Islam and Women

Misconceptions and Misperceptions

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Shehzad Saleem



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A Foundation for Islamic Research and Education

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Foreword

The stance of Islam regarding certain issues relating to women has remained a hot subject of debate, especially in the last few centuries. Although Islam does not support the basic tenets of the feminist movement, it must be conceded that this movement has served to create awareness in educated Muslim women regarding some of the viewpoints that are presented to them, under the label of Islam, by the clergy.

A careful study of these issues will show that many controversies regarding the stance of Islam on women have arisen because of misunderstanding the view of Islam in this regard. In recent times, the works of Ḥamīd al-Dīn al-Farāhī (d. 1930 AD), Amīn Aḥsan Iṣlāḥī (d. 1997 AD) and Jāved Aḥmad Ghāmidī (b. 1951 AD) have attempted to clarify the stance of the Islamic *sharī'ah* on various issues.[1] Most of the clarifications presented in this booklet are based on their research. In some cases, I have attempted to clarify an issue keeping in view their overall approach.

No research is final. Being a human endeavour, it can never be without blemishes. However, every new research needs to be given a serious thought. We would

1. For brief biographical notes on these scholars, see the Appendix at the end of the book.

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therefore request our readers to critically evaluate the ideas presented and weigh the arguments that are proffered in the light of reason and revelation.

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Shehzad Saleem
Al-Mawrid, Lahore
December, 2009

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There exist a number of misconceptions regarding the stance of Islam on women. Before these misconceptions and misperceptions are discussed, it seems essential that some space be devoted to an age old question regarding women: What exactly is their role in the society? Many religious scholars argue that women should be confined to their homes and they should stick to serving the needs of their husbands and rearing the next generation. Modernists argue that women are seen to be simply wasting themselves in a typical eastern society. They have nothing to do except indulging in gossip and meaningless household problems.

In this regard, it needs to be appreciated that the role of women in the society can be understood if the following aspects are kept in consideration:

1. The *sharī'ah* (divine law) revealed by the Almighty is very brief and succinct. The thesis is that human intellect can itself discover the way out in most affairs. It is only at certain crossroads where it is likely to falter that Islam intervenes to guide it. In the sphere of gender and social interaction too – the sphere which one comes across so often – only certain guiding points have been

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given. In this regard, as far as the *sharī'ah* is concerned, broadly speaking, Islam has given principle guidelines in matters such as the formation and dissolution of a family, its organization under a head, the dress code and behavioural conduct in social contact.

2. While stating this *sharī'ah*, there is a directive which the Qur'ān gives in this regard in its lofty style, the brevity of which touches sublimity. It says:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ (٢ :٢٢٨)

And just as according to [society's] norms these women have obligations [towards their husbands], they also have rights, although men [as husbands] have a status above women. (2:228)

This divine directive – a mere few words – covers a world of wisdom and sagacity. Evidently, it ends once and for all the debate regarding the role of women. What is implied is very clear: it is the sound conventions and traditions of a society which govern the responsibilities and rights of women. In other words, it is the collective conscience of a society that determines them. Also, since the conventions and customs of different societies can be different, these rights and responsibilities can be different in different societies. Who should raise children and look after them, who should cook the food and who should clean the house are all matters in which we must look towards traditions and customs of a society. If they do not contradict the *sharī'ah* and are also not against morality and universal norms of sense and reason, they

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should be adhered to.

3. Consequently, women have before them a whole arena of activities. They can do everything which is not against the healthy conventions of their society. They should educate themselves as far as they can and contribute positively to the society through their intellect, talent and ability. Earning for themselves is certainly not prohibited. They can pursue careers just as men can. However, as pointed out, they should always give due respect to the precepts of the *sharī'ah.*

We now turn to the general misconceptions and some nagging questions that have arisen regarding Islam and women.

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1. Women are less Sensible than Men

The following Ḥadīth is generally presented to support the view that women are less sensible than men:

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أَضْحَى أَوْ فِطْرٍ إِلَى الْمُصَلَّى فَمَرَّ عَلَى النِّسَاءِ فَقَالَ ...مَا رَأَيْتُ مِنْ نَاقِصَاتِ عَقْلٍ وَدِينٍ أَذْهَبَ لِلُبِّ الرَّجُلِ الْحَازِمِ مِنْ إِحْدَاكُنَّ قُلْنَ وَمَا نُقْصَانُ دِينِنَا وَعَقْلِنَا يَا رَسُولَ اللَّهِ قَالَ أَلَيْسَ شَهَادَةُ الْمَرْأَةِ مِثْلَ نِصْفِ شَهَادَةِ الرَّجُلِ قُلْنَ بَلَى قَالَ فَذَلِكِ مِنْ نُقْصَانِ عَقْلِهَا أَلَيْسَ إِذَا حَاضَتْ لَمْ تُصَلِّ وَلَمْ تَصُمْ قُلْنَ بَلَى قَالَ فَذَلِكِ مِنْ نُقْصَانِ دِينِهَا

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> Abū Sa'īd al-Khudrī narrated : "Once the Prophet (sws) set off for the prayer place on the occasion of *'īd al-fiṭr* or *'īd al-aḍḥā*. He passed by a group of women and said: '… and I have seen no one more than you rob even a resolute man of his senses in spite of being *nāqiṣāt 'aql wa dīn*.' They said: 'O Allah's Messenger! What is this *naqṣ* in our religious and worldly affairs?' He said: 'Is not the evidence of a woman equal to half of a man's.' They said: 'Yes.' He said: 'This is the *naqṣ* in their worldly affairs.' He said: 'Is it not a fact that when they enter the period of menses they neither pray nor fast.' They said: 'Yes.' Whereupon he said: 'This is the *naqs* in their religious affairs.'"[1]

This misconception has arisen because of a wrong translation of the Arabic phrase *nāqiṣāt 'aql wa dīn*. The word *naqṣ* has generally been translated as "defective" keeping in view the Urdu meaning of the word. However, in Arabic, the verb نَقَصَ (*naqaṣā*) means "to reduce",[2] and the word عقل (*'aql*) here means "worldly affairs" since it is used in conjugation with the word دين (religion). Keeping in view, both these aspects, the correct translation of the above phrase, if the context is also taken into consideration, is that women have been given a relief and reduction in their worldly and religious affairs.

1. Abū 'Abdullāh Muḥammad ibn Ismā'īl al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, 3rd ed., vol. 1 (Beirut: Dār Ibn Kathīr, 1987), 116, (no. 298).

2. See, for example: Muḥammad ibn Mukarram ibn Manẓūr, *Lisān al-'arab*, 1st ed, vol. 7 (Beirut: Dār ṣādir, n.d.), 100.

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The relief in worldly responsibilities, as is mentioned in this Ḥadīth, is that women have not been dragged in certain activities and spheres. For example, the Qur'ān urges men to testify on legal documents so that women are relieved of appearing in courts and wasting their precious time on affairs which others can handle. Only if men are not available should a society involve women in such affairs.

The relief women have been given in religious affairs is that they are not required to pray or fast during their monthly periods as is mentioned in this Ḥadīth.

So what must be kept in mind is the fact that the meaning of a word does not always remain the same in two different languages. For example, the word غَلِيْظ in Arabic means "firm" while in Urdu it means "dirty". Thus the Qur'ān (4:21) has referred to marriage as مِيثَاقًا غَلِيْظًا (a firm agreement).

Moreover, people who think that women are less sensible than men on the basis of this Ḥadīth do not realize that the Hadith is not merely saying that women are *nāqiṣāt-i 'aql*, it is also saying they are *nāqiṣāt-i dīn*. If *nāqiṣāt-i 'aql* means that there is some defect in their *'aql* (intellect), then by the same token, *nāqiṣāt-i dīn* should mean that there is also some shortcoming in the religion they follow! This of course is absurd and as referred to above is the result of keeping the Urdu meaning of the word in consideration.

2. Women must travel with a *Maḥram*

Most scholars are of the opinion that women cannot

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travel alone. They must be accompanied by a *maḥram* (a relative with whom marriage is prohibited). Therefore, in journeys such as *ḥajj*, they do not allow women to travel alone. The following Aḥādīth are the basis of their view:

Abū Hurayrah narrates that the Prophet (sws) said:

لَا يُحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الآخِرِ تُسَافِرُ مَسِيْرَةَ يَوْمٍ وَلَيْلَةٍ إِلاَّ مَعَ ذِي مَحْرَمٍ عَلَيْهَا

"It is not permissible for a woman who believes in Allah and the Last Day to travel a distance for one day and one night without a *maḥram* with her."[3]

Abū Sa'īd narrates that the Prophet (sws) said:

نُهِيَ أَنْ تُسَافِرَ الْمَرْأَةُ مَسِيْرَةَ يَوْمَيْنِ إِلَّا وَمَعَهَا زَوْجُهَا أَوْ ذُوْ مَحْرَمٍ

"A woman has been stopped from travelling a distance for two days except with her husband or *maḥram* with her."[4]

It needs to be appreciated that there are a number of Aḥādīth in which directives have been given by the Prophet (sws) for the well-being of the Muslims. However, if the circumstances in which such directives have been given change, then as is the case with all conditional directives such directives may no longer

3. Abū al-Ḥusayn Muslim ibn al-Ḥajjāj al-Qushayrī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 2 (Beirut: Dār iḥyā' al-turāth al-'arabī, n.d.), 977, (no. 1339).

4. Ibid., vol 2, 976, (no. 827).

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apply in the changed circumstances.

The directives given to Muslim women about travelling belong to the above mentioned category. To ensure a safe journey for a woman and to protect her moral character from any scandalous allegation in the strife-ridden society of Arabia, the Prophet (sws) bade them travel with a *maḥram* relation.

Thus, all tours and journeys etc in which the above two bases still exist, the condition of a woman travelling with a *maḥram* must be followed. However, with the changed circumstances of modern times, travelling has become very different from what it used to be. There are some travels in which safety, both physical as well as moral, is ensured. So, in such cases, the *maḥram* condition no longer applies. As far as the decision as to which journeys have become safe is concerned, the traveller must decide for herself.

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3. Men are Superior to Women

It is argued by some people that men are superior to women. They present the following verses in support of their view:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنفَقُوا مِنْ أَمْوَالِهِم ا (٤:٣٤)

Men are the guardians of women, because God has given the one more preference over the other, and because they support them. (4:34)

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وَ لِلرِّجَالِ عَلَيْهِنَّ دَرَجَه (٢:٢٢٨)

And the husbands hold a degree of superiority over them. (2:228)

It needs to be appreciated that as per the Qur'ān (see, for example: 3:195 and 4:1), men and women as human beings are equal and deserve equal respect. However, they have been entrusted with different responsibilities in a family set-up which make them superior to one another in various respects. According to the Qur'ān (4:34), as far as a husband is concerned, one sphere of his superiority is his status as the head of the family alluded to in 2:228 with the words "husbands are one degree superior to their wives". There are certain spheres in which women by nature – physical, physiological as well as psychological – are superior to men and much more suitable to do certain tasks. Thus 4:34 speaks of the relative superiority of a husband to his wife – that too in responsibility and status – in just one sphere and cannot be generalized] .

Two reasons have been given in 4:34 for granting husbands this status: Firstly, because they are, generally, physically and temperamentally more suited to this task and secondly, because they have been entrusted with the responsibility of earning for the family. It also needs to be appreciated in this regard that Islam does not forbid women to earn a living. It has only relieved them of the responsibility of earning, which lies upon their husbands. It also needs to be understood that the verse does not say that the one among the husband or wife who supports the family should become the head; husbands, whether their

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wives earn or not, are liable for this responsibility. A woman may earn if she likes or if some need arises, but since she has not been entrusted with this duty, she has not been given the governing position in the family.

Here it would be appropriate to analyze another concept which has also contributed to the notion that men are superior to women. As per a Ḥadīth, a woman is created from the rib of man referring to the fact that Eve was created from Adam's rib and thus was a secondary being. The text of the Hadīth is:

عن أبي هُرَيْرَةَ رضي الله عنه قال قال رسول اللّٰه صلى الله عليه وسلم اسْتَوْصُوا بِالنِّسَاءِ فَإِنَّ الْمَرْأَةَ خُلِقَتْ من ضِلَعٍ وَإِنَّ أَعْوَجَ شَيْءٍ في الضِّلَعِ أَعْلَاهُ فَإِنْ ذَهَبْتَ تُقِيمُهُ كَسَرْتَهُ وَإِنْ تَرَكْتَهُ لم يَزَلْ أَعْوَجَ فَاسْتَوْصُوا بِالنِّسَاءِ

Abū Hurayrah reports that Allah's Prophet said: "Treat women well for a woman is created from a rib, and the most curved portion of the rib is its upper portion; so, if you should try to straighten it, it will break, but if you leave it as it is, it will remain crooked. So treat women well."[5]

It needs to be appreciated that ,according to the Qur'ān, Eve was not created from Adam's rib. The first verse of Sūah Nisā' explicitly states that the first man and woman (Adam and Eve) were created directly by the Almighty:

5. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 3, 1212, (no. 3153).

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يَاأَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا (٤:١)

O Mankind! Fear your Lord, Who created you from a single person and created, of like species his mate, and from these two scattered countless men and women [in this world], and fear Allah through whom you seek mutual help and fear breaking blood relationships. Indeed God is watching over you. (4:1)

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Some people translate this verse as: "It is He Who has created you from a single person (Adam) and then He created from him his wife (Eve)." They explain this verse by saying that Eve was created from the rib of Adam. This misleading translation has probably arisen because of a literal translation of the Arabic words: "وَخَلَقَ مِنْهَا زَوْجَهَا viz. and created from it [–the initial soul–] his wife." Actually, the word مِنْهَا (from the soul) does not imply that "Eve was made from Adam"; it rather implies that Eve was made from the same species as Adam. A similar verse points to this interpretation:

وَاللَّهُ جَعَلَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَاجًا (١٦:٧٢)

It is God who has made from your species your mates. (16:72)

A literal translation of the words جَعَلَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَاجًا of the above quoted verse (which are similar to وَخَلَقَ مِنْهَا زَوْجَهَا) would mean "it is God Who has created your mates

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from you," implying that every wife is made from her husband as Eve was. This of course is incorrect; the word *anfus* (plural of *nafs*) in this verse means "genre", "species" and not "physical being".

As far as the actual Ḥadīth quoted above is concerned, it needs to be appreciated that in Arabic the words "created from" do not necessarily refer to the substance of creation; they can also refer to the nature of something. For example, the Qur'ān says: "Man has been created from hastiness," (21:37). This does not of course mean that man's substance is hastiness; it only refers to his nature.

Secondly, if all the textual variants of this Ḥadīth are collected and analyzed, it becomes evident that the Prophet (sws) has compared the nature of a woman with a rib. The comparison subtly alludes to the fact that a woman's nature is very delicate and tender as well as a bit adamant. The Prophet (sws) has advised men to treat them tactfully keeping in view this nature. Instead of forcing them to accept a particular point of view, men should try to convince and persuade them.

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4. Women can't become Heads of State

A vast majority of Muslim scholars believes that women cannot become heads of state. Many of them base their view on the following Ḥadīth:

عن أبي بَكْرَةَ قال لقد نَفَعَنِي اللهُ بِكَلِمَةٍ سَمِعْتُهَا من رسول اللَّه صلى الله عليه وسلم أَيَّامَ الْجَمَلِ بَعْدَ ما كِدْتُ أَنْ أَلْحَقَ بِأَصْحَابِ الْجَمَلِ فَأُقَاتِلَ مَعَهُمْ قال لَمَّا بَلَغَ رَسُولَ اللَّه صلى الله عليه وسلم

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أَنَّ أَهْلَ فَارِسَ قد مَلَّكُوا عليهم بِنْتَ كِسْرَى قال لَنْ يُفْلِحَ قَوْمٌ وَلَّوْا أَمْرَهُمْ امْرَأَةً

Abū Bakrah reported: "Allah has given me the benefit of a word – which I heard from the Messenger of Allah – during the days of [the battle of] al-Jamal, when I was about to join the people of al-Jamal and fight alongside them: when the Messenger of Allah heard that the people of Persia had appointed the daughter of Chosroe, he said: 'People who appoint a woman as their leader will never succeed.'"[6]

This Ḥadīth suffers from the following flaws:

1. It is evident from the very text of the narrative that it was never known until the battle of Jamal took place in 36 AH. It was brought forward only after Ā'ishah (rta) faced 'Alī (rta) in battle. Before that, it was never heard of – which of course is quite strange.

2. One of the narrators is 'Awf ibn Abī Jamīlah about whom scholars of *rijāl* know that he used to give preference to 'Alī (rta) over 'Uthmān (rta) and it is also known that since Ā'ishah (rta) sided with 'Uthmān (rta), a group of the followers of 'Alī (rta) targeted her to besmear her character. Moreover, the Ḥadīth can never be applied to the case of 'Ā'ishah (rta) since she never claimed to be the ruler of the Muslims.

3. It is a *gharīb* Ḥadīth. In Ḥadīth parlance, a narrative which has just one narrator in any section of its chain is

6. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 4, 1610, (no. 4163).

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called *gharīb*.[7] It renders the narrative quite weak. It is only Abū Bakrah who reports this narrative at the top of this chain. The nature of the narrative is such that other companions too should have reported it from the Prophet (sws), but we find none.

4. If the content of the Ḥadīth is analyzed, one can easily conclude that the Prophet (sws) could never have uttered these words. After all, success in this world was attained by many nations who had women rulers until the time of the Prophet (sws) and even after him.

5. Last but not the least, this Ḥadīth is against the Qur'ān. It is the purport of the Qur'ān (42:38) that anyone who enjoys the confidence of the majority is eligible to become the ruler of the Muslims:

وَأَمْرُهُمْ شُورَى بَيْنَهُمْ (٤٢: ٣٨)

And their system is based on their consultation. (42:38)

The implication of this directive is that a Muslim government should be formed on the basis of a majority mandate, exist if it continues to enjoy this mandate and be deposed if it does not.

Nowhere does the Qur'ān exclude women from this general principle.

Another argument put forth by some against a woman head of state is that since Islam says that the head of a family should be a man and since a family is the basic unit of a state or society, therefore only a man should be the head of state.

7. See, for example: Abū 'Amr ibn Ṣalāh al-Shahrazūrī, *Muqaddimah* (Beirut: Dār al-fikr, 1977), 270.

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In this regard, it needs to be understood that a family structure and a state structure are inherently different from one another as far as governance is concerned.

