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Battle of Books! Diverse Trends in Muslim Thought on Women's Issues

By Zeenath Kausar¹

Abstract

It can be hardly disputed that woman's status and rights in Islam in family and society is one of the most controversial topics in Islam. One of the important reasons behind this controversy seems to be the diverse interpretations of the Islamic texts which Muslim scholars offer on various issues of woman. This article deals with this issue. It is argued in the article that Muslim scholars often present diverse and sometimes even conflicting interpretations of the relevant verses of the Qur'an and the relevant Prophetic traditions on various issues of women. This has given rise to diverse trends of thinking and perspectives within contemporary Muslim thought.

In order to explicate this point, I have presented the diverse interpretations of the relevant Islamic texts offered by few Muslim scholars on the rights of economic and political participation of women. Since it is a very large issue and the list of Muslim scholars who participate directly or indirectly in the debate is too long, we have selected few scholars and few arguments only. For the convenience of the readers we have categorized Muslim scholars into two broad groups---rejectionists of the rights of women and the promoters of the rights of women. Scholars who discourage and reject the economic and political participation of women are categorized in the group of the rejectionists, whereas the scholars who stand firm for the rights of women are categorized in the group of the promoters of the rights of women. All care is taken in the article to show the stance taken by both the groups on the critical same issues that are dominant under the subject of the economic and political participation of women so that the readers may get the clear idea of the differences between the two groups in their interpretations of the relevant Islamic texts and their contentions. Complete citations of the books are provided in the article authored by the scholars who are discussed in the article.

Introduction

There is an intellectual tension and conflict among Muslim scholars on the rights and position of woman in family and society. However, this conflict among Muslim scholars turns too serious and complex when they present their interpretations of the Islamic texts from their own perspectives either for the promotion of or the opposition to the rights of women for the economic and political participation and gives rise to a battle of books! This paper tries to present the diverse and conflicting views of some of the Muslim scholars on the economic and political participation of women based on their respective interpretations of some of the relevant verses of the Qur'an and some relevant Prophetic traditions. In other words, this paper throws a searching light on the diverse trends in contemporary Muslim thought on women's issues. For the convenience of the readers, we have categorized the Muslim scholars into two groups as rejectionists and promoters of the rights and status of women in family and society.¹

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Economic Participation of Women

We shall present the contentions of both the groups, the rejectionists and the promoters of the economic participation of women while presenting their interpretations of the concerned Islamic texts on those critical and popular issues which are dominant under this subject.

Economic Responsibility with Men: Men are the Qawwamoon (Care-Takers of Women): Views of the Rejectionists

From the group of the rejectionists, we shall present here the views of two Muslim scholars, Sayyid Jalaluddin Umri and Mohammad Imran. Umri is one of the renowned scholars of Islam who has authored several books on various issues of Islam, including women's issues. However Umri does not reject totally the economic participation of women, but overall he is more inclined towards rejection. Hence we refer to Umri as soft-core rejectionist. Whereas Imran strongly rejects the economic participation of women who may be therefore referred to as a hard-core rejectionist. Some of the positive observations of Umri on the economic participation of women can be gleaned from these words: 'Islam has granted woman freedom of economic pursuits in the form of business, any profession and works in any public service.... For this purpose, she can come out of her house too if necessary.'²

But in the same book, Umri cites the following Quranic verse and presents few negative observations on the same issue.

Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means.³

He writes: 'Here in this verse, two reasons have been advanced for appointing man as the head of the family. Firstly he has superiority over woman and secondly he spends his substance on her.'⁴

A critical point to note here is the position which Umri accords to husband that he is not only the head of the family but he is also superior to woman. It seems important to clarify here that there are many scholars who also believe in the headship of man for the family, but neither they believe in the superiority of man over woman like Umri nor disapproves the economic participation of women as Umri does. His negative stance on the subject can be understood from his following observations:

....Owing to the economic activity of woman, the peace of the house-hold is disturbed.⁵

As is well known, the entire economic order is in the hands of those who regard free-mixing of sexes not only a necessity but the most elegant feature of modern business.⁶

The physical and mental make-up of man and woman point to the fact that man is better equipped physically and mentally to bear the burden of a family..... It is a historical fact that in literature, poetry, art and fine arts, the height of perfection (in both imagination and skill), the level attained by man, woman could not even dream of.⁷

From the above, three points can be deduced. Firstly, that he accords central position to the role of woman in the family and the protection of the chastity of women. But it should be understood that there are many other scholars who also give the central importance to the role of women in family and give due importance to the safety and the chastity of women. But they do not make this a reason for discouraging or disapproving the economic participation of women. Secondly, he also challenges the mental and intellectual capability of women. This contention of Umri can be refuted both theoretically and historically. Theoretically, the main sources of knowledge --- the Qur'an and the Prophetic traditions never expressed any such thing which establish the less intellectual potentials of women than men. Historically, there are many evidences during the times of the Prophet (p.b.u.h.) and the Rightly Guided Caliphate period which show that there were women companions who were the teachers of the known men scholars of Islam. Thirdly, he is much more inclined towards discouraging women for the economic participation than accepting it. Hence, based on his observations on this subject, Umri may be categorized in the soft-core rejectionists.

