

WOMEN IN ISLAM

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NOTICE

This paper is based on a position paper titled "**Woman and Family in Islam**" produced and presented by WAMY, the World Assembly of Muslim Youth. It was a position paper highlighting the status, rights and role of the Muslim woman according to the basic sources of Islam to be presented on the occasion of the UN Conference on Woman, held in Beijing 1995. The paper was remarkably good and thorough. We should not forget, that WAMY head offices are located in Riyadh, the capital of Saudi-Arabia, the most repressive regime on earth for women, other Islamic sects and religious minorities! WAMY itself was established as a propaganda unit for the tyrannical anti-Islamic Aal Saud regime in an attempt to beatify its ugly face i.e. give an Islamic colour to an utterly un-Islamic, racist, xenophobic, despotic and medieval regime run by a corrupt Mafia.

During that critical reading process we came across a paper entitled: " WOMEN IN ISLAM VERSUS WOMEN IN THE JUDAEO-CHRISTIAN TRADITION: THE MYTH & THE REALITY" which contained a number of surprising findings and excellent conclusions.

We decided not to re-invent the wheel and chose to edit those papers, combine them and partly rewrite them, rather than write a new paper from scratch. Our paper contains hence large connected portions almost literally taken over from those original papers.

This way we were able to polish the first original paper by removing those weak parts aimed at appeasing the Saudi regime and its dark age clergy. That clergy group which has become very much similar to an organised, oppressive and state-supportive church with all the evil characteristics of a state church in full contradiction to the principles, laws and spirit of Islam.

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FOREWORD

The *empowerment of woman* is the agenda of the UN Conference on Women, Beijing 1995. That woman continues to be oppressed, discriminated against and exploited is a fact few would dare to deny. The forms of injustice against woman have been as varied as the measures to ameliorate it. Concern for improving woman-situation has been growing over the last two centuries and lately a great upsurge has been seen at the global level to design and implement plans to remedy the situation. But in many a case the remedial measures promise to turn out to be even worse than the existing injustice against the oppressed sex.

In the following pages, an effort has been made to briefly present the Islamic treatment of the issue against a comparative background of some other systems. Islam considers woman not only equal to man but in some respects gives her importance more than man. Notwithstanding the misconceptions spread to the contrary, the present study demonstrates beyond doubt that the equality, freedom and dignity that Islam offers to woman remains unparalleled.

Our purpose here is only to clarify the abstract Islamic position on the matter and not to imply that women in the Muslim societies across the world do not require any programmes of equality, development and peace. They do so. A few decades after the death of the Muhammad, the Messenger of God - (PBUH) - the rights and privileges of Women has been slowly eroded and their position and contribution to the society gradually weakened, in unison with the confiscation of the rights of every individual and of the whole community to elect, criticise, account and control their own government. But the recent degeneration of the Muslim woman around the world over the past centuries is a necessary coronary to their cultural disorientation wrought in the main by the colonial holocaust.

The platform for action that they need is the one projecting the universal Islamic values. Some considerable aspects apart, the proposed UN work-plan, at times, is in direct conflict with their religion, creed, ideology and culture and, therefore, most likely to generate confusion and add to their disorientation that they need to shake off at the first available opportunity if they are serious to walk the road to equality, development and peace.

A detailed discussion on the subject would require a much larger volume which might not have been very useful for the initial purpose of this study, i.e., providing the participants and the organisers of the Beijing Conference and the world public at large with a *ready reckoner* on the subject to compare the Islamic solution with others while recommending steps to safeguard woman's rights. It will also explain why Muslims as a whole oppose the Platform for Action proposed by this Conference

INTRODUCTION

Dissatisfaction with the status quo, an earnest quest for a radical change, rejection of age-old traditions and institutions of all cultures and strategic planning for revolutionary break through symbolise the contemporary age. The intellectuals as well as the human rights activists have lately been expressing a profound urge for change, progress and modernisation. One of such issues is gender equality which has been on the public agenda for sometime, especially in view of the plight of women down the ages. Efforts are being made to empower woman who has suffered for long and a great deal owing to a variety of socio-cultural, political and religious factors.

In such an environment of change and transition, it is not surprising that the fourth UN World Conference on Women, which was held in Beijing, in September of 1995, has made the issue of the status and role of woman a subject of debate across the world communities.

The *Draft Platform for Action*, which was discussed in the Conference, has identified 12 areas of critical concern, 15 strategic objectives and 629 financial arrangements. It has no doubt attracted the attention of almost all the governmental, non-governmental organisations and individuals of the world. The *Platform for Action*, which is built upon the previous UN conferences on woman in Nairobi in 1985, Environment and Development in Rio, 1992, Human Rights in Vienna in 1993, Population and Development in Cairo, 1994 and the world Summit on Social Development in 1995 in Copenhagen, is a gigantic task, which the UN has taken up most enthusiastically. Sincere human rights activists could only wish the best.

However, it is not merely a question of wishing but of co-operation. It should be co-operated with and supported by one fourth of the world's population, 1.5 billion Muslims, which comprise fifty five of the member countries in the United Nations that have Muslim majority population and 145 member countries that have Muslim minority communities.

The first step in this direction would be to take into account a few fundamental questions:

First, if some of the solutions and strategic actions go contrary to the religion, creed, ideology, cultural norms and milieu of the Muslim community, will it be given a right to present its own stance and position on the status and role of woman? Or, are the Western powers going to force their ideology on other nations using their nuclear muscles?

Second, we have to ask ourselves whether the radical change and progress aspired through the *Platform for Action* is for a constructive and desirable change!

Third, whether the *Platform for Action* confirms and satisfies all the communities of the world, since it has been proposed from the UN platform which claims to stand for universal peace, security and justice!

Fourth, if the Muslim community possesses this right (as it indeed does possess), what framework and strategic planning it proposes to achieve the equality, development and peace for women?

These are four major questions that this paper would consider in the main. The main task here is to present the Islamic position on the status and role of woman with reference to the desired objectives of the UN's *Platform for action* -- equality, development and peace.

But, just in order to provide the background we shall first present a brief survey of woman-situation in world civilisations before the Islamic model became available. Finally, we shall discuss the strategic institutional actions, necessary for a constructive and creative change for a more meaningful development.

CHAPTER I : WOMAN IN OTHER CIVILISATIONS

Woman has been discriminated against since time immemorial. A brief historical survey would help us chart its course and within that context it will be easier to appreciate Islam's tremendous contribution towards the restoration of woman's dignity and rights.

In ancient **India**, according to Encyclopaedia Britannica [1], woman's: " Subjection was a cardinal principle. Day and night must women be held by their protectors in a state of dependence, says Manu, The rule of inheritance excluded females. A good wife in the Hindu Scriptures is "a woman whose mind, body, speech are kept in subjection". An Indian wife used to address her husband as " My Lord" and "My God" in that he was held to be her earthly god. she could not eat or walk with him. Throughout her life she was dependent on and subservient to her father, husband and son. Not only this, in many cases when the husband died his wife was burnt alive on his pyre, a practice which is not uncommon even in modern India.

At the time of marriage, she is given in charity by her father to her husband who obliges her father by accepting her along with a huge dowry in cash and kind. This is very much in practice even now.

In the most sacred Hindu scripture, *Ramayana* (not really ancient, composed in the late sixteenth century), recommends in unequivocal terms: (*Drum, rustic, untouchables, animal, woman deserve they all a thorough thrashing*); Woman has been categorised with animals and untouchables and it is regarded necessary to beat her hard if you want something good out of her!!

In **Greece**, the lot of the woman was no better: Athenian woman was always subject to some male. Her consent in marriage was not generally thought to be necessary.

As to her legal status in **Roman** civilisation, the following account is worth reading: [In Roman law a woman was even in historic times completely dependent. If married she and her property passed into the power of her husbandthe wife was the purchased property of her husband. A woman could not exercise any civil or public office... could not be a witness, surety, tutor or curator; she could not adopt or be adopted, or make will or contract. After her husband's death, her sons or in-laws, especially brothers-in-law had the legal right over her].

In the **Slavonic** society women used to kill their baby daughters for the fear of sexual exploitation. It is reported by Thietnar, a German chronicler, that Slavonic wives were killed after their husband's funeral in order to share his fate.

The **Scandinavian** women were: Under perpetual tutelage, whether married or unmarried. As late as the code of Christian V, at the end of the seventeenth century, it was enacted that if a woman married without the consent of her tutor, he might have, if he wished, administration of her goods during her life.

The status of woman in ancient **China** was no better: On marriage a woman was afterwards subject to the authority of her husband's parents and seniors. Her property was transferred to the ownership of her husband's family. The situation in **Japan** was not much different.

Woman in Judaism and Christianity

In the West, Islam is believed to be the symbol of the subordination of women par excellence. In order to understand how firm this belief is, it is enough to mention that the Minister of Education in France, the land of Voltaire and the Great Revolution, has ordered the expulsion of all young Muslim women wearing the veil from French schools!! A young Muslim student wearing a headscarf is denied her right of education in France, while a Catholic student wearing a cross or a Jewish student wearing a skullcap is not.

The scene of French policemen preventing young Muslim women wearing headscarves from entering their high school is unforgettable. It inspires the memories of another equally disgraceful scene of Governor George Wallace of Alabama in 1962 standing in front of a school gate trying to block the entrance of black students in order to prevent the desegregation of Alabama's schools. The difference between the two scenes is that the black students had the sympathy of so many people in the US. and in the whole world. President Kennedy sent the US. National Guard to force the entry of the black students. The Muslim girls, on the other hand, received no help from any one. Their cause seems to have very little sympathy either inside or outside France. The reason is the widespread misunderstanding, fear, even outright hostility towards anything Islamic in the world today.

Is it true that Christianity and Judaism give women more rights than Islam? Are the current achievement of the "gentle" sex really based on Judo-Christian tradition, or won in a battle against it? It is not easy to search for and find answers to these difficult questions.

The first difficulty is that one has to be fair and objective or, at least, do one's utmost to be so. This is what Islam teaches. The Qur'aan has instructed Muslims to say the truth even if those who are very close to them do not like it: *{Whenever you speak, speak justly, even if a near relative is concerned}* (Al-An'aam; 6:152), *{O you who believe stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents or your next of kin, and whether it be (against) rich or poor}* (An-Nisa; 4:135).

We don't claim to be absolutely objective. This is, most likely, beyond the limited human capacity. All we can say is that we have been trying, throughout, to approach the Qur'aanic ideal of **"speaking justly"**.

We would like to emphasise that our purpose is not to denigrate Judaism or Christianity. As Muslims, we believe in the divine origins of both. No one can be a Muslim without believing in Mussa (Moses) and 'Issa (Jesus) as great prophets of God. Our goal is only to vindicate Islam and pay a tribute, long overdue in the West, to the final truthful Message from God to humanity. We would also like to emphasise that we concerned ourselves only with Doctrine. That is, our concern is, mainly, the position of women in the three religions as it appears in their original sources not as practised by their millions of followers in the world today. Therefore, most of the evidence cited comes from the Qur'aan, the authentic traditions of Prophet Muhammad (PBUH), the Bible, the Talmud, and the sayings of some of the most influential Church Fathers whose views have contributed immeasurably to defining and shaping official Christianity.

This interest in the sources relates to the fact that understanding a certain religion from the attitudes and the behaviour of some of its nominal followers is misleading. Many

people confuse culture with religion, many others do not know what their religious books are saying, and many more others do not even care.

The three religions agree on one basic fact: Both women and men are created by God, The Creator of the whole universe. However, disagreement starts soon after the creation of the first man, Adam, and the first woman, Eve. The Judaeo-Christian conception of the creation of Adam and Eve is narrated in detail in Genesis. God prohibited both of them from eating the fruits of the forbidden tree. The serpent seduced Eve to eat from it and Eve, in turn, seduced Adam to eat with her. When God rebuked Adam for what he did, he put all the blame on Eve, "The woman you put here with me --she gave me some fruit from the tree and I ate it." Consequently, God said to Eve:

"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."

To Adam He said:

"Because you listened to your wife and ate from the tree Cursed is the ground because of you; through painful toil you will eat of it all the days of your life..."

The Islamic conception of the first creation is found in several places in the Qur'aan, for example: *{O Adam dwell with your wife in the Garden and enjoy as you wish but approach not this tree or you run into harm and transgression. Then Satan whispered to them in order to reveal to them their shame, that was hidden from them, and he said: 'Your Lord only forbade you this tree lest you become angels or immortals (such beings who live forever.)' And he swore to them both that he was their sincere adviser. So, by deceit, he brought them to their fall: when they tasted the tree their, their shame became manifest to them and they began to sew together the leaves of the Garden over their bodies. And their Lord called unto them: 'Did I not forbid you that tree and tell you that Satan was your avowed enemy?' They said: 'Our Lord we have wronged our own souls and if You forgive us not and bestow not upon us Your Mercy, we shall certainly be lost' }* (Al-A'raaf; 7: 19-23). There are many other similar statements in the Qur'aan.

A careful look into the two accounts of the story of the creation reveals some fundamental and essential differences. The Qur'aan, contrary to the Bible, places most blame on Adam, and barely any on Eve for their mistake. Nowhere in the Qur'aan, nor in the Sunnah, the authentic traditions of the Prophet (PBUH), can one find even the slightest hint that Eve tempted Adam to eat from the tree or even that she had eaten before him.

Eve in the Qur'aan is no temptress, no seducer, and no deceiver. Both Adam, being the leader, and Eve committed a sin and then, Adam taking the lead again, asked God for forgiveness and He forgave them both. Actually the main blame is attributed to Adam, as Allah, blessed be His Names, says in the Qur'aan: *{And Adam disobeyed his Lord, thus becoming misguided}*, (Taha; 20:121). There is no mention of Eve, at all.

Moreover, Eve is not to be blamed for the pains of childbearing. God, according to the Qur'aan, punishes no one for another's faults. Pains of childbearing and birth are anatomic and physiological necessities, not connected to any sin or human act what so ever.

The image of Eve as temptress in the Bible has resulted in an extremely negative impact on women throughout the Judaeo-Christian tradition. All women were believed to have inherited from their mother, the Biblical Eve, both her guilt and her guile. Consequently, they were all untrustworthy, morally inferior, and wicked. Menstruation, pregnancy, and childbearing were considered the just punishment for the eternal guilt of the cursed female

sex.

In order to appreciate how negative the impact of the Biblical Eve was on all her female descendants we have to look at the writings of some of the most important Jews and Christians of all time. Let us start with the Old Testament and look at excerpts from what is called the "Wisdom Literature" in which we find: (I find more bitter than death the woman who is a snare, whose heart is a trap and whose hands are chains. The man who pleases God will escape her, but the sinner she will ensnare while I was still searching but not finding, I found one upright man among a thousand but not one upright woman among them all) (Ecclesiasticus 7:26-28).

In another part of the Hebrew literature which is found in the Catholic Bible we read: (No wickedness comes anywhere near the wickedness of a woman Sin began with a woman and thanks to her we all must die), (Ecclesiasticus 25:19,24).

Jewish Rabbis listed nine curses inflicted on women as a result of the Fall: (To the woman He gave nine curses and death: the burden of the blood of menstruation and the blood of virginity; the burden of pregnancy; the burden of childbirth; the burden of bringing up the children; her head is covered as one in mourning; she pierces her ear like a permanent slave or slave girl who serves her master; she is not to be believed as a witness; and after everything--death." [2]

To the present day, orthodox Jewish men in their daily morning prayer recite: (Blessed be God King of the universe that Thou has not made me a woman.). The women, on the other hand, thank God every morning for (making me according to Thy will) [3] Another prayer found in many Jewish prayer books: (Praised be God that he has not created me a gentile. Praised be God that he has not created me a woman. Praised be God that he has not created me an ignoramus) [4]

The Biblical Eve has played a far bigger role in Christianity than in Judaism. Her sin has been pivotal to the whole Christian faith because the Christian conception of the reason for the mission of Jesus Christ on Earth stems from Eve's disobedience to God. She had sinned and then seduced Adam to follow her suit. Consequently, God expelled both of them from Heaven to Earth, which had been cursed because of them. They bequeathed their sin, which had not been forgiven by God, to all their descendants and, thus, all humans are born in sin. In order to purify human beings from their '**original sin**', God had to sacrifice Jesus, who is considered to be the Son of God, on the cross. Therefore, Eve is responsible for her own mistake, her husband's sin, the original sin of all humanity, and the death of the Son of God!! In other words, one woman acting on her own caused the fall of all humanity [5].

What about her daughters? They are sinners like her and have to be treated as such. Listen to the severe tone of St. Paul in the New Testament: (A woman should learn in quietness and full submission. I don't permit a woman to teach or to have authority over a man; she must be silent. For Adam was formed first, then Eve. And Adam was not the one deceived; it was the woman who was deceived and became a sinner) (I Timothy 2:11-14).

St. Tertullian was even more blunt than St. Paul, while he was talking to his 'best beloved sisters' in the faith, he said [6]: (Do you not know that you are each an Eve? The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too.

You are the Devil's gateway! You are the unsealer of the forbidden tree! You are the first deserter of the divine law! You are she who persuaded him whom the devil was not valiant enough to attack. You destroyed so easily God's image, man. On account of your desert even the Son of God had to die).

St. Augustine was faithful to the legacy of his predecessors, he wrote to a friend: (What is the difference whether it is in a wife or a mother, it is still Eve the temptress that we must beware of in any woman I fail to see what use woman can be to man, if one excludes the function of bearing children).

Many centuries later, St. Thomas Aquinas still considered women as defective: (As regards the individual nature, woman is defective and misbegotten, for the active force in the male seed tends to the production of a perfect likeness in the masculine sex; while the production of woman comes from a defect in the active force or from some material indisposition, or even from some external influence).

Finally, the renowned reformer Martin Luther could not see any benefit from a woman but bringing into the world as many children as possible regardless of any side effects: (If they become tired or even die, that does not matter. Let them die in childbirth, that's why they are there).

Again and again all women are denigrated because of the image of Eve, the temptress, thanks to the Genesis account. To sum up, the Judaeo-Christian conception of women has been poisoned by the belief in the sinful nature of Eve and her female offspring.

If we now turn our attention to what the Qur'aan has to say about women, we will soon realise that the Islamic conception of women is radically different from the Judaeo-Christian one. Let the Qur'aan speak for itself: ***{For Muslim men and women, for believing men and women, for devout men and women, for truthful men and women, for men and women who are patient and enduring, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise-- For them all has Allah prepared forgiveness and great reward}*** (Al-Ahzaab; 33: 35). ***{The believers, men and women, are allies (friends, supporters and protectors) one of another: they enjoin what is just, and forbid what is evil, they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy: for Allah is Exalted in power, Wise}*** (At-Tawbah; 9: 71). ***{And their Lord answered them: Truly I will never cause to be lost the work of any of you, be you a male or female, you are members one of another}*** (Aal Imraan; 3: 195). ***{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}*** (Ghaafir; 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}*** (An-Nahl; 16: 97).

It is clear that the Qur'aanic view of women is no different than that of men. They, both, are God's creatures whose sublime goal on earth is to worship their Lord, do righteous deeds, and avoid evil and they, both, will be assessed accordingly. The Qur'aan never mentions that the woman is the devil's gateway or that she is a deceiver by nature. The Qur'aan, also, never mentions that man is God's image; all men and all women are his

creatures, that is all. According to the Qur'aan, a woman's role on earth is not limited only to childbirth. She is required to do as many good deeds as any other man is required to do.

The Qur'aan never says that no upright women have ever existed. To the contrary, the Qur'aan has instructed all the believers, women as well as men, to follow the example of those ideal women such as the Virgin Maryam (Mary) and the Pharaoh's wife: *{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 you, a mansion in the Garden (of Eden), and save me from Pharaoh and his (evil) doings and save me from those who do wrong." And Maryam (Mary) the daughter of Imraan 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}* (At-Tahreem; 66: 11-13). There are many more other verses full of praise for Maryam (Mary). Some Muslim scholars, like the eminent Imaam Ibn Hazm, regard her as prophetess, with all the prophetic privileges and infallibility.

In the *Mosaic Law*, as understood and expanded in the Talmudic tradition, the wife is betrothed. *The Encyclopaedia Biblica* explains this concept and its ramifications: To betroth a wife to oneself meant simply to acquire possession of her by payment of the purchase money; the betrothed is a girl for whom the purchase money is paid. The girl's consent is unnecessary and the need for it is nowhere suggested in the Law. As to the right of divorce, "the woman being man's property", his right to divorce her follows as a matter of course, The husband alone enjoys the privilege of divorcing his wife.

The Church was heavily influenced by the "Talmudic" Mosaic Law and the prevalent local tradition in its perception of woman. David and Vera Mace, authors of *"Marriage East and West"*, throw light on the status of woman in the early Christianity: (Let no one suppose, either, that our Christian heritage is free of such slighting judgements. It would be hard to find anywhere a collection of more degrading references to the female sex than the early Church Fathers provide).

Lecky, the famous historian, speaks of these fierce invectives which form so conspicuous and so grotesque a portion of the writing of the Fathers woman was represented as the door of hell, as the mother of all human ills. She should be ashamed at the very thought that she is a woman. She should live in continual penance on account of the curses she has brought upon the world. She should be ashamed of her dress, for it is the memorial of her fall. she should be especially ashamed of her beauty, for it is the most potent instrument of the devil. As one of the most scathing of these attacks on woman he cites that of Tertullian, given above!

Not only did the Church affirm the inferior status of woman, it even deprived her of legal rights she had previously enjoyed.

The Christian Council in the fifth century concluded that woman had no soul and her abode was hell. Maryam (Mary), the mother of Jesus, was, however, considered as an exception. A century later another Christian Council debated seriously whether woman was human or not.

Woman in In pre-Islamic Arabia

In the pre-Islamic Arabia, the plight of woman may be measured in the light of the

then prevalent Arab custom of burying their daughters alive. She was regarded as an inferior creature. She was inherited like chattel. When a man died, his son had every right upon the widow. He might marry her for himself, stop her from marrying another man and demand money in ransom if she wanted to do so. Slave women could be used, legitimately, by their masters for prostitution.

