

Chapter One

A Peer to Man

First Creation of the Woman (A Comparative Study of the Three Religions)

A) Eve's creation

In the pre-Islamic era, women throughout the world were subjected to great indignities. They were treated as chattels and looked upon as a source of humiliation to families to the extent that they were buried alive.

Fourteen centuries ago, Islam gave Muslim woman the rights that have been given only recently to Western women. Islam considers woman as a worthy human being. Through Islam, her dignity and humanity have been restored.

Let us make a short comparison between the Bible and the Qur'an regarding the first creation of woman.

In the Glorious Qur'an, it is mentioned that Eve was created from Adam and both were created from a single soul:

[O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa' (Eve)], and from them both He created many men and women and fear Allah through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship). Surely, Allah is Ever an All-Watcher over you.]

(An-Nisa': 1)

The prophetic traditions show that Eve was created in the same nature as a rib, which means that man must deal with

her with certain tolerance. There is no explicit mention of Adam's rib, which is a physical rib.

Abu-Hurayrah reported that the Prophet (pbuh) said,

"I advise you to take care of women, for they are created from a rib and the most crooked portion of the rib is its upper part; if you try to straighten it, it will break, and if you leave it, it will remain curved, so I urge you to take care of women."¹

On the other hand, in the Book of Genesis, Chapter 2, Eve was physically created from Adam's rib.

B) Eve's fault

The three religions agree on one basic fact: both women and men are created by Allah, the Creator of the whole universe. However, disagreement started soon after the creation of the first man, Adam, and the first woman, Eve.

The **Judeo-Christian** concept of the creation of Adam and Eve is narrated in detail in the Book of Genesis, Chapter 3. God prohibited both of them from eating the fruits of the forbidden tree. The serpent seduced Eve to eat from it and Eve, in turn, seduced Adam to eat with her. When God rebuked Adam for what he did, he put all the blame on Eve, "The woman you put here with me – she gave me some fruit from the tree and I ate it".

Consequently, God punished Eve:

"To the woman He said: I shall greatly increase the pain of your pregnancy; in birth pangs you will bring forth children, and your craving will be for your husband, and he will dominate you." (Genesis 3: 16)

¹ Reported by al-Bukhari and Muslim.

Also, God punished Adam for obeying Eve:

"And to Adam He said, Because you listened to your wife's voice and took to eating from the tree concerning which I gave you this command, 'You must not eat from it', cursed is the ground on your account. In pain you will eat its produce all the days of your life." (Genesis 3: 17)

The **Islamic** concept of the first creation is found in several places in the Qur'an, for example,

[O Adam, dwell with your wife in the Garden and enjoy as you wish but approach not this tree or you run into harm and transgression. Then Satan whispered to them in order to reveal to them their shame that was hidden from them and he said, "Your Lord only forbade you this tree lest you become angels or such beings and live forever." And he swore to them both that he was their sincere adviser. So by deceit he brought them to their fall: when they tasted the tree their shame became manifest to them and they began to sew together the leaves of the Garden over their bodies. And their Lord called unto them, 'Did I not forbid you that tree and tell you that Satan was your avowed enemy?' They said, 'Our Lord we have wronged our own souls and if You forgive us not and bestow not upon use Your Mercy, we shall certainly be lost.]

(Al-A`raf: 19-27)

A careful look into the two accounts of the Creation story reveals some essential differences. The Qur'an, contrary to the Bible, places equal blame on both Adam and Eve for their mistake. Nowhere in the Qur'an can one find even the slightest hint that Eve tempted Adam to eat from the tree or even that she had eaten before him. Eve in the Qur'an is not source of temptation, seduction or deception. Moreover, Eve is not to be blamed for the pains of childbearing. God,

according to the Qur'an, punishes no one for another's faults. Both Adam and Eve committed a sin and then asked God for forgiveness and He forgave them both.

C) Eve's legacy

The Biblical Eve

The image of Eve as responsible for temptation or seduction in the Bible has resulted in an extremely negative impact on women throughout the Judeo-Christian tradition. All women were believed to have inherited this trait from their mother, the Biblical Eve. Consequently, they felt morally inferior, and wicked. Menstruation, pregnancy, and childbearing were considered the just punishment for the eternal guilt of the cursed female sex.

We have to look at the writings of some of the most important Jews and Christians of all time. Let us start with the Old Testament, we find.

"And I was finding out: More bitter than death (I found) the woman who is herself a net for hunting and whose heart is dragnet (and) whose hands are fetters. One is good before the (true) God if one escapes from her, but the sinner will be captured by her. "See! This I have found', said the preacher, "one thing (taken) after another, to find out the explanation, which my soul has continuously sought, but I have found one man among a thousand,...but a woman among all these I have not found." (Ecclesiastes 7: 26- 28)

Jewish Rabbis listed nine curses inflicted on women as a result of the Fall,

"To the woman He gave nine curses and death: the burden of the blood of menstruation and the blood of

virginity; the burden of pregnancy; the burden of childbirth; the burden of bringing up the children; her head is covered as one in mourning; she pierces her ear like a permanent slave or slave girl who serves her master; she is not to be believed as a witness; and after everything – death."

To the present day, Orthodox Jewish men in their daily morning prayer recite, 'Blessed be God King of universe that Thou has not made me a woman'. The women, on the other hand, thank God every morning for 'making me according to Thy will'. Another prayer found in many Jewish prayer books is: 'Praised be God that he has not created me a gentile. Praised be God that he has not created me a woman. Praised be God that he has not created me an ignoramus'.

The Biblical Eve has played a far bigger role in Christianity than in Judaism. Her sin has been pivotal to the whole Christian faith because the Christian concept of the reason for the mission of Jesus Christ on Earth stems from Eve's disobedience to God. She had sinned and then seduced Adam to follow suit. Consequently, God expelled both of them from Heaven to Earth, which had been cursed because of them. They bequeathed their sin, which had not been forgiven by God, and, thus, all humans are born in sin. In order to purify human beings from their 'Original Sin', God had to sacrifice Jesus, who is considered to be the Son of God, on the cross.

Therefore, Eve is responsible for her own mistake, her husband's sin, the original sin of all humanity, and the death of the Son of God. In other words, one woman acting on her own caused the fall of humanity. What about her daughters? They are sinners like her and have to be treated as such. Listen to the severe tone of St. Paul in the New Testament:

"A woman should learn in quietness and full submission. I don't permit a woman to teach or to have authority over a man; she must be silent. For Adam was formed first, then Eve. And Adam was not the one deceived; it was the woman who was deceived and came to be in transgression." (I Timothy 2: 11-14)

St. Tertullian was even more blunt than St. Paul while he was talking to his 'best beloved sisters' in the faith, he said,

'Do you not know that you are each an Eve? The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too. You are the Devil's gateway: You are the one who unsealed the forbidden tree: You are the first deserter of the divine law: You are she who persuaded him whom the devil was not valiant enough to attack. You destroyed so easily God's image, man. Because of your desert even the Son of God had to die'.

St. Augustine was faithful to the legacy of his predecessors. He wrote to a friend:

'What is the difference whether it is a wife or a mother; it is still Eve the source of temptation. I fail to see what use woman can be to man, if one excludes the function of bearing children'.

Centuries later, St. Thomas Aquinas still considered women as defective:

'As regards the individual nature, woman is defective and misbegotten, for the active force in the male seed tends to the production of a perfect likeness in the masculine sex: while the production of woman comes from a defect in the active force or from some material indisposition, or even from some external influence'.

Finally, the reformer Martin Luther could not see any benefit from a woman but bringing into world as many children as possible regardless of any side consequences:

'If they become tired or even die, that does not matter.
Let them die in childbirth, that is why they are there'.

Repeatedly all women are denigrated because of the image of Eve the temptress. To sum up, the Judaeo-Christian concept of women has been poisoned by the belief in the sinful nature of Eve and her female offspring.

Woman in the Glorious Qur'an

If we now turn our attention to what the Qur'an has to say about women, we will soon realize that the Islamic understanding of women is radically different from the Judaeo-Christian one. There are numerous Qur'anic verses proving that Islam treated males and females on basis of equality regarding their religious duties, responsibilities and reward. Let the Qur'an speak for itself:

[And their Lord hath accepted of them, and answered them: 'Never will I suffer to be lost the work of any of you, be he male or female: Ye are members, one of another']

(Al `Imran: 195)

[If any do deeds of righteousness, be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them.]

(An-Nisa': 124)

[The Hypocrites, men and women, (have an understanding) with each other: They enjoin evil, and forbid what is just, and withhold with their hands from doing good. They have forgotten Allah; so He hath

forgotten them. Verily the Hypocrites are rebellious and perverse.]

(At-Tawbah: 67)

[The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise.]

(At-Tawbah: 71)

It is clear that the Qur'an and *Sunnah* view women as sisters of men. This concept summarizes and emphasizes how women share with men equally all rights and obligations. Both of them are God's creatures whose sublime goal on earth is to do righteous deeds, and avoid evil. Hence, both will be assessed equally.

Not only does woman play the role of man's sister, but she is also the origin of his existence, being his mother; she carries his name and continues his progeny as his daughter; she provides him with merciful affectionate company as his wife.

The Qur'an never mentions that man is made in God's image; all men and all women are His creatures. According to the Qur'an, a woman's role on earth is not limited only to childbearing. She is required to do as many good deeds as any other man is required to do. The Qur'an never says that no upright woman has ever existed. On the contrary, the Qur'an has instructed all the believers, women as well as men, to follow the example of those ideal women such as Mary, the Virgin, and the Pharaoh's wife:

[And Allah sets forth, as an example to those who believe, the wife of Pharaoh: Behold she said: 'O my Lord build

for me, in nearness to You, a mansion in the Garden, and save me from Pharaoh and his deeds and from those who do wrong; And Mary the daughter of `Imran who guarded her chastity and We breathed into (her body) of Our Spirit; and she testified to the truth of the Words of her Lord and of His Revelations and was one of the devout.]

(At-Tahrim: 11-12)

Islam emphasizes a great universal truth, which is the inherent dignity of the human race regardless of sex or color. The relationship between men and women must be governed by mutual respect, dignity and kindness. The dignity given to women is a gift from her Creator and not from some men or governments since it is the Creator who created both man and woman from the same source.

Pregnancy Period and Giving Birth

It was also mentioned in the Book of Genesis, that the pain suffered during childbirth is regarded as punishment for Eve.

"To the woman He said: I shall greatly increase the pain of your pregnancy; in birth pangs you will bring forth children, and your craving will be for your husband, and he will dominate you." (Genesis 3: 16)

In Leviticus, there is clear discrimination in terms of the period of impurity or uncleanness between the birth of a boy and a girl. If a woman gives birth to a son she is unclean for a period of 7 to 40 days, in the case of a daughter the period of impurity is doubled.

After the bleeding stops, the mother must take two pigeons and offer them to the priest the day she becomes clean.

"And Jehovah went on to speak to Moses, saying: 'Speak to the sons of Israel, saying, 'In case a woman conceives seed and does bear a male, she must be unclean seven days; as in the days of impurity when she is menstruating she will be unclean. And on the eighth day the flesh of his foreskin will be circumcised. For thirty-three days more, she will stay in the blood of purification. She should not touch any holy thing, and she should not come into the holy place until the fulfilling of the days of her purification. "Now if she should bear a female, she must then be unclean fourteen days. For sixty-six days more she will stay with the blood of purification." (Leviticus 12: 1-5)

From a Qur'anic point of view, pain in pregnancy is not regarded as a punishment. The Qur'an describes the beauty of pregnancy – nothing to do with punishment because of the original Sin. It is a struggle for which the female is rewarded. She is regarded as a martyr if she dies during the waiting period (being unclean) after childbirth which is the same for a girl and a boy. Islam does not require 40 days of waiting; even if the bleeding stops a few days after delivery, she will be clean and ready for practicing her rituals as usual.

The Birth of a Female Child: A Shame or a Blessing?

In fact, the difference between the Biblical and the Qur'anic attitude towards the female sex starts as soon as a female is born.

The Judeo-Christian view

The Bible states that the period of the mother's ritual impurity is twice as long if a girl is born than if a boy is born (Lev. 12: 2-5).

The Islamic view

It was this very same idea of treating daughters as sources of shame that led the pagan Arabs, before the advent of Islam, to practice female infanticide. The Qur'an severely not only condemned this heinous practice of female infanticide, but even condemned the practice of showing disappointment or anger over the birth of a female child:

[When news is brought to one of them of the birth of a female child, his face darkens and he is filled with inward grief. With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on contempt or bury her in the dust? Ah! What an evil they decide on?]

(An-Nahl: 58-59)

It has to be mentioned that this sinister crime would have never stopped in Arabia without the power of the scathing

terms the Qur'an used to condemn this practice (An-Nahl: 59, Az-Zukhruf: 17, At-Takwir: 8-9).

The Qur'an, moreover, makes no distinction between boys and girls. In contrast to the Bible, the Qur'an considers the birth of a female a gift and a blessing from God, exactly like the birth of a male. The Qur'an even mentions the gift of the female birth first:

[To Allah belongs the dominion of the heavens and the earth. He creates what He wills bestows female children to whomever He wills and bestows male children to whomever He wills.]

