

WOMEN IN ISLAM

A DISCOURSE IN RIGHTS AND OBLIGATIONS

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WOMEN *in* ISLAM

A DISCOURSE IN RIGHTS AND OBLIGATIONS

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PREFACE

All praise is due to Allah who has bestowed His bounties upon women and liberated them from the slavery of pre-Islamic paganism. Allah the Exalted has honoured women by granting them the true faith of Islam. He confirmed their dignity, humanity and partnership with men.

The Almighty says: "O mankind! Be dutiful to Your Lord, who created you from a single person (Adam), and from him he created his wife (Eve), and from them He created many men and women"

Prayers and peace be upon Muhammad, the best of mankind who also asserted their dignity by saying that "women are partners of men". He (s) valued them and established their position in society, thus demolishing, the ignorance of pre-Islamic tribalism and tradition. Prayers and peace be upon him, his family and his companions.

The subject of this book, the status of women in Islam, was chosen for several reasons.

First, it was my desire to choose a subject relating to the Qur'an

and the Sunnah of the Prophet Muhammad (s) in order to seek Allah's pleasure and to explicate for the benefit of common people the code of regulations inspired from the Qur'an and the Sunnah. The Messenger (S) of Allah said:

"O people, I have left amongst you that which if you cling on to, you will never go astray: the Book of Allah and my Sunnah."

Secondly, it is a subject which needs to be addressed urgently as women represent half of society and share with men the burden of building this society. They share jobs, responsibilities and constitute half of humanity.

This is subject of the hour and Muslim women have become the focus of many controversial intellectual movements whose aim is to make them doubt the values and principles they hold and to question their rights and obligations. Misinformed and confused, many Muslim women are then unable to distinguish between truth and falsehood and between the worthless and the precious. They have consequently deviated from the straight path of God.

I therefore felt it my duty to write about this controversial subject in order to elucidate as much as I can the rights and obligations of Muslim women in Islam. By doing so I hope to place at their disposal, a reference which can be used as a guide to dissipate any confusion, answer their questions and help erase any remaining doubts.

I want to reassure women, using Qur'anic references and clear argumentation that Islam is the only religion that truly cares about their well-being, dignifies their character and honours them. No celestial religion or positive secular legislation has elevated women to the status provided by Islam.

I want to provide women with a reference that illustrates all their rights as well as obligations since the inseparability of both is logical and also clear in Islamic jurisprudence and in no way can we disassociate one from the other.

I have also noticed that women often advocate their rights

and forget about their obligations. Hence, in addition to informing them of their rights granted by Allah, I wanted to remind them of their obligations and responsibilities.

In the Muslim world today we often see Muslims either turning away from their religion or practising a deviant form of the great Islamic teachings and its divine principles. I therefore intend to present Islam as ordained by Allah: a way of life and a code of conduct to follow and to act upon in all situations. This is also to inform women, as well as men, of their rights and obligations respectively so that the contrived antipathy between the two sexes will disappear and will hopefully be replaced by mercy and love bestowed by Allah the Almighty, the most Merciful, the most Loving.

I have not yet come across a book which outlines all the rights and obligations of Muslim women. Most of the books on this subject focus on their rights as a riposte to the continuous tirades levelled against them. Others briefly deal with her duties without adequate detail or explanation, leaving the investigator's thirst for knowledge unquenched.

This book is divided into three main parts, which is further subdivided into chapters.

PART ONE: presents the historical backdrop of the status of women in Pre-Islamic times,

CHAPTER 1: portrays women in ancient civilizations. It was necessary to start from here in order to form a comprehensive image of women at that time and the degradation they suffered. However the main reason was to bring to light the sublime and noble Islamic tenets, since good things can best be identified by their opposites.

CHAPTER 11: focuses on the two major religions that preceded Islam, Judaism and Christianity, denoting some of their practices, regarding women, during that period.

CHAPTER III: describes women in Pre-Islamic paganism. This is anecessary prelude to Part Two and Three in order to adequately delineate the status of women prior to the advent of

Islam.

PART TWO: This section is devoted to women's rights in Islam. It is divided into four chapters:

CHAPTER IV: deals with women's social rights including: their right to life, upbringing, education, their right to seek employment, their freedom to choose their spouse, and finally, their right to social security.

CHAPTER V: addresses the religious rights of women including their rights to religious worship, their eligibility to observe both obligatory and optional acts of worship and their equality with men in terms of religious responsibilities, rewards, restrictions and retribution.

CHAPTER VI: looks at women's political rights including: freedom of speech, freedom to express one's opinion, the pledge of allegiance, the right to participate in Jihad and to give sanctuary. It also deals with women's positions of authority, both minor and major.

CHAPTER VII: addresses women's financial and economic rights. This includes their right to ownership, alimony, inheritance, and endowment.

PART THREE: This section discusses the obligations of Muslim women and is divided into three chapters.

CHAPTER VIII: focuses on the obligations of the young girl. This includes her obligations towards her Creator, parents, relatives and society, as well as the duty towards herself.

CHAPTER IX: addresses the obligations related to the role of a wife. It illustrates the objectives of marriage and the basis upon which the family structure is built in Islam.

CHAPTER X: focuses on the obligations associated with the role of motherhood. Her responsibility to all aspects of their development:

physical, intellectual and spiritual are discussed.

CONCLUSION: In the last part of the book, the conclusion, I have summarised the results of my study. I have attempted to assume an impartial approach, always backing my opinions with references from the Noble Qur'an and books of Hadith.

Please note the following facts:

1. I restricted my quotations from The Qur'an and the authenticated traditions (Hadith) of the Prophet (S) to either one or two. This was sufficient evidence for my purpose. Other evidences can be deduced by inference.
2. I avoided debate over highly controversial Fiqh issues since this would have led me away from the aim of my research.
3. In some situations, my emotions and feelings towards Islam led me to indulge in Arabic rhetoric in order to bring out the beauty of its teachings. Were it not for the danger of falling into subjectivity, I would have elaborated further.
4. Due to my extensive travels, I had to use different editions of the same book and have therefore specified in the footnotes and the general bibliography, the specific edition used in each instance.
5. Given the large number of books written on this subject, I had to assume a scientific approach in order to arrange, co-ordinate, and examine the data and to finally draw my conclusions. I hope I have been successful in doing so.

Finally, my principal wish has been to contribute, by this humble work, to the field of Islamic Studies. I hope that it will achieve the purpose for which it has been written. If I am successful, then it is from the

bounty of God bestowed upon me and His invaluable help, all praise is

due to Him; if I have erred, I sincerely ask Him to reward me for my diligent effort. I conclude this Preface with the following supplication:

O Allah, enable me and all the daughters of Hawwa (Eve) to thank You and praise You the way You deserve to be praised for all the bounties You have conferred on us and for all the deeds we are rewarded for.*

O Allah I praise You, praise that is plentiful, purely good and blessed, praise that is befitting of your Majesty, Glory and Sovereignty. I praise You for You have taught me that about which I was ignorant.

O Allah benefit me with the knowledge You have given me and teach me what is beneficial to me and increase my knowledge and do not allow my heart to be diverted after you have guided me to the correct path and reward me for my efforts, You are verily the all Hearer, the all Knower.

PART ONE

Women Prior to Islam

CHAPTER ONE

Women in Ancient Civilisations

In ancient civilizations and throughout the centuries, the status of women has varied considerably. Although women were occasionally given a modicum of respect, they were usually oppressed and abused. Very often, rules and legislation concerning women were shockingly unjust. They were deprived of their civil rights as well as their natural human rights. People doubted their humanity, isolated them and burdened them in the name of customs and traditions. Women were often denied the right to a social life and the right to express their opinions. They were no better than slaves, cheap to buy and easy to sell. This situation remained during their entire lives, as young women, wives and mothers. They were escorted from one prison to another, submitting to the authority of the father, the husband or the male guardian who was in control of all aspects of their lives. They were not allowed to make decisions, nor did they have any financial or civil rights.

History does record a few cases in which women occupied positions of power, such as in Egyptian civilization. But these cases are few and do not reflect the general condition of women at that time or since. As to the feminine names of certain gods and angels, this was pure coincidence which does not indicate that women were highly respected or dignified. Even if this were the case, they should be considered as rare exceptions which do not affect the general rule. For further clarification of the plight of women prior to Islam, this

chapter consists of a general overview of women's status in various ancient civilizations. To truly appreciate the impact of the advent of Islam on women, we must first have some understanding of their status in ancient civilizations. Therefore this brief historic look at the status of women is a necessary prelude to the remainder of the text.

It is important to emphasize that the purpose of this chapter is merely to create a mental image, for the reader, of the predicament of women at that time. The reader is encouraged to refer to the bibliography and list of footnotes if further, indepth study of these civilizations is desired.

WOMEN IN CHINESE CIVILISATION

The status of women in Chinese civilization was ever changing. Before the arrival of Confucius, mothers were treated with a considerable amount of respect. Chinese people respected the family as such, and being the pivot of the family, the mother was highly respected¹. Unfortunately, this only lasted for a short time.

Historians suggest that the beginning of the feudal system is responsible for the downfall of women in Chinese civilization. Among these historians is the author of *Kitaab al-Hadaarah* (The book of civilization) who said, "Perhaps the beginning of the feudal system was responsible for their dishonour and degradation in terms of political and economic rights. The authoritarian father was the pivot of the family and male children, their wives and their children lived under the authority of the father. Though the land was owned by all the members of the family, the father had absolute sovereignty over the rest of the family as well as over the land. Under the reign of Confucius, the father had tyrannical and absolute power regarding all matters of his family. He even had the right to sell his wife and children into slavery"².

The Chinese treated women with little consideration and respect. Women were seen as evil omens and lived in ignominy and shame. "Men prayed and asked god to grant them boys. The utmost shame for a woman was not to have male children since boys worked harder

in the fields and were more reliable in the battleground. Girls on the other hand, were regarded as a burden on the family since the parents had to provide for them as children and pay for their marriage when they grew up. Female infanticide was widely prevalent amongst Chinese people and was practised whenever the number of girls exceeded the need and means of their family. Female infants were abandoned in the fields and left to die of cold or to be devoured by the beasts. This practice was viewed as normal and acceptable, and was rarely associated with even the slightest feelings of guilt."³

Throughout her life, a woman submitted to a male authority figure: that of her father, her husband, her brother in the absence of her father or her son in the absence of her husband⁴.

"She submitted to the will of man and obeyed him during her entire life. She was deprived of financial and social rights. She was considered unable to manage her own affairs and her guardian made all the decisions for her. She had no right to education or intellectual development. She stayed at home and learned to be at the service of the family. She learnt many skills which are required from a devoted servant. She had to cut her hair at fifteen and to get married at twenty. The husband was usually chosen by the father with the help of a broker. Moreover, women lived in separate rooms of the house and rarely mixed with men since social life was restricted to men unless the women involved were from a class which allowed such mixing, for instance, singers and entertainers."⁵

After marriage, the wife would move in with her husband's parents. She bore her husband's name and it was her duty to strive in assisting her in-laws, as she did before for her parents. She was called *Fu Cong* which means "submission", indicating her obedience and submission to the will of her husband. The husband thought of his wife only as the mother of his children and assessed her not according to her beauty or intellect but according to her fertility, perseverance in assisting him and his family and her obedience. He would be served food and would rarely invite his wife or his children to join him at mealtimes. They rarely ate at the same table. When the husband died, his wife could never re-marry. She was asked to pay tribute to her dead husband by sacrificing and burning herself⁶.

The literary works of a nation have always been a good source of identifying its social life, traditions and customs at a given time. One can readily discern the degrading and miserable situation of women in Chinese civilization through Chinese literary works, including poems and essays. The author of "The Book of Civilization" quoted the following from Mrs Ban Hoban's famous letter describing the women of her society, "We occupy the lowest class of human race, we are the weakest of mankind, and we have to engage in the most degrading of jobs". These modest yet submissive words were written by a woman from the highest social class of her society, leaving us wondering about the situation of women in the lower social classes. She continues, "How just and fair the book of law is in dealing with women's issues, since it decrees that if a woman loves her husband, she should spend the remaining of her days with him and if she does not love him she should still spend her entire life with him." This is a pertinent description of the humiliation, weakness and total subjugation of women in Chinese society.

Will Durant comments, "This was the opinion of an aristocratic woman, I dare not imagine the condition of women from a lower social class". Fushwan, the Chinese poet, sings these words in an attempt to describe the women in his society:

*How miserable a woman is,
 In this world she is the cheapest of all things,
 The boys stand on the doorsteps...
 Thinking they were gods from the skies...
 And defying the four seas...
 And the winds, and the sand and the horizon...
 The girls are nothing but sadness...
 To their families, they bring nothing but emptiness...
 When they grow older, they hide in their rooms...
 Fearing to look up to a human face...
 Leaving nobody weeping
 If they disappeared,
 In an instant like the clouds after the rain...
 And they lower their heads and beautify themselves...*

*And they bite their lips and they bow and they bow
And often miss the crowd.*

This was the condition of Chinese women. It can be summarised as following:

She was a despised, deprived of education, of all her rights and freedoms, kept in submission to her menfolk and in service to her family. She only possessed what men granted her and did what one was told to do. She remained silent, abused and lost.

WOMEN IN INDIAN CIVILISATION

Indians denied the humanity of women. They did not acknowledge their social importance and granted neither rights nor obligations for them. "Veda" is one of the ancient texts that deals with women's condition in Indian civilization. It is also the sacred book containing the principles of the Brahmin religion. In the book entitled: "Legislations of Brahmin religion" we find the following:

"The Brahmin religion distinguishes between men and women in terms of humanity and in terms of rights. It denies women their civil rights and submits them to the authority of men throughout their lives as it is under the provisions No 147 & 148 of the law of "Mane". It declares that a woman, throughout the different phases of her life, can make no decisions whatsoever concerning her life, even if this decision relates to the affairs of her own house. Provision No 147 states; As a young girl, she should obey her father and as a wife, her husband. If her husband dies she obeys her guardian; if he dies, the guardianship will be transferred to her uncles. If she had no uncles, the guardianship should be transferred to the ruler. According to Provisions No 148, she as no right to independence nor the freedom to act according to her desires."⁷

Thus women submitted to the supremacy of men throughout their

lives. They obeyed them and fulfilled their duties. Yet, this submission was beyond obedience since they were treated no better than a piece of merchandise to sell, buy or keep and as a servant to hold captive for life.

"The Indian woman used to be the property of her father who could dispose of her as he wished. After her marriage, she became the bondservant of her husband. If her husband died, she became the property of his relatives." As Louis Frank said, the law of Mane stipulates that, "An Indian woman has no right to make any decision even in matters concerning the management of her household. She needs prior consent from her father or brother. The young woman should attend to her father with respect and perseverance. She should acquire good character and should be able to manage the house with expertness and agility and to keep it well furnished without being uneconomical."⁸

When she moved to her martial home, she had to dedicate herself completely to attending to her husband with utmost loyalty and without complaints. In other words her bondage of slavery continued with her marriage. Mane stipulates that, "A devoted wife should attend to her Master (husband) as if he was a god, she should not engage in any matter that may hurt his feelings. Even if her husband is deprived of qualities and good character, she should address him saying: My lord, My God, Oh master!...And if they walk in public, she should follow him keeping a distance between them." He very rarely addressed her with a word. The husband expected his wife's devotion in all matters: preparing his food, eating the remains of his meals with her children, falling between his legs in bed Even then, woe to her if she disobeyed him. If she did, they believed that her soul would be re-incarnated as a jackal in the next life."⁹

The woman had no right to dispose of her money and property and everything was under the control of her husband. This was her condition during the life time of her husband, but when he died her situation went from bad to worse. She was doomed to be burnt alive with her husband's corpse or else she was ostracised from society. "From their sacred books, we learn that a widow had to throw herself

into the fire prepared to cremate her husband. The corpse would be placed on the firewood and the wife would walk to it with a veil on her face. The Brahman would then approach and pull away her veil and take off her ornaments. She would also take off her jewellery and distribute it to her family and relatives and then unplait her hair. The senior brahman would take her right hand and walk with her three times around the funeral pyre. Then, she would kneel down, lift her husband's feet and put them on her forehead as a sign of respect and eternal devotion; she would then stand up, turn around and sit by his head, laying her right hand on his body. The brahmins would then start the fire and burn her alive with her husband's corpse. They claimed that by doing so, the wife was granted a happy and long life of 35 million years (the number of hairs in a human body) in the heavens with her husband. By doing so, she also purified her parents, maternal and paternal relatives and her husband's family. She would also redeem her husband of his sins even if he had killed a close friend or a brahman during his life time. She would then be considered to be the purest of her kind and the most noble and honourable with the best reputation. Unfortunately this ritual was widespread and continues to this day.¹⁰

Commenting on this barbaric tradition, G. Lepont says: "The reason being that the Indian women considered their husbands to be the representatives of the gods on earth".¹¹ Therefore, the woman who was not sacrificed in this horrid way, was forever rejected from society and considered to be on the level of animals. Lepont says: "The unmarried women and especially the widows were despised and rejected by Hindu society and were classified as animals. Many women lost their husbands at a very young age and were doomed to an eternal suffering and humiliation. They were considered to be an evil portent for those they met. They were dismissed as impure creatures that contaminated anything they touched. The only decent solution for a widow was to throw herself in the fire or else she suffered a more gruesome punishment"¹².

The author 'Umar Kahaaleh says, "The widow was forever ostracised and rejected by her people. For them she was a repugnant and horrid creature. She was so insignificant that she only ate one

meal a day, wore the same outfit, slept on the floor and was burdened with different chores. She shaved her hair to emphasise the fact that she was a widow."¹³ A more grisly fact is that widows were usually very young and spent their whole lives in such a miserable situation. "A more reprehensible fact is their habit of marrying girls of 6 & 7 years old."¹⁴

Explaining the origin of this tradition and the belief behind it, W. Durant says, "This ritual of burning the wife alive with her husband's corpse arrived in India from abroad." Regarding this matter Herodotus says, "It was widespread amongst the Scots and the Turks. Women used to compete between themselves to win the honour of being killed on the grave of their husbands. This ritual might have been transmitted to Hinduism from a very old tradition which was prevalent amongst primitive peoples and societies.

It was also traditional among the Chinese people to sacrifice one or two of the prince's wives or mistresses and a number of his slaves and make other offerings because they believed that they accompanied him in another life. It is mentioned in "the prints of Veda" that this is a remote tradition and "Rhaj Veda" mentioned that this tradition was never widely spread in the vedaic society and was reduced to the widow lying on the firewood prepared to cremate her husband's corpse just before the fire was set"¹⁵.

This was the condition of young girls and older women in Indian civilization. It can be summarised by the following quotation from Manichaios Manes, "The woman is the source of disgrace, the cause of trouble and strife and the origin of this worldly existence. Her destructive power does not only lead the unwise man astray, she is also able to deceive the wise. She controls him and leads him to be the slave of his own desires and anger"¹⁶. Even their own Hindu legislation describes women using slanderous and disgraceful attributes. In the Vedaic scriptures we find the following, "When Manes created women, he endowed them with sexual desires and love of jewellery and ornaments. He also endowed them with anger, treachery and fornication. There is no dispute that they are liars and ignoble creatures. Their main purpose is to seduce men and to lead

them to commit the abominable act, therefore they should not be independent." They considered women to be inherently unclean and impure to the extent that when a female child was born, family and relatives were thought to be impure for ten days. Also, Manes, the father of mankind gave women a wretched position on earth. He decided that, "women have no power nor dignity, they should remain ignorant and kept as slaves in the house, they possess no virtue whatsoever, nor do they have an eternal soul. All these facts contributed to degrading women to the extreme and it is not surprising if we do not find a prominent female personality in Indian civilization"¹⁷. Most of the ancient societies were similarly cruel to women. We learn from Hinduism that, "predestined fate, the winds, death, poison, serpents, hell and fire are no greater an evil than women."¹⁸ In fact, all these ancient religious scriptures portray women in a shockingly repugnant manner, using the ugliest words to describe them and to deny their humanity.

Some researchers like B. Axton Russell and Avril argue that Manichaeism does not ordain such humiliation for women and that they were only the victims of their own customs and traditions although it is a certainty that Manichaeism did not give women equal rights to men.¹⁹ In spite of the controversy regarding this matter, the general consensus is that Indian women had no financial nor civil rights and were oppressed and humiliated throughout their lives.

WOMEN IN BABYLONIAN AND ASSYRIAN CIVILISATIONS Women in Babylonian and Assyrian civilizations were oppressed and humiliated in the same way as were women in the other ancient civilizations. Their traditions and religious rituals are proof that both women's humanity and social role were denied. This conclusion is evident in the books of ancient history depicting the different phases of their lives. The young woman was her father's property and whenever he experienced financial difficulties, he would force his daughter into prostitution.²⁰ As for her marriage, it could be described as an auction. The law stipulated that those who had daughters old enough to be married should bring them to the marketplace where men gathered once a year. The auctioneer would

give a general description of each woman and would sell them one by one. He would begin with the most attractive one to secure a high price and would only sell them under the condition that the buyers would marry them.²¹

Moreover, the law concerning punishment did great injustice to women. It stipulated that if a man hit a girl and she died, he would not be punished. The man's daughter would be punished instead and would be put to death.²²

"She was always burdened with numerous manual chores. Therefore, she would spend her life in a constant struggle trying to fulfil her duties towards her husband and her obligations towards the house. She had to go early in the morning and late in the evening, daily, to bring water from the river or from the well. She had to grind the corn, knead the dough, bake, and knit and it was her responsibility to furnish the house. Her permanent state of pregnancy was followed by the breast-feeding period which lasted for three years. She struggled day and night, day in day out. The only positive aspect of her life appears to be her freedom of movement, for she could go out whenever she wanted, even without her husband's permission.²³ This was most probably due to the nature of her household obligations.

This was the lot of the ordinary women. The rich women of a higher social class were screened from public eyes. They dwelt in a separate section of the house and were chaperoned by castrated guardians and servants whenever they left the house. Women of a lower social class were regarded as machines to produce babies, especially if they did not possess a dowry or a small property inherited from their parents; in this case they were treated no better than servants and slaves.²⁴

Herodotus reports that when the Babylonians were surrounded by an enemy, they would kill their wives to economise on food.²⁵

The Babylonians tolerated sexual freedom before marriage but were very strict in terms of the wife's loyalty to her husband. She was severely punished or put to death if she committed adultery. "The law stipulates that the wife who commits adultery should be punished

along with her lover."²⁶ Moreover, a mere suspicion or accusation was enough to carry out the death sentence. If people suggested that a married woman had committed adultery, she would automatically be thrown in the river to save her husband's honour, even though no witnesses or proofs had been brought forward.²⁷ Their sexual traditions left their neighbouring countries in wonderment and astonishment. "Before marriage they enjoyed absolute sexual freedom. They fulfilled their desires whenever and however they liked. They never thought of disguising their immorality by an arrangement such as "the temporary marriage" or "a period of trial." In fact they did not bother with marriage but just indulged in fulfilling their basic instincts. Cortis wrote in the year 42 AD that "nothing is more astonishing than the sexual behaviour of these people. Nowhere else in this world can we find such a city with all the facilities provided to fulfil one's sexual desires"²⁸. Will Durant also described Babylon as "Babylon the whore".

One of their most disgraceful traditions, which Durant called "the sacred prostitution" and which destroyed any dignity or humanity left for women, was that, every woman in Babylon had to retire to the "flower temple" at least once in her life and to have sexual intercourse with a complete stranger. Rich women were too proud to mix with others and so arrived at the temple in a closed carriage and sat there surrounded by a large number of servants and attendants. As for the vast majority of women, they would sit in the temple with rope crowns on their heads. Men would walk by and each would choose the woman they liked. The woman was not allowed to leave the temple until a man chose her, threw a silver piece in her lap and had sexual intercourse with her. When throwing the silver piece, the man would say, "May the gods protect you". The woman had no right to refuse the silver piece, however small it may have been, since it was regarded as sacred. Then she would follow him and after fulfilling her religious obligations towards the gods she would finally leave the temple and return home.²⁹ Beautiful women naturally returned home very quickly as they were soon chosen. The less fortunate ones could stay in the temple for several months and even for several years until they were chosen for

the service and thus able to fulfil the obligations stipulated by the law and could return home." How strange was this law! How disgraceful its regulations! It makes us wonder as Will Durant did, "I wonder what the origin was of this extraordinary tradition? Was it a remaining of sexual communism? With what license did the future husband grant the virginity of his potential wife to an accidental stranger? Or was it an immolation with which they offered the dawn of their femininity to the gods ... who knows?"³⁰ Whatever the reason, this immoral and repulsive tradition continued to be practised in Babylon until it was abolished by Constantinus in 325 AD.

The only positive rights granted to women in commercial centres such as Babylon were: their right to own property, enjoy full control over their own money and inherit.

WOMEN IN PERSIAN CIVILISATION

The condition of Persian women was unpredictable and their position in society unstable. It varied according to the overall situation of the country and according to the thinking of male legislators and rulers whose laws changed from one century to another and from one reign to another. The Persian woman was abhorred and rejected by society until the rule of Zoradasht. This ruler cared for and protected the women around him, but only after he had kidnapped them and taken them by force. He granted women several rights, for instance the right to choose her husband, the right to ask for divorce, the right to ownership and full control over their financial affairs. Unfortunately, this situation did not last for long. It ended with the end of the rule of Zartosht and women were once again humiliated and oppressed.

Being a military nation, the Persians favoured male children because they offered financial benefits to their fathers and were pillars of the army during the war.

Female children on the other hand, did not benefit their parents and were either abandoned by their parents or married off at a very young age. One of their sayings was, "Men do not ask god for daughters, and the angels do not consider them amongst the bounties bestowed upon human

beings."³¹ Another fact that confirms that women were neglected in Persian civilization is that Casinovan, when studying the culture and education in Persia, did not mention women at all. He reported nothing concerning their education and upbringing. This indicates that they were overlooked in terms of education and intellectual development, repressed and isolated from social life.³² Will Durant confirms that education was reserved for boys and especially for those who belonged to the upper social class, and who were usually taught by clergymen.³³

As far as women's status in the family was concerned, "the woman submitted totally to the authority of the male in the family who had the right to put her to death or to grant her the right to live according to his own whims and desires. He treated her as an object, no better than a piece of merchandise or an old piece of furniture."³⁴ Furthermore, the Persians included women among their list of incentives to crime: which consisted of land, women and gold³⁵.

They also considered women to be impure during their menses and after giving birth. Women were banned from mixing with other people because they feared contamination from them and men would not touch their wives or even the objects that surrounded them during their menses. Quoting Ahmad Ihyaf, 'Umar Kahaaleh said, "During their menses and post-natal period, women deserted their homes and dwelt in small tents, set aside especially for them at the outskirts of the town; they were called "foulness".

Even the servants who were in charge of serving the food to these women had to block their noses and ears and to wrap their hands with thick material. They took such precautions because they thought that they would be contaminated if they touched the menstruating women or even if they touched the objects that surrounded them, including the air."³⁶

WOMEN IN ROMAN CIVILISATION

The situation of women in Roman civilization was no better than their situation in the rest of the ancient civilizations. They suffered oppression and rejection in all aspects of social life, "The Romans

abhorred women, hated the birth of a girl and their traditions allowed the father to put his female child to death. On the other hand they rejoiced at the birth of a male child. This was because, in the rough countryside the male child was more likely to be a source of income for his parents."³⁷ As a result, they taught the boys science and art whereas the education of young girls was restricted to housework.³⁸

Roman law deprived women of their civil rights throughout their lives. Before her marriage a woman was under the authority of the head of the family who was the father or the paternal grandfather. This authority gave him full control over her life. He had the right to put her to death or to banish her from the family or to sell her into slavery. After her marriage, this sovereign authority was delegated to her husband and all relationship with her family came to an end.³⁹

So unfortunate was her situation that they considered her to be an object to be bought by the husband. The latter would pay her father a certain amount of money and in return the wife had to do all the housework and to undertake any chores without protesting or even questioning her situation. She had no right to claim her husband's fortune after his death and he could, if he so wished, deprive her of any inheritance from him.⁴⁰

She had no right to object to her husband's injustice, however outrageous it might have been, since even killing or selling the wife was allowed. The legislation considered women to have no intellectual capacities and no right to freedom.⁴¹

The Romans described women as inherently unintelligent.⁴² However some historical texts do mention that the mother in particular was treated with respect but only if she devoted herself to her house and family. "The mother was respected and given the title, "mother of the family". Yet, she only deserved this respect and title if she had been a self-denier and had fulfilled all her obligations with perseverance. They would inscribe on her tomb that she remained in her house and never left it. She used to weave and knit. She was indeed a devoted housewife."⁴³

WOMEN IN GREEK CIVILISATION

The situation of women in Greek civilization was far from satisfactory and their position on the social ladder was much lower than that of men. Greek poets and writers wrote very satirically and cynically when discussing women. Even though, the Greeks were known for their intellectual advancement and scientific discoveries, they treated women with disgrace and injustice. They denied their humanity and overlooked their sensitivities.

A woman who gave birth to a malformed child was put to death. Monsieur Troilong said "The unfortunate who did not give birth to a strong child suitable for the army was put to death."⁴⁴

The Greeks believed that women had two purposes in life: to procreate and to do the housework. Troilong adds that "The fertile woman would be snatched naked from her husband to conceive children for the country from other men."⁴⁵

Although the Greeks were advanced in Literature and Science, girls were often prevented from gaining this knowledge. "In Athena, girls from the well-to-do families were taught to read and write in their homes. As for the less fortunate ones and the poor, some religious knowledge was transmitted to them through their ignorant mothers while doing the housework. The exception to this was noted in Sparta, where girls were brought up in the same way as boys in terms of education which included music and physical exercise."⁴⁶ Women in Sparta did obtain these rights only because Sparta was a military city in need of strong warriors. Therefore they provided necessary training for women which included different physical exercises like wrestling, discus throwing and spearing. In Athena on the other hand, women's education was restricted to housework.

Fathers had absolute control over their daughters, "The authority of the guardian over the young woman was unlimited. He could arrange her marriage without even consulting her, and on the other hand her marriage was illegal without his consent. After her father's death, her brothers inherited everything, If she had no brothers, she became part of the inheritance. This meant that she had to become the wife of the eldest of her father's inheritors. Her child would be named after his

grandfather and the fortune would be transferred to him. In other words, it was her male child who inherited from her father and not her."⁴⁷

This was only one of the many injustices done to women in Greek civilization. "Male legislators deprived woman of her civil rights and submitted her to the absolute authorities of men through the different phases of her life. Before marriage, she was the property of her father and after marriage she was the property of her husband."⁴⁸ The woman was considered to be incapable of responsibility and therefore needed a guardian to direct her throughout her life. As a young girl she was under the guardianship of her father, as a wife under the tyranny of her husband or the inheritors of her father, if both the husband and the father were dead.

Aristotle declared that, "Mother Nature did not endow women with intellectual capacities, therefore their education should be restricted to housework, mothering, nursing and other similar tasks". After declaring this philosophical notion, he included women in the list of those miserable people who had no right to freedom. "Three categories of people have not the eligibility nor the capacity to make their own decisions:

The slave has no volition.

The child possesses a will-power but it is incomplete.

The woman possesses a will but hers is deficient."⁴⁹

Plato, the pioneer of the "Rational school" was no more rational than Aristotle was. "He classified women in the same level as children and slaves. He established that men are superior to women, while Euripides noted that women are deficient and incapable of handling decent jobs and they constantly corrupt society with their evil deeds,"⁵⁰

"It seems that this arrogant attitude towards women was prevalent amongst the Greek thinkers, writers and philosophers. The greatest representative of Greek comedy, Aristophanes, was famous for his satiric humour and social denunciation of women. In his comedy "Lystrata" his character says: "What else can we, women, do

than sitting all together in a group, with our intellect, lipstick, see-through garments...?"⁵¹ A woman in their opinion was a deficient creature. Aristotle said, "A man's word is not a woman's word and mother nature has already determined the status of both women and slaves". They attributed every imperfection to women. When they wanted to insult a man they would call him "woman", a fact clearly illustrated in the "Odyssey".⁵²

This was the situation of women in Greek civilization. They were oppressed and deprived of their rights. They were forced to submit totally to the tyranny of men who had full and absolute control over their lives.

WOMEN IN EGYPTIAN CIVILISATION

Unlike their contemporaries, women in Egyptian civilization were appreciated and respected. "Women were honoured in Egyptian civilization. The Egyptians entrusted them with their country. They reigned over Egypt, individually or collectively. They drafted the laws, directed foreign affairs and made good politicians. The Egyptians erected statues in memory of their dignity, power and prestige."⁵³

Although this happy situation did not encompass the whole female population of Egypt, Egyptian civilization remained "the only civilization which entrusted women with a legal status recognised by the nation. It was also the only civilization that granted them full civil rights similar to those given to the male population."⁵⁴ "She contributed to the expenditure of the family when this was agreed upon at the time of marriage. She made her own decisions with regard to the children and other household matters. When the husband died, she obtained custody over the children under the age of consent, and had full control over the family, even in terms of family and government relationship."⁵⁵ The status of women remained fairly constant except when the country was experiencing political or military unrest. But women were allowed to regain their status when the country was out of danger.

Historians have been able to gather this information from various

documents, engravings and garments that have been discovered. All the evidence provides us with valuable information about the customs and traditions of the Egyptians. In his treatise on the ancient civilization of Egypt, Tuhfah Ahmad Al-Said Handusah illustrates and comments upon these engravings and paintings as they "offer a true image of the strong family relationship. Some depict the life indoors, in the core of their homes, others show the woman working in the field with her husband and the whole family going out for a walk or on a hunting trip. We also have images of the wife consoling her husband or worshipping with him."⁵⁶

So the Egyptian woman was not degraded and dehumanized like the women of other ancient civilizations. The French writer Alexandre Moret says that the woman in ancient Egyptian civilization was not neglected nor rejected. "On the contrary, she was regarded with respect; she lived amongst the members of her family yet she was totally independent from men. The Pharaohs glorified and honoured women since they regarded them as the main reason for the survival, reproduction and unification of the nation."⁵⁷

The title "The lady of the house" was given to women. The wife accompanied her husband to the balls and they were never segregated when they attended the theatre. The wife was the partner of her husband. They always walked together hand in hand as shown in the paintings and engravings on the monuments and graves. The commandments of the sages also indicate that Egyptians were loving and kind to their wives. The sages instructed their male children to treat their wives kindly and to secure a happy and comfortable life for them. Bataah Hatab says, "Be loving and kind to your wife and provide for her. Perfumes and oils are medicine for her body. Bring happiness to her heart throughout her life. She is indeed a fertile field for her husband."⁵⁸ Aany says: "Do not give orders to your wife in her house if you know she is a competent woman. 'Do not say Where is so-and-so, bring it forth', if she has put it in its place. Observe her actions with silence."⁵⁹ In return, Egyptian women were polite, loving and obedient to their husbands and took good care of their house and children.

In his treatise, Al-Sayed writes under the title "Women's duties towards the husband" that, "The Egyptian woman was an obedient wife, a perfect housewife and an ideal mother. This is suggested in the engravings and the ancient texts available. They illustrate the respect of the wife for her husband and her feelings that he was her master. She transformed his house into a welcoming home. He would arrive in the evening and find his wife ready to pour the water, wash his hands and serve the food that she had prepared herself."⁶⁰

So despite her high position in society, she still submitted to her husband: "We learn from the engravings found on the graves that women deemed sacred their duties towards their husbands and felt inferior to them."

Following the rules of matrilineal descent childrens lineage was determined through their mother who was highly respected by the members of her family, although patrilineal descent was also widespread. This might have been the influence of the original notion of motherhood, the impact of which is to be found until the time of the Lower Empire. The engravings from that period illustrate the maternal grandmother walking ahead and preceding all the other members of the family.

Despite women's high status in Egyptian civilization, men had priority in terms of inheritance and ascendance to the throne, "Even though women had the right to ascend to the throne, this right was only applicable in the absence of a male inheritor. This law was enacted in 3000 BC. According to historical records, there were five queens and 470 kings amongst the Egyptian monarchs. When a queen ascended the throne she felt that she was in a position which was not rightly hers. Therefore, queen Hatshepsut, who reigned over her country 1550 years before Christ, was obliged to wear men's clothes in compliance with the general opinion."⁶¹

Despite her high ranking, the law also submitted her to unrelenting regulations: "It stipulated that nobody should touch a woman

during her period. She was confined in a special place called "Hareeri"⁶² Moreover, fornication was regarded as a "big sin" and a woman who committed illegal sexual intercourse was put to death. In fact, the criminal law was unjust since a woman was put to death⁶³ as soon as her loyalty to her husband was doubted.⁶⁴

The high status of women in Egyptian civilization persisted for many centuries but began to deteriorate under the influence of Greek culture. "After the collapse of the Roman empire, people reacted negatively to the extravagant pursuit of pleasures of this world and the delectation of human desires by dismissing worldly goods and progeny. They began to lead an ascetic life and believed that the human body in general and women in particular were a malediction and rejecting them was a sign of great wisdom. This Roman idea spread to Egypt destroyed all that had been established in Egyptian society regarding women's issues. Moreover, the despotism of the Romans led many Egyptians to renounce the vanities of this world and to lead a monastic life. Thus Egyptian law and regulations came to an end before the Islamic era."⁶⁵ 'Umar Kahaaleh explains that this was their status until the reign of the Batavians in Egypt, who submitted women to the authority of men and deprived them of their rights.⁶⁶

Notes

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- 2 Will Durant, *Qissat Al-Hadaarah*; (The Story of Civilization), translated into Arabic by Muhammad Badraan Mataabi, al-Kajwa, 1971, Vol.4, *Al-Mar'ahfrit-Secn*, (Woman in China), 3rd edition, Cairo, Egypt, Matba'at Lajnat al-Ta'leef Wa-al-Tarjama Wa-al-Nashr, 1968, p. 272.
- 3 Ibid Vol.4.
- 4 Al-Almeed al-Rukn Muhammad Daaher Wittr, *MakaaniiitAl-Mar'ukfeeAl-Shu 'oon Al-Iditariyah Wai Butulaat Al-Qiiaa/iyah*, (The Status of Woman in Administrative Affairs and Heroic righting), Beirut: Mu'asasat al-Risalah, 1399 AH/1979.P.347.
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- 6 Ibid., Vol 4, p.273.
- 7 Ali Abdulwaahed Waafi, *'Al-Asfaar At-Mugaddmah It a.l Adyaan Al Sattbtqah li al-Islam'*, (The Holy Books of the Pre-Islam Religions), Cairo: Daar Nahdat Misr li al-Tawzee wa al-Nashr, (no

- date), p. 168.
- 8 Umar Ridah Kahaaleh, '*Al-Mar'ah fi Al-Qadeem wal Hadeeth*', (Woman in old and Modern Times), volume i, Beirut, Mu'asasat al-Risaalah, 1309 AH/ 1971), P137-138.
- 9 Will Durant, op. cit. Vol.3, P.177.
- 10 Ibid, Vol. 3, p. 1181
- 11 Daahcr Witr, op. cit. p.345
- 12 Umar Ridah Kahaaleh, p.138
- 13 Ibid.
- 14 Ibid.
- 15 Will Durant, op. cit. Vol 3, p.181.
- 16 Ibid Vol.3, P.177
- 17 Umar Ridah Kahaaleh, op. cit. P. 136.
- 18 Gustavu Lepont, 'Hadaarat Al-Arab' (The Civilization of the Arabs), translated into Arabic by Adel Zu'aytar, Beirut: Issa Al-Maabi Al I lalabi and (Co (no date), p.406
- 19 Umar Ridah Kahaaleh, op, cit. p. 134.
- 20 Will Durant, op. cit. Vol.2, p.234.
- 21 Ibid. Vol.2, p.232.
- 22 Ibid.
- 23 Umar Ridah Kahaaleh, op. cit.
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- 25 Ibid, p.232.
- 26 Ibid.
- 27 Ibid.
- 28 Ibid, p.234.
- 29 Umar Ridah Kanaakh, op. cit, p. 128.
- 30 Will Durant, op. cit, Vol.2, p.230.
- 31 Ibid.,p.442,
- 32 Umar Ridah Kahaaleh, op. cit.,p.132.
- 33 Will Durant, op. cit.vol. 2, p.442.
- 34 Umar Kahaaleh, op. cit., p. 132,
- 35 Ibid., p.132.
- 36 Ibid.
- 37 Will Durant, op. cit.Vol. 11, 119
- 38 Umar Kahaalch, op. cil., p.183.
- 39 Ali Abdulwaahed Waafi,y Al-Mar'aA *Fee al Islam* , (Woman In Islam), 2nd Edition,Cairo, Daar Nahdat Misr Li al-tab' Walnashr, (no date), p.18.
- 40 Ismatudden Karkar, *At-Mar'ah Min Khilaal Al-Ayaat Ai-Qur 'aaniyah*, I laram al-Hcelah: al Sharikah al-Tunisiyah li -altawzee'1979, p.29.
- 41 Muhammad Daahcr Witr, op. cit., p.346.
- 42 Abbas Mahmood Al-Aqaad, op. cit., p.10.
- 43 Will Durant, op. cit., Vol. 1, p.119.
- 44 Gustave Lpont, op. cit., p. 406.
- 45 Ibid.,.
- 46 Umar Kahaaleh, p.173.
- 47 Ali Abdulwaahcd Waafi, Al-Afar'aA *Fee Al-Islam*, p.18.
- 48 Ismatudden Karkar, op. cit. p.27.
- 49 Ibid.
- 50 Umar Kahaaleh, op. cit. p.170.

CHAPTER TWO

Women in Judaism and Christianity

The ancient Jews led a nomadic life in the desert, the rules of which were transmitted from one generation to another. The Old Testament asserts their nomadic origins:

*"For the Lord's portion is His people, Jacob His allotted inheritance.
In a desert land He found him,
In a barren and howling waste.
He made him ride on the heights of the land
And fed him with the fruit of the fields.
He nourished him with honey from the rock.
and with oil from the flinty crag."¹*

This is also confirmed by Prophet Yusuf when he mentions the favour of Allah on him and his family: *"He took me out of prison, and brought you out of the Bedouin-life."* (12:100)

We notice that the law of Israel is a law conceived for a military nation which stipulates that women should submit to the authority and power of men throughout their lives. Before her marriage, the young woman is under the guardianship of her parents and under the guardianship of her husband after her marriage. In both cases she is treated as a slave and any father who fears poverty has the right to sell

his daughter into slavery.²

It is mentioned in Exodus that: *"If a man sold his daughter into slavery she cannot be treated like the other slaves."* This means that she cannot be redeemed nor released but has to remain a slave for life. She is not only sold, but is also doomed to eternal slavery.

In fact, the father was the pivot of the family. "The Hebraic family was patriarchal and had a huge financial and political network. It comprised the oldest married man and his wives, his single children, his married children, their wives, children and slaves if any."³ Moreover, the father had absolute authority over his family and especially over his daughters. "The power of the father was unlimited. The land belonged to him and his children could not survive if they did not obey him. He was the chief and he had the right to sell his daughter to slavery and the right to choose her husband. Nevertheless, he sometimes was merciful and asked for her consent to the marriage."⁴

Jewish women were captured, sold and inherited as one would inherit a camel or a piece of furniture. Also, the father had the right to rent out his daughter for a certain period of time or to sell her while she was still a minor. He also had the right to kill her and nobody could prevent him from doing so.

Moreover Jewish women were degraded and humiliated to the extreme. They were considered to be taboo and the embodiment of an abominable sin. In Ecclesiastes we find the following:

"So I turned my mind to understand, to investigate and to search out wisdom and the scheme of things and to understand the stupidity of wickedness and the madness of folly.

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.

"Look", says the teacher, this is what I have discovered: "Adding one thing to another to discover the scheme of things-while I was still searching but not finding-I found one upright man among a

thousand, but not one upright woman among them all."⁵

It is clear that women's status in Judaism was no better than their status in other ancient societies. A woman belonged to her father until a man came and "bought her" for marriage. The dowry was paid to the father or the brother as retail price after which the young woman became the property of her husband. He became her master and she called him "my Ba'al", which means "Master". According to the law, a marriage contract was a "slavery" contract.

A woman's oath or vow was never valid without the consent of her father or her husband, as stated in Numbers:

"When a young woman still living in her father's house makes a vow to the Lord or binds herself by a pledge and her father hears about her vow or pledge but says nothing to her, then all her vows and every pledge by which she bound herself will stand. But if her father forbids her when he hears about it, none of her vows or the pledges by which she bound herself will stand; the Lord will release her because her father has forbidden her.

*If she marries after she makes a vow or after her lips utter a rash promise by which she binds herself and her husband hears about it but says nothing to her, then her vows or the pledges by which she bound herself will stand. But if her husband forbids her when he hears about it, he nullifies the vow that binds her or the rash promise by which she binds herself, and the Lord will release her."*⁶

The Jewish woman was also inherited as part of the deceased's legacy. If her husband died, his inheritor would also inherit her amongst the other goods and slaves. He had the right to sell her or to retain her as a slave without allowing her to re-marry. In Deuteronomy we find the following:

*"If brothers are living together and one of them dies without a son, his widow must not marry outside the family. Her husband's brother shall take her and marry her and fulfil the duty of the brother-in-law to her."*⁷

As soon as a man died, his widow who was called *yabamah*, automatically became the wife of her brother-in-law or wife to her father-in-law's brother, especially if she had no children from her first husband. Whether she agreed or not, she had no right to marry anybody else as long as one of those inheritors was alive unless he decided to disown her.

It is obvious that the woman who was herself inherited like cattle or a piece of furniture had no right to inheritance. The law stipulated that if a man died and left no male children, his legacy would be inherited by his brothers or his friends. Nothing was given to his wife. The Torah stipulated that if a man had no male children, his daughter could inherit from him as long as she married someone from her father's tribal clan. In Numbers it is stated that, *"Every daughter who inherits land in any Israelite tribe must marry someone in her father's tribal clan, so that every Israelite will possess the inheritance of his fathers."*⁸

"Women were also considered to be inherently impure. If a woman gave birth to a male child, she would be considered impure for seven days. She had to wait for 33 days before she became completely clean and was able to enter the Temple. If she gave birth to a female child, she would wait twice as long. This clearly suggests that the Jews preferred male to female children. A woman was also dismissed as impure during her monthly period. Anyone who touched her or touched the seat she was sitting on was also considered impure until the sunset. A menstruating woman only became clean after washing herself with cold water. Her husband would not touch her without a witness who could testify to her ablutions."⁹

Jewish laws relating to women remain the same today, and include the following rules and regulations regarding women:

"A woman should be considered impure as soon as she feels that her monthly period is about to commence, even if there is no evident sign. Her husband should not touch her, not even with his little finger. He should not pass anything to her even if it is a very long object, nor should he take anything from her hands. Neither should they pass it to each other by throwing it in the air. They should not eat on the same table unless

something separates their places. He should not drink what remains in her glass, nor should they sleep in the same bed. Nor can they travel in the same vehicle. If they work in the same place, they should not touch each other. If a woman's husband falls ill and there is nobody else to attend to him, she should be able to do so as long as she does not touch his skin. On the other hand, if a man's wife falls ill, he should not nurse her even if there is no risk of him touching her.

A woman who gives birth to a child is dismissed as impure. If she gives birth to a male child, she will remain impure for seven days. On the other hand, if she gives birth to a female child, she will remain impure for fourteen days. If it is a boy, she has no right to have a bath before 40 days and 80 days if it is a girl!"¹⁰

These laws clearly show how humiliated women were in Judaism. The Jews preferred male children and considered women to be inherently impure. They also held them responsible for the original sin and considered them to be filthy and dirty. This also shows the extent to which Judaism has been altered and distorted through the centuries in order to meet the "approval" of modern society.

Notes

1. The Old Testament, Oeutronomy 32:9-13
2. Ali Abdulwaahed Waafi, *Al-Mar'ah fee al-Islam*, (Woman In Islam) 2nd edition, Cairo: Daar Nahdat-Misr li al taba' walnashr, no date, p 15
3. Will Durant, *Qissat Al-Hadaarah*, (The Story of Civilisation), translated into Arabic by Muhammad Badraan Mataabi, al-Rajwa, 1971, Vol 4, *Al-Mar'ah fee-Seen*, (Woman in China), 3rd edition, Cairo, Egypt, Matba'at Lajnat al-Ta'leef Wa-al-Tarjama Wa-al-Nashr, 1068, Vol 2, p.374.
4. Ibid
5. The Old Testament, Ecclesiastes 7:25,28
6. The Old Testament, Numbers 30: 3-8
7. The Old Testament, Deuteronomy 25:5 and The Old Testament, Numbers 36:8
8. Umar Ridah Kahaaleh, *Al-Marahfe Al- Qadeem Wat Hadteth*, (Women in Old and Modern Times), vol i, Beirut: Mu'asat al-Risaalah, 1399 AH/ 1979
9. Rabbi Solomon Gauzfried, "Code of Jewish Law, Kitzur Shulhanamah. A Compilation of Jewish Laws and Customs. Translated by Hyman E Voiding, revised edition, Vol. 4, York: Hebrew Publishing Company, 1961, p.22.

WOMEN IN CHRISTIANITY

The condition of women in Christianity was no better than their lot in Judaism. Christianity paid little attention to women's issues. The advent of Christianity did not improve their condition nor did it give them the rights they deserved. It did not liberate women from the sovereign authority of men nor did it protect them from men's oppression and despotism. On the contrary, Christianity forced women to submit to the authority of men and to obey them blindly. Paul said: "Wives, submit to your husbands as to the Lord, for the husband is the head of the wife as Christ is the head of the church."¹

Similarly, Peter said in his first letter: "Slaves, submit yourselves to your masters with all respect, not only to those who are good and considerate, but also to those who are harsh."² Then he says: "Wives in the same way be submissive to your husbands..."³

We also notice that the Bible makes special reference to men, since Christians believe that man has been created in the image of God and that woman is only created from a man's rib. Therefore the theologians agree that men and women are not and will never be equal. A man's social and religious position should exceed that of the woman. Paul said in his first letter to the Corinthians: "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." Then he says: "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."⁴

Paul did advise men to be loving to their wives: "Husbands, love your wives, just as Christ loved the church and gave himself up for her."⁵ However this did not go beyond the level of mere advice which was not put into practice. The Church also recommended that a man should be kind to his wife, yet it gave him full control over her life and her money and possessions.

