

WOMEN IN ISLAM



‘O Mary! Allah hath chosen thee and purified thee, chosen thee above the women of all nations’.” (Qur’an;3: 42)

By Aftab Khan

Peace Forum Network

*In the name of Allah, The Most Gracious, The Most Merciful
There is no one worthy of worship except Allah and Muhammad is messenger of Allah*

“O Mankind! Be conscious of your Sustainer, who has created you out of one li in entity, and out of it created its mate, and out of the two s read abroad a multitude of men and women nd remain conscious of od, in whose name you demand (your ri hts) from one another, and of these ties of kinshi erily, od is e er watchful o er you!(Qur’an;4:1); “I will not let the ood deed of any amon you, whether a male or a female, be wasted.” (Qur’an;3:195)

WOMEN IN ISLAM

Subjugated or Emancipated?

By Aftab Khan



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Foreword

Although man and woman have been created equal, but they are not identical. Both have been fashioned differently from each other, so their roles and responsibilities are also different. The variation in their functions does not imply that one is inferior to the other. Islam has offered dignity, justice, and protection to women which, for long, have remained out of their reach.

The Muslim women dressed modestly like Mary, the mother of Jesus Christ. Islam granted the rights of divorce & inheritance to women 1400 years ago, once no woman could dream of this freedom.

Regrettably in some Muslim societies, the rights granted to the women by Islam are denied due to the local culture and traditions, for which Islam can not be blamed. With more education and awareness this problem could be overcome. Muslim countries have highest number of female head of governments. In Islam women not subjugated but liberated.

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WOMEN IN ISLAM

Subjugated or Emancipated?

CHAPTER-1: INTRODUCTION

Generally it is believed that in Islam the women are mistreated, their status is lower than men and they do not enjoy equal rights. Such negative perceptions has been created by the ignorant and enemies of Islam, after having failed in the ideological front, however the cultural treatment meted to the women in some of the Muslim societies has provided the basis for such perception. Before the advent of Islam the status of women in earlier civilizations was very low to the extent that they were denied basic human dignity. A cursory look at that would highlight the respectable position granted to women by Islam. The women were degraded and were denied all rights under the Babylonian law. If a man murdered a woman, instead of him being punished, his wife was put to death. In the Greek Civilization, women were deprived of all

rights and were looked down upon. In Greek mythology, an 'imaginary woman' called 'Pandora' is the root cause of misfortune of human beings. The Greeks considered women to be subhuman to the extent that they were considered impure, and they were bought and sold in marketplaces. A woman could not refuse a husband chosen by her guardian and she could not disobey her husband in anyway. Later, they acquired a somewhat better status, but they remained inferior to men. Though chastity of women was precious, and women were held in high esteem, the Greeks were later overwhelmed by ego and sexual perversions. Prostitution became a regular practice amongst all classes of Greek society. When Roman Civilization was at the zenith of its 'glory', a man even had the right to take the life of his wife. Prostitution and nudity were common amongst the Romans. Under the Roman Empire, women did not have the right to own anything. If a woman had any property of her own, it was automatically transferred to the ownership of the

head of the family. Later, in the reign of Justinian (483-565 C.E), women were given the right to retain what they earned through their own work, but money from other sources (gift etc) remained with the head of family.

Christian Europe was influenced by notions that prevailed in the days of paganism about the status of women. Eve is considered responsible for the fall of Adam from grace indicated by word "Evil". As recently as 1805, the English law allowed the man to sell his wife. In the year 586 C.E that is when Prophet Muhammad (peace be upon him) was still a young man, the French elegies organized a convention in which they discussed whether women were human or not. They concluded that a woman was a human being created only to serve men. Even after the French Revolution, in the late 18th century, the French law continued to consider that an unmarried woman was totally unqualified to enter into any contract without the consent of her guardian. The French law of the time stipulated that those who did not have legal

status were "young boys, idiots and women." The Egyptian considered women evil and as a sign of a devil. Before the advent of Islam, the Arabs looked down upon women and very often when a female child was born, she was buried alive. Islam uplifted the status of women and granted them their just rights 1400 years ago. If certain rights of woman are being ignored, restricted, or denied in present-day Islamic societies, it is the responsibility of the society which is not enforcing them, Islam cannot be blamed for it. The status of women in Islam is evident from the privileges granted to her.

CHAPTER-2: ISLAM ELEVATED WOMEN TO DIGNITY & HONOR

Equality:

Men and women are absolutely equal with regard to their human status. The Qur'an, and the Prophet (peace be upon him), stress the equality of the two sexes in clear terms. The Qur'anic address always applies to men and women equally, at times the women and men are also addressed together: "Surely the Muslim men and the Muslim women, the believing men and the believing women, the devout men and the devout women, the truthful men and the truthful women, the patient men and the patient women, the humble men and humble women, the charitable men and the charitable women, the fasting men and the fasting women, the men who guard their chastity and the women who guard their chastity, and the men who remember Allah much and the women who remember Allah much - for all those, Allah has prepared forgiveness and a great reward"

Qur'an;33:35). Yet there are occasions where women are addressed in the Qur'an on their own, with matters that apply to them only. On the contrary, Islam stresses equality of treatment of sons and daughters. Allah says in the Qur'an: "Mankind, remain conscious of your Lord, who has created you all out of a single soul, and out of it created its mate."(Qur'an;4:1). **Although man and woman have been created equal, but they are not identical.** Both have been fashioned differently from each other, so their roles and responsibilities are also different. The Prophet (peace be upon him), says: "Women are the sisters of men." (Related by Ahmad, Abu Dawood and others). Needless to say that brothers and sisters are equally treated. The Judeo-Christian traditions put all the blame for man's fall from heaven on women, conception of the creation of Adam and Eve is narrated in detail in Genesis, chapters 2 &3 . God is quoted to address the women; "I will greatly increase your pains in childbearing; with pain you will give birth to children. Your desire

will be for your husband and he will rule over you.”(Genesis; 3:16). Islam repudiates that and makes Adam and Eve equally responsible for their actions. On the incident of their disobedience in heaven, Allah says in the Qur'an: “Satan caused them both to stumble, and thus brought them out of what they had been in.”(Qur'an;2:36). Indeed, in some verses, the sin is attributed to Adam alone: "Adam disobeyed his Lord and thus he was astray..."(Qur'an;20:121). Furthermore, Islam rejects outright the principle of the original sin. It considers everyone responsible for his or her actions. Thus, no woman is responsible in anyway for what Eve had done in heaven, in the same way as no man is responsible for what Adam did there. According to Bible, the period of un-cleanliness of women upon birth of girl child is double than the male child: “Say to the people of Israel, If a woman conceives, and bears a male child, then she shall be unclean seven days; as at the time of her menstruation, she shall be unclean. And on the eighth day the

flesh of his foreskin shall be circumcised. Then she shall continue for thirty-three days in the blood of her purifying; she shall not touch any hallowed thing, nor come into the sanctuary, until the days of her purifying are completed. But if she bears a female child, then she shall be unclean two weeks, as in her menstruation; and she shall continue in the blood of her purifying for sixty-six days.”(Leviticus’12:2-5). Islam treats the children and their mother with equity whether the child is male or female.

Islam denounces the practice of those who feel sad or adopt a gloomy posture when a girl is born to them. This used to be the case in Arabia prior to the advent of Islam, and it is still so in many communities. According to Islam, the birth of a girl should be celebrated in the same way as the birth of a son. Prior to Islam, several Arabian tribes used to bury newborn girls alive. Islam not only forbade that practice but also denounced it in clearest of terms, threatening those who kill their children with utter ruin in this life and in the life to come. Islam issued strict

orders to all Muslims to take good care of their women and look after them properly, whether they are their daughters, wives or mothers. In connection with looking after young girls, the Prophet (peace be upon him), says: "He who looks after two young girls until they attain puberty will on the Day of Judgment be with me like these two (and he pointed with his two fingers). His companions say that they understood that this also applies to a man with one daughter. " The Qur'anic verse and the Hadith which says: "The best blessing in this world is a good wife who pleases you when you look at her and protects you when you are away." (Related by Muslim and Ibn Majah). The verses which emphasize the importance of being dutiful to one's parents often highlights the role of mothers in order to stress the fact that a Muslim is always required to take particularly good care of his mother. A man came to the Prophet (peace be upon him) and asked him: "Who deserves my caring attention most?" The Prophet, peace be upon him, answered: "Your

mother". The man asked: "Who comes next?" The Prophet (peace be upon him) answered again: "Your mother". He gave the same answer the third time, but when the man asked him the same question again, the Prophet (peace be upon him), said: "Your father". (Related by Al-Bukhari). Woman is equal to man in the pursuit of education and knowledge. The Prophet declared: "Search for knowledge is a sacred duty imposed on every Muslim man and woman.

