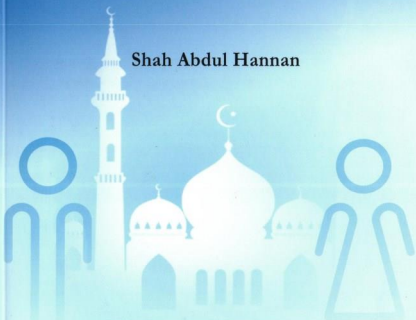


Islam and Gender

The Bangladesh Perspective

Shah Abdul Hannan



Bangladesh Institute of Islamic Thought (BIIT)

Islam and Gender The Bangladesh Perspective

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Introduction

Working for Women's Rights in Bangladesh

Md. Mahmudul Hasan

There is no denying that women in many societies suffer from multiple layers of discriminations and social exclusion, and that the patriarchal social structure aggravates their susceptibility to various forms of oppression and abuse. Men have enjoyed various privileges at the expense of women's rights and wellbeing. Whenever challenged, custodians of gender-based inequalities have used social mythologies, and sometimes pseudo-religious arguments, to facilitate and sustain the complex structure of gender stereotypes and to defend their privileges, and thus to perpetuate their domination over women. As a result, as far as gender relations are concerned, especially in Muslim cultural contexts, religion and patriarchy seem enmeshed and inseparable because of misuse and wrong interpretations or misapplications of Islamic religious texts. However, people of good will and sound judgment and intellectuals with substantial socio-cultural knowledge and Islamic scholarship have said it over and over again that the religion of Islam is a means of, and not an impediment to, women's liberation and empowerment.

Given the dynamics of Islam and contemporary Muslim societies, reformers and activists – who fight misogyny and gender inequality and seek to establish equity between men and women especially in Muslim-majority countries – have basically two choices. They can conveniently entrench further the notion that Islam is inherently gender-biased and suggest ideological links and affinities between Islam and patriarchy. Or, they can take the somewhat more difficult and challenging path of distancing and decoupling Islam from patriarchal practices and thus to champion women's rights within the framework of Islam.

In case of the second choice mentioned above, through research and academic endeavours, defenders of women's rights can underline the distinction between Islam and patriarchy, and use the emphasis Islam lays on the primordial principle of justice to establish gender equity. In this context, what Arvind Sharma says about religion and gender can be pertinent to the question of women in Islam: "[R]eligions ought to be studied before they are condemned: Who is to say if the key that unlocks the cage might not lie hidden inside the cage?"¹ Given the putative association between Islam and patriarchy at the individual and societal level, using the framework of Islam for gender justice may sound oxymoronic; but the pragmatism of such a stance in the context of Muslim majority societies makes its significance convincing and perfectly logical.

Conversely, if the diametrically opposite strategy is chosen and Islam is senselessly slammed presumably in the service of women's rights and of often misunderstood feminism, it may do tremendous disservice to women's continuous struggles for dignity and justice and for the recognition of their work. What is more, when Islam is critiqued in feminist discourses routinely in inflammatory terms, it is not only Muslim men who feel offended and outraged, but Muslim women equally feel insulted, betrayed and victimized, as both see their religion scapegoated and targeted for attacks for social ills which are none of its making. In other words, a feminist, Islamophobic² agenda aggravates and intensifies the acuteness of Muslim women's plight and does not contribute to the amelioration of their conditions. As Shelina Zahra Janmohamed states:

Muslim women have many stories to tell. Some of these are horrific. The suffering, oppression, and abuse that

¹ Arvind Sharma, "Preface" in A. Sharma and K. Young (ed.), *Feminism and World Religions* (Albany, NY: SUNY Press, 1999), p. ix.

² To see how feminism is often used for Islamophobic reasons, see Md. Mahmudul Hasan, "Feminism as Islamophobia: A review of misogyny charges against Islam," *Intellectual Discourse*, 20.1 (2012): 55-78.

some women face in the name of religion, but which in reality is driven by culture and power, must never be forgotten and has to be stopped. I feel a double distress, sharing their pain as sisters in faith but also seeing the beauty of my religion misappropriated, misrepresented, and abused to serve inhumane ends.³

The term 'double distress' mentioned in the above quote is quite significant in the debate of Islam and feminism. Muslim women suffer not only physically and materially because of the patriarchal social structure but also psychologically and emotionally because of Islamophobic taunts in a variety of feminist writing and theory. When feminism is used for Islamophobic reasons and for epistemic violence on Muslims, it frustrates the stated objective of the women's rights movement. As the feminist academic Riffat Hassan puts it bluntly:

In the midst of so much hatred and aversion toward Islam and Muslims in general, the out-pouring of so much sympathy, in and by the West, toward Muslim women appears, at a surface level, to be an amazing contradiction. For are Muslim women also not adherents of Islam? And are Muslim women also not victims of 'Muslim-bashing'?⁴

If the supposed sympathy for Muslim women in mainstream feminist discourse is not reflected in the way their religion is treated in gender studies, it will complicate feminist concerns and will leave ample room for questioning the real motives of those Islamophobic feminists – in Muslim societies and beyond – who apparently attempt to ameliorate Muslim women's condition. This will also create an unbridgeable divide between those who seek to

³ Shelina Zahra Janmohamed, *Love in a Headscarf* (Boston: Beacon, 2010/2009), p. x.

⁴ Riffat Hassan, "Rights of women within Islamic communities" in J. Witte & J. D. van der Vyver (eds.), *Religious human rights in global perspective* (The Hague: Martinus Nijhoff, 1996), p. 368.

promote women's advancement and liberation within the Islamic framework and those who berate Islam and aim to silence Islamic voices in the name of feminist freedom. Such an irreconcilable binary opposition between the two groups of defenders of women's rights may not augur well for women facing multiple adversities and systems of oppression.

It is important to understand that feminist ideas are not ahistorical and atemporal; rather they are context-driven and situation- and time-specific in the same way as patriarchal social order is context-specific and grounded in the traditional socio-cultural view of gender. So any tendency of universalizing some feminist theories and political agendas evolved from specific geographical locations needs to be resisted. This calls for a variety of feminist agendas and strategies – depending on socio-cultural specificities of a country – in seeking to promote gender equity.

In any attempt to address gender inequity and other forms of discrimination in a country like Bangladesh, it is absolutely essential to understand Bangladesh society and its various components, structures, values and institutions. It will be overly naive and far too simplistic to believe that women in Bangladesh suffer from multiple deprivations *only* because of patriarchal prejudices and misogynistic assumptions about women, or *only* because of misapprehensions of religious teachings. It will be equally incorrect to make broad generalizations about Bangladesh society and say that only women, not men, suffer extensive discrimination at different levels. In Bangladesh society, there are multiple layers of discrimination against a wide variety of marginalized groups including those defined by class, social and economic status, power relations and vulnerability and political affiliations – all of which go beyond gender boundaries. In most cases, men and women share common struggles, goals and objectives. They share common understandings of what constitutes oppressive dominations and power structures and fight for common interests.

Among western scholars interested in socio-cultural studies of Bangladesh, the Boston-born University of Toronto professor Joseph T. O'Connell (1940-2012) had relatively better understanding of Bangladesh society. His love and concern for Bangladesh defied the inclement environment and volatile political conditions of the country and motivated him to make regular visits to the country for a number of years to teach world religions at the University of Dhaka voluntarily. A "scholar of great precision and subtlety," O'Connell had "deep involvement with Bengali culture in both India and Bangladesh over many years."⁵ So his perceptive remark about Bangladesh society is perhaps worth considering. This is how he summarizes the struggles and needs of ordinary Bangladeshis:

Faced with staggering problems in economic, social, political, and religious life, the typical peasants and labourers of Bangladesh cannot live by language and the refinements of literature alone. In material terms, they need food, work, and basic security; in symbolic terms, they need to find meaning in their lives, inspiration for the sacrifices they are called upon to make, and a sense of security and solidarity. They seek leadership offering a message that speaks to them in an idiom they can understand and respect.⁶

Feminist concerns for women in Bangladesh cannot ignore the broader reality, social matrix and political volatility of the country in which prevailing gender relations are embedded. As O'Connell rightly points out, understanding Bangladeshi people and using a

⁵ William Radice, "In Memoriam: Our Friend Joe O'Connell (1940-2012)," retrieved on 13 February 2016 from <http://www.faculty.utoronto.ca/arc/in_memoriam/oconnell/>.

⁶ Joseph T. O'Connell, "The Bengali Muslims and the State: Secularism or Humanity for Bangladesh?" in Rafiuddin Ahmed (Ed.) *Understanding the Bengal Muslims: Interpretative Essays* (New Delhi: Oxford University Press, 2001), p. 194.

language that they understand and respect is important. This truth must be deeply appreciated by feminist leadership in Bangladesh.

Contravening the teachings of Islam, colliding head-on with the traditional Islamic people, disregarding religious values and then regarding local ulama (Islamic religious scholars) as intolerant will smack of reductionism and may not bring home any tangible feminist results. What is more, putting the blame of gender disparities on religious factors and institutions alone may render established vicious oppressive and exploitative systems – internal and external – immune from feminist scrutiny. Moreover, globalist and transnationalist systems of gender oppression should not be too readily dismissed by feminist scholars working for the wellbeing of women in Bangladesh. In the past during the colonial period, women in this part of the world suffered from “the intermixed violence of colonialism and of patriarchy.”⁷ At present, colonialist exploitative practices have been metamorphosed to contemporary globalist exploitation by capitalist entrepreneurs and intruders from metropolitan centers.

For instance, female garment factory workers in Bangladesh are the victims of both local factory owners and their corporate clients based in developed countries. As a BBC news story titled “UK firms ‘exploiting Bangladesh’” states:

Textile workers in Bangladesh get paid as little as five pence an hour to make cheap clothes for UK companies Tesco, Asda and Primark, a report says. The mainly female workers regularly spend 80 hours per week in “potential death trap” factories, according to anti-poverty group War On Want.⁸

⁷ Ania Loomba, *Colonialism/Postcolonialism* (London: Routledge, 1998), p. 222.

⁸ “UK firms ‘exploiting Bangladesh’” (BBC, 8 December 2006), retrieved on 14 February 2016 from <<http://news.bbc.co.uk/2/hi/business/6219274.stm>>.

Similarly, the *Guardian* reporter Jessica Elgot begins her *Huffington Post* article “Bangladesh Factory Collapse: Should You Boycott Primark over Workers’ Rights?” thus:

The neglect and exploitation that led to the collapse of a Dhaka building housing eight factories is the latest in a long line of horrific incidents at manufacturers in Bangladesh, manufacturers whose goods are sold on Britain’s high streets. But is boycotting retailers like Primark, Mango and Matalan the answer? Or does that mean that those young women, who feed their families from their meagre wages working making cheap and trendy fashion for their counterparts in the West, will suffer if company profits plunge?⁹

Elgot actually refers to the collapse of the poorly-maintained structure Rana Plaza in Savar, a suburban town near Dhaka.¹⁰ The tragedy that occurred on 24 April 2013 killed more than 1,100 garment factory employees most of whom were poor women. Many factors contribute to an almost never-ending catalogue of traumas and horrific sufferings of female workers at garment factories, such as: negligence of the factory owners, the corporate greed and the apathy and indifference of businesses located in metropolitan centers, and finally the reluctance and complete failure of Bangladesh government to deliver rapid justice and to mete out exemplary punishment to people who are responsible for such catastrophic incidents. The list of tragedies at garment factories is becoming longer with time. However, none of the

⁹ Jessica Elgot, “Bangladesh Factory Collapse: Should You Boycott Primark Over Workers’ Rights?” (The Huffington Post UK, 6 May 2013), retrieved on 14 February 2016 from <http://www.huffingtonpost.co.uk/2013/05/02/primark-boycott-bangladesh_n_3201576.html>.

¹⁰ For more details, see Debbie Wolfe, “One Year After the Bangladesh Factory Collapse, I Stood in the Ruins” (The Huffington Post, 23 April 2014), retrieved on 14 February 2016 from <http://www.huffingtonpost.ca/debbie-wolfe/bangladesh-factory-collapse_b_5200084.html>.

three stakeholders mentioned above shows any genuine regard for national and international labour laws that protect the rights of workers, as the victims in this case are mainly poor and defenseless women.

The exploitation of women at garment factories in Bangladesh is only the tip of the iceberg of the larger spectrum of actors – local and international, governmental and non-governmental – engaged in various ways to perpetrate multifarious forms of gender-based violence and discrimination against women. What is more, as in her essay “Feminism and Critical Theory” the postcolonial feminist scholar Gayatri Chakravorty Spivak shows, the capitalist appropriation of the male workforce indirectly exploits women who remain in the home and do not participate in remunerative employment in the world of work.¹¹

The neo-colonialist impulse of regional and global powers to control and economically take advantage of local resources and economic conditions of developing nations like Bangladesh actually does not necessarily harm the local political elite in power. Especially, as regards Muslim countries, most of the postcolonial governments and the comprador class have always negotiated with their sub-imperial or neo-colonial masters and remained beneficiaries of the newly emerging political and economic order. The real sufferers of foreign domination have always been the downtrodden people. Since women are doubly colonized and doubly marginalized, their hardships – owing to exploitation by local and foreign political and economic interests – in the family and beyond are generally more severe.

What I have argued in the preceding discussion is that, there is no univalent system of gender oppression in Bangladesh society. Nor is patriarchy the *only* source of oppression for

¹¹ Gayatri Chakravorty Spivak, “Feminism and Critical Theory” in D. Landry, & G. MacLean (Ed.), *The Spivak Reader: Selected Works of Gayatri Chakravorty Spivak* (1996) (pp.53-74). New York: Routledge.

women in the country. What is more, Islam is fundamental to Bangladesh society and should not be misunderstood as a religion hostile to women's rights and overall wellbeing. The liberatory potentials of Islamic teachings need to be fully explored and ascertained in great detail and then adequately utilized for realizing women's emancipation and for increasing their life opportunities. Most importantly, socio-cultural specificities of women in Bangladesh require special considerations in any feminist endeavour to realise gender equity. In that respect, Shah Abdul Hannan's gender-related thoughts and ideas contained in this book will greatly benefit readers interested in gender issues in Bangladesh.

Shah Abdul Hannan is well-known as a successful career civil servant and a relentless pursuer of knowledge. His thoughts and ideas articulated in the essays herein are results of his patient analysis and perceptive observation of Bangladesh society as well as his social and educational inquiry. As these essays manifest, he is extremely passionate about women's rights and his activism aims at exploring their full potentials.

Shah Abdul Hannan's essays published in this book were originally written in the Bangla language over a period of more than two decades, beginning from the late 1980s, and were previously printed in vernacular periodicals and other forms of publications. These are mainly journalistic pieces and are not completely evidence-driven or thoroughly research-based. Nor, in our editorial role, have we attempted to give them a hard academic shape. As the essays were written at different times, there were repetitions in the source texts which have been reduced to a great extent through editorial screening. Also there were essays on similar topics which have been merged together to avoid repeats.

Since there is no separate section for acknowledgement notes in this book, I would like to express here my gratitude to Bangladesh Institute of Islamic Thought (BIIT) for entrusting me with this project. I feel indebted to Mohammad Shawkat Ali for agreeing with my request to translate the pieces and finally

completing this translation work despite his pressing academic and administrative responsibilities at Hamdard University Bangladesh. He also read two earlier edited versions of his translation work. I extend my special thanks and appreciation to Raudah Mohd Yunus for co-editing this work with me. I am extremely grateful to my research student Oumaimah Abdool Gaffour Joholee for reading two earlier versions of the translated items of this book with her eagle eyes. I am also grateful and thankful to Shah Abdul Hannan for reading a later version of the edited pieces for his endorsement and encouragement.

The prompt administrative services rendered by Md. Mahfuzar Rahman of the Research and Publication unit of BIIT have been quite helpful. Occasional polite reminders from M. Abdul Aziz, the Executive Director of BIIT, caused me to complete this project with the help of Raudah Mohd Yunus without further delay.

The wonderful cooperation of these persons has been invaluable. Their readiness to help me whenever needed made my not-so-easy editorial task more tolerable, relatively easy and much less onerous.

Kuala Lumpur
14 February 2016

Women's Status and Empowerment in Islam: A Philosophical Underpinning

There is no doubt that Islam has given a very high status to women. Despite this fact, women are being oppressed in many Muslim countries and societies – they are not being respected the way they should be. Out of ignorance, women are often regarded as incompetent and of little value. This condescending attitude is one of the reasons why they are oppressed.

As human beings, there is no fundamental difference between the rights and dignity of men and those of women. The glorious Qur'an declares: "For men is a share of what they have earned, and for women is a share of what they have earned" (Qur'an, 4: 32). "And their Lord responded to them, 'Never will I allow to be lost the work of [any] worker among you, whether male or female; you are of one another'" (Qur'an, 3: 195). Allah (SWT) has honoured all the children of Adam (peace be upon him) and said: "And We have certainly honoured the children of Adam" (Qur'an, 17: 70).

Men and women have equal share in this honour. The only difference that may exist between men and women, between men and men or between women and women is the degree of taqwa (righteousness/Allah-consciousness) or the level of obedience to Allah. As Allah has proclaimed: "O humankind, indeed We have created you from a male and a female and made you into nations and tribes that you may know one another. Indeed, the most honoured of you in the sight of Allah is the one who is the most righteous of you" (Qur'an, 49: 13).

This verse has made it clear that the basis of honour in the sight of Allah is taqwa or good character. If a woman becomes more righteous than a man, then she is more honoured. Gender has no role in this, and being a male does not make one more honoured than a female and vice versa. In terms of honour, no

man of today would be comparable to Hadhrat Khadiza, Hadhrat Ayesha or Hadhrat Fatima (may Allah be pleased with them).

On the basis of verse 34 of Surah al-Nisa, some may think that men are given more importance or honour than women. The relevant section of the verse reads: “Men are in charge of women because Allah has given the one superiority over the other and because they spend [for maintenance] from their wealth” (Qur’an, 4: 34).

The verse does not establish the ‘superiority’ of men over women in the usual sense of the term. In explaining the nature of ‘superiority’ mentioned in this verse, Syed Abul A’ala Maududi says: “Here superiority does not mean dignity, honour or respect as common people think. Here the word means that Allah has given one (men) of the two parties such speciality, distinctiveness and strength that has not been given to the other (women) or has been given in a lesser degree. For this reason in the family system men have the right to take charge” (Comment No. 57, Surah al-Nisa, *Tafhim Al-Qur’an*).¹

The Prophet (peace be upon him) had especial consideration for the honour, dignity and rights of women. He paid especial attention to their needs and took into consideration their circumstances. Many women attended salat (ritual prayers) under the leadership of the Prophet in masjid in Madinah during his time. If he heard any child crying during salat, he cut it short and reasoned that the crying of a child causes distress to the praying mother (Bukhari, Hadith nos. 665, 666 & 667). This shows the Prophet’s considerate and sensitive regard for the needs of women, as it proves that Muslim women performed ritual prayer in congregation behind him in masjid.

Once, Anjasha, the camel driver of Prophet Muhammad (peace be upon him), was singing an Arabic bucolic song termed “hudi” while driving a camel. Women were riding the camel; and the camel was walking in harmony with the hudi.

¹ For more details, see his commentary on verse 4: 34 of the Qur’an.

The Prophet said, "O Anjasha! Drive slowly, because there is 'glass' on the back of the camel" (Bukhari, Hadith nos. 5721 & 5709). This is an indication of the caring attitude that the Prophet had towards women.

Islam has enjoined good manners upon both men and women. Allah has said: "Indeed, Allah orders justice and good conduct" (Qur'an, 16: 90). This verse enjoins good conduct towards all, irrespective of men and women, or Muslims and non-Muslims.

The rights of women are like those of men. The Qur'an has said: "Women have rights similar to the rights against them, according to what is reasonable/equitable; but men have a degree (of responsibility and authority) over them" (Qur'an, 2: 228).

It is true that normally men have more rights in property, in authority in the family, etc. But women have more rights in getting mahr, in getting the guardianship/custody of children in the case of divorce, and their maintenance is the responsibility of men. Women have been given some extra advantages (leeway and remissions) in salat, jihad, hajj, etc. which are not given to men. Performing salat in masjid or in congregation has not been made obligatory for women mainly because of their physical condition at various times. Similarly, joining in combative jihad has not been made mandatory for them. In performing hajj women can throw stones before men while the gathering is still less. Considering all these, it can be concluded that, in Islam, in terms of rights, women are not discriminated against.

It is the duty of the state, society, religious scholars and the people at large to create opportunities so that women can enjoy these rights given by Islam. Preserving the honour of women is one of our major responsibilities, and it is time for us to take initiatives for carrying out this task.

For the past several decades, society has undergone many changes. During this period women have also made progress and significant gains in various spheres of life. We have left far behind the society that existed during Begum Rokeya Sakhawat

Hossain's (1880-1932) time of the early twentieth century. Rokeya observed that in that society girls did not have equal opportunities to education. It is largely because of the courageous initiatives she took at that time that women enjoy the opportunity to receive formal education today.

The oppression that is being inflicted on people, especially on women all over the world, particularly in our country, is based on some philosophical assumptions. The idea of gender injustice does not descend from the sky. The ideological foundation of oppression of women by men – and in some cases by women themselves – is the wrong belief that, compared to men, women are lesser human beings, that their quality as human beings is poor and that they are low in value and status. This belief, however, has been subconsciously internalized by a great number of women too. It develops in the minds of men because of some doubts and misgivings. And this false belief is the root cause of negligence, deprivation and oppression of women.

If we want to stop the oppression of women in our country, we cannot do it leaving aside Islam. I want to assert in clear terms that a country like ours having ninety percent Muslims in its population cannot make laws and social reforms without considering Islam. Those who have the tendency to revolt against Islam may not make meaningful contributions to society. We have seen in the past how declaring war against Islam on the question of gender issues only created more problems than solutions. I want to humbly say that if we can proceed with social reforms within the teachings of Islam, it will be the best for our country and for its people.

I do not regard temporary interpretations of some Islamic teachings as universal. In a true sense, Islam has empowered and honoured women. Before explaining some of the rights Islam has given to women, I want to touch on the “ideological foundation” of gender equality in the religion.

First, Allah has very clearly pronounced that the basic substance of human is the ‘ruh’ (spirit); we call it soul. The body is not merely what constitutes human. Unlike the ‘ruh’, it

is susceptible to metabolic dysfunction and to so many health problems, and finally is destined to decay and waste away upon death. Hence, we, who believe in Islam, know that the true human is the 'ruh.' Allah has created all human beings, that is, all the ruhs at the same time, in the same essence and asked them the same question. And the answer to the question given by all – men and women – was also the same. The Qur'an states: "And [remember] when your Lord took from the children of Adam – from their loins – their descendants and made them testify of themselves, [saying to them]: 'Am I not your Lord?' They said: 'Yes, we have testified.' [This]—lest you should say on the day of Resurrection, 'Indeed, we were unaware of this'" (Qur'an, 7: 172).

It means that all men and women have made a promise to Allah that He is their Lord and that they will abide by their promises and obligations. Importantly, men did not make any separate covenant with Allah; nor did women. So the first basis of our ideological foundation is that the real human is the 'ruh' which is gender-neutral. Beyond this, if any aspects of differences exist, these are very insignificant and negligible. In other words, human beings' spiritual personality is the same. This is the first basis of equality between men and women.

Secondly, some argue that men's physical structures are better than those of their female counterparts, and that perhaps Allah has made men comparatively superior. Many people may also believe that, compared to men, women are incompetent and deficient. But Allah has made it clear in the Qur'an that, though one is different from another in physical features, every human being is first class. Those who offer salat may often read or hear Surah al-Teen recited where Allah states: "I have indeed created human in the best form" (Qur'an, 95: 4). Here the Arabic word 'insan' (human) is again, gender-neutral. Therefore, despite the variations in physical structures of human beings, all are of excellent physical mould. This is the second basis for establishing fundamental equality between men and women. There is no justification to claim that the structure of women is inferior or secondary.

