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THE STATUS OF WOMAN IN ISLAM

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Firstly, we should remember an important "verse" in the Qur'an as an attention getter point:

"O mankind, we created you all from a male and female, and made you into races and tribes, that you may know one another. Surely the noblest among you in the sight of Allah, is the most Allah-fearing of you. ⁽¹⁾

Secondly, we should repeat a hadith also; The prophet Mohammed says:

"All people are equal as the teeth of a comb. There is no claim of merit of an Arab over a non-Arab, or of a white over a black person, or a male over a female. Only Allah-fearing people merit a preference with Allah. ⁽²⁾

The above two texts, a Qur'anic verse and a well known hadith pronounced by The Prophet Mohammad, peace be upon Him, convey the principle of universal equality between all mankind in a strikingly vivid style. Here all divisive factors of race, colour, sex and class are wiped out. It is also important that the principle of equality was immediately put to practise. People of Mecca, among whom the islamic faith emerged, rejected it vehemently of many years as they were opposed to its equalitarian teachings. They used to argue with the Prophet saying "how can you claim that our women slaves and serfs are of the same standing as ours: ⁽³⁾ Much more could be said in this respect, but let us now focus attention on the question of equality of men and women.

Before the age of modern, religion has always been the effective tool to social action. In earlier days of Islam, the Prophet was inspired by the ideal of elevating the position of women of his day and improving social conditions without violating the prevailing concept of masculine superiority. The teachings of Holy Qur'an represented social reform movement against the existing

(1) Qur'an, Al Hucuraat, 13.

(2) Ahmad Ibn Hanbal, Al Musnad, Cairo, 1930, Vol: VI, p. 411.

(3) Mohammad Abdurrauf, The Islamic View of women and the Family, Cairo, 1993, p. 15.

practise which were significant for those days, and so included mainly. ⁽⁴⁾

- a) Abolition of infanticide
- b) Putting limits and restrictions to polygamy
- c) Protection of widows and orphans
- d) Declaration of marriage contract
- e) Establishment of inheritance right to women
- f) Bounds of veil to the purpose

At the present, in the light of scientific and social progress, and which also the message of Islam, vast changes have taken place in the position of the muslim women. These changes represent phases of fundamental "renaissance" including:

- a) Educational opportunities
- b) Occupying various jobs
- c) Widening of the field of woman's interest beyond the four walls of her home.

Some authorities now argue that harmonizing the spirit of islam with modern thought represents various stages of advance. Nevertheless, almost all Muslims recognize the authority of islam to determine the bounds of social progress. ⁽⁵⁾ Let us now focus attention on the topic of women.

First of all, The Holy Qur'an makes no distinction between man and woman as regard the fundamental human rights. Although man and woman is equal, as a human, naturally there are somewhat ontological, anthropological and juridical differenties between them. To an ordinary observer, men and women share common biological and mental ingredients which justify and call for their legal, moral and economical equality. Yet, there are obviously some somatic differences between men and women affecting their temperaments, and consequently call in some situations for different but reciprocal sex roles.

Men and women are born with different reproductive systems and some different physico-social function, entailing some psychological and entellectual differences. Men usually have larger bodies, protruding bones, harsher voices and far more hairy faces and bodies. Women have softer skin,

(4) M. G. Al Fandy, *Islam and Science* -4, Cairo, 1993, p. 27.

(5) M. G. El Fandy, *Ibid.* p. 27.

larger breasts, gentle voices and good-looking faces. Men ejaculate and women menstruate. Men inseminate and women conceive and lactate. Subtler differences have also been found between boys and girls in certain special abilities and skills. Whether such differences have or do not have a genetic basis, girls to become more verbal at eleven, whereas boys at twelve and thirteen are said to do better in mathematics. Girls are also more skillful in patient, minute handwork. ⁽⁶⁾ And so on.

Along with this differences goes a set of psychological and entellectual differences. While men tend to rationalize, women are said to be more intuitive. Man is harsher and a down to earth thinker, and woman is more gentle and sentimental. Man usually has more resistance to emotional provocations, while woman is more sympathetic and tender. ⁽⁷⁾

The Positon of Woman in Islam

Woman, like man, is the possessor of free personality, and enjoys equality with man in respect of her spiritual and moral status. We can say that woman, as a human, is equal like man. The Holy Qur'an makes no distinction between man and woman.