Christianity considered women to be the root of many evils. "They believed that every woman was guilty of the original sin and that

she was responsible for the ejection of Adam from paradise. The story of Adam and Eve was the main cause of women's oppression in Christianity. "Tertullian" believed that women were the partners of Lucifer. Didn't she obey the devil and disobey the Lord? This theory which was developed and explained by Tertullian was responsible for the repression and humiliation of Christian women for many centuries."⁶

Moreover, women were asked to assume a particular behaviour outside and inside the Church, and Paul strongly recommended the following: "Your women shall keep quiet in the Church because they have no right to speak if they want to learn, they should ask their husbands if they should do so at home because it is disgraceful for a woman to speak in the Church."⁷

"Christians were superstitious of women. Christom said: "Women are an inevitable evil, an inherent temptation, a domestic danger, a pernicious seduction and a disguised devil".

Ahmad Khaaki explains the origin of this superstition, saying:

The primitive communities did not understand the nature of blood, therefore they were frightened of it and attributed it to "Mana". They also considered women to be dirty and filthy during their menses. A man had to stay away from his wife and not touch her until she sought expiation for her impurity by shedding the blood of a bird. Moreover, they believed that menstruating women contaminated everything they touched, therefore a man had to avoid his menstruating wife all the time. They slept in different beds, wore different clothes and drunk from different pots.⁸

Consequently, the condition of Christian women was very similar to the condition of Jewish women since both religions dismissed them as filthy and impure. Some theologians also went beyond this to question the origin as well as humanity of women. Did a woman possess a soul? Was she predisposed to redemption or damnation? These questions were raised and discussed at the Council of Macon held in 581 AD and many times since then.

This was a quick glance at the condition of women in Judaism and Christianity, which resulted from evident distortions of the truth. Both dogmas held women in a degrading and humiliating position, favouring men in all respects. A woman had no religious eligibility nor civil rights, yet she had many obligations and was expected to submit to the sovereign authority of men.

In conclusion, it is important to note that this adverse condition of women was a result of distortions of the revealed religions and the impositions of man made laws and regulations, decreed and enacted by Jewish and Christian religious leaders. Their practices today are far from what was originally decreed. Islamic law on the other hand has and will always be protected from alteration and misinterpretations.

Furthermore, Islam has always given women their full religious and civil rights as we are about to discover in the following chapters.

Notes

1. Ephesians 5: 22, 23
2. 1 Peter 2:18
3. 1 Peter 3: 1
4. 1 Corinthians n: 3, 7, 9
5. Ephesians 5:25
6. Ahmad Khaaki, *Al-Mar'ahfeeAiukhlalaf Al-'Usoor*, (Women in Various Ages of History), Cairo, Egypt, Daar al-Ma'aarif, 1947, p.33
7. Will Durant, *Qissat Al-Hadaarah*, (The Story of Civilisation), translated into Arabic by Muhammad Badraan Mataabi, al-Rajwa, 1971, Vol 4, *Al-Mar'ahfee-Seen*, (Woman in China), 3rd edition, Cairo, Egypt, Matba'at Lajnat al-Ta'kct Wa-al-Tarjama Wa-al-Nashr, 1968, Vol 3. P- 278
8. Ahmad Khaaki, op.cit., p. 33

CHAPTER THREE

Women's Status under Paganism and at the Advent of Islam

It is necessary to understand the status of women at the advent of Islam in order to fully appreciate the generosity and beauty of the Islamic tenets which have liberated women from the oppression and ignorance of pre-Islamic paganism. At this time in history the majority of Arabs led a nomadic life, with nomadic traditions and customs. Wars and sudden attacks were part of their lives and they therefore aspired to physical strength which was essential in order to defend their tribes and to protect their lands. In this environment, the male was the symbol of security and strength. Author Ahmad Kaaki wrote that as a result of this, "men were held in high esteem and women in low esteem."¹ The fact that tribes were much more in need of boys to defend them had devalued women in this society and led to the preference for male children leading, in fact, to female faticide.

If the female child was fortunate enough not to be buried alive, she spent the rest of her life being oppressed and persecuted. Neglected by her parents and abused by her husband, nobody came forward to champion her cause. She was denied most human rights. She had no right to inheritance; indeed she herself was inherited like any other object and piece of furniture.

This was the predominant fate of women in pre-Islamic

paganism. A few writers and thinkers like Ahmad al-Hufi have tried to prove that women of that era were cherished and honoured. Others have gone to the other extreme and have described the women as being tyrannically and cruelly treated.²

Although pre-Islamic poetry often romanticized about women, their overall status in society was not favourable.³ They were often neglected, oppressed and persecuted as the reader will discover in the forthcoming sections of this chapter. Quotations from the noble Qur'an are used to describe the status of women during this period which demonstrate the dramatic impact Islam had on women's status.

WOMEN'S STATUS

Women were oppressed, humiliated and abhorred by their parents. In the noble Qur'an we find the best expression of the pagan Arab's hatred for women:

Allah (SWT) says: *"They assign to Allah that which they dislike for themselves."* [16:62]

"That" is referring to daughters.

Allah (SWT) also says in the Qur'an : *"And they assign daughters unto Allah - Glorified (and Exalted) be He above all that they associate with Him! - And unto themselves what they desire."* [16:57]

Al-Qurtubi says: "This verse was revealed in Khuzaa'ah and Kanaanah as people then claimed that the angels were the daughters of God and that angels should be associated with God (Glorified and Exalted be He). He has placed Himself far above what they attribute unto Him (taking children for Himself). And "unto them what they desire" means that they like to have boys and they reject girls whom they attribute to God."⁴

Allah (SWT) says in answer to their fabrication:

"And they make the angels who themselves are servants of the Most Beneficent, females. Did they witness their creation? Their evidence will be recorded, and they will be questioned!" [43:19]

This suggests that women were held in disrespect among the pagan Arabs. They were oppressed, humiliated and treated with injustice. The male children for instance, would always take the best and the biggest part of the family's possessions. Women only had shares in the food that was deemed foul and repugnant. About this Allah (SWT) says in the Qur'an:

"And they say: 'what is in the bellies of such cattle (milk or foetus) is for our males alone, and forbidden to our females, but if it is born dead, then all have shares therein'. He will punish them for their attribution (of such false ordinances to Allah). Verily, He is All-Wise, All-Knower. "[6.139]

Explaining this verse, Abu Ja'far said:

"This verse means that if the cattle gave birth to a healthy foetus, then it would be an absolute right for the males without women. If on the other hand, the foetus was dead then, women and men had equal shares. Hence, they clearly favoured males in every matter.

The "females" in this verse refers to their women, who are a man's daughters or wives. Allah (SWT) will punish these slanderers who prohibit what Allah has not prohibited and who permit to themselves what Allah has not made permissible. Allah is All-Wise in the way He deals with His creation, All- Knower of what they deserve."

It must be noted that some historians mention a few cases where some women were famous during this period. Examples would be; Ateeqah (daughter of Murah, wife of Abdulmanaaf) for her contribution to the treaty of "Al Fudool" and Al-Khansaa', who was a very famous poetess. In addition a few other women attained major positions of authority and reigned over their countries, for instance, Azzabaa, monarch of Tadmur and Balquees and Queen of Saba. But these isolated cases did not affect the general status of women in pre-Islamic times.

FEMALE INFANTICIDE

Girls were abhorred and rejected by Arabs and daughters were often

killed by being buried alive at birth. The noble Qur'an describes this act as disgraceful and ignominious. It is condemned and censured by Allah (SWT) in a scolding and reprimanding style. He (SWT) says:

And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief!

He hides himself from the people because of the evil of that which he has been informed. Shall he keep her with dishonour or bury her in the earth? Certainly, evil is their decision." [6:57-59]

The above verses clearly illustrate the gruesome fate that awaited female children at that time, and the profound sadness of their fathers at their birth.

Explaining these verses Ibn Katheer says: "Allah (SWT) tells us about the dreadful sins of the pagan Arabs. When the news of the birth of a female child is brought to any of them', his face becomes gloomy and pale and he is stricken by grief and avoids mixing with people, so ashamed is he 'of the evil of that about which he had been informed'. He will either keep her repressed and deprived of his love and mercy, or he will bury her alive.⁵

Allah (SWT) will question them and punish them for their monstrous deeds that He (SWT) strongly condemns in the Qur'an. He (SWT) says:

"And when the female (infant) buried alive shall be asked: for what sin was she buried?" [81:8]

Ibn Katheer said: "On the day of resurrection, the female infant will be questioned about the sin for which she was killed. This question will be a warning for her killer and an intimation of the intensity of the punishment awaiting him, since, if the victim is "questioned", the punishment of her oppressor must be great indeed!".

"Usually, it is the criminal who is questioned and the fact that it is the victim who is questioned in these verses intensifies the accusation

directed towards her killer. He is confronted with his crime, his victim and her accusations. This is a powerful device with which to intimidate the killer, for there is nothing more horrifying for a killer than to be confronted by his victim. She will be given the chance to accuse him of his crime in front of Allah (SWT) the All-Mighty, Lord of the heavens and the earth.⁶

With this powerful and emphatic style, Allah (SWT) warns those who did kill or thought about killing their daughters. The pagan Arabs buried their daughters whenever they feared poverty and humiliation. Yet, Allah (SWT) instructs in the Qur'an:

"Say (O Muhammad) (s) ' Come, I will recite what your Lord has prohibited you from: join not anything in worship with Him; be good and dutiful to your parents; kill not your children because of poverty - we provide sustenance for you and for them; come not near to shameful sins whether committed openly or secretly and kill not anyone who Allah has forbidden except for a just cause. This He has commanded you that you may understand.' "[6:151]

Ibn Kathir said: "They killed their children whenever the devil inspired them to do so. Hence, they killed their daughters because they feared dishonour and killed their boys because they feared poverty."⁷

Some advocates of pre-Islamic paganism even argue that fathers killed their daughters only because they did not want them to suffer poverty and humiliation, and so it was a sign of love and respect. But regardless of the motives a crime remains a crime, and it has been forbidden by Allah, the All-Mighty, Lord of the heavens and the earth.

A PAGAN RITUAL

One of the most disgraceful and repulsive habits of pagan women was to circumambulate the sacred House naked. Narrated Sa'eed bin Jubair, on the authority of Ibn Abbas that: "Women, used to

circumambulate the House naked saying "Who would pass me a titwaaf (i.e, gown) to cover my private parts". They would also say:

"Today I will reveal it all or hide it a little. What is revealed will be offered." So, the following verse was sent down: "*O children of Adam! take your adornment at every masjid.*"⁸

Explaining this narration, Imaam al-Nawawi said, "titwaaf" was a kind of dress that pagan women wore while circumambulating the House. All the pagan Arabs used to circumambulate the House naked. They would take off their clothes, throw them away for the people to tread on until ragged and would not take them back. This ritual used to be called the "meeting". They did so until the Prophet (S) prohibited the practice and instructed that: "No naked person may circumambulate the House."⁹

Abu Hurairah reported: "Abu Bakr sent me during Hajj before the farewell pilgrimage for which Allah's Messenger (s) had appointed him Amir among a group of people whom he had ordered to make an announcement on the day of Nahr: "After this year no polytheist may perform the Pilgrimage and no naked person may circumambulate the House."¹⁰

Also, women used to walk amongst men shamelessly and conspicuously displaying themselves and uncovering their breasts. Allah (SWT) has prohibited us from imitating them as He (SWT) says: "*And do not display yourselves like that of the times of ignorance.*" [33:33]

MARRIAGE

Nikaah (marriage) in pre-Islamic times took different forms. Women were treated as sex objects whose sole purpose was to satisfy men's sexual desires and to produce children. Men seldom cared about women's feelings and personal desires. The woman's father would normally choose the husband and very often he would give his daughter away without asking for a dower. A man would also marry his daughter to somebody else, and the latter would marry his daughter to the former without paying mahr (dower). This was known as Nikaah al-Shigaar, similar to a transaction between two men

where goods or cattle were being exchanged.

Narrated 'Urwa bin az-Zubair: Aisha, the wife of the Prophet (s) told him that "There were four types of marriages during the Pre-Islamic period of Ignorance. One type was similar to that of the present day, i.e. a man would ask somebody else for the hand of a girl under his guardianship or of his daughter's hand, and give her mahr and then marry her.

The second type was that a man would say to his wife after she had become clean from her period, "send for so-and-so and have sexual relations with him". Her husband would refuse to sleep with her until she became pregnant from the man with whom she was sleeping. When her pregnancy became evident, her husband would sleep with her if he so wished. Her husband would do so (ie. let his wife sleep with another man) so that he might have a child of noble lineage. Such a marriage was called Al-Istibda'.

Another type of marriage was that a group of less than ten men would assemble, choose a woman, and all of them would have sexual relations with her. If she became pregnant and delivered a child, she would send for all of them after the birth of the child and none of them would refuse to come. When all of them had gathered before her, she would say to them, " You all know what you have done, and now I have given birth to a child. It is your child, O so-and-so," naming whoever she liked, and her child would follow him and he would not refuse to take the child.

The fourth type of marriage was that many people would enter upon a woman and she would not refuse anyone who came to her. Those were the prostitutes who used to fix flags at their doors as signs, and any man who wished could have sexual intercourse with them. If one of them got pregnant and delivered a child, all those men would be gathered for her and they would call a *Qaa' if* (person skilled in recognising the likeness of a child to his father). He would identify the father of-the child and she would have to let her child follow this man's lineage and be called his child. The man could not refuse. However, when Muhammad (s) was sent with the true message, he abolished all the types of marriages observed in the Pre-Islamic period of

ignorance except the type of marriage the people recognise today."¹¹

This hadith illustrates the different types of marriage that took place in Pre-Islamic paganism, three of which are indicative of the licentiousness of pagan Arabs at that time.

Fornication was neither condemned nor disapproved of by pagan Arabs. Moreover, instead of condemning fornication, they forced their women into it. Even if a female slave refused to do so, her master or guardian would force her to fornicate for the sake of money. But when the Prophet (s) came with the message of Islam, he prohibited people from this detestable practice. Allah (SWT) says in the Qur'an: *"And force not your maids to prostitution, if they desire chastity, in order that you make a gain in the (perishable) good of this worldly life."*

[24-33]¹²

Polygamy was widely prevalent among the different Arab tribes. The greater number of wives a man had, the prouder he was. This number was unlimited and there were no rules or restrictions whatsoever regarding polygamy: "Narrated Ibn 'Umar: Ghailan bin Salama embraced Islam while he had ten wives and the Prophet (s) told him: "select four of them".¹³ Also, narrated Al-Harith Ibn Qays: "I embraced Islam while I had eight wives, so I mentioned it to the Prophet (S). The Prophet (s) said: "select four of them."¹⁴

Islam set rules and regulations regarding polygamy and made it clear that for a man to be able to marry more than one wife, he must be able to treat them equally, for Allah (SWT) says: *"And if you fear that you shall not be able to deal justly with the orphan girls then marry (other) 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 or (the captives) that your right hands possess. That is nearer to prevent you from doing injustice"[4:3]*

DIVORCE AND IDDAH

Divorce in Pre-Islamic times had no regulations nor restrictions. A man could divorce his wife whenever he wanted and as many times as he wished. This added to the subjugation and degradation of women. Therefore, the following verse was revealed: *"Divorce is twice,*

after that either you retain her on reasonable terms or release her with kindness."[2: 229]

Explaining this verse, Al-Qurtubi says: "Iddah (a waiting period which must elapse before she can remarry) was established amongst the pagan Arabs before Islam. However, a man could still divorce his wife as many times as he wished. He would then return her just before the end of her prescribed period of Iddah. In the time of the Prophet (s), a man once said to his wife: "I will not keep you, nor will I release you". She said: "How is this?". He replied: "I will divorce you and just before the end of your prescribed period of Iddah, I will remarry you". This woman complained to Aisha (R) who reported the complaint to the Prophet (s). Then the above verse was revealed."¹⁵

RIGHT TO OWNERSHIP

Women had no established right to ownership and very often they possessed nothing at all. This is clear from the hadith of 'Umar bin Al-Khattaab: Umar said, "By Allah, in the pre-Islamic period of ignorance we did not pay attention to women until Allah revealed regarding them that which He revealed and assigned for them that which He assigned."¹⁶

Women and children had no right to inheritance. This was an exclusive right for men because they carried the swords, defended the tribes and protected the land.

"The pagan Arabs did not bequeath any of their belongings to women or children. Everything was inherited by men and they used to say: Only those who fight on the backs of horses and seize the enemy's booty should inherit."¹⁷

In pre-Islamic times, people were assessed according to their functional abilities in the battlefields as well as their materialistic productivity."¹⁸ Moreover, they used to inherit women as they would inherit any other object. The next-of-kin to the deceased would inherit his wives along with other goods and slaves. Narrated Ibn 'Abbas: "If a man died, his relatives would have the right to inherit his wife. One of them could marry her if he wished, or they could force her in marriage, or, if they wished, they would not give her in marriage to anyone, and they would be more entitled to dispose of her than her own relatives. So the following

verse was revealed."¹⁹

Allah (SWT) says: *"O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness that you may take back part of the dower you have given them"*[4:19]

Narrated Ali bin abi Talhah, on the authority of Ibn Abaas: "If a man died and left a young woman (wife) behind, his heir would bestow a robe upon her and would hide her from the people. If she was attractive, he would marry her, if not, he would confine her until she died". Narrated Al'Ufi: "If a man died, his heir would inherit the right to marry his wife and nobody else had the right to do so without his consent. He would then confine her until somebody came and paid a ransom to redeem her."²⁰

This was the unfortunate condition of most women at that time. However, it is mentioned in the books of history and the biography of the Prophet (s) that a number of women were allowed to own property and we learn that Khadeejah bint Khuwailid had her own business and that she also employed men. Yet we do not know how she acquired her possessions. Nevertheless these few exceptions did not affect the general traditions and regulations regarding inheritance and ownership established in pre-Islamic pagan society.

From this chapter it is clear to see how women were devalued and abused prior to the advent of Islam. Even though there were documented cases of women who were allowed to own property and businesses, these appear to be rare exceptions. Unfortunately these few exceptions did not affect the general traditions and regulations established in the pre-Islamic pagan society.

It is obvious from the Qur'anic verses, mentioned in this chapter, that the advent of Islam was responsible for an elevation in womens status. Islam recognised the rights of women and made provisions for their protection from the abusive traditions of pre-Islamic paganism.

Notes

- 1 Ahmad Khaki, *Al-Mar'ahfi Mukhtalaf al-Usoor* (Woman in Various Ages of History), p.63.
- 2 Habeeb Afandi Alzayaat al-Dimashqi, *Al-Mar'ahfi alJaahileeya*, (Woman in Pre-Islamic Times), unpublished treatise, Egypt, Matba'at al-Ma'aarif, Al-Fajalah St., 1808-1899, p.2.
- 3 Abi Abdullah Muhammed bin Al-Ansaari AI-Qurtubi, *Al-Jaami li Ahkaam Al-Qur'aan*, Vol.5, Beirut, Lebanon: Daar Zhyaa al Turaath al Arabi, (no date), Cairo, Daar al-Sha'ab Kitaab al-Sha'ab 92, Al-Qasr-al-Ayni, (no date).
* 16:57.
* 43:19.
*6:139.
- 4 Abi Jaa'far Muhammad bin Jareer al Tabari, *Jaami al-Bayanfi Tafseer al-Quraan*, (The Compiler of Elucidation in the Explanation of the Qur'aan), Vol.12, 2nd Edition, Beirut, Lebanon, offset 1398 AH/ 1978, Egypt, Daar Al-Ma'aarif, Sura 6:139.
* 16:58,59.
*43:17.
- 5 Al-Imaam al-Haafez Imaaduddeen Abual-Fidaa Ismaa'eel Ibn Katheer, *Tafseer Al-Qur'aan al-Adheem*, (Explanation of the Holy Qur'aan), Vol 2, Makkah al-Mlukarramh, Beirut, Lebanon, Daar al-Baaz, Abbas Ahmad al-Baz, Daar al Ma'rifah 1388 AH/1969, 16:572.
*81:8,9.
- 6 Abdulkareem AI-Khateeb, *Al-Tafseer al-Quraani li Al-Qur'aait*, (The Qura'nic Explanation of the Qur'aan), Book 15, Vol.30, Dar al Fikr al-Arabi, 1970, p. 1469.
- 7 Ibn Katheer, op. cit. Vol.2, p.189
- 8 Al-Nawawi, op. cit. Vol.5, 'Book of al Tafseer'. p.878
- 9 Ibid.
- 10 Ibid. Vol 3, book of 'Pilgrimage', p.494
- 11 Ibn Hajar al-Asqalaani, *Fath al-Baari*, (Authentic Tradition of the Prophet), compiled and edited by: Abdulazeez bin Baaz, Vol.9, book of 'Al-Nikaah', printed by al-Matba'ah al Salfiyya, (no date), p. 182.
- 12 Muhammad Ali Al-Saabooni, *Mukhllasar Tafseer Ibn Katheer*, (Summerized Explanation of Ibn Katheer), Vol.2, 1st edition, Beirut, Daar al-Qur'aan AI-Kareem, p.604.
- 13 Al-Haafez Abi Abdullah Muhammad bin Yazid Ibn Maajah al-Qizwini, *Sun'aan Ibn Maajah*, (Ibn Maajah's Tradition of the Prophet), texts compiled by: Fu'aad Abdulbaaqi, book of 'Al-Nikah', Vol.i, Daar Ihyaa al-Kutub al-Arabeeya, Abaas al-Baaki & Co., 1372 AH/1955, p. 628.
- 14 Ibid
- 15 AI-Qurtubi, op. cit. vol 2, p. 934
- 16 Al-Imam Abi-Abdullah Muhammad bin Ismaa'eel al-Bukhaari, *Saheeh al-Bukhari*, (Al-Bukhaari's Authentic Tradition of the Prophet), 'Tafseer Sura 6', Vol 6, Offset print, Istanbul, Daar al Fikr from Daar al-Tibaa'ah al-Aamira, (no date), p.79. This quotation is part of a very long Hadith.
- 17 Al-Waahidi, op. cit. p.96.
- 18 Sayyed Qutb, *Fi DhilaalAl-Qur'aan*, (In the Shade of the Qur'aan), Vol.i, Limited editions No.7 and No. t, Beirut; Daar al-Shurooq, 1398 AH/1978, 1394AH/1976, Sura 4.
- 19 Al-Asqalaani, op. cit. vol.8 'Book of Tafseer', p.245.
- 20 Ibn Katheer, op. cit. Vol.1, p.4

PART TWO

Rights of Women in Islam

CHAPTER FOUR

Social Rights and Attributes of Women in Islam

In part one, I have illustrated the condition of women in ancient civilizations. It is clear that women were usually oppressed and discriminated against. Their rights and their humanity were denied. This situation persisted until the advent of Islam, which came to teach the people how to be just and fair to all mankind. It also came to rescue women from the oppression and the humiliation they suffered. It came to correct misconceptions, implement justice and restore women's dignity.

Islam restored women's dignity and their position in society as human beings who contribute to the building of their society. It also proclaimed that women are an essential factor in the development and prosperity of nations.

Islam has given women their full rights, proclaiming and establishing these with clear explicit texts. These texts cannot be altered nor denied. It has prohibited female infanticide, offered guidelines for their upbringing in order to protect them throughout their lives and stipulated for them mercy and love.

Islam has also imposed preventive regulations to further protect women from any defamation, humiliation and wrong accusations. Islam has given women the protection and security they need which they

had lacked through the centuries and which they still lack in many so-called civilized societies that claim to uphold human rights.

RIGHT TO HUMANITY

"Establishing her humanness."

Allah (SWT) has dignified all of mankind, regardless of whether male or female. He says:

"And indeed We have honoured the children of Adam, and We have carried them on land and sea, and have provided them with good things, and have preferred them above many of those whom We have created with a marked preferment. [17:70]"

Explaining this verse, Sayyed Qutb says: "Allah has honoured him by creating man in this form which combines mud and the divine breath of life. Allah (SWT) has also honoured man by endowing him with natural dispositions that enable him to rule in the earth, implement new alterations, cultivate and build. Man is also able to establish rules and regulations, to achieve great scientific results and attain the perfection ordained for this worldly existence. The Almighty also honoured man by subjecting to him the natural forces of the earth and the cosmic forces of the stars and orbits. He honoured him with a sumptuous and welcoming worldly existence and also by the angels prostrating to Adam and the Creator Himself proclaiming man's dignity and superiority."¹

Al-Qurtubi understands this privilege to be exclusive to man over the rest of creation. He explains that, "We have honoured the children of Adam" means: "We have established for them dignity, nobility and superiority. Dignity; because Allah (SWT) has perfected their image and given them the ability to travel on land and by sea, choosing their own means, conditions and time. This is indeed unique to mankind."² Al-Imaam Ibn Katheer quotes this verse to prove that Allah (SWT) has declared the superiority of mankind over the angels

and all His creations.

Human beings, whether male or female, are honoured by their very creation. This is a divine endowment, not a man-made allotted privilege nor an acquired earthly talent. This honour and dignity is explicitly stated in the Qur'an and has been established for all human beings regardless of their sex, colour, race and country of origin. All people belong to the human race and are therefore entitled to the same honour and privileges established for mankind. They all descend from one origin, one father and one mother.

A funeral procession once passed by the Prophet (s), and when he saw it he stood up as a sign of respect. One of the companions mentioned to him that the deceased was a Jew, to which the Prophet replied, "Was he not a human being?"³

How eloquent, wise and truthful was this answer, as it established and asserted the dignity of all humankind. Is the woman not a human being with a dignified and honoured human soul? Surely she is and this is clearly stated in the Qur'an and asserted by the Prophet (s).

Allah (SWT) says: "*O people! Be dutiful to your Lord, Who created you from a single soul.*" [4:1]

And the Prophet (s) said: "Men and women are indeed brothers and sisters."⁴

The following Qur'anic verse asserts powerfully that men and women were created from the same soul. Allah (SWT) says "O people", addressing all mankind regardless of their race, colour, religion and country of origin, since people in the Arabic language and in the Qur'an refers to mankind. He (SWT) says:

"O people! Be dutiful to your Lord, Who created you from a single soul, and from it He created his wife, and from them both He created many men and women. And fear Allah through Whom you demand your mutual rights, (and do not cut the relations of) the wombs/Surely Allah is ever an Observer over you." [4:1]"

This verse clearly indicates that men and women have been created from one soul. They originate from the same race and are equal in terms of

humanness. And to emphasize this fact, the co-ordinating conjunction "and" links "created you from a single soul" to "from him, He created his wife"; meaning that men and women are created from a single soul.

This verse has been interpreted in two ways:

A] "*From him*", means from the soul of Adam, meaning that the woman is part of Adam. This opinion is shared by most of the scholars of the past.⁵

Ibn Katheer wrote that, "It came to our knowledge from the people of the Book and specifically from the people of the Torah, that Adam was sent to sleep, then Allah took his left rib and replaced it with flesh. After this, Adam awoke and found his wife (Eve) whom Allah (SWT) had created from his rib. When Adam awoke and found Eve next to him, according to them he said: "My flesh, my blood, my wife". So he trusted her and Allah blessed their union and married them. But just before that Allah had said to Adam: "*O Adam! dwell you and your wife in paradise and eat both of you freely with pleasure and delight of things therein as wherever you will, but come not near this tree or you both will be of the wrongdoers.*" (2:35)

It has also been said that when Eve was created, Adam was already in paradise. Al Sadi narrated on the authority of Ibn Mas'ood that: "Allah (SWT) sent Satan out of Paradise and allowed Adam to dwell in it."

In Paradise, Adam felt lonely and isolated with no wife to confide in. Therefore, Allah (SWT) caused Adam to fall asleep and when he awoke, he found by his head a woman whom Allah (SWT) had created from his rib. Then Adam asked her: "What are you?". She said: "A woman". He said: "Why were you created?". She replied: "For you to confide in me". Aware of the knowledge he had been given by Allah, the angels asked Adam: "What is her name Adam?". He answered: "Hawwa [Eve] The living" They said: "Why Hawwa?". He replied: "Because she has been created from a living substance."⁶

Al-Baahi Al-Khuli is one amongst many who support the above opinion. He says in his book "*Adam*": "We read in the noble Qur'an that Allah "*created you from one single soul (Adam), and from him he created*

his wife." (4: 1)

This single soul is without doubt the soul of Adam. And the creation of the wife from the body of her husband, followed by her separation from him is a natural process. This is because reproduction of some cells by the process of division, dissociation and then proliferation by means of multiplication is a scientifically proven process. The texts of the noble Qur'an state that similarly, the mother of mankind was created through a process of division and separation from her husband's body and soul and that their children proliferated by a natural means of reproduction. This could also be an explanation of the Prophet's (s) statement: "The woman is created from a rib."⁷

Abu Huraira (R) narrated that the Prophet (s) said: "The woman has been created from a rib and you cannot straighten her. If you wish to live happily with her, do so despite her crookedness. If you try to straighten her you will break her, and breaking her means divorcing her."⁸

Abu Huraira(R) also narrated that the Prophet (s) said: "Treat women kindly. The woman has been created from a rib, and the most crooked part of the rib is in the upper region. If you try to make it straight you will break it, and if you leave it as it is, it will remain curved. So treat women kindly."⁹

Explaining the above narration, Al Imaam An-Nawawi says: "This backs the opinion of the scholars who said that Hawwa (Eve) was created from Adam's rib. Allah (SWT) says: "...created you from a single soul (Adam), and from him He created his wife (Hawwa)."

In this narration the Prophet advised the people to show kindness and courtesy towards women as well as patience in dealing with them.¹⁰

B] In the second interpretation, "*From it*" means "the same original substance set in readiness for the creation of human beings."

Explaining this verse, Al Imaam Al-Raazi says: "And from it He created his wife. He created her from the same kind and the same substance."¹¹ Allah (SWT) says: "*And Allah has given you wives of your own kind.*" (16:72)

"From" does not imply that Eve is necessarily part of Adam. However it indicates that the creation of Adam took precedence. Therefore Allah (SWT) says "... *created you from a single soul.*"

Among the people of knowledge who sustain this opinion is Sheikh Abdulkareem Al Khateeb, who says: "It means that He created from this soul, from the same kind and the same substance, a spouse to that one soul, which does not refer to Adam as a human being. It refers to a substance set in readiness for the creation of mankind. From this substance Adam has been created and from this same substance his wife has been created. And by her creation, the existence of Adam has been perfected as Allah (SWT) says: "*And we have created you in pairs.*" (78:8)

This does not apply only to human beings but also applies to the rest of Allah's creation.

Allah (SWT) says: "*And of everything we have created pairs, that you may remember.*" (51 :49)

"*And of everything we have created pairs*" clearly indicates that a human being naturally embodies in its constitution the characteristics of the female and male. Its constitution refers to the substance from which he/she has been created. So, a male contains a male part and a female part in his constitution. Likewise, a female contains a female part and a male part in her constitution. This is a proven scientific fact first stated and developed in the Noble Qur'an."¹²

I personally favour the second interpretation for the following reasons:

- 1 The interpretation based on the creation of Eve from Adam's rib originates from the Torah and is not mentioned in our Prophetic narrations.
- 2 There is nothing in the verse which clearly suggests that "this soul" refers to Adam himself (as a person).
- 3 The narration which describes woman as "a rib which is crooked" is metaphorical, "with the intention to urge men to be kind to

their wives and to be patient in dealing with and tolerating their imperfections."¹³

This understanding of the Prophet's narration is in accordance with Al Imaam An-Nawawi's comments mentioned earlier. It is also in accordance with the context of the narration itself since the Prophet (s) starts and ends his narration with the words "treat women kindly" The Prophet (s) has also explained that "breaking her" metaphorically means divorcing her.

However, both opinions and interpretations confirm that women's humanness is dignified by Allah (SWT) in the same way as men's humanness and that they are both created from the same soul or substance. Moreover, in order to remove any remaining doubts, Allah (SWT) says: *"And from them both He created many men and women."* This means that all humankind consisting of different races spread all over the earth, male and female, are the result of that union. Human reproduction is a result of the natural union of a man and woman, they are partners and together constitute the two halves of one humanity.

We can thus conclude that in this verse Allah establishes two facts:

- 1 That men and women are created from the same substance.
- 2 That man and woman, together, constituted the origin of mankind. Allah (SWT) also says *"And Allah has given you wives of your own kind, and has given you, from your wives, sons and grandsons"* (16:72)

Sayed Qutb says: "If people only remembered this fact, then all these differences that exist amongst human beings and which cause people created from one soul to separate and to cut the relationship of the wombs and be divided would disappear.

The establishment of this truth will also solve the problem of racial discrimination and social inequalities that humanity has

endured throughout the centuries. If this fact had only been understood by mankind, it would have prevented many injustices such as assigning the ridiculous attributes to women or considering them to be filthy and impure as well as the cause of every evil and misfortune. 'In fact, they possess the same innate qualities as men. Allah has created them to be the partners of men and to produce, together, many other men and women Ignorance has led humankind to stumble in the darkness for many centuries and caused the humanity and natural rights of women to be denied. People have forgotten that every woman is a human being, created for another human being, and a soul created for another soul and a realm which complements another realm. They have also forgotten that men and women are not two separate entities, but are partners that complement each other.'

This verse also indicates that the basis of humanity is the family. Allah (SWT) willed the human race to stem from a single family. He first created one soul and from it He created its partner. They both constituted a family and from that family, *"He created many men and women"*. If Allah had willed, He could have originally created many men and women and allowed them to intermarry, thus creating many different families."¹⁴

Many other verses also sustain this interpretation. Allah (SWT) says: *"He it is Who has created you from a single soul, and then He has created from it his wife, in order that he might dwell in security with her" (7:189)*

Many verses also prove the brotherhood and common parentage of mankind. The woman is therefore the sister of man. They both descend from the same father and the same mother. Allah (SWT) says:

"O Mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you in the sight of Allah is the most righteous of you. Verily, Allah is All-Knowing, All-Aware,"(49:13)

Allah (SWT) addresses His above message to "mankind", to all the peoples, informing them that He has created them from one mother

and one father, hence establishing the brotherhood of mankind, as well as their common parentage. In this regard the Prophet (s) said: "Men and women are indeed brothers and sisters."¹⁵

Moreover, in the above verse the message is directed to all human beings regardless of their race, colour, language and sex as if Allah (SWT) is telling them: "O Mankind, who have been created with different races and colours and who belong to different nations and tribes, indeed, you descend from the same origin. This origin comprised a man and a woman, Adam and Eve, and from them We have created these different nations and tribes with different colours and different languages."

Since we are all brothers and sisters descended from the same mother and father, nobody should claim superiority over the other on the basis of his or her colour, race, language or country of origin. These should not be the criteria to assess a human being. Piety is indeed the only criterion:

"Verily, the most honourable of you in the sight of Allah is the most righteous of you. "

Therefore, a man is not superior to another man because of his colour or race. Nor is a man superior to a woman because he is a male. Being a male does not allow him to contend for precedence and superiority: *"You are indeed all sons of Adam and Adam was created from dust,"¹⁶*

Allah (SWT) has made it clear that mankind is the result of the union of a man and a woman. Only by this union can reproduction take place. Through them the lineage is preserved and the family is begun. Allah (SWT) says:

"And it is He who has created man from water, and has appointed for him kindred by blood, and kindred by marriage. And your Lord is ever Powerful (to do what He wills)."(25:54)

He also confirms this meaning in many other verses, for example when He says:

"And He creates the pairs, male and female. " [53:45]

He specifically says *"male and female"* in order to point out the importance of each and in order to emphasize the greatness of Allah's creation which leaves us in wonder and admiration. He (SWT) says:

"And by Him who created male and female, certainly, your efforts and deeds are diverse. "[92:3,4]

Indeed, men and women complement each other and together are responsible for the reproduction of mankind:

From all that has been said and illustrated, we conclude that the Qur'an has established the humanity of women and made it clear that there is no difference between a man and woman in terms of humanness. They are both indispensable to building a society united in solidarity and a virtuous nation in which both men and women enjoy equal rights.

Islam has liberated women from the curse and malediction which was falsely attributed to them and which has convicted them of committing the original sin. Was Eve not the one who - as they say-tempted Adam and led him to eat from the forbidden tree as mentioned in Genesis? The noble Qur'an denies this false accusation and makes it clear that both Adam and Eve were responsible for their ejection from Paradise. The prohibition was directed to both of them, as Allah (SWT) says:

"And We said: "O Adam! Dwell you and your wife in Paradise and eat both of you freely with pleasure and delight of things therein as wherever you will, but come not near this tree or you both will be of the wrongdoers." Then Satan made them slip therefrom, and got them out from that in which they were..." (2:35,36)

Both of them disobeyed Allah (SWT) and together were tempted by Satan. He whispered to both of them, contrary to the Biblical version in which Satan whispered to Eve and Eve tempted Adam. Allah (SWT) says:

"Then Satan whispered suggestions to them both in order to uncover that which was hidden from them of their private parts, he said, 'your Lord did not forbid you this tree save you should become

angels or become of the immortals. " [7:20]

However, some verses suggest that Satan whispered to Adam alone:

"Then Satan whispered to him, saying: "O Adam! Shall I lead you to the tree of eternity and to a kingdom that spill never waste away?" Then they both ate of the tree, and so their private parts appeared to them, and they began to stick on themselves leaves from Paradise for covering. "[20:120,121]

And Allah (SWT) ends this verse saying:

"Thus did Adam disobey his Lord, so he went astray."

Hence Islam exonerates woman from the sin that has been attributed to her, denying that she was responsible for Adam's ejection from Paradise. The above verses clearly indicate that the prohibition was directed to both Adam and Eve and that they both disobeyed their Lord.

Having established the humanness of women, I would like to discuss some of the innate differences that exist between men and women. These differences do not affect their equality, dignity and eligibility to certain rights, nor do they give precedence to one sex over the other. Both sexes have different innate dispositions. They have different temperaments and different constitutions. These different dispositions help them to fulfil their different yet equally important tasks in life for which they have been created.

Hence, women have been endowed with special physical and mental characteristics which help them to fulfil their role in society and to achieve their mission on earth. Again, this does not affect women's dignity and their equality with men as many people seem to think. Islam is a set of regulations which form an integral system that should be put into practice as a whole, not to the advantage of men, nor to the advantage of women. Rather, to the advantage of humankind as such and for the benefit of Allah's creation in general.

"In Islam, distribution of duties and responsibilities is based on our natural dispositions (*fitrah*). We have a man and a woman. Each has different characteristics that enable him or her to fulfil their preordained role

in society. Not for the advantage of one over the other, rather for the benefit of humanity. This humanity has to be established and organised and directed to the sole aim of worshipping Allah through our different, yet equally important duties and responsibilities.

Moreover, since men and women are endowed with different dispositions and hence different responsibilities, they will naturally have different obligations and different roles, again, for the benefit of this big enterprise and this great society we call humanity."¹⁷

There are indeed physiological differences between men and women, in accordance with their different roles in society. As far as their physiological differences are concerned, scientists say that "It is a proven scientific fact that women's physiology is different from that of men. This difference is also observed in their cell composition, antibodies, chromosomes and genital cells. As for their cellular tissues and organs, the prominent organs of a woman, her muscles and her bones greatly differ from a man's prominent and hidden organs. Also, men's muscles, bones, endurance and brain size differ from those of women.

These differences are not by coincidence. Behind the special constitution of the human body and the constitution of all Allah's creation, lies a divine wisdom that, very often, we do not comprehend. Allah has perfected everything He has created. Therefore, these physiological differences are not by mere chance nor a simple coincidence.

In fact, men have been created in such a way that they are able to go out to work and to provide for their families. Women on the other hand are pre-disposed to stay at home and to fulfil their primary mission in life: bringing up the children and looking after the martial home.

The woman's temperament also differs from that of a man. Parents notice these differences from early childhood in their children. Girls and boys think, observe and behave differently. Moreover, women have to go through menstruation, pregnancy, labour and breast feeding."¹⁸

The Qur'an and prophetic tradition also speak about certain characteristics attributed to women and which are part of their natural constitution. These include shyness, adornment, weakness in

disputation , jealousy and cunning.

These attributes do not undermine their humanness, nor do they affect their eligibility to religious responsibilities.

Let us now look at each attribute separately to clarify and delineate the natural characteristics of women:

A] SHYNESS

The noble Qur'an describes the shyness of the daughter of Shu'aib;

"Then there came to him one of the two women, walking shyly. She said: "Verily, my father calls you that he may reward you for having watered for us, "[28:25]

This characteristic is usually attached to women. Shyness is more noticeable among modest and virtuous women. The companions of the Prophet (s) used to say that: "The shyness of the messenger of Allah exceeded the shyness of a virgin in her boudoir."¹⁹

Also, inquiring about the bride's necessary consent before her marriage, 'Aisha said to the Prophet (s): "O Allah's messenger! A virgin feels shy." He said: "Her consent is expressed by her silence."²⁰

In fact, shyness is an inherent characteristic of women and one of the moral attributes endowed to them by Allah to protect and safeguard their chastity. If the shyness of a man is praiseworthy, the shyness of a woman is even more praiseworthy. And, if the shyness of a man is a virtue, the shyness of a woman is one which adds to her beauty, enhances her radiance and makes her desirable. Shyness is also a sign of modesty and purity, whereas insolence is a sign of corruption and depravity. Shyness is the vigilant guardian of chastity. It protects women's purity and prevents anyone or anything from violating its sanctity. Therefore, we notice that whenever we are about to commit an evil deed, or to utter a bad word, our inherent modesty prevents us from doing so. The Prophet (s) said: "Modesty can only lead to good."²¹

Also, Ibn Mas'ood narrated that the Prophet(s) said: One of the sayings of the early prophets which the people have taken is: "If you do not feel ashamed, do whatever you like."²²

This means that boldness entails evil and depravity. This is also a

warning since Allah (SWT) says:

"Then whoever wills, let him believe.and whosoever wills, let him disbelieve. "(18:29)

The first narration establishes that shyness brings nothing but good and results in nothing but good manners and sweet words.The second narration is a warning to those who have no sense of modesty and who never feel ashamed when doing wrong.

Many other narrations also suggest that shyness from Allah are the basis of worship and the best of virtues.

In an attempt to analyse the differences between men and women, Darwin says: "During the barbaric era, the strongest and most aggressive man would kidnap the female and imprison her in the cave. The inhabitants of the cave were the most beautiful and the most timid women who had attracted the attention of the males. Therefore, if the genetic characteristics of human beings have continued to be divided and separated, in accordance with Mendelian hereditary laws, it would be easy to understand how strength and aggressiveness have remained the characteristics of the male,whereas beauty and shyness remain the characteristics of the female."²³

Henry Marion, senior lecturer of Literature at the University of Paris, said: "'Larochvoko' said that very often, the shyness of a woman is the protector of dignity and reputation. And 'Fanlon' said that timidity is the best guardian of women's chastity."²⁴

It is therefore not surprising to learn that Islam has protected and encouraged this quality in order to strengthen women's defence-against evil and to repel the whispering of Satan. Shyness protects women's dignity and chastity, since a women deprived of timidity and modesty is more vulnerable to temptations. She is easily led to committing sinful acts.

Consequently, shyness is one of women's natural qualities. It is an inborn disposition which complements their femininity. Behind this lies a divine wisdom of which I have illustrated only a small part.

BJ ADORNMENT AND WEAKNESS IN DISPUTATION

Allah (SWT) says: *'Would they ascribe to Allah females who adorn themselves and in disputation cannot make themselves clear.* "[43:18]

Explaining this verse, AI-Qurtubi says: *"Who adorn themselves"* means that they are born, brought up and live most of their lives wearing silk and jewellery.

"In disputation cannot make themselves clear" refers to argumentation and while presenting evidence. They are easily intimidated by their opponents and hence unable to deliver their arguments eloquently and concisely. Also, AI-Qatadah said; *"Whenever a woman tries to present an evidence, she turns it against herself."*²⁵

Many other scholars have commented upon this verse. Ibn Katheer says: *"A woman is deficient. She compensates for this deficiency by adorning herself. When she tries to argue, her arguments are weak and inarticulate. Since she is physically and mentally deficient, she wears ornaments and beautifies herself as compensation for her physical deficiency. As to her mental deficiency, she is weak and unable to be victorious in a quarrel or a dispute. If she did win, she would lack determination and perseverance."*²⁶

Our great Imaam has apparently understood the verse to mean that women are deficient, while Allah (SWT) has merely described these characteristic as qualities inherent in women, and not deficiencies as Ibn Katheer seems to think.

However, if the apparent meaning of the words seem to convey a pejorative meaning, this is only because Allah (SWT) revealed this verse in the style and words of pagan Arabs.

To erase any possible misinterpretation, Muhammad 'Izzah Duroozah says: *"It may appear that the meaning of this verse is degrading and disrespectful to women. It may also appear that this verse intends to establish a kind of superiority of men over women. Nevertheless, what is expressed in this verse and other verses dealing with the same subject reflects the frame of mind and the thinking of the pagan Arabs at that time. In this way, the arguments presented*

against them are stronger and therefore binding. This misinterpretation is in no way the direct message or opinion of the Qur'an."²⁷

The true meaning of this verse is less ambiguous if read in conjunction with the verses that precede it. Allah (SWT) says:

"Yet they assign to Him a portion of His servants!

Surely man is clearly ungrateful.

Would Allah take daughters from those He has created for Himself and choose sons for you?

Yet when the birth of one of those [daughters] they attribute to the Most Beneficent is happily announced to one of them, his face darkens and he is filled with gloom. Would they ascribe to Allah females who adorn themselves and in disputation cannot make themselves clear?" [43:15-18]

"The exclamatory negation is here to emphasize the ignorance of those who assign partners to Allah. This had led them to pretend that God had children. Moreover, they chose sons, buried daughters and then claimed that Allah's so-called children (the angels) were the females they had rejected. As a result of their arrogance and ignorance, it never occurred to them that the angels might have been males. Their attitude was both an obvious error and irrational. How could they have what they desired and ascribe to God what they rejected!? This exclamatory negation also highlights the irrationality of the pagan Arabs and their double standards. They rejected daughters for themselves and when one of them was informed of the birth of a baby daughter his heart became filled with inward grief. At the same time they ascribed daughters to Allah. Was this the rational attitude of those who truly believed in God? Did they consider Allah to be less choosy and of less importance than themselves? This was indeed a manifest perversity and a great sin.

" *When the birth of one of those daughters is happily announced to one of them*", clearly indicates that the birth of a baby daughter is meant to be a gift from Allah and a happy event which should bring

joy and pleasure to the heart. However, due to the ignorance of pagan Arabs and their deviation from the straight path of Allah, this happy event was transformed into a sad and tragic one.

"They attributed to The Most Beneficent", refers to the "mushrikoon" who attributed partners to Allah and claimed that the angels were His daughters. This verse also rejects the lies of the pagan Arabs who not only rejected daughters for themselves but also conjured up daughters for Allah to whom they attributed the female sex. For themselves they chose the male sex since it is a well known biological fact that the male is physically stronger and more aggressive than a female when confronted with an enemy.

"Make themselves clear", means manifesting, displaying and showing strength when the need arises."²⁸

It is thus obvious that these two feminine characteristics are not debasing nor degrading to women. Why would Allah do such a thing after He has dignified women in many other verses. It is also clear that these attributes are presented as qualities intrinsic to women. Adornment and beautification are inherent to women, who have used jewellery and ornaments throughout the centuries in order to beautify themselves. Furthermore, Allah has made ornaments and jewellery like gold, silk and pearls permissible for women as indicated in the following narration of the Prophet (S):

"Allah has made gold and silk permissible to women and made it forbidden for men."²⁹

Allah (SWT) also says: *"it is He who has subjected to you the ocean, so that you may eat of its fresh fish and bring up from it ornaments with which to adorn your persons."* [16:14]

Explaining this verse, Al Raazi says "the 'ornaments' are pearls and rubies found in the sea. *"Your persons"* refers to women but is not specified, since women are part of the nation and since they adorn themselves to please men. Thus, both men and women benefit from, and enjoy these ornaments."³⁰

Adornment is encouraged and a man will love the woman who beautifies herself for him. This is indeed innate and natural to human beings and even to animals.

Weakness in disputation

Allah (SWT) has endowed women with special physical and mental characteristics suitable to the task assigned to them on this earth. An emotional is necessary in order to fulfil this task, so Allah (SWT) has created women to be emotional, delicate, sensitive, reactive and easily provoked. When confronted with an accusation they become nervous, lose their arguments and consequently become weak and surrender to their opponents.

This characteristic is not a defect as many seem to think. The Prophet (s) metaphorically referred to women as the "glass vessels". It is a quality appreciated by men since a male needs to feel superior. He is proud and satisfied when he perceives the weakness of his wife and her need for him. He is happy when she seeks his assistance and when she turns to him for help, security and protection. It is very natural for a man to feel stronger and to be the protector and the guardian of his family. This is called "masculinity." Consequently, the goal of the noble Qur'an has never been to degrade and debase women after having established their humanity and their religious eligibility equally with men.

C] JEALOUSY

Jealousy is an alteration that occurs in the heart, and is the feeling of resentment and bitterness that a person feels when someone is trying to take something that belongs to him. This type of jealousy applies to human beings, and is often seen between husbands and wives.

As far as divine jealousy is concerned, Allah is jealous when His servant acts in a way that has been forbidden by his Creator.

The term "jealousy" is also used to refer to "fervour" and "self-respect."³¹

In the Noble Qur'an and the Sunnah of the Prophet (s), we notice that jealousy in the broad sense of the word does not refer exclusively to women but is common to all human beings, males and females. People of knowledge distinguish between "praiseworthy jealousy" and "blameworthy jealousy", depending on the situation that arouses the feeling of jealousy. When the jealous person is in the right, then his

jealousy is encouraged. When he is in the wrong, his jealousy is censured.

"Jealousy" also has been described in connection to Allah (SWT) and His Messenger (s) and his companions (R). The Prophet (s) never criticized his companions nor blamed them for their "jealousy" and their sense of "self-respect". However, jealousy is more prevalent and manifests itself more often amongst women. Al-Imaam Al-Bukhaari has dedicated a whole chapter to "*Jealousy*" and another one to "*Jealousy and Passion of Women*". Under the first title we find many narrations describing the "jealousy" of Allah (SWT) as well as the "jealousy" of His prophet (s).

Sa'd bin Ubaadah narrated, "If I saw a man with my wife, I would strike him with my sword. The Prophet (S) said: "Are you astonished by Sa'd's "jealousy"? Indeed my "jealousy" exceeds Sa'd's jealousy and Allah's "jealousy" exceeds mine."³²

In another narration the Prophet (S) said: "There is none having a greater sense of "jealousy" than ."³³ To explain this further Abu Huraira (R) narrated that the Prophet (s) said: "Allah is "jealous". His "jealousy" is provoked when His servant commits an act that He has forbidden."³⁴

Interpreting this narration, Al-Haafiz Ibn Hajr says: "Such an unstable condition of the heart as "jealousy" should not be interpreted as an intrinsic attribute of Allah since transmutation is not one of the attributes of Allah. Thus "jealousy" should be interpreted as the act of "menacing" and "punishing".