(Ash-Shura: 49)

In order to wipe out all the traces of female infanticide in the pre-Islamic Society, Prophet Muhammad (pbuh) promised those who were blessed with daughters of a great reward if they would bring them up kindly.

It was reported that the Prophet (pbuh) said,

*"Whosoever has a daughter and he does not bury her alive, does not insult her, and does not favor his male child over her, God will make him enter Paradise."*¹

He (pbuh) also said,

*"Whosoever supports two daughters till they attain maturity, he and I will come on the Resurrection Day like this (and he pointed with his two fingers held together)."*²

The Prophet (pbuh) showed the greatest love and affection for his female children, particularly for Lady Fatimah. Lady `A'ishah (may Allah be pleased with her) related that:

¹ Reported by Ibn Hanbal.

² Reported by Muslim and at-Tirmidhi.

"Whenever the Prophet (pbuh) saw Fatimah (may Allah be pleased with her), he would welcome her, and he would stand up to kiss her, and then take her by the hand and seat her on his own place."¹

¹ Reported by al-Bukhari.

Impure Woman?

The Judeo-Christian view

Jewish laws and regulations concerning menstruating women are extremely restrictive. The Old Testament considers any menstruating woman unclean and impure. Moreover, her impurity 'infects' others as well. Anyone or anything she touches becomes unclean for a day:

"When a woman has her regular flow of blood, the impurity of her monthly period will last seven days, and anyone who touches her will be unclean until evening. Anything she lies on during her period will be unclean, and anything she sits on will be unclean. Whoever touches her bed must wash his clothes and bathe with water, and he will be unclean until evening. Whoever touches anything she sits on must wash his clothes and bathe with water. And he will be unclean until evening. Whether it is the bed or anything she was sitting on, when anyone touches it, he will be unclean until evening." (Leviticus 15: 19 – 23)

At the end of her blood flow, she is required to offer two pigeons for the priest in order to get rid of her uncleanness.

"And on the eighth day she should take for herself two turtledoves or two male pigeons, and she must bring them to the priest at the entrance of the tent of meeting." (Leviticus 15: 29)

Due to her 'contaminating' nature, a menstruating woman was sometimes 'banished' in order to avoid any possibility or

any contact with her. She was sent to a special house called “the house of uncleanness” for the whole period of her impurity.

The Talmud considers a menstruating woman 'fatal' even without any physical contact:

"Our Rabbis taught: if a menstruating woman passes between two (men), if it is at the beginning of her menses she will slay one of them, and if it is at the end of her menses, she will cause strife between them." (bPes. IIIa)

Furthermore, the husband of a monstrous woman was forbidden to enter the synagogue if he became unclean by her, even by the dust under her feet. A priest whose wife, daughter, or mother was menstruating could not recite priestly blessing in the synagogue. No wonder many Christian and Jewish women still refer to menstruation as 'the curse'.

The Islamic view

Islam does not consider a menstruating woman to possess any kind of 'contagious uncleanness'. She is neither “untouchable” nor “cursed”. She practices her normal life with only one restriction: A married couple is not allowed to have sexual intercourse during the period of menstruation. Any other physical contact between them is permissible.

The prophet (pbuh) was asked about the relationship with wives during that period, he replied everything, touching, kissing and all types of fondling except husband wife intimate relationship. A menstruating woman is exempted from some rituals such as daily Prayers and Fasting during her period.

Anas was reported to have said that the Jews would neither eat nor have intercourse with women during their menstruation periods. The Companions of the Prophet (pbuh)

asked him about that, so the verse 222 of *Surah Al-Baqarah* was revealed. The Prophet (pbuh) then said,

“Do everything except intercourse.”¹

[They ask you concerning women's courses. Say: 'They are a hurt and pollution: So keep away from women in their courses, and do not approach them until they are clean. But when they have purified themselves, you may approach them in any manner, time, or place ordained for you by Allah. For Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean.]

(Al-Baqarah: 222)

Ibn Hazm said, “A man may do anything he wishes with his wife during her menstruation period, except for penetrative sexual act.”

If fondling a wife during menstruation as discussed is permissible, then all types of everyday dealings are acceptable such as sharing beds and food, eating together, handling, or hair combing.

Lady `A'ishah was reported to have said, “I used to drink during my menstruation period then pass it to the Prophet (pbuh) and he would place his mouth where my mouth was and drink. I also used to chew meat off a bone during my menstruation period then pass it to the Prophet (pbuh) and he would place his mouth where my mouth was.”²

Lady `A'ishah was reported to have said, “I used to comb the hair of the Prophet (pbuh) during my menstruation period.”³

¹ Reported by Muslim.

² Reported by Muslim.

³ Reported by Abu Dawud in the book of fasting.

The Status of the Muslim Women in Society

Women's education

Let us compare the Biblical and the Qur'anic attitudes towards a female trying to learn her religion.

Despite the fact that the heart of **Judaism** is the Torah, the law according to the Talmud states: "Women are exempted from the study of the Torah". Some Jewish Rabbis firmly declared, "Let the words of Torah rather be destroyed by fire than imparted to women", and "Whoever teaches his daughter Torah is as though he taught her obscenity".

The attitude of St. Paul in the New Testament is not brighter:

"As in all the congregations of the saints, women should remain silent in the churches. They are not allowed to speak, but must be in submission as the law says. If they want to inquire about something they should ask their own husbands at home: for it is disgraceful for a woman to speak in the church." (1 Corinthians 14: 34- 35)

Can anyone imagine how she could learn when she is not allowed to speak in the first place?

Fourteen centuries ago **Islam** restored to women their dignity and humanity. She is accorded full rights to knowledge. One of the aims of acquiring knowledge is to become more conscious of Allah.

Allah says,

[Only those of His servants who are learned truly fear God.]

(Fatir: 28)

It was also said, "Seek knowledge from the cradle to the grave." Therefore, it is a duty upon every Muslim, man or woman.

A woman in Islam has the right to argue even with the Prophet (pbuh) himself. No one has the right to instruct her to be silent. She is under no obligation to consider her husband the one and only reference in matters of religion.

One short story narrated in the Qur'an sums up its position towards woman's right in speaking, arguing and education. Concisely, Khawlah was a Muslim woman whose husband 'Aws pronounced this statement at a moment of anger: "You are to me as the back of my mother". This was held by pagan Arabs to be a statement of divorce, which freed the husband from any conjugal responsibility but did not leave the wife free to leave the husband's home or to marry another man. Having heard these words from her husband, Khawlah was in a miserable situation, she went straight to the Prophet (pbuh) to plead her case. The Prophet (pbuh) was of the opinion that she should be patient since there seemed to be no way out. Khawlah kept arguing with the Prophet (pbuh) in an attempt to save her suspended marriage. Shortly, the Qur'an intervened; accordingly, Khawlah's plea was accepted. The Divine verdict abolished this iniquitous custom. One full *Surah* (*Surah* 58) of the Qur'an whose title is (*Al-Mujadilah* or the woman who is arguing) was named after this incident:

[Allah has heard the statement of the woman who pleads with you (the Prophet (pbuh) concerning her husband and carries her complaint to Allah, and Allah hears the

arguments between both of you for Allah hears and sees all things.]

(Al-Mujadalah: 1)

Not only did Islam protect a woman's right to education, but also accorded her the right to stipulate the pursuit of her education as a valid condition in her marriage contract.

Education of girls is a Prophetic tradition

When the Prophet (pbuh) married Hafsa, daughter of `Umar ibn al-Khattab, the second Caliph, he (pbuh) was keen to provide her with a private tutor, Al-Shifa', to teach her until Hafsa properly learned how to read and write.

The Prophet's concern for the education of girls was reflected in his teaching of `A'ishah (may Allah be pleased with her), who was still a young girl when he married her and was only 18 when he died. She had a natural ability for learning and a strong sense of reason, and he taught her as much as she was ready to learn.

He (pbuh) therefore encouraged people to consult her in religious matters, and after his death, she became one of the major sources of *hadith*.

In addition, the Prophet's wives were well-known for their skills in various fields:

- Lady `A'ishah was the transmitter of more than two thousand reliable *hadiths*
- Lady Sawdah was an expert in tanning leather and practiced her craft.
- The trading activities of Lady Khadijah, the Prophet's first wife, are well known.

There is therefore encouragement for the Muslim woman to pursue her studies in any field for her intellectual benefit and to make use of her academic or professional training for the good of the community. An example of Muslim women who became famous as religious scholars is the famous knowledgeable "Nafissah". She had great knowledge of *hadith* that let "Imam ash-Shafi`i" sit in her circle in al-Fustat when he was one of the famous scholars at that time.

Participation of Muslim Women in the Propagation of Islam (*Da`wah*)

It is important to highlight that the first Muslim believer to come to Islam was a woman. She was Lady Khadijah, the Prophet's first wife. She gave a great example of absolute trust of the Prophet's integrity, when he had received the revelation. It was through her moral, spiritual and material support that the Prophet (pbuh) was able to carry out the responsibility of spreading the message of Islam. Besides, her wealth was used to establish the Islamic propagation.

In addition, some women were very prominent in their strong faith and supporting Islam. Among which are:

- Lady Fatimah, the sister of `Umar ibn al-Khattab, who was very influential in bringing him around to accepting Islam.
- Lady Umm Salim played a role inviting her husband, Abu Talha, to embrace Islam.
- Similarly, Lady Umm Habibah, the daughter of Abu Sufyan and one of the Prophet's wives, invited her father to Islam.
- Umm Shurayk played a role in propagation of Islam in Makkah.

In the matter of propagation of faith, there was Arwa, the daughter of Abd al-Muttalib, who was a gifted poet and used this talent to call people to Islam and defended Islam against its enemies.

The Role of Muslim Women in the Battlefield

It is noteworthy that the first martyr to die under persecution to raise the word of Allah was not a man but a woman. She was Sumayyah, the mother of `Ammar ibn Yasir.

In addition, early Muslim women who, had medical and surgical skills, used to treat the wounded on the battlefield.

It was reported that Umm `Atiyah said: 'I went to fight with Allah's messenger in the battlefield seven times, preparing food, treating the wounded and helping the sick.'¹

Umm Salit, one of the Ansari women, who assisted the Prophet (pbuh) when he emigrated from Makkah to Madinah, used to carry the water skins on the day of the holy battle 'Uhud'.

Others fought along with men and defended the frontiers such as Umm `Imarah in the battle of 'Uhud'.

The daughter of Qays Ghafari, in the battle of 'Khaybar', asked to be buried with the medal she used to wear as a reward from the Prophet (pbuh).

Asma' bint Yazid participated on the battlefield of 'Yarmuk' between Muslims and Byzantine during which she killed nine Roman soldiers. Allah blessed her with knowledge

¹ Reported by Muslim.

and hence she was reported as an important source of education for several generations.

Umm Hiram set sail with her husband, `Ubadah ibn as-Samit, to Cyprus during the reign of `Uthman, the third Caliph (May Allah be pleased with him), where she was killed while she was on a horseback in a battle and was buried there.

A group of women once sent Asma' bint Yazid who was known not only to participate in the battlefield, but also to be knowledgeable of Islam, to find out the Prophet's answer about the problem of the status of housewives who dedicated their lives for their families and could not participate in the battlefield. She asked him, 'We are tied to our homes; we are the center of gratification of men's desires and bearers of their children. Men have been given preference in participation in Friday payers, funerals, and battles. O' Allah's Messenger! Do we share in their reward and compensation (thawab)?' The Prophet (pbuh) turned towards his companions and asked,

"Have you ever heard a woman asking a question better than this woman?"

They said, 'By Allah we have not.' Therefore the Prophet (pbuh) addressing Asma' said,

'Go and inform those women that their good treatment to their husbands seeking their satisfaction and supporting them for the sake of unity and solidarity (in the family) is the equivalent of all the men's services you have just mentioned'.

Muslim Women in Political Affairs

There is evidence that women participated both in politics and even in law making of public affairs during the life of the Prophet (pbuh) as well as at the time of his successors.

An example of women's role in the political process is that when the Prophet (pbuh) and ten thousand believers were on their way to perform pilgrimage (Hajj), non-believers refused to let them travel further. The Prophet (pbuh) ordered pilgrims to remove their pilgrim's garb and shave their heads and the Muslims did not follow his order. He went to his wife Umm Salmah and she gave him advice: 'You simply do it and they will follow your example.' He took her advice and shaved his head, took off his pilgrim's garb and most Muslims followed him right away.

Another example is, when `Umar ibn al-Khatib, the second Caliph, stood in the mosque and made a proposal for changing the laws for marital gifts given to women. The parliament was the mosque where they used to seek an opinion in any matter.

`Umar said that the Prophet (pbuh) declared that no one should give a dowry larger than 400 dirham. When he got down from the pulpit, a lady of Quraysh opposed him and gave her reason by telling him, 'Have you not heard Allah's statement:

[But if you decide to take one wife in place of another, even if you had given the latter a whole treasure for dowry take not the least bit of it back; would you take it by slander and a manifest wrong?]

(An-Nisa': 20)

`Umar went back to the pulpit and declared, "I was advising you not to give more than 400 dirhams as dowry (*Mahr*). Whosoever wishes may give as much property as he wishes to give." He accepted her opinion and discarded his, saying openly, "Her proposal was right and mine was wrong."

