

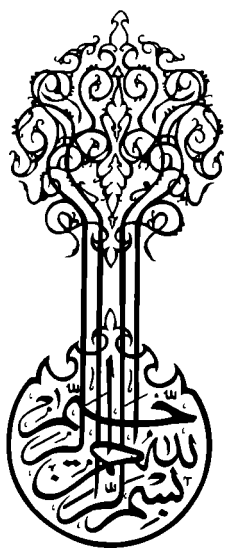
Adnan

SOCIETY
&
ISLAM

SHAH ABDUL HALIM



Born on 28 February 1947 Shah Abdul Halim comes of the respectable family of spiritual master Shah Shamsuddin Bokhari at Katiadi under the district of Kishoregonj. He earned his Master's degree in Political Science from Dhaka University in 1970. He began his career by joining journalism in 1969 and then he switched over to public relations and served in coveted positions at different national and international organizations and financial institutions. Since later 1996, he is a regular contributor to the country's prestigious English newspapers: The New Nation, The News Today, The Bangladesh Today, The Independent and The Bangladesh Observer. He is also a contributor to the Bangla newspaper The Daily Naya Diganta. Currently he is the Chairman of Islamic Information Bureau Bangladesh, a non-profit organization to disseminate the teachings of Islam.



Woman Society and Islam

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Preface

Bangladesh is a Muslim majority country. Islam is the religion of its overwhelming population. Half of its population is women. However, there is a great misperception in Muslim mind as to what should be the position of women in the society. Sometimes, taboos and cultural prejudices confuse many. These tie up and fasten people to such tradition which is not at all approved by authentic teachings of Islam. It becomes crystal clear if one looks at the social conditions of women from Islamic perspective and vision. There is no need to emotionally getting involved in old practices for these will not help build a healthy society; rather it will stand on the way to its progress.

It is essential to look afresh at some issues relating to women's rights, examine the existing socio-cultural practices related to women in the light of the pristine teachings of Islam and ascertain the position of women in the light of everlasting principles of Islam, the Qur'an and the authentic practices of Prophet Muhammad peace and blessings be upon him, what he said, did and endorsed, what happened before him and he did not oppose, and in the light of the history. In fact, existing ignorance, bigotry and prejudice prevailing in Bangladesh society encouraged me to write on issues relating to women.

In the following pages, some key issues have been addressed, for example, participation of women in politics, chastisement of women, women joining in the mosque for prayer and learning, covering of face, women's position in

social life, dower, violence against women, etc. What has been discussed will hopefully help remove some of the misunderstandings and misgivings in the society and enable people to fashion lives in the light of Islam vis-a-vis the role of women.

The contents of this book were earlier published in The New Nation between 2002-2011. The article on the Women's Right is a summary of a speech delivered at a seminar organized by Bangladesh Institute of Islamic Thought on 23 August 2011. University of Toronto academic Nevin Reda's scholarly work greatly helped me in writing the article titled Women & Mosque. I am deeply indebted to her.

I am grateful to Alamgir Mohiuddin, Editor, The Daily Naya Diganta, and Mufakkarul Anam, former Chief Editor of Bangladesh Sangbad Sangstha- BSS, national news agency, who very kindly have read the manuscript and made useful improvements. Faruque Ahmed, Executive Editor, The New Nation, and Anisur Rahman Selim, former News Consultant, Financial Express, read the manuscript several times and made significant improvements.

I shall be failing in my duty if I do not mention the cooperation of former editors of The New Nation Alamgir Mohiuddin and Mostafa Kamal Majumder who had kindly published my lengthy research-articles in The New Nation and encouraged me to write which ultimately turned into a book. Finally, my elder brother Shah Abdul Hannan read the articles before publishing in the newspaper and suggested changes which helped me improving the quality of the contents discussed. I am thankful to all of them.

Shah Abdul Halim

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Woman & Political Leadership

In my article 'Islam and Democracy: How far Compatible' published in The New Nation on 11 March 2006, I discussed the question of women's participation as the head of an Islamic government or head of an Islamic state and argued that in today's world, rulers are parts of an establishment. Indeed, the government itself is one of a group of institutions that share out among themselves the power and authority, which used to be *exercised by a single Muslim ruler*, regardless of the title he assumed. During the earlier days of Islam, the Kholafa-e-Rashadeen *used to combine in them comprehensive and broad authority, over the whole Muslim world* which no ruler is expected to exercise in the foreseeable future, including leading prayers, commanding armies, exercising absolute ijtihad in fiqh, and acting as the supreme judge. From the point of view of her competence, a woman may be assigned some of these powers, including the post of the head of state or government, because none of these powers, including that of head of state, constitute the overall authority over the community, which assigns it to a woman.

No present-day Islamic constitution of any Muslim country has given all these powers to a single person. There is also no obligation in the Qur'an and sunnah that all powers must be vested in a single person.

In a modern state, it is the institutions that rule, not individuals. Women, whatever is their number in executive, legislative or judiciary, are included in different bodies and are subject to a system. Laws are codified, and discretionary

decisions are subject to be reviewed by those who have higher positions or by the courts. No single man or woman can maintain absolute power in a modern state. A woman has the right to vote, to be a member of parliament, a minister, a judge, and even an officer in the army. Which jobs may or may not be convenient should be decided by women themselves - not imposed on them - according to their own conviction and based on their own interests. But many traditional Islamic leaders are reluctant to accept this position.

Mohammad Sakhi under the heading 'Islam and Democracy' responded to my article that was published in The New Nation on 17 April 2006. He, without refuting the argument put forward in favor of woman participation as head of an Islamic government or head of an Islamic state in my article (as also mentioned briefly in the above paragraphs), quoted four hadiths of Prophet Muhammad peace and blessings be on him without quoting their sources.

The first hadith quoted by Mohammad Sakhi is 'a nation which entrusts its affairs to women cannot prosper'. In my previous article, I raised the question on the authenticity of this particular hadith narrated by Abi Bakra. The scholars of hadith have classified this hadith as ahad, meaning hadith whose authenticity is not beyond question and this hadith is zanni in nature, meaning that it has no established interpretation and whatever interpretation is given will be of speculative nature. Ahad hadith is generally reported by single companion of the Prophet which did not become well-known in immediate two or three generations, does not give positive knowledge, is of speculative authenticity and, therefore, fall under the category of speculative proofs. Moreover, what is established by the Qur'an cannot be restricted or discarded by ahad hadith. Shaykh Taha Jabir al Alwani, president of the Fiqh Council of North America and member of the OIC Islamic Fiqh Council, is of the opinion

that 'the sunnah is there to clarify the Qur'an, not to contradict or reject its basic principles'.¹ Tirmizi classified this hadith as hasan sahih.² Narrators of hadith classified as hasan sahih are trustworthy but commit error and the content is not qati or absolutely correct.

Mohammad Sakhi quoted two other hadiths - (i) 'when your affairs are in the hands of women then the lap of the earth is better for you than the back of the earth' and (ii) 'when you see your leaders are immoral and wealthy people are misers and your affairs are entrusted with a woman then remember the lap of the earth is better than the back of the earth'. A closer examination of these two narrations of hadith reveals that both the narrations are English rendering of the same hadith. Tirmizi classified this hadith narrated by Abu Huraira as gharib, poor.³ Such hadith has been classified as gharib, poor in whose chain of transmission at one stage is reported by one single person only.

The fourth hadith quoted by Mohammad Sakhi is 'men have been destroyed when they obeyed women'. Scholars have classified this hadith narrated by Abi Bakra as daif, weak.⁴ Eminent commentator of hadith Sheikh Muhammad Nasiruddin Albani also classified this hadith as daif, weak.⁵ A hadith is daif, weak if among the reporters is any majhul person, i.e. unknown person in terms of identity or conduct or if there is any fasiq, violator of any important practice, or any liar.

Eminent Islamic scholar Dr. Kaukab Siddique has put forward three arguments to justify that there is no shariah bar on a woman becoming the head of an Islamic state or government. Dr. Siddique referred that Ayesha bint Abu Bakr lead the Battle of Camel in which the sahabas, the companions of the Prophet, followed her. Dr. Siddique dismissed the claim that 'Ayesha believed she had violated the Qur'an by going to the Battle of Camel and that she cried when she thought of her mistake' as being 'weak and fabricated'.⁶ The fact remains that Ayesha was in the

leadership and nobody in the either camps objected to her leadership for being a woman.

The hadith Bukhari, often quoted against the permissibility of women leadership, is narrated by Abi Bakra, a sahabi, companion of the Prophet. The hadith reads: 'Usman ibn al Haitham reports from Auf, who reports from al Hasan, who reports from Abi Bakra, who said: In the time of the Battle of Camel, Allah benefitted me from this saying: that when the Prophet peace and blessings be on him heard that the Persians made the daughter of Chosroes their King, he (the Prophet) said: that nation will never prosper which puts a woman in command of its affairs.'⁷ Dr. Kaukab Siddique pointed out that 'if we accept this hadith as correct it would mean that ... the companion of the Prophet quoted the Prophet as saying that a woman's leadership is rejected in Islam, and yet he fought under the command of a woman, and continued to support that woman till the end of his days'.⁸

Eminent Indian Islamic scholar Muhammad Sharif Chaudhury wrote:

'In fact there is no verse or injunction in the Holy Qur'an which directly or clearly either permits the rule of woman or prohibits her rule. Similarly there is no hadith or injunction of the Prophet peace and blessings be upon him which can be quoted to establish that the Holy Prophet either allowed the woman to become head of state or government or disallowed and forbade her to assume such responsibilities. The Tradition of Prophet Muhammad about Kisra's daughter, who was enthroned by the Persians, is believed by many to be unreliable and unauthentic as the reporter of this Tradition was convicted and punished in a case of hudood and his evidence is not dependable. Thus we can safely and without fear of contradiction conclude that the Qur'an and sunnah neither permit nor forbid the woman's rule'.⁹

Dr. Kaukab Siddique commenting on verses 27: 23, 27: 32 and 27: 44 of the Qur'an reiterated that 'nowhere does the Qur'an imply or indicate that Bilqees gave up her rule over the land of Saba after she accepted Islam'.¹⁰ Mohammad Sakhi, however, quoting Islamic Encyclopedia and Tafsir Ruhul Mani tried to establish that she gave up power. But this is completely speculative as the Holy Qur'an is silent in this respect. Nor does the authentic hadith say anything in the matter that the Queen of Sheba left the throne after accepting Islam. The general principle of Islam is that when the Qur'an and sunnah do not specifically prohibit a thing or is silent in the matter, we have to take a positive look and consider that permissible and not prohibited anyway.¹¹

Dr. Kaukab Siddique quoted the ruling of eminent Islamic scholar Ashraf Ali Thanvi wherein he (Ashraf Ali Thanvi) opined that the hadith of Abi Bakra in question as discussed earlier "is about autocratic rule by women, not rule by consultation". Ashraf Ali Thanvi wrote:

In cases like those of Bilqees where a woman rules with the help of an assembly or legislative body, the hadith from Abi Bakra would not apply. The daughter of the King of Persia was a despotic ruler and hence the Prophet condemned her rule.¹²

Muhammad Sharif Chaudhury wrote:

Moulana Ashraf Ali Thanvi, a leading scholar of the Islamic world, gave a fatwa in favor of the rule of Shahjahan Begum, the Queen of Bhopal. The Moulana states that if the government is democratic and the affairs of the state are being conducted by the ruler with the help of elected representatives and in consultation with them, then there is no bar against the woman becoming the head of state or government. ... To justify his view, the Moulana has relied on the reference of the Qur'an about the rule of Queen of Sheba.¹³

The government of Saudi Arabia, in its position paper, highlighting the status, rights and role of the Muslim woman according to the basic sources of Islam, presented on the occasion of the UN Conference on Woman, Beijing 1995, reiterated that 'there is absolutely nothing in the Qur'an which directly or indirectly forbids a woman to become the head of a state, or even suggests that she is essentially incompetent for the position'.¹⁴

Muhammad Sharif Chaudhury commented:

The silence of the Qur'an and hadith on this very important and vital issue is not without wisdom and sagacity. This deliberate silence means that Islam has given full freedom and discretion to the Muslim ummah to decide this matter according to the ever changing socio-political circumstances. Since the socio-economic and political environments change with the passage of time affecting the human needs and necessities, no permanent injunctions laying down any hard and fast rules regarding the choice of the ruler or his sex, color, race, language or other qualifications have been enunciated by the Qur'an and sunnah. The choice has been left open to the Muslim community to decide according to their needs in the prevailing circumstances as to who should be their amir or chief. Islam favors the form of government by consultation which, in the modern jargon, is called democratic form of government. In this form of government the people are free to elect anybody who, they feel, would be able to discharge the responsibilities of the highest office of the chief executive or head of state. The ruler in Islam is not a despot, autocrat or dictator. He is to rule in consultation with others. So the ruler may be a man or a woman, he or she is to discharge duties of the office with the consultation and advice of the elected representatives of the people.¹⁵

Muhammad Sharif Chaudhury further elaborated:

The Qur'an condemns in open and unambiguous terms the rule of Pharaoh of Egypt who was a man, but it does not express even a slight disapproval of the rule of the Queen of Sheba who was a woman. So it is not the sex of the ruler which is important, but it is, in fact, the nature and spirit of the rule which is significant. Circumstances may arise for the Muslim ummah when the benevolent and democratic rule of a woman like Queen of Sheba may be preferable to the despotic and tyrannical rule of a man like Pharaoh of Egypt. Pages of history bear witness to the fact that women became rulers in the Muslim world, like Razia, daughter of Sultan Iltutmash, in India in thirteenth century. Shajrat-ul-Darr, daughter of King Najam-ud-Din, in Egypt in thirteenth century, Chand Bibi in southern part of India in sixteenth century, Sutt-ul-Mulk, daughter of caliph Al Aziz Billah, in Egypt in eleventh century A.D. and Queen Shahjahan Begum of Bhopal in India in early twentieth century. Their rule was never opposed by any of the well-known ulama of their age, neither any of the contemporary jurists, scholars or leading ulama gave a fatwa declaring their rule haram (unlawful) on the basis of their sex. On the other hand, some ulama gave fatwas to justify their rule, e.g., in case of Queen of Bhopal, Moulana Ashraf Ali Thanvi gave a fatwa favoring her rule. However, we can easily find many examples in history when the scholars of Islam and the ulama vehemently opposed some male rulers because of their tyrannical and despotic rule. Only recently we have seen in Pakistan that most of the leading ulama supported the candidature of a woman for the highest post of the President of Pakistan in the elections of 1964.¹⁶

In the fourteenth century Ibn Batuta was qadi in Maldives, a Muslim state. He noticed that the country is being ruled by a woman called Khadija.¹⁷

Amina Wadud, Professor of Islamic Studies, Department of Philosophy and Religious Studies, Virginia Commonwealth University writes:

The Qur'an uses no terms that imply that the position of ruler is inappropriate for a woman. On the contrary, the Quranic story of Bilqis celebrates both her political and religious practices. ... I decide no case until you (advise me on it) [Al Qur'an 27: 32]. ... The Qur'an does not restrict the female from being in authority, either over other women or over both women and men. However, there is implication that the Qur'an inclines towards seeing necessary tasks fulfilled in society in most efficient manner.¹⁸

Dr. Zeenath Kausar, Assistant Professor of Political Science, Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University, Malaysia, commenting on verse 4: 34 of the Qur'an al-rijal qawwamuna ala al-nisa mentioned that this 'verse is confined to the family and, therefore, cannot be extended to the political field'.¹⁹ She wrote:

[Basically] arguments against women's political participation in particular and public participation in general, are supported either by narrow interpretations of Islamic Texts or invalid generalizations.²⁰

The statement by the Muslim Brotherhood of Egypt on the 'Role of the Muslim Women in Islamic Society and its Stand on the Women's Right to Vote, be Elected, and Occupy Public and Governmental Posts, and Work in General' commenting on verse 4: 34 of the Qur'an states that this verse is 'confined to the family and to matters only

concerning the husband and wife relationships'.²¹ A new translation of verse 4: 34-35 of the Qur'an is:

Men shall take full care of women with the bounties with which Allah has favored some of them more abundantly than others, and with what they may spend of their own wealth.

For a detailed discussion on this verse readers are referred to read: Woman: Chastisement and Other Issues, Bangladesh Journal of Islamic Thought, BIIT, Vol. 1, No. 1, January-June 2005 or visit <www.shahfoundationbd.org> - now part of this book.

Verse 9:71 of the Qur'an states:

And as for the believing men and believing women, they are the guardians of each other.²²

The Arabic word is awlia. If women are guardians of men, how women can be denied the leadership of the ummah. In fact, the ulama of Pakistan, including Moulana Mawdudi, accepted Fatima Jinnah's nomination as a presidential candidate in the 1964 presidential elections²³ and in Indonesia, Meghawati Shukarno Putri became the president of that country with the support of Islamic parties.

Verse 2: 124 of the Holy Qur'an is also very significant wherein Prophet Ibrahim prayed to Allah to make imams, leaders from his offspring. Allah replied: My covenant does not extend to those who are unjust. Almighty Allah here did not specify the gender, male or female. In this verse, leadership is a covenant between Allah and humanity - a covenant that is not extended to those who are unjust or who draw close to injustice.²⁴

Verse 4: 59 of the Qur'an, u lil amr min kum - obey those in authority from among you, also did not specify the gender, male or female.

Mohammad Sakhi's conjecture that 'women are physically weak and lack wisdom', 'woman's physical conditions are

unsuitable for leadership' and, therefore, 'the Muslim woman is not allowed to become head of state or government' contradicts verse 95: 4 of the Holy Qur'an which states that human beings have been created in the best of mould. The question, therefore, does not arise that women's intellectual capacity is less than that of men.

Mohammad Sakhi puts forward arguments, which are not part of my earlier article, to prove his contention that woman leadership is not allowed in Islam and that the shariah does not permit a woman to become head of Islamic state or head of Islamic government. He also mentioned in his article that Allah has sent no woman as prophet nor made woman imam of the mosque. He also raised question about the participation of women in the mosque and their placement in the mosque behind the row of men as a proof of women's secondary role to that of men in social affairs that are connected to leadership.

Dr. Jamal Badawi, eminent Egyptian Islamic scholar and currently chairman of the Islamic Information Foundation Canada, in response to the question 'why all the prophets were male' replied:

Islam teaches that prophets are not selected by people and so there is no question of their being male or female bias. Prophets are selected by Allah and He is neither male nor female. Possible reasons for a man always being chosen for this role include the fact that the prophet's role is not simply to prophesy, but to go out into the community and combat evil and enjoin goodness, even though he may suffer hurt and abuse by doing so. Thus, he not only leads the believers in their ritual worship, but also may have to lead them in battle. It is inconceivable, therefore, that a woman, perhaps someone who was pregnant, could face up to such duties, indeed, Allah does not select any man to be a

prophet - He selects men who have special fortitude.²⁵

Women, if not prophets, are the mothers of prophets although according to some Islamic scholars Maryam peace be on her was a Prophet as angel Gabriel visited her.²⁶

Dr. Jamal Badawi replying to another question 'why women pray behind men' replied:

The Muslim prayer does not simply involve quiet supplication whilst being seated; the salah includes bowing, prostrations and standing, therefore, logically, there is only one place where women could be situated when in congregational prayers and that is behind the men. The reason for this is that if they were in front of the men, or standing amongst them (shoulder to shoulder) neither men nor women could perform the prayer without disturbing the concentration which is required for this spiritual communication with Allah. Thus the positioning of the women has nothing to do with status, but is simply a matter of etiquette and modesty.²⁷

I shall now examine the hadith literature which is often misquoted against women. Eminent Islamic scholar Muhammad Nasiruddin Albani in his book *Sifatu Salatin Nabie Minat Taqbire Ilat Taslim Kaannaka Tarahu* quoted a hadith from Muslim, Abu Dawud, Ibn Khojaimah in which the Prophet is reported to have said:

A dog, an ass and a woman interrupt prayer if they pass in front of the believer, interposing themselves between him and the qiblah.²⁸

This hadith seems to aim at placing women behind men during prayer. Ayesha mother of the believers, however, contradicted this hadith saying:

You compare us now to asses and dogs. In the name of Allah, I have seen the Prophet saying his prayers

while I was there, lying on the bed between him and the qiblah and in order not to disturb him, I did not move.²⁹

She criticized the lumping together of women with dogs and donkeys which she regarded as insult on the person and personality of women.

In another hadith, the Prophet is reported to have said:

The better rows for men are front ones, and the worst are the last ones. The better rows for women are the last ones and the worst are the first ones.

This hadith, however, does not clearly prohibit women from the mosque and only seeks to place women behind men in prayers and not intended to prevent women from praying next to men in most crowded mosque. This hadith also need to be reconciled with another hadith in which the Prophet is reported to have said:

The first rows [of the prayers] were perceived as superior, specially the first one, for Allah and the angels bless the first row and the first few rows.

To interpret this hadith in a way that goes against the principle of human equality as enshrined by Islam cannot be acceptable for this is against the very spirit of Islam and the principle of natural justice of which Islam is exponent. The Prophet, in all fairness, cannot deny blessings to women keeping them in the rear rows. In fact some scholars got confused and compared the best rows with the prayer rows. In fact the hadith has been explained in a misplaced context. The best row is the first row of the battle. In other words, the Prophet encouraged women to stay behind the lines during the battles. This becomes clear if the aforementioned hadith is read together with the Qur'an. Al Qur'an states:

God loves those who fight in His cause in row, as if they were an ordered structure [61: 4].

The problem with this particular hadith arose as the later

compilers of hadith categorized this hadith with the chapter of prayer, salah.

That woman is not barred from the mosque is clear from the hadith in which the Prophet is reported to have said:

O women, when men prostrate themselves, then lower your gaze, so you do not see the private parts of men due to tightness of their loin cloths.

Al Fanjari cites a Tradition showing that a beautiful woman used to pray behind the Prophet and in front of other men.³⁰

Did any woman lead prayer in which males participated in any point of history? I remember, I read a piece by Dr. M. Hamidullah, Director of Islamic Centre Paris, sometimes in 1965-1966 in which he, while replying to a question by a lady, who came from a Muslim family but her husband was a newly reverted Muslim, whether she could lead her husband in prayer for the fact that he has not yet learnt how to offer salah, Dr. Hamidullah replied: yes you can and then he narrated a hadith. I am quoting Dr. Hamidullah from memory and I don't have in my possession the material where I read it. According to hadith, the Prophet had commanded Umm Waraqah bint Abd Allah ibn al Harith al Ansari to lead people of her area (dar) in prayer. She had her own muadhdhin, and she used to lead the people of her area (dar).³¹ The use of muadhdhin indicates that she led prayers in which a good number of Muslims were present.

The aforementioned hadith of the Prophet is also recorded in the hadith compilation Sunan Abu Dawud which reads: The Apostle of Allah peace and blessings be upon him used to visit her (Umm Waraqh daughter of Abd Allah b. al Harith) at her house. He appointed a muadhdhin to call adhan for her; and he commanded her to lead the inmates of her house in prayer. Abd al Rahman said: I saw her muadhdhin who was an old man. On the basis of this Tradition a group of scholars maintain that a woman can act as imam for the people who reside with her in her house, although they include males.³²

I want to conclude this article with the observation that what has been discussed here is not the last word and Allah knows the best. Allah hu alam.

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* Article prepared on 1 July 2006

Woman & Society

The New Nation published my article 'Muslim Society: Reasons of Backwardness' in January 2004. On 18 February 2005 a Bangla translation of the article appeared in a local daily (interested readers can see the text of both the articles in website <www.shahfoundationbd.org>). A learned lady raised objection to my observation that wife can receive and entertain the male guest of her husband in his presence as long as she adheres to the Islamic standards in her dress. In that case the male guest will naturally see the female host. In support of my view, I quoted eminent Islamic scholars of our time Prof. Dr. Yusuf al Qaradawi, Dean of the Faculty of Shariah, Qatar Islamic University, and Dr. Hassan Turabi, eminent jurist and ideologue of Sudanese Islamic movement. These eminent scholars quoted hadith Bukhari, hadith Muslim and Muwatta Imam Malik in support of their opinion.¹

The other objection raised by the learned lady was my observation that the Saudi women use veil, they cover their face, but other scholars of Islam view that such veiling or the covering of the face destroys woman's personality, even some think that veiling is harmful because it impairs woman's vision. It is also harmful for it creates obstacle to expression and hindrance to breadth.

In that article, I emphasized the importance of female participation in mosques for the advancement of the Muslim society and commented that barring women from the main prayer space is not Islamic, it more aptly reflects the age of ignorance or jahiliyah.

I am raising all these issues once again after so many days because the situation in Bangladesh after the publication of my article in 2004 has not improved much and I am rather pained by certain developments in this regard. It seems some people are not prepared to listen to anything new, even if it is consistent with the teachings of Islam. For some people, in our society, believe that our earlier scholars have explored all the gems of the Qur'an and hadith and the new generation has nothing to add.

Recently my friend Mohammad Ashraf Husain, editor of literary monthly Notun Safar, told me that he, along with his wife and daughters, was out in Dhaka city and it was time for asr prayer. Brother Ashraf prayed asr in the mosque while his wife and daughters waited in the street as women are not welcomed in the mosque. Mrs. Afroz Anjum is holding a Ph.D in Literature. She and the girls offered asr prayer after returning home but that was too late and they had to offer asr kadha. Who is responsible for their being late in asr prayer? Is not denying women access to the mosque a jahiliyah practice? During the time of the Prophet peace and blessings be upon him women prayed in the mosque and they were not segregated in watertight compartments.

I shall now narrate another incident. Recently, I had been in a post marriage reception in Dhaka city along with my wife, a professor of Economics in a government college in Dhaka city. The bridegroom, a barrister is settled in London, and the bride, an Australian graduate in Information Technology is settled in Sydney. Both the bridegroom and the bride are Bangladeshis by birth. The seating arrangements for men and women were separated by using a curtain. The entry points of male and female sections were totally separated and there was no way for a husband to communicate with his wife at the time of departure from the reception. Those couples who had two mobile phones, one set each with the

husband and the wife, were communicating with each other so that they could leave the party. Those couples who had no mobile phones at both ends were finding it difficult to communicate with each other.