According to the Qur'ān (4:34), the head of a family is chosen on the basis of temperament and physical qualities and because of the fact that the head should be the bread winner of the family. It says that men in general are more suited not only temperamentally and physically for this purpose, they have also been entrusted with the responsibility of earning for the family.

On the other hand, as pointed out above, the head of a state should be a person who enjoys the confidence of the majority. This is a requirement of the Qur'ānic injunction "Their affairs are decided on the basis of mutual consultation, (42:38)". Hence, if a woman enjoys this confidence in some country, then, of course, it means that it is the will of the majority that a woman should rule it. In such cases, it is essential to follow the will of the majority.

In other words, it can be said that since the criterion of selection of a head of a family is different to that of the selection of a head of state, one cannot analogously deduce a directive for one on the basis of the other.

5. The *Diyat* of Women[8]

Diyat denotes the fine a murderer has to pay to the

8. The clarification presented in this section is based on Ghāmidī's view. See: Jāved Aḥmad Ghāmidī, *Mīzān*, 4th ed. (Lahore: Al-Mawrid, 2009), 622-623.

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family of the victim in case he or she is granted pardon. It is believed that if a lady is murdered the fine to be be paid to her relatives would be half the amount of what would have been paid in case a man was murdered.

Consider now the verse of the Qur'ān which mentions this issue:

فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتِّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ (۲:۱۷۸)

Then for whom there has been some pardon from his brother, [the remission] should be followed according to the *ma'rūf* and *diyat* should be paid with goodness. (2:178)

It is evident from this verse that the *diyat* should be paid according to the *ma'rūf* of a society. *Ma'rūf* means the customs and conventions of a society.

In the times of the Prophet (sws), the *ma'rūf* of the Arab society was that the *diyat* of a woman was half that of a man. So while following the directive of the Qur'ān regarding *diyat*, the Prophet (sws) enforced the *ma'rūf* of his society.

The *ma'rūf* of different societies may be different and therefore the *ma'rūf* of each society should be followed. In other words, Islam has not obligated Muslims to discriminate in this matter between a man and a woman, a slave or a free man and a Muslim or a non-Muslim. It wants them to follow the *ma'rūf* of our society. Scholars have erroneously enforced the *ma'rūf* of the Arab society of the times of the Prophet (sws). Since then, the wheel of fortune has revolved through fourteen more

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centuries and the tide of time has sped past innumerable crests and falls. Social conditions and cultural traditions have undergone a drastic change.

As per this Qur'ānic directive, every society is to obey its custom, and since in our own society no law about *diyat* exists, those at the helm of affairs of our state can re-legislate in this regard. Ibn 'Ābidīn, a celebrated Hanafite scholar, writes:

اعلم أن لمسائل الفقهية أما إن تكون ثابتة بصريح النص وهى الفصل الأول واما إن تكون ثابتة بضرب اجتهاد ورأي وكثير منها ما يبنيه المجتهد على ماكان في عرف زمانه بحيث لو كان في زمان العرف الحادث لقال بخلاف ما قاله أولا ولهذا قالوا في شروط الاجتهاد انه لابد فيه من معرفة عادات الناس فكثير من الأحكام تختلف باختلاف الزمان لتغير عرف أهله أو لحدوث ضرورة أو فساد أهل الزمان بحيث لوبقى الحكم على ماكان عليه أولا للزم منه المشقة والضرر بالناس ولخالف قواعد الشريعة المبنية على التخفيف والتيسير ودفع الضرر والفساد

It should be noted that juristic issues either stand proven by a categorical injunction which is the first type, or stand proven by *ijtihād* and opinion [which is the second type]. Most issues of the second category are based by the *mujtahid* upon the customs and traditions of a particular period in such a way that if he had been present in an age which had a different custom and tradition, he would have given a different opinion. Hence, about *ijtihād*, they also state that that

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one of the necessary conditions is to have a clear understanding of the habits and common practices of the people because with change in times a lot of the directives change. This may be due to a number of reasons. For example, if there is a change in the general custom, requirement of a situation or a fear of disorder in the general condition of the people and a directive is continued in its original state it might create difficulties for them or inflict a loss upon them; this would be against the principles of the *sharī'ah* which are based upon facility, comfort, and prevention of damage and disorder.[9]

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6. The Testimony of Women

In the opinion of most Muslim jurists, the testimony of a woman – where acceptable to them – is half that of a man.[10] They base their view upon the following verse of the Qur'ān:

وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنْ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ

9. Ibn 'Ābidīn, *Rasā'il Ibn 'Ābidīn*, 1st ed. (Damascus: Al-Maktbah al-ḥāshimiyyah, 1325 AH), 125.

10. Abū al-Walīd Muḥammad ibn Aḥmad ibn Muḥammad ibn Rushd, *Bidāyah al-mujtahid wa nihāyah al-muqtaṣid*, 1st ed., vol. 4 (Beirut: Dār al-ma'rifah, 1997), 311. It may be noted that in *ḥudūd* (punishments ordained by God), most jurists do not accept the testimony of a woman at all.

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إِحْدَاهُمَا الْأُخْرَى (٢:٢٨٢)

And call in two male witnesses from among your men [over the document of loan]. And if two men cannot be found, then one man and two women from among those whom you deem appropriate as witnesses so that if either of them gets confused the other reminds her. (2:282)

While critically analyzing this view, Ghāmidī writes:[11]

This view of our jurists concerning the testimony of a woman is not correct owing to the following two reasons:

Firstly, the verse has nothing to do with the bearing of witness to an incident. It explicitly relates to testifying over a document. It is very obvious that in the second case witnesses are selected by an external agency, while in the first case the presence of a witness at the site of an incidence is an accidental affair. If we have written a document or signed an agreement, then the selection of witnesses rests upon our discretion, while in the case of adultery, theft, robbery and other similar crimes whoever is present at the site must be regarded as a witness. The difference between the two cases is so pronounced that no law about one can be deduced on the basis of the other.

Secondly, the context and style of the verse is such

11. Jāved Aḥmad, *Burhān*, 6th ed. (Lahore: Al-Mawrid, 2009), 28-31.

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that it cannot relate to law or to the judicial forums of a state. It is not addressed to a court of law in that if such a law suit is presented before them by a claimant, then they should call in witnesses in this prescribed manner. On the contrary, this verse directly addresses people who borrow and lend money over a fixed period. It stresses that if they are involved in such dealings, then an agreement between the two parties must be written down, and to avoid disputes and financial losses only witnesses who are honest, reliable and morally sound should be appointed. At the same time their personal involvement and occupations should be such that they are capable of fulfilling this responsibility in a befitting manner. The verse should not be taken to mean that a law-suit will only stand proven in court if at least two men or one man and two women bear witness to it. It is reiterated that the verse is merely a guidance for the general masses in their social affairs and counsels them to abide by it so that any dispute can be avoided. It is for their own benefit and welfare that this procedure should be undertaken.

Consequently, about all such directives the Qur'ān says:

ذَلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَى أَلَّا تَرْتَابُوا (٢:٢٨٢)

This is more just in the sight of God; it ensures accuracy in testifying and is the most appropriate way for you to safeguard against all doubts. (2:282)

Ibn Qayyim comments on this verse in the following

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manner:

فهذا في التحمل والوثيقة التي يحفظ بها صاحب المال حقه لأفي طريق الحكم وما يحكم به الحاكم فان هذا شيء وهذا شئ

It relates to the heavy responsibility of testifying by which an owner of wealth protects his rights. It has no concern with the decision of a court. The two are absolutely different from each other.[12]

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7. Female Circumcision

It is believed by some scholars that like the male offspring, the female offspring must also be circumcised.[13] They base their opinion primarily on the following Ḥadīth:

عَنِ الْحَجَّاجِ عَنْ أَبِي الْمَلِيحِ بن أُسَامَةَ عن أبيه أَنَّ النبي صلى الله عليه وسلم قال الْخِتَانُ سُنَّةٌ لِلرِّجَالِ مَكْرُمَةٌ لِلنِّسَاءِ

Abū Malīḥ reports from his father that the Prophet is reported to have said: "Circumcision is a *sunnah* for men and an honourable thing for women."[14]

12. Ibn Qayyim, *I'lām al-muwwaqi'īn*, vol. 1, 91.

13. While referring to al-Manāwī's *al-Taysīr*, Shams al-Ḥaq 'Aẓīmabādī records that Imām Shāfi'ī regards it to be obligatory. See: Shams al-Ḥaq 'Aẓīmābādī, *'Awn al-Ma'būd Sharḥ Sunan Abī Dā'ūd*, 2nd ed., vol. 14 (Beirut: Dār al-kutub al-'ilmiyyah, 1995), 125.

14. Aḥmad ibn Ḥanbal, *Musnad*, vol. 5 (Cairo: Mu'assasah

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It needs to be appreciated that this narrative is not soundly attributed to the Prophet (sws) because of the presence of al-Ḥajjāj ibn Arṭah, who is weak.[15] For this reason, no directive can be derived from it. The fact that only the male offspring must be circumcised is an established Sunnah of the prophet in this regard.

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al-Qurṭubah, n.d.), 75 (no. 20738). Ibn ‘Abbās (rta) reports a similar narrative from the Prophet (sws); however, al-Bayhaqī has regarded it to be weak. See: Abū Bakr Aḥmad ibn al-Ḥusayn al-Bayhaqī, *Al-Sunan al-kubrā*, vol. 8 (Makkah: Maktabah Dār al-Bāz, 1994), 324. Still another variant reported by Ibn ‘Abbās contains Sa‘īd ibn Bashīr in its chain of narration. Authorities like Yaḥyā ibn Ma‘īn and Ibn Numayr regard him to be unreliable. See: ‘Abd al-Raḥmān ibn Abī Ḥātim, *Al-Jarḥ wa al-ta‘dīl*. 1st ed. vol. 4 (Beirut: Dār al-iḥyā’ al-turāth al-‘arabī, 1952), 6.

15. Shams al-Dīn Ḥanbalī, *Tanqīḥ taḥqīq aḥādīth al-ta‘līq*, 1st ed., vol. 2 (Beirut: Dār al-kutub al-‘ilmiyyah, 1998), 264. According the Ibn ‘Abd al-Barr, his narratives which are not corroborated by other narratives cannot be adduced from. See: Yūsuf ibn ‘Abdullāh ibn Muḥammad ibn ‘Abd al-Barr, *Al-Tamhīd limā fī al-Mu’aṭṭā’ fī al-ma‘ānī wa al-masānīd*, vol. 21 (Rabat: Wazarah al-umūr al-awqāf wa al-shu’ūn al-islāmiyyāh, 1387 AH), 59. Shams al-Ḥaq ‘Aẓīmabādī has recorded the opinions of some other authorities also on the chain of narration of this narrative. According to al-Bayhaqī, it is weak and broken. ‘Irāqī also regards the chain to be weak. According to Abū Ḥātim the erroneous content of the narrative is a product of al-Ḥajjāj or the narrator reporting from him. See: Shams al-Ḥaq ‘Aẓīmābādī, ‘*Awn al-Ma‘būd Sharḥ Sunan Abī Dā’ūd*, vol. 14, 125.

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8. Regarding *Mahr*

Mahr (dower) is a sum of money or something in kind which a husband is required to pay to his wife at the time of marriage or make a commitment that it shall be paid later. It is erroneously believed by some that *mahr* (dower) is the price of owning a wife.

In reality, the payment of *mahr* has a deep symbolic significance: Islam has entrusted the husband with the responsibility of supporting his wife and children. It is he who must earn to fulfil the requirements of the family. The *mahr* money is only a token of this responsibility. In other words, when a man pays this sum, he makes a symbolic expression of the fact that he has taken the financial responsibility of the woman he intends taking as his wife. Consequently, it is in the spirit of this commitment that he pay the agreed sum before he takes home the bride.

It would not be out of place to mention that the amount of the *mahr* money, as the Qur'ān asserts, should be fixed keeping in view the social customs and traditions of a society :

وَآتُوهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ (٤:٢٥)

... and pay them their dowers according to the custom. (4:25)

Also, as mentioned above, it is in the fitness of things that the amount be paid to the wife as soon as possible since it symbolizes one of the primary responsibilities of the husband.

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9. Women Outnumbering Men in Hell

The following Ḥadīth is often presented to support the view that women will outnumber men in Hell:

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ خَرَجَ رَسُولُ اللَّه صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أَضْحَى أَوْ فِطْرٍ إِلَى الْمُصَلَّى فَمَرَّ عَلَى النِّسَاءِ فَقَالَ يَا مَعْشَرَ النِّسَاءِ تَصَدَّقْنَ فَإِنِّي أُرِيتُكُنَّ أَكْثَرَ أَهْلِ النَّارِ فَقُلْنَ وَبِمَ يَا رَسُولَ اللَّهِ قَالَ تُكْثِرْنَ اللَّعْنَ وَتَكْفُرْنَ الْعَشِيرَ

Abū Sa'īd al-Khudrī reported: "Allah's Messenger (sws) went out to the place of prayer on the day of *'īd al-aḍhā* or *fiṭr*. So he passed by [a group of] women and said to them: 'O Women, give charity for I have been shown the majority amongst you as the inmates of Hell.' They said: 'Allah's Messenger, wherefore?' He said: 'It is because you curse one another very much and show ungratefulness to your husbands.'"[16]

This inference is incorrect and has arisen by not properly appreciating a particular style of communication used in certain Aḥādīth which depict dreams of the Prophet (sws). Such dreams are a source of revelation for the prophets of Allah, and in them they are shown certain images by the Almighty for the purpose of educating the believers. As a principle, all such dreams are not to be interpreted literally; they contain realities which are

16. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 1, 116, (no. 298).

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depicted in symbolic form.

Symbolic representation is a very subtle and powerful way of expression: Facts seem veiled yet, for him who pauses to ponder, they are most evident. They move a person in the manner poetry does. They ignite in a person the spark to look behind the apparent. They urge him to reflect and to meditate and then to discover and to infer. They educate him without rousing his prejudices. The prophets of Allah have effectively employed this technique of communication. The words and discourses of the Prophets Joseph (sws) and Jesus (sws) for example are full of powerful parables and subtle symbolism. The dream of the Prophet Joseph (sws) and the way he interpreted it is mentioned in the Qur'ān also. If he saw in his dream that the sun and the moon and eleven stars were bowing before him in prostration, he knew that these heavenly bodies symbolized certain personalities.

The Aḥādīth which depict more women in Hell should also be interpreted keeping in view this basic principle. These Aḥādīth do not delineate the population of women in Hell since this would be a literal interpretation; on the contrary, they just caution them that there are certain deeds which they do a lot and which, therefore, could be more instrumental in taking them to Hell; so they should avoid them. In other words, the symbolism is causative in nature. In the above quoted Ḥadīth, the cause has been symbolized to warn women of something which they often do.

10. Sex with Female War Captives

Among many other misconceptions about Islam is the

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notion that it gives sanction to slavery and permits its followers to enslave prisoners of war, particularly women and establish extra-marital relations with them. The fact is that Islam has not the slightest link with slavery and concubinage. On the contrary, it completely forbids these practices. It is quite outrageous to associate such an atrocious thing with a religion revealed to upgrade humanity.

The point which needs to be appreciated and which, perhaps, is the real cause of the misconception is that Islam had adopted a gradual process to abolish the institution of slavery, because of the social conditions prevalent in Arabia at that time. It must be kept in mind that slavery was an integral part of pre-Islamic Arab society. There were scores of slave men and women in almost every house. This was largely due to two reasons: First, during those times, the standard practice of dispensing with prisoners of war was to distribute them as slaves among the army which captured them. Second, there were extensive slave markets in Arabia during that period where men and women of all ages were sold like commodities.

In those circumstances where slavery had become an essential constituent of the Arab society, Islam adopted a gradual way to eliminate it. An immediate order of prohibition would have created immense social and economic problems. It would have become impossible for the society to cater for the needs of a large army of slaves who were, otherwise, dependent on various families. Also, the national treasury was in no position to provide for them all on a permanent basis. A large number among them were old and incapable of

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supporting themselves. The only alternative left for them, if they were instantly freed, would have been to turn to beggary and become an economic burden on society. The question of slave girls and women was even more critical keeping in view their own low moral standards. Freeing them, all of a sudden, would have only resulted in a tremendous increase in brothels.

Perhaps, the reason behind this gradual eradication can be understood better if one considers the position which interest occupies in the economy of many Muslim countries today. No one can refute that the economies of these countries are interest-oriented. How the parasite of interest has crippled their national economies is apparent to every keen eye. However, there is no denying the fact that without it, their economic systems cannot sustain itself. Every reasonable person will acknowledge that today if a government wishes to rid the economy of this menace then, in spite of its utter prohibition in Islam, it will have to adopt a gradual methodology. During this interim period interest-based deals will have to be tolerated and temporary laws will have to be enacted to handle them, just as the Qur'ān had given certain provisional directives about slaves during the interim period of their gradual eradication. An alternative economic framework will have to be steadily incorporated in place of the existing one. A sudden abolition, without another parallel base, will only hasten the total collapse of the economic system which, of course, will be disastrous for that country.

To avert a similar disaster and to ward off a similar catastrophe, fourteen hundred years ago, Islam had adopted a progressive and a gradual scheme to do away

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with the inhuman institution of slavery.

Various directives were given at various stages because of which it gradually became possible for this evil to be eradicated from the society. These are summarized below:[17]

1. In the very beginning of its revelation, the Qur'ān regarded emancipation of slaves as a great virtue, and urged people in a very effective way to do so. The tremendous appeal found in the words it adopted فَكُّ رَقَبَة (release of necks) can be well appreciated by a person who has a flair for the language. It is evident from the context of such expressions – wherever they are found in the Qur'ān – that it has regarded this virtue to be the first as well as the greatest step in pleasing God.[18]

In a similar manner, the Prophet (sws) also urged Muslims to liberate humanity from the yoke of slavery in the following words: "whoever liberated a Muslim slave, the Almighty in return for every limb of that slave would shield every limb of that person from Hell."[19]

2. People were urged that until they free their slaves, they should treat them with kindness. The way their masters had total and unchecked control on them in the age of *jāhiliyyah* was put to an end. They were told that slaves were human beings too, and no one should in any way violate the rights they possess as human beings.

