as a privilege, and not to support men's personal ego.

Secondly, the verse expresses great concerns over the equity issue. Ali stated:

The extreme importance of this provision, bearing especially in mind the meaning which is attached to the word “equity”(aadh) in the Qur’anic teachings, has not been lost sight of by the great thinkers of the Moslem world. “Aadh” signifies not merely equality of treatment in the matter of lodgment, clothing, and other domestic requisites but also complete equity in love, affection, and esteem.³⁹

As stated by Ali, the central question is whether an absolute justice in case of feelings can be achieved or not. A female madrasa teacher explained the practice of polygamy in a different manner. She said, polygamy was allowed in the past because it was possible to ensure equity among wives. She also mentioned a husband could not show the same level of love and affection to all of his wives. As a result, polygamy should neither be allowed nor be practiced. The final answer came from another verse of Quran about men’s ability to show equal justice to their wives: “You are never able to be fair and just as between women,

37 Ibrahim B. Syed. “Qur’anic Views on Polygamy,” http://www.irfi.org/articles/articles_151_200/quranic_views_on_polygamy.htm (accessed 1 February 2010).

38 Mohd. Shahadat Hossain Mahmud and Maksuda Parvin Mimi, “Oppression of Muslim Women: The Text and Bangladesh context”, *Empowerment* Vol. 5, 1998, pp. 75-90; Haifaa A. Jawad, *The Rights of Women in Islam: An Authentic Approach*, (London 1998), p. 44.

39 Syed Ameer Ali, *Op. cit.*, p.190.

even if it is your ardent desire (Al Quran 4:129),” which clearly negates the issue of practicing polygamy. This is a legal obligation not to be ignored before polygamy takes place.⁴⁰ Interestingly, none of the respondents mentioned this verse.

If we look at the history, we find a clear idea about how a Quranic interdiction became a regular practice of the Muslim communities. Even early Muslim intellectuals opposed the practice of polygamy. In the eighth century, the Mutazillite jurists construed that the Quraic injunctions did not encourage rather proscribe the practice of polygamy. A remark from Syed Amir Ali is worth noting here:

In the third century of Hegira, during the reign of al-Mamun, the first Mutazalite doctors taught that the developed Qur’anic laws inculcated monogamy. And though the cruel persecutions of the mad bigot, Mutawakkil, prevented the general diffusion of their teachings, the conviction is gradually forcing itself on all sides, in all advanced Moslem communities, that polygamy is as much opposed to the teachings of Mohammed as it is to the general progress of civilized society and true culture.⁴¹

Women’s Inheritance Rights: Muslim women often question the inheritance law of Islam. Participants in this study note that although Muslim daughters have the right to inherit half of the property inherited by their brothers, their financial situation is guaranteed. The Quran made it clear that male relatives, especially brothers, have the obligation to take care of their sisters and to meet their financial constraints if needed. Besides, marriage contracts allow a woman or sister to get a dower, and maintenance allowance by her husband. These rights are neither waived nor reduced, even though she has access to any personal income obtained from work, rent, profit, or any other legal means.

On the question of women’s property rights, most respondents view that there is no way a woman can get an equal share of her parents’ property. If any woman claims equal inheritance, the very person will be blamed in the day of resurrection. On the other hand, a very few respondents suggest that a father can distribute his property equally between his son and daughter when he is alive. There is no restriction in Islam in doing so. It is mentioned in the Quran, “For men is a share of that which parents and near relations leave; and for women is a share of that which parents and near relations leave, whether it be little or much

40 Raga’ El-Nimr, ‘Women in Islamic Law’. Mai Yamani (ed.), *Feminism and Islam: Legal and Literary Perspectives*, (ITHACA press 2006), pp. 87-102.