Equality in Faith, Worship and Rewards:

A woman is liable to reward or punishment like men according her faith, worship and deeds. The same standard of justice applies to both men and women. Allah says in the Qur'an: "Whoever does well, whether male or female, having already accepted the faith, shall be made by Us to enjoy a goodly living. We will also administer to them their reward according to their best deeds."(Qur'an;16:97). "Their Lord answers their prayer: I shall not loose sight of what any of you does whether man or woman;

each of you is an issue of the other." (Qur'an;3:195). During the time of Prophet (peace be upon him), the women used to offer prayer (salah) in the mosque, in the last row. However it is not obligatory for the women to offer prayers (salah) in mosque, they are allowed to offer prayer at home for convenience. Women can even lead the prayer for the women in congregations: "It is related from 'Aysha that she would make the adhan and iqamah (prayer call) and lead the women in prayer, standing in the middle of the row."(Related by al-Baihaqi-Fiqu-Us-Sunnah, Volume 1, Number 104 a). All the obligatory worships like Salah, Fasting, Zakah, and Hajj are also obligatory for Women like men, however during period of impurity (menstruation), they are exempted from offering prayers (salah) where as men are not exempted from prayers (salah) under any circumstances. The women are exempted to participate in combat (Jihad with sword or armed struggle). Narrated by Aysha (The mother of the faithful believers); "The Prophet (peace be upon him)

was asked by his wives about the Jihad and he replied, "The best Jihad (for you) is (the performance of) Hajj." (Sahih Al-Bukhari Hadith 4.128). However it is evident from a Hadith that in the initial days the women have been providing logistic support. Narrated Ar Rabibint Muauwidh :We used to take part in holy battles with the Prophet by providing the people with water and serving them and bringing the killed and the wounded back to Medina. (Sahih Al Bukhari, Hadith, Number.4.134).

Modesty:

The status of women in Islam is often the target of attacks in the Western media. The veil (Hijaab) worn by Muslim women is considered by many as an example of the 'subjugation' of women in Islamic law. Hijaab (veil) is a type of cloth worn by women over the head, shoulders, and bosoms (excluding the face; however some cover the face as well). The Muslim women are dressed up modestly which not only enhances their status to a respectable position but also

help in controlling indecencies, forbidden by Allah: “ Say: "My Lord has forbidden only indecencies whether , such of them as are apparent and such as are within, and sin..."(Qur'an;7:33). It may be kept in view that modest dress for women has always been a part of biblical traditions, but now Christians are themselves defying Bible: “A woman shall not wear anything that pertains to a man, nor shall a man put on a woman's garment; for whoever does these things is an abomination to the LORD your God.”(Deuteronomy;22:5); “also that women should adorn themselves modestly and sensibly in seemly apparel, not with braided hair or gold or pearls or costly attire.”(1Timothy;2:9). Veil, as a covering for the head was usually worn by Jewish women (Genesis;38:14). It was worn, as a token of modesty (Genesis;24:65), as a token of subjection (Corinthians;11:3,6-7,10) and for concealment (Genesis;38:14). The removing of veil was considered rude and insolent (Song of Solomon;5:7) and threatened as a punishment to ungodly women

(Isaiah;3:23). It is also mentioned: "but any woman who prays or prophesies with her head unveiled dishonors her head -- it is the same as if her head were shaven".(1 Corinthians;11:5).

Rabbi Dr. Menachem M. Brayer (Professor of Biblical Literature at Yeshiva University) in his book, 'The Jewish Woman in Rabbinic Literature' writes; it was the custom of Jewish women to go out in public with a head covering which, sometimes, even covered the whole face leaving one eye free. He quotes some famous ancient Rabbis saying," It is not like the daughters of Israel to walk out with heads uncovered" and "Cursed be the man who lets the hair of his wife be seen....a woman who exposes her hair for self-adornment brings poverty." Rabbinic law forbids the recitation of blessings or prayers in the presence of a bareheaded married woman since uncovering the woman's hair is considered "nudity". Dr. Brayer also mentions that "During the Tannaitic period the Jewish woman's failure to cover her head was considered an affront to her modesty.

When her head was uncovered she might be fined four hundred 'zuzim' for this offense." Dr. Brayer also explains that sometimes, the veil symbolized a state of distinction and luxury rather than modesty. The veil personified the dignity and superiority of noble women. It also represented a woman's inaccessibility as a sanctified possession of her husband. The veil signified a woman's self-respect and social status. The fact that the veil was the sign of nobility was the reason that the prostitutes were not permitted to cover their hair in the old Jewish society. Jewish women in Europe continued to wear veils, till their lives became more intermingled with the surrounding secular culture. The external pressures of the European life in the nineteenth century forced many of them to go out bare-headed. Some Jewish women found it more convenient to replace their traditional veil with a wig as another form of hair covering. Today, most pious Jewish women do not cover their hair except in the synagogue.

Some of them, such as the Hasidic sects, still use the wig.

In the Christian tradition, it is well known that Catholic Nuns have been covering their heads for hundreds of years, but that is not all. St. Paul in the New Testament made some very interesting statements about the veil: St. Paul's rationale for veiling women is that the veil represents a sign of the authority of the man, who is the image and glory of God, over the woman who was created from and for man. St. Tertullian in his famous treatise 'On The Veiling of Virgins' wrote, "Young women, you wear your veils out on the streets, so you should wear them in the church, you wear them when you are among strangers, then wear them among your brothers..." Among the Canon laws of the Catholic church today, there is a law that requires women to cover their heads in church. Some Christian denominations, such as the Amish and the Mennonites for example, keep their women veiled to the present day. The reason for the veil, as offered by their Church

leaders is that, "The head covering is a symbol of woman's subjugation to the man and to God", the same logic is introduced by St. Paul in the New Testament. Jesus said: "But I say to you, that every one looks at a woman lustfully has already committed adultery with her in his heart". (Mathew;5:28). This implies that while, the men should lower their gaze, the women should not display their beauty.

It is obvious that Islam did not invent the head cover. However, Islam did endorse it as a symbol of modesty and respect not of subjugation. The Qur'an instructs: "Say to the believing men that they should lower their gaze and guard their modesty.....And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what ordinarily appear thereof; that they should draw their veils over their bosoms..." (Qur'an;24:30,31); "There is no blame on such elderly women who have no interest in getting married, if they lay aside their cloaks without

displaying their adornment, but it is better for them if they do not discard. Allah is All-Hearing, All-Knowing.”(Qur’an;24:60). The Qur’an is quite clear that the outer garments (Jalabib) is an essential part of a recipe designed for the purposes of modesty. Allah says in Qur’an: "O’ prophet, tell your wives and daughters and the believing women that they should cast their outer garments over their bodies (when abroad) so that they should be known and not molested" (Qur’an;33:59). Different methods were evolved with the expansion of Islam and intermixture with other cultures. The custom of veiling women as known at present (which originally arose as a sign of aristocracy but later served the purpose of segregating women from men; the pardah), was acquired in Iraq then under influence of Iranian culture. Much has been said about the synthesis of Hinduism and Islam in the period of Muslim dominance, but, as far as the Hindus were concerned, this was generally a matter of superficial observances. Thus, veiling (purdah), the strict seclusion of women,

became commonplace among the Hindu upper classes of northern India.