Now we shall explore and analyze the views of Imran on the same issues. Like Umri, Imran also cites the above quoted verse of the Qur'an, 4:34, and perceive men as superior to women. He writes:

The superiority of the male in strength, activity and courage saddles upon him the responsibility of maintaining the family and so he enjoys supervisory status in the disposal of affairs. Thus the precedence of man over woman apart from biological factors is due to his great responsibilities, being the head of the family.⁸

Then he moves further in his discussion and refers to another verse of the Qur'an: 'And stay quietly in your houses and make not a dazzling display like that of the former times of ignorance.'⁹ He presents these observations on the quoted verse:

The above ayah of the Qur'an provides the only true and real solution to the problem of Muslim women loitering at street corners and cafes during their free hours. Rather than trying to drag women into mosques, why is the effort not directed towards discouraging them from emerging from their homes.¹⁰

This shows that Imran, based on his own interpretations, forbids women not only from working outside, but also forbids them from walking in streets, going to cafes and even to mosques.

Besides the above Quranic verses he also quotes certain Prophetic traditions to justify his position on the subject. It seems better to clarify here that many of the traditions that he quoted are either weak or his interpretations of the tradition are out of context. Two such Prophetic traditions he cited are these: 1) Wine is the means of amassing offence, women are the snares of the devil, and love of the world is the beginning of every sin; 2). Put women in an inferior position since Allah has done so.¹¹ Commenting on the above he writes the following:

Therefore, women should not be pushed forward or allowed to have prominence in those spheres where Allah has assigned them an inferior position. This is vital for decency and for maintaining equilibrium in the society; otherwise there will be moral chaos, social imbalance and corruption as is being witnessed today because of the prominence of women in economic, political and social pursuits.¹²

Imran has thus closed all the avenues for the socio-economic participation of women degrading women as the 'snares of the devil', the causes of attraction, temptation and seduction. Thus he takes an extreme stance against the participation of women in society and therefore he can be categorized as a hard-core rejectionist.

Views of the Promoters of Women's Rights on the Same Issue

Now we shall move to those scholars who do not agree with the arguments of the rejectionists against the participation of women in economic structures and refute them. From this group of the promoters, we shall present the views of two Muslim scholars, Fathi Osman and Muhammad Sharif Chaudhri. Osman is one of the renowned Muslim scholars in this group who has authored several books on Islam. Osman refers to the same verses of the Qur'an 4:34 as referred to by the rejectionists and presents a different interpretation of the verses. He writes:

The Qur'anic verse: Men shall take care of women with what God has bestowed on the former.....(4:34) does not state a "superiority" of a man over woman, rather it explains the "responsibility" of a man for sustaining the family. Since the woman is physically restricted from earning a living during the late stage of her pregnancy and the first year –or more -of her child's life it is essential to show who is responsible for supporting the wife and the children.¹³

The first point to note here is his rejection of the superiority of men over women and secondly his explanation of the main reason for assigning the financial responsibility to men. He also explains the term Qawwamoon, which occurred in the verse. 'In Arabic, the word (qama) with the preposition ('ala) means "take care of."¹⁴ In other words, men are accorded this position of Qawwamoon due to this sustenance responsibility of the family and this by no way implies that men are superior to women. 'The Divine sources mention 'care' and 'responsibility' within the family, but not superiority.'¹⁵

Fathi Osman then also makes it clear that this responsibility of men do not forbid women from working outside. He writes:

Besides, the man's obligation to support the family does not contradict or restrict the woman's rights to work if she likes to do so, and a coordinated time-table for both spouses can be reached after a constructive discussion that ends in mutual consent. When a man does not work and cannot secure for himself and his family a decent living for any reason, he cannot assume 'qawama' just because he is related to the gender of men.¹⁶

An important point to note here is the approach or the holistic perspective through which Fathi Osman perceives this whole issue. He asserts that if a woman takes-care of the financial responsibility in the non-working man family, she 'should treat the non-working man respectfully.'¹⁷ Why? Because, each believer man or woman 'has to observe the Divine teachings in mutual relations, whether one may be more or less powerful.'¹⁸ Why they should do so?

They have to support each other in maintaining human rights and attaining moral and material development of each and of the whole society, being in charge (protectors) “awliya” of one another and of the whole society, and enjoining the doing of what is right and forbidding the doing of what is wrong (9:71).¹⁹

Fathi Osman also refers to the other verse of the Qur’an, 33:33 which is often cited like the verse, 4:34 to disallow women from any public role and he refutes the argument of the rejectionists. He writes:

There are people who try to find a support for restricting woman’s activities to only the family in the Qur’anic verse that addresses the Prophet’s wives, ‘And abide quietly in your homes’ (33:33). But those should not ignore that it was a special rule for the Prophet’s wives because of their special situation, as suggested clearly in the previous verse: ‘O wives of the prophet! You are not like any of the (other) women.’ (33:32). Accordingly, the Prophet’s wives should not marry after the Prophet, and they had to observe special restrictions that are not applied to others. (e.g. 33:28-30, 50-53). 30-31.²⁰

Thus from the above discussion of Fathi Osman’s views on the issue, it is clear that he is a hard-core promoter of the economic participation of women.