41 Syed Ameer Ali, *Op. cit.*, p.190.

— a determined share (Al Quran 4:7).” The following verses from Quran will shed lights on women’s inheritance:

Allah commands you concerning your children: a male shall have as much as the share of two females; but if there be females only, numbering more than two, then they shall have two-thirds of what the deceased leaves; and if there be one, she shall have the half. And his parents shall have each of them a sixth of the inheritance, if he has a child; but if he has no child and his parents be his heirs, then his mother shall have a third; and if he has brothers and sisters, then his mother shall have a sixth, after the payment of any bequests he may have bequeathed or of debt (Al Quran 4:11).

The holy Quran also mentions that:

If a wife dies, her husband will get half of the wife’s estate if they have no children, but if they have a child, then he will get a fourth of her property. If a husband dies first the wife will get a fourth of her husband’s estate, if they are childless. If they have a child, she will get an eighth of the total property (Al Quran 4:12).

These laws are only applicable to a dead person’s property. This means a man has complete right to distribute his/her property according to his/her wish. Thus, while he or she is alive, the Quran gives the parents complete freedom to give their children as much property as they want to. The Quran explicitly mentioned that a person is obligated to prepare a will. The Quran says, “It is prescribed for you, when death comes to any one of you, if he leave much wealth, that he make a will to parents and near relatives to act with fairness; *it is* an obligation on those who fear God (Al Quran, 2:181).” Indeed, the Prophet highly recommended preparing a will without wasting any time. If a will is not prepared beforehand, then the estate is distributed in such a manner that the son gets half of what the daughter gets. However, the respondents have strongly supported the idea that a woman should take her property from her parents. It is her right, as it is not encouraged to receive paternal property.

Irrespective of the respondents’ opinion, it is possible that there is no problem if parents distribute property equally between a son and a daughter. Such views are offered in light of the radical changes in women’s property rights introduced in Morocco, Tunisia, and Indonesia. These countries used interpretive judgment to provide equal shares to men and women.⁴² If these changes are possible in other Muslim states, Bangladesh can possibly follow the suit after holding successful dialogues with Islamic thinkers and jurists.

42 Rashida Akhter Khanum, “Feminism, Status of Women and Islam”, *Empowerment*, Vol.15, 2008, pp. 67-78.

Gender Role: The Quran never refers to women as mothers. Apart from describing women's biological function, the Quran does not offer any verse collapsing the roles of wife and mother together. This implies that the cultural and psychological perceptions are attached with women's role as mothers.⁴³ Most of the respondents thought that a woman is primarily responsible for taking care of home and the welfare of her family. Her primary duties are to take care of her husband, to rear a child, to cook and other household activities.

Some respondents view that women are not responsible for household drudgery. It is not obligatory for a woman to cook food for her husband or children, or to wash their clothes or even to feed the infants. According to Islamic laws, a woman can refuse to do any of these household works. However, this piece of information is kept undisclosed to many women in Muslim countries.⁴⁴ In contrast, men wanted to ensure uninterrupted household work performed by women to uphold man's power in the society. This can be verified using one male mosque Imam's comment, "We do not deliver all kinds of sermon in all places. Already, women have become disobedient. If they come to know about these things, they will be totally out of control."

Women's leadership: Both male and female respondents raise no question against women's leadership. They do not believe in women's leadership using a specific Hadith. This Hadith is mentioned in Bukhari and reads as thus: "Abu Bakar said, when Allah's Messenger was informed that the Persians have crowned the daughter of Kisra (Khosrau) as their ruler, he said such people who are led by a lady will never be successful."⁴⁵ The respondents argue that the Prophet advised Muslims not to nominate a woman as leader as she will bring a devastating end. A counter argument came for two reasons. "First, the Hadith deals mainly with a specific case, namely, the situation of Persia at the time of the Prophet. It has no legal basis and cannot be generalized to include all women at all times."⁴⁶ Ghazali, a contemporary Muslim scholar, explains the context of the Hadith: "When Persia signs of imminent downfall because it was ruled by a despotic, corrupt queen and the people were lost and lacked guidance, the Prophet commented on this by the above mentioned Hadith and if the situation had been

43 Amina Wadud, *Quran and Women: Rereading the Sacred Text from a Woman's Perspective*, (Oxford 1999), pp. 89-91.

44 Raga' El-Nimr, 'Women in Islamic Law'. Mai Yamani (ed.), *Feminism and Islam: Legal and Literary Perspectives*, (ITHACA press 2006), pp. 87-102.