Is Woman's Voice `Awrah¹?

Is woman's voice `Awrah? Is it considered something that must be hidden and should not be exposed to the public? Let us compare the Biblical and the Qur'anic attitudes towards a female speaking in public.

The attitude of St. Paul in the New Testament:

"As in all the congregations of the saints, women should remain silent in the churches. They are not allowed to speak, but must be in submission as the law says. If they want to inquire about something they should ask their own husbands at home: for it is disgraceful for a woman to speak in the church." (1 Corinthians 14: 34- 35)

On the contrary, Islam does not consider a woman's voice a shameful thing that should be hidden. *Hadith* literature cites many instances when the wives of the Prophet (pbuh) spoke to men such that when conveying religious teaching. Hence, a woman is allowed to speak in public taking into consideration that her voice must be proper and respectful, avoiding any seduction as talking in a soft, alluring voice or conversely talking and laughing too loudly.

Allah says:

[Wives of the Prophet, you are not like any of the (other) women: if you do fear (Allah), be not too complaisant of

¹ `Awrah: is something that must not be exposed to the public.

speech, lest one in whose heart is a disease should be moved with desire: but speak a speech (that is just).]

(Al-Ahzab: 32)

In addition, the divine order of lowering one's gaze being addressed to both men and women does not mean any prohibition on women's communication with men. On the contrary, if women were not allowed to have contact with men, there would be no need for directing their behavior regarding lowering their gaze or speaking properly. Such divine directions are meant for protecting both sexes.

Does the Muslim Woman Have the Right to Work?

Some misconceptions state that Islam has forced the woman to be imprisoned at home. However, in fact, Islam encourages the woman to pursue her career as long as she fulfills her primary obligations towards her family and that her work is legitimate.

Her duty at home

The family structure in Islam considers the man as the head of his household. He is the one responsible before Allah for the welfare and protection of his family. He is obliged to make sure that every member of his family is granted his material, moral and psychological rights and needs.

Woman has been given the honor and trust by Allah to take care of her home and children, which are considered under her authority. She will be asked by Allah on the Day of Resurrection about her trusts and responsibility. An educated and cultured wife is pursued by a number of missions besides her role at home. In addition to looking after her family, she is invited to invest her abilities by serving society either through work or social activities. Hence, a wise wife should arrange her priorities taking into consideration that her contribution to the welfare of the society starts with her family. That is why Islam arranged for the woman to be always maintained and financially supported so that her going out for work will be an act of her choice and not obligation.

There is evidence that one of the greatest roles in society is the nurturing and training of the human race. Allah has given that duty to women and regarded it as the highest level of human achievement. Allah has created woman in such a way that she can carry out her duty with all sacrifice, self-denying, sincerity, nobility and everlasting.

Psychologists have stated that children need their mothers in the early years of life because those are formative years in the building of the character of the child. Recent studies have shown that today's generations are deteriorating because so many women go out to work and forget their basic role of motherhood. Those who call for equality between males and females are in fact being discriminators. If the woman works at a job in addition to her duties at home as a wife and mother, she will be working twice as much as the man but for lower wages. Will that be equality for her?

Lawful work characteristics

Islam allows woman to work and considers her work legitimate with certain limits:

- 1) She should not be exposed to any kind of harassment in her work.
- 2) Her work should not compromise her modesty.
- 3) Her work must not expose her to any psychological insecurity.
- 4) She should adhere to the morals of Islam in her clothing, talk and movement.
- 5) Work itself should be Islamically lawful and respectful, i.e. not (private secretaries, models, actresses, dancers, air hostesses, etc).

- 6) Her work must not threaten the stability of her family. Her children must be properly cared for.
- 7) Society needs to have women in the fields of medical treatment as doctors, nurses, and fields of education as teaching girls.
- 8) The ideal will be to have certain flexibility in her work for emergencies such as pregnancy, giving birth and nursing.
- 9) Her need for work must be financially or psychologically essential such as cases of widows, divorcees or women who have no one to provide their needs, women with no children or women who have a lot of leisure time to alleviate boredom.

Work is a kind of worship

In Islam, all work is considered kind of worship if we do it with a pure motive and seek the pleasure of Allah through doing it properly. Whether a Muslim woman is a housewife, a mother or a manager of a successful company, her work is valuable and deserves to be rewarded if done for the sake of Allah.

Can a Muslim Woman Be a Leader?

Her leadership at home

In fact, the main role of woman as a mother is to be the first school to which the child is exposed. Psychologists tell us that the most important time in the formation of the personality of the child are the early formative years. The father is busy earning a living. Who has the greatest influence on the child in these early years? Definitely, the mother has. If that influence is not important for the life of the community and the future of Islam and Muslims, what else could be more important? Yes, a woman is a leader in that respect. No one could deny that.

The Prophet (pbuh) said, "*You are all shepherds...*" meaning leaders or that you all have some leadership role to play. The ruler, the husband, the wife are all shepherds. The concept of leadership is for the benefit of the family and the society as a whole.

Other aspects of her leadership

The *hadith* of the Prophet (pbuh) which some Muslim scholars considered a prohibitive rule against women being appointed in key positions was:

*'Unsuccessful shall be those who are ruled by a woman.'*¹

¹ Reported by Ahmad, al-Bukhari and at-Tirmidhi.

This refers to the daughter of Chosroes, the emperor of Persia, whom the Persians had crowned as their ruler. This saying was misinterpreted by some jurists who believed that it applied to all women in all high positions.

Clear evidence proves that such interpretation is false, is the Qur'anic in *Surah An-Naml*, which praises the Queen of Sheba for her wisdom and discretion.

[I found (there) a woman ruling over them and provided with every requisite; and she has a magnificent throne.]
(An-Naml: 23)

There is no particular restriction of woman participating in public affairs. Another evidence, it was reported that `Umar, the second Caliph, appointed al-Shifa', daughter of Abdullah al-Makhzumiyah, as a judge of the pricing, the weights and the measures used in the market of the city, a position that we call today consumer protection officer. This religious and civil post is one of the public jobs that benefit the society economically and surely demanded experience and acuity.¹

Another aspect of leadership is education in a school for girls, a woman's post as a head-teacher will be the best.

Her leadership in the judiciary field

- Imam Abu Hanifah, the great Muslim scholar, held the view that women are not forbidden from occupying positions in the judiciary system in matters that are of their sphere of testimony, which are non-criminal affairs.
- As for the religious leaders Ibn Jarir at-Tabari and Ibn Hazm, they declared that a woman is entitled to be a judge in all matters that are judged by a man with no exceptions

¹ Yusuf al-Qaradawi, *Contemporary Opinions*, Dar Afaq al-Ghad, p.63, 1978.

including their judgment of criminal cases, as well as financial and other cases.

Yet, and despite these opinions, it is not preferable for women to judge criminal cases. It is rather a possibility that can be adjusted according to different circumstances and interests: family interest, community interest and above all Islamic interest. Thus, the possibility may lead to a situation where some distinguished women of a certain age and experience are chosen for judgeship in certain matters and under certain circumstances.

Can she head the state?

Under the Islamic teachings, a woman is ineligible to hold the caliphate or head the state. This is owing to the great burdens of such a large responsibility that, in most cases outweigh the capabilities of women and man, and conflict with a woman's natural role as a mother. This does not exhaust all possibilities since we are aware that some women may be even more capable than some men could. An example of this is the Queen of Sheba whose story is revealed in the Glorious Qur'an:

[I found (there) a woman ruling over them and provided with every requisite; and she has a magnificent throne.]

(An-Naml: 23)

[She was asked to enter the lofty Palace, but when she saw it, she thought it was a lake of water, and she (tucked up her skirts), uncovering her legs. He said: "This is but a palace paved smooth with slabs of glass." She said: "O my Lord! I have indeed wronged my soul: I do (now) submit (in Islam), with Solomon, to the Lord of the Worlds.]

(An-Naml: 44)

She led her nation to happiness and well-being in this life and the hereafter and submitted herself with Prophet Solomon (pbuh).

Nevertheless, rules are not formed on the basis of rare occurrence but on the frequency of it. Thus, the scholars hold the view that generally, 'the exception does not constitute the rule.' On the other hand, for the woman to be a manager, director, member of Parliament, minister, etc., is all very well accepted in Islam as long as it weighs the interests.

My inclination is towards the opinion of the majority of jurists. Scientifically speaking, feminine nature is subject to moody changes due to the effect of her menstrual period. In 1988, scholars studying the feminine psychology in a university in Toronto made a study of 200 females to see the effect of the level of estrogen on the feminine sex. They concluded that there is a relationship between the monthly fluctuations of females and their ability to perform certain tasks. Women are found to perform the tasks involving verbal and muscular coordination more effectively when estrogen level is high. On the other hand, women's performance improved in tasks involving perception when their estrogen level is low. However, males' performance in spatial tasks always proved better from females'. Indeed, the kind of decision making of the head of the state requires stability, and since men do not undergo similar fluctuations as women, perhaps men can guarantee certain decisiveness.

Finally, although Islam does not deprive women of holding key positions in the state if they are qualified, women should not neglect their primary responsibilities towards their family, namely their husbands and children, since the family is the

foundation of society, and the destruction of the family institution leads to the destruction of the whole society.

Therefore, it is necessary for a woman who is successful in her career to attend to all her responsibilities and duties in her home, as a wife and a mother, for the welfare of her family and for the society in general.

Circumcision in Islam

Female circumcision, sometimes referred to as female genital mutilation (FGM), comprises all procedures involving partial or total removal of the external female genitalia whether for cultural, religious or other non-therapeutic reasons.

The historical roots of this practice are not well known, but they appear to date back 2000 years to ancient Egypt. It is estimated that 100 million to 132 million women now living have undergone the procedure and another 2 million procedures are done each year.

In an effort to standardize terminology, the World Health Organization (WHO) has categorized FMG into four main groupings.

- In type I, the prepuce (clitoral hood) is removed, with or without the tip of the clitoris. This is known as *Sunnah* (Prophetic traditions) excision.
- In type II, both the clitoris and part or all of the labia minora (inner vaginal lips) are removed.
- In type III, (infibulation), which is the gravest sort, also called pharaonic or Sudanese circumcision, the clitoris, labia minora and part of the labia majora are removed and the two sides of the vulva are fastened together leaving a small opening for urination and menstruation.

- In type IV, which is a new category, pricking, piercing or incising of the clitoris and/or labia, cauterization and scraping and/or cutting of the vagina are performed.

FGM is known to be practiced in one form or another in 28 nations of the African Continent, in a few countries on the Arabian Peninsula, among some minority communities in Asia and among migrants from these areas who have settled in Europe, Australia and North America. Experts estimate that infibulations comprise roughly 15% of FGM. In countries, such as Sudan, Somalia and Djibouti however 80-90% of all FGM is infibulations. The age at which FGM is performed ranges from around 8-12 years.

The health consequences of FGM depend on the type and severity of the procedure performed, the skill of the practitioner, the cleanliness of the tools and the environment as well as the physical condition of the girl or woman concerned. In fact, the practice of some type of FGM often leads to complications. Short-term complications include severe pain, shock, hemorrhage, urine retention, ulceration of the genital region and injury to adjacent tissue. Long-term complications include cysts, abscesses, damage of the urethra, dyspareunia (painful sexual intercourse), sexual dysfunction, urinary tract infection, infertility childbirth complications and finally psychological and psychosexual disturbances. More recently, concern has arisen about possible transmission of the human immunodeficiency virus (HIV) due to the use of one instrument in multiple operations.

In fact FGM types II, III, and IV are unjustly attributed to Islam, it is mostly traditional practice in both Muslim and Christian society. Islam is in favor, without any obligation, of the practice of type I, in special cases.

Male circumcision in Islam

Circumcision is considered an act of obligatory *Sunnah* or Prophetic tradition for males. This is one of the innate practices mentioned by the Prophet (pbuh).

Abu Hurayrah narrated that he heard the Prophet saying,

"Five practices are characteristics of the Fitrah: circumcision, shaving the pubic hair, cutting the moustaches short, clipping the nails, and depilating the hair of the armpits."¹

He (pbuh) also told a man who informed him that he had become a Muslim that he should be circumcised upon embracing Islam.

Regarding the timing, the most valid and preferred opinion is to do the circumcision on the seventh day of the male child's birth.

It is noteworthy that recent research has shown that cancer of cervix in women is more prevalent when their husbands are not circumcised as compared to circumcised ones.

Female circumcision in Islam

As for females, circumcision is only recommended and not mandatory. Before circumcision, a female should consult a specialized physician who decides whether circumcision is advisable or not. This is because some females and even males are born circumcised by nature.

In fact, Islam protects woman's sexual rights and when it permitted circumcision, it did so with conditions. Cases with hypertrophied or enlarged clitoris, liable to sexual discomfort,

¹ Reported by al-Bukhari.

could resort to circumcision as a way of preserving a woman's dignity and chastity by the attenuation of a strong sex drive.