Thirdly, Allah has clearly stated that all human beings belong to the same family – the family of Adam and Hawa [Eve] (peace be upon them). Allah has said at the beginning of Surah Al-Nisa: “O humankind! Be careful of your duty to your Lord Who created you from one soul and from it created its mate and dispersed from both of them many men and women” (Qur’an, 4: 1).

That is to say that we belong to the same family; we are the children of Adam and Hawa. Allah has addressed human beings with the expression “Yaa bani Adam (O children of Adam)” in six places in the Glorious Qur’an. According to the Islamic point of view, the human race is a single family in the same way as the parents and children form a family unit. Above all families is the family of the human race. So the basic honour and dignity we have is the same. There may be differences among us in this world. But worldly variations in status or in economic condition are not absolute and may not guarantee an honourable life in the afterworld.

All are equal in the sight of Allah in the same sense as it is said in legal terms that all humans are equal in the sight of the law. To Allah, the basis of honour is taqwa. Allah never hints that men or women are honoured in His sight because of their gender. Allah says in verse 1 of Surah al-Nisa: “And fear Allah through Whom you demand your mutual rights, and fear the wombs (that bore you).” Allah has commanded us to ‘fear the wombs’. In interpreting this verse of the Glorious Qur’an, Syed Qutb, a famous Islamic scholar from Egypt, wrote: “This language had never been used in any literature of the world before the Qur’an. In commanding us to fear the wombs, Allah has asked us to honour our mothers, and for that matter, womankind.”²

Fourthly, when Allah created humans, He termed them as His khalifas (vicegerents). He said, “I will create a vicegerent on

² For more details, see his interpretation of Surah al-Nisa in *Tafsir Fi Zilalil Qur’an*.

earth” (Qur’an, 2: 30). Allah did not say that He would create males or females. Nor did He say that He would create human. He rather said that He would create a khalifa. In other words, He regards human as His khalifa. Khalifa means vicegerent or representative. We as human beings are Allah’s vicegerents. Each and every one of us, irrespective of gender, is His vicegerent – Allah’s vicegerent (Qur’an, 2: 30; Qur’an, 35: 39).

In this status of khalifa lies all empowerment – the empowerment we talk of. Nobody can carry out his/her responsibility without being empowered. To carry out the responsibility of a khalifa, every man or woman needs to be empowered. The foundation of the empowerment and development of women lies in this concept of khilafa (vicegerency). In the Qur’anic word of khalifa lies the foundation of the empowerment of all – women, men, the poor or the weak. So this is the fourth evidence of the fundamental equality between men and women. Islam demands that every man and every woman should be empowered. We have to work first for the empowerment of women, as they are now more subjugated in many societies.

Today, questions arise regarding the actual duty and social role of women – whether they should stay at home or not. If a woman wants to stay at home at her own free will, she has the right to do so. This is applicable in the case of men too. It has not been mentioned anywhere in the Holy Qur’an that women have to stay always at home or that they would not be allowed to work outside the boundaries of the home. Rather, Allah has given similar fundamental duties to men and women. In verse 71 of Surah al-Tawbah, Allah has said that both men and women have six duties. The verse reads: “The believers, men and women, are walis (protecting friends or guardians) of one another; they enjoin what is right and forbid what is wrong; they establish regular prayers, pay zakat (obligatory charity), and obey Allah and His Messenger.”

This verse is included in one of the last revealed Surahs of the Qur’an – Surah al-Tawbah. So the verses revealed earlier

regarding this issue should be explained in the light of this one. According to this verse, men and women are protectors or guardians of one another. Regarding this issue, the Qur'an does not differentiate between men and women. According to this verse, the believing men and women are obligated to:

1. Enjoin what is right or just,
2. Forbid what is wrong or evil,
3. Establish regular prayers,
4. Pay zakat (obligatory charity),
5. Obey Allah and
6. Obey His Messenger.

Through this verse Allah gives recognition to the participation of women in all good deeds both in family and public life. This is the principle of Islam. In this regard, Allah has ruled that He will bestow His Mercy on those who carry out these responsibilities. On the basis of my reading of a good number of tafsirs (exegeses) of the Qur'an and as a complete believer in the glorious Qur'an and the Sunnah of the Prophet Muhammad, I reaffirm that within the 6 domains of these duties, men and women are equal. Everything including politics, social service, etc. falls under the purview of these 6 duties.

Today people have become busy with trivial matters, giving up the fundamentals of Islam. They have the tendency to rely on manmade books instead of the revealed Book of Allah. All educated people should read several tafsirs of the Qur'an in order to get a more comprehensive idea about Islam's stance on various matters including gender issues. Reading one tafsir is not enough. We should also bear in mind that some exegetes of the Qur'an inserted their own ideas while interpreting the words of Allah. If we read several interpretations, we will be able to determine which one is more acceptable. There are some exegeses of the Qur'an that are free from gender bias; for example: Muhammad Asad's *The Message of the Qur'an* (Gibraltar: Dar Al-Andalus, 1984).

Social Myths about Women

There are some beliefs and ideas existing among us which are nowise congruous with reason or with the teachings of Islam. These are prevalent not only among the people living in villages, but also among the urban 'educated' gentry. Now, how can we define these superstitions or wrong notions? By superstitions we mean beliefs which are not based on logic but have been traditionally passed on from one generation to another.

As in other countries, social mythologies are common in Bangladesh. We notice their widespread impact on our society. Superstitions are prevalent among us in various forms, and we sometimes indulge in them knowingly and, at some other times, unknowingly. For example, many people regard women as weak and unfit, her education as unnecessary, expenses for daughters as wastage; and hence, preference is given to sons.

All these ideas are unfounded and not in agreement with Islamic teachings. In no way has Allah made women unfit. Nor does science say so. However, there are some differences between men and women in terms of their responsibilities, and Allah has made some distinctions in their physical structures. But human being, irrespective of man or woman, is the most excellent creation of Allah, as stated in Surah al-Teen in the Qur'an.

A female child is a blessing given by Allah in the same way a male child is. Her dignity is also the same.³ The failure to realize the importance of female education is a result of superstitions and myths in society. A great number of women in

³ See: *Islame Konnya Shantaner Adhikar* (Rights of Daughters in Islam), *Ujjibak Barta*, the issue on Girl Child Day 2001, page 19.

our society are uneducated. It is more alarming in rural areas. The rate of literacy there is very low.

As women have been made to play few roles in the public life of present society, some incongruity is noticed. The role played by them furthermore is looked down upon. There are people who want to gain by the pretext of characterising woman as an object of disregard. There is a tendency to keep women within the four walls. But Islam has given women the right to become engaged in public life as long as they maintain decency in attire and in behaviour. However, women's involvement in public life and meeting job demands should not disregard the importance of their role in looking after children in the home and in maintaining a healthy family life. They may need to consider domestic circumstances while deciding whether or not to work. If there is a need for them to work, their gender should not be an excuse for hindering them from pursuing employment.

A closer look and analysis will reveal that the consequences of restricting women's access to education and public life are in no way positive. Nor did it carry any good results in the past, especially for womankind. It has not proved good for any one. Due to the lack of female education, a lot of misapprehensions prevail in our society. Because of various social barriers women are being deprived of the opportunity of realizing their utmost potentials.

The impacts of these ignorance, superstitions or misconceptions bounce back and fall on society. The path for women to develop social skills is almost blocked. As a result, one half of the population lag behind and progress in society is hampered. Despite having the potential to offer much, a large section of women in society cannot play meaningful roles in development activities and national agendas.

To find solutions, we need to get to the bottom of these issues. We have to wade a long way. The first thing we have to

pay attention to is education. Education should be comprehensive and based on moral and humanitarian values. By comprehensive, modern education, we mean the one which will synthesise morality and humanity. The Muslim community should be given the complete and true knowledge of Islam. This education should include biographies of prophets and messengers sent by Allah at different spatiotemporal locations. Their lifestyles should be taken as examples for us to follow. In a Muslim setting, the only way to set the community free from the superstitions prevailing in the name of religion is to impart in people the true knowledge of Islam.

We should bear in mind that we will not be able to achieve anything if we promote anti-Islamic values and ideologies through the education system. It may not be possible to bring our country forward without using Islam as the framework. The NGOs working in Bangladesh should bear this in mind and take into consideration the social context of the country and the religious values of its people. It is only then that they will be able to help bring prosperity to Bangladesh.

Rights of Women in Islam: A Perspective from Beijing Conference

Islam has taught us that ‘Allah is one, He has no partner, and we are His honoured servants.’ This single pronouncement has set us free from the chains of slavery to anything in this world, given us freedom and essentially established our rights. The right this announcement has first given us is that human beings will supplicate directly to Allah; there is no room for intermediaries. This right is identical for both men and women. Man does not need an intermediary for praying to the Creator on his behalf, nor does woman.

Islam has unequivocally emphasised the spiritual and worldly development of a woman like that of a man, and has not disparaged her by terming her as ‘the mother of sin’. Rather, mentioning the name of Adam (peace be upon him), the Qur’an has said that he has committed a sin by eating the fruit of the forbidden tree. In verse 121 of Surah Taha, the Qur’an singles out Adam (not his wife Hawa [Eve]) for the blame of contravening Allah’s command. In another verse, the Qur’an has clearly said: “Whoever does righteousness, whether male or female, while they are believers – We [Allah] will surely cause them to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do” (Qur’an, 16: 97).

“Whoever does an evil deed will not be recompensed except by the like thereof; but whoever does righteousness, whether male or female, while they are believers — those will enter Paradise, being given provision therein without account” (Qur’an, 40: 40). The same pronouncement is also found in many other verses in the Qur’an, from which it becomes clear that a woman has both an individual self and a spirit. Like a man, she also can achieve spiritual development, and for this she will get

the same reward as a man will. Thus Islam has not made any difference between men and women with respect to the amount of reward for good deeds.

Another issue needs to be clarified in this regard. There is a misconception that, compared to men, women are destined to get less benefits in heaven. For example, it is said that every man is promised to get houris (divine companions) in paradise, but there is no such promise for women.

If those who raise this allegation read the Qur'an with proper attention, they will certainly know that the promise of giving houris is not made only to men; rather, the promise is to anyone, irrespective of male or female, who will enter paradise. This can be verified by reading the verses of the Qur'an where houri is mentioned. The Prophet Muhammad (peace be upon him) has said that Allah will give such a large quantity of livelihood to each dweller in heaven that no one will ever have any feeling of lack or frustration whatsoever: 'The believers will have in paradise whatever they will desire and want.'⁴

Men and women have been regarded as friends and companions to one another: "The believers, men and women, are protecting friends (companions) of one another; they enjoin what is right and forbid what is wrong; they establish regular prayers and pay regular (obligatory) charity, and obey Allah and His Messenger. On them will Allah shower His Mercy: For Allah is Exalted in power, Wise" (Qur'an, 9: 71). What is more, husbands and wives have been mentioned as clothing for one another in the Qur'an: "They (wives) are clothing for you and you (husbands) are clothing for them" (Qur'an, 2: 187).

Basically, Islam has made no fundamental difference between the rights of men and women. The rights of women for

⁴ Please see note 8 under Surah Waqiah and note 46 under Surah Sad in Muhammad Asad's *The Message of the Qur'an* (Gibraltar: Dar Al-Andalus, 1980).

which the world today is clamorous were given to them in the seventh century, fourteen hundred years ago. It makes us wonder how in that period Islam gave women such rights which the West has just started to think of only in the last century or so. By a single pronouncement Islam has declared that men and women are equal in respect of rights and dignity: "O humankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate of like nature and from them twain has scattered (like seeds) a multitude of men and women" (Qur'an, 4: 1).

According to Islamic Shariah, a woman should be respected as a human being in the same way a man should. A woman has to undergo the same punishment as is inflicted on a man for committing a similar type of crime. In this case there is no difference between the intensity of punishment inflicted on men and women for committing identical crimes. In this regard, I mention a part of the article written by Benazir Bhutto, which was published in the 25 August 1995 issue of the *Asia Week*:

In an age when no country, no system, no community gave women any rights, in a society where the birth of a baby girl was regarded as a curse, where women were considered chattel, Islam treated women as individuals. "Believers, men and women are mutual friends. They enjoin what is just and forbid what is evil," says the Koran (12[sic]: 71).⁵ Long ago Islam gave women rights that modern nations have conceded grudgingly and only under pressure.

Since the Koran places great emphasis on human dignity and freedom, it is inconceivable that it would tolerate, much less advocate, any form of discrimination based on race, color or gender. In fact, because of its protective attitude toward all the downtrodden, the Koran appears

⁵ The actual Qur'anic citation is 9:71.

to be weighted in many ways in favor of women. In terms of human rights, the Koran makes no distinction between men and women. The only criterion by which a person is to be judged is piety (Taqwa), which means “to desist from wrong-doing.”

On coming of age, a woman under Islamic law is vested in all the rights which belong to her as an independent human being. She is entitled to a share in the inheritance of her parents. No one — not even her father — can force her to marry against her expressed consent. And a woman does not cease to be an individual after marriage. Muslim marriage is a civil act. Rights of the husband over the person of his wife are restricted by law and do not extend to her property, her dowry or her earnings. The marriage contract is drawn at the behest of the woman and she can add to it such conditions as she deems necessary to safeguard her interest— and they are legally binding on the husband.

Islam permits divorce, though it looks on it as a “necessary evil.” In the case of a divorce, the wife retains all that the husband had bestowed on her in marriage and is also entitled to alimony. A woman can also seek a separation, though in this case she has to forego the dowry that her husband had conferred on her.

For the crimes of adultery and fornication, the same harsh punishment is prescribed for both men and women found guilty. Women enjoy equally the right to education. “Education is obligatory on both Muslim men and women, even if they have to go to China to seek it,” is a popular saying of the Prophet.

In early Islam when the Muslims had to migrate, many women left their homes and took the road to Medina alone. They were present on the battlefield looking after

the wounded and even took part in the fighting. Among the first martyrs for Islam was a woman, Sum[a]yya.⁶

The Independent Entity of Women

In Islamic Shariah, a woman is an independent entity as a man is. Like a man, a woman can make a contract with her counterpart, can earn, buy and sell property in the same way as a man can. She does not need to get the consent of her husband or parents. Here every one is responsible for their respective deeds and actions. Husband-wife, parent-child – none of them is responsible for the deeds done by the other. The Glorious Qur'an has said: "No bearer of burdens bears the burden of another" (Qur'an, 6: 164; Qur'an, 17: 15; Qur'an, 35: 18; Qur'an, 39: 7; Qur'an, 53: 38). Prophet Muhammad (peace be upon him) states: 'You are all shepherds (responsible) and every one of you is accountable for their flock (responsibilities)' (Bukhari: 6719, Muslim: 1829).

Establishing Marital Relationship

As an independent human being, a matured Muslim woman can get into a marital bond with any Muslim man according to her own freewill. If the guardians force her to marry someone of their choice, the marriage will not be valid. A young woman came to the great Prophet and complained that her father had married her off without taking her consent. The Prophet gave her the right to dissolve the marriage (Abu Dawud: 2091).⁷ If a girl is married off by her guardians while she is still a minor, she has the right to continue or dissolve the marriage upon reaching maturity. It is an important article of Islamic law, and all mazhabs (juristic schools

⁶ Retrieved from
<<http://edition.cnn.com/ASIANOW/asiaweek/95/0825/feat2.html>>.

⁷ For more Hadiths on this issue, see: *Bidhiboddho Islami Ain* (Codified Islamic Law), Article no. 256 (Islamic Foundation, Dhaka).

of thought or denominations) have reached consensus upon this issue.⁸

Financial Advantages in Conjugal Life

At the time of marriage the husband is legally bound to give financial guarantee to his wife in the form of mahr (marital gift). As long as this guarantee is not met, the wife can deny him conjugal rights. The husband cannot take back the ornaments, cash money or any property which he might have given to the wife as gifts in addition to mahr. Nor has he any right to interfere with the personal property the wife may possess.

Divorce

In Islamic law there is a provision to dissolve the marriage in unavoidable circumstances. In this case the wife has the right to talaq tafwid (delegated divorce in which the husband transfers his right to talaq to his wife), khula (separation initiated by the wife) and separation through court.

Right to Children

Who has the right to children – the father or the mother? In Islamic law both the father and the mother have the right to children. As the children become heirs to the property left by both of the parents at death, both the parents inherit the property left by the children at their death (See: Qur'an, 4: 7 & 11). If the marital relationship between the husband and wife is terminated for any reason, their children (if they have any) will remain under the care of the mother for a certain period of time. Upon coming of age, they have the right to decide whether to live with the father or the mother. It is to be mentioned here that it is the father who is to maintain all the living expenses of the children, no matter under whose care they are being brought up; the mother does not have to take any financial responsibility in this case.⁹ However, the

⁸ See *Bidhiboddho Islami Ain*, Articles no. 316-321.

⁹ See *Bidhiboddho Islami Ain*, Articles no. 397, 398, 406 and 407.

children are free to meet their parents. No party has any legal right to create any obstruction in this regard.

Children's Right to Education

Acquiring knowledge is an obligatory duty in Islam. It is obligatory for all – men and women. The glorious Qur'an states: "Read in the name of your Lord who created Read, and your Lord is the most Generous, Who taught by the pen" (Qur'an, 96: 1-4). "Are those who know equal to those who do not know?" (Qur'an, 39: 9). The great Prophet Muhammad said: "Seeking knowledge is obligatory for every Muslim" (Bukhari & Ibn Majah). "If a person has one or more daughters and he makes them self-reliant by imparting education and etiquette in them, they will be the guarantee for him to enter paradise" (Bukhari: Al-Adab al-Mufrad).

In Islam acquiring knowledge is a duty and a most important aspect of 'ibadah.¹⁰ So it is not Islam that is to be blamed for the widespread ignorance (especially female illiteracy) in Muslim society, rather the liability rests with the decadence of Muslims caused by multiple reasons including colonial experience and continuous foreign interventions. This downfall is also the outcome of their keeping away from Islamic teachings and from the Islamic social system. The result is that the rate of illiteracy is alarming not only among women but among all groups of people in the whole Muslim community. It is in spite of the fact that we have before us the example of Hadhrat Ayesha (may Allah be pleased with her) who is famous for being the most scholarly companion of the Prophet and also for being one of the two companions who narrated the largest number of Hadiths, the other one being Hadhrat Abu Huraira (may Allah be pleased with him).

¹⁰ For more details, see Md. Mahmudul Hasan, "Approaching Teaching and Learning: The Islamic Way", *Kulliyah Research Bulletin*, 5(1), February 2014: 5-8. Available at <http://irep.iium.edu.my/35928/1/approaching_teaching_and_learning_the_islamic_way.pdf>.

Inheritance

For ages women could not become owners of property in any society. When the parents or any close relatives died, the male relatives of the deceased became the sole owners of the property they left and the female relatives did not have any share in it. Islam has declared both men and women the owners of property and the heirs to the property left by any near relative. The Qur'an has said: "For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share" (Qur'an, 4: 7).

However, in some cases women get less than men do. For example, the glorious Qur'an has said: "Allah instructs you concerning your children: for the male, what is equal to the share of two females" (Qur'an, 4: 11). This difference does not suggest any variation in the dignity of men and women as human beings or in the degree of equitable rights Islam has given them; this variation is mainly on the basis of financial responsibility. Otherwise, the mother's share in the property left by the deceased would not be less than the son's. We know that the high honour and dignity Islam has given to mothers cannot be compared to any other honour in the world. The great Prophet has declared: "Heaven lies at the feet of one's mother."¹¹

The share in inheritance is tied to the degree of responsibility (not honour) as well as nearness to the deceased. In Islamic society, a man has to bear greater financial responsibility. Conversely, a woman does not have to bear even her own expenses, especially when in wedlock. Her father or in his absence any other relative is legally responsible for her maintenance till she gets married, and after marriage this responsibility goes to her husband, be he rich or poor. In case of the death of the husband or the dissolution of the marriage, she

¹¹ For more details, see Mawlana Muhammad Abd Al-Rahim, *Poribar O Paribarik Jeeban* (Family and Family Life), Dhaka: Khairun Prokashoni, December 1988, p. 69.

herself has to bear her expenses only if she has the means. Otherwise, her father, her son(s) or in their absence any other close relative will provide for her. If there is no relative to provide for her needs such as food, clothing and shelter, any organisation or the government will bear this responsibility. In this respect, Islamic Shariah has given detailed rulings. There is no need at all to introduce any anti-Islamic law to impose the responsibility of the divorcée on the divorcing husband. It is not at all honourable for the divorced wife to continuously receive beneficence from a man who has divorced her.

The Personal Property of Women

Like man, woman can be the owner of personal property earned through lawful means, and she has the right to take measures to protect and increase her property. Her father, brother, husband or anyone else cannot interfere with her property without her consent. The Qur'an has given a clear ruling regarding this issue: "And do not consume one another's property unjustly, nor send it [in bribery] to the judges in order that [they might help] you [to] consume a portion of the property of other people wrongfully, while you know [it is unlawful]" (Qur'an, 2: 188; also see: Qur'an, 4: 29).

It is reported that the wife of Abu Darda (may Allah be pleased with them) was a rich woman, but her husband was poor. She went to the Prophet and said: O Messenger of Allah, my husband is a poor man. It is very difficult for him to bear the expenses of his children. Can I give my zakat to my husband? The great Prophet replied in the affirmative. It is important to note that the Prophet did not say that the ownership of her property should be transferred to her husband.

Woman as Witness

In Islamic law the right of woman to bear witness to any issue is established by the Qur'an and the Hadith of Prophet Muhammad. Nobody has any authority to interfere with this right of hers. In Islamic law witness is such an important matter on the basis of which the right of a person is established, the criminal is

punished, the innocent is acquitted and quarrels are settled. So no father or husband can hinder a woman from appearing at court to bear witness to an incident that has been brought to a court of law and to which she was privy.

However, depending on the situation, the rulings on the issue of witness are different. In some cases only woman can bear witness, man's witness is not accepted, whereas in some others both man and woman can bear witness. As regards Hudud law, some jurists have said that woman's witness is not acceptable. But the impermissibility in these cases is not proved by the Qur'an and the Hadith of the Prophet. So woman's witness should be accepted in all cases.

The issue of woman's witness has been mentioned in seven places in the Qur'an. According to verses 6-9 of Surah al-Nur, woman's witness is equal to that of man.¹² In five other places (Qur'an, 4: 15; Qur'an, 5: 109; Qur'an, 24: 4 & 13; Qur'an, 65: 1) the gender of the witness has not been mentioned. So the witness of both man and woman should be treated as equal in six places in the Qur'an. Only in one place (Qur'an, 2: 282), it has been mentioned that in the case of any financial transaction for a fixed period of time, two men or (if two men are not available) one man and two women should be taken as witnesses. Islamic scholars say that, in Islamic social contexts, women are normally less frequent in going outside home and, compared to men, are less conversant with commercial practices. Hence they have less experience in matters related to finance and commerce. And, perhaps, here lies the reason for the ruling given in verse 282 of Surah al-Baqarah where it says that there should be two women witnesses to make up for a male witness 'so that if one of them should make a mistake, the other could remind her'.

Besides, it is noticed in the Hadiths of Abu Dawud, Tirmidhi and Nasai that in many cases the Prophet took decision on the basis of one witness and one oath only. The gender of the

¹² As regards the incident that is described in verses 24: 6-9 of the Qur'an, woman's witness (oath) can even supersede that of man's.

witness has not been specified in these Hadiths.¹³ Thus it is clear that, in fact, no injustice has been done towards women regarding the issue of witness, rather in some cases their responsibilities have been reduced.

Women's Right to Work

According to Islamic law, women are allowed to do any job that is permitted for men. There is no conclusive decision in the Qur'an or Hadiths against women's working outside the home. Rather, plenty of examples are recorded in Hadiths showing that Muslim women did work outside the home during the time of the Prophet.¹⁴ In his famous law book *Badai Al Sanai*, Imam Alauddin Al-Kasani (d. 587 AH) wrote that according to Imam Abu Hanifa, Abu Yusuf and Muhammad (may Allah have mercy on them), women can enter into a labour investment contract (Volume 4, pp. 497-98, Urdu translation). In compensation law, it has been said that if any army is fined with money, no compensation is imposed on female employees who may be working in the army. From this ruling, it is proved that women are allowed to get employed in military services. However, whether or not the woman of a particular family will work is a matter to be decided by her in consultation with other members of that family in accordance with practicalities and domestic circumstances.

