

# Woman: Chastisement and Other Issues

*Shah Abdul Halim\**

## *Abstract*

*This paper after briefly discussing the status of women in the West. Third World countries like Uganda. Bangladesh and United Arab Emirates has raised three most pertinent questions, namely. (i) whether the husband has an inborn shariah right to beat wife to discipline her and resolve marital discord. [ii] whether the position of men is above women, and finally (iii) whether it is mandatory for believing women to cover face. The paper then strongly refuted. the age old views on these issues and made an attempt to dispel many hitherto held traditional observation as being the reflection of cultural legacy of pre-Islamic jahiliyah and the result of male chauvinism.*

The West considers itself as being the cradle of the modern civilization and the countries of the West are the claimant of being the protector, promoter and defender of liberty, freedom, equality and fundamental human rights. The West is also very proud of as being the emancipator of the women although crime and violence related to women is significant in number in the West, which is highly developed, compared to backward poor countries in other regions of the world. The position of the women in the West can be comprehended from the behaviour of its leaders towards the women. Let us recall the separation of Princess Diana Spencer with Prince Charles, heir apparent of Queen Elizabeth II, future figurehead of the Church and father of two kids, for being "unfaithful to wife" and maintaining extramarital relation with his mistress Camilla widely known as "Camillagate". French President Mitterrand is reported to have a daughter outside the wedlock. Think about the behaviour Senator Hillary Clinton, then US first lady, received from her husband President Bill Clinton who

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\* The writer is the Chairman of Islamic Information Bureau Bangladesh. E-mail: sah1947@yahoo.com. Website: [www.geocities.com/sah1947](http://www.geocities.com/sah1947)

maintained illicit sex relation with Monica Lewinsky. It was during the presidency of Bill Clinton that homosexuality was allowed in the US army. The Christian Church has no role and little to say in such matters. Even the Priests are involved in sex related crime and scandals. In May - June 2002 media widely covered the involvement of Catholic Church in the sexual abuse scandal indicating that Priests molested young parishioners and a theology student in USA. Australia was engulfed in a US style sex abuse scandal in which a top Archbishop is involved. Sex scandal of the Priests rocked the United States and embarrassed President George Bush Jr. raised the issue of Pedophilia scandal with Pope John Paul when he visited Vatican on 28th may 2002.

Arabic language daily *Al Quds Al Arabi*, London quoting Daily Mirror reported that British man has on an average of five extramarital lovers. Alan Clark, defense secretary during the Thatcher government publicly admitted that he had slept with three generations - a girl, her mother, and her grandmother - in the office of the British Defense Ministry. According to FBI report 1990 everyday on average 1756 cases of rape were committed in USA. Subsequent report mentioned that everyday on average 1900 cases of rapes are committed in the USA. Their classmates at student parties rape 87 percent young American women in the university during freshman year.

The condition of women is no better in Third World countries. Xinhue from Kampala reported on 16 March 2002 that Ugandan Vice President Specioza Wandira Kazibwe separated from her husband due to beatings she received from her husband. If this is the position of an officiating Vice President of a country, you can imagine the place of common women with average background in the society.

Now let us look back to the state of women in Bangladesh. According to the United Nations Population Statistical Report 2001, Bangladesh secured second position among the countries of the world for violence against women. How come this is the condition of women in Bangladesh, a predominantly Muslim country? Indeed the status of women in Islam is very high. The first person who accepted Islam is a woman, *Ummul muminin*

Khadija Bint Khuwaylid (may Allah be pleased with her). Women if not Prophets are the mothers of the Prophets although according to some Islamic scholars Hajrat Maryam (peace be on her) was a Prophet as angel Gabriel visited her.<sup>1</sup>

On 1<sup>st</sup> April 2002 AP from Dubai quoting Gulf News reported that Dubai Court of Cassation, the highest Court in the United Arab Emirates (UAE) has ruled that 'a husband has right to beat his wife in order to discipline her provided the beatings are not so severe that they damage her bones or deform her body'. There must be some wrong in our understanding of the relevant verse of the Quran otherwise how a court in a Muslim country can rule that a husband has right to beat his wife which is against human dignity and the all-purpose objective of Islam? The issue therefore needs to be addressed afresh.