Abū Hurayrah (rta) narrated from the Prophet (sws): "a slave has a right to food and clothing, and he shall not be

17. The subsequent paragraphs are translated and adapted from *Mīzān*. See: Ghāmidī, *Mīzān*, 479-482.

18. The Qur'ān 90:13.

19. Muslim, *Al-Jāmi' al-ṣaḥīḥ*, vol. 2, 1147, (no. 1509).

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asked to carry out an errand that is beyond him."[20]

Abū Dharr al-Ghifārī (rta) narrates from the Prophet (sws): "They are your brothers. The Almighty has made them subservient to you. So whatever you eat, feed them with it, whatever you wear, clothe them with it and never ask them to do something which is beyond them and if there is such a task, then help them out with it."[21]

Ibn 'Umar (rta) narrates from the Prophet (sws): "whoever slapped a slave or beat him up should atone this sin by liberating him."[22]

Abū Mas'ūd (rta) says: "Once when I was beating my slave I heard a voice from behind me: 'O Abū Mas'ūd! You should know that the Almighty has more power over you.' When I turned back, I found that it was the Prophet. I immediately remarked: 'O Messenger of God! I liberate him for the sake of God.' The Prophet said: 'Had you not done this, you would have been given the punishment of the Fire.'"[23]

Ibn 'Umar (rta) narrates that once a person came to the Prophet (sws) and asked: "How many times should we forgive our servant?" [At this], the Prophet kept quiet. He asked again and the Prophet again kept silent. Upon being asked the third time, he answered: "seventy times a day."[24]

3. In cases of un-intentional murder, *zihār,* and other

20. Ibid. vol. 3, 1284, (no. 1662).
21. Ibid., vol. 3, 1282, (no. 1661).
22. Ibid., vol. 3, 1657, (no. 1279).
23. Ibid., vol. 3, 1659, (no. 1281).
24. Abū Dā'ūd Sulymān ibn al-Ash'ath, *Sunan*, vol. 4 (n.p.: Dār al-fikr, n.d.), 341, (no. 5164).

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similar offences, liberating a slave was regarded as their atonement and *ṣadaqah*.[25]

4. It was directed to marry off slave-men and slave-women who were capable of marriage so that they could become equivalent in status – both morally and socially – to other members of the society.[26]

5. If a person were to marry a slave-woman of someone, great care was exercised since this could result in a clash between ownership and conjugal rights. However, such people were told that if they did not have the means to marry free-women, they could marry, with the permission of their masters, slave-women who were Muslims and were also kept chaste. In such marriages, they must pay their dowers so that this could bring them gradually equal in status to free-women. The Qur'ān says:

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمْ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ...ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ (٢٥:٤)

And if any of you does not have the means wherewith to wed free believing women, he may wed believing girls from among those whom you own: and Allah has

25. The Qur'ān: 4:92, 58:3, 5:89.

26. The Qur'ān: 24:32-33.

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full knowledge about your faith. You are one from another: so wed them with the permission of their owners, and give them their dowers, according to the norms; [the only condition is that] they should be kept chaste, neither being lustful, nor taking paramours … This permission is for those among you who fear sin; but it is better for you that you practice self-restraint. And Allah is Ever-Forgiving, Most-Merciful. (4:25)

6. In the heads of *zakāh*, a specific head فـــی الرِّقَاب (for [freeing] necks) was instituted so that the campaign of slave emancipation could receive impetus from the public treasury.[27]

7. Fornication was regarded as an offence as a result of which prostitution centres that were operated by people on the basis of their slave-women were shut down automatically, and if someone tried to go on secretly running this business, he was given exemplary punishment.

8. People were told that they were all slaves of Allah and so instead of using the words عَبْد (slave-man) and اَمَة (slave-woman), the words used should be فَتَى (boy/man) and فَتَـــاة (girl/woman) so that the psyche about them should change and a change is brought about in age old concepts.[28]

9. A big source of the institution of slavery at the advent of the last Prophet (sws) was the prisoners of war. When such a situation arose for the Muslims, the Qur'ān emphasized that they cannot be kept as slaves and must be kept as prisoners of war. After this, if they

27. The Qur'ān, 9:60.

28. Muslim, *Al-Jāmi' al-ṣaḥīḥ*, vol. 4, 1764, (no. 2249).

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were to be released, then there were two possibilities: they could be freed either by accepting ransom or as a favour by not taking any ransom money. No other option was available to the Muslims.

10. Finally the following directive was given:

وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ (٢٤: ٣٣)

And those of your slaves who ask for *mukātabat*, give it to them if you know any good in them and [for this] give them out of the wealth which Allah has given to you. (24:33)

The above quoted verse of Sūrah Nūr mentions the directive of *mukātabat*. It is a term which means that a slave make a contract with his master according to which he would be required to pay a certain sum of money in a specific time period or would carry out a specific service for his master; once he successfully fulfils either of these two options, he would stand liberated. In the above quoted verse, the Almighty has directed the Muslims to necessarily accept this contract made by a slave if he wants to make it and has the required ability to become financially independent. It is further stated that a Muslim government should spend money from the public treasury, which here is called the treasury of God, in helping such slaves. It is evident from the words of the verse that just as this right of *mukātabat* was granted to slave-men, it was also granted to slave-women. This, in other words, was in fact a declaration that slaves could now be masters of their destiny and could liberate

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themselves whenever they wanted.

11. Prohibition of Plucking Facial Hair

On the basis of the following Ḥadīth, it is believed that women are not allowed to pluck their facial hair:

عن عبد اللَّه قال لَعَنَ الله الْوَاشِمَات وَالْمُوتَشِمَات وَالْمُتَنَمِّصَات وَالْمُتَفَلِّجَات لِلْحُسْنِ الْمُغَيِّرَات خَلْقَ اللَّهِ فَبَلَغَ ذلك امْرَأَةً من بَنِي أَسَد يُقَالُ لها أُمُّ يَعْقُوبَ فَجَاءَتْ فقالت إنه بَلَغَنِي أَنَّكَ لَعَنْتَ كَيْتَ وَكَيْتَ فقال ومالي لا أَلْعَنُ من لَعَنَ رسول اللَّهِ صلى الله عليه وسلم وَمَنْ هو في كِتَابِ اللَّهِ فقالت لقد قرأت ما بين اللَّوْحَيْنِ فما وَجَدْتُ فيه ما تَقُولُ قال لَئِنْ كُنْتِ قَرَأْتِيهِ لقد وَجَدْتِيهِ أَمَا قَرَأْتِ : وما آتَاكُمْ الرَّسُولُ فَخُذُوهُ وما نَهَاكُمْ عنه فَانْتَهُوا قالت بَلَى قال فإنه قد نهى عنه قالت فَإِنِّي أَرَى أَهْلَكَ يَفْعَلُونَهُ قال فَاذْهَبِي فَانْظُرِي فَذَهَبَتْ فَنَظَرَتْ فلم تَرَ من حَاجَتِهَا شيئا فقال لو كانت كَذَلِكَ ما جامعتنا

‘Abdullāh ibn Mas‘ūd has reported: “Allah curses those ladies who practice tattooing and those who get themselves tattooed, and those ladies who remove the hair from their eyebrows and faces and those who make artificial spaces between their teeth in order to look more beautiful whereby they change Allah’s creation.” His saying reached a lady from Banī Asad called Umm-i Ya‘qūb who came [to ‘Abdullāh] and said: “I have come to know that you have cursed

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such-and-such [ladies]?" He replied: "Why should I not curse those whom Allah's Prophet has cursed and who are [cursed] in Allah's Book!" Umm-i Ya'qūb said: "I have read the whole Qur'ān, but I did not find in it what you say." He said: "Verily, if you have read it [ie. the Qur'ān], you have found it. Didn't you read: 'And whatsoever the Prophet gave you take it and whatsoever he forbade you, you abstain [from it], (59:7)'. She replied: "Yes, I did." He said: "Verily, Allah's Prophet forbade such things." She said: "But I see your wife doing these things?" He said: "Go and watch her." She went and watched her but could not see anything in support of her statement. On that, he said: "If my wife was as you thought, I would not keep her in my company."[29]

One must always keep in mind two fundamental principles while studying and interpreting Aḥādīth:

Firstly, to determine, as far as possible, the context and the background, all Aḥādīth on a particular subject should be collected and then analyzed to ascertain the overall picture.

Secondly, they must be related to the Qur'ān and Sunnah. This means that they must have a base in these two primary sources of Islam. They cannot and must not be taken independently.

Applying these principles to the above quoted Ḥadīth shows that there were a number of practices (only some of which have been mentioned in this Ḥadīth) which the Arab ladies used to undertake which entirely changed

29. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 4, 1853, (no. 4604).

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their natural physical appearance and some of which actually gave a false impression of their outward looks.

Almost all the major books of Ḥadīth mention the various texts in which these practices have been narrated. The initial part of the Ḥadīth mentioned above "... whereby change Allah's creation" itself suggests the relationship of this Ḥadīth with the Qur'ān: Verse 31 of Sūrah Rūm, reads thus:

فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ (٣٠:٣٠)

Follow the nature upon which Allah has created mankind. It is not proper to change this nature. (30:30)

It is in accordance with this principle mentioned in the Qur'ān that the Prophet (sws) forbade a number of such practices. In other words, the nature – physical as well as spiritual – of a human being must be preserved in the shape Allah has created. Consequently, anything which may become a means of changing or modifying this nature is undesirable. However, a fine distinction exists between beautification to satisfy one's aesthetic sense and alteration, the former being a permissible thing.

These Aḥādīth also mention a practice called *tanammuṣ*, which means removing the hair which extends on to the forehead in a particular style. This again was forbidden by the Prophet (sws). The Ḥadīth quoted above contains this word; however it has been erroneously translated as "to remove hair from the face."

In the light of this analysis, it is evident that removing hair from the face is something which the Prophet (sws) never forbade.

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12. Going out without the Husband's Permission

There is a Ḥadīth which says that a lady must seek permission from her husband before going out:

عَنْ بن عُمَرَ عَنِ النَّبِي أَنَّ امْرَأَةً أَتَتْهُ فَقَالَتْ مَا حَقُّ الزَّوْجِ عَلَى امْرَأَتِه فَقَالَ... لاَ تَخْرُج مِنْ بَيْتِه إِلاَّ بِإِذْنِه

Ibn 'Umar reports from the Prophet that once a lady came to the Prophet and asked him about the rights of a husband on his wife. He replied: … she should not leave his house without his permission.[30]

It needs to be appreciated that a family by analogy is similar to a state. All citizens of a state are expected to abide by the rules and regulations of the country they live in. They are expected to adopt an attitude of adjustment and harmony with the country. This, of course, does not mean that they cannot differ with its policies. They have the inalienable democratic right to differ and present their differences in a befitting manner. This submission is actually an essential requirement for discipline and order without which anarchy may result. Similarly, in the case of a family set up, it is essential that the person who is its head be shown obedience. In other words, submission to authority is not specific to the gender of the authority. Whoever is the authority, must be submitted to. Gender does not dictate submissiveness – it is authority which

30. Al-Bayhaqī, *Al-Sunan al-kubrā*, vol. 7, 292, (no. 14490).

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does. It is common knowledge that in different spheres of activities people have different abilities and justice entails that a person be made responsible according to his or her abilities and given authority on that basis. We have been informed by divine revelation that it is the husband who is more suitable to be the head of the family. Owing to this relative superiority, women are directed by the Qur'ān (4:34) to submit to men not because men are superior human beings, but because in this particular case it is the men who have been vested with authority. If women had been more suitable for the task of heading a family, men would have been similarly directed to adopt this attitude of adjustment.

Thus Islam requires that the wife adopt an attitude of adjustment and harmony with the husband and the husband is required to be affectionate and accommodating as far as possible to the needs of his wife. He must not impose any undue restrictions on her for this will ignite the wrath of God upon him.

With regard to a wife seeking her husband's permission before leaving the house, the proper perspective must be understood. In general circumstances of mutual trust, there is no need for a wife to ask permission from her husband to go out. However, in certain circumstances in which the husband genuinely considers that going out might disrupt the family in any way, he has the authority to exercise his right of stopping her and in these circumstances, she should always ask permission to leave the house. In this regard, the husband must remember that if he imposes himself without any sound and justifiable reason, he would be crossing the bounds and invoking the displeasure of the

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Almighty. His wrong behaviour may even lead the wife to abandon him for which he would be solely responsible.

13. *'Iddat* Restrictions[31]

It is generally held that divorced or widowed women must spend their *'iddat* while being permanently confined to their homes and wearing white clothes. Moreover, the *'iddat* period is generally not spent at the husband's house.

In this regard, the following points must be clearly understood:

Firstly, the basic reason for observing this period is to ascertain whether a lady is pregnant or not. It is to protect the lineage of the husband that she undergoes this wait. The words فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ (no period of *'iddat* have they for ẏóu ẃhich you can ask them to complete) of Sūrah Aḥzāb clearly point to the fact that if pregnancy is a possibility, then observing the *'iddat* is an obligation imposed on the wife from the husband. Consequently, if a lady is past her child bearing age or if it can be determined through scientific means that a lady is not pregnant, she will not be required to observe the *'iddat*. On these very grounds, the Qur'ān has exempted newly married women who have not gone near their husbands from *'iddat*:

31. The clarifications presented in this section are translated and adapted from *Mīzān*. See: Ghāmidī, *Mīzān*, 438-460.

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يَاأَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمْ الْمُؤْمِنَاتِ ثُمَّ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمَسُّوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُّونَهَا (٣٣:٤٩)

Believers! When you marry believing women, and then divorce them before you have touched them, no period of *'iddat* have they for you which you can ask them to complete. (33:49)

Secondly, during *'iddat*, neither should a wife leave her house nor is the husband authorized to turn her out from her house. Living together might hopefully be beneficial for both and they might reconcile and thus save a family from breaking. The only exception to this is that if a wife is guilty of fornication in which case neither is it proper to demand from the husband to keep the wife in the house nor can the benefit be attained for which this directive had been given.

Thirdly, as far as the restrictions of *'iddat* are concerned, all of them are based on protecting the lineage of the child that a widow or a divorced lady might be carrying. She can go out for any purpose which includes activities as austere as the *ḥajj* and as light as an amusement park if she has made sure that this basic objective is not sacrificed.

Fourthly, for a widow, *'iddat* has its own sanctity and she should observe this period with solemnity and austerity. So natural is this observance that widows of most societies are not required to be told to dress and behave in accordance with the norms of society due to the circumstances that they are faced with.

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14. Marriage with Minor Girls

There are some scholars[32] who make the fourth verse of Sūrah Ṭalāq as basis of their opinion that Islam has allowed marriage and its consummation with minor girls. This is an erroneous conclusion. Marriage with minor girls is an issue which has not been discussed by the Qur'ān at all.

However, the referred verse has nothing to do with this issue. If the linguistic principles of the Arabic language are taken into consideration, the correct translation of the last part of this verse is:

وَاللَّائِي يَئِسْنَ مِنَ الْمَحِيضِ مِن نِّسَائِكُمْ إِنِ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ (٦٥:٤)

And those of your women who have ceased menstruating and those women whose menstrual courses have not begun in spite of the fact that they have reached the age in which women normally have menses, their waiting period is three months as well. (65:4)

This translation stems from the fact that the Arabic particle used for negation in this verse is *lamm* (لَمْ) and not *mā* (مَا).[33] The verse is generally translated by disregarding this subtle difference as:

32. See, for example: Abū al-A'lā Mawdūdī, *Tafhīm al-Qur'ān*, 14th ed., vol. 5 (Lahore: Idārah tarjumān al-Qur'ān, 1985), 571.

33. See: Ghāmidī, *Mīzān*, 454.

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وَاللَّائِي يَئِسْنَ مِنَ الْمَحِيضِ مِن نِّسَائِكُمْ إِنِ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ (٦٥:٤)

And those of your women who have ceased menstruating and those women whose menstrual courses have not begun, their waiting period is three months as well. (65:4)

Consequently, it is generally construed that in this verse the *'iddat* (waiting period) of those divorced women (girls more so) is stated who have yet to reach the age of puberty. So the proponents of this view infer that Islam allows marriage with minor girls.

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15. Refusing Sex to the Husband

On the basis of the following Ḥadīth, it is understood that if a wife refuses sex to her husband she will be cursed by the angels:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ فَبَاتَ غَضْبَانَ عَلَيْهَا لَعَنَتْهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ

Abū Hurayrah reported that the Prophet said: "When a husband calls his wife to bed, and she refuses and [as a result] the husband spends the night in anger, then angels curse the wife all night till dawn."[34]

34. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 2, 1257, (no. 3237).

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In order to understand this Ḥadīth, the following points need to be understood:

Firstly, a husband and wife safeguard the chastity of one another by providing one another a legitimate means of satisfying the sexual urge. This protection of chastity is essential for the preservation of the family unit – the very institution on which the stability of a society hinges. Hence anything which puts chastity in jeopardy is disliked by the Almighty.

Secondly, a man is an addressee of the directive mentioned in this Ḥadīth on an equal basis. This is evident from the directive of *īlā'* mentioned in the Qur'ān (2:226-7) in which the Arabs of the pre-Islamic period would swear to sever sexual relationship with their wives because of anger. Although the husbands were prescribed a period of four months to decide the fate of their wives by either resuming these relations or divorcing them, it is evident from the directive that in normal circumstances a husband is not allowed to sever sexual relations with his wife without a valid reason. So much so, if a person swears such an oath, he must break it. Such relations are the right of a wife and if a husband does not fulfil them, then he can be regarded a criminal both in the eyes of the law and before the Almighty in the Hereafter.

Thirdly, the basis of refusal by the husband or wife must also be taken into consideration. If either of them is tired, sick or simply not in the proper mood and in the appropriate frame of mind, then this does not entail any wrath of the Almighty. It is only when a spouse starts to deliberately evade such natural needs of the other that the attitude becomes questionable.