Leadership

We have already said that with reasonable exceptions, women are allowed to pursue any career that seems feasible and is permissible for men. The leadership of women to take the lead among themselves is in all respects permitted; rather, it is desirable. We find in Hadiths that women went together to the

¹³ For more details, see Jamal Badawi, *Islamic Teaching Course*; Muhammad Abd Al-Ati, *Islam in Focus*, Published by North American Islamic Trust; Kaukab Siddique, *The Struggle of Muslim Women*.

¹⁴ See: Maulana Abdur Rahim, *Islamey Nari* (Woman in Islam).

Prophet and he made one of them their leader. And in some cases, he would make separate arrangements for women to offer prayers in congregation, which were led by one of them. Hadhrat Ayesha used to arrange separate congregation for women to offer tarawih¹⁵ till her death.

Regarding the rights and dignity of men and women, the glorious Qur'an has said: "And they (women) have rights similar to those (of men) over them, according to what is equitable; but men have a degree (of advantage) over them (Qur'an, 2: 228). The degree (of advantage) mentioned here is, perhaps, the right of the husband to be the head of the family: "Men are in charge of women, because Allah has made the one (of them) excel the other, and because they spend of their property (for the support of family)" (Qur'an, 4: 34).

Now, a question may arise regarding whether women have the right to lead a nation. In this regard, most of the scholars opine that a woman cannot become Head of the state (President). However, when there is a need, a woman can also be the ruler of the state. For example, the leading scholars of Pakistan supported Fatima Jinnah to be the President. Maulana Ashraf Ali Thanvi said: The leadership of women is acceptable under the same situation in which the Queen of Sheba ruled the country with the help of an advisory council.¹⁶

Thus we can say that all the legitimate demands raised in favour of women's rights were met by Islam fourteen hundred years ago. It is worth mentioning here that some of the demands a section of feminists make nowadays are not consistent with the ethical philosophy underlying the Islamic value system; hence Islam has not given those to women. For example, Islam does not

¹⁵ Extra prayers performed after Esha prayer at night during the Islamic month of Ramadan.

¹⁶ Quoted from Kaukab Siddique, *The Struggle of Muslim Women*, pp 58-59.

entertain the notion of so-called sexual liberation or obscenity in the name of feminist concerns about women's control over their body. As Muhammad Qutb says: "Or does she [woman] seek the freedom to indulge in base, degrading and humiliating sybaritic? Well Islam cannot grant this to her as it does not also allow men to degrade themselves by indulging in such depravities."¹⁷ Islam offers full support for issues like women's education, their economic development, etc. But for preserving the dignity of humankind, Islam does not entertain the rights to commit adultery, to let men and women live together without marriage and the right to indulge in homosexuality or lesbianism or in same-sex marriages.

Women's Rights in the West

Much propaganda is spread among us, saying that women in the West enjoy the same rights as men. But the reality might not be so. In some cases, on the plea of women's empowerment, the West has undressed them; it has also given to women such jobs that have no substantial value other than amusement for men. Many women today have been degraded into commodities for men's perverted desires and enjoyment.

Is Islam an Impediment to the Establishment of Women's Rights?

Some people claim that the foremost obstacle to the establishment of women's rights is religion. As regards Islam, we can say with certainty that today's world has not yet been able to give women the rights that were offered by Islam in the seventh century. Ninety percent of the Western law practiced in our country has been borrowed from Islamic law, and the rest ten percent from

¹⁷ Quoted from *Islam the Misunderstood Religion*, available at <https://archive.org/stream/others_201401/Islam%20-%20Misunderstood_djvu.txt>.

Roman law.¹⁸ The religious people are normally peaceful and peace-loving. Majority of the cases of oppression on women, especially in Bangladesh, are perpetrated by irreligious or secular people. Any sociological study in Bangladesh society will prove that involvement of religious people in gender exploitation is comparatively less. However, Islamic people in today's Bangladesh are not intellectually well-equipped to be in command of the narrative; hence, the dominant secular media often portray them negatively.

We can say that if we really want to establish the rights of women in a country like Bangladesh, there is no alternative to the implementation of Islamic values and norms and the application of Islamic law and moral codes to all spheres of life. Following un-Islamic, alien ways would deprive women of their rights and may eventually make their life more miserable.¹⁹

Religion has created in human beings a self-sacrificing attitude and a mentality of giving priority to others. The fact that women of this country are being deprived of their rights and are being oppressed is not because of our religion, but because of deviation from it. The selfishness, immorality and permissiveness prevalent in society are responsible for many of the ills of women. These moral diseases weaken the family institution and have consequences for individuals and the wider social fabric. The reality is that indifference to Islamic values impedes women's rights given to them by Allah. Our responsibility is to create for them opportunities within the framework of Islam so that they can enjoy those rights.

¹⁸ See: *Bidhibaddho Islami Ain* (Codified Islamic Law), Islamic Foundation, Dhaka.

¹⁹ See: Allama Abd Al-Halim's *Rasuler Jugey Nari Swadhinata* (Freedom of Women at the Time of the Prophet), Volume 1 and 3, Dhaka: BIIT.

Women in Islam and the London-Based Weekly *The Economist*

Questions are generally raised regarding Islam's treatment of women. There is an allegation that Islam has created discrimination against women. The London-based weekly newspaper, *The Economist* also once brought this allegation. It claimed that, as regards witness and inheritance, Islam discriminates against women. In response to this allegation, this article is an attempt to explain the position of Islam on these two issues.

The issue of women's rights is one of the three issues about which *The Economist* asked Muslims to question and to re-examine their position. In the report on the rights given to women by Islam, the weekly in its 06 August 1994 issue raised questions regarding a woman's right to inheritance being half that of a man and her witness carrying half weight. With special reference to verse 34 of Surah al-Nisa, it contended that Islam has given men the right to beat women. The English-language weekly implied that, as part of their struggle for liberation, women should come out of the house and work outside. Discussing the roles of ulama (Islamic scholars), it suggested that their roles and influence should be curtailed.

In Islam, women have the same religious rights as men do. Their rights to observe salat (ritual prayers), sawm (fasting) and other rituals are the same. They have even been given some advantages. For example, it is not obligatory for them to attend the congregational salat and Friday jum'a prayer; they get exemption from some salat during the monthly cycle, childbirth and the confinement period; and they can defer some fasts to be observed later. In Islam the economic, political and social rights of men and women are basically the same. Their fundamental

rights are also the same. Regarding the rights to food, clothing and housing, there is no difference between men and women.

Men and women have equal rights in earning, using, exchanging, selling and donating properties. They have equal rights in signing contracts. They have equal rights to vote and to participate in the political process. Their right to education is also the same. There is no evidence in the Qur'an or in the Sunnah of Prophet Muahmmad (peace be upon him) that Islam infringes on women's rights to work outside the home. They are allowed to take any lawful profession on an equal footing with men to earn livelihood.

They can get married according to their own free will and can also dissolve the marriage if needed. Both men and women have equal right to divorce although there are some differences in the procedures. From the spiritual point of view men and women are the same. They are the children of the same parents, Adam and Hawa (Qur'an, 4: 1). In this respect they are equal. Allah has bestowed the same kind of ruh (soul) on all of them (men and women) (Qur'an, 41: 9; Qur'an, 15: 29). Basically, the dignity men and women as human beings is the same (Qur'an, 49: 13). Regarding the rights to mahr, maintenance, etc. women have some advantages over men.

Both men and women will attain to the same kind of Jannah or paradise (Qur'an, 40: 40; Qur'an, 4: 124). The worth and value of their deeds is the same (Qur'an, 3: 194). There is no difference in punishment applicable for men and women for a misdeed of the same enormity. Under these premises, we will discuss the comments of *The Economist*.

First and foremost, *The Economist* has not given the complete and proper translation of the related part of verse 34 of Surah al-Nisa. The translation given by the weekly is: "Men have authority over women and that if women cause trouble they should be beaten." This is not the complete or accurate translation of the relevant section of the verse in question. Muhammad Asad interprets the relevant section of verse 4: 34 thus:

And as for those women whose ill-will you have reason to fear, admonish them [first]; then leave them alone in bed; then beat them; and if thereupon they pay you heed, do not seek to harm them. Behold, God is indeed most high, great!

However, Muhammad Asad also makes the following comment on the phrase ‘then beat them’:

It is evident from many authentic Traditions that the Prophet himself intensely detested the idea of beating one’s wife, and said on more than one occasion, “Could any of you beat his wife as he would beat a slave, and then lie with her in the evening?” (Bukhari and Muslim). According to another Tradition, he forbade the beating of any woman with the words, “Never beat God’s handmaidens” On the basis of these Traditions, all the authorities stress that this “beating”, if resorted to at all, should be more or less symbolic – “with a toothbrush, or some such thing” (Tabari, quoting the views of scholars of the earliest times), or even “with a folded handkerchief” (Razi); and some of the greatest Muslim scholars (e.g., Ash-Shafi’i) are of the opinion that it is just barely permissible, and should preferably be avoided: and they justify this opinion by the Prophet’s personal feelings with regard to this problem.

According to many scholars, the Arabic word ‘dharaba’ as used in the verse means ‘to leave alone’, and in the context of the verse it does not necessarily mean ‘to beat.’ If wife-beating were a Qur’anic instruction, Prophet Muhammad would have been the first one to implement it. He once became upset with his wives and stayed away from them for a month, but he did not ever resort to beating up any of his wives.

What verse 4: 34 suggests is that all efforts should be made to resolve marital discord amicably, and if an agreeable settlement or reconciliation is not possible, divorce may be inevitable. That is why the next verse says: “If you fear a breach

between them (the husband and the wife), appoint two arbiters, one from his family and the other from hers; if they wish for peace, Allah will cause their reconciliation” (Qur’an, 4: 35).

In Islam, fundamental principles regarding the treatment of wife include:

- a. Live with them on a footing of kindness and equity. If you take a dislike to them, it may be that you dislike a thing, and Allah brings about through it a great deal of good (Qur’an, 4: 19).
- b. Treat women kindly (a Hadith narrated by Bukhari and Muslim).
- c. The most perfect of believers in the matter of faith is he whose behaviour is the best; and the best of you are those who behave best towards their wives (a Hadith narrated by Tirmidhi).

Besides, we know well about the kind treatment of the Prophet towards his wives and daughters. Since he is the role model for Muslims, they are obligated to follow his Sunnah, that is, his way of life.

It should be mentioned here that one of the most important rights of a woman is to get the means of subsistence, and another important right is to receive kind and compassionate treatment. Islam aims at preventing any forms of mistreatment against women. Allah knows best that men, who are physically stronger, can give trouble to women for various reasons including disobedience in family life. In this context Islam has given the ruling in verse 34 of Surah al-Nisa that, if wives show intransigence, they should be exhorted or kept apart from beds for a while and as the last resort to save the family, as verse 34 of Surah al-Nisa is usually interpreted, they may be chastised softly. But the Prophet did not adopt the method of wife-beating and he forbade going to this extremity. He once said “Do not beat the female servants of Allah” (Abu Dawud).

It is worth mentioning here that the prominent scholar AbdulHamid A. AbuSulayman has written a book on this subject. The title of the book is *Marital Discord: Recapturing the Full Islamic Spirit of Human Dignity* (2003) where the author highlights the elements of love, kindness, mercy and mutual consultation between husband and wife. While examining the issue of marital discord with a deeper sensitivity to women, he takes a different approach and provides an alternative interpretation of the Qur'anic text (verse 4: 34) that deals with the issue of marital discord. Analysing various semantic aspects of the term 'dharaba', he believes that in the context of verse 4: 34 the term signifies longer separation, not beating. I have discussed the issues of inheritance and witness that *The Economist* raised in some of my other essays (included in this book).

To conclude, what *The Economist* said against the ulama (Islamic scholars) was rather provocative. There should not be any problem with genuine Islamic scholars. Nor are there any good reasons for restricting their freedom of expression. The problem arises because of ignorance of some religious leaders. Women must be given their rights. Their existing deprivation should immediately be brought to an end. We should do it without waiting for any provocation from the West.

Rights of Daughters

Before discussing the rights of daughters, I want to focus on the real situation of men and women. In the light of the Qur'an and Sunnah, the Islamic scholars in the past ascertained that the position of men and women is equal. In clause 64 of his book on the aqida (belief) of Ahle Sunnah (which narrates the belief of the Muslim Ummah), Imam Abu Jafar al-Tahawi (853-933) said, 'All believers are basically the same'. However, any difference is dependent on the degree of taqwa, the obeying of Allah and the restraining of passions.²⁰

Yusuf al-Qaradawi, arguably the most eminent Islamic scholar of this age, has said in his *The Status of Woman in Islam*:

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, with a share in humanity equal to that of the man. Both are two branches of a single tree and two children from the same parents, Adam and Eve. Their single origin, their single 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.²¹

Thus, there is no essential difference between the rights of men and those of women in Islam. Both are Allah's khalifas or

²⁰ For more details, see his *Aqidatu Ahle Sunnah*, Paragraph 64.

²¹ Quoted from *The Status of Women in Islam*. This book is currently available at the official website of Indiana University—Purdue University at: <<http://www.iupui.edu/~msaiupui/qaradawistatus.html>>

vicegerents on earth (See: Qur'an, 2: 30). The ruhs (souls) of men and women are of the same nature (Qur'an, 7: 172) and the forms of all of them are excellent (Qur'an, 95: 4). The points of difference between them are negligible. One slight difference between them is that of physical features. There are also some differences in their duties and responsibilities. But these differences do not have any impact on their honour as human beings, as the true basis for difference is taqwa (Qur'an, 49: 13).

Mostly, rights and duties of women are similar to those of men. These, however, are not necessarily or absolutely identical. A woman's gender identity has not in the least tarnished her status as a human being or her independent personality; nor does this give anybody the reason or basis to have a grudge against, or do injustice to, her. The rights of women have been stated in clear terms in the Glorious Qur'an: "And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree of advantage over them" (Qur'an, 2: 228).

This 'advantage' is not a sign of superiority of man. Nor is it a license for men to treat women wantonly. It has been endowed to keep harmony with the additional duties of man and to give him some compensation for his duties and responsibilities.

In Islam both sons and daughters are regarded as blessings from Allah. Those who show dissatisfaction at the birth of a female child have been condemned in the Qur'an (Qur'an, 16: 58-59). If we look at the attitude of the Prophet (peace be upon him) in this regard, we see that he brought a revolutionary change in the mentality, thoughts and feelings of the people regarding female children. Some of his Hadiths are mentioned here: 'If a man falls in troubles at the birth of daughters but behaves well with them, the daughters will be the cause for him to be relieved from jahannam (hellfire)' (Bukhari, Muslim).

A Hadith from the book of Abu Dawud may be mentioned here. It has warned against giving more importance to sons as compared to daughters. The Hadith says: 'If anyone has a daughter, and does not bury her alive, or does not slight her, or

does not prefer his sons to her, Allah will bring him into Paradise' (Sunan Abu Dawud, Hadith no. 5146).

The Qur'an provides a universal system. But we have to consider the background of its revelation. The Qur'an has considered the background of that time. In that period, the status of women was extremely low. Women and girls were neglected and oppressed. Female infants were buried alive. In this respect it has been said in verses 8-9 of Surah al-Takweer, "When [on the Day of Judgment] the female infant, buried alive, is questioned – for what crime she was killed," that is, why she had been killed. In interpreting these two verses of Surah al-Takweer, the famous tafsir book, *Tafhim Al-Qur'an* has referred to the Hadiths mentioned earlier.

So, we can say that with the exception of one or two cases where points of differences regarding rights and duties have been clearly and categorically shown in the Qur'an as well as in authentic Hadiths, no disparity should be made between men and women or between sons and daughters. Making additional points of differences means nothing but following man-made erroneous ideas. It is to be mentioned here that there is no major difference with regard to gender in fundamental issues like salat, sawm, hajj, zakat, etc.

The Canadian professor Jamal Badawi divides the rights of children into three categories: right to life, right to parental identity, and right to being brought up with care. There is no differentiation in Islam between male and female children regarding these fundamental rights.²² The rights of a female child are like those of a male one. Like a son, a daughter needs food, clothes, education and medical treatment. She has to grow up with others in the same social environment.

²² See *Islamer Shamajik Bidhan* (The Social System of Islam), Dhaka: The Pioneer.

In this context, we can have a look at the OIC's Cairo Declaration on Human Rights in Islam. Article 1 (a) of the Declaration states:

All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, color, language, sex, religious belief, political affiliation, social status or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection.²³

It has been said in Article 6 (a):

Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence and the right to retain her name and lineage.²⁴

The OIC prepared and published this Declaration with the opinion and consent of the internationally recognised Islamic scholars of its Fiqh Academy. As Islam ensures the rights of all, it emphasises the establishment of the rights of female children.

²³ Retrieved from
<<https://www1.umn.edu/humanrts/instree/cairodeclaration.html>>.

²⁴ Retrieved from
<<https://www1.umn.edu/humanrts/instree/cairodeclaration.html>>.

In Islam Daughter Gets More Financial Benefits than Son

According to media reports, in the proposed National Women Development Policy (2011) the Bangladesh government wants to equalize men and women with respect to their share in inheritance. If it is done, it will be a direct violation of the law prescribed in verse 4: 11 of the Qur'an, in which Allah says:

Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children – you know not which of them are nearest to you in benefit. [These shares are] an obligation [ordained] by Allah. Indeed, Allah is ever Knowing and Wise.

Violation of the directive of this verse in the name of gender equality is totally unnecessary. In fact, if we look at this issue from a different angle it may be argued that Islam gives more financial rights and benefits to a daughter than to a son. The following analysis will shed light on it.

Let me tell you about myself. I have a number of brothers and sisters. According to the current market value, the price of the total asset left by my late father as inheritance would come to 90 lac takas (Tk. 9m). Each of us (brothers) inherited 15 lac takas

(Tk. 1.5m), whereas each sister inherited 7.5 lac takas (Tk. 750,000). That is to say, I have got Tk. 750,000 more than a sister. On the other hand, according to Islamic law (based on some verses in Surah al-Baqarah, Surah al-Nisa and Surah al-Talaq of the Qur'an), I have had to bear the family expenses including the cost of feeding, clothing and accommodation of my wife, son and daughter. According to the current market value, these expenses would come to at least Tk. 30,000 per month. My wife died after spending our married life of 30 years. During this period of 30 years I had to spend 30 thousand takas per month, the grand total amount of which was $(30,000 \times 12 \times 30 = 10,800,000)$ Tk. 10.8m. Even after that as the father I had to spend a lot especially on my daughter. Moreover, looking after parents is generally sons' responsibility, and if the sisters are in trouble it is brothers who Islam encourages to come forward to help them out.

On the other hand, a sister does not have to spend any amount of money for her own maintenance or the maintenance of her husband, son/s or daughter/s. This is because according to the Qur'an and Sunnah, she is not responsible for such financial matters. That means while I have had to spend Tk. 10.8m for the maintenance of my family members, my sister did not have to spend this amount of money on her family. In this case my sister has got an extra benefit of Tk. 10.8m. If my extra inheritance of Tk. 750,000 is deducted, the net benefit of my sister over me comes to $(10,800,000 - 750,000 = 10,050,000)$ Tk. 10.05m. In this calculation, I have not included the mahr that I had to pay to my wife upon marriage. I have calculated many cases and found that according to Islamic law, the overall financial benefits of a daughter are more than those of a son.

In most cases, the inheritance of the father and that of the mother are the same. In many cases brothers and sisters, where they become inheritors, get the same amount. Even in these cases

the financial responsibilities of a man are more than those of a woman.

Calculation says that if the people of America, for example, follow Islam in matters of gender relations, it is women who will get more benefits. In that country one hardly inherits any property. It is because most people use credit cards for their expenses. Most people have little or no savings. Even if the monthly expenses are as little as two thousand dollars, then according to Islamic law the benefit of a woman in her married life of 30 years would come to $(2000 \times 12 \times 30 = \$720,000)$ seven hundred twenty thousand dollars (in Bangladeshi taka this amount will be $720,000 \times 70 = \text{Tk. } 50,400,000/-$). I hope the above discussion has made it clear that Islam gives more financial benefits to women than to men. Therefore, any effort to change the inheritance law is unnecessary.

Is Mahr a Price for the Female Body?

Before talking about mahr (a bridal gift a woman receives from her husband upon marriage), we should first throw some light on the historical background of the dowry system. We would start the discussion by referring to Hammudah Abd Al-Ati's book *The Family Structure in Islam* published by American Trust Publications. In this book, Abd Al-Ati has presented a historical critique of the conventional dowry system.

We find two types of dowry in history. On the one hand, a bride price is given to the bride or to her family from the bridegroom's side. On the other hand, the bride or her family gives dowry to the bridegroom or to his family. The second practice was common in the ancient period. However, this practice is still noticed in today's society. Abd al-Ati says that it is very interesting that the issue of marriage has got enmeshed with the value of the bride or the bridegroom. According to anthropologists, this concept prevails in such a family system where a girl is considered a financial resource. If the girl leaves her family, it is considered a financial loss for the family. And it was to meet this loss that the bride price was taken.

From this point of view, it was thought that the coming of a girl or a wife to a family adds to the number of the working members, for which the money was given as bride price. From this concept, we get an explanation for this practice. However, there is another perspective on it. Besides, we notice another aspect in history. Marriage helps increase the number of descendants in the bridegroom's family. On the contrary, the bride's family loses a member and consequently the opportunity for producing descendants is diminished. So it was thought that this should be compensated. The dowry system might have been introduced on this sort of background.²⁵ But this idea has not been accepted in Islam.

²⁵ See: Edward Westermarck, *The History of Human Marriage* (1891); Raphael Patai, *Sex and Family in the Bible and the Middle East* (1951).

According to Islam, at the time of marriage, the bridegroom would give a gift to the bride who will be the owner of it. The issue of the family's gain or loss has not been taken into consideration in making the provision. Here, the Islamic provision of giving mahr has nothing to do with any pre-Islamic practices regarding marriage. Thus it is clear that mahr is not the price of the bride given to compensate for the supposed loss of the chance of producing descendants or for financial loss. In the Islamic tradition, the bride herself is the owner of the mahr. So she can spend it at her own free will.

The question is: if it is not the price of the bride, then what is it actually? As Abd al-Ati has said in this regard, it should not be treated as a price at all. He has even ruled out the misconception of some people that it is the price of enjoyment. This conception is not supported by the Qur'an or Hadith. Above all, the question of price could arise if the enjoyment were unilateral. As the conjugal enjoyment is bilateral, there should be no question of giving a price of conjugal pleasure. Abd al-Ati says that mahr is a symbolic aspect of the wonderful Islamic system which confers on the bridegroom the responsibility of the maintenance of the bride.

In Surah al-Nisa of the Qur'an, mahr has been referred to as a gift. "And give the women [upon marriage] their [bridal] gifts graciously" (Qur'an, 4: 4). We have just seen how and on what ground dowry was introduced in ancient times. We have also seen what Islam has said about dowry. Now, if we consider the issue from the Bangladesh perspective we will notice that it has become a big problem. If we have a look at its background history, we will find that this problem prevailed in Hindu society. So far as I know, dowry is not officially recognised in Hinduism. If it had been recognised by the religion, it could not have been prohibited. But it is prohibited by Bangladesh law. It is very much logical that Hindu girls should also have the same dignity as their Muslim counterparts. Why should the bride's family give dowry to the bridegroom's side while there is no logical ground for this? Yet this was practiced in Hindu society for a long time.

This practice did not exist in Muslim society even fifty to sixty years ago. For whatever reason, it has become widespread rather recently to such an extent that it has turned into a deep social malaise. In some cases, the arrangement of job for the groom is attached as a condition for marriage. This is one kind of dowry. Or in some other cases marriage becomes almost impossible without giving a motor cycle or a TV set to the groom's family by the bride's. However, the tendency of giving or taking dowry seems to be less among the educated people. Very few people directly demand dowry, but perhaps it is demanded in various roundabout ways in the elite class.