In Islam all human beings, men and women, are equal [Al Quran 3: 195 and 33: 35]. Adam and Eve were created from a single soul [4: 1 and 7: 189] which contradicts the largely held Christian view that Eve was created from the rib of Adam and therefore women are inferior to men. Eminent Arab Islamic scholar and sociologist of repute Dr. Hammudah Abd al Ati (a former Associate Professor of Sociology at Utica College of Syracuse University) translated verse 189 of Surat al Araf as: It was Allah who created mankind out of one living soul, and created of that soul a spouse.<sup>2</sup> The Islamic belief is that Allah decided to send *khalifa* or the vicegerent on the earth [2 : 30] which contradicts the Christian view that Adam and Eve were expelled from the Heaven due to the wrong committed by Eve at the instigation of the *iblis* or the Satan rather the Islamic faith is that both Adam and Eve committed mistake at the persuasion and influence of the Satan [2 : 36 and 7 : 20-22]. Human beings have been created in the best of mould [95: 4]. The question therefore does not arise that women's intellectual capacity is less than that of men. Men and women are equal before Allah and they are created from the same substance in order to console, to complete and to fulfill each other. In this connection, the comment made by the renowned Egyptian Islamic scholar and the greatest Islamic jurist of our time Prof. Dr. Yusuf Al Qaradawi. Dr. Qaradawi in his book *The Status of Women in*

*Islam* wrote: "With the advent of Islam, circumstances improved for the woman. The woman's dignity and humanity were restored. Islam confirmed her capacity to carry out Allah's commands, her responsibilities and observation of the commands that lead to Heaven. Islam considered the woman as a worthy human being, with a share in humanity equal to that of man. Both are two branches of a single tree and two children from the same father Adam and mother Eve. Their single origin, their general human traits, their responsibility for the observation of religious duties with the consequent reward or punishment, and the unity of their destiny all bear witness to their equality from the Islamic point of view"<sup>3</sup>. If this is the status of woman in Islam, how misperceived husband justify the beating of wife? There must be some error in our perception and understanding of the revealed text of the Quran and therefore the issue needs to be examined anew for the scholars of the earlier generation might have missed a point which needs to be clarified. In this connection, the Farewell Pilgrimage message of Prophet Muhammad (SAWS) is very pertinent in which he called upon those who are present on the occasion to convey his message to those who are not present adding that those who will come to know about his message later might understand the inner meaning and significance of his message more than who are present.<sup>4</sup> Imam Muhammad bin Idris al Shaft, the founder of the Shafi School of Thought or *madhab* had modified and changed many of his earlier views on settling in Egypt after leaving Iraq due to changed socio, cultural, political and economic condition.<sup>5</sup> Indeed time and space are important elements of the Islamic jurisprudence.<sup>6</sup> One problem with the scholars of the earlier period of Islam is that their understanding of the Quran had been less than critical owing to the fact that they stopped at the literal meaning of each verse without making serious efforts to compare and reconcile verses that seemed to contradict one another. The conceptual confusion occurred in the early period of Islam when the classical jurists took the text of the Quran for what it appeared to be not for what it was meant to 'be. The mere repetition of out dated interpretations and sterile thinking has however failed to bring about desired social changes or to put an end to the prevailing cultural conflict and tension.

The development in the field of science and technology has however brought to light newer and deeper meanings of the revealed text which in many ways differs from the earlier interpretations. Information technology has also made more information easy accessible to the scholars of this generation which was not readily available to the academics and researchers of the earlier generation. This has also helped the scholars of this generation to a great extent to draw new *ijtihad*.

The broad objective of Islam is to establish peace. One of the meanings of 'Islam' is peace. Islam is committed to establish peace not only at the global level, to establish solidarity and brotherhood at the level of *ummah* and to establish unity and cohesion in the state and society but also deeply committed to promote harmony in the family. The objective of the conjugal relation is to ensure love and compassion between the spouses [30 : 211, avoid conflict and tension in the family and to ensure balanced growth of the children as responsive citizens with firm faith competent to face the challenge of the new millennium. Women not only best understand the needs of the family and act as the main transmitters of the culture and values to the children; they bring different perspective to life. But beating of the wife by the husband can in no way promote understanding and kindness between husband and wife but would increase hatred, friction and bitterness in the already acrid relationship. In such situation the family cannot play any constructive and meaningful role for the development of the society for a bird cannot fly with one wing only. In fact a couple having intimate relations is for humanity what the sun for the nature is. How then the scholars of the earlier generation justified beating of the wife by the husband which contradicts the general objective of Islam for maintaining peace, harmony and tranquility in the family? Moreover, the matrimonial union in Islam is an agreement by choice and the relationship can be terminated by judicious use of free will and there is no question of coercion.

The most misunderstood verse of the Quran which has been interpreted by the scholars of the earlier generation that justify the beating of the wife by the husband is 4: 34-35 and the Arabic root verb is *daraba*. To arrive at the clear meaning of the verse of

the Quran we shall try to reconcile the verses of the Quran and try to explain one verse of the Quran with the help of another verse of the Quran for that is the most methodical approach of the interpretation of the Quran. We shall then refer to the *seerah* or the life of the Prophet Muhammad for necessary guidance in this matter. We shall also examine the literal and etymological meaning of the word *daraba* in its different derivatives as appeared in various verses of the Quran.

To grasp the precise meaning of the verse of the Quran, we shall use English rendering of the Quran by Abdullah Yusuf Ali, Marmaduke Pikhall, Muhammad Asad, Sayyid Qutub, T.B. Irving and joint English translation of the meaning of the noble Quran by Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan.