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16. The Right to Beat Wives

The right given by the Qur'ān to the husbands to physically punish their wives in certain circumstances is an issue which has become a subject of hot debate. The issue needs to be understood in its true perspective. The Qur'ān says:

وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيًّا كَبِيرًا (٣٤:٤)

And as for those from whom you fear rebellion, admonish them [first] and [next] refuse to share their beds and [even then if they do not listen] punish them. Then if they obey you, take no further action against them. Indeed, Allah is Exalted and Mighty. (4:34)

The following implications of this verse need to be understood in their proper perspective:

i. Firstly, this measure can only be resorted to when a wife starts to challenge the authority of the husband and threatens to disrupt the family set-up. It is in fact a last resort to protect the institution of family from breaking up. It must not be resorted to in anything less in severity than a rebellious attitude from the wife. This rebellious attitude is termed as نُشُوز (*nushūz*) by the Qur'ān. It has not used the word "disobedience". Any difference of opinion or altercation is not to be resolved by this

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procedure. Disagreements and disputes must be settled mutually. It is only when the wife stands up against the authority of her husband that this procedure should be employed.

ii. Before resorting to physical chastisement, the two previous stages mentioned by the Qur'ān (4:34) must elapse. The husband should first of all admonish his wife and convince her to give up her defiant behaviour. He should exercise all the patience he can muster to urge and beseech her to change her stance. If, after repeated pleas and continuous admonition over a considerable span of time, the wife continues to persist in her rebellious attitude, he has the authority to go on to the second stage by avoiding marital contact with her. This detachment, it is clear, is a form of reproof, and a very strong appeal to the wife to correct herself. Again, this attitude should continue for a substantial period of time so that the point is driven home. It is highly unlikely that most wives would persist in their arrogance after these two initial stages. In all probability, patience, forbearance, and restraint would have conquered their hearts. However, even after this stage, if a wife refuses to accept the authority of her husband, the husband has the right to finally resort to gentle physical punishment.

iii. If the husband is left with no alternative but to physically punish his wife, he must be very careful in this regard and must not wound or injure her. He should remember that this physical chastisement is similar to the one a mother gives to a rebellious son or the one a teacher gives to an unruly student. He must be aware that in case he misuses this authority in any way, he will be held responsible before the Almighty on the Day of

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Judgement. In this world also, his wife has the right to report his behaviour to the authorities who can punish him for any misconduct in this regard.

iv. It finally needs to be considered that all rights must be exercised with prudence keeping in view the circumstances. Exercising one's right is never obligatory. There can be circumstances in which a person chooses not to exercise this right.

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17. The Daughter's Share in Inheritance[35]

Why is the share of a daughter one half that of a son? Does this mean that sons occupy more importance than daughters? This issue too needs to be understood in its proper perspective.

It is a universally acknowledged fact that the extent of help and co-operation which a person receives from his parents, children and other similar relations has little chance of being paralleled by any other association. Undoubtedly, the world has always considered the kith and kin of a deceased as the rightful beneficiaries of the wealth he has left behind. But certain issues in this regard have always remained unresolved; for example, who among the kindred is nearest with respect to the benefit he holds for the deceased? And how should the inherited shares be ascertained on this basis? In this matter, the extent to which the human mind has faltered and stumbled can be seen from the history these frequent

35. The clarification presented in this section is based on Ghāmidī's view. See: Ghāmidī, *Mīzān*, 499-500.

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blunders have continued to make. It is not that human endeavour in this regard has fallen prey to any lack of application; rather it is due to certain inherent limitations of the human mind which have made the task itself beyond its reach. Love, hatred, prejudice and other emotions have made it impossible for human intellect to come to grips with this challenge. Consequently, the Almighty Himself has guided mankind in this affair to relieve an Islamic society from the disorders which have originated on this account:

آبَآؤُكُمْ وَأَبناؤُكُمْ لاَ تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعاً فَرِيضَةً مِّنَ اللّهِ إِنَّ اللّهَ كَانَ عَلِيما حَكِيمًا (٤: ١١)

You know not who among your children and parents are nearest to you in benefit. This is the law of God. Indeed, God is Wise and all-Knowing. (4:11)

It is clear from the above quoted verse that the law of inheritance as stated in the Qur'ān is based on the underlying cause of "the nearest in benefit", as indicated by the words لاَ تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعاً (you know not who among your children and parents are nearest to you in benefit). Consequently, the directive in reality does not pertain to the relatives but is related to the underlying cause present in this relationship, which actually entitles them to become the heirs.

Thus the basic reason why the share of a son is more than that of a daughter is the fact that in the life of parents the son is usually more beneficial to them than the daughter. This is so simple a fact that it can be easily

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understood in societies where the institution of family is still very strong and has deep roots. In a family system, parents become dependent on the children as they grow old. The ease and comfort they feel in living with a son is much more than what they feel while living with a daughter. The simple reason is that a son is independent in taking decisions while a daughter, once she gets married, is actually more dependent on her own husband and is not so independent. The modern western mind feels averse to this distribution because the family system is dwindling in their society.

One thing which may be worth mentioning here is that there may be cases even in societies having a strong family system where a daughter may prove more beneficial to her parent(s) than the son; similarly, there may be cases in which a daughter may require more monetary help because of her circumstances. This can of course be true for a son as well. In such cases, there is a provision that a daughter or a son be given more wealth through a will made in their favour. This will, it is clear, is not on the basis of one's kinship with the deceased for if it is regarded so, it will alter the divine shares; this will is on the basis of some need of an heir. As per another provision in Islamic law a parent, in his lifetime, can gift as much wealth as is deemed necessary to a child.

In short, the 2:1 ratio pertains to normal circumstances; in exceptional ones there exist remedies in the Islamic law – some of which have been explained above.

Lastly, this difference of share is among the children only since the difference in benefit exists. On the other hand, as far as receiving the inheritance of a child is concerned, in most cases stipulated by Islamic law, both

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the mother and the father receive an equal share (ie one sixth) because for a child the benefit from a mother and a father is equal.

18. Polygamy

Some people are of the opinion that Islam has allowed a Muslim to have up to four wives at one time since having four wives is a man's essential physical and psychological need. This inference is not correct. In normal circumstances, a family comes into being through wedlock between one man and one woman. A subtle reference to this is made by the Qur'ān (4:1) where it alludes to the fact that when the Almighty created Adam, he made Eve for him as his only wife. Naturally, had a man physically needed more than one wife, the Almighty would have created more wives for Adam instead of just one.

In this regard, it should be understood that the issue of polygamy has been mentioned in the Qur'ān as a means to make use of this pre-Islamic practice to solve a certain social problem that had arisen in those times: Many men were martyred in various battles leaving behind orphaned children. The Qur'ān appealed to men of that society to come forward to help these orphaned children by marrying their mothers, since these mothers, if supported, would be in the best position to ensure their upbringing. In other words, the view of the Qur'ān is that people were taking to polygamy for various reasons and they would do a great service if they marry to solve the plight of these orphans. The Qur'ān says:

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وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَى فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَى أَلَّا تَعُولُوا وَآتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا (٤: ٣-٤)

And if you fear that you shall not be able to deal justly with the orphans, marry [their mothers] that are lawful to you, two two, three three, four four; but if you fear that you shall not be able to deal justly [with them], then only one, or those which your right hands possess. That will be more suitable to prevent you from doing injustice. And give these women their dowers also the way dowers are given; but if they, of their own good pleasure, remit any part of it to you, take it and consume it gladly. (4:3-4)

It needs to be appreciated that it was basically due to social, psychological, political and cultural needs that the need for polygamy arose. Such needs existed in various societies to different extents. To cater for these very needs the Almighty never forbade this practice in the *sharī'ah* He gave in various periods of time. Here, in these verses, Muslims are directed to make use of this practice to solve a social problem that had arisen in the time of the Prophet (sws).

The next thing that a person should know is that as per the Qur'ān if a person cannot maintain justice between his wives in this regard he should not marry more than one even for a purpose as noble as supporting the

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orphans. One can be more attached to one wife than the others. This is but natural and to demand justice in this matter is injustice itself. What is required from the husband as verse 4:3 points out is that as far as the rights of the wives are concerned, he must always deal fairly and equally among them. The Qur'ān has further clarified this issue in the following words:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا

(٤: ١٢٩-١٣٠)

And even if it is your ardent desire, you will never be able to be totally just between wives; [so it is enough] if you do not completely incline yourself to a wife altogether, so as to leave the other aside. And if you come to a friendly understanding, and fear Allah; Allah is Oft-Forgiving, Most-Merciful. But if they disagree and [eventually] must part, Allah will provide abundance for each from His bounty. He is Bountiful and Wise. (4:129-130)

There is another issue here that needs clarification since women often ask the reason for forbidding them to marry more than one husband. In this regard it needs to be understood that if a family is to come into being not only should there be only one head but also one person should not be placed under the command of multiple heads otherwise, great anarchy would result. So, just as a

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state cannot have more than one ruler, a family cannot have more than one head. Since, in the family set-up envisaged by Islam, husbands are to head the family, if a wife has multiple husbands, she would be placed under the authority of many husbands at the same time.

19. Marriage with the People of the Book[36]

It is generally understood that Islam unconditionally allows Muslim men to marry Jewish and Christian women. However, the placement and context of the Qur'ānic verse which permits such marriages show that it is desirable that certain conditions be met if such a marriage is to take place. Needless to say that the Qur'ān has been revealed as a coherent Book. It is not a disjointed collection of verses as is generally believed. There is profound structural and thematic coherence in it. Each verse has a definite context and until and unless this context is carefully considered, the true implications of a verse can usually not be ascertained. Disregarding the context of a verse often leads to serious misinterpretations which distort the stance of the Qur'ān. It is therefore of paramount importance that each verse be interpreted in the light of its context.

Consider now the context of the related verse. The following verse immediately precedes it:

36. The clarification presented in this section is based on Iṣlāḥī's view. See: Amīn Aḥsan Iṣlāḥī, *Tadabbur-i Qur'ān*, 2nd ed., vol. 2 (Lahore: Faran Foundation, 1986), 465-466.

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الْيَوْمَ يَئِسَ الَّذِينَ كَفَرُواْ مِن دِينِكُمْ فَلاَ تَخْشَوْهُمْ وَاخْشَوْنِ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتْمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الإِسْلاَمَ دِينًا (٥: ٣)

This day the disbelievers have abandoned all hope of vanquishing your religion. Have no fear of them: fear Me. This day I have completed your religion for you and completed My favour upon you and have chosen for you Islam as your religion. (5:3)

Consider next, the verse under consideration:

الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُواْ الْكِتَابَ حِلٌّ لَّكُمْ وَطَعَامُكُمْ حِلٌّ لَّهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُواْ الْكِتَابَ مِن قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ وَلاَ مُتَّخِذِي أَخْدَانٍ (٥: ٦)

This day all things good and pure are made lawful to you. The food of the People of the Book is lawful to you, and yours to them. Lawful to you are the chaste among the believing women and the chaste women among the People of the Book, provided that you give them their dowers and desire chastity neither committing fornication nor taking them as mistresses. (5:6)

It is clear from the above mentioned verses that these directives pertain to the period when the supremacy of Islam had been established in Arabia – when the

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disbelievers had lost all hope of overcoming the Islamic forces and the Muslims had become an unconquerable force. It was in these circumstances that the Muslims were permitted to marry Jewish and Christian women. Moreover, it is evident from the verse that only virtuous and upright women among the People of the Book were allowed to be taken in marriage. It is evident that in such conditions and circumstances, there was virtually no possibility of the Muslims being influenced by their religious directives and cultural traditions. Instead, there was a far greater possibility that such marriages would positively influence the women of the People of the Book by inducing them to accept Islam.

By analogy, therefore, such marriages today seem desirable only in societies where the cultural traditions and legal injunctions of Islam hold sway.

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20. Forced Marriages

The custom of forcibly marrying off one's daughter or sister prevails in many feudal Muslim societies.

This, it must be appreciated, is absolutely against the freedom which Islam has granted women in choosing their spouses.

Here is what the Prophet (sws) is reported to have said:

عن أبي هُرَيْرَةَ عن النبي صلى الله عليه وسلم قال لَا تُنْكَحُ الْبِكْرُ حتى تُسْتَأْذَنَ ولا الثَّيِّبُ حتى تُسْتَأْمَرَ فَقِيلَ يا رَسُولَ اللَّهِ كَيْفَ إِذْنُهَا قال إذا سَكَتَتْ

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It is narrated by Abū Hurayrah (rta) that the Prophet (sws) is reported to have said: "A widow must not be married off without her consent and the consent of a virgin is [also] necessary." People inquired: "How should her consent be obtained." The Prophet answered: "If she stays quiet it means that she agrees to it."[37]

عن بن عَبَّاسٍ أَنَّ النبي صلى الله عليه وسلم قَالَ الْأَيِّمُ أَحَقُّ بِنَفْسِهَا من وَلِيِّهَا وَالْبِكْرُ تُسْتَأْذَنُ في نَفْسِهَا

Ibn 'Abbās narrates from the Prophet (sws): "A widow can take her decision herself and permission must be sought from a virgin."[38]

Such forced marriages can even be revoked:

عن خَنْسَاءَ بِنْتِ خِدَامٍ الْأَنْصَارِيَّةِ أَنَّ أَبَاهَا زَوَّجَهَا وَهْيَ ثَيِّبٌ فَكَرِهَتْ ذَلِكَ فَأَتَتْ رَسُولَ اللَّهِ صلى الله عليه وسلم فَرَدَّ نِكَاحَهُ

Khansā' bint Khudhām says that when she became a widow, her father solemnized her marriage. She did not like the decision. So she came over to the Prophet (sws) and he gave her the permission to revoke her marriage.[39]

A question may arise here: Is it imperative to seek the consent of the parents or guardians in a marriage? This

37. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 6, 2555, (no. 6567).
38. Muslim, *Al-Jāmi' al-ṣaḥīḥ*, vol. 2, 1037, (no. 1421).
39. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 5, 1974, (no. 4845).

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question has assumed great importance in this era since some marriages are taking place against the wishes of the parents and guardians.

In this regard, the stance of Islam is that the consent of the parents/guardians is not a legal requirement of marriage. The legal requirements are only two: the man and woman who intend to get married must be chaste and a man must pay dower *(mahr)* to his wife. However, the consent of the parents/guardians is a cultural and social requirement of marriage. Narratives like لَا نِكَاحَ اِلَّا بِوَلِی (no marriage should take place without the [permission of] the guardian)[40] and other similar ones actually allude to this aspect. They are a corollary of the social directives of Islam pertaining to the institution of family and based on great wisdom. Since the preservation and protection of the family set-up is of paramount importance to Islam, it is but natural that marriage takes place through the consent of the parents who are the foremost guardians. It is obvious that a marriage solemnized through the consent of the parents shields and shelters the newly formed family.

However, there can always be an exception to this general principle. If a man and a woman feel that the rejection on the part of the parents has no sound reasoning behind it or that the parents, owing to some reason, do not appreciate the grounds of this union, they have all the right to take this matter to the courts of justice. It is now up to the court to analyze and evaluate the whole affair. If it is satisfied with the stance of the man and woman, it can give a green signal to them. In

40. Abū Dā'ūd, *Sunan*, vol. 2, 229, (no. 2085).

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this case, as is apparent from a Ḥadīth,[41] the state shall be considered the guardian of the couple. On the other hand, if the court is of the view that the stand of the parents is valid, it can stop the concerned parties from engaging in wedlock. However, no one has the authority to invalidate a marriage that has not been solemnized through the consent of the parents or the guardian.

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21. Regarding Divorce and Divorce Declarations[42]

Most people are ignorant of the proper way of divorcing wives. It is generally thought that a wife stands separated from her husband if the divorce is declared thrice. This notion is against the Qur'ān which says that a lady must be divorced by just one declaration to the effect.

Moreover, there are many other misconceptions regarding divorce giving rise to the following questions:

i. Do women have a right to divorce?
ii. Should the wife pay money for seeking divorce?
iii. What is the correct way of divorce?
iv. How should wrongly given divorces be tackled?
v. In whose custody should the children be given?

i. The Right to Divorce

When a man and a woman marry each other, it is their utmost wish to remain in this relation of wedlock forever.

41. Al-Tirmidhī, *Sunan*, vol. 3, 407-408, (no. 1102).

42. The clarifications presented in this section are translated and adapted from *Mīzān*. See: Ghāmidī, *Mīzān*, 438-460.

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They are desirous of the fact that the change in times not change their commitment to each other and only death separate them in this world. But then, sometimes there does arise a situation when part they must. Differences become so pronounced that it becomes necessary to sever this relationship. If such circumstances do arise i.e. that a husband and wife must separate permanently, Islam lays down a specific procedure for this separation. In Islamic terminology, this dissolution of marriage is called divorce. It says that both a man and a woman have an equal right to it. The only difference is that a man divorces a woman while a woman demands divorce from her husband. In verses such as إِذَا طَلَّقْتُمُ النِّسَاءَ (٦٥: ١) (when you [people] divorce your wives (65:1)), the husband has been regarded as the initiator of divorce. Moreover, the Qur'ān has used the following words to seek divorce by returning the husband's gifts and wealth:

فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ (٢:٢٢٩)

> Then if you also feel that they will not be able to remain within the bounds set by Allah, there shall be no offence for either of them [regarding the gifts given by the husband] if the wife seeks divorce [by returning them to him] in ransom. (2:229)

These words bear clear evidence to the fact that the *sharī'ah* has granted the husband the right to divorce. Women, however, can seek divorce if they want to. If the husband refuses, she has the right to take the matter to court. The matter will then be decided by the ruling of

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the court.

The right to divorce, sense and reason demand, should go to the head of the family. According to the Qur'ān, it is the husband who is the head of a family, therefore, he has been given this right. In other words, this right is not "gender specific" it is "authority specific": whoever is entrusted with the authority of being the head should possess this right. Had women been more suitable to head a family, they would have been given this right.

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ii. Should the Wife pay money for seeking Divorce?

