

MYTHBUSTERS: Islam and Gender Roles, Marriage, Domestic Violence and Women's Legal Rights



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About Peaceful Families Project

- A 20 year old-US Based Non-Profit 501(c) 3 organization with international impact:
- Training
- Resource Development
- Research
- Affiliated Partnerships

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Peaceful Families Program Areas

PEACEFUL FAMILIES: Domestic Violence

PEACEFUL FUTURES: Youth Programming /
Curriculum

PEACEFUL PARTNERS: Male Allies and Intervention

PEACEFUL PARTINGS: Divorce and Co-Parenting

PEACEFUL PARENTING: Non-violent Child Rearing

PEACEFUL WORLD: International Programming

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About KARAMAH

Founded in 1993 (oldest women-led Muslim non-profit in the US)
501(c)(3) Non-profit organization

- **Empowers** Muslim women and the broader community through programs, legal outreach, and dialogue, all emanating from an educational core.
- **Develops** thoughtful and comprehensive scholarship in Islamic jurisprudence through our law and leadership programming, research opportunities, and membership in our unparalleled network of Muslim women jurists
- **Facilitates** diversity in Islamic scholarship by mobilizing Muslim women jurists and raising voices that are few and seldom heard in the realm of serious Islamic scholarship
- **Bridge gaps** within and between faiths, cultures, and communities by contributing an important and often underrepresented view.

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Objectives



- Participants will become familiar with core values & historic Islamic traditions based on the Qur'an and life of Prophet Muhammad ﷺ and how they may be opposed to cultural, familial, and individual factors that may affect a particular situation.
- Participants will recognize that any form of abuse, oppression and injustice is incompatible with Islamic teachings.
- Participants will better understand the legal standing of women in Islam
- Participants will have general guidance for service provision to Muslim victims experiencing domestic violence

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What Do You Know About Islam?

1. In Islam the father is the parent commanding the most respect in the family.
2. In Islam women are obligated no matter their preference to use hijab.
3. In Islam women cannot initiate divorce proceedings.
4. In Islam physical violence is allowed for a husband who believes his wife is disobedient.
5. In Islam a man can marry as many women as he wishes
6. In Islam a woman is considered as being created inferior to a man.

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Islam 101

- Islam means submission to the will of God/ Allah
- Islam is one of the three Abrahmic faith traditions along with Christianity and Judaism and is based on a monotheistic belief in ONE God
- The Quran is the holy book of Islam and is joined by Haddith which are examples from the life of the Prophet Muhammad PBUH
- Prophet Muhammad PBUH is the last of the many prophets accepted in Islam of the Bible and Torah including Jesus, Abraham, David, Moses, etc.

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Islam 101

- Islam is the most diverse religion in the US with 63% first generation immigrants. First Muslims were African Americans. Currently Muslim communities include South Asian (India, Pakistan), Asian (Indonesia), African (Mali, Sudan, Ivory Coast, Morocco), Arab (Saudi Arabia, Jordan, UAE, Palestine, Yemen), & Persian (Iran, Iraq).
- Wide diversity of language and culture but all strive to read and follow the Quran in Arabic .
- Five Pillars include: Believing in one God, Prayers 5 times a day, Zakat, Pilgrimage to Mecca, and Fasting.
- Some differences between Sunni, Shia, and Sufi Muslims

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Core Values in Islam

Equality- Gender, Race, Nationality, SES, etc.

Justice- Stand up against oppression

Mercy- God to us and us to others

Accountability - Forgiveness is unrelated to correction

Free Will- Even in religion

Patience and Obedience to God

** **Jihad**- means struggle (internal or external) against things that are in opposition to the will of God

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Islam and Gender

- In Islam males and females are considered to be completely equal and made from the “same soul”.
- Men and women are *Different by Design* but have the same religious importance and requirements
- In Islam there is no mention of man being created first or a woman being created from man’s rib
- In Islam there is no story of Eve being the cause of the fall from grace
- In Islam men and women are directed to protect each other and call each other to task when in error