The prophet (pbuh) said,

*“Cut down without exaggeration for it is livelier for the face and more enjoyable during intimate relations”.*¹

Accordingly, *Sunnah* of circumcision, though not mandatory, should not be abolished but allowed for those in favor of it for the cases justified earlier. It should be performed under complete sterile conditions with local or general anesthesia and should be practiced by skilled doctors and not by traditional practitioners.

It is crucial that type II, III, and IV be strictly banned. An urgent effort is needed to put an end to the silent suffering of millions of women and little girls.

¹ A sound *hadith*.

Legitimate Mixing Between Men and Women

Some words, which have existed in the language for a long time, have acquired new significance. Among these is the term 'mixing' or 'mingling', which refers to mixing of men and women in one place. During the age of the Prophet (pbuh), his succeeding Companions and their followers, Muslim men and women met at different gatherings, religious or otherwise, and this was not forbidden at all. Under the right circumstances and for good reasons, it was legitimate and natural for them to meet. Nor was it called 'mixing' then.

However, in our age the word has become very common. Since mixing one thing with another suggests dilution, the way sugar or salt is dissolved in water, a metaphor that would have unpleasant suggestions if applied to male-female relations. The purpose is to point out that not every kind of socialization is prohibited as some may argue. On the other hand, not all forms of mixing are acceptable as Western propagators claim.

Should woman be imprisoned in her home?

By examining the Qur'an and the guidance of the Prophet (pbuh), we find that woman was not meant to be caged or isolated as happened later.

Examples from the Glorious Qur'an

By examining the Qur'an's discourse on woman's affairs and by looking onto the lives of the Prophets (Peace and Blessings of Allah be upon them all), we hardly find such an iron curtain, as is drawn by some people, between men and women. It is not right to say that the revealed narrations of the preceding nations do not apply to us, since their stories were only cited in the Qur'an for reflection and guidance. Among these stories are the following:

- 1) In the prime of his youth, Prophet Moses (pbuh) is depicted talking to the two daughters of the old man of Madyan. He asks them questions and gets their answers without any particular feeling of guilt or embarrassment and helps them. One of them returns soon after with an invitation from her father for Moses to visit them. She even suggests her father to hire Moses based on what he showed when talking to them from good merits as honesty, strength, good manners and behavior.

The Glorious Qur'an reveals the story as follows,

[And when he arrived at the watering (place) in Madyan, he found there a group of men watering (their flocks), and besides them he found two women who were keeping back (their flocks). He said, "What is the matter with you?" They said, "We cannot water (our flocks) until the shepherds take back (their flocks): And our father is a very old man." So he watered (their flocks) for them; then he turned back to the shade, and said, "O my Lord! truly am I in (desperate) need of any good that you do send me!" Afterwards one of the (damsels) came (back) to him, walking bashfully. She said, "My father invites you that he may reward you for having watered (our flocks) for us." So when he came to him and narrated the story, he

said, "Fear not: (well) has you escaped from unjust people." one of the (damsels): "O my (dear) father! Engage him on wages; truly the best of men for thee to employ is the (man) who is strong and trustworthy.]

(Al-Qasas: 23-26)

- 2) Another story is that of the Queen of Sheba, who is cited by the Glorious Qur'an as consulting her people about how they should respond to Solomon's message to her:

[She said, "You chiefs! Advise me in (this) my affair: no affair have I decided except in your presence." They said, "We are endued with strength, and given to vehement war: but the command is with you; so consider what you will command." She said, "Kings, when they enter a country, despoil it, and make the noblest of its people its meanest thus do they behave.]

(An-Naml: 32-34)

Later when she arrives in Solomon's palace, she converses with Solomon as follows:

[So when she arrived, she was asked, "Is this your throne?" She said, "It was just like this; and knowledge was bestowed on us in advance of this, and we have submitted to Allah (in Islam)." And he diverted her from the worship of others besides Allah: for she was (sprung) of a people that had no faith. She was asked to enter the lofty Palace: but when she saw it, she thought it was a lake of water, and she (tucked up her skirts), uncovering her legs. He said, "This is but a palace paved smooth with slabs of glass." She said, "O my Lord! I have indeed wronged my soul: I do (now) submit (in Islam), with Solomon, to the Lord of the Worlds.]

(An-Naml: 42-44)

- 3) Moreover, the fact that in the early stage of Islam the initially revealed punishment for a woman who committed adultery was to keep her in a house until she died or until Allah made a way out for her. This proves that the woman used to go out because the way to punish her for a terrible sin, as committing adultery, was to lock her up in her house.

The Glorious Qur'an says,

[If any of your women are guilty of lewdness, Take the evidence of four (Reliable) witnesses from amongst you against them; and if they testify, confine them to houses until death do claim them, or Allah ordain for them some (other) way.]

(An-Nisa':15)

Dr. Yusuf al-Qradawi comments on this by saying, 'The previous verse means it is illogical from the Qur'anic point of view, and Islam in general, to make house-confinement a punishment for sinful women if it was originally a characteristic of descent and chaste women.'

Later, of course, the punishment changed to flogging for the unmarried couple who commit adultery, and stoning to death for the married ones.

Examples from the noble *Sunnah*

- 1) Women used to attend the teaching sessions of the Prophet (pbuh). They would address Lady `A'ishah, the Prophet's wife, with the questions they found awkward or too bold to ask. Lady `A'ishah (may Allah be pleased with her) praised the women of the Ansar whose shyness did not prevent them from seeking knowledge of the religion and asking questions about major issues such as impurity

(from sexual intercourse or ejaculation preventing one from performing some forms of worship), nocturnal emission, washing from impurity, menstruation and other such matters.

This was not enough for them compared to the men who used to join the Prophet (pbuh) all the time; so women requested a special day of teaching be designated to them without vying with a crowd of men. The Prophet (pbuh) promised to give them a day and he (pbuh) preached them and gave them instructions.

- 2) In the battlefield, women participated in serving the Muslim army with warriors who struggled to keep Islam alive in ways that suited them and brought out the best of their abilities. They used to tend the wounded, give medical aid, and treat the injured soldiers, in addition to cooking and procuring water.
 - Umm `Attiyya asserted, ‘I went on seven military expeditions with the Prophet (pbuh); I would guard the fighters’ provisions, make their food, treat the injured and nurse the ill ones.’¹
 - Anas, one of the Prophet’s Companions, narrates, ‘On the day of Uhud, `A’ishah and Umm Salim, used to carry water in skin bags on their backs and empty the contents into the soldiers open mouths.’ The fact that Lady `A’ishah was still in her teens renders incorrect the claim that female participation in military expeditions and battles was confined to old women. Realistically speaking, this defies logic; as such work would be

¹ Reported by Muslim.

limited to the aged when considering the physical and psychological troubles of war.

- Imam Ahmad recalls six believing women in the army on the day of Khaybar who carried out the previously mentioned tasks. In return for their participation, the Prophet (pbuh) allocated them shares in the war spoils.¹
- It is established that some of the Prophet's Companions' wives took up arms in some battles. The deeds of Umm `Imarah Nusaybah bint Ka`b on the day of *Uhud* are well known and were of such effect that they made the Prophet (pbuh) say,

'Her manner excelled that of such and such people (men).'

- In the battle of Hunayn, Umm Salim, wife of Abu Talha, kept a dagger to stab any enemies who would come within her reach. Her son Anas narrates this story as follows, 'On the day of Hunayn, Umm Salim had a dagger; when she was seen by her husband, and he told the Prophet (pbuh), 'Messenger of Allah, Umm Salim is keeping a dagger with her.' When the Prophet (pbuh) asked her about it she answered. 'It is to stab the belly of any of the pagans, who might come near me,' the thing that made the Prophet (pbuh) laugh.

- 3) The women of the Prophet's and the Companion's eras had ambitions that went beyond the participation in the expeditions into adjacent areas. They were also keen to take part in the Muslim conquests of distant lands to help spread the message of Islam. Anas narrated, 'One day, the Prophet (pbuh) took his nap in the house of Umm Hiram.

¹ Reported by Ahmad and Abu Dawud.

When he woke up, he laughed. So she asked, ‘What makes you laugh, Prophet of Allah?’ The Prophet (pbuh) said,

‘I have seen some people from my nation, who was out to fight for the sake of Allah, riding the sea. They were like kings seated on their thrones.’

Therefore, she replied, ‘O Messenger, pray to Allah that I may be one of them.’ He did.’¹

During the reign of `Uthman, the third Caliph (may Allah be pleased with him), Umm Hiram set sail with her husband, `Ubadah ibn as-Samit, to Cyprus, where she was killed in a battle and was buried there.

- 4) In the sphere of social life, Muslim women played their role as believers in preaching of good deeds and prohibiting evil. The story of a woman reasoning with `Umar, the second Caliph (may Allah be pleased with him), in the mosque over the issue of the amount of bridal money paid to the bride is well known.

In summation, the encounter of men and women is not prohibited in itself. On the contrary, it is allowed or even required if done in pursuit of a noble cause such as gaining knowledge or performing good acts in which the joint efforts of both men and women are necessary.

Separation in prayers

Women used to attend the major congregational prayers on Fridays at the Prophet’s mosque, including the night (*al-Isha`*) and dawn (*al-Fajr*) prayers. The Prophet (pbuh) would

¹ Reported by Muslim.

direct them to form rows behind the men's rows, and the more to the back the better.

Some may wonder why women are directed to stand behind men. Is it an act of discrimination? Or is it a form of female oppression? To answer this we should first recall that Islam has never treated women with degradation. On the contrary, a woman is accorded full rights and given spiritual, intellectual and civil equality with a man under the shade of Islam.

However, separation between men and women in prayers is based on understanding of Muslim prayer. Islamic prayers are considered an expression of humility and submission from Muslim believers to the creator. Hence, one should avoid all possible distractions of his/her attention and concentration during praying. Lady `A'ishah, the Prophet's wife, was reported to have given away a colorful new dress of hers in charity only because its colors and drawings used to distract her attention during praying.

In fact, there are three options regarding separation between men and women in prayers:

- Women standing in the front and men watching them behind.
- Women standing in line side by side mixed with men.
- Or the more practical thing is to let the women pray in the back in order to avoid men watching them bending and prostrating on the ground from behind in a close proximity which could distract them from concentrating.

Understanding the Muslim prayer, when the Muslim prays he must keep his thoughts focused on the Creator, Allah that is the highest act of worship as he literally stands between His

hands. In Muslim prayer, we have to stand shoulder to shoulder, toe to toe. Consequently, we would be fooling ourselves to imagine that a teenage boy is concentrating only on prayers while standing so close to a teenage girl.

Let us apply it to the fundamental aspect in prayer when we go to the mosque at the time of the Prophet (pbuh), men begin filling from the first line backward, women begin filling from the back rows forward and the children in the middle. This does not mean that men are first class, children second and women the third. They are all full participants in worshipping without any discrimination.

Moreover, in the early stages of congregating for prayer, men and women would go through the same entrance where crowding would occur. The Prophet (pbuh) was reported, on the authority of Ibn `Umar, to have said, '*If only we left this entrance to women.*'¹

Therefore, they allocated the entrance for them from that time on and there were separate entrances for men and women.

As for the Friday congregation, women during the Prophet's era attended the prayer and listened to the sermon to the extent that they could learn *Surah Qaf* because the Prophet (pbuh) recited it frequently from his position on the sermon pulpit.

Women also used to attend the congregational prayers of the two Islamic *Eids* (religious festivals) and took part in these big Islamic celebrations that involved all people, old and young, male and female. Umm `Atiyya, a witness of the

¹ Reported by Abu Dawud.

Prophet's era, said, 'We were frequently instructed to go out for the *Eids*.'

In another version, she said, 'The Messenger of Allah (pbuh) instructed us, the maids, and ones in their menses to go out. The women menstruating would stay away from prayer and witness the (good of the day) and Muslims' prayer to Allah. Therefore, I said, 'O Messenger of Allah, there may be one of us who does not have a dress.' He (pbuh) replied, '*Let her sister (in Islam) give her one.*'¹

It is worthy mentioning that similar to the Islamic attitude, the Orthodox Church separates between men and women during prayers.

Pseudo-argument for unrestricted mixing

The Islamic position toward man-woman relations and their common involvement on charitable and righteous lines is what we call legitimate mixing. Yet, 'intellectual imperialism' has affected people and caused them to ignore the Rulings of Allah and His Messenger (pbuh). Those give woman the freedom to promote her personality and to enjoy her femininity through unlimited mixing with men, where they would be together alone, travel with them, go to cinemas or dance together. In this way, woman is supposed to find the 'right man' out of all of them, and life is supposed to be more secure and have greater stability.

After the advanced Westerns relived themselves of complexes, they tell us not to worry about men or women as a result of such unlimited communication, calling it innocent friendship and upright contact. A closer view reflects that the

¹ Reported by Muslim.

frequency of man-woman unlimited contact will pacify desire. The two sexes will supposedly find satisfaction in the mere look, conversation or, in the extreme, dancing together, which is only a form of elevating artistic impression. It is said that sensual pleasure would have no place, since it is nothing but a harmless ventilation of energy.

Pseudo-argument rebuttal

In answer to this line of thinking, we say that as Muslims we should respect the principles of our religion. Our religion forbids us from promiscuous mixing with its seductiveness.