The modesty is prescribed to protect women from molestation or simply, modesty is protection. According to Bible: "If a man meets a virgin who is not betrothed (engaged), and seizes her and lies with her, and they are found, then the man who lay with her shall give to the father of the young woman fifty shekels of silver, and SHE SHALL BE HIS WIFE, because he has violated her; he may not put her away all his days.(Deuteronomy;22:28-29), "If a man seduces a virgin who is not betrothed, and lies with her, he shall give the marriage present for her, and make her his wife. If her father utterly refuses to give her to him, he shall pay money equivalent to the marriage present for virgins."(Exodus;22:16-17). The marriage of the victim of rape with the rapist is a punishment to her, she may not like to spend the rest of her life with such a criminal, payment of money equivalent to the marriage present will hardly deter such criminals. There is swear punishment

for adultery and rape in Islam. The marriage is by choice and with mutual consent of the woman and man. The modesty and dignity of women is well guarded, leveling a false allegation (Qadhf) against chaste women is a hadd crime, having strict punishment mentioned in Qur'an;" And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations)- Flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors"(Qur'an;24:4). Islam has laid down harsh punishments for such crimes, which strictly guards the modesty of women.

Piety:

The status accorded to woman by Islam is unique and has no parallel in any other society. In Islam, the rights and responsibilities of a woman are equal to those of a man, but they are not necessarily the same. The variation in their functions does not imply that one is inferior to the other. In Islam, both men and women can

rise in spiritual eminence. "Whoever works evil will not be requited but by the like thereof, and whoever works a righteous deed -whether man or woman- and is a believer- such will enter the Garden of bliss"(Qur'an;40:40); "Whoever works righteousness, man or woman, and has faith, verily to him/her we will give a new life that is good and pure, and we will bestow on such their reward according to the best of their actions"(Qur'an;16:97): "Allah has set an example to the unbelievers in the wife of Noah and the wife of Lot. They were married to two of Our righteous servants, but they betrayed them. In no way could their husbands protect them from Allah. Both of them were told: "Enter the fire, along with those who enter." And Allah sets forth, As an example to those who believe the wife of Pharaoh: behold she said: "O My Lord! build for me, In nearness to thee, a mansion In the garden, and save me from Pharaoh and His doings, and save me from those that do wrong"; And **Mary** the daughter of 'Imran, who guarded Her chastity; and we breathed into (her body) of

Our spirit; and she testified to the truth of the words of Her Lord and of His Revelations, and was one of the devout (servants).(Qur'an;66:10-12). Islam grants highest respect to Mary, the mother of Jesus Christ, Chapter.19 is named 'Mary' [Maryam] in Quran.

Revelation:

The greatest honour bestowed upon man by Allah is Divine Revelation. Along with men, women have also received the gift of Divine Revelation, it is mentioned in Qur'an: "Behold! The angels said: **'O Mary! Allah hath chosen thee and purified thee, chosen thee above the women of all nations'.**" (Qur'an;3: 42); "So We sent this inspiration to the mother of Moses..."(Qur'an;28: 7).

Inheritance:

Qur'an and the Bible have divergent views on female inheritance of the property of a deceased relative. The Biblical attitude has been succinctly described by Rabbi Epstein: "The

continuous and unbroken tradition since the Biblical days gives the female members of the household, wife and daughters, no right of succession to the family estate. In the more primitive scheme of succession, the female members of the family were considered part of the estate and as remote from the legal personality of an heir as the slave. Whereas by Mosaic enactment, the daughters were admitted to succession once no male issue remained, the wife was not recognized as heir even in such conditions." Why were the female members of the family considered part of the family estate? Rabbi Epstein has the answer: "They are owned --before marriage, by the father; after marriage, by the husband." The Biblical rules of inheritance are outlined in Book of Numbers;27:1-11. A wife is given no share in her husband's estate, while he is her first heir, even before her sons. A daughter can inherit only if no male heirs exist. A mother is not an heir at all while the father is. Widows and daughters, in case male children remained,

were at the mercy of the male heirs for provision. That is why widows and orphan girls were among the most destitute members of the Jewish society. Christianity has followed suit for long time. Both the ecclesiastical and civil laws of Christendom barred daughters from sharing with their brothers in the father's patrimony. Besides, wives were deprived of any inheritance rights. These iniquitous laws survived till late in the last century.

Among the pagan Arabs before Islam, inheritance rights were confined exclusively to the male relatives. The Islam abolished all these unjust customs and gave all the female relatives inheritance shares: Man and woman have been given the right to inherit from the parents and the near relatives by Qur'an: "Men shall have a portion of what the parents and the near relatives leave, and women shall have a portion of what the parents and the near relatives leave..." (Qur'an;4:7). A woman's right to inherit is as much protected by law as that of a man. However, it must be remembered that whereas

the right to inherit of both man and woman is equal, their shares in the inheritance may differ. In certain cases, the share of woman in inheritance is equal to the man, according to Qur'an: "For parents a sixth share of the inheritance to each if the deceased left children"(Qur'an;4:11), however in certain cases the woman gets half of what a man in her position would get. The cause of this variation is the financial responsibilities and liabilities with which man has been burdened, not woman. As compared to Muslim man, Muslim woman is financially secure and provided for as a wife, mother, daughter or sister by her husband, son, father and brother respectively. "Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other and because they support them from their means. Therefore the righteous women are devoutly obedient and guard in (the husband's) absence what Allah would have them guard"(Qur'an;4:34). If a woman has no male relations, then it is the responsibility of the state

to maintain her. Whereas, a man, except in one or two cases, is supposed to not only look after his family and other needy relations, but also to make financial contributions to good causes in society. Thus, a larger share in the inheritance does not depict the supremacy of man over woman, but it is rather a concession granted to him in lieu of his financial and other responsibilities. Regrettably it is observed that in most of Muslims communities, while men happily get the more share than the women in inheritance but mostly they do not meet this obligation, which they owe to the entitled women. Such men would be answerable to Allah for this sin.

To summarize the share of women in inheritance is not fixed; there are three types of shares for a woman's inheritance in Islam in different situations, as follows:

- A woman may have an equal share as that of the man.
- A woman will have an equal share to that of the man, or a little less.

- A woman will have half the share of a man. Gustave Le Bon says in his book Arab Civilization: *"The principles of inheritance which have been determined in the Qur'an have a great deal of justice and fairness. The person who reads the Qur'an can perceive these concepts of justice and fairness in terms of inheritance through the verses I quoted. I should also point out the great level of efficiency in terms of general laws and rules derived from these verses. I have compared British, French and Islamic Laws of inheritance and found that Islam grants the wives the right of inheritance, which our laws are lacking while Westerners consider them to be ill-treated by the Muslim men."*

Status of Widow or Divorce:

Among many nations, including Arabs in the Days of Ignorance, the **widow was considered a part of her husband's property** to be inherited by his male heirs, a step-son or brother took possession of a dead man's widow or

widows along with his goods and chattels. This shameful custom was forbidden by Islam, Allah says:” And marry not women whom your fathers married except what is past: it was shameful and odious an abominable custom indeed.”(Qur’an;4:22). The widows and divorcees have the freedom to marry whomever they choose. There is no stigma attached with divorce or widowhood in Islam (Qur’an;2:231,232, 234, 240). The western tradition of adoption of her husband's family name by a woman when she marries him is a token of her subjugation to him. If divorce takes place, she returns to her own family. It is very strange that in some Western countries, even after divorce, a woman may continue to be known by her husband's family name. Historically speaking, a woman in the Western society was in a position of total subordination to her husband. In Islam, she retains her own family name because she is allowed to retain her identity.

Freedom in Choice of Spouse:

Islam grants freedom of choice to woman in selection of her spouse. When a woman told the Prophet (peace be upon him), that her father forced her into a marriage with a cousin of his, hoping to achieve a better social position for himself, the Prophet (peace be upon him) made it clear that this was wrong and nullified the marriage. The woman then declared that she approved what her father had done, but she wanted to make clear to all Muslims that men have no power over women. If a father marries his daughter to someone without her consent, a Muslim judge must nullify that marriage if she puts the case to him. In some rural tribal communities the custom of marriage of women with Qur'an for the purpose of keeping the property with in the family is not only sacrilegious but shameful, reminding the days of ignorance (jahliyah).

