

Evaluating the Current Trends in Gender Equality in Islam

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ABSTRACT

Gender equality is topical throughout the world as there seems to be increasing demand for more equitable treatment of women in human actions. Women throughout the world are campaigning for the improvement of their lives. Consequently, many international instruments have been promulgated by the United Nations to address gender inequalities one of which includes the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) which was adopted by the United Nations in order to provide special protection for women against discrimination and all forms of abuse. The Convention is categorized as one of the UN Conventions that has enjoyed the highest ratification in UN history. Islamic law has equally provided protection for women against discrimination and all forms of abuse. Islam came at a time when women were regarded as chattels in most parts of the world. Islamic law placed them on the same footing with men, gave them the right to own property, right to maintenance, right to be educated and right to inheritance among others as well prohibited all forms of discrimination against them. The paper employed doctrinal research in arriving at its findings and recommendations. The work aimed at enlightening of the reader, who will become aware of the gender discriminatory practices perpetuated against women and the position of Islam which without prejudice to other religion or faith provide tranquility and contentment to women in different aspects of life.

Keywords: Gender, Equality, Islam, society and People

INTRODUCTION

The pursuit of gender equality has dominated conferences, seminars, speeches, research, books, and journals for decades. However, the ruckus has not solved the situation. This raises various questions: Is society terminally ill? Are we curing a nonexistent illness or causing it with our remedies? Equality means what? Why does a successful Western woman struggle to balance her roles as mother, wife, and careerist? What principles does Islam set that preserve peace and prevent gender role conflicts? "People, we have created you male and female, and appointed you races and tribes, that you may know one another," says the Islamic narrative, which

affirms gender equality from creation. The greatest among you in God's eyes is the most God-fearing [1]. People are accorded the highest spiritual equality, regardless of race, sex, or social class. As humans, men and women are responsible for fulfilling their bodily, emotional, intellectual, and spiritual needs, duties, and potential while putting their higher purpose in life at the centre of their personal and collective vision [2]. This article evaluates the current trend in gender equality in Islam.

An appraisal of the legal framework on gender equality in Nigeria

Admittedly, the Nigerian government is a party to some international gender equity and human right instruments, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Protocol on the African Charter on Human and People's Right on the Right of Women in Africa, 2003, with the hope that ratification will inspire reforms to improve Nigerian women's status. However, legislative provisions are only one part; implementation is needed for favourable effects. To protect women from discrimination and abuse, the UN adopted the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) [3]. As mentioned above, the Convention is one of the UN Conventions with the highest ratification in UN history. The National Gender Policy (NGP) 2000 also promotes gender equity within the framework of fundamental human rights and gender justice. Nigeria's National Gender Policy (NGP) [4], based on international conventions to which Nigeria is a signatory, aims to create a just society where no one is discriminated against and all social groups' abilities are mobilised and used to achieve basic human rights and protect citizens' health, social, economic, and political well-being for

fair, rapid economic growth. This policy strengthens women's rights and provides a clear framework for resolving deep-rooted inequities in society, along with the Violence against Persons Prohibition Act of 2015. Women are equally protected from discrimination and abuse under Islamic law. Islam arrived when most of the world considered women chattels. They have the right to own property and were protected from discrimination under Islamic law. In Islam, human rights are those rights which have been bestowed and guaranteed by Almighty Allah. They cannot be amended, changed, abrogated or withdrawn by any executive, legislative or judicial body or anybody at all. On the other side, human rights within the Islamic context is described to be the will of Allah (SWT) to regulate the destiny of man. It is as a result of this that it could not be specifically or emphatically called "Human Rights" but "Divine Rights". This is because it is the bridge that connects human reason to divine wisdom [5]. One unique goodness about rights under Islam is that once you are Muslim you are obliged to obey and honor them, you don't need to be a signatory neither do they need to be domesticated like the case of other international conventions and United Nation Declaration on

Human Rights which are not binding on any state unless those who are signatories and who domesticate them. Under Islamic law, women are guaranteed rights which must be protected and any person that abuses such right stands to face the full wrath of the law. The Qur'an states that "And they (women) have rights equal to the right against them in an equitable manner". This verse has clearly shown that under the shariah the rights of women is equal to that of men and must be respected by all. The Qur'an used the word "*mithl*" which means "equal to" the implication of the use of