We shall now quote the most misunderstood verse of the Quran, which has been used for cruelty against women. Abdullah Yusuf Ali translated by verse 34-35 of Surat Al Nisa as: Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly) [Arabic word used in the verse in *wadaribuhunna*]; but if they return to obedience seek not against them means (of annoyance): for Allah is Most High, Great (above you all). If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they seek to set things aright, Allah will cause their reconciliation; for Allah has full Knowledge, and is acquainted with all things [4 : 34-35].<sup>7</sup>

If one closely reads and examines the aforementioned verse of the Quran keeping in view overall spirit of the matrimonial relationship of mutual love, affection and fellow feeling between the spouses and inbuilt structure of family on compassion and benevolence, one must necessarily conclude that intolerant attitude of the husband like recourse to beating the wife cannot

be a way for continuation of peaceful and harmonious conjugal life rather such cruel attitude of the husband is bound to create mutual suspicion and promote mistrust among the partners that might ultimately result in the disintegration and breakup of the family. Moreover, if the third step to resolve marital dispute is *daraba*, translated as beating as mentioned in the verse quoted above, the fourth step cannot be arbitration for if the husband take the extreme step of beating wife, the arbiters will have little scope for mediation. Logic also suggests that the spouse would also naturally prefer to keep their differences secret to avoid disgrace, embarrassment and humiliation in front of society unless they take the farthest step for divorce. What then is the inner meaning of the word *daraba* which is an instrument to bring about reconciliation and peace between the enraged spouses? Although the English translation of the word *wadaribuhunna* (root verb being *daraba*) has been made as beat them lightly, the word lightly is not mentioned in the revealed text of the verse quoted above and therefore the question of beating wife by the husband does not arise irrespective of the level and degree of the beating if the husband is keen and really interested in the continuation of the marriage.

Now if we read the aforementioned verse [4: 34-35] together with 2: 231 wherein the husband has been advised not to take back wife to injure. it becomes clear that the meaning of the word *daraba* cannot be beating. Al Quran states: When you divorce women and they (are about to) fulfill the term of their (*iddat*), either take them back on equitable terms or set them free on equitable terms, but do not take them back to injure them ... [2: 231]. Again in verse 33: 49 Allah has ordained husbands to release wives in a graceful manner. Al Quran states: ... give them a present and release them in a handsome manner [33: 49]. In another verse Al Quran states: ... The parties should either hold together on equitable terms or separate with kindness ... [2: 229]. If separation between the spouses has to be made with grace and kindness, how the basis of reconciliation of disputes between the husband and wife can be beating? It is therefore evident from the above comparative study of the verses of the Quran that the

meaning of the idiom *daraba*, which is an instrument of reconciliation of marital disputes, can not be beating of wife by the husband. Further, women are the embodiment of beauty, by nature emotional and fragile and therefore question of resorting to beating wife by husband to resolve rupture and rift in conjugal life does not arise.

Does the word *daraba* then signify any allegorical, metaphorical or symbolic meaning beyond its literal and etymological connotation? Now if we fall back to the life of the Prophet Muhammad as to what he did to resolve his differences with his wives. There is no record that Prophet ever slapped, beat, stroke or punched any of his wives. "Never did the Prophet raise his hand to any of his wives; all the testimonies show him as attentive and respectful to the person and the personality of the women who surrounded him".<sup>8</sup> Prophet "not only did never raise his hand to strike any of his wives, but he condemned wife-beating".<sup>9</sup> Famita Merrusst, a sociologist of international repute and a teacher at the University of Mohammed. Rabat. Morocco in her book *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* wrote: "The Prophet never raised his hand against one of his wives ... The only time when the Prophet was confronted with a domestic revolt, a rebellion by some of his wives, not only did he not beat them, but he preferred to leave his home and. to the great surprise of the city, to move for almost a month to a room adjoining the mosque".<sup>10</sup> Who else knew more than Prophet, who is the official interpreter of the Quran [16: 44], the meaning and significance of the instruction of this verse? The Prophet understood the implication and spirit of the verse and therefore he did not resort to beating. What Prophet Muhammad did is that he resorted to *al-mashrabah*; moved away from his residential quarters for a month or so without inflicting any physical injury to enable the noble ladies ponder and try to understand the consequences of living in isolation from the husband, the mental pain and agony which a wife has to experience in the absence of the husband and realize the gravity and seriousness of recalcitrance and defiance. The most candid meaning of the root verb *damba* in the dialect and language of the Quran therefore implies and signifies to "leave", to



"moving away", to "separate" .<sup>11</sup> It is significant that the text of the Quran does not use the word *daraba* to denote physical or corporal punishment rather the Quran uses *jalada* (to lash, to whip, to flog etc). Al Quran states: The woman and the man guilty of fornication flog each of them with a hundred stripes ... [24: 2].