CHAPTER II : STATUS AND ROLE OF WOMAN IN ISLAM

Towards Equality Development and Peace

It was against this backdrop that Islam successfully brought about the liberation of woman from all the shackles. As mentioned earlier, Islam not only endorses the objectives of equality, development and peace for women but strongly advocates and stands for these rights. However, its approach towards the achievements of these objectives is holistic in a well defined and self-consistent system of laws, regulations, principles of ethics, and even in directives for manners and etiquette, all firmly and consistently built on its spiritual base: The belief in God, His revelations, His Messengers and the judgement day. It is definitely not fragmentary relying on bits and pieces of legislation, often contradicting each other.

The Qur'aan, the final and eternal guide of the mankind, makes it very clear that man and woman are two physical forms of the same soul, hence no original difference between them. God declares in the very opening verse of the aptly entitled Surah An-Nisa (An-Nisa means: the Women): ***{ O mankind! Fear your Lord, who created you from a single being and out of it created its mate; and out of the two spread many men and women. Fear Allah in Whose name you plead for rights, and be heedful of the wombs that bore you. Surely, Allah is ever watchful over you}. (An-Nisa 4: 1).*** The phrase: ***{... be heedful of the wombs that bore you..}*** means ***{..heed, or be aware of, the ties of kinship..}***.

The Holy Qur'aan states further: ***{ We have honoured the children of Adam; provided them with means of transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours and distinction above a great part of Our Creation}. (Al-Israa'; 17: 70)***

Thus all human beings, the children of Adam: male or female, black or white, old or young, have been honoured by Their Creator and been given precedence over all other creatures.

The honour and dignity of humans, their special distinguished status apart and absolutely above all beasts on earth, is due to their, men and women alike, being endowed with the power of creative reason and the faculty of free will. As a matter of fact many scholars of Islam regards this as the appropriate interpretation of the metaphoric phrase in the Bible : ***"God created Adam in His Image"*** (attributed also to the Messenger of God (PBUH) in a not very strong tradition). This means that all human life is sacred and has transcendent worth, equal value and dignity in relation to every other human life regardless of gender, age, stage of development, physical condition, social status, or education, regardless of ability or disability and regardless of whether it is born or unborn, absolutely above, separate and fundamentally distinct from any beast. Hence human rights are necessarily the rights of human beings as such, with no differences and distinctions between male or female, black or white, old or young.

These divine declaration, together with further overwhelming evidence from Qur'aan, Sunnah and the acts of the Companions of the Prophet (PBUH), has spelled an end to the discrimination against woman, but also an end to the discrimination because of race, colour, national origin ...etc., in that the whole mankind is the offspring of a single being, a single soul. Originally everyone --- man and woman, black and white --- has the same descent and no one is nobler or meaner by birth. It has also made it clear that all human beings, men or women, are servants of the One True God. They should therefore worship and serve Him.

Islam thus absolutely, totally and irrevocably dismissed the notion that man is more honoured for being a man and woman is inferior for being a woman.

The above Qur'aanic words are the preamble of the universal declaration of human rights, revealed to humankind by its Creator, the Almighty God, Who alone possesses the absolute knowledge of the origin and nature of the creation of humankind. This verse is the divine declaration for all times to come that all the sex-related discriminatory practices prevalent in the human society are unreasonable, unnatural and unfounded, and therefore baseless, false and absurd. The whole mankind is the offspring of a single soul. and any kind of discrimination against either tantamounts to the division of a single whole and therefore it is null and void.

Upholding sex equality, the holy Qur'aan has drawn our attention to a biological fact as well: {*...And be heedful of the wombs that bore you. Surely, Allah is ever watchful over you* }. (An-Nisa; 4: 1). It reminds us of the place of origin of our biological existence i.e. the mother's womb. Human biological existence is another clear evidence of man-woman equality; both come to life in the womb and are given birth by a woman in exactly the same fashion; hence, ruling out the question of superiority or inferiority between them.

Now, consider the approach taken by the *Platform for Action about equality*. The first point of the Mission statement for the *Platform for Action* declares: **"Equality between women and men is a matter of human right and a condition for social justice and is also a necessary and fundamental pre-requisite for equality, development and peace"**. (*Draft. Platform for Action, 1995, p. 9*).

Compare this bloodless limited statement to the Qur'aanic utterance!! Where is the connection with the whole universal scheme of things?! Where is the spiritual and emotional component, so essential to move human beings and motivate them for action?! It is even irrational and at best partially circular: **"...Equality.... pre-requisite for equality"!!**

Equality in the creation of man and woman highlighted in the Qur'aan is not only a theoretical statement but a living reality. It was empirically established by the Prophet Muhammad (PBUH) through his organisation of the society in Madinah. No sex discrimination was practised by the Prophet or his successors (the righteous caliphs) which is a practical evidence of the Qur'aanic injunction.

CHAPTER III : EQUALITY

EQUALITY IS OBLIGATION AND REWARD

Islam treats both, man or woman, equally in that whoever leads a pious life in accordance with divine guidance is entitled in equal measure to attain salvation and eternal success in the Next Life: ***{ Whoever works righteousness, man or woman, and has faith, to him we will give a new life, a life that is good and pure, and we will bestow on them their reward according to the best of their actions.}*** (An-Nahl; 16: 97)

In Islam the criterion of superiority or status in the sight of Allah is one's righteous conduct, ruling out any reference to one's gender, nationality, colour or whatever. The Qur'aan makes this point in unmistakable terms: ***{ O mankind! We created you from a single pair of a male and a female, and made you into nation and tribes, that you may get acquainted (and interact) with each other. Verily the most honoured of you in the sight of Allah is he who is the most righteous of you. Allah has full knowledge and is well-acquainted with all things.}*** (Al-Hujuraat; 49: 13)

The holy Qur'aan has laid therefore a great stress on the spiritual equality of man and woman, as is evident from the following verse. God promises: ***{ I will not suffer the work of any of you, be he male or female, to go to waste; you are members, one of another}*** (Aal Imraan; 3 :195).

Both man and woman are equally obliged to practice the principles of Islam and their deeds are equally regarded. No discrimination would be made against or in favour of either on the basis of their sex for rewards and punishments. ***This signifies the spiritual equality between man and woman.***

Such is hardly the case about the western political theory which in fact is mostly based on hatred towards woman. It has portrayed woman as spiritually, morally and intellectually weaker than man. An unjust discrimination between man and woman was not confined to the western political philosophy only but was practically manifested in its society at all levels --- social, economic and political.

Feminist theory which originated as a theory of women's rights in the early eighteenth century owes its origin as a reaction to the utter discrimination between male and female even in education. Later, the simple theory of women's rights developed into a more radical feminist theory leading to a more revolutionary women's liberation movement . The Feminist theory, through all its schools, Liberal, Marxist, socialist, Existentialist, Psycho-analytical, Radical, and others does not only demand equal rights for women but argues for a complete re-structuring of the family and society. A classical example of a justified and legitimate reaction to an extreme situation overtaking itself and degenerating into useless and extreme over-reaction, promising to invite other over-reactions from the other side of the fence ...and so on endlessly!! It is about time that reason and moderation rule and emotional outburst become subdued and controlled.

The profound impact of extreme Feminism is quite apparent on women world-wide and the *Platform for Action* is not an exception to it. The whole issue of the equality and development of woman, in the *Platform for Action*, is perceived from the standpoint of power struggle between the sexes. The terminology, e.g. 'empowerment of women' etc. which is

mostly used in this context in the Platform for Action, throughout its pages, is a clear case in point. In fact, the first sentence of the Mission Statement of the *Platform for action* declares: **"The Platform for Action is an agenda for women's empowerment."** (*Platform for Action, 1995, p. 9*).

On the contrary, Islam looks at the equality and development of women and men from the standpoint of the basic purpose of their creation --- to witness and convey the *truth* unto mankind. The Qur'aan says: ***{I did not create mankind and jinn, but to worship me}*** (Ath-Thaariyaat; 51:56).

Both men and women are created as vice-regents of God on earth. They are expected not only to obey His commandments but to establish them in their entirety in the human society. In Islam, both man and woman aspire to gain divine empowerment through their human struggle of implementing the divine code of life. That is why, men and women do not stand against one another, in Islam, but complement each other to fulfil their collective role of vice-regency and are rewarded on the basis of their deeds.

Islamic perspective, therefore, sets aside confrontational attitudes that project man and woman as two opponents or rivals trying to rob from each other as much social, economic and political power as possible. These unhealthy attitudes were known during the time of Qur'aanic revelation, so Allah, blessed be His Names addressed them saying: ***{And covet not the things in which Allah has made some of you excel others. To men is allotted what they earn (and deserve) and to women is allotted what they earn (and deserve). (so do not be envious of each other) but ask Allah of His bounty, Lo! Allah has full knowledge of all things}*** (An-Nisa: 4: 32). Notice the advice to work and struggle to be worthy of earning, instead of the negative attitudes of envy! Notice also the reference to the absolute and perfect divine knowledge which is the source of revelations and the regulations contained there-in, insuring its objectivity, suitability and non-discriminatory nature!

Islam, therefore, generates on the contrary such an environment as to enable men and women live and work for a unified purpose along the principle of peaceful co-existence. The only criterion by which the greatness of any man or woman is determined is piety and righteousness, which only God can, and will, judge. The Qur'aan says: ***{ The noblest among you before God, is the most heedful of you}*** . (Al-Hujuraat; 49: 13).

On studying the *Qur'aan* one notes that it mostly used the masculine gender. It is surprising sometimes to those who are not aware of the fact that it has been a common trend in almost all the languages of the world to use masculine gender whenever the reference is made to the mankind in general. However, the issue was raised during his lifetime and the Prophet (peace be upon him), his Companions and all scholars after wards clarified that point and established the rule: **"The address to males in The Qur'aan (and for that matter, in the Sunnah) is general i. e. equally applicable to both men and women, unless their is clear evidence for its specialisation"**

But what is actually surprising is that in this text of the sixth century the feminine gender has also been used on many occasions alongside the masculine gender, even though the then religious, linguistic or cultural tradition didn't demand for it, nor was there any "feminist" movement arguing for it, for instance: ***{For Muslim men and women, for believing men and women, for devout men and women ... for them Allah has granted forgiveness and a great reward}*** (Al-Ahzaab; 33: 35)

EQUALITY IN SPIRITUAL DUTIES

Both men and women, in Islam, are equally subservient to God and obliged to worship Him and obey His commands in their daily life. Men and women have to pray, fast, give charity, go on pilgrimage and refrain from all sins. Because of women's role as mother, a role which does not end at a specific time but is a round-the-clock career, they have been exempted from the duty of attending the Mosque for the five daily prayers or Friday congregation. It is not a case of deprivation but that of *relief* which is not available to Muslim man. Nevertheless if they wish to attend the Mosque, no one has the right to stop them. The Prophet has commanded: "***If the wife of any one of you ask permission to go to the mosque, he should not forbid her.***" (Bukhari), affirmed by the other command; "***Do not prevent the female servants of God from attending the Mosques of God!***"

The Qur'aan asks both men and women to perform, in equal measure, the duty of enjoining good and forbidding evil, which includes being observers and guardians over the government and exercising accountability and control over all public affairs, to be friends, supporter, allies and protectors of each other, to establish regular prayers and charity, and to obey God and His messenger in all Their commandments: ***{The Believers, men and women are allies (supporters, friends and protectors) one of another, they enjoin what is just, and forbid what is evil; they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy, for Allah is exalted in power, Wise}*** (At-Tawbah; 9: 71).

Jewish laws and regulations concerning menstruating women are extremely restrictive. The Old Testament considers any menstruating woman as unclean and impure. Moreover, her impurity "infects" others as well. Anyone or anything she touches becomes unclean for a day: "When a woman has her regular flow of blood, the impurity of her monthly period will last seven days, and anyone who touches her will be unclean till evening. Anything she lies on during her period will be unclean, and anything she sits on will be unclean. Whoever touches her bed must wash his clothes and bathe with water, and he will be unclean till evening. Whether it is the bed or anything she was sitting on, when anyone touches it, he will be unclean till evening" (Lev. 15:19-23).

Due to her "contaminating" nature, a menstruating woman was sometimes "banished" in order to avoid any possibility of any contact with her. She was sent to a special house called "the house of uncleanness" for the whole period of her impurity [9]. The Talmud considers a menstruating woman "fatal" even without any physical contact: "Our Rabbis taught: .. if a menstruant woman passes between two (men), if it is at the beginning of her menses she will slay one of them, and if it is at the end of her menses she will cause strife between them" (bPes. 111a.).

Furthermore, the husband of a menstruous woman was forbidden to enter the synagogue if he had been made unclean by her even by the dust under her feet. A priest whose wife, daughter, or mother was menstruating could not recite priestly blessing in the synagogue [10]. No wonder many Jewish women still refer to menstruation as "the curse." [11]

Islam does not consider a menstruating woman to possess any kind of "contagious uncleanness". She is neither "untouchable" nor "cursed." She practises her normal life with only one restriction: A married couple are not allowed to have sexual intercourse during the

period of menstruation. Any other physical contact between them is permissible, even desirable. A menstruating woman is exempted from some rituals such as daily prayers and fasting during her period. The following strong traditions are interesting in their own right:

* Anas narrates that when a Jewish woman menstruated the Jews would not eat or drink with her, nor allow her to remain in the house. The Messenger of God (PBUH) was asked about that. The verse: *{They question you about menstruation...}* (Al-Baqarah; 2: 222) was revealed. The Messenger of God then commanded: (Eat and drink with them, stay with them in the house and be normal with them in sexuality, except actual intercourse). When the Jews heard that they said angrily: This man is opposing every thing we do! (Tirmithi)

* When Usaid bin Hudair knew about the reaction of the Jews, he was happy and wanted to injure them more! He asked the Messenger of Allah: (Permit us intercourse with them, so that the Jews may perish of anger!). The face of Messenger of God became red and turned away disapproving. Usaid's friends criticised him: (You contracted the wrath of the Messenger of God!). Usaid became very worried, but a gift sent to him from the Prophet (PBUH) the same day pacified his mind. He knew the Prophet was not angry!

* Abu Hurairah narrates that the Messenger of God was inside the mosque. He called on 'Aisha to hand him a garment (or a prayer mat) through the window of his home, which opens directly into the mosque. 'Aisha replied: (I am menstruating!). He countered: (Your menstruation is not in your hand!). This was also narrated directly by 'Aisha. (both traditions are strong and correct; They are in Muslim).

* 'Aisha narrates that: "The Prophet (PBUH) used to recite the Qur'aan, with his head in her lap, while I was menstruating" (Bukhari).

* Two centuries after the death of the Messenger of Allah (PBUH) a woman in Baghdad went to a scholarly circle of Hadeeth specialists of the highest ranks like: Yahya bin Ma'een, Zuhair bin Harb, Abu Khaythama and the likes and asked them: "Is it permissible for a menstruating woman to wash a corpse (for burial)?!. No one was able to answer her and they started looking at each other's face. Luckily Imaam Abu Thaur Ibraheem bin Khalid was approaching the circle in that moment. Every one advised the woman to ask him, because he is not only a Hadeeth specialist, he is more over a Faqih, that is a learned man of the law. Abu Thaur immediately replied: ' Yes, it is perfectly permissible' citing the above Hadeeth (Your menstruation is not in your hand!) and that 'Aisha used, while menstruating, to wash the head of the Messenger of God (PBUH). The other scholars pitched in with a flood of similar and related traditions, with all their chains of reference and classifying them as correct, acceptable and weak! But the woman rebuked them: "Why did you remain silent till now!"

According to the Bible, a man must fulfil any vows he might make to God. He must not break his word. On the other hand, a woman's vow is not necessarily binding on her. It has to be approved by her father, if she is living in his house, or by her husband, if she is married. If a father/husband does not endorse his daughter's/wife's vows, all pledges made by her become null and void: "But if her father forbids her when he hears about it, none of her vows or the pledges by which she obligated herself will stand ...Her husband may confirm or nullify any vow she makes or any sworn pledge to deny herself" (Num. 30:2-15)

Why is it that a woman's word is not binding per se? The answer is simple: because

she is owned by her father, before marriage, or by her husband after marriage. The father's control over his daughter was absolute to the extent that, should he wish, he could sell her! It is indicated in the writings of the Rabbis that: "The man may sell his daughter, but the woman may not sell her daughter; the man may betroth his daughter, but the woman may not betroth her daughter." [17] The Rabbinic literature also indicates that marriage represents the transfer of control from the father to the husband: "betrothal, making a woman the sacrosanct possession--the inviolable property-- of the husband..." Obviously, if the woman is considered to be the property of someone else, she cannot make any pledges that her owner does not approve of.

It is of interest to note that this Biblical instruction concerning women's vows has had negative repercussions on Judaeo-Christian women till early in this century. A married woman in the Western world had no legal status. No act of hers was of any legal value. Her husband could repudiate any contract, bargain, or deal she had made. Women in the West (the largest heir of the Judaeo-Christian legacy) were held unable to make a binding contract because they were practically owned by someone else. Western women had suffered for almost two thousand years because of the Biblical attitude towards women's position vis-à-vis their fathers and husbands [18].

In Islam, the vow of every Muslim, male or female, is binding on him/her. No one has the power to repudiate the pledges of anyone else. Failure to keep a valid solemn oath, made by a man or a woman, has to be expiated as indicated in the Qur'aan: ***{He (God) will call you to account for your deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average for the food of your families; Or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. That is the expiation for the oaths you have sworn. But keep your oaths}*** (Al-Maa'idah; 5: 89).

Companions of the Prophet Muhammad, men and women, used to present their oath of allegiance to him personally. Women, as well as men, would independently come to him and pledge their oaths: ***{O Prophet, When believing women come to you to make a covenant with you that they will not associate in worship anything with God, nor steal, nor fornicate, nor kill their own children, nor slander anyone, nor disobey you in any just matter, then make a covenant with them and pray to God for the forgiveness of their sins. Indeed God is Forgiving and most Merciful}*** (Al-Mumtahinah; 60: 12).

A man could not swear the oath on behalf of his daughter or his wife. Nor could a man repudiate the oath made by any of his female relatives.

Adultery and fornication are considered sins in all religions. The Bible decrees the death sentence for both the adulterer and the adulteress (Lev. 20:10). Islam also equally punishes both the adulterer and the adulteress (An-Noor; 24: 2). However, the Qur'aanic definition of adultery is very different from the Biblical definition. Adultery, according to the Qur'aan, is the involvement of a married man or a married woman in an extramarital affair. The Bible only considers the extramarital affair of a married woman as adultery (Leviticus 20:10, Deuteronomy 22:22, Proverbs 6:20-7:27). "If a man is found sleeping with another man's wife, both the man who slept with her and the woman must die. You must purge the evil from Israel" (Deut. 22:22). "If a man commits adultery with another man's wife both the adulterer and the adulteress must be put to death" (Lev. 20:10).

According to the Biblical definition, if a married man sleeps with an unmarried

woman, this is not considered a crime at all. The married man who has extramarital affairs with unmarried women is not an adulterer and the unmarried women involved with him are not adulteresses. The crime of adultery is committed only when a man, whether married or single, sleeps with a married woman. In this case the man is considered adulterer, even if he is not married, and the woman is considered adulteress. In short, adultery is any illicit sexual intercourse involving a married woman. The extramarital affair of a married man is not per se a crime in the Bible. Why is the dual moral standard? According to Encyclopaedia Judaica, the wife was considered to be the husband's possession and adultery constituted a violation of the husband's exclusive right to her; the wife as the husband's possession had no such right to him [15]. That is, if a man had sexual intercourse with a married woman, he would be violating the property of another man and, thus, he should be punished.

To the present day in Israel, if a married man indulges in an extramarital affair with an unmarried woman, his children by that woman are considered legitimate. But, if a married woman has an affair with another man, whether married or not married, her children by that man are not only illegitimate but they are considered bastards and are forbidden to marry any other Jews, except converts, and other bastards. This ban is handed down to the children's descendants for 10 generations until the taint of adultery is presumably weakened [16].

The Qur'aan, on the other hand, never considers any woman to be the possession of any man. The Qur'aan eloquently describes the relationship between the spouses by saying: *{And among His signs is that He created for you mates from among yourselves, that you may dwell in tranquillity with them and He has put love and mercy between your hearts, verily in that are signs for those who reflect}* (Ar-Room [The Romans]; 30: 21). This is the Qur'aanic conception of marriage: love, mercy, and tranquillity, not possession and double standards.

The spiritual equality between man and woman does not stop there. Abdur-Rahman bin Khalid Al-Ansary reports that Umm Waraqah bint Abdullah bin Harith was a Qur'aan reader (that is the term then used then for Qur'aan memoriser by heart). The Messenger of Allah used to visit her. He appointed a Mu'athin for her. The Mu'athin would call for prayers and she would lead the people of her house in prayer at the Messenger of Allah's command. Abdur-Rahman bin Khalid Al-Ansary said: "I saw her Mu'athin, he was very old". (Abu Dawood in the section entitled Imaamatun-Nisa, that is women as Imaam, that is leader in prayers). The great Imaam and Mujtahid Abu Thaur Ibraheem bin Khalid, mentioned above, accepted women as Imaam in prayer, based on above evidence and the general prophetic statement: "Leading in prayer should be the one who reads (memorises) more Qur'aan. If equal in Qur'aan reading then the one more knowledgeable of Sunnah, if equal the one who embraced Islam earlier, if equal the elder (in age)". Imaam Abu Thaur insisted to keep the gender generality of the sentence and refused to restrict it to men only, as most other scholars did!

EQUALITY IN EDUCATION

The difference between the Biblical and the Qur'aanic conceptions of women education is vast and remarkable. Let us compare their attitudes towards a female trying to learn her religion. The heart of Judaism is the Torah, the law. However, according to the Talmud, "women are exempt from the study of the Torah." Some Jewish Rabbis firmly

declared "Let the words of Torah rather be destroyed by fire than imparted to women", and "Whoever teaches his daughter Torah is as though he taught her obscenity" [8]

The attitude of St. Paul in the New Testament is not brighter: "As in all the congregations of the saints, women should remain silent in the churches. They are not allowed to speak, but must be in submission as the law says. If they want to inquire about something, they should ask their own husbands at home; for it is disgraceful for a woman to speak in the church." (I Corinthians 14:34-35).

