

CHAPTER I

THE VERDICT OF FAITH

According to Islam, a woman has an independent entity, and thus she is a fully responsible human being. Islam addresses her directly and does not approach her through the agency of a Muslim male. A woman would assume full capacity and liability once she has attained maturity and has received the message of Islam.

Moreover, no woman is said to have truly accepted the message of Islam unless she does so out of original and independent will. Acceptance of faith is an entirely personal matter. Indeed, faith cannot be adopted by proxy. Nor does a woman become a Muslim merely because of her relationship to a Muslim father, husband or any other male.

All Muslims used to present their oath of allegiance to the Prophet Muhammad (peace be upon him) personally and independently. Women, just like men, would come to the Prophet (peace be upon him) and pledge their own allegiance to Islam and to the Prophet.

God Almighty commanded the Prophet (peace be upon him) in the following words: "O Prophet! When women believers come to you to make a covenant with you that they will not associate anything with God, nor steal, nor fornicate, nor kill their children, nor slander anyone, nor disobey you in any fair matter, then make a covenant with them and seek God's forgiveness for them. Indeed God is extremely forgiving, most merciful." (Al-Mumtainah, 12).

Male and female relatives may assume different stands over the religious option. For instance, a woman like Fatima the daughter of Al-Khattab, embraced Islam although her brother Umar was still an unbeliever.

Similarly a woman, like Umm-Habibah, daughter of Abu Sufyan, embraced Islam, though her father was still a pagan.

A Muslim woman might have a husband who was still an atheist. Take, for instance, Zainab, the daughter of the Prophet himself (peace be upon him). She was married to her maternal cousin Abu Al-A's ibn Al Rabee. She entered the folds of Islam though her husband remained a polytheist.

Umm-Saleem bint Mahan was another such lady. She married Malik ibn Al Nadr before the advent of Islam but was among the earliest converts to Islam. Her husband, Malik disapproved of her conversion rather furiously and went to Syria where he died. (Al-Isabah)

Another woman, Umm-Kulthoom bint Uqba ibn Abi Mait embraced Islam, though her whole family were still holding on to their original polytheistic religion. She migrated to Madinah while the peace settlement of Hdaybiyah between the Muslim and Makkans was still operative. She left Makkah unaccompanied by any one. Her brothers, Amara and al-Waleed went to the Prophet (peace be upon him) and asked him for her repatriation as provided in the agreement between the Prophet and Quraysh at Hudiabiya. However, the Prophet refused to extend the terms of the agreement to women. (Tabqat).

A woman could adopt Islam and suffer torture as a result of her choice. Harithah bint Al-Muammil, who was known as Zunairah Al Romiyah, was a slave girl. She was among the earliest believers in Islam, and was one of those women who were tortured for their faith. Abu Jahal, one of the leaders of the polytheists, used to beat her severely. She suffered so much torture that she lost her sight.

Sumayah bint Al-Khyat, was the mother of Ammar bin Yasir, and was the seventh person to embrace Islam. The Al-Mughira clan used to torture her. People used to pass by and witness her being tortured by the side of her son and husband in the hot sands of Makkah. The Prophet (peace be upon him) would console them by saying, "O the family of Yasir! Bear this patiently, for God has given you the promise of heaven". She succumbed to the excessive torture and died to become the first martyr in Islam. (Al-Isabah)

Umm-Habibah, the daughter of Abu Sufyan was a lady who -in exile- firmly held on to Islam while her husband had converted to Christianity. Her husband Ubaid-ullah ibn Jahash migrated to Abyssinia, along with his wife to escape persecution for their Islam. However, in Abyssinia he renounced Islam and adopted Christianity, the religion of the Abyssinians. He persuaded her to do the same, but she steadfastly held on to Islam on top of all the suffering which as an exile she had to bear. (Tareekh Al Tabari)

Muslim women, on the strength of their unshakeable personal faith, used to work for the propagation of Islam. Many of them helped to promote the cause of Islam within their family circles, through discussion and debate. Arwah bint Abdul-Muttalib was one such lady who used to support the Prophet (peace be upon him) and argue in his favour. She urged her son to help the Prophet (peace be upon him) and to do whatever he asked him to do. Another such lady was Um Shuraik who used to move secretly among the ladies of Quraysh to solicit and convert them to Islam. She had converted many before she was exposed.

Among Muslim ladies were some who invited their suitors to embrace Islam and made that a precondition for marriage. Umm-Saleem was one such lady. She said to Abu Talha, who asked her hand in marriage: "By God one like you cannot be rejected, but you are a polytheist and I am a Muslim Woman. It is not lawful for me to marry you. If you embrace Islam, I would take that as my dowry from you".