Another strong promoter of the rights of women in family and society is Muhammad Sharif Chaudhry. He writes: ‘Though earning of sustenance for the family is basically the duty of man, yet Islam does not prohibit a woman to engage in any employment, business, or any profession, to earn or contribute in the income of the family in case of need.’²¹ Chaudhri then cites several verses of the Qur’an—4:32, 28:23 and 58: 39-41 to strengthen his arguments. As an example, verse 4:32 is quoted: ‘.....to men is allotted what they earn, and to women what they earn: But ask Allah of His bounty: For Allah hath full knowledge of all things.’²²

Chaudhri also cites many Prophetic traditions and historical evidences to give examples that many women companions of the Prophet (p.b.u.h.) participated in socio-economic and even in political fields and the Prophet (p.b.u.h.) never stopped them. According to a Prophetic tradition, Jaber reported that his aunt was divorced and she wanted to collect fruits from her palm trees, to which a person objected her. She went to the Prophet (p.b.u.h.) in this regard and the Prophet allowed her to do so.²³ Ummul Mo’mineen Saudah, one of the wives of the Prophet (p.b.u.h.) was skilled in tanning the skins of the animals and she used to work for it to earn money.²⁴ Chaudhry gave many such examples from history and came to this conclusion: ‘There are many such incidents reported in the books of history which establish that women used to work during the days of the Prophet, (p.b.u.h.) to support their families and the Prophet never objected to their engagements.’²⁵

It is also important to mention here that like Osman, Chaudhri also does not accept the concept of male superiority over women as the rejectionists often advocate on the basis of the position of men as qawwamoon. He writes: ‘According to verse 4:34, the man is Qawwam of woman and it is argued that he is therefore, superior to her. However, this argument is not sound and it does not justify the conclusion which is drawn.’²⁶ Then he points out that man is made Qawwam (care-taker) over woman because he spends his money over his wife and children, but it does not make him superior to woman.²⁷ All these views of Chawdhri shows that he is a hard-core promoter of the rights of women.

Women Intellectually Deficient Than Men: Views of the Rejectionists

There is another verse of the Qur'an that is often cited by the rejectionists to stop women from working outside. The verse of the Qur'an is given below:

And get two witnesses out of your own men and if there are not two men, then a man and two women such as you choose for witnesses. So that if one of them errs, the other can remind her.²⁸

Here again, the interpretations of and conclusions on the above verse differ among scholars. For instance, referring to the above verse, Umri observes: 'There is no doubt about it that Islam in many affairs made a distinction between the evidence of man and woman. But taking it as an insult to the woman is unjustified and against the teachings of Islam. Islam has not arbitrarily made this distinction. The reasons are to be found in woman's nature, temperament and sphere of action.'²⁹

What Umri means by the nature of woman in this context, and what is her sphere of action can be understood by his following views on women:

The infirmity of woman as stated by the Qur'an is that she can forget the details and therefore the corrective provided is two women together instead of one.³⁰

.....whereas it is the plan of Shariah that their (women's) movements outside their houses should not be too frequent and free.....³¹

Thus, according to him when compared to men, women are more forgetful and that they should be given only those responsibilities which suit their nature. Even though he gives women some role in the socio-economic fields, he still insists that her preferable sphere of action is her house alone. He states several times clearly that public role is in no way meant for women and that they should be occupied in the house-hold responsibilities 'undisturbed' with 'undivided attention. He writes:

With this end in view it has imposed the responsibility of earning the family's bread on man, thus leaving the woman free to look after her family and household affairs with undivided attention. This division of labor on a reasonable basis is sure to guarantee greater cooperation between them running of the home perfect and peaceful.³²

On the basis of these observations of Umri on this issue, he may be again included under the soft-core rejectionists.

As far as Imran is concerned, he tries to interpret the above verse as though women are intellectually deficient and for that reason he takes an extreme stance on the subject unlike Umri. Imran presents a Prophetic tradition to convince that the reason of the stipulation of one man and two women for witnessing certain cases is due to the lack of common sense in women. Since the tradition he quoted is too long, we are presenting the relevant portion of the tradition here for discussion.

It is narrated on the authority of Abdullah bin Umar that the Prophet said: I have seen none lacking in common sense and failing in religion but robbing the wisdom of the wise besides you. Upon this a woman remarked: What is wrong with our common sense and our religion? He observed: the evidence of two women equal to one man is the proof of the lack of common sense; and you spend some days and nights in which you do not offer prayers and in the month of Ramadhan, (during those days), you do not observe fasts, that is a failing in religion.³³

Imran then concludes: ‘In cases of witness, inheritance and ranks, Allah has assigned a secondary position to women as compared to men. Therefore women should not be pushed forward or allowed to have prominence in those spheres where Allah has assigned them an inferior position.’³⁴ Imran thus surpasses Umri in describing women as inferior to men in wisdom and also lacking objectivity and destined to be inferior to men. We are presenting below some more contentions of Imran which typically represent the views of all those scholars who condemn the participation of women in society. He writes:

In the eyes of Islam, a woman is very precious and valuable, therefore she has to remain indoors where she could be hidden and guarded, just as precious and valuable assets are guarded and kept in safes, strong-rooms and vaults for safe-keeping so that they do not fall into the hands of unauthorized persons.³⁵

.....we see that the Islamic demand for the separation of the sexes, for modesty, for purity, for chastity and for moral decency is being nakedly abused under the flimsy and baseless pretext of “equality of sexes” which is nothing but a carnal ruse to lure men and women into the pits of unbridled sexual desire and lust.³⁶

.....Islam strongly disapproves of any social pattern which desires women to neglect their primary and essential functions (of serving the husband, rearing the children and looking after the house-hold affairs) and indulge in other activities which cannot but be highly detrimental to their primary duties.³⁷

On the basis of all these observations of Imran, he may be included under the hard-core rejectionist.