As far as the "jealousy" of the Prophet (s) is concerned, he was the most jealous of mankind because of his "fervour" for his religion and his jealousy for Allah. He never sought revenge for his own self."³⁵

Jealousy between husband and wife is also natural due to their inherent human characteristics. This jealousy is encouraged as long as it does not go beyond jealousy to mutual distrust and suspicion. Many narrations illustrate the jealousy of the male companions of the Prophet (S). We have already read of the "jealousy" of Sa'd Ibn 'Ubaadah. We also learn about the great "fervour" and sense of "self-respect" of 'Umar bin Al-Khattaab (R). Jaabir bin Abdullah (R) narrated that the Prophet (S) said: "I entered Paradise and saw a

palace and asked whose palace it was. The angels said, "This palace belongs to 'Umar bin Al-Khattaab. I intended to enter it, and nothing stopped me except my knowledge about your "sense of self-respect" (jealousy). 'Umar said: "O Allah's Messenger! Let my father and mother be sacrificed for you! O Allah's Prophet! How dare I think of my self-respect being offended by you?"³⁶

It is clear from the above narration that 'Umar's "jealousy" and "sense of self-respect" was known to the Prophet (S). He (S) did not criticize 'Umar (R) for it but was very patient in dealing with 'Umar and the rest of the Companions (R).

We also learn of Az-Zubair's jealousy and his sense of self-respect. When he first married Asma bint Abu Bakr (R), he was very poor and possessed nothing. His wife Asma' used to carry the date stones on her head from Zubair's land given to him by the Prophet (S) and this land was about 2 miles from her house. One day while she was walking with the date stones on her head, she met Allah's Messenger (S) and some of his companions. He called her and offered her a ride behind him on his camel. She then remembered Az-Zubair and his jealousy and politely declined the Prophet's offer.³⁷

Many authentic narrations also describe the jealousy of the "Mothers of the Believers", the Prophet's wives, like Umm Salamah and 'Aisha(R). Umm Salamah narrated that, "The Messenger of Allah(s) proposed to me. Although I was very pleased, I said: "I have a daughter as my dependent and I am of a jealous nature. When the messenger of Allah (s) heard of this, he replied: 'We will supplicate to Allah to free her of her responsibility and I will also pray to Allah to remove her jealousy."³⁸

Many narrations also describe the jealousy of 'Aisha. She narrated that, "I never felt so jealous of any of Allah's Messenger's (s) wives as I did of Khadija (R) because Allah's Messenger (s) used to remember and praise her very often and because it was revealed to Allah's Messenger (s) that he should give her the glad tidings of her having a palace of *Qasab* in Paradise."³⁹ Her jealousy was not confined to Khadija (R) as she also "felt jealous of all those who were close to Allah's messenger."⁴⁰

In his explanation of Saheeh Al-Bukhari's "jealousy and passion of women", Al-Imaam Ibn Hajar says: "Jealousy is inherent to women.

However, a jealous woman is to be blamed when her jealousy becomes excessive. This also applies to men. Jaabir bin 'Ateeq Al-Ansaari narrated that, "There are two types of jealousy; one that Allah likes and another that Allah dislikes. Allah likes the jealousy triggered by doubt and dislikes the jealousy based on no reason. If a woman is jealous because she fears that her husband is committing adultery or because he is not treating her equally with her co-wife, and if her doubts prove to be true, then his attitude is not permissible and he is to blame. If on the other hand the husband is just and treats his wives equally and, despite all this, one of his wives is still jealous, she is to be excused since jealousy is human and inherent to all women. However, this jealousy should not lead to prohibited acts or speech. This is what we learn from the attitude of the pious female companions of the Prophet (s)."⁴¹

This comprehensive explanation by Al-Imaam Ibn Hajar shows that the jealousy which does not lead to forbidden acts or words is not harmful. In this case the jealous person should not be held accountable for his or her actions. He or she should be dealt with wisely and patiently. Narrated Anas (R), "While the Prophet (s) was in the house of one of his wives, one of the Mothers of the believers (the Prophet's (s) wives) sent a meal in a dish. The wife at whose house the Prophet (s) was, struck the hand of the servant, causing the dish to fall and break. The Prophet(s) gathered the broken pieces of the dish and then started collecting on them the food which had been in the dish and said: "Your mother (my wife) felt jealous". Then he detained the servant till a sound dish was brought from the wife at whose house he was. He gave the sound dish to the wife whose dish had been broken and kept the broken one at the house where it had been broken."⁴²

Explaining this narration, Al-Imaam Ibn Hajar says: "This narration proves that a jealous woman should be excused since she is blinded by anger and passion which have been aroused by her jealousy. Abu 'Ali narrated on the authority of 'Aisha (R), "It is difficult for a jealous woman to discern the top of the valley from its bottom."⁴³

It is thus clear that jealousy is a characteristic inherent to both

men and women .Islam has acknowledged this fact and excused this jealousy as long as it does not become excessive. How wonderful is this divine wisdom which does not hold the jealous man or woman accountable for their acts when blinded by anger and passion!

Indeed a moderate jealousy which does not reach the realm of suspicion and distrust helps to re-ignite the flame of love and passion between husband and wife. It also helps to maintain a passionate and loving relationship where affection and mercy are forever exchanged and where both husband and wife can enjoy mutual love and attraction. However, "blameworthy jealousy" leads to afflictions, disputes, discord and divorce. This is why it has wisely been called "condemned jealousy".

D] CUNNING

Cunning means to plot, using legal or illegal devices. It can also mean deceit and duplicity, trickery and devious ingenuity.

Cunningness can manifest itself at different levels. We differentiate between "praiseworthy cunning" and "blameworthy cunning". We could say that war is cunning.

The term "cunning" is mentioned in the Qur'an in different verses and in different contexts. It has been attributed to Allah and to human beings, men and women, pious believers and corrupt disbelievers. However, when attributed to Allah, cunning means "ingenuity".It has also been attributed to the devil.

Cunningness is a characteristic common all human beings. It is an intrinsic attribute of women agreeing with their very feminine nature since they often resort to cunning devices in order to obtain what they want and in order to achieve their goals. This attitude could sometimes be described as trickery and contrivance. In the noble Qur'an, women's cunning is described as "great".

Allah (SWT) says: *"And when he saw Yusuf's shirt rent from behind, he said to her: "This is one of your tricks, [you women], your cunning is great indeed." [12:28]*

Women's cunningness is mentioned several times in the Qur'an, specifically in Surah Yusuf. Allah (SWT) says:

"He said (Yusuf): I would prefer prison to that to which they invite me. Shield me from their cunning or I shall yield to them and be one of the ignorant." [12:33] "His Lord heard his prayer and warded off their wiles from him.

He is the All-Hearer, the All-Knower." [12:34]

"The king said: "Bring this man before me" But when the king's envoy came to him, he said: "Go back to your master and ask him about the women who cut their hands. My Lord knows their cunning." [12:50]

This gives us an idea of how a woman can creep into a man's heart by playing on his weakness before her beauty, charm and magical words, thus leading him to fall into her web as well as into more troubles and hardship. The prophet Yusuf sought refuge in Allah from the cunning of women and asked his Lord to rescue him from falling into their traps and from becoming the victim of their "plotting" and "trickery".Allah (SWT) answered his prayer since Allah's "cunning" is indeed the greatest.

Consequently, this characteristic "cunning" of women is not meant to be pejorative.They cannot be blamed for it since it is "inherent" and not "acquired".

There are more characteristics which could be classified as inherent to women. I have selected these four as examples without pretending that this is an exhaustive study of women's character. These characteristics do not affect women's status as an honourable and dignified human being; and Allah knows best.

Notes

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CHAPTER FIVE

Maternal and Matrimonial Rights

RIGHT TO MAINTENANCE, BREAST FEEDING, UPBRINGING AND education Allah (SWT) has strongly condemned those who regard the birth of a female infant as an evil portent. Instead, He (SWT) has encouraged parents to rejoice at her birth, to look after her and to be responsible for her upbringing and education.

Islam protects all infants whether male or female. The father is responsible for the upbringing of the child, even when the child is still an embryo in its mother's womb. Therefore, in the case of a divorce, a pregnant wife is eligible for support for the sake of the child she is carrying. This maintenance is to be paid by the father to the mother until she gives birth. Allah (SWT) says:

"..And if they are pregnant, then spend on them until they deliver." [65:6]

Explaining this verse Ibn Katheer says: "Many scholars, amongst them Ibn 'Abaas, a group of the *Salaf* and many of their successors said that: In case of a final divorce, the husband should continue paying maintenance to his pregnant ex-wife. He should continue to do so until she delivers. However, in case of a revocable divorce, the divorcee should receive maintenance whether she is pregnant or not."¹

After the birth of the child, comes the period of breast-feeding. During this period, the father is also responsible for his ex-wife, if she consents to breast-feed their child. It is his duty to ensure that the mother of his child is able to obtain the healthy and nutritious foods required during breast-feeding.

Allah (SWT) says, "*And if, after that, they give suck to their children, give them their pay and consult together in all reasonableness*" (65:6)

Explaining the above verse, Ahmad Al-Maraaghi says: "After the end of her waiting period (*iddah*), a divorcee has the right to either accept or refuse to suckle the child. If she chooses to do so, she will be entitled to a wage paid by the father of the child, her ex-husband. The amount should be discussed by the parents or the guardians of the child. It is the father's responsibility to provide food and clothing for the child and for the mother."² This is required because the mother's milk is essential nourishment for the child.³

Allah has declared the period for breast-feeding and therefore support of the mother to be set at two years:

"Mothers shall give suck to their children for two whole years for him who wishes the suckling to be completed. They must be maintained and clothed in a reasonable manner by the father of the child". [2:233]

Explaining the above verse, Ibn Katheer says: "It is a guidance from Allah that mothers should suckle their children for a full period of two years. After this, suckling should not be considered. The father should sustain and clothe his children in a reasonable manner, according to the standards of their country, without extravagance nor neglect, with moderation and within his means."⁴

The Prophet (s) said: "No suckling except for what has formed the bones and grown the flesh."⁵ This is also confirmed by the narration related by Umm Salama, who said: "The Prophet (s) said: "Nothing prohibits marriage of breast feeding except what has expanded the

stomach and was before the age of weaning."⁶

This is the divine providence which cares about the child and urges mothers to breast-feed their children. In fact, Islamic law makes it a duty upon every mother to breast-feed her baby for two whole years. Most physicians agree that there is nothing better, for an infant, than the mother's milk, from a nutritional standpoint. In addition there are psychological benefits to breast-feeding that cannot be obtained by bottle-feeding. It is only in recent years that physicians, around the world, have begun to emphasise the importance of breast-feeding.

Many international health organisations have launched campaigns and distributed leaflets explaining the importance of breast-feeding and encouraging mothers to do so.

Dr Mohammed Ali Al Baar stated that although fourteen centuries have passed since the revelation of the Noble Qur'an, we are still stumbling in darkness when it comes to this issue. Even the great civilization of the 20th century has not yet considered the possibility of allocating a support wage to the breast-feeding mother, but Islam did, fourteen centuries ago.⁷

The advantages of breast-feeding are overwhelming and include the following:

- 1 The mother's milk is sterile. Therefore, the new-born is less likely to suffer from intestinal infection. Breast milk is also easier for the infant to digest.
- 2 The mother's milk resembles no other milk, whether extracted from cows, sheep or buffaloes. Her milk is uniquely designed to meet the nutritional needs of the infant. The colostrum contains concentrated proteins and antibodies which help to transmit immunity to various diseases from the mother to the child.
- 3 Babies who have been breast-fed develop quicker and more fully than babies who have been bottle-fed.
- 4 Babies who have been breast-fed are psychologically healthier than those who have been bottle-fed.

Islam also deals with the issue of custody of children in case of

separation. Due to the fact that a young child is in constant need of care, protection, and maternal affection, custody of the young child is awarded to the mother. Abdullah bin 'Amr narrated that, "A woman came to the Messenger of Allah (s) and said: This child is the one whom I bore in my womb, who rested in my lap and suckled my milk. His father has taken him away from me. The messenger of Allah (s) replied: You get custody of this child as long as you do not re-marry.⁸ The Prophet (s) thus awarded her custody of the child. Some scholars have remarked that the relationship of the mother should be given precedence.⁹

Dr. Muhammad Salaam Madkoor has written that, the wisdom behind awarding custody of young children to their mother is that Allah (SWT) has endowed her with endless affection towards her children. Maternal love incites her to devote herself to her children, to protect them and to look after them. She strives in doing so, overlooking hardship, weariness and fatigue.

Allah (SWT) has entrusted women with the custody of their young children during the early years when a feminine presence is most needed. It is He (SWT) who has endowed women with natural affection towards children, especially when the woman is the mother. She is better at protecting the child. This right should not be extorted from the mother except for a compelling necessity. When the child reaches the age when he/she no longer urgently requires feminine attention, he/she should be placed under the complete supervision of the father or the guardian. As the child matures he or she will need someone to direct him and to protect him from social corruption and religious deviation. The father or the guardian is more suitable for this responsibility.¹⁰

From what has been said, we can see how much Islam cares for the child as an embryo, an infant and during his/her early childhood. However, Allah (SWT) has urged us particularly to sustain the female infant. He (SWT) has ordered us to dignify her, and to provide for her. He has also promised great rewards for those who do so.

The Prophet (s) said: "The one who brings up two girls right from their childhood till their maturity, will appear on the Day of judgement close to me like two fingers of a hand, and he joined his

two fingers." ¹¹ This narration urges not only parents but everyone to look after girls and young women, to provide for them and to secure a happy and peaceful life for them. In this way, Islam has protected women from the vicissitudes of time and the oppression of harsh and ignorant parents. Allah will look after the father who looks after his daughter. Allah will also honour and dignify the father who educates and sustains his daughter. He has promised him Paradise (al Firdaus) - with the best of the prophets, Muhammad (s).¹²

Allah (SWT) guarantees the female her rights, protects her feelings and considers her sensitivity. He has ordained that she should not feel neglected and deficient in front of her brother to avoid any possible psychological problems. The Prophet (s) said: "If one of you had a daughter whom he did not bury alive, whom he did not abhor, and nor did he prefer his son over her, Allah will reward him with Paradise."¹³

The following narration also promises Paradise and liberation from the Fire, for any mother who is merciful and loving to her daughters:

Aisha (R) narrated that: A poor woman came to me with her two daughters. I gave her three dates. She gave one to each girl and wanted the third to eat herself. The two girls asked her for this as well. So she divided it into two parts and gave one to each of the girls. I was greatly impressed by her action and mentioned all this to the prophet (s). He said: Allah has ordained Paradise for her in consequence of this action; or Allah freed her from the Hell fire on account of this gesture,¹⁴

The mercy of Islam towards women is obvious from the above verses and narrations discussed in this section. Islam has provided protection for women throughout their life cycle. The extent of this protection is unrivaled, even to this day, by any other religion or set of laws.

Notes

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CHAPTER SIX

Right to Seek Knowledge

In Islam, knowledge of the religion is obligatory for every Muslim man and woman. Therefore knowledge, in general, is respected and highly appreciated in Islam. It is thus not surprising that scholars are held in high esteem and are praised in many verses from the Qur'an. The deep respect for knowledge and those who possess knowledge is evident in the following verse. Allah (SWT) says:

"Allah will raise to high ranks those that have faith and knowledge amongst you." [58:11]

The Almighty (SWT) also speaks highly of the excellence of scholars and their superiority over the common people. He (SWT) says:

"Are the wise and the ignorant equal? Truly, none will take heed but men of understanding." [39:9]

Allah (SWT) has linked His testimony and the testimony of the angels with that of the people of knowledge. This is indeed a privilege and proof of their superiority:

"Allah hears witness that there is no god but Him, and so do the

angels and men of learning. He is the Executor of justice, the only God, The Mighty, The Wise." [3: 18]

The first verses revealed to the Messenger (s) also stress the importance of knowledge:

*"Read in the name of your Lord who created,
created man from a clinging substance.
Read! Your Lord is The Most Bountiful One.
Who taught by the pen, taught man what he did not know"* [96:1-5]

These verses were revealed to define the outlines of a religion based on knowledge, as well as to establish the importance of this knowledge. Hence, the first word revealed, spoken by the Angel Gabriel was *"Read"*. Reading is the key to knowledge and since writing complements reading, Allah (SWT) Highlights this act by saying *"Taught by the pen"*. The pen was and still is the best and most useful utensil used in transmitting and preserving knowledge, and has left its impact on humanity over the centuries.¹ By reading and writing, a human being can acquire knowledge. This knowledge is taught by his Lord since He is the one who has endowed us with intellectual capacities and the five senses which permit us to receive, learn and comprehend information.

Writing is also mentioned in Aayat "Ad-dain":

"O believers, when you contract a debt for a fixed period, put it in writing. Let a scribe write it down for you with fairness; no scribe should refuse to write as Allah has taught him. Therefore, let him write..." [2:282]

The above verse emphasizes the importance of acquiring the knowledge of writing. Allah orders us to do so: *"put it in writing", "let a scribe write", "therefore, let him write..."*. The importance of the scribe is also stressed. It is mentioned twice in the same verse: *"let a scribe write it", "no scribe should refuse".* The knowledge of writing is also a blessing and a gift from Allah.

Allah has ordered us to record our debts and contracts in writing. Therefore, acquiring the knowledge of writing is a necessity and our need for people who master reading and writing is great indeed. We also learn from the autobiography of the Prophet (s) that the ransom of each of his hostages in the battle of Badr was to teach ten Muslims to read and write.² He (s) used to say: "Acquiring knowledge is an obligation upon every Muslim."³ The word 'Muslim' in this narration refers to both Muslim men and women. The scholars have agreed that all the commandments ordained by Allah apply equally to both men and women.⁴ Hence, men and women are equal in terms of obligations. "It is obligatory for every woman to pray, fast, to pay alms-tax (zakaat), to perform pilgrimage, to correct her creed, to enjoin good and prohibit evil, and to compete with others in doing good deeds. In fact all the obligations enjoined upon the Muslim in the Qur'an and the Sunnah are obligatory for every woman. Therefore, it is her obligation to learn about her rights and duties and to put this knowledge into practice. Teaching others about Islam is also important.

It is an established fact that Islam involves worship, conduct, politics, sociology, economics and regulations dealing with issues of every day life, the knowledge of which is not acquired automatically. Rather, it is acquired through studying, learning and teaching. Islam is indeed a vast, diverse, comprehensive and detailed religion.⁵

Furthermore, women represent half of society. Consequently, they share with men the burden of building this society. "They share private and public responsibilities which require good education and enough knowledge in order to fulfil the need of the individual and the growing nation of Islam."⁶

Woman's education is vital for our society since she is the one who produces future men and women. She is the primary school of our children. From her they learn the foundation of humanness and the basis of moral education. She is the one who produces either good or bad members of society. Ibrahim Haafez was indeed correct when he said:

*"For he who can teach our girls,
I say: Their ignorance, in the East is the reason of our failure.
A mother is her children's kindergarten,
If well prepared, a nation of decent stock, ours would be.
A mother is a garden.
If watered, flourishing white, it would be.
I am not saying, to let the women,
unveiled, wander amongst the men.
Teach our girls virtuousness;
In all situations, it is a firm righteousness."⁷*

The well-known poet Al-Rasaafi has also said:

*"Morals are seed's, to be sown and watered
with noble hands.
If irrigated by a schoolmaster,
morals would flourish on virtuous stems.
Morals are best refined
in a maternal lap.
A mother's lap is a school,
educating boys and girls,
Do we aspire for perfection while,
Our children are raised in ignorant laps?
Isn 't knowledge in Islam
an obligation upon boys and girls?
Our mother's sea of knowledge
provided answers for every problem
Didn 't the Prophet (S) teach her
to become a glorious scholar?"*

The female companions knew and understood the importance of knowledge in Islam. They passionately competed amongst themselves and endeavoured to gain sound knowledge. The Prophet (s) encouraged their enthusiasm and allowed them to attend his study circle. How could he not after his Lord had taught him to say: *"Lord, increase my knowledge.."* (20:114) When the female companions heard

the Prophet saying: "When Allah wants to do good for a person, He gives him sound knowledge in religion"⁸, they understood this narration to be directed to both male and female Muslims and not exclusively to men as some people seem to believe. They sought sound knowledge and competed amongst themselves in doing good deeds.

Aisha (R) said: "How excellent are the women of the Ansaar! They do not feel shy while learning sound knowledge in religion."⁹ The women persevered in doing so and regularly attended study circles. There they asked the Prophet various questions, some general and some concerning women's issues. In a narration by Abu Sa'eed Al-Khudri, we learned that some women requested that the Prophet (s) even set aside a day for them because the men were taking all his time. In response to their request he promised them one day for religious lessons and commandments. Once during such a lesson the Prophet (s) said: "A woman whose three children die will be shielded by them from the Hell fire". A woman asked, "If only two die"? He replied, "Even two will shield her from the Hell-fire".¹⁰

The Prophet (s) showed kindness and affection to his female companions. He encouraged them to seek knowledge and helped them in comprehending and understanding their religion.

Knowledge should be sought by all men and women, whether free-born or slaves. Abu Badra's father narrated that Allah's Messenger (s) said: "Any man who has a slave girl whom he educates properly, teaches good manners, manumits and marries, will get a double reward."¹¹ He also said, "The man who has a slave girl whom he educates, treats kindly, manumits and marries, will get a double reward".¹²

The female companions would gather and listen to the Prophet (s). They would also pray with him in congregation even though they knew that it is better for a woman to offer her prayers at home. They did so because they were so eager to seek knowledge from the Prophet's (s) own lips.

The books of history describe at great length the contribution of

'Aisha (R), the Prophet's wife, to the teaching and preserving of the religion. Her knowledge was vast; she memorised and related numerous narrations of the Prophet (s). 'Ataa' bin Abi Rabaah said: " 'Aisha (R) was a scholar, the most knowledgeable one, who provided the best counsel." Also, Al-Zuhri said: "The knowledge of 'Aisha exceeds the knowledge of all the mothers of the believers, (the Prophet's other wives) as well as the knowledge of all the women put together. And Hishaam Ibn 'Arwah said: "I never heard of anybody with more knowledge in Islamic jurisprudence, medicine, and poetry than 'Aisha (R)." ¹³

The female companions eagerly sought to learn writing. Al-Shaffa' Bint Abdullah taught writing to Hafsa (R), the Prophet's (s) wife with his approval."¹⁴ The female companions contributed to the religion by directly relating some of the sayings of the Prophet (s). The scholars of Hadith did not stipulate that the narrator should be a man. Their criteria were based on the intellectual capabilities of the narrator, their accuracy, righteousness and commitment to Islam. If these four conditions were available, the narration would be authenticated regardless of the gender of the narrator.

Therefore, the books of Hadith abound with names of female narrators amongst the companions and those who came after them (*At-taabi'iyat*). Some of the scholars have devoted whole sections to narrations related by women. For instance: The book of "Attabaqaat" by Ibn Sa'd, "Al-Isaabah Fee Tamyeez As-Sahaabah", and "Asadulgaabah Fee Ma'rifat As-Sahaabah".

For the last centuries Muslim women have been prevented from seeking and acquiring knowledge., Consequently, illiteracy and ignorance became widespread amongst Muslim women. Only in the last twenty five years has this begun to change.

Previously, fathers had prevented their daughters from reading and writing. They were confined to household tasks. If a father wished to educate his daughter, he would only allow her to learn how to read, since writing - they believed - was forbidden for them. A father would only entrust his daughter to a teacher if the latter promised not to teach his daughter how to write. In fact, some people claimed

that Islam prohibited women from seeking worldly knowledge and even religious knowledge. This misconception was based on a forged statement. It was falsely narrated that the Prophet said: "Do not lodge your women in rooms and, do not teach them how to write."

Recently the scholars have confirmed that the narration prohibiting women from reading and writing was a complete fabrication. It was proved to be invalid and can no longer be used.

Men and women are equal when it comes to learning, reading and writing religious and moral books, as well as books dealing with health issues, home management, children's education, home crafts..etc. This includes books of creed, explanation of the Qur'an, the biography of the Prophet (s), books of Hadith, jurisprudence, Islamic history and books describing the code of conduct of the companions (R). These readings will bring women from the darkness of ignorance to the light of knowledge. No wise person would question the positive impact of such readings on both men and women.

However, women should be able to seek knowledge without compromising in any way their modesty and chastity.

The most knowledgeable women were undoubtedly the female companions of the Prophet (s) and those who came after them (At-Taabi'iyat). Amongst them were relaters and narrators of Hadith. The scholars have mentioned that many scientific skills were mastered by some. There are many texts of the Noble Qur'an whose calligraphy comes from women from Damascus and Iraq. Some of these women have been described as "Geniuses with-natural eloquence."¹⁵ Nevertheless, scholars are divided into two groups regarding the type of knowledge a woman should seek.

- One group limits her education to religious issues, as well as home management and motherhood skills. They believe that she does not need to learn sciences like chemistry, physics, maths, architecture...etc.

This opinion prevailed in Egypt and was advocated by many. For instance, Haashim Ibrahim used to say: "The place of a woman is at home. Therefore, she should not seek any knowledge which would

take her away from her family. She should only seek an education which will help her to grow into a perfect wife and a perfect mother."¹⁶

- Another group of scholars believe that women's education ought to be comprehensive. A woman should seek all types of knowledge without exception, even if the subject is contrary to her nature, her physiological constitution and her primary role in society. This group includes advocates of the so-called women's liberation movement. At the head of the list we find Qaasim Ameen.

Both opinions are pertinent to a certain extent. However, commenting on the first opinion, we say that a woman should acquire the foundations of all different sciences so that she can understand the mechanisms of everyday life. With this knowledge in hand, she will be able to help her children in their studies. This is especially important as it is the mother who is in charge of her children's education at home.

As far as the second opinion is concerned, we say that undertaking a study without careful planning and thinking, like for instance a study of sciences which are not compatible with women's physiology and natural role in society is a waste of time and energy. It is of no use to the woman herself, nor to her family. It will lead her to neglect her responsibilities towards her family and her Creator. The Prophet (s) said: "A woman is a steward of her husband's house and his children and she is accountable for those who are placed under her care."¹⁷

The answer lies in between these two opinions. Islam has not forbidden any knowledge of any science. On the contrary, it gave women the right to seek unlimited knowledge. It gave her the freedom to choose, select and decide. It is up to her to make the correct choice which would suit her inherent instincts and agree with her physical constitution as well as her natural role in society. This choice however, should not lead her to overlook her most important role as a mother and wife. Consequently, two different educational programmes should be designed, one for each sex. Each programme would take into account the different and separate specialisation of each sex and help it to fulfil and perfectly achieve its role in society.

The scholars have divided the knowledge that a woman should seek into two types of obligations:

- 1 Individual obligation. This includes correcting her creed, strengthening her faith, improving her manners, perfecting her home management skills, providing good education for her children and attending to her children.
- 2 Collective Obligation: When the nation is in need of female doctors, gynaecologists, nurses and teachers to teach in girls' schools, then the nation should ensure that adequate numbers of female doctors, nurses and teachers are produced. At this stage, seeking the knowledge of such sciences becomes an obligation upon Muslim women. Unfortunately, some people exceed the limits and take part in activities that contradict the values and principals of Islam. This of course should be avoided by every Muslim woman, as well as every Muslim man. The purpose of gaining knowledge is to acquire the skills necessary to become a good Muslim member of society. Therefore careful thought and planning is required by the Muslim woman regarding this issue.

Notes

- 1 Fee Dhilaal Al-Qur'aan: Sayyed Qutb, vol 6,p.3932
- 2 Al-Raheeq Al-Makhtoom; Safi Al-Rahmaan Al-Mubaarakfoori, p.256
- 3 Sunan Ibn Maajah: Al-Haafedh bin Abdullah bin Maajah, vol ,I, p.80
- 4 Huqooq Al-Nisaa' fee Al-Islam: Muhammad Rasheed Ridah, p.18
- 5 AI-Mar'ahfeeAI-TasawwurAI-Islami: Abdi-lmu'taal Al-Jabari, p.58
- 6 Ibid
- 7 Ustaaz Al-Mar'ah: Al-Shcik Muhammad AI-Bijaam, p.63
- 8 Al-Bukhaari: vol 2, p. 41-48
- 9 Al-Bukhaari: vol1,p.41
- 10 Al-Bukhaari: vol11,p.34
- 11 A, BukhMri; vo,9 p,126
- 12 Al-Bukhaari: vol 5, p. 176
- 13 Al-Isaabah fee Tamayuz Al-Sahaabah: Ibn Hajar Al-'Asqalaani, vol 4, p.360
- 14 Ibid, vol 4, p:341
- 15 Man'ul Ikhtilaat: Sheikh Muhammad Abdullah bin Zaid Aal Mahmood
- 16 AI-Harakah Al-Nisaa'iyyah al-ladithah: DriJlaal Khalifah, p. 114
- 17 AI-Bukhaan: vol 5, p.181

CHAPTER SEVEN

Right to Choose Her Husband

Islam has restored women's dignity, given them freedom of choice, established their rights and, most importantly, given them the right to choose their husbands. Hence, every woman has been given the right to accept or reject a suitor. It is a fact that not so long ago, women used to be sold to their husbands as pieces of merchandise. They were neither consulted nor even told that they had been given in marriage.

But despite clear Islamic teachings, many Muslim fathers still force their daughters into marriages. This is not confined to those living in remote villages and rural areas but also occurs in urban areas as well. If the young woman protests and advocates her natural rights, she is often accused of being insolent, disobedient and disrespectful of her culture and traditions. Forcing a woman to marry, without her consent, is a violation of Islamic law and transgresses the teachings of the Prophet (s) who said: "A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage without taking her permission."¹ The People asked, "O Allah's Messenger! How can we know her permission? He said, "Her silence indicates her permission'."

'Aisha (R) also narrated the following, "O Allah's Messenger! A virgin

feels shy. He said, 'Her consent is expressed by her silence'.²

The "matron" is the divorcee or the widow. "Consulting her" means to ask for her consent as without it, her marriage is not valid. The "virgin" is the young woman who has never been married before. Her marriage is not valid without her permission or consent and if she does not speak up and express her consent because of her timidity and modesty, her silence will be enough.

Ibn 'Abbas (R) reported Allah's Messenger (s) as saying: "A woman previously married has more right to her person than her guardian. And a virgin should also be consulted, and her silence implies her consent."³

Explaining this narration Al-Imam An-Nawawi says: "It means that she has a right to her person and her guardian also has a right to her person. However, her right is greater and more decisive. If her guardian wishes to give her in marriage to a suitor whom he considers to be suitable and she refuses, he cannot force her to marry him. On the other hand, if she wishes to marry someone suitable and her guardian refuses, he will be asked to consent to this marriage. If he does not, the judge will allow her to marry without her guardian's consent. Hence her right is established and has predominance.

As far as the virgin is concerned, she *"should also be consulted"*. This has been interpreted in two ways. Al Shaafi'ee, Ibn Abi Laila, Ahmad and Ishaq's interpretation is as follows: The guardian is commanded to ask the permission of the virgin. If the guardian is the father or the grandfather, he should ask her permission. If he gives her in marriage without her permission, the marriage still is valid since the sympathy of the father or the grandfather towards the daughter or granddaughter is *"absolute"*.

On the other hand, Al Awzaa'ee, Abu Haneefah and many others amongst the "Kufiyyoon" have given the following interpretation: The guardian should ask the permission of every adult virgin and *"her silence implies her consent"* is a condition that applies to every virgin and to every guardian. In this case, the guardian should understand that her silence is *absolutely* sufficient. However, the divorcee or the widow should put her consent into words, even if the guardian is her father.⁴

Therefore there are clearly two different opinions regarding the issue of asking the permission of an adult virgin. The first opinion can be summarized as the following:

- 1 Asking the permission of the adult virgin is "*recommended.*"
- 2 The father can give his virgin daughter in marriage without her permission.
- 3 Asking her permission is *necessary in the absence of the father as a guardian.*

The second opinion is based on the belief that asking the permission of the virgin is *necessary whether the guardian is the father or not.*

I am personally inclined to the opinion of the second group for reasons which I shall illustrate later.

The first group have relied on the "*absolute sympathy*" of the father or the grandfather, and so concluded that asking the permission of the adult virgin is not necessary. It seems absolutely illogical to assume that every father or grandfather will always be sympathetic to his daughter or granddaughter. Often fathers and grandfathers are ruled by traditions, personal desires and seek only their own personal interests. It is therefore safer to stipulate that the permission of the adult virgin *is necessary.*

The Prophet (s) has clearly given this right to every woman so that her father or her guardian is not able to control her destiny or cause her distress and misery by forcing her into a marriage solely to serve his own personal interests.

In various narrations it has been shown that if a virgin, a widow or a divorcee is given in marriage without her consent, the contract will be pending until she agrees. Khansa' bint Khidaam reported that her father gave her in marriage when she was a matron and she disliked that marriage. She complained about it to Allah's Messenger (s) who immediately declared the marriage to be "*invalid.*"⁵

Abu Baredah also narrated that a young woman came to the Messenger of Allah (s) and said: "My father has given me in marriage to his nephew in order to compensate for his low status." The Prophet gave her the right to decide whether to accept the marriage or reject it.

She said: "I agree to what my father has done. I just wanted women to know that the decision is theirs and not their father's."⁶

These narrations clearly show the nobility and wisdom of Islamic rules and regulations.

Concerning the right of the father to give his young daughter in marriage before she reaches puberty and before asking her permission, most of the scholars have agreed that the father does have the right to do so. To prove this they refer to the marriage of the Prophet (S) to 'Aisha (R) since Al-Bukhaari, Muslim, Ibn Maajah and many others have reported the following narration: "'Aisha (R) narrated that the Prophet (s) made the marriage contract with her when she was six years old and he consummated his marriage when she was nine years old, and then she remained with him for nine years [i.e. until his death]."⁷

And the narration as reported by Muslim is as follows: 'Aisha (R) reported that Allah's Messenger (S) married me when I was six years old, and I was admitted to his house at the age of nine. She further said: We went to Medina and I had an attack of fever for a month, and my hair had come down to the earlobes. Umm Rumaan (my mother) came to me and I was at that time on a swing along with my playmates. She called me loudly and I went to her and I did not know what she wanted of me. She took hold of my hand and took me to the door, and I was saying *Hah, hah* (as if I was gasping), until the beating of my heart was over. She took me to a house, where there had gathered the women of the Ansar. They all blessed me and wished me good luck, saying 'May you have a share in good.' She (my mother) entrusted me to them. They washed my head and embellished me and nothing frightened me. Allah's Messenger (s) came there in the morning and I was entrusted to him."⁸

Al-Imaam An-Nawawi comments on this narration and says: "This narration that 'Allah's Messenger married me when I was six...' and in another version 'When I was seven...', clearly indicates that the father has the right to give his young daughter in marriage without consulting her and seeking her permission because at such an age, she has none to give."⁹

Advocates of this opinion also quote the verse from the Qur'an referring to *'iddah* (*And for those who have not menstruated. (65: 4)*). This verse mentions the *'iddah* (waiting period after a divorce and before

re-marriage) of those who have not reached puberty, which means that such girls can marry, since there is no 'iddah except for a divorcee from an *actual* marriage.

The majority of Muslim scholars who agree with the above opinion base their judgements on the above narration. But they are divided into two groups in their interpretation of it." ¹⁰ One group gives any guardian the right to give her in marriage. This group includes Al Awzaa'ee and Abu Haneefah.¹¹ The second group gives this right only to *the father* or *the grandfather*, believing that otherwise, the marriage is "*not valid*." This groups includes Al Shaafi'ee¹², Maalik¹³, Ahmad¹⁴ and the majority of Muslim scholars.

We thus notice that both groups allow *the father* to give his young daughter in marriage. However, Al-Shaafi'ee and his students say that it is better not to do so until the young girl grows into a young woman. The father should then consult her and seek her assent to avoid arranging a marriage she may dislike strongly. Commenting on this, Al-Imaam An-Nawawi says: "This does not contradict the narration of 'Aisha. What Al-Shaafi'ee and his students have meant is that the father should not give her in marriage unless there is a '*special honour*' to be gained and a great '*advantage*' to be taken by hurrying the marriage, as in the case of 'Aisha. In such a case it is advisable not to delay the marriage since the father is responsible for his child's '*welfare*' and '*interest*'¹⁵

I personally admire Al-Shaafi'ee's comments but wish he had chosen the word "*must*" rather than the attenuating expression: "*it is better not to*". It must be made clear that:

- 1 No marriage can be compared with the marriage of 'Aisha to the Prophet (s), the best of mankind. In marrying her the Prophet (s) showed noble intentions and motivations which served the call to Islam (da'wah). This marriage was also ordained by Allah Almighty. Behind it lay a divine wisdom which was probably linked to the role played by Abu Bakr, father of 'Aisha, in the call to Islam and his friendship with the Prophet (s). The alliance

honoured Abu Bakr, the Veracious and the Righteous, and 'Aisha herself was very proud of it. She said:

"I have been given what no other woman has ever been given: The Prophet (s) made the marriage contract with me when I was seven years old. The angel came to him with my image in his hand to look at and he (s) consummated the marriage when I was nine years old. I saw the angel Gabriel and I was the favourite wife of the Prophet (s). I nursed him (s) when he was ill and only the angels and I witnessed his death."¹⁶

Indeed no other woman can compare her marriage with that of the righteous 'Aisha whose guardian had given her in marriage to the Prophet (s) without asking her permission. Ibn Shabramah said: "The marriage of the young girl who has not yet reached puberty is not permissible. The Prophet (s) was ordered by his Lord to marry 'Aisha and this order had to be obeyed. This was a special case exclusive to the Prophet (s) like his exceptional eloquence and his marriage to more than four women."¹⁷

2 The disadvantages outweigh the advantages when a young girl is given in marriage without her permission and without her prior knowledge. Marriage in Islam aims to achieve a strong bond between the husband and his wife. Their relationship should be built on mutual understanding and both should strive sincerely to achieve a happy marriage, showing mutual affection and mercy. Allah (T) says:

"And of His signs is that He gave you wives from amongst yourselves, that you might live in tranquillity with them, and He has put love and mercy between you. " [30:21]

Hence, giving the young girl in marriage without her knowledge and permission conflicts with the primary goals of marriage in Islam.

How can *tranquillity, love and mercy* be achieved when the young girl grows into a young woman and finds herself trapped in a marriage she did not consent to, especially if her husband is old enough to be her father or even her grandfather? Shocked by this bitter reality, she will have no other choice but to submit to her unfortunate destiny. Some scholars have kindly given her the right to obtain dissolution of the marriage when she reaches puberty. These are scholars from Iraq: Al Awzaa'ee and Abu-Haneefah." ¹⁸

In my opinion the right to dissolve the marriage, when she reaches puberty, is of little value because the damage is already done. Numerous consequences such as the difficulty of remarriage due to a divorce must be considered. It seems obvious that no good can be gained by forcing a child into a marriage. The marriage would have little chance of achieving the goals of "tranquility, love and mercy" ordained by Allah for marriage.

- 3 If we assume that Islam does give the father the right to choose the husband for his young daughter, then this father is certainly meant to be a righteous man who respects the limits set by Allah (T). It is a father who assesses a suitor according to Islamic jurisprudence, not according to his whims and desires or according to man-made traditions and rules. Such a father does not seek the pleasures and treasures of this world but only seeks the pleasure and well-being of his daughter. This father would then assess the suitor according to Islamic rules and criteria, stripped of any trace of tradition, culture, racism or personal interest. But how many men would truly do this?
- 4 Since the presumed "advantages" of such marriages motivated the scholars and led them to come out with this interpretative judgement, and since the primary objective of Islamic jurisprudence is to implement justice and to condemn evil, the notion of individual welfare should be reviewed constantly. Indeed what is considered to be a great advantage in one century could be considered to be a minor detail or even a disadvantage in the

century to follow. Secondly, the level of righteousness or corruption, of the Muslim world, throughout the centuries, should and must be taken into consideration. Therefore due to the existence of corruption many Arab countries such as: Syria, Lebanon, Egypt, Iraq, Jordan, Tunisia and Morocco do not allow a guardian to give in marriage a young girl or a young boy before she/he reaches the age of consent. This age varies from one country to another.¹⁹ Some countries have set this age to eighteen for males and sixteen for females, basing their judgement on the teachings of Al-Imaam Abu Haneefah. Other countries have set the legal age to fifteen, basing their judgement on the narration of Abdullah bin 'Umar.

To give the father this right, solely on the basis of the marriage of the Prophet (s) to 'Aisha (R) contradicts the Prophet's (S) own words when he said: "A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage without taking her permission." It also contradicts many other narrations I have mentioned earlier which give young women the right to choose their husbands.

Obviously, in this case, the prophetic sayings contradict the prophetic tradition. But this contradiction will disappear when the marriage of the Prophet (s) to 'Aisha (R) is classified as a practice exclusive to him as a Prophet, behind which lies a divine wisdom, and Allah knows best.

Notes

- 1 Al-Imam Abi Abdullah Muhammad bin Ismaa'ccl Al-Bukhaari, 'Saheeh al-Bukhaari' Vol.6, offset print, Istanbul Daar al-Fikr, from Daar al Tibaa'ah Al-Aamir (no date), p.135and Al-Imam Yahya bin Sharaf Al-Nawawi, 'Saheeh Muslim', Sharh al-Nawawi', compiled by: Abdullah Ahmad Abu-Zeina, Vo.3, Cairo, Maktab-at Al-Sha'aab (no date), 2nd edition, Beirut, Daar Zhyaa, Al-Turaath Al-Arabi, 1392 AH/1972, p.574
- 2 *ibid.*
- 3 Al-Nawawi, op. cit. vol:3, p.576
- 4 *ibid.*, p.575
- 5 Al-Bukhaari, op. cit. vol.6, p.135. -
- 6 Al-Haafez Abi Abdullah Muhammad al-Qiqwini, 'Sunan Ibn Majah'. vol:i, Ibn Majah, texts compiled by: Fu'aad Abdulbaaqi, Vol i, Daar Zhyaa'al Kutub al Arabeeyah, Aabaas al-Baabi & Co. 1372 AH, 1955, p.602.
- 7 Al-Bukhaari, op. cit., Vol.6, p.135.
- 8 Al-Nawawi, op. cit. Vol.3, 'Kitaab al-Nikaah' p.570
- 9 *ibid.*
- 10 Abdurrahman Al-Jazairi, 'Al-Fiqh ala al-Madhaahib al Arba'ah', (Jurisprudence of the Four Juristic Schools), Vol.4, Kitaab Al-Nikaah, F.gypt, al Maktabah al Tijaareyah al Kubrah, p.29.
- 11 Ibn Abidecn, op. cit. vol.3, p.66.
- 12 Al Shafi'ee, op. cit. Vol.8, p.163.
- 13 Al-Baajee, op. cit. Vol.3, p.266.
- 14 Taqiyudcen Al-manbali, op. cit. part 2, p. 150.
- 15 Al-Nawawi, op. cit. Vol.3, 'Kitaab al-Nikaah' p.575
- 16 Al-Imam Ahmad Ibn I lajar Al-Asqalaani,'Al-Isaabah fi Tamyeez al-Sahaabah, (Being Right in the Cognition of the Companions of the Prophet), in the footnotes, 'Kitab al-Isti'aab ti Asmaa al- Sahaaba', compiled by: Abdullah bin Al-Baar al-Qurtubi, Vol.4, 1st edition, Egypt, Beirut, Maktab'at al Aadah, Daar Zhyaa al-Turath Al-Arabi, 1328 AH, p.360.
- 17 Al-Muhallah: Ibn llazm, Vol.9, p.459
- 18 Ilaashiyyat Kadd-ul Muhtaar: Ibn 'Aabideen, Vol.3, Kitaab al-Nikaah, p.66 and Muslim, Sharh An-Nawawi, Kitaab Al-Nikaah, p.577.
- 19 For more details see, Muhammad Abu Zahra. 'Al-Wilaayah Ala al-Nafs', (Guardianship towards the Individual), Beirut, Lebanon, Daar al-Raa'd al-Arabi, p.52-72, and 'Al-Ahwaal Al-Shakhsiyah', (Personal Status Law in Islam), 3rd, Daar al-Fikr Al-Arabi, 1377 AH/1957, p.108

CHAPTER EIGHT

Right to Seek Employment

Islam is the religion that rewards labour, assiduity and hard work. It is the religion of sacrifice and giving. As Muslims we are encouraged to work and to undertake lawful jobs.

"Do what you will, Allah will behold your works and so will His Apostle and the Faithful" [9:105]

Al-Imam Al-Qurtubi said: *"Do what you will* is addressed to all mankind. *"Allah will behold your works and so will His Apostle and the Faithful"*, means that Allah (T) will make your deeds known to them. It has been said, if a man worked in a rock with no doors nor windows, his work would be made known to mankind, whoever he was.¹

The wisdom behind the creation of mankind is revealed in the Qur'an. Allah (T) says:

"He who has created life and death, so that We may test them as to which of them do best. "[67: 2]

'We have made that which is on earth an ornament for it, so that We may test them as to which of them do best.'" [18:7]

Allah (T) has made it clear that the wisdom behind the creation of mankind is to test them and to put them through trials and then reward them according to their deeds.

Al-Imam Al-Qurtubi also said: "To mankind this life is as appealing as a ripe juicy fruit on a tree on a hot summer's day. Allah (T) has made it available and within reach, so that He may see how obedient human beings are to their Creator." Ibn Attiyah said: "My father used to say: "*Do deeds rveir*, meaning to take what you deserve and to spend by right, being a believer, to fulfil all religious obligations, to stay away from what has been made unlawful and to increase your optional religious acts of worship. I said: "This is indeed a concise and well-spoken statement."²

All Muslims have the right to work and to earn profit. Islam has given each individual the right to undertake any lawful job as long as he or she meets the requirements. The Prophet urged his followers to do so in many narrations.

Narrated Al-Qudaam (R): The Prophet (s) said, "Nobody has ever eaten a better meal than that which he has earned by working with his own hands."³

Explaining the above narration, Al-Imam Ibn Hajar says: "The more general term "*to earn*" precedes the more specific part "*by working with his own hands*" since earnings can be the result of manual or other types of work. However, Al-Mawardi says: "The best sources of income are farming, trade and crafts."

The scholars have different opinions concerning what is the best job and usually conclude that it varies according to the individual and according to the situation. However, any lawful job is better than idleness which leads to humiliation and degradation.⁴ Al-Imam Ahmad bin Hanbal narrated, on the authority of Raafi' bin Khudaij: "The Prophet (s) was asked about the best source of revenue. He (s) replied: manual work and lawful trade."⁵

This narration praises manual work which includes all kinds of professions and vocations. Al-Bukhari has also quoted a narration which indicates that Abu-Bakr (R) used to trade like most of the Prophet's companions. Indeed trade and business are strongly

encouraged. 'Aisha (R) narrated that when Abu Bakr As-Siddeeq was chosen Caliph, he said, "My people know that my profession was not incapable of providing sustenance for my family. As I will be busy serving the Muslim nation, my family will eat from the National Treasury of the Muslims. And I will practise the profession of serving the Muslims."⁶

Explaining this narration, Ibn Hajar said: "By *profession*, Abu Bakr (R) was referring to his source of income. A profession therefore is whatever allows a human being to earn and to spend from his earnings. Hence, Abu Bakr (R) is suggesting that his profession enabled him to provide for his family. At this same time he is apologising for taking from the Treasury in order to substitute for his income as he will be expected to dedicate all of his time and energy to serving the Muslims."⁷ From this above explanation, we can conclude the following:

- 1 Every job and every profession is regarded as a craft: *hurfa*h.
- 2 Any lawful job is encouraged, and acceptable.

Aisha (R) narrated that the Prophet (s) said: "The best food is the food you have earned and your children and their wealth are from what you have earned."⁸

He (S) urged his companions to work hard and to avoid begging for money or food.

Abu Huraira (R) narrated that Allah's Apostle (s) said: "One would rather chop wood and carry a bundle of it on his back than ask somebody who may or may not give him."⁹

Islam has permitted women to undertake lawful professions and crafts which are not incompatible with their femininity, or abuse their dignity. Islam has even allowed the widow or the divorcee to work during her *iddah* [waiting period before a second marriage, during which she is supposed to stay in her house] because if her work is necessary to her family and to the Islamic nation in general, she is encouraged to carry on with her profession. Jabir bin Abdullah (R) narrated that "My maternal aunt was divorced, and she intended to pick her dates. A man scolded her for having come out (during the

period of 'iddah). She came to Allah's Prophet (s) and he said:

"Certainly you can pick dates from your palm trees, for perhaps you may give charity, or do an act of kindness."¹⁰ The Prophet (S) thus encouraged work for all, bearing in mind its good consequences on the individual as well as the community.

However, Islam has not made "work" an obligation upon women since the general principle in Islam is to divide obligations and responsibilities between men and women, husband and wife. The obligation of the man is to earn his living and to provide for his children and the women in his family (mother, wife, daughter). On the other hand, a woman is primarily in charge of her children, husband and the management of her household. Islam has therefore made it an obligation upon the husband to provide for his wife so that she can devote her efforts and time to her important responsibilities at home. Indeed the divine wisdom manifests itself in this harmonious division of obligations and responsibilities. Allah (T) has ordained that all men and women should devote themselves to their primary roles. Only then can a higher and better productivity be achieved. He (T) has ordered the husband to provide for his wife even though she may be rich and has ordered the government to take over this responsibility when she loses her provider.

Nevertheless, Islam has also given women the right to have independent businesses, to trade, to give in charity...etc, in cases of necessity or when a collective advantage can be gained, like nursing and treating female patients, midwifery, educating young women and other activities and social services involving women. The competent woman is encouraged to go out and meet the needs of her community, but only under the following conditions:

- 1 Her work must not consume her entire time and energy, thus preventing her from fulfilling her more important role as wife and mother.
- 2 Her career must not conflict with or remove her from her special natural functions.
- 3 She should be able to exercise her profession with dignity and modesty, avoiding temptations and situations which might arouse

suspicion and distrust. Indeed, many are the noble verses and prophetic sayings that enjoin women to do so as well as to avoid soft speech, perfume and adornment while working outside. These texts will be discussed in detail later under the title "Ethical Right [Hijab]."

- 4 She should avoid mixing with men and being alone with one of them since the Prophet (s) said: "No man should be alone with a woman except when there is a mahram with her."¹¹

Consequently, a respectable woman should not work in a place where she would be expected to deal privately with men in a secluded place. Public mixing with men is also to be avoided. Ibn Abi 'Amr bin Hamaas narrated: "While entering the mosque, I heard the Prophet (s) saying to the women: "Walk behind us and do not walk in the middle of the roads." Hence, the women used to walk on the edges of the roads to the point that their garments would catch against the walls."¹²

As long as the above conditions are observed, a woman has the right to seek employment. She can choose any career that corresponds with her abilities and natural disposition as a woman. However, Muslim women should not seek employment merely for the sake of it, overlooking religious instructions and familial responsibilities, blindly imitating the West.