How can a woman learn if she is not allowed to speak? How can a woman grow intellectually if she is obliged to be in a state of full submission? How can she broaden her horizons if her one and only source of information is her husband at home?

Now, to be fair, we should ask: is the Qur'aanic position any different? One short story narrated in the Qur'aan sums its position up concisely. Khawlah was a Muslim woman whose husband Aws pronounced this statement at a moment of anger: "You are to me as the back of my mother." This was held by pagan Arabs to be a statement of special type of divorce which freed the husband from any conjugal responsibility but did not leave the wife free to leave the husband's home or to marry another man. Having heard these words from her husband, Khawlah was in a miserable situation. She went straight to the Prophet of Islam to plead her case. The Prophet was of the opinion that she should be patient since there seemed to be no way out. Khawla kept arguing with the Prophet in an attempt to save her suspended marriage. Shortly, the Qur'aan intervened; Khawla's plea was accepted. The divine verdict abolished this iniquitous custom. One full chapter (Chapter 58) of the Qur'aan whose title is "Almujaadilah" or "The arguing woman" was named after this incident: *{Allah has heard and accepted the statement of the woman who pleads with you (the Prophet) concerning her husband and carries her complaint to Allah, and Allah hears the arguments between both of you for Allah hears and sees all things...}* (Almujaadilah; 58: 1).

A woman in the Qur'aanic conception has the right to argue even with the Prophet of Islam himself. No one has the right to instruct her to be silent. She is under no obligation to consider her husband the one and only reference in matters of law and religion.

In another group of verse the wives of the Prophet (PBUH) were instructed to avoid going out, forgoing joy and pleasure, and stick to their homes for the purpose of memorising the Qur'aan and the traditions, teaching and wisdom of the Prophet! This "tough" injunctions made them, specially 'Aisha, to top narrators of the traditions and leading scholars of Islamic teachings, whose Fatwas were highly respected and sought by all companions and the following generations. 'Aisha was also an authority in Arabic poetry, literature and medicine!

The Qur'aan, in about 750 verses, exhorts all its followers (male and female) to read, to think deeply about and to ponder over the signs of God --- universe, laws of nature, sun, moon, stars, turn of the day and night, origin and creation of the universe, origin of life, creation of man, history, historical principles of rise and fall of nations etc. There is not even a single verse which says, means or even remotely suggests that only male is capable of acquiring knowledge. The Prophet Muhammad (PBUH) has categorically asserted: **"Acquiring knowledge is compulsory for every Muslim man and woman"** (At-Tabarani).

Such a great emphasis on seeking knowledge by both man and woman can be better appreciated in the light of the philosophy of knowledge in Islam. The Qur'aan says: *{Only those of His servants who are learned truly fear God}* (Faafir; 35: 28).

This small verse, affirmed by numerous other equally beautiful and motivating verses, possesses far greater strength and incentive than any other declaration to stimulate men and women to acquire more and more knowledge, not for the sake of greater social, economic and political, empowerment against the other sex, but to seek divine empowerment --- the word of God to reign supreme on earth. In the early period of the Islamic history women were equally regarded for their scholarly status: the list has at the top no less than the Prophet's own wives, lead by Aisha, Umm Salamah, Zainab and Hafsa.

It is satisfying that the *Platform for Action*, has identified the problem of unequal education as the second important area of critical concern: **(Unequal access to or inadequate educational and training opportunity of good quality at all levels)** (*Platform for Action*, 1995, p. 18).

It has discussed the problem and suggested a few strategic measures from page 27 to page 34. It proposes (10) actions to be taken by the governments. Below we quote two important actions:

1. By the year 2000, universal access to basic education and completion of primary education by at least 80 per cent of primary school-age children, closing the gender gap in primary and secondary school education by the year 2005, universal primary education in all countries before the year 2015

2. Promote an educational setting that eliminates all barriers that impede the schooling of pregnant adolescents and young mothers, including as appropriate, affordable and physically accessible child care facilities and parental education to encourage those who have responsibilities for the care of the children and siblings during their school years, to return to, or continue with and complete schooling (*Platform for Actions* 1995, p. 29).

These and such recommendations are worthy of note and would make a significant impact if taken up by the governments.

It is also worth-mentioning here, that despite equality for education for both man and woman in Islam, most of the Muslim countries allow grave discrimination against women specially in the field of higher education.

As far as creating the educational environment at home is concerned, many informal programmes can be considered, like table talks with children and home seminars. Both father and mother should provide full opportunity to their children, male and female, to talk to them on any topic or issue. Informal table talks should be regularly arranged with them in a natural and interesting manner wherein boys and girls should be given full freedom to speak up their minds, express thoughts, ideas, complaints etc. Besides, a series of home seminars should be arranged wherein every male and female should get a chance to express his or her ideas on any topic so as to generate an intellectual awareness and socio-political consciousness among young sons and daughters.

It is important to point out here, that prior to the recommendations made to the governments to take necessary steps for giving full access to education to girls and women, it seems more important to incline young girls and women towards higher education. Sometimes the home environment discourages girls and women to go in for higher education. If the situation is so no governmental step may prove effective as long as the home-environment is not changed.

EQUALITY IN TREATMENT: AS MOTHER

After Almighty God and His Prophet, Islam assigns the highest rank to mother. Although Islam instructs man to give just and fair treatment to both father and mother, one is repeatedly exhorted to show a greater respect to mother.

In the entire task of child upbringing like feeding, nursing, education and training, the father participates with mother. But it is only mother who alone bears all the pains and troubles of pregnancy and delivery individually. To bear the burden of pregnancy for nine long months, to give birth to a child after a great struggle of life and death and to feed her child out of her own blood and to lead a life full of care and strict precaution in all these stages is not at all an easy task. Father does not face any of these hardships and does not bear all this pain. Islam therefore duly acknowledges that the benevolence and favours of woman on humankind are greater than those of man. This contrasts favourably with both Old and New Testament.

The Old Testament, in several places, indeed commands kind and considerate treatment of the parents and condemns those who dishonour them. For example, "If anyone curses his father or mother, he must be put to death" (Lev. 20:9), and "A wise man brings joy to his father but a foolish man despises his mother" (Proverbs 15:20). Although honouring the father alone is mentioned in some places, e.g. "A wise man heeds his father's instruction" (Proverbs 13:1), the mother alone is never mentioned. Moreover, there is no special emphasis on treating the mother kindly as a sign of appreciation of her great suffering in childbearing and suckling. Besides, mothers do not inherit at all from their children while fathers do [42].

It is difficult to speak of the New Testament as a scripture that calls for honouring the mother. To the contrary, one gets the impression that the New Testament considers kind treatment of mothers as an impediment on the way to God. According to the New Testament, one cannot become a good Christian worthy of becoming a disciple of Christ unless he hates his mother. It is attributed to Jesus to have said: "If anyone comes to me and does not hate his father and mother, his wife and children, his brothers and sisters--yes, even his own life--he can not be my disciple" (Luke 14:26). We believe that these statements, if at all authentic, are meant in the metaphorical sense. You cannot become a disciple of a prophet unless you are fully devoted and putting mission above and in front of all commitments. The statement could mean also that the closest relatives must be confronted and deserted should they become hostile to the message of God or even only become an obstacle to it!

Furthermore, the New Testament depicts a picture of Jesus as indifferent to, or even disrespectful of, his own mother. For example, when she had come looking for him while he was preaching to a crowd, he did not care to go out to see her: "Then Jesus' mother and brothers arrived. Standing outside, they sent someone to call him. A crowd was sitting around him and they told him, 'Your mother and brothers are outside looking for you.' 'Who are my mother and my brothers?' he asked. Then he looked at those seated in a circle around him and said, 'Here are my mother and my brothers! Whoever does God's will is my brother and sister and mother.' " (Mark 3:31-35).

One might argue that Jesus was trying to teach his audience an important lesson that

religious ties are no less important than family ties, even more important. However, he could have taught his listeners the same lesson without showing such absolute indifference to his mother. The same disrespectful attitude is depicted when he refused to endorse a statement made by a member of his audience blessing his mother's role in giving birth to him and nursing him: "As Jesus was saying these things, a woman in the crowd called out, 'Blessed is the mother who gave you birth and nursed you.' He replied, 'Blessed rather are those who hear the word of God and obey it.' " (Luke 11: 27-28).

If a mother with the stature of the virgin Mary had been treated with such discourtesy, as depicted in the New Testament, by a son of the stature of Jesus Christ, then how should an average Christian mother be treated by her average Christian sons?

We Muslims do not believe in the authenticity of those statements! They must be either fully fabricated, or at least important qualifying parts of them has been lost or not communicated properly. The Qur'aan affirms categorically that Jesus (PBUH) spoke, as a baby in the cradle, saying: ***{I am a servant of God: He has given me revelation and made me a prophet * And He has made me blessed where-so-ever I may be, and has enjoined on me prayer and charity (tithes) as long as I live * He has made me righteous, gentle and kind to my mother, and not overbearing, miserable or unblest}*** (Maryam; 19: 30-32).

In Islam, the honour, respect, and esteem attached to motherhood is unparalleled. The Qur'aan places the importance of righteousness and kindness to parents as second only to worshipping God Almighty: ***{Your Lord has decreed that you worship none but Him, and that you be kind and charitable to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour. And out of mercy and kindness, lower to them the wing of humility, and say: 'My Lord! bestow on them Your Mercy as they cherished me in childhood' }*** (Al-Israa'; 17: 23-24).

The Qur'aan in several other places puts special emphasis on the mother's great role in giving birth and nursing: ***{We have enjoined on man kindness to his parents. In pain did his mother bear him, and in pain the carrying of the child to his weaning is (a period of) thirty months}*** (Al-Ahqaaf; 46: 15). The Qur'aan says further: ***{And We have enjoined on man to be good to his parents: In travail upon travail did his mother bear him and in two years was his weaning: (Hear the command), Show gratitude to Me and to your parents, to Me is the final goal }*** (Luqman; 31: 14).

Even if the parents are oppressive and trying to force disbelief and polytheism on their child, he should still give them good company in this life, while rejecting disbelief and polytheism. Allah, blessed be His Names continued saying: ***{But should they strive to make you join in worship with Me things of which you have no knowledge (i.e. false gods), obey them not; Yet bear them company in this life with justice and consideration, and follow the way of those who came to me (i.e. the way of the repentants and believers). In the end the return of all of you is to Me and I will tell you (and hold you accountable for) all that you did},*** (Luqmaan; 31: 15).

The Prophet Muhammad (PBUH) has instructed mankind to give a fair and just treatment both to father and mother. But he has put a highly pronounced stress on showing a very deep respect to mother and to behave very politely with her. In this respect the Prophet has repeatedly instructed mankind thus: **"I enjoin man about his mother, I enjoin man**

about his mother, I enjoin man about his mother, I enjoin man about his father. (Bukhari, Muslim). Aisha, the prophet's wife, once inquired: **"O Messenger of God, who has the greatest right on man?" The prophet replied: his mother (has the greatest right on him)"** (Haakim).

Again this very special place of mothers in Islam has been eloquently described by Prophet Muhammad (PBUH): **"A man asked the Prophet: 'Whom should I honour most?' The Prophet replied: 'Your mother'. 'And who comes next?' asked the man. The Prophet replied: 'Your mother'. 'And who comes next?' asked the man. The Prophet replied: 'Your mother!'. 'And who comes next?' asked the man. The Prophet replied: 'Your father'"** (Bukhari and Muslim). In another narrated version the man asked: **"Who deserves my best companionship?"**.

Maltreatment of parents has been included by the Prophet in the category of "Mubiqaat", that is major destructive sins i.e. the sins which could annihilate and negate all good deeds done before. Islam forbids ingratitude to mothers which is condemned as a major criminal and sinful act, ranked together with murder and idol worship. The Prophet Muhammad (PBUH) said: **"Allah has forbidden on to be undutiful to mothers, to withhold (what you should give) or demand (what you do not deserve), and to bury your daughters alive"** (Bukhari). The last part of the tradition aptly applies to the modern practice of aborting the unwanted female foetus in some parts of the world.

Among the few precepts of Islam which Muslims still faithfully observe to the present day is the considerate treatment of mothers. The honour that Muslim mothers receive from their sons and daughters is exemplary. The intensely warm relations between Muslim mothers and their children and the deep respect with which Muslim men approach their mothers usually amaze Westerners [43].

EQUALITY IN TREATMENT: AS WIFE **(WOMAN A FREE INDIVIDUAL IN MARRIAGE)**

Woman possesses an independent entity of her own in Islam. Because of marriage neither her personality gets dissolved altogether nor merged in the personality of her husband nor does she become his property, subservient or servant. If marriage brings some new responsibilities to her it simultaneously empowers her with some new rights. Just as she cannot refuse the responsibilities of the conjugal life, so she cannot be deprived of her rights as a wife. As a matter of fact, her rights co-exist with her responsibilities and not in isolation from each other.

Now let us see how Islam views the relationship between wife and husband and what legal and moral basis Islam provides for this relationship.

The relation of husband and wife is, in fact, seen by The Qur'aan not as a relationship of superior and inferior individuals bound together by some religious or worldly compulsion, but a relationship based on understanding, reciprocal love, affection and intimacy mutually agreed upon by equal humans. According to the holy Qur'aan: *{And among His signs is*

this, that He created for you mates from yourself, that ye may dwell in tranquillity with them. And He has put loving kindness and mercy between you. Verily in that are signs for those who reflect (Ar-Room [The Romans]; 30: 21).

Islam considers woman's child-bearing, child-rearing and other associated responsibilities such a hard and great task that it has exempted her from most other responsibilities. Islam has added a great value to this naturally assigned duty of woman. Husband has been assigned the duty of being the moral, economic and social protector of woman and their offspring. He is seen by the Qur'aan as the family provider and manager, nucleus of the family system. Remember, Women (as wife) has not been deprived of anything like earning money, holding her own property, bank-balance, or having an equal say in the family affairs or whatever, but that none of it is incumbent upon her. It is not a case of deprivation but that of relief. One must appreciate the fine difference between depriving and relieving in order to fully understand the Qur'aanic position on husband-wife equation: ***{Men are the protectors, providers and maintainers of women, because God 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 God would have them guard}*** (An-Nisa; 4: 34).

However, in his managerial capacity husband has been vested with the authority of taking the final decision. It does not purport to say that he has been empowered to impose decisions on her as a matter of routine, but that if such an issue crops up on which husband and wife have an insurmountable difference of opinion and are not able to arrive at a collective decision, after thorough consultation, so in such a situation husband will have a final say by using his veto power and it will be binding upon wife as well. This is again not to establish his male superiority but to transfer the responsibility of bearing the consequences of decisions to husband's shoulders and to save wife from future embarrassment or emotional shocks, not to speak from possible physical violence of the husband, in case the decision turns out to be a wrong one, turns sour, or backfires. The holy Qur'aan therefore says: ***{And women shall have rights similar to the rights against them, according, to what is equitable; but men have a degree over them, and God is Exalted in Power, Wise}*** (Al-Baqarah; 2: 228)

Wife, acknowledging husband's guardianship, that is managerial status and veto power in domestic life, retains and enjoys all her rights of being provided with maintenance allowance, residence, alimony, education and training and several other rights. If husband is guilty of denying or withholding any of her rights, she can secure them through legal procedure. and if he incorrigible, she can seek enforced divorce through voluntary arbitration or court.

Islam exhorts man not only to discharge the legal rights of his wife but also to behave with her decently and justly in every situation. On being asked about the rights of a wife once, the Prophet Muhammad said: ***"that you should feed her when you eat, clothe her when you clothe yourself, ... and do not revile her, or turn her out of the house. If separation becomes unavoidable, then live separately within the same house (i.e. as long as the matter is not finally settled)"*** (Abu Dawood).

One whose behaviour with his wife is just and fair is held in high regard by the Prophet, of whom he says: ***"The believers with perfect faith are those Who have the best disposition and manners, and the best of you are those who are the best to their wives. I am the best of you to his wives!"*** (Tirmithi)

Therefore, the foundation of husband-wife equation in Islam is mutual love and understanding, the basic underlying principle of which is companionship and co-operation rather than competition or mutual strife.

EQUALITY IN TREATMENT: AS DAUGHTER

Before the advent of Islam, Arabs used to prefer sons to daughters whom they considered their great social and financial asset, but daughters were considered an unbearable social and financial burden as well as a source of ignominy and disgrace and on their very mention their heads dropped in shame. The Qur'aan portrays a very graphic picture of the feelings of a pre-Islamic Arab on the birth of his daughter at that time: ***{When news is brought to one of them of the birth of a female (child), his face darkens and he is filled with inward grief. With shame does he hide himself from his people, because of the bad news he has had. Shall he retain it on (sufferance and) contempt, or bury it (alive) in the dust! What an evil they decide on?! (How miserable they judge?!)}*** (An-Nahl 16: 58-59). Islam came as a full scale revolution against such dark beliefs and brutal attitudes. It was also a massive progress, actually a revolutionary change, in comparison to the teachings of the Bible itself.

In fact, the difference between the Biblical and the Qur'aanic attitude towards the female sex starts as soon as a female is born. For example, the Bible states that the period of the mother's ritual impurity is twice as long if a girl is born than if a boy is (Lev. 12:2-5). The Catholic Bible states explicitly that: "The birth of a daughter is a loss" (Ecclesiasticus 22:3).

In contrast to this shocking statement, boys receive special praise: "A man who educates his son will be the envy of his enemy." (Ecclesiasticus 30:3).

Jewish Rabbis made it an obligation on Jewish men to produce offspring in order to propagate the race. At the same time, they did not hide their clear preference for male children: "It is well for those whose children are male but ill for those whose are female", "At the birth of a boy, all are joyful ... at the birth of a girl all are sorrowful", and "When a boy comes into the world, peace comes into the world, when a girl comes, nothing comes." [7].

A daughter is considered a painful burden, a potential source of shame to her father: "Your daughter is headstrong? Keep a sharp look-out that she does not make you the laughing stock of your enemies, the talk of the town, the object of common gossip, and put you to public shame" (Ecclesiasticus 42:11). Or: "Keep a headstrong daughter under firm control, or she will abuse any indulgence she receives. Keep a strict watch on her shameless eye, do not be surprised if she disgraces you" (Ecclesiasticus 26:10-11).

It was this very same idea of treating daughters as sources of shame that led the pagan Arabs, before the advent of Islam, to practice female infanticide. A heinous practice which the Qur'aan severely condemned.

It has to be stressed that this sinister crime would have never stopped in Arabia were it not for the power of the scathing terms the Qur'aan used to condemn this practice (16:59, 43:17, 81:8-9). The Qur'aan, moreover, makes no distinction between boys and girls. In contrast to the Bible, the Qur'aan considers the birth of a female as a gift and a blessing from God, the same as the birth of a male. To counter such dark attitudes the Qur'aan even

mentions the gift of the female birth first: *{To Allah belongs the dominion of the heavens and the earth. He creates what He wills. He bestows female children to whomever He wills and bestows male children to whomever He wills}* (Ash-Shura; 42: 49).

In order to wipe out all the traces of female infanticide in the nascent Muslim society, Prophet Muhammad promised those who were blessed with daughters of a great reward if they would bring them up kindly: **"He who is involved in bringing up daughters, and accords benevolent treatment towards them, they will be protection for him against Hell-Fire"** (Bukhari and Muslim). **"Whoever maintains two girls till they attain maturity, he and I will come on the Resurrection Day with me like this; and he joined his fingers"** (Muslim).

The preference for the male child still persists in some societies so much so that the termination of a female foetus has lately emerged as a common practice in "modern" India, "civilised" and industrialised Korea and other places!

The BBC World Television reported on Tuesday the 17th of December 1996 that the practice of aborting female foetuses in Korea has achieved epidemic proportions causing already social and school problems and promising some formidable problems in the future. The boy-girl imbalance is already at 116:100 if we take only the two first born children. For the third born child the ratio is a shocking 225:100. This means that the all over ratio will even exceed 116:100 significantly!

The Korean government is trying to outlaw ultra-sound and other gender determining techniques! A messy situation indeed. The BBC World Television report was remarkably objective, non emotional and with barely any hint of condemnation. All sides of the story were given an opportunity to express themselves freely. This "objectivity" should be compared to the ferocious, even rabid, campaign by the same 'world respected' organisation a few months earlier against some temporary measures undertaken by the Afghani Talibans like closing girls school and suspending working women from their jobs. The whole world was misled to believe that those measures were permanent and to be expected from all "fundamentalist" Muslim movements. No officially accredited Taliban spokesman was ever given any chance of clarification. No wonder, the Koreans are not Muslims, but the Talibans are.

In any case the Qur'aan vehemently criticises such an abhorrent practice against unborn female and regards it a capital offence and puts an end to it once and for all. Apart from worldly punishment, on the doomsday, too, the Qur'aan says, one would have to answer about his crime against humanity: ***{When the female (infant), who was buried alive, is questioned, for what crime she was killed?!}*** (At-Takweer; 81: 8-9).

Islam simply refuses to recognise any difference of status between a male and a female foetus. The birth of a boy or a girl is equally important and an occasion to celebrate and pay thanks to God.

Islam, therefore, inculcates a totally positive feeling for daughters and requires its followers to treat them as fairly as they treat their sons. The Prophet Muhammad (PBUH) has exhorted Muslims for proper upbringing of daughters paying fullest attention to their physical and mental growth. He says: **"Whoever is (put to test by being) given custody of three daughters and whom he treats generously and respectfully, this act of his will shield**

him from the hell-fire" (Bukhari).

Islam also enjoins upon Muslims to provide good education and training to their daughters and see them well-settled in marriage with a fine match and continue a fair and just treatment even after marriage. The Prophet declares: "**Whoever nourishes three daughters, educates and trains them, gets them married (and afterwards) treats them gently has his place (firmly) reserved in heaven**" (Haakim).