Promoters of the Rights of Women on the Same Issue

However, the scholars who speak for the rights of women provide different interpretation of the same Quranic verse concerning the evidence of women, 2:282. Osman observes:

When the Qur’an requires two women to substitute a man in witnessing a credit, this does not imply any devaluation of the physical or moral abilities of a woman, but it just refers to the fact that women in many cases, may be less familiar with business procedures—especially the detailed specifics and legal aspects than men, and therefore may be more liable for errors in this respect. Accordingly, it may be

wise to make sure that ‘if one of them should make a mistake, the other could remind her. (2:282).³⁸

Thus for Osman this verse does not show any understanding deficiency or intellectual inferiority of women. It is the matter of general areas of interest and experiences of men and women which is given due consideration here to dispense the justice, because Islam is very particular about justice. Osman writes: ‘No one argues about ‘biological differences,’ or about the fact that ‘equality’ should not mean ‘similarity’. Some may believe in ‘differences of functions between men and women, but such differences have not to be interpreted necessarily in terms of superiority and inferiority.’³⁹ Hence Osman re-asserts the historical fact that women played an important role in society in the early Muslim society. ‘As it has been repeatedly mentioned before, early Muslim women were active with men side by side even in the battlefield according to their abilities and to the community’s needs.’⁴⁰

Similarly, Chaudhry like Osman refers to the same verse of the evidence of women, 2:282, and refutes the interpretation of the rejectionists. Chaudhri writes: ‘From this verse, 2:282, it is generally contended by the critics of Islam that Islam renders two women equal to one man in the matter of evidence. However this criticism is totally baseless and unfounded if judged by an unbiased mind.’⁴¹

Chaudhri provides reasons behind this stipulation of one man and two women. Firstly, he contends that this stipulation is only for the commercial transactions only in which women generally do not involve themselves. Secondly, the actual evidence is given by one woman, and the second one stays there to remind her in case if the first one forgets and also to give her moral support. Chaudhri also points out that in other cases such a stipulation is not required. He also cites Mohammad Asad’s interpretation of the verse, 2:282. According to Asad, since women are generally less familiar with business procedures, such a stipulation is proposed. He writes: ‘The stipulation that two women may be substituted for one male witness does not imply any reflection on woman’s moral or intellectual capabilities.’⁴²

Chaudhry also gives his opinion on the Prophetic tradition that is cited by the hard-core rejectionists that talks about the mental and religious deficiency of women. He writes: ‘The other hadith regarding a woman’s deficiency in wisdom and religion is not accepted being in contradiction with the teachings of the Qur’an and the Prophet (p.b.u.h.) of Islam about women.’⁴³

Political Participation of Women and Leadership

All the negative arguments which are presented by the soft-core and hard-core rejectionists against the economic participation of women are also generally presented by these and other scholars against the political participation of women. Besides these, there are some issues of women on which some scholars have taken such a rigid position that it becomes quite obvious from it that they are totally against the political participation of women. We would discuss here two of these issues -- consultation and face-veil. Although there are many scholars who can be cited here, but we would present the views of Imran and Umri on these issues from the rejectionist group and Osman and Chaudhri from the group of the promoters. An important point to note here is that we have divided the subject of political participation of women into two parts, one is general political participation and the other is the headship of the state.

General Political Participation

No Consultation with Women: Views of the Rejectionists

Imran refers to one Prophetic tradition: 'The holy Prophet, (p.b.u.h.) observed in one occasion verily the destruction of men is in obeying their women.'⁴⁴ Obeying women here he meant discussing and consulting and following the opinions of women on given issues. It is quite obvious that taking consultation on various occasions and on various issues is an indispensable part of family life and an integral part of socio-economic and political fields. Particularly, in the democratic countries, consultation, deliberation and then forming a decision is the dominant method in law-making bodies and in other political mechanisms. On the basis of this above quoted tradition, Imran asserts that the opinions of women should not be followed because it would prove destructive.

Promoters of the Rights of Women on the Same Issue

Promoters of the rights of women do not agree with the contentions of the rejectionists against the political participation of women. Osman asserts that Muslim women companions were not only heard by the Caliphs but were also followed. He writes: 'During the rule of Caliph Umar ibn al Khattab (634-644), a Muslim woman expressed publicly her opposition to the Caliph's suggestion of restricting the amount that a woman can ask for as a dowry, and the Caliph had to withdraw his suggestion.'⁴⁵ Osman perceives the mutual relationship between men and women as *awliya*, protectors of one another. Hence according to him this relationship 'underlines both the responsibility and the authority that men and women should equally share as inseparable members of the society...'⁴⁶ This shows that Osman does not agree with those scholars who believe that the opinions of women should not be followed, because he believes that men and women are protectors of one another and should work together in the society because they 'have collective responsibility toward the society as a whole'.⁴⁷ This responsibility is enjoining right and forbidding wrong.⁴⁸