We shall now have a glimpse over the whole Quran and identify the verses of the Quran where the word *daraba* has appeared in the Quran with its different meanings, connotations and derivatives in all seventeen distinct nuances of representations. The idiom *daraba* in the land denotes to travel or to depart [4: 101. Arabic word used in the verse is *waiza darabtum*]. With respect to ear, the verb *daraba* means to block or to prevent hearing [18: 11. Arabic word used in the verse is *fadarabna*]. And with regard to revelation, *daraba* means to stop, to halt, to abandon and to take away [43: 5. Arabic word used in the verse is *afanadribu*]. Obviously, for the truth and false, *daraba* means to make both of them evident and to distinguish them from each other [38: 44. Arabic word used in the verse is *fadribbihi*]; whereas, for veils, *daraba* connotes to draw them over and to cover the bosom [24 : 31. Arabic word used in the verse is *walyadribna*]. In the seas or rivers, *daraba* is to strike a path through the water and set the water aside [20: 77 Arabic word used in the verse is *jadrib* and 26: 63 Arabic word used in the verse is *anidrib*]. But for humiliation and shame, *daraba* is to stgrufy that both of them are pitched over people [2: 61. Arabic word used in the verse is *wadribat*]; however, for a wall, *daraba* means to be erected, that is, to indicate partition or separation [57: 13. Arabic word used in the verse is *faduriba*]. With regard to the finger tips, necks, faces and backs, *daraba* means to cut, to slash and to strike [8 : 12 Arabic word used in the verse is *fadribu* and 47 : 4 Arabic word used in the verse is *jadarba* and 47: 27 Arabic word used in the verse is *yadribuna*]; whereas, for the rest of the verses (16 : 76, 16 : 112,66 : 11; 43 : 57; 17 : 48; 2 : 26, 16 : 74; 2 : 60); 3 : 112; 4 : 94 and 37 : 93 ), *daraba* means to impel, to shock, to slap, or to damage so as to precipitate the desired impact which is relevant to each respective situation, action or interaction.<sup>12</sup>

Now if we rewrite the translation of the verse 34-35 of Surat Al Nisa by Abdullah Yusuf Ali in the light of the meaning of the word *daraba* as explained by Dr. AbdulHamid AbuSulayman and quoted above, the meaning of the verse becomes: Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next) refuse to share their beds, *(and last) leave the nuptial nest [or move away from the nuptial nest or separate from the nuptial nest]*; but if they return to obedience seek not against them means (of annoyance): for Allah is Most High, Great (above you all). If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they seek to set things aright, Allah will cause their reconciliation; for Allah has full knowledge and is acquainted with all things [4 : 34-35].

It is therefore clear from what has been discussed quoting revealed text of the Quran, life of the Prophet and opinion of the contemporary eminent Islamic scholars, academicians, researchers and jurists that there is no scope of beating of Muslim wife by the Muslim husband.

The other issue which needs to be addressed is *al-rijal qawwamuna ala al-nisa*. [4 : 34-35 quoted above] commonly mistranslated as man is the leader of woman, man is superior to woman, man is placed above woman, man is the director of woman, man has authority over woman, man has right to supervise woman etc. Marmaduke Pickthall translated the verse as 'men are in charge of women'. Some even translated the verse as: men are the governors of the women. Such translation is against the basic tenets and precepts of Islam. Islam does not permit any one to rule over another. No power other than Allah Almighty can rule over human beings. Men are not permitted to rule over women or women over men. When a judge issues judgment all he is doing is implementing Law of Allah. In their joint translation of the noble Quran Dr. Muhammad Taqut-ud-Din Al Hilali and Dr.

Muhammad Muhsin Khan translated the verse as men are the protectors and maintainers of women because Allah has made one of them to excel the other'.

Post-modernist Islamic scholars are highly critical of such translation of the verse as it is against the general principle of equality of men and women. Eminent German academic and intellectual Dr. Murad Wilfried Hofmann thinks that such interpretation of the verse of the Quran is creating obstacle on the way of the progress of *Dawah*, Islamic call and guidance, in the West. "No other factor is harming the chances of Islamic *Dawah* as much as the occidental assessment that women in Islam are second class citizens, marginalized, suppressed and mummified. The trouble is that this assessment is not without foundation because Muslim women in many parts of *dar ai Islam* are still deprived of their Quranic rights and status. In other words: Many Muslim women are still living much as they did during the *jahiliyah*. It is therefore from these *jahiliyah* practices that they must be emancipated. ... It is vital ... to contradict the misconception concerning women in Islam. Otherwise Islamic *dawah* in the West is almost hopeless".<sup>13</sup> In this connection the remarks made by Tariq Ramadhan, Professor of Philosophy and Islamic Studies, University of Fribourg, Switzerland is very significant. He said, "The notion of the chief of the family who alone decides for, and sometimes against, the rest of the family ... those cultural habits of a certain number of countries with Muslim majorities that attribute to Islam attitudes which in fact Islam reprobates".<sup>14</sup> The belief that in essence, in attributes and in conception, men are superior to women is so deep-rooted that even some women came to believe that they are defective. "Such beliefs have little to do with Islam but are products of historical process that not only pre-date Islam but gained momentum after the death of Prophet due to socio-political realities of the time".<sup>15</sup>

The remarks made by Dr. Hasan Turabi, the eminent intellectual and academician (former Dean of the Faculty of Law, Khartoum University) and ideologue of the Sudanese Islamic movement and a former Deputy Prime Minister of Sudan, which has been

endorsed by such prominent *ulama* as Shiekh Muhammad al-Ghazali of Egypt, is very interesting and noteworthy. He pointed out: "The [se] male tendencies and the appending customs and ways are manifest in many societies where male arbitrariness runs amok with on religious or human limitation".