Abu Talha asked her to wait till he looked into the matter. Later he returned and proclaimed, "There is no deity but Allah and Muhammad is the messenger of Allah". Thereupon Umm-Saleem cried out, "O Anas (her son) arrange the marriage of Abu Talha". (Al-Isabah)

Like embracing Islam, all obligations and duties which Islam enjoins upon a woman are entirely personal matters and cannot be done by proxy. A woman performs her acts of worship purely on the basis of her own intention.

On the basis of her own action, a woman earns reward or punishment. No man will be allowed to plead or intercede on behalf of a woman on the Day of Judgement, nor shall he be held responsible for her actions. The doctrine of ultimate accountability does not take the family as a unit for collective responsibility; rather, each individual male or female, is an autonomous unit of reckoning in front of God, and is held directly responsible for his or her actions. "For, on the Day of Judgement, every one of them will come to Him singly". (Maryam, 96)

The judgement in the hereafter may not necessarily bracket husband and wife together. Nor will a believer be treated unfairly merely for his sex. God treats all humankind on an equal basis.

CHAPTER II

THE VERDICT OF JURISPRUDENCE

According to Shari'ah women are counterparts of men. There is no separate order in Islamic jurisprudence for women. The Shari'ah (or Islamic law) is essentially the same, and its general rules are common for both sexes. There are, however, a few limited secondary regulations where

a distinction is drawn between the two sexes. These are intended purely to enable each of them to give a genuine expression of his/her faith in accordance with his/her respective human nature. Thus personal religious services for a woman are the same as those for a man. She has to perform her prayers, fasting, and pilgrimage etc.

Just like men, women have to observe the general religious standards relating to personal conduct, social dealings and moral behaviour - like being truthful, fair, beneficent, righteous and well-mannered. Islam does not provide different moral codes for men and women.

Nothing in Islam may prevent a woman from contributing to the general good and competing for religious achievement. Muslim Women used also to participate in military expeditions bringing water to the thirsty combatants, treating the wounded, and sometimes engaging in active warfare. Even the Prophet's own wife, Sayyidah Aishah, actively participated in such military encounters. Anas stated: "In the battle of Uhud when the Muslims were routed and were put to flight from the Prophet, I saw how Aisha bint Abu Bakr and Umm-Saleem were extremely busy carrying water skins on their backs and emptying them into the mouths of the Muslims". (Bukhari)

There were other prominent ladies who equally participated in the war effort. Hammah bint Jahash was one of those ladies who pledged allegiance to Islam and participated in the battle of Uhud, bringing water to the thirsty, transporting the wounded to safety and giving them the necessary treatment. (Al Isabah).

Al Rabee bint Mua'wedh, also known as Layla al-Ghifariah, used to accompany the Prophet (peace be upon him) in his military campaigns, treating the wounded and looking after the sick. (Al-Isabah).

Umm-Dhahhak bint Masoud also accompanied the Prophet in his military campaign of Khaybar. The Prophet gave her the same share of spoils as he gave the men. (Al-Isabah)

Nusaybah bint Ka'b is another lady who witnessed the battle of Uhud. She intended to bring water to the wounded, but she in fact took an active part in the fighting, and on that day brought great havoc to the enemy and wounded twelve of them severely. The Prophet (peace be upon him) appreciated her much and praised her.

From the preceding exposition, it is evident that in such collective duties women may participate, however, they are not duty-bound to do so, except when the urgency is such that their participation becomes mandatory. The Mother of the Believers, A'yishah, is reported to have requested the Prophet (peace be upon him) for permission to participate in Jihad (fighting). The Prophet (peace be upon him) said to her, "Hajj is your Jihad".

On the basis of the principles of Islamic jurisprudence, a Muslim Woman enjoys the same capacity and freedom enjoyed by a man. She can propose to a man for marriage, orally or in writing, she can freely choose her spouse, reject a suitor she does not like or seek divorce from an estranged husband against his will. However, marriage dissolution on a woman's initiative is only granted by a judge.

The Prophet (peace be upon him) ordered that a woman should not be married but with her consent. The Prophet (peace be upon him) ordered: "Do not marry a non-virgin except on her instruction, nor marry a spinster except with her permission; and her silence may go for permission". (Bukhari).

A girl came to the Prophet (peace be upon him) and complained that her father had married her to his nephew against her wish. The Prophet gave her the choice of rejecting the marriage. However, she said to the Prophet (peace be upon him): "I endorse what my father did, but I wanted to show women that parents have nothing to do in the matter". (Ibn-Majah).

A wife can have whatever creed of scriptural religion at variance with her Muslim Husband without any compulsion.