Chaudhri also asserts that the Prophet (p.b.u.h.) himself consulted men and women companions in all the necessary matters. He also referred to the historic treaty of Hudaibiyah in which the Prophet (p.b.u.h.) consulted his wife, Umm Salama and followed her opinion which in fact resolved a very big problem at that time.⁴⁹ This underlines that the Prophetic traditions cited by the rejectionists contradict the teachings of the Qur'an on consultation and also the practice of the Prophet, (p.b.u.h.) and hence not acceptable. These scholars contend that women enjoy all rights of consultation, deliberation, election and representation. Chaudhri writes:

The idea of mutual consultation led to the establishment of Shura or consultative body in the early days of Islam and the right to vote, election of representatives, establishment of parliaments and election of the heads of Islamic republics in modern times. Women have equal rights with men to elect their representatives and contest elections and seek for public offices.⁵⁰

The Issue of Face-Veil: Views of the Rejectionists

Now let us move to the issue of face-veil. In this connection, Imran refers to the following verse of the Qur'an:33:59

O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful.⁵¹

Commenting on the above verse of the Qur'an, Imran asserts: 'And non-recognition is possible only by covering the entire body including the face. This purpose is served only by an overdress called Jilbab.'⁵²

Imran refers to few other verses of the Qur'an, 33:53 and 33:33 and the following Prophetic tradition to strengthen his argument:

Ibn Masud reported the messenger of Allah as saying: 'A woman is object concealment for when she goes out, the devil presents her in alluring looks before men.'⁵³

Discussing this and other Prophetic traditions, Imran asserts: 'Allah has enjoined on the Muslim woman that when they go out of their houses under some necessity, they should cover their faces by drawing a part of their over-garment over their heads in order that they are not recognized and annoyed.'⁵⁴ Imran at some other place, describes the scholars (without mentioning the names) who argue that women should be liberated from face-veil as modernists and apologetics.⁵⁵

Thus one can deduce from the above discussion that Imran is against the political participation of women for broadly three reasons. Firstly, because he wants that women should give full time to husband, children and other members in the family with undivided time and undivided attention. Secondly, he does not want women to go outside the house unless inevitable and for that reason he does not want women to attend even the mosques for prayers as we discussed earlier. Thirdly, in case, if women have to go outside the house, he wants women to observe full hijab as well as niqab, face-veil.

Similarly Umri is also strongly in favour of face-veil like Imran. He writes: '...people in their bewilderment at once start with apologetic explanations, dragging the Maulvis in their disputes as escape-goats and asserting that it is they (Maulvis), who impose all sorts of restrictions on women. Islam is against such impositions.'⁵⁶ Umri asserts that the only truth in the statements of such modernists on this issue is that there is a difference of opinion among jurists on this issue, but the freedom which the modernists demand for women cannot be accepted on the basis of Islam.⁵⁷

Umri has even challenged those women who do not accept face-veil as obligation:

It is an undeniable fact that the women discarding the limits prescribed for her by Islam, did not achieve any success worthy of pride for the Ummah. And nobody heard about any Aiesha, Umme Salama, Asma Binte Abu Bakar, Fatimah binte Khattab or any Khansa,(may Allah be pleased with them) taking birth in the Muslim Ummah today.⁵⁸

With all these remarks and some other arguments on this issue, Umri wants to bring home the point, that it is better for women not to take any public work and remain in the house. He writes:

Islam has recommended for women to take her home as the real centre of her attention and activity. It does not like that she should step out of it without a pressing need. The modernists are not prepared to admit that her activities should be confined to the four walls of the house.⁵⁹

All these scholars discussed above who disapprove the participation of women in public realm including political, taking the issue of hijab and niqab to extreme limits may be categorized as hard-core rejectionists.

Promoters of the Rights of Women on the Same Issue

Osman refers to the same verse of the Qur'an, 33:59 and observes that Islam allows any dress that fulfils the required modesty for a decent woman. He also says that it depends on the creativity of fashion designers to combine elegance and modesty in a woman's dress. It is clear from these words of Osman that he does not specify any particular dress for women nor he makes niqab, face-veil obligatory for women. He contends that any decent dress would be acceptable in Islam for women which fulfill the 'required modesty for a decent woman'.⁶⁰ Required modesty in dress implies the required Islamic teachings on dress, because he refers to the concerned verses of the Qur'an, 33:59. He writes: 'Purda, chadoura,'abaya, qufan or hayek are local fashions preferred by women in different places and may be changed in any time according to the change of taste; these designs or fashions should not violate the basic and permanent requirements of an Islamic dress.'⁶¹

Osman also disapproves the segregation of men and women and describes it as a cultural practice. He writes: 'Islam does not permit any discrimination between men and women, nor does it advocate a segregation between them as it may be widely understood because of cultural practices or views.'⁶² He points out that Islam forbids khalwa, seclusion of man and woman in privacy if they are not married to each other. But he writes that 'men and women as individuals and groups can meet in public.'⁶³

Chaudhri also holds the view that the verse, 33:59 enjoins on women to observe modesty and decency in their dress. He cites a Prophetic tradition in which the Prophet (p.b.u.h.) states clearly that a woman should cover her entire body except her hands and face.⁶⁴ He also cites the views of Justice Aftab Hussain in this connection. According to Hussain, '... it is lawful for a woman to keep uncovered those parts of the body which are not her satr in the same manner as it is for men to cover their satr because it cannot be prohibited to uncover what is not satr....it is lawful for women to expose their face, hands and feet...'⁶⁵

Political Leadership of Women: Headship of the State

Here it can be said that all the soft-core and hard-core rejectionists who presented their arguments against the economic and general political participation of women are totally against the headship of woman. There are many arguments that are presented against the headship of women. Here we would discuss two arguments: 1) Destruction of the state under the headship of woman; 2) The Imamah of woman of the mixed congregation.