Generally more love and affection is showered on sons in feeding, clothing, education, training and in every respect a greater preference is accorded to them. This is pure injustice and oppression. In Islam such discrimination is forbidden and condemned. The Prophet says: "**Whoever has a daughter,... and doesn't give her a mean treatment and doesn't give preference to his son over his daughter, God will permit him into Paradise**" (Al-Haakim).

Islam highly values the being of young girls (daughters) and strictly forbids casting aspersions to them. The Prophet has commanded Muslims in unequivocal terms: "**Do not hate girls. They are comforting and very precious**" (Ahmad).

Islam has been so particular about the well-being of young girls that it has not overlooked any aspect of their life where they might be in need of social and economic security. Apart from spiritual exhortations, Islam has made the maintenance of daughter a legal binding on her father until her marriage. If she is fatherless, this automatically shifts to her nearest kin and ultimately to the public treasury. After marriage, her maintenance is solely her husband's responsibility. If her husband dies or divorces her and if she lacks the adequate financial means, the responsibility goes to her children. If she has no children, this responsibility falls back on her nearest kin starting from father. If she remarries, her maintenance will be the responsibility of the new husband. This is a legal right, not a voluntary charity. The Prophet Mohammed (PBUH) has emphasised its importance thus: "**Shall I not show you what is the greatest charity!? (It is) to be grateful to your daughter who (after becoming widow or being divorced) is sent back to you and there is no one save you, who could be her financial supporter**" (Ahmad).

In the family system of Islam, the rights of a woman are legally protected as well as she also enjoys a position of honour and dignity as mother, wife and daughter. Not only she is considered equal but sometimes it appears she enjoys greater privileges than man. For instance, she has an equal share in man's earnings but man has no share in her earnings or property. She can refuse to breast feed her children or claim money, as a perfectly legitimate wage, for it. According to most schools of Islamic Jurisprudence doing household work also is not her legal responsibility. She can do it free for love and affection, but may demand payment for it. And if she does the household work happily considering it a matter of moral responsibility, she is only doing a favour to her husband for which he should be grateful to her. A woman's role in society, as envisioned by Islam, is manifold. Islam looks forward to her active participation in matters concerning the society and contributing greatly to almost all walks of life. In devotional and spiritual matters she enjoys, as already noted, a complete equality with man. And the same holds true for the intellectual domain as Islam has made seeking knowledge obligatory on both men and women.

From all the above Qur'aanic verses and Prophetic traditions, it is clear beyond doubt that the position of woman as a daughter, a wife and a mother is prominent. It is clear now

that Islam fully takes into consideration the necessity of a peaceful and affectionate relationship between parents and children as well as between father and mother for a healthy life in a family. The innumerable cases of the broken families both in the East and the West in the contemporary societies reveal the negligence of such an important factor of a healthy relationship between the family inmates for a successful family. Furthermore, the Islamic demand for a more benevolent behaviour towards mother, wife and daughter signifies the respect towards the female in the family set up. It implies that since a female is physically weaker than male, she deserves a greater care and concern from him.

Since Islam is greatly concerned about justice, it does justice to female ensuring her protection by devoted parents, care-taking brothers and affectionate husband.

Such a great concern for woman in Islam is quite opposite to what we find in general in the contemporary societies --- sexual and gender based violence, including physical and psychological abuse, trafficking in women and girls, prostitution, unwanted pregnancy, domestic violence and mental disorders etc. All this shows how cruelly women are being treated in the so called modernised and -fast modernising world: We have to question if this is civilisation where woman is unsafe right from an early age to old age in her own society and even sometimes in her own house?

The *Platform for Action* highlights this problem in greater detail. It reports: **(Discrimination against girls, often resulting from son preference, in access to nutrition and health care services endangers their current and future health and well-being. Conditions that force girls into early marriage, pregnancy and child bearing and subject them to harmful practices such as female genital mutilation, pose grave health risks. Adolescent girls need, but too often do not have, access to necessary health and nutrition services as they mature.**

HIV/AIDS and other sexually transmitted diseases, the transmission of which is sometimes a consequence of sexual violence, are having a devastating effect on women's health, particularly the health of adolescent girls and young women.

Women throughout the world, especially young women, are increasing their use of tobacco with serious effects on their health and that of their children. Occupational health issues are also growing in importance, as a large number of women work in low-paid jobs either in the formal or the informal labour market under tedious and unhealthy conditions and this number is rising) (*Platform for Action*, 1995, pp. 36- 37).

Such are the deplorable conditions of women -- domestic violence inside and societal violence outside, which have given rise to venereal diseases, mental disorders and suicide. In addition to that, rape becomes one of the strategic weapons in times of war which tortures women spiritually much more than physically.

There are many constructive suggestions pointed out in the *Platform for Action* to solve these problems. A few are mentioned below: (Design and implement gender sensitive health programmes including decentralised health services in co-operation with women and community-based organisations, to address the needs of women throughout their lives and that take into account their multiple roles and responsibilities.. Encourage men to share equally in child care and household work, and to provide their share of adequate financial support for their families, including when not living with them) (*Platform for Action*, 1995,

pp. 41-42)

But a serious problem arises when the *Platform for Action* traces the rise of violence against women to what it calls the unequal power relations between man and woman, some cultural pattern and religion (Page 48)

This reveals a misleading and very weak analysis of the whole problem. The relation between man and woman is conceived from a confrontational standpoint and religion and culture are seen as violence generating factors. It may be true about some religions but not about Islam. From the general male domination pattern in some societies it cannot be concluded that male and female have historically been at war against each other. Moreover, Islam, unlike Judaism, Christianity and Hinduism, doesn't discriminate against women or look down upon them as less significant beings.

From page 35 to 36, the *Platform for Action* discusses the sexual rights, specially the reproductive rights: (Reproduction rights sorts on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children.

Sexual rights include the individual's right to have control over and decide freely in matters related to her or his sexuality, free of coercion, discrimination and violence. Equal relationships between women relations and reproduction...

The ability of women to control their own fertility forms an important basis for the enjoyment of other rights) (*Platform for Action*, 1995, p p. 35-36).

Views as above on the sexual relations between men and women are ambiguous and create doubts, for there is no reference to religious, ideological and cultural specificity at all wherever such views are expressed. Moreover, the reproduction is seen as a matter of exclusive choice of a woman, who may welcome it or avoid it completely. A deeper analysis of these views reveals a hidden agenda of the most radical feminists who argue for the abolition of the family and the male-headed structure of the society.

Below, we enumerate a few important arguments of feminist philosophers to expose the hard-core feminist mentality underlying the document, *Platform for Action*:

1. Women can be liberated only if they become economically independent, which requires them to work outside the house.
2. The criterion of power and authority in the family and societies the economic position.
3. Marriage, wifing and mothering block the development of women's self-development. Marriage is the same as prostitution!!
4. Reproduction technology and contraception play an important role to prevent women's subordination.
5. A biological revolution is essential for the abolition of the biological family and biological reproduction. (Kausar, 1995, pp. 45-48).

As mentioned earlier, many suggestions in the *Platform for Action* indirectly or directly incorporate the above mentioned Feminist arguments. A few more statements from the document would further confirm it. For instance: (.....inadequate sharing of family responsibilities, combined with lack of or insufficient services like child care continue to restrict women's employment, economic, professional another opportunities and mobility

for women and make their involvement most stressful) (*Platform for Action*, 1995, pp. 62-63).

So, the focus of attention is on the economic empowerment at any cost. Family responsibility and child care are referred to here as obstacles in the way of economic development.

However, problems do not end here, rather begin. Since, economic development is considered vital for the overall development of women, the women are compelled to leave the house and the children and work outside, no matter whether it is manageable or not. But, what about the unattended work at home, the document identifies this problem too: (Women's share in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel lightening of responsibility for unremunerated work in the households. (*platform for Action*, 1995, p.63)

So, it is like a vicious circle in which one problem replaces another and this goes on endlessly. This confusion is due to two main reasons. First, the house-hold work is belittled as an unpaid work and secondly economic empowerment of women is considered a pre-requisite for equality, development and peace. The following lines of the document reveal this dilemma: (Lack of employment in the private sector and reductions in public services jobs have affected women disproportionately. In some countries women take a more unpaid work (by replacing public services) such as the care of children and those who are ill as elderly and in compensating for lost household income. (*Platform for Action*, 1995, p.64).

So, the care of children, ill and elderly is referred to as unpaid work. Naturally, if care is taken out of love and fellow feeling or out of a sense of moral duty, the question of payment does not arise. However, if Dalla Costa, a modern Marxist Feminist's suggestion is taken seriously about the domestic work, the '*Platform for Action*' should demand wages for house-hold work from the United Nations!

CHAPTER IV : RIGHTS AND FREEDOMS

RIGHT TO PROPERTY

Islam, since the seventh century CE., has granted married women the independent personality which the Judaeo-Christian West had deprived them until very recently.

In Islam, a woman, single or married, has the right to keep her property or wealth, whether earned or inherited, and spend it as she may please. This right was granted to Western women only very recently, and the women of India had to wait until 1956 for a right which Muslim women have always taken for granted. Concerning the right to one's earnings the Qur'aan says: *{And do not covet those things which God has bestowed on some of you more freely than on other; for men is allotted what they earn, and for women is allotted what they earn; but ask God of His bounty, for God has full Knowledge of all things}* (An-Nisa; 4: 32).

In Islam, the bride and her family are under no obligation whatsoever to present a gift to the groom. The girl in a Muslim family is no liability. A woman is so dignified by Islam that she does not need to present gifts in order to attract potential husbands. It is the groom who must present the bride with a marriage gift. This gift is considered her property and neither the groom nor the bride's family have any share in or control over it. In some Muslim societies today, a marriage gift of a hundred thousand dollars in diamonds is not unusual [28]. The bride retains her marriage gifts even if she is later divorced. The husband is not allowed any share in his wife's property except what she offers him with her free consent [29]. The Qur'aan has stated its position on this issue quite clearly: *{And give the women (on marriage) their dower as a free gift; but if they, Of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer}* (An-Nisa; 4: 4).

The wife's property and earnings are under her full control and for her use alone since her, and the children's, maintenance is her husband's responsibility [30]. No matter how rich the wife might be, she is not obliged to act as a co-provider for the family unless she herself voluntarily chooses to do so, out of love and affection. Her participation is counted as a charity in her good deeds in the day of judgement. Spouses do inherit from one another. Moreover, a married woman in Islam retains her independent legal personality and her family name [31]. An American judge once commented on the rights of Muslim women saying: (A Muslim girl may marry ten times, but her individuality is not absorbed by that of her various husbands. She is a solar planet with a name and legal personality of her own.) [32]

It is true that the three religions, Islam, Christianity and Judaism, share an unshakeable belief in the importance of marriage and family life. They also agree on the leadership of the husband over the family. Nevertheless, blatant differences do exist among the three religions with respect to the limits of this leadership. The Judaeo-Christian tradition, unlike Islam, virtually extends the headship of the husband into ownership of his wife.

The Jewish tradition regarding the husband's role towards his wife stems from the conception that he owns her as he owns his slave [19]. This conception has been the reason behind the double standard in the laws of adultery and behind the husband's ability to annul his wife's vows. This conception has also been responsible for denying the wife any control over her property or her earnings. As soon as a Jewish woman got married, she completely lost any control over her property and earnings to her husband. Jewish Rabbis asserted the husband's right to his wife's property as a corollary of his possession of her: "Since one has

come into the possession of the woman does it not follow that he should come into the possession of her property too?", and "Since he has acquired the woman should he not acquire also her property?" [20] Thus, marriage caused the richest woman to become practically penniless. The Talmud describes the financial situation of a wife as follows: "How can a woman have anything; whatever is hers belongs to her husband? What is his is his and what is hers is also his..... Her earnings and what she may find in the streets are also his. The household articles, even the crumbs of bread on the table, are his. Should she invite a guest to her house and feed him, she would be stealing from her husband..." (San. 71a, Git. 62a).

The fact of the matter is that the property of a Jewish female was meant to attract suitors. A Jewish family would assign their daughter a share of her father's estate to be used as a dowry in case of marriage. It was this dowry that made Jewish daughters an unwelcome burden to their fathers. The father had to raise his daughter for years and then prepare for her marriage by providing a large dowry. Thus, a girl in a Jewish family was a liability and no asset [21]. This liability explains why the birth of a daughter was not celebrated with joy in the old Jewish society. The dowry was the wedding gift presented to the groom under terms of tenancy. The husband would act as the practical owner of the dowry but he could not sell it. The bride would lose any control over the dowry at the moment of marriage. Moreover, she was expected to work after marriage and all her earnings had to go to her husband in return for her maintenance which was his obligation. She could regain her property only in two cases: divorce or her husband's death. Should she die first, he would inherit her property. In the case of the husband's death, the wife could regain her pre-marital property but she was not entitled to inherit any share in her deceased husband's own property. It has to be added that the groom also had to present a marriage gift to his bride, yet again he was the practical owner of this gift as long as they were married [22].

Christianity, until recently, has followed the same Jewish tradition. Both religious and civil authorities in the Christian Roman Empire (after Constantine) required a property agreement as a condition for recognizing the marriage. Families offered their daughters increasing dowries and, as a result, men tended to marry earlier while families postponed their daughters' marriages until later than had been customary [23]. Under Canon law, a wife was entitled to restitution of her dowry if the marriage was annulled unless she was guilty of adultery. In this case, she forfeited her right to the dowry which remained in her husband's hands [24].

Under Canon and civil law a married woman in Christian Europe and America had lost her property rights until late nineteenth and early twentieth centuries. For example, women's rights under English law were compiled and published in 1632. These 'rights' included: "**That which the husband hath is his own. That which the wife hath is the husband's.**" [25] The wife not only lost her property upon marriage, she lost her personality as well. No act of her was of legal value. Her husband could repudiate any sale or gift made by her as being of no binding legal value. The person with whom she had any contract was held as a criminal for participating in a fraud. Moreover, she could not sue or be sued in her own name, nor could she sue her own husband [26]. A married woman was practically treated as an infant, or worse as a slave, in the eyes of the law. The wife simply belonged to her husband and therefore she lost her property, her legal personality, and her family name [27].

One of the most important differences between the Qur'aan and the Bible is their

attitude towards 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 in the event of no male issue remained, the wife was not recognised as heir even in such conditions." [44] 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." [45].

The Biblical rules of inheritance are outlined in 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 [46].

Among the pagan Arabs before Islam, inheritance rights were confined exclusively to the male relatives. The Qur'aan abolished all these unjust customs and gave all the female relatives inheritance shares: ***{From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large --a determinate share}*** (An-Nisa; 4: 7).

Muslim mothers, wives, daughters, and sisters had received inheritance rights thirteen hundred years before Europe recognised that these rights even existed. The division of inheritance is a vast subject with an enormous amount of details (An-Nisa; 4: 7,11,12,176). The general rule is that the female share is half the male's except the cases in which the mother receives equal share to that of the father.

This general rule if taken in isolation from other legislations concerning men and women may seem unfair. In order to understand the rationale behind this rule, one must take into account the fact that the financial obligations of men in Islam far exceed those of women. A bridegroom must provide his bride with a marriage gift. This gift becomes her exclusive property and remains so even if she is later divorced. The bride is under no obligation to present any gifts to her groom. Moreover, the Muslim husband is charged with the maintenance of his wife and children. The wife, on the other hand, is not obliged to help him in this regard. Her property and earnings are for her use alone except what she may voluntarily offer her husband. Besides, one has to realise that Islam vehemently advocates family life. It strongly encourages youth to get married, discourages divorce, and does not regard celibacy as a virtue, as a matter of fact celibacy is regarded as "Bid'a" that is innovation against the revelation and hence a "heresy"! Therefore, in a truly Islamic society, family life is the norm and single life is the rare exception. That is, almost all marriage-aged women and men are married in an Islamic society. In light of these facts, one would appreciate that Muslim men, in general, have much greater financial burdens than Muslim

women and thus inheritance rules are meant to offset this imbalance so that the society lives as free as possible of all gender or class wars. After a simple comparison between the financial rights and duties of Muslim women, one British Muslim woman has concluded that Islam has treated women not only fairly but generously [47].

FREEDOM OF EXPRESSION

Islam allows full freedom of expression to woman as much as to man. During the Prophet's time, women used to consult him regarding personal, political, religious, economic and social matters as well as matters related to women's role in war, or even sex. Sometimes they used to have frank and bold discussions with him; arguing and forcefully putting forth their own point of view in front of other companions. The Prophet never discouraged them and always listened to all their problems peacefully and tried to satisfy them. Once a woman openly reprimanded the second caliph Omar regarding a problem related to women in the mosque full of worshippers. Not only Omar did not mind it but also acknowledged, in front of all those people whose ruler he was, that he was wrong and the woman right and resumed his sermon only after offering apologies to her.

Not only this, actually the Qur'aan asks both men and women to perform, in equal measure, the duty of enjoining good and forbidding evil: *{The Believers, men and women are allies, supporters, friends and protectors one of another, they enjoin what is just, and forbid what is evil; they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy, for Allah is exalted in power, Wise}* (At-Tawbah 9: 71).

WOMAN AT THE BATTLEFIELD

It is not compulsory in Islam for woman to go to war and fight side by side with men, unless the Islaamic homeland is invaded by infidel forces, in which case fighting the invading infidel enemy becomes a compulsory duty on everyone: Men and women, free and slaves, old and young,... etc. Nevertheless, the Prophet did permit women not only to nurse the injured and supply provisions to the warriors at some battles, but also to participate in active fight, which implies that their going to the battlefield is permitted and welcome in principle, even though it may not be required in some cases. **(We used to participate in the battles with the Prophet of Allah. We gave water to fighters, served them, and returned the dead and wounded to Medina)** said Ar-Rubayyi' bint Mu'awadh (Al-Bukhari & Ahmad). Umm 'Atiyyah, the Ansariyyah, reported: **(I accompanied the Messenger of God SEVEN times: Guarding the camp, making the food, treating the wounded and caring for the sick)** (Muslim, Ibn Majah & Ahmad).

But also active battle participation was approved by the Messenger of God: **(I carried a dagger on the day of the battle of Hunain. The Messenger of Allah asked me about it, I replied: If attacked by an infidel, I will slit his belly! The Messenger of God smiled)** (Muslim).

Imaam Bukhaari, and others, narrated with several strong and correct chains on the authority of Anas bin Maalik: **(Every time when the Messenger of God visited Qubaa', the suburb of Madinah, he used to visit the house of Umm Haraam bint Milhaan (the wife of the noble companion Ubaadah bin As-Saamit and Anas's aunt). One day he entered and she served him with lunch. The Messenger of God took a nap. Then he awaked laughing! She (Umm Haraam) asked him: What is causing you to laugh, O Messenger**

of Allah?! He answered: I have been shown (in vision) some people of my nation in naval conquest for the cause of Allah, riding the waves of the sea, like kings carried on thrones! She said: "Pray for me to be with them!" The Messenger of God prayed for her, and laid to rest and continued his nap, awaking again laughing! She repeated her previous question and he repeated his previous reply. She repeated her request: "Pray for me to be with them!". He said: **You are already with the first group!**) Anas continued: (She (his aunt Umm Haraam) participated in the first naval campaign towards Qubrus (Cyprus), fell from her horse while alighting from ship, broke her neck and was thus martyred).

Look at that beautiful story, which is also a sign and proof of Prophethood of Muhammad (PBUH)!

It is very important to note this part of this crucial and correct Hadeeth (tradition) which says: **[She said: "Pray for me to be with them!" The Messenger of God prayed for her]**. This must be the final ruling of Islaam and cannot be abrogated, because it relates to events after the death of the Messenger of God. Abrogation is only possible during the Prophet's life.

Originally the Prophet hesitated to take women into battle according to the Arab tradition still valid at that time. Abu Dawood narrated on the authority of Umm Waraqah bint Abdullah bin Al-Haarith that she asked the Messenger of Allah to accompany him when he was about to go to Badr, she said: (Permit me to accompany you to the battle so I could nurse the wounded. May be I will have also the honour of martyrdom!). He replied: (stay home! Allah will bestow on you martyrdom any way!). Later in Omar's time she was martyred on the hands of robbery criminals!!

Also At-Tabarany narrated on the authority of Umm Kabshah that she urged the Messenger of Allah: (Permit to join the army of so and so!), He said; (No!), She clarified: (I do not want to fight, I would just nurse the wounded and injured!), He insisted: (If I permit you, it may be taken as a well established tradition: People would say: a Woman participated in the battle; No, stay home!). The story is more comprehensively narrated by Ibn Sa'ad in At-Tabaqat-ul-Kubra, in which we find the added Prophetic phrase: (Stay! The People should not say Muhammad is waging war with women!). These narration are in their totality strong and trustworthy as correctly stated by Sheikh Al-Albaani in his "Silisilat-ul-Ahaadeeth As-Saheeha" (Hadeeth No. 2740). But he was not correct in claiming that these Ahadeeth were not abrogated, and that woman's participation is limited to times of necessity or the like! Which necessity was there for Umm Haraam bint Milhaan to participate in a naval campaign?! Why did the infallible Messenger of God not clarify that then when he prayed for her participation, making it conditional on necessity or some thing similar?!

The fact is that originally women were prohibited from participating in ALL war efforts, including nursing and medical support, then starting with Uhud they were permitted to participate in all battle activities, but they are not obliged to do so: That is there is no compulsory draft for women in contradistinction to men. Sheikh Al-Albaani should have confined himself to the study of the strength of the tradition, in which he is an acknowledged authority, and leave the Fiqh, that is understanding and deduction, to the qualified Fuqaha!!

It was also narrated convincingly in many sources that Nusaibah bint Ka'b did fight in the Riddah (apostasy) wars and suffered several stab and spear wounds. This happened after the death of the Messenger of Allah (PBUH) with the approval of the all companions, in consensus.