A woman can and should acquire any education without any limit or hindrance. Women used to attend the general assemblies for learning held by the Prophet (peace be upon him).

Women are entitled to full freedom of expression of their proper views. Sayidah Ayishah is famous for going all-out to advance her juristic opinions. Muslim ladies used to venture their views in the presence of the Prophet (peace be upon him) as well as his successors, the Caliphs. Ibn Al-Jawzi narrated: Umar (the Caliph) forbade people from paying excessive dowries and addressed them saying: "Don't fix the dowries for women over forty ounces. If ever that is exceeded I shall deposit the excess amount in the public treasury".

As he descended from the pulpit, a flat-nosed lady stood up from among the women audience, and said: "It is not within your right".

Umar asked: "Why should this not be of my right?"

she replied: "Because God has proclaimed: 'Even if you had given one of them (wives) a whole treasure for dowry take not the least bit back. Would you take it by false claim and a manifest sin'". (Al Nisa, 20).

When he heard this, Umar said: "The woman is right and Umar is wrong. It seems that all people have deeper insight and wisdom than Umar".

Then he returned to the pulpit and declared: "O people, I had restricted the giving of more than four hundred dirhams in dowry. Whosoever of you wishes to give in dowry as much as he likes and finds satisfaction in so doing may do so".

According to Islamic jurisprudence a woman is competent to own property and dispose of it in any manner. The Shari'ah generally provides for an equitable and fair role for women in the economic life of the Muslim society. Just as much as they share in the management of family affairs, they can contribute to the support of the family, although they are not legally bound to provide maintenance.

A woman can share outdoor work with the man to earn a common living. Asma bint Abu Bakr is said to have narrated that when Al-Zubayr married her, he had no land property, nor a slave, nor anything else, except a camel for irrigation and a horse. She said: "I would give fodder to his horse, draw the water, patch his water skin and knead the flour. I was not good at baking and preparing bread; but I had some sincere Ansar neighbour ladies who used to help me with the baking. I used to bring, on my head, fruit kernels from the land which the Prophet (peace be upon him) had given to Al-Zubayr. That land was at a distance of three farsakhs (about ten miles). One day I was on my way home with a load on my head when I met the Prophet with a number of Ansar. The Prophet (peace be upon him) asked me to ride, behind him on the camel, but I felt shy of joining the company of men. The Prophet (peace be upon him) realised that I was feeling shy and, therefore, continued his journey without me. Later I came to Al-Zubayr and told him how I met the Prophet (peace be upon him) with the company of the Ansars, and how I declined his offer when he bade the camel to kneel so that I might ride behind him. I told Al-Zubayr I felt shy and remembered your jealousy over your self-respect and honour. On hearing that account Al-Zubayr said, 'By God your carrying fruit kernels is far more distressing for me than riding the camel with the Prophet'. Later Abu Bakr sent me a servant to save me the trouble

of looking after the horse and I felt as if I had been relieved of the bondage of slavery". (Bukhari).

Muslim couples are supposed to cooperate and consult over matters relating to their family, even after divorce. The Qur'an so provides that: "Mothers shall breastfeed their babies for two complete years, if a father desires that the term be completed. The father of the baby shall provide them food and clothes in the established manner. None shall be charged more than his capacity. No mother shall be prejudiced with respect to her child, nor father with respect to his. The same is the responsibility of them. If both spouses decide, by mutual consent and consultation, on weaning, there is no blame on either. If you want to have your babies' breastfed by a foster mother you are not doing anything blame-worthy provided you pay to the foster mother what you had agreed to offer, in accordance with the established manner. Fear God and know that God is aware of what you are doing". (Al-Bagarah, 233).

In an Islamic Society women also take part in the appointment of counselling and control officers responsible for the public affairs of society. This may be done either through the process of election or consultation. The account of the Shura (consultation) process following Umar's death firmly establishes this matter. Muslim ladies did actually participate in that general consultation. Ibn Katheer, the historian, told: "Then Abdur Rahman ibn Auf undertook to consult the people about (the candidates) Uthman ibn Affan and Ali ibn Abi Talib. He was collecting and collating the general opinion of the Muslims through their leaders. He consulted them singly as well as collectively; privately as well as publicly. He even reached to the Muslim ladies in their privacy". (Al Bidayah Wa-'Nihayah).

The tradition of early Muslim Society was for women to attend all public meetings and festivals. Authentic reports about the life of the Prophet (peace be upon him) gave account of women going to attend the two Eid (festive days) prayers.