Take, for instance, the Arab, Persian and Indian societies. Although the message of Islam has spread in these societies from early times, the teaching and inculcation of Islamic cultural values was not coextensive with the horizontal expansion. Consequently some pre-Islamic values and prejudices have continued to persist despite the domination of Islamic forms. In some cases there was manifest historical religious decline and relapse to the earlier social ethos and mores".

This phenomenon has sometimes occasioned an even more serious development. New or degenerate Muslim societies would sometimes, out of ignorance, attribute their un-Islamic legacy or custom to Islam itself. By attaching an Islamic value to these practices they seek to give them legitimacy and sanctity, the values of Islam being accepted as sacred and supreme. This explains the unabated influence on the minds of many otherwise good Muslims of attitudes abhorrent to Islam, especially in the sensitive areas of 'sex relations where passion is strong and custom is sacrosanct'.<sup>16</sup>

Tariq Ramadhan further commented: "In the final analysis one must acknowledge that the situation of women in many Muslim societies causes a real problem. This is not only with regard to Western values but equally in the light of points of reference that are strictly Islamic".<sup>17</sup>

Commenting on the verse Dr. Murad Hofmann wrote: "If Muslims throughout history had not adopted the Quran to their macho instincts but, on the contrary, had adopted their behaviour to the Quran, women would not have become what can be seen in some places as second class citizens. In particular, it has never been justified to translate *al-tijai qawwamuna ala al-nisa* as instituting male superiority. This sentence does no more than oblige men to take care of women, with full responsibility, inasmuch as the

women need it and her husband is capable of it. Man is not a step above her, but moves protectively a step in front of her".<sup>18</sup>

T.E. Irving translated the verse [4: 34-35) as: "men are the ones who should support women". The celebrated commentator of the Quran Muhammad Asad translated the verse as: "men shall take full care of the women". Explaining the justification of the translation of the verse Mohammad Asad commented: "The grammatical form *qawwam* is more comprehensive ... and combines the concepts of physical maintenance and protection as well as of moral responsibility: and it is because of the last named factor that I have rendered this phrase as "men shall take full care of women".<sup>19</sup> Sayyid Qutub translated the verse as: "Men shall take full care of women with the bounties with which God has favoured some of them more abundantly than others, and with what they may spend of their own wealth".<sup>20</sup> Commenting on the verse Sayyid Qutub pointed out: "God has created human beings as males and females, following the dual rule, which is central to the system of creation. He has given the woman the great tasks of childbearing, breast-feeding and looking after her children. These are not tasks, which can be fulfilled without careful preparation, physically, psychologically, and mentally. It is only just therefore that the other part, i.e. the man, should be assigned the task of providing the essential needs and the protection required for the woman to fulfill her highly important duties .... the Quran states that in Islamic society men are required to look after women. It is an assignment of duties on the basis of natural abilities and the fair distribution of responsibilities. Each party is assigned the duties most suited to its nature".<sup>21</sup> The implication of the verse is that men are to protect women as long as they need and desire protection. Eminent Egyptian Islamic thinker, journalist and educational reformer Dr. Fathi Osman translated the verse as : "Men, take full care of women, for what God has granted some of them distinctively from the other, and what they may spend out of their possessions". Explaining the verse Dr. Osman commented: "The distinctiveness between man and woman is related to the woman's pregnancy, delivery, and nursing, which make it necessary that the man should have the responsibility to provide