Dower:

The dower is the right granted to the women by God: "At the time of marriage, give the women their dower as a free gift; but if they, by their own free will, give up to you a portion of it then you may enjoy it with pleasure."(Qur'an;4:4). Taking back the dower under normal circumstances is forbidden, the amount of dower is not fixed, it may vary according to the financial position of the groom, sky is the limit: "If you wish to marry another wife in place of the one you already have, do not take back anything of what you have given her even if it be a heap of gold. Would you take it back through slander and open sin (accusing her unjustly)?"(Qur'an;4:20); "O believers! It is not lawful for you consider women as a part of your inheritance and retain them against their will in order that you may force them to give up a part of the dowry you have given them, unless they are guilty of proven fornication. Treat them with kindness even if you dislike them; it is quite possible that you dislike something in which

Allah has placed much good. If you wish to marry another wife in place of the one you already have, do not take back anything of what you have given her even if it be a HEAP OF GOLD. Would you take it back through slander and open sin (accusing her unjustly)?”(Qur’an;4:19-20). Regrettably in some places specially in the Indo-Pak subcontinent under the influence of local culture, the parents of a women have to make arrangements for the dower (Jahaiz) which is totally against the spirit of Islam. Narrated Umar ibn al-Khattab: AbulAifa' as-Sulami said: Umar (Allah be pleased with him) delivered a speech to us and said: Do not go to extremes in giving women their dower, for if it represented honour in this world and piety in Allah's sight, the one of you most entitled to do so would have been the Prophet (peace be upon him). The Apostle of Allah (peace be upon him) did not marry any of his wives or gave any of his daughters in marriage for more than twelve uqiyahs. (Sunnah Abu Dawood:859).

CHAPTER-3: FAMILY LIFE & POLYGENE

Common Practice of Old Times:

If a man marries more than one woman at a time it is called Polygyny, which has been practiced since ages. The most glaring and reprehensible error committed by Western writers is to suppose that Islam either adopted or legalized polygene. In none of the other religious scriptures, whether it be the Bible, the Vedas, the Ramayan, the Mahabharat or the Geeta, there is no restriction on the number of wives, a man may possess. According to these scriptures one can marry as many women as one wishes. It was only later, that the Hindu priests and the Christian Church restricted the number of wives to one. The Bible did not condemn polygene. To the contrary, the Old Testament and Rabbinic writings frequently attest to the legality of polygene. Prophet & King Solomon (peace be upon him) is said to have 700 wives and 300 concubines (1 Kings;11:3) Also, Prophet & King David (peace be upon

him) is said to have had many wives and concubines (2 Samuel;5:13). The Old Testament does have some injunctions on how to distribute the property of a man among his sons from different wives (Deutronomy;22:7). The only restriction on polygyny is a ban on taking a wife's sister as a rival wife (Leviticus;18:18), though Prophet Jacob (peace be upon him) married two sisters Leah and Rachel. The Talmud advises a maximum of four wives. European Jews continued to practice polygamy until the sixteenth century. Oriental Jews regularly practiced polygamy until they arrived in Israel where it is forbidden under civil law. However, under religious law which overrides civil law in such cases, it is permissible. Father Eugene Hillman in his insightful book, 'Polygamy reconsidered' writes, "Nowhere in the New Testament is there any explicit commandment that marriage should be monogamous or any explicit commandment forbidding polygamy." Moreover, Prophet Jesus (peace be upon him) has not spoken against

polygamy though it was practiced by the Jews of his society. Father Hillman stresses the fact that the Church in Rome banned polygamy in order to conform to the Greco-Roman culture (which prescribed only one legal wife while tolerating concubinage and prostitution). He cited St. Augustine; "Now indeed in our time, and in keeping with Roman custom, it is no longer allowed to take another wife." African churches and African Christians often remind their European brothers that the Church's ban on polygyny is a cultural tradition and not an authentic Christian injunction.

Legal Permission and Moral Prohibition:

The Qur'an is the only religious book, that contains the phrase 'marry only one', (the legal permission) with instructions of 'justice', which is difficult, hence a moral prohibition. The permission (not order) granted to Muslim men to marry up to four women is generally misunderstood. The Qur'anic verses on the subject are self explanatory; "Hence, render

unto the orphans their possessions, and do not substitute bad things [of your own] for the good things [that belong to them], and do not consume their possessions together with your own: this, verily, is a great crime. And if you have reason to fear that you might not act equitably towards orphans, then marry from among [other] women such as are lawful to you- [even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one - or [from among] those whom you rightfully possess. This will make it more likely that you will not deviate from the right course.”(Qur’an;4:2-3); “And it will not be within your power to treat your wives with equal fairness, however much you may desire it; and so, do not allow yourselves to incline towards one to the exclusion of the other, leaving her in a state, as it were, of having and not having a husband. But if you put things to rights and are conscious of Him - behold, God is indeed much-forgiving, a dispenser of grace”.(Qur’an;4:129).

Various scholars have interpreted these verses in different ways, Abdullah Yousaf Ali explains; 'The conditional clause about orphans need to be noticed, introducing the rules about marriage. The immediate occasion of the promulgation of this verse was after battle of Uhud, when the Muslim community was left with many orphans and widows and some captives of war. Their treatment was to be governed by principles of the greatest humanity and equity. The occasion is past, but the principles remain. Marry the orphans if one are quite sure that in that way the interests of orphans and their property will be protected, with perfect justice. If this is not possible then other arrangements may be made for the orphans.' The clause of treating wives with 'equity and justice' (Qur'an;4:129) puts a 'moral restriction' on polygyny. The Sunnah of Prophet and Companions indicate the existence of more than wives, but may be that they could be fair at least in the matters of equitable provisions, however one can not control the heart, which may be more inclined to one wife

over the others. By keeping more than one wife, one is putting himself on an additional trial, any slip may result in divine anger and retribution. Some Muslim countries have banned polygyny basing on the analogy of 'impossibility of equity and justice beyond human control'. The concept of temporary marriage (Mutt'a) though permissible among Shi'a school is not permissible among four Sunni schools of jurisprudence.

Polygyny Permissible—Not Obligatory:

It should not be appropriate to assume that the Qur'an is exhorting the believers to practice polygyny, or that polygyny is considered as an ideal. In other words, the Qur'an has "tolerated" or "allowed" polygyny, and no more. There are places and times in which there are compelling reasons for polygyny. In most human societies, females outnumber males. Islam as a universal religion suitable for all places and all times couldn't ignore these compelling reasons. It has to be added also that polygyny in Islam is a

matter of mutual consent. No one can force a woman to marry a married man. The abuse of polygyny and repudiation of wife by the husband, even when her conduct is faultless, has recently led to the enactment of reformed family laws in most Muslim countries. The Qur'an repeatedly emphasizes the kind treatment of women.

Violence against Women:

Domestic violence is very old menace, Arabs were no exception, and their maltreatment to women is a well known historic fact. They used to beat their women on small matters as it is still vogue in all the underdeveloped as well as the most developed societies of the world, where special laws have been made to discourage it. In the year 1995 in USA alone the lawmakers showed a heightened awareness of and sensitivity to domestic violence, with several states increasing penalties for abusers. New York enacted the omnibus Family Protection and Domestic Violence Act, and Maryland

passed three new domestic-violence laws. Colorado passed five domestic-violence bills, including one that mandated arrest for the violation of a restraining order and jail time for a second offense. Virginia passed a number of laws with stiffer penalties for domestic violence, while Michigan had 14 new laws that would help in prevention and prosecution. This menace was handled in Islam objectively, by formulating the guidelines where by men can not resort to use of force against their wives as per their wish every now and then on minor matters. Allah says in Qur'an: "Men are overseers over women because Allah has given the one more strength than other, and because men are required to spend their wealth for the maintenance of women. Honorable women are, therefore, devoutly obedient and guard in the husband's absence what Allah require them to guard their husband's property and their own honor. As to those women from whom you fear disloyalty and ill-conduct, first admonish them, then refuse to share your bed with them, and (and last) if

necessary beat them (lightly); Then if they obey you, take no further actions against them and do not make excuses to punish them. Allah is Supremely Great and is aware of your actions.”(Qur’an;4:34). It is evident from many authentic Traditions that the Prophet himself intensely detested the idea of beating one’s wife and said on more than one occasion, “Could any of you beat his wife as he would beat a slave, and then lie with her in the evening?”(Sahih Bukhari;8.68 and Muslim). According to an other Tradition, he forbade the beating of any woman with the words, “Never beat God’s handmaidens”(Abu Dawood, Nasa’i, Ibn Majah, Ahmad inn Hambal, Ibn Hibban and Hakim, on the authority Ilyas ibn ‘Abd Allah; ibn Hibban, on the authority of ‘Abd Allah ibn Abbas; and Bayhaqi, on the authority of Umm Kulthum). When the above Qur’anic verse, authorizing the beating of a refractory wife was revealed, the Prophet is reported to have said: “I wanted one thing but God has willed another thing – and what God has willed must be best”