Incidentally, neither my wife nor I had any mobile phone with us. Then what to do? I, therefore, partially removed the screen at the entry point of the female section, far off from the actual place where the ladies were sitting, to locate my wife but I met vehement opposition from a minor girl of about 12-13 years, the age of my grand daughter, in decent hijab. I am currently running sixty (at the time of writing this article). I think such segregation of women in watertight compartment is jahiliyah, a pre-prophetic culture of the days of ignorance. Even today during hajj a husband faces no difficulty in moving with his wife or faces no resistance from other women while trying to locate his wife as happened in this post marriage reception.

Some people overemphasize hijab; sometimes even give more emphasis than iman, faith. It is, in my view, quite wrong to use the first outward and visible sign of the hijab, a clear indicator of a Muslim woman, as whether she is a good or a bad Muslim lady. Some people also seem to take the view that for women's dress, black color is better - if she is in black from head to toe, she must be highly righteous. If she wears socks too, she must be even more pious and virtuous. On the other hand, if she wears western clothes, she must be a very bad Muslim lady.

This is a very simplistic analysis. It does not take into account her family background. It may be that nobody in her family circle ever wore hijab. It does not take into account the most important factor, as to where she spent fourteen years, the age when nearly everyone is influenced, while studying at the secondary and the higher secondary levels before entering the university for higher education. It does not take into consideration the fact that she may have

studied in English medium schools where western dress is a common phenomenon. Girls in such educational institutions wore jeans and t-shirts. It does not take into account the strong influence of the media, the advertisement business and the youth culture, which might have dominated her thinking throughout adolescence. It does not take into consideration the fact that in some parts of the world - and not only in non-Muslim countries - a woman in hijab would find it difficult or impossible to get a job or even a place in a higher educational institution. All these factors and several others affect a Muslim girl's attitude to dress nowadays.

Can we really say that all such women and girls are bad Muslims? From my own experience of knowing Muslim women from many parts of the world (I have worked in the U.N. as an international civil servant), I have observed that some who dress decently, but do not wear anything resembling hijab, could have a greater love of Allah, a greater devotion to prayers and a greater degree of sympathy and kindness to their fellow human beings than many who wear complete hijab but have some other shortcomings which, because they are not visible, may not be really noticed.

We should not, therefore, judge and identify women by their outer appearances only but welcome all Muslim women to the Islamic gatherings without conditions of dress, and without questioning and harassing them about it. It is our duty to ensure that every Muslim woman is aware of the requirements of Islamic dress, the reasons for it and their importance. We should also encourage her to obey the dress code of Islam, using the Islamic principle of hikmah, wisdom and patience. It also helps if we can make available modern styles of dress that the ordinary woman finds acceptable and which also comply with Islamic principles. Ultimately she must make her own decision. We have to understand that every human being is on a journey and

passes through different stages of spiritual and intellectual development. If we want such women to come close to mainstream Muslim society and learn more about Islam, we have to be very cautious in our approach and understand their mental makeup. If we reject them or show disrespect to them or show signs of looking down on them, they are likely to avoid us or even revolt. That would be a loss to them and to the ummah. We have to encourage those in full-hijab and those in semi-hijab and those not in hijab.

As said earlier, some people overemphasize hijab, sometimes even give more emphasis on it than iman, faith and insist that women not in hijab should not be invited or allowed to attend Islamic programs and social gatherings. This is against the principle of da'wah, Islamic call and guidance, nay the preaching of Islam

But why should we bother people and make a fuss about hijab? There are many other things about which people are negligent. Even in the matter of dress, it is prescribed in the hadith that Muslim men are to cover themselves in public from navel to knee. Yet Muslim boys and young men come out in brief shorts (for example, while playing football) that do not reach even half way down the thigh. No one says such young men are violating the principles of Islam and should not attend Islamic activities.

Moreover, those young boys playing football wearing brief shorts are directly exposed to thousands of viewers on the playground, in addition to the television viewers more than beauty contestants or fashion girls. The latter although exposed to television viewers are not directly exposed to thousands of viewers on the stage as in the case of former. But this is hardly discussed.

Then again, girls attending English medium schools wearing t-shirts or trousers are severely criticized for exposure of their breasts, but young boys wearing skin tight pants exposing their testis are not at all censured although in

this case boys deserve equal condemnation like girls. It seems society is more tolerant towards the wrongdoings of boys than those of girls.

I am not saying that one wrongdoing justifies another wrongdoing. What I am trying to point out is that just as the young men are not conscious of violating the Islamic code of dress by wearing brief shorts and skin tight pants, so are the Muslim girls unconsciously got used to inadequate dressing mainly during their time in the secondary and the higher secondary educational institutions. There is no reason to be harsh with women and lenient with men. There is no room for double standard in Islam.

Finally, as regards full-hijab, I would like to quote the opinion of Sheikh Adil Salahi, an eminent Arab Islamic scholar who is the Director of Islamic Foundation U.K., English translator of Sayyid Qutb's monumental commentary of the Qur'an - 'Fi Zilal al Qur'an'- 'In the Shade of the Qur'an' and author of another 850-page mammoth work 'Muhammad: Man and Prophet'. Commenting on the verse 24: 30-31 of the Qur'an in which both men and women have been asked to lower their look when they meet the opposite sex Sheikh Adil Salahi in his regular weekly column 'Our Dialogue' in the Saudi daily Arab News wrote:

The instruction of the verses quoted above is that both men and women are required to keep their eye cast down, so that when they meet each other, neither should men stare at women nor women at men. The natural question that arises is why man should lower his gaze if the face of woman is totally covered? From the Text of the verses it is clearly evident that the face of the woman is not to be covered and, therefore, man has been advised to lower his look.

References

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Women's Rights

Women hold half of the sky. In other words, fifty percent of the world population is women. The question is, whether this strength of women is reflected in the real life activities and actions in our family, socio-cultural, political and national life or even in the wider field of international domain. When women raise their voice to assert their rights, they are being dubbed as feminist. How fair is this? As the saying goes, a child is not fed unless screams. Women are not likely to get their rights unless they raise their voice. This is true in the sense that human civilization in the 20th century was forced to give attention to the poor that it deserves when the Marxists came forward with an all-pervading philosophy not suitable for the human nature. But nonetheless, the contribution of Marxists cannot be denied in the sense that it was able to draw the attention of the conscious people to reflect on the issue of poverty, made them think and contemplate, and give their considered opinion on how to salvage people in abject poverty. I would, at this stage, like to emphasize that Muslims are giving attention to women's issues and their rights at our time as women's rights are considered part of basic human rights because of the pressure and weight of women groups as they have become vocal about their rights.

In the Muslim society, it is not new that women would raise voice to get their due shares and rights. During the life time of Prophet Muhammad peace and blessings be upon him when men got more time and opportunity to learn about Islam compared to women, Madinah's women complained,

on one occasion, that men were outstripping them and requested the noble Prophet to set aside additional time to instruct them so that they could catch up with men, and learn more about Islam and the Prophet accepted their demand. During the caliphate of Umar bin Khattab may Allah be pleased with him women raised their voice against fixing of the mahr, dower as Qur'an did not fix a ceiling on the dower amount and the caliph conceded the demand of women. Nobody then objected as to why women were vocal and no one did find anything wrong in it and the women of Madinah were not labeled as feminist.

It should be understood that men and women together constitute one entity, a single whole. They are complementary to each other. None is complete without the other. Unilateral decision by anyone runs the risk of committing wrong and reaching conclusion not helpful for the welfare and onward march and progress of mankind.

That the perception and vision of women are sometimes different from men will be clear from the following two incidents I will narrate here. In 1997 I had been to Chittagong Hill Tracts, a hilly area in Bangladesh, and found that people are using gas-propelled auto-rickshaws, which can move faster, and there is no rickshaw, a locally produced cart pulled by man, which cannot move faster. I told my wife that the salary of the officials posted in Chittagong Hill Tracts is the same as that of the officials in the capital Dhaka and, therefore, being fixed salary-earner we can use auto-rickshaws in Dhaka like the officials posted in Chittagong Hill Tracts within our salary. My wife, however, immediately pointed out that an auto-rickshaw driver can lift a young girl as it has speed, can move faster and can change location in no time to hide whereas a rickshaw-puller cannot do so, as it has no speed, cannot move faster and cannot change location in a short time to hide. How would our young daughter use gas-propelled auto-rickshaws unless law and order situation improves and there is no possibility of her lifting, she asked?

In 2003 my wife and I went on a visit to a private university in Dhaka for admission of my daughter as its environment, I thought, is congenial for girl students. I assumed that my daughter can study four-years honors course in Computer Science in this university. But then my wife, who is now a retired professor of Economics, asked a faculty member of the Department of Computer Science of that university as to how many girl students it has in the second year in Computer Science and when the reply came that it has only five girl students, she changed her mind and decided not to admit our daughter on the ground that during the four years' honors course all the girl students will get married and discontinue studies. Can our daughter alone study with the boys in the class, she wanted to know? She mentioned that while she studied Economics at the Dhaka University, there were so many girl students at the honors level and most of them got married and during the masters course there were only a few left.

What lesson can we draw from the two incidents? The lesson is: It is important to involve women in the decision-making process, otherwise we run the risk of reaching inappropriate decisions. Women perception and angle are at times different from that of men and, therefore, while formulating and evaluating policies, women must be associated at all levels. There is nothing wrong on the part of our womenfolk demanding that they be associated with every institution that decides issues affecting the future of the members of the family, society and state and their demand must not be sidetracked labeling them as feminist. Women empowerment is not a matter of feminism but related to the overall development of the community. If women are educated, the nation is educated, that means educated women will change the face of a nation. If women change, society changes. Of all the benefits of promoting girls' education, possibly the most important factor is that it improves the country's long-term economic

growth that ultimately lifts a nation out of poverty. Indeed, the status of women is inseparably linked with the status of a nation.

But it needs to be addressed as to who is responsible for the rise of feminism in the Muslim world, even if we look into it from an unjustified negative perspective. In most of the conferences held in Bangladesh by the Islamists, women are sidelined. Sitting arrangements in the conferences are such that women have to sit in rear rows. The prayer area marked for the women in the Bangladesh national mosque Baitul Mukarram is not as lighted as the area used by men. In most of the mosques and graveyards in Bangladesh, women are not allowed to enter using the alibi of preserving the pristine environment which has nothing to do with the teachings of Islam.

The condition of women in Bangladesh is so bad that recently the eyes of a Dhaka University teacher were gouged out by her engineer husband and she has become totally blind. According to a recent study, conducted by CARE-Bangladesh, violence against women costs Bangladesh Taka 144,110 million a year, which is equivalent to 2.13 percent of the country's GDP. Taka 140,845.60 million is spent at individual and family levels on addressing violence against women, while Taka 1372.40 million at the state level and Taka 1500 million at the non-state level at a time when one U.S. dollar is equivalent to approximately BDT 77.15 (at the time of writing this article). Another problem in Bangladesh is the increasing demand for dowry by bridegrooms from the families of the brides with the consequence of rise in physical abuse of women and breakdown of families. Only a few days back, an educated young working girl divorced her schoolteacher husband before the bridal function was over when the bridegroom supported the demand of dowry by his family. This incident shocked the whole nation.

In some areas of Yemen, women, in the name of using nikab, are even forced to use leather mask to wrap up their face. In the Masjid al Nabawi Madinah women at the time of Prophet Muhammad prayed together with men using the same hall room but now women have been segregated in the Masjid al Nabawi Madinah.

On 11 March 2002 a fire broke out at a girls' high school at Makkah. Mutawa, religious police, tried to stop men from reaching the girls'. Mutawa forced some of the girls, who escaped the burning building, to return because, what they said, girls were not appropriately covered. In the process, fifteen schoolgirls got suffocated or burned to death and more than forty were injured. The ordeal of the mutawa's role in the girls' school fire surprised and shocked the whole world, not only smack the Saudi national nerve. When the firemen arrived, they were obstructed by the mutawa in performing their duties particularly at a time when all the female students were locked up in a corridor upstairs. Eventually police arrived and forcibly overruled the orders of mutawa and firemen started the rescue operation. It is not understood why the Saudi mutawa behaved like that when during the time of Prophet Muhammad women also participated in rescuing the injured men from the battlefield.

In Saudi Arabia there is nothing in the law preventing women from obtaining driving licenses. There is no tenet in the Qur'an for denying women this right. Women to assert their rights drove around downtown Riyadh. In that, women had not broken any law - there is no official ban on driving, just the weight of customs. There is nothing in the Qur'an or authentic Traditions of the Prophet that prohibit women from driving a car. Saudi decision has nothing to do with Islam. It is only an administrative decision of the ruler.

In another incident the husband of an Afghan wife, who went to perform hajj, objected, when Jeddah Immigration

Official asked the lady to uncover her face for the purpose of identification of the passport holder, saying if any official in Afghanistan would have asked his wife to uncover her face the official would have to cross a sword, meaning a declaration of war, before demanding such compliance. Such attitudes have nothing to do with Islam but peculiar practices of Afghan tribal culture. Honor killing in the tribal areas of Pakistan, Afghanistan and parts of Jordan is the outcome of ignorance and is against the teachings of Islam. This is also true about forced marriage or, more precisely, marriage without willing consent.