Men have no power or authority over women except in the context of marital relationship. That relationship itself is established and dissolved with the consent of the female party, and should be conducted in a spirit of mutual respect, consultation and conciliation. The man is in charge of the family, but that amounts only to responsibility for financial maintenance and authority for direction and discipline exercised in a reasonable manner. Both spouses should share in the management of family affairs, and have equal authority over their sons and daughters.

Public life is no stage where men alone can play. Both men and women are supposed to participate in congregational prayers. The Prophet, (peace be upon him) is reported to have said: "Don't stop women from going to mosques at night". A son of Abdullab ibn Umar, on hearing this statement, said to his father: "We would not allow women to go out of the house at night for fear of any abuse". Ibn Umar reprimanded his son: "I say the prophet (peace he upon him) said so, and you still say you won't allow them". (Muslim).

Women participate in pilgrimage (Haj) despite its displacements and thick crowds. Some over-scrupulous Muslim rulers endeavoured to introduce some modification in this respect with a view of segregating men and women in the Tawaf (going round the holy Kabah). However, scholars who upheld the Sunnah and favoured strict adherence to tradition, opposed any change in the practice which was current in the Prophet's times. Muhammed bin Hisham, the governor of Mecca, stopped ladies performing tawaf alongside men. Ata, the famous scholar of tradition objected: "How do you stop them when the Prophet's own wives did Tawaf of Ka'bah alongside men?"

Consequently, the traditional practice of Tawaf in common remained established and the change fell through.

Educational assemblies too were attended by men and women jointly. The Prophet (peace be upon him), in teaching the Muslims, used to address men and women together even where he was giving instruction, relating to conjugal matters. Once he was lecturing Muslims after prayer about tales they would tell the morning following their conjugal activities. Abu Hurairah reported this as follows: "The Prophet (peace be upon him) had just finished his prayer with us, when he directly turned and asked us to keep sitting, and then asked: 'Is there amongst you any who would shut doors and draw curtains when he approaches his wife, but would later go out and tell every body how he did so and so?'"

All men present kept silent. Then the Prophet (peace be upon him) turned to the ladies and said: "Does any one of you openly discuss her conjugal matters with other women?"

A young lady in the audience, when she heard this, knelt up on one knee and craned her neck so that the Prophet (peace be upon him) might see and hear her said: 'Yes by God, men discuss these matters among themselves and so do women, too'.

The Prophet (peace be upon him) said: 'Do you know whom does one doing that compare to?' 'Indeed it is like two satanic couples who meet on a high street and indulge their sexual desire in full view of the people'. (Reported by Ahmed, Abu Dawwod, and Albazzar).

Separate meetings exclusively for ladies were sometimes convened, but that was for practical reasons, mostly the dominance of men, sitting close to the Prophet (peace be upon him) after prayer and the inability of women sitting behind to hear him well. Bukhari narrated, in a chapter titled, 'Is a day set aside exclusively for the education of women?', that women told the Prophet: "Men have dominated us around you", the Prophet (peace be upon him) promised to give them a separate day. He would meet them on the scheduled day and deliver his talk and instruction.

Umar Ibn Al Khattab entrusted the supervision of administrative market affairs to Shaff'a bint Abdullah bin Abd Shams. Umar used to seek her counsel, pay due regard to her and hold her in high esteem. (Al-Isabah).

Islam does not call for segregation between men and women. A woman may, therefore, receive the family guests, serve and entertain them. Consider the story of Ibrahim (Abraham) (peace be upon him), when he received the angels in the guise of (human) guests who told him, "We were sent to the folk of Lot". And his wife, standing by, laughed. They gave her good tidings of the birth of Isaac and after Isaac of Jacob. She said, "O woe to me, shall I bear a child when I am an old woman and this is my husband an old man? This is a strange thing?" (Hud, 70-72)

There were some elderly ladies whom the Prophet (peace be upon him) used to visit, regularly. He might take meals in their places and pray there, and when they fell sick he would call upon them to console them. Take, for instance, Umm-Ayman. She migrated from Makkah to Madinah walking all the way on foot with none to keep her company and in extremely hot weather. The prophet (peace be upon him) used to honour her with his social visits (Seerat Ibn-Hisham).

Lubabah bint Al-Harith was one of the first ladies after Sayyidah Khadijah to embrace Islam. The Prophet (peace be upon him) used to visit her and take his mid-day nap in her house.

Even a bride may undertake to serve guests personally. Sahal ibn S'aad Al Ansari stated that Abu Usaid invited the Prophet (peace be upon him) to his wedding feast. His bride Umm-Usaid was the one who prepared the meals and served the guests. She put some dates in a stone vessel to soak in water. When the Prophet (peace be upon him) had finished the meal she crushed the dates with her own hand and gave the prophet (peace be upon him) to drink, as a special favour.