(Manar V, 74). With all this, he stipulated in his sermon the occasion of the Farewell Pilgrimage, shortly before his death that, beating should be resorted to only if the wife “has become guilty, in an obvious manner, of immoral conduct”, and that it should be done “in such a way as not to cause pain (ghayar mubarrih)”; authentic Traditions to this effect are found in Muslim, Tirmidhi, Abu Dawood, Nasa’i and Ibn Majah. On the basis of these Traditions, all the authorities stress that this “beating”, if resorted to at all, should be more or less symbolic – “with a toothbrush (muswak), or some such thing” (Tibri, quoting the views of scholars of the earliest times), or even “with a folded handkerchief” (Razi); and some of the greatest Muslim scholars (e.g., Ash-Safi’i) are of the opinion that it is just barely permissible, and should preferably be avoided: and they justify this opinion by the Prophet’s personal feelings with regard to this problem. [Commentary by M.Asad]. In case all the efforts fail the family council is recommended in the next verse: “If

you fear a breach of marriage between a man and his wife, appoint one arbiter from his family and another from hers; if they wish to reconcile, Allah will create a way of reconciliation between them. Allah is the Knowledgeable, Aware.”(Qur’an;4:35).

Allah says: “You have indeed, in the life of Messenger of Allah, the 'Best Model' for him whose hope is in Allah and the Day of the Hereafter, and who engages himself much in the remembrance of Allah.”(Qur’an;33:21), “Obey Allah and obey His messenger,” (Qur’an;64:12). Prophet Muhammad (peace be upon him) is not reported to have used force against his wives. In fact he has been very kind to them. Narrated Aisha, Ummul Mu'minin: Habibah daughter of Sahl was the wife of Thabit ibn Qays Shimmas. He beat her and broke some of her part. So she came to the Prophet (peace be upon him) after morning, and complained to him against her husband. The Prophet (peace be upon him) called on Thabit ibn Qays and said (to him): Take a part

of her property and separate yourself from her. He asked: Is that right, Apostle of Allah? He said: Yes. He said: I have given her two gardens of mine as a dower, and they are already in her possession. The Prophet (peace be upon him) said: Take them and separate yourself from her. (Sunan of Abu-Dawood, Hadith Number. 915). Narrated Laqit ibn Sabirah: Messenger of Allah, I have a wife who has something (wrong) in her tongue, i.e. she is insolent. He said: Then divorce her. I said: Messenger of Allah, she had company with me and I have children from her. He said: Then ask her (to obey you). If there is something good in her, she will do so (obey); and do not beat your wife as you beat your slave-girl. (Sunan of Abu-Dawood, Hadith Number. 72). Narrated Mu'awiyah ibn Haydah: I said: Apostle of Allah, how should we approach our wives and how should we leave them? He replied: Approach your tilth when or how you will, give her (your wife) food when you take food, clothe when you clothe yourself, do not revile her

face, and do not beat her. (Sunan of Abu-Dawood, Hadith Number. 878). It may be reasonable to conclude that it is permissible (not compulsory, undesirable) for the husband to use force lightly under extreme circumstance involving disloyalty and ill-conduct by his wife but only after fulfilling certain conditions i.e. first admonishing, then declining to share bed with her. It is obvious that these are not abrupt or emotional acts but, rational and gradual actions which should result in corrective positive response from the wife. If she obeys, then it is forbidden to take any further actions against her or to make excuses to punish, since the matter stands resolved. However if she does not improve her conduct, then the other option is divorce, but prior to it a light coercive action (just barely permissible, and should preferably be avoided) may save the marriage. It is obvious that any pious and sane woman will not create such conditions; she may desist during first two steps. The killing of women on suspicion of ill-conduct termed as 'Honor

Killing' (karokari) prevalent in many societies is totally against teachings of Islam.

Reconciliation:

If the matter persists resulting to the breach of marriage, use of council by arbitrator from family of woman and man is to be arranged for reconciliation: "If a women fears cruelty or desertion from her husband, there is no blame if both of them agree to reconcile by means of a compromise, after all compromise is better. Human souls are prone to narrow-mindedness, but if you show generosity and fear Allah in your dealings, surely Allah is well aware of your actions."(Qur'an;4:128). The lawful but most undesirable act is divorce (Sunan of Abu-Dawood, Hadith Number. 893). The doors of reconciliation remain open for some time. Allah says: "Divorced women must keep themselves waiting for three menstrual periods; it is not lawful for them to hide what Allah has created in their wombs if they believe in Allah and the Last Day. In such cases their

husbands have a right to take them back in that period if they desire reconciliation. Women have rights similar to those exercised against them in an equitable manner, although men have a status (degree of responsibility) above them. Allah is Mighty, Wise.”(Qur’an;2:228).

Maintenance Allowance for Divorced Women:

Islam safeguards the interest of a divorcee woman, by making it obligatory for the provision of maintenance allowance, Allah says: “Reasonable provisions (maintenance allowance) must also be made for divorced women (till she remarries). That is an obligation upon those who fear Allah.”(Qur’an;2:241). “Let those women, during their waiting period ('Iddat), live where you yourselves live according to your means. You shall not harass them so as to make life intolerable for them. If they are pregnant, maintain them until their delivery: and if, after that, they suckle your offspring, compensate them and settle the matter of

compensation with mutual consultation and in all fairness. But if you cannot bear with each other then let another woman suckle the baby for you. Let the rich man give according to his means, and the poor man give according to what Allah has given him. Allah does not charge a man with more than He has given him; soon Allah may bring ease after hardship.”(Qur’an;65:6-7).

Women Granted the Right to Divorce (Khula):

Islam granted the right of divorce to women 1400 years ago, once no woman could dream of this freedom. In the procedure for divorce by man, it was ensured that sufficient checks and balances are in built to avoid impulsive decision which may have to be regretted later. Allah says in Qur’an: “Pronouncement of revocable divorce is only allowed twice: then she should be allowed to stay with honor or let go with kindness after the third pronouncement. It is not lawful for husbands to take anything back which they have given them except when both parties fear that they may not be able to follow the limits

set by Allah; then if you fear that they both will not be able to keep the limits of Allah, there is no blame if, by mutual agreement the wife compensates the husband to obtain divorce. These are the limits set by Allah; do not transgress them, and those who transgress the limits of Allah are the wrongdoers.”(Qur’an;2:229). Where divorce for mutual incompatibility is allowed, there is danger that the parties might act hastily, then repent, and again wish to separate. To prevent such capricious action repeatedly, a limit is prescribed; two divorces (with reconciliation between) are allowed. After that the parties must definitely make up their minds, either to dissolve their union permanently, or to live honourable lives together in mutual love and forbearance - to "hold together on equitable terms," neither party worrying the other nor grumbling or evading the duties and responsibilities of marriage. However If a separation is inevitable, the parties should not throw mud at each other, but recognize what is

right and honourable on a consideration of all the circumstances. In any case a man is not allowed to ask back for any gifts or property he may have given to the wife. This is for the protection of the economically weaker sex. Lest that protective provision itself work against the woman's freedom, an exception is made. All the prohibitions and limits prescribed are in the interest of good and honourable lives for both sides, and in the interests of a clean and honourable social life, without public or private scandals. If there is any fear that in safeguarding her economic rights, her very freedom of person may suffer, the husband refusing the dissolution of marriage, and perhaps treating her with cruelty, then, in such exceptional cases, it is permissible for the woman to seek divorce (Khula) but she has to return the dower she received from the husband at the time of marriage as she is breaking the contract. A divorce of this kind is called Khula. Divorce is most undesirable act, narrated by Muharib :The Prophet (peace be upon him)

said: Allah did not make anything lawful more abominable to Him than divorce. (Sunan of Abu-Dawood, Hadith Number. 893). The women are free to marry any one else after divorce on completion of waiting period: “When you have divorced women and they have reached the end of their waiting period do not prevent them from marrying other men if they have come to an honorable agreement. This is enjoined on everyone amongst you who believes in Allah and the Last Day. This is more virtuous and chaste for you; Allah knows what you do not know.”(Qur’an;2:232)