for her needs and the needs of the children, at least when she is hindered with such a distinctive function, that of reproduction".<sup>22</sup> Writing on the issue Dr. Gamal A. Badawi, Chairman of the Islamic Information Foundation, Halifax, Canada and an outstanding Islamic scholar who is actively involved in spreading the message of Islam in the West commented: "In consideration of the physiological and psychological make-up of man and woman, both have equal rights and claims on one another, except for one responsibility, that of leadership. This is a matter which is natural in any collective life and which is consistent with the nature of man ... [qawwamuna) refers to the natural difference between the sexes which entitles weaker sex to protection. It implies no superiority or advantage before the law. Yet, man's role of leadership in relation to his family does not mean the husband's dictatorship over his wife. Islam emphasises the importance of taking counsel and mutual agreement in family decisions [as mentioned in 2: 233]".<sup>23</sup> Dr. Hammudah Abd al Ati pointed out: "This degree may be likened to what sociological parlance calls instrumental leadership or authority in the household due to role differentiation on the basis of sex".<sup>24</sup> The remarks made by Dr. Hasan Turabi are relevant to this issue. He said: "The man is in charge of the family, but that amounts only to responsibility for financial maintenance or for direction or discipline exercised in a reasonable manner. Both spouses should share in the management of family affairs, and have equal authority over their sons and daughters".<sup>25</sup> "It seems ... that the role this particular verse of the Quran has played is an example of the adaptation of the Quran to existing pre-Islamic attitudes. It is high time to go other way and adapt male behaviour to the requirements of the Quran".<sup>26</sup> In fact a woman is not her husband's mere subordinate but partner, companion and aide. The problem of the status of woman in Islam is not with Islam but with the Islamic thinkers' understanding of Islam which is coloured with patriarchal notions. Our religious scholars sometimes resort to fanciful, whimsical, far-fetched and distorted justifications and interpretations of the divine and sacred law, the shariah. We must therefore make a clear distinction between the primary sources of

Islamic law which is Quran and *sunnali* and the secondary source which is *fiqh* or the jurisprudence. The secondary source reflects views and concepts of Muslim thinkers of a particular time and not necessarily of Islam. Views, deductions and inferences of the scholars, however eminent, of the earlier generation cannot be unequivocally attributed to Islam; these are in fact the views and commands of individual Muslim intellectuals and not Islam. Such views should not be accepted at its face value and need to be analyzed and reviewed in the light of the revealed text of the Quran and the authentic *hadith*, the primary sources of Islamic law. A review of the *fiqh* does not however in any way diminish their value and sanctity but fulfill the requirement of the time.

Another thing which deserves attention is that if *al-rijal qawwamuna ala al-nisa* [4: 34-35] is interpreted to mean and signify that men have a privilege over women because husbands are the maintainers of wives, what will happen if a lady, for some reason or other, is never married and leads a single life or that she is a divorcee or that husband, for financial reason, is incapable to maintain wife and also that wife is rich enough to maintain husband. The spirit of Islam is not separation between the spouses just because of financial incapacity of the husband. Who will lead the family if the husband is seriously ill?

Now if we rewrite the translation of the verse 34-35 of Surat Al Nisa by Abdullah Yusuf Ali in the light of the meaning of the word *daraba* as explained by Dr. AbdulHamid AbuSulayman and quoted above, and *al-rijal qawwamuna ala oi-nisa* as explained above by Muhammad Asad, Sayyid Qutub and others the meaning of the verse becomes: *Men shall take full care of women with the bounties with which God has favored some of them more abundantly than others, and with what they may spend of their own wealth.* Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) leave the nuptial nest [or move away from the nuptial nest or separate from the nuptial nest]; but if they return to obedience seek not against them means (of annoyance): for

Allah is Most High, Great (above you all). If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they seek to set things aright, Allah will cause their reconciliation; for Allah has full knowledge, and is acquainted with all things [Al Quran 4 : 34-35].

In this connection it is pertinent to discuss verse 2: 228 which is sometimes been confused and man is placed higher over woman in respect of status. Al Quran states: Divorced women shall wait concerning themselves for three monthly periods. And it is not lawful for them to hide what Allah hath created in their wombs, if they have faith in Allah and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation. And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree over them ... [2: 228]. Marmaduke Pickthall translated this verse: ... And they (women) have rights similar to those (of men) over them in kindness, and men are a degree above them ... In their joint English rendering Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan translated the verse: ... And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them .... Sayyid Qutub translated the verse : ... Women shall, in all fairness, enjoy rights similar to those exercised against them, although men have an advantage over them .... Muhammad Asad translated the verse: ... The rights of the wives (with regard to their husbands) are equal to the (husbands') rights with regard to them, although men have precedence over them (in this respect) .... Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan in their translation of the verse clearly indicated that this higher degree is nothing but the husband's higher degree of responsibility over the wife.<sup>27</sup> Abdullah Yusuf Ali indicated that "man's rights and liabilities a little greater than the woman's".<sup>28</sup> What Sayyid Qutub meant by the words men have an advantage over women is that "man who initiates the divorce and would therefore have



the prerogative to take wife back, a decision that could not be left to her to take. This advantage, indeed a useful and proper one, is by no means universal, as some have erroneously concluded, but is simply dictated by the nature and the circumstances of the dispute".<sup>29</sup> But Muhammad Asad interpreted the verse as: "A divorcee has the right to refuse a resumption of marital relations even if the husband expresses, before the expiry of the waiting-period, his willingness to have the provisional divorce rescinded; but since it is the husband who is responsible for the maintenance of the family, the first option to rescind a provisional divorce rests with him".<sup>30</sup> Thus it is clear that this verse cannot be taken to mean men's intrinsic and natural superiority over women. Both are human, thus equal. The difference between man and woman, if any, is earned and achieved in terms of professional excellence and righteousness [49: 13 and 3 : 195 and 99: 7-8].