Imam Ibn Sa'ad narrates in his encyclopaedia, At-Tabaqat-ul-Kubra on the authority of Umayyah bint Abus-Salt, the Ghifariyyah, who immigrated and, took the oath of allegiance (Bai'a) in the hand of the Prophet and participated in the Khaibar expedition: **(I, with other Ghifari women, came to the Messenger of God and said: We would like to accompany**

you on this expedition, so we could take care of the injured and all what we can to help! He said: (In the Name of Allah, come along, accompanied with the Blessings of Allah!) I was very young at that time and the prophet carried me behind him on his camel, on the saddle extension! When we were about to dismount after one of the travel phases, I saw blood spots on the saddle extension! It was my first menstruation! I was too shocked, shy and embarrassed to be able to move. The Messenger of God (PBUH) saw the spots and understood my embarrassment, he said: "Perhaps your menses have started?", "Yes, it seems so", I replied. He said: "Go and prepare yourself appropriately! When finished, put some salt in a dole of water and wash off the blood stains! Then go back to your seat!" I did as instructed. When Allah helped us to victory over Khaibar the Prophet gave us from the spoils of war, although he did not fix us exact shares (like the warriors). This necklace I am wearing now was given to me by the Messenger of God and he put it with his own hand around my neck! By God, I will never part with this necklace). It is impossible here to comment! Just read this beautiful and moving story full of guidance and wisdom!

MATRIMONIAL RIGHTS

The guardian of the girl, whether her father, brother or uncle usually plays an important role in her marriage, such as finding a suitable match for her. But under no circumstance does this allow him to force his choice on her against her wishes. She is free to accept or reject his choice, or make her own choice. A woman once came to the Prophet and complained: at My father has forced me to marry my cousin in order to raise his own status. The Prophet told her that she was Free to dissolve that marriage and choose whoever she wished to marry, she replied: **"All right, I concede to my father's choice, but may aim was to let the people know that fathers have no right to interfere in the marriage"** (Ahmad, Nasa'i and Ibn Maja)

DIVORCE

The three religions have remarkable differences in their attitudes towards divorce. Christianity abhors divorce altogether. The New Testament unequivocally advocates the indissolubility of marriage. It is attributed to Jesus to have said, "But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become adulteress, and anyone who marries the divorced woman commits adultery" (Matthew 5:32). This uncompromising ideal is, without a doubt, unrealistic. It assumes a state of moral perfection that human societies have never achieved. It is so out of step with reality, Old Testament tradition and Islamic teaching. Islamic scholars strongly doubt its veracity and authenticity!

When a couple realises that their married life is beyond repair, a ban on divorce will not do them any good. Forcing ill-mated couples to remain together against their wills is neither effective nor reasonable. No wonder the whole Christian world has been obliged to sanction divorce, staunch Catholic countries like Italy and Ireland not excluded!

Judaism, on the other hand, allows divorce even without any cause. The Old Testament gives the husband the right to divorce his wife even if he just dislikes her: "If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, and if after she leaves his house she becomes the wife of another man, and

her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, then her first husband, who divorced her, is not allowed to marry her again after she has been defiled" (Deut. 24:1-4).

The above verses of the Torah have caused some considerable debate among Jewish scholars because of their disagreement over the interpretation of the words "displeasing", "indecent", and "dislikes" mentioned in the verses.

The Talmud records their different opinions: "The school of Shammai held that a man should not divorce his wife unless he has found her guilty of some sexual misconduct, while the school of Hillel say he may divorce her even if she has merely spoiled a dish for him. Rabbi Akiba says he may divorce her even if he simply finds another woman more beautiful than she" (Gittin 90a-b).

The New Testament follows essentially the Shammaites opinion while Jewish law has followed the opinion of the Hillelites and R. Akiba [33]. Since the Hillelites' view prevailed, it became the unbroken tradition of Jewish law to give the husband freedom to divorce his wife without any cause at all. The Old Testament not only gives the husband the right to divorce his "displeasing" wife, it considers divorcing a "bad wife" an obligation: "A bad wife brings humiliation, downcast looks, and a wounded heart. Slack of hand and weak of knee is the man whose wife fails to make him happy. Woman is the origin of sin, and it is through her that we all die. Do not leave a leaky cistern to drip or allow a bad wife to say what she likes. If she does not accept your control, divorce her and send her away" (Ecclesiasticus 25:25).

The Talmud has recorded several specific actions by wives which obliged their husbands to divorce them: "If she ate in the street, if she drank greedily in the street, if she suckled in the street, in every case Rabbi Meir says that she must leave her husband" (Git. 89a). The Talmud has also made it mandatory to divorce a barren wife (who bore no children in a period of ten years): "Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore no child, he shall divorce her" (Yeb. 64a).

Wives, on the other hand, cannot initiate divorce under Jewish law. A Jewish wife, however, could claim the right to a divorce before a Jewish court provided that a strong reason exists. Very few grounds are provided for the wife to make a claim for a divorce. These grounds include: A husband with physical defects or skin disease, a husband not fulfilling his conjugal responsibilities, etc. The Court might support the wife's claim to a divorce but it cannot dissolve the marriage. Only the husband can dissolve the marriage by giving his wife a bill of divorce. The Court could scourge, fine, imprison, and even excommunicate him to force him to deliver the necessary bill of divorce to his wife. However, if the husband is stubborn enough, he can refuse to grant his wife a divorce and keep her tied to him indefinitely.

Worse still, he can desert her without granting her a divorce and leave her unmarried and undivorced. He can marry another woman or even live with any single woman out of wedlock and have children from her (these children are considered legitimate under Jewish law!!). The deserted wife, on the other hand, cannot marry any other man since she is still legally married and she cannot live with any other man because she will be considered an adulteress and her children from this union will be illegitimate for ten generations. A woman in such a position is called an "agunah" (chained woman) [34]. In the United States today

there are approximately 1000 to 1500 Jewish women who are "agunot" (plural for agunah), while in Israel their number might be as high as 16000. Husbands may extort thousands of dollars from their trapped wives in exchange for a Jewish divorce [35].

Islam occupies the middle ground between Christianity and Judaism with respect to divorce. Marriage in Islam is a sanctified bond that should not be broken except for compelling reasons. Couples are instructed to pursue all possible remedies whenever their marriages are in danger. Divorce is not to be resorted to except when there is no other way out. In a nutshell, Islam recognises divorce, yet it discourages it by all means.

Let us focus on the recognition side first. Islam does recognise the right of both partners to end their matrimonial relationship. Islam gives the husband the right for Talaq (divorce). Moreover, Islam, unlike Judaism, grants the wife the right to dissolve the marriage through what is known as Khula' [36]. If the husband dissolves the marriage by divorcing his wife, he cannot retrieve any of the marriage gifts he has given her. The Qur'aan explicitly prohibits the divorcing husbands from taking back their marriage gifts no matter how expensive or valuable these gifts might be: ***{But if you decide to take one wife in place of another, even if you had given the latter a whole treasure (hundred weight of Gold) for dower, take not the least bit of it back; Would you take it by slander and a manifest wrong?}*** (An-Nisa; 4: 20).

In the case of the wife choosing to end the marriage, she may return the marriage gifts to her husband. Returning the marriage gifts in this case is a fair compensation for the husband who is keen to keep his wife while she chooses to leave him. The Qur'aan has instructed Muslim men not to take back any of the gifts they have given to their wives except in the case of the wife choosing to dissolve the marriage: ***{It is not lawful for you (Men) to take back any of your gifts except when both parties fear that they would be unable to keep the limits ordained by Allah. There is no blame on either of them if she give something for her freedom. These are the limits ordained by Allah so do not transgress them}*** (Al-Baqarah; 2: 229).

Also, a woman came to the Prophet Muhammad seeking the dissolution of her marriage, she told the Prophet that she did not have any complaints against her husband's character or manners. Her only problem was that she honestly did not like him to the extent of not being able to live with him any longer. The Prophet asked her: "Would you give him his garden (the marriage gift he had given her) back?" she said: "Yes". The Prophet then instructed the man to take back his garden and accept the dissolution of the marriage (Bukhari).

In some cases, A Muslim wife might be willing to keep her marriage but find herself obliged to claim for a divorce because of some compelling reasons such as: Cruelty of the husband, desertion without a reason, a husband not fulfilling his conjugal responsibilities, etc. In these cases the Muslim court dissolves the marriage against the will of the husband [37].

In short, Islam has offered the Muslim woman some unequalled rights: she can end the marriage through Khula' and she can sue for a divorce. A Muslim wife can never become chained by a recalcitrant husband. It was these rights that enticed Jewish women who lived in the early Islamic societies of the seventh century CE. to seek to obtain bills of divorce from their Jewish husbands in Muslim courts. The Rabbis declared these bills null

and void. In order to end this practice, the Rabbis gave new rights and privileges to Jewish women in an attempt to weaken the appeal of the Muslim courts. Jewish women living in Christian countries were not offered any similar privileges since the Roman law of divorce practised there was no more attractive than the Jewish law [38].

Let us now focus our attention on how Islam discourages divorce. The Prophet of Islam told the believers that: **"among all the permitted acts, divorce is the most hateful to God"** (Abu Dawood).

A Muslim man should not divorce his wife just because he dislikes her. The Qur'aan instructs Muslim men to be kind to their wives even in cases of lukewarm emotions or feelings of dislike: *{Live with them (your wives) on a footing of kindness and equity. If you dislike them it may be that you dislike something in which Allah has placed a great deal of good}* (An-Nisa; 4: 19).

Prophet Muhammad (PBUH) gave a similar instruction: **"A believing man must not hate a believing woman. If he dislikes one of her traits he will be pleased with another"** (Muslim).

The Prophet has also emphasised that the best Muslims are those who are best to their wives: **"The believers who show the most perfect faith are those who have the best character and the best of you are those who are best to their wives, and I am the best among you to my family"** (Tirmithi).

However, Islam is a practical religion and it does recognise that there are circumstances in which a marriage becomes on the verge of collapsing. In such cases, a mere advice of kindness or self restraint is no viable solution. So, what to do in order to save a marriage in these cases? The Qur'aan offers some practical advice for the spouse (husband or wife) whose partner (wife or husband) is the wrongdoer. For the husband whose wife's ill-conduct is threatening the marriage, the Qur'aan gives four types of advice as detailed in the following verses: *{As to those women on whose part you fear disloyalty and ill-conduct, (1) Admonish (and preach to them) them, (2) refuse to share their beds, (3) beat them; But if they return to obedience seek not against them means of annoyance: For Allah is Most High, Great * If you fear a break between them, (4) appoint two arbiters, one from his family and the other from hers; If they wish (sincerely) for peace, Allah will cause their reconciliation}* (An-Nisa; 4: 34-35).

The first three are to be tried first. If they fail, then the help of the families concerned should be sought in an arbitration process. It has to be noted, in the light of the above verses, that beating the rebellious wife is a temporary measure that is resorted to as third in line in cases of extreme necessity in hopes that it might remedy the wrongdoing of the wife. If it does, the husband is not allowed by any means to continue any annoyance to the wife as explicitly mentioned in the verse. If it does not, the husband is still not allowed to use this measure any longer and the final avenue of the family-assisted reconciliation has to be explored.

Prophet Muhammad (PBUH) has instructed Muslim husbands that they should not have recourse to these measures except in extreme cases such as open lewdness committed by the wife. Even in these cases the punishment should be slight and if the wife desists, the husband is not permitted to irritate her: "In case they are guilty of open lewdness you may

leave them alone in their beds and inflict slight punishment. If they are obedient to you, do not seek against them any means of annoyance" (Tirmithi).

The scholars agree that slapping, hitting across the face, and beating in dangerous body parts (chest, ears, kidney, .. etc.) using a whip or rod or the fist is not "slight" punishment. If used against a wife, then she has the right to ask for, and enforce, divorce!

Furthermore, the Prophet of Islam has condemned any unjustifiable beating. Some Muslim wives complained to him that their husbands had beaten them. Hearing that, the Prophet categorically stated that: **"Those who do so (beat their wives) are not the best among you"** (Abu Dawood).

It has to be remembered at this point that the Prophet has also said: **"The best of you is he who is best to his family, and I am the best among you to my family"** (Tirmithi).

The Prophet advised one Muslim woman, whose name was Fatimah bint Qais, not to marry a man because the man was known for beating women: "I went to the Prophet and said: Abul Jahm and Mu'awiah have proposed to marry me. The Prophet (by way of advice) said: "As to Mu'awiah he is very poor and Abul Jahm is accustomed to beating women: You should instead marry Usama!" (Muslim).

It has to be noted that the Talmud sanctions wife beating as chastisement for the purpose of discipline [39]. The husband is not restricted to the extreme cases such as those of open lewdness. He is allowed to beat his wife even if she just refuses to do her house work. Moreover, he is not limited only to the use of light punishment. He is permitted to break his wife's stubbornness by the lash or by starving her [40]. For the wife whose husband's ill-conduct is the cause for the marriage's near collapse, the Qur'aan offers the following advice: ***{If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best}*** (An-Nisa; 4:128).

In this case, the wife is advised to seek reconciliation with her husband (with or without family assistance). It is notable that the Qur'aan is not advising the wife to resort to the two measures of abstention from sex and beating. The reason for this disparity might be to protect the wife from a violent physical reaction by her already misbehaving husband. Such a violent physical reaction will do both the wife and the marriage more harm than good. Some Muslim scholars have suggested that the court can apply these measures against the husband on the wife's behalf. That is, the court first admonishes the rebellious husband, then forbids him his wife's bed, and finally executes a symbolic beating or even lashing [41].

To sum up, Islam offers Muslim married couples much viable advice to save their marriages in cases of trouble and tension. If one of the partners is jeopardising the matrimonial relationship, the other partner is advised by the Qur'aan to do whatever possible and effective in order to save this sacred bond. If all the measures fail, Islam allows the partners, even encourages them, to separate peacefully and amicably.

So woman, in Islam, much before the rest of the world could even dream of it, was given a right to self-divorce, with or without the consent of her husband. She can secure

divorce through an arbitrator or judge. Unlike in Judaism, Christianity or Hinduism, she is not compelled to stay life-long with a husband she dislikes or for whatever genuine reason.

Divorce is especially painful and difficult when the couple has children and awarding custody to either party involves difficulties. According to Western law, both father and mother have to prove to the court that they are more capable of looking after the children, and this often involves maligning the other party in order to strengthen their own claims to custody. Islamic law has its own clear verdict on this issue. Custody of your boys and girls goes generally to the mother. There is a difference in Islam between types of custody: I. Guardianship (Wilayah) and II. Fosterage (Kafalah).

I. Guardianship:

Any person is either an adult or a minor. The adult is either mentally capable to manage his/her own affairs or not. The mentally capable adult manages his own affairs by him/her self and does not need a guardian. If a person is a minor or is mentally incapable (retarded) or both, then he/she needs a guardian for him/her self and his/her property. The father - being the head of the family - is the natural and primary guardian. If non-existent or disqualified (hence, *de jure* non-existent), guardianship has to go to the next eligible person:

(a) Hambali School and some other schools define the next eligible person as the mother;

(b) Other schools keep it in the male line of the father's side: Grandfather, brothers (full brother, then half-brother), uncles (full uncles are preferred over half-uncles, etc.).

A court of Shari'a law has the power to skip any guardian to the next for the interest of the dependent. In other words, the interests of the dependent are primary: he/she has a basic right to guardianship while the father, mother, and next of kin have both rights and duties, but are required to fulfil certain conditions:

(a) A guardian of Muslim dependent has to be Muslim. A non-Muslim can never be a guardian no matter how close he/she is to the dependent;

(b) "Adl" (just and righteous), of good behaviour and manners, and known to fulfil all personal and public commitment. Any publicly known violation of ethics or criminal record will annihilate the right to guardianship;

(c) Capable mentally and physically to attend to his/her guardianship.

II. Fosterage (Kafalah):

Fosterage is the right of a dependent (minor and/or retarded) and is a strict duty (not only just a right) on the next of kin. The foster person must also be a qualified mentally and physically capable adult. Any proven or expected negligence, criminal record, and/or demanding occupation or business which does not leave enough time for fosterage, are always disqualifying. For further analysis we have to distinguish between two categories of dependent in need of fosterage:

(a) Small children in rearing age (up to two years and a few years thereafter) who are unable to feed, clean, dress themselves and are not fully independent to attend the bathroom. Mentally incapable (retarded) at similar level of ability. The mother has the first right of fosterage in this category even if she is not Muslim, but otherwise is qualified. Most school of Islamic thought regarding remarrying of the mother as disqualifying (conflict of interest between mother and dependent on one side and new family and husband on the other side), but Imam Ibn Hazm and other scholars do not regard new marriage of mother as disqualifying *per se*. If any foster person is non-existent or disqualified (hence, *de jure*

non-existent), then fosterage goes to the next eligible. He/she has the duty to assume fosterage - he/she cannot resign this responsibility unless the next one after him/her is qualified, able and willing to assume responsibility. The qualification sequence is: mother (mother of the mother and higher), father (father's mother and higher until all generalised mothers and fathers are exhausted), then full sisters, half-sister (on father's side, half-sister from mother's side), then brother's full brothers first, and half-brothers from father's side only. If there are not sisters or brothers, then it is the duty of the aunts on the mother's side, then aunts from the father's side. If there are no aunts, then uncles (same principle like sisters and brothers), then aunts of the mother (from her mother's side) then the aunts of the father (from his mother's side) then the aunts of the father (from his father's side), etc. Some schools may slightly vary in this sequence.

(b) Older children, usually about 7 but sometimes a child matures at 5 or as late as 9. Also mentally retarded with the same mental level like those children or mentally fit but severely physically handicapped who are in need of steady attendance. Those do not need fosterage for survival, hence a foster person is disqualified if not Muslim. If the foster person is a qualified Muslim, then the strongest point of view in Islamic law gives the choice between him/her and the guardian (usually the father) to the dependent, barring any disqualification (e.g., dependent cannot choose a disqualified person). The court of Shari'a law can decide and choose in case of dispute protecting the rights, interests, and right of choice of the dependent. Some other schools give the right to the guardian (usually the father) for older children (7-9). The age specified differs from one school of thought to another and may differ for boys and girls.

The plight of widows

Because of the fact that the Old Testament recognised no inheritance rights to them, widows were among the most vulnerable of the Jewish population. The male relatives who inherited all of a woman's deceased husband's estate were to provide for her from that estate. However, widows had no way to ensure this provision was carried out, and lived on the mercy of others. Therefore, widows were among the lowest classes in ancient Israel and widowhood was considered a symbol of great degradation (Isaiah 54:4). But the plight of a widow in the Biblical tradition extended even beyond her exclusion from her husband's property. According to Genesis 38, a childless widow must marry her husband's brother, even if he is already married, so that he can produce offspring for his dead brother, thus ensuring his brother's name will not die out. "Then Judah said to Onan, 'Lie with your brother's wife and fulfil your duty to her as a brother-in-law to produce offspring for your brother' " (Genesis 38:8).

The widow's consent to this marriage is not required. The widow is treated as part of her deceased husband's property whose main function is to ensure her husband's posterity. This Biblical law is still practised in today's Israel [48]. A childless widow in Israel is bequeathed to her husband's brother. If the brother is too young to marry, she has to wait until he comes of age. Should the deceased husband's brother refuse to marry her, she is set free and can then marry any man of her choice. It is not an uncommon phenomenon in Israel that widows are subjected to blackmail by their brothers-in-law in order to gain their freedom.

The pagan Arabs before Islam had similar practices. A widow was considered a part of her husband's property to be inherited by his male heirs and she was, usually, given in marriage to the deceased man's eldest son from another wife. The Qur'aan scathingly attacked

and abolished this degrading custom: *{And marry not women whom your fathers married--except what is past-- it was shameful, odious, and abominable custom indeed}* (An-Nisa; 4: 22).

Widows and divorced women were so looked down upon in the Biblical tradition that the high priest could not marry a widow, a divorced woman, or a prostitute: "The woman he (the high priest) marries must be a virgin. He must not marry a widow, a divorced woman, or a woman defiled by prostitution, but only a virgin from his own people, so he will not defile his offspring among his people" (Lev. 21:13-15).

In Israel today, a descendant of the Cohen caste (the high priests of the days of the Temple) cannot marry a divorcee, a widow, or a prostitute [49]. In the Jewish legislation, a woman who has been widowed three times with all the three husbands dying of natural causes is considered 'fatal' and forbidden to marry again [50]. The Qur'aan, on the other hand, recognises neither castes nor fatal persons. Widows and divorcees have the freedom to marry whomever they choose.

There is no stigma attached to divorce or widowhood in the Qur'aan: *{When you divorce women and they fulfil their terms [three menstruation periods] either take them back on equitable terms or set them free on equitable terms; But do not take them back to injure them or to take undue advantage, If anyone does that, he wrongs his own soul. Do not treat Allah's signs as a jest}* (Al-Baqarah; 2: 231). *{If any of you die and leave widows behind, they shall wait four months and ten days, (or until giving birth for pregnant women). When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just manner}* (Al-Baqarah; 2: 234). *{Those of you who die and leave widows should bequeath for their widows a year's maintenance and residence. But if they [the widows] leave (the residence) there is no blame on you for what they justly do with themselves}* (Al-Baqarah; 2: 240).

The first, and most beloved, wife of the Prophet (PBUH) was a widow, while he was virgin and her junior by fifteen years! All his later wives, except 'Aisha, were non virgin widows and/or divorced. Is there, beside the Messenger of God, any better example for humanity?!

RIGHT TO PROPERTY AND EMPLOYMENT

Islam has granted economic rights to woman she had never enjoyed before Islam. Not only that but she had to wait another 13 centuries to be given some of those rights in the non-Islamic world which her Muslim counterpart had always enjoyed ever since the advent of Islam. It was only in the early twentieth century that she was considered worthy of the right of independent ownership. It was not until 1938 that the French law was amended so as to recognise the eligibility of women to contract. A married woman, however, was still required to secure her husbands permission before she could dispense with her private property. According to the Islamic Law, woman's right to her money, real estate, or other properties has been in full effect ever since the sixth century. This right undergoes no change whether she is single or married. She retains her full rights to buy, sell, mortgage or lease any or all her properties irrespective of her marital status. It is also worthy of note that this right equally applies to her property or wealth acquisitions before marriage and after.