Motherhood:

Muslim scholars have divergent views on the issue of choice of birth control. However according to modern scholars, birth control, is permissible, from the Islamic point of view, as a legitimate step, to give the mother a better, standard of health and good care of children, provided it is safe and involve nothing harmful to the woman or to the fetus. Different methods

may be employed to prevent conception. The authority to forbid anything belongs only to Allah. No one can declare anything forbidden without clear evidence from the Qur'an or the Sunnah. Contemporary scholars do not find any evidence from the Qur'an or the Sunnah against birth control. During the time of the Prophet (peace be upon him), some of his companions tried to reduce the chances of conception and pregnancy, because they did not want more children. The Prophet (peace be upon him), was aware of that. Some referred to him while some relied on the fact that no edict was given concerning the question of preventing pregnancy. The general rule is that "everything is permissible unless pronounced otherwise." There are statements by some of the companions of Prophet (peace be upon him), such as: "We resorted to contraception at the time when the Qur'an was being revealed", and "We resorted to contraception and the Prophet (peace be upon him), was aware of that but he did not stop us, however the Prophet (peace be

upon him), said clearly that no method of contraception would stop the creation of a child, should Allah will that the child be born. As such, no method of contraception can stop Allah's will being fulfilled." If the companions of Prophet (peace be upon him) had been doing something unacceptable to Islam, Allah would have either revealed a prohibition in the Qur'an or the Prophet (peace be upon him), would have given an order in a Hadith. On the basis of these reports, contemporary scholars have given a verdict that new methods of birth control are permissible, provided that they are absolutely safe. However, this permissibility applies in individual cases. Sterilization of either the man or the woman is not considered permissible except when it is made absolutely necessary for medical reasons.

There is certainly a very strong order to all Muslims and indeed all people, not to kill their children for any reason, particularly poverty. This is followed by a clear statement that Allah will provide for all. Yet this has nothing to do

with family planning because the latter is not concerned with children already in existence. Family planning seeks to prevent conception. In other words, it tries to avoid pregnancy. When a woman does not get pregnant, the verse that forbids the killing of children is not applicable to her. However it may be appropriate to state that abortion is included in this prohibition. Abortion is forbidden, however some scholars of old times mentioned that it is permissible on medical grounds within the first 120 days of conception. They base their opinion on Sahih Al-Bukhari Hadith,9.546, wherein the Prophet (peace be upon him), speaks of three stages of forty days each before spirit is blown into the embryo. It is on this basis that some scholars consider that abortion on medical grounds is permissible at this stage. But as medical knowledge advanced, modern scholars are increasingly leaning to the view that abortion is forbidden from the very first day of conception. Some people refer that; Allah provides sustenance for everyone of His creation, so the

family planning is not permissible. It is mentioned in Qur'an; "There is no moving creature on Earth whose sustenance is not provided by Allah. He knows its living and its resting place, and all that is recorded in a glorious Book."(Qur'an;11:6). It is evident that nothing happens in Creation except by the Word of Allah and with the knowledge of Allah. Not a leaf stirs but by His Will. Its maintenance in every sense is dependent on His Will. But human beings have to work in order to get what Allah has provided for them. Allah has set in operation certain laws like, the law of 'cause and effect'. If one does not work, he cannot earn his living. The breadwinner has to work as a part of his efforts to sustain his family. When the Prophet (peace be upon him), was told of a man spending more of his time in voluntary worship, he asked who fed him. Upon learning that the man's brother provided him with food and drink, the Prophet (peace be upon him), commented that his brother was a better Muslim than he was. When people work, they rely on Allah to

make their efforts successful. This is the proper type of reliance. The family planning is by choice, available for the good health of mother and children.

Expenses of Fostering of Child – Father’s Responsibility:

The interest of women is well protected in up bringing of child by Qur’an: “The mothers shall breast-feed their offspring for two whole years if the father wishes the breast-feeding to be completed. The reasonable cost of their maintenance and clothing will be the responsibility of the child's father. No one should be charged with more than they can afford. Neither a mother should be made to suffer on account of her child nor a father on account of his child. The father's heirs are under the same obligation. But if with mutual agreement they both decide to wean the child there is no blame on them. If you decide to have a foster-mother for your offspring there is no blame on you provided you pay what you have promised to

pay in an honorable manner. Fear Allah and beware that Allah observes your actions.” (Qur’an;2:233). This verse comes in the midst of the regulations on divorce, it applies primarily to the cases of divorce, where some definite rule is necessary, as the father and mother would not, on account of the divorce, probably be on good terms, and the interests of the children must be safeguarded. As, however, the wording is perfectly general, it has been held that the principle applies equally to the father and mother in wedlock: each must fulfill his or her part in the fostering of the child. On the other hand, it is provided that the child shall not be used as an excuse for driving a hard bargain on either side. By mutual consent they can agree to some source that is reasonable and equitable, both as regards the period before weaning (the maximum being two years) and the engagement of a wet-nurse, or (by analogy) for artificial feeding. But the mother's privileges must not be curtailed simply because by mutual consent she does not nurse the baby. In a

matter of this kind the ultimate appeal must be to godliness, for all legal remedies are imperfect and may be misused.

Right over Children:

Women have been granted right for the custody of children in case of divorce. She forfeits her right only if she marries someone other than the child's father. The Prophet (peace be upon him), told a woman who asked him about her right to her child's custody: "You have this right as long as you do not marry again." One school of thought rules that custody is over at the age of 7 for a boy and 9 for a girl, but a judge may extend custody beyond that if he determined that such an extension is in the child's interest. When custody is over, the child is given a choice to join either his father or mother, unless they agree to some arrangement among themselves. When a woman complained to the Prophet (peace be upon him), that her husband wanted to take their child away, the Prophet (peace be upon him), said to the child: "This is

your father and this is your mother: You may take the hand of either of them." The child took his mother's hand. This was the Prophet's ruling which was followed by the early Muslim rulers and judges like Omar, Ali and Shareeh, may Allah be pleased with them. It is also endorsed by the Shaf'ie and Hanbali schools of thought.

Entrepreneurship:

Men and women have gifts from Allah-some greater than others. They seem unequal, but it is assured that Allah has allotted them by a scheme by which people receive what they earn. If this does not appear clear in sight, it is to be remembered that human have no full knowledge but Allah has. Probably things are equalized in the aggregate or in the long run, or equated to needs and merits on a scale which people cannot appraise. The Qur'an says: "And in no wise covet those things in which Allah hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask Allah of

His bounty: for Allah hath full knowledge of all things.”(Qur’an;4:32). A woman in the Islamic system is not required to work for her living. Her husband or her guardian is responsible to look after her. If she has none to support her, the state is required to undertake that task. At the same time, a woman is fully entitled to work either as a free agent or an employee. A woman has equal rights to be entrepreneur, contract, earn, possess property and assets independently. From the Islamic point of view, there is no decent job, which is restricted to or made the absolute reserve of men. Provided that the Islamic standard of propriety and morality is maintained, a woman may have any respectable job. Women conducted trade and business even during the time of the Prophet (peace be upon him). In fact, his first wife Khadija was a successful and famous business woman of Makka. A Muslim woman’s life, property, and honour are as sacred as those of a man. If she commits an offence, her penalty is no less or more than a man’s in a similar case. If

she is wronged or harmed, she gets due compensation, equal to what a man in her position would get. Contrary to prevalent belief, in Islam there is no concept of forced marriages of women. Parents have no right to force their daughters to marry against their will. Just as a woman has the right to choose her spouse, she also has the right to seek divorce (khula) from him.