Dr. Hammudah Abd al Ati pointed out: "The question of the Muslim wife's obedience and the husband's authority has been viewed from what seems to be a limited perspective. It is taken by most writers to be based almost entirely on two statements in the Quran and some supplementary Traditions of the Prophet. The Quran [2: 228] states that women have rights even as they have duties in an equitable manner, but men have a degree above women. Again, it states [4: 34] that men are the guardians, protectors, or custodians of women because God has made some of them excel others and because men expend of their means to maintain women. ... Conclusions reached by such observers are hardly acceptable at their face value; they should be subjected to careful scrutiny and structural analysis. Generalizations have been made about the inferiority and subordination of women throughout history. Yet the new sociological insights into the nature of the power structure within the family may cast some serious doubts on the unqualified validity of such generalizations. Men may have believed themselves super ordinate or superior and acted according to their own definition of the situation. Women also may have behaved at least externally, as though they were

submissive and subordinate. But whether they were actually so in all respects and always is an open question .... Moreover, there is a grammatical point that may be suggestive. The verse states that men are guardians, etc. of women because God has made some of them excel others. The Arabic original of the italicized objective pronoun (them) is the plural masculine. If taken literally, it would mean that God has made some men excel others. But if it is interpreted in conjunction with the first part of the verse, where men and women are mentioned, the pronoun them, though strictly masculine, can be taken so as to refer to both men and women. In this case, excellence is attributed to some generalized men and women. This would be based on the grammatical rule of taghlib, according to which a plural consisting of singulars differentiated on some levels may be identified by one of its components and still include the rest. For example, the sun and the moon may form a plural which can be called the two moons. It would seem that the referents of the objective pronoun them, of whom some excel, include members of both sexes for at least two reasons. First, if excellence is conferred by God on some men to the exclusion of other men and also of all women (necessary conclusion of taking the original pronoun literally as a plural masculine), it would be difficult to explain why the Quran clearly designates men in general as guardians of women, or why it allocates right and duties to the male sex on the merit of only some members thereof. Secondly, the object of the verb excel is defined neither by the masculine nor by the feminine pronoun, nor is the content of excellence specified in the verse. There is no direct indication of who is excelled or in what excellence is. Furthermore, it is a grammatical rule that the pronoun refers to the nearest preceding noun unless otherwise indicated. The nearest referent of the pronoun them in the verse is actually women, not men. If the interpreters of the Quran adhered to this rule of Arabic grammar, they would have concluded that God has made some of them, i.e. women, excel. But they instead took the verse to mean that God has made some men excel. They went further to specify or define

those who are excelled as women, and further still to conclude that men as such, not only some of them, excel and hence are superior to women as such, not only some of them. Such an interpretation and conclusion seem to draw no substantiation from the verse. They must have been reflections of the prevailing social conditions and mental dispositions. Not originating in any textual authentic declarations, they must have been adopted by men who actually believed themselves superior to women, in an age when external appearances probably lent support to such a belief and in places where instrumental authority overcast expressive authority. The verse, which is some what equivocal, was adduced perhaps to rationalize those contemporary conditions and to give those men at least the appearance of evidence in support of their views, so that they would not be taken as contrary to the principles of religion."

"In view of this analysis, a reinterpretation of the verse may be worth attempting. Men are guardians, etc. of women because men and women are not completely alike; they are differentiated and differentiable in various respects. Some of them, men and women, are endowed with what others, men and women, lack".<sup>31</sup>

Another issue which needs to be clarified is hyab, headgear or the covering of the head by the women which is sometimes confused with covering of the face by the believing women. In verse 33: 59 believing Muslim women have been advised that they should cast their outer garments (minjalabibihinna) over their persons when out of doors. Al Quran states: a Prophet! Tell your wives and daughters and the believing women that they should cast their outer garments over their persons (when out of doors): That is most convenient, that they should be known (as such) and not molested and Allah is Oft-Forgiving, Most Merciful [33 : 59] This general instruction should not however be confused with specific instruction for the ummul muminin, the mothers of the believers contained in the verse 33: 53 wherein Muslim males were advised to talk to the wives of the Prophet Muhammad from behind a screen. Al Quran states: a you who believe! Enter not the Prophet's houses until leave is given you for a meal (and then) not (so early as) to wait for its preparation: but when you are invited,

enter; and when you have taken your meal, disperse without seeking familiar talk. Such (behaviour) annoys the Prophet he is shy to dismiss you, but Allah is not shy (to tell you) the truth. And when you ask (his ladies) for anything you want, ask them from before a screen: that makes for greater purity for your hearts and for theirs .... [33: 53].