Destruction of the State Under the Headship of Woman

Umri refers to the following Prophetic tradition:

Usman bin al-Haytham reports from Auf, who reports from al-Hassan, who reports from Abi Bakra, who said: In the time of the battle of camel, Allah benefited me from this saying: that when the Prophet (p. b. u. h.) heard that the Persians have made the daughter of Chosroe their Queen, he (the Prophet, p.b.u.h.) said: that nation will never prosper which puts a woman in command of its affairs.⁶⁶

Based on the above quoted tradition, he concludes: 'What has been argued from it is right and proper, that a woman cannot become the head of an Islamic state. Any step not conducive to the well-being of a nation would lead to troubles and tribulations and one must abstain from it.'⁶⁷

Umri then discusses the huge and enormous responsibilities of the head of an Islamic state that he has to enforce the Shariah, establish the Hudud, the Divine limits, defend the country from the foreign invasions etc. All these and other responsibilities of the head of the state need such qualities which are difficult to find in women. He writes:

-----the head of the state must be a person who is extremely conscientious and also a man of wit and capable of taking a quick decision and timely action, superior in intellect and having a deep knowledgeExperience has shown that all these qualities of head and heart are rarely met with in any one man at a time, and a woman of these qualities is still more difficult to find.⁶⁸

This clearly shows that Umri has less confidence in the qualities of women when compared to men and he therefore rejects the headship of woman for the state. However, Umri also makes it clear that all his observations on this issue are connected with 'heading a state, governing a political organization (Imamat-e-Kubra), the highest leadership with its mountainous responsibilities.'⁶⁹ As for the positions in lesser degree, he points out that some jurists agree with few positions for women.⁷⁰

Imran also refers to the above quoted Prophetic tradition and totally rejects the headship of woman.⁷¹ Besides quoting this tradition, he also asserts that 'there is a certain natural inequality between the two sexes. For this very reason, Allah has never chosen women as Prophets, nor has He permitted them to become Imams, Muazzins, Amirs, or the leaders of the people.'⁷²

Thus it is clear that all these scholars reject the headship of woman for state.

Promoters of the Rights of Women on the Same Issue

Scholars who stand for the rights of women hold different views about this tradition. Some do not accept the above tradition as authentic and some other scholars assert that this hadith is often interpreted in the wrong context. Chaudhri writes: 'The supporters of the women's rule do not accept the hadith pertaining to the daughter of Kisra as authentic since its reporter Abi Bakra was found guilty of false evidence and was punished by Hadrat Umar'.⁷³ In this connection, Chaudhri also presents the views of Maulana Ashraf Ali Thanvi, a leading scholar of the Muslim world. Thanvi during his time gave Fatwa in favour of the rule of

Shahjahan Begam, the Queen of Bhopal, one of the old princely states of India. Thanvi argued that if the government is run on the basis of consultation, shura, then a woman can become the ruler of the state.⁷⁴

Chaudhri also cites the example of the world known Islamic revivalist scholar, Sayyid abul ‘Ala Mawdudi, who supported a woman candidate, Fatimah Jinnah against a male candidate for Presidentship in Pakistan in 1964.⁷⁵ Chaudhri also refers to the rule of the Queen of Sheba which is mentioned in the Qur’an without any condemnation because she ruled through consultation.⁷⁶ Whereas the Qur’an condemns in unambiguous terms the rule of Pharaoh of Egypt because it was a despotic and a tyrannical rule.⁷⁷ All these views of Chaudhri reveal that he finds no objection in Islam for the headship of woman for the state.

Similarly, another known scholar, Kaukab Siddique also contends that woman can be made the ruler of the state. Siddique raised several questions on the above quoted Prophetic tradition. He asks how come the reporter of this hadith, Abi Bakra participated in the battle of camel under the leadership of Ummul Mo’mineen, Aiesha (may Allah be pleased with her) if he knew about this tradition?⁷⁸ How come this tradition was not known all along the period of the first and the second Caliphs and suddenly became known when Ummul Mo’mineen, Aiesha took up the leadership to punish the insurgents who were responsible for the martyrdom of the third Caliph?⁷⁹ Hence Siddique does not accept the arguments of the rejectionists and contends that woman should enjoy the right of the headship of state.

Imamah of Woman for the Mixed Congregation: Views of the Rejectionists

The other strong argument of these scholars against the headship of state is based on the controversial debate on the Imamah of woman for the mixed congregation. Umri writes:

And so we find that the Apostle of Allah (swt), on his death-bed selected Abu Bakar (may Allah be pleased with him) to lead the prayer and they (the companions) in turn had inferred from it that he (Abu Bakar) was the most capable person to head the then Islamic state.⁸⁰

Based on the above, a good number of scholars have come to this conclusion that Imamah of the congregation is one of the conditions for the headship of the state. At the same time, these scholars also come to this conclusion that women cannot be assigned the position of Imamah and ipso facto they cannot be given the position of the head of the state. Umri states: ‘The majority of the Ummah is unanimous on it that a woman cannot lead men in congregational prayer. That means she is even less suited for super leadership -- heading the Islamic state.’⁸¹ But Umri also presents the opinions of Imam Shafi’I, Abu Thaur and Tabari in one of his footnotes: ‘According to Imam Shafi’I, a woman can lead a congregation exclusively of women. Abu Thaur and Tabari have permitted it unconditionally.’⁸²