A common misconception when a woman seeks divorce from her husband is that she must give some wealth to her husband on this occasion of separation. This has no basis in the Qur'ān; on the contrary, the Qur'ān says that it is not at all permissible for the husband to demand anything from his wife on this occasion. However, there are two exceptions to this:

Firstly, if a husband has gifted a lot of wealth and property to his wife and is afraid that in divorcing her he would lose all his riches, the Qur'ān says that she can forgo some or all of her share and return it to her husband to end the whole affair. It is clear that this is only an exception and not a general principle as is generally held and practiced. It is allowed when only wealth is the husband's reason for not divorcing his wife. The Qur'ān says:

وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا
حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ

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بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ (٢:٢٢٩)

And [if you decide to depart from them, then on this occasion] it is unlawful for you to take back from them anything you have given them unless both husband and wife fear that they may not be able to keep within the bounds set by Allah. Then if you also feel that they will not be able to remain within the bounds set by Allah, there shall be no offence for either of them [regarding the gifts given by the husband] if the wife seeks divorce [by returning them to him] in ransom. These are the bounds set by Allah; so do not transgress them. And [you should know that] those who transgress the bounds of Allah are wrongdoers (2:229)

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Secondly, if the wife is guilty of open sexual misconduct. Since such a behaviour destroys the very foundation of marriage, a husband has been allowed to take back any gifts or wealth given to her. The Qur'ān says:

وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِينَ بِفَاحِشَةٍ مُبَيِّنَةٍ ... وَإِنْ أَرَدْتُمُ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَآتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُبِينًا وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا (٤:١٩-٢١)

And do not treat them with harshness that you may take away some of what you have given them – except where they have been guilty of open lewdness … and

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if you decide to take a wife in place of another, even if you had given the latter a whole treasure of wealth take not the least bit of it back: Would you take it by slander and usurping [her] rights? And how can you take it when you have lain with each other and [at the time of marriage] they have taken from you a solemn covenant? (4:19-21)

iii. The Procedure of Divorce

If a husband has decided to divorce his wife, he should first wait until she has completed her menstrual cycle and then, desisting from any further carnal relationship, he should utter the divorce sentence just once. The wife, after she has been divorced in this way, must stay in her husband's house for a period of three menstrual cycles. This period is called *'iddat*. If a woman does not have menstrual cycles owing to age, disease or any other reason, and still there is a chance of pregnancy, then she must wait for three months. For a pregnant woman this period is up to the birth of the child, while for a newly married couple who have had no contact, divorce does not entail any period of *'iddat* for the wife. According to the Qur'ān, there is one basic reason for this waiting period: to ascertain whether a wife is pregnant or not so that the lineage of the child does not remain a matter of doubt. Another thing which is achieved through it is that it affords the husband and other family members a chance to rectify the situation, for matters in which emotions and feelings run high, sometimes only time is needed for recovery.

During this *'iddat* period:

(a) The husband cannot turn his wife out from the house

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except if she is guilty of adultery, nor should she leave the house herself.

(b) The wife, if she is pregnant, must not hide her pregnancy.

(c) The husband should continue to provide for her.

(d) A husband, if he changes his mind, can revoke his decision. The only thing required, according to the Qur'ān, is that he should call in two persons to testify to his decision.[43]

If after this period of *'iddat*, a man is still firm in his stance, his wife shall be considered as separated permanently. She is now a free woman and if she wishes to marry some other person, she has all the right to do so and must not be inhibited in any way. If circumstances change, she can even remarry her former husband. Furthermore, the Qur'ān stresses that on this occasion of parting it is not at all lawful for a husband to take back any property or asset gifted to her.[44] This, it must be kept in consideration, does not pertain to *mahr* (dower) only, but to every type of gift given to the wife. Not only should a husband not take back these gifts, he should, in fact, give her something on this occasion of separation. Even if her *mahr* has not been fixed, it is better for him to give her something. If the *mahr* has been fixed but the divorce occurs before the husband and wife have had contact, he

43. This testimony, as is evident from the Qur'ān, is not a legal requirement. It is only a sound piece of advice for the welfare of the spouses.

44. The only exceptions to this rule are when the wife is guilty of committing adultery, in which case a husband can take back all the wealth and property gifted to her.

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must pay half the money, unless the wife even forgoes this. In this case also, it is better that he should give her the whole money.

However, in case the husband revokes his decision during the *'iddat* period, there is no need for re-marriage. The two shall be considered as husband and wife once again. If after annulment of this divorce, due to some reason, the untoward situation arises a second time that the husband intends to divorce his wife, the Qur'ān says that the husband can exercise his right of divorce for the second time as well. He should pronounce just one divorce sentence to repudiate his wife. Again, the post-divorce period shall be observed in the manner just described. Once again, if the husband wishes, he has the chance to revise his decision during this period, in which case the divorce shall be considered null and void and the two shall once again become husband and wife. If, unfortunately, for the third time, the situation arises that divorce becomes inevitable, the Qur'ān says that a husband can exercise his right for the third time as well and pronounce the divorce sentence. After the expiry of *'iddat* during which a husband will have to support and provide shelter to his wife (though the two are not required to live together), the wife shall be permanently separated from him. After divorcing his wife for the third time, he cannot re-marry her now, unless and until, the wife marries some other person and owing to some reason gets divorced from him – not under a planned strategy, but on account of naturally arisen circumstances. This last measure, actually, is meant to prevent this affair from becoming mere child play.

In the words of the Qur'ān:

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الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ (٢:٢٢٩)

This divorce [in which the husband can revoke his decision in the *'iddat* period] is permitted twice only, and then a woman must be retained with kindness or allowed to go with kindness. (2:229)

It is evident from these details that the Qur'ān only prescribes one divorce sentence and stresses that a husband has the right to divorce his wife three times in one marriage contract. It does not at all approve the utterance of three divorce sentences in one go. Consequently, it is clear from these details that the two prevailing procedures of divorce i.e. (1) pronouncing three consecutive divorces in one instance, and (2) pronouncing each of the three sentences in three separate months are not at all prescribed by the Qur'ān. When the Prophet (sws) came to know that a certain person had divorced his wife by pronouncing three divorce sentences one after the other, he stood up in anger and said:

أَيُلْعَبُ بِكِتَابِ اللّٰهِ وأنا بين أَظْهُرِكُمْ

In my presence, such playful attitude has been adopted with the Book of Allah.[45]

iv. Tackling wrongly given Divorces

Mentioned above is the *sharī'ah* as far as the concept

45. Abū 'Abd al-Raḥmān Aḥmad ibn Shu'ayb al-Nasā'ī, *Al-Sunan al-mujtabā*, 2nd ed., vol. 6 (Ḥalab: Maktab al-maṭbū'āt al-islāmiyyah, 1986.), 142, (no. 3401).

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of divorce is concerned. However, as it often happens with prescribed laws and procedures, situations arise in which a person is guilty of breaching the law and deviating from the right course. Human nature is prone to extreme emotional conditions in which it deviates from the path set forth by the Almighty. These deviations, it is extremely evident, are not part of the *sharī'ah*; they fall into breach of law category and it is up to the legislature of a country to enact laws about such departures. At times, such cases are even left to the discretion of the judge and at other times the judge himself is bound by the legislation done in this regard by the parliament.

In case of divorce, keeping in view various precedents, this deviation is generally of two types:

i) A husband divorces his wife during her menstrual period, or divorces her after he has had contact with her in her period of purity.

ii) A husband divorces his wife by pronouncing the divorce sentence thrice.

As far as the first deviation is concerned, an Islamic government can ask the husband to revoke his decision and carry it out in the proper manner at the proper time. The Prophet (sws) in his own times dealt with the case of 'Abdullāh ibn 'Umar (rta) in a similar manner. When he was told that 'Abdullāh ibn 'Umar (rta) had divorced his wife during her menstrual cycle, he was really annoyed and remarked:

مُرْہ فَلْیُرَاجِعْهَا ثُمَّ لِیُمْسِکْهَا حتی تَطْهُرَ ثُمَّ تَحِیضَ ثُمَّ تَطْهُرَ ثُمَّ إن

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شَاءَ أَمْسَكَ بَعْدُ وَإِنْ شَاءَ طَلَّقَ قبل أَنْ يَمَسَّ فَتِلْكَ الْعِدَّةُ التي أَمَرَ اللهُ أَنْ تُطَلَّقَ لها النِّسَاءُ

Ask him to take her back and keep her in wedlock until she is through with her menstrual cycle and then once again passes through this cycle and then is through with it. After this, he can either detain her [in wedlock] or divorce her before having sexual intercourse with her. Because it is this beginning of the *'iddat* keeping regard of which the Almighty has directed [believers] to divorce their wives.[46]

In case of the second deviation, a deliberation on the injunctions of divorce, particularly on their linguistic aspects, reveals that there are three possible solutions:

(a) The husband can be called to court and asked to testify to the nature of these pronouncements: if he testifies that he had pronounced the three sentences in anger to only strongly assert his decision or that he had thought that pronouncing three sentences was the correct procedure of divorce, the court, if satisfied by his statement, can re-unite the husband and wife. If on the other hand, a person testifies that he had consciously uttered the three sentences knowing that he was exercising his three rights in one time, the wife, of course, shall be divorced from him. The case of Rukāna ibn 'Abdi Yazīd (rta) was decided in a similar manner by the Prophet (sws).[47]

46. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 5, 2011, (no. 4953).

47. See, for example: Abū Dā'ūd Sulymān ibn al-Ash'ath, *Sunan*, vol. 2 (n.p.: Dār al-fikr, n.d.), 263, (no. 2206).

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(b) A second possible solution in this regard is that a state, while observing that people have adopted a carefree attitude in following this procedure, legislates that three divorce sentences shall be considered as three whether pronounced in anger or in a normal emotional state. A precedent of this solution can be found in the times of the caliph 'Umar (rta). He himself, in the capacity of a ruler in consultation with the members of the *shūrā*, upon seeing that people had adopted a very careless attitude in this regard, as a punishment, promulgated three divorce sentences as final.

(c) A third possible solution in this regard is that the state while observing the fact that people are mostly ignorant of the correct procedure, and in their ignorance think that the correct way of divorce is to pronounce the sentence three times, legislates that the three pronouncements shall be considered as one.

Any of these three ways can be adopted keeping in view the welfare of the Muslims. However, in adopting the second or third solutions, it is necessary that legislation be enacted in their favour, but as far as adopting the first solution is concerned, no prior legislation is needed and the matter can be left to the discretion of the judge.

v. The Custody of Minors

In post-divorce scenarios, the matter of the custody of minor children has not been touched upon in the *sharī'ah*. In other words, it is dependant upon the welfare of the children. In case of a dispute, a judge should make this ruling after analyzing the situation of a case in the light of this principle.

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Perhaps the reason for which nothing has been fixed in the *sharī'ah* in this regard is the varying circumstances which may be found in different cases.

22. The Issue of *Ḥalālah*[48]

The concept of *halālah* is one of the ugliest and the most shameful of issues of Islamic jurisprudence. According to the *sharī'ah*, if a man divorces his wife for a third time in his life, the two cannot re-marry unless the wife marries a second person and then that person divorces her due to some reason. In order to fulfil this legal requirement, subterfuges have been devised and marriages are planned with the understanding that a person will divorce the wife in order to make it legal for her to marry the first husband. In this regard, the jurists also impose the condition that before he divorces his wife he must have sexual intercourse with her. In religious parlance, this subterfuge in which a lady is legally allowed to remarry her first husband by first marrying another person and then being divorced from him after having sexual intercourse with him is called *ḥalālah.*

Needless to say that all subterfuges amount to playing with Islamic law and its spirit. Moreover, the condition of sexual intercourse imposed has arisen because of not understanding a very subtle comment of the Prophet (sws)

48. The clarification presented in this section is adapted from Ghamidī's *Mīzān.* See: Ghāmidī, *Mīzān*, 450-453.

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in a Ḥadīth. If its text reported by Imām al-Bukhārī is analyzed, it is evident that a certain lady had married a person only to become legally able to remarry her first husband. She demanded divorce from her second husband on the false grounds that her husband was sexually impotent. When the Prophet (sws) became certain of her scheme, he reprimanded her in very subtle words. He told her that she could only become "permitted" for the first husband after her second husband "tastes" her. This of course was not a condition as has been generally construed, the implied meaning being that if according to her, her second husband does not have the ability to copulate with her, then she can only be divorced from him after he copulates with her – which of course he will never since, according to her, he is not capable of it. Thus if anything can be deduced from this Ḥadīth, it is prohibition of *ḥalālah* and not vice versa. Hence it is absolutely prohibited and is tantamount to making fun of the law.

The text of the Ḥadīth is as follows:

عَنْ عِكْرِمَةَ أَنَّ رِفَاعَةَ طَلَّقَ امْرَأَتَهُ فَتَزَوَّجَهَا عَبْدُ الرَّحْمَنِ بْنُ الزَّبِيرِ الْقُرَظِيُّ قَالَتْ عَائِشَةُ وَعَلَيْهَا خِمَارٌ أَخْضَرُ فَشَكَتْ إِلَيْهَا وَأَرَتْهَا خُضْرَةً بِجِلْدِهَا فَلَمَّا جَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالنِّسَاءُ يَنْصُرُ بَعْضُهُنَّ بَعْضًا قَالَتْ عَائِشَةُ مَا رَأَيْتُ مِثْلَ مَا يَلْقَى الْمُؤْمِنَاتُ لَجِلْدُهَا أَشَدُّ خُضْرَةً مِنْ ثَوْبِهَا قَالَ وَسَمِعَ أَنَّهَا قَدْ أَتَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَجَاءَ وَمَعَهُ ابْنَانِ لَهُ مِنْ غَيْرِهَا قَالَتْ وَاللَّهِ مَا

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لِي إِلَيْهِ مِنْ ذَنْبٍ إِلَّا أَنَّ مَا مَعَهُ لَيْسَ بِأَغْنَى عَنِّي مِنْ هَذِهِ وَأَخَذَتْ هُدْبَةً مِنْ ثَوْبِهَا فَقَالَ كَذَبَتْ وَاللَّهِ يَا رَسُولَ اللَّهِ إِنِّي لَأَنْفُضُهَا نَفْضَ الْأَدِيمِ وَلَكِنَّهَا نَاشِزٌ تُرِيدُ رِفَاعَةَ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِنْ كَانَ ذَلِكِ لَمْ تَحِلِّي لَهُ أَوْ لَمْ تَصْلُحِي لَهُ حَتَّى يَذُوقَ مِنْ عُسَيْلَتِكِ قَالَ وَأَبْصَرَ مَعَهُ ابْنَيْنِ لَهُ فَقَالَ بَنُوكَ هَؤُلَاءِ قَالَ نَعَمْ قَالَ هَذَا الَّذِي تَزْعُمِينَ مَا تَزْعُمِينَ فَوَاللَّهِ لَهُمْ أَشْبَهُ بِهِ مِنَ الْغُرَابِ بِالْغُرَابِ

'Ikramah narrates that Rifā'ah divorced his wife. Thereafter she married 'Abd al-Raḥmān ibn al-Qurazī. 'Ā'ishah says that she came to her wearing a green cloak and complained of her husband and showed 'Ā'ishah her bruises – women do help one another – so when the Prophet (sws) came by, 'Ā'ishah said: "I have only seen Muslim women being treated in such a way. Her skin is greener than her cloak." 'Ikramah says that when her husband came to know that she had complained to the Prophet (sws), he also came over to the Prophet (sws) along with his two sons from his other wife. Upon seeing her husband, she got hold of the end of her cloak letting it hang from her hand and remarked: My only complaint is that whatever he has is no more than this [soft cloth]. At this, 'Abd al-Raḥmān said: "O Prophet (sws) of Allah! She has told a lie. I am very strong and can [sexually] satisfy her; the truth of the matter is that she is disobedient and wants to go back to Rifā'ah." When the Prophet (sws) heard this, he said: "If this is the case, then you shall not be

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permissible for Rifā‘ah unless ‘Abd al-Raḥmān tastes you.” Then, upon seeing the sons of ‘Abd al-Raḥmān, the Prophet (sws) remarked: “Are these your sons?” When he replied in the affirmative, the Prophet said: “Do you tell such lies [O ‘Abd al-Raḥmān’s wife]. By God! These [young boys] resemble ‘Abd al-Raḥmān more than a crow resembles another crow.”[49]

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23. The Etiquette of Sexual Intimacy

The issue of sexual intimacy between a husband and wife has given rise to a lot of confusion. It needs to be appreciated that in this regard as per the Qur’ān and its dictates, three things stand prohibited.

1. Intercourse during menses.
2. Anal intercourse.
3. Oral Intercourse.

These restrictions are mentioned in the following verse of the Qur’ān:

وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَاعْتَزِلُواْ النِّسَاء فِي الْمَحِيضِ وَلاَ تَقْرَبُوهُنَّ حَتَّىَ يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللّهُ إِنَّ اللّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ (٢: ٢٢٢)

They ask you concerning women’s courses. Tell them: “They are an impurity. So keep away from women in

49. Al-Bukhārī, *Al-Jāmi‘ al-ṣaḥīḥ*, vol. 5, 2192, (no. 5487).

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their courses and do not approach them until they have cleansed themselves from blood. But when they have purified themselves after taking a bath, approach them in the manner the Almighty has directed you [in your instincts]. Indeed, Allah loves those who constantly repent and keep themselves clean." (2:222)

This means that, barring these three restrictions, everything else has been left to the taste and inclination of the husband and wife. The freedom they have in this regard is very aptly expressed in the following verse:

نِسَآؤُكُمْ حَرْثٌ لَّكُمْ فَأْتُواْ حَرْثَكُمْ أَنَّى شِئْتُمْ وَقَدِّمُواْ لأَنفُسِكُمْ وَاتَّقُواْ اللّهَ وَاعْلَمُواْ أَنَّكُم مُّلاَقُوهُ وَبَشِّرِ الْمُؤْمِنِينَ (٢: ٢٢٣)

These women of yours are your cultivated land; go, then, into your lands in any manner you please [and through this] plan for the future[50] [of both this and the next world] and remain fearful to God. And bear in mind that you shall necessarily meet Him [one day]. And [O Prophet!] Give good tidings [of success and salvation] to the believers [on that Day]. (2:223)

The portion of the verse: "So come to your cultivated land in whatever manner you want to" refers to the liberty and freedom with which a person is allowed to

50. This implies raising children that become an asset for their parents in this world and in the Hereafter. The reason for this directive is to create awareness among parents of the great responsibility of a new child so that they may plan properly.

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come close to his wife. It is similar to how a farmer approaches his land. While explaining the expression فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ (go then, into your cultivated lands in any manner you please), Amīn Aḥsan Iṣlāḥī writes:

> [This] alludes simultaneously to two things: On the one hand, it refers to the liberty, freedom and free manner with which a farmer approaches his land, and on the other hand refers to the responsibility, caution and care which he must exercise in approaching his land. The word حَرْثٌ refers to the latter and the word أَنَّى شِئْتُمْ to the former. It is both this liberty and caution which ascertain the correct behaviour of a husband with his wife in this regard.
>
> Everyone knows that the real bliss of married life is the freedom a person has in intimate affairs barring a few broad restrictions. The feeling of this freedom has a great amount of euphoria around it. When a person is with his wife in intimate moments, Divine will seems to be that he be overcome with emotion but at the same time it is pointed out to him that he has come into a field and an orchard; it is no wasteland or a forest. He may come to it in whatever manner and in whatever way whenever he pleases, but he must not forget that he has landed in his orchard. The Qur'ān has no objection on the discretion, choice and majesty with which he approaches his field if he knows full well where he is going and in no way is oblivious of this reality.[51]

51. Amīn Aḥsan Iṣlāḥī, *Tadabbur-i Qur'ān*, vol. 1, 52.

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One aspect of the husband and wife relationship is that while fulfilling many other needs, it is also a means of satisfying the sexual urge. If this urge is satisfied between them, it secures their modesty and curbs sexual anarchy. However, if this urge is not quenched between the two, it might lead to grave deviations. It is because this relationship shields a husband and wife from any deviations that they are called each other's robes:

هُنَّ لِبَاسٌ لَّكُمْ وَ أَنْتُمْ لِبَاسٌ لَهُنَّ (٢: ١٨٧)

They [your wives] are [like] a robe for you and you [like] a robe for them. (2:187)

One can construe in the light of what has been said above that Islam has neither imposed any restriction on the position or posture for sexual intimacy. However, a person must always bear in mind that Islam is a religion that stands for purification and cleanliness – both physical and spiritual. A person's own nature, if it is not perverted, guides him to be selective and refined in exercising this discretion. He may have the liberty to do anything in this regard, but he should always remember that the spirit and essence of this liberty dictate that he should not become an animal.