Allah says:

"Say to the believing men that they should cast down their looks and quard their private parts, that is purer for them; surely, Allah is aware of what they do. And say to the believing vomen that they should cast down their looks and quard their private parts and not display their ornaments except what appears there of, and let them wear their headcovering over their bosoms. . . "⁽⁸⁾

Also, Allah said what means:

"Say the muslim men and women, the believing men and women, the devout men and women, the trutful men and women, the enduring men and women, the charitable men and women; and, the men and women who remember Allah much (or engage much in Allah's praise), Allah has prepared for them forgiveness and a great reward. . "⁽⁹⁾

(6) Mohammed Abdurrauf, *Ibid.* p. 23.

(7) Mohammad Abdurrauf, *Ibid.* p. 23-23: In detail, see: İlhami Güler, "Roots of Sexual Inequalities in the Qur'an", *Journal of Islamic Research*, Vol: 5, No: 4, 1st. , October, 1991, pp. 312-319.

(8) Qur'an, Al Nour, 30-31.

(9) Qur'an, Al Ahzaap, 35.

"To men there is a right in what they have earned, likewise to women there is a right in what they have earned. "(10)

"And their Lord answered them; verily, I will never cause to be lost the labour of any of you. Be you a male or a female the one of you is as the other. . . "(11)

"As to thief, male or female, cut off their hands as a recompence for what they have earned, and a punishment exemplary from Allah. . . "(12)

"The fornicatress and the fornicator-scourge each one of them a hundred stripes. "(13)

Much more verses could be said, but we are satisfied with these verses. Here, the following are asserted: (14)

a) The individual, male or female, has a full right over that which he or she earns; and each is equally entitled to a right of inheritance in these estate left behind by a parent or a kin⁽¹⁵⁾ These rights are further expanded in other Qur'anic verses and Hadith instances, as well as in the legal system which developed and grew on the basis of the sources. Women's rights to possess wealth, movable or immovable, and their freedom of action over this properties were fully recognized in measures equal to these granted to men. These rights were implemented and exercised without restraints throughout the centuries of the life of Islam.

b) Men and women are addressed in the same breath as equally responsible agents, required to observe the law, promised good rewards for compliance and warned of punishment on disobedience. An interesting point here is that men and women are equally urged to be chaste, and both are commanded to lower their gaze to maintain their chastity, neither party is granted a concession. This equalities had been never seen in the others history of nations and juridical of codes.

(10) Qur'an, Al Nisah, 32.

(11) Qur'an, Al-Imraan, 195.

(12) Qur'an, Al Maidah, 38.

(13) Qur'an, Al Nour, 2.

(14) Mohammad Abdurrauf, *Ibid.* p. 15.

(15) Qur'an, Al Nisah, 7.

İnequalities of Condition

This title is very important and sensitive topic. Indeed, as a human being, woman enjoys equality of status with man. With this, however, there are also "inequalities of conditions" which have been necessitated by the differences in her physical constition, mental make up and her distinct roles in society as mother and as wife. This division of role is made by Allah, What Can we do? Thus: ⁽¹⁶⁾

a) As a Mother

In the verses we have quoted concerning with the view of human being, we find that the Holy Qur'an lays special emphasis on the rule of mother thereby pointing to the süperiority of her role in respect of child- as a consequence of which she deserver devotion greater, and honour higher than the father. ⁽¹⁷⁾ So, the motherhood is different far from the fatherhood.

b) As a Wife

Women, as a wife, side by side with enjoying equal fundamental rights, she has been placed one degree below the husband in the matter of administering the affairs of the family. Allah says:

". . . but men have a degree of advantage over them. . ." ⁽¹⁸⁾

It should, however, be clearly kept in mind that, in the Qur'anic verses/teachings, the husband and the wife stand in complementary relation to each other, and never and never in the relation of the ruler and the ruled. Allah says also, ". . . there are a comfort to you, as you are to them. . ." ⁽¹⁹⁾ It is, in this way in which men and women are functuonally created different, that each complements the other. Man needs the emotional sensitivity and gentleness of woman and she needs his masculine matter of fact, manly firm shelter. In this subject Fazlurrahman says" "in the presence of the husband, the Holy Qur'an has not chosen her to function as the head of the family, because owing to his masculine constition and appropriate mental make up, the husband is better equipped to earn livelihood for the family in general. The Holy Qur'an refers to this functions of husband, when speaking of his role for the wife. "⁽²⁰⁾

(16) M. Fazlurrahman, "The position of woman in İslam", Muslim World League, Mecca, 1974, Vol: 2, No: 1, pp. 45-46. See also İlhami Güler, İbid. p. 312.

(17) M. Fazlur Rahman, İbid, pp. 45-46.

(18) Qur'an, Al Bakara, 228.

(19) Al Bakara, 187.

(20) M. Fazlur Rahman, İbid. p. 46; see also: M. G. Al Fandy, İbid. p. 25.