Comparative gender equality, historical and current trends

Women in Islam are treated differently than in other cultures. The Qur'an and the Sunnah of Prophet Muhammad (p.b.u.h.) gave women respect and equal rights, obligations, and tasks from the start. A cursory glance at prior civilizations and faiths' views of women will help the reader understand how Islam changed their status. Women in India had fewer privileges than their husbands. A woman was usually her husband's property. A Hindu widow in India is burned alive with her dead husband or after his death, called sati/suttee[7]. Women were considered inferior to men in some ancient Jewish traditions. The Hebrew Scriptures say, "Of the woman came the beginning sin and through her we all die." Starting with this line, ancient Jewish women were humiliated, mistreated, and become house slaves. Christianity did little to elevate women. Genesis 3:12 blames Eve for Adam's banishment from heaven. Christians consider women temptresses as second-class citizens. The early Church

As briefly pointed above, The Western feminist movement advocated for women's rights and societal duties outside family. The current century has seen an increase of women politicians and economists worldwide, notably in the West. In affluent nations, where gender equality progress is never enough, complaints are more common. Statistics usually claim women are underrepresented in education and professions. Lack of priorities leads many women to overlook their families and children while pursuing their careers. Thus, every woman must decide if living like many Western business women is worth it [9]. Trying to equalise men and women in every sector is unnatural. Complaining about that is foolish. "Women were 2.7% electricians, 1.7% carpenters, and 1.2% car mechanics". Gender equality and 50% women in the above sectors would be unnatural, ludicrous, and set unrealistic expectations that can never be met. If this goal was met, will society be better? Western women's dignity is violated for gender equality. Only men who succeed in their duties deserve respect. They must select a life that goes against their femininity to achieve this. They are taught that they are the finest model for other women to follow and achieve to be considered evolved and civilised. Does "civilized and successful woman" mean "I don't cook"? Do not do laundry. "I don't market, I don't have close friends," "I don't

Gender equality: Islamic perspectives

Discussing gender equality in Islam and how women have equal rights with men requires more than a dissertation. We shall study two Holy Qur'an verses in this paper: "Indeed, Muslim men and women, believing men and women, devoutly obedient, truthful, patient, humble, charitable, fasting, chastity." This passionate poem is the holy revelation that disproves Islamic gender discrimination and Muslim world injustice. Islam defines equality differently. Both genders "have the same status, dignity, rights and privileges to exist and operate in this world according to the Divine

a) Women Right to Education

Under Islamic law, every woman has the right to education, and denying her that right is wrong. The first verse given to the Prophet (PBUH) told him to read, showing that Islam prioritises education. "Recite in the name of your Lord who

this word is that whenever any claim of right is made by a man against the woman, the Qur'an has equally placed a similar responsibility on the men to ensure that they give to the women rights that are equal to that which they demand[6]. CEDAW rights were introduced less than 50 years ago. Islam has granted women privileges for over 1400 years. Interesting that the shari'ah guaranteed women's rights when most of the world was abusing women's rights. Women were considered disposable.

Fathers called them "the door of hell, the mother of all humans." She should be ashamed of being a woman [8]. Gender equality may seem like a foreign import to Islam, with external forces driving Muslim communities to modify attitudes and practices associated to pervasive gender inequity and discrimination. However, scripture and prophetic practice have prioritised female equality since Islam's founding. To top things off, jahilliah Arabs shamed the girl child's birth. The terrible misuse of women's rights was inconceivable. They were so harsh to the girl kid that they buried her alive. Quran says, "And when the girl [buried alive] is inquired. She was executed for what sin?" Ah! The horrible choice they make[1]. It appears that all civilizations have had a poor view of women and accepted any disrespect, degradation, or insult to them. The Divine principles of Islam gave women honour and respect by providing them access to all parts of society.

Current trends

want a family" or "I don't want to be a wife or mother" signify "I don't want to be a woman". Does this lifestyle satisfy them? Is a society mature and civilised when its women choose careers above family? If this is true for women in most wealthy countries, where is gender equality heading society?[10] This does not mean that women cannot work in politics or high-ranking leadership positions, but not at the expense of their primary functions in the family, society's basic unit. No wonder most of these women can't resolve gender role problems. It's little wonder many Western women have joined Islam, a religion vilified and stereotyped for oppressing women, after learning about actual Islam and its ultimate respect for women. The universal message of Islam was to treat women as human beings with equal rights and responsibilities before the Creator: "O Mankind, reverence your Guardian-Lord, Who created you from a single person, created, of like nature, his mate, and from them twain scattered This verse and several others on women show that Islam does not oppress women and offers them rights and dignity that no other religion or society has [11]. This paper, therefore, will make an overview of gender equality in the light of some rights provided by God to protect women within the content of provision of Holy Quran and Hadith.