Women circumcision or female genital mutilation in Egypt and other African countries is also a local custom and nothing to do with Islam. We must not dub women, when they raise their voice against such practices as honor killing, female circumcision or even car driving as feminist for that is not going to solve the problem.

In fact injustices meted out to women in various Muslim countries are of different kinds and these reflect the peculiar culture of those countries. These cannot be generalized and the examples mentioned in this article are in no way exhaustive.

In fact, corrupt tribal customs and traditions, in other words, local culture, in many parts of the Muslim world, are subverting Islamic teachings. Indeed, in tribal societies cultural traditions work against change and some tribal customs and traditions have continued in the name of Islam. Each Muslim country has its own unique cultural peculiarities and while dealing with each community, we have to be careful and respectful to the mentality and emotions of those people. While working to change culture, we must follow different prescriptions for different people. The question is how to work with culture rather than against it. In fact, cultural change happens often slowly, is a long drawn process, and it takes time to make a way. But when

women try to raise voice against malpractices, they are being identified and stereotyped as feminist. Women's empowerment is not something new to the Muslim states; nor is it contradictory to the tenets of Islamic faith, rather outmoded attitudes towards women prevalent in societies across the Muslim world are rooted in customs and traditions not required by religion. Either we change ourselves or change will come against our will, against our culture and traditions. We need to disentangle cultural traditions from religious tenets and must separate religion from oppressive cultural practices. Nowhere the advancement of women's rights has been easy because it collides with the culture. Culture is immutable and even sometimes is a barrier for Islamic change.

Many problems existing in the Muslim countries are the result of misogynistic approach towards the problem, for women are not taken into confidence while discussing these issues. There are ample rights for women within Islam, if only patriarchal practices and interpretation can be stripped away and this can be done only if women are allowed a space in public life.

Ijtihad, the process of arriving at new interpretations of Islamic law through critical reasoning, rather than blindly following the views of the past scholars, by a qualified legal scholar using independent reasoning to come up with a solution that is consistent with the spirit of Islam and maqasid al shariah, objective of the shariah, would be profoundly helpful in answering contemporary questions. It calls for a more enlightened interpretation of Islamic jurisprudence through the process of independent reasoning.

Islamic reforms require a return to fundamental faith and a more contextual analysis of Texts and giving up literal interpretation. We must make difference between the universal values and the context that was specific to seventh-century Arabia. We have to make necessary

interpretation of shariah keeping in view the changing environment and eternal elasticity of the Text, which Allah kept open.

We need a more egalitarian interpretation of women's rights and this requires an organization solely devoted to this cause. We have to give up our closed view and open up our mind. Also we have to distinguish religion from tradition and this needs in-depth study. Misogynist interpretation of Islam is rooted in patriarchal tradition, not religion. We have to make distinction between Islam and patriarchal traditions and question the authenticity of various rulings used to oppress women. Indeed, Islam has been used to repress women in many societies at different periods of history. Injustice is due to the old traditions and wrong ideas that wear the garb of Islam. Unfortunately traditional Islamic scholars sometimes used flawed logic to justify their point. Correct understanding of the Qur'an would never allow such practices as polygamy, wife beating, and child marriage which modern scholars of Islam have rightly pointed out.

It needs to be understood that the Texts of the Qur'an and incontestable Traditions of the Prophet Muhammad only constitute the Divine Law, rest are humane, man-made. We, therefore, see huge diversity in the Muslim laws in various parts of the Muslim world and these are not necessarily part of the body of Divine Law, the shariah. Indeed, Islam has many faces. Ijtihad does not presuppose a single view as these are humane judgments and none of these have any bearing like the incontestable Texts. Diversity among Islamic intellectual thought is a proof of Islamic system of being dynamic and everlasting and its capacity and elasticity to adjust to space and time.

The question is why I am using such words as patriarchal practices or patriarchal traditions and misogynist interpretation of Islam or misogynistic approach. As I said

earlier that if women are not involved in the decision-making process, the conclusions are bound to be one-sided as women by nature, every so often, have different angles to look at things. If they are not involved in studying and evaluating wide-ranging issues and problems, we are likely to miss various points which deserve consideration and we may commit mistakes. There is no woman member in the OIC Fiqh Council. Now if we look at the legal opinions of the past scholars, we find that while deciding different issues they did not consult women to ascertain their views. In my humble opinion it would not be wrong and I shall not commit excesses if I suggest that the past scholars might have committed mistakes while formulating legal opinions, although it was not their intentions, because they did not consult women experts while formulating legal opinions affecting the future of Muslim community. This has further been proved by various research works done by women Islamic scholars of our time, who are now and again unjustly stereotyped as modern Islamic feminist. There is no room of labeling many of their works as grossly wrong rather these research works deserve serious consideration by us. There is no point in denying validity to some of their works although these might contradict the opinions and rulings of the past scholars.

I would ask my readers to particularly study such notable works as 'Women and Gender in Islam' by renowned Egyptian scholar Leila Ahmed, 'In Search of Islamic Feminism' by Elizabeth Warnock Fernea, 'Feminism & Islam: Legal and Literary Perspectives' by well-known Saudi scholar Mai Yamini, 'Veil: Modesty Privacy and Resistance' by Fadwa El Guindi, 'Rethinking Muslim Women and the Veil: Challenging Historical & Modern Stereotypes' by distinguished scholar Katherine Bullock, 'Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an' by reputed Pakistani scholar Asma Barlas, and even the 'Qur'an and Woman: Reading

the Sacred Text from a Woman's Perspective' by celebrated scholar Amina Wadud, to name a few. The reading of these and such other works will open up our mind, will help change our attitude, widen our vision and help us to understand the perception of women. It is important that we study the only available annotation and interpretation of the Qur'an in English by a woman - 'The Holy Qur'an: Translation with Commentary' by eminent Iranian woman scholar Tahereh Saffarzadeh.

This will help us understand women's psyche, insight and vision. It should be understood that the rise of Islamic feminism and the notion that women's rights and Islam can be compatible has thrown critical challenge against the traditional orthodoxy, prevailing and accepted view, and their religious legitimacy. However, we need not carry western cultural baggage. Muslims can pursue women rights from within and we must engage critically and constructively with our heritage in its own terms and must not adopt alien culture altogether. Indeed women across the Muslim world for the first time are deeply engaged in studying the Text through Qur'an study circles, television and radio discussions and even through the Internet. It would, therefore, be appropriate if we identify and recognize the Islamic female awakening as Islamic female activism rather than as Islamic feminism or name it as Islamic call for women's advancement. However, it needs to be realized that there is nothing wrong in the term Islamic feminism per se. Muslim women working for their advancement within the acknowledged limits of shariah, the Divine Law as against human interpretation and Muslim heritage are indeed doing laudable work.

While concluding, it needs to be noted here that during the last several decades, women have largely progressed in many parts of the Muslim world in such areas as education, employment, politics etc. which has not been talked about here as that is not the subject matter of present discussion.

Woman & Her Position

In my article 'Islam and Democracy: How far Compatible' published in The New Nation on 11 March 2006 I discussed, as a corollary to women's political participation and empowerment, the question whether it is obligatory on the part of Muslim women to fully cover face or use nikab.

In response to my article Mohammad Sakhi in the very first paragraph of his article under the heading 'Islam and Democracy' published in The New Nation on 17 April 2006 pointed out that I had written that 'veiled women are not required to lower down their gaze when they face opposite sex'. This statement does not correctly represent the words I have said in my article although some might infer such a farfetched conclusion. I would request Mohammad Sakhi to read my previous article. I shall, however, further explain here my position on 'lowering of gaze' for the benefit of readers.

The question that I discussed in my previous article is whether the Muslim women shall have to fully cover the face or use nikab. Referring to verse 24: 30-31 of the Qur'an wherein both men and women have been asked to lower their look when they face the opposite sex, I took up the position that "the instruction of the verses quoted above is that both men and women are required to keep their eye cast down, so that when they meet each other, neither should men stare at women nor women at men. The natural question that arises is why man should lower his gaze if the face of woman is totally covered? From the Text of the verses it is clearly evident that the face of the woman is not

to be covered and, therefore, man has been advised to lower his look". My understanding of the Text of the Qur'an is that women are not required to cover face or wear nikab. Others might differ with me.

Imam Abu Hanifa and majority of the scholars support the view that women need not cover their face although some other scholars hold different views.

Amazingly enough, the most important thing today is that the opinion cited should be old; the writer's reputation or the work's value does not matter. There is, however, no reason to think that our earlier generations have done all the research works and investigations and we have nothing to add. In this connection, the farewell pilgrimage message of Prophet Muhammad peace and blessings be upon him is very pertinent in which he called upon those who are present on the occasion to convey his message to those who are not present adding that those who will come to know about his message later might understand the inner meaning and significance of his message more than those who are present.¹

It is no good to conclude that 'modern Muslims influenced by western philosophy and technology are inclined to imitate them at the cost of our culture and civilization ... have developed a mentality of western path' as Mohammad Sakhi in his article has observed while making comments on my position on hijab. We must not overlook the general practice of hijab by women in Indonesia, Malaysia, Iraq, Palestine, Lebanon, Egypt and Morocco where they keep their face open and they do not cover their face with nikab. Women in the Saudi Television also appear without nikab, without covering the face. Even the women leaders of Ikhwan-al-Muslimin, Muslim Brotherhood throughout Middle East, including eminent Ikhwan leader of Egypt Zainab al Ghazali known for her monumental work 'Return of the Pharaoh: Memoirs in Naser's Prison', do not cover

their face. It is obligatory that women must not cover their face during hajj.

In this connection, it would be appropriate to quote hadith of Prophet Muhammad in which he said: Ayesha reports a Tradition that her sister Asma once came in thin clothes and Prophet Muhammad turned his face away from her and remarked: "O Asma when a girl attains maturity, she is not permitted to expose any part of her body except face and hand".²

Now let us discuss Mohammad Sakhi's observation that 'if husband does not allow her (wife) to go for pilgrimage (hajj) she cannot go'. Hajj is an obligatory ibadah, prayer, also for woman if she fulfills the conditions for hajj namely she is in good health, she has her own money, wealth and resources to bear the expenses and a muharram (with whom marriage is not allowed) - a brother or a son and so on who is willing to accompany her during pilgrimage. Husband cannot stop wife from performing fard, obligatory prayer, and there is no obedience that contradicts obedience to Allah and His Prophet and obedience is only on maruf and not on munkar [Bukhari, Muslim]. That means we can expect obedience only on lawful commands, on good things and we cannot expect obedience when the command is on unlawful matter, on doing evil [Bukhari, Muslim, Tabrani and Sharh al Sunnah].³

Mohammad Sakhi's observation that 'woman cannot be summoned to the court if she is purdah observing'. This is something not understandable. Indeed some Muslim scholars have engrossed themselves in woman studies emphasizing biological and psychological differences, thereby attempting to derive evidence from Islam to support their attitude. Such a decidedly un-Islamic bias has prevented Muslim scholars from considering the issue of women's testimony in the light of broader Quranic teachings of equality. Shaykh Taha Jabir al Alwani,

President of The Fiqh Council of North America and Member of the OIC Islamic Fiqh Council observed:

In essence, Muslim jurists and Quranic commentators allowed their cultural prejudices to color their discussions on women.⁴

Imam Abu Hanifa is of the view that:

Since the Qur'an indicated that women may serve as witnesses in financial transactions, they may also judge on financial and other matters.⁵

Witnessing is mentioned seven times in the Qur'an, and on only one occasion is there a requirement that if two men are not present, a man and two women will suffice (Al Qur'an 2: 282). It is clear that the testimony of a woman is equated exactly with that of a man in case of adultery: where one spouse accuses the other of infidelity, the accusation by one spouse is held to be just as valid as the denial by the other (Al Qur'an 24: 6-9). In other five references on witnessing (4:15, 5:106-107, 24: 4, 24: 13, 65: 2), the Qur'an does not specify whether witnesses should be men, women or a combination of them.⁶

Sayings from the Prophetic Tradition seem to contradict the view that, as in financial matters, there must be two men or one man and two women; for instance, according to Tradition, the Prophet is reported as having settled many disputes on the basis of one statement under oath and one witness - there is no indication whether the witness was a male or female i.e. it could have been either.⁷

If we look back to history we find that women as witness appeared before the qadi during the four rightly guided caliphs and afterwards during the Umayyad and the Abbasid period. Even today Muslim women appear in the courts in Saudi Arabia and Iran not to speak of other Muslim countries.

In this connection it would be appropriate to quote hadith of Prophet Muhammad: Wael-b-Hujr reported that a woman

came out at the time of the Messenger of Allah intending to say prayer. A man forced her and dragged her and satisfied his lust with her. She raised alarm but he went away. She passed by a host of the refugees and said: That man did with me such and such thing. They overtook him and came with him to the Messenger of Allah. He said to her: Go back because Allah has forgiven you and he said about the man: Stone him to death.⁸ Is this not a proof that a lady appeared before the Court of Prophet Muhammad.

Mohammad Sakhi observed: 'Our scripture never allows free mixing (of men and women) and soft speech (by women) with unknown persons ... how far modern female is correct when she defies Allah's command in the public hall meeting and Parliament House, when she speaks and announces on radio and television and serves as a hostess in aircraft with smiling face and sweet tone'.