This evil practice of dowry brings disgrace to girls and puts their parents in difficulties. What is more, marriage becomes more expensive and challenging. Especially in the rural area, marriage without dowry is almost impossible nowadays. Another problem in people's attitude is that, if a marriage ceremony is not held pompously with huge expenditure, it is criticised and becomes a matter of social stigma and disgrace. Worse, in many cases people throw expensive wedding feasts with unlawful earnings. A modest wedding reception with lawful earnings is more blissful and should be appreciated and not depreciated.

Steps should be taken against the cruel practices of all forms of dowry. It should be eradicated through whatever means necessary. The law enacted by the Bangladesh government in this regard is adequate. I do not see the necessity for any major changes or amendments to the existing law. However, what is needed is proper enforcement and implementation. Only the law or the police cannot do this. A social movement is needed, and people from all quarters should participate in the noble cause of abolishing dowry. All political parties, NGOs, ulama (Islamic scholars), educationists and media professionals should actively play their part to remove the social curse of dowry. Passive participation may not bring the desired goal any closer.

I once advised the Ministry of Social Welfare to observe an anti-dowry week every year. Arrangements should be made at the village level throughout the country to observe this week. If we can do it for a few years with adequate emphasis, the dowry

system will be reduced to a great extent. Then complete eradication of this curse will be much easier. As long as the problem remains rampant, it will be good for us to observe a week, and not only a day, against dowry every year. The Ministry of Social Welfare has an office in every upazila, so it can easily organize a massive program at the grassroots level. Several programs can be organized in one whole week. For example, a seminar can be held where college teachers will speak in order to create public awareness against dowry; and a w'az mahfil (gathering of Islamic discussion) can be arranged where the local ulama will give speeches and look at the issue from an Islamic perspective. Imams (religious leaders), teachers, students and women can be involved. If this can be organized on a large scale, awareness and society's readiness to change will increase.

The government should facilitate the active participation of distinguished ulama of the country in such programs. They should take decision to the effect that they would deliver khutbas (sermons) on the ills of dowry during jumu'a prayers on Fridays. As it is the boys (grooms) and their family members who generally demand dowry from the brides' families, the ulama may make them realize the enormity of the dowry crime through khutbas. Then it may help achieve progress in this regard.

Political parties and their activists should also get engaged as much as possible. The media outlets should work more strongly and concertedly. Their federation can also decide to publish writings on this issue in all newspapers on a particular date. Dowry is one of the ten to fifteen major social problems in Bangladesh. I do not find any alternative to social movement to reduce it to a tolerable level.

Other steps by the government may also be useful. But what we still have not done is to start a meaningful campaign to make people conscious or to make them understand the seriousness of the matter. We have to start a great social movement to save people from this cancer-like disease, that is, dowry.

Maintenance of Divorced Women

New disputes have been brought to public attention regarding the maintenance of a divorced woman although the issue is already settled by the Qur'an and Hadith. No school of thought in the early history of Islam said that a divorced woman would get maintenance from her ex-husband after the 'iddah period. The issue arose after the Indian Supreme Court gave a verdict of this nature in the Shah Bano case in 1985. Later, in the face of protests by the vast majority of the Muslims in India, the Indian parliament passed the Muslim Woman (Rights after Divorce) Law in 1986.

According to this law, the responsibility of maintenance of a divorced woman who does not have enough property to provide for her own living would be assigned to her children or, if she does not have any capable child, to any of her relatives who could legally be treated as her heirs or, in the absence of this type of relatives, to Provincial Wakf Board. If they do not want to carry out this responsibility, the court can force them to do it by issuing an order. This law has been consistent with the ruling of Islam. According to Islamic law, not only for the divorced women of this type, but also for any other destitute women, responsibility of maintenance is on children/parents, then on relatives and then on society or the government. Necessary laws should be enacted to make this ruling effective.

A number of write-ups published in different newspapers in Bangladesh suggest that Islam has not given any complete ruling regarding the maintenance of divorced women. Quite the contrary, the Qur'an and the Hadith of the Prophet (peace be upon him) have given complete rulings in this regard. It has been said in the first verse of Surah al-Talaq: "O Prophet, when you [Muslim men] divorce women, divorce them at their Iddah

(prescribed periods), and count (accurately) their prescribed periods: And fear Allah your Lord.”

In Islam talaq (divorce) and ‘iddah (prescribed period or the legal period during which a divorced woman may not marry) are attached to each other for various reasons. These include, in the case of talaq raji’ie (revocable divorce), the right of the husband to take back the wife, determining whether the wife has conceived, providing for her maintenance, etc. In verse 4 of Surah al-Talaq, it has been said, “And for those who are pregnant, their term is until they give birth.” And in verse 6 of the same Surah it has been said, “And if they (the divorced women) are pregnant, then spend on them until they give birth.” In other words, in the case of the divorced women carrying life in their wombs, Allah has linked their maintenance to the ‘iddah and made it obligatory on the divorcing husband during this period. In the same way, after mentioning other types of divorcées in verses 1-5 of Surah al-Talaq, Allah says to husbands: “Let the women (in ‘iddah) live in the same style as you live, and do not harm them in order to oppress them” (Qur’an, 65: 6). That is to say, whereas in the case of pregnant divorcées maintenance (nafaqa) is enjoined, in the case of other types of divorcées the enjoining is for only dwelling or accommodation (sakana), and the verse does not say anything about food, clothing and other necessities. However, on the basis of the Hadiths of the Prophet and the opinions of his Companions, most of the imams (classical Islamic jurists) have regarded it as obligatory for the husbands to provide food, clothing and dwelling for all types of divorcées during ‘iddah. For example, Hadhrat Umar, Abdullah ibn Mas‘ud, Imam Zayn Al Abedin, Imam Ibrahim Nakhyee, Hadhrat Ayesha and Imam Abu Hanifa (may Allah be pleased with them all) have accepted this opinion.²⁶

²⁶ For more details, see Kitab Al Talaq in Bukhari; Dar-e-Qutni; Al Jassas; Ahkam Al Qur’an, Hidaya; Tafsir of Surah al-Talaq in *Tafhim Al-Qur’an* by Abul A’la Maududi.

On the basis of the Qur'anic ruling for the husband to give 'mata' to the divorced wife as mentioned in verses 236 and 241 of Surah al-Baqarah and verse 49 of Surah al-Ahzab, some people expect the husband to provide for maintenance to the divorced wife for an indefinite period of time. The first thing we should know is that the word 'mata' does not mean maintenance. According to well-known Arabic dictionaries *Al-Munjid* and *Al-Maghrrib*, 'mata' means 'doing temporary favours,' 'little possessions,' and 'ordinary things given to women after divorce.' No ancient or modern exegesis of the Qur'an has interpreted 'mata' as maintenance. The word the Qur'an has used in the sense of maintenance is nafaqa which is an obligation on the husband to continue to provide for his wife (not ex-wife). Secondly, interpreting the act of giving 'mata' as providing maintenance for an indefinite period will contradict the ruling given in Surah al-Talaq (which was revealed after Surah al-Baqarah).

The issue of 'mata' mentioned in Surah al-Baqarah and Surah al-Ahzab is only for those divorcées who have been divorced before the consummation of marriage or before mahr is fixed. The verses are mentioned below: "There is no blame on you if you divorce women before consummation or before the fixation of their mahr (dower or marital gift); but provide for them – the wealthy according to his means and the poor according to his means – a fair provision. (This is) a duty upon those who do good (muhsin)" (Qur'an, 2: 236). This has been emphasised also in verse 241 of Surah al-Baqarah. Using the term 'muttaqi' instead of 'muhsin,' this verse states that giving 'mata' to the divorcées is a duty upon those who are righteous (muttaqi). Surah al-Baqarah was revealed in the second year of the Islamic Hijri calendar. The same ruling has been given in Surah al-Ahzab revealed four years later: "O You who believe, when you marry believing women and then divorce them before you have touched them, then there is no period of 'iddah for you to count concerning them. So provide for them and release them in a handsome manner" (Qur'an, 33: 49). This verse makes it clear

that 'mata' is for those who do not need to observe any 'iddah. Thus this verse also proves that maintenance is related to 'iddah.

From the above discussion it is clear that, according to Islamic law, the divorcées will get maintenance only during the 'iddah period. Besides, they will also get their mahr according to Islamic law. It is to be mentioned here that Islam discourages divorce. But it has been made lawful in Islam in cases of necessity and inevitability. But it is in no way rational to force the former husband to bear the responsibility of the divorcée for an indefinite period of time after the divorce. Why should the former husband be obligated to provide for the maintenance of the previous wife for an indefinite period while he does not get anything in return? Even women should not place this type of demand, as it goes against the principle of justice. The enactment of these types of law will increase only disorder and ill feelings between men and women. However, in a country like ours, a comprehensive maintenance law as mentioned in the first paragraph of this essay should be enacted for all destitute men and women for the security of those who are not able to provide for themselves.

The Islamic Dress Code

Islamic law has given proper advice and instruction on the dress code for men and women. Through emphasizing proper clothing, Islam wants to establish two things. First, it wants to cover the human body properly because revealing the bodily grace indecently is not desirable or appropriate. The second aim is to augment beauty and enhance adornment therewith.

The glorious Qur'an has said: "O Children of Adam! We have bestowed clothing upon you to cover your private parts, as well as to be an adornment to you. But the clothing of righteousness – that is the best" (Qur'an, 7: 26).

There should be a balance between covering the body properly and the aspect of adornment. Any lack of balance in this regard may lead to following the footstep of Satan. The Qur'an says in this respect: "O 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 clothing, to show them their private parts" (Qur'an, 7: 27).

Islam does not allow men and women to wear the same kind of dress. Instead, it wants to maintain a distinction between men and women as far as clothing is concerned. To wear a dress usually worn by the other gender does not bear any sign of dignity on the part of men or women. The great Prophet (peace be upon him) has said, "It is forbidden for men to put on the dress similar to that of women and for women to put on the dress of men" (Bukhari).

Islam has forbidden grandeur and ostentation in the use of clothes. The Qur'an has said in this regard: "Allah does not love any arrogant boaster" (Qur'an, 57: 23). The Prophet (peace be upon him) has said, "Whoever trails his garment on the ground

out of pride, Allah will not look at him on the Day of Resurrection” (Bukhari).

Clothes must be clean, because Islam has laid emphasis on cleanliness. Prophet Muhammad (peace be upon him) has said, “Adopt cleanliness, because cleanliness has been given preference in Islam” (Ibn Hibban). Islam has given permission to women to wear ornaments of gold and clothes of silk. Men however, are not allowed to put on these.

Both men and women should wear decent dress. The Sunnah of the Prophet is that man should cover his body properly and wear decent dress. Likewise, a woman must cover her body properly. The Prophet has said that it is not proper for a grown-up girl to keep her body bare. However, she can keep her face, feet and the front parts of her hands uncovered. This is majority opinion and is based on the interpretation of Qur’anic verses and Hadiths.

The Prophet has also said that a woman is not allowed to wear such thin dress as could expose her body. Islam has enjoined that when a girl reaches puberty, she should wear a scarf covering her head and chest well. In verse 31 of Surah al-Nur, Allah has instructed women to maintain decency in attire and behaviour. The verse says: “And tell the believing women to lower their gaze and guard their modesty, and not to display their beauty and ornaments except for that which is ordinarily apparent, and to draw their veils over their bosoms” (Qur’an, 24: 31). It would be relevant to mention here that in the previous verse, that is verse 24: 30 of the Qur’an, men have also been instructed to lower their gaze and to guard their modesty.

The word ‘khumur’ (singular khimaar) is used in verse 31 of Surah al-Nur mentioned above. ‘Khimaar’ means a piece of cloth like ‘veil’ or scarf. In the pre-Islamic age of ignorance, women would use a kind of veil over their heads and would cover their chignons with it; but the front side would remain

unbuttoned. As a result, the neck and the upper part of the bosom were clearly visible.²⁷

After the revelation of this verse, the practice of wearing hijab gained currency among Muslim adolescent girls and women. Believing women started following the instruction of this verse immediately after they had heard it. As Hadhrat Ayesha (may Allah be pleased with her) said, when the Surah was revealed, people heard about it from the Prophet and conveyed the message to their wives, daughters and sisters. On hearing the ruling of the verse, every woman had her body covered with a veil or scarf. The next day, all the women, who went to Masjid-i-Nabawi (the Masjid of the Prophet) to offer their Fajr Salat, were wearing scarves following the divine instruction. In another version of this Hadith, it is narrated that Hadhrat Ayesha said that women started wearing scarves of thick cloths, giving up those of thin ones.²⁸

It is evident from the above discussion that the instruction for women to wear scarves covering their heads and bosoms has come from the Qur'an. However, many people do not know that wearing scarves is obligatory in Islam. Besides, other authentic sources make it clear that it is obligatory for women to keep their heads covered before *gayr mahram* (that is, those who are lawful for women to marry) and that it is not allowed for women to leave any parts of their body uncovered except the face, the front part of the hands and the feet (Abu Dawud and *Hidayah*, the Chapter on Nazr).

In the name of fashion, many people today are trying to abolish the practice of wearing scarves, and thus violate the ruling of the Qur'an. Many teenage girls are seen moving around

²⁷ See the interpretation of verse 31 of Surah al-Nur in tafsirs Ibn Kathir, Kashshaf, Muhammad Asad's *The Message of the Qur'an*, Maulana Maududi's *Tafhim Al-Qur'an*.

²⁸ See the interpretation of the related verses of Surah al-Nur in Tafsir Ibn Kathir and Tafhim Al-Qur'an as well as the chapter titled "Kitab Al-Libas" in Abu Dawud.

without wearing headscarves. They are also seen participating in different television programs wearing immodest dress. This is a new style of clothing which the media seems to promote at the expense of public morality and decency.

One innovative way to discourage the tendency to wear indecent attire is to work closely with the garment manufacturers, and persuade them to design decent dresses with proper scarves and *salwars* (women's trousers). We should also discourage them from designing un-Islamic dresses that would provoke a display of immodesty in dress in public spaces. Islam honours the dignity of women and wants to keep them safe from the lascivious eyes of the evil characters in the street and other public places. That is why Islam instructs that, when a woman goes out for work or for any other purposes, she should wear a scarf over her usual dress.

The Qur'an says in this respect: "O Prophet, tell your wives and your daughters and the women of the believers to bring down their outer garments over themselves (when they go outside). That is more suitable that they will be recognised and not be annoyed" (Qur'an, 33: 59). If people abide by the dress code prescribed by Islam, the dignity of both men and women will be enhanced, and this will help build a better society.

The scarf or hijab should be large and the fabric should also be of good quality. The dress should be neither transparent nor tight. Nor should it show any curves of the female body. The opinion of the Hanafi imams of the early age regarding the glance towards women as mentioned in *Hidayah*, the famous book on *fiqh* (Islamic jurisprudence), is as follows: "It is not permitted for an unfamiliar man (or a man who is lawful for a particular woman to marry) to look at any part of the body of a woman except the face and the palm. It is because Allah has said, 'Women will not display their beauty and ornaments except only that which is ordinarily apparent.' Besides, on many occasions they need to expose their faces and hands when dealing with men. Abu Hanifa said that since sometimes it may be needed to keep open the feet, it is also permitted to keep them uncovered. Abu Yusuf narrated that it is allowed to cast glances up to the elbows, since these also are sometimes ordinarily apparent" (*Hidayah*, the Chapter on Nazr).

Dangers of Pornography and Indecent Outfit

During the last one hundred years, the condition of women has significantly improved in almost all countries. Their access to education and employment has increased. In many countries their working hours have been reduced and their wages increased; that is to say, gender disparity has been minimised. But we see that notwithstanding the progress in education, development and in other fields, violence against women is still a huge, pervasive problem. In my view, one of the root causes of this is the absence of moral teaching in the education system. Other factors include poverty, culture of violence, Internet pornography, prostitution, immodesty in dress, and so forth.

Pornography is a newly emerging disease spreading to every corner of the world mainly via the Internet and other means. Young men and women as well as teenagers are becoming more perverse because of the nudity available on the Internet and the mass media. Not only does this normalize irresponsible sexual conducts, but as a consequence of this nudity, girls are falling victim to rape, sexual assaults, etc. Internet pornography is now a big business and capitalist enterprise. As it is all about profit and money, morality has no place in this vicious money-making scheme.

Prostitution or the sex trade is another major cause of violence against, and exploitation of, women. The network of women abduction is spreading all over the world. Under no ground can it be justified to jeopardise women's lives in the name of 'freedom of sex work'. Likewise, we must admit the very truth that 'indecent dress provokes men', which people may deny at their own peril. In this regard, I want to refer to what the American feminist Robin Morgan said in 1980: "Pornography is the theory, rape is the practice." It might not be possible to categorically define a particular dress that is provocative. However, some policies may be taken in this respect, issuing some general prohibitions; for instance, no half pants, no sleeveless dress, no tights, no low-cut dress, etc. Without taking these measures it will not be possible to curb violence against women. The government and the civil society should reflect on this matter.

Family in the West and in Muslim Society

On a number of occasions, I have spoken with people who have substantial knowledge about the Western social system, family, marriage, Islamic law, etc. I have noticed that women in Western countries face no less trouble than those of the Muslim countries do. I have also noticed that they face the severest ordeals in choosing life partners. It is known that in most cases parents or guardians do not take adequate responsibility of their children's marriage. Such apathy or indifference is now the norm under the premise that these young adults need full and complete freedom to make their own choices, and that parental involvement and intervention is considered a violation of this freedom. This practice has gradually developed in the West over a span of roughly one hundred years. It did not exist there before. What is more, such a culture is now creeping into many non-Western societies.

The dating culture in the West predisposes girls to multiple troubles, as it puts them in close contact with unrelated men in a variety of environments both indoors and outdoors. In the name of dating, body-touching has become a common practice. Unfortunately, in most cases, girls become victims of such a permissive culture. Even if the sexual relation is consensual, it often leads to problems such as unwanted pregnancies, abortion, depression and feelings of being exploited on the female side. What many people are perhaps unaware of is the existence of a vast body of scientific research and literature today which has proven the danger and negative consequences of excessive, free mingling between men and women. Extra marital sex contributes to breaking up marriages and families and thus depriving children of the benefit of smooth family life.

If we cast a look at some Muslim societies, we will see that that arranged marriage is still a common and accepted practice, which is usually done in harmony and based on consent. This practice, if implemented in the right way, is compatible with Islamic teachings.²⁹ Allah says in the Qur'an: "Arrange the marriage of those among you who are spouseless" (Qur'an, 24: 32). That is, the guardians of the family, especially the parents, have been charged with the responsibility of helping their children find suitable companions. If the children choose their own companions maintaining acceptable social norms and behaviours, there is no problem. In this case they can inform their guardians about their choices. If there is nothing wrong for the family or for the boy or the girl, the guardians can accept their choices.

In this regard, a veteran female Islamic scholar told me that nowadays many boys and girls of the Muslim community choose their mates and inform their parents later. In many cases, marriage is arranged after the parents give their consent, which is Islamically acceptable so long as they follow the rules and codes of conduct prescribed by Islam. In some cases, the parents do not give their consent. In those cases both the parties should discuss the issue frankly. They should come to an agreement. She thinks it would be better if the boys and girls can become convinced through discussion with the family before choosing their future companions that they will be suitable for each other. Holding discussion before marriage for choosing suitable companions is encouraged in Islam.

Undoubtedly, Prophet Muhammad (peace be upon him) allowed boys and girls to see their potential spouses, and of course it should be in a decent manner. Here, the main concern is the consent of both the boy and the girl as well as of the parents or guardians. Care should be taken so that this freedom does not give

²⁹ Readers may wish to read the Oxford graduate Shelina Zahra Janmohamed's *Love in a Headscarf* (Boston: Beacon Press, 2009) to know more about the Islamic practice of arranged marriage.

rise to any perversity, leading the young generation to sexual immorality. To know more about this, see *Islamic Teachings Series* of Jamal Badawi.³⁰ I deeply feel that if the Western people want to get free from the licentious relationship prevailing in their society, want to re-establish the sanctity of marriage, and to regain the faithfulness and firmness in the family institution, they must shun the disgraceful dating culture and return to religious and basic human values.

As Muslims, we have to communicate these moral messages to people of other religious or non-religious groups in order to have a better world where women are protected from any forms of harassment and exploitation. All must work together to liberate humanity from depravity, immorality, debauchery and all other detestable vices.

³⁰ Available at <<http://www.islamicity.org/4630/bridge-building-between-christians-and-muslims/#10>. ISLAMIC TEACHINGS SERIES>.

Prostitution: Causes and Remedies

Like other places in Bangladesh, in the port of Mongla in Khulna there is a prostitute colony. The local people as well as mariners of foreign ships are the usual visitors. Such antisocial activities have spread not only in Mongla but in other places across the country. To address this problem, first we need to understand it. I will start by throwing some light on the nature of this complex phenomenon.

Though prostitution is not new, it had not assumed the shape of an institution in this country before the British came. Prostitution spread widely in the countryside only during the British colonial rule. This unhealthy culture was introduced by the then colonial rulers, Hindu zeminders and landlords. One of its vicious aims was to pervert public morality.

With the auspicious beginning of Muslim rule after the British, prostitution vanished from the villages of Bangladesh. But the native subordinates and surrogates of the British ruling class maintained the scandalous spots of prostitution in urban areas under different excuses. Later on, an education system devoid of religious values was introduced, which eventually resulted in an exploitative economic system and the aggravation of poverty. Consequently, economic discrimination, exploitation and repression increased. Capitalizing on these factors, prostitution – which was so far limited to towns on a small scale – has now started to grow again and spread beyond the urban centres.

These women are the helpless victims of the existing social system. Some might have chosen this as a way of life, but the number of such women is very small. Most of these women however, have been forced to take up this profession – at times out of desperation (poverty) and at times because of exploitation.

No one is there to be the guardian of the destitute and the helpless. Thus most of the destitute and the helpless girls fall victim to the deception of traffickers and to organized crimes. They at last end up in brothels and are exploited by evil characters.

Due to river erosion, around one hundred thousand people in Bangladesh become homeless every year. At least half of them are children and young women. Among the victims of river erosion, those who are comparatively poorer arrive in cities and have to live on the streets. These helpless poor women finally fall into the clutches of culprits who make profit by way of exploiting them. Historically, famine in the region has affected women more adversely than men. The famine of 1974 is a good example. During this famine, girls from lower income, destitute and starving families fell into the hands of the depraved and the tout. As a result, their life was destroyed.

There is no other means to uproot prostitution except by addressing the underlying causes. The root of this problem must be addressed for protecting the moral values of the country; and a comprehensive plan has to be made for the rehabilitation of the victims. It is surprising that the Planning Commission, the Ministry of Rehabilitation and the Ministry of Social Welfare of the government seem indifferent to the thousands of rootless women who live on the streets of big cities as well as small towns in Bangladesh.

Serious plans and concerted efforts have to be taken to solve this problem. There must be effective measures to address the issue of river erosion. As mentioned above, more than one hundred thousand people fall victim to river erosion every year; so we have to take in our considerations the severe repercussions of this environment disaster on the vulnerable groups in society. A department should be set up under the Ministry of Rehabilitation to address this human crisis of significant magnitude.

A sufficient number of reception camps should be built as temporary shelters for people living near the areas where river erosion commonly takes place. At the same time they have to be rehabilitated in *char*³¹ areas with the help of the Ministry of Land. In fact, the Ministry of Land has to ensure beforehand that the next victims of river-erosion can be rehabilitated in livable land or in any strips of sandy land. The assistance of the Ministry of Education, the Ministry of Health and the Ministry of Agriculture will be required for creating facilities (or making the existing ones available) for health, education and agriculture. Therefore, the formation of a combined committee comprising the above mentioned ministries is recommended. Besides the rehabilitation of the people who have become destitute and homeless as a result of river erosion or other natural disasters, there should be a separate plan for the rehabilitation of women who are brought over to cities and forced into antisocial activities.

