

# Gender and Sexuality in Islam: An Interface of Patriarchy, Religion and Customary Practices

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**ABSTRACT---** *This paper discusses some of the dominant discourses on women's body and sexuality besides other structural and institutional factors which impact on women's sexual rights and sexuality and the interplay between these factors and Islam. Also the focus is on the way women's sexuality is constructed in Islam through various interpretations of the text (Qur'an and hadith), and how the traditional/customary practices curb women's body and sexuality. The paper also highlights the issues and challenges for women's movement in Muslim countries in raising the issue of women's sexuality and reproductive rights. These issues are important mainly for two reasons: firstly, the emergence of conservative forces using religion to curb women's rights and secondly, cultural or customary practices are overriding the textual Islam and thus, depriving women of their rights. The paper is mainly based on secondary sources.*

**Keywords---** sexuality, Female Genital Mutilation, political Islam

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## 1. INTRODUCTION

In almost all religion of the world, women's body and sexuality is a subject of debate especially in the discourse of feminist movement. Like all major world religions, Islam has a strong patriarchal element. However, the way it is practiced and experienced across the globe, it greatly varies across the Muslim countries and is influenced by a number of factors other than religion (Hilsdon and Rosario, 2006, p.332). In Islam women's body and sexuality is often been represented as a dangerously disruptive force, and women have been urged or sometimes compel to veil themselves in order to protect men from distraction and temptation (Abdel-Halim, 2001, p.204). However, with the time many customs and traditions were developed and assimilated in the name of Islam which has led not only to violation of women's human rights but also goes against the teachings of Islam.

In the last few decades, the issues around sexuality, sexual rights and women's bodies have increasingly become sites of political contestation in Muslim societies due to the adverse impacts of socio-economic and political developments. While on the one hand, rise of the Islamic conservative forces have given either very little or no space to debate the issue of sexuality and women's reproductive and body rights, on the other hand, a continuous effort by the conservative forces to maintain or reinforce the traditional mechanisms a new one in the name of religion to control over women's sexuality is depriving women of their rights.

Nevertheless, several factors such as the rise of new feminist and civil movements, globalization, the increasing influence of a global human rights discourse, and changing socio-economic conditions, etc. have led to the emergence of new discourses with regard to sexuality and sexual rights of women. But by and large, the religious leaders have been advocating against any reforms in the laws related to marriage, adultery, divorce and inheritance and have started a global campaign against the concepts of sexual and reproductive rights as western agenda (Hulme, 2009, El Dawla, 2000).

## 2. WOMEN'S BODY AND SEXUALITY IN ISLAM: REFLECTIONS FROM THE QURAN AND THE HADITH

In Islam both women and men are supposed to remain chaste. Not just before marriage but the adultery or engaging in sexual intercourse with someone other than a spouse is strictly prohibited. The punishment for adultery for both men and women is death by stoning. If a husband arbitrarily accuses his wife of being unfaithful, they both take an oath upon God, and if the wife swears that she is innocent and the husband swears that she is not, the marriage is irrevocably over and the woman is not considered an adulterous.

As far as the *Qur'an* and *hadith* are concerned both these sources consider the nature of sexual relations as a means of attaining mutual satisfaction, closeness and compassion between a wife and husband. The *Qur'an*, in a basic manner, follows the understanding of equality, partnership and justice within the sexual relationship of men and women. This is expressed by the *Qur'an* itself with the use of a metaphor, "They are your garments and ye are their garments" (al-Baqarah verse 187). Clothing or garments as mentioned here to create a symbol of a person's basic need for the other person.

"Permitted to you on the night of the Fasts is the approach to your wives. They are your garments and you are their garments." (2:187) Also, Muslims are advised to avoid sexual intercourse during menses so as not to cause discomfort to the woman (*Qura'n* 2:222).

When one looks at the sexual rights of the wife, one finds that several *hadiths* address the issue of sexual satisfaction with reference to the wife's rights in this matter.

"Your body has a right over you, your eyes have a right over you and your wife has a right over you." (Bukhari, Vol.7, No. 127). The wife's rights include a right to companionship from her husband and fulfillment of her sexual needs.