So far as the familiar Hijab (curtain) is concerned, it refers to the special regulation pertaining to the Prophet's wives due to their status and situations. They occupied a position different from all other women, their responsibility is thereby stiffened. God has ordained that their reward as well as punishment be double that for any other woman. "O wives of the Prophet whoever of you commits a vile deed will have her punishment doubled. And that, for God, is quite easy. And whosoever of you serves God and his Prophet devoutly and acts righteously, we shall give her double reward. And we have prepared for her honourable sustenance in the hereafter". (Al-Ahzab, 30-31).

The verses of the same Surah ordained that the wives of the Prophet (peace upon him) draw a curtain (to ensure privacy in the Prophet's room which naturally attracted many visitors of all sorts), and that they dress up completely without showing any part of their bodies including face and hands to any man; though all other Muslim women were exempted from these restrictions.

Thus the Qur'an goes: "O you who believe don't enter the Prophet's homes except when you are invited for a meal and don't come too early awaiting its preparation. But when you are invited, do enter (the prophet's home). When you have finished the meal, disperse, without (lingering) for familiar talk. Such behaviour used to inconvenience the Prophet who was too shy (to ask you to disperse). But God is not embarrassed to say the truth. And when you ask the Prophet's women something, ask them from behind a curtain. This is purer for your hearts as well as for theirs. It is not proper for you to annoy the Prophet. None of you will at all marry the Prophet's wives after his death. God considers that an enormously great sin". (Al-Ahzab, 53).

The text of this commandment is evidently restricted to the Prophet's house, dialogue with his wives, and impermissibility of their remarriage after his death. The circumstances surrounding the revelation of the commandment confirm that the provisions of the commandment are so confined. An authentic tradition demonstrates that this commandment vindicated a specific suggestion advanced by Umar ibn Al-Khattab. Sayyidha Aishah is quoted as saying that Umar ibn Al-Khattab asked the Prophet (peace be upon him) to confine his wives. She said, "But the Prophet (peace he upon him) did not do so. Then God sent down the verses relating to confinement". (Bukhari).

Anas reported that Umar said: "My Lord granted me three wishes: I asked the Prophet (peace be upon him), 'how about adopting the spot of Prophet Ibrahim for prayer?' and later the verse, 'Adopt the spot of Ibrahim for prayer' was sent down. I said to the Prophet (peace be upon him), 'O Prophet the pious as well as the dissolute enter your house to meet your wives. How about ordering them to withdraw themselves?' Subsequently the verses of confinement were sent down. Similarly the wives of the Prophet (peace be upon him) conspired, out of jealousy, against the Prophet (peace be upon him), and I said to them what was later sent down the verse, 'God may, if he divorced you, give him in exchange wives better than you'". (Al Tahreem, 5) (Musand Al-Imam Ahmed Ibn-Hambal).

Life in Islam is oriented towards God. There can be no legitimacy in exploiting the relations between persons of opposite sexes as an occasion for illicit sexual enjoyment in contravention of God's commands. There is no scope in religion for licentious sexual pleasure, which reduces man to a situation of slavery to passions, instead of to God, or to which man dedicated his time and exploits his total energies as ultimate purpose in life. There is no room for unbridled and uncontrolled passions outside the bounds of marriage.

Fornication therefore, is strictly forbidden; and as commanded by the Qur'an. "Don't get close to fornication. It is indeed atrocious and a bad way". (Al-Isra, 32).

It is not permissible for a man and a woman not tied by marriage to seek privacy - the two of them alone hidden from the view of other people. Indeed in such a situation the temptation of sex

would be dominant and would engross one's thoughts, whereas in larger company one is more likely to be oblivious of sex and preoccupied by the pursuits and affairs of the community. Ibn-Abbas says that the Prophet (peace be upon him) said: "No man shall be alone with a woman except in the presence of a mahram (a male relative to whom she cannot be lawfully married)

In public, however, a man and a woman can confer privately at a distance from others. Anas reported that a woman who was slightly mentally handicapped said to the Prophet (peace be upon him) "O Messenger of God! I need you for something". The prophet said, "O mother of such and such, look which way you want to go, that I may arrange your need". He went with her along some path till all what she required was over. (Bukhari, Muslim, Abu Dawoud)

A man should not gaze at a women nor a woman at a man so fixedly that temptation is stimulated. Instead, whenever any such thing strikes the mind, one must desist from looking on. "Tell the believers to lower their gaze and guard their private parts. This is purer for them. God is fully aware of what they are doing. And tell the believing women to lower their gaze and to guard their private parts...." (An Nur, 30-31)

The Prophet (peace be upon him) advised Ali, "O Ali, you must not gaze at a woman. You are allowed the first look but not the subsequent".