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Gender Roles



يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

O mankind! reverence your Guardian-Lord, who created you from a single soul, created, of like nature, its mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom you demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you. (4:1)

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- Primary relationship with Allah governs all other relationships and Allah watches how you conduct your worldly relationships

- Taqwa (God-consciousness)
- Equality
- Mutuality

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Men & Women



O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other. Verily the most honored of you in the sight of Allah is (the one who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things). (49:13)

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- Different by design
- Must get to know each other
- Only superiority is in degree of taqwa
- Allah is watching over all

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Relationship Between Men & Women



وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

The Believers, men and women, are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise. (9:71)

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- Mutual responsibility to take care of each other
- Mutual responsibility to advise each other
- Obedience to Allah

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Qur'anic Model of Marriage



وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And among His Signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.” (30:21)

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- Mutual relationship
- Spouses created for one another
- Sakeenah (Tranquility)
 - Mawaddah (Love)
 - Rahmah (Mercy)
- Broader than rights & responsibilities

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Modesty

- Both men and women in Islam are called to modesty and humility (in dress, action, economics, ect.)
 - Both men and women have requirements for physical appearance to identify them to each other and be recognizable as Muslims (hijab, beards, etc.)
 - Women are recommended to be “modest” in dress (some cultures take this to mean covering the head other do not)
 - Styles and types of head covering change with culture, age, social group, etc.

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Religious Obligation

Islam is a faith tradition that is based on the idea of free will. Believers choose to follow religious dictates and are blessed for their obedience. Choosing not to believe or how to believe is up to the individual and between them and Allah. Neither parent, spouse, child or government can obligate you to believe or follow Islam.

“THERE IS NO COMPULSION IN RELIGION”

Al Baqara 256

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Islam and Marriage

- In the time when the Quran was revealed there was prevalent injustice against women including femicide of female babies, the neglect of vulnerable populations (orphans, widows, travelers, etc.) and the mistreatment of women within marital relationships.
- Islam instituted a variety of values, practices and rules that were designed to protect and empower women and other vulnerable populations.

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Love vs Commitment

- Marriages in the “western” context are generally based on a belief in LOVE usually described as a feeling (love at first sight, etc.). Popular music, movies, books, and convention place a strong value on the feeling of love as a basis for marriage.
- In the Islamic world (as well as other cultural traditions) marriage is based on the idea of commitment, preparation, the establishment of family etc.
- Both are social frameworks that define marriage differently. There is no scientific comparison as to which predicts better marriages/ families.

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Arranged Marriage

Arranged marriage refers to a wide range of practices that have intermediary representatives (family, community, paid agents, etc.) involved in finding good matches for an individual (male or female).

The individual (male and female) ALWAYS has the final say in accepting the marriage under the religion of Islam

Child marriage is NOT discussed/ordained in Islam although dependent on culture marriage age may be younger than in US .

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Polygamy



- In Islamic writing there is much attention placed on the regulation of polygamy NOT because it is an ideal but because unrestricted polygamy created much injustice to women in the times before Islam
- Islamic regulations of polygamy include the limit of four wives, open and agreeing spouse, complete equality and if justice is not possible (and it rarely is) then partners should remain monogamous
- *“If you fear you cannot do justice then marry one (wahidatan)”*
 4:3 *“And you cannot do justice between wives, even if you wish it... but do not be disinclined so that you leave her suspended”* 4:129

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Marriage Practises in Islam

NIKKAH/ MARRIAGE CONTRACT:

- A woman must read, consent and sign a contract stating her conditions to be married including any demands she might have (education, childbearing, etc.). The Imam discusses the contract with the bride and ensures that she understand and agrees of her own will. Contracts are to insure that both parties agree to the marriage and understand the conditions.

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MAHR/ Bride Price

- The Mahr is a negotiated amount of money that is given to a bride by the husband or his family for her to spend as she sees fit. The woman is not required to return the money even if the couple do not formally marry.
- It may be used to ensure that the woman's future is safe no matter what happens in the marriage.
- Currently it can exceed thousands of dollars.

