

Feminism and Islam: Contextualizing Equality of Gender in Islam

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The most confusing thing for the non-Muslims particularly in the Western world is the position of women in Islam. In their conception a Muslim woman is a secluded and passive subject, who neither has any say in intellectual streams nor any participation in the political and social processes of her respective community. One believes that the West is partially right. Its calculations logically gain weight when it analyzes the “condition” of Muslim women in the less civilized Muslim states. But the findings of western observers can become debatable when one explores the measure of liberty, freedom of thought and equality of rights the women in Islam seem to enjoy by the virtue of Islamic laws and within the practice of Prophet of Islam Muhammad (PBUH¹).

The narrative, in a quest to answer the question — does Islamic statecraft stand for the democratic principles of equality of gender?, aims to show the distinction between the Islam of Muhammad (PBUH) and the self-serving Islam of orthodoxy, with the argument that where the former tried to institutionalize merit as the national policy, the latter has a strong tendency to subjugate the Islamic codes to the whims of the Muslim elites. In this context it is discussed that how the complete transformation of the status and prestige of Muslim women occurred during the Abbasids era. And in order to demonstrate the above stated point, the underlying mechanisms of power politics i.e., the unholy alliance between orthodoxy and Muslim empires and their manipulation of Islamic sources of jurisprudence will be discussed. This narrative also aims to show the distinction between the Islam of Muhammad (PBUH)

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1. PBUH – Peace Be Upon Him.

and the self-serving Islam of orthodoxy. Where the former tried to institutionalize merit as the national policy, the latter, has a strong tendency to subjugate the Islamic codes to the whims of ruling Muslim elites.

Spiritual Equality of Gender in Islam “Members, One of Another”:

The Islam of Mohammed (PBUH) claims to treat women and men equally, particularly in the spiritual realm. The Quran does not restrict the blessings and rewards of God to men alone. On the contrary, it aims to establish a society in which social and spiritual justice should flourish without the segregation of sexes. But Islam’s concept of justice does not mean that all human beings are equal in terms of natural capabilities and human efforts to transform those skills into creativity and constructivism. As, He says “*Indeed the literate has an edge over an illiterate and not the vice versa*”,² on other hand the Quranic criterion of justice does not depend upon gender but rather it is rooted in the principle of “*taqwa*” – righteousness.³ God proclaims the spiritual equality of all the true believers in such strong words: “*Lo! Men who surrender unto Allah, and women who surrender, and men who believe and women who believe, and men who obey and women who obey, and men who speak the truth and women who speak the truth, and men who preserve (in righteousness) and women who preserve, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who safeguard (their modesty) and women who guard (their modesty), and men who remember Allah much and women who remember—Allah hath prepared for them forgiveness and a vast reward*”.⁴

The Holy Book of the Muslims uses the expression “*believing men and believing women*” to emphasize the equality of men and women with regard to their responsibilities, duties, rights, virtues towards God. By the very nature and implication of this *Ayat*,⁵ both men and women have been declared equal before God, hence before the Islamic law. As a pious man is accountable to God and reward- able from God, a devout and righteous woman is also entitled to Devine blessings and fruits of Paradise. This command of the Quran, by creating a parity of gender,

2. *Holy Quran*: 3.264.

3. *Ibid* : 2.177.

4. *Ibid*: 5:38.

5. *Ayat* – Verse of the *Holy Quran*.

indicates the egalitarian structure of Mohammed's (PBUH) Islam. This verse also demands an equal amount of religious duties from all true believers, regardless of gender. But God of Muslims does not stop here; He rather extends His vision of equity between the two sexes to the realms of wrongdoing and punishment, "*As for the thief both male and female, cut off their hands*".⁶ Again by this verse God has made both male and female equally accountable to the rule of law.

But one needs to examine the other side of the debate in order to form a balanced assessment. It can be argued that at least on one occasion the God of the "*true believers*" has destroyed the balance of equity between the genders by making "*men in charge of women*".⁷ Islamic orthodoxy claims the supremacy of men over women on the basis of this *Ayat*, but one can argue that if this *Ayat* is construed on the criteria of rationality and logic, it does not negate the equality of gender.. On the other hand, it merely elaborates the responsibility (mainly financial) of men towards women. The *Ayat* says, "*men are in charge of women, because Allah hath made the one of them excel the other, (in financial affairs) and because they spend of their property (for the support of their women) so good women are obedient.*"⁸ According to this *Ayat* Islam has made man responsible for the needs and comforts of his wife. In other words, Islam has protected the latter from the strains of the hardworking task of earning. In return, Islam demands a woman to show and give her love, loyalty and obedience to her man as a token of gratitude for the efforts her man is doing in order to keep her welfare and prosperity intact. This *Ayat* does not seem to reduce the status of a woman by subjugating her to the social, cultural, political and intellectual domination of man. On the contrary, it has made man more responsible and demands from him more loyalty and affection towards his woman. Instead of imbalancing the equality, it stipulates the balance of rights and responsibilities between husband and wife or man and woman.

The above point is supported (although at a limited scale) by Abu Jafar, Tabari (d.923). For him, this *Ayat* merely establishes responsibility of man to provide discipline and financial assistance to women (wives) in the form of "payment of dowry to their wives, spending of their

6. *Ibid.*, 5:38.

7. *Ibid.*, 4:34.

8. *Ibid.*

wealth”.⁹ He admits that the authority of man over woman is only in the area of family affairs because the former provides financial support to the latter. But 350 years later, Umar al-Baydawi (d.1286) under the influence of misogyny interpreted the *Ayat* completely out of the context of the Quran. He used this sacred text as a weapon to restrict the liberties of woman by establishing the absolute authority of man over the former in each and every aspect of life. As he says, “men are in charge of women as rulers are in charge of their subjects, i.e., God has preferred one sex over the other, i.e., because God has preferred men over women in the completeness of mental ability, good counsel, complete power in the performance of duties and the carrying out of divine commands, hence, to men have been confined prophecy, religious leadership (*Imama*), saint ship (*Walaya*), the performance of religious rites, the giving of evidence in law courts, the duties of the holy war and worship in the mosque on Friday, the privileges of electing chiefs, the larger share of inheritance, and discretion in the matter of divorce, by virtue of that what they spend of their wealth, in marrying (women), such as their dowers and bears cost of their maintenance”.¹⁰

Baydawi’s interpretation has institutionalized a strong feeling of man’s so-called superiority over woman in the psychology of Muslim minds and societies. By interpreting that God has given par excellence powers of knowledge, intellect and wisdom to man in managing religious and public affairs, political and religious leadership, financial and military departments – exclude women from all the above-mentioned activities of life. Thenceforth, woman has been treated as a secluded and isolated entity whose welfare and future can be best preserved in the four walls of her house.¹¹ This tradition of misogyny has become a permanent part of Islamic societies. It has first successfully eliminated women from religious duties (such as calling of prayers, the Friday sermon, Friday worship, and certain rights during pilgrimage) and later, they have been

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9. See, Nasir al-Din Abul Khayr al-Baydawi, ‘Abd Allah Ibn Umar, *Hashiyat al Shihab ‘ala-tafsir al-Baydawi* (Quetta: Makateb Islamic, 1978), pp.16-16.
 10. See, Abu Jafar Muhammad Ibn Jarir al-Tabari, *Jami al-bayan fi tafsir al Quran* (Oxford: Oxford University Press, 1986), pp.21-23.
 11. The devastating affects of the misogynist interpretation of this *Ayat* on the rights of the Muslim women is analyzed by Ahmad Ibn al-khafaji (d.1659), quoted in Bellamy, J.A. ‘Sex and Society Islamic Popular Literature.’, *Society and the Sexes in Medieval Islam*. ed., Afaf Lutfi al Sayyed Marsot (Malibu: 1979), pp.21-42.

excluded from certain social or political activities.¹² Although Quran does not disallow the working of women, yet by the virtue of this interpretation, only and only men have become the legitimate working class of Islamic states.¹³ Moreover, because this widely accepted interpretation got official support during the anti-women period of the Abbasids (the era in which Islamic law and jurisprudence was established), later it became difficult for women in so-called Islamic states to lead their communities in political and social affairs.¹⁴ The commission of human rights violations of women during the Taliban era, where the doors of education and employment were closed for females, and in other Muslim states like Saudi Arabia, whereby women cannot drive by law; is the corollary of this misrepresentation of Islamic codes of law. It is an irony of fate that repressive regimes like the Taliban,¹⁵ under the banner of Islam, committed one of the worst gender-based violence. But by denying independence and freedom of thought and expression to women, the former government of Afghanistan, probably acted upon Baydawi's defined Islam, rather than that of Mohammed (PBUH).