Indeed, Islam's attitude to women's employment is very different to that of the West. In western countries there is no difference between men and women in this respect. They are both forced to work to earn their livings and support their families. At the same time the western woman is also expected to fulfil her natural duties as mother and wife.

"Women's employment" has been highlighted endlessly by the media as a general trend in our society and numerous campaigns have been launched to urge women to seek employment. When such campaigns were first launched in the West, women were tempted to go out and work in order to affirm their so-called equality with men. Unfortunately, many eastern countries have followed this example, thus transgressing the laws of nature and ignoring women's inherent roles and responsibilities. They shout the same western slogans,

overlooking the invaluable teachings of Islam which, by their divine nature, differ from man-made western traditions and ideologies. Some of the arguments which they have generally put forward to convince women to seek employment are the following:

- 1 Prosperity and general welfare can only be achieved by obtaining employment. As women represent half of society, half of the population would be unemployed if women did not go out to work.
- 2 Employment helps women to understand the realities and facts of the world. It develops their intellectual capacities and encourages self-confidence and assertiveness.
- 3 Employment helps women to increase their family's income or to sustain themselves in the absence of a provider.

These arguments are weak and can be refuted easily:

- 1 Despite their claims, half of the population is not unemployed. Women do play an important and vital role in our society. They are the ones who give birth to future members of society, bringing them up and educating them. Men are responsible for economic growth and production and women for the growth of population and human production. Both responsibilities require specialization. Producing good members of society requires complete devotion of time and effort. A mother is responsible for her children's ethical values and general behaviour. This requires constant attention to their intellectual, physical and spiritual development. This makes the mother's natural tasks more important than her contribution to economic development.

At the same time, women's responsibility is more demanding and time consuming, for human production is more important than material production. Ironically, in the West where women are urged to seek employment, particularly in the United States, the unemployment rate is ever increasing and men are unable to find jobs. From *Al-Riyadh News* magazine [issue No 5096] I quote the following: "At this moment America is facing the highest unemployment rate ever. This has led to an increasing number of patients suffering from psychological problems and an increasing number of drug addicts. Unemployment has caused financial

problems for many American citizens and doubled the deficit of the government's budget."

- 2 Intellectual development and increased cultural awareness are not necessarily achieved through employment. Often they can be better achieved by acquiring a broad education, extensive reading, attending lectures and conferences as well as socialising with people of knowledge. It is hard to believe that many of the mundane, manual labour positions held by women can in anyway increase their intellectual capabilities.
- 3 As far as providing a supplement to the family's income, or even providing the main income in the absence of a provider is concerned, Muslim women have been led to work because their society has failed to meet its responsibility towards the poor, the widows, the orphans and the invalids. Allah (T) has ordered the Muslims to allocate a share of the public treasury for such people. He (T) says:

"...And in their wealth is a due share to the petitioner and the deprived."[51:19]

The Prophet (S) also said, "There is no believer except that I am the closest of people to him both in this world and in the Hereafter. Recite if you wish:

"The Prophet is closer to the believers than their own selves." [33:6]

So if a believer leaves some property then his relatives will inherit that property; but if he is in debt or he leaves poor children, let those (creditors and children) come to me, for I am his sponsor."¹³

As for those who claim that women's employment will help achieve equality with men, I say: It has certainly achieved their equality with men in terms of distress, hardship and toil, but not in wages and esteem. Al-Bahi Al-Khuli says: "The UN has not been able to establish equal wages for men and women because employers are still adamant that men's productivity surpasses that of women".

Sociologists, psychologists and critics agree that this trend

(women employed outside the home) has affected the purest and the noblest inherent role of women in society and has left the members of families suffering from dissolution, immorality and indecency."¹⁴

The main consequences of women working have been, in my opinion, a deficiency in women's primary role as mothers and wives. This has led to the dissolution of families, delinquency and immorality among teenagers, an increase in accidents and crimes of which children are the main victims.

Such are the consequences of the so-called "women's liberation movement" which has taken many Muslims far away from the invaluable wisdom of their religion.

Notes

- 1 Abi Abdullah Muhammad al-Qurtubi, *Al-Jaami li-Ahkaam Al-Qur'aan*, Vol.4, Ilcirut, Dar /hyaa' al-Turaath al Arabi,(no date), Cairo, Dar al Sha'b, Kitab al-Sha'ab 92, A-Qasr al-Ayni, (no date)P.309
- 2 Ibid,Vol. 5, p 3972
- 3 Ibn Hajar al Asqalani, *Fath al-Haun hi Shtirli Saheeh ul-Hukhaari*, compiled and edited by: Abdulaziz Bin Baaz, Vol 4, printed by Al-Matba'ah al Salafiyah, (nodate), p.303.
- 4 Ibid.
- 5 Ahmad Bin ! lanbal, *Musnad al Imam Ahmad liin Hanbal*, Vol.4, Beirut, Al-Maktab al Islami, Daar Al Saader, p. 141.
- 6 Al-Asqalaani, op. cit. vol.4, P-303
- 7 Ibid.
- 8 Abi Isa Muhammad bin Savvrah, *Sunan al- Tinnidhi-al-Jaami 'al Saheeh*, (Al-Tirmidhi's Traditions of the Prophet, The Authentic Collection), Vol.3, Cairo, Mustafah al-Baabi al I lalabi & Sons p.630, No.1358.
- 9 Al-Asqalani, op. cit. p.303.
- 10 Al-Imam Yahya bin Sharaf al-Nawawwi, 'Saheeh Muslim-Sharh al-Nawawi', compiled by Abdullah Ahmed Abu Zeina, Vol.3 'Divorce', (Ciro, Maktabaat al-Sha'ab (no date), 2nd edition, Beirut, Daar Zhyaa al-Turaath al-Arabi, 1392 AH/1972., p.703
- 11 Ibid. vol.3 'Pilgrimage' p.489
- 12 Abittayeb Muhammad Shamsuddin Abaadi, *Sharh al-Haafsz Ihn al-Qayyem uljaivziya, Awn al-Ma 'hood, shark Sunan Ahi Darvnmnd*, Vol. 14 2nd edition, Al-Madeena al-Munawara, al-Maktaba al Salafiyah, vol: 14, p.190
- 13 Al-Asqalaani, op. cit. Vol.8, p.517.
- 14 Al-Bahi al-Kholi, *Al-hlam Wa al-Mar'ah al-Mu'aasirah*, (Islam and Modem Woman), 3rd edition, Kuwait, Daar al Qalam, p.221
- 15 Dr Muhammad Ali Al-Ilaar, *Amal al-Mar'ahfial-Meezan*, (Woman's Work on Balance), 1st edition, published and distributed by: Al-Daar al-Saudeeyah, 1401 AH/1980, p.810.

CHAPTER NINE

The Ethical Right (Hijab)

Some people may wonder how the lawful Hijab¹ can be considered to be an ethical right for women. For many, the hijab appears to represent repression and oppression. But for those who want to comprehend the divine wisdom that lies behind it, they will see why it is considered an ethical right. In Islam, a woman covers to protect herself from any potential threat to her honour and dignity.

Islam teaches that prevention is better than cure. It has therefore laid down a set of rules regarding the mixing of men and women. Addressing both sexes, but beginning with men, Allah (T) says:

"Say to the believing men to turn away their eyes and to preserve their chastity. This is purer for them. Allah has knowledge of all that they do." [24:30]

In his explanation, Ibn Katheer says Allah orders the believers to lower their gaze and to turn their eyes away from what is unlawful. If one should accidentally glance at what is unlawful, the believer should turn away his eyes as quickly as possible. Abu Zar'ah bin 'Amr narrated that his grandfather Jareer bin Abdullah al-Bajali (R) asked the Prophet about the accidental glance and He (s) ordered him to turn away his eyes.²

Then similarly addressing women, Allah (T) says:

"Say to the believing women to turn their eyes away (from temptation) and to preserve their chastity and not to show their beauty except such as normally appear; to draw their headcovers over "juyubihinna" (i.e. their faces, necks and bosoms, etc.) and not to reveal their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their step-sons, their brothers, their brothers' sons, their sisters' sons, their women, their slaves, male attendants lacking in sexual desire, and children who have no knowledge of sex. And let them not stamp their feet [in walking] so as to reveal their hidden adornments.

Believers, turn to Allah together in repentance, that you may prosper, "[24:31]

Allah Almighty has prohibited women as well as men from looking at what has been made unlawful. He (T) has also ordered them to preserve their chastity.³ Hence, women are expected to cover themselves and to hide their adornments as well as their natural beauty except from the relatives mentioned in the above verse. In all other situations, Allah (T) has ordered women to draw their headcovers over their chests and to avoid drawing attention to their hidden adornments. He (T) concludes the verse by reminding them that repentance is the key to salvation.⁴

Allah (T) has clearly ordered women to abide by certain rules:

I. To turn their eyes away from temptation.

This is an order from Allah(T) to the believing women. Ibn Kathir said: women should turn their eyes away from what has been made unlawful for them. Consequently, many scholars believe that women should do so whether they are looking with or without desire. They have brought forward the evidence of the following narration related by Abu Daawood and Al-Tirmidhi. Al-Zuhri narrated that Umm Salama said: "I went to the Messenger of Allah (S) and there was Maimunah. Then Ibn Umm Maktoom came and the Prophet (s) ordered us to leave. He (s) said: Conceal yourselves from him. We said: Is he not blind and cannot see us? He (S) replied: 'What about you; can you not see him?'"⁵

However, another group of scholars believe that it is permissible for a woman to look at men if there is no evil intent. The Prophet (s) used to let 'Aisha (R) watch the Ethiopian men playing with their spears on the day of Eid.⁶ Aisha (R) narrated that "The Prophet (s) was screening me with his garment while I was looking at the Ethiopians who were playing in the courtyard of the mosque. (I continued watching) until I had watched enough."⁷

2. To preserve their chastity.

Allah (T) has also ordered women to "*preserve their chastity*"(ie, guard their private parts). To explain this further, Ibn Jubair said: "To preserve it from illegal sexual acts"; Qataadah and Sufyaan said: "From what has been made unlawful for them" and Muqaatil said: "from illegal sexual intercourse." However, Abu 'Aaliyah said: "Elsewhere in the Qur'an, these words refer to illegal sexual intercourse, but in this verse (24:31), they mean that no one may see the private areas."⁸

3. To cover their adornments.

In his explanation, Al-Qurtubi says: "Allah (T) has ordered the believing women to cover their beauty, except those mentioned in the verse, in order to stay away from and prevent temptation". Ibn Mas'ood said: The adornments "*normally display'eif* (24:31) are the clothes, and Ibn Jubair added: The face. Al Awzaa'i and Ibn Jubair added: The face, the hands and the clothes. Ibn 'Abbas, Qataadah and Al Masoor Ibn Mukhramah said: What are "*normally displayed* are: Kohl, henna (to the forearms), earrings, and rings. However, since what are normally displayed while praying and performing pilgrimage are the face and hands, Al-Qurtubi said that only these (the face and hands) are the excluded parts mentioned in the verse (24:31).⁹

Abu Daawood narrated on the authority of 'Aisha (R) that Asma, daughter of Abu Bakr (R) came to see the Prophet (s) and she was wearing thin garments. The Prophet (s) turned his eyes away from her and said: "O Asma, when a young woman reaches puberty she

should only reveal this and that", and he (S) pointed to his face and hands." ¹⁰

Al-Qurtubi mentions the opinion of Ibn Kuwaiz who said that "If a woman is very attractive and revealing her face and hands can create "*fitnah*" (ie, temptation) then it is better that she should cover her whole body."¹¹ Therefore women should conceal their hair, neck and bosom. Al-Imam Al-Qurtubi said: "The reason being that women at that time used to cover their hair and place their head cover to the back, thus revealing the necks and ears." Allah (T) has therefore ordered the believing women to draw their headcovers all over "*juyubihinna*" [i.e. their bodies, faces, necks and bosoms.] When the believing women heard the divine order, they quickly obeyed, applied it and submitted to it. Aisha (R) narrated: 'May Allah bestow His Mercy on the early emigrant women (Ansaar). When Allah revealed: "*they should draw their veils over juyubihinna...*, they tore their aprons and covered themselves with them."¹²

The wisdom behind this divine order is to protect the individual as well as society from temptation and adultery.¹³ Hence, women are allowed to show their beauty and to reveal their adornments in front of their husbands and the relatives whom they cannot marry and who will not normally desire them.¹⁴

Sayed Qutb has elaborated further saying, "The wisdom behind such restrictions is preventative; in different verses, Allah (T) forbids women from intentionally drawing attention to their hidden adornments, thus arousing latent sexual desires. Allah (T) says: "*And let them not stamp their feet [in walking] so as to reveal their hidden adornments.*" [24:31] This order results from a deep knowledge of the human soul, its components and their interaction. Indeed, the imagination can be most dangerous in triggering sexual desires. The Noble Qur'an presents an exhaustive illustration of human nature and finally guides the believers to the way of repentance. Allah (T) says: "*Believers, turn to Allah together in repentance, that you may prosper.*" [24:31]¹⁵

Commenting on the above verse, Al-Imam Al-Qurtubi says that "it should not be forgotten that what we are aiming at is modesty."¹⁶

Al Tirmidhi narrated that the Prophet(s) said: "Every (unlawful) gaze is sinful, and every woman who perfumes herself and passes by the people so that they smell her scent, is sinning."¹⁷

Allah (T) has stressed the importance of such modesty in order to prevent "*fitnah*" (temptation). Therefore, a woman who does not abide by the above rules of modesty is committing a great sin indeed. The Prophet (s) has clearly and strongly forbidden women from attending the mosque wearing perfume. He (s) said: "Any woman who perfumes herself should not pray 'Isha with us."¹⁸

Ibn Katheer narrates: "Women in the pre-Islamic period of ignorance used to walk around with silent anklets, but would stamp their feet in walking to inform men of their presence. Allah (T) has forbidden the believing women from following their example and from intentionally revealing or suggesting their hidden adornments as well as wearing perfumed oil before leaving the house."¹⁹

This verse, "*Let them not stamp their feet [in walking] so as to reveal their hidden adornments*", is a prohibition of any movement that might stir men's emotions and awaken their latent sexual desires since such behaviour contradicts the principles of modesty and discretion. In fact, regulations regarding the hijab are revealed in detail in Surat An-Nur. They are more general in Surat Al-Ahzaab in which Allah (T) says:

" O Prophet, enjoin your wives, your daughters and the wives of true believers to draw their cloaks [jalaabeeb] all over their bodies. That is more proper, so that they may be recognised and not molested. Allah is Forgiving and Merciful." [33:59]

Aisha (R) narrated the experience of Sauda (the wife of the Prophet (S) who was asked by Umar bin Al-Khattaab to think of a way by which you should not be recognised on going out. When Sauda reported this to the Prophet (s) he replied "You (women) have been allowed to go out for your needs."

Umar did not want the Prophet's wives to be seen in public. He said to the Prophet (s). " O Messenger of Allah, what if you screened your wives." 'Umar kept saying the until verse of al-Hijaab was revealed.

Then 'Umar exaggerated in the sense that he did not want them to appear before the public even when fully covered. He was prevented from that and Allah(T) allowed women to go out for their needs in order to prevent hardship."²⁰ This narration is an evidence against those who prevent their wives from going out of their houses because they incorrectly interpret Allah's words: *"And stay in your houses and do not display yourselves like that of the times of ignorance."* [33:33]

From the preceding verses and narrations, we conclude that the hijab is an obligation upon every Muslim woman. All true believers should abide by the rules of Allah, the Great, the Almighty. However, Islam does not prescribe a specific "Islamic outfit". A Muslim woman has the right to select any outfit as long as it fulfils the following requirements:²¹

It must cover the whole body except that which has been has been excluded.

Allah (T) says:

"Say to the believing women to turn their eyes away (from temptation) and to preserve their chastity; and not to show their beauty except such as normally appears; to draw their headcovers over "juyubihinna" and not to reveal their beauty except to their husbands, their fathers, their husbands'fathers, their sons, their step-sons, their brothers, their brothers' sons, their sisters' sons, their women, their slaves male attendants lacking in sexual desire, and children who have no knowledge of sex. And let them not stamp their feet [in walking] so as to reveal their hidden adornments. Believers, turn to Allah together in repentance, that you may prosper." [24:31]

Allah (T) also says:

"Prophet, enjoin your wives, your daughters and the wives of true believers to draw their "outer cloaks" all over their bodies." [33:59]

"To draw" meaning "to let down" so as to cover the whole body and the feet as understood from the following narration:

Umm Salama (R) asked the Prophet (s): How long should the trail of women's cloaks be? He (s) said: Let them drop it the length of a hand-span. She said: Their feet would be revealed. He (s) replied: Then let them drop it the length of one cubit (aprox. 13 inch) and no more.²²

2. It must be loose and non-transparent.

It should not reveal the skin, nor describe the body. If tight, the hijab will suggest the shape of the body, highlight its femininity, suggest hidden charms and make the woman more desirable to the beholder. This clearly violates the purpose of the hijab. The Prophet (s) has warned the women who "will be naked in spite of their being dressed", who wear tight and see-through clothes in order to highlight their physical beauty. He (s) has also condemned the women who cover parts of their bodies, leaving the rest displayed, saying: "Of the people of Hell Fire there are two types whom I have never seen: one possessing whips like tails of oxen and they flog people with them. The second are women who are naked in spite of their being dressed, who are seduced (to wrong paths) and seduce others with their hair high like camel humps. These women will not enter Paradise and they will not perceive its odour, although its fragrance can be perceived from such and such a distance."²³

3. It should not resemble the dress of men.

The Prophet (s) has forbidden women from wearing men's clothes and vice versa. He (S) has cursed the people who do so. Abu Huraira (R) narrated that : "The Prophet (s) cursed the man who wears the dress of a woman and the woman who wears the dress of a man."²⁴

4. It must not be perfumed:

This is clear from the narration, mentioned earlier in which the Prophet (s) prohibited women from using perfume before leaving their houses.

It is clear from the above mentioned verses and narrations that

the hijab is an obligation upon every Muslim woman. Scholars and jurists agree upon this fact. However, as far as covering the face and hands is concerned, scholars and jurists hold two different opinions:

One group believe that the face and hands are "*awrah*" and ought to be covered. This group includes the school of the Hanaabilah and some Shaafi'eeyah.²⁵

The second group believe that the face and hands are not part of a woman's "*awrah*" and must not necessarily be covered. This group includes the Hanafeeyah school, the Maalikeeyah and some Shaafi'eeyah.²⁶

Each group has presented evidence from the Qur'an and the prophetic tradition. Nevertheless, after studying both opinions, I have come to the following conclusions:

- 1 All the Imams agree that the face and hands should be covered if revealing them would cause "*fitnah*."²⁷
- 2 In a situation where no "*fitnah*" is to be feared for both the individual and the society, the face and hands can be uncovered. It is also allowed to do so for a compelling necessity, such as when buying, selling, presenting a testimony, or for medical reasons.
- 3 Covering the face and hands when there is no risk of "*fitnah*" is a good deed and a pious act which will be rewarded on the day of judgement. It is an imitation of the Mothers of the Believers (the prophet's wives) and the virtuous female companions. I personally advocate the first opinion which says that the face and hands should be covered with or without the risk of "*fitnah*".

Islam takes into consideration the needs of mankind. Its rulings and regulations are adjusted accordingly. Its objective is to block all the ways that lead to "*fitnah*" without inhibiting our every day tasks which are necessary to our survival as individuals as well as

communities. Hence, there is no clear evidence from the Qur'an and the Sunnah that prohibits women from revealing their hands and faces in cases of hardship and difficulty. However, the evidence against revealing their beauty (ie, bodies and adornment) is clear and strong in the Qur'an and the Sunnah and this causes no inconvenience whatsoever in their daily lives.²⁸

Allah (T) has made the the hijab an obligation upon every believing woman in order to protect her chastity and preserve her dignity. Indeed, time has proven that adornment, free mixing of men and women and disobedience to divine wisdom can only lead to general corruption and dissoluteness,²⁹ which have manifested themselves in the following ways: an increase in the prevalence of adultery, sexually transmitted diseases, illegitimate pregnancies and divorce.³⁰

The rules regarding the hijab are there to protect the individual, as well as the society, from temptation and disobedience to Allah (T). May He (T) guide us all to His Straight Path.

Notes

- 1 The covering of the whole body.
- 2 Al-Imam Yahya bin Sharaf al-Nawawi, *Saheeh Muslim Sharh Al-Nawawi*; compiled by: Abdullah Abu Zeina, Vol. 4, Cairo: Maktabaat al Sha'ab (no date), 2nd edition, Beirut, Daar Zhyaa Al-Turath Alarabi, 1392 AH/1972.
- 3 Al-Imam al-l lafez Imaadudccn Ibn Kathcer, *Tafteer Al-Qur'aan Al AJheem*, Vol.3, Makkah, Beirut, Daar Al-Baaz, Abbas Ahmad Al-Baz, Daar al Ma'rif, 1388 AH/1969, p.281.
- 4 Ibid. p.283
- 5 Abittayeb Muhammad Shamsudden Abaadi and Sharh Al-Haafez Ibn Al-Qayyem al Jawziya, *Ami al-Ma 'hood Sharh Sanaa Abi Davuod*, vol. 11, 2nd edition, Al-Madeena al-Munawara, al-Maktaba al-Salafiyah, vol.11, p.169.
- 6 Ibn Katheer, op cit, vol. 13, p.283.
- 7 Ibn Hajar al-Asqalani, *Path al Baari hi Sharh Saheeh al Bukhaari*, The Creator's Enlightenment about the Kxplanation of Al-Bukhari, Authentic Tradition of the Prophet), Sahcch al-Bukhaari, compiled and edited by

- Abdul Aziz Bin Baz, Vol.9, Madina Munawwara: al Matba'ah al Salafiyah (no date), p.336.
- 8 Ibn Kathcer, op. cit. vol.3, p.238.
 - 9 Natural beauty as well as artificial adornments (make-up, jewellery etc.)
 - 10 Abu Dawood said: This narration is 'MursaP, since Khaled bin Duraik did not reach Aisha.
 - 11 Ali Abdullah Muhammad al Qurtubi, *Al-jaami' It Ahkaam Al-Qur'aan*, Vol.6, Beirut, Daar Zhyaa al Turath al-Arabi, (no date), (*Mm*, Daar al-Sha'ab, Kitab al-Sha'ab 92, al-Qasr al-Ayni (no date), p.462.
 - 12 Al- Asqalaani, op. cit. Vol.8, p.489.
 - 13 Ibid.
 - 14 Sayyed Qutb, *Fi Dhilaal al-Qur'aan*, vol.4, No.7, Beirut, Daar al-Shurooq, 1391 AH/1978, 1394/1976, p.2513, and all Qurtubi, op. cit. vol.6, pp.4624-4627
 - 15 Sayyed Qutb, Ibid. vol. 4, p. 2514.
 - 16 AI-Qurtubi, op. cit. vol. 6, p.462.
 - 17 Abi Isa Muhammad bin Saworah al- Tirmidhi, *al-Jaami' alSahceh*, Vol.5, Cairo, Mustafah al-Baabi al I lalabi & Sons. vol.5.
 - 18 Abaadi op. cit. Chap.6, No.is7, p.231.
 - 19 Ibn Kathcer, op. cit. vol.3, p.285.
 - 20 'Rub al-Ma'aani fi Tafseer al Qur'aan al Adhcem wa al Sab al-Mathaani', (The Spirit of Meaning in the Explanation of the I loly Quran and the Oft-repeated seven verses), Vol.22, 2nd edition, Beirut, edited and published by Idaarat al Tibaa'ah al Muneeriyah, Daar Zhyaa al Turaath al Arabi, p.88.
 - 21 For more details see Muhammad Nasseruddcen al-Albaani, *Hijaab al-Mar'ah al Muslimahfial-Kilaab wa al- Sumuth*, 3rd edition, Beirut, al-Makub Al-Islaami.
 - 22 AI-Tirmidhi, op. cit. Vol.4, P.223
 - 23 AI-Nawawi, op. cit. Vol. 4, *Kitab al Libas*, p.340.
 - 24 All-Imam Abi Abdullah Muhammad Al- Bukhaari, *Sahteh Al-BMaai*, Vol.10, offset print, Istanbul, Daar AI-Fikr, from Daar al-Tibaa'ah Aamira (no date), p-332.
 - 25 Abdulrahman Al-Jazairi, *Al-Fiqh Ala al-Madhaahib al-Arba'ah*, Vol.I, Egypt, Al-Maktabah al-Tijaaryah al-Kubrah. vol.1,p. 192.
 - 26 Al Inaam Shamsuddeen Ibn Qudaamah, *Al-Muglmi Wa al-Sharh al-Kabeer*, (The Sufficient, Jurisprudence, and the Great Explanation). Vol. i, new Edition, Beirut, Ix-hanon, Daar al-Kitaab al-Arabi, 1392 AH/1972, vol.i, p.637.
 - 27 Al-Jazairi, op. cit. vol.i, p.162.
 - 28 Abul A'laa al-Mawdoodi, *Al-Hijaab*, (The Veil), 2nd edition, 1405 AH/1985, p.310.
 - 29 Dr Kamel Salaamah al-Duggas, *Mankaj Sooritil AI-Noorfi Islaah an-Nafs Wai Mujtama*, (The Method of Sura 'Al- Noor' in the Reform of the Individual and Society), 2nd edition, Jeddah, Daar al-Shurooq, p.230, taken from *Al- Manaar* Magazine, article by: Rasheed Ridah, p.486.
 - 30 Dr Muhammad Ali Albaar, *Amal Al-Mar'ah fi Al-Mcczsaan*, tst edition, Madina AI-Munawwara: Al-Daar al-Saudeeyah, 1401 AH/1981, p.136

CHAPTER TEN

Religious Rights

Islam has established women's eligibility for worship and other religious obligations. This is stated clearly in the Qur'an and confirmed by the Sunnah. The following four sections of this chapter will discuss women's religious rights and then their legal status regarding several key issues.

1 Women's Eligibility for Religious Obligations:

1 *The conditions for religious obligations, are fulfilled in women.*

The scholars have agreed that the conditions for responsibility are: Islam, puberty and mental fitness, with no difference between men and women. Allah (T) has addressed His commands to both men and women, (Adam and Eve), since the dawn of humanity:

"And We said: "O Adam! Dwell you and your wife in Paradise and eat both of you freely with pleasure and delight of things therein as wherever you will, but come not near this tree or you both will be of the wrongdoers." [2:35]

And when Allah (T) disapproved of their disobedience, He (T) directed His rebuke to both of them:

"...And their Lord called out to them: Did I not forbid you that tree...?" [7:22]

Moreover, in order to establish women's independence from and their equality with men in terms of religious responsibilities, their pledge of allegiance was taken separately. Allah (T) says:

"O Prophet! When believing women come to you to give you the pledge that they will not associate anything in worship with Allah, that they will not steal, that they will not commit illegal sexual intercourse, that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and that they will not disobey you in anything just, then accept their Pledge, and ask Allah to forgive them. Verily, Allah is Oft-forgiving, Most Merciful" (60:12)

Al-Bukhari mentions the following narration related to the above verse in his book of interpretation of the Qur'an: 'Urwa narrated that 'Aisha (R) the wife of the Prophet (s), said, "Allah's Messenger (s) used to test the believing women who came to him to pledge allegiance in accordance by this verse. Aisha (R) said, "And whoever of the believing women accepted the condition (as laid down in verse 60:12), Allah's Messenger (S) would say to her: "I have accepted your pledge of allegiance."¹

2 The verses of the Noble Qur'an are revealed to all human beings, men and women.

This is clear from the recurrent vocative style of the Qur'an: "O Mankind", "O People", in which Allah (T) addresses all human beings, men and women, of different races and different languages, without differentiating between men or women, black or white, poor or rich, king or servant, and regardless of any other man-made hierarchy. The Noble Qur'an is revealed for all human beings, and for all times. Hence, Allah (T)'S commands, warnings and promises involve men and women equally.²

3 The verses clearly indicate that men and women are equal in terms of religious obligations. Allah (T) says:

"The Muslim men and women, the believers men and women, the men and the women who are obedient, the men and the women who are truthful, the men and the women who are patient, the men and the women who fast, the men and the women who guard their chastity and the men and the women who remember Allah much [with their hearts and tongues], Allah has prepared for them forgiveness and a great reward." [33:35]

Hence, Allah (T) has established the equality of men and women in terms of worship and commitment to religious rights and obligations. Relating the incident on which the above verse was revealed, Tirmidhi narrated that Umm 'Ammarah, an Ansari woman, came to the Prophet (s) and said: "I can see no reference to women in the Qur'an", then the above verse was revealed [33:35].³

Sayyed Qutb said that in verse 33:35 men and women are both mentioned together. This is one of many different aspects in which Islam honours women and establishes their dignity. This verse is also a confirmation that men and women are equal in terms of their relationship with their Creator, in worship, religious obligations and moral conduct.⁴

Similarly, the following verse compels both men and women to obey Allah (T) and His Messenger(s). Allah (T) says:

"It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter, that they should have any option in their decision. And whoever disobeys Allah and His Messenger, has indeed strayed in a plain error." [33:36]

Al-Qurtubi said: "This verse was first revealed when the Prophet (s) came to ask for the hand in marriage of Zainab, his cousin, and she accepted thinking that he (s) wanted her for himself. When she found out that he was asking her for Zaid, she disliked it and did not consent. When the verse was revealed, Zainab submitted to Allah's order and gave her consent."⁵

Although the verse was revealed for a particular incident, its rulings apply to all men and women, in all situations.

4 *The call to Islam [Dawah] is a duty upon every Muslim man and woman. Allah (T) says:*

"Let there arise out of you a group of people inviting to righteousness, enjoining good and forbidding wrong, and such men shall surely triumph." [3:104]

Allah (T) has made it a duty upon all Muslims to enjoin good and to forbid evil, without differentiation between men and women in this very important religious duty. He (T) also says:

"The true believers, both men and women, are friends to each other. They enjoin what is just and forbid what is evil; they attend to their prayers and pay the alms-tax and obey Allah and His Apostle. On these Allah will have mercy. He is the Mighty, the Wise." [9:71]

Hence, Allah(T) has made these two attributes (to enjoin good and forbid evil) inseparable from true believing men or women. In return, Allah (T) has promised them mercy and a great reward. Many are the verses and prophetic sayings that generalise this command and make it an obligation upon every Muslim. Allah (T) says:

"By Time, man is in loss, except those who believe and do good works and exhort one another to truth and to patience. "
[103:1-3)

The Prophet (s) emphasised the importance of this religious obligation even more. He (s) said: "He who amongst you sees something abominable should change it with his hand; and if he has not strength enough to do it, then he should do it with his tongue; and if he has not strength enough to do it, then he should abhor it from his heart, and that is the weakest of faith."⁶ Thus emphatically did the Prophet (S) order every Muslim man and woman to enjoin good and forbid evil.

II] Women's responsibility for obligatory and optional acts of worship.

Believing men and women are equally responsible for their obligatory acts of worship (prayers, alms-tax, pilgrimage etc.) with no difference between a man or a woman. Both are eligible for the corresponding optional acts of worship (i.e. additional prayers, charity...). Muhammad 'Izzatt Duruza wrote, "Scholars who have explained the meanings of the Qur'an, agree that whenever Allah (T) addresses the believers in the Qur'an, in a plural or a singular form, in every matter related to rights, obligations and moral conduct, He (T) is addressing both men and women with no specification of one sex or the other.

Men and women are also equally responsible for applying the commandments of Allah (T) and fulfilling their obligations in their different aspects (spiritual, physical and financial). Both men and women will be held accountable for their acts (whether lawful or unlawful), fulfilment or non-fulfilment of duties, ethics, and private and public behaviour, and will be judged accordingly. Again, there will be no differentiation between men and women.⁷

Although women go through natural cycles which affect three pillars of the religion (prayer, fasting and pilgrimage), this does not affect the principle of women's eligibility for these obligations. Each of the three pillars affected by a woman's menstrual cycle or postpartum bleeding will be addressed separately below:

Prayer: The five daily prayers are an obligation upon every Muslim man and woman. Allah (T) says:

"Attend to your prayers and pay the alms-tax"

[2:110] "For prayer is a duty incumbent on the

faithful, to be conducted at appointed hours." [4:103]

However, women are forbidden from praying during menstruation and postpartum bleeding. Unlike men, women are exempted from praying in congregation in the mosque. Their mosques are their homes and as an encouragement, Allah (T) has made it better for women to offer their prayers in the intimacy and privacy of their

homes. The Prophet (S) said: "Do not prevent your wives from going to the mosques. Yet, their houses are better for them."⁸

Islam has thus taken into consideration the fragile constitution of women and their important responsibilities at home. To make it an obligation upon women to go out to the mosque every day, five times a day to offer their prayers would certainly have caused inconvenience, hardship as well as frequent unnecessary mixing with men. Also, women's congregational prayers in the privacy of their homes is equal to the congregational prayers of men in the mosques. Allah(T) has lightened this responsibility for them without diminishing their rewards or exempting them from such an important religious obligation.

2. Fasting: Fasting the month of *Ramadan* is an obligation upon every Muslim man and woman. Allah (T) says:

"O believers, fasting is decreed for you as it was decreed for those before you; perchance you will guard yourselves against evil." [2:183]

"The month of Ramadan is that in which the Qur'an was revealed, a Book of guidance with proofs of guidance distinguishing right from wrong. Therefore, whoever of you is present [at home] in that month, let him fast." [2:185]

Although women are forbidden from fasting in Ramadan during menstruation and postpartum bleeding, they do have to make up for the missed fasts as soon as possible.

Moreover, Islamic Jurisprudence excuses pregnant and breast-feeding women if they suspect that fasting can affect their health or the health of the foetus or the baby. Similarly, they should make up for the days they miss as soon as they can. The ruling in this case is similar to the one of sickness. Al-Hasan Al-Basri was asked about the ruling concerning a pregnant or a breast-feeding woman, and he replied: "What illness is greater than pregnancy? Such a woman should break her fast and make up for the lost days as soon as she

can." Although all scholars agree upon this, some scholars [e.g. Al Shafi'ee and Ahmad] have said that she should make up for the missing days and pay ransom.⁹ Other scholars such as Abu Haneefah believe that as long as she makes up for the missing days, paying ransom is not necessary.¹⁰ What is certain however, is that a pregnant or a breast-feeding woman is perfectly allowed to break her fast during the month of Ramadan.

3. Hajj (pilgrimage): Women (as well as men) are commanded to perform pilgrimage at least once in their lives. Allah (T) says:

"Pilgrimage to the House is a duty due to Allah for all who can make the journey." [3:97]

However, a woman should be accompanied by a *mahram*¹¹ on her pilgrimage. The Prophet (s) said: "It is not lawful for a woman who believes in Allah and the Hereafter to travel for more than three nights' journey except when there is a *mahram* with her."¹² Islam thus forbids women from travelling without their *mahram* regardless of the destination. Another narration by Muslim confirms this prohibition. Ibn 'Abbas (R) reported: I heard Allah's Messenger (s) delivering a sermon and making this observation: "No person should be alone with a woman except when there is a *mahram* with her, and the woman should not undertake a journey except with a *mahram*." A person stood up and said: Allah's Messenger, my wife has set out for pilgrimage, whereas I am enlisted to fight in such and such battle, whereupon he (s) said: "Go and perform Hajj with your wife."¹³

Explaining the above narration, Imam An-Nawawi says: "The Imams have agreed that a woman should perform Hajj at least once in her life if she can make the journey since Allah (T) says: "Due to Allah is *"pilgrimage to the House.."* [3:97], and the Prophet (s) said, "Islam is built on five (pillars): the testimony of belief (shahadah), the establishment of prayer, payment of *zakaat*, the fast of Ramadan, and Pilgrimage (to Makkah).¹⁴ The physical and financial capability of both men and women to make the pilgrimage is measured according to the same criteria, with no difference between them.

However, the four Imams have not agreed upon the issue of the *mahram*. Abu Haneefah says that the Hajj does not become an obligation upon a woman unless the distance between her house and Makkah is less than the journey of three nights. Al-Shaaffee does not make the *mahram* a condition for a woman's pilgrimage to be accepted. His condition is "the woman's safety" and her safety can well be achieved by the company of her husband, a *mahram* or "trustworthy women". He also says that the Hajj does not become an obligation upon her and a duty to fulfil unless one of these three companions is available. The majority of the scholars, however, believe that a woman cannot perform the Hajj without a *mahram*.¹⁵

As far as *Jihad* is concerned, Allah (T) has made it an obligation upon men only. Nevertheless women can still participate in Jihad by preparing food for the soldiers, distributing water, nursing the injured etc.

III] Responsibilities and Rewards:

Men and women are equal in terms of responsibilities and rewards, and every human being is individually responsible for his or her acts. Allah (T) says:

"Every soul will be held in pledge for its deeds." [74:38]

And He (T) says:

"On the day when every man will come pleading for himself and when every soul will be required for its deeds, they will not be dealt with unjustly." [16:111]

Women are thus worthy of religious obligations and worship. Their deeds are equally assessed, judged and rewarded. Some men and women will be rewarded by Paradise for their righteous deeds; others by Hell fire for their sins. Allah (T) says:

"The believers who do good works, whether men or women, shall enter Paradise. They shall not suffer the least injustice." [4:124]

Explaining the above verse, Sayyed Qutb concluded that the verse established the equality of the two halves of humanity in terms of actions and rewards. He also said that Allah (T) sets *Imaan* (true belief in Allah) as a condition for the good deeds to be accepted. Without Imaan no action will be accepted, and every good deed without Imaan will be overlooked. This is most natural and logical since only Imaan in Allah (T) can provide us with correct intentions and make our good deeds come from within ourselves as natural and consistent as Allah (T) has intended them to be. Not merely as a reaction to one's whims and desires, nor as a transient impulse that obeys no divine order.¹⁶

The verses that refer to the equality of men and women in terms of actions and rewards are numerous. Allah (T) says:

"Be they men or women, those that embrace the faith and do what is right We will surely grant a happy life; We shall reward them according to their actions." [16:97]

Hence, on the Day of judgement, each individual will be rewarded according to his or her actions, and not according to status or gender.¹⁷ A good action will entail a reward, and a sin will entail punishment. He (T) says:

"Those that do evil shall be rewarded with like evil; but those that have faith and do good works, both men and women, shall enter the Gardens of Paradise and receive blessings without number."

[40:40]

A bad deed will entail punishment and a good deed will be rewarded twice by the Most Merciful, with no difference between males and females. This reward will be Paradise which is indeed, the best of all. Allah (T) says:

"Allah has promised the men and women who believe in Him gardens watered by running streams, in which they shall abide for ever. He has promised them goodly mansions in the gardens"

of Eden. And approval from Allah is greater. That is the supreme triumph." (9:72)

Thus, Allah (T) has promised those who believe in Him, men and women, the Garden of Eden.

Allah (T) has also established that men and women who have migrated, have been expelled from their homes or suffered persecution for His cause, will be equally rewarded. He (T) says:

"You are [offspring] of one another. Those that emigrated or were expelled from their homes, and those that were persecuted and fought and were killed for My cause, shall be forgiven their sins and admitted to gardens watered by running streams as a reward from Allah; it is Allah who holds the richest recompense." [3:195]

The above verse was first revealed when Umm Salama (R) said to the Prophet (s): "O Allah's Messenger, I can see no mention of women in the Qur'an as far as *Hijrah* is concerned." Then, the verse "*Those that emigrated...*" was revealed.¹⁸

Explaining the verse Ibn Katheer says: "Allah (T) is informing us that no man or woman will be denied a reward that he or she deserves. He (T) will equally reward His servants, men and women, according to their deeds."¹⁹

Ad-Dhahak said: "Your men are like your women in terms of obedience and your women are like your men in terms of obedience."²⁰ Obedience means complete submission to Allah (T)'s commands some of which have been mentioned in the above verse, for example: *Hijrah* from Makkah to Madinah or *Hijra* from the land of disbelief to the land of Islam, migration from one's land for the sake of Allah (T), Jihad, endurance of difficulties and hardship for His sake etc..

In his explanation of the same verse (3:195), Al-Khatib says: "*you are of one another*" this clearly indicates that men and women are equal in terms of punishment and rewards.²¹

IV] Women's legal status in terms of *Hudood* and *Qisaas*. A. HUDOOD (Punishments stipulated in the Qur'an)²²

Islam is based on justice, and men and women are equally punished for their sins just as they are equally rewarded for their good deeds. All form of punishments are the same for men and women. I shall illustrate this with a few rulings for different crimes and explain how they were implemented at the time of the Prophet (s) and the righteous Caliphs.

1. Fornication and adultery (zina):

Allah (T) says:

"The female and male fornicator shall each be given a hundred lashes. Let not pity for them detain you from obedience to Allah, if you truly believe in Allah and the Last Day; and let their punishment be witnessed by a number of believers." [24:2]

Ibn Katheer said: "In this verse, Allah (T) pronounces His sentence upon those who commit fornication. People of knowledge have studied this subject in detail. In applying the above sentence, they differentiate between the married adulterer and unmarried fornicator. All the scholars, except Abu Haneefah, agree that the sentence should be a hundred lashes for the unmarried, plus he should be expelled from their country for one year. Abu Haneefah believes that the fornicator should be given the choice to emigrate or to stay in his country.

However, the majority of the scholars, have presented the evidence of the following narration and disagreed with Abu Haneefah: Abu Huraira and Zaid bin Khaalid (R) narrated: While we were with the Prophet (s), a man stood up and said: "O Prophet (s), I beseech you by Allah, that you should judge us according to Allah's Laws." Then the man's opponent got up saying, "Judge us according to Allah's Law and kindly allow me to speak." The Prophet (s) said, "Speak", He said, "My son was a labourer working for this man and he committed illegal sexual intercourse with his wife, and I gave one hundred sheep and a slave as a ransom for my son's sin. Then I asked

a learned man about this case and he informed me that my son should receive one hundred lashes and be exiled for one year, and the man's wife should be stoned to death." The Prophet (s) said, "By Him in whose Hand my soul is, I will judge you according to the Laws of Allah (T). Your one hundred sheep and the slave are to be returned to you, and your son has to receive one hundred lashes and be exiled for one year. O Unais! Go to the wife of this man, and if she confesses, then stone her to death." Unais went to her and she confessed. He then stoned her to death."²³

Also, Al-Qurtubi said: "In this verse (24:2), Allah (T) has specified the two genders, male and female although, it would have been sufficient to use the generic word 'the fornicator.' But, it has been said that both men and women are specified in this verse in order to emphasise the fact that they should receive the same punishment with no difference between the male and females."²⁴

Hence it is clear from the above verse that the unmarried adulterer and fornicators should receive 100 lashes each, in a public place and before the crowd. Also, in this verse, Allah (T) warns the Muslims not to compromise His Law and to carry out His sentence as described in the verse and to have no mercy upon those who transgress His set limits. Indeed, those who refrain from doing so are not true believers.

The verse specifies the punishment of the unmarried fornicators only. However, the narration that follows, clearly specifies the punishment of a married adulterer or adulteress. If she or he confesses, he or she is stoned to death [*rajm*]. On this, have agreed all scholars and people of knowledge.²⁵

In order to avoid any compromise, delay or slackness in carrying out this sentence, especially since it is only stipulated in the tradition (Sunnah) and not in the Qur'an, Umar (R) said: "I am afraid that after a long time has passed, people may say, "We do not find the verses of stoning in the Holy Book", and consequently they may go astray by leaving an obligation that Allah has revealed. No! I confirm that the penalty of *rajm* be inflicted on him who commits illegal sexual intercourse if he is already married and the crime is proved by witnesses or pregnancy or confession." Umar added, "Surely Allah's

Messenger (s) carried out the penalty of Rajm, and so did we after him."²⁶

Hence, equity and justice between men and women manifest themselves in all the penalties related to fornication in the verse that follows. Allah (T) says:

"The fornicator (or adulterer) may marry only a fornicatress or an idolatress; and the fornicatress (or adulteress) may marry only a fornicator or an idolater. The believers are forbidden such marriages." [24:3]

2. Defamation [wrongly accusing a righteous woman of adultery or fornication]

After establishing the punishment for fornication and explaining the dangers, ill-consequences and atrocities of such crimes, Allah (T) establishes the punishment for defamation in the following verses. Allah (T) says:

"Those that defame honourable women and cannot produce four witnesses shall be given eighty lashes. And do not accept their testimony ever after, for they are great transgressors - except those among them that afterwards repent and mend their ways. Allah is Forgiving, Merciful."

Explaining the above verse, Al-Imam Ibn Katheer says: "This verse establishes the penalty which should be carried out on whoever accuses a free, adult and virtuous woman of illegal sexual intercourse. The same penalty (80 lashes) applies to those who accuse a righteous man of adultery, on this have agreed all the scholars and people of knowledge."²⁷

The legal verdict in this case is a physical punishment of 80 lashes, and a greater mental punishment that those who defame innocent men or women will have their testimony forever rejected and will no longer be regarded as "trustworthy." This is indeed an efficient deterrent that protects people's honour.

Although "*Those*" at the beginning of the verse is in the masculine

form in Arabic and is followed by "*honourable women*", this does not mean that one sex takes preference over the other. Rather, the syntax reflects an overwhelming tendency which is that very often, it is a man who accuses a woman of adultery.

Imam Al-Qurtubi said: "Allah (T) has specified "*honourable women*" because in their case, such a defamation is uglier with grave and serious repercussions. However, defamation against men is also included in the meaning of the verse and all scholars agree upon this fact. Az-Zuhri said that the meaning actually refers to the "Honourable souls", which includes both honourable men and women."²⁸ Indeed, this legislation reflects the equity and justice of Islamic Law, and the extent to which it dignifies the daughters of Eve. Islam has granted her moral security and protection, and has prevented anyone from abusing it.²⁹

3. Li'aan or Mulaa'annah (Oath of Accusation of Adultery)"³⁰

Although this concerns women only, the legislation reflects the dignified and respected position of women in Islam. When a man accuses his wife of committing adultery, the procedure adopted is different from that concerning defamation in general. This ruling is to be taken from the following verses in which Allah (T) says:

"And those who accuse their wives and have no witnesses except themselves, let one of them testify by swearing four times by Allah that his charge is true, calling down in the fifth time upon himself the curse of Allah if he is lying. But they shall spare her the punishment if she swears four times by Allah that his charge is false and calls down Allah's wrath upon herself if it be true."

"Were it not for Allah's grace and mercy on you and that He is Forgiving and Wise, [He would immediately uncover your sins and hasten your punishment]." [24:6-10]

In his explanation, Ibn Katheer says: "These noble verses come as a relief for the husband who charges his wife of illegal sexual intercourse and who is unable to produce a testimonial proof other

than his own. In this case both husband and wife have to take the oath as described in the verse. The husband has to take his wife to the Imam and charge her with adultery in front of him. The judge will ask the husband to testify by swearing four times by Allah that his charge against his wife is true. Al-Shaafi'ee and many other scholars believe that this is enough evidence against the wife. Hence, she becomes forbidden to her husband and the penalty of adultery should then be carried out unless she swears four times by Allah that her husband's charge is false, and a fifth time calling down Allah's wrath upon herself if his charge was true.

The legislation discussed in the previous paragraph only concerns the women charged of adultery by their husbands. An average man would not deliberately accuse his own wife of adultery in public unless it was true. Therefore, the wife has the right to the fifth oath so that she can be spared the penalty if she is innocent or call upon herself the wrath of Allah (T) if her husband's accusation is true. Indeed, Allah's wrath is reserved for those who know the truth and deny it.

Finally, Allah (T) reminds His people of His Mercy and the equity of His law which guides His slaves out of their difficulties and hardships."³¹

Indeed, to ask the husband to bring four witnesses in order to prove that his wife is a adultress is difficult and sometimes impossible. Al-Qurtubi related the incident about which the above verses were revealed. Ibn 'Abbaas narrated that "Hilaal bin Umayyah accused his wife of committing illegal sexual intercourse with Shaarik bin Sahmaa' and filed the case before the Prophet (s). The Prophet (s) said to him, "Either bring forth the witnesses or receive the legal punishment (lashes) on your back." Hilaal then said, "By Him Who sent you with the Truth, I am telling the truth and Allah will reveal to you what will save my back from the legal punishment." Then Gabriel came down and revealed to him: "*And those rvho accuse their wives and have no witnesses except themselves, ...*" (24:6-10) "³²

When the verses of defamation were first revealed the people were wondering amongst themselves and asking various questions: "Sahl

bin Sa'd narrated that a man came to Allah's messenger (s) and said, "O Allah's Messenger! Suppose a man saw another man with his wife, should he kill him, because of which you might execute him (as punishment) or what should he do? So Allah revealed concerning their case what is mentioned in the order of *mulaa'ana*. Allah's Messenger (s) said to the man, "The matter between you and your wife has been decided". "So they did *mulaa'ana* in the presence of Allah's Messenger (s) and I was present there."³³

Allah has thus delivered the truthful husband from the burden of presenting four witnesses and allowed him to prove his case through *mulaa'ana*. However, this legislation does not undermine the case of women. It is very probable that distrust and excessive jealousy can lead a husband to wrongly accuse his wife of committing adultery. Therefore, Allah (T) has given her the means to protect her dignity and the honour of her family by rejecting her husband's oaths. Indeed, the equity of Islam and the mercy of Allah (T) upon **His** slaves is reflected in this legislation. Allah (T) has given both men and women the chance to conceal their lies in this world and the chance to escape punishment in the Hereafter if they truly repent.

Moreover, if the legislation concerning defamation has given women protection, the procedure of Li'aan has given them an even mightier one. Indeed no other religion, man-made set of laws, customs, or social traditions have ever honoured women in this way. On the contrary, men have always had the right to execute revenge and even to kill their wives on the mere suspicion of adultery, without giving them the chance to speak or to refute the charge. Islam provides security, dignity and respect for women through its legislation.