*Hadiths* that clearly reveals the importance of women's sexual and reproductive rights: "When you intend to have sex with your wife, do not rush because the woman also has needs which should be fulfilled" (*Wasa'il*, vol. 14, p. 40). Also the *hadith* goes:

"Three people are cruel: a person who has sex with his wife before foreplay." (*Wasa'il*, vol. 14, p. 40)

"When anyone of you has sex with his wife, then he should not go to them like birds; instead he should be slow and delaying." (*Wasa'il*, vol. 14, p. 82)

The Prophet said, "No one among you should have sex with his wife like animals; rather there should be a messenger between them." When asked about the messenger, he said, "It means kissing and talking." (*Tahzibu'l-Ihya*, vol. 3, p. 110)

In several *Hadiths*, the Prophet speaks about the importance of foreplay and speaking in loving terms during sexual relations. Hence, sexual dissatisfaction is considered legitimate grounds for divorce on the part of either wife or husband (An Islamic Perspective on Sexuality, Muslim Women League, 1996).

But at the same time destructive qualities of female sexuality have been quoted in many *Hadiths* as well as in the writings of eminent Muslim scholars like Ghazali, Shah wali-ullah, etc. In all the books of *Hadith* and *Fiqh*, as well as in the interpretations of the *Qur'an*, one can easily find the chapters related to the destructive powers of women's sexuality which strongly support the physical mutilation of women, i.e. female circumcision. For instance, Abu al Malih Ibn 'Usama's father relates that Prophet said, "Circumcision is a law for men and a preservation of honour for women" (Ahmad Ibn Hanbal, 5:75 Abu Dawood, Adab 167) Though, Islam does not approve this practice, it provides the ideological justification for performing it.

Hence, to sum up there is no 'one definitive opinion' about gender and sexuality in Islam. Further, the interpretations of various school of Islamic jurisprudence make the issue even more complicated. In fact, there are a number of different scholarly opinions and even *Shariah* is made up of a number of diverse opinions with regard to gender and sexuality. Similarly, there is no one universal way of understanding sexuality in Islamic societies due to a range of sexual ideals and beliefs.

### 3. MAJOR DISCOURSE ON WOMEN'S BODY AND SEXUALITY

It is imperative to mention that since the beginning of the 90's, a growing number of NGOs in Muslim countries have started advocating for sexual and body rights, issues of eradication of customary practices such as honor killings, female genital mutilation (FGM) or forced virginity tests to sex education and legal recognition of women's sexual autonomy in the penal codes.

There are two major discourses as far as the issue of Women's body and sexuality is concerned i.e. the conservative and the Feminists". The conservative discourse tries to reinforce traditional mechanisms to control women's sexuality in various ways by arguing that sexuality is a source of immorality, the unrestrained sexuality is dangerous to morality and social order, women must abide by restrictive dress codes that signify sexuality, women must be segregated or secluded so as not to lure men, women's body requires 'modesty' and so on. For instance, in Sudan since the 1990s, a woman can be legally stopped and questioned by any man who feels she is not wearing appropriate attire.

On the contrary when it comes to men's sexuality, the conservative discourse gives men more means and avenues of satisfying desires - if heterosexual, Polygyny becomes an unchecked right for men in some cases (like Nigeria) almost an obligation. While the right to marry girl children is defended and promoted as men's right and a means to prevent immorality, women's right to choose their partner is seen as immoral (WLUML 1995, Sudan Woman and Law Project 1996).

In nutshell, the conservative discourse (like Christian and Hindu religious right groups) emphasizes on reconstructing and reinforcing the patriarchal control over women and their sexuality in the name of religion. The focus of control has been

shifting from the micro unit of household patriarch to the macro- level of the state control of women (and men), to state-sanctioned control of all women by all men. Nazir (2005:164) writes, “The emergence of extremist Islamic forces stands as a threat to gains women have achieved as well as future possibilities for reform. Even where radical forces are not influential, the politicization of Islam seriously complicates the challenge of advocating for equal rights”.

As far as the feminists discourse on female sexuality is concerned, Mernissi (1996) has identified the dominant attitude in Muslim societies towards male sexuality (male heterosexuality that is) as highly positive, while female sexuality has been conceptualised as ‘implicit theory of female sexuality’ and an ‘explicit theory of female sexuality.’ Though both the theories co-exist but are contradictory to each other. The concept of explicit female sexuality in Islamic thought consider female sexuality to be naturally passive and views women’s submission to men as integral to their sexual pleasure. Men are seen as the active hunters and women as the passive prey. The implicit theory conceptualises women’s sexuality as active and dangerous, and as posing a threat to men. Hence, women are seen as the aggressors and the hunters, and men are seen as the prey to women who are seductresses and manipulators, using their sexual charm to control men. Looking at these two competing and co-existing notions of female sexuality, it is often argued and understood that women need to be protected from men, and also need to control their own sexuality for maintaining a good social order.