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Can a Woman Lead the Muslim Community? The Tradition of Misogyny:

During the election campaign in 1990 in Pakistan, a prominent orthodox cleric declared that Ms Benazir Bhutto could not run for the seat of Prime Minister in an ideological Islamic state.¹⁶ Why? Because,

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12. *Ibid.*, And also see Freda Hussain, *Muslim Women*, Ch:1 and 2 (London: Croom Helm, 1984).
 13. To my reading and research of the Quran there is not a single verse, which forbids the women to seclude themselves in the houses and do not explore the employment or educational avenues along with men.
 14. A classical analysis of the destruction and exploitation of Islamic values at the hands of patriarchal Abbasids dynasty, see Nabbia Abbott, *The two Queens of Baghdad: The Mother and Wife of Harun al Rashid* (London: Al Saqi, 1986), pp.90-95.
 15. See a documented proof on the repressive and anti women regime of Taliban: Channel 4 programme "Beneath the Veil" broadcasted on 26 June 2001. Also See, Peter Mardsen, *Taliban: War Religion and the New Order in Afghanistan* (London: Oxford University Press, 1998), p.121.
 16. See the English newspaper "The Dawn" and the Urdu news paper "The Jung" of Nov 1990. It is quiet interesting that the scholar Abdul Qadir Azad who made this verdict was an official cleric of the Interim Provincial

he replied, the Prophet (PBUH) said “*those who entrust their political affairs to women would never see prosperity*”.¹⁷ This one *Hadith* has a long tradition to justify the inability of a woman to participate in any political activity. *Hadith* is a law governing force of Muslim traditions, laws, ethics, society, political and economical relations. The collections of *Hadith* (tradition) are recorded evidence of each and every word and deed the Prophet (PBUH) said and did. It is the second source of Islamic law-along with the Quran the holy book of the Muslims. The Quran and *Hadiths* both regulate the affairs of a Muslim society. They have power to distinguish the true from false, they permitted from the forbidden. In short, a Muslim society cannot trespass either of them. For the majority of the Muslims, the six books of the *Hadith* (tradition) are the most authentic collection of the practices of the Prophet (PBUH). The “*Bukhari*”, and “*Al-Muslim*” are two most authentic collections of *Hadiths*. They shape the trends and norms of Muslim societies.¹⁸ In the quest to determine the political role of women, in Islam the above-mentioned *Hadith* comes as a formidable block. If one consults Islam whether a woman can lead the Muslim community. The orthodox-dominated Islam, on the basis of this so-called *Hadith*, answers ‘no’. By conducting an intellectual and historical enquiry, one can examine the credibility of this ‘authentic’ *Hadith* of *Sahih al-Bukhari*. This is the only way (i.e., by figuring out the underlying misogynous elements of this *Hadith*) to answer the question whether or not a woman can politically lead the Muslim community. One will lay down the circumstances in which Hazrat Abu-Bakra, the Companion of the Prophet (PBUH), surged out this *Hadith*, and to whose interests it had served. In order to avoid any confusion, it must be cleared that the author is not discussing or referring to Hazrat Abu Bakar Sadeeq (RA) the first righteous caliph of Muslims.

Hazrat Abu Bakra (RA) quoted the *Hadith* where, according to him, the Prophet (PBUH) uttered these words when the Prophet (PBUH) heard that the people of Persia had chosen the daughter of the deceased

Government of Punjab whose (male) leadership was contesting against Miss Benezir Bhutto.

17. See, Muhammad Ismail Bukhari, *Sahih, al-Bukhari* (The Collection of *Hadiths* of Prophet (PBUH). Translated in English by M. Mohsin Khan, (Lahore: Kazi, Publishers, 1983), Vol.4, p.226.
18. For ref see: Joseph Schacht, *An Introduction to Islamic Laws* (Oxford: Clarendon Press, 1964), p.34. Also see, Mian Rashid Ahmed Khan, *Islamic Jurisprudence* (Lahore: 1978), pp.89-93.

King as the political successor.¹⁹ According to Fath-al-Bari, Abu Bakra mentioned this Hadith twenty-five years after the death of the Prophet (PBUH); the occasion was when the civil war broke between the two groups of Muslims (the Battle of Camel) and one lost against the other.²⁰ The victor was the fourth legitimate Caliph of the Muslims Hazrat Ali (RA),²¹ and the defeated group was headed by Hazrat Aishah (RA), the beloved wife of the Prophet (PBUH), and the ‘Mother of the True Believers’. It has been argued that the underlying theme of Abu Bakra to express this supposed Hadith was to gain political loyalty with the winning side (Ali (RA)).²² He surged out a Hadith in which by declaring the political leadership of Aishah (RA) as unlawful he attempted to design the political leadership of Muslim *Ummah* (nation) on the basis of gender – the winning gender. Abu Bakra's intention and timing of this Hadith falls under the notion of “opportunism”, because he recalled the words of Prophet (PBUH) as late as twenty-five years, and on the occasion when Hazrat Aishah (RA) had already lost the Battle and many neutrals like Abu Bakra who did not participate in the war were expecting political repression from the Victor Hazrat Ali (RA). Although Hazrat Ali (RA) gave general amnesty to everyone, but Abu Bakra’s so-called Hadith however has set the trend for coming generations of the Muslims to challenge the legitimacy of a woman’s leadership.

Hazrat Abu Bakra’s supposed Hadith was an act of misogyny because it does not even fulfill the scientific criterion to judge the religious knowledge of Islam. According to the science of the verification of the authenticity of a Hadith, a narrative should be knowledgeable, passion-free, and wise and by those who don’t lie.²³ In

19. Al-Salami Ibn Hajar Fatal al Bari (Commentary on *Sahih al Bukhari*). Translated by Abdul Hakeem Murad (Cambridge: Muslim Academic Trust, 2000), Vol.13, p.46.

20. *Ibid.*, pp.46-47.

21. RA — Radhi-allah anhu/anha – May Allah be pleased with Him/Her.

22. Tabari notes that Abu Bakra was one of those who were quite anxious of about any political repression from the winning side. See Tabari, Tarikh, Vol.5, p.221. Also see *Sahih Bukhari*, Vol.4, pp.221. Bukhari under the chapter entitled “Al-Fitna” collected all the Hadith related to the civil war. Abu Bakra’s Hadith is the only one, which justifies the neutrality in the war on the basis of sex or gender of one of the rivals.

23. The scholars of Islamic law have formulated a scientific methodology or criteria for the verification of all the Hadith. In the tradition of Imam Malik Anas (b.8 AD) (who was considered with Shafi and Abu Hanifa, one of “the three most famous imams in Islam because of their contribution to the

view of this criterion, Abu Bakra's testimony regarding this Hadith should not be taken, because on at least one occasion, he had been 'convicted of false testimony by the Caliph Hazrat Umar bin al-Khattab (RA)'.²⁴ This leads us to suggest that Abu Bakra's testimony could not and should never be relied upon as a source of Hadith. If a person can lie on one occasion, and in his relation with others, his evidence regarding the interpretation of the sacred text (as late as twenty-five years after the supposed utterance of the words by the Prophet (PBUH)) leads to great doubts and questions. But unfortunately for women of Islam, Hazrat Abu Bakra's misogynous and opportunist expression has found permanent place in the authentic sources of Islamic law i.e., Sahih al-Bukhari. Since the defeat of the first Muslim woman leader, this Hadith has been used constantly to override the political rights of women in Muslim societies. Orthodoxy in the testimony of Abu Bakra (RA) stands above as a pioneer of the idea that the leadership of the Muslim Ummah should be decided on the basis of gender – sex, but not on merit. By associating the leadership of women with that of misfortune, he took the Muslims to the pre-Islamic societies of Arabia where the birth of a girl was the occasion of mourning. Prominent scholars like Tabari have negated this vision of the male dominated Islamic society. But ironically, most of the political structures which had been formed after the departure of the Prophet (PBUH), shared and followed Abu Bakra's vision of Islam. Hence the seclusion of woman within the four walls of houses or harems has become the legitimate moral code of the Muslim societies.²⁵ But the questions that now emerge are: what political role does Islam suggest for Muslim women? And why in most Muslim states are women conspicuous by their absence from all fields of power and politics? For instance why in the 'modern' state of Kuwait till today women can not even cast votes?

elaboration and authenticity of the knowledge”) in order to qualify for the source of Hadith it was “not enough that just to have lived at the time of the prophet... the most important criteria were moral...” people can never transmit a Hadith “. ...Whom I saw lying in their relations with people, in their daily relationship that had nothing to do with religion.” For reference see: Al Barr Ibn Abd, *Al Intiqā fi al-thalath al-aimma al-fuqaha* (Beirut: Dar al Kutub al-Ilmiya, n.d), pp.10 and 16.

24. Ibn al Athir, *Usd al-Ghaba fi Tamyiz al-Sahaba* (Dar al Fikr li al Tibaa wa al-Tawzi, n.d), Vol.5, p.38.
25. The orthodox supported Islam consolidated the patriarchal rule of Abbasids. See, Nabia, *The Two Queens of Baghdad*, pp.23-30.