Allah says,

[Then We put you on the (right) Way of Religion: so follow thou that (Way), and follow not the desires of those who know not. They will be of no use to you in the sight of Allah: it is only Wrong-doers (that stand as) protectors, one to another: but Allah is the Protector of the Righteous.]

(Al-Jathiyah: 18- 19)

In addition, the West itself is suffering the consequences of dissipation and decaying morality that has corrupted its youth and led its civilization to collapse. In the United States, in Sweden and in other countries where sexual freedom is the norm, statistics show that lust is neither alleviated by freedom of talk and contact, nor by whatever follows that. On the contrary, the more people taste, the thirstier they become.

It has proven to be advantageous to separate sexes after grade six so that students focus solely on learning without exploring any sexual interests.

Effects of promiscuous mixing

Statistics and reports show that sexual freedom and the sexual revolution has borne its bitter fruit with the dissolution of the barriers separating men and women and among the resulting effects are the following:

1) Moral decay

The consequences of sexual promiscuity have been the disintegration of morality characterized by the triumph of desire over humanity, the loss of sense of chastity and any sense of shyness or reserve by both men and women giving rise to an internally disturbed society.

In a famous speech in 1962, Kennedy, the then President of the United States, said that American youth were loose and decadent; six out of seven young men were not fit to join the army because they were up to their ears in lustfulness. He warned against the ills of such youth leading the country.

In a book by the Harvard Research Center director, entitled *The Sexual Revolution*, the author firmly states that the United States is heading towards a catastrophic situation of sexual anarchy, similar to that of the Romans and Greeks. He adds that Americans are threatened by dangers of sexual intemperance that would overwhelm their culture and all aspects of their life.

In 1962, Khrushchev declared that the Soviet youth had deviated and had been spoiled by luxury. He threatened to open concentration camps in Siberia to relieve the society of the decadent youth that posed a threat to the future of the Soviet Union.

2) Illegitimate children

The rapid increase in the numbers of illegitimate children is directly related to the removal of barriers between young men and women. Statistics on the ratio of pregnant schoolgirls in the United States revealed a dreadful dimension. In a newspaper report, one third of the infants born in 1983 were illegitimate. Most of them were born to young women under nineteen. The total number of illegitimate children was 112,353 with a percentage of 37% of the births for that year.

3) Drops in marriage rates

The availability of sex without any liability of marriage and family has led youth to take the route of spending their time with different partners, enjoying change without commitment or bearing the responsibilities and costs of married life. Thus, and as a result of the illicit yearnings of easy relationships, a huge number of young women are deprived of the opportunity to have a husband, and experience a stable secure life. Similarly, many young men are deprived of establishing families of their own.

Statistics published in the United States show that 53% of the inhabitants of San Francisco are not married. This did not include the homosexuals of the city who constitute 15% of the population.

Due to the sexual degradation, which is a predominant social phenomenon in the Western world, it was natural for Swedish women to stage a 100,000 woman demonstration in protest against unlimited sexual freedom.

4) High divorce rates

Not only is marriage threatened by many obstacles, but it is also unsafe after its accomplishment. Family collapses occur due to the slightest problem leading to very high divorce rates in all Western countries.

5) High rape rates

Statistics show a rapid increase in the rates of raping among women and sexual abuse of children all over the world. It seems that despite the spread of illicit easy relationships, man still needs to prove his sexual domination.

6) Spread of fatal diseases

Among the acknowledged effects of sexual promiscuity are sexually transmitted diseases, as well as psychological diseases, the spread of complexes and disturbances that claim hundreds of thousands of patients. One of the most dangerous and lethal diseases is AIDS, which is caused by HIV virus.

This virus is responsible for the body's loss of immunity leaving it vulnerable to all forms of disease. Millions of people have suffered from such lethal diseases, a fact that provides proof for the words of Prophet Muhammad (pbuh) who said,

*'Lechery never appears in a community, but with its proclamation, afflictions appear throughout, which did not exist in bygone generations.'*¹

Freud and his followers in psychoanalysis argued that the lifting of traditional restrictions on sexual instincts would relieve the nerves and consciousness, undo complexes and

¹ Reported by Ibn Majah on the authority of Ibn `Umar, al-Hakim, adh-Dhahabi and others.

give souls a sense of comfort and ease. The restrictions have been lifted, the desires have been released and the complicated souls are only worse off; nerves are tenser and anxiety is the disease of the age. Not even the opening of a million clinics has helped.

Islamic rules for legitimate mixing between men and women

Islam sets a number of rules concerning mixing between men and women and makes it legitimate.

- 1- Both men and women should lower their gaze and preserve their chastity and purity.

Allah says:

[Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: And Allah is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty.]

(An-Nur: 30- 31)

- 2- Man/woman is forbidden to act or speak in ways that may tempt or seduce the other.
- 3- Man/woman should avoid being in seclusion with someone to keep a barrier against all sinful thoughts. The Prophet (pbuh) said,
*'No man should be in seclusion with a woman without the presence of a non-marriageable kin.'*¹
- 4- Avoid mixed gatherings except for necessities or an appreciable interest. Attending the congregational prayers

¹ Reported by al-Bukhari and Muslim.

in the mosque, seeking knowledge, cooperation in charity and promotion of piety are fields in which a woman's presence with men is accepted so that she will not be deprived of her community, and only on condition that she observes the limits of the Islamic code on social life.

Other Islamic rules are addressed for women:

- 1- Woman should preserve a descent, unrevealing manner of dress and ornamentation, all without being oppressive towards her. Allah says,

[And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex;]

(An-Nur: 31)

It is worth mentioning that the visible or apparent ornament that the verse refers to has been interpreted to include the face and the two hands.

- 2- Women should maintain seriousness in movement and speech.

Allah says:

[And that they should not strike their feet in order to draw attention to their hidden ornaments.]

(An-Nur: 31)

[O Consorts of the Prophet! You are not like any of the (other) women: if you do fear (Allah), be not too complacent of speech, lest one in whose heart is a disease should be moved with desire: but speak a speech (that is) just.]

(Al-Ahzab: 32)

Therefore, a woman is neither forbidden to speak with men, as some people wrongly understand, nor is her voice a shameful thing to show. On the contrary, she is commanded in the Glorious Qur'an to speak in good faith. Such command is not only addressed to the wives of the Prophet (pbuh), but applies to all women.

With all these directions and regulations, Islam provides safety for woman from impious tongues and preserves her chastity and decency by distancing her from all factors of deviation. It protects her soul and calms her nerves against tension, wild imaginations, slanders, and all factors of excitement. At the same time, Islam protects man from anxiety and seduction, the family from disintegration, and the society from collapse and decay.

Cases where Islam permits free intermingling

Islam disallows the free unlimited intermingling of the two sexes. Islam puts restrictions on this matter for example, no man and woman is allowed to meet privately or visit each other.

However, intermingling takes place when the necessity arises, as in the following cases:

- During circumambulating the *Ka'ba* (*Tawaf*).
- In the battlefield. For example, Muslim women might carry the dead, looking after the injuries. They also cook the food or give water for fighters .

Guardianship Is Man Superior to Woman in Islam?

Allah assigns guardianship to men by virtue of the Glorious Qur'an's verse,

[Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard (the husband's) absence what God would have them guard.]

(An-Nisa': 34)

In dealing with this highly sensitive issue, it must be noted that reference to custodianship in this verse is more general than the scope of husband and wife, because it implies no such restriction. Rather, it generalizes the guardianship of men towards women, which means that a man would be expected to bear the responsibilities of his wife, daughters, mother and sisters.

For that, Allah tells us,

[Allah has bestowed His gifts of sustenance more freely on some of you than on others: those more favored are not going to throw back their gifts to those whom their right hands possess, so as to be equal in that respect. Will they then deny the favors of Allah?]

(An-Nahl: 71)

Let us first consider the intended meaning of guardianship and its implication for women. The intended meaning is for

responsibility, not preference of one gender over another. The custodianship of men is due to their ability to judge emotionlessly on one hand and their bearing of the burdens of life on the other hand.

The term in Arabic carries the connotation of diligent efforts on the part of men to take all actions necessary for the welfare of women and to secure an acceptable standard of living for the women for whom they are responsible. It is worth mentioning that responsibilities are not limited to money, but include everything that is useful. Thus, patience, knowledge, good conduct, courage, etc. are all types of provision.

We also note that the comparison is expressed in a very accurate manner with the words, [*Allah has made one of them to excel the other,*]¹ which reflect that men excel women in elements of guardianship, whereas women provide men in elements of comfort that they make available to men.

Why are men assigned guardianship?

There are several reasons for this, some have to do with a natural quality and the other relates to something acquired.

- First, Allah has provided man with a quality of greater strength whereas He has equipped woman with a lighter, softer and usually more delicate physique.
- Second, Allah has provided man with a more stable nature than female as regards their hormonal system. It is well known that men are not liable to any hormonal changes, where women are subjected to hormonal fluctuations affecting their menstrual period, causing their emotional

¹ An-Nisa': 32.

disturbances and interfering in woman's consistent judgment.

- Third, Allah has delegated man to be the family provider. If the family collapses, he must bear the brunt of the collapse. This responsibility naturally entails deference and support.

When does a man lose his right of guardianship?

Allah will not accept that a woman of His creation to be humiliated by her husband. Allah is All-Capable of defending the wife's rights should the man imagine that his degree above the woman is for oppression, or if the woman imagines that the man is doing her a favor just by allowing her to be at his side. Marriage does not mean humiliation, because its essence is compassion and goodness.

Obedience to husbands and respecting his right of custodianship is governed by some conditions in Islam:

- 1- Since maintenance is the duty and responsibility of men, failure to meet that duty leads to defeat of custodianship. A woman has the right to demand divorce if her husband fails to support her financially.
- 2- Obedience should be in matters that do not result in disobedience to Allah or contradicts with any divine commandments.

The Prophet (pbuh) said,

*'No one is to obey someone in something that displeases Allah, our creator.'*¹

- 3- Obedience should be in something reasonable and fair, it does not mean dictatorship or capricious behavior.

¹ Reported by Ahmad and al-Hakim.

In addition, custodianship in Islam is governed by certain limits:

- A Muslim husband has no right to force his non-Muslim wife to embrace Islam, nor even to force her to follow a certain school of thought, in case she is a Muslim.
- A Muslim husband is forbidden to impose his way of thinking on his wife. On the contrary, Islam obligates him to respect his wife's mentality even if her views are opposing his, but provided she is not violating the Islamic rules.
- A Muslim husband's custodianship does not include any interference with his wife's property or money. Islam grants the wife, whether a Muslim or a non-Muslim, a totally independent financial personality. She has complete freedom to manage and spend her money the way she wants. Her husband could only give her advice or support.

Guardianship and equality

For some Divine wisdom, the Glorious Qur'an combines equality between men and women with the concept of custodianship in the context of family affairs and rulings.

Ibn `Abbas, for whom the Prophet (pbuh) prayed that he may be granted comprehension of the religion, understood the Divine wisdom of combining the notions of equality and custodianship.

Transmitted on the authority of Ibn `Umar, "Ibn `Abbas was standing in front of a mirror to straighten his appearance and arrange his ornamentation, when he was asked about it, he said: 'Most certainly, I like to adorn myself and make myself attractive to my wife, just as I like her to beautify

herself for me.’ Then he recited the Qur’anic verse, [*And they have rights (over them) similar to what is reasonable.*]”¹

Equality in this context does not refer to one-to-one equality, but rather refers to mutual rights. For every act done by a woman for a man there is a corresponding and equivalent act done by the man for a woman, even if not identical. They are equivalent in self, senses, feelings, and mentality. In other words each of them is a full human, having a mind to consider his or her interests, and a heart to love what is suitable and pleasing and hate what is unsuitable and displeasing. It would not be fair for one of them to control, enslave, or exploit the other, especially after starting the joint life in wedlock, which cannot be happy unless each spouse respects the other and fulfills his/her rights.

The relation between man and woman is similar to that between various organs of one body, where the man represents the head and the woman represents the rest of the body. A husband and wife should represent a cooperative couple. He should consult her and respect her opinion.

Indeed, the Prophet (pbuh) is the ultimate example for us all, and his custodianship includes the entire nation in terms of religion, state, and worldly affairs.

The Prophet (pbuh) constantly reiterated his recommendation of treating women well.

He (pbuh) also said,

*‘The best among you are those who are kindest to their wives.’*²

¹ Reported by Abu Dawud.

² Reported by at-Tirmidhi.

He (pbuh) also said,

*'It is generous (in character) who is good to women, and it is the wicked who insults them.'*¹

In the everlasting universal declaration of religious, civil rights, and duties made by the Prophet (pbuh) during the farewell pilgrimage, there were special sections dedicated to women in which he asserted the qualities of solidarity and support between men and women in equality, rights, and duties.

Who is given advantage over the other?

Everyone has advantage in certain things and disadvantages in other things. Everyone has an assigned task, and they are all destined for complementing, not conflicting. That is why Allah divided us into groups. The whole is the sum of the parts, i.e. the groups. You are gifted in certain things, not everything. When all people are brought together, they share the sum of all those gifts.

Thus, success of a man or woman lies in their suitability to perform the tasks for which they were created. Eventually, reward and punishment will be decided for each according to his or her assignments.

