STATUS OF WOMEN

IN

ISLAM

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INTRODUCTION

This brochure forms a section of the author's latest work entitled the Gifts of Islam which has been written for the Centre of Islamic Studies, St. Cross College of the University of Oxford, of which he was recently elected as the Chairman of the Board of Trustees. It has been decided to bring out this brochure separately in view of the current campaign tarnishing the image of Islam as an opponent of the rights of women. In this brief paper the author has shown that Islam was the first religion in modern history to guarantee definite rights to woman and raise her status from mere chattel, as she was treated all over the world, to a respectable human being equal to man. The woman, taught Islam, was to be treated with love and kindness and respect as a daughter, sister, wife and mother.

Islam granted woman vast social and economic rights. She has, in Islam, the same right as man to acquire knowledge and cultural training. She enjoys complete freedom in the choice of her husband and can even impose such conditions that her husband would not take another wife or not require her to do a certain type of work. No one can marry her to anyone without her express wish and consent. She is entitled to social protection and a decent maintenance from her husband in accordance with his status and means in addition to dowery from him. She has the right of inheritance from her husband, father, son and other near relations. All that is possessed by her is her private property which can be used, invested or alienated by her in the manner she desires. At

the same time. Islam places no economic responsibility on her at any stage. She has the legal right to get a separation from her husband. Islam does not look at marriage as a perpetual bondage: on separation none is tied down to the other for any purpose. She is treated on an absolute equality with her ex-husband in all legal and social matters. All these are recognised by Islam as legal rights of woman for the protection of which she can go to a court of law.

All these safeguards are in-built within the socio-ethical system of Islam in a way that cannot be found in any old or modern social system.

Lucknow January 26, 1986

S. G. MOHIUDDIN.

Raising the position of Women and Restoration of their Rights

Women before Islam

A few introductory remarks would be necessary for appreciating the measures taken by Islam for ameliorating the condition of women. I would better give a few extracts from Al-Mar'ato fil-Qurān by the learned Arab scholar 'Abbās Mahmūd al-'Aqqād who has made an in-depth study of the subject.

Describing the position of women under pre-Islamic religions and societies, he writes:

"The Laws of Manu¹ accorded no personality to woman save that as a dependent of her father or husband and in the event of the death of both, as a client of her son. On the death of all the three she had to content

Manu Smirti expounds the ancient code of religious and social legislation, although it is attributed also to Go Maharaj, taken as the spiritual successor of Manu. Nevertheless, it is the oldest tract of Hindu religious and social laws, dating in its present form from about the third century A. D. (Extracted from the writings of Ganga Nath Jha and Dr. Jaiswal who are considered authorities on the history of Hindu Law).

Manu is regarded as the framer of the code of Hindu religious and social Laws. He appears to have been a primitive mythological personage, whose time and character cannot be determined with any certainity. In the Vedas he is described as a god, but the writings attributed to him present him as the ancestor and legislator of human race. This position is, however, claimed for certain other characters as well in the ancient scriptures.

herself as a hanger-on of one of the near relations of her husband. She could never become self-dependent. The injustice to which she was subjected, even more than in her economic affairs, was in the case of her separation from her husband; for, she was required to die with her dead husband on the funeral pyre. This was an age-old custom followed from the ancient days of Brahmanic civilisation to the seventeenth century when it was given up owing to rising public opinion against it.

"The code of Hammurabi treated woman as a pet. The status of women under this code is illustrated by one of its provisions which said that if a man killed the daughter of another man, he had to hand over his own daughter to the aggrieved person who might kill her in retribution, keep her as a slave-girl or reprieve the punishment, but she was more often slain to meet the demand of the law.

"In ancient Greece woman neither enjoyed any freedom nor had any right. She was made to live in big houses away from the main thoroughfares, having few windows and a guard posted at the door. With little attention paid to the housewives and mistresses, soirces with dancing-girls and women of easy virtue had become a common pastime. Women were not allowed to join men in social gatherings: they never joined the study circles of the philosophers. Harlots, divorced women and courtesan slave-girls enjoyed a greater title to fame and respect than the married women.

The Babylonian King, author of famous code of laws, and unifier of the Babylonian Empire (c. 2360 B. C.).