Mohammed Arafa is one of those who share the vision of orthodoxy which declares that Muslim woman should not play any role in public affairs. He justifies this declaration from 'his view' of the first Islamic society in which, according to his conviction, women had never been an active element in any political process. Muhammad Arafa in his book *The Rights of Women in Islam* propagates that neither the women has any rights nor she has any place in the political history of Islam. He states that "at the beginning of Islam, Muslim women played no role in public affairs, despite all the rights that Islam gave them. In the whole history of Islam there is no mention of the participation of women alongside men... in the state of affairs...political decision making or in strategic planning."²⁶

As suggested by Arafa, one can not research Islam, understand its relationship with gender and conceptualization of woman, without assessing the traits and mores of the first Islamic community. Taking this as a guiding principle, one contends the views and theories, (of Abu Bakra and Mohammed Arafa), which deny the role of a Muslim woman in public/political affairs. The First lady of Muslims, Hazrat Aishah (RA) had played a dynamic role in the post-Prophet (PBUH) political period of Islam. She played important roles in the eras of the first two Caliphs and contributed to the destabilization of the third, Hazrat Uthman (RA). As noted by Nabia "Aishah took an active and eventually public role in politics, ...when Uthman was murdered, she delivered, veiled, public address at the mosque in Mecca, proclaiming that his death would be avenged ...she proceeded to gather around her one of the two factions opposing the succession of Ali Ibn-e Talib (RA). It led to the split of Muslims into two groups "Shiite and Sunni Muslims."²⁷ She touched the great heights of her political career when she challenged the legitimacy of the fourth Caliph by taking the lead of a considerable number of men who raised arms under the leadership of the former and against the latter in the Battle of the Camel. Although she was defeated, she did manage to give a political blow to the fourth Caliph, Ali (RA), and contributed to his decline. If Islam closes the arena of politics for women or restricts it merely to men then, how could a woman as worthy as the first lady of Muslims lead a body of true believers against the sovereignty of the Head of the State? Hazrat Aisha's (RA) action was not an accident, as some people argue, but it was the result of the measure of political liberty a woman used to enjoy during and after the departure of the Prophet

26. Quoted in Fatima, *Women and Islam*, pp.67-73.

27. For reference see, Nabia Abbott, *Aishah, the Beloved of Muhammad* (London: Al Saqi, 1985), p.101.

(PBUH). The political tactics and the quality of diplomacy Hazrat Aishah (RA) had employed over a group of men was the direct result of the political training she had received during the military and political campaigns of her late husband.²⁸ Though she was militarily defeated, she did leave a solid example for Muslim women — that they could lead the Muslim community, if needed, even against a man as powerful and as influential as the fourth Caliph. This example opens, legitimizes and describes at length the role Muslim women can play in public and political spheres. It conveys the message that women are not passive but rather active players in the game of politics. The example of Hazrat Aishah (RA) is probably not an exception, but merely a part of the democratic process, which Islam claims to institutionalize, and which by its very nature defines itself as a system of socio-political justice.²⁹ The Prophet's (PBUH) era was marked by the recognizable presence of women in socio-political spheres. Women used to conduct political debates with him, and he, on many occasions, took the political or strategic advice from his wives.³⁰ The spirit of freedom, which the founder of Islam intended to institutionalize, appeared to be based on the equality of gender. This political liberty, although enabled Aishah (RA) to lead Muslims as a military and political leader, has failed to become a common practice among Muslim societies. Women in Muslim states do not enjoy the amount of political liberty, which they should deserve. When the modern state of Kuwait denies the right of vote to women, it is mainly because they are following the misogynous orthodoxy like Abu Bakra (RA) who used religion and sacred text as the weapons of political opportunity. When the fundamentalist elements of Pakistan restrict the right of leadership only and only to man, they are simply following the male dominated ideology of gender, which, was evolved and established during the patriarchal rule of the Abbasids. The Abbasids era is important because it was the age in which Islamic laws and traditions had found permanent foundation once and for all. This era was marked by the absence of female autonomy and the misrepresentation of Quranic and

28. Fatima, *Women and Islam*. pp.49-62.

29. During the civil war with Ali (AS), Ayesha (RA) who was inherited by natural skills successfully conducted the negotiation and diplomacy against the former. Through her, messengers, letters, objectives and plans she persuaded the men of Basra to provide her with arms, weapons and soldiers. Her shuttle diplomacy finally divided the male public opinion. The result was a bloody battle in which Ayesha (RA) led an army. For ref see, Asqalani, *Fath al Bari*, Vol.13, p.46.

30. Tabari, *History*, Vol.3, p.263.

ethical codes. The traditions of women's subservience, silence and seclusion were the trademarks of the political ideology of the Abbasids.³¹ The same traits and norms have become the permanent features of contemporary Muslim states. But against this strong and long tradition of misogyny we still find some remarkable women leading the affairs of Muslim states. Razia Sultana of the Slave dynasty,³² Chand Bibi of India, Haseena Wajid of Bangladesh, and Benazir Bhutto of Pakistan are some examples in this regard.

More over, the Holy Quran of Muslims does not forbid on a single occasion the participation of women in political activities as unlawful. The choices and options are still open for Muslims – whether they want to follow the Islam of Mohammed (PBUH), or they want to remain subjugated to the self-serving definition of Islam devised by orthodoxy like Abu Bakra and implemented by male chauvinists like the Abbasids. If the beloved wife of the Prophet (PBUH) and the 'Mother of all the true believers' could administrate the affairs as a political and military general, then why can't the others follow the same path?

Muslim Marriage a Social Contract or an Act of Submission? Marriage and Polygamy in the Context of Equality of Gender in Islam

The debate regarding Islam, gender and equality, which has been developed in the previous pages, has to be attested now on a much tougher ground – polygamy. The question here is that, is polygamy an act of moral and social injustice towards women?

God of believers says,

“If you fear that you can't treat orphans with fairness, then you may marry such women (widowed) as seem good to you; two, three, or four of them. But if you fear that you shall not be able to deal justly (with them), then only one” (4:3).³³

For the critics, the permission of polygamy, on the one hand disrupts the prestige and sanctity of women, and on the other hand, it contends the Islamic vision of gender equality. First of all, polygamy poses a serious and permanent threat to married women and crushes self-

31. Nabia, *Two Queens*, p.16.

32. Razia Sultana was one of the most influential head of the state Slave Dynasty in India.

33. Quran: 4:3.

respect once and for all.³⁴ In order to avert the tragedy of a second marriage, Muslim married women not only subjugate their free will and freedom to the exploitative demands of their husbands (in order to keep them happy), but they also stake their health. In the quest to get a firm grip on their husbands, wives try hard to give birth to as many children as possible, particularly sons. They risk their life and health, ‘which is often already weakened by too closely spaced pregnancies.’³⁵ But the critics don’t stop here, they object that by restricting polygamy only to men, Islam has widened the avenues and chances of adultery only for women, henceforth, renders women more vulnerable to the punishment of “stoning to death”.³⁶

This picture of Islam completely contradicts its universal declaration of human rights and it’s rhetoric of equality of gender. The essence of the above debate brings forth Islam as an ideology embodied with the traits and mores of misogyny and exploitation of one gender (women) at the hand of the other (man). But for the pro-Islamic or fundamentalists, the above arguments miss many critical dimensions, or rather points of wisdom, which reside with Islamic concept of polygamy.³⁷ They argue that Islamic polygamy is an ideal social practice, for three reasons. First of all, it was a solution to the social problem of disproportionality of ratio between men and women which was particularly faced by the Muslims after the defeat at the Battle of Uhd in 3 AH.³⁸ The Battle had caused (70) Muslim widows. The *Ayat* of polygamy granted permission to men to marry in order to protect them and their orphans from financial and social devastation. Secondly, they argue that polygamy is logical and applicable only when women outnumber men and not vice versa. Even today, they add, women outnumber men, as the death rate of the latter surpasses the former; therefore polygamy is a universally valid and ideal practice for all ages and societies. Last but not the least, they believe that since widows and divorcees have always been treated as second-class citizens, Islamic

34. Jiliette Mince, *The House of Obedience* (London: Zed Publishers, 1982), p.63.

35. *Ibid.*, pp.63-64.

36. Leila, Ch.3.

37. I define fundamentalist who rigidly stick to the traditional interpretation of the sacred texts, while showing no room for progressive and rational change in the Muslim societies in accordance with the changing circumstances.