Ibn `Abbas, the great Muslim companion, commented on the Glorious Qur'an's verse,

[But men have a degree (of responsibility) over them]

(Al-Baqarah: 228)

¹ Reported by Ibn `Asakir.

Ibn `Abbas said, 'The degree indicated in the previous verse refers to encouraging husbands to excel in treating their wives kindly and to be generous in both financial maintenance and good manners.' This means that whoever has custodianship should accept the faults of the other and try to understand the other's position.

Equality of Males and Females in the Qur'an

There are numerous Qur'anic verses proving that Islam treats males and females on basis of equality regarding their religious duties, responsibilities and reward. Among which are the following verses,

[And their Lord has accepted of them, and answered them: "Never will I suffer to be lost the work of any of you, be he male or female: you are partners, one of another.]

(Al`Imran: 195)

[If any do deeds of righteousness, be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them.]

(An-Nisa': 124)

[The Hypocrites, men and women, (have an understanding) with each other: They enjoin evil, and forbid what is just, and are close with their hands. They have forgotten Allah; so He Has forgotten them. Verily the Hypocrites are rebellious and perverse.]

(At-Tawbah: 67)

[Allah has promised the Hypocrites, men and women, and the rejecters, of Faith, the fire of Hell: Therein shall they dwell: Sufficient is it for them: for them is the curse of Allah, and an enduring punishment.]

(At-Tawbah: 68)

[The Believers, men and women, are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise.]

(At-Tawbah: 71)

[Allah Has promised to Believers, men and women, gardens under which rivers flow, to dwell therein, and beautiful mansions in gardens of everlasting bliss. But the greatest bliss is the good pleasure of Allah: that is the supreme felicity.]

(At-Tawbah:72)

[Whoever works righteousness, man or woman, and has Faith, verily, to him will We give a new Life, a life that is good and pure and We will bestow on such their reward according to the best of their actions.]

(An-Nahl: 97)

[Say to the believing men that they should lower their gaze and guard their modesty that will make for greater purity for them and Allah is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty that they should not display their beauty and ornaments except what (must ordinarily) appear thereof, that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention

to their hidden ornaments. And O you Believers! Turn all together towards Allah, that you may attain Bliss.]

(An-Nur: 30- 31)

[For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise,- for them has Allah prepared forgiveness and great reward.]

(Al-Ahzab: 35)

[And those who annoy believing men and women undeservedly bear (on themselves) a calumny and a glaring sin.]

(Al-Ahzab: 58)

[(With the result) that Allah must punish the hypocrites, men and women, and the unbelievers, men and women, and Allah turns in Mercy to the believers, men and women: for Allah is Oft-Forgiving, Most Merciful.]

(Al-Ahzab: 73)

[He who works evil will not be requited but by the like thereof, and he who works a righteous deed - whether man or woman - and is a Believer- such will enter the Garden (of Bliss), Therein will they have abundance without measure.]

(Ghafir: 40)

[To Allah belongs the dominion of the heavens and the earth. He creates what He wills (and plans). He bestows (children) male or female according to His Will (and Plan).]

(Ash-Shura: 49)

[Or He bestows both males and females, and He leaves barren whom He will: for He is full of Knowledge and Power.]

(Ash-Shura: 50)

[Know, therefore, that there is no god but Allah, and ask forgiveness for your fault and for the men and women who believe: for Allah knows how you move about and how you dwell in your homes.]

(Muhammad: 19)

[That He may admit the men and women who believe, to Gardens beneath which rivers flow, to dwell therein forever, and remove their ills from them; and that is, in the sight of Allah, the highest achievement (for man).]

(Al-Fat-h: 5)

[And that He may punish the Hypocrites, men and women, and the Polytheists men and women, who imagine an evil opinion of Allah. On them is a round of Evil, the Wrath of Allah is on them, He has cursed them and made Hell ready for them and evil is it for a destination.]

(Al-Fat-h: 6)

[One Day shall you see the believing men and the believing women- how their Light runs forward before them and by their right hands, (their greeting will be), "Good News for you this Day! Gardens beneath which flow rivers! To dwell therein forever! This is indeed the highest achievement!]

(Al-Hadid: 12)

[For those who give in charity, men and women, and loan to Allah a Beautiful Loan, it shall be increased manifold (to their credit), and they shall have (besides) a liberal reward.]

(Al-Hadid: 18)

Equality Between Males and Females

We persistently reiterate that the Islamic system of women's liberation is based on "similarity and distinction" as expressed in the Qur'an,

[And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them. And Allah is Exalted in Power, Wise.]

(Al-Baqarah: 228)

[When she was delivered, she said, "O my Lord! Behold! I am delivered of a female child!"- And Allah knew best what she brought forth- "And no wise is the male like the female. I have named her Mary, and I commend her and her offspring to your protection from the Evil One, the Rejected.]

(Al `Imran: 36)

Amazingly, it was with the will of Allah that the validity of this Islamic system be endorsed by one of "their own". Al-Ahram newspaper of Cairo, Egypt, published a report about a scientific research study that took twenty years to be completed by a team of psychologists in the United States of America. The study revealed the validity of facts stated in this Qur'anic system, as it found that men and women have 32 similar attributes, while men have 32 distinctive attributes and women also have 32 distinctive attributes of their own. As such, it becomes clear that there is similarity,

[O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women, reverence Allah, through whom you demand your mutual (rights), and (reverence) the wombs (That bore you), for Allah ever watches over you.]

(An-Nisa': 1)

[And their Lord has accepted of them, and answered them, "Never will I suffer to be lost the work of any of you, be he male or female: you are members, one of another, Those who have left their homes, or been driven out wherefrom, or suffered harm in My Cause, or fought or been slain. Verily, I will blot out from them their iniquities, and admit them into Gardens with rivers flowing beneath, a reward from the presence of Allah, and from His presence is the best of rewards.]

(Al `Imran: 195)

Both male and female are similar in half of their attributes and distinctive in the other half.

Equity between both genders in Islam

Linguistically, equality means similarity; if two things are equal then they are similar or alike. Fairness refers to balancing between parties such that each receives his rights without reduction and injustice.

In that sense, the entire Islamic nation is one of fairness, as mentioned in the words of Allah,

[Thus, have We made of you an Ummah justly balanced, that you might be witnesses over the nations, and the Messenger a witness over yourselves; and We appointed the Qiblah to which you was used, only to test those who

followed the Messenger from those who would turn on their heels (From the Faith). Indeed it was (A change) momentous, except to those guided by Allah. And never would Allah make your faith of no effect. For Allah is to all people Most surely full of kindness, Most Merciful.]

(Al-Baqarah: 143)

Fairness thus refers to a proper system and avoidance of deviation or aberrance.

It is fairness that realizes balance and integration for all of the creatures in the world, but equality cannot be fair unless all properties and attributes are equal and alike. Conversely, if two parties are disparate then fair equality cannot be achieved, because equality between two different entities would represent obvious unfairness and injustice. If someone demands absolute equality between men and women, then they should first try to make them physically and psychologically equal.

In reality, men and women are two different beings in terms of natural and psychological composition. However, they complement each other in performing vital roles. Natural differences between them are not solely attributed to apparent differences, but also to disparity in the composition of their tissues and the absorption of chemical substances by their organs. Each cell in a woman carries feminine qualities, and the same applies to the organs of her body and her nervous system, which makes us realize that it was the Divine Power that made men a class enjoying strength and women a class characterized with softness. The same is true with regard to the hormones that determine the gender of each.

Females do not have the same physical or psychological components as males. Hence, their functions must be different

from those of males, and that difference must imply differences in responsibilities, duties, and rights. This does not mean that women are inferior to men, but they are merely different.

Hence, we can say that the proper word to describe the Islamic system of gender and obligations is fair equality or equity.

Equity is the norm except in certain cases

Having defined the concept of fair equity and the difference between distinction and privilege, we may ask: Is equity the norm except in cases where certain situations prove differences between them? Or is difference the norm except in cases where certain authorities prove equity between them?

To answer that question, we have to clarify the principles of Islam regarding the welfare of women because through these we will prove that equity is the norm except in cases where certain authorities prove differences between them.

The principles of Islam regarding the welfare of women can be summarized in two chief principles:

The brotherhood of human ancestry: women are the sisters of men, both being the descendants of one father and one mother. Allah said,

[O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things).]

(Al-Hujurat: 13)

Everyone is addressed under the word mankind by words stating that Allah created them from one father and one mother. Naturally, the word mankind applies to all human beings, men and women.

The Prophet (pbuh) also confirmed this fact when he said,
*“Women are but the sisters of men.”*¹

In an obviously restrictive phrasing. Based on this sibling relation, the foundation that must be observed at all times is that any ruling that is established in connection with men is automatically established and applicable to women as well, unless an authority of the Shari`ah indicates that a certain ruling is exclusively relevant to one gender only.

Islam views all people, men and women, as being equivalent in terms of worshipping Allah. The sole Islamic criterion of preference between one human and another, between black and white, between ruler and subject, or between man and woman, is that of piety.

People are also equal in human dignity, regardless of gender or age. We find this in the words of Allah,

[We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of our creation.]

(Al-Isra': 70)

Human equality between man and woman is found in the words of Allah in many places, Allah says,

[O mankind! reverence your Guardian-Lord, who created you from a single soul, created, of like nature,

¹ Reported by Ahmad, Abu Dawud and at-Tirmidhi.

His mate, and from them twain scattered (like seeds) countless men and women, reverence Allah, through whom you demand your mutual (rights), and (reverence) the wombs (That bore you), for Allah ever watches over you.]

(An-Nisa': 1)

The relevance in this verse is based on two sentences:

- 1- As women are included with men under the term mankind, then they are similarly addressed with the requirements of piety. In other words, she is addressed by these directives by virtue of her humanity, for she is a human as he is. This is reiterated in *Surah Al-Ahzab*, where the human aspect of each gender is addressed in the requirement to endure the assignment and responsibility,

[We did indeed offer the Trust to the Heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof, but man undertook it; He was indeed unjust and foolish]

(Al-Ahzab: 72)

- 2- The connection in these words of the spiritual relation is more clear and firm than a connotation of physical relation, as the latter requires two persons not just one. This is especially true in light of the linguistic indication of a person, which refers to the spirit and moral qualities, not just the apparent human body.
- 3- Along with the previous two sentences, this one confirms the indication of unified human essence.

On basis of this description of the humanity of women and of that similarity, Islam established the religious, economic, and social status of women in a manner identical to men.

Before we present an overview of this competence, we need to highlight the following:

- a) The majority of scholars, including those specialized in exegesis of Qur'an, are in agreement that any statement made in the Noble Qur'an related to duties, rights, and general deeds and addressed to the believers and Muslims in the singular masculine or plural masculine forms is identically applicable to women, unless there is a qualifying restriction. This vital principle of the meanings of Qur'anic language applies to worshipping, financial, and physical obligations, as well as rights, restrictions, consequences, manners, and individual and social ethics, and the ultimate reward or punishment thereof in this world and the afterlife.

This applies to,

- Equality between men and women in ordained punishments (*Hudud*):

[As for the thief, male or female, cut off his or her hands, a punishment by way of example, from Allah, for their crime, and Allah is Exalted in power. But if the thief repents after his crime, and amends his conduct, Allah turns to him in forgiveness; for Allah is Oft-forgiving, Most Merciful.]

(Al-Mai'dah: 38-39)

[The woman and the man guilty of adultery or fornication, flog each of them with a hundred stripes, Let not compassion move you in their case, in a matter prescribed by Allah, if you believe in Allah and the Last Day and let a party of the Believers witness their punishment.]

(An-Nur: 2)

- Equality in retribution:

[O you who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude, this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty.]

(Al-Baqarah: 178)

- Equality between men and women in manners and ethics:

[Say to the believing men that they should lower their gaze and guard their modesty that will make for greater purity for them. And Allah is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty, that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex, and that they should not strike their feet in order to draw attention to their hidden ornaments. And O you Believers! turn all together towards Allah, that you may attain Bliss.]

(An-Nur: 30- 31)

- Equality in reward and the outcome of deeds:

[For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in Charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward.]

(Al-Ahzab: 35)

This verse equates men and women in status, consideration, and bountiful promise of results consequential to faith, Islam, and their apparent implications such as obedience, truthfulness, patience, reverence, benevolence, fasting, preservation of chastity, and remembrance of Allah. It also includes establishment of her required duties in an equitable manner.

b) The majority of scholars are in similar agreement in regards to the domain of prophetic traditions addressed to Muslims and believers in the singular masculine form in the absence of any qualifying restrictions. This applies to literally thousands of *hadiths* pertinent to belief, knowledge, piety, purity, fasting, *Zakah* (obligatory charity), pilgrimage, food, beverage, manners, and ethics. For the sole sake of exemplification, we introduce the following examples:

- Al-Bukhari, Muslim, at-Tirmidhi, and an-Nasa'i narrated that Anas ibn Malik quoted the Prophet (pbuh) as saying,

'No one will be a good believer unless he likes for others what he likes for himself.'

- Al-Bukhari, Muslim, at-Tirmidhi, and an-Nasa'i narrated that `Abdullah ibn `Amr quoted the Prophet (pbuh) as saying,

“The Muslim is he from whose words and deeds the (other) Muslims are safe.”