With regard to the woman's right to seek employment it should be stated first that

Islam has added a great value to her natural role as a mother and considered it her most sacred and respectable duty. This role has a great civilisational potential in it which is generally responsible for shaping the future of a nation and, therefore, cannot be brushed aside as mere 'idleness'. It is actually a matter of setting the priorities right. In Islam her naturally assigned biological role is given the primary significance and the other roles are subsidiary to it, and not the vice-versa. Nevertheless, Islam doesn't forbid woman from seeking employment. There is no ban on benefiting from woman's talent in any field.

Moreover, Islam has endowed woman with the right to inheritance (ironically enough she herself has been an object of inheritance in some cultures). Her share is exclusively hers and no one can put any claim on it; not even her father or husband.

Her share in inheritance in most cases is half of man's share. This should not tempt one to jump to conclusion that she is worth half of a man! This disparity in inheritance is only consistent with the disparity in financial responsibilities of man and woman according to the Islamic Law. Man in Islam is fully responsible for the maintenance of his wife, children and in some cases of his needy relatives, especially the females. It is exclusively *his* responsibility which his wife is *not* obliged to share. This responsibility of husband is neither waived off nor lessened in spite of his wife's independent financial resources (money she gets through employment, rent, profit, or any other legal means).

Woman, on the other hand, is far more secure financially and is far less (rather not at all) burdened with any financial obligations. Her possessions before marriage do not transfer to her husband. She has no obligation to spend on her family out of her income after marriage. She is entitled to the dower, which she receives from her husband at the time of marriage. If she is divorced, she is entitled to get an alimony from her ex-husband. If her share in inheritance and her financial responsibilities are juxtaposed, one can't help realising that Islamic law is more favourable to women than to men as it puts her in a highly advantageous position in that she is entitled to receive financial benefits without being required to spend under any particular head. Assets are all hers and responsibilities all husband's. Islam therefore has an abundance of compassion for woman.

Here, it is important to clarify one crucial point on equality. Islam is not an idealistic approach to life but a natural one. It therefore differentiates between *human equality and functional equality* of man and woman. As for the functional equality, it takes into consideration their essential biological differences and determines their functional spheres accordingly. Men, generally speaking, have greater physical strength and are less prone to emotions and less impulsive as well. It is a matter of common observation that in a situation of emergency it is men who rush to the rescue of women and not vice-versa. That is why, man has been given the responsibility of being her protector in conjugal life and otherwise.

The Islamic principle brings into existence not a *male-dominated system* but a *male-headed responsibility system* based on a clear-cut idea of division of labour. Now, to say that this system is based on the female suppression is only an example of vilification. Islam, no doubt, considers man and woman *equal* as human beings, but *not identical*. It does not confuse the concept of *equal sexes* with the concept of *identical sexes* in view of the most apparent biological, emotional and psychological differences between the two sexes. It would be rather injustice (particularly to woman) to consider men and women identical and ignore the essential differences between them. Therefore, in matters related to the protection of the rights of weaker sex Islam discriminates in its favour, and in matters related to bearing the responsibilities Islam favours man. Thus, the division of labour is effected along the just

principle of potentialities and capabilities and not along any imaginary impracticable ideals, roaming around in the confused minds of some extreme 'fundamentalist' feminists.

But the *Platform for Action* differs greatly on this issue. From page 62 to page 73 of the document, the problem of inequality in women's access to and participation in economic and political structures has been discussed. Throughout these pages, women are exhorted to offer maximum participation for economic development as a necessary pre-requisite for their survival and wholesome development. The idea is to infuse a competitive spirit in women for economic development, and arouse a lust for self-aggrandisement through power-grabbing. Such an approach is far away from generating a complementary spirit of responsibility-sharing and takes them outside the framework of collective uplift of mankind which should otherwise be a common goal of all human endeavour.

EQUALITY IN POLITICAL SPHERE

History bears witness to the fact that in Islam woman has ever enjoyed equality with man in political rights. This includes her right to participate in election as well as the right to nomination to political offices. It also includes her right to participate in public affairs, see the Qur'aan (Al-Mujadilah; 58: 1-4) and (Al-Mumtahinah; 60: 10-12). As early as the period of the Prophet Muhammad and his immediate caliphs, Muslim women had already engaged themselves in performing various duties of legislative, advisory, executive and judicial nature. The important and decisive roles in various civil and political affairs of Umm Imarah, Umm Salamah, Shifa bint Abdullah and others can be cited here as examples (Nadvi, 1990).

However, Muslim woman as Imam or Caliph, that is head of a state and/or head of the executive, is a subject which has been a matter of serious deliberation among the Muslim scholars who have approached this issue in different ways over the years. There is absolutely nothing in The Qur'aan which directly or indirectly forbids a woman to become the head of a state, or even suggests that she is essentially incompetent for the position, but in a prophetic saying, commenting on the ascend of Persian emperor's daughter to the throne, she is considered ineligible for this position.

The Islamic political tradition, in the strongest, which is also the majority's, point of view has also maintained man to be worthier for this position. Again this should not be taken as an instance of female-inferiority but its rationale can be readily appreciated within the unique Islamic world view. In non-Islamic world views, to be the head of state is a highly coveted privilege. And so the question arises as to why a woman should remain *deprived* of this privilege. But, on the contrary according to the Islamic world view, to be the head of a state is neither a privilege nor highly coveted but only a great responsibility and accountability. And so the question of *deprivation* does not arise. It is also unique to the Islamic world view alone that the one who eagerly and greedily seeks this position is considered the most incompetent for it. The early successors to the Prophet (righteous caliphs) didn't used to celebrate their nomination to the office but highly regretted it.

Moreover, Islam strictly recommends that the head of a state should maintain the same living standards as ordinarily available to a common man, and denies all luxuries and special status to them. Islam considers them servants of the people and not masters. In view of all this as well as the particular biological situation of woman, it is all too natural to exempt or relieve her from this risky, tedious, demanding and nerve-racking round-the-clock business; more so if she has little children craving for her personal attention. This was therefore a matter of taking a softer attitude to her and lightening her burden and so he

preferred man to bear this hard Islamic duty. Once again, let us realise that this isn't a case of *deprivation* but that of relieving.

Even in modern times and in the most developed countries, it is extremely rare to find a woman in the position of a head of state, a woman commander-in-chief of the army staff, or even a proportionate number of women representatives in parliaments or similar bodies. One cannot possibly ascribe this to backwardness of those nations, but probably to the natural and indisputable biological differences between man and woman; a difference which does not imply any *supremacy* of one over the other, but rather the *Complementary* nature of male-female role in life.

But, the *Platform for Action* does not consider all that and only repeatedly emphasises the need for increased woman participation in decision-making and leadership. Concerning the present situation of women's political participation, it states: (Despite the widespread movement towards democratisation in most countries, women are largely under-represented at most levels of government, especially in ministerial and other executive bodies, and have made little progress in attaining political power in legislative bodies or in achieving the target endorsed by the Economic and Social Council of 30 per cent women in position at decision making levels by 1995. Globally only 10 per cent of the members of legislative bodies and a lower percentage of ministerial positions are now held by women. (*Platform for Action*, 1995, p. 74)

This is why the political leadership is often assumed to be the male domain. The thing is, one of the important problems of the '*Platform for Action*' lies in its mixing up of *the female identity and female equality* issues. In its zeal to secure unreserved equality to women, it tends to ignore the unique *female identity*. Its demand for absolute equality has blinded it so much that it has failed to appreciate the natural difference between man and woman. It has therefore failed to address one of the important questions raised by Rosmarie Tong -- how equality should be accorded to women while also considering some of the natural differences between men and women? (Tong, 1984). As discussed earlier, Islam is the only ideology which seeks to overcome this paradox first and only then ventures to accord a just (not unreserved and therefore not unrealistic) and proportionate equality to woman while not ignoring the natural differences between men and women.

CHAPTER V : FAMILY LIFE IN ISLAM

Islam holds that the real empowerment of woman is possible only through recognising her complementary role and through utilising properly her talents for the betterment of the whole society without damaging its moral and social fabric. Islam proposes a perfect blending of freedom and security that women ought to seek and which is in the best interest of society.

While there is presently widespread re-thinking on the role and status of women, it would be most appropriate to consider, without any bias or prejudice, the Islamic point of view which has brought about the formation of healthy, happy and stable societies in vast areas of the world in the last fourteen centuries.

This issue is foregrounded in the role and status assigned to family in the Islamic scheme of things. It is the basis of the entire socio-cultural structure and a self-sustaining mechanism to ensure social, ideological and cultural stability.

The sexual urge is a natural and creative urge, considered natural and respectable in Islam. This urge in humans lacks any built-in physiological control mechanism. But control and regulation are essential for a healthy existence, even at a biological level. They become more important at the social and cultural levels. Family ties provide that control.

Islam strictly forbids non-marital sex. But it enjoins marriage to enable men and women to satisfy their natural urges, to enjoy this aspect of life in such a way that pleasure and responsibility go hand in hand. Sex through marriage alone provides the control mechanism for the sexual urge. It also acts as a safety-valve for sexual morality. Through it, fulfilment and sublimation are achieved in a balanced way. The *Qur'aan* calls marriage a 'HISN', meaning: "fortress" or "castle:", i.e. it is a protection against a life of decadence and debauchery.

Another objective of family life is to attain psychological, emotional and spiritual companionship. The relationship in the family, between all its members, and most important of all, between husband and wife, is not merely of a utilitarian value. It is of a spiritual value and sustains and generates selfless love, kindness, mercy, compassion, mutual confidence, self-sacrifice, solace and succour. The best in human nature expresses itself in the flowering of these relationships. It is only in the context of the family that what is spiritually potential in men and women becomes real and sets the pace of the blossoming of goodness and virtue within the family and outside it. In marriage companionship, each partner enjoys ever-increasing fulfilment. With children in the family, the values of fellow-feeling, of love and compassion, of sacrifice for others, of tolerance and kindness are translated into reality and implanted in character. It is the family that provides the most congenial climate for the development and fulfilment of human personality. That is why the Prophet (PBUH) has said that a happy home is one of the blessings of God. He even explained the meaning of the good in this life as used in the Qur'aanic phrase: ***{ O Lord, bestow on us in this life a good, and in the after life a good }*** with a good marital partner. This function of marriage and family is emphasised in the *Qur'aan* in a number of ways.

This emphasises the importance and oneness of man and woman, something much more sublime than legal equality. Husband and wife both are described as each other's raiment, not one as the garment and the other the body. A garment is something nearest to the

human body; it is that part of the external world which becomes a part of our being. Such is the closeness of the relationship between the spouses. Dress is something that covers the body and protects it. The spouses are protectors and guardians of each other. The dress beautifies the wearer. One feels oneself incomplete without it. Husband and wife complement each other, one completes and perfects and beautifies the other. This relationship also protects the morals - without this shield one is exposed to the dangers of illicit carnality. All these aspects have been captured in a single but **succinct** Qur'aanic phrase: ***{You are like a garment for each other}*** (Al-Baqarah; 2: 187).

The function of child-bearing remains incomplete without its more crucial part of child-rearing and upbringing -- their education, orientation, character-building and gradual initiation into high morality and culture. It is because of this aspect that family care becomes a full-time job.

Although one's first responsibility is to one's children and younger brothers and sisters, this institution of family care covers a number of relations, near and distant, depending on the circumstances. Care of one's parents and of the weaker or poorer members of the family has been repeatedly enjoined by the Qur'aan and the Prophet.

Some prophetic sayings emphasise the rights of aunts, uncles and other relatives. Orphans in the family are to be absorbed and treated like one's own children. Older members are to be looked after and treated with honour, kindness and respect, and in the same way these responsibilities extend to one's grandchildren and great-grandchildren. Even the needy relatives of any of the spouses have claims upon the well-to-do members. One of the functions of marriage and family is to extend the ties with relatives and to weld them all, into a system of socio-economic cohesion and mutual support. This is not merely a system of economic security, although economic interdependence and support are its important elements. Islam establishes social security.

Marriage is also a means of widening the area of one's relations and developing affinities between different groups of various societies--between families, cultures and nationalities. Marriage acts as a bridge between different families and communities and has been instrumental in the absorption of diverse people into a wider affinity. In practice, marriage played this role in the early Islamic period as well as throughout Islamic history and in all parts of the world.

These are some of the major functions which are performed by the family in the Islamic society. It provides for the reproduction and continuation of the human race. It acts as the protector of the morals of the individual and society. It creates a congenial context for the spiritual and emotional fulfilment of the spouses, as also of all other members of the family and promotes love, compassion and tranquillity in society.

It initiates the new generations into the culture, tradition and facilitates further evolution of their civilisation. It is the sheet-anchor of a system of socio-economic security. It enhances the motivation of people and provides incentives for effort and social progress. It is the link that joins the past with the present and with the future in such a way that social transition and change take place through a healthy and stable process. Thus it is, on the one hand, the means adopted for regulating relations between the sexes and providing the mechanism where by which the relation of a child to the community is determined and, on the other, it is the basic unit of society integrating its members and enabling them to play

their ideological and cultural role in the world as an ongoing process. This is the all-embracing significance of the institution of the family. If this institution is weakened or destroyed, the future of civilisation will be threatened.

The key role in the proper development of the family is played by woman. In an Islamic society, she is freed from the rigours of running about in search of a living and attending to the demands of employment and work. Instead she more or less exclusively devotes herself to the family, not merely to her own children but to all the dependent relations in the family. She is responsible for running it in the best possible manner. She looks after its physical, emotional educational, administrative and other needs. It is a world in itself and involves network of activities - intellectual, physical and organisational. She runs and rules this world with responsibility and authority.

Since we Muslims possess such a comprehensive divine guidance on the precious role of family in society it is our duty to ensure that the forces of evil and promiscuity do not succeed in corrupting or weakening family values. In the best interest of the whole mankind, we should practice, preserve and promote the divine guidance on the rights and duties of woman and the role of family in society, which Islam embodies.

But, unfortunately, '*Platform for Action*', is far away from this holistic approach to women's problems and the family situation. One of the crucial problems is its individualistic and fragmentary approach to the whole problem of women. It discusses the problem of women in isolation from their male counter parts --- father, brother and husband. Why should economic empowerment and lately the participation in decision-making and leadership be regarded a prerequisite for the equality and development of women? It is only due to the highly individualistic approach to the problem of women. The unmarried young girls are isolated from their fathers and brothers and wives are cut off from their husbands and children. They are seen as isolated entities with no stable familial bonds whatever; struggling for their survival and development on their own. Not only this, the males around them are only their rivals which multiplies the pressure on women to struggle for their livelihood, on the one hand, and, on the other, to fight against and compete with their enemies, the males, for their protection and survival.

It is this approach which has led the feminists and the contributors to the *platform for Action* to emphasise the economic empowerment and political leadership as basic prerequisites for the equality and development of women. As such, Islam has no objection to the economic and political participation of women, rather as discussed earlier, it upholds these rights of women. But, Islam is against the type of approach that underlies the UN demand for economic empowerment and high political participation. This approach is bound to generate a rebellious dissatisfied mood in women, which can never be pacified or satisfied. It is bound to replace the spirit of love and co-operation between the two sexes with competition, rivalry and jealousy. Women are being instigated to engage themselves in a war against men in order to be ameliorated and emancipated. Is that the way to do so? Might it not arouse negativity in men in the long run, leading to a severe reaction in them and just once again inviting them to prove 'might is right'?

On the contrary, Islam, as discussed earlier, considers men and women as equally necessary for one another. Both men and women are interdependent for their individual development and social peace. The development of one is simultaneously the development of the other, and not his or her deprivation. Independence of one from the other is not the issue at all in Islam, but reciprocity and co-operation. The higher the co-operation, the greater the

mutual development. Above all, such a development would not be a mere materialistic development, rather a balanced and proportionate development of both body and soul. All this becomes possible because Islam neither approaches the problem of woman as an isolated entity nor does it approach life in a fragmented way as only matter, rather considers woman an individual with many familial ties and life an inseparable homogenous mix of both matter and spirit.

A systematic analysis of the nature of these problems exposes the root-cause (which gives rise to all the above discussed problems) and that is man's indifference to the final divine revelation, the *Qur'aan*, and the guidance of the last messenger of God, Muhammad, which alone provide the universal frame of reference to judge the above problems as well as to look for solutions satisfactory to all humans. Any frame of reference independent of the Qur'aanic model is bound to be lop-sided, counter-productive and capable of creating more problems than it could probably solve.

However, lately, the whole problem of knowledge has been subjected to scrutiny both in the west and the Muslim world. It is being gradually realised even in the West that an appropriate study of man, his society and nature may not be possible without ethics and religion (Kitchener, 1988). of course, in the Muslim world, the whole issue has been most systematically engineered by the Movement of Islamisation of knowledge (See: *Islamisation of knowledge Workplan*, Third Edition, 1989; Ali M.M., 1994)

CHAPTER VI : POPULAR MISCONCEPTIONS ABOUT SOME ISLAMIC SOCIAL LAWS

There are a few more female-related aspects which have traditionally been a subject of severe criticism and regarded unjustifiably the basic tools of Muslim oppression of women and an evidence of their inequality; these are the practices of taking veil in public, polygamy, divorce, child-marriage etc. Let us try to find the truth about them.

POLYGAMY

Let us now tackle the important question of polygamy. Polygamy is a very ancient practice found in many human societies. **The Bible did not condemn polygamy.** To the contrary, the Old Testament and Rabbinic writings frequently attest to the legality of polygamy. King Solomon is said to have had 700 wives and 300 concubines (1 Kings 11:3). Also, king David 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 (Deut. 22:7). The only restriction on polygamy is a ban on taking a wife's sister as a rival wife (Lev. 18:18). The Talmud advises, but does not make obligatory, a maximum of four wives [51]. European Jews continued to practise polygamy until the sixteenth century. Oriental Jews regularly practised 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 [52].

What about the New Testament? According to Father Eugene Hillman in his insightful book, *Polygamy reconsidered*, "Nowhere in the New Testament is there any explicit commandment that marriage should be monogamous or any explicit commandment forbidding polygamy." [53] Moreover, Jesus has **not spoken against** polygamy though it was widely practised by the Jews of his society, which must be taken as a definite proof of approval.

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." [54] African churches and African Christians often remind their European brothers that the Church's ban on polygamy is **a cultural tradition and not an authentic Christian injunction.**

The Qur'aan, too, allowed polygamy, but not without restrictions: ***{If you fear that you shall not be able to deal justly with the orphans: Marry women of your choice, two or three or four; but if you fear that you shall not be able to deal justly with them, then only one}*** (An-Nisa; 4: 3).

It must be clear at the very outset that Islam does not impose polygamy as a universal and essential practice in order to be a good Muslim. The Prophet (peace be upon him) himself was a monogamist for the greater part of his married life; from the age of twenty-five when he married Khadija until he was fifty when she died.

Among Muslim masses around the world, monogyny has mostly been a norm and polygamy an exception and so it is in Islam. The Qur'aan, contrary to the Bible, limited the maximum number of wives to four under the strict condition of treating the wives equally and justly. It should not be understood that the Qur'aan is exhorting the believers to practise

polygamy, or that polygamy is considered as an ideal. In other words, the Qur'aan has conditionally "tolerated" or "allowed" polygamy, and no more. The *Qur'aan* clearly decrees: **{Marry women of your choice, Two, or three, or four; But if you fear that you shall not be able to deal justly (with them), then only one, That will be more suitable, to prevent you from injustice}** (An-Nisa 4: 3).

But why? Why is polygamy permissible? The answer is simple: there are places and times in which there are compelling social and moral reasons for polygamy. As the above Qur'aanic verse indicates, the issue of polygamy in Islam cannot be understood apart from community obligations towards orphans and widows. Islam as a universal religion suitable for all places and all times could not ignore these compelling obligations.

Several aspects must be clear about the Qur'aanic allowance of more than one wife at a time before attempting to answer the above important question in detail:

1. The first addressee of Islam, the Arabs, used to be pretty similar in sexual behaviour to modern Westerners; admitting no restraint to taking sexual partners. They used to marry as often as possible and sometimes the number of their wives used to be as high as eighty or ninety, with free sex and prostitution added. The Qur'aan, taking a serious note of this malpractice against women, drastically cut down the number of wives and forbade to exceed the number of four in any case. So, it must be clear that Islam has not increased the number of wives from one to four, but reduced it from a limitless number to a limit of maximum four. The Muslims have been even further discouraged to marry more than one by adding that this permission is not an unreserved one but conditional. It is only an allowance and not a license. So one should think about marrying a second, third or fourth woman only if one is capable of maintaining equal justice among them otherwise be content with only ONE (see the above verse). The obnoxious practice of keeping *harems* by some kings, therefore, didn't prevail because of Islam but *in spite of* it.

2. Islam acknowledges the polygamous tendencies in some humans and so, it does not suppress them but finds a dignified outlet both for man and woman; to man by giving the right to polygamy and to woman by giving the right to self-divoree (*Khul'a*) and remarriage. That is why, Islam has saved Muslims from degenerating into a Western type hypocritical society where legally polygamy may be a crime but illegally a prestigious norm.

3. Women have the right, according to most schools of Islamic thought, which is the strongest point of view, to write in the marriage contract conditions demanding their approval for their husbands to marry further wives, else they may, and can enforce, one-sidedly, the dissolution of the marriage contract.

4. Although it has been occasionally abused, polygamy under certain circumstances promises a valuable function. In a situation it may be considered the lesser of the two evils, and in another situation it may even prove a positively beneficial arrangement.

In most human societies, females outnumber males. In the US. there are, at least, eight million more women than men. In a country like Guinea there are 122 females for every 100 males. In Tanzania, there are 95.1 males per 100 females [55].

What should a society do towards such unbalanced sex ratios? There are various solutions, some might suggest celibacy, others would prefer female infanticide (which does happen in some societies in the world today, like India and Korea!). Others may think the only outlet is that the society should tolerate all manners of sexual permissiveness: prostitution, sex out of wedlock, homosexuality, etc.

For other societies, like most African societies today, the most honourable outlet is to allow polygamous marriage as a culturally accepted and socially respected institution. The point that is often misunderstood, or arrogantly overlooked in the West, is that women in other cultures do not necessarily look at polygamy as a sign of women's degradation. For example, many young African brides, whether Christians or Muslims or otherwise, would prefer to marry a married man who has already proved himself to be a responsible husband. Many African wives urge their husbands to get a second wife so that they do not feel lonely [56].