When assembled men and women must not be crammed in such a manner that breaths and bodies are very close to each other. If the practical exigencies demand, they may, however, get closer, as for instance during Haj. However, wherever there are men and women together in homes, meetings or public occasions, it is advisable that some distance between the two sexes be maintained. It is on the basis of the same principle that men and women occupy conspicuously separate rows in prayers. The Prophet (peace be upon him) designated a door exclusively for ladies to enter and leave the mosque. Ibn-Umar reports that the Prophet (peace be upon him) said, "may we restrict this door for ladies only". (Abu Dawoud).

The dress of a man or a woman should be modest. By no gesture, word or appearance should a man or a woman deliberately tempt the other. God says: "women shall not show their adornment except what is naturally visible. They should draw their scarves on their bosoms. And they must not show their adornment except to their husbands, or their fathers or the fathers of their husbands, or their sons or the sons of their husbands, or their brothers or the sons of their brothers or the sons of their sisters or their women slaves, or male servants uninterested in physical needs, or small children who are not sexually aware. Nor will they kick with their feet, to announce whatever is invisible of their adornment. (An-Nur, 31).

"O Prophet tell your wives and your daughters and wives of the believers to lower their outer garments on their persons. That is likely to make them known, and, as a consequence, not be molested. And God is Most Forgiving and Most Merciful". (Al-Ahaab, 59).

The Prophet (peace be upon him) directed that with the exception of face and hands no other part of a woman's body should be exhibited. Sayyedah Ayishah is said to have reported that Asma bint Abu Bakr came to the Prophet (peace be upon him) wearing a dress made of thin cloth. The Prophet (peace be upon him) turned his face away and said to her: "When a girl matures it is not appropriate for her to show but such and such", pointing towards his face and hands. Abu Dawoud quoted this tradition, And the majority of Muslims have accepted it in practice.

Thus temptation is the basic criterion on which these rulings rest. The Prophet (peace be upon him) prohibited women from passing by men after perfuming themselves. He warned women in his words: "After using scents no lady should attend Isha prayer with us" (Muslim).

Abu Musa Al-Ashari reported that the Prophet (peace be upon him) said; "Any woman who, after perfuming herself, passes by the people so that they may find her smell, is a fallen woman". (Musnad Imam Ahmed).

Islam tolerates that one may greet women or talk to them in decent and chaste language and with good intent. The Prophet used to do so. Asma bint-Yazeed reported that one day the Prophet (peace be upon him) passed through the mosque where a group of women were sitting. He greeted them by waving his hand. (At-Tirmithy).

More than anybody else, it is permissible for those who are seeking each other's hand in marriage or are divorced, to see or talk to each other. Mughirah ibn Shu'bah stated that he proposed to a woman for marriage. The Prophet (peace be upon him) told him, "Have a look at her that some affection might develop between you two". Mughirah went to the girl's parents and told them about the Prophet's instruction. It was as if they were reluctant. The lady who was in her private room having overheard this, called out, "If the Prophet has ordered you to see me, then do so". Mughirah said: "I saw her and married her". (Ahmed, Ibn-Majah, At-Tirmithy, Ibn-Habban and Al-Darimi).

CHAPTER III

WOMEN IN MUSLIM SOCIETY

The Muslims in their contemporary life have neglected many of the teachings of Islam, and it is therefore, not surprising that they have left behind a great deal of the guidance of Islam on women's issues. Whenever weakness creeps into the faith of Muslim men they tend to treat women oppressively, and seek to exploit them. This explains the fact that most of the rulings of the Qur'an regarding women came as restrictions on men to prevent them from transgression against women. Only a few of the Qur'anic injunctions impose restrictions on women.

We here quote some of those rulings that guarantee a fair deal for women. "When you divorce women and they fulfil the term of their Iddat (waiting period before a woman may remarry), then retain them in kindness or release them in kindness. But do not retain them to prejudice them or to take undue advantage. Do not take the revelations of God as a laughing matter. Remember God's grace upon you and that which he has revealed upon you of the scripture and of wisdom to exhort your. Fear God and know that God is aware of all things. When you divorce women and they fulfil their term do not prevent them from marrying their former husbands, if they agree on equitable terms. That is an admonition for him among you who believes in God and the Day of Judgement, and God knows, but you do not know". (Al-Bagarah, 231).