It also needs to be appreciated that during menses, only sexual intercourse is forbidden as is evident from 2:222 quoted above. Other forms of sexual intimacy are allowed. Anas ibn Mālik (rta) reports:

أَنَّ الْيَهُودَ كَانُوا إذا حَاضَتْ الْمَرْأَةُ فِيهِمْ لم يُؤَاكِلُوهَا و لم يُجَامِعُوهُنَّ

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فِي الْبُيُوتِ فَسَأَلَ أَصْحَابُ النبي صلى الله عليه وسلم النبي صلى الله عليه وسلم فَأَنْزَلَ الله تَعَالَى وَيَسْأَلُونَكَ عن الْمَحِيضِ قُلْ هو أَذًى فَاعْتَزِلُوا النِّسَاءَ في الْمَحِيضِ إلى آخِرِ الْآيَةِ فقال رسول اللَّهِ صلى الله عليه وسلم اصْنَعُوا كُلَّ شَيْءٍ إلا النِّكَاحَ

Amongst the Jews, when a woman menstruated, they did not dine with her nor did they live with her in their houses. So the companions of the Prophet asked him and Allah revealed ... (See 2:222 above). The Prophet then said: "You can do everything except having intercourse with her."[52]

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24. Women bring Bad Luck

On the basis of certain narratives attributed to the Prophet (sws), there are people who have concluded that women are a source of bad luck. Thus for example it is recorded:

عَنِ بن عُمَرَ ان رَسُولَ اللَّهِ صلى الله عليه وسلم قال لاَ عَدْوَى ولا طِيَرَةَ وَالشُّؤْمُ في ثَلاَثَةٍ في الْمَرْأَةِ وَالدَّارِ وَالدَّابَّةِ

Ibn 'Umar narrates that the Prophet said that there is no contagiousness or evil omen. Bad luck, however, is in three things: a woman, a house and an animal.[53]

52. Muslim, *Al-Jāmi' al-ṣaḥīḥ*, vol. 1, 246, (no. 1339).
53. Aḥmad ibn Ḥanbal, *Musnad*, vol. 2, 152, (no. 6405).

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Now it needs to be kept in mind that in order to understand a single Hadīth, it is imperative to study all the Ahādīth of similar texts. If this is not done, then there is all the possibility of a person ending up with a wrong conclusion. This is because in most cases various incidents are recorded in them in a fragmentary manner and to construct an overall picture, all the fragments must be brought together and studied.

However, the following text of it recorded in Imam Ahmad ibn Hanbal's *Musnad* presents the true picture in this regard:

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عن أَبِي حَسَّانَ الأَعْرَجِ ان رَجُلَيْنِ دَخَلاَ على عَائِشَةَ فَقَالاَ ان أَبَا هُرَيْرَةَ يحدث ان نبي اللَّه صلى الله عليه وسلم كان يقول إنما الطِّيَرَةُ في الْمَرْأَةِ وَالدَّابَّةِ وَالدَّارِ قال فَطَارَتْ شِقَّةٌ منها في السَّمَاءِ وَشِقَّةٌ في الأَرْضِ فقالت والذي أَنْزَلَ الْقُرْآنَ على أَبِي الْقَاسِمِ ما هَكَذَا كان يقول ولَكِنَّ نبي اللَّه صلى الله عليه وسلم كان يقول كَانَ أَهْلُ الْجَاهِلِيَّةِ يَقُولُونَ الطِّيَرَةُ في الْمَرْأَةِ وَالدَّارِ وَالدَّابَّةِ

Abū Hassān reports that two people came to 'A'ishah and said to her that Abū Hurayrah narrates that the Prophet used to say that bad luck is to be found only in women, horses and houses. At this, 'A'ishah became very angry and said: "By the God who revealed the Qur'ān to the Prophet, the Prophet never said this; what he did say was that the People

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of the *jāhilliyyah* say that bad luck is found in a woman and in a house and in an animal."[54]

It is thus evident from this text of this Hadīth that this saying has been erroneously attributed to the Prophet (sws). He had actually quoted the views held by the people of *jāhilliyyah.*

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25. Fasting with the Husband's Permission

There are narratives reported from the Prophet (sws) which say that a wife cannot observe optional fasts until she seeks permission of her husband:

عن أبي هُرَيْرَةَ عن النبي صلى الله عليه وسلم لَا تَصُومُ الْمَرْأَةُ وَبَعْلُهَا شَاهِدٌ إلا بِإِذْنِهِ

Abū Huraryah reported from the Prophet: "A wife should not fast in the presence of her husband unless she seeks his permission."[55]

On the basis of such narratives it is concluded by many critics of Islam that it is a misogynist religion and oppresses women: she does not even have the right to exercise her will in offering as personal an act as worship.

54. Ibid., vol. 6, 146, (no. 26130).

55. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 5, 1993, (no. 4896). Other variants clarify that this directive relates to non-Ramaḍān months. See, for example: Aḥmad ibn Ḥanbal, *Musnad*, vol. 2, 476, (no. 10171).

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A little deliberation shows that this narrative is very similar in nature to the narrative regarding refusal of sexual intimacy by the wife elaborated upon earlier. Hence, in order to understand it, the following points need to be refreshed in memory:

Firstly, a husband and wife safeguard the chastity of one another by providing one another a legitimate means of satisfying the sexual urge. This protection of chastity is essential for the preservation of the family unit – the very institution on which the stability of a society hinges. Hence anything which puts chastity in jeopardy is disliked by the Almighty.

Secondly, a man is an addressee of the directive mentioned in this Ḥadīth on an equal basis. He too should take into confidence his wife and consult her if he wants to observe an optional fast. It needs to be appreciated that both in the Qur'ān and in the Ḥadīth, men are not addressed in this manner because generally they were the dominant party in those times; however, today these circumstances have changed in some societies, and hence this subtlety must be kept in mind while reading such narratives that both are equal addressees of such directives.

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26. Segregation from the Brother-in-Law

It is generally held by many religious people that a lady must not be seen by her brother-in-law. She must observe complete segregation from him. In this regard, if the narrative in which this issue is analyzed, a completely different picture emerges. A typical text of

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the narrative reads:

عن عُقْبَةَ بن عَامِرٍ أَنَّ رَسُولَ اللَّه صلى الله عليه وسلم قال إِيَّاكُمْ وَالدُّخُولَ على النِّسَاءِ فقال رَجُلٌ من الْأَنْصَارِ يا رَسُولَ اللَّهِ أَفَرَأَيْتَ الْحَمْوَ قال الْحَمْوُ الْمَوْتُ

'Uqbah ibn 'Āmir reports that the Prophet said: "Beware of meeting women in private." A person from the Anṣār inquired: "What is your opinion about the brother-in-law?" He replied: "A brother-in-law is [as lethal as] death [in this matter]."[56]

A simple reading of this narrative shows that it describes a precautionary measure to avoid bringing moral disrepute to a chaste man and woman: The two should not meet in private. Since women tend to be a little careless in the matter of the brother-in-law, a special precaution is sounded in this regard.

In other words, this narrative is not asking women to remain segregated from their brother-in-law. It is only telling men and women to refrain from meeting alone, and in this regard women should be especially careful in meeting their brothers-in-law in private.

Here of course there is a common sense exception. Inter-gender interactions such as between doctors and their patients and teachers and students hinge on a purpose, and as long as the purpose remains dominant, the danger of coming into moral disrepute is warded off.

56. Muslim, *Al-Jāmi' al-ṣaḥīḥ*, vol. 4, 1711, (no. 2172).

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27. Regarding the Head-Scarf

While clarifying this issue, Ghāmidī writes:[57]

The Almighty requires of a Muslim woman to not display her make-up or other embellishments like jewellery before unknown men except what she has adorned her hands, feet and face with. The Qur'ān has made it mandatory upon Muslim women to follow this directive. It is for this very reason that the tradition of wearing the head-scarf or head covering while going out of the house was established, and now has become a part of Islamic culture. Even if women have not embellished themselves and have not put on make-up, they have continued to be very vigilant in wearing some sort of head-covering. This attitude has also sprung forth from the insinuations of the Qur'ān. The Almighty has specified that the directive of covering the chest and neckline with a covering is not related to old women who have passed their marriageable age on the condition that their intention is not to show off their ornaments. The Qur'ān says that they can take off this covering before men and that there is no harm in this; however, it has simultaneously stated that what is more desirable in the sight of the Almighty is that they should be careful in this matter too and not take their coverings off their chests. It is

57. Jāved Aḥmad Ghāmidī, *Maqāmāt*, 1st ed. (Lahore: Al-Mawrid, 2008), 150-151.

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evident from this that regarding the head too, it is desirable in the sight of the Almighty that even if women have not adorned themselves in any way, even then they should not take off their head-coverings. Although covering the head is not mandatory, yet when Muslim women live with a concern for religiosity and try to draw near God, they necessarily take this precaution, and never like to come bare-headed before unknown men.

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28. Regarding Honour Killings

In the recent past, honour killings have become a stigma on the face of Islam. In a spate of frenzy, men end up killing their near of kin like sisters, daughters and wives suspecting lewdness and indulgence in illicit relations with some other person.

In this regard, the following points must be kept in consideration:

Firstly, no person has been given the right by Islam to administer punishments stipulated by Islamic law. He cannot take the law into his own hands in this regard. If a punishment is to be administered, it has to be from state authorities. Thus we find that the Prophet (sws) in his own times, once reprimanded Sa‘d ibn ‘Ubādah (rta), one of his famous companions that a husband cannot kill a person whom he finds with his wife in a compromising position. He is reported to have told him that he has a greater sense of honour than Sa‘d and that the Almighty has even a

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greater sense of honour than the Prophet (sws).[58] The implication being that the law cannot be taken into one's hands and proper procedure should be adopted.

Secondly, according to the Qur'ān, the death punishment can only be given in two situations: to a person who has killed someone or to someone who is guilty of spreading anarchy in a society. No other crime is punishable by death. The Qur'ān is very explicit in this regard:

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا (٥:٣٢)

He who killed a human being without the latter being guilty of killing another or of spreading disorder in the land should be looked upon as if he killed all mankind. (5:32)

Thirdly, if a person of chaste character has indulged in fornication, then the Prophet (sws) has directed us to hide this crime. Islam is not interested in humiliating chaste people and punishing them if they have faltered. It is only when a person becomes a nuisance in the society that the crime should be reported. One or few random instances of such deviation should not be taken notice of.

Consequently, for similar reasons, the Prophet (sws) once told a person:

لَوْ سَتَرْتَهُ بِرِدَائِكَ لَكَانَ خَيْرًا لَكَ

58. Al-Bukhārī, *Al-Jāmi' al-ṣaḥīḥ*, vol. 6, 2511, (no. 6454).

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If you had hidden the crime of this [person], it would have been better for you.[59]

29. Visiting Graveyards

It is generally thought that Islam prohibits women from visiting graveyards. This is not true. In the days of the Prophet (sws), women were initially stopped from visiting the graves because they used to vociferously wail and cry – a practice which was rampant among women in Arabia at the advent of Islam. Once women had learnt to restrain themselves at such places, they were allowed to visit the graveyards. This directive, it must be understood, is not part of the *sharī'ah*. It was a directive given by the Prophet (sws) to deal with a particular situation and was withdrawn once the required end was achieved.

The initial directive of prohibition is mentioned thus:

عن أبي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم لَعَنَ زَوَّارَاتِ الْقُبُورِ

Abū Hurayrah reports that the Messenger of God has cursed women who visit the graves.[60]

The final directive in which this prohibition was repealed is mentioned thus:

59. Mālik ibn Anas, *Al-Mu'aṭṭa'*, vol. 2 (Cairo: Dār ihyā' al-turāth al-'arabī, n.d.), 821, (no. 1499).

60. Al-Tirmidhī, *Sunan*, vol. 3, 371, (no. 1056).

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عن بن بُرَيْدَةَ عن أبيه قال قال رسول اللَّهِ صلى الله عليه وسلم نَهَيْتُكُمْ عن زِيَارَةِ الْقُبُورِ فَزُورُوهَا فإن في زِيَارَتِهَا تَذْكِرَةً

Ibn Buraydah reports from his father who reports from the Prophet: "I had stopped you from visiting the graves; you can now visit them, for this reminds [us of death]."[61]

ابن أبي مُلَيْكَةَ عن عَائِشَةَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم رَخَّصَ في زِيَارَةِ الْقُبُورِ

Ibn Abī Mulaykah reports from 'Ā'ishah that the Prophet (sws) gave concession in visiting the graves.[62]

Thus women today can visit the graves of their dead relatives. They should try not to create a scene there. Of course this does not mean that they cannot cry; it only means that they should not exceed the limit in this regard.

30. Reading the Qur'ān during Menstruation

It is generally understood that women cannot read or touch the Qur'ān when they are passing through their menstrual cycle. People generally base their opinion on the following narrative reported by Ibn 'Umar from the Prophet (sws):

61. Abū Dā'ūd, *Sunan*, vol. 3, 218, (no. 3235).

62. Abū 'Abdullāh Muḥammad ibn Yazīd ibn Mājah al-Qazwīnī, *Sunan*, vol. 1 (Beirut: Dār al-fikr, n.d.), 500, (no. 1570).

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لَا تَقْرَأُ الْحَائِضُ ولا الْجُنُبُ شيئا من الْقُرْآنِ

A lady who is passing through her menstrual cycle and a person who is in the state of *janābah* should not read anything from the Qur'ān.[63]

As per the established Sunnah of the Prophet (sws), only three worship rituals are forbidden to women during this time: fasting, praying and offering the *ṭawāf*.

As far as the narrative quoted above is concerned, it is regarded as weak by authorities.[64]

Reading the Qur'ān during this state whether by heart or through the Book is not forbidden by the *sharī'ah*.

Of course, if as a matter of personal inclination, a woman does not feel up to reading the Qur'ān in this state, it is her choice but she should realize that she has not been stopped by the *sharī'ah* in this regard.

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63. Abū 'Īsā Muḥammad ibn 'Īsā al-Tirmidhī, *Sunan*, vol. 1 (Beirut: Dār iḥyā' al-turāth al-'arabī, n.d.) 236.

64. See, for example: Abū al-'Abbās Aḥmad ibn 'Abd al-Ḥalīm ibn Taymiyah, *Kutub wa rasā'il wa fatāwā Ibn Taymiyah fī al-fiqh*, 2nd, vol. 21 (n.p.: Maktabah Ibn Taymiyah, n.d.), 460; Abū Bakr Aḥmad ibn al-Ḥusayn al-Bayhaqī, vol. 1 (Makkah: Maktabah dār al-Bāz, 1994), 309; Abū al-Faḍl Aḥmad ibn 'Alī ibn Ḥajar, al-'Asqalānī, *Fatḥ al-Bārī*, vol. 1 (Beirut: Dār al-ma'rifah, n.d.), 409; Abū 'Abdullāh Shams al-Dīn Muḥammad ibn Abī Bakr ibn Ayyūb ibn Sa'd ibn Qayyim, *I'lām al-muwaqqi'īn 'an Rab al-'ālamīn*, vol. 3 (Beirut: Dār al-jīl, 1973), 23.

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31. Change of Name after Marriage

In many Muslims countries, Muslim women change their names by adding the names of their husbands to their maiden names in place of their father's name.

It needs to be clarified here that this is not a requirement of the *sharī'ah*. It has more to do with culture and traditions of a society. Thus none of the wives of the Prophet (sws) changed their names when they married the Prophet (sws). 'Ā'ishah (rta) or Ḥafṣah (rta), for example, never became 'Ā'ishah Muḥammad (rta) or Ḥafṣah Muḥammad (rta) respectively.

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32. Misinterpretation of some verses of Sūrah Aḥzāb

There are certain directives about women which have been erroneously derived from some verses of Sūrah Aḥzāb. These can be enumerated as follows:

i. Women must cover their faces and wear large cloaks (*jilbābs)* when they go out of their houses.

ii. Women must not speak in a polite tone with strangers.

iii. Women should primarily be confined to their homes.

iv. Women should be kept secluded except from their immediate relatives.