Some of the feminist scholar (Dunne, 1998 Mernissi (1996) opines that the male notions of sexuality include the idea that if it is not controlled, could result in social chaos and social disorder (*fitna*). Some feminist scholars have pointed out that this so-called ‘positive’ or ‘affirmative’ Islamic approach to sexuality, is mostly confirm masculine sexual experience for instance, verses affirming men’s rights to sexual satisfaction, allowing polygamy and allowing temporary marriage, as well as certain supposedly sexual references to the pleasures in paradise etc. This emphasis on male sexuality is also reflected in Muslim laws and the way they are used in society (Wadud, 1998).

Contrary to men’s sexuality, women’s sexuality in Muslim laws and societies is limited to monogamous heterosexual marriage that is believed to be preserving a ‘sexual purity’ and requires male control over women’s sexuality. In some cases where a woman is considered to have violated the codes of her family’s ‘sexual purity’, her identity or behavior can lead to violence, forced marriage and even they are killed.

#### **4. WOMEN’S RIGHT TO THEIR BODY AND SEXUALITY: CUSTOMARY PRACTICES VERSUS RELIGIOUS PRESCRIPTIONS**

The customary practices control women’s sexuality is very often controlled by customary practices which are operated through patriarchy. For instance, customs like virginity test, genital mutilation, honour killings and forced marriage having no sanction in Islam are still practiced as custom and often being justified in the name of Islam.

A few cases related to forced marriage, virginity tests; honour killing is worth mentioning to highlight how women’s body and sexuality are seen as the bearers and reproducers of patriarchy and customary tradition than the reproductive and sexual rights given to them in Islam.

The case of three teenage girls -Hameeda, Raheema and Fauziain the remote Pakistani province of Baluchistan, apparently wanted to marry husbands of their own choice rather than the selection made by their local Umrani tribal leaders. Hence, marrying without permission was considered to malign the honor of the tribe. enraged, tribesmen kidnapped the girls, along with two older female relatives of the girls, and drove them all into the desert. The men then dragged the teenagers out of the car, beat them and shot them. But the girls did not die instantly, so their attackers allegedly threw them into a ditch and buried them alive, covering them with sand and rocks. When the older women, aged 45 and 38, objected, they too were shot and buried alive. The killer believes that his action cleans the honor of his family and community.

Another case is of Raela, who was forcefully taken for medical examination on her wedding night after her husband accused her of losing her virginity and was beaten by her husband. The examination showed she had lost her virginity long before the marriage and the 22-year-old was handed over to the judiciary for prosecution on charges of adultery. The family had to pay back almost US\$10,000 to their former son-in-law, which was allegedly spent on the wedding ceremony. Though virginity is not mentioned in the country’s penal system and other laws, hundreds of women like Raela unfairly face serious formal and informal penalties for the alleged illicit loss of this cultural requirement.

Prevalence of FGM in Indonesia was generally high in every province, particularly in Jakarta, which is among the 10 provinces with the highest percentage of circumcised girls aged 11 and below, at 68.1 percent. FGM in Indonesia is strongly related to culture and religion. In Gorontalo, girls are circumcised before their third birthday in a traditional ceremony called *mongubingu*, as proof of their compliance to Islam. Parents opt to circumcise their daughters so that they can grow up as a *sholihah* [pious woman] (theconversation.com/female-genital-cutting-common-in-Indonesia, February, 2016 Accessed on April, 2017).

All these cases bring out the fact that despite ubiquitous references to 'Islam,' it was the patriarchies that were central issue. The discourse around all these cases indicates towards the established and familiar postcolonial binaries of East/West, tradition/modernity, public/private, sacred/profane. In this larger discourse, invariably women's bodies become sites for the cultural politics and the class struggles regardless of the kind of state/society. The regulation of women and their sexuality thus, became the key hegemonic move for securing the consent of social classes across the society. Many of those are based on patriarchy for controlling their sexuality

Hence, I argue that religion is not the predominant factor related to women's sexuality and sexual rights within Muslim societies rather it is the convenience and inconvenience argument of the state and the community, the selective patriarchal interpretations of Islamic text that is adopted and rejected when it comes to women's rights especially in private domain. Even codified Islamic laws are precisely sidelined, ignored or overlooked when it appears as inconvenient for the law makers and the interpreters. For example, honor killings are often justified to 'tradition' and 'custom' and not through recourse to *Islam*, as it was witnessed in 1999 in the Pakistani Senate.