38. AH – After Hijra (The migration of the Prophet Mohammed (PBUH) to Yathrib, now commonly known as Medina).

polygamy is the only effective way to restore the lost prestige of the former. By sanctioning legal status (through polygamy) to the 'rejected elements' of society, Islamic law intends to establish an egalitarian social system, where the spirit of social justice and equality between the sexes is institutionalized in every aspect of life.³⁹

One does not share entirely share the fundamentalist explanation of the Islamic position on the issue of polygamy. One argues that the practice of polygamy is neither an ideal practice in Islam nor a birth right of man. It is just a permission with specific conditions . Unlike Judaism, Christianity and other religions, Islam does not prohibit polygamy; on the contrary, Islam deals with this issue more elaborately. Islam sanctions restricted polygamy as a relatively better solution than divorce or extra-matrimonial affairs. Polygamy in Islam is therefore neither mandatory nor encouraged but merely permitted. The above thesis is driven from the strict criterion of "justice" which the God of Muslims has associated with the practice of polygamy. As He says "marry more than one *"only if you can administrate justice between or among them"*. But He also adds that *"man will never do perfect justice with wives even if it is their ardent desire"* (4:129). The necessity of justice clearly indicates that a man cannot marry women just for the sake of pleasure. A second or third or the fourth wife is not a secondary wife. All wives are equal and should be treated equally along with the first wife and in accordance with the demands of justice. For Islam, polygamy becomes logical if a wife is ill or barren.⁴⁰ Islam recognizes the sexual needs, therefore instead of encouraging extra-matrimonial affairs or divorcing the first wife, the former allows restricted polygamy to men. The first wife has full right either to divorce her husband or to accept his second marriage. One cannot deny that polygamy cannot be misused. But Islam's grant to such permission is under strict conditions (justice) and is a last resort, when all the other alternatives are closed. Therefore polygamy seems as an unfavourable option and is merely allowed as lesser of the two evils. In Islam, a legally married second or third wife is preferable than a mistress, with no legal or moral rights. To accommodate widows and orphans through polygamy can be one of the factors, but not the sole as the fundamentalists argue.

39. Wahiduddin Khan, *Woman in Islamic Shariaa* (Delhi: Islamic Center, 1998), pp.115-24.

40. Jamal A. Baydawi, *The Position of Women in Islam* (Birmingham: U.K.I.M Dawah Center, 1998), pp.18-25.

But the debate is not over yet. For the Western experts of Islam like Robertson Smith, Islamic marriage laws are partial and patriarchal in nature. By overriding the free will and independence of women in matrimonial affairs, he argues, Islamic laws reflect the “crushing limitations” on women.⁴¹ It is hard to deny that in most of the less civilized Muslim societies, the sanctity and freedom of women in marriage affairs are ignored or neglected. For example, in the feudal areas of Pakistan, male relatives, in order to save the inherited properties of their sisters or daughters, marry them to Quran.⁴² In this way, males remain in charge of wealth and property of the girl until she dies as the bride of the Quran. Now this leads to a legitimate question that to what extent Islamic laws can be blamed for the exploitation of women under the laws of polygamy. In order to find an answer, it is essential to look into the period when the foundation of Islamic ideology was stipulated.

The Islam of the Prophet (PBUH) sanctions the women legitimate right to accept or reject any marriage proposal, without facing any internal or external pressures. It is the right of a Muslim woman to choose her husband, and this freedom is not only restricted to the woman as a first wife, but also extended to all those who wish to become second, third or fourth wife. The unwillingness on the part of a woman to marry, or remarry (in any category, first, second or third) reduces the marriage as unlawful. The Prophet’s (PBUH) decision is quite clear in this regard, “*an unmarried girl should not be married until her permission has been taken*”.⁴³ On another occasion, the Prophet (PBUH) said to a newly married girl (who complained that her permission had not been taken prior to her marriage), that she could “*either remain within the bonds of wedlock or free herself from them*”.⁴⁴

Even in polygamy, a woman can’t be forced to become a second or third wife. Her free will should be upheld. The above point can be seen in the light of the critical case that emerged during the reign of the second righteous Caliph of Muslims – Hazrat Omar-Ibn-al-Khattab (RA). A widow Umm Ibn Utbah rejected the marriage proposal from

41. W. Robertson Smith, *Kinship and Marriage in Early Arabia* (Cambridge: Cambridge University Press 1885), pp.272-73.

42. Marriage between the daughters and the Quran is a common trait among the feudal “waderas” of the Pakistani province of Sindh. In this way the males keep the inherited properties of girls within their family.

43. *Sahih Bukhari*, “Bab La Yunkihu al-Ab wa Ghairuhu al Bikra wath-Thayyiba illa bi Ridaha”, p.34.

44. *Sunan Abu Dawud*, “Kitab an-Nikah”, 2/232.

Caliph Omar (RA) and chose Talha (RA) as partner, because the latter was a bachelor. History does not record any repression or revengeful reaction from the rejected Head of the State against this widow.⁴⁵ The reason is plain; in Islam a woman is free either to choose a married man or to approach a bachelor as a life partner. The above stated point also explains that in Islam, a woman is as powerful as Umm Ibn Utbah, who could refuse, or rather reject, a proposal of a person as powerful and as dominating as the Head of the State, without provoking any revenge or violence against herself. This margin of freedom, which the 'modern democracy' gave to the woman of the West a few decades ago, has been granted, embodied and preserved in Islamic laws for the last fourteen centuries.

The critics further argue that by all means the partial grant of polygamy (only to men) is against the principle of equality of gender. Why don't women practice polygamy? Let us suppose a woman, it has been argued, considers her man absolutely unable to fulfill her expectations and desires, what is the outlet for her if she can not have multiple husbands simultaneously?⁴⁶ It is argued by Dr. Jamal Baydawi that the nature of woman is psychologically different from that of man. She is "monogamous by her very nature". If she practices polygamy it can cause enormous difficulties in identifying the father of her children.⁴⁷ Apart from the above argument, it is worth noting that the partial right to practice polygamy (only by Muslim men) does not actually upset the balance of equality between the two genders in any society. The ability to draw this thesis is partly due to the study of Islamic law, which recognizes the remarriage of women, and partly due to the traditional examples of frequently practiced remarriages by the prominent and elite Muslim women of early and medieval Islamic societies. If a woman considers that her man has not fulfilled her duties and responsibilities which he owes to her, she has full rights to get or give a divorce to her husband and remarry if she desires so. Islamic law permits a woman to divorce her husband and remarry twice, thrice, four times, five times, or maybe more than that, without losing her social and moral purification. In the Hanafi School of Law, not only can woman settle the terms (right

45. Ibn Kathir, *Al-Biadyah Wa an Nihayah*, 7/153. Also see Leila Ahmed, *Women and Gender in Islam* (Yale: Yale University Press, 1992), pp.72-78, hereafter, to be referred as Leila, *Women and Gender*.

46. July, p.64.

47. Jamal, *Position of Women*, p.2.

to divorce men), but she can also bind the husband not to practice polygamy without her consent.⁴⁸

The evidence suggests that in the first Muslim society, Muslim women frequently remarried after divorce or widowhood and did so without any stigma.⁴⁹ The first wife of the Prophet (PBUH), Hazrat Khadija (RA) married three times prior to her marriage with the Prophet (PBUH), and she was still placed in the highest spiritual esteem – she is respected as the ‘Mother of the True Believers’. Similarly Atika bint Zaid (d.672), a woman blended with intelligence and beauty married four men in her lifetime. One of her husband was Hazrat Omar (RA), the second Caliph of the Muslims. Both examples show that neither any “stigma” was attached to marrying non-virgins, nor age or previous marriages disqualified women from making “socially prestigious matches”.⁵⁰

In the transitional and medieval periods of Islam, the continuous freedom of woman kept on enabling her to dictate marriage terms to man in order to preserve her freedom. For example, the great grand-daughter of the Prophet (PBUH), Hazrat Sukaina (RA) married four to six times, and with respect to one marriage – she forced her husband to get a divorce, and that with regard to another, she compelled her husband to agree – “to take no other wife, never to prevent her from acting as she pleased – and not to oppose her in any of her desires”.⁵¹ Even during the Abbasid Era (which is known for its anti-woman structure of power), we find examples of some bold women like Umm Musa. She married the founder of the Abbasid dynasty, Al-Abbas, before forcing him to agree that he would never take a second wife or concubine in her lifetime (Umm Musa was married twice before).⁵²

The examples of these women are not the ordinary references. They were the wives and kins of the Prophet (PBUH) and strong political leaders respectively. Some of them are the “Mother of true Believers”. Hence, these women could be treated as role models for the Muslim

48. Abdul Raheem, *The Principle of Muhaameden (P) Jurisprudence According to the Hanafi, Malaki, Shafi, Hambali Schools* (New Dehli: Kitaab Bhavan. 1994). Also See. M.A. Quraishi, *Muslim Law of Marriage, Divorce and Maintenance* (Delhi: Deep and Deep Publishers, 1995), pp.60-75.

49. Leila, p.75.

50. Leila, p.76.

51. Leila, p.77.

52. Nabia, *The Two Queens*, p.16.

societies of today and of the future. They inform us that the equality of gender and spirit of democracy that they acquired and enjoyed were due to the virtues of Islam. It clearly indicates the measure of power and freedom the woman of an ideal Islamic state can enjoy along with men, with regard to their marital affairs.

The above discussion shows that gender has never been (and should not be) the parameter to determine the strength of man over woman and vice versa. It is rather one's personal qualities (such as beauty and intelligence) and social status, which determine the nature of the relationship between the two sexes. If man qualifies the above criteria, he dominates the woman. Similarly, a woman can influence her man, if she possesses this criterion. The intelligence and socio-political status of Sukaina (RA) could compel an "all powerful man" to accept her freedom and marriage on her own terms. Similarly, the aristocratic status of Umm bint Zayd could command a man, a ruler, as powerful as the founder of the Abbasid dynasty, to be prevented from remarriages or the practice of polygamy. One can arguably appreciate Islam which has provided enough space to women so that they can enjoy freedom of thought and expression in every affair, particularly marital. The measure of liberty and freedom women of the early and an ideal Islamic state enjoyed over their men would have probably not been possible, had the spiritual quality of the Quran not extended to the social realms of a welfare state. The criterion of preference and superiority within an Islamic society does not appear to rely upon gender; it is rather based on merit i.e., *taqwa* or righteousness.