Evidence:

Women were not allowed to bear witness in early Jewish society. The Rabbis consider that the women can not bear witness due to the nine curses inflicted upon all women as Eve was blamed for the fall of Adam from heaven. Women in today's Israel are not allowed to give evidence in Rabbinical courts. The Rabbis justify why women cannot bear witness by citing Genesis;18:9-16, where it is stated that Sara, the wife of Prophet Abraham (peace be upon him) had lied: "The LORD said to Abraham, "Why did Sarah laugh, and say, 'Shall I indeed bear a child, now that I am old?' Is anything too

hard for the LORD? At the appointed time I will return to you, in the spring, and Sarah shall have a son. But Sarah denied, saying, "I did not laugh"; for she was afraid. He said, "No, but you did laugh."(Genesis;18:13-15). The Rabbis use this incident as evidence that women are unqualified to bear witness. It should be noted here that this story narrated in Genesis 18:9-16 has been mentioned more than once in the Qur'an at 11:69-74 & 51:24-30 without hint of any lies by Sara :“His wife (Sarah), who was standing there, laughed when We gave her good news of Allah's giving her a son Isaac and after him a grandson Jacob. She said: "O wonder! (An expression to indicate surprise) Shall I bear a child now when I have become an old woman and my husband has become well advanced in age? This is indeed a strange thing!" They (angels, messengers of God) said: "Do you wonder at Allah's decree? May Allah's mercy and His blessings be upon you, O' residents of the household; for He is indeed

worthy of all praise, full of all glory.” (Qur’an; 11:71-73).

In the Christian West, both ecclesiastical and civil law debarred women from giving testimony until late last century. If a man accuses his wife of unchastity, her testimony will not be considered at all according to the Bible. The accused wife has to be subjected to a trial by ordeal. In this trial, the wife faces a complex and humiliating ritual which was supposed to prove her guilt or innocence (Numbers;5:11-31). If she is found guilty after this ordeal, she will be humiliated and punished: “And when he has made her drink the water, then, if she has defiled herself and has acted unfaithfully against her husband, the water that brings the curse shall enter into her and cause bitter pain, and her body shall swell, and her thigh shall fall away, and the woman shall become an execration among her people. (Numbers;5:27). If she is found not guilty, her husband will be innocent of any wrongdoing; “The man shall be free from iniquity, but the woman shall bear her

iniquity.”(Numbers;5:31). Besides, (according to Bible, Deuteronomy;22:13-21), if a man takes a woman as a wife and then accuses her of not being a virgin, her own testimony will not count. Her parents had to bring evidence of her virginity before the elders of the town. If the parents could not prove the innocence of their daughter, she would be stoned to death on her father's doorsteps. If the parents were able to prove her innocence, the husband would only be fined one hundred shekels of silver and he could not divorce his wife as long as he lived. In Islam the testimony of a woman is accepted as equal to that of a man. In fact the woman's testimony can even invalidate the man's. If a man accuses his wife of unchastity, he is required to solemnly swear five times as evidence of the wife's guilt. If the wife denies and swears similarly five times, she isn't considered guilty and in either case the marriage is dissolved, details are given in Qur'an (24:6-11) and exegesis. However in case of financial transactions two male witnesses or

one male and two females are required so that if one of them errs the other can remind her; “Let two witnesses from among you bear witness to all such documents (financial transactions), if two men cannot be found, then one man and two women of your choice should bear witness, so that if one of the women forgets anything the other may remind her.. (Qur’an;2:282). It does imply that, as a rule, women are less familiar with business and financial procedures than men and, therefore, more liable to commit mistakes in this respect, because in Islamic society the women is not required to work, the man is responsible to support the family, however there is no restriction on a women if she desires to work by her free will.

CHAPTER-4: WOMEN & SOCIETY

Women in the Western Culture:

The women in the western culture have always been oppressed. The women had to launch the movements, to get the rights. There are diverse social movement, largely based in the U.S., seeking equal rights and opportunities for women in their economic activities, personal lives, and politics. Though one can not agree with the all the aspects of the Nazi philosophy, but the one good aspect was that, it advocated the role of women to **domestic duties and motherhood**. Adolf Hitler set up Organization in 1933, named as **Hitler-Jugend** (Hitler Youth); for educating and training male youths aged 13–18 in Nazi principles. **A parallel organization, the ‘League of German Girls’, trained girls for domestic duties and motherhood.** Though women were not totally segregated but this philosophy did not have any negative effect on the economy, rather positively contributed in the social sector.

The famous saying. “give me good mothers, I shall give you strong nation ” stands validated again. Household is a full time job, taking care of children is great responsibility, if neglected the children will become a threat to society. While first-wave feminism of the 19th and early 20th centuries focused on women's legal rights, such as the right to vote, the second-wave feminism of the “women's movement” peaked in the 1960s and '70s and touched on every area of women's experience—including family, sexuality, and work. A variety of U.S. women's groups, including the National Organization for Women, sought to overturn laws that enforced discrimination in matters such as contract and property rights and employment and pay. The movement also sought to broaden women's self-awareness and challenge traditional stereotypes of women as passive, dependent, or irrational. An effort in the 1970s to pass the Equal Rights Amendment failed, but its aims had

been largely achieved by other means by the end of the 20th century. Islam had granted the rights to women 1400 years ago. The so called freedom of women resulting to their degradation as show piece for entertainment and commercialization can not be called freedom in the moral sense. The induction of women in the armed forces in the combat units by USA and some Western countries on the pretext of equality has not been a good experience, as many women were reported of sexual harassment and abuse

Illustrious Role of Women in Muslim Society:

The main responsibility of women is to look after the household and children but it does not imply that the women have to confine herself to her house only. They have the right to participate in public life in dignified manner. Narrated by Jabir ibn Abdullah: My maternal aunt was divorced, and she intended to pluck her dates. A person scolded her for having come out (during the period of Iddah, the waiting period after death of

husband or divorce). She came to Allah's Prophet (peace be upon him) and he said: Certainly you can pluck (dates) from your palm trees, for perhaps you may give charity, or do an act of kindness.(Sahih Muslim Hadith. 3535).The women got exalted positions in the Muslim society. The Mother of Believers, Khadijah al-Kubra the first wife of Prophet (peace be upon him) was not only the first one to embrace Islam but also supported Prophet (peace be upon him) during the critical phases of his life. Fatima az-Zahra the loveable daughter of the Prophet (peace be upon him), the wife of Ali, was an excellent daughter who brought up her sons Hassan and Hussein in befitting manner. She was a role model of a domestic Muslim lady, who lived extremely simple life despite her exalted position. Woman is equal to man in the pursuit of education and knowledge. The Prophet declared: "Search for knowledge is a sacred duty imposed on every Muslim man and woman." The life of Aysha (Mother of Believers,) is proof that a woman can

be far more learned than men and that she can be the teacher of scholars and experts. Khadijah al-Kubra (the Great) and Fatima az-Zahra (the Resplendent), Aysha as-Siddiqah (the one who affirms the Truth) are regarded as highly respected woman in Islam. Her life also substantiates that a woman can exert influence over men and women and provide them with inspiration and leadership. Her life is also an evidence of the fact that the same woman can be totally feminine and be a source of pleasure, joy and comfort to her husband. The example of Aysha in promoting education and in particular the education of Muslim women in the laws and teachings of Islam is one which needs to be followed. She is source of numerous Hadith and has been teaching eminent scholars. Because of the strength of her personality, she was a leader in every field in knowledge, in society and in politics. The useful advise rendered by Umm al-Mumineen Ume Salma (Mother of Believers) to the Prophet (peace be upon him) at the occasion of Hudabia, and its acceptance by the

Prophet (peace be upon him) helped to avoid an odd situation. Umm al-Mumineen Hafsa, the daughter of Umar, was entrusted with the honor of custody of original manuscript of Qur'an till 3rd Caliph Usman got the standard copies prepared for distribution.