Now let us read the general instruction towards the believing women as mentioned in the verse quoted above [33: 59] together with verse 24: 30-31 which tells women not to display their beauty and adornment except that which is apparent. The general instruction of Islam is that man should lower his look when his eyes fall on the face of a woman and vice versa. Al Quran states: Say to the believing men that they should lower their gaze ... And say to the believing women that they should lower their gaze and guard their modesty [others have translated as: guard their sexual organs, protect their private parts. mindful of their chastity]; that they should not display their beauty and ornaments except what (ordinarily) appear there of (Arabic word used is *ala ma zahara minhal*, that they should draw their veils over their bosoms and not display their beauty ... [24 : 30-31].

Traditionally *ala ma zahara minha* has been interpreted allowing only women's face, hands and feet to be uncovered. This is the view of Imam Abu Hanifa. Imam Malik and Imam Shafi hold the same view. Imam Abu Yusuf of Hanafi School of Thought is however of the view that women, within the limits of *ala ma zahara tninha*; can also keep their hands uncovered up to elbow.<sup>32</sup> But others oppose the view saying that face of the woman attracts man most and therefore face should be totally covered. But this view is not tenable. The instruction of the verse quoted above is that both men and women are required to keep their eye cast down, so that when they meet each other, neither should men stare at women nor women at men. The natural question that arises is why man should lower his gaze if the face of woman is totally covered? From the text of the verse it is clearly evident that the face of the woman is not to be covered and therefore man has been advised to lower his look.

Eminent Islamic scholar Prof. Dr. Yusuf Al Qaradawi however pointed out: A difference is to be noted here between the expressions. "Lower their gaze" and "guard their sexual organs", signifying that while the sexual organs must be totally guarded without any leeway, the lowering of the gaze is only partial, because necessity and the general interest of the people require that some looking at the members of the opposite sex is allowed. "Lowering the gazes" does not mean that in the presence of the opposite sex the eyes should be shut or that head should be bowed toward the ground, since this would be impossible ... Here "lowering of the gazes" means to avert one's gaze from the faces of the passers-by and not to caress the attractive features of the members of the opposite sex with one's eyes.<sup>33</sup> Dr. Qaradawi pointed out that what is not allowed is lustful look.<sup>34</sup> The Prophet taught Muslims, if they had to sit by the road, to lower their gaze as women pass by. Dr. Hasan Turabi wrote quoting Muslim.<sup>35</sup> A man should not gaze at a woman or a woman at a man so fixedly that temptation is stimulated. Instead, whenever any such thing strikes the mind, one must desist from looking on. The Prophet advised Ali (RA): "O All, you must not gaze at a woman. You are allowed the first look but not the subsequent". Dr. Hasan Turabi however pointed out: "All's report does not mean that looking at a person of the opposite sex is absolutely forbidden. It is only when one seeks sexual pleasure or finds and relishes it. Indeed, in the model society of Islam. Muslims used to assemble freely and frequently; they were mostly acquainted with each other, men and women; they conversed and interacted intensively. But all those activities were undertaken in a spirit of innocence and in the context of a virtuous society."<sup>36</sup>

Varying on the condition of the climate, heat, wind and dust, women however do cover their face in different regions. Eminent thinker and intellectual and former German diplomat Dr. Murad Wilfried Hofmann pointed out that veiling women totally is "a custom that is not Arab but Byzantine and Iranian in origin. Women of leisure and high social standing had obviously found out that they could underline their class by taking to the veil. Making them seem slightly remote, this device would make them

appear more rare and precious. And of course, cultivating the veil simultaneously enhanced the Oriental proclivity for jealousy. At any rate, it is a fact that at the time of Prophet and immediately afterwards, Muslim women were not totally veiled (and Bedouin women in Saudi Arabia are still not). Indeed, women pilgrims to Makkah must not be veiled because their predecessors, contemporaries of the Prophet, were not when they went out on pilgrimage".

"On the one hand, it is not without logic that Saudi women go voluntarily beyond the Quranic obligation to cover themselves. If the purpose of covering a woman's hair, bosom and arms is to save her from becoming a sex object, to protect marriages from unabashed solicitation, and to avoid a vain and ruinous beauty fashion competition among women, then why should such strong points of sexual fixation as eyes, mouth and ankles remain on public display?"<sup>37</sup>

Nonetheless, it should be kept in mind that a person is identified by the face. Modern psychologists and public relations experts study face to ascertain the character and mental makeup of the individual. Face is the reflection of personality. Forcing women to totally veil or cover their face in fact tantamount to destruction of the personality of the women. A woman however has the inalienable fundamental rights to live in a society which allows her to blossom. Woman like man can however expose her personality not through nakedness but through decent adornment and covering of the body. Al Quran states: O you children of Adam! We have bestowed raiment upon you to cover your shame as well as to be an adornment to you, but the raiment of righteousness - that is best. Such are among the Signs of Allah that they may receive admonition! O you children of Adam! Let not Satan seduce you in the same manner as he got your parents out of the Garden, stripping them of their raiment, to expose their shame: for he and his tribe see you from a position where you cannot see them: We made the Satans friends (only) to those without faith" [7 : 26-27].

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