I said earlier that the number of such prostitutes will not be more than one hundred thousand. Of them, those women who cannot be taken back to their families should be rehabilitated in women's industrial homes. The government needs to finance this initiative. If the government arranges for a proper coordination between the Ministry of Social Welfare and the Ministry of Industries, specifically the Cottage Industry Corporation, the rehabilitated women can be trained to make industrial goods. Steps should also be taken to rectify their character. Then it will be possible to employ them in different institutions. Most of them will be able go back to the normal way of life after they have received industrial training. The government should take charge of those women who will not be able to return to normal life.

Unless these steps are taken, nothing can repair this great injury, stop moral degradation, curb the flooding of antisocial activities and restore the dignity of women in society. We should bear in mind that the issue of rehabilitation of women should be

³¹ A strip of sandy land rising out of river bed.

given priority over that of men, because women are more vulnerable to exploitation and abuse.

Finally, there should be provision for stern punishment against those who are involved in exploiting women or deceiving them into the sex industry. The harshest penalty may be introduced against those who abduct women or engage them in antisocial activities, and thus take advantage of their helplessness. Articles 348, 366, 372, 373, 375, 397, 398 and 509 of the Bangladesh Penal Code should be reformed radically. Besides, it is not very difficult to find out who the traders in, and brokers of, women are. And if their evil hands of deception can be controlled, the very structure on which prostitution stands today can easily be demolished.

We believe that nothing of these is beyond the remit and scope of the Ministry of Women and Children Affairs. Respective government personnel are, perhaps, aware of the enormity of the problem. But mere observation, knowledge or information will not bring any positive result. Proper action is necessary. The Ministry of Women and Children Affairs needs to give especial attention to this issue for the interest of the destitute women and the nation as a whole.

Prostitution and the Degradation of Women

Food, clothing and shelter are essential for living. Sometimes man and some other times woman have taken the responsibility of managing the family at different stages of the evolution of society. Agriculture, business and trade have been in vogue since the beginning of social life. But at one stage of social evolution the evil practice of selling woman's body was introduced for making money. This is called prostitution.

Biological impulse is quite strong in human character. Its force is violent. It intensifies or abates depending on the surrounding environment. Whenever man is unable to gratify his sexual desire through fair means, that is, through the socially accepted way of marriage, then he tries to do so through illicit ways. To be precise, when a man seeks to have the company of a woman other than his wife for satisfying his sexual appetite and a woman takes to offering her body for earning a livelihood, then an illicit sexual relationship is established between them in exchange for money. This is the professional form of prostitution. This system is recognised and even made legal in many countries.

Its Origin and Development

It is said that prostitution is a primitive occupation. Primitive may mean either innate or something that has been going on since the beginning of creation. In that sense prostitution is neither innate nor primitive. There is no document to prove the claim that prostitution has been going on since the creation of the human being or since the dawn of civilisation. Rather, prostitution as a completely recognised occupation started much later than social evolution.

Encyclopaedia Britannica says that in ancient times there was no society where sexuality as a form of illicit enjoyment was rampant. But, due to various strange social customs prevalent in

ancient India, the Arab world and West Africa, girls had to be the objects of others' enjoyment. This cannot be termed as direct prostitution on occupational grounds. However, as a result of this system, later on many girls were abandoned and they took to offering their bodies to earn money. This too cannot be directly compared to the organised business of prostitution of the modern times. That was utterly unorganised and sparse. They were victims to evil social customs. This system too was not primitive.

From some unauthentic ancient books it can be known that, years after the beginning of the journey of civilisation, prostitution was customary in the Vedic age in India. This type of prostitution was not like that of the present age. This type of prostitution was the result of the traditional religious and social superstitions as well as evil customs.

It is known that after the Vedic age prostitution turned into a socially recognised industry. Because of the dirty traditions and customs of the erstwhile Indian society the womankind was oppressed, suppressed and humiliated; women were made the objects of enjoyment in diverse ways under the guise of various rites and rituals. Consequently, at one stage they had no choice but walking the streets as sexual commodities. Investigatory books are replete with these types of stories of oppression. The nature of that oppression and suppression of women is diverse.

In Kautilya's *Economics* harlots were mentioned as an essential part of the royal court. Many whores were employed including a chief one, and they were ready to serve and wait upon the King and thus be enamoured of him. Besides, Kautilya's *Economics* also mentions the fact of employing Devdashi (a Hindu dancing girl) at the temple. Since the custom got recognition of the State on religious grounds, the buying and selling of beautiful young girls became lawful. Since then the opportunists took advantage of this practice to start adultery. This practice was so popular in Southern India that some people bought girls from outside to dedicate to the Temple and some others dedicated their own daughters. These girls were the objects of enjoyment of the men of the royal court or the top-ranked priests. For them love or marriage was a deadly crime. Once

expelled from the temple, they had no place other than brothels. In this way the existence of brothels in India in the Vedic Age is mentioned in Kautilya's *Economics*.

In *Amarakosha* a class of people called jayajeeb is mentioned. In their society the wife of a person could be enjoyed by others in return for money. During the feudal period, prostitution was spread by royal patronage. Besides rajas and maharajas, the courtiers also employed professional women for sexual gratification. In that period professional women were so much in demand that in order to supply them a new business was introduced for regular consignment and trading of women. A class of men took this business as their profession for earning their livelihood. A report of this business used to be submitted to the ruler. Tax had also to be paid. Under State patronage this business became so strong that even the housewives were not spared. Through sea trade women were consigned abroad, and selected women were also brought to Indian royal court from abroad in order to increase the 'grandeur'. These stories are written on the basis of Indian mythology and religious codes. It is up to the readers to ascertain their historical veracity or value.

Now, let us discuss the history of the beginning of prostitution. Though it was restrained in the beginning, some vested quarters and some other related groups favoured it. Widows, divorced women and bondswomen were secretly engaged in sex business. And this business gradually gained recognition behind closed doors. As a result of technological development, cities were built up and arrangements were made in these cities to recognise prostitution as a profession and keep it within specific bounds. The origin of this type of prostitution was in ancient Greece, Israel and Rome.

In other places of the world prostitution was spread secretly by women's own choice. But it was not legally recognised anywhere. The Tang dynasty (618–907) in China introduced prostitution in a specific area. But later a class of women were working in cafés and other places of entertainment and practiced prostitution in disguise. The Shang dynasty (16th-11th Century BC) confined them to the city of Hangzhou.

It was during the Roman period that for the first time in the world licences were issued and taxes levied for prostitution. Prostitution emerged as a consequence of extensive urbanisation and economic exploitation of women after the industrial revolution.

According to *Encyclopaedia Britannica*, modern prostitution was firmly established as a profession all over the world due to three reasons — urbanisation, economic exploitation and the spread of imperialism. At the initiative of the UNESCO, an officer of the French Department of States proved in a research carried out in 1980 that prostitution was not the oldest profession of the civilisation; rather, the idea of this profession was totally unknown in the primitive society. So urbanisation and economic exploitation were the root causes of prostitution. In what follows, we will explore the deep-rooted causes of prostitution and examine the factors directly related to it.

The Causes

Historically, urbanisation gave rise to prostitution. It does not, however, mean that this business is not running in the countryside. It is true that prostitution is not practiced in any specific area as a recognised form like in the city, but it goes without saying that helpless women are being oppressed and exploited in different ways. Many rural women sometimes offer their bodies secretly in exchange for money or gifts. According to *Encyclopaedia Britannica*, economic exploitation is the second cause of prostitution. But in fact this is the prime, universal and perpetual cause. We will discuss some key causes of prostitution below.

Poverty

Poverty is termed as the main cause of prostitution. But we do not agree with it. Along with others, poverty is an auxiliary, not the main, cause. We have got no record that women have voluntarily taken to prostitution because of financial constraints. On the other hand, what we know is that many a poor woman would rather die than lose her chastity. However, the brokers apply various

strategies to force young women into prostitution, and thus take advantage of their poverty. Here want is not a direct cause — it is an occasion only.

Human Trafficking

It is not poverty; rather, we should say that it is human trafficking of women for commercial sexual exploitation which is the direct and main cause of prostitution. Many girls are falsely offered jobs, deceived in love or allured in some other ways and then kidnapped or sold to brokers. Thus abduction is one of the root causes of prostitution. In the aftermath of the famine of 1974, many women thronged in cities in search of jobs and fell in the grip of organized crimes and human traffickers. Some of them took their last resort in brothels.

Homelessness

Homelessness is another major cause of prostitution. Homeless women include the widows, the divorcees, those who are abandoned by husbands, those who are victims of river erosion, those whose houses have been gutted by fire, and so on. These homeless women go to cities in search of food and shelter. There they get into traps set by brokers of women. Then they get shelter on dark alleys or red-light areas. According to a survey, most of the prostitutes are those who were homeless. The above factors are some of the reasons why many women take to prostitution. In addition to these, in the following section we touch on some secondary causes of prostitution.

Blue Films and Pornographic Literature

Blue films, pornographic literature, obscene magazines, some so-called exciting stories and novels and some foreign movies are the causes of sexual excitement for a section of men. The rampant spread of these materials arouses sexual cravings of young men. Then they madly desire to have illegal relationship with women. They may either attempt to sexually harass girls or, failing to do so, resort to brothels. A question may arise regarding the fact that prostitution was there even when blue films were non-existent.

First, it is true that there were no blue films, but pornographic literature, sex appealing paintings and nude or semi-nude arts were there. Naked sculptures, indecent images of women and many pictures of sexual activities of men and women of the past have now been discovered.

Degradation of Religion and Morality

Whatever be the reasons of this evil practice, the main cause is irreligiousness and the degradation of conventional morality. Moral degradation and apathy and indifference to religious values lead to sexual and other crimes. Verse 35 of Sura al-Nur has warned against fornication and adultery and has warned of severe punishment. Besides, from the point of view of civilisation and humanity, going to brothels is an abominable tendency and not consonant with a decent society. It is one of the dirtiest and the most immoral acts.

Now we will have a look at statistics to see the percentage of women taking to prostitution for various reasons. It has been reported that poverty is directly or indirectly responsible for about 55 percent of the women who have taken this occupation, whereas 17 percent were deceived by lovers and were sold. 1.5 percent were sold by husbands. Nearly 3 percent were sold by step-mothers and 15 percent were abducted and sold by hooligans. On the other hand, about 8 percent constitute those who were abandoned by husbands, those who had been in touch with this world since an early age, those who wanted to get involved in the film industry but happened to come here, and those who tried to do jobs but for some reasons got involved in this occupation (Source: "Dhakar Patitalaya" [The Brothel of Dhaka] *Weekly Bichitra*).

Though the survey shows that more than half of the women have taken to this occupation due to financial constraint or poverty, as we have said earlier, the number of such women is scanty. The fact is that a gang of brokers take advantage of their poverty and forced them into prostitution.

Contradictory Laws

As mentioned before, in pre-British India, there was no institutional framework for prostitution. It was during the British period that this occupation took institutional form under the patronage of zamindars and colonial administrators, and gradually spread far and wide. The situation reached such a state that later the British government had to enact law to suppress it.

For this purpose, the Bombay Prevention of Prostitute Act, 1923 and the Calcutta Suppression of Immoral Traffic Act, 1923 were passed. The Calcutta Suppression of Immoral Traffic Act, 1923 was later replaced by the Bengal Suppression of Immoral Traffic Act, 1930. After the establishment of Pakistan this law was enforced in 1948. After Bangladesh became independent the same law was also enforced when all the former laws effective in 1927 were reinstated as per order no. 48 of the President. As a result of the amendment of Bangladesh Laws (Revision and Declaration) in 1973, the same law was accepted with some technical amendments. Some contradictory sections of this law are discussed below.

If anybody uses his land or house as a brothel or lets it for the same purpose, he will be awarded a sentence of imprisonment for two years or a fine or both. If he commits the same crime for the second time, he will be sentenced to imprisonment for five years or a fine. The person who lets and he who rents both are liable to punishment (section 4[1]). Only the chairman of the municipality or the district council, or a registered social service oriented organisation or more than three inhabitants living in the surroundings of the brothel concerned can file a lawsuit in the court regarding this issue (section 4[7]). Here a question may be raised regarding whether the houses used as brothels in Bangladesh are ownerless or abandoned.

Now let us consider another section. It has been said that if the superintendent of police comes to know that there is a brothel near a school, a college, a madrasah, a hostel, a residential area, an entertainment area or an open street, he will serve a notice for moving it; none below the rank of an inspector of police will be entitled to investigate into the matter (section 6).

Here it is clearly noticed that an occupation has been forbidden by a law, and the same occupation has been asked to be moved to somewhere else by the same law. Establishing a brothel has been forbidden by section 4(1); therefore, section (6) is inconsistent. The establishment of a brothel is indirectly allowed in section (6).

Let us now go to another section. If anyone (male or female) depends on the income of a prostitute, they will be sentenced to imprisonment for three years and a fine of one thousand takas; and if the accused is male, he may also be caned besides this punishment. But if the mother or the children of a prostitute are dependent on her income, no punishment will be imposed on them. However, if they cooperate with the prostitute in her occupation or collect clients for her, the said punishment will be imposed on them (section 8[2]).

If anyone seduces or kidnaps a girl and detains her or forces her into prostitution, s/he will be awarded a sentence of imprisonment for three years, a fine of one thousand takas; and if the person is male, he will be caned (section 11).

The greatest fault of this law is that the punishment is imposed on the third person — there is no punishment for the first or the second person. There is no provision for imposing punishment on those who are the direct perpetrators of the crime, that is, the prostitutes and their clients.

The second fault is that according to this law, a brothel is defined as a place where two or more girls are engaged as prostitutes. It is a great opportunity for those who run business with women. If anyone runs this business with one girl in a flat, no law can stop it. But if a girl calls her clients to a public place even by gesture, she will be sentenced to imprisonment for one year or a fine of one hundred takas (section 7).

The question is whether prostitution has any legal basis. The answer is yes. It has been said in section 60 of the ordinance of the municipality (1977) that if a girl wants to take prostitution as her occupation, she has to get her name registered in the court, and the brothel will be set up at a particular place. The question is how rational it is that the municipality ordinance instructs one to

get registered for the same occupation which is forbidden by law. That is, establishing a brothel has been forbidden by law, whereas the municipality ordinance has given permission to set up the same!

Some sections of the Bangladesh Penal Code, 1860 are discussed here: If anybody kidnaps a girl for an evil motive, he is imposed a sentence to imprisonment for ten years and a fine (section 366). If anyone brings a minor girl from a foreign country for illegal sexual intercourse, he will be sentenced to ten years' imprisonment (section 366[A]). The punishment for rape is banishment for the whole life or imprisonment for ten years and a fine. If a person rapes his own wife (has sex with her against her will), he will be imprisoned for two years. If a married man and a married woman have sex, though through mutual consent, only the man would be imprisoned for five years, but no punishment will be awarded to the woman. This law awards no punishment if unmarried boys and girls have sex through mutual consent. But, if a boy seduces, entices or falsely assures a girl of marriage and thus sexually harasses her even if with her consent, the boy will be imprisoned for ten years (section 493). Later the government amended this law and enforced Cruelty to Women (Deterrent Punishment) Ordinance 1983. This ordinance awarded life imprisonment, or rigorous imprisonment for 14 years and a fine for crimes such as abduction and raping of women, adultery and the trading of women, etc.

Solutions

The 1921 International Convention for the Suppression of the Traffic in Women and Children (1921 Convention) was adopted by the League of Nations. Primarily, the articles in this Convention are based on the recommendations contained in the Final Act of the International Conference, which was summoned by the Council of the League of Nations between 30 June and 5 July 1921. Article 2 of the 1921 Convention particularly deals with the trafficking in children of both sexes. In many countries of the world there is no prostitution. We believe that if we can remove the causes of prostitution, the issue will be resolved automatically in course of time.

Where there is a demand, there will also be supply. If the demand is taken away, the supply will dwindle. It will never be possible to stop the supply without putting an end to the demand. The desire of some men for illegal sexual gratification will have to be contained. Many will say that this is a biological need, a natural demand. We need to understand the fact that, it is because of the natural demand, there is a system of marriage through which people are supposed to meet their sexual needs.

A depraved man may make an attack on another man's daughter, but when his own daughter falls victim to a similar sexual attack, he uses all his might to ward it off. These are the natural reactions of conscience. We believe that if this conscience is spread beyond the boundary of their family through greater society, it would be much easy to contain the ills of such a heinous occupation. To root out prostitution forever, we propose two types of programs: one is immediate and the other is long-term.

Immediate Programs

1. All sex-provoking materials such as blue films, porn magazines, obscene literature, naked pictures of men and women, obscene films, indecent advertisements, sexually suggestive dances and bodily movements, nudity in drama and cinema and unnecessary body exhibition of women on roads and streets, wearing tight dress, alcohol and other sex-inciting materials should be strongly checked by enacting laws.
2. Government should enact laws for inflicting punishment in public on those who have illicit sexual intercourse. Laws should also be enacted and enforced to inflict humiliating punishment on those who go to brothels, make attempts to carnally enjoy women other than their wives, commit any type of sexual crime or perversity, or harass girls.
3. Laws should be enacted for giving stern punishment to the procurers of girls for prostitution business. Measures should be taken to thwart the ways in which women are forced into prostitution, such as, abduction, persuading girls into

prostitution, manipulating women's financial constraints for engaging them into this occupation, falsely assuring girls of marriage, selling girls, having a share in the income earned by women from prostitution and others. In a word, laws with the provision of life imprisonment should be immediately enacted and sternly enforced to punish the third party involved in trading with women. In fact, the third party is the real criminal. So this punishment may be the only fitting penalty for them. Statistics shows that around twenty five thousand of this class of pimps and hustlers work behind more than one hundred thousand professional prostitutes and a few hundred thousand disguised prostitutes. They are the real nuisance of society. They form the foundation of prostitution which should be demolished.

The claim that 'man cannot live without prostitution' is not justified. This occupation was not there during the early Islamic period of Caliphate of the Rightly Guided. Nor did it exist openly during the Umayyad and Abbasid rule. This might have existed to a limited extent in the Muslim world before colonialism. Currently there is no recognized brothel in Iran and Saudi Arabia. It has been eradicated from Sudan too. Nor is there any brothel in Pakistan at the present time.

Prostitution poses a threat to the health of a large number of people. It is a proven fact that commercial sex workers or the so-called guest relations officers (GROs) are responsible for rising trends of sexually transmitted diseases (STDs).

Various arguments have been thrown in favour of prostitution. One such argument claims that if prostitution is banned, the prostitutes will be deprived of their right to work. This argument is not tenable. If there is no brothel, the rate of rape will be increased – this argument is not acceptable either. Rape has not been rampant in Saudi Arabia or Iran in spite of the fact that there is no brothel in these countries. Sometimes in the media we see reports of sexual exploitation of domestic maids in Saudi Arabia. I do not think this aberrant tendency of householders has anything to do with the non-existence of brothels in the country. The mistreatment meted out to domestic maids is a crime and it

should be curbed through proper education, awareness and surveillance.

On the other hand, even though there are a large number of brothels in the United States, according to some reports, hundreds of rapes occur there daily. From this example it is proved that there is no direct relation between rape and the non-existence of brothels. So establishing whorehouses is not the right or effective way to prevent rape and other crimes of sexual aggression.

Thus, if the government of Bangladesh seeks a decisive solution to this problem, it can accept the law given by Allah instead of listening to people who may not have genuine regard for women or for our socio-cultural and religious values. The government can carry out a survey for two to three months to have an idea about the number of prostitutes to be rehabilitated. Then it can prohibit prostitution through enacting a clear law and rehabilitate these prostitutes through marriage as mentioned above or through jobs or other means. It will not be difficult at all to spend some amount of money from the annual expenses of our budget for the purpose of this rehabilitation. At the same time, trial and punishment for rape should be expedited through a special court if needed.

Likewise, the housing policy of the country needs to be amended so that all people living in cities can have access to ownership or tenancy of housing. This is, however, a matter of time. Our transport system should also be developed so that people living in the surrounding areas of big cities can easily commute for jobs. As a result, detachment from the family will be decreased. In the same way social campaigns should be waged for making marriage easier, and those who cannot marry due to financial constraints should be offered some sort of help if needed. What I want to say is that, we have to move forward with a clear and effective plan for social soundness and peace, and for a long-term solution to the problem of prostitution.

Rehabilitation of Rootless Women in Urban Areas

This essay focuses on the rehabilitation of destitute women who have moved to cities and towns from rural areas. Most of these women were previously married but are now widowed or abandoned. Almost all are accompanied by one or more children. These children depend on their mothers for sustenance. Teenage girls are also seen among these women. As they do not have any guardians to provide food, clothing and shelter for them, these wretched women have moved to urban areas and live in abject poverty. Their condition is more miserable as compared to that of those in rural areas. There is no safe, secure shelter for them in cities. As a result, they have to always remain in the street in panic-evoking situations for the fear of mistreatment or possible exploitation. The destitute men of cities do not face the same kind of dangers as such women do. So the issue of rehabilitation of these urban women should be considered with greater urgency.

The situation was not so grave in the past. But the havoc that occurred during the liberation war, the economic disaster of the post-independence period and the famine of 1974–1975 aggravated the misery of the vulnerable. Consequently, hundreds of families lost everything they had in their village homes, and were forced to move to cities in a helpless state. It is generally thought that the number of these displaced women who moved to Dhaka city during that period was fifty thousand. If all the cities of the country are put together, the figure may be more than one hundred thousand. Almost every one of these women has two to three children. So if the children are counted, the number may rise to about three hundred thousand.

The age of these women ranges between fifteen and thirty. Taking advantage of their miserable condition, many people do not hesitate to commit crimes against them. Often these needy

women are forced to commit themselves to the lustful desires of men of bad character.

In consideration of economic and moral aspects, particular importance should be paid to the rehabilitation of destitute women. It is the moral duty of the state authority and civil society to come forward to help them out. But given the complexity and the depth of the problems, the measures taken by our government so far have not yielded any meaningful results. In order to solve the problem effectively, the first step should be to chalk out a comprehensive master plan.

In the long-term plan, we need to find out the root causes of the problems and take initiatives accordingly. One of the main causes why these destitute women move to cities in great numbers is river erosion. Every year houses, lands and even entire villages are washed away by rivers in parts of Bangladesh. Consequently, yearly at least fifty thousand people of this country lose everything they have and are plunged into poverty. Out of them twenty to twenty-five thousand people cannot arrange for an alternative means of living and sustenance. As a result, these people move to cities in search of livelihood.

Whatever be the case, this problem can be addressed in a timely manner. And this should be feasible, as we know where and at which time of the year river erosion occurs. A permanent rehabilitation department can be established comprising the Rehabilitation Ministry and the rehabilitation department. Its branch offices may be opened in areas of the country where river erosion usually happens; thus, it will be easy to conduct rehabilitation work. In due course of time, the district offices will establish reception camps in the erosion-affected areas and provide victims with temporary shelter. At the same time, other *char* areas or areas that newly appear from rivers should be developed so that erosion-affected homeless people can be rehabilitated there. Coordination should be made at a higher level among the ministries of Agriculture, Education, Social Welfare and Land Administration. Then it might be possible to make these new areas suitable for rehabilitation in respect to education, health, agriculture, agricultural loan and other requirements.

Secondly, in the event of famine, whether it is widespread or concentrated in a particular area, measures should be taken to such an extent that the affected people are not displaced. Whenever famine occurs in any area, *langarkhana* (a place for distributing cooked food among the poor) should be opened at the village level. *Langarkhana* at the union level may not be as beneficial as that at the village level. It is very difficult for women to go to a distant place for having food every day. That is why it would be better to set up *langarkhana* at the village level and properly engage the local government authority in its management. If these long-term measures can be taken, the tendency to move to cities due to river erosion or famine will be less widespread.

Then, short-term measures should also be taken to rehabilitate those destitute women who have already been forced to end up in cities. This duty should be assigned to the rehabilitation division mentioned above. This division will set up temporary camps in every major town and transfer the floating women and their children from cities to these camps. Then arrangements should be made for employing those who are able to work in mills and factories. The rest should be sent to their respective villages or unions and rehabilitated there through the assistance of the local authority. If the total number of them mentioned earlier is counted upon arrival and distributed accordingly, the number per village and per union will be five and seventy-five respectively. It should not be a difficult job to rehabilitate this small number of women.