"Aristotle censured Spartans for being kind to their womenfolk and giving them right of inheritance, divorce and self-dependence and considered these as the reasons for the downfall of Sparta.

"The Romans of the old treated woman much like the same as the ancient Hindus for she was to remain under the wardship of her father, husband or the son. During the bloom of their cultural glory they held the view that neither a woman could be unshackled nor her neck could be freed as the saying by Cato¹ goes: Nanguam exvitur servitus mulie Brio. The Roman woman got freedom from the restrictions imposed on her only after the Roman slaves wrested their freedom through insurrection".

After describing the status of women in the ancient Egypt, Mahmud 'Aqqad says:

"Egyptian civilization and its social laws had already run its course before the advent of Islam. With the downfall of Roman civilization in the Middle East and as a reaction to its luxuriousness and dissipation a strong trend disdaining the worldly life had set in Egypt. The life itself and the association with one's kith and kin had lost attraction while a general inclination towards monasticism had made the flesh and women appear as sinful.

"This tenor of the Middle Ages had so undermined the position of women that the ecclesiastics continued to discuss the nature of women in all seriousness up to

Marcus Porcius Cato (234-149 B.C.) became in succession censor, aedile, praetor and consul, subjugated Spain, and disliked and denounced all innovations.

the fifteenth century. The questions whether woman had a soul or was a body without soul and whether she was eligible to salvation or doomed to damnation were vigorously debated in the synod of Macon.¹ The majority view was that she did not possess the soul fit for salvation, the only exception being the Virgin Mary, mother of Jesus Christ.

- "This tendency of the later Roman period was responsible for the degradation of women in the subsequent phase of Egyptian civilization. Actually, the barbarism of the Romans was responsible for giving rise to monasticism and other-worldliness in Egyptian society. A large number of people came to regard the secluded life under religious vows dedicated to prayer, contemplation and development of spiritual faculties as a means to attaining nearness to God and saving themselves from the machinations of the Devil (of which women was the greatest inducement).
- "A number of Western orientalists contend that the Islamic Shari'ah is based on the Hebrew Law but this view is confuted by a comparison of the status enjoyed by the women under the Pentateuch and the Qur'ān. A daughter had no right to inheritance, under the Pentateuch, from her father if the deceased had a male child.
- "It was an obligation regulating the gifts that the property owned by anyone should not pass on to another family on his death.

"The Jewish Laws relating to inheritance provided that so

^{1.} A town of France on the Saone.

long as there was a male child of a desceased person, his daughter would not be entitled to inheritance, and the daughter inheriting from the deseased father would not be allowed to marry into another tribe. Similarly, she could not transfer the inherited property to another tribe. This law has been repeated at several places in the Torah.

"Now we turn to the country where the Ouranic teachings first came to be preached. One should not expect that the women were treated more favourably in the ancient Arabia. In fact, the treatment meted out to her in the Arabian peninsula was worse than in any other country of the world. If she enjoyed any respect in a particular case, it was because she happened to be the daughter of the chief of a powerful tribe or the mother of an illustrious son. She was thus not entitled to any respect or honour by virtue of belonging to the fair sex. She was no doubt protected by the father, husband, brother or son but like any other material possession of a man. It was against the tribal sentiment of honour that anybody should lay his hands on anything under the protection of another man and this included one's horses, herds, wells and pastures. The women were likewise inherited by the heirs of the deseased person like his property. Woman in Arabia enjoyed no social status. rather, the shame attached to her made the father bury alive his own daughter. The moneys spent on the upkeep of the daughter was deemed as a burden although a Bedouin was not miser in spending on his goods and chattels or a slave-girl. Even those who

allowed their daughters to remain alive considered her no more than an exchangeable good which could be inherited by the deceased's heir or sold or pawned for payment of a loan or interest. She was spared these humiliations only if she belonged to a powerful tribe prepared to extend its protection to her."