Prof. Dr. Yusuf al Qaradawi is of opinion that "Islam prohibits khulwah between a man and a woman who are outside the degree of mahrem relationship".⁹ What is not allowed in Islam is "meet in private" and "male and female should not be alone together".¹⁰

As regards soft speech it appears in verse 33: 32 of the Qur'an and the verse is "directed to the wives of the Prophet ... it applies only to them".¹¹

We must not overlook the fact that Ayesha, herself a fuqaha, taught Qur'an and hadith to the companions of the Prophet. Women can go out when necessary and Prof. Dr. Yusuf al Qaradawi is of opinion that women can be a member of parliament and can serve as judge.¹² In Turkey only recently Marve Kavaki, a woman member of the parliament from an Islamic party entered the House in decent dress, in proper hijab - keeping the face open, and she was expelled from the parliament. People were in uproar not because she became a member of parliament but why she was denied to stay in the parliament with hijab.

Replying to a question: 'Can it be said that the way in which a woman overturned a proposal by Umar to limit the amount of mahr that is paid resembles the modern parliamentary process' Dr. Jamal Badawi replied:

There are six ways in which it is possible to draw a parallel between what happened during the reign of Umar and what happens today in parliament.

(a) When Umar stood up in the mosque to propose a ceiling in the amount that was payable for mahr, it was in fact the government producing a proposal to reform a particular aspect of marriage law.

(b) The venue for the discussion may not have been a parliamentary building, (it was the mosque), but in Islam, the mosque is not just a place of worship. The mosque has traditionally been used by Muslims to discuss and decide on social issues, political issues etc. - armies were often sent out from the mosque, foreign emissaries were received there and so on. Although there were no official delegates serving as members of the House, nevertheless it was similar to parliament because people would gather there to hear what their ruler had to say and have discussion with him.

(c) The fact that Umar made his proposal in public suggests that people were entitled to express their opinion about his decisions.

(d) People from all walks of life were present and could freely criticize if they wished.

(e) In the event it was a woman who voiced criticism of the proposal and the basis of her objection was that the proposal violated the terms of the constitution, for Muslims the Qur'an, the word of Allah, is the constitution and no human being can change any aspect of its provisions.

(f) Umar, on understanding the point that the woman made, immediately withdrew his proposed law, conceding that it was unconstitutional.¹³

To sum up, I have tried in the article to answer some of the issues raised by Mohammad Sakhi which I thought are important and relevant. I did not, however, respond to some other problems pertaining to Egypt and Turkey raised by Mohammad Sakhi though important, as the article has already become too big in size for publication in a newspaper.

I want to conclude with the observation that what has been discussed here is not the last word and Allah knows the best. Allah hu alam.

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Chastisement of Woman

The west considers itself as the cradle of modern civilization and it is also claimant of being the protector, promoter and defender of people's liberty, freedom, equality and fundamental human rights. The west is also very proud of being the emancipator of women although incidents of crime and violence related to women are quite high in the west, which is highly developed, compared to the backward poor countries in other regions of the world.

The position of women in the west can be comprehended from the behavior of its leaders towards women. Let us recall the separation of princess Diana Spencer from prince Charles, heir apparent of Queen Elizabeth II of the British Crown, future figurehead of the Church of England and father of two kids, for being "unfaithful to wife". He maintained extra-marital relation with his mistress Camilla that widely became known later as "Camillagate" scandal. French president Mitterrand is reported to have a daughter outside the wedlock. Think about the behavior senator Hillary Clinton, the then US first lady, received from her husband president Bill Clinton who maintained illicit sexual relation with Monica Lewinsky. It was during the presidency of Bill Clinton that homosexuality was allowed in the U.S. army.

The Christian Church has no role and little to say in such matters. Even the priests are involved in sex-related crimes and scandals. In May-June 2002, the media widely covered reports about the involvement of Catholic Church in sexual scandals indicating that the U.S. priests molested young

parishioners over the years. News also broke out that Australia was engulfed in the U.S. style sex abuse scandal in which a top Archbishop was involved. Europe and Latin American churches then hit the global news headlines. Sex scandal of the priests rocked the United States all the more and embarrassed president George Bush Jr. raised the issue of pedophilia scandal with Pope John Paul when he visited the Vatican on 28 May 2002.

The Arabic language daily al Quds al Arabi, published from London, quoted the Daily Mirror as reporting that a British man has on an average five extramarital lovers. Alan Clark, defense secretary during the Thatcher government, publicly admitted that he had slept with three generations - a girl, her mother, and her grandmother - in the office of the British Defense Ministry. According to an F.B.I. report of 1990, every day on an average 1756 rapes were committed in the U.S.A. Subsequent reports mentioned that every day on an average 1900 rapes were committed in the U.S.A. These are official figures and unofficial figures ran many times more. Classmates at student parties rape 87 percent young American women in the university during freshman year, reports said.

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

Now let us look at the state of women in Bangladesh. According to the United Nations Population Statistical Report 2001, Bangladesh secured the second position among the countries of the world for violence against women. How come this is the condition of women in Bangladesh, a

predominantly Muslim country? Indeed the status of women in Islam is very high. The first person who accepted Islam is a woman, ummul muminin - mother of the believers Khadijah Bint Khuwaylid may Allah be pleased with her. If women are not prophets, they are the mothers of the prophets although according to some Islamic scholars Maryam peace be on her was a prophet as angel Gabriel visited her.¹

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

In Islam all human beings, men and women, are equal [Al Qur'an 3: 195 and 33: 35]. Adam and Eve were created from a single soul [Al Qur'an 4: 1 and 7: 189] which contradicts the largely held Christian view that Eve was created from the rib of Adam and, therefore, women are inferior to men. Eminent Arab Islamic scholar and sociologist Dr. Hammudah Abd al Ati, a former associate professor of Sociology at Utica College of Syracuse University, translated verse 7: 189 of the Qur'an as:

It was Allah who created mankind out of one living soul, and created of that soul a spouse.²

Sayyid Qutb commenting on the creation wrote:

Allah, who has created mankind, is the One who has made duality part of man's nature, as it is indeed ingrained in all creation: "And of everything We have created pairs, so that you may bear in mind

(that Allah alone is One)” [Al Qur’an 51: 49]. He then willed to make the human pair two halves of the same soul: “Mankind, fear your Lord, who has created you from a single soul, and from it created its mate” [Al Qur’an 4: 1] ... Because the two mates are two halves of the same soul, they stand in the same position in the sight of Allah. Since Allah has given mankind a position of honor, He has honored women, assigning to them the same reward for their good deeds, the same rights³

The Islamic belief is that Allah decided to send khalifa or the vicegerent on the earth [Al Qur’an 2: 30] which contradicts the Christian view that Adam and Eve were expelled from the heaven due to the wrong committed by Eve at the instigation of iblis or shaytaan. The Islamic faith is that both Adam and Eve committed mistake at the persuasion and influence of shaytaan [Al Qur’an 2: 36 and 7: 20-22]. Human beings have been created in the best of mold [Al Qur’an 95: 4]. Therefore, it cannot be said that women’s intellectual capacity is less than that of men. Men and women are equal before Allah and they are created from the same substance in order to console, to complete and to fulfill each other.

In this connection, the comment made by the renowned Egyptian Islamic scholar and the greatest Islamic jurist of our time Dr. Yusuf al Qaradawi, Dean of the Faculty of Shariah, Qatar Islamic University, is worth mentioning. Dr. Qaradawi in his book *The Status of Women in Islam* wrote:

With the advent of Islam, circumstances improved for woman. Woman’s dignity and humanity were restored. Islam confirmed her capacity to carry out Allah’s commands, her responsibilities and observation of the commands that lead to heaven. Islam considered woman as a worthy human being, with a share in humanity equal to that of man. Both are two branches of a single tree and two children

from the same father Adam and mother Eve. Their single origin, their general human traits, their responsibility for the observation of religious duties with the consequent reward or punishment, and the unity of their destiny all bear witness to their equality from the Islamic point of view.⁴

If this is the status of woman in Islam, how can a misperceived husband justify the beating of his wife? There must be some error in our perception and understanding of the revealed Text of the Qur'an and, therefore, the issue needs to be examined anew, for the scholars of the earlier generation might have missed a point which needs to be clarified. In this connection, the Farewell Pilgrimage message of Prophet Muhammad peace and blessings be upon him is very pertinent in which he called upon those who were present on the occasion to convey his message to those who were not present adding that those who would come to know about his message later might understand the inner meaning and significance of his message more than those who were present.⁵

Imam Muhammad bin Idris al Shafi, the founder of the Shafi School of Thought or madhab, had modified and changed many of his earlier views on settling in Egypt after leaving Iraq due to the changed socio, cultural, political and economic conditions.⁶ Indeed, time and space are important elements of the Islamic jurisprudence.⁷

One problem with the scholars of the earlier period of Islam is that their understanding of the Qur'an had been less than critical owing to the fact that they stopped at the literal meaning of each verse without making serious efforts to compare and reconcile verses that seemed to contradict one another. The conceptual confusion occurred in the early period of Islam when the classical jurists took the Text of the Qur'an for what it appeared to be not for what it was meant to be. The mere repetition of outdated interpretations

and sterile thinking has, however, failed to bring about the desired social changes or to put an end to the prevailing cultural conflict and tension.

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

The broad objective of Islam is to establish peace. One of the meanings of 'Islam' is peace. Islam is committed to establishing peace not only at the global level, solidarity and brotherhood at the ummah level and unity and cohesion in the state and society but also promoting harmony in the family. The objective of the conjugal relation is to ensure love and compassion between the spouses [Al Qur'an 30: 21], avoid conflict and tension in the family and balanced growth of the children as responsive citizens with firm faith, competent to face the challenges of the new millennium. Women not only understand best the needs of the family and act as the main transmitters of the culture and values to the children; they bring different perspectives to life.

But the beating of wife by the husband can in no way promote understanding and kindness between husband and wife but instead increase hatred, friction and bitterness in the already acrid relationship. In such a situation, the family cannot play any constructive and meaningful role for the development of the society, for a bird cannot fly with one wing only. In fact a couple having intimate relations is for humanity what the sun is for the nature. How then the scholars of the earlier generation justified the beating of wife by the husband which contradicts the general objective

of Islam for maintaining peace, harmony and tranquility in the family? Moreover, the matrimonial union in Islam is an agreement by choice and the relationship can be terminated by judicious use of free will and there is no question of coercion.

The most misunderstood verse of the Qur'an which has been interpreted by the scholars of the earlier generation that justify the beating of wife by the husband is 4: 34-35 and the Arabic root verb is daraba. To arrive at the clear meaning of the verse of the Qur'an we shall try to reconcile the verses of the Qur'an and explain one verse of the Qur'an with the help of another verse, for that is the most methodical approach for interpretation of the Qur'an. We shall then refer to the seerah or the life of Prophet Muhammad for necessary guidance in this matter. We shall also examine the literal and etymological meaning of the word daraba in its different derivatives as appeared in various verses of the Qur'an.

To grasp the precise meaning of the verse of the Qur'an, we shall use English rendering of the Qur'an by Abdullah Yusuf Ali, Marmaduke Pickthall, Muhammad Asad, Sayyid Qutb, T. B. Irving and joint English translation of the meaning of the noble Qur'an by Dr. Muhammad Muhsin Khan and Dr. Muhammad Taqi-ud-Din al-Hilali.

We shall now quote the most misunderstood verse of the Qur'an, which has been used for cruelty against women. Abdullah Yusuf Ali translated verses 4: 34-35 of the Qur'an as:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct,

admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly) [Arabic word used in the verse is wadribuhunna]; but if they return to obedience seek not against them means (of annoyance): for Allah is Most High, Great (above you all). If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they seek to set things aright, Allah will cause their reconciliation; for Allah has full knowledge, and is acquainted with all things [Al Qur'an 4: 34-35].⁸

If one closely reads and examines the aforementioned verse of the Qur'an keeping in view the overall spirit of the matrimonial relationship of mutual love, affection and fellow feeling between the spouses and inbuilt structure of family on compassion and benevolence, one must necessarily conclude that intolerant attitude of the husband like recourse to beating the wife cannot be a way for continuation of peaceful and harmonious conjugal life, rather such cruel attitude of the husband is bound to create mutual suspicion and promote mistrust among the partners that might ultimately result in the disintegration and breakup of the family. Moreover, if the third step to resolve marital dispute is daraba, translated as beating as mentioned in the verse quoted above, the fourth step cannot be arbitration for if the husband takes the extreme step of beating wife, the arbiters will have little scope for mediation.

Logic also suggests that the spouses would also naturally prefer to keep their differences secret to avoid disgrace, embarrassment and humiliation in front of society unless they take the farthest step for divorce. What then is the inner meaning of the word daraba which is an instrument to bring about reconciliation and peace between the enraged spouses? Although the English translation of the word

wadribuhunna (root verb being daraba) has been made as beat them lightly, the word lightly is not mentioned in the revealed Text of the verse quoted above and, therefore, the question of beating wife by the husband does not arise irrespective of the level and degree of the beating if the husband is keen and really interested in the continuation of the marriage.