Commandments." various physical states, natures, positions, and functions require various rights and duties. The Qur'an says, "They are your garments and ye are their garments." As garments, they should comfort and protect each other. Each is crucial to a family system's functioning. Keep to the paper's framework—revealing the true picture of women's status, how it's understood, and how to approach it from an Islamic perspective in areas of divine rights for women—1,400 years for education, maintenance, property ownership, and inheritance.

created –Created man from a clinging substance recite, and your Lord is the most Generous –Who taught by the pen – Taught man that which he knew not" (Qur'an[13]. Under Islamic law, every woman has the right to education, and

denying her that right is wrong. Islam does not discriminate by gender in intelligence. Education is equally vital for men and women. Many verses in the Qur'an commend learned men and women. Individual inquiry and rejection of incorrect and barren thinking have been encouraged. Muhammad (PBUH) said, "The search for knowledge is a duty for every

b) Right to maintenance

Given the nature of women in society, Islamic law forbids self-support. Husbands must support their wives, and parents must support unmarried women. According to the Quran, we should treat our relatives and fellow travellers with respect and not waste our resources. No matter how rich a woman is, she cannot maintain herself. It is the husband's sole duty to maintain her. If the husband has the means to maintain her, the marriage can be dissolved. A mature, unmarried woman is supported by her parents.

c) Right to own property (moveable and immovable)

The Holy Quran permits women to own both movable and immovable property, stating that men and women should benefit from their earned wealth. After granting them the

d) Right to inheritance

The attitudes of denying women access to inheritance is neither a new issue nor a fully settled one. In Nigeria, there are various legislative provisions and native law and customs that regulate testate and intestate inheritance. However, despite numerous national and international instruments and legal framework to eliminate discrimination against women in all circumstances and promote gender equality, deprivation and denials of female access to inheritance persisted among many cultures and ethnic groups in Nigeria and around the globe. Moreover, even under the testamentary rules, unless and until a person is placed in the Wills, there is no guarantee of inheritance. From a Comparative analysis, the chances of inheritance awarded to females under Islamic law is yet to be guaranteed under any Statutory or Native laws and Customs. Unfortunately, western writers and researchers over emphasize the case of ratio 2:1 share, and they really concentrate on it and present it as if these were in all circumstances. As if there are no circumstances under which the female inherits equally with her male counterpart or even more than the male. To this end, this section of the paper briefly examines how Islam guaranteed inheritance of a female heirs which has not been provided in other legal systems or civilization which actually leads to the present trend for gender equality in all aspects. Studies revealed that throughout the corridors of history and centuries even before the advent of Islam as well as after it, almost all nations of the world have one thing in common that exclude females from inheritance. Thus, the rules of inheritance were agnatic that is males only to the exclusion of females. In some systems they are not only deprived from inheriting any portion but they themselves are considered chattels capable of being inherited. Meaning, instead of being subject of inheritance, but they themselves are treated as object of inheritance[16]. Even in the 21st century, the issue of female right to inheritance is one of the world's number one unresolved issues. Even in Nigeria, the position of women in most cultures has not changed significantly. Both national and international bodies and movements are still struggling and craving for gender equality and female access to inheritance. For instance, under customary law, inheritance is basically patrilineal based on the principle of primogeniture. As a result, women are deprived of rights to inheritance: movable and immovable property[17]. Inheritance will occur under a customary law if the couple marries under a customary system. Generally, inheritance and succession under native law and custom is determined primarily by the customary rules of the place of origin of the deceased person and not by where he resides or where the

Muslim (male and female)"[14]. This hadith shows that Muslim women must learn, not just men. Thus, Qur'anic and Prophetic knowledge-acquisition methods encouraged scholarly Muslim men and women. They researched, produced, and promoted sciences for centuries before the European Enlightenment.