Imran strongly rejects the headship of women. According to him, positions like Imams and Amirs are not assigned to women in Islam.⁸³ Not only this, Imran disapproves even the very idea of women attending the mosque. He refers to the Quranic verse, 33:33 and few other Prophetic traditions and insists that the best place for woman to offer her prayers is her house. Imran then writes the following:

Hazrat Umar (may Allah be pleased with him) used to pelt women with gravel in order to drive them away from the mosque on Friday. (Aiyini's Sharah-e-Bukhari). It happened in those days when most women used to be extremely bashful, modest, pious and virtuous and majority of men were righteous; ... in spite of this, women were stopped from coming to the mosque. One can imagine what the regulation should be for the present times.⁸⁴

Thus all these scholars are deadly against women attending the mosque, leave alone their opinion on the Imamah of women for a mixed congregation, which they totally condemn.

Promoters of the Rights of Women on the Same Issue

Siddique cites an authentic Prophetic tradition wherein it is pointed out that the Prophet allowed a woman companion, Umm Waraqa to lead the people in her house in prayer in which the Muezzan, (one who calls for the prayer) was also included.⁸⁵ He also points out that there is a tradition which some scholars quote from Ibn Maja which does not allow woman to be the Imams, but it is a weak tradition.⁸⁶

There is another known Muslim scholar, Abdul Hamid, who has also presented his views on several issues of women. He argues that even if it is supposed that a woman is not allowed to perform Imamah of mixed congregation, she can appoint Imams in different mosques to perform this responsibility.⁸⁷ In any ways the issue of Imamah of woman for the mixed congregation is controversial even within the group of the hard-core promoters of the rights of women which should be dealt separately. It is sufficient to understand here that the issue of the Imamah of woman is still debated among scholars of various backgrounds but it is not fully opposed by all the scholars, although many scholars oppose it in general.⁸⁸

Conclusion

A critical analysis of the contentions and arguments of the scholars of both the groups reveals the deep influence of some ethno-cultural norms and general narrow and biased traditions of Muslim societies on women in the interpretation of the relevant Islamic texts of the scholars of the rejectionist group. When compared to them, the interpretations of the concerned Islamic texts on different issues provided by the promoters of the rights of women seem to be free from the biased and prejudiced norms and traditions on women that are dominant in Muslim societies. It can be hardly denied that thought influences action. Hence, any positive development of Islamic thought on women's issues requires a critical exploration and exposition and the cleansing of the ethno-cultural norms and general biased traditions on women underlying the Muslim literature on women's issues which are presented through biased and narrow interpretations of Islamic texts.⁸⁹ It is a different issue whether this bias-cleansing of Muslim literature on women's issues would reduce or aggravate the battle of books!

End Notes

¹ In this paper we are presenting only few names of the scholars and their relevant books from both the groups to comply with the expected length of the article. The list of the names of the scholars in both the groups is too long to include here. We are planning to discuss other scholars and their contentions on the subject in other article.

² Sayyid Jalaluddin Umri, *The Rights of Woman: An Appraisal*, Delhi, Markazi Maktaba Islami, 1996, pp. 42-43.

³ Al-Qur'an, 4:34.

⁴ Umri, *Op.cit*, p.62.

⁵ *Ibid*, p.82.

⁶ *Ibid*, p.85.

⁷ *Ibid*, pp.62-63.

⁸ Mohammad Imran, *Ideal Woman in Islam*, Delhi, Markazi Maktaba Publishers, 2000, p.40.

⁹ Al Qur'an, 33:33

¹⁰ Imran, *Op.cit*, pp.110-111.

¹¹ *Ibid*, p.85.

¹² *Ibid*, pp. 85-86.

¹³ Fathi Osman, *Muslim Women In The Family And The Society*, California, Minaret Publications, n.d., p. 7. It seems better to appreciate here the contribution of those scholars who have influenced immensely the debate among scholars on women's rights in Islam. Presently many Muslim scholars are seriously reflecting on controversial issues on women and publishing their books and articles making comparative studies. See Nida Kirmani, *Claiming their Space: Muslim Women-led Networks and the Women's Movement in India*, in *JIWS*, Bridgewater State University, Vol.1, No. 1, 2009, pp.72-85. See also Fatima Seedat, *Islam, feminism, And Islamic Feminism: Between Inadequacy and Inevitability*, in *JFSR*, Indiana University Press, Vol. 29, Issue 2, 2013, pp.25-45. See Zeenath Kausar, "Sayyid Abul A'la Mawdudi on the Empowerment of Women: Islamic Revivalism versus Muslim Traditionalism and Feminism", *Encounters*, Leicester: The Islamic Foundation, Vol. 10, No. 1, 2004, pp. 31-54.

¹⁴ *Ibid*.

¹⁵ *Ibid*, p. 48. See also Asma Berlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*, Austin, Texas, University of Texas Press, 2002.

¹⁶ *Ibid*.

¹⁷ *Ibid*.

¹⁸ *Ibid*.

¹⁹ *Ibid*.

²⁰ *Ibid*. pp. 30-31.