Islamic Dress Code Hijab: A Social Injustice?

The *Hijab* has three-dimensional meanings. The first one is visual i.e., to hide something from sight. The second is 'spatial' i.e., to make a border and finally ethical - it belongs to the 'realm of the forbidden'.⁵³ *Hijab* can further be described in two senses, both positive and negative. The former refers to the '*hijab al amir*' (prince) i.e., the most powerful man of the Muslim state 'has recourse to the veil to escape the gaze of his entourage'.⁵⁴ The negative use of *hijab* has found full expression in the Muslim mysticism. It is a 'negative phenomenon' a weakness, a disability. The "*mahjub*" (veiled) is a person who destroys his consciousness by preferring worldly joys over the divinity. Hence 'he'

53. See, Fatima, *Women and Islam*, p.93.

54. *Encyclopaedia of Islam*, 2nd edn, A complete chapter under the title "Hijab", pp.111-123.

has no respectable place.⁵⁵ It is quite unfortunate that the misogynist orthodoxy explains *hijab* for Muslim women under this ‘negative’ sense. The *hijab*, which primarily descended from heaven for the wives of the Prophet (PBUH), to protect them from the anarchic elements (*Munafiqun*).⁵⁶ of the 5th *Hijra in* Medina, and was used by the later political leaders and the orthodoxy as a warrant to curtail the political and social rights of women. The first *Ayat* was revealed for the wives of the Prophet (PBUH) “O ye who believe! And when ye ask of them (the wives of the Prophet) anything, ask it of them behind a curtain. (Hijab)...this is purer for your hearts and for their hearts.” The second *Ayat* states “O! Prophet tell thy wives and thy daughters and the women of true believers to draw their cloaks close around them (they shall lengthen their garments so that) they may be recognized (as pious women) and not annoyed (by the verbal and physical abuse) (33.59) Then in another *Ayat*, it is suggested that “tell the believing women.....to maintain their chastity, they shall not reveal any part of their bodies, except that which is necessary. They shall draw their veil on their bosoms and shall not reveal their finery except to their husbands, their fathers, their sons...” (24:31)

In the light of the above stated commands, we can define veil as a loose garment, which by hiding some sensitive parts of women’s body makes them sexually less provocative, and distinguishes them as pious women. The Islamic dress code or the Quranic veil does not ask the women to cover their face or hands or to wear burqa.. On the other hand, we find a Hadith that shows that the “face veil” is not included in the Islamic tradition. According to a Hadith, Hazrat Aishah (RA) says “the Muslim women used to attend the morning prayers led by the Prophet (PBUH) — When they (those women) returned home, it was so dark that they (their faces) could not be recognized.” The incident indicates that the faces of the women were not veiled. the phrase “because of the darkness, they could not be recognized” makes sense only if the faces, by which individuals are recognized, were uncovered.⁵⁷ For misogynist interpreters of the Quran “the veil that hides men from God”, is a punishment, which God has inflicted upon bad people (in this case women.). It is bad because it creates a wall or veil or *hijab* between the

55. Al-Hallaj, *Diwan*, trans. Massignon (Paris: Le Seuil, 1981), pp.56-62. Also see Fatima, *Women and Islam*, pp.56-59.

56. *Munafiqun* – Referred to as the Hypocrites in Medina.

57. For reference see Muhammad Nasiruddin al-Albani, ‘Hijab al-mar ah al-Muslimah fil Kitab was-Sunnah’, *Islam and the Modern Age*, Quarterly (Delhi: 1973), p.89.

non-believers and Allah.⁵⁸ Under this tradition and spirit of misogyny the veil has become an absolute and ultimate weapon to deprive Muslim women of their privilege and status, which the Quran has recommended them. They use the *hijab* to snatch all those rights from women, which, the Prophet (PBUH) of Islam declared and fought for, throughout his life. For the orthodoxy, the veiling of woman by the Quran means the following: First of all, she can no longer be free to go in to the streets freely and without the company of a male. Secondly, she is not supposed to see men. Thirdly, she has been forbidden to make any journey of more than three days, without the company of a man i.e., son, husband, or father. Fourthly, only free woman can perform the pilgrimage if she is being commanded and guided by a person with whom she cannot marry. Fifthly, woman can never be financially independent of man. Last but not least, by the virtue of the “holy hijab” the husbands have all the partial rights to beat or snub their wives.⁵⁹

The results of the above interpretation, after getting the official support of male political and military elite of Muslim states, were devastating. Then women could neither attend mosques nor perform any other religious duties independent of men. Secondly, since they have been declared financially and socially subservient to men, they can therefore neither engage in trade and businesses (like Hazrat Khadija (RA)), nor could they interpret sacred texts and participate in judicial affairs of an Islamic society (like Hazrat Aishah (RA) and Hazrat Umm Salma (RA)).⁶⁰ Since catching sight of a man is an unforgivable sin for a woman, it ‘logically’ becomes next to impossible for her to lead a male oriented Muslim community. The veil, which had descended from heaven to protect women from the hypocrites of Madina, turned out to be a weapon, against them, aiming to marginalize their socio-political

58. Fatima, p.97.

59. Ibn al Jawzi, *Kitab Ahkam al Nisa* (Beirut: al Makateb al Asriya, 1980) The book interprets *hijab* in the following way Chapter 26, “Advice Women Against Going Out”; Ch.31, “Evidence Proving that it is Better for a Woman Not to See Man”; Ch 67, Empowers and legitimizes the husband “to hit his wife”, etc.

60. How the misogynist interpretations of *hijab* sought the official support of the Muslim elite, and hence curtail the status of women see: Nabia, *The Two Queens of Baghdad*, (London, Al Saqi 1986), and see Ahmad Ibn Muhammad al-Khafaji, *Hashiyat al-Shihab ala Tafsir al Baydawi*. (Quetta: 1978), pp.223-56 Also see. Leila, *Women and Gender*, especially the Chapters, “Medieval Islam” and “Elaboration of the Founding Discourses.”, pp.115-19.

status. The purpose behind this custom of misogyny cannot be anything except the consolidation of man's empires at the cost of women.

In this section, one likes to assert that through the *Ayat* of the Veil, the Prophet (PBUH) and God, never meant to impose any restrictions, which the orthodox and the political empires of the Muslims have inflicted over Muslim women to extend their rule. Secondly, contrary to the liberals or Westerners, the veil is neither a platform of social exploitation nor is it a stumbling block to the progress of Muslim women. It is rather a different dress code of a distinct social ideological system of Islam. In order to support this argument, one would like to show the margin of liberty that women used to enjoy during the Prophet's (PBUH) era and hence should be enjoyed in an ideal Islamic state. The evidence I show contains some striking examples of Muslim ladies who dominated their respective societies and the veil never hindered their progress or intellect.

The relationship between the Prophet (PBUH) and gender advocates for the establishment of a liberal Muslim society, where the physical and mental distance between men and women shall not prevail. Islam, which had evolved in the loyal, moral and financially supportive company of a woman, Khadija (RA), never propagated the establishment of patriarchal rule. Its Prophet (PBUH) never made distinction between his private and public life.⁶¹ His treatment with his wives is a role model for any democratic social system. The Prophet (PBUH) never isolated his wives from political or military realms.⁶² On the other hand he (PBUH) encouraged his wives to participate in the process of discussion and decision making, and sometimes implanted their suggestions in strategic

61. Khadija (RA) was not only the first to accept the revolutionary ideology of the new religion, but she was also the first financial sponsor of Islam. Only after her (R) death the Prophet (PBUH) practice polygamy and married various women. For Ref See Tabari, Tarikh, Chapter: Prophets and Patriarchs. Translated by William M. Brinner (Albany: State University of New York, 1987), and Vol.2, pp.289-95.

62. The Prophet (PBUH) practice polygamy and married various women. The Prophet (PBUH) had treated his wives equally, but said to admire those wives who had possessed and expressed impressive level of intellect and knowledge. The close and effectuated relationship between the founder of Islam and his wives, Was not only restricted to the peace times. Even during his military expeditions his wives accompanied him (P). Tabari, History, p.45 and also see Ref see Fatima, pp.103-04.

affairs.⁶³ The Prophet's (PBUH) wives were his companions and equal partners in both the affairs related to peace as well as war. The freedom of speech which Islam suggests for both the genders particularly for women can be seen from the fact that on various occasions, not only did the Prophet (PBUH), but also the God of Muslims, pay exceptional attention to the grievances and concerns of women regarding their rights. Quiet often, the wives of Prophet (P) argued with him (PBUH) that "why are the men mentioned in the Quran and why are we not?" The Prophet (PBUH) and God listened to them and three things happened. First, the Ayat came to establish the spiritual equality between men and women in such words "believing men and believing women." Secondly the whole Surah was revealed bearing their name- Sura 4, An-Nisa ("Women") The Ayat contains exclusive social and financial rights for women. They broke the path with the traditional patriarchal structure of Arabia.⁶⁴ Third, Islam parts ways with the traditional patriarchy. The Quran says "unto the women a share of that which parents and near kins leave –a legal share." Prior to this Ayat, only men were entitled of inheritance. The women were the part of the inherited goods and often the son of the deceased man owed the women. Islam changed this once and for all. Thencefore not only the women were prohibited to be inherited like "camels" or objects, but also more significantly, they for the first time in the history of Arabia, were declared as legal shareholders from the inherited properties of their fathers.