4. Stealing: The legal punishment concerning theft is the same for men and women. Allah (T) says:

"As for the man or woman who is guilty of theft, cut off their hands to punish them for their crimes, a deterrent [punishment]

enjoined by Allah. He is Mighty, Wise. But whoever repents and mends his ways after committing evil shall be pardoned by Allah. Allah is Forgiving, Merciful." [5:38-9]

Allah (T) has ordered that the hand of the thief who steals the property of others should be cut as a punishment for his crime. The execution of this penalty has been established by the following tradition: 'Aisha (R) narrated: "The Quraish people became very worried about the Makhzoomiya lady who had committed theft. They said, 'Nobody will speak to Allah's Messenger(s) and nobody dares do that except Usama who is a favourite of Allah's Messenger'(s). When Usama spoke to Allah's Messenger (s) about that matter-, Allah's Messenger (s) said, 'Do you intercede to violate one of the legal punishments of Allah?' Then he got up and addressed the people, saying, 'O people! The nations before you went astray because if a noble person committed theft, they would leave him, but if a weak person among them committed theft, they would inflict the legal punishment on him. By Allah, if Fatimah, the daughter of Muhammad committed theft, Muhammad would cut off her hand!'"³⁴

The above narration clearly indicates that there is no difference between the noble and the poor, the man and the woman in applying this legal punishment. This Makhzoomiya lady was one of the most noble of Quraish, as were Banu Abdu Manaaf. However, when the former was found guilty of theft, the Prophet (s) applied Allah's legal punishment. 'The first man who had his hand cut off by the: Prophet (T) was very respected among his tribe, Ibn Nawfal bin Abdumanaf, and the first lady was Marrah bint Sufyaan bin Abdul'asad who belonged to Bani Makhzoom.'³⁵

If after this the thief, man or woman, sincerely repents, Allah (T) will accept his or her repentance and he or she will again be regarded as a believer. 'Aisha (R) narrated: The Prophet (s) cut off the hand of a lady, and that lady used to come to me, and I used to convey her message to the Prophet (s), and she repented, and her repentance was sincere.' Abu Abdullah said, 'If a thief repents sincerely after his hand has been cut off, his testimony will be accepted.'³⁶

5. Al-Hiraabah [Armed robbery]:

"Even though this is referred to as "grand theft", al-haraabah does not resemble an ordinary theft which consists of taking other's money secretly and privately. Al-haraabah is the act of going out in a group with the intention of waging war (ie, threatening and terrorizing) people to steal their property."³⁷ Allah (T) says:

"Those that wage war against Allah and His Apostle, and spread disorders in the land shall be put to death or crucified or have their hands and feet cut off on alternate sides, or be banished from the land. They shall be held in shame in this world and sternly punished in the next, except those that repent before you overcome them. And know that Allah is Forgiving, Merciful" [5:33,34]

These verses establish the punishment of the outlaws who spread mischief throughout the land, who gather themselves into clans, spread fear and anguish amongst the Muslims, transgress the sanctity of their persons and steal their property. The legal punishment for this crime was confirmed and executed by the Prophet (s).³⁸

5. Alcohol:

Islam forbids the consumption of alcohol. Allah (T) says:

"Believers, wine and games of chance, idols and divining arrows are abominations devised by the devil. Avoid them, so that you may prosper. The devil seeks to stir up enmity and hatred among you by means of wine and gambling, and to keep you from the remembrance of Allah and from your prayers. Will you not abstain from them?" [5:90,91]

The prohibition of alcohol came progressively because the Arabs were very fond of wine and addicted to it. Alcohol is prohibited to both men and women. Any transgression of this divine law will entail a legal punishment. The Messenger (s) and his righteous Caliphs punished the people who drank wine: Anas bin Maalik narrated: The Prophet (s) had a drunk beaten with palm-leaf stalks and shoes. And Abu Bakr gave forty lashes."³⁹ We also learn from the following

narration that the legal penalty consists of forty lashes: Ibn Nu'maan narrated that, "When al-Waleed bin 'Aqbah was brought drunk before the (Caliph) 'Uthmaan, the latter said to Ali: 'He is your paternal cousin so apply on him the punishment', so Ali did and said: 'The Prophet (S) gave forty lashes, Abu Bakr forty, 'Umar eighty (when drunks became mischievous and disobedient) and both are Sunnah."⁴⁰

The scholars have disagreed upon the legal number of lashes. Abu Haneefa and Maalik say eighty lashes and Al-Shaafi'ee says forty. Imam Ahmad has related two incidents in which the number of lashes was forty in one and eighty in the other."⁴¹

The penalty for drinking is applicable to every person eligible for religious obligations, hence it applies to every adult and sane man or woman. All legal punishments are executed to observe Allah's limits and His right. They are equally applicable without differentiation between men and women. This is also true of the penalty for sorcery and *riddah* (apostasy).

B. Qisaas {Legal Retribution}:

Allah (T) has forbidden the deliberate killing of a human being, and reserved for those who do so an abode in Hell fire. As for those who kill unintentionally, Allah (T) says:

"It is unlawful for a believer to kill another believer except by mistake. He that kills a believer by mistake must free one believing slave and pay blood money to the family of the victim, unless they choose to give it up as charity. If the victim be a believer from a hostile tribe, the penalty is the freeing of one believing slave. But if the victim be a member of an allied tribe, then blood money must be paid to his family and a believing slave set free. If a man cannot afford to do this, he must fast two consecutive months. Such is the penance imposed by Allah: He is Knowing, Wise. He that kills a believer by design shall burn in Hell for ever. He shall incur the wrath of Allah, who will lay His curse on him and prepare for him a woeful scourge." [4:92,93]

The Prophet (s) said: "The biggest of the great sins are: (i) to join others as partners in worship with Allah, (2) to murder a human being, (3) to be unkind to one's parents (4) and to make a false statement."⁴²

It is unlawful to kill a Muslim except under three conditions. The Prophet (S) said: "The blood of a Muslim who confesses that none has the right to be worshiped but Allah and that I am His Messenger, cannot be shed except in three cases: In retaliation for murder, a married person who commits adultery and the one who reverts from Islam (apostate) and leaves the Muslims."⁴³ The sanctity of a believing soul is precious indeed and it is utterly forbidden for a believer to deliberately kill his brother in Islam. The one who does so shall submit to the law of *Qisaas* stipulated by Allah. He (T) says:

"O believers, Qisaas is decreed for you in bloodshed: a free man for a free man, a slave for a slave, and a female for a female. He who is pardoned by his aggrieved brother shall be prosecuted according to usage and shall pay him a liberal fine. This is an alleviation from your Lord and Mercy. He that transgresses thereafter shall have a painful punishment." [2:178]

Ibn 'Abbaas (R) reported that: The Law of *Qisaas* was prescribed for the Children of Israel, but the *Diyya* (blood money) was not ordained for them. So Allah said to this Nation (Muslims):

*"O believers, Qisaas (legal retribution) is decreed for you in bloodshed: the free for the free, the slave for the slave, and the female for the female. He who is pardoned by his aggrieved brother (not wanting to kill the killer by accepting blood money in the case of intentional murder) shall be prosecuted according to usage and shall pay him (to the relative of the killed person) a liberal fine. This is an alleviation from your Lord and Mercy [in comparison to what was prescribed for the nations before you]. He that transgresses [i.e. kills the killer after taking the blood money] thereafter shall have a painful punishment."*⁴⁴

The following verse further clarifies the legislation, Allah (T) says:⁴⁵

"We decreed for them a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds Qisaas. But if a man charitably forbears from retaliation, his remission shall atone for him. Those that do not judge in accordance with Allah's revelations, it is they who are the unjust." (5:45)

Consequently, the majority of the scholars have agreed that there is no difference between men and women in retaliation, and Ibn Qudaamah said: "The man is killed for killing the woman and the woman is killed for killing the man." This is the opinion of most of the religious scholars, including Al-Nakh'i, Al-Sha'bi, Al-Zuhri, 'Umar bin Abdul'azeez, Maalik, People of Madinah, Al-Shaafi'ee, Ishaq, and others.

It has been authenticated that the Prophet (s) executed a Jewish man who had beaten an Ansari girl to death. Also, Abu Bakr bin Muhammad narrated that the Prophet (s) sent a letter to the people of Yemen which contained religious obligations and rulings and he (s) specified that "a man is killed for killing a woman." The people accepted this fact since both men and women are human beings and each receives the penalty for defamation when one of them accuses the other of illegal sexual intercourse. Hence, killing one sex for the other is like killing one person from one sex for another person from the same sex, and in either case, nothing should be added to the Qisaas ordained by Allah, and is a religious obligation.⁴⁶

Men and women are thus equal in terms of qisaas, so a man's blood can be shed for shedding a woman's blood and vice versa.⁴⁷

Diyya {Blood money}:

All scholars have agreed that the diyya of the free Muslim was originally a hundred camels. The Prophet (s) wrote to the Yemenites saying: "There is a Diyya of a hundred camels for the soul and the man is killed for killing the woman. As for the people who possess gold, the Diyya is one thousand Dinaars."⁴⁸ Ibn 'Abbaas narrated that: "In the time of the Prophet (s), a man killed another man, so the Prophet set his Diyya at twelve thousand."⁴⁹

The first narration thus states the diyya of the believing soul without specifying male or female. Nevertheless, scholars have suggested that the Diyya of the free believing woman is half of that of a free believing man.⁵⁰ This opinion, however, is unusual and contradicts the tradition of the Prophet (s), and consensus of the Companions.

The Diyya must be the same for everybody because human nature is one and men and women are equal before Allah (T). Hence, they have the right to life equally. Since the human soul is one, there should be no difference between one sex or the other as far as Diyya or compensation are concerned.⁵¹ Indeed, the generalization in the following verse is very clear. Allah (T) says: "He that kills a believer by mistake must free one believing slave and pay blood money to the family of the victim."⁵²

However, if the quotation from the book of Amr bin Hazm is true that the diyya of the woman is half that of the man⁵³ this may be based on the principle of "benefits according to responsibilities."

There is no doubt that the punishment of a deliberate murder is by Qisaas whether the victim was a man or a woman according to the principle "a soul for a soul" since men and women are equal in terms of their humanity. However, in the case of an unintentional killing and similar cases, the punishment will consist of a small compensation or imprisonment. Men are usually bread-winners and maintainers of their families, so the financial sufferings are greater if the man is killed. However, if the victim was the mother, the suffering will be more abstract and emotional and no price can compensate for it. It is important to bear in mind that blood money is not the price of a dead soul, as there can be no such price. Instead, it is a small material compensation for the financial sufferings of the deceased's family. Again, this judgement is based upon the Islamic principal of "division of duties and responsibilities" which does not require a woman to be the breadwinner.

Nevertheless, in a society where the woman is not exempted from such responsibilities as providing sustenance for herself and her family or if the victim was a woman who was the sole breadwinner in the family, then her blood money should be equal to that of a man."⁵⁴

Hence, even according to the second opinion, Islam does not underestimate women or discriminate against them with men. Rather, it honours them and once again establishes their equality with men.

TESTIMONY:

Allah (T) says:

"...call in two male witnesses from among you, but if two men cannot be found, then one man and two women whom you judge fit to act as witnesses; so that if one of them errs, the other can remind her..."[2: 282]

In economic affairs related to wealth and property, the testimony of two women is equivalent to that of one man. In order to therefore pronounce a judgement or prove a case, the testimony of two men or the testimony of one man and two women is needed. This fact is not related to women's humanity, nor does it affect their dignity and equality with men."⁵⁵

Indeed, it does not affect women's status but takes into consideration her primary role as mother and wife which require her presence in the home when most businesses are being conducted outside the home. However, in affairs concerning women exclusively such as pregnancy, birth, sexual defect and puberty, the evidence of one woman is enough. The evidence given by scholars is the clear text of the verse which refers to economic affairs only and also criminal cases where hudood punishments are involved.

This is indeed a burdensome responsibility which has been lightened for women. "The precaution regarding a woman's testimony in cases where it is unusual for her to be a witness is solely to avoid doubt and suspicion related to her evidence. Islamic jurisprudence accepts women's testimony in the affairs concerning them or which involve women more than men. Hence, this decision is not based on differences in dignity, eligibility or capability between men and women. It is merely a way to establish the truth and to repel any suspicion in the making of judgements. This is natural for any judicial system that cares to establish justice."⁵⁶

Notes

- 1 Ibn I iajar al-Asqalaani, *Falli al-Baari hi Sharh-Saheeh a l Imam Abi Abdullah Muhammad Ibn Ismaa 'eel al-Bukhaari*, compiled and edited by: Abdulaziz bin liaaz, vol.8, Madina Al-Munawwara: al-Matba'ah al-Salafiyah (no date), p.636.
- 2 Muhammad Shaloot, *Tafseeral-Quraan al-Kurecm*, (The Explanation of the Holy Quran), 5th edition, Daar al-Shurooq, 1973, p. 113.
- 3 Abi Isa Muhammad bin Isa bin Sawrah, *Sunan al Tirmidhi al-Jaami' al-Saheeh*, Vol.5, 'Tafseer al Qur'aan', Cairo, Mustafah al-Baabi al-Halabi & Sons.
- 4 Sayyed Qutb, *Ft Dhilaal al-Qur 'aan*, Vol. 5, legitimate editions No.7 and No.1, Beirut, Daar al-Shurooq, 1398 AH/1978, L394AH/L976, p.2863
- 5 Abi Abdullah Muhammad bin al-Ansaari al-Qurtubi, *Al-Jaam" li-Ahkaam al-Qur'aan*, Vol.5, Beirut, Daar lhyaa' al-Turaath al-Arabi, Cairo, Daar al-Sha'b, Kitab al-Sha'b 92, al-Qasr al-Ayni, no date, p. 5268
- 6 Al-Imam Yahya bin Sharaf al-Nawawi, *Saheeh Muslim - Sharh al-Navawi*, compiled by: Abdullah Ahmad Abu Zeina Vol.1, 'Kitaab al-Imam', Cairo, Maktbaat al Sha'b (no date), 2nd edition, Beirut, Daar Zhyaa al-Turaath al-Arabi, 1392 AH/1972, p.227.
- 7 Muhammad Iz/at Daroozah, *Al-Mar'ah ft al-Quraan wa al-Sunnah*, (Woman in the Quran and Sunnah), Beirut, Sidon, al-Maktabat Asrcyah Publications, 1387 AH/1967, p.32.
- 8 Abittaycb Muhammad Shanisudden Abaadi and Sharh AI-I laafez Ibn Al-Qayyem al-Jawziya, *Awn al-Ma 'bood, Sharh Sunan Abi Dawood*, Vol.2, 2nd edition, AI-Madeena AI-Munawwara: al-Maktaba al Salatlyah, p.274.
- 9 Compensation tor a missed or wrongly practised religious duty, usually in the form of money or foodstuff or offering (animal).
- 10 Muhammad Ali al-Saabooni, *Rawaa 'yal-Bayaanfee Tafseer Ayaat AI-Ahkam*, (The Marvels of Elucidation in the Explanation of the Verses on Ordinances), Vol.1, Daar Al-Qur'aan al-Kareem, 1931 AH/1972, p.209.
- 11 A Male, whom a woman can never marry because of close relationship (e.g. a brother, a father, an uncle... etc. or her own husband).
- 12 Al-Nawawi, op. cit. Vol.3, 'Pilgrimage', p. 484
- 13 Ibid.
- 14 Ibid. Vol.1 'Kitab al-Imam' p.176
- 15 Ibid, and Sayyed Sabiq, *Fiqh Al-Sunnah*, Vol.1, (sec p.98, #9), p.634.
- 16 Sayyed Qutb, op. cit. Vol. 2, p.762
- 17 Al-Qurtubi, op. cit. vol.5, p.3790
- 18 Al-Waahidee, *Ashaab al-Nuzool*, Beirut, Daar al - Kitaab al Ilmiyya (no date), P.93.
- 19 Al- 'Imam Imaaduddeen Abu-Fidaa Ibn Kathcer, 'Tafseer al-Qur'aan al-Adheem', Vol.1, MakkahAI-Mukarramah, Beirut, Daar al-Baz Abbas Ahmad al-Baz, Daar al Mar'rif, 1388 AH/1969, p.441.
- 20 Al-Qurtubi, op. cit. vol.2, p.1561
- 21 Abdulkareem al-Khatceb, Al-Tafseer al-Qur'aani li al-Qur'aan, (The Quranic Explanation of the Quran), vol. 2, Dar al-Ifikr al Arabi, 1970, p.674.
- 22 (Plural of I ladd) Allah's boundary limits specified punishments Al-qisas= Law of equality in punishment for wounds etc. in retaliation.
- 23 Al Imam Aki Abdullah Muhammad bin

- Ismaa'eel Al-Bukhaari, *Saheeh al-Butnaari*, vol.8, offset print, Istanbul, Daar al Fikr, from Daar al-Tibaa'ah al Amira (no date), p. 24.
- 24 AI-Qurtubi, op. cit. vol.5, P.4552.
- 25 Sayyed Sabiq, op. cit. vol.2. p.408.
- 26 AI-Bukhari, op. cit., p.25.
- 27 Ibn Katheer, op. cit., Vol.3, P-264.
- 28 AI-Qurtubi, op. cit., Vol.5, P-4564.
- 29 Sayyed Sabiq, op. cit. vol.4, P 2490.
- 30 An oath which is taken by both the wife and the husband when he accuses his wife of committing illegal sexual intercourse.
- 31 AI-Qurtubi, op. cit., Vol.5,Sura 24:6-10.
- 32 AI-Nawawi, op. cit., Vol.3, AI-Li'aan, P-714.
- 33 AI-Bukhaari, op. cit., Vol.8, p.16.
- 34 AI-Qurtubi, op. cit., Vol.3, P-2157
- 35 AI-Bukhaari, op. cit. Vol.8, p. 18.
- 36 Abdulqaader Audah, *AI-Tashm'al Jmaa'iAl-Islami*, Vol.2, 5th dition, 1388AH, p.639.
- 37 AI-Bukhaari, op. cit. Vol.8, p.18.
- 38 AI-Bukhaari, op. cit. Vol.8, p.12.
- 39 Al Hafez Abi Abdullah Muhammad Al-Qizwini, *Sunan Ibn Maajah*, texts compiled by: Fu'aad Abdulbaaqi, Vol.2, Daar Ihyaa al-Kutub al-Arabeeyah, Abbas AI-Baaki & co. 1372 AH/1955, p.858.
- 40 Sayyed Sabiq, op. cit. Vol.2, p.395.
- 41 AI-Bukliaari, op. cit. Vol.8 p.36.
- 42 Ibid., p.38.
- 43 Ibn Hajar AI-Asqalaani, op. cit. Vol.8, p.176.
- 44 AI-Qurtubi, op. cit. Vol.1, p.623
- 45 Ibn Qudaamah, op. cit. Vol.9, P-377.
- 46 Ibid.
- 47 AI-Bukhaari, op. cit. Vol.8, p.37.
- 48 AI-Haafez Jalaaluldcen al-Suyooti, *Sunan al-Nasaa 'i*, (AI-Sayooti Explanation of AI-Nasaa'i Tradition of the Prophet), footnotes by: AI-Imam al-Sindi, edited by: Sheikh Hasan al-Mas'oodi, Vol.8, 'AI-Qasaamah', al-Matba'ah al-Maktabah al-Khaarijiyah, p.58.
- 49 Ibid.,p.44.
- 50 Ibn Qudaamah, op. cit., Vol.9, p-531-532.
- 51 Dr Muhammad Abdul Hameed Abu zaid, 'Makanatu al- Mar'ah fee al-Islam', p.170.
- 52 Ibid.
- 53 see AI-Mughni, op. cit., p.531-532.
- 54 Dr AI-Shcikh Mustafa al-Sibaa'i, 'AI-Mar'ah bayn al-Fiqh wa al-Qaanoon', (Woman Between Jurisprudence and Law), 5th Edition, Beirut, AI-Maktab al- Islaami, p.37.2:282.
- 55 Ibid.,p.31.
- 56 Ibid., p.32.

CHAPTER ELEVEN

Political Rights

Islam is the true religion ordained by Allah (T) for mankind. A religion in which women represent one of the two halves of humanity. Islam has acknowledged the important role of women in our society and its impact on our political life. Therefore, women have been given political rights which reflect their dignified, respected and noble status in Islam. Some of these rights are the following:

FREEDOM TO EXPRESS ONE'S OPINION

Mutual consultation is a very important principle in Islam. It is the methodology established by Islam for the creation of a successful nation which invites its members to advise and consult one another. Allah (T) says:

"And those who answer the call of their Lord, and who conduct their affairs by mutual consultation, and who spend of what We have bestowed on them. " [42: 38]

Ibn Katheer wrote in his explanation: *"who conduct their affairs by mutual consultation"*, means that they do not issue

any endorsements concerning matters such as wars or equally important affairs unless they consult each other and advise one another.¹ Allah (T) says: "...and ask forgiveness for them and consult them in the affairs..." [3:159]

Since Muslims are told to conduct their Affairs by mutual consultation, it is a duty upon all Muslim men and women to express their opinion if they feel that by doing so they can offer valuable advice and wise counsel for the benefit of the Muslim nation, as well as to comply with the principle of enjoining good and forbidding evil. Allah (T) says:

*"Let there arise out of you a nation that shall call for righteousness, enjoin justice and forbid evil. It is those who are successful"*²

Explaining the above verse, Ibn Katheer noted that "... there should be amongst the Muslim nation a group which is in charge of calling for righteousness, enjoining good and forbidding, evil, as it has been authenticated that it is a duty upon every Muslim to enjoin good and forbid evil. Abu Huraira (R) narrated that the Prophet (s) said: "He, who amongst you sees something abominable, should change it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue; and if he has no strength enough to do it, then he should abhor it from his heart and this is the least of faith."³

Surah At-Tawba, which was the last Surah to be revealed, establishes that enjoining good and forbidding evil is a duty upon every muslim man and woman.⁴ Allah (T) says:

"The true believers, both men and women, are friends to each other. They enjoin what is just and forbid what is evil; they attend to their prayers and pay the alms-tax and obey Allah and His Apostle." [9:71]

Enjoining good and forbidding evil is to be manifested by speech, action and written commands in order to forbid what is unlawful and establish

righteousness. The Prophet (s) has made sincere advice the basis of religion if not the religion itself. It is narrated on the authority of Tamim ad-Daari that the Apostle of Allah (s) observed: The religion is *Naseeha* [sincerity and well-wishing]. Upon this we said: For whom? He replied: "For Allah, His Book, His Messenger and for the leaders and the general Muslims."⁵

Explaining this narration, Imam An-Nawawi said: "This narration is very important indeed, it is the pivot of Islam. "Commenting upon it, Imam Abu Sulaiman Khattabi has said: *Naseeha* is a very comprehensive term and it stands for all those virtues and deeds for which the counsel is given. The *Naseeha for Allah* (T) implies that one should possess the sincere belief that there is no deity worthy of worship except Allah (T) alone and that no partner is to be associated with Him."

The *naseeha* in the case of Allah's book means that it should be sincerely believed as a revelation from the Lord. *Naseeha* for the Messenger signifies that his prophethood must be affirmed with perfect sincerity of heart. *Naseeha* for the leaders and rulers implies that they should be respected, obeyed, advised and given support in all those affairs which they conduct according to Islamic jurisprudence and reminded and brought to the straight path when they deviate from it. *Naseeha* for Muslims is that they should be advised in all matters concerning the good of this world and the hereafter, their life, honour and dignity should be protected, and a sincere endeavour made to ameliorate their understanding of the religion."⁶

Indeed, the truth is that to enjoin the good and to establish justice are the main characteristics of the Muslim nation.⁷ In fact, freedom to express one's opinion is guaranteed in Islam as long as this opinion is expressed for the general welfare of the nation and does not lead to a greater evil being imposed on the Muslims in general, or to *Fitnah* (discord) being developed amongst themselves. On this basis, Islam has encouraged men and women to express their opinions and to speak freely without fear or reluctance. Islam does not delegate this

duty to a specific group or race. It is a duty upon every Muslim who cares to apply the principles of mutual consultation, enjoining good and forbidding evil.

Consequently, Muslim women have always had the right to express their opinions and to offer their advice. The Prophet (s) listened to their counsel and very often acted upon it. One famous example is an incident that took place after the Prophet (s) had signed the Hudaibiyah Treaty. When the peace treaty had been concluded, the Prophet (s) ordered his companions to slaughter their sacrificial animals, but they resented this treaty and were too depressed to obey the Prophet's order. The Prophet (S) repeated the same instruction three times, but to no avail. He (s) then went and told his wife Umm Salama about the attitude of his companions and their disobedience to him. She advised him that he himself should go out and without addressing any of his people, slaughter his animal and have his head shaved. Seeing that, the Muslims started to slaughter their animals and shave their heads.⁸

The above mentioned incident is a perfect example of how a woman's advice was given and acted upon for the good of the Muslim nation. The right of freedom to express one's opinion applies to every member of society regardless of age, social status and gender.

'Umar (R) the second Caliph, renowned for his passionate character, had noticed that his people were asking for excessive amounts of dower and he feared the consequences. He stood on the pulpit and started his sermon by severely reprimanding the people and ordering them not to exceed a certain amount of dower. He then ordered the people who had done so to put the excess in the treasury of the Muslims. On hearing this order, a woman amongst the crowd stood up and shouted: "O 'Umar! have you not heard what Allah Almighty has revealed regarding this matter? He (T) says: *"If you wish to take a wife in the place of a divorced one, do not take from her the dowry you have given her even if it be a mountain of gold. That would be improper and grossly unjust."* [4:20] Being reminded of this verse, 'Umar withdrew his order and said: "I am wrong and she is correct."⁹

Surah Al-Mujadilah (The Disputation) unfolds the story of a woman who disputed with the Prophet (s) and advocated her rights in refusal of her husband's ill-treatment. Allah (T) heard her complaint and revealed the following:

"Allah has heard the words of her who pleaded with you concerning her husband and made her complaint to Allah. Allah has heard the arguments of both of you. Verily, Allah is All-Hearer, All-Seer." [58:1]

Consequently, on the basis of the Qur'an and the tradition of the Prophet (s), freedom to express one's opinion is an established right to be enjoyed by every Muslim woman as long as she abides by the rules and regulations of her religion in exerting this right, as we have seen from the above mentioned examples. Based on the Qur'an and the tradition of the Prophet(s) (*Sunnah*), freedom to express one's opinion is an established right of every Muslim woman.

RIGHT TO PROTECTION & CARE

For the believing women who emigrate from the country of disbelief and embrace Islam, Islam has ensured protection and care, thus adding another advantage to the list of women's rights. Allah (T) has ordered the believers to help women who have left their homes escaping persecution in the land of the disbelievers and who wish to join the Islamic community by accepting Islam as their religion. Allah (T) has ordered us to shield and protect such women, to help their integration into society, to guard them from disbelieving parents and relatives, to pay compensation to their husbands if necessary, and finally to provide them with a dignified and tranquil existence. Allah (T) says:

"Believers, when believing women seek refuge with you, test them. Allah knows best their faith. If you find them true believers do not return them to the infidels; they are not lawful for the infidels, nor are the infidels lawful for them. But hand back to the unbelievers what they have spent Nor is it an offence for you to

marry such women, provided you give them their dowries." [60:10]

We conclude the following:

- 1 It is an obligation to protect, safeguard and uphold the rights of Muslim women.
- 2 It is a duty to guard the believing women from the infidels who otherwise would seek revenge through them.
- 3 It is a duty to pay compensation to the emigrant women's husbands if they ask for it.
- 4 The emigrant women have the right to re-marry and to ask for dowers.

Some writers have made an analogy between these rights and the status of political refugees. However, the differences are great and obvious. Firstly, the above rights are granted by Allah (T) to "all" emigrant women who embrace Islam, regardless of their race, colour or nationality. The status of political refugees is given to "some" people who very often are politically or militarily involved. Secondly, a believing woman would never be returned to her infidel relatives, but a political refugee can be returned to the enemy whenever and however the host country requires, depending on the fluctuation of the overall political situation. Thirdly, the Muslims would pay compensation to the husbands of emigrant women. This would not apply to any political refugee in any country.

In fact there is no comparison between man-made international laws and divine legislation ordained by the Lord of the Heavens and the Earth for the welfare of mankind. My aim is to illustrate the advantages that Muslim women are able to enjoy under the legislation of Islamic Jurisprudence. These legislations have dignified, honoured and give women immense protection, thus enabling them to lead tranquil and respectable lives.

Moreover, after studying the evolution of International Law from the dawn of civilization until the 20th century, I have not encountered any legal right which equals the right given to an emigrant Muslim woman.

PLEDGE OF ALLEGIANCE

Equity and justice are further manifested in Islam when we see that the Prophet (s) would receive the oath of allegiance from both men and women. They would pledge to worship Allah alone and to obey his Messenger(s). Allah (T) says:

"O Prophet, if believing women come to you and pledge to associate in worship nothing with Allah, to commit neither theft, nor adultery, nor child-murder, to utter no monstrous falsehoods, and to disobey you in nothing just, accept their allegiance and ask Allah to forgive them. Allah is Forgiving, Merciful." [60:12]

The above verse was revealed after the treaty of Hudaibiyah, and according to it, the Prophet (s) used to test the believing women who migrated to him. 'Urwa narrated that 'Aisha (R) the wife of the Prophet (s) said, "Allah's Messenger (s) used to examine the believing women who migrated to him in accordance with this verse:"¹⁰

'Aisha (R) said, "And whoever of the believing women accepted the conditions assigned in the verse, Allah's Messenger (s) would say to her, "I have accepted your pledge of allegiance." He would only say that, for, by Allah, his hand never touched any lady during that pledge of allegiance. He did not receive their pledge except by saying, 'I have accepted your pledge of allegiance for that.'

The day of the conquest of Makkah, the Prophet (s) received the pledge of allegiance from men as well as women whom he (S) regarded as independent and active members of the Islamic nation. They came to the Prophet (s) and pledged themselves to accept Islam as their religion, to worship Allah (T) alone and associate no partners with Him, to respect Allah's set limits and to avoid that which is unlawful, such as adultery, theft, killing and other crimes. They also pledged to obey the Prophet (s), to oppose none of his orders, to be quick in obeying him and to avoid what he had not allowed. This pledge of allegiance, with the commitment and responsibility it involved, could not but reflect the independent and important role played by women in Islam. The pledge involved a number of conditions. They are as

follows:

One: *To associate in worship nothing with Allah.*

This was the first condition. Indeed to associate partners with Allah is the greatest sin that will never be forgiven. Allah (T) says:

"Allah will not forgive setting up partners with Him and He will forgive whom He will all other sins." [4:116]

"He that worships other gods besides Allah shall be forbidden paradise by Allah, and his abode shall be in the Fire." [5:72]

Two: *Not to steal*

The woman who steals shall have her hand cut off. Theft refers to stealing in general.

Three: *Not to commit fornication or adultery.*

Indeed adultery is one of the ugliest and biggest sins and can lead to a severe punishment. Allah has warned women and ordered them not to be tempted into unlawful sexual intercourse.

Four: *Not to murder their children.*

In the pre-Islamic period of ignorance, people used to murder their female children. Islam aimed to put an end to that pagan practice. Abortion is one way of murdering a soul, especially if it is done for trivial, personal and non-medical reasons. Therefore, abortion may only be carried out if the mother's life or health is threatened by the pregnancy. Ibn Hajar said: "Allah (T) has specified infanticide in particular because it involves two crimes at the same time: murdering a human soul as well as cutting the relation of one's womb."¹¹

Five; *To utter no monstrous falsehood.*

The literal phrase is: "...nor produce any He that they have devised between their hands and legs." This is an allusion to pregnancy and child birth. The above words therefore mean that a woman should not falsely

attribute the paternity of her illegitimate children to her lawful husband, thus intentionally uttering slander, forging falsehood and thereby adding to the monstrosity of her original sin. Ibn Hajar said: "Allah (T) has specified the hands and feet, because most of our deeds, good or bad are carried out by them."¹²

Six: *Not to disobey the Prophet (S) in anything just.*

All the orders of the Prophet (s) should be obeyed and his guidance followed. Indeed the Prophet (S) has only forbidden evil and enjoined

all that is good. Therefore, everything he has forbidden should be avoided.

When granting women the right to give their pledge of alliance, Islam has also granted them the right to discuss and seek full understanding of its binding conditions. Indeed, women have the right to question and to express their opinions, especially in matters related to their religion. In a famous incident, the Prophet (S) told Hind : "...to associate in worship nothing with Allah."

She replied: "By Allah, I did not hear you imposing such a condition on men."

The Prophet (s) said: "...to commit neither theft..."

Hind said: "Abu Sufyaan is closefisted, I take from his money to feed myself and the children."

He (S) said: " Are you Hind bint 'Atubah?"

She said: "May Allah (T) forgive you Messenger of Allah, let bygones be bygones."

He (S) said: "...nor adultery..."

She said: "Does a free noble woman commit adultery?"

He (s) said: "...nor infanticide..."

She said: "When young, we brought them up; when adult, you killed them." (referring to her son Handhalah bin Abi Sufyaan who was killed during the battle of Badr).

On hearing this, 'Umar bin Al-Khattab (R) laughed and the Prophet(s) smiled and said: "...to utter no monstrous falsehood..."

She said: "Falsehood is ugly indeed. Allah (T) has only allowed

what is noble and wise." When the Prophet (s) finally said, "to disobey, you (the Prophet(s)) in nothing just", she replied "By Allah, we have not come to you in order to disobey you."¹³

The Prophet (S) has also forbidden women from bewailing the dead. "Umm 'Atiya (R) narrated that we took the oath of allegiance to Allah's Messenger (s) and he recited to us: "...to associate in worship nothing with Allah...", and forbade us to bewail the dead."¹⁴ Concerning the words "...to disobey you in nothing just", Al-Imam At-Tabari has said: "The Prophet (S) forbade women from bewailing the dead because the pagan Arab women used to tear their garments open, scratch their faces, pull their hair and invoke destruction and ruin while lamenting over the dead."¹⁵

It is thus clear that the Prophet (s) accepted the pledge of allegiance from women, and treated men and women equally while doing so. 'Ubaadah bin As-Saamit narrated: "While we were with the Prophet, he said, Will you swear to me the pledge of allegiance that you will not worship anything besides Allah (T), will not commit illegal sexual intercourse, and will not steal? Then he recited the verse concerning the women. The Prophet (s) often added, 'Whoever among you fulfils his pledge, will receive his reward from Allah(T), and whoever commits any of those sins and receives the legal punishment (*Qisaas*), his punishment will be an expiation for that sin; and whoever commits any of those sins and Allah screens him, then it is up to Allah to punish or forgive him'."

Indeed the important position that women occupy in Islam is embodied in their pledge of allegiance and the stress put upon its validity. Similarly, the specification in the Qur'an of other relevant rights has not been neglected.

RIGHT TO PARTICIPATE IN JIHAD

Jihad was made a duty upon the Muslims in the year 2 AH. Allah (T) says in the Qur'an:

"Fighting is decreed for you, much as you dislike it. But you may hate a thing although it is good for you, and love a thing

although it is bad for you. Allah knows, but you do not." [2:216]

Jihad comes next in importance after religious obligations. Ibn Mas'ood narrated, 'I asked the Prophet (s) 'Which deed is loved most by Allah (T)?' He (s) replied, 'To offer prayers at their earliest stated times.' I said 'What is next?' The Prophet (s) said, "To be good and dutiful to one's parents.' I asked 'What is next?' The Prophet (s) said 'To participate in Jihad for Allah's cause."¹⁶ And the reward of Jihad is great indeed.

There are seven conditions for Jihad: Islam as religion, adulthood, good understanding, freedom, manhood, freedom from disabilities and availability of the cost. 'Aisha (E), the mother of the believers, narrated: "I asked the Prophet (s) if the women were to participate in Jihad and He (s) replied, For you is a jihad without fighting: Hajj and Umra (Pilgrimage and lesser Pilgrimage)"¹⁷

Jihad is a collective duty: When a group of Muslims are fulfilling the duty of Jihad, it ceases to be an individual obligation upon every Muslim. This is a judgement upon which all scholars have agreed."¹⁸

Ibn Qudaamah says: "Jihad is a duty upon the Muslims. If one group is already fighting the enemy and protecting the land, this duty ceases to be an individual duty. If not, Jihad remains an obligation upon every Muslim since Allah (T) says:

"The believers who stay at home - apart from those that suffer from a grave impediment - are not equal to those who fight for the cause of Allah with their wealth and their persons. Allah has given those that fight with their wealth and their persons a higher rank than those who stay at home. He has promised all a good reward." [4:95]

The Prophet (s) used to participate in Jihad with his companions as well as by sending armies."¹⁹

Jihad is also an individual duty: When the enemy invades a Muslim country, all the inhabitants of this country should go out and fight the enemy. In this situation, it is unlawful for anyone to refrain from fighting. Allah (T) says:

"O you who believe! Fight the infidels who dwell around you."

[9:123]

Commenting upon this, Sheikh Mohammed Shaltoot said: "When the infidels invade a Muslim land, every Muslim should go out in order to fight and repel them. In this situation, the woman is allowed to go out without her husband's permission, the child without his father's permission, and the slave without his master's permission." Allah (T) says:

"Whether slightly or well-equipped, march on and fight for the cause of Allah, with your wealth and your persons." [9:41]

In such situations, where human life and property are endangered, Islam invites men and women to work together for the restoration of peace and harmony.²⁰

Sayyed Qutb wrote: "Allah (T) has not made jihad a duty upon women. At the same time, He (T) has not forbidden them from participating in jihad when the need arises. Women participated in jihad and fought in several battles at the time of the Prophet (s). However, such incidents are rare and exceptional since Allah (T) has not prescribed jihad for women as He (T) did for men."

Jihad has not been made a duty upon women because it is they who give birth to the soldiers who fight in Jihad. A woman is more physically and psychologically prepared for that. She possesses a natural disposition that helps her prepare her sons to fight their way through life as well as in jihad. By doing so, she renders a better service.²¹

The divine wisdom has decreed that women should devote themselves to their important and vital duties for the survival of the nation. They are first of all mothers and guardians of their houses. These are permanent duties which do not cease when their husbands go out for jihad. Their children will always need the protection and care of their mothers, and the homes will always need their guardians. This important fact was pointed out by an Ansari woman, Asma bint Yazeed when she said to the Prophet (S): "As you go out to fight in Jihad, we, the women, will spin your clothes, bring up your children and guard

your wealth."

Allah (T) has created men with a predisposition to fight and carry-
weapons, and created women with a predisposition that enables them to
carry out different but equally important duties. However,
although jihad is not prescribed for women, they can still volunteer in
the fields of their specialization.

Women can also participate in fighting when jihad becomes an
individual duty. The female companions did so whenever they were in
danger or witnessed the heat of the battle. Some of them fought with
swords in the battle of Uhud when the Muslims were surprised by
their enemy and the Prophet (s) was surrounded by only a small
number of soldiers. When the female companions saw that the life of
the Prophet (s) was in danger, and that Islam and all the Muslims
Were threatened, they rushed forward to protect the Prophet (s).
Umm 'Umaarah Nusaibah bint Ka'b pulled out her sword to protect the
Prophet (s), stood against the infidels and fought vigorously. Ibn
Hisham said: "Umm 'Umaarah Nusaibah bint Ka'b fought in the
battle of Uhud."²²

Continuous traditions have reached us relating women's
participation in jihad throughout Islamic history. They took it upon
themselves to transport the injured, nurse the sick, distribute water to
the soldiers, and other different services. Such services were vital and
very necessary. Had Muslim women not provided them, the armies
Would have been obliged to designate some of their much needed
Soldiers to fulfil them. Fortunately, Muslim women have always been
there to render these services when required.

The Mothers of the believers (the wives of the Prophet (s))
accompanied him in his military expeditions with other female
Companions. Anas (R) narrated, "On the day of Uhud, I saw 'Aisha
bint Abi Bakr and Umm Sulaim, hurrying with their water skins.
Then they would pour the water in the mouths of the people, and
return to fill the water skins again and came back again to pour water in
the mouths of the people."²³ Commenting on this narration, Imam An-
Nawawi says: "The women would accompany their husbands in the

military expeditions and distribute water and treat the injured during the battles".²⁴

The following narration also confirms that women participated in jihad. Imam An-Nawawi said: "During the military expeditions, Several tasks were delegated to women, such as distributing water, nursing the injured...etc. Every woman would nurse her husband or her mahram. When treating the wounds of other people, they would limit physical contact to the strict minimum and to the absolutely necessary."²⁵ They were all true believers, who possessed sound knowledge of their religion and respected the limits set by Allah (T)". Ar-Rabee' bint Mu'az narrated: We used to take part in holy battles with the Prophet (s) by providing the people with water and other services, as well as bringing the killed and the wounded back to Madina."²⁶

These narrations depict the nature of tasks which were assigned to women in the battlefields. 'Umm 'Atiyyah (R), an Ansari woman said: "I took part with the Messenger of Allah (s) in seven battles. I would stay behind in the camp of men, cook their food, treat the wounded and nurse the sick."²⁷ From the above mentioned narrations it is clear that although jihad is not prescribed for women, when necessary they are allowed to assist in certain areas of specialisation."

Najda bin 'Aamir wrote to Ibn 'Abbaas inquiring of him about five things. Ibn 'Abbaas said: If I had not the fear of committing sin by concealing knowledge I would not have written to him. Najda wrote to him saying (after praising the Almighty and invoking blessings on the Holy Prophet): Tell me whether the Messenger of Allah (S) took women to participate with him in Jihad; (if he did), whether he allotted for them a regular share in the booty; whether he killed the children of the enemy; and how long would an orphan be entitled to consideration as such, and for whom the *Khums* (fifth part of the booty) had been allocated. Ibn Abbaas wrote to him: You have written asking me whether the Messenger of Allah (s) took women with him to participate in Jihad. He did take them to the battle and sometimes they fought with him. They would treat the wounded and were given a

reward from the booty, but he did not assign a regular share for them. And the Messenger of Allah (s) did not kill the children of the enemy. Also you have written to me asking me when the orphanhood of an orphan comes to an end. By my life, if a man has become bearded but is still incapable of getting his due from others as well as meeting his obligation towards them, he is yet an orphan to be treated as such, but when he can look after his interests like adults, he is no longer an orphan. And you have written to me inquiring about Khums. (In this connection) we (the kinsmen of the Messenger of Allah (s)) used to say: It is for us, but those people (i.e. Banu Umayya) have denied it to us."²⁸

Commenting on this narration, Al-Imam An-Nawawi says: "Ibn Abbaas was reluctant to correspond with Najda, as he was a *Khariji* -(an extremist sect who held distorted views). However, he feared that by not giving him the knowledge he asked for, he would be committing a sin and so resigned himself to answering his questions."²⁹

RIGHT TO GIVE SANCTUARY

In Islam, women as well as men have the right to offer shelter and security to anyone, even an idolater or a war enemy. Allah (T) says:

"If an idolater seeks asylum with you, give him protection so that he may hear the Word of Allah, and then convey him to safety. For they are ignorant people." [9:6]

Az-Zamkhashri said: "This verse indicates that if an idolater comes to you after the sacred months have elapsed and asks for protection in order to learn about Islam, he should be granted this protection and his safety guaranteed until he hears the Words of Allah. If after that he does not accept Islam, he should be escorted to his land and his people amongst whom his life and his property are safe."³⁰ Az-Zamkhashri has thus explained how shelter and peace should be offered and what the person offering the protection should do.

Ibn Katheer said: "This right is to be granted to those who travel

from the land of the enemy to the land of Islam in order to convey a message, attempt a peace treaty, reconciliation, or simply carrying the Jizyah tax or concluding a business...etc. The stranger should ask the Imam or his delegate to offer him shelter and peace during his stay among the Muslims until he returns back to his land and people."³¹

Elaborating further, Sheikh Mohammed Shaltoot says: "The right of asylum has been extended to oblige every Muslim to protect the life and property of the person granted asylum during his stay among them. This should be observed and respected by all the Muslims even if the asylum is granted by one of the lowest social status."³².

"Asylum can be granted by a man or a woman, a free-born Muslim or a slave. It is immediately and automatically valid but it should be made official by the approval of the ruler or the commander of the army."³³

Nevertheless, some conditions must be met before asylum is granted; the refugee should not be a threat to Muslims. If the refugee is suspected of being a spy or an enemy, or if his presence undermines the position of the Muslims, the Imam can invalidate his right to asylum and protection."³⁴

Protection is granted when the person who grants the protection promises to do so, and assent is given by the person who asks for protection, or vice versa. Both forms of agreement took place in the days of the Prophet (s). When granting protection to the people of Quraish on the day of the conquest of Makkah, he (S) declared: "Those who enter the house of Abi Sufyaan, those who keep their doors shut, and those who enter the Mosque will be safe."³⁵ This statement was an obligation from the Prophet (S) and whoever assented and complied by his conditions was safe. In another incident, Sufyaan bin Umayya asked the Prophet(S) for his protection, and the Prophet assented to it."³⁶

Islam has given women the right to grant asylum and protection to the enemy. Umm Haani, the daughter of Abu Taalib narrated in an authenticated tradition, " I went to Allah's Messenger (s) on the day of the conquest of Makkah.... I said, 'O Allah's Messenger! My brother

'Ali has declared that he will kill a man to whom I have granted asylum. The man is so and-so bin Hubaira.' Allah's Messenger (s) said, "O Umm Haani! We will grant asylum to the one whom you have granted asylum."³⁷

And so the Prophet (s) has bound every Muslim to respect the pledge given by a Muslim woman, to consent to her wishes and not to harm the person to whom she has offered shelter and protection, even if this person is condemned to death.

In another narration, two men from Banu Makhzoom sought shelter in Umm Haani's house. She locked them in, hurried to the Prophet (s) and told him what had happened. On hearing her story, he (s) gave her his approval. At-Tirmidhi related: "Umm Haani said: I granted asylum to men of my relatives and the Prophet (s) said, "We will grant asylum to whom you have granted asylum."³⁸ Owing to the wealth of evidence from the tradition of the Prophet (s), women's right to give sanctuary has been established in Islam. In man-made laws and throughout the centuries, even men have never enjoyed such a right, let alone women. By granting her such a privilege, Islam acknowledges the equality of men and women and gives each woman the opportunity to be an active and valuable member of society.

WOMEN & POSITIONS OF AUTHORITY

To be in a position of authority in Islam means to assume religious as well as civil responsibilities.³⁹ This applies to the Caliph of the state, the Emir of the province, the Commander of the Army...etc. On the basis of the principle of "division of duties and responsibilities," such positions of authority can only be assumed by men. Allah Almighty has created men and women with different physical and psychological predispositions to prepare them for their different, yet equally important roles in society. If a woman were to assume a position of authority, she would be required to travel constantly in order to fulfil her duties. Her job would also involve long hours of free mixing and social interaction with the opposite sex, which is forbidden in Islam.

Moreover, women's biological constitution is different from that of

men. Women are fragile, emotional and sometimes unable to handle difficult and strenuous situations. Men are less emotional and show more perseverance.

Indeed Islam would have never denied this right to women were it not for the general benefit of the nation. The divine wisdom has decreed that a woman's natural and primary career is her home with her children, and that men should provide for their families. Both responsibilities require full attention and complete devotion. Hence, for a woman to be in a position of authority would mean neglect and inattention to her family. The Prophet (s) was very clear on this subject when he (s) said: "The people who appoint women as rulers will never be successful."⁴⁰

Nevertheless, women can occupy less strenuous executive positions which do not conflict with their natural and primary roles as mothers and wives. 'Umar (R), the second Righteous Caliph appointed Ash-Shaffaa' bint Abdullah Al-'Adawiyya to the management of the *Sooq*. (market)⁴¹"Umar (R) would listen to her advice. He took care of her and sometimes would delegate to her some affairs of the *Sooq*. This has been narrated by her two grandsons, Abu Bakr and 'Uthmaan, the sons of Ibn Abi Huthmah."⁴²

'Umar may have delegated such responsibilities to her because she mastered writing, possessed vast knowledge and was a virtuous woman.'

Hence Islam has dignified and honoured women by providing and defining for them the rights and responsibilities in all aspects of the political sphere of their nation.