It needs to be appreciated that all the above directives have a specific background and cannot be taken as general directives regarding women. It is imperative that this background be understood: When the Islamic message gained acclaim in Madīnah, the Hypocrites started to tease

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Muslim women and attribute scandal to the Prophet's wives. They would try as much as they could to disparage the Prophet's personal life and those of his wives. It was in this period when the incident of *ifk* took place. 'Ā'ishah (rta), the illustrious wife of the Prophet (sws), was dragged into a scandal by these mischief-mongers. While referring to this general attitude of the Hypocrites, the Qur'ān says:

وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بِغَيْرِ مَا اكْتَسَبُوا فَقَدِ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُبِينًا يَاأَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا لَئِنْ لَمْ يَنْتَهِ الْمُنَافِقُونَ وَالَّذِينَ فِي قُلُوبِهِمْ مَرَضٌ وَالْمُرْجِفُونَ فِي الْمَدِينَةِ لَنُغْرِيَنَّكَ بِهِمْ ثُمَّ لَا يُجَاوِرُونَكَ فِيهَا إِلَّا قَلِيلًا مَلْعُونِينَ أَيْنَمَا ثُقِفُوا أُخِذُوا وَقُتِّلُوا تَقْتِيلًا (٣٣: ٥٨-٦١)

And those who harass believing men and believing women unjustifiably shall bear the guilt of slander and a grievous sin. O Prophet! Enjoin your wives, your daughters, and the wives of true believers to draw over them a shawl [they may have when they go out]. It will become possible from this that they be distinguished [from slave-women] and not be harassed. God is Ever-Forgiving and Merciful. If [after these measures also] these Hypocrites and those who have the ailment [of jealousy] in their hearts and the scandal mongers of Madīnah do not desist, We will rouse you against them, and their days in that city will be numbered. Cursed be they;

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wherever found, they would be seized and put to exemplary death. (33:58-61)

The above verses also shed light on one of their subversive activities: They would tease and torment believing women and when they would be called to account, they would say that they did not know that these were believing women. While explaining the background of this verse Ibn Kathīr, the celebrated commentator of the Qur'ān, records the opinion of Suddī in the following words:

كان ناس من فساق أهل المدينة يخرجون بالليل حين يختلط الظلام إلى طرق المدينة فيعرضون للنساء وكانت مساكن أهل المدينة ضيقة فإذا كان الليل خرج النساء إلى الطرق يقضين حاجتهن فكان أولئك الفساق يبتغون ذلك منهن فإذا رأوا المرأة عليها جلباب قالوا هذه حرة فكفوا عنها وإذا رأو المرأة ليس عليها جلباب قالوا هذه أمة فوثبوا عليها

The mischief-mongers among the people of Madīnah would come out on the streets at dusk and get after the women of the Ansār. The houses of the people of Madīnah [in those days] were very small in size and at nightfall the women would go out on these streets [making their way to the fields] to relieve themselves. These evil people would tease these women. If they saw a woman who would be wearing a cloak, they would say she is a free woman [and not a slave] and would abstain [from any evil activity] and if they saw

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a woman who would not be wearing a cloak [in the way prescribed by the Qur'ān], they would pounce on her by saying that she is a slave woman.[65]

He then records the opinion of Mujāhid in the following words:

يتجلببن فيعلم أنهم حرائر فلا يتعرض لهن فاسق بأذى ولا ريبة

These women would wear cloaks [in the way prescribed by the Qur'ān] so that it be known that they are free women and the mischief-mongers would not then harm or tease them.[66]

Evidently, in order to curb this harassment of theirs, the Almighty directed believing women to make themselves distinct in appearance from other women so that these people could have no excuse to tease them. This distinction in appearance was to be made by drawing a part of their cloaks in front of them so that it protruded over their bodies.

Moreover, people who have derived the veil from these directives have translated the relevant part as: "O Prophet! Tell your wives and daughters and the wives of the believers to draw a part of their cloaks over them." "To draw cloaks over their faces" is an erroneous translation. The directive means that Muslim women

65. Abū al-Fadā' Ismā'īl ibn 'Umar ibn Kathīr, *Tafsīr al-Qur'ān al-Azīm*, vol. 3 (Beirut: Dār al-iḥyā' wa al-turāth al-'arabī, 1969), 518.

66. Ibid., vol. 3, 518.

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should draw a part of their cloaks on them so that these cloaks should dangle in front. Nowhere does the verse say that the face should be covered. In fact, the verse is devoid of the word "face". If the face was required to be covered, words to this effect should have been present: يُغَطِّيْنَ وُجُوْهَهُنَّ (*yughaṭṭīna wujūhahunna*: they should cover their faces).

It is thus evident from this discussion that the directive given in the verse regarding cloaks and seemingly covering the face has no bearing in any way to directives in general. They only prescribe a way to deal with a particular situation that had arisen in the times of the Prophet (sws).

After dealing with the first question, the following questions which remain are answered through excerpts taken from Jāved Aḥmad Ghāmidī's *Mīzān*:[67]

i. Women must not speak in a polite tone with strangers.

ii. Women should primarily be confined to their homes.

iii. Women should be kept secluded except from their immediate relatives.

A deliberation on the contents of Sūrah Aḥzāb reveals the fact that when the Hypocrites and miscreants mentioned above embarked upon a campaign to besmear the private lives of the wives of the Prophet (sws) to make the common man averse to them and to damage the moral repute of both Islam and the Muslims, the Almighty took certain measures

67. See: Ghāmidī, *Mīzān*, 469-474.

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to curb this evil: First, He gave the noble wives the choice to leave the Prophet (sws) and live the life of common Muslim women enjoying its luxuries and comforts, or to once again decide with full awareness to live forever as the wives of the Prophet (sws) in order to obtain the comforts and luxuries of the Hereafter. They were then informed that if they decided to stay with the Prophet (sws), then they needed to realize that their status as his wives entailed great responsibility. They were not like common women; they were like the mothers of the believers. Therefore, if they remained faithful to Allah and His Prophet (sws) and did righteous deeds with full sincerity, they would earn a two-fold reward. Likewise, they would be liable to be punished two-fold in relation to other women if they committed a sin. Their inner purity was beyond doubt; however, the Almighty also wanted to morally cleanse them in the eyes of the people so that no one was given the slightest chance to cast aspersions on their characters. This was a requisite of their status and they needed to adopt certain things in their daily lives to achieve this purity.

Firstly, if they were fearful of the Almighty they were told not be kind and affectionate in speech to every person who entered their house. Though in normal circumstances, one must be gentle and kind when one speaks to others, but, in the circumstances they were facing, such an attitude would only embolden the miscreants and the Hypocrites around them to take undue advantage of them. Such an

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attitude of kindness would create in them the expectation of success in their mission – the mission of whispering evil in people's hearts. So if ever they had to talk to such people, they were to speak in clear and simple tones so that those among their addressees who intended evil realized that they could not achieve their objective. The Qur'ān says:

يَانِسَاءَ النَّبِيِّ لَسْتُنَّ كَأَحَدٍ مِنْ النِّسَاءِ إِنْ اتَّقَيْتُنَّ فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي فِي قَلْبِهِ مَرَضٌ وَقُلْنَ قَوْلًا مَعْرُوفًا (٣٣:٣٢)

Wives of the Prophet! You are not like other women. So, if you fear God, do not be too complaisant in your speech, lest the lecherous-hearted should lust after you. Talk with such people in plain and simple words. (33:32)

Second, they were to remain in their homes in order to protect their rank and status. All their attitudes and mannerisms needed to be in accordance with the status that the Almighty had conferred upon them. So if they had to go out to meet some compelling need, they were told not go out displaying their ornaments and finery – something which was the way of women of the age of *jāhiliyyah*. Both their status and responsibility entailed that they remain in their houses and diligently pray and pay *zakāh* and with full sincerity spend their time in obedience to the Almighty and His Prophet (sws). However, if due to some unavoidable reason they had to leave their place, then they were to do so in the most befitting of

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manners exemplifying the culture and tradition of the Muslims and not let any Hypocrite raise any objections against them:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى وَأَقِمْنَ الصَّلَاةَ وَآتِينَ الزَّكَاةَ وَأَطِعْنَ اللَّهَ وَرَسُولَهُ إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا (٣٣:٣٣)

And abide still in your homes and do not display your finery as women used to do in the days of *jāhiliyyah*. Attend to your prayers, pay *zakāh* and obey God and His Messenger. Women of this house! The Almighty wants to cleanse you from the filth [these Hypocrites want to besmear you with] and to fully purify you. (33:33)

Thirdly, they were to try to communicate the verses of the Qur'ān as well as the beliefs and moral teachings of Islam to people who came and visited them and refrain from other general gossip. It is for this very objective that the Almighty had chosen them. Their purpose of life then was the dissemination of the message of Islam and not indulgence in the luxuries of life:

وَاذْكُرْنَ مَا يُتْلَى فِي بُيُوتِكُنَّ مِنْ آيَاتِ اللَّهِ وَالْحِكْمَةِ إِنَّ اللَّهَ كَانَ لَطِيفًا خَبِيرًا (٣٣:٣٤)

And communicate [to your visitors] what is taught to you of the verses of God and the wisdom revealed by

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Him. The Almighty is very Discerning and All-Knowing. (33:34)

It seems that even after all these measures, the miscreants did not mend their ways. Consequently, the Almighty gave some more directives to Muslims which were to be strictly followed.

Muslims were told that no one should enter the house of the Prophet (sws) unless he was called. If people were invited to have food at the house of the Prophet (sws), they were to come right at mealtime. They were to then disperse immediately afterwards and not keep talking to one another.

The wives of the Prophet (sws) would be secluded from the Muslims and except for near relatives and women of their acquaintance no one was to come in their presence. Anyone who wanted something from their private chambers was told to ask for it from behind a screen.

The wives of the Prophet (sws) would be the mothers of the believers. Those Hypocrites who were desirous of marrying them were told that even after the death of the Prophet (sws), they could not marry them. They were absolutely prohibited from marriage after him. Consequently, every believer was to honour and respect them the way he honoured and respected his own mother. The Prophet (sws) was greatly distressed by the wrong attitudes of these miscreants. They were made aware that bothering the Prophet (sws) was not

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something trivial. A person could fashion an excuse for his misdemeanour in this world, but he would not be successful in justifying it before the Lord of the worlds who is aware of what is in the hearts:

يَاأَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ إِلَّا أَنْ يُؤْذَنَ لَكُمْ إِلَى طَعَامٍ غَيْرَ نَاظِرِينَ إِنَاهُ وَلَكِنْ إِذَا دُعِيتُمْ فَادْخُلُوا فَإِذَا طَعِمْتُمْ فَانْتَشِرُوا وَلَا مُسْتَأْنِسِينَ لِحَدِيثٍ إِنَّ ذَلِكُمْ كَانَ يُؤْذِي النَّبِيَّ فَيَسْتَحْيِي مِنْكُمْ وَاللَّهُ لَا يَسْتَحْيِي مِنَ الْحَقِّ وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَاسْأَلُوهُنَّ مِنْ وَرَاءِ حِجَابٍ ذَلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ وَمَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَنْ تَنْكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا إِنَّ ذَلِكُمْ كَانَ عِنْدَ اللَّهِ عَظِيمًا إِنْ تُبْدُوا شَيْئًا أَوْ تُخْفُوهُ فَإِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا لَا جُنَاحَ عَلَيْهِنَّ فِي آبَائِهِنَّ وَلَا أَبْنَائِهِنَّ وَلَا إِخْوَانِهِنَّ وَلَا أَبْنَاءِ إِخْوَانِهِنَّ وَلَا أَبْنَاءِ أَخَوَاتِهِنَّ وَلَا نِسَائِهِنَّ وَلَا مَا مَلَكَتْ أَيْمَانُهُنَّ وَاتَّقِينَ اللَّهَ إِنَّ اللَّهَ كَانَ عَلَى كُلِّ شَيْءٍ شَهِيدًا (٣٣: ٥٣-٥٥)

Believers! Do not enter the houses of the Prophet except if you are permitted sometime to enter for a meal. In this case also, do not sit waiting for the food to be cooked. But if you are invited, enter and when you have eaten, disperse. Do not engage in familiar talk, for this would distress the Prophet and he would feel shy to bid you go; but of the truth God does not feel shy. And if you ask his wives for anything, speak to them from behind a curtain. This is more pure for your hearts and their hearts. And you must not harass

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God's Messenger, nor shall you ever wed his wives after him; this would be a grave offence in the sight of God. Whether you reveal or conceal them, God has knowledge of all things. It shall be no offence for these women [–Prophet's wives–] to come before their fathers, their sons, their brothers, their brothers' sons, their sisters' sons, their women of acquaintance, or their slaves. Women [of the household of the Prophet!] Have fear of God; surely God observes all things. (33:53-55)

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33. Misconceptions regarding Marriages of the Prophet (sws)

The marital life of the Prophet (sws) has generally been misinterpreted by the critics of Islam. In this regard, unfortunately, the real stance of the Qur'ān has often been misconceived even by some Muslim scholars. The following questions have been raised in this regard:

i. Why was the Prophet (sws) allowed to marry more than four wives?
ii. Why did the Prophet (sws) marry the wife of his adopted son?
iii. Why did not the Prophet (sws) marry his slave girl: Maria the Copt?

In the following paragraphs, the Qur'ānic viewpoint on these questions shall be explained.

The two initial marriages of the Prophet (sws), it is obvious, were solemnized in a normal perspective and

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on customary footing. He first of all married a widow, Khadījah (rta), when he was about twenty five years old, while she was almost forty years old. For the next twenty five years, the couple remained happily married and the Prophet (sws) during this period was seen in the role of an ideal husband, something which he maintained throughout his marital life. At the death of Khadījah (rta), the Prophet (sws) was left with small children. Consequently, he married a widow, Sawdah (rta), then fifty three years old. The need for this marriage like the previous one, it is obvious, arose from perfectly natural needs.

In the year 622, the Prophet (sws) migrated to Madīnah as its undisputed ruler. His marriage with 'Ā'ishah (rta) the daughter of his dear Companion, Abū Bakr (rta) was consummated two years later.[68] The marriage had been legally solemnized a couple of years before migration. It seems that this marriage was, in fact, a divine selection, for the services rendered by 'Ā'ishah (rta) for the cause of Islam stand unparalleled. She was, perhaps, the greatest authority on Islam after the Prophet (sws). All the illustrious Companions of the Prophet (sws) consulted her for religious guidance. The Prophet's marriage with 'Ā'ishah (rta) and later with Ḥafṣah (rta)

68. Recent researches have established beyond doubt that the age of 'Ā'ishah (rta) at the time of the consummation her marriage with the Prophet (sws) was around nineteen or twenty. The Aḥādīth which report her age to be eight or nine years at the time of marriage are absolutely baseless. For further details, see: Ḥakīm Niaz Aḥmad, *Taḥqīq 'umr 'Ā'ishah*, (An Inquiry into the age of 'Ā'ishah (rta)), Karachi: Mashkoor Academy, n.d.

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daughter of ‘Umar (rta), also proved instrumental in the strengthening of ties with his two close Companions. Within the first few years after migration, many Muslim women were widowed, particularly due to their husbands having been killed in the battles of Badr and Uḥud. A large number of them including their children were left helpless. The opening verses of Sūrah Nisā’ came to their rescue and suggested a way out to deal with their plight. The custom of polygamy which was prevalent in Arabia was utilized to solve this problem. The Qur’ān urged the Muslims to marry them if they could be just to all their wives and at the same time this number was not to exceed four. Since the Prophet (sws) was to set an example in this regard, he took the lead and married two widows Zaynab bint Khuzaymah (rta) and Ḥafṣah binti ‘Umar (rta). At this stage, he had four wives ‘Ā’ishah (rta), Sawdah (rta), Ḥafṣah (rta) and Zaynab binti Khuzaymah (rta). A few months later, Zaynab bint Khuzaymah (rta) died and the Prophet (sws) married Umm-i Salamah (rta) whose husband had been martyred in the battle of Uḥud. Her deceased husband Abū Salamah (rta) had rendered meritorious services for the cause of Islam.

The Prophet (sws), while discharging his duties as the final Nabī, next married Zaynab bint Jaḥsh (rta) in the fifth year after migration. The reason for this marriage must be understood in the light of some important details: Islam inherited the inhuman institution of slavery. There were scores of slave-men and slave-women in every house. Instantly freeing them, it is clear, would have resulted in a lot of social and economic problems. Islam, therefore, adopted a gradual

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methodology to do away with slavery. It undertook various measures in this regard. However, freeing these slaves was not the only problem which was to be tackled. An even more important problem was to blend and graft them within the normal social structure of the society once they had been set free. Keeping in view the great sense of superiority the Arabs had over slaves, this was an extremely uphill task. Consequently, the Prophet (sws) in order to make them acceptable as normal members of a society took a very radical step. He persuaded his cousin sister Zaynab bint Jaḥsh (rta) to marry Zayd ibn al-Hārithah (rta), a slave boy he had set free and brought up as a son. The marriage took place, but, unfortunately, it could not continue due to certain reasons and Zayd (rta) had to divorce his wife. After this unfortunate dissolution of marriage, the only thing which could console Zaynab (rta) was if the Prophet (sws) married her. Furthermore, it was necessary to reform a social custom concerning some erroneous concepts about an adopted son. According to this custom, the Arabs regarded the adopted son as the real son in all respects. This, of course, is against human nature and as such had to be abrogated. However, as a social custom, it was so deeply rooted in the Arab society that it could only be the Prophet's personality which could abolish it. Consequently, on the Almighty's bidding,[69] the Prophet (sws) married her to sympathize with her and to reform

69. In the words of the Qur'ān: "And when Zayd divorced his wife, We gave her to you in marriage in order that there may be no difficulty to the believers to wed the wives of their adopted sons if they divorced them." (33:37)

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this custom.

Also, with this marriage, the normal law of having four wives was extended by the Almighty for the Prophet (sws) so that he could effectively discharge his responsibilities as a *nabī* and a *rasūl*.