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

Does the word daraba then signify any allegorical, metaphorical or symbolic meaning beyond its literal and etymological connotation? Now if we fall back to the life of

the Prophet Muhammad as to what he did to resolve his differences with his wives, we do not find any record that the Prophet ever slapped, beat, hit or punched any of his wives. "Never did the Prophet raise his hand on any of his wives; all the testimonies show him as attentive and respectful to the person and the personality of the women who surrounded him".⁹

The Prophet "not only did ever raise his hand to strike any of his wives, but he condemned wife-beating".¹⁰

Fatima Mernissi, a sociologist of international repute and a teacher at the University of Mohammad, Rabat, Morocco, in her book, *The Veil and The Male Elite: A Feminist Interpretation of Women's Rights in Islam*, wrote:

The Prophet never raised his hand against one of his wives ... The only time when the Prophet was confronted with a domestic revolt, a rebellion by some of his wives, not only did he not beat them, but he preferred to leave his home and, to the great surprise of the city, to move for almost a month to a room adjoining the mosque.¹¹

Commenting on the 'domestic crisis' of the Prophet, Karen Armstrong in her book *Muhammad: A Western Attempt to Understand Islam*, wrote:

Muhammad withdrew from all his wives for a month ... All the Muslims were appalled to hear that Muhammad had withdrawn from his harem ... Muhammad kept apart from his wives for a month ...¹²

Who else knew more than the Prophet, who is the official interpreter of the Qur'an [Al Qur'an 16: 44], the meaning and significance of the instruction of this verse? The Prophet understood the implications and spirit of the verse and, therefore, he did not resort to beating. What Prophet Muhammad did is that he resorted to al-mashrabah, moved

away from his residential quarters for a month or so without inflicting any physical injury to enable the noble ladies ponder and try to understand the consequences of living in isolation from the husband, the mental pain and agony which a wife has to experience in the absence of the husband and realize the gravity and seriousness of recalcitrance and defiance.

The most candid meaning of the root verb daraba in the dialect and language of the Qur'an, therefore, implies and signifies to 'leave', to 'moving away', to 'separate'.¹³

It is significant that the Text of the Qur'an does not use the word daraba to denote physical or corporal punishment rather the Qur'an uses jalada (to lash, to whip, to flog etc). Al Qur'an states: The woman and the man guilty of fornication flog each of them with a hundred stripes ... [24: 2].

We shall now have a glimpse over the whole of the Qur'an and identify the verses of the Qur'an where the word daraba has appeared with its different meanings, connotations and derivatives in all seventeen distinct nuances or representations. The idiom daraba in the land denotes to travel or to depart [Al Qur'an 4: 101. The Arabic word used in the verse is waiza darabtum]. With respect to ear, the verb daraba means to block or to prevent hearing [Al Qur'an 18: 11. The Arabic word used in the verse is fadarabna]. And with regard to revelation, daraba means to stop, to halt, to abandon and to take away [Al Qur'an 43: 5. The Arabic word used in the verse is afanadribu]. Obviously, for the truth and false, daraba means to make both of them evident and to distinguish them from each other [Al Qur'an 38: 44. The Arabic word used in the verse is fadribbihi]; whereas, for veils, daraba connotes to draw them over and to cover the bosom [Al Qur'an 24: 31. The Arabic word used in the verse is walyadribna]. In the seas or rivers, daraba is to strike a path through the water and set the water aside [Al

Qur'an 20: 77- The Arabic word used in the verse is fadrib and Al Qur'an 26: 63 - The Arabic word used in the verse is anidrib]. But for humiliation and shame, daraba is to signify that both of them are pitched over people [Al Qur'an 2: 61. The Arabic word used in the verse is wadribat]; however, for a wall, daraba means to be erected, that is, to indicate partition or separation [Al Qur'an 57: 13. The Arabic word used in the verse is faduriba]. With regard to the finger tips, necks, faces and backs, daraba means to cut, to slash and to strike [Al Qur'an 8: 12 - The Arabic word used in the verse is fadribu and Al Qur'an 47: 4 -The Arabic word used in the verse is fadarba and Al Qur'an 47: 27 - The Arabic word used in the verse is yadribuna] ; whereas, for the rest of the verses [16: 76, 16 : 112, 66: 11; 43 :57; 17: 48; 2: 26, 16: 74; 2: 60; 3: 112; 4 : 94 and 37: 93], daraba means to impel, to shock, to slap, or to damage so as to precipitate the desired impact which is relevant to each respective situation, action or interaction.¹⁴

Now if we rewrite the translation of the verses 4: 34-35 of the Qur'an by Abdullah Yusuf Ali in the light of the meaning of the word daraba as explained by Dr. AbdulHamid AbuSulayman and quoted above, the meaning of the verse becomes:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next) refuse to share their beds, *(and last) leave the nuptial nest [or move away from the nuptial nest or separate from the nuptial nest]*; but if they return to obedience seek not against them means (of annoyance): for Allah is Most High,

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

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

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

Post-modernist Islamic scholars are highly critical of such translation of the verse as it is against the general principle of equality of men and women. Eminent German academic and intellectual Murad Wilfried Hofmann thinks that such interpretation of the verse of the Qur'an is creating obstacle

in the way of the progress of da'wah, Islamic call and guidance, in the west :

No other factor is harming the chances of Islamic da'wah as much as the occidental assessment that women in Islam are second class citizens, marginalized, suppressed and mummified. The trouble is that this assessment is not without foundation because Muslim women in many parts of dar al Islam are still deprived of their Qur'anic rights and status. In other words: Many Muslim women are still living much as they did during the jahiliyah. It is, therefore, from these jahiliyah practices that they must be emancipated. ... It is vital ... to contradict the misconception concerning women in Islam. Otherwise Islamic da'wah in the west is almost hopeless.¹⁵

In this connection, the remarks made by Tariq Ramadhan, professor of Philosophy and Islamic Studies, University of Fribourg, Switzerland, is very significant. He said:

The notion of the chief of the family who alone decides for, and sometimes against the rest of the family ... those cultural habits of a certain number of countries with Muslim majorities that attribute to Islam attitudes which in fact Islam reprobates.¹⁶

The belief that in essence, in attributes and in conception, men are superior to women is so deep-rooted that even some women believe that they are defective. "Such beliefs have little to do with Islam but are products of historical process that not only pre-date Islam but gained momentum after the death of the Prophet due to socio-political realities of the time".¹⁷

The remarks made by Dr. Hassan Turabi, the eminent intellectual, academician - former dean of the Faculty of Law, Khartoum University - and ideologue of the Sudanese Islamic movement and a former deputy prime minister of

Sudan, which has been endorsed by such prominent ulama as Shiekh Muhammad al Ghazali of Egypt, is very interesting and noteworthy. He pointed out:

The[se] male tendencies and the appending customs and ways are manifest in many societies where male arbitrariness runs amok with no religious or human limitation.

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

This phenomenon has sometimes occasioned an even more serious development. New or degenerate Muslim societies would sometimes, out of ignorance, attribute their un-Islamic legacy or custom to Islam itself. By attaching an Islamic value to these practices they seek to give them legitimacy and sanctity, the values of Islam being accepted as sacred and supreme. This explains the unabated influence on the minds of many otherwise good Muslims of attitudes abhorrent to Islam, especially in the sensitive areas of sex relations where passion is strong and custom is sacrosanct.¹⁸

Tariq Ramadhan further commented:

In the final analysis one must acknowledge that the situation of women in many Muslim societies causes a real problem. This is not only with regard to Western values but equally in the light of points of reference that are strictly Islamic.¹⁹

Commenting on the verse, Murad Hofmann wrote:

If Muslims throughout history had not adopted the Qur'an to their macho instincts but, on the contrary, had adopted their behavior to the Qur'an, women would not have become what can be seen in some places as second class citizens. In particular, it has never been justified to translate al-rijal qawwamuna ala al-nisa as instituting male superiority. This sentence does no more than oblige men to take care of women, with full responsibility, inasmuch as the women need it and her husband is capable of it. Man is not a step above her, but moves protectively a step in front of her.²⁰

T. B. Irving translated the verse [Al Qur'an 4: 34-35] as: 'men are the ones who should support women'. Celebrated commentator of the Qur'an Muhammad Asad translated the verse as: 'men shall take full care of women'.

Explaining the justification of the translation of the verse, Mohammad Asad commented:

The grammatical form qawwam is more comprehensive ... and combines the concepts of physical maintenance and protection as well as of moral responsibility: and it is because of the last named factor that I have rendered this phrase as "men shall take full care of women".²¹

Sayyid Qutb translated the verse as:

Men shall take full care of women with the bounties with which Allah has favored some of them more abundantly than others, and with what they may spend of their own wealth.²²

Commenting on the verse, Sayyid Qutb pointed out:

Allah has created human beings as males and females, following the dual role, which is central to the system of creation. He has given the woman the

great tasks of childbearing, breast-feeding and looking after her children. These are not tasks, which can be fulfilled without careful preparation, physically, psychologically, and mentally. It is only just, therefore, that the other part, i.e. the man, should be assigned the task of providing the essential needs and the protection required for the woman to fulfill her highly important duties. ... the Qur'an states that in Islamic society men are required to look after women. It is an assignment of duties on the basis of natural abilities and the fair distribution of responsibilities. Each party is assigned the duties most suited to its nature.²³

The implication of the verse is that men are to protect women as long as they need and desire protection. Eminent Egyptian Islamic thinker, journalist and educational reformer Dr. Fathi Osman translated the verse as: "Men, take full care of women, for what Allah has granted some of them distinctively from the other, and what they may spend out of their possessions". Explaining the verse, Dr. Osman commented:

The distinctiveness between man and woman is related to the woman's pregnancy, delivery, and nursing, which make it necessary that the man should have the responsibility to provide for her needs and the needs of the children, at least when she is hindered with such a distinctive function, that of reproduction.²⁴

Writing on the issue, Dr. Gamal A. Badawi, Chairman of the Islamic Information Foundation, Halifax, Canada, and an outstanding Islamic scholar who is actively involved in spreading the message of Islam in the west, commented:

In consideration of the physiological and psychological makeup of man and woman, both have equal rights and claims on one another, except for

one responsibility, that of leadership. This is a matter which is natural in any collective life and which is consistent with the nature of man. ... [qawwamuna] refers to the natural difference between the sexes which entitles weaker sex to protection. It implies no superiority or advantage before the law. Yet, man's role of leadership in relation to his family does not mean the husband's dictatorship over his wife. Islam emphasizes the importance of taking counsel and mutual agreement in family decisions [as mentioned in verse 2: 233 of the Qur'an].²⁵

Dr. Hammudah Abd al Ati pointed out:

This degree may be likened to what sociological parlance calls instrumental leadership or authority in the household due to role differentiation on the basis of sex.²⁶

The remarks made by Dr. Hasan Turabi are relevant to this issue. He said:

The man is in charge of the family, but that amounts only to responsibility for financial maintenance or for direction or discipline exercised in a reasonable manner. Both spouses should share in the management of family affairs, and have equal authority over their sons and daughters.²⁷

"It seems ... that the role this particular Qur'anic verse has played is an example of the adaptation of the Qur'an to existing pre-Islamic attitudes. It is high time to go other way and adapt male behavior to the requirements of the Qur'an".²⁸

In fact a woman is not her husband's mere subordinate but partner, companion and aide. The problem of the status of woman in Islam is not with Islam but with the Islamic thinkers' understanding of Islam which is colored with patriarchal notions. Our religious scholars sometimes resort

to fanciful, whimsical, far-fetched and distorted justifications and interpretations of the divine and sacred law, the shariah. We must, therefore, make a clear distinction between the primary sources of Islamic law which is the Qur'an and sunnah and the secondary source which is fiqh or the jurisprudence. The secondary source reflects views and concepts of Muslim thinkers of a particular time and not necessarily those of Islam. Views, deductions and inferences of the scholars, however eminent, of the earlier generations cannot be unequivocally attributed to Islam; these are, in fact, the views and commands of individual Muslim intellectuals and not those of Islam. Such views should not be accepted at their face value and need to be analyzed and reviewed in the light of the revealed Text of the Qur'an and the authentic hadith, the primary sources of Islamic law. A review of the fiqh does not, however, in any way diminish their value and sanctity but fulfills the requirement of the time.

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

Now if we rewrite the translation of the verses 4: 34-35 of the Qur'an by Abdullah Yusuf Ali in the light of the meaning of the word *daraba* as explained by Dr. AbdulHamid AbuSulayman and quoted above, and *al-rijal qawwamuna ala al-nisa* as explained above by Muhammad

Asad, Sayyid Qutb and others, the meaning of the verses becomes: *Men shall take full care of women with the bounties with which Allah has favored some of them more abundantly than others, and with what they may spend of their own wealth.* Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) leave the nuptial nest [or move away from the nuptial nest or separate from the nuptial nest]; but if they return to obedience seek not against them means (of annoyance): for Allah is Most High, Great (above you all). If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they seek to set things aright, Allah will cause their reconciliation; for Allah has full knowledge, and is acquainted with all things [Al Qur'an 4: 34-35].