Further, I argue that Women's bodies are often seen as belonging to society and the family, the bearers and reproducers of cultural identity and tradition than a person who has rights over their body and soul. Since , the collective and the community are emphasized as the Centre of moral authority and value in Islam(Obermeyer, 1995, p.371), 'the control of women can come to symbolize the means to cure a whole range of society's political, economic and cultural problems' (Feldman and Clark, 1996, p.16). The conservative forces often not only try to gain control over women's bodies but also try to fix a dress code for women, their sexuality and their reproductive capacities and choices (Berer and Sundari-Ravindran, 1996, p.7). All these factors largely put a limit on women's control over their own bodies and they are not able to exercise their sexual and reproductive rights' (Amado, 2003, p.6).

## 5. REPRODUCTIVE RIGHTS AND SEXUALITY: WOMEN'S MOVEMENT AND CHALLENGES

Women's movement has numerous challenges in debating the issue of social construction of gender and sexuality in Islam and its impact on the rights of women. There are innumerable challenges that need to be addressed by the women's movement particularly by Muslim feminists. First of all contextualizing the issue of sexuality in the present context from a gender and human rights perspective is essential mainly because dealing with Muslim women's oppression in sexual matters solely in terms of the Quran and/or other Islamic sources largely leave out the present socio-economic and political context. Further, challenges women's movement is facing is how to evolve a common strategy both at global level and regional level to combat the political use of religion and culture/tradition in private life along with the laws, policies and practices that intends to control women's sexual and reproductive rights/freedom given to them in the *Qur'an*, are the. A few feminists(Wadud 1998, Barlas 2000, Yamani 1996) have been trying to challenge the prevailing idea of fixed gender roles in Islam that hinder women from controlling their own sexuality as they strongly feel that male control of women's body and sexual rights is not mentioned in the *Qur'an*. However, they are not able to deconstruct the fixed gender role. Further, unraveling of different views on sexuality within the frameworks of progressive Islam is another challenge being faced by feminists' scholars who are making a continuous effort to justify their stand (Wadud 1998; Esack, 2000).

Another major challenge before Women's movement is how to evolve a common strategy for bringing women's sexual and reproductive rights agenda on the political programme of the conservative forces and how to deal with the pick and chose process of cultural traditions and interpretations of religion adopted by the interpreters. As it has been observed that in almost all cultural traditions and interpretations of religion, it is the ritualistic practices of Islamic text which is chosen and promoted in the name of Islam. These ritualistic practices adopted in the name of religion are generally discriminatory in nature. Muslim feminists are facing today the challenge as to how to work together with the global feminists' movement to contextualize religious right discourses on sexual rights and sexuality. In other words these feminists are facing the challenge of negotiating a dialogue with Muslim religious rights groups, i.e. the context in which they operate the ideological-political state in which women's rights are implemented and being practiced. Hence, the greatest challenge is how to deconstruct the concept of sexuality and reproductive rights which is shaped by the combination of factors such as the law, customary practices and traditions, and the cultural interpretations of religious text. This is important as the conservative forces are continuously making an effort to reconstruct and reestablish various social mechanisms to control women's bodies and sexuality for enhancing their power to maintain the patriarchal social order.

## 6. CONCLUSION

Looking at the various discourse and debates one could submit that virtually in almost all Muslim societies, women and their sexual purity (variously defined) have been attached with the honour of men and families, i.e. patriarchal set up which is often been explained and perceived as Islamic. Hence, it is important to understand the role Islam with regard to women's sexual rights and sexuality in a historical and sociological context. This understanding would rule out the idea that something static and immutable called 'Islam' exists and any association of Islamic text with customary practices is universally applied and accepted across the Muslim Societies.

The above discussion clearly indicates that Islam takes a different approach and does not renounce sexuality as such. Sexuality itself is not dangerous (Sabbah1984) but some of the interpretations are unfavorable to women. Hence, Male control of women's sexuality is not envisaged by the Qur'an but male interpretations of the Qur'an and Hadith and the formulation of Shari'ah has led to the patriarchal practices in Muslim societies particularly related to sexuality and reproduction. Further, the historical and exclusive interpretation of the Qur'an and Hadiths about women's sexuality is not universally accepted by all Muslims in the same manner and degree.

So, women's sexuality must be contested in a given context, political ideology of the state, the economy of the state, the pressure of the national and international forces as male control of women's sexuality as a justification for maintaining identity and social order is an outcome of a whole range of the social, economic and political structure of early Islam. Similarly, sexual patterns, to a large extent, influenced by the nature of function of the state, political economy and the cultural practices, connection between political systems and conservative religious groups than the Islamic text. Hence, there is a need of wider debate on the issue.

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