Moreover, during this phase, women had full opportunity to lead religious affairs and acquire the Quranic knowledge along with men. A Hadith tells that during the Prophet's era, the ordinary women were so bold and concerned in the religious leadership that on one occasion "they complained to the Prophet that the men were outstripping them (in the knowledge of Quran) and requested that Muhammad (PBUH) set aside additional time to instruct them so that they could catch up. This

63. The Prophet's (P) peace treaty of Hudaibiyya with the Meccans had caused great resentment and anger among his close companions like Omar. They considered it as humiliating and even refused to listen to the Prophet's (P) order of "shaving their heads and put themselves in the state of penitence." The prophet was "distressed." On that occasion his wife Umm Salma advised him "do not worry at all, Apostle of God, but you yourself shave your head and carry out the sacrifice" the others would follow you. The prophet acted.

64. For Ref: Tabari, Commentary on the Quran (Oxford: Oxford University Press, 1986), Vol.8, pp.225-36. Also See Fatima, pp.119-21.

Muhammad (PBUH) did”.⁶⁵ The women of First Islamic State were conspicuous for the impressive presence in affairs ranging from religion to mosque and social to political. They were not “passive” but rather “active members” of society. It is this margin of socio-religious freedom, which enabled women like Hazrat Aishah (RA), Hazrat Umm Salma (RA) and Hazrat Hafza (RA) to interpret Hadith, formulate independent judgments on Islamic Laws⁶⁶ and conduct public affairs.⁶⁷ More over, the wives of Prophet (P) on the basis of their intellect exercised independent judgment on the sacred text Ayesha and Umm Salma often corrected and sometimes dismissed the narrated Hadith by the ‘male ‘ companions of the Prophet (PBUH). Their correction and rectification have always been recognized by the Muslim community as well as the Four Schools of Sunni Muslim thought.⁶⁸ Since Hadith is the second source of Islamic law, Islam is probably the only major living religion “which allows woman’s judgment” or incorporates their testimony alongside and on a “par with men’s.”⁶⁹ By saying this, one doesn’t suggest that the women of pre Islamic Arabia were passive community. On the other hand, prior to Islam, the women of Arabia had been a dominating and expressive gender (particularly in the sexual and matrimonial affairs.) the overwhelming degree of freedom of speech and social participation the Arabian women had enjoyed in both private and public life could be best observed in the bold and dominating personality of Hind bint Utbah, the wife of the worse enemy of Islam and the chief of the Maces. The curtail role she has played in the wars and strategies against Islam can be measured from the fact that after the Conquest of Mecca “her name was on the list of few Meccans condemned to death by the Prophet” By saying all this one doesn’t suggest that the women of pre Islamic Arabia were passive community. On the other hand prior to Islam the women of

65. For ref: Nabia Abbott, “Women and the State on the Eve of Islam,” American Journal of Semitic Languages (1941), p.58.

66. Ayesha (r) alone narrated 2,210 Hadiths. See Nabia Abbott, *Aishah The Beloved of the Mohammed* (London: Al Saqi, 1985), pp.97, 204.

67. Hafza (R) and Ayesha (R) the two daughters of the first two caliphs used to administrate the public affairs—“the matters related to disposing of public funds and property. For ref., see Nabia Abbott, *Aishah*, p.99.

68. For Ref See, Imam Zakashi, Collection of Aisha’s Correction to the Statements of the Companions, quoted in Fatima, pp.76-77. Also also Aisha’s “Testimonies on the way Muhammad (PBUH) prayed or the way he (PBUH) recited Quranic verse settled points regarding prayer and the correct reading of that verse. See Leila, *Women and Gender*, p.73.

69. Leila, *Women Gender*, p.73.

Arabia had been a dominating and expressive gender (particularly in the sexual and matrimonial affairs.) the overwhelming amount of freedom of speech and social participation the Arabian women had enjoyed in both private and public life could be best observed in the bold and dominating personality of Hind bint Utbah, the wife of the worse enemy of Islam and the chief of the Maces. The role she has played in the wars and strategies against Islam can be measured from the fact that after the Conquest of Mecca “her name was on the list of few Meccans condemned to death by the Prophet” However Islam not only consolidated that existing freedom but also extended it to the financial, spiritual, matrimonial and social realms.⁷⁰

The above picture, seems to clarify that Islam and its Prophet (PBUH) envisaged a liberal and free society that should never contain the elements of misogyny or patriarchy It confirms the (legal) testimony and participation of women in every department of life as equal to that of men.⁷¹ But the Prophet's (PBUH) intention to keep his personal and private life on equal footing, threatened the patriarchal rule of his (PBUH) opponents. In the freedom of his wives, the hypocrites of Medina could see the demise of their own authority over women. Further to this there is one important distinction between the cultures of the two cities. Contrary to Mecca, the society of Medina was matriarchal, where wives exercised influence over their husbands. The ‘dominating’ men, even the close companions who had emigrated from Mecca, refused to accept the freedom of women of Medina. They even criticized the kind and liberal treatment of Prophet (PBUH) with his wives and other women. The deep concern among the people of Mecca against the freedom of women can be viewed by the following discussion between the two Meccan companions “we men of Quraish dominate our women, but when we arrived in Medina, we saw that the Ansar (Men of Medina) let themselves be dominated by theirs (women)” and this is a matter of grief as “our women began to copy their habits” of freedom and equality.⁷²

70. For ref: Fatima, pp.116-17.

71. In most of the misogynist societies the testimony of women is half as compared to men. Pakistan is one of such states, which incorporates in law that women’s testimony in any judicial case is half to that of man. For Ref See Leila, *Women and Gender*, p.85.

72. See *Bukhari*, Vol.3, pp.88-89 also See Fatima, especially the Chapter, “The Prophet (PBUH) and Women”.

The policy of the Islamic state under its founder was to establish no barriers between women and community. But the same spirit of equality of gender was used by his opponents against him (PBUH). The hypocrites of Medina, by harassing the wives of the Prophet (PBUH) and other women in the streets, attempted to upset the Prophet (PBUH) in his political, spiritual and military plans. The opponents and the hypocrites also knew that the rising freedom and frequent movement of the wives of the Prophet (PBUH) would encourage all the women to establish their 'sovereign will' in all the issues. It meant the women could no longer be 'private sex object that could be kidnapped, exchanged, bought and sold'. In order to prevent this thing to happen, the hypocrites attacked the wives of the prophet to discourage the freedom of all the other women.⁷³ In the wake of their harassing activities, the problem of the security of women emerged and henceforth, it became impossible for the ordinary, as well as the elite women and the wives of the Prophet (PBUH) to walk freely and safely in the streets and bazaars.⁷⁴ The Prophet (PBUH) who had already been troubled with military defeats, said to be "defenseless" in the face of the methods employed by the hypocrites i.e., posing threats to the freedom and sanctity of his wives.⁷⁵ The *hijab* that came primarily for his wives was the answer of God to the social, political and military problems faced by the Prophet (PBUH) at the advent of the sixth hijra.⁷⁶ The commands of the veil merely asked the wives of the Prophet and the ordinary women to cover their heads and bosoms with cloths, in order to make themselves sexually less provocative and hence save themselves from physical and verbal violence from the hypocrites of Medina (and of an anarchic society).⁷⁷ Islam, by suggesting women to cover their

73. See Fatima, pp.185-87.

74. *Ibid*

75. The Prophet's (P) intentions to keep no barrier between his (P) private and personal life and his kind and liberal treatment of his wives were being exploited by his enemies. People like Umayyad Ibn al-Harith once entered the house of the Prophet (P) without his permission and suggested the prophet that in exchange of Ayesha the former would give one of his own beautiful wife. For ref., see, Tabari, *The Commentary On the Quran*, Vol.22, p.45.

76. The Medina of 5 hijra (when the Ayat of Veil was revealed) was preoccupied by the military and political problems of Islam. It was the time when the Muslims received the worse defeat at Uhud and had just survived a fatal blow from Abu Sufyan in the Battle of Trench. The above situation strengthened the position and power of the hypocrites in the streets of Madina. See, Tabari, *History* (Tarikh).