History shows that women played active role in all walks of life. Women not only participated in trade, but even took part in defensive efforts. They were never shut behind iron bars or considered worthless creatures. Laila Al-Ghifaria would nurse the wounded in battles. Suffiah Bint Abdul Muttalib even fought and killed the enemies. The Second Caliph of Islam, Umar, appointed a woman, Shaffa Bint Abdullah, to supervise the market. He would often consult her and held her in high esteem. Sukayna (also "Sakina), the great granddaughter of the Prophet (peace be upon him), and daughter of Imam Hussein was the most brilliant most accomplished and virtuous women of her time. She grew up to be an outspoken critic of the Umayyads. She became

a political activist, speaking against all kinds of tyranny and personal, social and political iniquities and injustice. She was a fiercely independent woman. She married more than once, and each time she stipulated assurance of her personal autonomy, and the condition of monogamy on the prospective husband's part, in the marriage contract. She went about her business freely, attended and addressed meetings, received men of letters, thinkers, and other notables at her home, and debated issues with them. She was an exceedingly well-educated woman who would take no nonsense from anyone howsoever high and mighty he or she might be.

Um Adhah al-Adawiyyah (died 83 AH), was a reputable scholar and narrator of Hadith based on reports of Ali ibn Abu Talib and Aish'a. Amrah bint Abd al-Rahman (d. 98 AH) was one of the more prominent students of Aish'a and a known legal scholar in Medina whose opinions overrode those of other jurists of the time. Hafsa bint Sirin al-Ansariyyah (d. approx. 100

AH) was also a legal scholar. Amah al-Wahid (d. 377 AH), was noted jurist of the Shafi'a school and a mufti in Baghdad. Karimah bint Ahmad al-Marwaziyyah (d. 463 AH) was a teacher of Hadith (Sahih Bukhari); Zainab bint Abd al-Rahman (d. 615 AH) was linguist and teacher of languages in Khorasan. Zainab bint Makki (d. 688 AH) was a prominent scholar in Damascus, teacher of Ibn Taimiya, the famous jurist of the Hanbali school; Zaynab bint Umar bin Kindi (d. 699 AH) was the teacher of the famous Hadith scholar, al-Mizzi; Fatima bint Abbas (d. 714 AH), legal scholar of the Hanbali school, mufti in Damascus and later in Cairo. Nafisin bint al Hassan taught Hadith; Imam Shafi' sat in her teaching circle at the height of his fame in Egypt. Two Muslim women — Umm Isa bint Ibrahim and Amat al-Wahid — served as muftis in Baghdad. Aish'a al-Banniyyah, a legal scholar in Damascus, wrote several books on Islamic law. Umm al-Banin (d. 848 AH/ 1427 CE) served as a mufti in Morocco. Al Aliyya was a famous teacher whose taught

men in classes before the noon prayer (Zuhr) and women after the afternoon prayer (Asr). A Muslim woman of the name of Rusa wrote a textbook on medicine, and another, Ujliyyah bint al-Ijli (d. 944 CE) made instruments to be used by astronomers. During the Mamluk period in Cairo (11th century) women established five universities and 12 schools which were also managed by them.

Rabi'a al-Adawiyya al-Basri (717 C.E), is honored as one of the earliest and greatest Sufis in Islam. Orphaned as a child, she was captured and sold into slavery. But later her master let her go. She retreated into the desert and gave herself to a life of worship and contemplation. She did not marry, and to a man who wanted her hand she said: "I have become naught to self and exist only through Him. I belong wholly to Him. You must ask my hand of Him, not of me." She preached unselfish love of God, meaning that one must love Him for His own sake and not out of fear

or hope of rewards. She had many disciples, both men and women.

Zubaida (Amatal Aziz bint Jafar), the favorite wife of Harun al-Rashid, the legendary Abassid caliph. She came to be an exceedingly wealthy woman, a billionaire so to speak, independently of her husband. Granddaughter of Al-Mansur, she grew up to be a lady of dazzling beauty, articulate and charming of speech, and great courage. Discerning and sharp, her wisdom and insightfulness inspired immediate admiration and respect. In her middle years she moved out of the royal “harem” and began living in a huge palace of her own. She owned properties all over the empire which dozens of agents in her employ managed them for her. A cultivated woman, pious and well acquainted with the scriptures, Zubaida was also a poetess and a patron of the arts and sciences. She allocated funds to invite hundreds of men of letters, scientists, and thinkers from all over the empire to locate and work in Baghdad. She spent much of her funds for public purposes,

built roads and bridges, including a 900-mile stretch from Kufa to Makkah, and set up, hostels, eating places, and repair shops along the way, all of which facilitated travel and encouraged enterprise. She built canals for both irrigation and water supply to the people. To increase the water supply in Makka for the benefit of pilgrimages, she spent many millions of Dinars on getting a canal built, that went through long tunnel through mountains. She took a keen interest in the empire's politics and administration. The caliph himself sought her counsel concerning the affairs of state on many occasions and found her advice to be eminently sound and sensible. After Harun's death, his successor, Al Mamun, also sought her advice from time to time. She died in 841 C.E (32 years after Harun's death).

Arwa bint Ahmad bin Mohammad al-Sulayhi (born 1048 C.E) was the ruling queen of Yemen for 70 years (1067-1138 C.E), briefly, and that only technically, as a co-ruler with her two husbands one after the other, but as the sole

ruler for most of that time. She is still remembered with a great deal of affection in Yemen as a marvelous queen. Her name was mentioned in the Friday sermons right after that of the Fatimid caliph in Cairo. She built mosques and schools throughout her realm, improved roads, took interest in agriculture and encouraged her country's economic growth. Arwa is said to have been an extremely beautiful woman, learned, and cultured. She had a great memory for poems, stories, and accounts of historical events. She had good knowledge of the Qur'an and Sunnah. She was brave, highly intelligent, devout, with a mind of her own. She was a Shi'a of the Isma'ili persuasion, sent preachers to India, who founded an Isma'ili community in Gujarat which still thrives. She was also a competent military strategist. At one point (1119 C.E) the Fatimid caliph sent a general, Najib ad-Dowla, to take over Yemen. Supported by the emirs and her people, she fought back and forced him to go back to Egypt. She died in 1138 C.E at the age

of 90. A university in Sana'a is named after her, and her mausoleum in Jibla continues to be a place of pilgrimage for Yemenis and others. The other eminent ladies who played important role in the affairs of state and philanthropy include, Buran the wife of Caliph Mamun. Among the Mughals Noor Jehan, Zaib un Nisa left their mark in Indian history. Razia Sultan was an other eminent women ruler in India. In modern period, Megawati Sukarnoputri (Indonesia), late Benazeer Bhutto (Pakistan), Sheikh Hasina Wajid & Khilida Zia (Bangladesh) have lead their governments as political leaders.

CONCLUSION

Islam has offered dignity, justice, and protection to women which, for long, have remained out of their reach. Although man and woman have been created equal, but they are not identical. Both have been fashioned differently from each other, so their roles and responsibilities are also different. The variation in their functions does not imply that one is inferior to the other. In Islam, both men and women can rise in spiritual eminence and knowledge. The Muslim women dressed modestly is in respectable position. Islam granted the right of divorce to women 1400 years ago, once no woman could dream of this freedom. Women were not allowed to bear witness in early Jewish society. In the Christian West, both ecclesiastical and civil law debarred women from giving testimony until late last century. In Islam the testimony of a woman is accepted as equal to that of a man except in financial cases. In fact the woman's testimony can even invalidate the man's in certain cases. Inheritance rights were confined exclusively to

the male relatives; Islam abolished all these unjust customs and gave all the female relatives inheritance shares. Muslim woman is financially secure and provided for as a wife, mother, daughter or sister by her husband, son, father and brother respectively. Before the advent of Islam women were denied basic human dignity. Regrettably in some Muslim societies, the rights granted to the women by Islam are denied due to the local culture and traditions, for which Islam can not be blamed. The rights granted to women by Islam are unrivalled in the history of religion, evident from the fact that among the new converts to Islam in the West are women because in Islam the women are not subjugated but emancipated.

“Our Sustainer! Do not punish us if we forget or make a mistake.” (Qur’an;2:286)

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