- c) Allah established a sound rule as the basis for differentiation between man and woman in some obligations in the verse,

[And in no wise covet those things in which Allah Has bestowed His gifts more freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah for His bounty. For Allah has full knowledge of all things.]

(An-Nisa': 32)

Is Woman Deficient, When Compared to Man, in Terms of Mental Ability and Religion?

Abu Sa`id al-Khudri reported: Once Allah's Messenger went out to the Mosque (to offer the prayer) of al-Adha or Al-Fitr 'Id prayer. Then he passed by the women and said, "*O women! Give alms, as I have seen that the majority of the dwellers o the Hell-fire were you (women).*" They asked, "Why is it so, O Allah's Messenger?" He replied, "*You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in reason and religion than you. A cautious sensible man could be led astray by some of you.*" The women asked, "O Allah's Messenger! What is deficient in our reason and religion?" He said, "*Is not the evidence of two women equal to the witness of one man?*" They replied in the affirmative. He said, "*This is the deficiency in her reason. Isn't it true that a woman can neither pray nor fast during her menses?*" The women replied in the affirmative. He said, "*This is the deficiency in her religion.*"¹

This was said during a sermon given to women on a day of *Eid* (festival). Naturally, we cannot expect the noble Prophet (pbuh) who had the ultimate manners to degrade, offend, or demoralize women on such a joyous occasion. It was also not meant as a generalization.

¹ Reported by al-Bukhari.

Thus, this expression of “deficiency of mentality and religion” was only brought forth once in the context of attracting attention and introducing special advice for women. Not once was it expressed independently as a matter of fact.

The intended meaning here is that of feminine emotions prevailing over reason, which means that women are not very decisive. This is natural, because the children for whom they care are not fully sensible and mature people.

There is abundant proof that this description of women as being deficient in terms of mentality and religion was not intended to degrade them. There are numerous responsibilities equally required of men and women alike, such as:

- a) Human responsibility: i.e. the responsibility born by each human being for his or her deeds and being held accountable for them.
- b) Criminal liability and being subjected to equal penalties for aberrant behavior. This is established in the Noble Qur’an.
- c) Civil responsibility and rights of property disposal, concluding contracts, and guardianship for minors. This is approved by most jurists based on evidence from the Noble Qur’an and *Sunnah*.
- d) Women are also entitled to choose their husbands in Islam and to approve their marriage; otherwise, the contract would be invalid. Corresponding to men’s right to divorce, women have the right of *Khul`*.

The meaning of her mental deficiency

Mental ability is the foundation essence of assignment in Islam. As men and women in Islam are equal in assigned duties, reward, and punishment, then the erroneous

interpretations of this *hadith* are easily refuted. If there were any truth in such interpretations, it would have been necessary for women to have less religious assignments than men would.

There is also a falsified *hadith* that says, “Consult women then follow other than their opinion.”

This is of course a totally invalid and groundless *hadith*. It also contradicts directions found in the Qur’an for consultation between parents, i.e. the father and the mother, concerning weaning babies,

[The mothers shall give such to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly because of her child. Nor father because of his child, an heir shall be chargeable in the same way. If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If you decide on a foster-mother for your offspring, there is no blame on you, provided you pay (the mother) what you offered, on equitable terms. But fear Allah and know that Allah sees well what you do.]

(Al-Baqarah: 233)

It also contradicts valid reports from the *Sunnah* and practice of the Prophet (pbuh) that he consulted his wife Umm Salamah on the day of the Hudaibiyah Pact and applied her opinion, which was righteous and sound, then there was glorious victory for the Muslims.

It is not acceptable in Islam for women to throw their share of the ultimate Islamic responsibility of recommending good and discommending evil on men alone, with the excuse that men are more capable in that regard, or that the nature of women is not

suitable for it. Men have their realms, and women have theirs. Life can only be normalized with joint efforts of both types to improve the conditions of their nation. If either or both fails to carry out that duty, life will be corrupted.

Surah Al-Mujadalah, clearly indicates Islam's respect for the opinions of women, and places them in a position to discuss and argue with the Prophet (pbuh). Not only that, but it also supported the opinion of the woman and transformed it into general and eternal legislation. Thus, Islam's view of women is not merely of a rose for the man to enjoy its scent, but of an intellectual human being capable of thinking and of developing a sound opinion.

The meaning of her religious deficiency

Deficiency of religion only means temporarily reduced duties. When the Prophet (pbuh) was asked about this issue, he mentioned a specific matter, refraining from prayers and fasting during menstrual and postnatal periods. Thus, this is only a partial and temporary deficiency that is ordained upon woman through no choice of their own.

Therefore, this is not a reproachable type of deficiency, as it cannot be willingly corrected. On the contrary, the obedience shown by women to Allah in refraining from fasting and praying during menstrual and postnatal periods manifests true compliance.

Invalidated *hadiths* imposing oppression upon women

Muslims have deviated away from the teachings of their religion related to treating women. Abundant dark narratives and *hadiths* that are either fabricated or close to that have led Muslim women to profound ignorance, isolation, and

enslavement. In fact, they have reverted women to a situation that is not remote from the early *Jahiliyyah* of pre-Islamic times. Today, we find claims that educated women represent a transgression, that they are not allowed to go to mosques, and that they are denied any right to participate in community affairs or to occupy themselves with its present and future.

Sheikh Muhammad al-Ghazali explained the danger of weakly validated *hadiths* dominating minds and being used as a pretext to confine women, preventing them from participating in rights that were granted to them by Allah. He refers as an example of that to a narration ascribed to Fatimah, the daughter of the Prophet (pbuh), that a woman is not to be seen by anyone and no one should see her, and the Prophet (pbuh) approved that. He held his daughter close to him and said, “*Offspring, one of the other.*”

In comment on this alleged *hadith*, Sheikh Muhammad al-Ghazali said, “You are relating a strange *hadith* that has not been mentioned in a single respectable book of *Sunnah*. You are relating a *hadith* that contradicts the consensus established by the Qur’an, valid *hadiths*, and the practice of the Prophet (pbuh) and his Rightly-Guided Caliphs.”

Hadiths imposing illiteracy upon women were invented by the falsifiers and believed by some people who mistook them as the basis for not establishing schools for girls and inventing rulings to prevent them from frequenting mosques.

- They based their hindrance of women’s progress on some questionable authorities, simultaneously abandoning the firmest of authorities.
- That group did not stop at the limit of exploiting equivocal authorities and abandoning firm ones, but even exploited valid *hadiths* by distorting them to deprive women of their

rights, such as the *hadith* that has been repeatedly used as basis for justifying their views of women, that being the *hadith* that describes them as “*Deficient in mind and religion.*”

- Erroneous or minimally supported opinions that were expressed by some of the early scholars, the results of which were amplified due to successive transmission through many generations by virtue of rigidity and imitation.

Women's Testimony

Woman's testimony rights according to Jewish and Christian laws

Women were not allowed to witness or testify in the early **Jewish** society. The Rabbis counted the fact that women were not able to witness among the nine curses inflicted upon all women. Women in today's Israel are not allowed to testify in Rabbinical courts. The Rabbis justify that women cannot bear witness by quoting Genesis (Chapter 18 verses 9-16), where it is stated that Sara, Abraham's wife had lied. The Rabbis use this incident as evidence that women are unqualified to bear witness.

It should be noted that this story of Sara has been mentioned more than once in the Glorious Qur'an without any hint to any lies by Sara:

The Glorious Qur'an says,

[There came Our messengers to Abraham with glad tidings. They said, "Peace!" He answered, "Peace!" and hastened to entertain them with a roasted calf. But when he saw their hands went not towards the (meal), he felt some mistrust of them, and conceived a fear of them. They said, "Fear not: We have been sent against the people of Lot." And his wife was standing (there), and she laughed: But we gave her glad tidings of Isaac, and after him, of Jacob. She said, "Alas for me! shall I bear a child, seeing I am an old woman, and my husband here is an old man? That would indeed be a wonderful thing!"]

They said, "Do you wonder at Allah's decree? The grace of Allah and His blessings on you, o you people of the house! For He is indeed worthy of all praise, full of all glory! "When fear had passed from (the mind of) Abraham and the glad tidings had reached him, he began to plead with us for Lot's people.]

(Hud: 69-74)

[Has the story reached you, of the honored guests of Abraham? Behold, they entered his presence, and said, "Peace!" He said, "Peace!" (and thought, "These seem unusual people." Then he turned quickly to his household, brought out a fatted calf, And placed it before them, he said, "Will you not eat?" (When they did not eat), He conceived a fear of them. They said, "Fear not," and they gave him glad tidings of a son endowed with knowledge. But his wife came forward (laughing) aloud: she smote her forehead and said, "A barren old woman!" They said, "Even so has your Lord spoken and He is full of Wisdom and Knowledge.]

(Az-Zariyyat: 24-30)

In the **Christian** West, both Ecclesiastical and civil law banned women from giving testimony until the late nineteenth century. According to the Bible, if a man accuses his wife of adultery, her testimony will not be considered at all. If she is innocent, her husband will not be held accountable for his false accusation.

Also according to the Jewish law, if a man takes a woman as his wife then accuses her of not being virgin, her own testimony will not count. Her parents must bring evidence of her virginity before the elders of the town. If the parents could not prove the innocence of their daughter, she would be stoned to death on her father's doorstep. However, if her

parents were able to prove her innocence, the marriage cannot be dissolved.

“If any man takes a wife, and goes in to her, and hates her, accuses her of shameful things, brings up an evil name on her, and says, I took this woman, and when I came near to her, I didn’t find in her the tokens of virginity, then shall the father of the young Lady, and her mother, take and bring forth the tokens of the young Lady’s virginity to the elders of the city in the gate; and the young Lady’s father shall tell the elders, I gave my daughter to this man to wife, and he hates her, and behold, he has accused her of shameful things, saying, I didn’t find in your daughter the tokens of virginity; and yet these are the tokens of my daughter’s virginity. They shall spread the garment before the elders of the city. The elders of that city shall take the man and chastise him; and they shall fine him one hundred shekels of silver, and give them to the father of the young Lady, because he has brought up an evil name on a virgin of Israel: and she shall be his wife; he may not put her away all his days. But if this thing be true, that the tokens of virginity were not found in the young Lady; then they shall bring out the young Lady to the door of her father’s house, and the men of her city shall stone her to death with stones, because she has done folly in Israel, to play the prostitute in her father’s house: so you shall put away the evil from the midst of you.” (Deuteronomy 22:13-21)

The Glorious Qur’an explicitly stated that women are exactly equivalent to men in mutual sworn testimonies in cases known as oath of condemnation where a husband accuses his wife of infidelity and has no supporting witnesses,

[And for those who launch a charge against their spouses, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear

witness four times (with an oath) by Allah that they are solemnly telling the truth; And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) By Allah, that (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.]

(An-Nur: 6-9)

That is a husband's statement of his damnation by Allah if he is lying four times, invalidated by the woman's counter statement four times, and followed by an invocation of Allah's wrath upon her if she is lying.

The difference between testimony and witnessing in Islam

There is a false claim that Islam considers a woman to be half a human, based on the verse in *Surah Al-Baqarah* in the Qur'an,

[O you who believe! When you deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing Let a scribe write down faithfully as between the parties: let not the scribe refuse to write: as Allah Has taught him, so let him write. Let him who incurs the liability dictate, but let him fear His Lord Allah, and not diminish aught of what he owes. If they party liable is mentally deficient, or weak, or unable Himself to dictate, Let his guardian dictate faithfully, and get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her.]

(Al-Baqarah: 282)

Many people confuse “testimony” with “witnessing”, the latter being the intended meaning of the previous verse. Testimony, as a procedure on which the judiciary depends in discovering the justice based on evidence and on extracting it from the intricacies of the litigants’ claims. It does not take gender as a criterion of credibility, and accordingly, of acceptance or rejection. Rather, the only essential criterion is establishment to the judge's satisfaction as to the truth of the testimony, regardless of the gender and number of testifiers. If satisfied that evidence was established, a judge may accept the testimony of two men, two women, one man and one woman, one man and two women, one woman and two men, one man, or one woman. Gender is irrelevant to the judiciary in basing the ruling on submitted evidence.

As to the above mentioned verse, it refers to an issue other than testifying before the judiciary, namely the “witnessing” that is affected by the creditor to preserve his right. The verse is addressed to the creditor, not to a judge who is ruling on a dispute. In fact, it is not addressed to all creditors, and does not require the same level of witnessing and number of witnesses for all cases of debt. It was given as advice and guidance in special cases of debts, creditors, and circumstances as mentioned in it.

The above statement was supported by Ibn al-Qayyim, who wrote, “Evidence as referred to by Allah and the Prophet (pbuh), and by the Prophets' Companions is a term for anything that shows the truth, and that is not restricted to two witnesses. In the verse regarding debts, Allah said the previous verse refers to liability, and documentation by which the creditor preserves his right. It does not refer to the means and elements of judgment, for each is a separate issue. Allah mentioned how rights may be preserved through witnesses,

but did not mention that judges may not rule on any other basis, for the means of judgment are by far more general than the means of preserving rights. Also, the verse means that the creditor is entitled to preserving his rights with people he has confidence in.”