Buddhism

Nor did Buddhism, inspite of its universalism, place women on an equal level with men. Its highest morality demanded entire abstinence from them. Dorner quotes *Chullavagga*² to illustrate the position of women in Buddhism in these words:

"Inscrutable as the way of a fish in water is the nature of women, those thieves of many devices, with whom truth is hard to find,"

Hinduism

The position of women in Hinduism as described by the same writer reads:

"In Brahmanism, again, marriage is made much of: every one ought to marry. Still, according to the Laws of Manu, the husband is the head of the wife; she must do nothing to displease him, even if he give himself to other loves; and, should he die, she must never utter the name of another man. If she marry again, she is excluded from the heaven where her first

 ^{&#}x27;Abbās Mahmūd al-'Aqqād, Al-Mar'ato fil Qur'ān, Dār-ul-Hilāl, Egypt, n. d., pp. 51-57.

^{2.} c. f. Oldenburg, Buddha, 1906, pp. 169f. and 355f.

^{3.} Encyclopedia of Religion and Ethics. Edinburg, 1921, Vol. V, p. 271.

husband dwells. Unfaithfulness on the wife's part is punished with the utmost rigour. 'A women is never independent'. She cannot inherit, and after her husband's death she is subject to their eldest son. The husband may even chastise her with the bamboorod."

Mrs. Ray Strachey writing about the 'Women: Her Status and its influence on History' paints a similar picture of women's condition under Hinduism.

She says:

"The Rig-Veda, which includes the collected legends of Manu, the ancestor of mankind, assigns to women a low and miserable place, and from that date onwards they have had no 'status' at all. For it came to be thought that they were spiritually negligible, all but soulless, unable to survive after death without the virtue of man. With their faith to kill their hopes, and with all the imprisoning customs which gradually sprang from it, it was impossible that eastern women should produce any great outstanding figure.

"When creating them, Manu allotted to women a love of their bed, of their seat and of ornament, impure desires, wrath, dishonesty and bad conduct.....women are as impure as falsehood itself, that is the fixed rule It is the nature of women to reduce men in this world, and for that reason the wise are never unguarded in the company of females.....a woman is never fit for independence.

"This, with much more to the same effect in the teaching

^{1.} Encyclopedia of Religion and Ethics, Edinburg, 1921, Vol. V, p. 27L.

of the Hindu scriptures, and on that discouraging basis Hindu women have had to build their lives.

"The custom of child marriage, of widow hatred, of 'sati' and of the 'purdah' seem almost natural in a society in which women's only importance lay in the bearing of sons. Perhaps the exposure of the female infants was, after all, a kindness in a world where women were believed to be 'a great whirlpool of suspicion, a dwelling place of vices, full of deceits. a hinderance in the way of heaven, and the gate of hell."

The same writer describes the position of women in China in these words.

"Further east, in China, things were no better, and the custom of crippling the feet of little girls, which was intended to keep them helpless and ladylike, reveals the attitude of the Chinese. If applied, of course, only to the high born and wealthy, but it was a true symbol of the condition of all the women in the Celestial Empire."

Christendom

The attitude of the Christian world towards women was until recently determined by the teachings of the Bible: 'Unto the women he said, and thy desire shall be to thy husband, and he shall rule over thee' (Ge. 3:16) 'Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the Church, and he is the saviour of the body. Therefore as

Universal History of World, (ed.) J A. Hammerton (London) n. d., Vol. I, p. 378.

^{2.} Ibid.

the Church is subject unto Christ, so let the wives be to their own husbands in every thing.' (Eph. 5: 22-24). The woman was condemned by the Church Fathers as the most potent source of sin and temptation. It was Eve who allegedly tempted Adam, according to the creation story of Genesis, to eat the forbidden fruit and thus laid the burden of Original Sin upon man. Thus some Greek orthodox monasteries to this day do not only prohibit any women from entering the premises but even female 'domestic animals.' Women's rights to inheritance, obtaining divorce, acquiring property, succession and remarriage were beyond the laws of the West until recently.

England

In regard to the status of women in England, which could be true of other countries in the West. Mrs. Ray Strachey says:

"..... this favourite was denied every civil right, was shut out from education and from all but the lowest forms of wage earning, and surrendered her whole property on marriage."²

Women in Islam

Now let us compare the teachings of Islam, the status and rights it gives to woman, with her position under other religions. It will be seen how Islam has restored her rights as well as her dignity, assigned her a proper place in the society and protected her against not only the conceit of men but also from irrational and cruel customs. Even a cursory glance over the Qur'ān is enough to disclose the difference between the attitudes of Islam

Maryam Jameelah, Islam Versus Ahl al-Kitab, Past and Present, Lucknow, 1983. p. 298.