Notes

- 1 Al-Imaam al-Hafez Imaduddean Abu al-Tidaa Ismaa'cel Ibn Katheer, *Tafseer al-Qur'aan Al-Adheem*, Vol.4, Makkah Al Mukarramah, Beirut, Daar al-Haaz, Abbas Ahmad Al-Bax, Daar al-Marifah, 1388 AH/1969, p 118
- 2 Abi Abdullah Muhammad bin al Qurtubi, *Aljuami Ahkaam Al-Qur 'nan*, Vol. 7, Beirut, Daar Zhyaa al-Turath al Arabi, (no date), Cairo, Daar al-Shaa'b, Kitaab al Shaa'b 0.2, AI-Qasr al-Ayni (no date), p 5856
- 3 Al-Imam Yahya bin Sharat'al-Nawawi, *Saheeh Muslim - Sharh An-Naaavi*, compiled by: Abdullah Ahmad Abu Zeina, Vol.i, "Kitab al-Iman", Cairo, Maktab'bat al-Shaa'b (no date), 2nd edition, Beirut, Daar Zhyaa al-Turath al-Arabi, 1302 AH/ 1972, p 238
- 4 Ibn Katheer, vol, 1 , p 390
- 5 Al-Nawawi, op.cit. Vol.1 , "Kitab Al-Imaan", p 237
- 6 Ibid.
- 7 Ibn Hajar al Asqalani, *Path al-Bauri hi Sharh Saheeh al-Bukhaari*, Vol i , Beirut, al-Maktab al Islami, Daar al Soader, P 137
- 8 Al-Haafcz Abi Abdullah Muhammad al- Qizwini, *Sunan Ibn Mitjah*, texts compiled by: Pu'aad Abdulbaaqi, Vol.2, Daar Zhyaa al-kutub al Arabeeyah, Abbas al-Baaki & Co. 1372 AH/1955, p.957. Imam Muhammed bin Muhammed bin Salmaan, *Jam 'al Fawaa 'id minjaami' Al- ifsool ma Majmaa 'al zawaa 'id*, (Collecting Benefits from the Compiler of Fundamentals and the Collection of Additions) Kitab al-Iman, AI-Madinah al-Munawarah, printed by: Abdullah Hashim Al-Yamani al-Madani, 1381 AH/1961
- 9 Ibid. Vol.2, p. 126. This quotation is part of a long narration by: Al-Messwar bin Makhramah.
- 10 Ibn Katheer, op. cit. Vol 1, p. 468
- 11 Ibn Hajar al Asqalani, op.cit., Vol 8, p. 636
- 12 Ibid, Vol I, p. 64
- 13 Ibid.
- 14 Al-Qurtubi, op.cit., Vol.8, p.6550 and Al Asqalani *Al-Isaabahfee Tamyeez As-Sahaabah*, compiled by: Abdullah bin al- Barr al Nameeri al-Qurtubi, Vol.4, 1st edition, Egypt, Beirut, Matba'at al Aadah, Daar Zhyaa al-Turath al-Arabi, 1328 AH, p.425
- 15 Ibn Hajar Al-Asqalaani, *Path al Baari*, op.cit., vol 8, p. 637
- 16 Al-Tabaari, op.cit., vol 28, p 51
- 17 Ibid, vol 8, p. 638
- 18 Al-Asqalaani, "Path al Baari", op.cit., vol 10, p. 400
- 19 Ibid vol 6, p. 75
- 20 Al-Imam Shamsuddeen Ibn Qudamah, *Al-Mughni wa al-Sharh al-Kabeer*, Vol 10, new edition, Beirut, Daar al Kitaab al-Arabi, 1392 AH/1972, p. 366
- 21 Ibid, p. 365
- 22 Mahmood Shaltoot, *Al-Islam Aqidah wa-Sharee 'ah*: (Islam as a Creed and Legislation), 2nd edition, Jeddah, Daar al-Shurooq 1390 AH p. 228.
- 23 SayyedQutb, *Ft DhilaalAl-Qur 'aan*: vol 2, legitimate editions Nos.i&z, Beirut, Daar al-Shurooq 1398 AH/1978. 1394 AH/1976, p. 644..
- 24 Abi Muhammad Abdulmalik bin Hishaam al-Aamiri, *As-Seerah An-*

- Nabamyyah*, (The Prophet's biography), edited, corrected and commented by: Taaha Abdul Ra'ooof Sa'ad, Vol 3, new edition, Beirut, Lebanon, Daar al Jeel, 1975, p. 29.
- 25 Al-Asqalaani, "Path al Baari", op.cit., p.58
- 26 Al-Nawawi, op.cit., vol 12, "Kitaab Al-Jihad was-Seeyar", p. 190
- 27 Ibid., vol 4, p 470
- 28 Al-Asqalaani, "Fath al Baari", op.cit., P-70
- 29 Al-Nawawi, op.cit., vol 4., "Aj-Jihad", P. 475.
- 30 *Al-Kishaaf 'an Haaaa 'iq At-tanzeel wa 'Uyoon Al-Aqaa meet. ..*" (The Revealer of the Truths of revelation and Best Opinions on ways of interpretation), Kitaab al Intisaaf feemaa tadamanuhu al-Kashaaf min al-i'tizaaal by Al-Muneer al-Iskandaraani al-Maaliki, Vol 2, Beirut, Lebanon, Daar al ma'rifah, p. 174
- 31 Ibn Katheer, vol 2, Sura 9:6.
- 32 Mohammed Shaltoot, *Tafseer Al-Qur'an Al-Kareem*, 5th edition, Daar-al Shurooq, 1973, p. 622.
- 33 Sayyed Sabiq, *I'iqh As-Sunnah*, vol 2, Cairo, Daar al Rayyan Li-Turath, 1411 AH, pp. 694 – 695
- 34 Muhammd Shaltoot, *Tafseer Al-Qur'an Al-Kareem*, 5th edition, Daar-al Shurooq, 1973, P. 622
- 35 Ibn Hishaam, op.cit., vol 4, p. 34
- 36 Ibid.
- 37 Al-Asqalaani, *Path al Baari*, op.cit., vol 6, p. 195.
- 38 Al-Tirmidhi, op.cit., p. 141 Al-Tirmidhi said: "This Hadith is Hasan, Saheeh/authentic".
- 39 Dr Abdulwahaab Ash-Shishaani, *Huqnoq Al-insaan ma Huriyaatuhu: Asaaseeyah Fi al-Nidhaam Al-slaami wal Nudhum Al- Mu'aasirah*, (Man's Rights and Basic Freedoms in the Islamic and Modern Laws), 1st edition, 1400 AH/1980, p. 689
- 40 Al-Asqalaani, *Path al Baari*, op.cit., vol 13, p. 46.
- 41 Ibn I lazmi (died in 456 AH), *Al-Muhalluh*, (The Ornamental Book on Jurisprudence), compiled by: Abdurrahman al-Jazairi, Vol 9, "Ash-shahaadaat", Egypt, Idarat al-Tibaa'ah al- Munecrah, 1349 AH, p. 429.
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CHAPTER TWELVE

Economic Rights

ELIGIBILITY FOR ECONOMIC RIGHTS

In Islamic jurisprudence, the same legal judgements and verdicts apply to all persons eligible for religious worship unless, an exception or a restriction is mentioned in the Qur'an, or observed in the tradition of the Prophet (s). As I have already shown that women are eligible for religious worship according to the Qur'an and the Sunnah, it follows that women should be eligible for the same economic rights as men. Right to ownership is established in the Qur'an and the Sunnah and includes the right to possess moveable property, real estate, farming land...etc. Allah (T) says:

"And wish not for the things in which Allah has made some of you excel others. For men there is reward for what they have earned, and for women there is reward for what they have earned, and ask Allah of His Bounty. Surely, Allah is Ever Knowing of everything."
[4:32]

Umm Salamah (R) once said to the Prophet (s): "O Messenger of Allah! Men go for Jihad and women do not; and we only inherit half of their share. Then, Allah Almighty revealed the above verse.¹ We understand from this narration that one should not covet the favours

which Allah has given some more than others. We also understand that such "favours" can be material or spiritual. Ibn Jareer narrated that 'Ataa' bin Abi Rabaah said: "This verse forbids a Muslim from envying the favours bestowed by Allah (T) on another Muslim, and forbids women from wishing to be men so that they could fight in Jihad." Ibn Jareer continued: "Men and women are equally rewarded according to their sex; a good deed will entail a reward, and a sin will entail punishment." This statement has also been interpreted as referring specifically to inheritance; meaning that each man or woman will get his or her appointed share."²

Abu Ja'far said: "The verse has been interpreted in different ways:

- 1 It means that men will get what they deserve; they will be rewarded for their obedience to Allah (T) and punished for their disobedience. The same rule applies to women; Bushr bin Mu'aadh said: "Yazeed narrated on the authority of Sa'eed that Qataadah said concerning this verse (4:32): "In the Pre-Islamic period of Ignorance, women and boys did not have any share in inheritance. Only the men who worked and were breadwinners inherited. When it was revealed that women should inherit and receive half the share of men, women said, "If only our share were equal to that of men"; and the men said, "Let us hope that we will be favoured in rewards as we are in inheritance."
- 2 The verse implies that for men is a share of inheritance, and for women is another share of inheritance. However, in the verse Allah says: "*...there is a reward for what they have earned...*", and since the inheritance is not "earned" by the heir but inherited, the best interpretation would be that both men and women will be rewarded for the good things they have earned and punished for the evil things they have earned. "To earn" refers to "work", and "earner" refers to the one who works."³

The latter seems to be the most acceptable interpretation, because as Ibn Ja'far said, "*what they have earned*" in the verse, refers to the result

of one's work and the profit made by one's effort. Both men and women are eligible for ownership, and the sanctity of this right should be protected.

The verse forbids covetousness, envy and jealousy. It promises men reward for the good things they have earned and gained. Likewise, the verse promises women reward for the good things they have earned and gained. The verse also establishes that Allah Almighty is the One who bestows His favours upon mankind; that men and women should ask His forgiveness and rewards; and that Allah is the Knower of everything. It is important that this verse not be separated from the three verses that precede it:

"O you who believe! Devour not your property among yourselves unjustly except if it be a trade amongst you, by mutual consent. And do not kill yourselves. Surely, Allah is most Merciful to you." [4:29]

"And whoever commits that through aggression and injustice, We shall cast him into the Fire, and that is easy for Allah." [4:30] *"If you avoid the great sins from which you are forbidden, We shall remit from you your misdeeds, and admit you to a Noble Entrance."* [14:31]

In the above verses, Allah Almighty warns mankind from consuming the properties of one another. Verse (4:32), therefore, would logically refer to women's eligibility to lawful ownership, investment, earnings and to the sanctity of their property as such.⁴

Other verses have also established women's eligibility for ownership: Allah (T) says: *"...and offer prayer, and give Zakat (Alms-tax), and obey Allah and His Messenger..."* [33:33] In this verse, Allah (T) orders women to pay Zakat, which in itself is proof that women are eligible for ownership.

"For Muslim men and women, for believing men and women; for devout men and women; for men and women who are patient; for men and women who humble themselves; for men and women who give charity; for men and women who fast; for men and women who guard their chastity;

and for men and women who remember Allah much -for them all has Allah prepared forgiveness and a great reward." [33:35] In this verse,

Allah (T) praises the women who give charity. Ibn Katheer says: "Charity is given for the poor and people with disabilities who cannot earn their own bread nor have a bread-winner. The excess money should be given to those people as an act of charity and beneficence towards the creation of Allah (T)."⁵ Hence, if women had not possessed the right to ownership, they would have not been able to give charity, and Allah(T) would not have praised them for doing so.

Allah (T) also says: "*O you who believe! Spend of the good things which you have earned.*" [2:267] In this verse, Allah (T) urges all the Muslims, men and women to spend from their individual earnings. Ibn Katheer said: "*to spend*", means to give in charity; Ibn 'Abbas said, "*of the good things which you have earned*", means from the wealth you possess. Mujahid said, "from the profit which Allah (T) has made it easy for them to gain in trade;" Ali and as-Sudi said, "from the good things such as gold, silver, fruit and crops bestowed by Allah upon mankind."

Islam has made every woman the mistress of her own property and made her eligible for inheritance after she had been denied this right in the Pre-Islamic Period of Ignorance.⁶ Allah (T) established the rules of inheritance by revealing to mankind His Laws of Inheritance:

"There is a share for men and a share for women from what is left by parents and those nearest related, whether [the property be] small or large - a legal share." [4:7]

Allah (T) has also established women's right to a dowry. He (T) says:

"Give women their dowries as a free gift." [4:4] He (T) then says: "*...do not take from her [the dowry] you have given her even if it be a heap of gold. That would be improper and grossly unjust.*" [4:20] Indeed, there are many Qur'anic injunctions and narrations which prove that women are legally eligible for ownership. They also have the right to

trade, to bargain, to manumit slaves, to give guarantees, to give charity, to give counsel, to delegate, to contract...etc.

Zainab (R), the Prophet's wife, was known as the Mother of the needy. She would spin and knit, dye, make bead ornaments and sell her work in the market, and then distribute the money amongst the poor.⁷ And in one incident, the Prophet (s) went to Fatimah (R), his daughter, and found a gold chain in her hand. The Prophet (S) said, "O Fatimah, would you be pleased if the people were to say that Fatimah the daughter of Muhammad has a chain of fire on her hand?" Then he (s) left without sitting. She took the chain, sold it, and bought the freedom of a number of slaves. When that reached the Prophet (S) he said, "All praise be to Allah who has saved Fatimah from the fire."⁸ From this narration we understand that a woman has the right to sell, buy and manumit. Ibn Hazm said: "A woman has the right to sell as soon as she reaches puberty. This includes the adult whose father is alive, the adult whose father is dead, the married woman, the divorcee and the widow; they all have the right to sell and buy."⁹

"The donations or alms given by the married woman, the unmarried woman whose father is living, the orphan girl, the person deceived in a transaction, the sick, the one who is on the brink of death, as well as those given by an unmarried orphan girl, are similar to those given by a free-born man."¹⁰

Consequently, a woman, whether married or unmarried, does have the right to ownership and the right of disposal over her property. Her property does not have to be placed under the guardianship of her husband, because being a woman does not entail such financial restrictions. This opinion is held by the major schools of thought.¹¹ Controversy regarding this matter manifests itself in two issues:

One: At what age should the finances be handed over to the female inheritor?

The scholars are divided on this issue. One group believes that when the young woman reaches puberty, and her adulthood is

evident, her money should be turned over to her, even if she does not marry. A mature woman has the right to dispose of her money and property as she sees fit. This group is represented by 'Ataa', Ath-Thawri, Abu-Haneefah, Ash Shaafi'ee and in one narration by Ahmad, Abu Thaur, Ibn Al-Mundhir and Ibn Qudamah.¹²

The second group believes that the young woman cannot acquire her money unless she marries and gives birth to a child, or until a year has elapsed after her marriage. This group is represented by Imam Malik, Imam Ahmad in one narration, 'Umar and As-Sha'bee. They have presented the following evidence: Shareeh narrated, "I pledged to 'Umar not to accept the donation of a young woman until a year had elapsed after her marriage, or until she had given birth to a child."¹³ This opinion however, is based on weak evidence.

I personally advocate the first opinion for the authenticity of its evidence which has been illustrated in the beginning of this treatise.

Two: Can a woman dispose of her money without her husband's consent? The scholars are again divided into two camps. The first group says that she can do so when giving donations or paying indemnity. This opinion is also held by the contemporary scholar, Sheikh Muhammad 'Izzat Duroozah. The second group says that she cannot dispose of her money without her husband's consent. This opinion is held by scholars such as Sheikh Muhammad Naassiruddeen Al-Albaani. The following authentic narrations clearly indicate that women have the right to dispose of their money without her husband's consent:

- 1 Abu Huraira narrated that the Prophet (S) said, "If a woman gives something (ie. in charity) from her husband's earnings without his permission, she will get half his reward."¹⁴
- 2 'Aisha narrated that the Prophet (s) said, "If a woman gives in charity from her house meals, without wasting (ie. Being extravagant), she will get the reward for her giving, and her husband will also get the reward for his earning, and the storekeeper will also get a similar reward. The acquisition of the

reward of none of them will reduce the reward of the others."¹⁵

Hence, the Prophet (s) has encouraged charity which is not corruptive or extravagant.

- 3 The other narration involves Asma bint Abi Bakr As-Siddeeq (R). Asma reported that she came to the Prophet (s) and said: "Apostle of Allah, I have nothing with me, but only that which is given to me by Zubair: "Is there any sin for me if I spend out of that which

is given to me (by Zubair)? Upon this, the Prophet (s) said: "Spend according to your means; and do not hoard, for Allah will withhold from you."¹⁶ The Prophet (S) clearly and openly invited Asma to spend from her husband's money. It is also clear that Asma would have spent from her own money if she had any, before applying to the Prophet (s) for permission to spend from her husband's money. This indicates that Asma (R) had assumed that she would be free to spend from her own money if she had any, without anybody's permission, and the Prophet (s) did not object to her assumption. On the contrary, he allowed her to spend from her husband's money without her husband's permission.

Based on the above presented evidence, the opinion held by the first group is more widely accepted. Therefore, we can conclude that women in Islam are fully eligible for ownership and she also have the right to dispose of their money without their husband's permission. This of course, applies only when a women has reached puberty, and her adulthood is discerned. However, she can ask for her husband's consent as an act of kindness and respect. Islam allows women to spend, wisely and without being extravagant, from their husband's money without their husbands' prior permission.

RIGHT TO MAINTENANCE

Islam has provided effective social security for women by securing for them provisions and means of support throughout their lives. These provision are to be provided by the father, the husband or the son.

Islam has also exempted women from all financial responsibilities and at the same time, it has secured their civil and economic rights. A married woman will possess her own fortune and will be financially independent from her husband, who is responsible for providing for her and for their household. Indeed, Islam has shown infinite care and mercy towards women by making their maintenance a duty upon their male relatives.

This maintenance includes food, clothing and accommodation. When a baby girl is born, her maintenance is her father's duty and when she marries, it becomes her husband's duty. If her husband dies, this duty is delegated to the son, and if she has none, to her closest male relatives. It is clear from the Qur'an and the authentic tradition that men should assume this responsibility. The allowance paid to the wife for her own maintenance and that for the maintenance of the children are usually mentioned together in the Qur'an and the sayings of the Prophet (s), and it is very difficult to treat them separately. I shall therefore quote arguments applying to both to prove that the maintenance of the young girl (and maintenance of children generally), and the maintenance of the wife are the duties of the father and the husband respectively. Allah(T) says:

"Let the rich man spend according to his wealth and the poor man according to what Allah has given him." [65:7] This verse makes the fathers responsible for the maintenance of their children whether male or female, and each father should provide for his children according to his means. Ibn Katheer says, "The father or the guardian should spend on his children, the poor according to his means and according to what Allah (T) has given him. Indeed, Allah does not burden a soul with more that it can handle." He (T) says: *"Allah does not charge a man more than He has given him"*^{17(2:286)}

And in another verse, Allah (T) says: *"Do not give the feeble-minded the property with which Allah has entrusted you for their support; but maintain and clothe them with its proceeds."* [4:5]

Ibn Katheer says, "Allah (T) has forbidden us to give to those of weak understanding control over property, wealth and businesses.

Hence, children, the mentally ill and the sick require the guardianship of a parent or a relative. The verse also mentions kindness towards the family and the obligation upon the guardian to feed, clothe and offer good advice to those who are under his guardianship."¹⁸

The obligations of the father and the husband towards the family are clearly stated in the following verse:

"Mothers.... must be maintained and clothed in a reasonable manner by the father of the child." [2:233]

This means that the husband should provide maintenance for the mother of his children. He should provide food and clothing according to the standards of the country they live in. In doing so, he should be neither extravagant nor too thrifty. He should spend within his means whether rich or poor. Ad-Dahak said, "If a man divorces his wife and she continues to suckle his child, he should continue to provide provision and clothing for her in a reasonable manner."¹⁹ This verse indicates that alimony should be given to the divorcee as long she continues to suckle the baby.

Besides paying alimony to the divorced mother and providing food for the child, scholars have deduced from the following verse that the husband should also provide accommodation. Allah (T) says:

"Lodge them in your own homes, according to your means. Do not harass them so as to make life intolerable for them. If they are with child, maintain them until they deliver their burden; and if, after that, they give suck to their children, give them their pay and consult together in all reasonableness. But if you cannot bear with each other, let other women suckle for you." [65:6]

The verse states that the father should continue to provide maintenance and accommodation for his estranged wife if she continues to fulfil her main duty (suckling the baby). Ibn Katheer says that, "Allah (T) orders the believing men, in case of a divorce, to provide accommodation for their wives during their waiting period ('iddah). *"Lodge them in your own homes"* means "in your own dwelling."²⁰

Allah (T) has also explained why men have authority over women, one of the reasons being that men have to spend on them. He (T) says:

"Men are the protectors and maintainers of women, because of what Allah has given one of them over the other, and because they spend (to support them) from their means." [14:34]

This verse refers to the dowry, maintenance and means of support which Allah (T) has granted to women through His Book and the tradition of His Prophet (s).²¹ Indeed there are many sayings which are related to this subject.

From the tradition of the Prophet (s), we also quote the following statement reported by Jaabir: "It is your duty to maintain and clothe them in a reasonable manner." It means that women are exempt from earning a living because it is the duty of the husband to do so. Most scholars have agreed that this is an obligation upon the husband to provide maintenance for his wife, the mother of his children. Although they have not specified an exact amount of money, they have agreed that the provision should be enough to meet the wife's needs. "Start first by supporting your dependants" means that you should start with those for whom you have an obligation to provide. "To provide" means to maintain one's family by ensuring that they have enough food and clothing. This statement urges fathers and husbands to give this obligation a priority over other religious responsibilities.²²

The Prophet (s) said: "Fear Allah and treat your wives kindly. They have been entrusted to you by Allah and have been made lawful to you by the word of Allah, and it is your duty to maintain and clothe them in a reasonable manner."²³ (Reported by Jaabir) With these words the Prophet (s) secured the women's right to maintenance and provision throughout her life span.

When the father of Hakeem bin Mu'aawiyah Al-Qasheeri asked the Prophet (s) as to what is the right of a wife upon her husband? He (S) said: "Feed her as and when you feed yourself; clothe her as and when you clothe yourself; do not strike her on the face; do not abuse her and do not separate yourself from her except inside the house."²⁴

'Aisha (R) also narrated that Hind bint 'Utba said, "O Allah's Messenger! Abu Sufyaan is a miser and he does not give me what is sufficient for me and my children. Can I take of his property without

his knowledge?" The Prophet (s) said, "Take what is sufficient for you and your children, and the amount should be just and reasonable."²⁵

From this hadith it is clear that the husband should spend on his family but the hadith does not specify an exact amount. If the husband does not fulfil this obligation, his wife is allowed to take from her husband's money the amount she needs to provide for herself and the children without his knowledge."²⁶

Indeed, divine wisdom has decreed that men and women have different duties and responsibilities in life. The wife has to give birth, educate the children and supervise the management of her household. She is also a lawful companion for her husband. Divine justice has decreed that the man should be responsible financially towards his family so that his wife will have no need to strive and earn her living as well as fulfilling her numerous duties as mother and wife. He should maintain her by providing what she needs from food, drink, clothing and accommodation in a just and reasonable manner. It is the husbands legal duty to do so and if he neglects this responsibility, the wife has the right to ask for divorce.²⁷

DOWRY (MAHR OR SADAAQ).

This is a financial right for women. It is a present given by the groom to his bride at the time of marriage. In the pre-Islamic period of ignorance, this right was exhorted from women in different ways. The father or the guardian used to treat the marriage as a transaction, in which the dowry constituted the retail price of the young woman. He would sell her to whoever he liked as long as he could get the price he wanted. An alternative practice was that of Shighaar. This was a type of marriage in which they would exchange daughters or sisters without mahr, since each woman was considered the mahr of the other. This was basically a transaction between two people where men were the winners and women were the losers, and this type of marriage was abolished by Islam unconditionally.

Islam has established sublime and noble objectives for the marriage of two human beings. Islam has also established the dowry as an exclusive right for women. It is a legal financial right that nobody can violate. Allah (T) says:

"And give to the women their mahr with a good heart." With these words, Allah (T) has decreed that mahr is an obligation upon men, towards their new wives. It is worth mentioning that once 'Umar (R), the second caliph, ordered the people not to set excessive amounts of dower. However, he later withdrew his order."²⁸ Today, it has become a trend for the father or the guardian of the bride to take her dower and spend it on her trousseau or other household items, even on new furniture for her house. According to Islamic Jurisprudence, this is not legal because such expenses are the husband's duty and the Mahr should be for the bride exclusively. It is a divine right granted and secured for all women by Allah (T) who says:

"Wed them with the permission of their own folk and give them their mahr according to what is reasonable" [4:25] "This verse means that mahr should be given to the female bond slaves with willingness, justice and without discrimination with the free born women."²⁹ Women of the Book also have the right to Mahr if a Muslim man intends to marry one of them. Allah (T) says:

"Lawful to you in marriage are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time, when you have given their due mahr." [5: 5] In this verse, Allah (s) states that it is lawful for Muslim men to marry the chaste and free born women from among the believers as a preamble to what follows; "and chaste women from those who were given the Scripture before your time." As they are chaste and pure, they should be given their mahr willingly and with good heart."³⁰ It is consequently an obligation upon the groom to give his bride the amount of dowry set at the time of marriage. If later he refuses to do so, his wife has the right to claim it and to take it from him against his will. It is a duty which must be observed by the husband, unless his wife allows him a certain time to be able to gather the amount stated at the time of marriage, or discharges him from his obligation in consideration of his difficult financial situation, or as an act of generosity and kindness.³¹ Allah (T) says:

"...but it shall be no offence for you to make any other agreement among yourselves after you have fulfilled your duty. Allah is Knowing,

Wise." This means if after an amount of dowry has been set, and the bride exempts her husband from the bridal money or from a certain amount of it, she and her husband will not be committing a sin. The scholars have agreed that there is no limitation concerning the value of the mahr since Allah (T) says:

"If you wish to have a wife in the place of a (divorced) one, do not take from her the dowry you have given her even if it be a heap of gold. That would be improper and grossly unjust." [4:20] Ibn Katheer says, "This verse suggests that small amounts of dower can be set at the time of marriage. Sahl bin Sa'd narrated that a woman came to Allah's Messenger (s) and said, "O Allah's Messenger! I have come to you to present myself to you (for marriage)." Allah's Messenger(s) glanced at her. He looked at her carefully and fixed his glance on her and then lowered his head. When the lady saw that he did not say anything, she sat down. A man from his companions got up and said, "O Allah's Messenger! If you are not in need of her, then marry her to me." The Prophet (s) said, "Have you got anything to offer?" The man said, "No, by Allah, O Allah's Messenger!" The Prophet (s) said, "Go to your family and try to find something." So the man went and returned, saying, "No, by Allah, I have not found anything." The Prophet (s) said, "Go again and look for something, even if it were an iron ring." He went and returned, saying, "No by Allah, O Allah's Messenger! I could not find even an iron ring, but this is my Izaar (waist sheet)." He had no upper garment. He added, "I give half of it to her." Allah's Messenger (s) said, "What will she do with your Izar? If you wear it, she will have nothing over herself; and if she wears it, then you will have nothing over yourself." So the man sat for a long period and then got up to leave. When Allah's Messenger (s) saw him leaving, he ordered that he be called back. When he came, the Prophet (S) asked him "How much of the Qur'an do you know?" The man replied, "I know such and such chapters," naming them. The Prophet (S) said, "Can you recite them by heart?" He said, "Yes." The Prophet (s) said, "Go, I marry her to you for what you know of in the Qur'an as mahr,"³²

The Prophet (s) did not allow any marriage without a mahr.

Indeed, knowledge is more important and more precious than money and by teaching his wife, the husband will be compensating for the amount of money he would have had to pay as mahr, and which his wife might have had to pay as a fee for another teacher.

Hence, there is no set limit for the amount of dowry in Islam. We learn from the tradition that the companions of the Prophet (s) used to pay what they could afford. Anas (R) narrated that Abdulrahmaan paid the equivalent of the weight of a kernel in gold,³³ whereas the Prophet (S) said, "When you marry, do so even with an iron ring."³⁴

In fact, Allah (T), the All Wise, has prescribed mahr and made it a condition for the marriage contract to be valid, so that the groom would realise his responsibility towards his bride, and so that she would understand that it is his job and his duty to strive and provide, to maintain and support, to sustain and look after her and their future family. This mahr is also a symbol of the fact that the wife will deserve her husband's devotion, sympathy, care and compassion, and that he will assume his responsibilities, support and assist her throughout their marriage. The mahr also symbolises the husband's willingness and desire to seek this union. This indeed, has a great impact on the bride herself.

Yet some people think that the mahr is the bride's retail price or even an indemnity paid to her father or a transaction by which the woman becomes lawful for her husband. To refute this kind of prejudice, I simply quote the following hadith:

Jaabir narrated that the Prophet (s) said in his farewell speech, "Fear Allah and treat your wives kindly. They have been entrusted to you by Allah and have been made lawful to you by the word of Allah."³⁵ The mahr is consequently a right which honours women and symbolises the husband's commitment to care and look after his wife throughout their marital life.

INHERITANCE

The importance of women's welfare in Islam is reflected by their eligibility for inheritance. This was a revolution in women's rights at that time, since the pagan Arabs and many ancient nations did not

allow women to inherit. Inheritance was exclusively for men who, as they said, "...carried the swords, defended the tribe and protected the land." The misery of women extended even beyond that because instead of inheriting from their relatives, women were inherited by their relatives. A woman was considered part of the deceased's estate to be inherited like any other object, and of course, any other animal. The closest man in relation to the deceased would inherit his wives. With the revelation of the Noble Qur'an such humiliation was eliminated. Allah (T) says:

"O you who believe! You are forbidden to inherit women against their will, and should not treat them with harshness that you may take back part of the dower you have given them." [4:19] Regarding this verse, Ibn 'Abbas (R) said, "If a man died, his relatives had the right to inherit his wife. One of them would marry her if he so wished. If not, they might or might not allow her to marry anybody else because they had more right to her than her own relatives. Therefore, this verse was revealed."³⁶

Islam abolished this pagan practice, put an end to the oppression suffered by women throughout the pre-Islamic period of ignorance, restored women's dignity, established their humanness and strengthened their social position by granting them the right to inheritance instead of being inherited and humiliated as they were before.³⁷ Women have a legal share in the estate to be inherited, and this share is stated clearly in the noble Qur'an:

"There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large -a legal share." [4:7] Sa'eed bin Jubair said that, "The pagan Arabs used to bequeath their property to adult men only. They did not allow anything for women and children. Therefore, Allah (s) revealed this verse which indicates that in principle, we are all equal in the eyes of Allah Almighty and therefore eligible for inheritance, even though there are some differences in the shares allocated to different members of the family."³⁸

Commenting on the same subject, Sayyid Qutb says, "According to this general principle of equality, women in Islam have been granted the right to inheritance and the rights of young children have been secured. The pagan Arabs used to assess each individual according to his or her

financial productivity and his or her ability in the battlefield; Islam however, with its divine principles, has looked at individuals as human beings, and assessed them according to their humanness which is an intrinsic property that does not desert any individual. As a second stage, Islam has taken into account the practical obligations of each individual vis-a-vis his family in particular and his society in general."³⁹

The verses below explain and specify women's shares of inheritance in different situations. Allah Almighty has revealed to the people a fair and legal distribution of property among their children and relatives. He (s) says:

"Allah commands you as regards your children's inheritance; to the male, a portion equal to that of two females; if there are only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the only heirs, the mother has a third; if the deceased left brothers or sisters, the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit. [These fixed shares] are ordained by Allah. And Allah is Ever All-Knower, All-Wise." [4:11] In his explanation of the above verse, Imam Al-Bukhari has related the following: Jaabir bin Abdullah narrated: "I became sick, and I asked, 'O Allah's Messenger! What shall I do regarding my property? How shall I distribute it?' The Prophet(s) did not reply until the divine verses on inheritance were revealed."⁴⁰

Another hadith has been reported regarding the revelation of the verses of inheritance. Jaabir narrated that the wife of Sa'd bin Ar-Rabee came to the Messenger of Allah (s) and said, "O Messenger of Allah ! These are the two daughters of Sa'd bin Ar-Rabee, the martyr who was killed on the day of Uhud. Their uncle has taken their money and left nothing for them. They will not marry if they do not possess any property." The Prophet (s) replied, "Allah (T) will settle this question." The verses of inheritance were then revealed. The Prophet (S) readily sent a message to the girls' uncle saying, "Give

two thirds to the daughters, one sixth to the mother and keep the rest for yourself."⁴¹

Both narrations are authentic. It is immaterial after which of these two incidents the verse was revealed. What matters is the content of the verse in which Allah Almighty instructs the parents concerning their children, and presents to them the laws of inheritance with set shares for each of their children. Ibn 'Abbaas (R) narrated that, "During the early days of Islam, the inheritance used to be given to one's offspring and the legacy used to be bequeathed to the parents. Then Allah cancelled what He wished from that order and decreed that the male should be given the equivalent of the portion of two females, and for the parents one-sixth for each of them, and for one's wife one-eighth (if the deceased had children) and one-fourth (if he had no children); for one's husband one-half (if the deceased had no children) and one-fourth (if she had children)."⁴²

The next verse reveals the set share ordained for the deceased's wife. Allah (T) says:

"In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of them gets a sixth; but if more than two, they share in a third; after payment of legacies he or she may have bequeathed or debts, so that no loss is caused. This is a Commandment from Allah; and Allah is Ever-knowing, Most-Forbearing." [4:12]

"They ask you for a legal verdict. Say: "Allah directs about Al-Kalaalah (those who leave neither descendants nor ascendants as heirs). If it is a man that dies, leaving a sister, but no child, she

shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two thirds of the inheritance; if there are brothers and sisters, the male will have twice the share of the female. Thus, does Allah make clear to you (His Law) lest you go astray. And Allah is the All-Knower of every thing." [4:176]

It was not easy for the Arab Muslims to overcome the traditions they had inherited from their fathers in order to abide by Allah's Laws, especially when it came to giving to female children the money that the men had always inherited according to pagan laws. The divine Laws of inheritance were not readily welcomed and appreciated by the Arabs due to the pagan culture and traditions embedded in their minds and hearts. They were astonished, even incredulous. They used to say to one another, "The woman is given a quarter or an eighth; the daughter is given half; even the young boy is allocated a share!?! He who does not fight the enemy or seize the spoils!?! Do not mention this verse at all, so that the Messenger of Allah (s) may forget it; or shall we ask him so that he may change it? Some of them said, "O Messenger of Allah! Do you allocate to the daughter half the property of her father although she does not ride the horse, nor fight the people? Do you allocate a share for the young boy who does not make us any wealthier?"⁴³

However, the divine Law must be enforced and the divine Will must be obeyed. Only then can women's rights be protected.

The Laws of inheritance ordained by Allah (T) have established justice and put an end to women's oppression. This divine justice is based on the principles of "division of responsibilities", and "benefits according to responsibilities", which have wide applications. Islam has exempted women from all financial responsibilities and has handed them to men. A man has to meet all the financial needs of his family by providing for his wife, children and female relatives. He also has to pay the dowry to his bride, as well as any financial penalties. It is therefore natural and just that men should be given twice as much as women to enable them to meet their various financial obligations.

Imam An-Nawawi explains "The divine wisdom has taken into account the heavy duties assigned to men such as providing for the family, the guests, and the visitors; as well as consoling the beggars, paying financial penalties and many other obligations; and Allah knows best."⁴⁴ Indeed, the authentic tradition of the Prophet (s) has confirmed and supported Allah's commands in this respect. The following narration has dignified and honoured Muslim women uncompromisingly by preserving their right to inheritance. Sa'd bin Abi Waqqaas narrated, "I was stricken by an ailment that led me to the verge of death. The Prophet (s) came to pay me a visit. I said, "O Allah's Messenger! I have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?" He said, "No." I said, "Half of it?" He said, "No." I said, "One-third of it?" He said, "You may do so though one-third is also too much, for it is better for you to leave your off-spring wealthy than to leave them poor, asking others for help. And whatever you spend (for Allah's sake) you will be rewarded for it, even for a morsel of food which you may put in the mouth of your wife."⁴⁵ Although Sa'd (R) had an only daughter, the Prophet (s) protected and insisted on her right to her father's wealth, and explained to Sa'd the wisdom behind his judgement. Therefore it is evident that Allah (T) does secure the women's right by prescribing set shares for each condition of her life: as a daughter, a sister, a mother, or a wife.

Notes

- 1 Al-Tirmidhi, *Sunan al-Tinnidhi, al-Jaami' al Saheeh*, Vol.5, Cairo, Mustafah al-Baabi al-lalabi & Sons, p.237.
- 2 Ibn Katheer (see footnote #1, p.196), Vol 1, p.488.
- 3 Al-Tabari (for full information, see footnote #16, p. 196), Vol.8, p.267.
- 4 Muhammad Izzat Daroozah, "Al-Tafseer al-Hadeeth", (see p.90, #32 for full information), Vol.6, p.63.
- 5 Ibn Katheer, op.cit. Vol.4, P-488
- 6 Ibid. Vol 1, p.321.
- 7 Ibn I lajar Al-Asqalaani, *Al-Isaabahfi Tamyyuz As-Sahabah*, (see p.149 #22)
- 8 Al-Hafez Jalaaluldeen al-Suyooti, *Sunan al-Nisaa 'ee*, (see p. 169, #50) Vol.8, p. 158.
- 9 Ibn Hazm, L.^{7/8} UHALLA, vol.9, (seep.i08#69), p.54.
- 10 Ibid. p. 160.
- 11 Abdurrahmaan al-Jazairi, *Al-Fiqh 'aalal-Madhaahih al-Arba 'ah*, Vol.2, p.352, (see p.116, #14).
- 12 Ibn Qudaamah, *Al-Mughni*, Vol.4, p.517, (see p. 197, #29)
- 13 Ibid, Hadith narrated by Sa'eed in his sunan.
- 14 Al-Bukhaari, op.cit., Vol.3, p.7.
- 15 Ibid, Vol, 3, p.7.
- 16 Al-Nawawi, "Saheeh Muslim...", Vol.3. (see p. 196 #3), "Az-Zakat", p.68.
- 17 Ibn Katheer, op.cit. Vol 4, p.383.
- 18 Ibn Katheer, op. cit. Vol 1, p.452.
- 19 Ibid, p.283.
- 20 Ibid, Vol.4, Sura 65:6.
- 21 Ibid, Vol. 1,p.491.
- 22 Ibid.
- 23 Al-Nawawi, op.cit. vol.3. "Al-Hajj". P-34
- 24 Abaadi, op.cit., vol. 6. p.180
- 25 Al-Asqalaani, "I'ath al-liaari", op.cit., vol.g. p.507.
- 26 Ibid.
- 27 IbnQudaamah, op.cit., vol.g, p.243.
- 28 Ibn Katheer, vol.1, p.461.
- 29 Ibn Katheer, op.cit., vol. 1, p. 475.
- 30 Ibn Katheer, op.cit., vol.2, Sura 5:5.
- 31 Aboo al-A'laa al-Mawdoodi, *Huqooq al-Zawjceyah*, (Marital Rights) a critical study of "The law of Personal Affairs", translated by Ahmad Idrees, (.MTU, al-Mukhtaar al-Islaami, p.26, and al-jaza'iri *Al-FiqH 'ala al-Mahaahib al-Arb 'ah*,op.cit., Vol 4, p. 157.
- 32 Al'Asqalaani, "Path al-Baari", op.cit., Vol.g. p. 180.
- 33 Ibid, p.204.
- 34 Ibid, p.216.
- 35 Al-Nawawi, op.cit. vol.3, "Al-Hajj", P.344.
- 36 Al-Bukhaari, op.cit, Vol.5, p.178.
- 37 Al-Bukhaari, op.cit., Vol.6, p.69.
- 38 Ibn Katheer, op.cit., Vol. 1, p-454.
- 39 Sayyed Qutb, "Fi Dhilaal al-Qur'aan", Vol11,(seep.i97#33).p.s88.
- 40 Al-Bukhaari, op.cit., Vol.8, p.3.
- 41 Al-Tirmidhi, op.cit., Vol.4, p.414.
- 42 Al-Bukhaari, op.cit., Vol.8, p.7.
- 43 Al-Tabari, op.cit., Vol.8, p.32.
- 44 Al-Nawawi, op.cit., Vol. 4, "Kitaab al-Faraa'id", p.137.
- 45 Al-Bukhaari, op.cit., Vol.8, p.5.

PART THREE

***Obligations of
Women in Islam***

CHAPTER THIRTEEN

Obligations of the Daughter in Islam

I devoted Part Two to the rights of women in Islam. Part Three will now focus on a study of women's duties and obligations in Islam. In an attempt to approach the material systematically I have chosen to divide the duties into three parts according to the different phases in a woman's life:

Part one: Duties as a young woman.

Part two: Duties as a wife.

Part three: Duties as a mother.

In exchange for the various rights granted to her by Islam such as the right to life, care, sustenance, respect, education, kind treatment, financial and political rights, a young woman has to fulfil various obligations, including the following:

[1] Her obligation towards her Creator

The first obligation upon every human being is to believe and realise that there is no deity worthy of worship except Allah (T) and that none should be associated with Him in worship. Allah (T) says:

"Worship Allah and join none with Him in worship." [4:36]

Ibn Katheer says, "Allah Almighty orders us to worship Him alone, and to associate no partners with Him. Since He is the Creator, the Provider, the Benefactor, the One who confers benefits upon His creation at all times and in all situations. Therefore He deserves to be worshipped alone without associating any of His creation in worship with Him."¹

The noble sayings of the Prophet (s) have explained to mankind their obligation towards their Creator, which is the affirmation in the Oneness of Allah (*Tatwheed*), without associating anything in worship with Him (*Tawheed Al-Ibaadah*). This however, entails certain responsibilities such as obeying Allah and His Messenger by observing the commands of Allah (T), which are revealed in the Noble Qur'an and conveyed by the Sunnah of the Prophet (s), staying away from what Allah (T) has made unlawful, true belief (*Imari*) in Allah (T), His Books, His messengers, the day of Judgement, as well as in predestination. It also includes fundamentals of faith and religious practices such as prayer, zakat, pilgrimage, fasting and all those laws which Allah has given to regulate the individual and collective life of Muslims. Indeed, all these are prerequisites for Iman. This has been further elucidated in the noble Hadith.

'Umar bin Al-Khattab narrated: "One day we were sitting in the company of the Messenger of Allah (T), when there appeared before us a man dressed in extremely white clothes, his hair extraordinarily black. There were no signs of journey on him. None amongst us recognised him. At last he sat before the Prophet (s). Resting his knees against his knees and placing his palms on his thighs, he said: 'Muhammad, inform me about Islam.' The Messenger of Allah (T) said: 'Islam requires that you testify that there is no god but Allah and that Muhammad is the messenger of Allah, and you establish prayer, pay Zakat, observe the fast of Ramadan, and perform pilgrimage to the House (Ka'aba) if you are able to make the journey.' He (the inquirer) said: 'You have told the truth'. He (the inquirer) then said: 'Inform me about Iman (faith)'. He (the Prophet) replied: 'That you affirm your

faith in Allah, in His angels, in His books, in His messengers, in the Day of Judgement, and you affirm your faith in the Divine Decree, both good and evil'. He (the inquirer) said: 'You have told the truth'. He (the inquirer) again said: 'Inform me about *Ihsaan*. He (the Prophet) said: 'That you worship Allah as if you are Seeing Him, for though you don't see Him, He, verily, sees you'. He (the inquirer) again said: 'You have told the truth'. He (the inquirer) again said: 'Inform me about the Hour (of Doom)'. The Prophet (s) remarked: He who is questioned knows no more than the one who is inquiring (about it). He (the inquirer) said: 'Tell me some of its indications'. The Prophet (s) said: 'That the slave-girl will give birth to her mistress, and that you will find barefooted, destitute shepherds of goats vying with one another in the construction of magnificent buildings'.

'Umar bin Al-Khattab said: "Then he (the inquirer) went on his way, but I stayed with the Prophet (s) for a long while. He then said to me: 'Umar, do you know who this inquirer was? I replied: 'Allah and His Messenger know best'. He (the Prophet) remarked: 'He was Jibreel (the angel). He came to you in order to instruct you in matters of religion'."²

Imam An-Nawawi has written that, "This narration comprises a comprehensive explanation of all the religious obligations, the visible ones, and the ones which come from within ourselves such as abiding by injunctions, the actions of our organs, sincerity of our intentions and self-restraint from bad deeds. Moreover, this hadith is the main reference for the science of Islamic Jurisprudence."³ It also clarifies the duties of every woman, including the daughter towards her Lord:

Belief in Allah (T)

To attest to the existence and the Oneness of Allah; that He is the One who creates, provides sustenance for His creation, rules over the universe, and upon Him only depends the management of this universe. Also, to testify that Allah has no partners, He is above His creation, and nothing of His creation resembles Him. Nothing is to be identified with Him, and no human attribute is to be identified with His divine attributes. He is the only deity worthy of worship, and no

act of worship should be directed to other than Allah. He is indeed perfect, devoid of any imperfections. Describing Himself, Allah (T) says:

"There is nothing like unto Him, and He is the All-Hearer, the All-Seer." [42:11]

Indeed, Allah is One and unique:

*"Say: He is Allah, the One.
Allah, the Self-Sufficient.
He begets not, nor is He begotten,
And there is none equal or comparable unto Him." [112]*

Belief in the Angels

To attest to their existence, and to their being- as described by Allah (T)- Allah's honoured slaves:

And they say: "The Most Beneficent has taken a son. Glory to Him.¹ They are but honoured slaves. They speak not until He has spoken, and they act on His command." [21 -26-27]

And to attest that the angels perform different duties as described in the Qur'an and by the Prophet (S). Imam Ibn Hajar says that, "Allah(T) has given precedence to the angels over the books and the prophets according to the actual order in which Allah (T) sent down His Revelation, via His angels, to His prophets. However, this does not necessarily imply that the angels should be favoured over the prophets."⁴

Belief in Allah's Books

To attest to the divinity of these books, and to the fact that their contents are the truth revealed by Allah (T), Lord of the heavens and the earth.

Belief in the Prophets

To attest to the prophethood of all the messengers of Allah (T) whom He has told us about in His noble Book, starting with Noah and concluding with Muhammad (s). These are the Messengers to whom Allah (T) has

chosen to convey the Message. They were the bearers of the Message, the sinless, sent by Allah (T) to be an example and a guide for their peoples. This belief requires the belief in Muhammad (s) as the Last of the prophets; Allah (T) says:

"Muhammad (S) is not the father of any man among you, but he is the Messenger of Allah, and the Last of the Prophets." [33:40]

And that his Message was directed to all mankind, regardless of race and language; Allah (T) says:

"Say (O Muhammad (s)): "O mankind! Verily, I am the Messenger of Allah to you all." [7:158]

Belief in the Day of Judgement

To attest to the reality of the day of Resurrection and the day of Judgement, that this day is undoubtedly a certitude, and that with it is completed the purpose of the creation of mankind. It is the Day of Judgement and Retribution, when every soul will be rewarded for its good deeds or punished for its evil deeds. Allah (T).says:

"So whosoever does good equal to the weight of an atom, shall see it. And whosoever does evil equal to the weight of an atom, shall see it." [99:7-8]

On that day every soul will be rewarded either with the felicity of Paradise, or with the severe punishment of the Hell Fire.

Belief in the Divine Decree, its Good and its Evil To attest to the Divine Decree mentioned in the Noble Qur'an. It is the order by which Allah (T) has created the universe, tied effects to causes and made them established natural laws. The fact that Allah (T) created mankind with the opportunity and the freedom to choose between good and evil with no compulsion or constraint is an example of this divine ordinance.

Al-Khitaabi says: "Many people believe that the Divine Decree

means that Allah (T) obliges His slaves to abide by a pre-ordained fatalism. However, the whole principle of the Divine Decree is far from being what they imagine it to be. It consists of Allah's pre-knowledge of His slaves' actions and their emanation with Allah's pre-ordinance, who also generates the good or the evil aspects of these actions."⁵

The Prophet (s) said, "Islam is built on five pillars: testifying that there is no god but Allah and that Muhammad is His bond slave and messenger, the establishment of prayer, payment of Zakat, Pilgrimage to the House (Ka'aba) and the fast of Ramadan."⁶ These five pillars are the result of one's true faith in Allah. They represent the main obligations upon every Muslim who has accepted Allah as lord, Islam as religion, and Muhammad (s) as Allah's prophet and messenger.

A young Muslim woman has to fulfil all her legal obligations, in terms of acts of worship, general conduct and morals. Only by doing so will she be able to prove the sincerity of her faith and her belief in Allah.

The narration quoted earlier clarified the meaning of the third level after Iman and Islam which is the level of Ihsaan (perfection of faith). Ihsan means sincerity in worshipping Allah and constant awareness of His presence. It also means reverence and complete submission to Allah (T), with the awareness that He is All-Knowing, well-acquainted with what we reveal and what we conceal. If the daughter or young woman attains the level of Ihsan, she will have fulfilled her duty towards her Creator. The level of Ihsan is indeed the level of ultimate certainty and sincerity of one's faith in Allah (T).

[2] Obligations towards her parents

It is a duty upon every daughter to be dutiful to her parents. Indeed, in the noble Qur'an, dutifulness to one's parents has been associated with one's primary duty, which is the worship of Allah (T) alone, and associating none in worship with Him. Allah (T) says:

'Worship Allah and associate none with Him in worship, and do good to your parents...' [4:36]

Dutifulness to one's parents has also been paired with the prohibition of

associating partners in worship with Allah (T).

"Say (O Muhammad): Come, I will recite what your Lord has prohibited you: Join not anything in worship with Him; be good and dutiful to your parents..." [6:151]

Many other verses in the Qur'an convey a similar message. Allah (T) says:

"And when we took a covenant from the Children of Israel, saying: Worship none but Allah and be dutiful and good to parents..." [2:83]

Ibn Katheer says, "This is indeed the ultimate right and the most important of all; the right of Allah (T) upon His slaves to worship Him alone, joining nothing in worship with Him. Then comes the right of Allah's creation where the priority is given to parents. Therefore, Allah (T) has associated His right upon His slaves with the parent's right upon their children. He (T) says: *"Give thanks to Me and to your parents - unto Me is the final destination."* [31:14]."⁷

Allah's command to His slaves to be dutiful to their parents is emphasised, highlighted and detailed further when He (T) says:

"And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one of them or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them but address them in terms of honour." [17:23]

These verses have established the rights of parents upon their children in a conclusive and decisive way with the use of the expression: *"And your Lord has decreed"*. This has a powerful linguistic impact on the style in which this order has been formulated. It conveys the notion of a definite and undeniable obligation. Imam Al-Qurtubi says, "'Allah (T) has decreed' means that Allah (T) has ordered, enjoined and prescribed." Ibn 'Abbas, Hasan and Qataadah said that, "In this context *"decree"* does not refer to a legal *sentence*, but rather, to a legal *injunction*."⁸

Regarding the above verses, Sayyed Qutb says: "With such

beautiful words and expressive imagery does the Qur'an arouse the sentiment of dutifulness and the feeling of mercy in the hearts of the children, so that they will be reminded of their duty towards their elderly parents who exhausted their energy in looking after them until they had no more to spend. In these verses, the duty of obedience and dutifulness to one's parents is expressed in the form of a decree ordained by Allah (T), with the notion of an emphatic order which comes after Allah's asserted order to worship Him alone".

[3] Obligation to seek knowledge

A young Muslim woman should learn about Islamic tenets, conduct, acts of worship, lawful and unlawful deeds. In other words, she should possess sound knowledge of her religion. In fact, she is required to learn what should normally be learnt, and her ignorance does not absolve her from her individual obligations towards Allah (T). The Prophet (s) has said, "Seeking knowledge is an obligation upon every Muslim."⁹ He (s) has made the knowledge of Islamic teachings a religious duty upon everyone and an obligation upon every Muslim man and woman.

It is agreed that women's responsibilities include gaining familiarity with one's religion, offering the prayers, fasting, paying alms-tax, performing pilgrimage, enjoining good, forbidding evil, performing good deeds etc. A Muslim woman will only be aware of these responsibilities by seeking the knowledge of her religion. Furthermore, she should seek the knowledge of some worldly sciences which will assist her in fulfilling her duties as a wife, mother, sister, daughter and as a valuable human being who represents the other half of our society and who actively contributes to the prosperity of our nation.

The female companions of the Prophet (s) were fully aware of their responsibilities, and they competed for knowledge with the male companions. They attended the study circles and requested to learn from the Prophet (s) about the facts of their religion. So, when a

woman came to Allah's Messenger (s) and said, "O Allah's Messenger! Only men have been benefiting from your teachings, so please devote to us some of your time, a day on which we may come to you so that you may teach us from what Allah has taught you." He (s) said, "Gather on such-and-such a day at such-and-such a place." They gathered and Allah's Messenger (S) came to them and taught them from what Allah (T) had taught him. He then said, "There is no woman among you who has lost three of her children but that they will screen her from the Fire." A woman amongst them said, "O Allah's Messenger! If she lost two children?" She repeated her question twice, whereupon the Prophet (s) replied, "Even two, even two, even two!"¹⁰

Thus, they sought sound knowledge of the religion and competed in performing good deeds so much that 'Aisha (R) said, "How excellent are the women of the Ansar! They do not feel shy while learning sound knowledge in religion."¹¹ They asked the Prophet (s) about everything that related to the religion, including minor and major details relating to women's issues.