In this connection it is pertinent to discuss verse 2: 228 of the Qur'an which is sometimes confused and man is placed higher than woman in respect of status. Al Qur'an states: Divorced women shall wait concerning themselves for three monthly periods. And it is not lawful for them to hide what Allah hath created in their wombs, if they have faith in Allah and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation. And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree over them ... [Al Qur'an 2: 228]. Marmaduke Pickthall translated this verse: ... And they (women) have rights similar to those (of men) over them in kindness, and men are a degree above them In their joint English rendering Dr. Muhammad Muhsin Khan and Dr. Muhammad Taqi-ud-Din Al-Hilali translated the verse: ... And they (women) have rights (over their husbands as

regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them Sayyid Qutb translated the verse: ... Women shall, in all fairness, enjoy rights similar to those exercised against them, although men have an advantage over them Muhammad Asad translated the verse: ... The rights of the wives (with regard to their husbands) are equal to the (husbands') rights with regard to them, although men have precedence over them (in this respect) Dr. Muhammad Muhsin Khan and Dr. Muhammad Taqi-ud-Din Al-Hilali in their translation of the verse clearly indicated that this higher degree is nothing but the husband's higher degree of responsibility over the wife.²⁹

Abdullah Yusuf Ali indicated that "man's rights and liabilities are a little greater than the woman's".³⁰

What Sayyid Qutb meant by the words men have an advantage over women is that "man who initiates the divorce and would, therefore, have the prerogative to take wife back, a decision that could not be left to her to take. This advantage, indeed a useful and proper one, is by no means universal, as some have erroneously concluded, but is simply dictated by the nature and the circumstances of the dispute".³¹

But Muhammad Asad interpreted the verse as:

A divorced wife has the right to refuse a resumption of marital relations even if the husband expresses, before the expiry of the waiting-period, his willingness to have the provisional divorce rescinded; but since it is the husband who is responsible for the maintenance of the family, the first option to rescind a provisional divorce rests with him.³²

Thus it is clear that this verse cannot be taken to mean men's intrinsic and natural superiority over women. Both are

human beings, thus equal. The difference between man and woman, if any, is earned and achieved in terms of professional excellence and righteousness [Al Qur'an 49: 13, 3: 195 and 99: 7-8].

Dr. Hammudah Abd al Ati pointed out:

The question of the Muslim wife's obedience and the husband's authority has been viewed from what seems to be a limited perspective. It is taken by most writers to be based almost entirely on two statements in the Qur'an and some supplementary Traditions of the Prophet. The Qur'an [2: 228] states that women have rights even as they have duties in an equitable manner, but men have a degree above women. Again, the Qur'an states [4: 34] that men are the guardians, protectors, or custodians of women because Allah has made some of them excel others and because men expend of their means to maintain women. ... Conclusions reached by such observers are hardly acceptable at their face value; they should be subjected to careful scrutiny and structural analysis. Generalizations have been made about the inferiority and subordination of women throughout history.

Yet the new sociological insights into the nature of the power structure within the family may cast some serious doubts on the unqualified validity of such generalizations. Men may have believed themselves super ordinate or superior and acted according to their own definition of the situation. Women also may have behaved at least externally, as though they were submissive and subordinate. But whether they were actually so in all respects and always is an open question. ... Moreover, there is a grammatical point that may be suggestive. The verse states that men are guardians, etc of women

because Allah has made some of them excel others. The Arabic original of the italicized objective pronoun (them) is the plural masculine. If taken literally, it would mean that Allah has made some men excel others. But if it is interpreted in conjunction with the first part of the verse, where men and women are mentioned, the pronoun *them*, though strictly masculine, can be taken so as to refer to both men and women. In this case, excellence is attributed to some generalized men and women. This would be based on the grammatical rule of taghlib, according to which a plural consisting of singulars differentiated on some levels may be identified by one of its components and still include the rest.

For example, the sun and the moon may form a plural which can be called the two moons. It would seem that the referents of the objective pronoun *them*, of whom some excel, include members of both sexes for at least two reasons. First, if excellence is conferred by Allah on some men to the exclusion of other men and also of *all* women (a necessary conclusion of taking the original pronoun literally as a plural masculine), it would be difficult to explain why the Qur'an clearly designates men in general as guardians of women, or why it allocates right and duties to the male sex on the merit of only some members thereof. Secondly, the object of the verb excel is defined neither by the masculine nor by the feminine pronoun, nor is the content of excellence specified in the verse. There is no direct indication of who is excelled or in what excellence is. Furthermore, it is a grammatical rule that the pronoun refers to the nearest preceding noun unless otherwise indicated. The nearest referent of the pronoun *them* in the

verse is actually women, not men. If the interpreters of the Qur'an adhered to this rule of Arabic grammar, they would have concluded that Allah has made some of them, i.e. women, excel. But they instead took the verse to mean that Allah has made some men excel.

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

In view of this analysis, a reinterpretation of the verse may be worth attempting. Men are guardians, etc. of women because men and women are not completely alike; they are differentiated and differentiable in various respects. Some of them, men and women, are endowed with what others, men and women, lack.³³

Another issue which needs to be clarified is hijab, headgear or the covering of the head by the women which is

sometimes confused with covering of the face by the believing women. In verse 33: 59 of the Qur'an believing Muslim women have been advised that they should cast their outer garments (min jalabibihinna) over their persons when out of doors. Al Qur'an states: O Prophet! Tell your wives and daughters and the believing women that they should cast their outer garments over their persons (when out of doors): That is most convenient, that they should be known (as such) and not molested and Allah is Oft-Forgiving, Most Merciful [Al Qur'an 33: 59] This general instruction should not, however, be confused with specific instruction for the ummul muminin, the mothers of the believers contained in verse 33: 53 of the Qur'an wherein Muslim males were advised to talk to the wives of the Prophet Muhammad from behind a screen. Al Qur'an states: O you who believe! Enter not the Prophet's houses until leave is given you for a meal (and then) not (so early as) to wait for its preparation: but when you are invited, enter; and when you have taken your meal, disperse without seeking familiar talk. Such (behavior) annoys the Prophet, he is shy to dismiss you, but Allah is not shy (to tell you) the truth. And when you ask (his ladies) for anything you want, ask them from before a screen: that makes for greater purity for your hearts and for theirs. ... [Al Qur'an 33: 53].

Now let us read the general instruction towards the believing women as mentioned in the verse quoted above [Al Qur'an 33: 59] together with verse 24: 30- 31 of the Qur'an which tells women not to display their beauty and adornment except that which is apparent. The general instruction of Islam is that man should lower his look when his eyes fall on the face of a woman and vice versa. Al Qur'an states: Say to the believing men that they should lower their gaze ... And say to the believing women that they should lower their gaze and guard their modesty [others have translated as: guard their sexual organs,

protect their private parts. mindful of their chastity]; that they should not display their beauty and ornaments except what (ordinarily) appear their of (Arabic word used is illa ma zahara minha), that they should draw their veils over their bosoms and not display their beauty ... [Al Qur'an 24: 30-31].

Traditionally illa ma zahara minha has been interpreted allowing only women's face, hands and feet to be uncovered. This is the view of Imam Abu Hanifa. Imam Malik and Imam Shafi hold the same view. Imam Abu Yusuf of Hanafi School of Thought is, however, of the view that women, within the limits of illa ma zahara minha, can also keep their hands uncovered up to elbow.³⁴

But others oppose the view saying that face of the woman attracts man most and, therefore, face should be totally covered. But this view is not tenable. The instruction of the verse quoted above is that both men and women are required to keep their eye cast down, so that when they meet each other, neither should men stare at women nor women at men. The natural question that arises is why man should lower his gaze if the face of woman is totally covered? From the Text of the verse it is clearly evident that the face of the woman is not to be covered and, therefore, man has been advised to lower his look.

Eminent Islamic scholar Dr. Yusuf al Qaradawi, however, pointed out:

A difference is to be noted here between the expressions, "lower their gaze" and "guard their sexual organs", signifying that while the sexual organs must be totally guarded without any leeway, the lowering of the gaze is only partial, because necessity and the general interest of the people require that some looking at the members of the opposite sex is allowed. "Lowering the gazes" does not mean that in the presence of the opposite sex the

eyes should be shut or that head should be bowed toward the ground, since this would be impossible.... Here “lowering of the gazes” means to avert one’s gaze from the faces of the passers-by and not to caress the attractive features of the members of the opposite sex with one’s eyes.³⁵

Dr. Qaradawi pointed out that what is not allowed is lustful look.³⁶

The Prophet taught Muslims, if they had to sit by the road, to lower their gaze as women pass by, Dr. Hassan al Turabi wrote quoting Muslim.³⁷

A man should not gaze at a woman or a woman at a man so fixedly that temptation is stimulated. Instead, whenever any such thing strikes the mind, one must desist from looking on. The Prophet advised Ali may Allah be pleased with him: “O Ali, you must not gaze at a woman. You are allowed the first look but not the subsequent”. Dr. Hassan al Turabi, however, pointed out:

Ali’s report does not mean that looking at a person of the opposite sex is absolutely forbidden. It is only when one seeks sexual pleasure or finds and relishes it. Indeed, in the model society of Islam, Muslims used to assemble freely and frequently; they were mostly acquainted with each other, men and women; they conversed and interacted intensively. But all those activities were undertaken in a spirit of innocence and in the context of a virtuous society.³⁸

Varying on the condition of the climate, heat, wind and dust, women, however, do cover their face in different regions. Eminent thinker, intellectual and former German diplomat Murad Wilfried Hofmann pointed out that veiling women totally is:

A custom that is not Arab but Byzantine and Iranian in origin. Women of leisure and high social standing

had obviously found out that they could underline their class by taking to the veil. Making them seem slightly remote, this device would make them appear more rare and precious. And of course, cultivating the veil simultaneously enhanced the Oriental proclivity for jealousy. At any rate, it is a fact that at the time of Prophet and immediately afterwards, Muslim women were not totally veiled (and Bedouin women in Saudi Arabia are still not). Indeed, women pilgrims to Makkah must not be veiled because their predecessors, contemporaries of the Prophet, were not when they went out on pilgrimage.

On the one hand, it is not without logic that Saudi women go voluntarily beyond the Qur'anic obligation to cover themselves. If the purpose of covering a woman's hair, bosom and arms is to save her from becoming a sex object, to protect marriages from unabashed solicitation, and to avoid a vain and ruinous beauty fashion competition among women, then why should such strong points of sexual fixation as eyes, mouth and ankles remain on public display?.³⁹

Nonetheless, it should be kept in mind that a person is identified by the face. Modern psychologists and public relations experts study face to ascertain the character and mental makeup of the individual. Face is the reflection of one's personality. Forcing women to totally veil or cover their face, in fact, is tantamount to destruction of the personality of the women. A woman, however, has the inalienable fundamental rights to live in a society which allows her to blossom. Woman like man can, however, expose her personality not through nakedness but through decent adornment and covering of the body. Al Qur'an states: O you children of Adam! We have bestowed raiment upon you to cover your shame as well as to be an

adornment to you, but the raiment of righteousness- that is best. Such are among the Signs of Allah that they may receive admonition! O you children of Adam! Let not shaytaan seduce you in the same manner as he got your parents out of the Garden, stripping them of their raiment, to expose their shame: for he and his tribe see you from a position where you cannot see them: We made the shaytaan friends (only) to those without faith” [Al Qur’an 7: 26-27].

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Woman & Mosque

Women constitute fifty percent of the population. Without active participation of women no society can make any meaningful progress, neither materially nor spiritually. Our society, however, hardly realizes this. We, therefore, see that women, with a few exceptions, are still not allowed to enter the masjid - mosque in Bangladesh although nobody can think of changing this morbid society without the active participation of half of its population.

Women, being mothers, are the first teachers to impart moral teachings to the children. Unless they have access to the mosque how can they learn the teachings of Islam and give moral lessons of Islam to the children? It is important that when the general curriculum is secular, imparting no ethical values to the new generation of students, we must open the door of the mosque to the women so that they can learn the primary teachings of Islam from the mosque imams and keep the home environment essentially close to Islam. Only vibrant Islamic families can guarantee the renaissance of Islam in the days ahead and salvage the Muslim society from the onslaught of materialism and consumerism.

It is also important that we keep alive the age-old tradition of teaching the fundamentals of Islam to the children in the family in view of the agenda of the enemies of Islam to destroy the Islamic seminaries, the madrasas which they think are the breeding ground of Islamic fundamentalists, militants and terrorists, words that are widely used to create fear about Islam. The reality, however, is that it is these centers of learning that have kept the Islamic culture alive in

the society. Western powers such as the U.S. is pressing the government of Pakistan to change the curriculum of the religious schools, and urging its president to divert all donations from religious seminaries. At the same time, they are also asking the government of Pakistan to take over the endowment properties, the waqf, that belong to these institutions. They are also trying to influence the leadership in Bangladesh to materialize their agenda.

A few years back my friend Dr. Muhammad Ataul Karim, Dean, School of Engineering, City University, New York came to visit Bangladesh, his home country. It so happened that Dr. Karim and his daughter were at Sonargaon Hotel at the time of Maghrib prayer. Leaving his daughter, Dr. Karim wanted to go to the nearby Kawran Bazar mosque to pray salat al Maghrib, but the daughter insisted that she would also offer Maghrib at that mosque. Dr. Karim, fully aware of the socio-cultural and religious scenario of the country, went to the mosque imam for permission so that his daughter could offer salat al Maghrib at that mosque. But the girl raised a very pertinent question: why such permission shall at all be needed when she can pray in any mosque in the U.S. and no permission is required?