²¹ Muhammad Sharif Chaudhri, *Women's rights in Islam*, Delhi, Adam Publishers, 2003, p.133. It seems important to note here that the debate among Muslim scholars on women's rights can be traced back to early Muslim history itself. See Leila Ahmad, *Women and Gender in Islam: Historical Roots of a Modern debate*, Yale University Press, 1993.

²² Al Qur'an, 4:32.

²³ Chaudhri, *Op.cit.*, p. 132.

²⁴ *Ibid*, p. 133.

²⁵ *Ibid*.

²⁶ *Ibid*, p. 160.

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- ²⁷ Ibid,p. 160.
- ²⁸ Al-Quran, 2:228.
- ²⁹ Umri, Op.cit.,p. 215.
- ³⁰ Ibid, p. 220.
- ³¹ Ibid.
- ³² Ibid, p. 82.
- ³³ Imran, Op.cit.,p. 83.
- ³⁴ Ibid.,p. 85.
- ³⁵ Ibid.,p. 108.
- ³⁶ Ibid, p. 166.
- ³⁷ Ibid.
- ³⁸ Osman, Op.cit, p. 52.
- ³⁹ Ibid.
- ⁴⁰ Ibid,p. 53.
- ⁴¹ Chaudhri, Op.cit.,p .79.
- ⁴² Ibid, p. 81.
- ⁴³ Ibid, p. 172.
- ⁴⁴ Imran, Op.cit., p. 85. We have discussed the views of few contemporary Islamic revivalists on the political participation of women in one of our books. See Zeenath Kausar, Political Participation of Women: Contemporary Perspectives of Gender Feminists and Islamic Revivalists, Second Revised Edition, Kuala Lumpur, Thinker's Library, 2008.
- ⁴⁵ Osman, Op.cit., p. 33.
- ⁴⁶ Ibid., p. 32.
- ⁴⁷ Ibid.
- ⁴⁸ Ibid.
- ⁴⁹ Chaudhri, Op.cit., p. 149.
- ⁵⁰ Ibid., p. 149.
- ⁵¹ Al Qur'an, 33:59.
- ⁵² Imran, Op.cit., p. 121.
- ⁵³ Ibid., p. 123.
- ⁵⁴ Ibid., p. 126.
- ⁵⁵ Ibid., p. 122.
- ⁵⁶ Umri, Op.cit., p. 73.
- ⁵⁷ Ibid., p. 73.
- ⁵⁸ Ibid., p. 72.
- ⁵⁹ Ibid., p. 74.
- ⁶⁰ Osman, Op.cit., p. 38.
- ⁶¹ Ibid., p. 37.
- ⁶² Ibid.
- ⁶³ Ibid.
- ⁶⁴ Chaudhri, Op.cit., p. 104.
- ⁶⁵ Ibid., p. 109.
- ⁶⁶ Umri, Op.cit., p. 223. We have discussed the issue of the Headship of woman in Islam in one of our books. See Zeenath Kausar, Woman as the Head of State in Islam? Second Revised Edition, Kuala Lumpur, Thinker's Library, 2008.

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- ⁶⁷ Ibid., p. 223.
- ⁶⁸ Ibid. p. 225.
- ⁶⁹ Ibid., p. 226.
- ⁷⁰ Ibid.
- ⁷¹ Imran, Op.cit. p. 112.
- ⁷² Ibid.
- ⁷³ Chaudhri, Op.cit, p. 172.
- ⁷⁴ Ibid., 173.
- ⁷⁵ Ibid., pp. 173-174.
- ⁷⁶ Ibid., p. 171. See Fatima Mernissi, *The Forgotten Queens of Islam*, Cambridge, Polity Press, 1993.
- ⁷⁷ Ibid, p. 176.
- ⁷⁸ Kaukab Siddique, *The Struggle of Muslim Women*, Singapore, Thinker's Library, 1983, pp. 57-59.
- ⁷⁹ Ibid.
- ⁸⁰ Umri, Op.cit., p. 223.
- ⁸¹ Ibid., p. 224.
- ⁸² Ibid. p. 223.
- ⁸³ Imran, Op. cit., p. 112.
- ⁸⁴ Ibid., p. 111-112.
- ⁸⁵ Siddique, *Liberation of Islam Through Islam*, Singapore, Thinker's Library, 1990, p.19.
- ⁸⁶ Ibid, p. 22.
- ⁸⁷ Abdul Hamid, *Political Rights of Women in Islam*, (trans. In Urdu) Anzar Ahmad Qasmi, *Islam Mei Aurat Ke Siyasi Huqooq*, in a popular Muslim Magazine, *Zindagi-e-Nau*, Delhi, 1995, No. 5, p. 44.
- ⁸⁸ It seems important to note here that a known African-American Muslim scholar and activist, Dr. Amina Wadood, is the author of several books on Islam and women, including *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, Oxford, Oxford University Press, 1999. She has led a mixed congregation of Friday prayer in New York, on 18th March, 2005. Again on 17th October, 2008, she led a mixed congregation Friday prayer in Oxford. This led to a hot controversial debate among Muslim scholars. This issue is too complex to cover here. It shall be discussed in a separate paper later.
- ⁸⁹ See Heba Rauf Izzat, "Women and the Interpretations of Islamic Sources". Available in: <http://www.islam21.net/pageskeyissues/key2-6.htm>.