^{2.} Universal History of the World, op. cit., Vol. I. p. 382.

and the pagan past in regard to women which, in the course of things, regulate all dealings with her, both at individual and social levels.

The Quranic verses referring to the fair sex, comprising half of humanity, create a sense of self-confidence in woman. They assign her a place in the society as well as in the sight of God and encourage her to make efforts for the service of religion and knowledge, cooperate in spreading goodness and virtue and build a healty society. Wherever the Qur'an refers to God's acceptance of good deeds, attainment of salvation and success in the hereafter, it refers to men as well as women.

- "And whosoever does deeds of righteousness, be it male or female, believing—they shall enter Paradise, and not be wronged a single date-spot."
- "And then Lord answers them: "I waste not the labours of any that labours among you, be you male or female—the one of you is as the other."2

The Qur'an promises 'goodly life' to men and women alike in an equal measure. This 'goodly life' means a life of peace and contentment and honour in this very world.

"Whosoever works righteously, male or female, and is a believer, We shall assuredly give him to live in a goodly life; and surely recompense them their wage for the best of what they have been doing."

The Qur'ān's elaborate style of mentioning both men and women as equally fit for attaining every individual virtue and being equally recompensed for their good deeds, righteousness and the religious duties performed by them is designed not

^{1.} Q. 4: 124

^{2.} Q. 3:195

^{3.} Q. 16:97

merely to emphasise absence of any actual difference between the two, but also meant to drive home the capability of women to attain through their goodness a grace even higher than men for the latter were perceptive to their own superiority, even denied all excellence to women, as it was then taught by all the religious philosophies and modes of thought. Now, read the following verses of the Qur'an keeping in mind the reason behind adopting a deliberately diffused strain.

"Lo! men who surrender unto Allah, and women who surrender, and men who believe and women who believe, and men who obey and women who obey, and men who speak the truth and women who speak the truth, and men who persevere (in righteousness) and women who persevere, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who guard their modesty and women who guard their modesty, and men who remember Allah and women who remember—Allah hath prepared for them forgiveness and a vast reward."

The Qur'an does not speak of women in regard to their goodness and devotions only. but also mentions them with men who attain knowledge and excellence and undergo hardship in bidding the good and forbidding the wrong. It wants men and women to unite their efforts in restoring goodness and righteousness,

"And the believers, the men and the women, are friends one of the other, they enjoin the right and forbid the wrong, they establish worship and they pay the poor-

^{1.} Q. 33:35

due, and they obey Allah and His messenger. Those—upon them Allah will have mercy; Allah is Mighty, Wise".1

The Qur'an promulgates a new order of nobility—it depends not on colour or race or sex but on piety.

"O mankind, We have created you male and female, and appointed you races and tribes, that you may know one another. Surely the noblest among you in the sight of Allah is the most pious of you. Verily Allah is Knowing, Wise."2

These verses were meant to inspire self-reliance, self-respect and courage among women or what our psychologists will regard as intended to shed her inferiority complex.

The result of these teachings was that in every age from the time of the Prophet of Islam to this day we find numerous illustrious women who achieved eminence as teachers, guides, fighters in the way of God and nurses in the battle-field, litterateurs, memorisers of the Qur'ān, narrators of Traditions, pious and righteous, who have been held in the highest esteem by the Muslims.³

Islam gave women the right to ratify or annul her marriage, the right of inheritance and to own and dispose of her property, and several other rights besides the right to participate in congregational prayers. These can be found in any treatise on Islamic jurisprudence.

^{1.} Q.9:71

^{2.} Q. 49:13

Several compilations listing illustrious Muslim women of different times exist which can be consulted.

Opinions of Western Scholars.