77. Quran: 24,31.

bosoms and hair changes the dress code of the pious women so that they could be distinguished from others and be respected by all.⁷⁸ There is not a single precedent on the part of Prophet (PBUH) or his close Companions to take the command of the veil as an opportunity to seclude women from social and political activities. Otherwise Hazrat Aishah (RA) would neither have been able to lead the men of her time, nor participate in the post-Uthman (RA) politics.⁷⁹

But quite interestingly enough, the liberal school led by Fatima Merneesi argues that the veil from heaven has destroyed the dream of the establishment of an egalitarian Islamic state.⁸⁰ By veiling woman, she adds, Islam has excluded ‘her’ from public affairs and hence reestablished a patriarchal society, where all the sexes can’t walk and participate in the day-to-day life business frequently and freely. The hijab is a fatal blow to the “principles of individual freedom and democracy”.⁸¹

This narrative contends her views as much as that of the misogynist orthodoxy. The orthodoxy as discussed earlier, manipulated the verses of the veil to justify the patriarchal society and imprison women in houses. Liberals like Fatima have adopted almost the same line, when they exclude veiled women from public affairs. The question arises how could a piece of cloth in the form of a veil (which is intended to save women from the anarchic elements of Medina or any other anarchic society) become an identity of oppression and inferiority of women? How can a veil prevent a woman from participating in any activity ranging from social to political, economic to educational? By saying that the veil has

78. According to the Fatima Ibrahim the Nobel peace prize winner and first female member of Sudanese Parliament, the concept of veil as physical and spiritual purity, commitment and virtue has been introduced by the Christianity; a part of nun’s dress and was then adopted as part of European Christian wedding ceremony. See her address under the title “Can We be Both Islamic and Feminist?” delivered at the international session organized by the Amnesty International and hosted by the London School of Economics, London. For ref see,

<http://www.wacc.org.uk/publications/mgm/04veiled-frets.htm>.

79. After the murder of Uthman (RA), the third righteous caliph of the Muslims, Hazrat Ayesha (RA) came in the mosque, delivered a “veiled” address, demanding the revenge of Uthmaan (RA) from the caliph Ali. (RA). The veil had not hindered her political activities. For Ref See Nabia, Ayesha: Beloved of Muhammad, p.54.

80. Fatima, *Women and Islam*, pp.180-88.

81. *Ibid*,

reduced the rights and status of women, the liberals are suggesting that a veiled woman can never freely walk on the streets, nor can she conduct public offices and hence can never participate in the world of men. How can the change of dress override the right of free will and restrict freedom of expression and thought? On the issue of veil, at least the liberals share the rigid mentality of misogynist orthodoxy. The only difference is that, the latter, is too 'narrow minded' to justify the seclusion of women on the basis of 'veil' whereas the former is so 'broad minded' that it fails to see the margin of freedom which Islam suggests for Muslim women and implemented by its Prophet (PBUH) in the First Muslim society. The liberals weaken 'her' position by arguing that a piece of cloth is far superior to 'her' natural skills and capabilities.

Quite contrary to both, there is a wealth of evidence suggesting that after the command of the veil, there are striking examples of Muslim women who were (and are) potentially capable to lead the Muslim community and hence they dominate their respective societies of 'men.' The political and military leadership of Hazrat Aishah (RA),⁸² the legal battle of Hazrat Fatima (RA) against the first righteous Caliph,⁸³ the premiership of Haseena Wajid of Bangladesh, the two times elected woman Prime Minister of Islamic Republic of Pakistan Benazir Bhutto,⁸⁴ are the examples of Muslim women leading the men of their times, expressing their free will, conducting the public affairs, fighting wars, challenging the legitimacy of the head of states – ironically not in the Western but rather in the Islamic dress code. In each case, there is not recorded evidence envisaging that the veil has abstracted the above

82. Ayesha started the war against Ali ® with the Deliverance of a "veiled" address in the mosque, demanding the revenge of Uthman. For ref see Tabari, *History* (Tarikh), Vol.1, p.78. And also see Leila, *Women and Gender*, pp.25-26.

83. The daughter of Prophet (P), Fatima (R) raised a legal case against the first Caliph. Regarding the official confiscation of her inherited property of Fiddak. She went to the court of Abu Bakar (RA) and boldly argued that the confiscation of her property is an unlawful decision of the state. Her legal battle and actions indicate that veil cannot hinder the path of bold and confident women. For ref see, *Sahih al Bukhari*, Vol 5, Ch. Fiddak, pp.123-124.

84. Haseena Wajid and Benazir both belong to the fundamentalist states. Both served their states as the elected prime ministers in the Islamic dress code-veil i.e., wearing of loose garments in order to hide the sensitive or sex provocative parts of body. The veil or Islamic dress code has never undermined their-leading credibility.

mentioned ladies from performing their duties as sensitive and delicate as political and military.

However, by saying this, it is absurd to suggest that Muslim women have not been secluded, exploited and imprisoned under the misogynist use of the holy veil. We need to distinguish between the codes of Islam and the practice of the Prophet (PBUH) from the self-seeking orthodox interpretation of Islam and its official implementation by the misogynist Muslim empires. On the issue of veil and women, the latter, find enough flexibility and opportunity to seclude women from the socio-political and intellectual stream. And this is an open debate that to what extent Islam or any other political, social and religious ideology be held responsible for the distortion of its laws and practices.

The Ideology of Gender: Transformation of the Concept and Meaning of Women and Gender in Islam.

The spread of Islam beyond the territories of Mecca and Medina is coincided with the sharp change in the status and rights of women. The conquest of Iraq particularly, reduced the status of women from an equal partner to that of subjects or slaves (concubines) of men. The Abbasid's society was based on the male dominated ideology of gender, which did not suggest any political or social role for the women. The Abbasids era was no doubt 'conspicuous for the absence of women' from every department of life.⁸⁵ It was traditionally misogynist and violent towards women. The Arab conquerors, instead of implementing the Islamic principle of the equality of the sexes in the new territories, accepted and continued with the theory and practice of the Abbasids ideology of gender.⁸⁶ The Muslim conquerors, merely occupied the territories, and along with that accepted and recognized the misogynist conceptualization of gender of the Abbasids establishment. Instead of destroying the biased and partial ideology of gender, the warriors of Islam brought Islam under the subservience of the former. Since then, the establishment of an egalitarian Islamic state based on the principles of equality of gender in any sphere of life has ceased to exist. The following discussion will prove the argument.

The Abbasids society, quite contrary to the Prophet's (PBUH) teachings, believed in the confinement of their women. Women could neither take part in the military nor in religion related matters. The

85. Nabia, *The Two Queens of Baghdad*, pp.8-9.

86. *Ibid.*, Also See, Michael G. Morony, *Iraq After the Muslim Conquest*. (Princeton: Princeton University Press, 1984), Ch:2, pp.67-89.

misogynous institutions like 'concubine' and 'harem' where the women confined and secluded by their men under the supervision of a eunuch were the part and parcel of that society. Even the "choicest women were imprisoned behind heavy curtains and locked doors".⁸⁷ The new ruling political and military elites of Arabs patronized and preferred 'concubinage' to marriage. The Islamic marriage was a social contract between the equals (in which men were bound to render certain moral, legal and financial responsibilities towards their wives), whereas in the institution of concubinage they were free to use women as slave objects or commodity towards which they had no moral and legal obligations. Then they were not their wives, but they simply "owned" them.⁸⁸ The law of equality of gender was declared absurd and irrelevant as men were the masters and women their slaves.

Even the text and literature of that period was marked by the domination of male oriented political ideology of gender, and played a vital role in the misrepresentation of the position of women in Islam. Contrary to the women of the first Islamic state, the women of that period could neither create any text nor interpreter the Islamic laws.⁸⁹ The politics of gender of Abbasids prevailed in textual documents. It shaped the ideology of gender in society. Only men were the creators and in charge of text, which affected the legal codes and socio-political structures of power, governing the sexes. It also shaped the mood of Muslim societies toward gender and women. This ideology of gender or the status right and meaning of women reproduced in those texts was the standpoint from which the Muslims of that and later ages judged and dealt with the notion of women and gender.⁹⁰ This male-dominated text superseded the sacred text of Islam and thenceforth became the trend amongst the Muslim communities, viz à viz women. The text of the Abbasids era clearly degrades women by calling them 'objects' and slave objects purchasable for sexual use.⁹¹ Associating women with that of slave objects means that they are passive with no potential to conduct any creative activity. This idea of gender strongly affects the huge

87. Nabia, *The Two Queens*, pp.8-9.

88. *Ibid.*, p.67.

89. Elizabeth Fox, *Feminism Without Illusions: A Critique of Individualism* (University of North Carolina Press, 1991), p.191.

90. Leila, part 2, Ch.5, p.56.

91. H.F Amedroz, Eds. Trans, *The Eclipse of the Abbasid Caliphate: Original Chronicles of the Fourth Islamic Century* (Oxford: Basil Blackwell, 1979), p.105.

population of converts in the Middle East. The new subjects and converts from Christianity and Judaism of the Muslim conquered territories understood and interpreted Islam according to these ideologies and texts.