A survey of over six thousand women, ranging in age from 15 to 59, conducted in the second largest city in Nigeria showed that 60 percent of these women would be pleased if their husbands took another wife. Only 23 percent expressed anger at the idea of sharing with another wife. Seventy-six percent of the women in a survey conducted in Kenya viewed polygamy positively. In a survey undertaken in rural Kenya, 25 out of 27 (93%!!) women considered polygamy to be better than monogamy. These women felt polygamy can be a happy and beneficial experience if the co-wives co-operate with each other [57].

Polygamy in most African societies is such a respectable institution that some Protestant churches are becoming more tolerant of it. A bishop of the Anglican Church in Kenya declared that, "Although monogamy may be ideal for the expression of love between husband and wife, the church should consider that in certain cultures polygyny is socially acceptable and that the belief that polygyny is contrary to Christianity is no longer tenable." [58].

After a careful study of African polygamy, Reverend David Gitari of the Anglican Church has concluded that polygamy, as ideally practised, is more Christian than divorce and remarriage as far as the abandoned wives and children are concerned [59].

The problem of the unbalanced sex ratios becomes truly problematic at times of war. Native American Indian tribes used to suffer highly unbalanced sex ratios after wartime losses. Women in these tribes, who in fact enjoyed a fairly high status, accepted polygamy as the best protection against indulgence in indecent activities. European settlers, in characteristic Western arrogance and without offering any other alternative, condemned this Indian polygamy as 'uncivilised' [60].

After the second world war, there were 7,300,000 more women than men in Germany (3.3 million of them were widows!). There were 100 men aged 20 to 30 for every 167 women in that age group [61]. Many of these women needed a man not only as a companion but also as a provider for the household in a time of unprecedented misery and hardship. The soldiers of the victorious Allied Armies exploited these women's vulnerability. Many young girls and widows had liaisons with members of the occupying forces. Many American and British soldiers paid for their 'pleasures' in cigarettes, chocolate, and bread. Children were overjoyed at the gifts these strangers brought. A 10 year old boy on hearing of such gifts from other children wished from all his heart for an 'Englishman' for his mother so that she need not go hungry any longer [62]. We have to ask our own conscience at this point: What is more dignifying to a woman? An accepted and respected second wife as in the native Indians' approach, or a virtual prostitute as in the 'civilised' Allies approach? In other words, what is more dignifying to a woman, the Qur'aanic prescription and the original teachings of 'Issa (Jesus) (PBUH) and Moussa (Moses) (PBUH) or the theology based on the culture of the pagan Roman Empire?

It is interesting to note that in an international youth conference held in Munich in 1948 the problem of the highly unbalanced sex ratio in Germany was discussed. When it became clear that no solution could be agreed upon, some participants suggested polygamy. The initial reaction of the gathering was a mixture of shock and disgust. However, after a careful study of the proposal, the participants agreed that it was the only possible solution. Consequently, polygamy was included among the conference final recommendations [63].

The world today possesses more weapons of mass destruction than ever before and the European churches might, sooner or later, be obliged to accept polygamy as the only way out. Father Hillman has thoughtfully recognised this fact, "It is quite conceivable that these genocidal techniques (nuclear, biological, chemical..) could produce so drastic an imbalance among the sexes that plural marriage would become a necessary means of survival Then contrary to previous custom and law, an overriding natural and moral inclination might arise in favour of polygamy. In such a situation, theologians and church leaders would quickly produce weighty reasons and biblical texts to justify a new conception of marriage." [64].

To the present day, polygamy continues to be a viable solution to some of the social ills of modern societies. The communal obligations that the Qur'aan mentions in association with the permission of polygamy are more visible at present in some Western societies than in Africa. For example, In the United States today, there is a severe gender crisis in the black community. One out of every twenty young black males may die before reaching the age of 21. For those between 20 and 35 years of age, homicide is the leading cause of death [65]. Besides, many young black males are unemployed, in jail, or on dope [66]. As a result, one in four black women, at age 40, has never married, as compared with one in ten white women [67].

Moreover, many young black females become single mothers before the age of 20 and find themselves in need of providers. The end result of these tragic circumstances is that an increasing number of black women are engaged in what is called 'man-sharing' [68]. That is, many of these hapless single black women are involved in affairs with married men. The wives are often unaware of the fact that other women are 'sharing' their husbands with them.

Some observers of the crisis of man-sharing in the African American community strongly recommend consensual polygamy as a temporary answer to the shortage of black males until more comprehensive reforms in the American society at large are undertaken [69]. By consensual polygamy they mean a polygamy that is sanctioned by the community and to which all the parties involved have agreed, as opposed to the usually secret man-sharing which is detrimental both to the wife and to the community in general.

Contingencies may emerge after war which leaves behind a large numbers of widows and orphan girls. In the first and second world wars literally millions of women and young girls lost their husbands and fiancés and were left alone without any social or financial protection for themselves or for their children. If it is still maintained that under these circumstances a man must have only one wife, what options are left to the millions of other women who have no hope of getting a husband? Their option, bluntly stated, is either to drag on a chaste and childless spinsterhood in penury or becoming mistresses, with no legal rights for themselves or for their children. Most women would not welcome either of these options since most women have always preferred the security of a legal husband and family.

But also some individual circumstances sometimes may lead to a point where

marriage to more than one wife may be preferable to other available alternatives, for example the first wife is chronically sick or disabled. Some husbands, no doubt, can cope with this situation, but no one would deny its potential hazard, a second marriage in such cases could be a solution acceptable to all the three parties.

If a wife is unable to have children while the husband very much wants them. Under Western laws a man in such a case must either bear with wife's sterility life long if he can, or, if he cannot, he must find a way to divorce her in order to marry another woman. This could be avoided for the better if the parties agreed on husband's second marriage.

Consider another situation wherein a marriage has not been very successful and the husband loves another woman. This situation is so familiar that- it is known as the eternal triangle. Under Western laws the husband cannot marry the second woman without divorcing the first one. But it may so happen that the first wife may not prefer to be divorced. She may no longer love her husband, but she may still respect him and wish to stay with him for the security of marriage, for herself and their children. Similarly, the second woman may not wish to break up man's first marriage. Why should a second marriage not be allowed if both women ungrudgingly agree upon a polygamous marriage rather than face divorce, on the one hand, or bear the torture of an extra-marital affair, on the other.

The problem of man-sharing in the African American community was the topic of a panel discussion held at Temple University in Philadelphia on January 27, 1993 [70]. Some of the speakers recommended polygamy as one potential remedy for the crisis. They also suggested that polygamy should not be banned by law, particularly in a society that tolerates prostitution and mistresses. The comment of one woman from the audience that African Americans needed to learn from Africa where polygamy was responsibly practised elicited enthusiastic applause.

Philip Kilbride, an American anthropologist of Roman Catholic heritage, in his provocative book, *Plural marriage for our time*, proposes polygamy as a solution to some of the ills of the American society at large. He argues that plural marriage may serve as a potential alternative for divorce in many cases in order to obviate the damaging impact of divorce on many children. He maintains that many divorces are caused by the rampant extramarital affairs in the American society. According to Kilbride, ending an extramarital affair in a polygamous marriage, rather than in a divorce, is better for the children, "Children would be better served if family augmentation rather than only separation and dissolution were seen as options." Moreover, he suggests that other groups will also benefit from plural marriage such as: elderly women who face a chronic shortage of men and the African Americans who are involved in man-sharing [71].

In 1987, a poll conducted by the student newspaper at the university of California at Berkeley asked the students whether they agreed that men should be allowed by law to have more than one wife in response to a perceived shortage of male marriage candidates in California. Almost all of the students polled approved of the idea. One female student even stated that a polygamous marriage would fulfil her emotional and physical needs while giving her greater freedom than a monogamous union [72]. In fact, this same argument is also used by the few remaining 'fundamentalist' Mormon women who still practise polygamy in the US. They believe that polygamy is an ideal way for a woman to have both a career and children since the wives help each other care for the children [73].

It has to be added that polygamy in Islam is a matter of mutual consent. No one can force a woman to marry a married man. Besides, the wife has the right to stipulate that her husband must not marry any other woman as a second wife [74]. The Bible, on the other hand, sometimes resorts to forcible polygamy. A childless widow must marry her husband's brother, even if he is already married, regardless of her consent (Genesis 38:8-10).

It should be noted that in many Muslim societies today the practice of polygamy is rare since the gap between the numbers of both sexes is not huge. One can, safely, say that the rate of polygamous marriages in the Muslim world is much less than the rate of extramarital affairs in the West. In other words, men in the Muslim world today are far more strictly monogamous than men in the Western world!

Billy Graham, the eminent Christian evangelist has recognised this fact: "Christianity cannot compromise on the question of polygamy. If present-day Christianity cannot do so, it is to its own detriment. Islam has permitted polygamy as a solution to social ills and has allowed a certain degree of latitude to human nature but only within the strictly defined framework of the law. Christian countries make a great show of monogamy, but actually they practise polygamy. No one is unaware of the part mistresses play in Western society. In this respect Islam is a fundamentally honest religion, and permits a Muslim to marry a second wife if he must, but strictly forbids all clandestine amatory associations in order to safeguard the moral probity of the community." [75].

It is an open secret that polygamy of a sort is widely practised in Europe, America, and the Westernised world. The difference between the Islamic polygamy and the western practice is that while the Western man has no legal obligations to his second, third, fourth or twenty-fourth mistress and their children, the Muslim husband has full legal obligations towards his second, third or fourth wife and their children. Polygamy of the western practice is a licence to promiscuity, but in Islam it is a responsibility.

It is of interest to note that many, non-Muslim as well as Muslim, countries in the world today have outlawed polygamy. Taking a second wife, even with the free consent of the first wife, is a violation of the law. On the other hand, cheating on the wife, without her knowledge or consent, is perfectly legitimate as far as the law is concerned! What is the legal wisdom behind such a contradiction? Is the law designed to reward deception and punish honesty? It is one of the unfathomable paradoxes of our modern 'civilised' world.

Polygamy, therefore, if practised with restraint, as the Qur'aan requires, proves a dignified solution to certain otherwise insurmountable social problems. It promises solutions to many social problems of the west as well.

TAKING THE VEIL (DRESS ETIQUETTE)

Let us shed some light on what is considered in the West as the greatest symbol of women's oppression and servitude, the veil or the head cover. Is it true that there is no such thing as the veil in the Judaeo-Christian tradition? Let us first set the record straight. According to Rabbi Dr. Menachem M. Brayer (Professor of Biblical Literature at Yeshiva University) in his book, "The Jewish woman in Rabbinic literature", 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 [76]. 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" [77].

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 offence." Dr. Brayer also explains that veil of the Jewish woman was not always considered a sign of modesty. Sometimes, the veil symbolised 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 [78].

The veil signified a woman's self-respect and social status. Women of lower classes would often wear the veil to give the impression of a higher standing. The fact that the veil was the sign of nobility was the reason why prostitutes were not permitted to cover their hair in the old Jewish society! However, prostitutes often wore a special headscarf in order to look respectable [79]. Jewish women in Europe continued to wear veils until the nineteenth century when 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 [80]. Some of them, such as the Hasidic sects, still use the wig [81].

What about 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: "Now I want you to realise that the head of every man is Christ, and the head of the woman is man, and the head of Christ is God. Every man who prays or prophesies with his head covered dishonours his head. And every woman who prays or prophesies with her head uncovered dishonours her head - it is just as though her head were shaved. If a woman does not cover her head, she should have her hair cut off; and if it is a disgrace for a woman to have her hair cut off or shaved off, she should cover her head. A man ought not to cover his head, since he is the image and glory of God; but the woman is the glory of man. For man did not come from woman, but woman from man; neither was man created for woman, but woman for man. For this reason, and because of the angels, the woman ought to have a sign of authority on her head" (I Corinthians 11:3-10).

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 [82]. Some other 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 subjection to the man and to God", which is the same logic introduced by St. Paul in the New Testament [83].

From all the above evidence, it is obvious that Islam did not invent the head cover.

However, Islam did endorse it. The Qur'aan urges the believing men and women to lower their gaze and guard their modesty and then urges the believing women to extend their head covers to cover the neck and the bosom: ***{Say to the believing men that they should lower their gaze and guard their chastity ... * And say to the believing women that they should lower their gaze and guard their chastity; that they should not display their beauty and ornaments except what (must ordinarily) appear therefore; that they should draw their veils (Khimaar) over their bosoms and not display their beauty except to their husbands, their fathers, the fathers of their husbands, their sons, the sons of their husbands, their brothers or their brothers' sons, or their sisters' son's, or their women, or the slaves whom their right hands possess, or male subordinates (e.g. servants ... etc.) free of (physical) desires, or small children who have no sense of the shame of sex; And that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! Turn you all together towards God, and repent, that you may achieve success}*** (An-Noor; 24: 30-31).

A Muslim woman can therefore dispense with the special care to hide her beauty in front of the people listed in the above verse. But, in front of other people, all Muslim women are required to make a special effort to hide their physical charms and objects of beautification. No special design of clothes, however, has been prescribed for this purpose. Any type of outer garment would do which satisfactorily hides her aspects of beauty. It adds, according to the following verse, a distinction to her personality. It sends out a loud and clear signal to all strangers that she is a self-respecting lady of whom no one should even think of taking an advantage. God Almighty commands: ***{O Prophet! Tell your wives, daughters and the believing women that they should cast their Jilbaab (outer garments) over their persons; that is most convenient so that they should be known and not molested, and Allah is Oft-Forgiving, Most Merciful}*** (Al-Ahzaab; 23: 59).

The Qur'aan has also enjoined upon the Muslims to observe some necessary manners while interacting with the opposite sex. Men have been asked not to enter the houses of strangers unannounced. Men and women should abstain from staring at one another but lower their gazes upon encounter. Staring is considered bad manners anyway, whether a man or woman. Men and women are advised not to stay unmarried without reason, so that their desire could not lead them astray. Indecent clothing, obscenity, unguarded manners and gestures and unnecessary public display of sexual attractions and charms are totally and strictly disapproved of by Islam. Women are prevented from presenting themselves as mere sex-objects for the satisfaction of the base instincts of men. They are asked to assert their highly respectable status and individuality rather than falling prey to men's crafty lustfulness in the name of the so-called emancipation as is happening today in the *civilised* (?) west.

Islam totally condemns adultery, fornication and all the ways and means leading to it. It does not want humanity to roll on to a quagmire of infidelity, jealousy, promiscuity and uncertainty leading to social degeneration, spiritual bleakness, and an irretrievable loss of life-sustaining values.

The Qur'aan is quite clear that the veil is essential for modesty, but why is modesty important? The Qur'aan is still clear: ***{O Prophet! Tell your wives and daughters and the believing women that they should cast their Jilbaab (outer garments) over their persons; that is most convenient that they should be known and not molested, and Allah is Oft-Forgiving, Most Merciful}*** (Al-Ahzaab 23:59).

This is the whole point, modesty is prescribed to protect women from molestation or simply, modesty is protection. Thus, the only purpose of the veil in Islam is protection. The Islamic veil, unlike the veil of the Christian tradition, is not a sign of man's authority over woman nor is it a sign of woman's subjection to man. The Islamic veil, unlike the veil in the Jewish tradition, is not a sign of luxury and distinction of some noble married women. The Islamic veil is only a sign of modesty with the purpose of protecting women, all women. The Islamic philosophy is that it is always better to be safe than sorry. In fact, the Qur'aan is so concerned with protecting women's bodies and women's reputation that a man who dares to falsely accuse a woman of unchastity will be severely punished: ***{And those who launch a charge (slander of adultery or fornication) against chaste women, and produce not four witnesses (to support their allegations)- Flog them eighty stripes; and reject their evidence ever after: for such persons are wicked transgressors}*** (An-Noor; 24: 4).

Compare this strict Qur'aanic attitude with the extremely lax punishment for rape in the Bible: ***{ If a man happens to meet a virgin who is not pledged to be married and rapes her and they are discovered, he shall pay the girl's father fifty shekels of silver. He must marry the girl, for he has violated her. He can never divorce her as long as he lives}*** (Deut. 22:28-30).

One must ask a simple question here, who is really punished? The man who only paid a fine for rape, or the girl who is forced to marry the man who raped her and live with him until he dies? Another question that also should be asked is this: which is more protective of women, the Qur'aanic strict attitude or the Biblical lax attitude? It is interesting to note that rape is a major crime of "Hirabah" type. "Hirabah", which means war, war crimes and declaration of war on God, His Messenger and society, includes violent gang crimes, treason and spying for the infidel enemy, highway jacking, aircraft hijacking, kidnapping ... etc. and is usually punishable by the death penalty.

Some people, especially in the West, would tend to ridicule the whole argument of modesty for protection. Their argument is that the best protection is the spread of education, civilised behaviour, and self restraint. We would say: fine but by far not enough. If 'civilisation' is enough protection, then why is it that women in North America dare not walk alone in a dark street - or even across an empty parking lot? If Education is the solution, then why is it that a respected university like Queen's has a 'walk home service' mainly for female students on campus? If self restraint is the answer, then why are cases of sexual harassment in the workplace reported on the news media every day? A sample of those accused of sexual harassment, in the last few years, includes: Navy officers, Managers, University professors, Senators, and even Supreme Court Justices and the President of the United States!

One could not believe his eyes when reading the following statistics, written in a pamphlet issued by the Dean of Women's office at Queen's University:

- * In Canada, a woman is sexually assaulted every 6 minutes",
- * 1 in 3 women in Canada will be sexually assaulted at some time in their lives",
- * 1 in 4 women are at the risk of rape or attempted rape in her lifetime",
- * 1 in 8 women will be sexually assaulted while attending college or university, and
- * A study found 60% of Canadian university-aged males said they would commit sexual assault if they were certain they wouldn't get caught." We do not have the equivalent statistics for the USA, but they must be much bleaker!

Something is fundamentally wrong in the Western society. A radical change in

the society's life style and culture is absolutely necessary. A culture of chastity and modesty is badly needed, modesty in dress, in speech, and in manners of both men and women. Otherwise, the grim statistics will grow even worse day after day and, unfortunately, women alone will be paying the price. Actually, we all suffer but as K. Gibran has said, "...for the person who receives the blows is not like the one who counts them." [84] Therefore, a society like France which foolishly expels young women from schools because of their modest dress, while allowing nude beaches, in which genitals are exposed, is, in the end, simply harming itself.

It is one of the great ironies of our world today that the very same headscarf revered as a sign of 'holiness' when worn for the purpose of showing the authority of 'man' by Catholic Nuns, is reviled as a sign of 'oppression' when worn for the purpose of protection, showing the sovereignty of God, by Muslim women!!

DIVORCE

In Islam both man and woman have a right to divorce with a procedural difference; man can adopt the procedure of direct divorce and woman indirect divorce, that is to say she can seek divorce through the judicial authority, while man can pronounce divorce himself. The *Qur'aan* says: *{And if ye divorce them before consummation, but after the fixation of a dower for them, then the half of the dower (is due to them), unless they the women forgive (their half) or (the man 's half) is remitted by him in whose hands is the marriage tie}* (*Al-Baqarah*; 2: 237).

Man has been given this right probably because he is, generally speaking, less prone to impulsive behaviour. He is less likely to pronounce divorce hastily and then regret it. The man will be also loosing the dowry and all his past expenditure! He will also have a hard time, or substantial expenditure, convincing another woman to marry him. The hard social facts bear a testimony to the validity of this procedural difference since the rate of divorce and family break-up in the Islamic world is much less than in the civilised west, where women frequently tend to seek divorce on flimsy grounds.

Islam has made it clear that divorce pronounced in haste by man never becomes binding immediately but gives him a period of three menstrual periods of the wife (roughly three lunar months) in which he can think cool-minded over and over again and then either confirm the divorce or revoke it and seek reconciliation. Woman also gets plenty of time to think over the matter as she has to seek the divorce, as mentioned above, through a judicial authority or arbitrator. She can also arrange with husband a settlement for setting her free, the procedure is called *Khul'a* (self-divorce). She can also seek, and enforce in a court of law, divorce if her husband violates the conditions she got included in the marriage contract for the continuation of marriage, or because of severe beating, vilification or substantial incapability of the husband. Islam upholds the family institution and encourages people to save their marriages for their own sake and for the sake of their children.

CHILD-MARRIAGE

Child marriages, like the ones practised in some backward societies around the world in which an infant is married to another infant or sometimes a foetus is married to another foetus or children are married at an age when they don't know even the meaning of marriage, find no approval in Islam. A boy or girl's personal consent is necessary in marriage, which

they cannot give unless they are mature enough to take a decision about it.

Some scholars, influenced by such pre-Islamic customs and cultural background, take the marriage of the Messenger of God (PBUH) to 'Aisha, which was consummated at her young age of nine years, as an evidence for the permissibility of child marriage! This is not correct. That marriage was contracted, according to the, then valid, Arab tradition, in Mecca and consummated in the first year of the Medina time long before the new detailed laws has been revealed about women and their rights, specifically their right to accept or reject a marital partner. This necessitates a minimum maturity and capacity of contracting not found in children or minors! That exceptional marriage to a minor is either abrogated, or it is a special legislation for the Messenger of Allah tied to his prophetic rank and office.

Staying unmarried for no reason has been discouraged in Islam, however. The Prophet Muhammad has said: ***"Marriage is my path and one who deviates from my path has nothing to do with me"***. He has repeatedly exhorted all Muslims to marry: ***"When a person marries he perfects half of his faith. so let him fear God regarding the other half"***

Islam has not fixed a certain age for marriage, though. It has, however, recommended that one should get married as early as one is mature enough and may afford to do so.