The Qur'an says:

"Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the others, and because they spend of their wealth (for supporting them and other members of family).⁽²¹⁾

Of course, the husband has to administer the family jointly with wife, according to the Qur'anic law:

"(Believers are those) who conduct their affairs by mutual consultation (and not arbitrarily)⁽²²⁾ But their roles have to be different. Here again, the difference in the roles, they play in the family, which are equally important but complementary and reciprocal, should not carry with it a value judgement of superiority, even when there is a degree of inequality of authority in the interest of the group.⁽²³⁾

c) As a Sharrer in inheritance

In respect of inheritance, the Holy Qur'an has laid down the law: "Allah (thus) directed you as regards your children's inheritance; to the male a portion equal to that of two females. . ."⁽²⁴⁾

This, however, has nothing to do with the inferiority of human, the real reason behind this inequality in share being that the male has been given the role of the bread-winner for the family and, as such, entrusted with the financial burden of himself and his wife and children, while the female has not been given the role of bread-winner and, as such, has not been entrusted with any financial obligations toward anyone, including her husband and children. Indeed, not even her own, because that has been made the obligation of the husband. Thus, although getting half of the share of male's share, she, in most cases, remains at an advantage as compared with male, rather than suffering loss.⁽²⁵⁾

In the context of islamic law, the husband-wife relationship is thus a reciprocal complementary pattern in which the spouses are equal in dignity and in due respect while their roles and mutual obligations are not necessarily

(21) Qur'an, Al Nisah, 34.

(22) Qur'an, Al Şhoura, 38.

(23) M. Abdurrauf, *Ibid.* p. 29; See, in detail: İlhami Güler, *Ibid.* p. 310-311; M. Hayri Kırbasıođlu, "Main Critiques Directed to the Qur'an Regarding to the Status of Woman", *Journal of Islamic Research*, Vol: 5, No: 4. October 1991, pp. 271-276.

(24) Qur'an, Al Nisah, 11.

(25) M. Fazlurrahman, *Ibid.* p. 46; M. H. Kırbasıođlu, *Ibid.* pp. 276-279.

identical. Their roles are best conceived of as attitudes and responsibilities, rather than specific work and activities.

d) As Giver Of Evidence in Law-Suits of Witnesses of Woman

The position of women in this issue, concerns only with the economical treatments, but not with separation of women from men, as supposed or as its wrongly interpreted.

In its law of evidence, the Holy Qur'an had laid down: ". . . and get to two witnesses out of your own men, and if there are not two men, then a man and two women, such as ye choose for witnessess, so that if one of them errs (in her memory) the other can remind her. . . ." (26)

This law is based on the fact that unlike man, whose sphere of activity is mostly outside the home and who thereby gains a rich experience of and a sharp judgement about men and things, the natural sphere of activity for the woman is the home, which doesn't allow her to acquire the same richness of experience and sharpness of judgement regarding the affairs of the outside world. Hence, she is not likely to hold her own under the severe strain of cross-examination, because of which any possible short-coming on her part as a witness to a case is required to be made up through a second woman's evidence. (27) On the other hand, the position of the woman should be considered in the historical and sociological context of that the Qur'an revealed.

This is the Muslim point of view deducible from the above verse itself. And it bears no insult for womanhood. The non-muslim point of view respect to woman's evidence is, however, harsh and insulting to her: In the Judaic Law, it is well known, woman is completely debarred from giving evidence. There are many samples of the inferior positions of woman in the history of West, and other religious taughts.

Marriage and Woman

Marriage, is a solemn contractual agreement between an eligible male and eligible female concluded in the presence of witnesses whereby they become acknowledged as husband and wife. The marriage contract as conceived of by muslims is a legal commitment sanctioned by Allah and acknowledged by society.

(26) Qur'an, Al Bakara, 282.

(27) M. Fazlurrahman, *Ibid.* p. 47: For further information, see: Ali Bulaç, "Testimony Of Woman in the Context of -Maqâsîd al Shariah-" *Journal of Islamic Research*, Vol: 5, No: 4, October/1991, pp. 292-309.