"O you who believe, it is not lawful for you to inherit women against their will [by maliciously retaining them captive in formal marriage till death], nor to put constraint upon them to take away part of what you have given them unless they be guilty of flagrant lewdness. Consort with them in kindness for if you hate them it may be that you hate something wherein God has placed much good in it". (Al-Nisa, 19).

"When they have fulfilled their term, there is no blame on you if they [women] dispose of themselves in a decent and reasonable manner. And God is well aware of what you do" (Al-Bagarah, 234)

Most if not all of the verses of the Qur'an regarding oath of abstinence from sex, divorce and Iddat (term of transition) were revealed to end oppressive traditions which retained the woman in a form of marital captivity for long periods of time while her fate remained in suspense. The same is true of the verses concerning inheritance which restored rights which women had been denied. Other verses were revealed which criticised the pessimism and misery that used to

accompany a female birth, and the abominable practices of female infanticide. The Qur'an says: "When any of them receives the news of the birth of a female his face becomes dark and he is filled with sulkiness. He keeps hiding from people because of the unfortunate news, [wondering] whether to hold on to it as a contemptible thing or just bury it in the soil. O! What a foul judgement". (Al-Nahal, the Bee 58-59).

"When the [female] buried alive will be questioned: for what fault was she murdered?" (Al-Takwir, 8-9).

Furthermore, there are many traditions of the Prophet (peace be upon him) which warn men folk against mistreating women, beating or detaining them. The Prophet said: "None of you will flog his wife like a donkey and later towards the end of the day have intercourse with her". (Bukhari). He once warned: "A large number of women have come to the family of Muhammad complaining about their husbands. Those husbands are not the best amongst you". (Riad Us-Saliheen).

The Prophet's traditions encourage Muslims to care for the good upbringing and education of women, and for their well-being in general: "The best of you is one who is best towards his family and I am best towards the family". (At-Tirmithy.)

"None but a noble man treats women in an honourable manner. And none but a wicked treats women disgracefully". (At-Tirmithy).

Weak commitment to religion tends to cultivate unjust and hostile treatment of women. For unlike man, a woman is created and brought up gentle and delicate. Performance of her natural functions (pregnancy and nursing of children) keeps her away from the toughening experience of everyday public life. Man, uncultured by religion, tends to oppress her as is common in many human societies. Excessive male jealousy is but one aspect of masculine whimsical tendencies which only godly men are immune from, and which inculcated the myth that women are incapable by nature. Men use that fantasy as an excuse to ban women from active participation in the broad spectrum of human life and to deprive them of experience and training - thereby devitalizing and incapacitating them more and more. These male tendencies and the appending customs and ways are manifest in many societies where male arbitrariness runs amok with no religious or human limitation.

Take, for instance, the Arab, Persian and Indian Societies. Although the message of Islam has spread in these societies from early times, the teaching and inculcation of Islamic values was not coextensive with the horizontal expansion of Islam in these areas. Consequently some pre-Islamic values and prejudices have continued to persist, despite the domination of Islamic forms. This phenomenon has sometimes occasioned an even more serious development. New or degenerate Muslim societies would sometimes, out of ignorance, attribute their un-Islamic legacy or custom to Islam itself. By attaching an Islamic value to these practices they seek to give them legitimacy and sanctity, the values of Islam being accepted as sacred and supreme. This explains the unabated influence on the minds of many otherwise good Muslims of attitudes abhorrent to Islam, especially in the sensitive area of sex relations where passion is strong and custom is sacrosanct.

Many latterly juristic rules and stratagems have been adopted to qualify the Shari'ah to suit cherished customs and traditions. A tricky approach is to read liberally and broaden the scope of rules granting authority to men, while reading literally and strictly those imposing limitations on women. This discriminatory attitude of interpretation is very widespread. Yet another aspect of this tendentious jurisprudence is to generalise the provisions of the Qur'an and the Sunnah that were meant to apply exclusively to the Prophet or his wives due to their unique position.

The traditional Muslim Society, which is over-impressed by its historical decline, had developed a general preference for circumspection and cautiousness over the demands of positive pursuits. It has become unduly conservative for fear that freedom of thought would lead astray and divide the community; and that freedom of women would degenerate into licentious promiscuity - so much that the basic religious rights and duties of women have been forsaken and the fundamentals of equality and fairness in the structure of Muslim Society, as enshrined in the Shari'ah, have been overlooked.

The thought and practice of Muslims have come lately to misrepresent most of the doctrinal and normative teachings of Islam on female affairs. The female is hardly ever religiously addressed except through the mediation of the male and as an addendum to him. In the fallen society of Muslims, a woman has little freedom to marry the person she likes, or to separate from a husband she loathes. Nor is she, as wife, entitled to full consultation and gracious companionship by her husband. Her role in private life has been reduced to that of a housewife chosen not for her personal merit, for she was denied the education or the opportunity to acquire merit, but for the merit of her men folk. In the domain of public life she is not allowed to make any original contribution to the promotion of the religious quality of life.