Aisha (R) narrated: "A woman asked the Prophet (s) about the bath which is taken after the end of the menses. The Prophet (s) explained in detail the method of purification. Imam Ibn Hajar said, From the fact that the Prophet (s) discussed such a matter it is evident that it is permissible for a woman to ask a scholar even about private matters."¹²

Moreover, the Prophet (s) himself encouraged the female companions to attend the study circles in order to listen to his teachings.¹³ He (T) also urged them to go out for 'Eid (Festival) prayers and listen to the very important sermons he (S) delivered on these occasions: Ayyub narrated that Hafsa (R) said, "We used to forbid our young women from going out for the two 'Eid prayers. "A woman came and stayed at the palace of Bani Khalaf and she narrated about her sister whose husband took part in twelve holy battles along with the Prophet (s), and her sister was with her husband in six of them. She, the woman's sister, said, "We used to treat the wounded, look after the patients and once I asked the Prophet (s), 'Is there any

harm for any of us to stay at home if she doesn't have a cloak?' He said, 'She should cover herself with the cloak of a companion and should participate in the good deeds and the religious gatherings of the Muslims.' When Umm 'Atiya came, I asked her whether she had heard it from the Prophet (s). She replied, 'Yes,.....'

The Prophet (s) therefore, did not exempt women from participating in religious gatherings even though they had no cloaks to cover themselves with, because he did not want them to fail in acquiring the knowledge of their religion. Thus the Muslim woman was fully aware of her obligations and responsibilities, and eager to learn and teach the facts of her religion.

Notes

- 1 Ibn Katheer, "Tafseer al Qur'aan al-Adheem", Vol 1, (see p.196 #1), p.493.
- 2 Ibid.
- 3 Ibid.
- 4 Al-Asqalaani, "Path al-Baari", Vol, 1. (see p. 196, #7), p. 117.
- 5 Al-Nawawi, "Saheeh Muslim", op.cit., Vol.1, "Al-Iman". p.131.
- 6 Ibid. Vol 2, "Al-Iman", p.101.
- 7 Ibn Katheer, op.cit., Vol 1. p. 19.
- 8 Al-Qurtubi, "Al-Jaami'li Ahkaam al Qur'aan", Vol 10 (see p.196 #2), p.237.
- 9 Ibn Maajah, "Sunan Ibn Maajah", Vol 1, Chap.17, (see p.196 #8) p.70.
- 10 Al-Bukhaari, op.cit., Vol. 8. p.149.
- 11 Ibid, Vol.1, p.41.
- 12 Ibid. Vol.1,p.80.
- 13 Al-Asqalaani, op.cit. Vol 1, p.417

CHAPTER FOURTEEN

Obligations of a Wife in Islam

Islam aims to promote peaceful and successful marriages based on mutual assistance between the husband and wife. Undoubtedly, the stronger the families are, the more united nations will be, since the family is the centre of any healthy and stable society. Islam has therefore attached great importance to the family, and has dealt seriously with the different issues related to it. Among the aims of marriage are:

[1] TO FIND REPOSE, AFFECTION AND MERCY

Allah (T) says in the Qur'an:

"And among His Signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed Signs for those who give thought." [30:21]

Allah (T) also says:

"He it is who has created you from a single person, and He has created from him his wife, in order that he might dwell in security with her." [7:189] Ibn Katheer says: "In order that he (the husband) might find

affection and peace in her company. Indeed no affection exchanged between two human souls is greater than the one exchanged between the husband and his wife.¹ The Noble Qur'an has described the relationship between the husband and the wife beautifully; speaking of men and women Allah (T) says, "*They are garments for you and you are the same for them.*" [2:187]

'A garment adheres to the human body, covers it and protects it from the elements. The metaphor of the garment suggests that the relationship which exists between the husband and his wife is similar to that which exists between the body and the garment. Their hearts and souls are connected to one another, they shield one another and they protect one another from anything that could corrupt their morals or jeopardise their honour and dignity; and these are indeed the requisites of true affection and mercy.²

[2] THE ACHIEVEMENT OF CHASTITY AND SEXUAL SATISFACTION

The husband and the wife are joined together in marriage in order to live together and to satisfy their inherent sexual desires lawfully. This was pointed out by the Prophet (s) who said, "O young people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his chastity, and whoever is not able to marry, should fast, as fasting diminishes the sexual desires."³

[3] OFFSPRING, REPRODUCTION AND CONTINUANCE OF HUMAN EXISTENCE

Allah (T) says in the Qur'an:

"And Allah has given you wives of your own kind, and has given you, from your wives, sons and grandsons..." (16:72)

Allah Almighty has conferred upon His slaves a great gift which is the ability to produce children and grandchildren, and for this, He(T) should be gratefully praised.

The Prophet (s) has also said, "Marry the loving and fertile

woman for I will compete with the other Prophets in the numbers of my followers."⁴ One of the main and most important purposes of marriage is thus increasing the numbers of the Muslim nation.

In order to achieve these three objectives, Allah (T) has enjoined different duties upon husbands and wives while giving them their mutual rights according to the principle of *rights according to responsibilities*, so that they may live together in harmony. Among the duties of the wife are the following:

FIRST: The wife should be devoutly obedient to the husband according to what is just. Allah (T) says:

"Therefore, righteous women are devoutly obedient, and guard in his absence what Allah would have them guard." [4:34]

Allah (T) has described the righteous women as obedient and guardians for their husbands, which means, according to As-Sudi and others, that "they guard their chastity and their husband's property."⁵ Explaining this verse Sayyed Qutb said, "*Devoutly obedient* means that the wife is willingly obedient, she chooses to be obedient, she loves to be obedient and she wishes to succeed in being so; she does not obey simply because she is forced and obliged to do so. Because of this Allah (T) has described her as *devoutly obedient* rather than simply "obedient". This attitude is the one befitting the mutual affection, love, protection and care which exists between the two halves of a single soul".

Hence, it is natural that the righteous woman guards the sanctity of the bond of marriage and protects her chastity in the absence and obviously in the presence of her husband.

The Prophet (s) has been reported as saying: "The best of women is the one who pleases her husband when he looks at her, obeys him when he asks, and does not oppose him in anything he dislikes as regards herself and her wealth."⁶ The primary duty of a wife is thus to obey her husband in all that is lawful. However, if he invites to what is unlawful and displeasing to Allah (T), she should not obey him. The Prophet (s) said, "There is no submission in matters involving disobeying

or displeasing Allah. Submission to the husband is obligatory only in what is good and reasonable."⁷ Under the chapter, "A woman should not obey her husband if he orders her to do something sinful," Imam Ibn Hajar says, "A woman is urged to obey her husband in everything, except in what is unlawful and displeasing to Allah. Therefore, if a husband invites his wife to commit an unlawful act, she should refrain from doing so."⁸

A woman should also guard the wealth entrusted to her by her husband, look after his household and shield his offspring. The Prophet (s) has been reported as saying, "All of you are guardians and are responsible for your wards. The ruler is a guardian and the man is a guardian of his family; the lady is a guardian and is responsible for her husband's house and his offspring; and so all of you are guardians and are responsible for your wards."⁹ According to this hadith, a wife is responsible for the education and upbringing of her children, the management of her household including the servants, and the welfare of other dependants. She should strive to better their condition and to fulfil her role as a guardian. The Prophet (s) also said, "Allah (T) will hold each one of you accountable for his/her wards."¹⁰

The wife is expected to be obedient to her husband because men are the maintainers of women; Allah (T) says:

"Men are the maintainers of women because of what Allah has given one over the other, and because they spend (to support them) from their means." [4:34]

This divine injunction describes the man as the *Qawwaam* (maintainer & protector) of his wife. But the man's role of leadership in relation to his family does not imply dictatorship over his wife. On the contrary, Islam emphasises the importance of taking counsel and mutual agreement in family decisions.

The verse does give us the reason why men are described as maintainers. Men have always assumed the role of providing food, waging war against the enemies and protecting their families and communities. The father thus maintains and sustains his daughters,

and the husband protects, safeguards, supports and provides for his wife. The man has been put in charge of his home but this is a responsibility and not a privilege which undermines women's rights as many have come to believe. Instead it is based on the Sharia principle of *benefits in accordance with the scale of responsibility*, as well as on men and women's different temperaments and physiological differences, which make the man suitable for leadership of the family. Moreover,

The children are attributed to their father.

It is the husband's responsibility to provide a house and to sustain his family.

It is the husband's responsibility to protect and safeguard his family given his natural physical strength.

Again, this leadership does not imply tyrannical authority but is a leadership of duties and responsibilities. Since a leader's duty is to do justice, he can only assume his authority if he is fulfilling his obligations towards his dependants. In appointing the man to the leadership of his family, the divine providence has taken into account the different inherent dispositions of men and women. Describing Himself, Allah (T) says:

"Should He not know what He created! And He is the Subtle, the Aware." [67:14]

I have therefore attempted to elucidate the main principles on which the family is based in Islam so that this notion of leadership may be understood as intended by Allah, and so that Muslim women may willingly assent to men's right to the leadership of the family and consequently be able to fulfil their own prescribed duties.

In summary, the main principles are the following:

[1] EQUITY

When Allah (T) prescribed obligations for both men and women, He also prescribed rights for both of them so that they could sense deeply

and be aware of the divine justice. Only then will they be able to give, sacrifice and consequently lead a happy and peaceful life. This principle of equity in terms of rights and duties is embodied in the following verse. Allah (T) says:

"...And due to them (ie, wives) is similar to what is expected of them according to what is equitable." [2:228]

Explaining this verse, Imam Al-Qurtubi said, "It means that the wife has marital rights over her husband as he has over her. "Therefore, Ibn 'Abbaas has said, "I beautify myself for my wife as she beautifies herself for me and I do not like to indulge in exercising all of the rights that I possess over her so that she should not exercise all the rights that she has over me because Allah (T) has said *'And women shall have rights similar to the rights against them,* which means that just as women are expected to be obedient to their husbands, men are expected to treat their wives kindly and according to what is equitable."¹¹

Muhammad Izzat Duruzah says, "Everything that a man expects and demands from his wife according to what is lawful such as obedience, reliability, honesty, loyalty, kind treatment and companionship, compassion, respect, faithfulness, dutifulness, entertainment, understanding, thoughtfulness, care, fulfilment of various duties, abstinence from dispute, aggressiveness, contentiousness, peevishness, vulgarity, insolence, arrogance, hautiness, demanding the impossible...etc, is also to be expected and required by the wife from her husband."¹²Then, Allah (T) continues and says:

"... and men have a degree over them..." (2:228)

In this verse, men may appear to have privileges over women but this would contradict the first half of the same verse, *"And women shall have rights similar to the rights against them."* The logical explanation would be that "the degree" refers to the *Quwama* (maintenance and protection), which I have explained earlier, and Allah (T) knows best.

[2] MUTUAL CONSENT AND CONSULTATION

The relationship between the husband and his wife is based upon the principle of mutual consultation. Islam rejects a relationship of dictatorship and tyranny between the man and the woman. Allah(T) describes the faithful believers as the ones who "*conduct their affairs by mutual consultation.*" (42:38) The Noble Qur'an indicates that every decision concerning both the husband and the wife should only be reached after mutual consultation. Allah (T) says:

"...If they both decide on weaning, by mutual consent, and after due consultation, there is no sin for them." [2:223]

Hence if the the divorcee has the right to be consulted by her ex-husband in order to reach mutual consent for the advantage of their baby, then logically, the actual wife who is in charge of the management of her husband's household must also be consulted in family decisions.

[3] FAIR TREATMENT

The Noble Qur'an has described the relationship between the husband and the wife as just and fair, which are the fundamental attributes of every sincere relationship. Allah (T) says:

"...and let each of you accept the advice of the other in a just way."
[65:6]

Explaining this verse, Ibn Katheer says, "It means that you should deal with each other in a just way, without causing harm to one another."¹³

Allah (T) also says:

"..And live with them honourably." [4:19]

Ibn Katheer says, "This verse means that you (the husbands) should address your wives with loving words and treat them kindly and you should

improve your appearance as much as you like them (your wives) to beautify themselves for you."¹⁴ Consequently, it is important that every marriage should be based on the aforementioned principles and the maintenance of the family delegated to the husband in order to achieve a harmonious and well-balanced human organisation.

SECOND OBLIGATION: The wife should satisfy her husband's desire for sexual intercourse.

In other words, the wife is required to fulfil her sexual duties towards her husband. She has no right to abstain except for a reasonable cause or legal prohibition. Indeed, the tradition of the Prophet (S) has confirmed and emphasised this important duty through various narrations. Abu Huraira (R) narrated that the Prophet (s) said, "If a woman spends the night deserting her husband's bed, then the angels send their curses on her till morning."¹⁵ Abu Huraira (R) also narrated that the Prophet (s) said, "If a man invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her till morning."¹⁶

For these reasons and many more, the Prophet (s) has said, "A woman should not fast (optional fasts) except with her husband's permission if he is at home," lest it would prevent her from fulfilling her duties towards him if he wished to have sexual intercourse. The divine injunction has emphasised this duty, since fulfilling one's sexual desires is the primary objective of marriage and is one of the most important duties of Muslim women towards their husbands. Nevertheless, Islamic injunctions have not overlooked the equally important sexual rights of women. 'Abdullah bin 'Amr bin Al-'As narrated that the Prophet (s) said, "O 'Abdullah! Have I not been informed that you fast all the day and stand in prayer all night?", I (Abdullah) said, "Yes", O Allah's Messenger! He (s) said, "Do not do that! Observe the fast sometimes and also leave it at other times; stand up for the prayer at night and also sleep at night. Your body has a right over you, your eyes have a right over you and your wife has a right over you."¹⁷

Imam Ibn Hajar wrote that Ibn Bataal said, "Having emphasised in the preceding chapter, the right of the husband over his wife, the Prophet (s) in this chapter emphasises the right of the wife over her husband. He (T) says that the husband should not exhaust himself in observing optional acts of worship so as to become unable to provide for his wife and fulfil his sexual duties towards her."¹⁸ The Prophet (s) prevented 'Abdullah from exhausting himself so that he could have enough strength to give his wife her due rights, and this is indeed the ultimate manifestation of Islamic justice.

In order to ensure a pleasing and satisfying interchange of this right between the husband and the wife, the divine legislation has set many incentives for it. The Prophet (s) said, "In man's sexual intercourse with his wife there is a Sadaqa (good deed). So, when lawfully satisfying their sexual desires, both the husband and the wife are rewarded. The wisdom behind this is that each of them should be keen to please the other and to give or receive with pleasure, contentment and gratitude.

THIRD: The wife should not allow anyone to enter the house without her husband's permission.

The house belongs to the husband, who is at the same time the maintainer and the protector of his family. The wife should show respect for her husband's feelings by not admitting to her house anyone he does not wish her to receive. The Prophet (s) has been reported as saying: "You have your rights upon your wives and they have their rights upon you. Your right is that they shall not allow anyone you dislike to step onto your furnishings or allow any you dislike to enter your home, and their right is that you should treat them well in the matter of food and clothing."¹⁹

"*Furnishings*" in the above narration refers to all kinds of furniture such as carpets, chairs, mats, cushions...etc. It certainly does not refer to the bed or any prohibited intimacy, since the wife is not allowed to offer the opportunity for anyone to do that regardless of her husband's opinion, whether he is present or absent and whether he likes it or dislikes it. Indeed, the meaning refers to the entertaining and reception of ordinary visitors. Imam An-Nawawi says, "You must not allow in your house anyone whose visit your husband dislikes, whether this person is a man, a woman or

one of the wife's mahrams; indeed the prohibition includes them all. "The scholars have said that the wife must not permit anyone (man, woman or mahram) to enter her house unless she knew or thought that her husband would not mind their visit.

FOURTH: The wife should always be clean, tidy, presentable and cheerful before her husband.

This is one of the main duties that a wife should fulfil. When the Prophet (s) described the ideal wife he (s) said, "The best wife is the one who pleases her husband when he looks at her, obeys him when he orders and does not disobey him in anything regarding her person or her wealth."²⁰

In every day life, a human being perspires and is exposed to dirt, which results in unpleasant body odour. Islam has therefore emphasised the importance of cleanliness and made it obligatory upon Muslim men and women to have complete baths in certain situations, such as after sexual intercourse and at the end of menstruation, and to wash their limbs at least five times a day.

The Prophet (S) encouraged the Muslim women always to be clean and even taught them how to wash after the menstrual period.²¹ Thus did the Prophet of mercy and guidance teach the women the fundamentals of cleanliness and purification (*taharah*) so that they would always be clean and attractive.

As for the attributes of cheerfulness and a smiling face, these are important when greeting friends, family and especially when interacting with one's husband. Abu Dharr reported: Allah's Apostle (s) said to me: Do not consider anything good to be insignificant even if it is that you meet your brother with a cheerful countenance."²² And in another narration the Prophet (s) says, "Even your smile at seeing your brother is considered as a Sadaqah."²³

FIFTH: The wife is expected to fulfil her duties in managing the house.

The tolerant laws of the Shariah stipulate that the husband and the wife should collaborate in managing their everyday familial life. Since the husband is in charge of the family budget, and to him falls the

responsibility of providing sustenance for his family, the wife is expected to assist by personally preparing the food, cleaning the house and managing its affairs, or by supervising the servants who normally carry out these tasks because she is the guardian of her house and responsible for her household.

Exactly who does the housework depends on the customs and traditions of a given country, or to the mutual consent of both the husband and the wife. It is worth mentioning that the majority of scholars say that the husband cannot oblige his wife to do the housework in his house, since she is his wife and not his servant. He also has no right to dismiss his wife's servant, but should pay him for his services according to the couple's needs. Imam Ash-Shaafi'ee and the Kufi scholars say that the husband is responsible for his wife's expenditure as well as that of her servants, if any."²⁴

We also conclude from the authentic narration mentioned in the chapter, "*The working of a lady in her husband's house*", that the wife volunteers to do so in order to assist her husband in managing their household affairs, or simply to help him when he is unable to employ a servant. Fatima (s), the daughter of the Prophet (s), set an example for all women by helping her husband around the house until once she went to the Prophet (S) complaining about the painful effects of the stone handmill on her hand. In another narration, Fatima (R) came to the Prophet (S) asking for a servant. He (s) said to her, "May I inform you of something better than th,at? When you go to bed, recite *Subhaan Allah* thirty three times, *Alhamdulillah* thirty three times, and *Allaahu Akbar* thirty four times."²⁵ So when Fatima (R) complained about the injuries on her hand from the stone handmill, her father, the Prophet (s) did not order her husband Ali (R) to spare her such a chore by employing a servant or by carrying out all the work himself. Indeed, if it had been in Ali's capability, the prophet (S) would have ordered him to do so just as he ordered him to pay Fatima's Mahr before the marriage even though this was not obligatory when the bride consented to a delayed payment. So how could the prophet (s) order him to do what was not obligatory and fail to order him to do what was obligatory if indeed providing a servant for one's wife was obligatory?

Nevertheless, Ibn battaal narrated that some scholars have said: "We do not find any indication as to the Prophet (S) enjoining Fatima to work inside her house; she did so because she was a kind companion with a noble character."²⁶ Similarly, Asma (R), daughter of Abu Bakr also used to work and care for her husband's property inside and outside the house. Asma narrated that, "When As-Zubair (her husband) married me, he had no real property nor any slaves nor anything else except a camel which drew water from the well, and his horse. I used to feed his horse with fodder, draw water, sew the bucket for drawing it, and prepare the dough, but I did not know how to bake bread. So our Ansari neighbours used to bake bread for me, and they were honourable ladies. I used to carry the date stones on my head from Zubair's land given to him by Allah's Messenger (s), and this land was two third *Farsakh* (about two miles) from my house."²⁷

Asma (R), the noble woman of the Quraish, did herself carry out such exhausting tasks in consideration of her husband's difficult financial situation, since he "had no real property nor anything else except a camel which drew water from the well and his horse." Indeed Fatima and Asma (R) are two ideal examples of compassion and kind companionship between the husband and the wife.

It seems that the Prophet (S) did not give Fatima a servant lest it became a legal obligation upon the husbands. In fact, the Prophet (S) intended that the relationship between the husband and the wife should be based on mutual assistance. Therefore, he advised his daughter and his son-in-law to say *SubhaanAllah* thirty three times, *Alhamdulillah* thirty three times and *Allaahuakbar* thirty four times so that Allah (T) may give them enough strength to work and carry out their everyday tasks. He (s) thus guided his daughter and her husband to what was best for them.

Abu Bakr (R) later sent a servant to Asma's house to groom her husband's horse, and to relieve her from those chores normally done by men. By doing so, he has shown how the wife's parents should tolerate the financial situation of their son-in-law and offer their help when necessary.

From these examples we conclude that it is recommended that a woman should work in her house, manage its affairs and try to improve it as much as she can. She should do so willingly in consideration for her husband's financial situation. In return, the husband must show mercy to his wife and employ a servant for his wife if he has the means to do so and leave to her the responsibility of supervising and directing the servant (s). If however, he cannot afford to do so, then he should follow the example of the Prophet(s) by helping out his wife around the house as a way of showing affection and gratitude for her continuous efforts. When 'Aisha (R) was asked, "What did the Prophet (s) do at home?" she replied, "He used to work for his family, and when he heard the Adhaan (call for prayer), he would go out."²⁸

These are the duties of the wife towards her husband. Among the mutual duties of husbands and wives to each other are the following:

[1] Not to divulge each others secrets.

The husband should not divulge the secret of his wife and vice versa. The Prophet (s) has been reported as saying, "The most wicked among the people in the eyes of Allah on the Day of Judgement is the man who goes to his wife and she comes to him, and then he divulges her secret."²⁹ Explaining this hadith, Imam An-Nawawi said, "This hadith prohibits the husband from divulging his wife's bedroom secrets by describing what takes place between them while satisfying their sexual desires (actions, sounds...etc.). The prohibition also applies to the woman since they are both eligible for religious duties and responsibilities."³⁰

[2] Mutual advice and mutual encouragement to do good deeds and follow the right path. Allah (T) says:

"O you who believe! Save yourselves and your families from a Fire, the fuel of which is Men and Stones, over which are angels stern and severe, who disobey not the Commands they receive from Allah, but do that which they are commanded." [66:6]

Ad-Dahhak & Muqaatil said, "It is a duty upon the Muslim to

teach his family, relatives, neighbours and slaves what Allah (T) has permitted or forbidden for them."³¹

Having discussed the duties of a woman towards her husband during his life, I would also like to discuss some of her duties towards him after his death.

MOURNING & IDDAH

Islam has enjoined upon women to complete a waiting period of four months and ten days after the death of their husbands. During this period, the widow should stay at home to express her sorrow for her husband's death. She should not adorn herself and only go out when necessary. During this period she should also show respect and loyalty for her deceased husband by avoiding any form of betrothals leading to marriage until the end of her 'iddah. Allah (T) says:

"And those of you who die and leave wives behind them, they shall wait (as regard their marriage) for four months and ten days, then when they have fulfilled their term, there is no sin for you if they dispose of themselves in a just and honourable manner. And Allah is well-acquainted with what you do." [2:234]

Explaining this verse, Ibn Katheer says, "This is a divine order directed to women whose husbands have died and left them behind. They shall complete a waiting period (*Iddah*) of four months and ten days. This applies both to the women who did consummate their marriages before the death of their husbands and those who did not."³²

"Shall waif means that: They (the women) should be patient, not hurry into marriage and not leave their marital homes but stay there during the night."³³

In the tradition of the Prophet, mourning has been described as follows: Umm Habeebah narrated: I have heard Allah's Messenger (s) saying, "It is not lawful for a lady, who believes in Allah and the Last Day, to mourn for a dead person for more than three days unless he is her husband for whom she should mourn for four months and ten days."³⁴ Four months and ten days is thus the waiting period that a widow should complete.

If she is pregnant however, her '*Iddah*' comes to end with the birth of the baby as Allah (T) says:

"And for those who are pregnant, their 'iddah is until they deliver." [65:4]

Therefore, the *iddah* of pregnant widows can be shorter or longer than four months and ten days, depending on the stage of their pregnancy. The *iddah* can thus extend up to nine months, or be reduced to a few days only, as was the case with Subai'a Al-Aslamiya: Umm Salama, the wife of the Prophet (s) narrated that a lady, from Bani Aslam, called Subai'a became a widow while she was pregnant. Abu As-Sanaabil bin Ba'kak asked for her hand in marriage, but she refused to marry him and said, "By Allah, I cannot marry him unless I have completed one of the two prescribed periods." About ten days later (after having delivered the baby), she went to the Prophet (s) and he said, "You can marry now."³⁵

Abdullah bin Abdullah narrated that his father had written a letter to Ibn Al-Arqam asking him to ask Subai'a Al-Aslamiya about the verdict that the Prophet (s) had given her. She said, "The Prophet (s) gave me his verdict that after I gave birth, I could marry."³⁶ These two hadiths indicate clearly that the waiting period of a pregnant woman comes to end when she delivers the baby.

Notes

- 1 Ibn Kathcer, Tafscer al Qur'aan al-Adheem, Vol 6, (see p.196 #1). p.274.
- 2 Aboo al-A'laa al-Mawdoodi, Huquoq al-Zawjeeyah, (see p.227,#44) p. 19.
- 3 Al-Bukhaari, Sahcch al-Bukhaari, Vol 6, (see p.go #23). p.117
- 4 Al-Suyooti, Sunan al-Nasa'ai, Vol.6, "An-Nikaah". (see p.i&9 #50)
- 5 Ibn Katheer, op.cit. Vol.4, P-49'
- 6 Al-Suyooti, op.cit., Vol.6, p.68.
- 7 Al-Nawawi, Saheeh Muslim, Vol.12. Al-Imaarah, p.227.
- 8 Al-Asqalaani, Path al-Baari..., Vol.9. (seep.196#7), p.304.
- 9 Ibid. p.299.
- 10 Al-Tirmidhi, "Sunan al-Tirmidhi", (sec p.226 #1), p.208, No.11705.
- 11 Al-Qurtubi, Al-Jaami'li Ahkaam al Qur'aan, Vol 3 (see p. 196 #2), p. 123.
- 12 Muhammad Izzat Daroozah, Al-Mar'ah Fi al-Qur'aan Wa-al-Sunnah, (see p. 90 # 16), p.30.
- 13 Ibn Kathcer, op.cit. Vol 4, p.373.
- 14 Ibn Kathcer, op.cjt. Vol 1, p.466.
- 15 Al-Asqalaani, op.cit., vol.9. p.294.
- 16 Ibid.
- 17 Al-Asqalaani, op.cit., vol.9. P-153-
- 18 Al-Bukhaari, op.cit., Vol.6, p.399.
- 19 Al-Tirmidhi, op.cit., Vol.3, chap.1, P-458.
- 20 Al-Suyooti, op.cit., Vol.6, p.68.
- 21 Muslim Al-Nawawi, op.cit., Vol.10. Al-Nikaah, p. 54.
- 22 Ibid, Vol.5, Al-Birr Was-Sila., p.483
- 23 Al-Tirmidhi, op.cit., Vol.4, p-340.
- 24 Al-Asqalaani, op.cit. Vol 9, p. 507.
- 25 Ibid.
- 26 Ibid.
- 27 Al-Asqalaani, op.cit. Vol 9, p.319.
- 28 Ibid, Vol 9, p.507.
- 29 Al-Nawawi, op.cit. vol.io. Al-Nikaah. P7.
- 30 Ibid.
- 31 Ibn Katheer, op.cit., Vol. 4, p.391.
- 32 Ibn Katheer, vol.1, p.284.
- 33 Al-Qurtubi, op.cit, Vol.3, p.176.
- 34 Al-Bukhaari, op.cit., Vol.6, p.185.
- 35 Ibid, p.185.
- 36 Ibid.

CHAPTER F I F T E E N

Obligations of the Mother in Islam

Allah (T) has enjoined upon parents to bring up their children in a correct manner and to give them all the care they need to grow up into sound and healthy adults. The importance and great impact of early education are stressed in the Prophet's statement, "There is none born but is created in his true nature. It is his parents who make him a Jew or a Christian or a Magian just as beasts produce their young with their limbs perfect. Do you see anything deficient in them?"¹

This hadith draws the attention of psychologists and teachers to the extreme importance that ought to be given to children's education from their earliest ages. Allah (T) has created all children with their true and inherent natures, a nature common to all human beings. They are as malleable as dough in the fingers of the educators who can shape their minds according to their own wills. The Prophet (s) has made an analogy with the beasts who produce perfect young. In fact, it is the human hand that alters or disfigures the perfect and amazing divine creation, and the Prophet has attributed this change to the parents of the child. The mother is the one who rocks the cradle, nurses the baby and moulds the child. She makes him into a Jew, a Christian or a Magian from his early age, depending on her own religious and educational background. The future

inclinations and religious ideology - which is the most important part of the education of a new-born baby - are often determined by the type of education he receives from his parents. This early education becomes a vital factor in the making of a future Muslim or disbeliever. Children have been entrusted to their parents and it is their responsibility to offer them a well-planned upbringing since the Prophet (S) has said, "On the day of Judgement every one of you will be held responsible for his dependants."² Contrary to what many may think, children's care, development, upbringing, guidance, instruction and education are immensely difficult and extremely important tasks. Each child will go through many different phases, each requiring special attention and different guidance. Each child is born with inherent dispositions liable to both good and bad inclinations, and it is the parents' duty to direct their children to the right path in order for them to grow up as pious, good and righteous adults.

Children's education must encompass three aspects: physical, intellectual and spiritual. This is the responsibility of both parents and each of them is expected to fulfil his or her role. Their roles overlap each other and one parent may replace the other during a temporary or permanent absence (eg. death). In such cases the mother has to fulfil many duties and it is therefore difficult sometimes to differentiate between the duties of the mother and the father. I shall illustrate the various responsibilities which can be undertaken by the mother even though they are normally assigned to the father, and then those which are exclusive to men (e.g. guardianship at the time of marriage).

Children are usually, especially in their early ages, entrusted to their mothers. They are necessarily influenced by her language and manners and will sometimes embody her whole character because she is the mould into which the future generation is shaped. This fact stresses the extreme importance of the mother's role in her children's upbringing, especially in the early pre-school years of their lives during which the father's participation - without being unimportant - is more limited.

In Islam, the mother has an independent responsibility: she is the

guardian of her husband's house and is responsible for her family's household. Regarding this responsibility, the Prophet (s) said, "All of you are guardians and responsible for your wards. The ruler is a guardian; the man is a guardian of his family; the lady is a guardian and is responsible for her husband's house and offspring; and so all of you are guardians and are responsible for your wards."³

A guardian is usually concerned with his or her dependants' well-being, always trying to make decisions to their advantage. Consequently, she has total responsibility over her husband's household including relatives, children, servants, furniture, goods and money. This responsibility is far from being easy and demands all her efforts.

The mother has to direct her children, nourish them and monitor their growth, teach them the facts of their religion, shield them from evil and open their eyes to what can harm them.

The mother's responsibilities towards her child actually start while it is still an embryo in her womb and continues throughout his upbringing and education. These responsibilities include the following:

[1] TO PROTECT THE EMBRYO

The mother-to-be should not consume anything that could harm the embryo or perform any act that could kill it because Allah (T) has imposed a commitment upon every mother not to kill her child. In the verse dealing with the women's pledge of allegiance, Allah (T) says:

"O Prophet! When believing women come to you to give you the Pledge... that they will not kill their children." [60:12]

Imam Al-Qurtubi says, "This verse means that women should not kill their daughters nor abort embryos."⁴ Ibn Katheer says, "The verse refers to the killing of the child after its birth as the pagan Arabs used to do whenever they feared poverty. The prohibition also includes the killing of the embryo as some ignorant women might do so for immoral and similar reasons."⁵ If she does so, she will deserve Allah's punishment, as Allah (T) says:

"And when the female buried alive shall be questioned: For what sin was she killed." [81:8-9]

Consequently, the mother has no right to abort the embryo except when her own life is threatened by the pregnancy. In this case, abortion is permitted according to the principle of "choosing the lesser of two evils." The person who should make this judgement is a trustworthy Muslim doctor. The mother is thus the guardian responsible for the embryo's safety until it comes to this world in which he or she will need further attention and care.

[2] TO SUCKLE THE BABY

Allah (t) says:

"The mothers shall suckle to their children for two whole years, for those who desire to complete the term of suckling." [2:233]

So the mother should suckle her baby for two whole years. Ibn Katheer says, "This is an instruction from Allah (T) to the mothers to complete the suckling term which lasts for two years."⁶ During this period mother's milk is very important for the baby's healthy physical and psychological development. There are two different opinions regarding the interpretation of "*shall suckle*"; is it a right or a duty? The majority of the scholars however, understand it as being a duty to be fulfilled by the mother for her children. Nevertheless, "*for those who desire to complete the term of suckling*" is a proof that completing the term of suckling is not obligatory. The mother can shorten or extend the period of breast feeding as long as no harm is being done to the child.

Whether an obligation or an option, breast feeding remains very important for the baby. The mother is often guided by instinct and responds with her unique maternal affections. However, in some unusual cases, the mother may refuse to breast-feed her child. These cases should be duly assessed and dealt with accordingly, bearing in mind that this is a religious duty - her main duty as a mother - for which she will be held accountable on the day of Judgement, unless there is a medical or other major reason that prevents her from doing so, especially after the

importance of breast-feeding has been medically and internationally proven. This has been confirmed by recent medical research which has stressed the importance of the mother's milk during the first two years of the infant's life and its consequences on the child's physical development and psychological balance. Indeed, from the first day of his life, the baby is dependent entirely on his mother's affection and mercy.

[3] TO SHOW LOVE & AFFECTION TO HER CHILDREN

The child is in need of his mother's affection as much as he is in need of food and drink. The mother normally recognises and responds to this need instinctively.

The Prophet (s) described maternal affection as a virtue when he (s) said, "The best women who ride camels are the righteous among the women of Quraish. They are the kindest women to their children in their childhood and the most careful of the property of their husbands."⁷

Islam is indeed a merciful religion and encourages mutual mercy among the Muslims as demonstrated by the following hadith: "Abu Huraira (R) narrated that Allah's Messenger (s) kissed Al-Hasan bin Ali while Al-Aqra' bin Haabis At-Tameemi was sitting beside him. Al-Aqra' said, "I have ten children and I have never kissed anyone of them." Allah's Messenger (s) cast a look at him and said, "Whoever is not merciful to others will not be treated mercifully."⁸ The Prophet (s) thus showed that children need love, affection and mercy. He (s) also taught his companions how to do so, as well as how to kiss, cuddle and play with their children. 'Aisha (R) narrated that, "A Bedouin came to the Prophet (s) and said, "You (people) kiss the boys! We don't kiss them." The Prophet (s) said, "I cannot put mercy in your hearts after Allah has taken it out of them."⁹

The Prophet (s) himself would play with his grandchildren as well as with the children of his companions. Usama bin Zaid narrated: "Allah's Messenger (s) used to put me on one thigh and put Al-Hasan bin Ali on his other thigh, and then embrace us and say, 'O Allah! Please be Merciful to them, as I am merciful to them.'"¹⁰

Allah (s) will be merciful to his slaves because of their mercy to their children and will grant Paradise to the mother who cares for and shows

affection to her daughters. 'Aisha (R) reported: A poor woman came to me with her two daughters. I gave her three dates. She gave a date to each of them and then brought the last date to her mouth in order to eat it, but her daughters expressed their desire for it. She then divided that date between them. This kind treatment of hers impressed me and I mentioned the incident to Allah's Messenger (s). He said: Verily Allah has assured Paradise for her, because of this act of hers, or He has rescued her from Hell-Fire."¹¹ By receiving affection from their parents, children will learn to be merciful and benevolent to others and will grow up as healthy and sound adults.

[4] NAMING THE NEW-BORN BABY

The mother and father should share the task of choosing a nice and appropriate name for their baby. Abi Al-Dardaa' narrated that the Prophet (s) said, "On the Day of Resurrection you will be summoned by your names and the names of your fathers, so let your names be beautiful."¹²

Choosing a pleasant and agreeable name for the baby is the responsibility of both parents, although it would be sufficient if only one of them did so. It is stated in the Qur'an that the wife of Imran chose her daughter's name. Allah (T) says:

"Then when she delivered her child (Mary), she said: "O My Lord! I have delivered a female child, - and Allah knew better what she delivered, - "And the male is not like the female, and I have named her Mary, and I seek refuge with You for her and for her offspring from Satan, the outcast." [3:36]

A mother who wishes to make the right choice regarding her child's name should follow the Sunnah by choosing the recommended names in Islam and avoiding the disliked ones.¹³

Abu Wahab Aj-Jasha'ee (R) narrated that the Prophet (s) said: Name after the prophets; the most pleasing names to Allah (T) are Abdullah and Abdurrahmaan, the most truthful names are Haarith and Humaam and the ugliest names are *Harb* (war) and *Mirrah* (bitter).¹⁴ It is clear from those two hadiths that the best names are Abdullah and

Abdurrahman, both of which mean the slaves of Allah (T). *Ar-Rahman* (The most Beneficent) is one of Allah's ninety nine attributes. The best names after these are the names of the Prophets.

The prohibited names include Malik Al-Amlaak (The king of Kings). Abu Huraira reported Allah's Messenger (s) as saying: "The vilest name in Allah's sight is Malik al-Amlaak (The king of kings)." The narration transmitted on the authority of Shaiba contains these words: "There is no king but Allah, the Exalted and Glorious." Sufyaan said: "Similarly, the word Shahinshaah is also the vilest appellation."¹⁵ The name Abu Al-Qaasim is also prohibited as it was the *kunya* [title] of the Prophet (s).

Jaabir bin 'Abdullah reported: "A child was born in the house of a person among us, and he gave him the name of Qaasim. We said: We will not call you by your *kunya* until we ask the Prophet (s) about it. Whereupon he (s) said, "You may call yourselves by my name, but not by my *kunya*."¹⁶ This companion wanted to call his son Qaasim and thus adopt the *kunya* of Abu-Al-Qaasim for himself, but the Prophet (s) prohibited him from doing so. Jaabir narrated, "A boy was born to one of our men, and the man named him Al-Qaasim. We said to him, "We will not call you Abu Al-Qaasim, nor will we respect you for that." The Prophet (s) was informed about that, and he said, "Name your son 'Abdur-Rahmaan."¹⁷

The mother should be aware of this prohibition in order not to commit the mistake of calling her child Al-Qaasim, especially as many people do call themselves Abu-Al-Qaasim because they are unaware of the legal judgement regarding this *kunya*. My objective has been to clarify this issue so that the-mothers may follow the Sunnah in naming their sons and daughters. The Sunnah encourages parents to choose the most beautiful names for their children, and the Prophet (s) used to change ugly names to better ones. Ibn 'Umar reported that 'Umar had a daughter who was called 'Aasiya (disobedient) and Allah's Messenger (S) gave her the name of Jamila (beautiful)."¹⁸

These hadith prove the responsibility involved in naming children and the importance of choosing suitable names. The age at which the baby is named is to be decided by the parents. This can be

immediately after birth since the Prophet (s) has been reported to have said, "This evening I had a child whom I have called Ibrahim."¹⁹ Or they can wait until the seventh day, as the Prophet (s) said, "The new-born is pledged by three things: "An *'aqqeeqah* to be slaughtered for him on the seventh day, a name to be given to him and the shaving of his head."²⁰ It is also recommended that the Adhaan should be called in the new-born's ear and that the *Tahneek* [sweetening] of his mouth be observed.

[5] CALLING THE ADHAAN & TAHNEEK * It is the Prophet's

(s) tradition to call the Adhaan in the ear of the new-born baby, just after his birth. Abi Raafi' narrated: I saw the Prophet (s) calling the Adhaan in the ear of Al Hasan (the Prophet's grand-child) as soon as Fatima gave birth to him."²¹

According to Ibn al-Qayyim al-Jawziya, the wisdom behind this tradition is that, "The sublime words of the Adhaan, which celebrate the glory and majesty of Allah (T) as well as the Shahaada by which Islam is embraced, should be the first thing to reach the ears of a human being. It seems as if the new-born is being taught the slogan of Islam when he or she first enters this world, in the same way as he is taught the word of Tawheed when he leaves this world. It is not improbable that the Adhaan reaches and affects his heart, even though the new-born may not know it."²²

* It is also the Prophet's (s) sunnah to perform *tahneek* of the new-born's mouth with a date. Abu Musa reported: "A child was born in my house and I brought him to Allah's Prophet (s) who gave him the name of Ibrahim and rubbed his palate with dates."²³ Imam An-Nawawi says, "This hadith teaches us that *tahneek* should be performed for the new-born child, this is indeed Sunnah with unanimity (of the scholars). This Sunnah also requires that the act of *Tahneek* should be carried out by a pious man or woman."

Imam An-Nawawi adds, "The scholars are unanimous upon the fact that the *tahneek* of the new-born, just after birth, should be performed by the use of dates or some other sweet substance."²⁴ It is thus possible to use honey instead of dates.

Tahneek consists of chewing some dates and putting a little bit on the tip

of the finger (or dipping the finger in honey) and then putting it inside the baby's mouth. He or she will start to lick the dates and to suck the finger. The person who is performing *tahneeh* should then gently rub the palate of the child with it. The wisdom behind this seems to be that the new-born infant will be prepared to suck his or her mother's breast and to absorb her milk.

[6] 'AQEEQAH

The 'aqeeqah ceremony involves the sacrifice of two sheep on the seventh day after the birth of a male child, and one sheep after the birth of a female child. The 'Aqeeqah ceremony after the birth of a baby is a duty upon the parents towards their newly born infant. Salmaan bin 'Amir Ad-Dabbi narrated: I heard Allah's Messenger (s) Saying, "Aqeeqah is to be offered for a newly born, so slaughter for him, and remove harm from him."²⁵ "Remove harm from him" refers to the shaving of the baby's head. This is confirmed by many other hadith in the books of tradition (Sunnah), including the following saying quoted earlier. "The new-born is pledged by three things: An 'aqeeqah to be sacrificed for him or her on the seventh day, a name to be given to him and the shaving of his head."²⁶

The tradition of the Prophet (s) has also confirmed that one sheep should be slaughtered for the girl and two for the boy. Aisha narrated, "When the Prophet (s) was asked about 'aqeeqah, he (s) ordered two sheep of similar shape and age for a boy and one sheep for a girl."²⁷ The scholars have different opinions about the religious verdict concerning 'aqeeqah. Some have said that "It is a confirmed tradition" and others have said, "It is a duty." The majority opinion that 'aqeeqa is a Sunnah is based on the statement of the Prophet (s): "If a child is born to one of you and he *wishes* to sacrifice (an animal) for him or her, let him do so." Those who say that the 'aqeeqah is a duty have based their opinion on the hadith quoted earlier: "The new-born is pledged by three things: An 'aqeeqah to be sacrificed..." This narration suggests that the new-born infant is held until the 'aqeeqah ceremony and other rituals have taken place. Such an interpretation leads us to the conclusion that this tradition is in fact a duty.

Whether a duty or a recommendation, the 'aqeeqah should be

performed in compliance with the tradition of the Prophet (s). The mother should therefore celebrate the birth of her baby on the seventh day and ask her husband or the guardian of the baby to arrange the sacrifice. She should also have the baby's head shaved, and give in charity the equivalent of the hair's weight in gold or silver. When Fatima (R) gave birth to Al-Hasan, the Prophet (s) told her: "O Fatima! Shave his head and give in charity the equivalent of his hair's weight in gold."²⁸

The mother should not forget to invite guests to eat from the meat of the 'Aqeeqah, and it is preferable that the organs of the sheep should be separated without breaking the bones since 'Aisha (R) has been reported as saying, "The meat should be cooked in whole pieces; it can be eaten, offered to the invited guests and given in charity."²⁹

By fulfilling these rites, the mother's hope will be that Allah (T) may bless her child and that the Sunnah of the Prophet (s) will be established instead of the innovations which are continuously invented by many mothers while celebrating the birth of their children.

[7] CIRCUMCISION

Circumcision is a religious duty. Abu Huraira reported: "There are five natural acts: Circumcision, shaving the pubes, cutting the nails, plucking the hair under the armpits and clipping the moustache."³⁰ Imam An-Nawawi said, "circumcision means that the foreskin of the male sexual organ is cut away so that the organ becomes entirely visible. The guardian of the baby boy should have him circumcised before puberty, but the correct way is to do it on the seventh day after the birth."³¹

It is not obligatory that circumcision be performed specifically on the seventh day. It is, however, recommended that the boy should be fairly young so that he may not be physically or psychologically affected by the operation. The scholars have different opinions regarding the religious verdict of circumcision.³² Is it a command (*wajib*) or is it Sunnah? Imam Maalik, Ash-Shaafi'ee and Ahmad b. Hanbal say that circumcision is *wajib*, basing their opinion on the following narration: A man came to the Prophet (s) and said, I have embraced Islam. The Prophet (s) told him, "Then shave off the hair of disbelief and get circumcised."³³

Imam Abu Haneefah and some companions of Ahmad b. Hanbal say that circumcision is a sunnah, basing their opinion on the statement of the Prophet (s): "Circumcision is a sunnah for men, an honouring act for women."³⁴

This is the legal verdict regarding the circumcision of men. Circumcision for women is allowed but is not ordered because the aforementioned hadith is weak. When the Prophet (s) prescribed circumcision for the Muslim nation he specifically referred to Muslim men. There is no proven or authentic evidence that the Prophet (s) ever ordered a woman to be circumcised - and Allah (T) knows best.

EDUCATING THE CHILDREN

This is the second phase, and it focuses on the overall education of the child during which he or she should be physically, intellectually and spiritually prepared.

Physical education

The objective of this is to keep the child healthy and strong and to protect him or her from various diseases and ailments.

Intellectual education

The mother should communicate correct, useful and diverse knowledge to her child so that he or she may develop a sharp mind and keen observation that will allow him to interact with society, attain self-confidence and become an active member of the nation.

Spiritual education

This involves teaching the child the correct religious ideology and principles. The child should become used to the different acts of worship, acquire the virtues of Islam and adopt the excellent manners of true believers, so that he or she may grow up as a righteous Muslim who will enjoy good and forbid evil.

In his book "Ihya' 'Uloom ad-Deen," Imam Al-Ghazaali says,

"Note that the spiritual education of children is one of the most

important duties of the parents. The child has been entrusted to his parents; at this stage the child will receive whatever the parents dictate and will follow whatever he or she is taught to follow. If the child is directed to the right path, he or she will continue in it and win the good of this world and the hereafter. The parents, teacher or educator will share the reward with the child. If on the other hand, the child is ignored or taught that which is evil, he or she will be ruined indeed, and his educator or his guardian will also be held responsible for the offence which has been done to the child.

Allah (T) says: "*O you who believe! Save yourselves and your families from a Fire..*" [66:6]

It matters not how much the father protects his child from the fire of this world if he does not protect him from the Fire of the hereafter. In order to do so, he should refine and educate his child by teaching him good morals and by keeping him or her away from bad company.¹³⁵

These three issues will be discussed in detail below.

ONE: PHYSICAL EDUCATION

In order for her child to become a strong and healthy adult, every mother should apply the relevant teachings of the Prophet (S), which can be summarised as follows:

[i] *Keeping the body, surroundings and clothes clean* Good health relies mainly on good hygiene. The Noble Qur'an has actually dealt with one of the main principles of a good and healthy way of life, which is cleanliness, and has paid attention to both individual and public hygiene. *Tahaarah* (cleanliness and purity) is a basic condition of worship in Islam. Prayers cannot be offered unless the person who is praying, his clothes and the place where the prayer is being performed are pure and clean. The importance of purity and cleanliness is further manifested in the saying of the Prophet (s): "Cleanliness is half of one's faith."³⁶

The Muslim mother should therefore keep her house clean and free from impurities and dirt so that the members of her family can pray in it. Moreover, the house of a woman is her mosque, and Allah (T) says:

"We commanded Abraham and Ishmael that they should purify My House (the Ka'ba at Makka) for those who are circumambulating it, or staying, or bowing or prostrating themselves (in prayer)." [2:125]

Imam Al-Qurtubi says, "The command in this verse applies to all houses of Allah (T) (mosques), and since the mosque of a woman is her house, she should keep it clean. Allah (T) has specifically mentioned the Ka'ba because it is the greatest place of sanctity."³⁷

Children should be taught the fundamentals of *tahaarah* such as *istinjaa'*, *wudoo* and *ghusl* from a very early age. They should be trained and supervised by their mothers in order to ensure a thorough implementation of Islamic hygiene. Girls should be given separate and additional lessons in the rulings related to *haid* (menstruation) when she is about to reach puberty. She should also be taught the fundamentals of *tahaarah* which are specific to *haid*, such as how to keep her clothes clean, the best methods of hygiene during the menstruation period and how to perform *ghusl* at the end of it, *in compliance* with the tradition of the Prophet (S).

Indeed the Prophet (s) himself used to teach the female companions, and his wives would help him by communicating their knowledge to the inquiring women whenever he (s) felt shy of going into detail. This part of a young woman's education is very important because upon it depend her health, general hygiene and physical well-being. If children are brought up knowing the manners of *tahaarah*, they should continue to practise them throughout their lives. *Tahaarah* includes a number of areas of concern.

i) Toilet manners: Including how to relieve oneself and how to cleanse oneself afterwards.

If the child is not taught to do so properly he or she will fail to comply with the standards of *tahaarah* during adulthood, thus being liable to severe punishment. Ibn 'Abbaas reported: The Messenger of Allah (s) passed by two graves and said: They (their occupants) are being tormented, but they

are not being tormented for grievous sins. One of them used to spread gossip and the other did not avoid being defiled by urine. He then called for a fresh twig and split it into two, and planted it on each grave, saying: Perhaps their punishment will be mitigated as long as these twigs remain fresh."³⁸

Failing to clean and purify oneself after answering the call of nature will invalidate prayer. The mother needs to pay special attention to teaching tahaarah manners to her children. It has been authenticated that the Prophet (s) cleaned his private parts with water after answering the call of nature. Anas bin Maalik narrated: Whenever Allah's Messenger (s) went to answer the call of nature, I along with another boy used to carry a jug full of water (for cleaning the private parts)."³⁹

He (s) also taught toilet manners to his companions, telling them, "None of you should hold his private parts with his right hand while urinating, or wipe himself with his right hand in the privy, and should not breathe into the vessel from which he drinks."⁴⁰

ii) The mother should teach her children how to use the *siwaak* (toothstick or toothbrush) several times during the day in order to keep their teeth clean and healthy and in order to comply with the Sunnah of the Prophet (s) who said, "The use of siwaak is purifying for the mouth and pleasing to Allah."⁴¹ Islam has paid special attention to mouth hygiene, and the Prophet (s) stressed the importance of using the siwaak, saying, "Were it not that I might over-burden the believers, I would have ordered them to use the siwaak at every prayer."⁴²

Imam An-Nawawi says, "This hadith reflects the importance and the excellence of using the siwaak at all times, regularly and repeatedly."⁴³

Modern science has finally explained the wisdom behind the use of the siwaak. Under the title "*Hygienic Importance of Siwaak*", we note the following: "Good dental care and hygiene contribute to the improvement of our overall health and protect and guard us from various diseases. The fact that the mouth is the gateway to the digestive system and the respiratory system, and is in permanent contact with the environment, makes it an ideal and perfect target for many bacteria. These bacteria

are harmless for the healthy person. They can however, become dangerous if mouth hygiene is being neglected or if the person falls ill and his immunity system becomes weak. This shows the importance of regular dental care and effective mouth hygiene.