The Qur'ān says:

يَاأَيُّهَا النَّبِيُّ إِنَّا أَحْلَلْنَا لَكَ أَزْوَاجَكَ اللَّاتِي آتَيْتَ أُجُورَهُنَّ وَمَا مَلَكَتْ يَمِينُكَ مِمَّا أَفَاءَ اللَّهُ عَلَيْكَ وَبَنَاتِ عَمِّكَ وَبَنَاتِ عَمَّاتِكَ وَبَنَاتِ خَالِكَ وَبَنَاتِ خَالَاتِكَ اللَّاتِي هَاجَرْنَ مَعَكَ وَامْرَأَةً مُؤْمِنَةً إِنْ وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَنْ يَسْتَنْكِحَهَا خَالِصَةً لَكَ مِنْ دُونِ الْمُؤْمِنِينَ قَدْ عَلِمْنَا مَا فَرَضْنَا عَلَيْهِمْ فِي أَزْوَاجِهِمْ وَمَا مَلَكَتْ أَيْمَانُهُمْ لِكَيْلَا يَكُونَ عَلَيْكَ حَرَجٌ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا تُرْجِي مَنْ تَشَاءُ مِنْهُنَّ وَتُؤْوِي إِلَيْكَ مَنْ تَشَاءُ وَمَنِ ابْتَغَيْتَ مِمَّنْ عَزَلْتَ فَلَا جُنَاحَ عَلَيْكَ ذَلِكَ أَدْنَى أَنْ تَقَرَّ أَعْيُنُهُنَّ وَلَا يَحْزَنَّ وَيَرْضَيْنَ بِمَا آتَيْتَهُنَّ كُلُّهُنَّ وَاللَّهُ يَعْلَمُ مَا فِي قُلُوبِكُمْ وَكَانَ اللَّهُ عَلِيمًا حَلِيمًا لَا يَحِلُّ لَكَ النِّسَاءُ مِنْ بَعْدُ وَلَا أَنْ تَبَدَّلَ بِهِنَّ مِنْ أَزْوَاجٍ وَلَوْ أَعْجَبَكَ حُسْنُهُنَّ إِلَّا مَا مَلَكَتْ يَمِينُكَ وَكَانَ اللَّهُ عَلَى كُلِّ شَيْءٍ رَقِيبًا (٣٣ : ٥٠-٥٢)

O Prophet! We have made lawful to you the wives whom you have paid their dowers and free women whom [you have gained in a military campaign] and the daughters of your paternal uncles and aunts and the daughters of your maternal uncles and aunts who migrated [from Makkah] with you and any believing

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woman who gifts her soul to the Prophet on the condition that the Prophet wishes to marry her. This directive is specifically for you alone and not for the believers. We very well know what We have imposed on them as obligations regarding their wives and slave girls – [a special directive for you] so that that there be no difficulty for you [in discharging your duties] and [and in case of any blemish], Allah is Forgiving and Merciful. You have the authority to keep any of them away from you and keep any of them near you and it is lawful for you to bring any of them near you whom you have kept away. There is no blame on you in this regard. This [explanation] is more proper so that they be contented and not be sorrowful – and feel satisfied with whatever you give them. And Allah knows what is in your hearts and Allah is All-Knowing and Most Forbearing. All other women besides these are not lawful for you nor can you change them for other wives, even though their beauty attracts you. Slave-girls[70] however [are still] allowed to you. And [in reality] Allah does watch over all things. (33:50-52)

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70. The case of Maria the Copt, a maiden gifted by Maqūqus, the king of Egypt, to the Prophet (sws) must be understood in the proper perspective: The Prophet (sws) could not marry her, since, according to the Qur'ān (33:49-52), the Prophet (sws) could only free and marry slave girls who were made prisoners in war. He was not allowed to marry gifted slave women that had been set free. Returning a royal gift, of course, would be against courtesy. Secondly, an example needed to be set as to how Muslims should treat their slave girls – who in those times were treated very badly.

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While analyzing the statutes on which this group of directives is based, Ghāmidī writes:[71]

> Firstly, after contracting marriage with Zaynab (rta), the Prophet (sws) could marry further for the following objectives:
>
> i. To honour free women who were caught as captives in some military campaign.
>
> ii. To show kind-heartedness to women who wanted to marry him just for the sake of associating themselves with him, and for this they were ready to gift themselves to him.
>
> iii. To console and sympathize with his maternal or paternal cousin sisters who had migrated with him from Makkah and left their houses and relatives merely to support and back him.
>
> Secondly, since these marriages of the Prophet (sws) were to be contracted only to fulfil certain religious obligations, he was not required to deal equally between the wives.
>
> Thirdly, except for the women specified, he was prohibited to marry any other lady; he could also not divorce any of his wives nor bring a new one in her place however much he liked her.

71. Ghāmidī, *Mīzān*, 431-432.

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Consequently, the Prophet (sws) married Juwayriyah (rta) for the first objective outlined above, Maymūnah (rta) for the second and Umm-i Ḥabībah (rta) for the third.

It is also pointed out in these verses that the wives of the Prophet (sws) were the mothers of the believers; consequently, marriage to them was categorically prohibited. No Muslim was to even think of marrying them after the Prophet's death:

النَّبِيُّ أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ وَأَزْوَاجُهُ أُمَّهَاتُهُمْ (٦:٣٣)

The Prophet is closer to the believers than their own selves, and his wives are their mothers. (33:6)

وَلَا أَنْ تَنْكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا إِنَّ ذَلِكُمْ كَانَ عِنْدَ اللَّهِ عَظِيمًا (٥٣:٣٣)

Nor is it right for you that you should marry his widows after him at any time. Truly such a thing is abominable in Allah's sight. (33:53)

It is evident from this discussion that these marriage directives were given to Muhammad (sws) as a religious obligation in his capacity as a Prophet and a Messenger of God. He followed these directives and there was no element of personal desire in these marriages. Consequently, the need arose to make these directives an exception to the general ones given to the Muslims in this regard.

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Appendix: Brief Biographical Notes

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1. Ḥamīd al-Dīn al-Farāhī[72]

Al-Farāhī was born in 1863[73] in Phriha (hence the name Farāhī), a small village in Azamgarh district (Uttar Pardesh, India). He was a cousin of the famous theologian-historian Shiblī Nu'mānī (d. 1914), from whom he learnt Arabic. He studied Arabic literature with Fayḍ al-Ḥasan Sahāranpūrī (d. 1887), who was considered a master in this field at that time. At the age of twenty one, he took admission in the Aligarh Muslim College to study modern disciplines of knowledge. Here he also learnt Hebrew from the German Orientalist Josef Horovitz (d. 1931). After graduation from Allahbad University, he taught at various institutions including Aligarh and Dār al-'ulūm, Hyderabad.

Whilst teaching at the Dār al-'ulūm, al-Farahī proposed the setting up of a university where all religious and modern sciences would be taught in Urdu.

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72. Expanded from: Mustansir Mir, *Coherence in the Qur'ān*, *A Study of Nazm in Tadabbur-i Qur'ān*, 1st ed. (Indianapolis: American Trust Publications, 1986), 6-9.

73. Sharf al-Dīn Iṣlāḥī, *Dhikr-i Farāhī*, 1st ed. (Lahore: Dār al-tadhkīr, 2002), 68.

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Later in 1919, his vision materialized in the form of Jāmi'ah Uthmāniyyah, Hyderabad. In 1925, he returned to his home town Azamgarh and took charge of the Madrasah al-Iṣlāḥ. Here, besides managing the affairs of the Madrasah, al-Farāhī devoted most of his time in training a few students. Among them, was Amīn Aḥsan Iṣlāḥī, who was destined to become the greatest exponent of his thought after him. Farāhī died on 11th November 1930 in Mithra, where he had gone for treatment.

For almost fifty years, al-Farāhī reflected over the Qur'an, which remained his chief interest and the focal point of all his writings. His greatest contribution is to re-direct the attention of Muslim scholars to the Qur'ān as the basis and ultimate authority in all matters of religion. He stressed that the Qur'ān should be practically regarded as the *mīzān* (the scale that weighs the truth) and the *furqān* (the distinguisher between good and evil), a status which it invests on itself. Thus Aḥādīth cannot change or modify the Qur'ān in any way. They should be interpreted in the light shed by this divine book and not vice versa. It was as result of this status of the Qur'ān that he insisted on the univocity of the Qur'ānic text and rejected that variant readings be regarded as the Qur'ān per se.

It was his deep deliberation on the Qur'ān that led him to unfold its *naẓm* (coherence) in a unique way. By taking into consideration, the three constituents of *naẓm*: order (*tartīb*), proportion (*tanāsub*) and unity (*waḥdāniyyah*), he proved that a single interpretation of the Qur'ān was possible. This alone was a far reaching consequence of the principle of Qur'ānic *naẓm*. Serious

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differences in the interpretation of the Qur'ān which have given rise to the menace of religious sectarianism are actually the result of disregarding thematic and structural coherence in the arrangement and mutual relationship of various Qur'ānic verses and paragraphs. Each sect has adopted its interpretation because isolating a verse from its context can associate multiple meanings to it. It is only the coherence of the Qur'ān, which, if considered, leads to a definite and integrated understanding of the Divine Message.

Al-Farāhī also made another significant contribution by rewriting and reconstructing most sub-disciplines of the Arabic language needed to study the Qur'ān.

Almost all of al-Farāhī's works are in Arabic. Except for a few, most of them are in the form of notes and unfinished books. He could only complete a few of them. Foremost among them is a collection of his interpretation of fourteen *sūrahs* of the Qur'ān by the name *Majmū'ah tafāsīr-i Farāhī*. In his *Mufradāt al-Qur'ān*, he explained some difficult words and constructions of the Qur'ān. He elucidated the nature of oaths and adjurations in the Qur'ān in his book entitled *Al-Im'ān fī aqsām al-Qur'ān*. In his book, *Al-Rā'y al-ṣaḥīḥ fī man huwa al-dhabīḥ*, he elaborated upon the philosophy of sacrifice and by furnishing evidences from the Qur'ān and the Torah convincingly refuted the claim of the Jews that it was Isaac (sws) not lshmael (sws) whom Abraham (sws) had intended to sacrifice. He re-laid the principles of rhetoric needed to study the Qur'ān in *Jamhurah al-balāghah* and outlined some special Qur'ānic styles and constructions in *Asālīb al-Qur'ān*. The arguments he presented to verify the principle of

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coherence are soundly enlisted in *Dalā'il al-niẓām*. His complete mastery of Arabic and Persian can be seen from his poetical works in both these languages.

Besides these scholarly dissertations, there are at least twenty other unfinished works which need to be completed and developed further.

2. Amīn Aḥsan Iṣlāḥī

Iṣlāḥī was born in 1904 at Bamhūr, a small village in Azamgarh (U.P.), India. He passed out from the Madrasah al-Iṣlāḥ around 1922. The teacher which influenced him the most during his student life at the Madrasah was 'Abd al-Raḥmān Nigrāmī (d. 1928?), himself a versatile genius. Nigrāmī's attention helped him in developing a profound inclination towards Arabic literature. After graduating from the Madrasah, he entered the field of journalism. For a while, he edited a newspaper *Madīnah* at *Bijnawr* and also remained associated with *Sach*, a newspaper edited by the luminary 'Abd al-Mājid Daryābādī (d. 1977).

From 1925-1930, he remained with al-Farāhī like a shadow. It was in this formative period of his life in which he developed a deep understanding of the Qur'ān and learnt from al-Farāhī the principles of direct deliberation on the Book of Allah. After al-Farāhī's death, Iṣlāḥī studied Ḥadīth from a celebrated scholar of this discipline, 'Abd al-Raḥmān Muḥaddith Mubārakpurī (d. 1935). In 1936, he founded the Dā'irah-i Ḥamidiyyah, a small institute to disseminate the Qur'ānic thought of al-Farāhī. Under the auspices of this institute, he brought out a monthly journal, *al-Iṣlāḥ*, in which he translated many portions of al-Farāhī's

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treatises written in Arabic.

Iṣlāḥī was among the founder members of the *Jamā'at-i Islāmī*, a religious party founded by the eminent Islamic scholar, Abū al-A'lā Mawdūdī (d. 1979), in 1941. In 1958, he abandoned the *Jamā'at*, after serious differences arose between him and Mawdūdī on the nature of the constitution of the *Jamā'at*.

After leaving the *Jamā'at*, he finally got the chance to fulfil his cherished goal of writing a commentary on the Qur'ān. He also launched a monthly journal *Mithāq* in which portions of this commentary, *Tadabbur-i Qur'ān*, were published. In 1961, he established a small study circle *Ḥalqah Tadabbur-i Qur'ān* for college students to whom he taught Arabic language and literature, the Holy Qur'ān and the *al-Jāmi' al-ṣaḥīḥ* of Imām Muslim. He also taught Shāh Walī Ullāh's *Ḥujjatullāh al-bālighah* and Ibn Khaldūn's *Muqaddimah* to some pupils.

It was on the 29th of Ramaḍān 1400/ 12th August 1980 that the great day arrived – the day when a monumental effort reached its culmination: the *Tadabbur-i Qur'ān* had taken twenty-two long years to complete. In the *Tadabbur-i Qur'ān*, he produced a masterpiece of *tafsīr* which does not simply reflect the principles of his illustrious mentor, al-Farāhī: it also bears the stamp of originality. It is indeed a unique work that has ushered in a new era in the field of scriptural interpretation. Iṣlāḥī proved from a Qur'ānic verse that the Almighty has divided the Qur'ān in seven discrete groups keeping in view the preaching mission of the Prophet Muhammad (sws). Each of these groups has a theme and *sūrahs* are arranged in a group keeping in view this theme. Within a group, the *sūrahs* themselves generally occur in pairs with

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regard to the subject discussed in them. Each *sūrah* also has a specific theme which is the most comprehensive statement of its contents.

In 1981, Iṣlāḥī founded the *Idarah Tadabbur-i Qur'ān-o Hadith*, which remained until his death (15th December 1997) the centre of his intellectual activities. A quarterly journal *Tadabbur* started publication in 1981 as its organ. He gave weekly lectures on the text of the Qur'ān. Later, he took up deep study on the principles of Ḥadith and began teaching *al-Mu'aṭṭā'* of Imām Mālik in weekly sittings to a close circle of students and associates. After completing *al-Mu'aṭṭā'*, he also taught some portions of Imām al-Bukhārī's *al-Jāmi' al-ṣaḥīḥ*.

Besides the *Tadabbur-i Qur'ān*, Iṣlāḥī authored a number of books in Urdu on various topics of Islam. They include *Tazkiyah-i nafs* (Purification of the Soul), *Ḥaqīqat-i shirk-o tawḥīd* (The Essence of Polytheism and Monotheism), *Da'wat-i dīn awr us ka ṭarīqah-i kār* (Islamic Message and the Mode of its Preaching), *Islāmī riyāsat* (The Islamic State), *Mabādī tadabbur-i Qur'ān* (Principles of Understanding the Qur'ān), *Mabādī tadabbur-i Ḥadīth* (Principles of Understanding the Ḥadīth), *Islāmī riyāsat mayn fiqhī ikhtilāfāt kā hal* (Solution of Juristic Differences in an Islamic State) and *Islāmī qānūn kī tadwīn* (Codification of Islamic Law).

Iṣlāḥī also translated al-Fārahī's commentary consisting of fourteen *sūrahs* of the Qur'ān, as well as the following books by him from Arabic: *Fī man huwa al-dhabīh* (Which of Abraham's son was Sacrificed?) and *Aqsām al-Qur'ān* (Oaths of the Qur'ān).

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life and works.

3. Jāved Aḥmad Ghāmidī

Jāved Aḥmad Ghāmidī was born in 1951 in a village of Sāhīwāl, a district of the Punjab province. After matriculating from a local school, he came to Lahore in 1967 where he is settled ever since. He did his BA honours (part I) in English Literature from the Government College, Lahore in 1972 and studied Islamic disciplines in the traditional manner from various teachers and scholars throughout his early years. In 1973, he came under the tutelage of Amīn Aḥsan Iṣlāḥī (d. 1997), who was destined to who have a deep impact on him. He was also associated with the famous scholar and revivalist Abū al-A'lā Mawdūdī (d. 1979) for several years. He taught Islamic studies at the Civil Services Academy for more than a decade from 1979 to 1991.

Ghāmidī has written and lectured widely on the Qur'ān, Islamic law and various other aspects of Islam. He is the founder-president of Al-Mawrid Institute of Islamic Sciences (www.al-mawrid.org) and is the chief editor of the Urdu Monthly "Ishraq" (www.ghamidi.net/Ishraq.html) and the English Monthly "Renaissance" (www.monthly-renaissance.com). He is also the founder of the Mus'ab School System (www.musab.edu.pk). He appears regularly on various tv channels to discuss Islam and some contemporary issues as a part of his campaign to educate people about Islam. His talks and lectures can be accessed online from www.tv-almawrid.org.

Ghāmidī has drawn heavily from the Qur'ānic thought of his two illustrious predecessors, Ḥamīd al-Dīn al-Farāhī and Amīn Aḥsan Iṣlāḥī presenting many of their

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views in a more precise manner. However, many of his contributions to the Islamic thought are original.

Both these features can be witnessed in his ongoing annotated translation of the Qur'ān, *al-Bayān*. It takes the reader close to the classical Arabic of the Qur'ān in which ideas are conveyed with brevity and terseness. Words and concepts which are understood are suppressed and left to the perspicacity of the reader. To achieve this brevity, various devices are employed in classical Arabic which are not found in most other languages. Ghāmidī has tried to unfold the meaning of the divine message by taking into consideration these devices within the text of the translation.

Another original contribution of Ghāmidī is his categorization of the contents of religion. According to him, the Qur'ān itself divides the contents of Islam in two categories: *al-Ḥikmah* and *al-Sharī'ah*. Whilst the former refers to topics related to the philosophy of religion, the latter to those that relate to law. Ghāmidī further classifies these two categories into sub-categories. The former comprises two sub-categories: Faith and Ethics and the latter comprises ten sub-categories: The *Sharī'ah* of Worship Rituals, The Social *Sharī'ah*, The Political *Sharī'ah*, The Economic *Sharī'ah*, The *Sharī'ah* of Preaching, The *Sharī'ah* of *Jihād*, The Penal *Sharī'ah*, The Dietary *Sharī'ah*, Islamic Customs and Etiquette, Oaths and their Atonement. In each of these categories, Ghāmidī has made unique contributions in interpreting the directives of the Qur'ān. Examples include his views on the specific nature of the preaching mission of Abraham's progeny, the punishment of apostasy, the testimony and

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diyat of women, the etiquette of gender interaction, slavery in Islam, the requisites of citizenship, inheritance laws and the general and specific directives of *jihād*.

Ghāmidī has also contributed to the science of hermeneutics. He has enunciated foundational principles of understanding Islam in his essay, *Uṣūl-o mabādī* (Fundamental Principles). These principles take into account the specific nature of the texts of the Qur'ān and Ḥadīth. One distinctive feature of the approach that pervades these principles is what can be summed up in the form of a dictum: the Ḥadīth should be interpreted in the light shed by the Qur'ān and not vice versa.

An important contribution of Ghāmidī is the distinction he has made between *sharī'ah* and *fiqh*. They are generally rather loosely regarded as synonymous. Whilst the former is divine, the latter is a human endeavour and thus the two must be distinguished from one another. In his seminal work on Islam, *Mīzān*, he has attempted to decipher the *sharī'ah* from the sources of Islam.

Another prominent contribution of Ghāmidī is his concept and definition of the word Sunnah. Whilst categorizing it to be distinct from Ḥadīth, he has laid down certain principles to precisely determine its corpus. By applying these principles, he has actually come up with a list of contents of the Sunnah.

Ghāmidī has also presented an integrated framework of the concepts and terms of Islam in his essay *Ḥaqīqat-i dīn* (The Essence of Religion). This framework in itself is a representative of a complete interpretation of Islam in contrast with the two other prevailing interpretations of Islam in the Muslim *ummah*: the *taṣawwuf*-based

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interpretation and the *jihād*-based interpretation.

Burhān and *Maqāmāt* are two of Ghāmidī's other books. The former is a treatise in which contemporary religious thoughts have been critically analyzed, while the latter is a collection of religious and literary essays.

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