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How Spouses Relate to One Another



يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرْتُوا النِّسَاءَ كَرْهًا وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

“...nor should you (men) treat them (women) with harshness.... live with them (women) on a footing of kindness and equity...” (4:19)

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- Mutual care-taking, loving, nurturing
- Respect
- Kindness
- Mercy
- Humility

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Decision-Making



وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ

“[The believers are] those who (conduct) their affairs by mutual Consultation....” (42:38)

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- Spouses should practice the qualities of Believers with each other
- Prophet Muhammad ﷺ consulted his wives & companions

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Garments for One Another



هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

“...They (women) are your garments and you (men) are their garments...” (2:187)

Mutual care & responsibility

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Marriage Roles



الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَحَافُونَ يَنْشُورْنَ هُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Men are the protectors & maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means....(4:34)

- Allah is the Creator of both spouses
- Each spouse accountable to Allah
- Allah gave men an added responsibility of financial support
- This is NOT a right to be a dictator or tyrant, which is oppression

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Frequently Misused Verses Peaceful FAMILIES PROJECT

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ

“...Therefore the righteous women are devoutly obedient (qanitaat), and guard in (the husband’s absence) what Allah would have them guard...” (4:34)

- *Qanitaat* refers to obedience to Allah, not the husband
- Obedience to the husband is within the context of obedience to Allah. His leadership should follow model of Prophet ﷺ

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Remedy for Specific Situation Peaceful FAMILIES PROJECT

وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

“...As to those women on whose part you fear disloyalty and ill-conduct (nushuz), admonish them first, then refuse to share their beds, and lastly wadribuhunna, but if they return to obedience, seek not against them means of annoyance, for Allah is Most High, Great” (4:34)

- *Specific situation*: wife’s immoral behavior
- Must begin with communication
- Separate beds emphasizes severity
- Daraba has multiple meanings including to leave, separate, strike, tap

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The Husband's Nushuz (ill-conduct or cruelty)



وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

If a wife fears ill-conduct or cruelty (nushuz) or desertion or aversion (i`raad) on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best; even though men's souls are swayed by greed. But if you do good and practice self-restraint, Allah is well-acquainted with all that you do. (4:128)

- Either spouse can be guilty of *nushuz*
- Qur'an offers different remedy for each spouse's nushuz with goal of preserving family unit
- Neither remedy promotes abuse

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Prophetic Model



Aisha reported: The Messenger of Allah, peace and blessings be upon him, never struck anything with his hand, neither a woman nor a servant, unless he was fighting in the way of Allah. (Muslim)

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Prophet Muhammad ﷺ as a Husband

- Embodied teachings of the Qur'an
- Expressed affection publicly & privately
- Expressed appreciation & gratitude
- Helped with household chores
- Avoided criticism & harsh language
 - Corrected others' behavior gently & politely
- Used humor and was playful

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Addressing Severe Conflict



وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهِ. وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿٣٥﴾

And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever Knowing and Acquainted [with all things]. (4:35)

- To resolve issues that couple is unable to resolve on their own

- May require professional intervention when safety is compromised

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Divorce: Peaceful Partings

- Divorce is a legitimate option in Islam that can be initiated by either party
- Divorce is regulated to prevent injustice to either side, but especially to women
- Divorce should be a PEACEFUL solution
- “...the husbands should either retain their wives on equitable terms or let them go with kindness.” (2:229)
- “Let the women live (in iddah) in the same style as you...annoy them not, so as to restrict them...” (65:6)

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Outreach to Muslim Communities

- Become familiar with the groups in your area and the services already available
- Identify community leaders to partner with
- Hire liaisons within the community (do not depend on volunteers)
- Continue to investigate new coming communities
- Be aware of national/international factors affecting the community and service obstacles

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Service Provision Suggestions

- Must insure language access
- Gender/ Culture specific services
- Services for family and community
- Use community resources and liaisons
- Have victim serve as expert on their own situation/ cultural context
- Dietary and cleanliness issues

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Thank You!



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