Below are some of the infections and diseases which are the result of poor dental care and mouth hygiene:

[1] Tooth Decay [2] Plaque [3] Tartar [4] Mouth & Gum Infection [5] Thrush [6] Ulcerous infection.

These diseases are dangerous; they affect the teeth and the mouth and can also affect the body as a whole due to dangerous inter-mixing of digestive, respiratory, nervous, and eye secretions."⁴⁴

On the basis of these arguments, we conclude the importance of using the siwaak, keeping the teeth clean and the many advantages of complying with the tradition of the Prophet (S) in every aspect of our lives.

3) The mother should teach her children how to perform *wudoo* (ablution) because prayers are prescribed for them from the age of seven. Wudoo reflects the importance of cleanliness in Islam. It is has been prescribed for the Muslims so that they may stay clean and fresh all day long. Wudoo includes washing the face, hands, forearms and feet five times a day. These parts of the body are constantly exposed and most used in our daily activities, and therefore most likely to get dirty. Allah (T) thus orders Muslims to perform wudoo, saying:

"O you who believe! When you intend to offer prayer, wash your faces and your hands up to the elbows, wipe over your heads and wash your feet up to ankles." [5:6]

The following tradition has explained this verse and described the ablution of the Prophet (S)."Abdullah bin Zaid bin 'Asim al-Maazini reported that he saw Allah's Messenger (s) perform the ablution. He rinsed his mouth, then cleaned his nose, then washed his face three

times, then washed his right forearm thrice and then the left forearm thrice. He then took fresh water and wiped his head and then washed his feet till he cleaned them."⁴⁵ "Fresh water" means with water other than the water left on his hands."⁴⁶

iv) The mother should also teach her children how and when to perform *ghusl* (complete bath).

Ghusl is important for both our health and our well-being. For this reason, we find that in Islam *ghusl isjm* obligation in some cases and Sunnah in others. In order for the Muslim to stay clean, the Prophet (s) has stressed the importance of having a complete bath before the weekly congregational prayer and established this as a minimum so that the people should not become slack in this respect."Abdullah bin 'Amr narrated that the Prophet (s) said, "When anyone of you comes for Friday prayer, he should take a bath."⁴⁷ Abu As-Sa'id al-Khudri related that the Prophet (s) said, "Bath on Friday is incumbent upon every adult person."⁴⁸

The mother should thus encourage her children to take regular baths and to keep clean at all times, so that this becomes part of their daily routine. In addition to this, Islam is also concerned with the cleanliness and purity of the garments; Allah (T) says:

"And your garments purify!" [74:4]

Purity of one's garments is a basic condition for different acts of worship, a fact that calls for special and constant attention regarding the clothes being worn. A Muslim does not only clean and spruce himself up for special occasions only, but he should always keep his garments tidy, clean and free of impurities. Special attention should be paid on social events, congregational prayers and festival occasions. Allah (T) says:

"O Children of Adam! Take your adornment (by wearing clean clothes) to every place of prayer." [7:31]

The Prophet (s) took care of his appearance. He (s) always appeared at

his best and paid special attention to the cleanliness and appearance of his garments. He (s) would regularly mend his clothes and polish his shoes, and invite his companions to keep their garments tidy and clean and to wear the best ones on public occasions. Whenever one of them would attend Friday prayers in his working garment, he (s) would say, "What if every one of you bought two garments, other than the clothing of his profession, to wear on Fridays!"⁴⁹

He (s) also encouraged them to use perfume so that the other Muslims who were praying or gathered for social events in public places or in the streets would smell only pleasant smells. He (s) strongly urged them to comply by these etiquettes and said: "If a person takes a bath on Friday, purifies himself well, uses such perfume as is available, and goes to the mosque, where he does not thrust himself between two persons already sitting there, his sins committed since the previous Friday are forgiven."⁵⁰

In general, the verses of the Qur'an and much of the tradition strongly urge the Muslims to use their garments as a means of adornment and concealment at the same time, and to use oils and perfume as a manifestation of their internal purity and beauty.

[2] NUTRITION

This refers to the compliance with the tradition of the Prophet (s) in everything pertaining to eating and drinking. The mother needs to be aware of the following guidelines.

1) The food should be nutritional, non harmful, and containing all the required nutrients necessary to the development of the child.

Allah (t) says:

"O you who believe! Eat of the good things that We have provided for you." [2:172]

2) The food should be lawful. Allah (T) says:

"O mankind! Eat of that which is lawful and good on the earth..."

(2:168) The mother should insist that the family's food should be lawfully obtained. Jaabir (R) reported the Prophet (s) as saying, "No (human)

flesh produced by unlawful earnings will enter Paradise, and the flesh which has been thus produced is more deserving of Hell Fire."⁵¹ The Muslim woman should fear unlawful earnings and urge her husband not to bring home the equivalent of even a mustard seed of it, even if this means going to sleep on an empty stomach.

3) Meals should be taken at regular intervals in order to keep healthy and to allow enough time for the body to absorb the food, as well as in compliance with the tradition of the Prophet (s) and his companions who ate only when hungry and stopped eating before their stomachs were full, thus allowing enough place for drink and air intake. They followed the advice of the Prophet (s) who said, "If he (man) wants to fill his stomach then he should fill one third with food, another third with drink and leave one third empty for easy breathing."⁵² In fact, it has been medically proven that the stomach needs four to six hours to fully digest the food, so we should all comply with the health rule that says: "Eat at regular intervals, and chew your food well."⁵³

4) To eat and drink in moderation. Allah (T) says:

"...and eat and drink but be not excessive, certainly He (Allah) likes not extravagance." [7:31]

This verse invites mankind to eat and drink with moderation, and exhorts them not to be extravagant by overeating and drinking. Allah (T) describes the faithful believers as moderate and non extravagant,saying:

"And those who, when they spend, are neither extravagant nor niggardly, but hold a medium between those." (25:67)

One of the characteristics of the faithful believers is that they adopt a medium way between extremes in everything, including eating and drinking. Therefore, the Muslim should not eat until full, as doing so will cause indigestion and other complications.

As for his words "For a person a few mouthfuls are sufficient to keep his back straight", they attest to his prophethood since modern science has discovered only recently that our average daily need is not measured by its quantity, but by its nutritional value and whether it contains a good and balanced proportion of the main nutritive elements such as proteins, fat, carbohydrates, minerals and vitamins. A heavy meal becomes a burden on the stomach that is difficult to digest."⁵⁴

If the mother follows these health rules and teaches her children to do so, she will protect them from obesity, a problem which limits their abilities and activities and leads to many dangerous diseases. Consequently, the children will stay healthy, active and strong. Regarding this subject, Umar bin Khattab, the second righteous caliph said, "Beware of the feeling of satiety; it slows you down for prayer, harms your bodies, and provokes illness. Eat and drink in moderation, it is better than extravagance, healthier for the body and makes you better worshippers."⁵⁵ The Arabs also used to say, "Satiety takes away perspicacity."

By following these rules, the mother will keep her children healthy and strong, as well as pleasing Allah (T) and the Prophet (s).

Indeed the Muslim woman who fears Allah (T) and abides by the guidance of His messenger (S), knows exactly her duties towards her family. She is moderate and not extravagant, follows the example of the Mothers of the Believers (the prophet's wives) in managing her household, is content with what is little and lawful, avoids what is extravagant and unlawful, and thus saves herself and her husband from the punishment of the Hell Fire.

The mother's responsibilities are great indeed, and on her depend the happiness of her family in this world, and her place in Paradise in the hereafter. Her main duty in this world is to look after her small kingdom, that is to say, her family. Among her many other duties is to teach her children the etiquettes of eating and drinking, which are taken from the tradition of the Prophet (s). She should do so while her children are still young, as soon as they start to help themselves from the table. The Prophet (s) did so with his children, teaching them, advising them and observing them while eating.

ETIQUETTES OF EATING & DRINKING

[1] The children must remember Allah (T) by saying "*Bismillah*" at the beginning of every meal, and eat with their right hands. Many hadith urge Muslims to comply by these rules. 'Umar bin Salama reported: I was under the care of Allah's Messenger (s), and as my hand used to roam about in the dish he said to me: Boy, mention the name of Allah and eat with your right hand and eat from what is near to you."⁵⁶

The Prophet (s) stressed the importance of teaching children these etiquettes while still young so that they become a natural and permanent part of their eating habits. This is suggested in the following hadith. Hudhaifa reported: When we attended a dinner with the Messenger of Allah (s) we did not extend our hands to the food until Allah's Messenger (s) had extended his hand and commenced eating. Once we went with him to a dinner when a girl came rushing in as if someone had been pursuing her. She was about to lay her hand on the food when Allah's Messenger (s) caught her hand. Then a desert Arab came there as if someone was pursuing him. He (S) caught his hand, and then said, "Satan considers that food lawful on which Allah's name is not mentioned. He has brought this girl so that the food might be made lawful for him and I caught her hand. Then he brought a desert Arab so that the food might be lawful for him. So I caught his hand. By Him, in Whose hand is my life, it was Satan's hand that was in my hand along with her hand."⁵⁷ So the Prophet (s) did not allow anybody, young or adult, to eat without remembering Allah (T) and saying *Bismillah*. The importance of this was demonstrated for his companions in a practical manner. The reason behind it is that Satan considers lawful the food on which Allah's name has not been mentioned. Therefore, it is very important that the mother should observe and teach her children the etiquettes pertaining to eating and drinking and to implement the tradition of the Prophet(s) in her house.

The mother should also teach her children to drink while sitting because the prophet (S) forbade that a person should drink while standing. Anas reported that Allah's Apostle (s) forbade that a person should drink while standing. Qataadah reported: "We said to him; What about eating? Thereupon he (Anas) said: That is even worse

and more detestable."⁵⁸

It is therefore better to eat and drink while sitting because even though the Prophet (s) drank while standing, there is a consensus of opinion among the scholars that the prohibition of drinking water while standing is not absolute but is a disapproved act. "Ibn 'Abbaas reported: I served the water of Zamzam to Allah's messenger (s), and he drank it while standing."⁵⁹ Imam An-Nawawi says, "The prohibition in the first hadith shows *disapproval* of the act. However, by drinking the water of Zamzam while standing, the Prophet (S) demonstrated the *permissibility* of the act. Hence, there is no ambiguity nor contradiction between the two hadith."⁶⁰

Among the etiquettes of drinking is also that one should not breathe into the vessel from which one is drinking. Abu Qataadah reported on the authority of his father that Allah's Messenger (s) forbade breathing in a vessel."⁶¹ Furthermore, the Prophet (s) used to drink in three sips so that he (S) could breathe three times outside the vessel while drinking. Anas reported that Allah's Messenger (s) breathed three times in the course of a drink and said: It quenches the thirst better, is healthier and more wholesome."⁶²

[3] PHYSICAL TRAINING

In order for the child to be fit and strong, his parents should ensure that he or she gets the best physical training possible, including different physical exercises. In doing so, the parents will be submitting to Allah's order who says:

"And make ready against them all you can of power, including steeds of war..." [8:60]

So everything that could help the children attain physical strength should be done. It is a duty upon the Muslim to keep fit; to do so he should exercise regularly and choose the type of exercise which builds up his muscles and develops his stamina, such as archery horse racing, riding and swimming. On one occasion, the Prophet (s) recited the above verse and then said: "Verily this power is archery! Verily this power is archery!"⁶³

Islam encourages the Muslim to aim high, to perfect his skills and to achieve moral and physical strength. The Prophet (s) said, "The strong believer is better and more pleasing to Allah (T) than the weak believer; persist in doing what benefits you, seek the help of Allah (T) and never despair."⁶⁴ This hadith encourages young people to benefit from their spare time and to turn it to their advantage by learning and practising what is useful and beneficial. The companions were well aware of the importance of physical training and encouraged their children to acquire different skills which strengthened their bodies and improved their physical abilities.

[4] SEEKING MEDICAL TREATMENT

The mother should pay special attention to her children's health by treating them as soon as possible when ill, bearing in mind that failing to do so can sometimes lead to fatal consequences. Indeed, seeking medical treatment when necessary, is a legal duty upon every Muslim. "Jaabir reported Allah's Messenger (s) as saying: There is a remedy for every malady, and when the remedy is applied to the disease it is cured with the permission of Allah, the Exalted and Glorious."⁶⁵ This hadith is proof that every illness has a cure, and that one should seek treatment when needed.

Usaama bin Shareek narrated: I was with the Prophet (S) when the Arabs of the desert came and asked him, "O Messenger of Allah (s). Should we seek treatment?" Upon that the Prophet (S) replied, "Yes, O servants of Allah (T) seek treatment! Indeed, Allah has not created a disease without creating its cure except for one, which is old age,"⁶⁶ It is prohibited however, whatever the illness is, to seek treatment through magicians, charlatans and fortune-tellers. This is a form of *Shirk* (associating partners with Allah (T)) with severe consequences and great punishment from Allah (T). If the mother finds one of her children in desperate need for help, she should take him or her to a specialised doctor who will prescribe adequate medication.

TWO: INTELLECTUAL EDUCATION

Allah (T) has favoured mankind over all other living beings, and has

blessed us with the human mind which has vast intellectual abilities.

It is important that the mother should stimulate her children's existing abilities and talents at a very early stage and help them to develop other skills. The mother who ignores this important part of her children's education will deform the creation of Allah (T) and hand over to our society what is nearer to an animal than a human being. Indeed, what differentiates us from animals is our mind and its amazing capacities, a fact which should be understood and appreciated by every mother so that she may be able to help and encourage her children to develop their intellectual abilities.

[1] TEACHING THE CHILDREN TO READ AND WRITE

In the first verses that were revealed of the Qur'an, Allah (T) ordered his Messenger (s) to:

"Read! In the Name of your Lord, Who has created. Has created man from a clot. Read! And your Lord is the Most Generous, Who has taught (the writing) by the pen."
(96:1-4)

By reading and writing, human beings are able to acquire new knowledge and develop their minds. Ibn Katheer says, "Among His blessings is that Allah (T) has taught the human being that about which he had no knowledge. By this knowledge Allah (T) has dignified Adam and distinguished him and his kind from the angels. Knowledge can be abstract, stored in the human mind; it can also be manifested by the tongue when we speak or write it down, hence it can be mental, verbal or graphic. Traditionally, (by the tradition of the Prophet (s) and his followers), knowledge was preserved in manuscripts."⁶⁷

Reading constitutes the first stage of intellectual education, so to read was the first divine order directed to the Messenger (s) and the Muslim nation after him.

Writing constitutes the second stage of acquiring and transmitting knowledge, therefore Allah (T) has bestowed upon His servants the ability to write by the pen. Sa'eed reported Qatadah as saying, "The pen (knowledge of writing) is a great divine gift, without which no religion

would have been preserved and our own situation would have been far from good.

Allah's generosity is manifested in the fact that He (T) has taught mankind that about which they had no knowledge and He has taken them from the obscurity of ignorance to the light of knowledge. Allah (T) has also stressed the importance of writing skills because of their various advantages which He (T) only knows. Indeed without this skill, no scientific knowledge would have been transmitted, no legislation would have been recorded and no tradition, or books revealed by Allah, (t) would have been preserved, and consequently, we would never have been guided to the straight path."⁶⁸

The Prophet (s) therefore insisted that Muslims should learn to read and write and we learn from the tradition that the ransom of some of the captives in the conquest of Badr was to teach ten Muslims to read and write.⁶⁹ Furthermore, seeking knowledge is a religious duty and an obligation upon every Muslim. The Prophet (s) has been reported as saying: "Seeking knowledge is an obligation upon every Muslim."⁷⁰ The mother thus needs to pay special attention to her children's education. She should teach them their religion and introduce them to the different sciences that would help them achieve a satisfactory and respectable academic level and allow them to benefit the Muslim nation in the future. A Muslim is not content with one kind of knowledge but seeks any knowledge which will be beneficial and advantageous to him and to the Muslim community in general. Indeed Allah (T) has praised knowledge and those who seek knowledge, saying:

"Allah, the angels and those having knowledge bear witness that none has the right to be worshipped but He. He maintains His creation injustice. None has the right to be worshipped but He, the All-Mighty, the All-Wise." [3:18]

"Say: "Are those who know equal to those who know not?" It is only men of understanding who will remember. " [39:9]

The Muslim never tires of seeking knowledge and like the Prophet (s),

he always says:

"My Lord! Increase me in knowledge." (20:114]

The Prophet (s) would teach his companions sound knowledge of the religion and then order them to pass this knowledge on to their families and relatives. Abu Sulaimaan, Maalik bin Huwairith narrated: "We were a few young men of about equal age and we came to the Prophet (S) stayed with him for twenty nights. Then he thought that we were anxious for our families, and he asked us whom we had left behind to look after our families, and we told him. He was kind-hearted and merciful, so he said, 'Return to your families and teach them and order them and offer your prayers in the way you saw me offering my prayers, and when the stated time for the prayer arrive, then one of you should pronounce its call, and the eldest of you should lead the others in prayers.'"⁷¹

So, the mother should ensure that her children are receiving a valuable amount of knowledge. To do so, she is advised to organise their time wisely, so that they may get enough sleep and be able to get up and go to school early every morning. The mother should also cooperate with the school by explaining to her children what seems difficult for them to understand, by monitoring their progress in the different subjects, and by keeping the father informed of their school results. She is also advised to visit her children's school as regularly as possible in order to inquire about their academic results as well as about their general moral behaviour, the latter being as important as the former.

[3] TO GUIDE AND ENCOURAGE HER CHILDREN TO CONTEMPLATE AND REFLECT

The mother should draw her children's attention to the surrounding environment and the various signs which attest to the presence and mightiness of Allah(T). This will help the children to develop their observation and deduction skills. Contemplation and reflections are two acts which have been praised in the Qur'an since they enable

mankind to increase their knowledge about their Lord and to recognise the manifestations of Allah's mightiness and glory at every moment of their lives. Allah (T) says:

"Verily! In the creation of the heavens and the earth, and in the alternation of night and day, there are indeed signs for men of understanding. Those who remember Allah standing, sitting, and lying down on their sides, and think deeply about the creation of the heavens and the earth, saying: "Our Lord! You have not created all this without purpose, glory to You! Give us salvation from the torment of the Fire,"(3: 190-191)

Throughout history Muslim mothers have paid great attention to the physical and intellectual education of their children. This was especially obvious in the way Bedouin mothers used to bring up their children in the desert. It has been narrated that once Al-Fadl bin Zaid met the son of a Bedouin woman and was very impressed by him. He went to the mother of the child and asked her about the education he had received. Upon this the woman said: "When he was five years old I handed him over to the teacher. There he was taught the Qur'an and its recitation, poetry, introduced to his ancestor's exploits and instructed in the glorious feats of his fathers and grand-fathers. When he reached puberty, I transferred him to the back of the horse until he became an accomplished rider, took up arms, and went among the houses of the neighbourhood, carefully listening to the cries of the caller."⁷² This is indeed a beautiful example that expresses the ultimate concern of the Bedouin mother about her son's education, and I hope that it will serve as a guide for the mothers of today.

In addition to all this, the mother should familiarise her children with the transmitted supplications that the Prophet (s) used to recite, such as those on going to sleep and getting up from bed, leaving and entering the house, before and after a meal, entering and leaving the toilet, and getting into and out of transport. These supplications will benefit the child in this world and in the hereafter, so he should be asked to repeat them as often as possible so that his or her tongue will

always be engaged in the remembrance of Allah (T), thus following the guidance and the example of the Prophet (s).

THREE: SPIRITUAL EDUCATION OR RELIGIOUS EDUCATION

Islam takes great interest in the spiritual aspect of human education since mankind is created as a body and a soul. Describing the creation of Adam, Allah (T) said to the angels:

"So, when I have fashioned him completely and breathed into him the soul which I created for him, then fall down prostrating yourselves unto him. " [15:29]

When a human being devotes most of his efforts to his physical training at the expense of his spiritual education, he will lose the main characteristic which differentiates humans from animals. It is therefore important that parents should pay special attention to the spiritual part of their child's education in order to create a righteous person who devotes his skills to the promotion of good and the welfare of his community. Spiritual education is indeed what makes the child capable of differentiating between virtue and vice, good and evil.

Scientists and reformists have recently been calling for a revival of spiritual and religious education. Western sociologists, educationalists and psychologists have finally realised the importance of religion and spirituality in human education and in achieving a healthy society. This recognition follows much disappointment after years of attempting to exclude any form of religious belief (spirituality) from their lives. This secular thrust has only resulted in an increase in social problems and moral decay.

[1] The mother should start by teaching her children the fundamentals of faith from their earliest youth to help them become righteous adults, faithful believers with correct understanding of the religion and devoted members of the Islamic nation who enjoin good and forbid evil. Correct 'aqeedah (religious belief) is the origin of all

virtues, the incentive of all perfections and most importantly, it is the pivot of Islam.

The mother needs to teach her children the facts of the religion including such concepts as *Iman* (true belief) in Allah (T), the angels, the divine books, the messengers, especially the last messenger Muhammad (s), the questioning by the angels in the grave, the torment of the grave and the Day of judgement, punishment and reward, Paradise and Hell Fire. The mother needs to begin by teaching her children to say the words *Laa Ilaaha illallaah* (there is no deity worthy of worship except Allah). These words should be the first heard by the newborn baby and the first uttered by him later.

Secondly, she should explain to her children the meaning of these words by drawing their attention to the manifestation of Allah's glory and mightiness in their surroundings, in a simple and progressive way according to their level of understanding. As the children grow older, she can allow herself to go into further details and more depth in her explanation until they comprehend and assimilate the full concept of *Iman*.

Thirdly, she should implant the love of Allah (T) and His messenger (s) in their hearts. She needs to teach them to be conscious of Allah, to fear Him, to rely on Him, to depend on Him, to seek His help, to obey none except Him and to fear none except Him. She should also develop in their hearts and minds the awareness of Allah's glory and greatness through various stories from the Qur'an as well as through natural elements and daily activities. The most successful approach to a child's spiritual education is the narration of heroic stories, popular among children because they satisfy their vivid and extraordinary imaginations.

Stories of the prophets and their miracles are easily found in the Qur'an and similarly interesting stories can also be found in the biography of the Prophet (s). These readings will satisfy not only the child's imagination but will also teach him the facts of his religion. Taught through this medium, these lessons will forever be implanted in his mind.

After this preliminary phase, the mother should offer her children regular advice and permanent guidance concerning devotion in worship, reliance on and complete submission to Allah (T). The Prophet (s) used to protect and educate the young companions by offering them regular advice and counsel. Ibn 'Abbaas (R) narrated: One day I was behind the Prophet (S) and he said to me: Young man, I shall teach you some words of advice: Be mindful of Allah, and Allah will protect you. Be mindful of Allah, and you will find him in front of you. If you ask, ask of Allah. If you seek help, seek help of Allah. Know that if the nations were to gather together to benefit you with anything, they would benefit you only with something that Allah had already predestined for you, and that if they gather together to harm you with anything, they would harm you only with something Allah had already predestined for you. The pens have been lifted and the pages have dried."⁷³

If implanted properly in the child's mind and heart, these fundamentals of faith will forever shield him from disbelief and apostasy and prevent evil ideologies from staining his beliefs. It is also important that the mother should be able to differentiate between lawful and unlawful matters in every aspect of her life so that she may pass her knowledge on to her children and help them to integrate them in their every day lives, according to the rules and regulation of Shariah.

[2] The mother should familiarise her children with the various acts of worship such as fasting, praying, paying alms-tax and pilgrimage. She should slowly, patiently and progressively introduce her children to the prescribed five daily prayers until they get used to them since Allah (T) says:

"And enjoin prayer on your family, and be patient in that. " [120:132]

Although addressed directly to the Prophet (s), these commands are addressed to all the Muslims of the world. In his explanation, Imam Al-Qurtubi says, "In this verse Allah (T) orders the Prophet (s) to enjoin prayer on his family and to observe them patiently and regularly."⁷⁴

Patience and perseverance are necessary when introducing children to daily prayers. The mother should start when her children reach seven yearf, old in compliance with the Prophet's order. 'Amr bin Shu'aib narrated that the Prophet (s) said, "Order your children to offer prayer at the age of seven and strike (i.e, discipline) them at the age of ten if they do not, and let them sleep in separate beds."⁷⁵ This hadith clearly indicates that parents should start teaching their children to offer their daily prayers at the age of seven in order to get them accustomed to it as early as possible. Moreover, at seven the child is still malleable, uncorrupted and easily directed by his or her parents. If introduced gently, the prayer will become an integral part of the child's routine and a cherished act of worship. He or she will then discover the pleasure of obeying, praising and thanking Allah (T) for His many bounties and experience the many other advantages of prayer.

If the child reaches ten years of age and refuses to observe prayer after three years of training, his parents are then allowed to resort to some form of punishment. In fact, if the child is not made to pray at this stage, it will be very difficult to get him to do as the years go by. For the same reason, the child should be encouraged to fast for a few days in Ramadan, starting from the age often according to his or her abilities.

It is also wise that he or she should be introduced to other forms of worship at this stage such as pilgrimage and the lesser pilgrimage.

Note that the second part of the Prophet's command is "let them sleep in separate beds". Children over the age of ten are no longer allowed to share their beds. This is a moral guidance and an importance aspect of children's psychological education which ought to be observed by all Muslim parents. In addition, the mother should teach her daughter to be modest by urging her to wear decent clothes, making her realise that her body is to be covered and not to be displayed so that when she grows older she will find no difficulty in observing the Hijaab. If she has been gently and progressively introduced to it, she will be happy and pleased to comply by its rules. If the mother follows this strategy, she will happily discover that it is her daughter's modesty even before the prescribed Hijab which will prevent her from displaying herself before people.

[3] The mother should raise her children according to the excellent morals and behaviour of Islam. To do so she should teach her child the importance of virtuous deeds in a simple manner according to his level of understanding. Good manners, true belief in Allah (T) and religious worship are closely related, as the Prophet (S) said, "I have been sent to implement noble character."⁷⁶ The excellence and importance of noble character and good manners are clear in the Prophet's following statement: "On the Day of Judgement the dearest and closest to me, as regards my company, will be those persons of the best moral character."⁷⁷

There are many hadith which urge Muslims to acquire good manners and which praise the excellence and superiority of the people who do so. The Prophet (s) has also urged parents to give their children moral education and to teach them good behaviour.

Hence Ibn 'Abbaas (R) reported the Prophet (s) as saying, "Be generous towards your children, teach them good behaviour!"⁷⁸ The best gift that the parents can offer to their child is good character and excellent behaviour. Ayub bin Musa narrated that the Prophet (S) said, "There is no better gift a father can offer to his child than good manners."⁷⁹ Islam has gone even further to consider that giving a decent moral education to one's children is better than giving *sadaqah* (charity). Samaak bin Harb narrated that the Prophet (s) said, "It is better for a man to refine his child than to give a measure in charity."⁸⁰ Indeed, Islam has insisted upon good manners and behaviour as regards children's education because it is at this particular stage that these qualities are best acquired. The mother is the main person responsible for her children's manners and behaviour. She is their first school in which they receive their first and most important lessons. She is the focus of their attention in her speech, manners and general behaviour. Therefore, it is important that she should teach them Islamic morals and ethics, starting with the Islamic way of greeting and asking permission before leaving or entering somebody else's room or house. Then she should teach them to be truthful and righteous, honest and unselfish, kind to their neighbours and helpful to the weak, loving and caring to others,

generous towards the poor and the needy, and caring of relatives and kinship.

Similarly, the mother should prevent her children from acquiring bad habits and characteristics such as lying, stealing, backbiting, gossiping, swearing, abusing, mocking, showing off, ill-thinking, pride, vanity, depravity and selfishness. She should do so using every possible educational strategy, such as gifts and punishment, praise and condemnation. Given the great influence which the mother has on her children, the Prophet (S) insisted that muslim women should set the perfect example for their children's moral education. He (S) therefore never failed to advise and instruct the female companions on that matter. Abdullah bin 'Aamir narrated: My mother called me while the Prophet (S) was sitting in our house. She said, "Come here and I will give you something!" The Prophet (s) then asked her, "What did you want to give him", and she replied, "I wanted to give him some dates." The Prophet (s) said, "If you had not given him something, your statement would have been recorded as a lie."⁸¹ Even this little incident did not escape the attention of the Prophet (s). He feared that the mother had been lying in order to call the child, which was the wrong thing to do. Unfortunately, some mothers do this, and the child then begins to imitate his mother, eventually learning to construct bigger and bigger lies.

Telling lies is the biggest vice and every statement which involves the slightest distortion of the truth is absolutely forbidden in Islam, even in the form of a joke. The aforementioned hadith has been intended as a lesson for the mother who lies to her children or undermines their Islamic morals and ethics by any other form of misconduct. Moreover, when the mother is constantly telling lies in order to quiet her children, occupy them with something, force their obedience or simply please them, her children will learn not to trust her and will never ever take her guidance and advice seriously. "During the first years of their lives, children develop most of their habits and moral characteristics through copying and imitation. Therefore, they need an ideal, a model and a good example to follow that

combines all the virtues of Islam. The Islamic view is that setting the good example is the best and the most successful way of education and without a living example Islamic teachings cannot be illustrated. To be understood these teachings ought to be reflected in the feelings,

the behaviour and the way of thinking of a human being. For this reason, parents should set a good example for their children so that they may be able to comprehend and assimilate Islamic morals and ethics. The child who hears his father telling lies will never learn to be truthful and the child who sees his mother cheating his father, sister or brother will never ever learn to be honest."⁸²

Consequently, every mother should strive to set a good example for her children, and to follow the guidance of the Prophet (s) in their education. As the child grows older, the mother should teach him to ask permission before entering the rooms of other members of the family. Allah (T) has ordered Muslims to do so when He (s) says:

"Oyou who believe! Let those among your legal slaves and slave-girls, and those among you who have not come to the age of puberty ask your permission on three occasions; before morning prayer, when you put off your clothes for the noonday (rest), and after the 'Isha (late night) prayer. These three times are of privacy for you, other than these times there is no sin for you or for them to move about, attending each other. Thus Allah makes clear the Verses [of this Qur'an] to you. And Allah is All—Knowing, All-Wise." [24:58]

Allah (T) thus commands parents to teach their young children and their servants to ask for permission on three occasions:

[1] Before morning prayer: When the members of the family are still or could still be in night clothes or undressed.

[2] After the noonday prayer: When many people rest, relax and put on light clothes.

[3] After the late night prayer: When people take off their day clothes

and get ready to go to bed.

Allah (T) has called these moments, the "*three times of privacy*". However, He (T) has not prohibited the members of the families from attending each other at other times lest it causes hardship and inconvenience for them.

Parents should pay special attention to this divine command and teach their children to ask for permission before entering their rooms at the three stated times of privacy. Sayyed Qutb says, "Many people fail to implement these etiquettes in their households, thus ignoring serious psychological, moral and nervous repercussions. They think that servants will not look at their masters' uncovered parts, or that young children who have not yet reached puberty will fail to take notice. Nevertheless, psychologists have discovered that adults are extremely influenced by childhood images. Allah (T) the All-Knowing is teaching His servants good manners and noble behaviour so that their hearts, minds and feelings may remain healthy, pure and unstained."⁸³ Note that when the children reach puberty they are expected to ask for permission to enter at all times.

In educating her children the mother should, in addition to her maternal love, mercy and affection, make use of various educational strategies such as rewards, punishments and gifts and she should be affectionate but firm. The mother should also be just when dealing with her children and should never favour one above the other since the Prophet (s) has been reported as saying, "Fear Allah (T) and treat your children equally."⁸⁴ Even though this particular statement refers to giving the children equal gifts, it also implies that equality of treatment should be observed at all times and in all matters. Favouring one child over the other will arouse feelings of jealousy, envy and resentment, and cause deep psychological problems, whereas justice and equity help the children to be kind, loving and merciful to one another.

Excellent spiritual and moral education is to be found in the advice given by Luqman to his son. Allah (T) says:

"And when Luqman said to his son when he was advising him: "O my son! Join not in worship others with Allah. Verily! Joining others in

worship with Allah is a great "injustice" indeed.

And We have enjoined on man to be dutiful to his parents. His mother bore him in weakness and hardship upon weakness and hardship, and his weaning is in two years - Give thanks to Me and to your parents, - unto Me is the final destination.

But if they both strive with you to make you join in worship with Me others about whom you have no knowledge, then obey them not, but behave with them in the world kindly, and follow the path of him who turns to Me in repentance and obedience. Then to Me will be your return, and I shall tell you what you used to do.

O my son! If it be (anything) equal to the weight of a grain of mustard-seed, and though it be in a rock, or in the heavens or in the earth, Allah will bring it forth. Verily, Allah is Subtle, Well-Aware.

O my son! offer prayer, enjoin good, and forbid evil, and bear with patience whatever befalls you. Verily! these are some of the important commandments [ordered by Allah].

And turn not your face away from men in pride, nor walk in insolence through the earth. Verily, Allah likes not the arrogant boaster.

And be moderate in your walking, and lower your voice. Verily, the harshest of all voices is the braying of the ass. " (31:13-19)

This is the best advice a mother can offer to her children, hoping that Allah (T) will guide them and reward her efforts with success.

Finally, the mother should personally fulfil her obligations towards her family rather than delegating her responsibilities to strangers such as educationalists, servants and baby-sitters. The Prophet (s) clearly said, "Every woman is a guardian in her husband's house and she is responsible for her wards."⁸⁵ Indeed, her responsibilities towards her family are hers exclusively. However, there is no harm in employing servants to whom she can delegate worldly tasks such as housework and cooking so that she may have more time to devote to her children and thus the opportunity to fulfil her role to the best of her abilities.

Notes

- 1 AI-Nawawi, *Saheeh Muslim*. Vol.5. AI-Qadar, (same as note #3 on p. 196)
- 2 AI-Tirmidhi, "Sunan al-Tirmidhi", (sec #1 p.226), No. 1705, p.208.
- 3 AI-Asqalaani, *Path al-Baari*, Vol, 9. (sec #7 p. 196), p. 299.
- 4 AI-Qurtubi, *Al-Juami' Li-Ahkaam AI-Qur'aan*, Vol.17, p.72.
- 5 Ibn Katheer, op.cit., Vol. 4, p.354.
- 6 Ibid, p.284.
- 7 AI-Bukhaari, "Saheeh al-Bukhaari", vol 6, p. 130.
- 8 Ibid, vol.7, P.75.
- 9 Ibid.
- 10 Ibid, p.76.
- 11 AI-Nawawi, op.cit. vol.16. "AI-Birr was-Sila Wal-Adab". p.180.
- 12 Abittayeb Muhammad Abaadi, "Awn Al-Ma'bood...", (same as note #47 on p. 197) vol. 13, p.296.
- 13 AI-Nawawi, op.cit. AI-Adab, vol. 14, P 113
- 14 Abittayeb Muhammad Abaadi, op.cit., vol. 13, p.293.
- 15 AI-Nawawi, op.cit. vol.14, p.1222. "Al-Adab".
- 16 AI-Bukhaari, op.cit., Vol 7, p.116.
- 17 Ibid.
- 18 AI-Nawawi, op.cit. vol.13. "Al-Adab", P. 119.
- 19 Abittayeb Muhammad Abaadi, op.cit., vol. 8, p.398.
- 20 AI-Tirmidhi, op.cit., Vol.4, P-101
- 21 Ibid, p.97.
- 22 Ibn-Qayyim AI-Jawziah (691-751 AH), "Tuhfat al Wadood bi Ahkaam al-Mawlood", (A Gift from the Loving (Lord) regarding the Rights of Newborns), Cairo, Al-Matabah Al-Qayyimah, p.25.
- 23 AI-Nawawi, op.cit.vol.14.*Al-Adab*, p135.
- 24 Ibid.
- 25 AI-Bukhaari, op. cit., Vol 6, p.217
- 26 AI-Tirmidhi, op.cit., Vol.4, p.101.
- 27 Ibid, p. 96.
- 28 Ibid, p.99.
- 29 Ibn Qudaamah, *Al-Mughni*, vol.3, P-589.
- 30 AI-Nawawi, op.cit. vol.4. "Al-Tahaarah". p. 146.
- 31 Ibid.
- 32 Ibn-Qayyim AI-Jawziah, op.cit., p.127.
- 33 Abittayeb Muhammad Abaadi, op.cit., vol.2, "Al-Tahaarah", Abu Daawood said "This is a weak hadith".
- 34 Reported by Ibn AI-Qayyim in his "Explanation of Sunan Abu Daawood" in *Awn Al Ma 'abood*, op.cit., p. 185. He says this hadith is "Munqati".:66:6.
- 35 AI-Imaam Abi Haamed Muhammad bin Muhammad AI-Ghazaali, (died in 505 AH), *Ihya-Uloom Al-Deen* ("The Revival of the Religious Sciences") with *Kitab Al- Mughni An Haml Al-Asfaarfi AI-Asfaar Fi Takhrccj Ma fi Al-Ihya Min Al- Akhbaar*, by AI-Iraqi, Vo.:3, Cairo, Egypt: Matba'at AI-Istiqamah, p.72.
- 36 Ibid.
- 37 AI-Qurtubi, op.cit, Vol. 1, p.500.
- 38 AI-Nawawi, op.cit. vol.3. "Al-Tahaarah". p.200.

- 39 Al-Bukhaari, op. cit., Vol 1, p.250.
- 40 Al-Nawawi, op.cit. vol.3. "Al-Tahaarah". P.159.
- 41 Al-Suyooti, "Sunan Al-Nasaa'i", Vol.1. (same as note #50 on p. 169) p.10.
- 42 Al-Nawawi, op.cit. vol.3. "Al-Tahaarah".P-143
- 43 Ibid.
- 44 Salaahuddeen Al-Hanafi, (The Arak - Al-Siwaak, Toothbrush"). Unpublished PhD dissertation, University of Damascus, 1382 AH/ 1962, p.24.
- 45 Al-Nawawi, op.cit. vol.3. "Al-Tahaarah". P.124.
- 46 Ibid.
- 47 Ibid, Vol.6, "Al-Juma'a", p. 132.
- 48 Ibid.
- 49 Ibn Maajah, "Sunan Ibn Majah", Vol.1, (same as note #8 on p.ig6) p.248.
- 50 Ibid.
- 51 Al-Khateeb Al-Tabreezi, "Mishkaat Al-Masaabeeh", (The Niche of Lanterns), compiled by Muhammad Naaser Al-Albaani, Vol.2 "Al-Buyoo", 2nd edition, Beirut: Al-Maktab Al-Islामी, 1399 AH /1979, P.845.
- 52 Al-Tirmidhi, op.cit., Vol.4, "Az-Zuhd", P-590.
- 53 Sabri Al-Qabbani, *Al-Ghidhaa laa at Dawaa*, (Food., not Medicine), 6th edition, Beirut: Daar al-ilm li al-Malaaayecn, no date, p.572. 7:31 '25:67.
- 54 Abdulhamced Diyaab and Ahmad Qarmooz, op.cit., p. 129.
- 55 Ali Fikri, Ahsan al Qissas, Vol.3., P.134.
- 56 Al-Nawawi, op.cit. vol.n. "Al-Ashriba", vol.11, p.193.
- 57 Ibid.
- 58 Ibid.
- 59 Ibid.
- 60 Ibid.
- 61 Ibid.
- 62 Ibid.
- 63 Al-Tirmidhi, op.cit., Vol.5, P-270 and Ibn Maajah, op.cit., Vol.2, p.940.
- 64 Ibn Maajah, op.cit., Vol.2, "Az-Zuhd", p.1395- No. 4168.
- 65 Al-Nawawi, op.cit. vol. 14. "As-Salaam", p. 191.
- 66 Al-Tirmidhi, op.cit., Vol.4, "At-Tibb", p.383, No. 2038.
- 67 Ibn Kathecr, op.cit., Vol. 4, p.528.
- 68 Al-Qurtubi, op.cit, Vol.2, p. 120.
- 69 Ameen Duwaidaar, *Suwar Min Hayaat Al Rasool*, (Pictures from The Prophet's Life), Cairo, Egypt: Daar Al-Maarif, 1968. p.322., op.cit., Vol.10. "Al-Nikaah", p.54.
- 70 Ibn Maajah, op.cit., Vol.1. No.17, p.80.
- 71 Al-Bukhaari, Vol 7, "Al-Adab".
- 72 Abdullah Nasseh Ulwaan, "Tarbiyat Al-Awlaad fi Al-Islam", (Upbringing Children in Islam), Beirut/Aleppo, Daar Al-Salaam Publications, no date, p.151.
- 73 Al-Tirmidhi, op.cit., Vol.4, "Sifat Al-Qiyaamah", p.667.
- 74 Al-Qurtubi, op.cit, Vol.7, p.263.
- 75 Abittayeb Muhammad Abaadi, op.cit. Vol 2, "As-Salaah".
- 76 Al Mautaqob/Sharh Muwatta Al-Imam Maalik Al Buaji, Vol 7, p.213.
- 77 Ibn Al-Atheer Al-Jazari, *Jaami Al-Ussool fi Ahaadeeth Al-Kasool*, (The Compler of Fundamentals of the Messenger's Tradition), compiled and commented by: Abdulqaader Arndoot, Vol.4, 1st Edition, published and distributed by: Maktabat

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- 79 AI-Tirmidhi, op.cit., Vol.4, "Al-Birr Was-Sila", p.338.
- 80 Ibid, p.337.
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- 83 Sayyed Qutb, *Fi Dhilaal Al-Qur'aan*, Vol.4,
- 84 Al-Bukhaari, op. cit.,Vol 3, "Al-Mibah", P.133.
- 85 Al-Asqalaani, op. cit., Vol, 9, "Al-Nikaah", p. 299.

CONCLUSION

In the Name of Allah, the most Beneficent, the most Merciful

Through an examination of the different positions held by women in ancient civilisations prior to Islam, followed by a study of the status of women in various religions and particularly in revealed religions along with an examination of historical texts, I have arrived at some conclusions without, I hope, any excessive judgements on my part.

It is clearly evident that throughout history women have suffered from intense degradation. They had more obligations than privileges. They were expected to fulfil endless duties and were denied even the basic rights. However, this aspect of human history remains neglected and even when examined it is often superficial or apologetic and almost always biased.

I therefore strongly recommend that an effort be made to re-examine thoroughly the situation of women throughout history. I also suggest that Muslim historians rewrite history in an objective and scientific manner based upon thorough examination, rearrangement and correction of information so that the researcher will be able to pronounce fair and accurate judgement.

My journey of discovery has led me to conclude that once we

reorient our approach in a comprehensive manner we will be able to see the great favours bestowed by Islam on humanity and on women in particular.

Through the course of studying this subject, it became clear to me that the very few privileges enjoyed by women every now and then in other cultures were subjected to the will of male legislators in order to benefit their personal interests. They were certainly not preoccupied with honouring and dignifying their women, because they soon afterwards repossessed what they had given and extorted what they had granted!

Consequently, this unstable situation that varied according to man-made laws, has led many students and researchers to pronounce incorrect and contradictory judgements by using feeble arguments to support their opinions regarding the position held by women during those centuries. The first chapter proved to be the hardest and the most difficult to compile, given the small number of reliable references available and the difficulty in distinguishing between the authentic and the fabricated ones. Therefore, as well as checking the authenticity of various historical texts I had to study closely, analyse, comment upon and draw conclusions from each text. This was a very difficult task which required much time and effort but it was a natural prerequisite to the study of the status of women in Islam.

In that chapter I also commented that *jahiliyyah* (ignorance) does not refer to a specific lapse of time, but rather it refers to a set of rules which contradict those ordained by Allah. Whenever these rules are to be found we are bound to find Jahiliyyah in the absolute meaning of the word, whether it be the paganism of the Greeks, the Romans, the Jahiliyyah of Abu-Jahl or the ignorance of the 20th century. Even adherents of revealed religions such as Judaism and Christianity, in their ignorance, contributed to the subjugation of women by persecuting them and considering them to be an impure and evil creation.

The main references for the second chapter, which deals with the rights of Muslim women, are the Qur'aan and the authentic Sunnah. I referred only to the opinions of the scholars and people of knowledge

to ensure that I understood clearly what they had stated so that I was not expressing my personal point of view.

The obvious conclusions of this comprehensive study can be identified easily by the reader. I have confirmed with definite proofs that Islam is the only religion which has asserted the humanity of women, honoured them, and liberated them from the burden of man-made degradation which has pursued them throughout history.

I have proved on the basis of the Qur'aan and authentic Hadith of the Prophet (s) that women have the same right to worship as men and are similarly obliged to fulfil their religious duties. They are equal with men in terms of restrictions, retribution and reward: if they observe the limits set by Allah, then they are expected to go to Paradise; if not they risk the punishment of Hellfire. Allah says in the Qur'aan:

"Verily, the Muslims (those who submit to Allah in Islam) men and women, the believers men and women (who believe in Islamic Monotheism), the men and the women who are obedient (to Allah), the men and women who are truthful, the men and the women who are patient, the men and the women who are humble (before Allah), the men and the women who give charity, the men and the women who fast, the men and the women who guard their private parts (from illegal sexual acts) and the men and the woman who remember Allah often (with their hearts and tongues). Allah has prepared for them forgiveness and a great reward (i.e. Paradise). (33.35)

I have also proved on the basis of the Qur'aan and the Authentic Hadith of the Prophet (s) that:

Islam has honoured and valued women since it forbade parents to see the birth of a baby daughter as an evil omen, as was the case in pre-Islamic paganism and continues to be in "modern day Jahiliyyah". Islam has ordered us to cherish women throughout the different phases of their lives.

Islam encourages both men and women to seek knowledge and

makes it a duty upon them to learn about their religion. Men have to make access to such knowledge easy for women, so that they can act upon it and be able to worship their Lord correctly.

Islam has granted wives, mothers and daughters the right to inheritance, regardless of their age, their financial status or the amount to be inherited. This is a divine right granted by Allah which cannot be amended nor distorted.

Islam has liberated women from the injustice and oppression of men and has given them equal rights. "And they (women) have rights (over their husbands as regards living expenses, etc.) similar (to those of their husbands) over them (as regards obedience and respect, etc.)" (Qur'an: 2:228). It stipulates that men should be in charge of the family "But men have a degree over them"; (Qur'an: 2:228) which is a degree of responsibility and not of superiority.

Islam has given every woman the right to choose her husband . This is clear in the Qur'aan and the Hadith of the Prophet (S).

Muslim women are eligible for the same financial rights and duties as men and they have full control of their money including the right to purchase, retail, deposit, stipulate, make advanced payment, exchange, pre-emption, allotment, preordainment, tenancy, guarantee, preventative composition, consignment, endowment and emancipation. At this stage, I discussed two debatable issues:

- 1 "At what stage should the young girl be given control over her inherited property?"
- 2 "Does the wife have the right to spend her own money without her husband's consent?"

I have proved with evidences from Islamic Jurisprudence that the girl should be treated equally with the boy, that her money should be paid to her as soon as she reaches the age of consent and that she can use her own money without her husband's permission.

Islam entrusts the young girl to the tutelage of a guardian, who is expected to protect her ; not to oppress her and take control over her property.

As far as family issues are concerned, such as marriage and divorce, Islam has put an end to the despotism of men which was prevalent in Pre-Islamic times of ignorance. Women were then under the mercy of men who treated them according to their whims and desires. Men used to divorce their wives as many times as they pleased without any limits, rules, or conditions, whereas Islam has set the limit to three divorces, after which she cannot be returned by the husband.

I have explained why men and women are treated differently in some cases and made it clear that this does not affect their equality in terms of humanity, dignity and merit. Rather it is divine wisdom which decrees that their very different natures require different functions. Thus I have clarified and dissipated the doubts issuing from the fact that a man's testimony is equivalent to that of two women and that his share of inheritance is twice as much as hers. I have also dealt with the issue of blood money and other controversial matters, proving beyond all doubt that these differences do not affect women's equality in front of their Lord, nor their social esteem. Differences are only in their biological constitutions and their complementary functions in society.

Under the section "the political rights of women", I have proved, with legal evidences and logical argumentation, that women have the right to participate in Jihaad and have pointed out that its abrogation is unjustified.

Indeed Islam has allowed women an even greater right: the right to give sanctuary. This privilege is an extreme act of honour, giving her a status equal to that of men. Man made legislation such as the "so called" International Law of the Modern West has never given men, not to mention women, this right.

This privilege is undoubtedly the climax of women's rights in Islam and the undeniable proof of their high esteem and respectable position.

The third chapter is devoted to the duties of women. This chapter is unique in terms of its systematic co-ordination and accuracy since I collected the necessary information from wherever I expected to find it, from both the old and modern books. I then reviewed, arranged and extracted the rulings without negligence or exceeding the limits of an objective judgement. After further observation and thorough examination I arrived at a number of conclusions. I would like to stress one in

particular:

Despite my efforts to find out more about the duties of women through various readings, observation and personal experience in da'wah, I found that their rights largely exceed their duties.

This is a spectacular fact which invites Muslim scholars and Muslim women in particular to ponder over the divine wisdom behind such a clemency. This reality is also a retort to those feminist authors who claim to be the liberators of women. Their call to freedom, addressed to Muslim women is but an invitation to liberate women from a religion that has dignified, honoured and cherished them, and is actually an invitation to return to Pre-Islamic oppression, despotism and tyranny of male legislators.

I have also realised that man made laws have in fact enslaved women, submitting them to the cupidity and caprice of human beings, and that Islam is the only solution and the only escape.

The rights of Muslim women are granted by Allah and they cannot be altered or replaced. Women have gained these rights without a feminist rebellion or a suffragette movement, without flaunting or abusing their femininity as the Romans and the Greek did previously and as the women in the west continue to do today. Women were and still are abused, humiliated and treated with contempt. The modern "liberated" woman in addition to performing her natural roles of motherhood and house management is expected to go out to earn her living, and often that of her family as well. Thus she is expected to be the man and the woman at the same time! Unfortunately some Muslim women are advocating the right to enjoy this miserable situation and to be equal with these "liberated" women, when they should be extremely proud and grateful to Islam, the only religion that affirms their humanity, dignity and equality with men.

These are some of the conclusions of my treatise, which I have presented to the reader as an example of a scientific and objective research. This is solely to seek the truth for its own sake. Finally I praise Allah and ask Him to accept this modest work as a sincere attempt to seek His pleasure. I also ask Him to help me to do whatever is pleasing to Him and to guide me to the Straight Path. Every success is from Allah alone, on Him I rely and to Him I shall return.

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