FEMALE CIRCUMCISION

Islam has got nothing to do with this practice in any way. It was a prevailing practice in certain parts of the pre-Islamic world, especially the Nile valley (Ethiopia, Egypt and Sudan), where it is still practised. If some Muslims of those areas are found involved in this practise, they have carried it over from their pre-Islamic culture. Islam only recommends male circumcision as a religious duty but otherwise disapproves of any practices related not only to genital mutilation but mutilation (or even disfiguring) of human form in any way. A very mild form of such female circumcision was, however, practised by some Arab tribes before Islam. The Messenger of God (PBUH) instructed a woman practising it: ***"If you must do it (If there is no other way out) then do not go low (do not cut excessively)!"*** (Bukhari). So even that mild form is highly unpreferable and discouraged. Accordingly we would argue for a total abolishment of that practise, although some recent medical studies in Egypt indicate minimal benefits, and no harms, of such a practise, if performed by a qualified practitioner or physician with the necessary precautions.

WIFE-BEATING

The Western or Hindu practice of wife-beating finds no approval whatever in Islam, where every night a lazy drunkard pounces upon his wife like a savage for, in most cases, no crime of her. And she has either to bear with this torture life-long or ruin her marriage. As we have seen earlier, Islam wants man to hold woman in high regard. In view of Islam's repeated exhortation to show kindness, compassion, justice and love to women, it would be out of place to assume that Islam sanctions wife-beating on a regular basis as a sacred duty, as some ignorant, or mischievous, Western journalists often claim.

In dealing with an incorrigibly defiant wife the *Qur'aan*, however, recommends three measures, the last of which is to administer corporal punishment (An-Nisa 4 :34). The other two are: first, to admonish her and,
second to suspend sleeping with her for sometime.

These measures become applicable only when the two highly objectionable traits:

1. disloyalty or infidelity, and
2. a shamelessly defiant attitude, become an inseparable part of her behaviour facing the husband most of the time.
3. beating (Non severely, avoiding the face and avoiding fatal spots of the body as clarified and restricted by the Messenger of God in several strong traditions)

This last measure can only be resorted to, according to The *Qur'aan*: ***{As to those women On whose part you fear disloyalty and ill-conduct...}*** (An-Nisa; 4: 34). The *Qur'aan* hastens to add in the same verse that a husband should abstain from it as soon as she shows signs of improvement and not to make her past behaviour an excuse for torturing her in future for no reason.

Whenever the Prophet (PBUH) permitted a man to administer such a punishment, he did so with reluctance, and continued to express his distaste for it. And even in few cases where it was the only way out, he permitted only "slight" beating. He strictly prohibited:

- (1) To spit or hit across the face, violating human dignity.
- (2) To come close to any fatal spot of the body (Head, heart, liver, kidney .. etc.).
- (3) To beat severely, that is to hit with something which would leave marks on the body. As a matter of fact such beating is regarded as severe and is a valid ground for a woman to ask for, and enforce, divorce!

These are practical solutions for existing problems facing human beings created from earthly matter: Strait, effective with no double standards of the Western societies where about half of the wives are beaten severely almost regularly!

BEARING WITNESS

Another issue in which the *Qur'aan* and the Bible disagree is the issue of women bearing witness. It is true that the *Qur'aan* has instructed the believers dealing in written or oral financial transactions to get two male witnesses or one male and two females (Al-Baqarah, 2:282). This Surah (or Chapter) called Al-Baqarah is one of the first to be revealed in Medina after the establishment of the Islamic state there. It is very instructive to write down the appropriate part of the very long verse, the longest in *Qur'aan*. Allah, blessed His Names says: ***{O you who believe! When you deal with each other in transactions involving future obligations in a fixed period of time, reduce them to writing. Let a trustworthy scribe (notary public?!) write down faithfully and justly. No scribe shall refuse to write as Allah taught him, so let him write. The one incurring the liability should dictate, but he should fear Allah, his Lord, and not try to diminish (or hide) anything. If the liable party is mentally deficient, or weak, or unable himself to dictate, then let his guardian dictate faithfully and justly. Get two witnesses out of your men. If there not two men available, then one man and two women, such (righteous) witnesses to be chosen at your satisfaction, so that if one of them (the two women) errs, the other may remind her. Witnesses shall not refuse when called to bear witness. Disdain not to reduce to writing for any fixed future period, small transaction or big. It is juster in the sight of Allah, more suitable as evidence and more convenient to prevent doubts in your minds etc.}*** (Al-Baqarah, 2:282). This is indeed the longest verse in *Qur'aan*! It goes with further matters of spot transactions, witness and scribe treatment ... etc. The following is noteworthy:

- (1) The matter witnessed upon is future obligations in money, goods and services (financial liabilities). Such transactions are pure human inventions, formulated in a specific

language of the trade. A passers by not speaking the language of the transaction partners can witness only a group of people uttering strange sounds and possibly making certain hand movements and possible hand shakes. Stated differently a witness must understand not only the general language of the parties, but also their specific dialect (jargon) of the trade!

(2) The verse regards the injunction of two women instead of one man as worthy of comment and justification. This means that the verse admits that this regulation is odd and surprising at the first glance and that therefore the listener deserves a clarification!

(3) The justification given is that: If one of the female witnesses errs, then the other may correct and remind her.

(4) This regulations is one of the first to be revealed in Madinah (most likely within the first 18 months or so).

There are also a number of prophetic traditions (Ahadeeth) specifying two female witnesses for one male witness. Let us look at some of them:

* Narrated Abdullah bin Omar that the Messenger of God (PBUH) said: (... so the witness of two women equals the witness of one man) (Muslim, with a strong reference).

* Al-Bukhari (with a strong reference) on the authority of Abu Sa'eed Al-Khudri, that the Messenger of God asked: (... Is not the witness of a woman like half of that of a man?! we said: indeed).

But we have also:

* Al-Bukhari (with a strong reference) on the authority of 'Uqbah bin Al-Harith that he married Umm Yahia, the daughter of Abi Ihaab. A **black woman** came and said I breast fed both of you (she is your milk sister!). 'Uqbah travelled to the Messenger of God (PBUH) and told him that. 'Uqbah added: I think she is lying! He, the Messenger of God (PBUH) turned his face away! 'Uqbah faced him again and repeated the story and his valuation of the black woman's witness. Then the Messenger of God (PBUH) said: How can this marriage continue after she said that she suckled both of you?!). It is noteworthy that for the pre-Islamic racist and chauvinist Arabs that witness could not be accepted. It represent the lowest of the low: Woman and black!!

In all later Qur'aanic revelations concerning witnesses and witness bearing .. etc. the neutral term "witness" has been chosen, which is applicable to both sexes (although it is grammatically masculine according to the structure and rules of the Arabic language).

In another most interesting and significant situation the Qur'aan accepts the testimony of a woman 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 by the Qur'aan to solemnly swear four times as evidence of the wife's guilt, affirming by invoking in the fifth divine curse on himself if untruthful. If the wife denies and swears similarly four times, affirming in the fifth by invoking divine wrath on herself if he is truthful, she is not considered guilty and in either case the marriage is dissolved (An-Noor; 24: 6-11). To appreciate this fully we must remind ourselves, that, in the same Surah, the Qur'aan prescribes the highest witness quorum for accusations of unchastity (adultery or fornication), Allah the Almighty says: ***{And those who launch a charge (of adultery or fornication) against chaste women, and produce not four witnesses (to support their allegations) flog them eighty stripes; and reject their evidence (witness) ever after: For such persons are wicked transgressors}*** (An-Noor; 24: 4).

It should be obvious by now that the four times witnessing of a husband against his

wife are in lieu of these, in all other cases, required four witnesses. The wife is required to deliver **exactly the same number** of counter witnessing. This is a very strong indication of equality of men and women in the witness stand.

It is also noteworthy that this Surah An-Noor is revealed in the sixth year of the Medina time, or even after that, that is more than four years after the above quoted verse from Al-Baqarah!

But what happened in Islamic law history?! Why did the different school of thoughts have such difficult time sorting that out?! What is the strongest point of view according to our belief?!

The different points of view are so different and contradictory beyond belief! Some schools accept woman's witness only in financial liabilities and transactions, two women for one man, they accept them in suckling, menstruation, childbirth and other 'midwife' affairs with widely diverging quorums: One woman, two, three even four required but not in divorce or criminal cases! Other insist on the presence of a man even in 'midwifery' cases!

Other schools accept their witness in all matters but require two women in lieu of one man. This is quite a consistent theory. In suckling and other genuine women or 'midwife' type of affairs, and so on they may accept a single woman as sufficient evidence.

We could go for pages reporting the different schools, sub-schools and singular point of views. For the interested we refer to the standard Fiqh (Islamic Law) books, chapters about witnessing. The eminent Imaam Ibn Hazm has a penetrating and biting discussion of some schools in his major work: Al-Muhalla, Vol. No. 9, pp 395 onwards.

We believe that most of that was conditioned and encouraged by the chauvinist pre-Islamic culture of many scholars, which was not, for different historical reasons, fully eradicated. To settle matters or contribute to its settlement we have to clarify the following points first:

(1) Is the requirement of two women for one man in the verse of Al-Baqarah due to:

(a) Temporary reasons due to their rare involvement in public life, finance and trade at that time, which make their error highly probable?! Or even a temporary regulation suitable for an extremely male dominated chauvinist society, to be abrogated later.

(b) Intrinsic tendency to forget, and their need of correction in case of error in such abstract and intricate financial liability transactions?!

(2) The two Prophetic traditions appear general in their formulation, while the verse in Al-Baqarah is special and restricted to special cases. What is the correct understanding of both?! Should we assume:

(a) The verse being Qur'aanic is dominant over the tradition. More over being specific it dominates and specifies the generality of the two Hadeeths and any similar Hadeeth?!

(b) The verse is only exemplary and the Ahadeeth generalised it to all witness types!

This second question is easier to settle. The general rule of Usul-ul-Fiqh is that the specific and/or restricted is having preference over the general and the absolute or unrestricted. More over the Sunnah cannot abrogate the Qur'aan, although it may indeed restrict, specify or explain what the Qur'aan left unrestricted, general or unexplained. Therefore we are justified to regard the two women for one man rule to be specific and restricted to the types of witnessing as in the Al-Baqarah verse.

If we choose (1.a) and (2.a) then we must conclude that the later verses did abrogate the two women for one man provision in the Al-Baqarah verse and the similar Ahadeeth. This leads to a simple and consistent theory of witness bearing with full women and men equality in that subject. This is indeed a possible choice!

Should we choose (1.b), then we have to prove the existence of intrinsic differences between male and female, at least in witnessing financial liability matters expressed in abstract verbal statements, oral or written. I am not aware about any convincing physiological or psychological evidence, although there are claims of significant differences in verbal and mathematical capabilities of the two sexes. Even if such a proof is brought forward it may be related only to abstract and/or linguistic faculties and will apply to witnesses of the type mentioned in Al-Baqarah verse. Other witnessing types will be handled according to the other general verses of Qur'aan and general statements of Ahadeeth.

On the other hand, women were not allowed to bear witness in early Jewish society [12]. The Rabbis counted women's not being able to bear witness among the nine curses inflicted upon all women because of the Fall. Women in today's Israel are not allowed to give evidence in Rabbinical courts [13]. The Rabbis justify why women cannot bear witness by citing Genesis 18:9-16, where it is stated that Sara, Abraham's wife had lied. 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'aan without any hint of any lies by Sara (11:69-74, 51:24-30). We must conclude that accusing Sarah of lying is not well founded historically! In the Christian West, both ecclesiastical and civil law debarred women from giving testimony until late last century (that is nineteenth century!) [14].

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 (Num. 5:11-31). If she is found guilty after this ordeal, she will be sentenced to death. If she is found not guilty, her husband will be innocent of any wrongdoing!

Besides, 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: "If a man takes a wife and, after lying with her, dislikes her and slanders her and gives her a bad name, saying, 'I married this woman, but when I approached her, I did not find proof of her virginity,' then the girl's father and mother shall bring proof that she was a virgin to the town elders at the gate. The girl's father will say to the elders, 'I gave my daughter in marriage to this man, but he dislikes her. Now he has slandered her and said I did not find your daughter to be a virgin. But here is the proof of my daughter's virginity.' Then her parents shall display the cloth before the elders of the town, and the elders shall take the man and punish him. They shall fine him a hundred shekels of silver and give them to the girl's father, because this man has given an Israelite virgin a bad name. She shall continue to be his wife; he must not divorce her as long as he lives. If, however, the charge is true and no proof of the girl's virginity can be found, she shall be brought to the door of her father's house and there the men of the town shall stone her to death. She has done a disgraceful thing in Israel by being promiscuous while still in

her father's house. You must purge the evil from among you."

EPILOGUE

The one question all the non-Muslims had in common was: do Muslim women in the Muslim world today receive this noble treatment described here? The answer, unfortunately, is: No. Since this question is inevitable in any discussion concerning the status of women in Islam, we have to elaborate on the answer in order to provide the reader with the complete picture.

It has to be made clear first that the vast differences among Muslim societies make most generalisations too simplistic. There is a wide spectrum of attitudes towards women in the Muslim world today. These attitudes differ from one society to another and within each individual society. Nevertheless, certain general trends are discernible. Almost all Muslim societies have, to one degree or another, deviated from the ideals of Islam with respect to the status of women. These deviations have, for the most part, been in one of two opposite directions. The first direction is more conservative, restrictive even oppressive, and traditions-oriented, while the second is more liberal, not to say decadent, and Western-oriented.

The societies that have digressed in the first direction treat women according to the customs and traditions inherited from their forebears. These traditions usually deprive women of many rights granted to them by Islam. Besides, women are treated according to standards far different from those applied to men. This discrimination pervades the life of any female: she is received with less joy at birth than a boy; she is less likely to go to school; she might be deprived any share of her family's inheritance; she is under continuous surveillance in order not to behave immodestly while her brother's immodest acts are tolerated; she might even be killed for committing what her male family members usually boast of doing!! She has very little say in family affairs or community interests; she might not have full control over her property and her marriage gifts; and finally as a mother she herself would prefer to produce boys so that she can attain a higher status in her community.

On the other hand, there are Muslim societies (or certain sections or classes within some societies) that have been swept over by the Western culture and way of life. These societies often imitate, or rather ape, unthinkingly whatever they receive from the West and usually end up adopting the worst fruits of Western civilisation. In these societies, a typical "modern" woman's top priority in life is to enhance her physical beauty. Therefore, she is often obsessed with her body's shape, size, and weight. She tends to care more about her body than her mind and more about her charms than her intellect. Her ability to charm, attract, and excite is more valued in the society than her educational achievements, intellectual pursuits, and social work. One is not expected to find a copy of the Qur'aan in her purse since it is full of cosmetics that accompany her wherever she goes. Her spirituality has no room in a society pre-occupied with her attractiveness. Therefore, she would spend her life striving more to realise her femininity than to fulfil her humanity.

Why did Muslim societies deviate from the ideals of Islam? There is no easy answer. A penetrating explanation of the reasons why Muslims have not adhered to the Qur'aanic guidance with respect to women would be beyond the scope of this paper. It has to be made clear, however, that Muslim societies have deviated from the Islamic precepts concerning so many aspects of their lives for so long, starting with the government system and women's rights and going all the way to spiritual and personal piety.

There is a wide gap between what Muslims are supposed to believe in and what they actually practise. This gap is not a recent phenomenon. It has been there for centuries and has been essentially widening day after day.

This ever widening gap has had disastrous consequences on the Muslim world manifested in almost all aspects of life: Political tyranny and fragmentation, economic backwardness, social injustice, intellectual bankruptcy, scientific stagnation, etc. The non-Islamic status of women in the Muslim world today is merely a symptom of a deeper malady. Any reform in the current status of Muslim women is not expected to be fruitful if not accompanied with more comprehensive reforms of the Muslim societies' whole way of life: Government and economic system ahead of all.

Indeed, the Muslim world is in need for a renaissance that will bring it closer to the ideals of Islam and not further from them. To sum up, the notion that the poor status of Muslim women today is because of Islam is an utter misconception, at best, or an intentional and mischievous vilification at worst. The problems of Muslims in general are not due to too much attachment to Islam, they are the culmination of a long and deep detachment from it.

It has, also, to be re-emphasised that the purpose behind the comparative parts of our study is not, by any means, to defame Judaism or Christianity. The position of women in the Judaeo-Christian tradition might seem frightening by the current, late twentieth century, standards. Nevertheless, it has to be viewed within the proper historical context. In other words, any objective assessment of the position of women in the Judaeo-Christian tradition has to take into account the historical circumstances in which this tradition developed. There can be no doubt that the views of the Rabbis and the Church Fathers regarding women were influenced by the prevalent attitudes towards women in their societies. With all due respect to the feelings of the faithful we must accept that the Bible itself is neither the pure word of "God", nor the exclusively authentic tradition of the Prophets (PBUT). It was written by different authors at different times.

These authors could not have been impervious to the values and the way of life of the people around them. For example, the adultery laws of the Old Testament are so biased against women that they defy rational explanation by reasonable human being. However, if we consider the fact that the early Jewish tribes were obsessed with their genetic homogeneity and extremely eager to define themselves apart from the surrounding tribes and that only sexual misconduct by the married females of the tribes could threaten these cherished aspirations, we should then be able to understand, but not necessarily sympathise with, the reasons for this bias.

Also, the diatribes of the Church Fathers against women should not be detached from the context of the misogynist Greco-Roman culture in which they lived, compounded with the woman-hostile Talmudic tradition of Judaism. It would be unfair to evaluate the Judaeo-Christian legacy without giving any consideration to the relevant historical context.

In fact, a proper understanding of the Judaeo-Christian historical context is also crucial for understanding the significance of the contributions of Islam to world history and human civilisation. The Judaeo-Christian tradition had been influenced and shaped by the environments, conditions, and cultures in which it had existed. By the seventh century CE., this influence had distorted the original divine message revealed to Moses and Jesus

beyond recognition. The poor status of women in the Judaeo-Christian world by the seventh century is just one case in point. Therefore, there was a great need for a new divine message that would guide humanity back to the straight path. The Qur'aan described the mission of the new Messenger as a release for Jews and Christians from the heavy burdens that had been upon them: *{Those who follow the Messenger, the illiterate Prophet, whom they find written in their own scriptures -In the Law and the Gospel-For he commands them what is just and forbids them what is evil; he allows them as lawful what is good and prohibits them what is bad; He releases them from their heavy burdens and from the yokes that are upon them}* (Al-A'raaf; 7:157).

Therefore, Islam should not be viewed as a rival tradition to the original message Judaism or Christianity. It has to be regarded as the consummation, completion, and perfection of the divine messages that had been revealed before it. The Qur'aan is more over guardian and overrider over previous books and did, as such, abrogate all their injunctions, from divine origin or other wise! The Qur'aan and the main body of the traditions of the Prophet (PBUH) is in itself complete and narrated authentically beyond doubt. This fact releases us from the burdens and yokes of the impossible task of distinguishing the authentic from the man made in these older books and traditions!

So many Muslim women have been denied their basic Islamic rights for so long. The mistakes of the past have to be corrected. To do that is not a favour, it is a duty incumbent upon all Muslims. The world-wide Islamic movements, scholars and intellectuals have to come together to issue a charter of Muslim women's rights based on the instructions of the Qur'aan and the teachings of the Prophet of Islam. This charter must give Muslim women all the rights endowed to them by their Creator. Then, all the necessary means have to be developed in order to ensure the proper implementation of the charter. This charter is long overdue, but it is better late than never. If Muslims world-wide will not guarantee the full Islamic rights of their mothers, wives, sisters, and daughters, who else will?

Furthermore, we must have the courage to confront our past and reject outright the traditions and customs of our forefathers whenever they contravene the precepts of Islam. Did the Qur'aan not severely criticise the pagan Arabs for blindly following the traditions of their ancestors? On the other hand, we have to develop a critical attitude towards whatever we receive from the West or from any other culture. Interaction with and learning from other cultures is an invaluable experience. The Qur'aan has succinctly considered this interaction as one of the purposes of creation: *{O mankind We created you from a single pair of a male and a female, and made you into nations and tribes, that you may know (and interact with) each other}* (Al-Hujurat; 49:13). It goes without saying, however, that blind imitation of others is a sure sign of an utter lack of identity, personality and self-esteem.

It is bewildering why the religion that had revolutionised the status of women is being singled out and denigrated as so repressive of women. This perception about Islam is one of the most widespread myths in our world today. This myth is being perpetuated by a ceaseless barrage of sensational books, articles, media images, and Hollywood movies. The inevitable outcome of these incessant misleading images has been total misunderstanding and fear of anything related to Islam. This negative portrayal of Islam in the world media has to end if we are to live in a world free from all traces of discrimination, prejudice, and misunderstanding. Non-Muslims ought to realise the existence of a wide gap between Muslims' beliefs and practices and the simple fact that the actions of Muslims do not necessarily represent Islam. To label the status of women in the Muslim world today as

"Islamic" is as far from the truth as labelling the position of women in the West today as "Judaean-Christian". With this understanding in mind, Muslims and non-Muslims should start a process of communication and dialogue in order to remove all misconceptions, suspicions, and fears. A peaceful future for the human family necessitates such a dialogue, even if radically contradicts the selfish materialistic interests of some finance-capitalist and Zionist circles!

Islam should be viewed, even by the non-believer, as a religion that had immensely improved the status of women and had granted them many rights that the modern world has recognised only this century. Islam still has so much to offer today's woman: dignity, respect, and protection in all aspects and all stages of her life from birth until death, in addition to the recognition, the balance, and means for the fulfilment of all her spiritual, intellectual, physical, and emotional needs. No wonder most of those who choose to become Muslims in a country like Britain are women. In the US. women converts to Islam outnumber male converts 4 to 1 [85]. Any fair minded human being must ask him- or herself why?!

Islam has so much to offer our world which is in great need of spiritual and moral guidance and leadership. Ambassador Herman Eilts, in a testimony in front of the committee on Foreign Affairs of the House of Representatives of the United States Congress on June 24th, 1985, said, "The Muslim community of the globe today is in the neighbourhood of one billion. That is an impressive figure. But what to me is equally impressive is that Islam today is the fastest growing monotheistic religion. This is something we have to take into account. Something is right about Islam. It is attracting a good many people."

Yes, something is right about Islam and it is time for all of us to find that out. We hope this study is a step on this direction.

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