Several Western scholars and experts of sociology have acknowledged that the Quranic teachings in regard to women place them on an equal legal position with men and raise their social position in the society. We shall give here the opinions of only a few scholars of whom Mrs. Annie Besant is the first. An Irish woman, she was the founder of a reformative movement in India, headed the Theosophical Society of South India and was an active worker in the struggle for freedom of India. The opinion expressed by her is significant since a woman scholar should naturally feel more concerned about anything concerning women's rights.

She says:

"You can find others stating that the religion (Islam) is evil because it sanctions a limited polygamy. But you do not hear as a rule the criticism which I spoke out one day in a London hall where I knew that the audience was entirely uninstructed. I pointed out to them that monogamy with a blended mass of prostitution was a hypocrisy and more degrading than a limited polygamy. Naturally a statement that gives offence, but has to be made, because it must be remembered that the law of Islam in relation to women was until lately, when parts of it have been imitated in England, the most just law as far as women are concerned, to be found in the world. Dealing with property, dealing with rights of succession and so on, dealing with cases of divorce, it was far beyond the law of the West, in the respect which was paid to the rights of women. These things are forgotten while people are hypnotised by the words monogamy and polygamy and do not look at what lies behind it in the West—the frightful degradation of women who are thrown into the streets when their first protectors, weary of them, no longer give them any assistance."

Another scholar, N. J. Coulson, writes in A History of Islamic Law:

Describing the process of emancipation of women Dorner writes in the Encyclopedia of Religion and Ethics.

"Certainly the Prophet raised the status of women above that assigned to them in ancient Arabia; in particular, the woman was no longer a mere heritable chattel of her deceased husband's estate, but was herself capable of inheriting; while, again a free women could not now be forced into marriage, and, in cases of divorce, the husband was required to let the wife retain what he

Annie Besant, The Life and Teachings of Muhammad, Madras, 1932, p. 3

N. J. Coulson, Islamic Surveys: A History of Islamic Law, Edinburg, 1971, p. 14

gave her at marriage. Moreover, women of upper classes might occupy themselves with poetry and science, and even act as teachers, while those of lower rank not seldom shared the joys and sorrows of their husbands, as mistresses of their household. The mother likewise must be treated with respect."

Revolutionary Concept

The new concept of women's equality with men enunciated in the Quranic verses and the teachings of the Prophet was so revolutionary that it virtually meant her rebirth in a new society. In the pre-Islamic world she was everywhere regarded as a dumb and pet animal or lifeless object of inheritance: she was either buried alive or kept as an article of decoration. It was at this time that she was accorded her rightful place in the society and family life by a clean sweep brought about by Islam. The change was welcomed all over the world, particularly, in the countries where Islam made a debut triumphantly and took over the reins of government. It also played a vital role as a reformative agent in those societies where woman had no right to live by herself and was forced, to immolate herself in the event of her husband's death.

The Muslim rulers of India did all that was possible to reform the Indian society and to discourage such customs as Sati, but they always ensured that they did not interfere with the religion, customs and traditions of others. The French physician, Dr. Francois Bernier who visited India during the reign of Shāhjahān has described the efforts made by Muslim rulers to discourage the custom of self-immolation among

^{1.} Enyclopedia of Religion and Ethics, Edinburg, 1912, Vol. V., p. 271

Hindu women.

"The number of victims is less now than formerly; the Mahometans, by whom the country is governed, doing all in their power to suppress the barbarous custom. They do not, indeed, forbid it by positive law, because it is a part of their policy to leave the idolatrous population, which is so much more numerous than their own, in the free exercise of its religion; but the practice is checked by indirect means. No woman can sacrifice herself without permission from the governor of the province in which she resides, and he never grants it until he shall have ascertained that she is not to be turned aside from her purpose: to accomplish this desirable end the governor reasons with the widow and makes her enticing promises; after which, if these methods fail, he sometimes sends her among his women, that the effect of their remonstrances may be tried. Notwithstanding these obstacles, the number of self-immolations is still very considerable, particularly in theterritories of the Rajas, where no Mahometan governors are appointed."

Women in the Modern West

Feminist movement has been flaunted with such a fanfare by the modern West that one is led to believe that Europe and America should be a heaven for women where they should be leading a contented life with complete independence and self-

Travels of the Moghul Empire by Francois Bernier (A. D. 1656-1668)
 (cd.) Archibald Constable, Westminister, Vol. I, pp. 306-307

respect. However, the reports appearing in the press and observations of Western intellectuals are sufficient to reveal that all that glitters is not gold.