Efforts may be made through charity organisations to relocate a number of these women back to their families and hometowns. But the responsibility of rehabilitating the majority of them should be shouldered by the rehabilitation division. The Ministry of Industry, Co-operative Ministry, Finance Ministry and the Small and Cottage Industries Corporation should cooperate with the rehabilitation division in this respect.

Whatever be the case, the government should be ready to spend enough money for this purpose. As billions of takas are being spent for development work, a portion of it can easily be spared for such a big humanitarian cause.

Challenges of Working Women

Is it permissible for Muslim women to work in hospitals as nurses and to serve both male and female patients, wearing dresses prescribed for nurses in our country? The main part of the answer to this question given by Dar al Ifta, Dhaka, is as follows: 'It is strictly prohibited for women to perform job duties, business or any sort of activities in contact with male strangers' (*Saptahik Sonar Bangla*: 20 April 1990).

From this general statement another question may arise regarding whether it is also prohibited for men to work in such a combined working place prevailing in our country? No answer to this question was given. Nor was any proper provision suggested for those women who are forced to work in a combined working place in the existing state of affairs. This has given rise to misunderstanding.

Everybody knows the fact that most of the women of our country who are working in various offices or outdoors are compelled to work in such environments. Not only in offices, millions of women are smashing bricks and digging earth at roadside in search of livelihood. These women will not have separate work places even if they want to. No one, not even the government, will provide them with such luxury as it may seem in the current context. Because of the huge rate of unemployment here in our country, getting a good job is out of question. In such a situation it should not be impermissible for a woman to do a legal job if she maintains proper hijab as prescribed by the Qur'an and Sunnah. In this connection, it should be mentioned that men and women have equal rights in matters of earning livelihood (Qur'an, 4: 32). Here, it is also mentionable that the thing that the Prophet (peace be upon him) has categorically forbidden is the

meeting of an unrelated man and a woman in a secluded place (Bukhari, Muslim, & Ahmad). With the exception of this private meeting, it is not forbidden for men and women to work jointly. But what is important is that, both men and women must maintain decency and wear modest dress. As regards women, they have to cover their heads and chests well with outer garments.³²

Islam has not given any provision of total isolation between men and women. One can find its proof in the way Islam has given women the permission to go to masjid, Eid congregations and to perform jum‘a prayers and Hajj. Even the fact that women normally worked in fields in the early years of Islam does not prove that complete separation between men and women is the norm in Islam. However, Islam does not permit unnecessary free mixing of any sort.

When men and women work together, some problems may often arise in matters of eye contact. But Islam has not forbidden necessary eye contact while performing normal duties. What Islam has forbidden is the unnecessary, suggestive look or eyewink.³³

Finally, it can be said that one should be cautious before declaring something halal (permitted) or haram (prohibited). Imam Ibn Taymiyya said: “The scholars of the early years of Islam never used the term ‘haram’ except with reference to the things categorically known as prohibited.”³⁴

³² Fathi Uthman: *Muslim World, Issues and Challenges*, Islamic Center of Southern California, p.44.

³³ *Hidayah*, The Chapter of Eyewink; Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, available at <<https://thequranblog.files.wordpress.com/2010/06/the-lawful-and-the-prohibited-in-islam.pdf>>.

³⁴ Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*.

Premiership of Women

Since Benazir Bhutto became the Prime Minister of Pakistan in 1988, some people have questioned whether it is permissible in Islamic Shariah for a woman to become the Prime Minister of a country. As the matter is not related to Pakistan only, I would like to say a few words about this.

One of the 22 principles set in the Convention on 'Islamic Constitution' held in 1951 with great ulama (Islamic scholars) of both the parts of the then Pakistan was that, only the president of the country will be male and Muslim. This was made a provision in the Islamic constitution of Pakistan in 1956.

However, the evidence for this is nor unequivocal or Qati in the terminology of Islamic jurisprudence. So it is permissible for women to be Head of the State in a modern Muslim or Islamic state. The Qur'an describes the rule of Queen Bilkis and appreciates her conduct of affairs. Furthermore, ulama of this region agreed to make Fatima Jinnah President of Pakistan in 1965.

Dignity of Female Workers

We need to consider the condition of female workers in Bangladesh. Time and again the issue of their safety and vulnerability has been there in my mind. I feel that, as a whole, the workers of Bangladesh are deprived of their rights in many ways. A lot can be done especially by the civil society to address this. Unfortunately, we have not been serious enough about this matter.

My observation is that female workers are more deprived than what is generally imagined by the public. For example, we can mention the case of the garment workers. Many big tragic incidents have already occurred in garment factories and killed many workers. There are different opinions and arguments regarding the causes thereof. For many reasons the garment sector has become one of the largest industries in our economy. So we should not let this industry, or any other industry for that matter, sustain big losses. Otherwise, Bangladesh as a country will bear the economic loss and the neighbouring countries may take advantage of this. I do not want to hold other countries liable for this. It is the responsibility of various agencies of relevant ministries of our country to look into such matters. Whatever be the case, all concerned – the government, the workers, the owners and the political parties – should work together to save this industry from the brink of collapse. The rights of the workers should also be taken into consideration. It is true that in the last twenty to twenty-five years no strong or proper steps have been taken to protect the rights of garment factory workers, most of whom are women.

So far as I know, a tripartite agreement has been signed between the government, the owners and the workers; this agreement should be made effective without delay. Earlier, in one of my write-ups, I said that the benefits and salary of workers

should be raised step by step. An increase in salary may cause some sort of inflation. We have to accept it for the greater interest of the nation because inflation occurs for various reasons. It is not always within our control.

Women constitute a considerable part of the working force in our country, especially in the garment sector where most of the workers are women. Prophet Muhammad (peace be upon him) said, "Give wages to the labourer before their perspiration gets dry." Here, we have to understand what instruction this Hadith conveys to us. The Hadith instructs us to pay the labourer as early as possible. In many countries, wages are paid on a weekly basis. In others, salary is paid on a monthly basis. Whatever be the case, the salary should be paid as soon as the term matures. If the pay-package is on a monthly basis, salary should be paid before the month ends, as practiced by the banking sector in our country. The Hadith above does not make any distinction between male and female workers. The word 'labourer' mentioned in the Hadith is gender neutral, hence does not exclude women.

Prophet Muhammad also said, "Lighten the burden of the labourers." Instruction has been given to lighten the toil of the servants during the month of Ramadan. The rights of workers, irrespective of male and female, are the same. Islam does not support any discrimination between men and women in fixing the salary. Unfortunately, gender disparities are noticed at different levels in different fields, and this needs to be addressed urgently and firmly. We must try to stand against those who deprive labourers of their rights. It is not the responsibility of the government alone. Forming public opinion is very important. There is no good reason why there should be any disparity in the wages of male and female day-labourers. Unfortunately, this injustice is practiced by a section of the employers.

As regards female workers in Bangladesh, another crucial issue is safety. Female workers are often kept under lock and key in garment factories. As a result, thousands of workers have been killed in accidents in the last years. Nevertheless, there has not been any instance of major punishment meted out to those who

are responsible for all such colossal tragedies. I do not want to determine what punishment should be given; it will be decided by the court. What I emphasize here is that the workers should not be under lock and key at workplaces.

In addition, women employees are conditioned to work till late night. Consequently, they face safety problems on the streets in different areas, such as Dhaka, Savar, Gazipur, etc. Why should the owners of large industries fail to ensure the safety of their workers? Why can't they arrange bus services for the workers to return to their homes? Or, why can't the government arrange bus services for them? The government has a responsibility to make arrangements for the safe return of the workers, as the garment industry is a major component of our economy.

The owners of garment factories have not provided any sort of accommodation for the workers. They could have planned it step by step, starting with 5%, then 10% so on and so forth. Colonies could have been built for them around Dhaka. Some sort of arrangement should have been made for their safety. The fact is that many women are falling victim to rape. Since such sexual crimes are not adequately reported in the media, we do not know the full extent of sexual harassment on women or the exact number of rape victims. It is our failure. Perhaps, the owners are well aware of the fear and emotional distress of the workers, but most of them do not seem to take any initiative to ensure these female workers' physical and psychological safety.

In this respect I would like to mention a Hadith from Bukhari: Prophet Muhammad (peace be upon him) told one of the Companions named Adi ibn Hatim at the time of his accepting Islam, "O Adi! A time will come when a woman will come from Al-Hirah, a remote town of Iraq, to Makkah to perform hajj or umrah, but nobody will need to take the trouble of accompanying her [for safety reasons]." From this Hadith we understand that true safety means the safety of women. That is to say, a society is considered safe if its women are safe. It is only when a woman can move safely then we can say that social safety or the safety to move freely has been established. From this point of view, we are

totally unsuccessful. Adi ibn Hatim said in one of the Hadiths mentioned in Bukhari that in his lifetime he saw this come true.

Another problem has similarly been ignored: the issue of maternity leave. It is a popular misconception that this leave hampers work and productivity. Even so, we have to admit that giving birth to children is not a shortcoming or demerit on the part of mothers. This is a great service to humanity. Therefore, female employees must be granted longer leave at the later stage of pregnancy and upon delivery. Things should be properly arranged for them.

In informal sectors, salary discrimination against women is more common, as in the case of brick smashing on roads and streets. I do not know how conscious the government is regarding this issue. The media can play important roles in this matter and TV channels can report such injustices in order to create public awareness. They can allocate some time for broadcasting programs on the problems of women, problems of female workers, safety issues, marriage, etc.

Girls' marriage is another vital issue in our country. Because of various complexities, marriage cannot be arranged for many girls at the right time. Some women remain unmarried their whole life. In this regard, we should launch a social movement to change people's attitude towards unmarried women.

Finally, I would like to say that the condition of female workers in today's Bangladesh is pitiable. The leaders of the workers' union have failed to play their part in this regard. On the contrary, they keep doing excesses in the name of Union for vested interests. They want to overly interfere with the administration. I had some practical experiences in this respect. In one of my earlier write-ups, I mentioned that during the period of my service as the Deputy Governor of Bangladesh Bank, undue and irresponsible interferences of Union leaders made my job as a civil servant difficult. Unfortunately, these Union leaders do not seem to have adequate concern for the welfare of ordinary workers or female workers (mostly, they seem to be focused on looking after their own interests). So, all should make concerted and continuous efforts to ameliorate the condition of female workers.

Accommodation Problem of Working Women

The number of working women in our country is increasing. It is true that thirty or forty years ago the number of such women was very small. Given our social condition, in the past women normally stayed at home and very rarely became involved in outside jobs. A negligible number of women worked in the educational field. They taught at girls' schools and women's colleges. Some women also worked as medical practitioners and some were engaged in nursing profession, though the number was very small. However, this was the picture before the 1960s.

Later, in line with the development that occurred in a changed social milieu, the rate of female education began to increase, as obstacles to female education were eliminated to some extent. There were no reasons to obstruct women's progress. Nor was there any ground to control Muslim women's mobility and access to public space as long as they adhered to Islamic teachings. It is known to all that Islam has given equal importance to education for men and women. What is more, the first revelation that Prophet Muhammad (peace be upon him) received from Allah was 'iqra' (a command to acquire knowledge). Therefore, depriving women of education is not justified from the Islamic viewpoint.

As formal education spread, families that began to permanently settle down in the town gradually lost their connection with the village. Some of the city-dwellers had houses and some had an amount of money in banks – this was the wealth they had; but little land property. The situation reached such a stage that everybody had to do a job. There were also such families which were either dependent on women or had only daughters, but no sons. Women of those families had no other options but to do jobs. Otherwise, who would take the

responsibility of their maintenance and upkeep? Nowadays society has reached such a stage that in many families one man's salary is not sufficient. Consequently, both the husband and the wife have to work. In this situation, doing jobs has become essential or common for women. I am not talking about all; but this is the case with many families. As a result, the number of women employees began to increase in government institutions, private sectors, business firms and corporations. The government also gave priority to women in the recruitment of teachers in primary schools.

Besides these, another development that has occurred in the Bangladesh economy is the emergence of the garment sector. It started from the late 1970s or the early 1980s. As a result of this development, there are innumerable garment factories in our country where well over a million people are working. Almost eighty percent of them are women.

Undoubtedly, various problems have emerged. One or two of those problems are discussed in this essay. One of them is the issue of accommodation for female workers. I have observed that many women have got jobs through competition. Maybe, many of them are not married for various reasons. These women – particularly those who are working in different sectors, corporations, universities and colleges – face acute accommodation problem, as most of them do not have parents or families in a city like Dhaka. At present, there is no good arrangement for their accommodation in the capital city.

There are four hostels for working women in Dhaka – one in Nilkhet, another in Baily Road, the third in Khilgaon and the fourth in Mirpur. Maybe there are few more like these, but they are not sufficient to meet the actual need. I observed that one of my nieces, who has got a master's degree and works in an insurance company, did not have any arrangement to live in Dhaka. She stayed in my house for quite a long time. She needed a permanent accommodation. Finally she managed to stay in a female hostel.

So the issue of accommodation should come to the notice of all and everybody should make efforts to solve this problem. The families living in cities should come forward and make arrangements for such relatives. The marriage of some girls in our society is delayed for various reasons. The fact that 5 to 7 percent girls face problems to get married should not be ignored any more. Those who write articles and regular columns for newspapers and periodicals should touch on this issue. Likewise those who are involved in NGOs also should give adequate attention to this matter so that unmarried women do not face social stigma, mistreatment or lack of opportunities.

What each of the large NGOs can do is to set up one or two hostels. If eight to ten big NGOs can build one hostel each, it will be a great step to the right direction. They may not need to provide free food for girls. They will just make this arrangement on a non-profit basis. That is, they will take the minimum cost of food, accommodation and services from the girls. Care should be taken so that administration cost does not increase too much. Otherwise, it would be difficult for the girls to stay in such facilities. To build ten big hostels in Dhaka city is not a daunting project, nor is it impossible for the government. The Ministry of Social Welfare can do this with a proper plan. Additionally, the Dhaka City Corporation (DCC) can also build some hostels for the welfare of female workers.

Along with these, another issue should be brought to spotlight. Most of the garment workers' residences are basically slums, and this is an issue which should be addressed separately. They suffer from lack of clean water, gas and electricity. There is also lack of security for women. The City Corporation ought to address these issues.

The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) is an organization of the garment industry owners. Why are they not taking into consideration the issue of accommodation for their women workers? Why cannot they build 20 to 30 hostels where only women working in the garment

industry will stay? Female employees will vacate the hostels the moment they leave their garment factory jobs. The authority will take full cost of living from them. The cost of living should be kept at the minimum level.

The issue of their security is pertinent. We cannot deny the fact that it is our duty even though we may not be able to ensure their complete security. I think the BGMEA should pay attention to this issue. The Ministry of Labour also should address this. Many working women are tortured, insulted or sexually harassed in workplaces and beyond. The BGMEA does not seem to pay serious attention to their ordeals. Rather, it seems that they try to avoid discussing these issues.

Perhaps, the security officials are also negligent and forgetful about this issue. Otherwise, why are such events occurring again and again, year after year? If the problems of the garment factories can be solved, it will certainly be better for the private sector of the country. The issues I have raised in this essay should be addressed jointly by the government, the BGMEA, and the City Corporation.

Enactment of Laws Regulating Child Adoption and Rearing

In all countries of the world, there are married couples who do not have children. Many such couples opt for adoption. This is very natural because the urge to have children in the family is innate among human beings. Because of poverty the number of helpless children is higher here in Bangladesh. Most of these children are adopted by childless families. Many families bring up one or two children because they consider it as part of their human responsibility to help fellow human beings in need. Some families adopt children from their poor relatives.

Sometimes a child of only one day or two days is found on the street or abandoned in hospital. Particularly those children who are born through illicit relation are left on the street presumably in the thought that somebody will take and rear them. In fact, many kindhearted persons pick them up and rear them. However, there should be social arrangements and collective efforts to rescue such children. It is very difficult to save these children aged one day or two days. There should be special arrangements in every hospital and orphanage for this.

°The Bangladesh government enacted 'Inter-Country Adoption Act' in 1972, especially for rehabilitating illegitimate children. Under this act, Bangladeshi children were given to foreigners for adoption. Later on, this law was annulled on the basis of complaints about the exploitation and abuse of these children abroad. Besides, the great majority of the citizens of Bangladesh did not consider it appropriate that the Muslim children of our country should be brought up by people of other religious backgrounds. They opined to make arrangements for bringing up those children within the country. More importantly, sending some children abroad for adoption may not bring any

solution to such a persistent problem. They should not be handed over to other nations simply on the ground of poverty.

There are no specific laws in our country for adopted children or for the illegitimate ones. The future of these children depends on the will of the foster parents. If the foster parents are kind and possess a good mentality, the future of the children is bright. Otherwise, they are to suffer from tortures and oppressions later. In consideration of these, enactment of appropriate laws is essential for protecting the rights of adopted children.

While enacting such laws, attention should be given to the religious laws of the people of the country. Muslims in Bangladesh may not accept any law that contradicts the basic principles of their religion. What Islam says about this may be taken into consideration in the first place. Therefore, some relevant verses from the Qur'an are mentioned below:

“[O Prophet!] They [people] ask you about [how to deal with] orphans. Say: To improve their condition is the best” (Qur'an, 2: 220).

“Allah gives you a ruling ... concerning the oppressed among children and that you should deal with orphans with fairness” (Qur'an, 4: 127).

“And give to the orphans their properties and do not substitute [your] defective [things] for [their] good [ones]. And do not consume their properties into your own” (Qur'an, 4: 2).

Justice in general, and fair treatment of orphans in particular, has been mentioned again and again in the Qur'an. In verse 127 of Surah al-Nisa above, the issue of the helpless children has been mentioned separately from that of the orphans.

Children found on the street are innocent and they must be protected. Such children found on the street are called 'Lakit' in the terminology of Islamic jurisprudence. *Hidayah*, a famous book of Hanafi Fiqh says in this respect: “Picking up a child from the path is a praiseworthy deed. And it becomes obligatory when the abandonment of the child on the street may cause its death. If

such a child is found in a Muslim country, it should be considered a Muslim.”³⁵

In this respect, it can be said that taking the responsibility of child-rearing is a praiseworthy deed. It should be encouraged more in our country. It may not be possible on the part of the government alone to make arrangements for all children. In order to do it properly, it would be very logical to enact a law protecting the interest of the adoptive guardians and the adopted children. There is a very specific ruling in Islam which should not be avoided. According to the ruling, even if the lineage of the child cannot be traced, it should not be publicized that it is the real child of the foster parent. Verse 4 of Surah al-Ahzab clearly says that an adopted son can never be considered a biological one. But in case of non-Muslims (if they adopt non-Muslim children), the identity of the children will be determined according to their religious laws.

There are legal grounds why an adopted child should not be considered as a real one. The first implication is that an adopted child will not get inheritance the way a biological one does naturally. Either the foster parent will have to bequeath the property during their lifetime or s/he will have to make a will by which the adopted child will get not more than one third of the property of the foster parent after his/her death. Another implication is that the adopted child can marry the issue of the foster parent. But Islam does not allow marriage between biological brothers and sisters. But as the adopted child is not a biological brother or sister from the foster parent's lineage, the prohibition is not applicable in this case. Such a ruling of Islam is helpful for every person in protecting the interest of his or her lineage.

It is possible to enact a law for protecting the rights of children without violating this ruling of Islam. The following rules can be included in the proposed law:

³⁵ *Hidayah*, the Chapter on Lakit.

- a) The adoptive parent will be responsible for the maintenance of the adopted.
- b) The adopter must not mistreat the adopted, physically or mentally.
- c) Proper arrangement for the economic security of the adopted can be done either by bequeathing or by will during the life time of the adopter. A child reared by a non-Muslim can inherit wealth if that is allowed in the religious law of the adopter.
- d) The government will have a responsibility to protect the rights of such a child.
- e) The government can take the child under its responsibility from the adopter if the child is abused or mistreated.
- f) When the adopter becomes old, sick and poor, the adopted will have to provide for the maintenance of the adopter if he has the ability to do so.

This law can be called Bangladesh Child Adoption and Rearing Law.

Women in Advertisements and TV Programs

Normally, I do not spend that much time watching television. The main reason is my busy life. On the occasion of Eid, the TV channels of our country telecast different types of programs. There is great competition among various channels during this period. I have watched some of these programs, and I do not want to comment on their quality. However, I want to share a few words with the readers regarding the advertisements shown on these TV channels and the issue of presentation of girls during Eid or on other occasions.

The issue of women comes automatically when the topic of advertisement on TV is raised. "Women in Advertisement" is a much talked about issue. The electronic media has quite illogically made women an integral part of advertisement displays. Women are used in a degrading manner in advertisements even if they are not relevant to the products that they promote. Advertisements may be necessary for promoting or publicizing a product or an organization. No matter how good a product is, it is believed, its sale depends on making people aware of it. In the current age of marketing, nobody dares to deny the importance of advertisements. Certainly there is a logical ground why advertisement is necessary. The impact of TV advertisements is wide. The sentences, words, pictures and jingles used in advertisements on TV channels have profound impacts on personal and social life. So the issue of illogically using women in advertisements and entertainment programs is worrisome to the conscientious people.

It is true that a product needs to be publicized. But is there any necessity to go against our tradition and bring obscenity and bad taste in advertisements? Does obscenity increase the sale of a product? Is there any scientific evidence for this? I think answers

to these questions are in the negative. But why are all these things still being done?

Advertisements on TV channels are gradually becoming inconsistent with our tradition and culture. Women are often used even in the advertisement of products which are mainly used by men. Take cigarette advertisements as an example. First and foremost, tobacco smoking has been declared the number one enemy of public health, and therefore should be severely restricted and regulated. The unnecessary presence of female models even in the advertising of cigarettes is noticeable. In the context of Bangladesh, most cigarette smokers are male. Most of the women in our country do not smoke. Nor do they want their husbands or sons to be cigarette smokers. Often domestic discord starts between many husbands and wives on the issue of smoking. So the advertisements in which women are shown to encourage their husbands or friends to smoke are rather degrading to women. The viewers can raise the question about how much logical and purposeful the use of women in such advertisements is.

In advertisement practices we are going away from our cultural values. In numerous advertisement scenes, women are displayed in provocative dress. The models are plunged into sudden rain to reveal body shape clearly as done in Hindi films, or female models are seen flying their scarves using provocative body language to grab public attention. This is one kind of immodesty and insensitivity to public taste.

The questions many sound funny, but let us think about them: Will anybody not buy the product if the model women do not fly their scarves or do not get wet in rain? Many female models keep their scarves hanging on one side. Again many of them bind the scarves round their necks. It is a matter of sorrow that not only in advertisements, but many girls have adopted this negative style even in presenting programs. What is the purpose of spreading this unhealthy and perverted culture? We believe that the vast majority of people of this country do not want to deviate from the good tradition of the nation. However, sadly, a particular group of people are trying to destroy our religious-cultural values.

In fact, even those who produce advertisements may not want their sisters or daughters to wear the dress worn by model artists on the TV screen. Even the daughters and the wives of the owners of ad firms may not want to adopt such fashion. Such dress style will not perhaps be seen even in the families of the owners of the TV channels. On what logic should such displays of women's bodies be allowed to happen? Our national outlook is based on Islam as well as the cultural tradition of Bangladesh. Our cultural outlook has no room for nudity, suggestiveness and titillation.

Presentation on Television

In many TV programs, young female presenters are seen wearing tight pants and shirts. In many cases they are without scarves. The question is why is it necessary to present in this fashion? Is there any problem in presenting decently? There is a traditional style of presentation which involves putting on decent dress. Why is it being suddenly forsaken in recent times?

Along with these matters, the issue of culture should be given importance. We should be careful so that we do not fall victim to a foreign culture without proper understanding and reflection. We should not deviate from a beautiful tradition that we have. Is there any harm to present in decent dresses that are generally worn by females who go to colleges and universities or to government and non-government offices? Our TV programs should represent our culture, not cultures imported from other places.