The Qur'anic point of view with regard to the institution of marriage is based on the following principles and laws: ⁽²⁸⁾

a) Interdependence of man and woman in ensuring fullness of life for each other through mutual affection, mutual protection as husband and wife has been stressed by using a metaphor of profound beauty:

"...They are garment unto you, and you are a garment unto them." ⁽²⁹⁾

b) For those who can afford it, marriage is an obligation

"Marry those among you who are single and the pious among your slaves male or female; if they are in poverty, Allah will give them means out of His grace; Allah is, of ample means, and knowth all things." ⁽³⁰⁾

c) Marriage is a Social Contract

The word "nikah", used for marriage in the Holy Qur'an, originally means "aqd". Thus, the word "nikah" implies that marriage is a social contract, and not a sacrament, although it is a sacred contract. We mean, that, although the nikah as a social contract is a sacred ceremony, but, according to Islam, the marriage, is not sacred treatment. So, it doesn't have to be. Conducted at the hands of "clergyman". So as Islam doesn't recognize religious ranks. Moreover, The Qur'anic permission to terminate the relation of marriage, if it becomes absolutely impossible for the husband and the wife to continue that relation, proves that the Qur'an regards marriage as a social contract only. ⁽³¹⁾

The Qur'an draws attention to the divine wisdom in creating mankind as a bisexual species, reproduced through mating between two members of the same species but of different sex. It reads what means:

"And one of His signs is that He created for you, of your species, spouses that you may repose in them (tranquility with them), and He has set between you love and mercy. Verily, in this, there are signs for a people who reflect." ⁽³²⁾

Because the man and the woman are different two species of a same

(28) M. Fazlurrahman, *Ibid.* p. 47; M. Abdurrauf. *Ibid.* pp. 30-49.

(29) Qur'an, Al-Bakara, 187.

(30) Qur'an, Al Nour, 32.

(31) M. Fazlurrahman, *Ibid.* p. 48.

(32) Qur'an, Al Roum, 21.

type. Therefore, relations between the husband and the wife have been conceived as based on mutual co-operation, love and compassion.

d) Polygamy and Woman

Islam, it is true, permits a restricted type of polygamy, but does not encourage it. The only Qur'anic verse which contains the permission for polygamous marriage, says:

"And, if you fear that you will not be able to justly with the orphans, marry other women who seem good to you, or three and four; and if you fear that (in case of having more wives than one) you will not be able to deal justly (with them), then marry only one (free woman) or (captive) that your right ad possess. That will be more suitable to prevent you from doing injustice."⁽³³⁾

It is to be borne in mind, that this liberal legislation was made against a restrictive background of psychological, sociological, historical and economical factors. The human inclination normally confines a man to mating with one spouse; and the fear of tension at home which is bound to arise from bringing in a co-wife, and the financial burden involved, are safeguards against uncontrolled frequency of polygamy, moreover, the Qur'an guards against the abuse of this liberation by warning with what means:

"And indeed you can not do justice between women, even when you are eager to be (completely just. . .)"⁽³⁴⁾

The Qur'an has some important verses concerning this issue; as an attention-getter. That is, the verses in question don't enjoy polygamy, but only permit it.

Unrestricted polygamy, which had been rampant among the pre-Qur'anic Arabs and many other nations of the world, has been restricted to the maximum of four. The permission relates to situations of emergency and not to normal conditions of life and society, and its based, not on considerations of lust, nor any benefit accruing to the marrying male, but on the principle

(33) Qur'an, Al Nisah, 3. It is narrated that, cause of sending this verse. This verse was revealed after the battle of Uhud, which gave rise to a situation of emergency, Appreciable number of Muslims men were killed in the battle, leaving behind orphans and widows, and giving rise to preponderance of adult females. Also there were some women captives of war, what could be done against at this situation? so, it this situation had been occurred in the past, in the same time it can be occurred in today also, it means that, this a sociological law and conditions.

(34) Qur'an, Al Nisah, 129.

of sacrifice of providing protection and support to orphans, while undergoing a severe tension of dealing with all the wives. ⁽³⁵⁾

The permission of polygamy is conditioned by one's ability to deal equitably with his wives, which even at the formal level is an extremely difficult condition to fulfill except for those who are thoroughly disciplined, stick to spiritual and moral values above everything else, and enter into marriage for spiritual considerations- for the sake of obtaining Divine Pleasure. Thus, this verse, instead of inducing the men to practise polygamy, recommends to them monogamy. ⁽³⁶⁾

Finally, as it mentioned before, looking at the Qur'anic permission to polygamy with an unbiased mind, every rational person is bound to be conceived that in the situations of emergency, namely, whenever there is a preponderance of felames-as it happened after the World War II in Germany and ather countries-and wherever there is a problem of the uncared for and unsolicited widows and orphans, it becomes a moral duty of God-fearing people to practise polygamy, whereby alone the individuals can be saved from disaster and the community can escape the horrors of prostitution.

We may say as a conclusion that the woman does not a slave and not commodity, but she is an individual worthy of dignity and respect; an independent humanbeing, a social person, a legal person, a responsible agent, a free citizen, a servant of Allah.

(35) M. Fazlurrahman, *Ibid.* pp. 49-50; M. Abdurrauf, *Ibid.* pp. 105-107.

(36) M. Fazlurrahman, *Ibid.* p. 49.

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