45 Haifaa A. Jawad, *Op. cit.*, p. 92.

46 *Ibid.*, 92.

otherwise his words might also have been different.”⁴⁷ Second, if the particular Hadith is accepted over Quran that is not acceptable either. However, in chapter 27, the Quran praises the Queen of Sheba for successfully ruling Persia. The verses say, “I found a woman reigning over the people. She is possessed of every virtue and has a splendid throne (Al-Quran, 27:24).” Therefore, it can be said that the Prophet’s statement regarding women’s leadership has to be understood with reference to a particular context, and should not be generalized to deny women a leadership role in society.

Purdah (Seclusion), women's mobility, and sexuality: Women were very active socially and politically when Islam gained popularity in the Arab world. Their participation in building Medina was highly encouraged; they served it rightly.⁴⁸ Under certain conditions, women had the permission to fight along with men to save themselves from their enemies. Women’s desire to be involved with any occupation was permitted.⁴⁹ Even Aysha led an army in the Battle of Camel.⁵⁰

In Islam, purdah has nothing to do women’s freedom, or their womanhood or mobility.⁵¹ Ali argued if women were forced to use veil that would not be consistent with Islamic law as Islam does not force anyone, not even women to do anything against a person’s will.⁵² However, when the respondents are asked about whether Islam permits women wearing a veil to join in any activities like politics, war or attending mosque with men and to move freely, most of them reply negatively. In defense of their views, they focus on societal disorder to denigrate women’s sexuality. For them, going out of the house is a chaos as women are the main cause of all disturbances in the society. These findings complement Haddad’s remarks on women as trouble makers. Haddad (1998) mentioned that since women make chaos, they need to be disciplined before making further chaos.⁵³

Women as religious interpreters: Societal values influence religious interpretation, which makes traditional Muslim culture more patriarchal than ever. The sources

47 Raga’ El-Nimr, ‘Women in Islamic Law’. Mai Yamani (ed.), *Feminism and Islam: Legal and Literary Perspectives*, (ITHACA press 2006), pp. 87-102.

48 Haifaa A. Jawad, *Op. cit.*, p. 83.

49 Maulana Muhammad Ali, *Muhammed the Prophet*, (USA 1993), pp. 188-202.

50 Haifaa A. Jawad, *Op. cit.*, p. 87.

51 Mahjabin Sultana, “Religion and Misinterpretation: Gender Perspectives”, *Empowerment*, Vol.10, 2003, pp. 59-66.

52 Maulana Muhammad Ali, *Op. cit.*, p.23.

53 Yvonne Yazbeck Haddad, ‘Islam and Gender: Dilemmas in the Changing Arab World’. Yvonne Yazbeck Haddad and John L. Esposito (ed.), *Islam, Gender, and Social Change*, (Oxford University Press 1998), pp.3-29.

Muslims used to observe their religion are the Quran, Sunnah (following Prophet's rule), Hadith (explanation of Quran) and Fiqh (jurisprudence) mainly interpreted by Muslim men who used their authority to restrict women's rights.⁵⁴ This research finds that a strong patriarchal ideology prevails in the country which believes that women cannot act as interpreters of Islamic laws. In response to a question whether women have an authority over providing explanation of Islamic Laws, most participants answered in the negative. In their view, "Women cannot provide interpretation of these questions. It is not accepted by Islamic law. It will be a severe violation of Islamic law." Women respondents of this study were hesitant to consider themselves as experts to interpret any Islamic laws.