The style of TV advertisements in Bangladesh is changing in such a way that it does not at all respect the sense of taste of the decent viewers. What is more, watching the physical gestures of the young women on the screen in family environment has become a matter of shame and embarrassment, especially for parents and children. There is an inconsistency even in the language of advertisements. We observe an unrealistic dialogue in one of the advertisements that anyone using a particular brand of soap will become a star because a famous actress of Bombay is the model in the advertisement of that particular soap! The notion

that if a girl uses a particular brand of aromatic powder before going to face an interview, she will certainly get the job is not only unrealistic but also hilarious. In fact, such an advertisement belittles the qualification of the girl. If a particular cream is used, the skin will be fair which will help a girl get a job easily – how come such an idea is promoted in advertisement? The matter is not so easy. Fair skin is not an essential condition for getting even the job of an air hostess.

A female model has tactfully been presented indecently in the advertisement of condensed milk which is actually consumed by children. In fact, there is no dearth of such examples of illogical and unrealistic advertisement claims and promises. As I have said earlier, most of such advertisements played on TV channels present women odiously and disgracefully. Therefore, the Information Ministry should have a policy guideline for this.

What the TV authority should do

Everybody should pay attention to this matter so that advertisement does not become the means of perverting our culture. Here the authority of the private TV channels may think that it is okay in the competitive market and that they cannot cancel any advertisement as they deem it inevitable. But I would say that the private channels should sit together and set some principles and guidelines to regulate advertisements. Through discussion they can agree on some issues which they should not compromise. The problem will be solved if they can reach a consensus. For this I would suggest that the authorities of all private TV channels of Bangladesh sit together to think about this and set a code of principles for advertisement. There should be a code of principles for the dress of the presenters and model artists; there should also be a set of policies about the dress that they can and cannot wear. I hope the authority of all channels will ponder upon these issues. They can set a code of principles like the one set by Bangladesh Television (BTV), though BTV does not seem to follow most of its principles nowadays.

Here the issue of publicity has already been discussed. But why do people hold the notion that any product will be sold at

a massive rate if the publicity is obscene or if courtesy and cultural values are ignored? This sort of thinking does not have any logic. The truth is that a commercial product may require great publicity, not obscenity. I also request the ad firms to consider these issues.

What the government should do

The government can set a code of principles or guidelines for the advertising organizations. Representatives of the government should sit with the authorities of the TV channels and the advertising companies to express directly and openly their concern about the prevailing advertisement culture.

I have noticed, and some people have also told me, that not only the girls of Bangladesh but also those of other countries are used in our TV advertisements. For instance, an actress of Calcutta is used in the advertisement of a soft drink. That also should be discussed. Why should we do it? Why should we use the actors, actresses or girls of foreign countries? I do not find any logic behind it.

Creating negative and obscene images of women in advertisement devaluates them. At the moment, there is no clear guideline at the government or private level. A well-defined code of principles is necessary to stop those advertisements which display sexualized images of women, or use unrealistic and obscene pictures. There should be a monitoring cell which will ensure that advertisements are being made based on a code of moral and religious principles. Apart from this, those who work as models of advertisements as well as their guardians should be aware of this. Those who are involved in producing TV programs should have a sense of responsibility. What they do influences people out there in society. They cannot avoid the responsibility if the culture, taste and social values are ruined or damaged because of their actions.

I once said: "Watch TV less: Make good use of time." Let this slogan be spread everywhere.

Beauty Contest and the Devaluation of Women

I do not know much about the history of the beauty contest – who started it, when or where it was started. Though this competition was presumably first introduced in the West, perhaps even there it was not started much earlier. Gradually, it was introduced in Eastern countries including India and Japan. Among the Muslim majority countries, this contest is currently held only in a few. In some countries it is patronized by the government and in some others, by individuals or various organizations. Recently some quarters are making efforts to arrange beauty contests, disregarding the long-cherished belief and culture of the majority of the Muslim people in this country. The Bangladesh government has not given permission to organize it. So a beauty contest was first organized in London to select a Bangladeshi ‘beauty’ who later on took part in the World Beauty Contest. However, it has started in Dhaka in the name of ‘Fashion Show’.

Can beauty contests boost up the economy of a country or the dignity of women? Beauty contest basically exposes the charms and beauty of women who are required to walk before the judges (who are generally male) and display various physical gestures wearing scanty dresses. Does this increase the dignity of women? In my opinion, when women wear revealing dress, it only discredits and degrades them. They become the objects of voyeurism and lust. The judges and viewers consider them as objectified commodities.

In fact, some business people arrange this beauty contest for commercial reasons at the expense of the dignity of women. The display of a woman’s body helps to increase excitement in men. This is true not only for a beauty contest; the same result comes from all obscene programs featuring women. Evil practices

like this destroy the character of the young generation globally. Consequently, the tendency to harass and sexually assault women is on the rise. So it is easily understandable that beauty contest neither increases the dignity of women nor contributes to their security in any way. It only dishonors them and makes them more vulnerable.

Do beauty contests make any economic progress? As far as I know no research indicates that beauty contest can develop the economy of a country. Nor is there any logical explanation for this. Through these contests national income does not increase in any way. However, some beauty contesters become models afterwards and their personal income may increase at the expense of the moral fabric of society. Even if it is believed that the sale of a particular brand of soap, paste, etc. may soar because of the involvement of a 'beauty' model in its advertisement, this happens at the cost of a decline in the sale of other brands of soap, paste, etc. So actually the national product does not increase on the whole. Besides, a product is sold mainly for its quality, not due to a picture on its label. By no consideration can this competition have any positive impact on the overall economy.

What is the reaction of women to the beauty contest? In this connection I want to pay attention to a daily *Inqilab* article entitled "Shundari Protijogita Bonam Shilpo" (Beauty Contest versus Art) by Hasina Habib, a student of Bangladesh University of Engineering and Technology (BUET). She has written that BTV telecasted a program on a beauty contest on 2 April 2000. During the program it was said several times that these beautiful women are the asset of our country. In which special way are they our asset? Earning foreign currency through the indecent display of 'beauty' can no way be regarded as a respectable business.

Decent dress signifies good taste and is a mark of self-esteem and decorum. But the beauty contestants wear skin-tight, revealing dresses and walk in a waddling fashion only to attract male attention. Their gaits are awful and detestable, as they wear sexually suggestive clothing and make indecent poses verging on nudity. Most viewers of beauty contests are male whose

expression and stare are generally indecent and indecorous. This causes huge embarrassment to decent men and women.

If the beauty contest is regarded as an expression of art, we may logically ask: Has the definition of art been changed into 'obscenity' in the so-called modern lifestyle? How can the display of women's bodies develop civilization? Why should our country have to copy the obscenity of other cultures? If this is regarded as the model of progress, we must admit that this is at the expense of women's dignity. When few women are paraded on a stage as if they are some manufactured products, symbolically, this is tantamount to demeaning the entire womenfolk.

Hasina Habib has said aptly that a beauty contest which does not have any socio-economic or human value can never be an art or an asset. The majority of Bangladeshi people believe in Islamic teachings and values. Needless to say, the so-called beauty contest is against our socio-cultural and religious values and traditions. It is also not consistent with the teachings of other religions practiced in Bangladesh. So it is my request to all to take meaningful initiatives to stop such beauty contests. We must stand united against anything that degrades our morality and dishonor womankind. I am also making this request to the leaders and members of women's organizations in Bangladesh to fight against this culture of degrading women in the name of beauty contests. It is my sincere appeal to the government to pay especial attention to this issue so that no beauty contests are held in our country in the name of fashion show or in any other name. It is necessary to take steps before the matter crosses the limit or goes beyond control.

Domestic Violence: A Global Problem

Domestic violence or wife abuse is a global problem. Its existence in Muslim societies is perplexing given the fact that Islamic teachings emphasize kindness to women. We have to pay deep attention to this problem and solve it. A niece of mine is very enthusiastic to protect the dignity of women. While doing a PhD at an American university, she wrote to me:

Do you know whether imams of the rural and urban areas of Bangladesh have got training or been inspired to deliver speeches against dowry, wife-beating and acid throwing? Particularly women of the middle and lower class suffer because of these. I know from my experience that in w'az mahfils and religious sermons in Bangladesh, generally, women are exhorted to obey, take care of and honor their husbands. But the male are hardly told to honor their wives. Sometimes I have heard the preachers at w'az mahfils telling the male to behave well with their wives. Certainly, it is good. But showing good behaviour is different from 'being kind' or 'showing respect'. It seems to me that until a sense of mutual respect is established between husband and wife, the tendency of the former to hit the latter out of anger will continue. It is because the husband is physically stronger and considers himself superior in some ways. So, just as he can give physical punishment to his children as the head of the family, he thinks that he can do so to his wife as well. There is a tendency, particularly in Eastern society, to treat women and children as the same because of their physical weakness. I think it is not right to view women and children from the same angle. The wife is an adult and has a fully developed brain and feeling. She also has the right to get

the same kind of respect. I mention these because I had a discussion on this issue with one of my friends here.

In reply to her letter, I wrote briefly:

Organizations like the Islamic Foundation Bangladesh and the Bangladesh Masjid Mission usually offer training to imams. But I do not know whether it is taught, while giving the training, that beating the wife is a blameworthy practice and a crime. However, the imams sometimes deliver lectures against acid throwing and dowry. You have rightly said that they hardly talk about the mutual respect between husband and wife or about showing respect towards women. Truly speaking, they do not seem to realize fully the significance of these issues. However, some of those who regularly take part in discussions raise the issue of showing respect towards women. I have no doubt that the situation is changing. The condition of women will be improved faster in the days to come.

In response, my niece wrote a long letter. Its summary is as follows:

I remember that quite often I noticed the incidents of wife-beating while reading newspapers in my early age. I also heard about such domestic abuse even among our neighbours and relatives. In the West, the main causes of domestic violence are alcohol and drugs. But these are forbidden in Islam. So why should these incidents occur among Muslims? I think imams should teach these things consistently. Then a good result may be expected.

There are women whose parents spend a lot of money for their education. In the context of our age, these women keep themselves engaged for a long time in acquiring knowledge in many areas. Now if they want to do job suitable to their education and skills, their husbands should help them in their household chores and create opportunities for them to work. But I never heard any imam say anything in this regard.

Uncle, though I will not say it anywhere, I admit to you that as a woman I am much more honoured here in America than in our country. Uncle, I am expressing my anxiety and worry to you.

In my reply to this, I tried to highlight some aspects of the problems faced by women. I wrote:

Dear niece, I agree with you that people of the Muslim world are less addicted to alcohol and drugs than those of the Western world. So there is no logical ground for wife-abuse here in the Muslim world. Nor is there any true basis for this in the Qur'an. Nevertheless, some people misinterpret certain verses of the Qur'an to justify their behavior. It is, however, a different issue which is discussed in the book *Marital Discord* by Abdulhamid AbuSulayman.

I think there is a serious problem regarding human rights and tolerance in the Muslim World. This is because here the democratic institutions could not be firmly rooted for various reasons. In some cases the Western powers favour dictatorship over democracy in Muslim countries. By supporting undemocratic governments in Muslim-majority countries, dominant powers in the East and West seek to yield political and economic dividend at the expense of the well-being of the ordinary people. I believe with time democracy will take a firmly institutionalized shape in the Muslim world. Then all minority groups and the unprivileged will get their rights.

I also think the male will remain the same for a long time. They will demand tea and meal from their wives. I do not know how it will change. But I believe it should not last forever. I find no reason why we, the male, will not help in the household chores whereas Prophet Muhammad (peace be upon him) used to do household chores in spite of him being busy with the responsibility of all the affairs of the state and of his prophetic mission.

Grandson's Right to Property

Because of misunderstandings regarding inheritance law in Islam, there is a claim that Islam has deprived grandsons and granddaughters of inheritance. And the critics of Islam regard this as a grave injustice and blame the religion as a whole for all sorts of problems.

There is no doubt that this complaint is the result of ignorance about Islamic law. Islam has not given any list of the people who will not inherit property. Islam has only given the list of those who will inherit property under normal circumstances. Those who inherit property are parents, sons and daughters, husbands and wives and in some cases, brothers and sisters (See: Qur'an, 4: 7, 11, 12, & 176).

However, in some cases grandchildren also inherit property. We may say, for instance, a person has two sons; if during his lifetime his two sons die and his grandchildren survive his sons, in that situation they will inherit their grandfather's property. In similar situations, uncles, aunts and grandparents may also inherit property. But these are special cases. They do not get inheritance under normal circumstances.

A question may arise as to what provision Islam has made for close relatives like grandchildren if they do not inherit the property of grandparents. Islam has made three provisions for grandchildren and other close relatives (if they are needy).

Firstly, there is a law of maintenance. In the absence of the father, it is obligatory for the grandfather (if he is capable) to provide food and clothing to the grandchildren. If the grandfather is not well off, it is obligatory for paternal uncles; but in case paternal uncles are not well off, it is obligatory for maternal grandfathers and uncles to provide food and clothing to those.

orphans. Providing food and clothing will remain obligatory until the children become adult and self-reliant. Apart from this, it is obligatory for every person to provide food and clothing to his needy close relatives who do not have fathers or children to take this responsibility. The law of maintenance in Islam is called 'qanun nafaqah'. A modern law of maintenance is required to be enacted on the basis of this law. As a result, hardly any questions will arise as to who will provide food and clothing to the divorced women and the grandchildren.

Secondly, Islam has made two other provisions for the needy grandchildren. Grandparents may bequeath appropriate amount of property to them or may make a will clearly mentioning how much property will be given to those grandchildren who will not get inheritance after their death. But Islam does not allow giving more than one-third of property through a will. Nor does it allow making a will in favour of an inheritor. It is not proper to think that the grandparents will not bother about the interest of the grandchildren and will not make a bequest or a will for them. Nobody is supposed to have more care for the grandchildren than their grandparents. In this regard it can be mentioned that the Qur'an has made it obligatory to make a will in such cases (Qur'an, 2: 180). Solution to the problem of other needy close relatives also lies in bequest or will.

The above discussion proves that the helpless grandchildren (if they do not inherit from their grandparents or do not have their own property) will get food and clothing until they become adult. And there is a reasonable possibility that they will get property from their grandparents through bequest or will. As a result, there should be no problem. If there is still any problem, the third provision is that the state will take responsibility of them, and this should not be a problem if it is an Islamic state and if Islamic laws are implemented. It is worth mentioning here that it may not be factually correct to consider all grandfathers as rich and all grandchildren as poor.

Another question may arise as to what harm would there be if Allah gave grandchildren the right to inheritance? Actually, Allah in His ultimate and infinite knowledge has solved the grandchildren's problem in the way mentioned above instead of giving them the right to inheritance. There are many arguments behind this.

Islam is very liberal in its law of inheritance. In modern Western inheritance law, parents generally do not have any share. But Islam has given that. In Western law, brothers and sisters do not have any right to inheritance. Islam has given even brothers and sisters the right to inheritance in the absence of parents and children. In many religious laws, daughters and wives do not have any right to inheritance. Islam has given that. Allah has not given uncles, aunts and grandchildren the right to inheritance under normal circumstances, but He has made other provisions for them as some of them are mentioned above.

Islam has not adopted the policy of placing grandchildren in the place of the dead son. If this type of representation is allowed, then many other questions will arise regarding representativeness. For example, the wife of the dead son of a grandparent should have the right to inheritance. Similarly, on which ground will the wife of a dead son, who did not leave any children, be deprived of the right to inheritance? Besides, if the policy of representativeness is adopted, why the relatives will not take the place of the dead parents, husbands and wives? Perhaps, Islam does not want to destroy the law of inheritance by creating such complexities. What Islam has done is very logical and consistent. But there are some problems in the behaviours of Muslims which must be eliminated through education and through the implementation of appropriate laws and regulations.

Female Education in Bangladesh: A Historical Background

Islam has laid enormous emphasis on education for all. Yet, for ages Muslim women of this region were denied the right to education. Here we will discuss the current situation of women's religious education in Bangladesh. The discussion will focus on the historical background. Prophet Muhammad (peace be upon him) made education obligatory for all Muslims. But the Muslim community in this region has not been very successful to ensure this for women.

As the history of different Muslim countries of the world indicates, Muslim women of this region were especially denied the right to education for a long time. However, elementary knowledge of religion was imparted to all in domestic environment. This included teaching on morality, ethics, noble virtues; teaching how to recite the Qur'an; teaching how to perform salat (ritual prayers) and keep sawm (Islamic fast), etc. Higher education was a male preserve for a long time. However, this situation gradually changed later.

In many Muslim countries this change started in the second half of the nineteenth century. But the Muslim women of Bengal got the opportunity to receive higher education only in the twentieth century. The noble woman who made the greatest contribution to creating this opportunity for Muslim women in this region was Begum Rokeya Sakhawat Hossain. In the face of all socio-cultural obstacles, she started teaching girls in her late husband's area Bhagalpur (in Bihar) in 1909 and then established a full-fledged school in Calcutta in 1911, and this school is still running. And that was a good step for modern education among the Muslim girls of this region. Besides, efforts were also made in many other parts of the Indian subcontinent including Bengal for creating opportunities of modern education for women.

But it took longer for Muslim women of the Bengal region to receive higher religious education. Girls were given primary Islamic education in the family. Some sort of Islamic education was also given at school. In school there was a subject called Islamiyat. It was a compulsory subject for all Muslim boys and girls. But Muslim girls did not have any opportunity to become ulama (Islamic scholars) by way of receiving higher education from high madrasahs. In those days, there was no scope for higher institutional education for girls. It is only for the last few decades that the Islamic scholars have made madrasah education open to women. Now, both kamil and qawmi madrasahs have provision for women's higher learning in religious studies. The kamil madrasahs follow the courses of study approved by the government. Those are essentially like traditional Islamic courses. The nature of madrasah education for women could be known from a book titled *Bangladeshe Madrasah Shiksha* (Madrasah Education in Bangladesh) written by Mohammad Abdus Sattar, an officer of the Bangladesh Madrasah Education Board, and published by the Islamic Foundation Bangladesh.

Besides, there are a good number of qawmi madrasahs for girls. Two qawmi madrasahs in Dhaka offer Daurah degrees to both male and female students. In both Alia and Kaumi systems, the syllabi for boys and girls are the same. Women have equal potentials to become Islamic scholars as men. According to a comment from a leading Islamic scholar, girls are very good as students and are more careful of their duty as learners. From this it is clear that they can be utilised in proper places, as is noticed in Turkey. Female muftis (jurists delivering legal opinions) are required in different places.

Yet we should say that madrasah curriculum needs to be modified and improved to keep pace with the demands of present days. It should include a broad diversity of subjects. We should do what is really necessary in the context of the present days and put emphasis on major issues. Then we can hope that madrasah education will not be weakened, rather improved.

We Do Not Want a Weakened Nation: Everyone Should Be Alert

The present mentality and worldview of teenage girls as described by two female students of mine is a matter of great concern. I would like to share it with readers. One of them is from Comilla, and the other from Kishoreganj. My female student from an Upazila under the district of Comilla expressed her desire to the other female students of her locality for some kind of social and educational work in her area. But her experience is that other girls are not interested in it. They are out of reach and usually come up with different excuses not to be engaged in meaningful social and educational work.

Like in other parts of the country, satellite dish connection is available in that particular village in Comilla. As a result, instead of becoming involved in meaningful work, both male and female students and other young people waste their time watching movies and drama series. Needless to say, many of these movies and drama series broadcast through satellite media to various parts of the country contain obscene images and vulgar language. Consequently, they lose interest in any constructive work. They do not like to read books. They read only prescribed textbooks for passing examination, but not necessarily for acquiring knowledge. They are not interested in reading books on literature, religion, history and other subjects if those are not included in their syllabus. This is not only a matter of sorrow; rather it is a misuse and wastage of the younger talents of the nation, which is definitely a collective loss.

She also said that some drama series show quarrels between daughters-in-law and mothers-in-law. They show how a daughter-in-law oppresses a sick mother-in-law. The result is that the young daughters-in-law are learning the various ways how to abuse mothers-in-laws. In some other cases, mothers-in-laws are

also getting exposed to a variety of styles to oppress their daughters-in-laws. Those who watch these programs become addicted to them and subconsciously adopt many of the detrimental attitudes represented by the various characters featured in them. This is a matter of great worry. We have to think carefully about the choice of the themes of a particular drama series. Moral disequilibrium and disorder should not be allowed to spread in society in the name of art and entertainment.

Almost the same story has been reported by my student from Kishoreganj. At the time she reported the situation of her village to me, the satellite dish had not yet reached there. However, CD players were there in almost all houses of her village. They use those to watch movies and cinemas full of indecent images. When they are called to social work, educational programs or any other collective good deeds, they do not respond positively. They avoid it with various excuses. Then there are mobile phones which they use to waste their time talking with friends for no good reasons. Besides, there are incidents of getting involved in so-called love affairs which in many cases bring disastrous consequences, especially for the girls and their families. In the name of love affairs, girls are sexually exploited and become pregnant out of wedlock. Given our socio-religious tradition, such girls suffer from self-hate, alienation and public stigma.

One of them has told me that many of the students who stay in girls' halls have started smoking cigarettes. Many others take intoxicating tablets which have now become easily available. All of us should be concerned about what is going to happen if this situation continues. The future generation will not be worthy citizens of the nation if they follow this kind of lifestyle. Health-wise, their hearing will be damaged because of talking excessively on mobile phones; excessive watching of television will cause damage to their eyesight; smoking of cigarettes will cause harm to all bodily organs; and intoxicating tablets will decrease their physical strength and energy. All these will give the nation a future generation that will be handicapped in many ways.

So we should think anew for our society. Parents should not stay away from their children and should be friendly towards them. They have to give them more time. The parents have to give their children the idea of good and bad at an early age and keep an eye on them so that they do not get any opportunity to be exposed to, or engaged in, evil acts. The children must be encouraged to read biographies of great people including Prophet Muhammad (peace be upon him) and his Companions (may Allah be pleased with them). There is no harm in Muslim youths reading biographies of non-Muslim scholars and great personalities. Nor is there any harm in non-Muslim youths reading biographies prophets mentioned in the Qur'an and other great figures.

What I want to emphasise is that, it is worrying that teenage boys and girls are being derailed and losing interest in reading good books and in other meaningful activities. Unfortunately, they are wasting time watching movies and cinemas and thus are having weak hearing, eyesight and physique. Under such circumstances, the government has an important role to play. Efforts to ban drugs should be intensified. Teachers and scholars of all fields and backgrounds should raise public consciousness against harmful youth culture.

The great ulama of today opine that smoking cigarettes is haram (prohibited). They argue that so many bad effects of cigarettes were not known in the earlier age, and that is why the scholars of the past did not regard it as haram. As many harmful effects of smoking are known today, Islamic scholars have agreed that tobacco smoking is haram (prohibited) in Islam. This is the opinion expressed by the Islamic scholars of Al-Azhar. Yusuf al-Qaradawi also holds the same opinion. To prohibit the production of cigarettes is also a demand of the time.

The foreign TV channels that broadcast programs unsuitable for our young generation should be blocked. Efforts should also be made to block websites that contain pornographic materials. The issue is very urgent and we cannot afford to waste any more time in this regard. The government, guardians, teachers and national leaders – all have to play effective roles.

Extension of Maternity Leave

The issue of extending maternity leave had been under consideration by the government of Bangladesh for a long time. At first the duration of this leave was 45 days. Later it was increased to four months. Now the government has extended it to six months. The main purpose for this is the well-being of the mother and her child during and after the period of pregnancy. Importantly, this will increase the opportunity for the baby to enjoy the benefits of breast milk for a longer period of time.

I support this decision. We should keep in mind that mothers fulfil a noble responsibility of bearing children and thus ensure human procreation. So all should cooperate with them so that they can keep good health and the babies can benefit from proper motherly care and take enough breast milk from mothers. Some argue that this will increase the expenses of the government and other organisations and factories where women work. But this extra expense should be adjusted in the same way as other expenses, such as rental fees, maintenance charge, expenses on raw materials, apparatus, fuel, etc. are done; this is our moral obligation which must not be discounted or overlooked. On top of that, many studies have shown that babies who are not breastfed enough are more prone to numerous health problems. These will eventually be translated into health and economic burden on the country. Mothers should not be deprived of social and human rights because of their duty of childbearing which they perform for humanity. I hope all institutions, organisations and industries will cooperate with the government in implementing this decision.