The greatest injustice visited upon women, is their segregation and isolation from the general society. Sometimes the slightest aspect of her public appearance would be considered a form of obscene exhibitionism. Even her voice was bracketed in the same category. Her mere presence at a place where men are also present was considered shameful promiscuity. She was confined to her home in a manner prescribed in Islam only as a penal sanction for an act of adultery. She was so isolated on the pretext that she might devote herself exclusively to the care of her children and the service of her husband. But how could she qualify for attending to domestic family affairs or to the rearing of children in a satisfactory manner without being versed through education and experience in the moral and functional culture of the wider society?

CHAPTER IV

THE RESURGENCE OF WOMEN

The customs and practices of traditional Muslim societies could not endure long in the face of the challenges posed by the advancement of life and the influence of the Western life styles which has swept the Muslim world. The cultural domination of the West has shaken the confidence of Muslim societies in their legacy of concepts and ideas whether Islamic or traditional.

The western liberal thought itself has been a revolt against sickly religious traditions. The revolt against religion and tradition was universal. It was in particular a complete departure from the order that once prevailed under the authority of the church. Society became secular and humanistic in its values and therefore, heterogeneous and free, pursuing no single ultimate end in life. Politics, economics, science and arts - all became free and autonomous. The traditional forms of social life relating to sex relations and conduct broke down towards promiscuity, permissiveness and sexual indulgence. As a result sex became an object of total uninhibited devotion, and the woman began to lose her primacy and autonomy as a human being to become an object for physical pleasure and commercial promotion. Her purpose in life became more to realise her femininity than to fulfil her humanity. She would fake her natural physical aspects by all sorts of artificiality and cosmetic treatment or surgery, and waste her energy, wealth and time simply to maximise her seductiveness in the eyes of men. She would dress up, adorn herself and

go out simply to attract and excite by her tempting nudity, beautiful form, sweet scent and delightful colours. The privacy of sex is thereby shattered in society, matrimonial relations are subverted and the institution of family is undermined as the special stable milieu for nursing, rearing, and educating the child.

This way of life has become universal in the West; but some aspects of it have swept over most of the modern sectors of our Islamic societies.

On the other hand, economic and social developments in Muslim lands have precipitated the destruction of the old social order. Neither men nor women were holding on to the values of the past consciously. It was merely a legacy received from historical customs giving way to practices and developments of new times.

As consciousness of the growing economic needs spread in the impoverished societies, the strong pressures for a better life swept away the reservations of the past. Fathers and husbands began to encourage their daughters and wives to go out in order to earn a living and supplement the family income. Women took advantage of this new experience to assert their freedom from the vanity and authority of men. Furthermore, increased urbanisation brought more people into a new and impersonal social context with little of the close community ties of acquaintance, kinship and solidarity. The crowded urban conditions brought about much more direct contact and, as a result, many occasions for temptation between men and women. The old-time institution of 'harem' - the barrier of female privacy- was dismantled for practical considerations, with no compensating development of personal piety or moral barriers. Under the impact of cultural change and alien domination, the traditional society of Muslims is falling apart. No lamentations by conservatives over the changing times or tenacious clinging to the past would save much. The fate of the traditional ways of Muslims would not be different from that of the European old orders when its foundations collapsed and new social values and structures were ushered in by the revolution. If conservatives hold on to rigid customary forms of the past and fail to direct the process of change according to Islamic guidance, the change will come to pass all the same.

A revolution against the condition of women in the traditional Muslim societies is inevitable. The Islamists are urged by their own ideals to reform the traditional society and to close the gap between the fallen historical reality and the desired model of ideal Islam. This is even more urgent with respect to the present state of women. Contemporary social trends in an ever closer world require an early initiative to take the direction of change in hand before it takes its free course, and it becomes too late to undertake right-guided Islamic reform.

The Islamists should beware of an attitude that seeks refuge from the invading liberating western culture in the indigenous past as a lesser evil that should be preserved with some accommodation. Conservation is a wasted effort. The Islamists are worthy of the leadership of the movement of women's liberation from the traditional customs and practices towards the heights of ideal Islam. They should not leave their society at the mercy of the advocates of westernization who exploit the urgency of reform to deform society and lead it astray. The teachings of their own religion call upon Islamists to be the right-guided leaders for the salvation of men and women, emancipating them from the shackles of history and convention, and steering their life clear of the aberrations of mutative change.

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