Industrially developed countries of the West are currently facing a new threat-a wave of misogamy that has been termed as 'Domestic Violence' by the United Nations' Centre for Social Development and Human Affairs. The Centre based at Vienna has conducted two surveys which reveal its deep concern over the fast growing rate of divorce in the West. These reports also highlight increasing domestic violence which has been described as the most unhappy and agonising development to which the Centre wants scrious attention to be paid by all wellmeaning persons. These reports say that it is no longer possible to overlook this new phenomenon. Concern has also been expressed over the rapid erosion of traditional values which were the props of family life and guaranteed protection and maintenance of the weaker members of the family as well as care and guidance to the children. The entire family structure in these countries is now breaking up, the couples' personal life is devoid of any spark of affection and none among the spouses has the least desire to accept any responsibility of the other. An international symposium organised by the United Nations Organization the previous year spotlighted the growing trend of violence to the wives in the developed countries, use of physical force for the satisfaction of sex and callousness shown in maintenance and guidance of the children. All these emanate from the disintegrating family life in the West.

Another colloquy on Violence in Society' was organised by the Ministry of Justice in Canada during October, 1985. There was a consensus among the participants in it that domestic violence had assumed the shape of a heinous offence which could no longer be ignored by the mass media. Mr. King, the Public Prosecutor of Canada, expressed the view that factors chiefly responsible for increase in this trend were alcoholism and addiction to drugs. He pleaded that the notice of these offences which destroyed peace of the home should be taken by the police much in the same way as bank robberies and that they should be made cognizable offence. The debate showed a general consent about the fact that the situation in the United States of America was still worse where, on an average, 16 per cent couples were afflicted by this menace. According to American social scientists, 3,76,000 minors were subjected to criminal assault and rape in a year while domestic violence very often took the shape of physical assault of the wives, tying their hands and feet and hanging them upside down, strangulating the assaulted women and using violent means for sexual satisfaction. The situation in the Soviet Russia is no better where, too, the divorce is common and family structure is fast disintegrating,

An Important Publication of the Academy

TAFSIR-UL-QURAN

by Maulana Abdul Majid Daryabadi

The Academy has great pleasure in informing you that by the grace of God, all the four volumes of the *Tafsir-ul-Quran* by Maulana Abdul Majid Daryabadi consisting of the commentary and a *revised* English translation of the Quran have now come out of the press.

This work of great scholarship contains lexical, grammatical, historical, geographical and eschatological comments besides comparing the Quranic text with the scriptures of other religions, particularly those of Christianity and Judaism, which go to make it an invaluable study in comparative reli-A great merit of the work is that the English rendering of the holy text is always nearest and most appropriate to the Quranic Arabic which makes the translation immensly helpful to those who want to learn the language of the Holy Quran. Similary, the commentary by the learned author never deviates from the accepted orthodox interpretation of the Divine Writ. It is on account of these reasons that the present work has been held to be "unique and most dependable among all the translations and commentaries on the Quran attempted so far in English language" by an authority like Maulana Syed Abul Hasan Ali Nadwi.

Other highlights of this great work are: it brings forward all the information about the prophets and nations of yore

mentioned in the Quran with the latest historical researches about them; demonstrates the superiority of the Quranic legislations in the light of human experience and findings in the field anthropology and sociology; undertakes a very detailed study of the Old and New Testaments to pin-point the similarities and differences between these Scriptures and the Quran which go to show how the Quran upholds only the correct and original divine teachings contained in them and rejects all subsequent additions to the Bible by its scribes and redactors. This, by the way, provides a conclusive answer to those orientalists who are never weary of repeating the charge that the Quran draws it material from Jewish and Christian Scriptures.

The four volumes, now available, have been printed in Royal Octavo size on good quality paper and are clothbound [Vol. I, pp. 488, Price Rs. 90.00; Vol. II pp. 516, Rs. 95.00; Vol. III, pp. 526, Rs. 95.00; and Vol. IV, pp. 575, Rs 110.00].