The above insights of the patriarchal society of Abbasids explain that how the spirit of Islam, and its grants of sanctity and equality of human rights to women have been transformed or rather subjugated to the whims and interests of the male elite. The traditions of treating women as inferior as slaves or objects have been developed amongst Muslim societies. This is the psychological as well as a social impact, which has abandoned the political, social and legal status of early Muslim women. It has converted them into a passive commodity or an object that has no rights to interfere in the military expeditions or political affairs of an Islamic state. They can neither interpret nor make any judgment on the religious or the family affairs. Their duties have been changed once and for all. They have been asked to prove their skills as good mothers, but not as skilled administrators. They have been forced to become good wives, surrendering their freedom of speech and thought. Their husbands, just like the orthodox rulers have become next to God for their wives, and disobedience to them means offending God and the invitation of His wrath. The daughter became again a symbol of shame of the pre-Islamic era when a female baby was the symbol of misfortune and therefore buried alive by the parents. In view of the horror and devastating future of the married women of medieval Islam, the fathers conceive “grave” as the best bridegroom for them.⁹²

However, even in that phase, some women/wives of elites had exercised influence over their husbands, but it did little to grant them their freedom, which they deserved to have by virtue of the Quran and Hadith. The harem rivalries among the wives to acquire more and more attention of their husbands not only curtailed their power but had also destroyed their wisdom, intellect, and creativity.⁹³

The Abbasids have left a deep impact on other Muslim societies because it was during their age that for the first time, the commands and

92. Abu Bakar al-Khuwarizimi, *Rasail* (Bombay: 1885), p.189.

93. Instead of participating in the social or national affairs the women of Abbasids era wasted much of their time in trying to restore their fractured personality in front of their masters. The transitional and the medieval phases of Islam makes sharp contrast with that of the codes and practice of the first Islamic society particularly in the realm of the concept and definition women and gender in Islam. For ref, see Nabia, *Two Queens of Baghdad*, pp.130-31, 140.

practices of the Quran and Hadith were modified, reinterpreted, refined and shaped in the form of the permanent and authentic law for the majority of Muslims. The authoritative structure of Sunni Muslim thought and practice took strong form in the views and laws of the four distinct Sunni schools; Hanfi, Maliki, Shafi, Hanbali. The laws they derived from the Quran and Hadith have since then been considered as authentic and a commanding body of Islamic doctrine. Since then an Islamic state was bound to understand the Islamic traditions, codes of law, particularly the rights related to women.

Through the platform of these four schools of Islamic theology, “the body of law and legal thought embodied in the writings of these schools was recognized as absolutely authoritative”.⁹⁴ This authority had no bounds, as it could make consensus on any Islamic teaching according to which, “the unanimous agreement of qualified jurists – had binding and absolute authority”. It is treated as ‘infallible’.⁹⁵ The interesting thing is that these Four Schools of thought that have furnished and elaborated the Islamic laws do not contain a single female intellectual. By its very nature, it is a male-dominated structure in which the power between the genders could be manipulated or misrepresented. Although these Four Schools of Sunni laws differed with one another in various respects, they stand united in their patriarchal approach to society. They had the authority to give interpretation to the notion of justice and the proper relationship that should exist between men and women completely independent of historical or sociological mores and norms of Islam.⁹⁶ They developed a definite and infallible version of Islam under the influence of their age. i.e., the age this was conspicuous for the absence of women in each and every affair of the community. The egalitarian message of Islam (which empowers woman so much so that she can challenge the legitimacy of the Head of the State, conflict with the religious and political leadership as prestigious as that of the Prophet (PBUH) and exercise her will in any matter from military to family, is being ignored or neglected by them under the political influence of the ruling class. In order to facilitate male officials, these jurists declared that marriage bond could be nullified quickly, as extra-judiciary measure, by a man. Similarly, except Hanifis, the other three schools declared that polygamy was an “essence of marriage”, a birth right of man, and could

94. Noel j. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), pp.10-17.

95. *Ibid.*, pp.30-39.

96. *Ibid.*, p.34.

be practiced without the consent of the first wife. Moreover, by their interpretation of Islam, no legal contract holds any power to prevent a man from the practice of polygamy. This is a significant retreat from Islamic laws.⁹⁷ But it has been accepted because it has been supported by the dominant and political leadership of that age. Because the defection or challenge to its legitimacy is considered an act of heresy, this Islamic jurisprudence and its interpretation of Islam has become permanent and unalterable law for the Muslim states.

But the distortion of Islamic text at the hands of orthodoxy and Abbasids ideology of gender did not convince all the groups of Muslims. In the context of women, the Sufi and Karamti movements negated the elite politics of misogyny. Their conceptualization and understanding of the meaning of gender and women in Islam was less misogynous than the rest. Sufism rejected the norms of dominant society and opened the doors of progress for women especially in theological affairs. Sufism, like the true message of Islam, liberates women from the financial dependence of men. In their thoughts, unlike the secluded women of the Abbasids, they are independent enough to remain free from any male authority, and exercise free will while choosing a husband.⁹⁸ The measure of freedom women enjoy under Sufism opens the ways for others to protest against the orthodox version of Islam. Similarly the Karamti views and writings aim to establish a balance of relation between men and women. For the sake of their liberal views, they even encountered the Abbasid rule militarily and succeeded in establishing a liberal republic of Islam for a short period of time.⁹⁹ Their society was based only on merit. In their conception of Islam, the institution of concubinage is illegal, women are free from the veil, monogamy is the rule for both men and women, and men and women should be utilized and treated equal for the employment purposes.¹⁰⁰ The Sufis and Karamtis tried to interpret the Quran in a liberal manner by touching its ethical and spiritual aspects. Their opposition to the patriarchal society and the dominant ideology of gender of the Abbasids age shows that even in the age of bias, hatred and segregation of sexes, there were certain voices which could understand and practice the egalitarian message of Islam. They could deal with women on the principle of liberty and equality. But it is rather unfortunate for the women of Islam that this latter voice of liberals

97. *Ibid.*, p.97. Also see Abd ul Raheem, *Principles of Mohammedan (P) Jurisprudence*, (Delhi: 1994), p.89.

98. *Leila*, chi 5.

99. *Encyclopaedia of Religion and Ethics* (New York: 1961), p.76.

100. *Ibid.*, Also See *Leila*, Ch.5, p.56.

remained subdued, whereas, the former, that is the misogynous politics of orthodoxy dominates the Muslim societies till today

Conclusion

In the previous pages I have tried to locate the relationship between feminism and Islam, in the context of equality of gender. I have shown that how far from being the oppressor of women, as its critics claim the Islam of God and its Prophet (PBUH), upholds the equality of all true believers. We have seen through the pages of the Quran, Hadith, and history, the treatment of Islam and its Prophet (PBUH) in providing an equal space to both the genders for the establishment of an egalitarian socio-political system-a society in which the segregation of sexes should not prevail, and where the spirit of social justice should manifest itself in every aspect of life. We have learned as to how the women of the First Islamic community exercised their freedom of expression, participated in political and social streams, and contributed to the wealth of Islamic laws and jurisprudence. Later the exploitation and seclusion of women from every creative activity indicates a definite departure from the true spirit of Islam. When the sensitive task of interpretation and formulation of ethical teachings of Islam came in the hands of the male orthodoxy, it fell into the hands of ruling Muslim autocrats. Arab conquest of Iraq was significant in this regard. Then the fusion between the two i.e. the Islam of Muhammad (PBUH) and the self styled Islam of Abbasid's Iraq took place. The blending of the two different socio-political structures could be seen in all spheres of life – psychological, political, social, economical, and most prominently in matters related to gender. This fusion or blend, I argue, changed the meaning and definition of gender and women in Islam amongst the Muslim minds as well as their societies enormously. The former- Islam (as we have noted in the previous pages) treats women as an equal partner of men whereas the latter did not suggest any political or social role for the women. Instead of eradicating the biased and partial ideology of gender, the warriors of Islam have encouraged male chauvinism and brought Islam under subservience of the former. Consequently, the establishment of an egalitarian Islamic state based on the principles of equality of gender in any sphere of life has remained a dream. Seclusion instead of participation, imprisonment instead of freedom, subordination instead of equality, and prejudice instead of justice, has become the foundation of Muslim societies .It has changed the relationship between men and women by shifting the balance of power partially against latter in the favour of former among the Muslim communities once and for all. The effects are long lasting,

and have affected many generations of Muslims. It has established the supremacy of males over the rest.

Given this I still believe that eventually Muslims will realize to modify their views and lives with respect to women in a more progressive manner. Sooner or later they will adhere to the Islamic message, which respects this “gender” in every social relation. As a mother she is being placed above all other human relations,¹⁰¹ as a daughter she guarantees paradise to parents¹⁰² and as a wife she is being protected and an equal partner to her husband. Here is a reconciliation of feminism with Prophet’s (PBUH) views and Islamic laws, for all who are concerned with the past and the future of Islamic world.

101 The Prophet (PBUH) said, “Paradise lay at the feet of mother”, see *Sahih al-Bukhari*, Vol.2, p.45.

102. The Prophet (PBUH) told that all those parents would unconditionally enter the paradise who bring up their daughters properly, with deep affection, kindness, love and care. For ref. see *Bukhari*, Vol.3, p.65.