Islamic law views women as independent entities, hence even changing their names due to marriage is prohibited. Islam holds that marriage is a contract between a man and a woman to live together, not a sale [15]. In Islam, the father's name is always the surname, regardless of marriage. The Qur'an advises using fathers' names as surnames, as it is more just in Allah's eyes.

right to hold movable and immovable property, the Holy Quran provided guidelines for managing them.

property is situated. These practices conform to the primogeniture rule which is a system of inheritance or succession by the firstborn child, specifically the eldest son who consequently becomes the head of the family. He occupies the family house, holding same as trustee of the other children, male or female[18]. There are some ethnic groups whose inheritance law has become so notorious and pronounced such as Yoruba and Igbo. The two recognized types of inheritance under Yoruba native law and custom are Idi-igi and Orio Jori are the distinct traditional rules of inheritance in Yoruba land. The former is to the effect that the estate of the deceased is shared equally per the number of wives he possessed, while under the later rule the deceased's estate is shared equally per the number of children. The Supreme Court held in the case of Akinubi Vs Akinubu[19] thus, "It is a well settled rule of native law and customs of the Yoruba that a wife could not inherit her husband's property. Our customary law of inheritance is heavily biased or prejudiced against women, and any custom which deprives female children and wives from inheriting their deceased father's or husband's estate is not only contrary to natural justice, but against the spirit and letter of the Nigerian 1999 Constitution. In Igbo speaking communities, the cardinal principle of customary inheritance is by primogeniture that is succession or inheritance by first male child, who is usually called the "Okpala". Under their ancient custom, Females neither inherit from their parent's side nor from their husband's side. In Igbo speaking communities, the cardinal principle of customary inheritance is by primogeniture that is succession or inheritance by first male child, who is usually called the "Okpala". Under their ancient custom, females neither inherit from their parent's side nor from their husband's side. The male child inherits the deceased's property to the exclusion of females, whether wives or daughters, this is as a result of the notion that women are "property", and therefore an object of inheritance, themselves[20]. Now, on the big issue of whether or not females can partake in the inheritable estate of the prepositus person under Islamic law of inheritance has been clear. Females are recipients of fixed share of specific ratios as ordained by the Holy Qur'an. None of the incongruities of the past are found in the question of inheritance under Shari'ah. Islam established the right of inheritance to all daughters, mothers, widows, all surviving sisters, etc. of the prepositus person. He the Almighty Allah explained all the rules, conditions, circumstances and classifications of the heirs and stated same in the Holy Qur'an. And there are three main verses in the Holy Qur'an that broadly describes the

fractional shares of the estates to which various relatives are entitled. The verses are chapter four (4) verses: 11, 12 and 76. Qur'an chapter 4 verse 11 relates shares of children and parents, verse 12 deals with shares of spouses and uterine brothers and sisters, 4: 176 with Akalala. The basic aspects of Islamic gender equality with respect to inheritance for this purpose are the following:

- I. The wife has access to her deceased husband's property.

CONCLUSION AND RECOMMENDATIONS

In the whole it is evident that women fare better under Islamic law in all the aspects examined above compared to other legal systems and civilizations, undoubtedly, Islamic Law is more equitable as regards women's right and equitable treatment, this quite commendable as it fall in line or time with global best practices and the nation of a equality of human race. The paper concludes with the last sermon of the Prophet where he states: "All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a Persian (non-Arab), of a white over a black person, or of a male over female. Only God-Fearing people merit a preference with God" Situating the Prophet's last sermon in its own historical context, the prophet addressed core universal values in a society where those were systematically violated. This new nation was guided by rights and obligations inscribed in the Charter of Medina 627. The paper thus recommends for More emphasis needs on recognizing the value of men and women, with their similarities and differences, and their uniqueness as human beings, so that each person feels empowered within their domestic and public lives to participate fully and flourish as individuals as part of a greater whole. Such a vision built upon the consideration of men and women as individuals, with something unique to offer, could cultivate new insights

- II. Daughters and grand daughters (nhL) are qualified to inherit.
- III. Mothers both paternal and maternal (hh) were accorded the right of inheritance even where there were male descendants.
- IV. The female share was sometimes equal, more than and sometimes a half of the share of her male counterpart.

for how were imagine gender-inclusive societies. At a more practical level, gender-sensitive policies need to be implemented to ensure that spaces of education and opportunities for employment within communities and societies are not exclusively reserved for individuals of a particular gender. Efforts should be made to seek out stories of women who shaped history, and those stories should be integrated into educational curricula and shared to create positive role models for both women and men. The Nigerian government, being a signatory to CEDAW, and other international instruments on human rights should take appropriate steps, including enactment of laws to modify or abrogate existing customary laws that violate or infringe women constitutionally guaranteed rights. Free Legal aid for Matters Relating to the women's Rights for the enforcement of the rights of the underprivileged, poor or literates whose fundamental rights are being violated or have been violated. Promoting inclusion and diversity through a humanist reading of the Quran and prophetic tradition is key to gender equality and addressing gender bias. These teaching needs to be widespread to raise community awareness and address the harmful restrictive practices. The goal is to empower women and girls while also drawing men and boys in gender transformative ways.

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