Every year thousands of women of our country visit Saudi Arabia to perform umra and hajj. They pray at Bait al Haram Makkah and Masjid al Nabawi Madinah. Our women leaders, notably Begum Khaleda Zia and Sheikh Hasina, perform umra and hajj and our television channels telecast these footages and we see them performing umra and hajj and praying at Masjid al Nabawi. We see on the television screen ladies performing salat in the mosque during the two Eid festivals in Indonesia, Malaysia, Morocco and other Muslim countries, but still in Bangladesh we do not encourage women participation in the mosque.

Why is this sorry state of affairs in Bangladesh? Why are the ladies barred from entering mosque? Is there any shariah bar

on women entering the mosque? This needs in-depth study and misgivings, if any, need to be removed.

If we look at Bait al Haram Makkah we find that even today women pilgrims have complete access to this mosque and women can pray wherever and whenever they like, no barriers separated men and women. In the Masjid al Nabawi built by Prophet Muhammad peace and blessings be upon him prayers were conducted in the vast empty courtyard and significantly there appears to be no walls or any other barriers separating men and women. There was no other partition or screen as evidence of gender segregation at least at the time of the noble Prophet. This will be clear if any one consults the early books on the architectural design of Masjid al Nabawi, it was a simple rectangular structure. The description of the mosque's layout and the Qur'an indicate women's complete access and participation.

Here in this article, I shall examine the verses of the Qur'an and hadiths - sayings, actions and tacit approval of the Prophet, things happening before him but he did not oppose - which supports women's access to the mosque and also those verses of the Qur'an and hadiths which are often being misquoted to discourage the presence of women in the mosque.

A close examination of the Qur'an shows that some verses address men in general terms that include women, male plural which in Arabic grammar and lexicography can include women. Female plural does not include men. Some verses address women specifically either by the female plural or by referring to particular woman as Maryam. Al Qur'an states:

... you should face Him only in each and every place of worship in prayers ... [7:29].

In another verse Al Qur'an states:

O children of Adam wear your beautiful apparel at every time and place of prayer ... [7:31].

Here in these two verses all Muslims are commanded to pray at every mosque and take adornment, beautiful attire - clothing, attar etc.

Several verses talk negatively of those who prevent believers from entering mosque and warn them of severe punishment, as for example Al Qur'an states:

And who is more unjust than he who forbids mention of name of Allah from any of His houses of worship and strive for their ruin although they have no right to enter them save in fear of Allah . For them, in this world, there is ignominy in store; and for them, in life to come, awesome suffering [2:114].

In another verse Al Qur'an states:

But what have they now in their favor that Allah should not punish them - seeing that they bar the believers from the Sacred Mosque, although they are not its rightful guardians? None but the Allah-conscious can be its guardians; but most of them do not know [8:34].

In another verse Al Qur'an states:

Behold, as for those who are bent on denying the truth and bar others from the path of Allah and from the Sacred Mosque which We have set up for all people alike - both those who dwell there and those who come from abroad - and all who seek to profane it by deliberate evildoing, all such shall We cause to taste grievous suffering in life to come [22:25].

Al Qur'an in another verse states:

They are the ones who disbelieved and hindered you from the Sacred Mosque and the sacrificial animals, detained from reaching their place of sacrifice. Had there not been believing men and believing women whom you did not know that you were trampling down and whose account a guilt would have accrued

to you without your knowledge, Allah would have allowed you to force your way, but He held back your hands that He may admit to His mercy whom He will. If they had been apart, We should certainly have punished the unbelievers among them with a grievous punishment [48:25].

The aforementioned verses [2:114, 8:34, 22:25 and 48:25] of the Qur'an indicate the right and obligation of every Muslim to participate in the mosque activities. The contexts of these verses indicate and suggest that these apply to all believers, regardless of gender, although participation of women has not been mentioned in explicit terms.

Other verses, however, specifically mention women's participation in group prayers. Al Qur'an states:

The believers, men and women, are protectors (Arabic word used *awliya*) of one another, they enjoin what is just and forbid what is wrong; they perform regular prayers, pay zakah and obey Allah and His Messenger. Allah will have His mercy on them. Surely Allah is All-Mighty, All-Wise [9:71].

The above verse signifies togetherness in prayers as well as in enjoining good, forbidding evil, giving charity and obeying Allah and His Prophet. These activities clearly have a public aspect to their fulfillment and are mandated for both men and women.

The term *awliya* has different meanings: helpers, allies, supporters, friends, protectors, neighbors, followers or close unto one another and also used to describe relationship between *ansar* and *muhajirun* [Al Qur'an 8:72] and also relationship between Allah and His close ones [Al Qur'an 10:62].

This responsibility of counseling (*awliya*) is not restricted to giving advice by man to man and woman to woman but also man to woman and woman to man. This responsibility has been fulfilled by the woman who was present in the mosque

when she opposed the fixation of dower, mahr by caliph Umar bin Khattab while giving sermon in the mosque on the ground that the Qur'an does not limit this [Al Qur'an 4:20]. This incident also indicates that women were present in the mosque during the time of caliph Umar bin Khattab.

In another verse Al Qur'an specifically addresses Maryam to offer prayer in congregation. Al Qur'an states:

O Mary! Worship your Lord devoutly, prostrate (Arabic word irkai) yourself and bow down in prayer with those who bow down (Arabic word ar-rakiun) [3: 43].

Here in this verse the term used with those who bow down is ma'a al rakiin. Rakiin is the masculine plural form. According to Arabic grammar and lexicography, as also mentioned earlier, it may or may not include women, but must include men. The feminine plural would have been rakiat, which is not used in this verse. It is thus clear that Maryam is ordered to pray with a group that includes men. The words used in the verse with those who bow down-Arabic words ma'a al rakiin. Rakiin is interesting. The word ma'a means with and not behind or away from or segregated from. Thus it is also crystal clear and established that Maryam was asked to pray with men and not behind men or away from men or segregated from men.

The presence of Maryam in the mosque is further indicated in verse 3: 37 of the Qur'an. The word mihrab used in this verse is not the prayer direction commonly used but 'a place of praying or private room'.¹ That a woman is depicted as being present in its inner most sanctums means that she had full access to the mosque.

This verse also present Maryam as not being segregated from men, since Prophet Zakariya entered the mihrab when she was there and talked to her and then offered prayer [Al Qur'an 3: 37-39]. This clearly illustrates the position of the Qur'an as regards the presence of women in the mosque.

That Prophet Zakariya was praying in the mihrab [Al Qur'an 3: 39], he came out of mihrab [Al Qur'an 19: 11] and Prophet Dawud was present in the mihrab [Al Qur'an 38: 21-22] establish that mihrab was not a ladies' chamber.

The Qur'an testifies to the legitimacy of the women's using the mihrab and entering with men in Masjid al Aqsa, the third major Muslim shrine. General and gender specific verses indicate that women had full access to the mosque and that praying next to men was considered normal and legitimate. The material and textual sources dating back to Islam's ideal period point that women had full access to the mosque.

We can conclude from the aforementioned evidences that both material and textual records appear to support full female access to the mosque during the time of the Prophet, which cover both Makkan and Madinan periods. What is noteworthy is that at the two earliest and most important shrines, there were no barriers separating women from men and no separate entrances either. Although some changes took place during the time of caliph Umar bin Khattab, there was, however, no walls or barriers separating men from women within the courtyard.

The first one in which partition separating men and women was introduced was at al Aqsa mosque, for there were three maqsurat (separate enclosures or compartments shut off by wooden lattices or even by balustrades) for women in 912-913. The first maqsurah probably built during the early Umayyad era was an enclosure near the mihrab that separated the ruler from the people and this was disapproved by the scholars. Ibn Batuta while visiting Mogadishu in later part of 1330 witnessed the presence of such maqsurah in a mosque in Mogadishu to protect rulers from assassins.²

We shall now examine the hadith which is often misquoted. Eminent Islamic scholar Muhammad Nasiruddin Albani in

his book 'Sifatu Salatin Nabie Minat Taqbire Ilat Taslim Kaannaka Tarahu' quoted a hadith from Muslim, Abu Dawud, Ibn Khojaimah in which the Prophet is reported to have said:

A dog, an ass and a woman interrupt prayer if they pass in front of the believer, interposing themselves between him and the qiblah.³

This hadith seems aimed at placing women behind men during prayer. Ayesha, the mother of the believers, however, contradicted this hadith saying:

You compare us now to asses and dogs. In the name of Allah, I have seen the Prophet saying his prayers while I was there, lying on the bed between him and the qiblah and in order not to disturb him, I did not move.⁴

She criticized the lumping together of women with dogs and donkeys which she regarded as insult on the person and personality of women.

In another hadith the Prophet is reported to have said:

The better rows for men are front ones, and the worst are the last ones. The better rows for women are the last ones and the worst are the first ones.⁵

This hadith, however, does not clearly prohibit women from the mosque and only seeks to place women behind men in prayers and not intended to prevent women from praying next to men in most crowded mosque.

This hadith also need to be reconciled with another hadith in which the Prophet is reported to have said:

The first rows [of the prayers] were perceived as superior, specially the first one, for Allah and the angels bless the first row and the first few rows.⁶

To interpret this hadith in a way that goes against the principles of human equality, as enshrined in Islam, cannot be acceptable, for this is against the very spirit of Islam and

the principle of natural justice of which Islam is exponent. The Prophet in all fairness cannot deny blessings to women keeping them in the rear rows.

Some scholars got confused and compared the best rows with the prayer rows. In fact the hadith has been explained in a misplaced context. The best row is the first row of the battle. In other words, the Prophet encouraged women to stay behind the lines during the battles. This becomes clear if the aforementioned hadith is read together with the Qur'an. Al Qur'an states:

God loves those who fight in His cause in row, as if they were an ordered structure [61: 4].

The problem with this particular hadith arose as later compilers of hadith categorized this hadith with the chapter of prayer, salah.

That women are not barred from the mosque is clear from the hadith in which the Prophet is reported to have said:

O women, when the men prostrate themselves, then lower your gaze, so you do not see the private parts of the men due to tightness of their loin cloths.⁷

Al Fanjari cites a Tradition showing that a beautiful woman used to pray behind the Prophet and in front of other men.⁸

Did any woman lead prayer in which male participated in any point of history? According to hadith, the Prophet had commanded Umm Waraqah bint Abd Allah ibn al Harith al Ansari to lead people of her area (dar) in prayer. She had her own muadhdhin, and she used to lead the people of her area (dar).⁹ The use of muadhdhin indicates that she led prayer in which a good number of Muslims were present.

The aforementioned hadith of the Prophet is also recorded in the hadith compilation Sunan Abu Dawud which reads:

The Apostle of Allah may peace and blessings be upon him used to visit her (Umm Waraqah, daughter of Abd Allah b. al Harith) at her house. He appointed

a muadhdhin to call adhan for her; and he commanded her to lead the inmates of her in prayer. Abd al Rahman said: I saw her muadhdhin who was an old man. On the basis of this Tradition a group of scholars maintain that a woman can act as imam for the people who reside with her in her house, although they include males.¹⁰

Eminent jurist of our time Prof. Dr. Yusuf al Qaradawi, Dean of the Faculty of Shariah and Islamic Studies, Qatar University, based on the hadith of Umm Waraqah mentioned above, consider it permissible for a woman to lead mixed prayers within her household.¹¹

In 699 A.D. (77 A.H) a woman named Ghazala led her male warriors in prayer in Kufa after having controlled the city for a day.¹² Both al Tabari and Abu Thawr believed that a woman could lead both men and women in prayer.¹³

Eminent Nigerian Islamic scholar and jurist Barrister Adeleke Dirisu Ajijola commenting on whether a woman can become imam wrote:

There are no priests in Islam. ... there is no ritual in Islam which cannot be performed by any believer of sound mind, either a man or a woman, some functions, such as that of prayer leader (imam) may fall to a particular person because of knowledge, particularly of the Qur'an, respectable, of repute or age but could be performed by anyone, male or female, with required qualification. ... Therefore, during the Prophet's time, women prayed in the mosque. They were not separated from men by any screen or curtain in the mosque; they did not wear veils although they were dressed decently ... In fact, they have acted as imams while men followed them in prayers.¹⁴

In Islam, women could be confined to home only as a measure of punishment if the charge of fornication is proved

by four witnesses [Al Qur'an 4:15]. This verse of the Qur'an need to be read together with the saying of the Prophet: Do not stop Allah's women slaves from going to Allah's mosques.¹⁵ Because of this Tradition of the Prophet, caliph Umar bin Khattab, despite personal dislike of his wife going to mosque, refused to prohibit her from going to the mosque and she continued to attend prayer in the mosque.

I shall conclude the article narrating the prayer arrangement in one of the mosques in Toledo, Ohio, U.S. in which "the main prayer is conducted with women and men praying together separated by a three-foot partition that runs through the centre of the hall. The women, therefore, do not pray behind the men but along with them".¹⁶ It would be appropriate to mention here that in China women have independent mosque.¹⁷

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