However, if we look at the history of Islam, Aysha, the Prophet's wife, had outstanding memory which allowed her as a person of authentic information about Hadith. She is considered to be one of the most reliable sources of Hadith by virtue of her quality.⁵⁵ Similarly, Fadel states that explanations of any revelation do not put any limitation on women. Men and women have the same moral right on legal opinions related to Islamic laws. This means a woman can be a legal expert whose task is to communicate issues to those who are not experts.⁵⁶

Conclusion

Scholars around the world suggest that woman's rights are often ignored, which might be the product of a gender biased religious interpretation. It finds that even though the Quran entitles men and women equal rights, a major distinction has been created to devalue women's rights in the society. A hierarchical relationship between men and women has been created, and later established by misinterpreting the Qur'anic verses in a different manner. Most issues, where female's legal rights might be at issue such as marriage, consent in marriage, divorce, inheritance rights and leadership went to a different direction due to the existing misinterpretation of Muslim laws. For instance, this study reveals, although Islam prohibits polygamy and curtails men's excessive rights over divorce, these principles are still misinterpreted to use against women. In a similar manner, issues related to women's rights, such as dower, marriage and divorce right, inheritance to property, are not properly interpreted. Though the rights of dower have been established to ensure women's economic independence,

54 Riffat Hassan, "Religious Conservatism: Feminist theology as a means of Combating injustice Toward Women in Muslim Communities Culture," *Op. cit.*

55 B. Aisha Lemu and Fatima Heeren, *Woman in Islam*, (UK 1992), p.16.

56 Mohammad Fadel, "Two Women, One Man: Knowledge, Power, and Gender in Medieval Sunni Legal Thought", *International Journal of Middle East Studies*, Vol.29 (2), 1997, pp.185-204.

it has been turned into an issue of humiliation for women in general. The Quran does not prescribe any laws how to distribute household chores in a family. It leaves this matter for an individual judgment. However, the prevailing practices in many Muslim states suggest household chores as women's religious duty. Islam does not forbid women to go outside the home, but by showing different reasons, women's mobility is restricted. As of today, only men are allowed to be religious interpreters. Though a large number of women have gained authentic knowledge about Islamic laws they still think they are not capable of interpreting religious scriptures as patriarchal values still dominates their thought processes.

Today women have acquired much greater role in public life, in employment, and in all other fields of production. Therefore, the issue of their fundamental rights as well as gender equity is to be considered as an issue of high importance. Article 28 of the Bangladesh constitution notes that, "the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth." But this statement is only applicable for public life not for personal life such as marriage, divorce etc. For each religious community remained under the jurisdiction of its own personal status laws.⁵⁷ As a result, the personal religious laws have a great impact on women's lives. This means laws have been modified and reconstructed to devalue women's right which is not supported by the Quran. However, a redefinition of women's rights is much needed to enhance women's political power and prestige. Only then, women can cross their boundary and play an important role apart from their roles as daughters, wives, and mothers.⁵⁸

Findings from this study highlight the need for challenging the religious misinterpretation of women's rights. In Bangladesh, women's activist groups have long been struggling to establish women's empowerment and human rights. In doing so, they are in a direct battle with the fundamentalist religious groups. However, fighting religious orthodoxy requires a solid understanding of the religious texts, as well as demystifying popular notions about women, and deconstructing women's socio-cultural images.⁵⁹ This research addresses the existing knowledge gap in women's rights literature by focusing on the discrepancies between religious texts and their interpretation in shaping social

57 Naila Kabeer, 'The Quest for National Identity: Women, Islam and the State of Bangladesh'. Deniz Kandiyoti (ed.), *Women, Islam and the State*, (Temple University Press 1999), pp.115-143.

58 Mahmuda Khatun, "The Empowerment of Women: They are Coming Anyway", *Bangladesh Journal of Political Economy*, Vol. 24 (1&2), 2008, pp. 663-680.

59 Mahmuda Khatun, "Feminist Ethnography: The Question of Essentiality", *Social Science Review*, Vol. 23 (2), 2006, pp. 51-61.

practices. Further studies are needed to shed light on other country cases to develop a consciousness about the status of women in society. Better gender training is also needed for the religious leaders and the public to improve women's rights in the society.