Misconception about Muslim Identity and Nationhood

One of my female relatives was a student of Dhaka University and lived in a female hostel. I became astonished at some of her experiences. As the issue is related to Muslim nationhood and identity, it is important and sensitive as well. She made me aware of the fact that nowadays a large number of Muslim girls wear *shankas* (conch-bracelets) on their hands and smear their heads with *sindur* (vermilion powder) on 1 Boishakh and 1 Falgun of the Bangla calendar and on some other days. What is more, some Muslim girls participate in *puja* (ceremony of Hindu religious worship) wearing *shankas* and *sindur* and they buy new dresses for that particular day. She added that even Hindu girls are surprised by this tendency among Muslim girls given that the former do not celebrate Muslim religious festivals like Eid in the same manner.

In my opinion, the misconception about Muslim identity and nationhood is the reason behind this. Islam respects the religious freedom of the followers of other religions. They have all the rights to practise their religion and culture. This however, does not mean that Muslims should feel obliged to follow, or be mesmerised by the religious culture of non-Muslims. This is the significance of “For you is your religion, and for me is my religion” as mentioned in Surah al-Kafirun of the Qur’an. It means that Muslims cannot accept the belief and culture of other religions, as Allah declares explicitly: “Verily the only acceptable religion to Allah is Islam” (Qur’an, 3: 19). Allah also says: “...And if you shouldst follow their errant views after all the knowledge that has come unto you you wouldst surely be among the evildoers” (Qur’an, 2: 145). Prophet Muhammad (peace be

upon him) also forbade Muslims to imitate the cultures of other religions. He said: “He who imitates a people will be regarded as one of them” (Abu Dawud); “The one who imitates people other than us is not from us. Do not imitate the Jews or the Christians” (Tirmidhi). He has shown the difference between Muslim and non-Muslim cultures in all spheres so that Muslim individuality and distinctiveness remains clear.

Asking some questions may clarify the issue of Muslim nationhood. I asked some questions to Najm Al-Sakib, a relative of mine. The questions were: What is the source of your name? Why do the Muslims of this country abide by the rules of halal and haram in selecting all food items? Why do most of the Muslim women and girls cover their heads and wear scarves in front of male strangers or when in public spaces? Why do Bangladeshis regard wine and gambling as prohibited? Why do the Muslims of Bangladesh believe that there is only one Creator and that He has no partner? Why is there the Qur’an in every house and why is it recited? Is there any other book which is treated like the Qur’an?

The sum and substance of the matter is that, our cultural practices are shaped largely by our religious teachings and values. The source of all these is not a particular place or country, but Islam. If the above things are clear to us, we will be able to clearly understand Muslim nationhood. Mixture of any kind of extraneous ideas and values will not be appropriate. Every Muslim has to understand this. I request the imams, ulama and other Muslim leaders to highlight this issue.

Post-Divorce Predicament of Women

Once I was talking to two female lawyers who came to see me at my residence. They raised a major problem faced by women. They said that the number of divorce is increasing in both rural and urban areas in Bangladesh. The problem faced by women is that once divorced they have nowhere to go. In most cases they do not get refuge in their paternal homes, especially if their fathers are dead. The brothers and their families do not want to consider the matter with sympathy; this happens in many cases, though not in all. The problem is less severe in the presence of fathers.

While discussing this problem the two lawyers and I agreed that women facing this type of problem would suffer less if the rights given to them by Islam in the property of parents were fully established. We also agreed that the rights of daughters (especially their rights in parents' houses) should be fully established even if parental residences are small.

It is mentionable that after divorce the right of the wife to maintenance and livelihood no longer rests on the former husband (except during the period of '*iddah*'). If the woman cannot provide for her own provisions and livelihood, the responsibility rests on the relatives. Otherwise, the government will take the responsibility. In India this responsibility rests on the Provincial Waqf Board. This has been done through enacting a law.

On this basis, I think the government of Bangladesh as well as the nation can take the following measures:

- a) The right of daughters to their parents' property, especially to their houses, should be ensured according to Islamic law. The ulama (Islamic scholars) and the elders of society should seriously look into the matter all over

the country. If it is done, women's financial hardships will be greatly alleviated, and their problem will be less severe in the case of divorce.

- b) I would like to recommend the government to enact a law in this respect. Food, clothing and shelter of those divorcees who are not able to provide for themselves (and who have no relatives for taking the responsibility thereof) will be provided by the government under a project like the ones we have for the unemployed, the old and the widowed. They will be considered as a different class. Their number will be much smaller than that of the unemployed or the indigent old.

Cultural Heritage and Women

If we have a look at how cultural heritage is transferred from one generation to another, we see that it has been done mainly through mothers. It is the mothers to whom children remain closer, especially during childhood and the formative period of their life. It is through them that cultural practices are transmitted to children. The bond between mothers and children are usually very strong. Although others too have roles in the field of cultural heritage, the role played by mothers is more crucial. We cannot deny this.

Another relevant issue is how women are portrayed in culture. For example, in the field of art (if we regard art as part of culture), we notice pictures and images of women are pervasive in contemporary culture. At present, media descriptions of women are more prevalent. Nowadays, the way in which women are presented in the media is regarded as state of the art. We have not found it in the case of Islam. Islam has not encouraged unnecessary images of man or woman.

In Islam, woman is not treated as an object of commodification. In dominant cultural practices of the West, art means the images of kings and emperors or the images of the different postures of woman. This, if looked at from a more holistic perspective, is a misuse and a form of exploitation of women. As opposed to this practice, Islam gives women honour and dignity by curbing all sorts of objectification of the female body so that they are viewed with respect and dignity.

Again, in the modern period, we notice that the presentation of woman in culture, and for that matter, in literature, drama and media is full of sexual suggestiveness. This phenomenon now is becoming a disease, a sexuality-centred obsession and a kind of mental perversion. Why should sexuality

be attached to everything? There is no need to bring sexuality into all sorts of artistic representations. It is an affront on women that sexual provocation is being associated with the female body in billboards and posters in public spaces. In drama, cinema and newspapers, woman is presented as the emblem of sexuality. Besides, there is the issue of pornography where woman is presented as the main character. The dominant Western pattern of culture debases them in a deceptive and subtle manner. Though it is said that 'woman is being given freedom,' the exploitation of her body through those images speaks for itself.

The cultural model set by Islam is very high. It is based on tawhid, the Oneness of God. The Creator is not an idol or a deity; it is very important to understand this aspect. On the other hand, particularly in the case of dress, Islam does not support any form of obscenity whatsoever. It has been said in clear terms in Islam that one should be decent and modest in dress. In this regard, taqwa or righteousness is of paramount importance.

Though many women are exploited in the present age, it does not mean they are not capable of being transformed. It is, however, true that they may feel helpless due to circumstances beyond their control. In an age of materialism, many women may feel like they can do nothing in a social and political system that is devoid of morality.

To some extent, materialism is a sort of atheistic ideology and it resembles consumerism in a different form. It spreads sexuality in various ways in order to enlarge the market and increase sales. Capitalism aims at maximizing profit in any way possible, even by treating women as objects and by selling sexuality. There is no place for morality or ethics in materialism. What is considered important here is to trace out the areas of profit and loss. The harmful effect of materialism and capitalism is spreading in various ways. It has numerous direct and indirect impacts on people's life, on economy and lifestyle. It is through a social and moral reform movement that this situation can be changed for the better.

Mothers play an indispensable role in transferring cultural inheritance to the new generation. Children have closer relationship with their mothers. Others also have their roles in transferring the cultural heritage, but the role of the mother is more vital. On the whole, there is no scope to take the contribution of women lightly.

Materialism and capitalism have influenced society in various ways which is noticeable at public, economic and marketing levels. Consequently, women are abused directly and indirectly. It is therefore our duty to make sure that they are not exploited.

Begum Rokeya: A Great Woman

Begum Rokeya Sakhawat Hossain (1880 –1932) was a thinker – an Islamic thinker, to be precise. An Islamic thinker is a person who thinks about, researches and explains different issues from the Islamic viewpoint. S/he clears up confusion or misconceptions regarding Islam. Being an Islamic thinker, Rokeya tried to awaken people against various superstitions and excesses and to provide the Islamic viewpoint on such issues. She touched on issues such as the seclusion of women, freedom of women, maintaining hijab by women, obscenity, dowry system, widow remarriage, child marriage, early marriage, divorce, etc.

Those who want to create controversy about Rokeya, in fact, use some fragmented quotes from her writing without considering her complete works or the teachings she promoted. These debates have already been successfully refuted in different ways. Usually a quote from Rokeya is put in which she said, “What we did not easily accept in the first place, later we have accepted it with reverence considering it as religious commandment. ...The male have preached those religious books as the mandates of God to keep us in the darkness.” It is very likely that some doubt or misconception will arise if this comment is decontextualized and interpreted as an isolated quote. But if it is explained in the light of her entire oeuvre, it will be clear that this is only an outburst of her grievance. Here ‘religious books’ do not refer to the Qur’an or the Hadith. At that time, books written by some half-educated people were publicised as religious books. Those so-called religious books took a stance against women’s rights, and Rokeya critiques those literatures.

She has also said, “If God had sent a messenger to rule over women, perhaps the messenger would not have been confined to Asia only. Why have the messengers not gone to Europe? Why have they not gone to America and preach from the North Pole to the South Pole the command of God, saying ‘the

womankind should be under the control of men'? Is God the Lord of Asia alone?" It will not be proper to take 'messenger' mentioned in her comment to mean Prophet Muhammad (peace be upon him) or other prophets Allah sent to earth for the guidance of human beings. Rather, the word was used to mean those pseudo-religious leaders who unjustly tried to inhibit the progress of women in this region.

Rokeya mentioned Prophet Muhammad in many of her works with enthusiastic admiration. In an essay published in the monthly *Mohammadi* in 1338, she drew attention to the issue of the distortion of the names of Muslims. It is the normal tradition that the name of a Muslim would be in the Arabic language. This gives him/her a proper identity. Rokeya asked Muslims to remain steadfast in maintaining this noble tradition of Islamic nomenclature. But it is a matter of regret that efforts are going on to move our new generation away from this tradition. Rokeya wrote:

In my childhood, I would hear my mother say, 'The Qura'n will protect us as a shield.' This is very true. The universal teachings of the glorious Qur'an will protect us from the dangers of various superstitions. Our Qur'an-based religious practices will protect us from moral as well as social degradation.

Notwithstanding such precise statements, some commentators claim that Rokeya has ruled out all religions including Islam. As a matter of fact, this type of comment is deliberate falsehood and smacks of academic opportunism and dishonesty. Begum Rokeya was a highly esteemed social reformer. Such a great social reformer like her is rare in the history of the last one thousand years of the South Asian subcontinent. It is our as well as the government's responsibility to introduce such a great woman to the whole world.

Those who sincerely want to uphold the thoughts and ideas of Rokeya should stand against deliberate attempts to spread misconceptions about her. It is our responsibility to free Rokeya from the chains of those who propagandise for establishing the wrong notion that she belongs to the anti-Islamic camp.

True liberation of women began during the time of Prophet Muhammad. One of the great thinkers of the twentieth century, Abdul Halim Abu Shukkah discusses this in great details in his monumental book *Tahrir al-Mar'a fi Asrir Risalah* (Liberation of Women during the Time of Prophet). But unfortunately, Muslims did not maintain the teachings of Prophet Muhammad. Muslims nowadays do not view women the same way he did. The early Islamic world was such a one where men and women were friends and guardians to one another. Together they offered salat, did social work, enjoined what is good and forbade what is bad – even they took part in war together. The Qur'an says that Allah has created the souls of all human beings at the same time (See: Qur'an, 7: 172). Then, Allah says that he has created both men and women in the best form (See: Qur'an, 95: 4). In spite of all these, those who say that women are weaker than men or that women's hearts or brains are smaller, they actually go against the teachings of the Qur'an. In the first verse of Surah al-Nisa, it has been said that all men and women are the descendants of Prophet Adam (peace be upon him). Then, why should there be unnecessary division and disparity among us?

As in other places of the world, the women of our subcontinent have been deprived and oppressed in many spheres of life for ages. In some cases, narrowness towards women is a characteristic feature of our society – its root cause is social mythology and ignorance. The voice which was most vociferous against all these was that of Rokeya's. Her struggle for women's rights has a far-reaching influence on the continuous efforts to establish women's rightful status, especially among the Muslims in this region. Given the social background at the time when Rokeya fought against ignorance and superstition, her dynamism and courage amazes us. It was very difficult in that society to express such revolutionary ideas. Yet through her speeches, writings and other intellectual works, Begum Rokeya boldly spoke for the freedom of women and for the participation of women in public life. Thus in any consideration Begum Rokeya is one of the greatest women of the subcontinent.

Conclusion

Using the Islamic Framework to Pave the Way for Women's Advancement

Raudah Mohd Yunus

Though Islam is a universal religion meant for all, irrespective of races, skin colour, cultural backgrounds and geographical locations, it is of utmost importance to acknowledge the fact that Muslims are not homogenous. The religion of Islam provides a set of guidelines and philosophies to be followed, but leaves much room for different interpretations and accommodates diverse practices so long the fundamentals are adhered to. This celebration of diversity points to the importance of understanding the nature of humans; that it is not possible to impose a single view and way of doing things on every community given that unique historical roots and cultural practices bring about unique needs and aspirations.

As the world gets more complex and given the gradual change in social roles played by women, the need to revisit previous Islamic rulings on gender issues becomes urgent. The Muslim community often finds itself in a huge dilemma, and torn between the two forces – the western approach which is rapidly invading all spheres of human life especially the modern education system, and the Islamic one which is often viewed as anachronistic and irrelevant. Two tendencies have thus developed.

One group is over-enthusiastic with the western ideas and approach in solving women's issues, without giving enough consideration to the socio-cultural context or actual needs of Muslim women. This group is generally blinded by the uncritical glorification of anything affiliated to the west, and views any other opinion as inferior. The second group, somewhat equally

dangerous, totally rejects all sorts of western ideas and recommendations in improving women's condition and regards anything related to the west as un-Islamic. To them, whatever that comes from the west cannot be compatible with Islam, and so deserves no further consideration.

The answer lies in striking a balance between these two viewpoints. Muslim societies must first understand that originality is very important in order to find creative solutions to their problems. This means genuine answers are best found in, and derived from within themselves, their belief system, their worldview and resources. At the same time, understanding the reality in today's world is of paramount importance. Often many Muslims, despite living in the 21st century, leave their fate to the decisions and rulings made by their predecessors in the tenth or fifteenth century on the basis of socio-cultural context of that time. The realization that Islamic teachings are dynamic and flexible is something which has to be taken seriously and reinforced in the Muslim mind.

Given that modern education, scientific achievements and material progress today are a western dominion, Muslim society must be practical and respect the fact that western knowledge, amidst having its own limitations, is of great value. The wise attitude therefore is to engage in continuous discussions and debates with the west, to critically appraise its ideas and thoughts, and accept whatever good that comes out of it. The mentality of seeing everything western as evil and hence contradictory to Islam is rather immature and naïve. Numerous Muslim experts and scholars have ascertained the compatibility of many aspects of western knowledge with Islamic teachings, though they are opposed to uncritical reception of the whole package of Western values, norms and institutions.

In many Muslim countries, the issues concerning women despite varying from one community to another, largely revolve around some common themes. Issues like female genital mutilation, participation in the job market, social support services available for women, maternity leave, equal pay, safe working conditions, women's role as wives and mothers, pregnancy,

childcare and breastfeeding, marriage, education, sexual harassment, right to property, dress codes, domestic violence and discrimination are the common debated subjects which need attention.

The real problem however lies within the huge barrier existing between the normative teachings of Islam and cultural practices which often contradict, or fail to adhere to the standard of those ideals. As long as this barrier is unbroken, the difficulties faced by women in Muslim societies will remain unabated. Efforts need to be focused on methods of translating these normative teachings into practicality and implementation, policies, rules and regulations that influence societal norms.

One simple example is the issue of working women vs. housewives, which has sparked endless debates, often creating more confusion than solution. The Islamic approach in this matter is full of wisdom considering the fact that there are no hard and fast rules in the Qur'an or Hadith which insist that women have to stay at home once they become wives or mothers. Nor do the Islamic teachings imply that women have to venture into the job market simply to go with the flow. It is social expectations and cultural norms that usually dictate what women ought to do, and sometimes put unnecessary pressure on housewives to seek 'acknowledgment' and 'independence' by being engaged in public life, or on the other extreme, discourage women from realizing their intellectual potentials without any solid, plausible justification.

The lack of clear rulings on whether or not women should work outside the house is a manifestation of how Islam permits diversity of opinions in this matter, and respects different ways of handling it without the need for a rigid judgment on which is wrong or right. The right approach therefore, is to take into consideration various aspects, such as, cultural norms, socio-economic context, level of education, material progress, and so forth. So the solution to a specific problem might differ from one community to another, or from one geographical entity to another. Whichever option a Muslim community takes based on its

circumstances, flexibility must be allowed and adequate room must be available for those who do not wish, or are unable to abide by specific cultural rules.

For instance, when there is a great need for the female citizens of a country to contribute economically and participate actively in public life while simultaneously child neglect and family disintegration are rampant, the government and civil society can work together to create a conducive environment for women to carry out their civic and family duties in greater harmony. This includes measures like flexible working hours, safety measures for female workers, longer maternity leave, pregnancy or childcare allowances and provision of childcare facilities for working mothers.

For Muslim societies in developing nations, globalization and urbanization are becoming an inescapable phenomenon and the universal trend is moving towards a greater female participation in public life. The need to prepare for, and address these, is inevitable otherwise Muslims will be trapped in a perpetual dilemma and confusion in handling women's problems. While women ought to be encouraged to seek knowledge and realize their potential, caution must be exercised so that the Muslim community does not blindly follow the materialistic worldview of the dominant culture which sometimes puts too much emphasis on individualism rather than collectivism.

The author of this book has touched on a number of significant issues related to, and impediments faced by, Bangladeshi women. He has drawn readers' attention to numerous thought-provoking and eye-opening Islamic concepts of gender equality, and concisely clarified misconceptions revolving around the issues of inheritance, marriage, divorce, political leadership, and many more. An appealing aspect of this collection of essays is that, despite commenting on gender issues in Bangladesh (note that Bangladesh is largely poverty-stricken and considered lagging behind in many areas of development compared to other developing countries), the author relates women issues in the country to a set of creative ideas and solutions, based on concepts and arguments derived from the Holy Qur'an and the Hadith.

Some of these arguments have given rise to sophisticated solutions and possibilities that can be adopted even by the most advanced nations in solving their gender-related issues and dilemmas.

In conclusion, Muslim society ought to continuously strive to find innovative answers to women's issues by studying them thoroughly and understanding their multi-faceted nature, in the light of Islamic teachings. Another crucial aspect will be to narrow the gap between theoretical Islam (formal teachings and ideals) and real-life circumstances on the basis of contextual understanding of the revealed texts. Here lies the challenge of producing experts and scholars who are able to see and go beyond conventional practices, and translate Qur'anic verses and Hadiths into practicality or day-to-day actions which are evidence-based, guidelines-oriented and impactful.

16 February 2016

Shah Abdul Hannan is one of the founders of North South University. He is a member of the Darul Ihsan Trust that runs Darul Ihsan University. He is also a member of the Manarat Trust and Chairman of the Manarat International University Trust. Currently he is the Adviser of Dhaka Campus of International Islamic University Chittagong (IIUC) and the Chairman of Bangladesh Institute of Islamic Thought (BITT). He is the Chairman of Bangladesh Islamic Law Research and Legal Aid Centre. He was the founding President of the Council for Interfaith Harmony in 2006-08. He is also a founder Trustee of the Ibn Sina Trust.

He was awarded a good number of prizes such as: Mawlana Akram Khan Gold Medal, Bait-us-Sharfi Prize, Rapport Award for Excellence in Human Development 2002, Poet Golam Mohd. Foundation Prize 2005, Central Shariah Board Islami Banking Award 2006, Social Islami Bank Award 2011 and so on for his remarkable contribution in various socio-economic activities.

Shah Abdul Hannan is the Chairman of the Diganta Media Corporation. He is on the Editorial Board of a number of English and Bengali Journals such as *Thoughts on Economics*, *Journal of Islamic Economics, Banking and Finance*, *Bangladesh Journal of Islamic Thought*, *Journal of Islami Law and Judgment* and *International Journal of Islamic Thoughts*.

Shah Abdul Hannan is a renowned scholar of Tafsir, Hadith, Usul-ul-Fiqh, Political Science, Economics, Banking and Taxation. He has authored *Soviet Union-e-Islam* (1976), *Islamer Arthonititey Sarkerer Vumika* (1985), *Nari Somosya O Islam* (1988), *Islami Arthoniti: Darshan O Karmakaushal* (2002), *Nari O Bastabata* (2002), *Desh Samaj Rajniti* (2003), *Biswa Poristhiti Orthoniti O Islam Bishoyok Bishleshon* (2006), *Amar Kal Amar Chinta* (2008), *Usul-ul-Fiqh* (2011), *Oshtom Kolam* (2011), *Nari: Islam O Bastobata* (2011), *Somaj Sangskriti O Rajniti Vabna* (2012), *Bishoy Chinta* (2013) and *Nirbachito Shankalon* (2013) - all in Bangla. His English works include *Islam in Russia-Central Asia* (1976), *Social Laws of Islam* (1995), *Usul-ul-Fiqh* (2000) and *Law Economics and History* (2003).

He played a prominent role in the compilation of *Economics in Qur'an* (2 Volumes) and *Bidhibaddho Islami Ain* (Codified Islamic Law; 3 Volumes) published by Islamic Foundation Bangladesh in 1995.

He has visited USA, UK, France, Belgium, Turkey, Algeria, Saudi Arabia, Lebanon, Iran, Pakistan, Japan, Philippines, Singapore, Malaysia, Indonesia, Thailand and India.

About the Book

This book contains English essays on gender issues the author Shah Abdul Hannan originally wrote in Bangla over more than two decades. As part of his continuing quest for justice, he has been passionate about establishing gender egalitarianism in Bangladesh society. Even though the sociocultural reality of Bangladesh has been at the back of his mind while penning his thoughts transmitted in these essays, they can be effective in addressing gender disparities in other societies as well. The crux of his arguments with regard to gender issues corresponds with what the emerging Islamic feminist discourse promotes, that is, the best way to address gender inequities and gender based discrimination is to go back to the teachings of Islam. At the same time, Shah Abdul Hannan believes, it is important to understand the primary sources of Islam - the Qur'an and the Sunnah - in the context of contemporary concerns and perspectives. This book should be highly useful to all those who are interested in Islam and gender as well as policy makers and researchers in this field.

About the Author

Shah Abdul Hannan was born in the city of Mymensingh, Bangladesh on 23 September 1939. He pursued his undergraduate studies in Political Science and Economics at the then Jagannath College under Dhaka University in 1959. He is a Political Science graduate of the University of Dhaka where he did his master's degree and stood first in 1961.

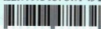
A seasoned civil servant, Shah Abdul Hannan started his career with Pakistan Civil Service in 1963. After Bangladesh was created in 1971, he served the country and held such important positions as Collector of Customs and Value Added Tax (VAT), Director General of the Bureau of Anti-Corruption, Deputy Governor of Bangladesh Bank, Member of the National Board of Revenue (NBR). He subsequently served as the Secretary of the Ministry of Social Welfare, Banking Division, Ministry of Finance and finally Internal Resource Division (IRD), the Ministry of Finance and concurrently Chairman, National Board of Revenue (NBR).

While in NBR, he was the key official responsible for the introduction of the epoch-making VAT in Bangladesh. As a Deputy Governor he was also in charge of Financial Sector Reform Project (FSRP) that carried out banking reorganization and restructuring.

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