Ibn Al-Qayyim added, “There is also nothing in the Qur’an that requires, as a mandatory prerequisite for judging, the testimonies of two men or one man and two women. This requirement was rather made for creditors to preserve their rights with such a quorum, not for judges to base their rulings on, let alone restricting the basis of their judgments to that. As such, judgments may be made on basis of refusal to testify, rejected oath, single woman, women without men, and other means of judgment that were not mentioned in the Qur’an. Means of judgment are one thing while means of preserving right are another thing, with no interdependence between them. The basis of judgment is not necessarily appropriate for preserving rights, and vice-versa.

A judge may rule on the basis of a single man’s testimony if known to be true, except in ordained punishments (*Hudud*). Judges were not required to restrict their rulings to the testimony of two men or a man and two women. In fact, the Prophet (pbuh) judged on basis of the testimony of one man and an oath on basis of testimony alone, that definitely does not contradict the Qur’an, and those who understand know that there is no difference between the ruling of Allah and the ruling of the Prophet (pbuh). The Prophet (pbuh) accepted the testimony of one Bedouin in observing the crescent of the Arabic month Ramadan. He also accepted the testimony of one man in the issue of the spoils of war.”

Commenting on the verse,

[And if there are not two men, then a man and two women.]

(Al-Baqarah: 282)

Sheikh of Al-Azhar Mahmud Shaltut agreed with Ibn al-Qayyim's opinion and added, "Along this line of thinking, jurist Ibn Al-Qayyim establishes that 'evidence' in Islamic Law is more comprehensive than testimony; conforming 'evidence' is the factor in establishing rights, what makes it evident and consequently what is to be considered by the judge. The judge pronounces his verdict on this basis of decisive evidence, even if it were a non-Muslim's testimony as long as he feels it worthy of his trust."

Women and forgetfulness in case of witnessing

Ibn Taymiyah mentioned, in the context of discussing witnessing as mentioned in *Surah Al-Baqarah*,

[So that if one of them errs (forgets), the other can remind her.]

(Al-Baqarah: 282)

The forgetfulness of a woman and the consequential need for another woman is not an inherent aspect of all women, and is not required for all sorts of testimony. He stated that it is rather a matter related to expertise and practice, which means that it is subject to development and change. This was related by his student, as follows,

"Sheikh of Islam, Ibn Taymiyah, said that the honorable verse, *[So that if one of them errs (forgets), the other can remind*

her,]¹ applies to cases where forgetfulness and inaccuracy are the norm. Conversely, testimonies of women are not considered as half that of men in cases where testimony is normally unaffected by such blemish.”

Scholars of exegesis discussed this issue and attributed it to disposition. They said that women are subject to weakening of disposition, which eventually leads to forgetfulness. This reasoning is unfounded, and the real reason is that women are not generally concerned with financial transactions and similar dealings, and as such do not have sharp memories in that regard. However, their attitude at home is the exact opposite, where their memories concerning house management affairs are sharper than men are. Thus, we can conclude that all humans, men and women, remember matters that occupy them and are of more concern to them better.

In addition, **scientifically** speaking, males are more stable than females regarding their hormonal blood level. It is well known that men are not liable to any hormonal changes, where women are subjected to hormonal fluctuations affecting their menstrual period and causing their emotional instability. PMS or Pre Menstrual Syndrome is a group of symptoms that women might complain of before their menses. Among these symptoms are emotional disturbance, irritability and anxiety, which all might affect and interfere in woman’s opinions and make her indecisive. In the past, women in such an instable phase (PMS) were prohibited from testimony according to some law in England. The old Victorians regarded menstruating women as a great danger. If a woman was a witness to a crime, she was counted as an

¹ Al-Baqarah: 282.

invalid witness when menstruating. If she was a rape victim, her word could not be trusted.

Islam does not accuse woman of memory weakness but respects her delicate nature, so if one woman is going through that critical phase (PMS), the other woman might not be. Islam actually supports the feminine testimony and not totally discounts it as the Victorians.

Requirements for testimony

There are three requirements for testimony:

- 1) The testifier must be honorable and precise, and there should be no dispute, or favor between him and the accused. The testifier must not be of relation or kinship with the accused i.e. the testifier cannot be the son, the father, the maid, employed by the accused ... etc.
- 2) There must be some link between the testifier and the incident on which he is testifying, so that he can testify to the truth.
- 3) The testifier, whether a man or woman, must be of sound mind.

Cases requiring women's testimony only

Jurisprudents have also stated that women's testimonies are exclusively accepted in certain cases where men are normally not involved, such as matters of birth, virginity, women's defects, and internal issues. Women's testimony is also accepted in crimes taking place in female gatherings that are not usually frequented by men, like women's bath houses, wedding parties solely attended by women and other such gatherings.

Imam Ahmad, the great Muslim scholar, stated that testifying on matters that are unattended by men, such as the initial signs of a newborn's viability, and injuries between women inflicted in their public baths, is to be given only by women.

The Prophet (pbuh) also accepted the testimony of one woman in nursing, and that particular woman testified concerning her own act.

`Uqbah ibn al-Harith was reported to have said that after he had married Umm Yahya bint Abi Ihab, a black slave came and said that she had suckled them both (which make `Uqbah a foster brother to Umm Yahya, a condition that invalidates their marriage). When `Uqbah mentioned that to the Prophet (pbuh), he turned his back to him and told `Uqbah,

“How, and the woman said that she had breastfed you both!”¹

The question is, if one woman kills, wounds or steals from another and the only witness is a woman, should her testimony be ruled out because it is merely given by a woman or should men give testimony for something they did not witness? It is more natural to accept a woman's testimony in such cases so long as she is reputed to be honest, accurate and mindful.

Conversely, there are also cases where only men are accepted for testimony. Those are cases that would be intolerable to a woman's sentiments. However, jurists also accepted women's testimony in blood relations cases if it becomes necessary to prove the truth and satisfy the judge.

¹ Reported by al-Bukhari and Muslim.

Naturally, there are cases where both men and women are accepted for testimony.

Cases where women are equivalent to men in testimony

- The Qur'an states that women are exactly equivalent to men in mutual sworn testimonies,

[And for those who launch a charge against their spouses, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by Allah that they are solemnly telling the truth; And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) By Allah, that (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.]

(An-Nur: 6-9)

- Ibn al-Qayyim derives evidence from the following verse that women are equal to men in this type of testimony to the delivery of the religion and the narration of the *Sunnah*.

[Thus, have We made of you a community justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves; and We appointed the Qiblah to which you was used, only to test those who followed the Messenger from those who would turn on their heels (from the Faith). Indeed it was (A change) momentous, except to those guided by Allah. And never would Allah make your faith of no effect. For Allah is to all people most surely full of kindness, Most Merciful.]

(Al-Baqarah: 143)

- Indeed, women are equal to men in narrating *hadiths*, which is in essence a testimony for the Prophet (pbuh). If that is a matter of consensus throughout the nation, and has been exercised by many generations of women narrators, then how can the testimony of women be accepted for the Prophet (pbuh) and not for any other ordinary person? Honorable women are equal to men in truth, honesty, and piety.

We have based our rebuttal of this claim on two approaches:

- Leaving the elimination of this claim to the statements of prominent Islamic scholars, rather than our own, to avoid any further misconception!
- Limiting these statements within the framework of the predecessors (*Salaf*).

Women's Oaths

Judeo-Christian women's vows are not binding on her

According to the Bible, the man must fulfill any vows he might make to God, he must not break his word. On the other hand, a woman's vow is not necessarily binding on her. It must be approved by her father if she is living in his house or by her husband if she is married. If her father/husband does not endorse her vows, all pledges made by her become null and void:

“But if her father disallows her in the day that he hears, none of her vows, or of her bonds with which she has bound her soul, shall stand: But if her husband altogether holds his peace at her from day to day, then he establishes all her vows, or all her bonds, which are on her: he has established them, because he held his peace at her in the day that he heard them. But if he shall make them null and void after he has heard them, then he shall bear her iniquity.” (Num. 30: 5-15)

The reason that a Christian woman's word is not binding on her is simply that she is owned by her father, before marriage, or by her husband after marriage. The father's control over his daughter was absolute to the extent that, he could sell her if he wished! It is indicated, ‘The man may sell his daughter, but the woman may not sell her daughter; the man may betroth his daughter, but the woman may not betroth her daughter.’ The Rabbinic literature also indicates that marriage represents the transfer of control from the father

to the husband: ‘betrothal, making a woman the sacrosanct possession –the inviolable property- of the husband’. The transfer of ownership from the father to the groom is the reason why the father gives away his daughter to the groom in the wedding ceremony and she then takes the last name of the groom who becomes the owner of the bride and all her assets. Obviously, if the woman is considered to be the property of someone else, she cannot make any pledges that her owner does not approve of. It is noteworthy that this Biblical instruction concerning women’s vows has had such negative legal impact on Judeo-Christian women until the early part of the twentieth century.

Muslim woman’s vows are respected

In Islam, the vow of every Muslim, male or female, is binding on him/her. No one has the power to repudiate the pledges of anyone else. Failure to keep a solemn oath, made by a man or a woman, has to be expiated as included in the Qur’an:

[Allah will not call you to account for what is futile in your oaths, but He will call you to account for your deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. That is the expiation for the oaths you have sworn. But keep to your oaths. Thus Allah makes clear to you His signs, that you may be grateful.]

(Al-Ma’idah: 89)

Companions of the Prophet (pbuh), men and women, used to present their oath of allegiance to him personally. Women,

as well as men, would independently come to him and pledge their oath,

[O Prophet! When believing women come to you to take the oath of fealty to you, that they will not associate in worship any other thing whatever with Allah, that they will not steal, that they will not commit adultery (or fornication), that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and that they will not disobey thee in any just matter, then do thou receive their fealty, and pray to Allah for the forgiveness (of their sins), for Allah is Oft-Forgiving, Most Merciful.]

(Al-Mumtahinah: 12)

In Islam, a man could not swear the oath on behalf of his daughter or his wife. Nor could a man repudiate the oath made by any of his female relatives.

Is the Female Counted as Half Person in Blood Money?

What is 'Blood Money'?

Blood money is usually a sum of money paid for the accidental killing of a human, man or woman. This sum is paid to the deceased's family as compensation due. Blood money is governed by certain rules according to the following Qur'anic verse,

[Never should a believer kill a believer; but (If it so happens) by mistake, (compensation is due): If one (so) kills a believer, it is ordained that he should free a believing slave, and pay compensation to the deceased's family, unless they remit it freely. If the deceased belonged to a people at war with you, and he was a believer, the freeing of a believing slave (Is enough). If he belonged to a people with whom you have treaty of Mutual alliance, compensation should be paid to his family, and a believing slave be freed. For those who find this beyond their means, (is prescribed) a fast for two months running: by way of repentance to Allah: for Allah hath all knowledge and all wisdom.]

(An-Nisaa: 92)

The amount of blood money paid for a woman according to the jurists' opinions

It is true that the scholars have differed over the amount of blood money, whether it is the same or double in the man's case. According to jurists, there are two main opinions:

1- Blood money paid for a woman is half that for a man

Ar-Razi says in his book *At-Tafsir Al-Kabir* that the majority of jurists double the sum in cases of male homicide. The majority cite the ruling of the Companions, `Ali, `Umar and Ibn Mas`ud, on this matter, as similar to the rules of some cases of inheritance and legal testimony in which the woman's inheritance and testimony equals only half those of a man.

The reason for decreasing the sum to the half in case of female homicide neither is a means of degradation, humiliation, nor is it evidence of gender discrimination to be taken against Islam. In fact, jurists who applied this depended on the responsibilities required from both genders. That is why blood money is paid to the deceased's family to carry out his/her provision responsibilities. Since the woman's financial responsibility is much less than that of the man's, due to the fact that Islam accords her the full rights of being totally maintained by her husband if she is married, or by her relatives if she is single, regardless of her financial capability. Hence, it is more logical to pay double the sum of blood money in the case of male homicide since his responsibilities are multiplied.

It is worth mentioning that such a ruling does not make a woman half a person. There is plenty of evidence for this, such as:

Equality between men and women in ordained punishments (*Hudud*):

The punishment of a thief, whether a man or a woman, is the same provided the conditions of applying the ordained punishment are taken into consideration.

[As to the thief, male or female, cut off his or her hand: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power. But if the thief repents after his crime, and amends his conduct, Allah turneth to him in forgiveness; for Allah is Oft-forgiving, Most Merciful.]

(Al-Ma'idah: 38-39)

Equality in retribution:

If a man kills a woman, the man must be killed, and vice-versa.

[O you who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude, this is a concession and a mercy from your Lord. After this, whoever exceeds the limits shall be in grave penalty.]

(Al-Baqarah: 178)

2- Blood money paid for a woman is equal that for a man

There is not a single well-authenticated statement by the Prophet (pbuh), nor any consensus of religious authorities to establish that the blood money paid for the killing of a woman is half the sum paid for the killing of a man. The prophetic traditions (*hadiths*) addressing the question are either not perfectly authenticated or suffer a time gap in the chain of transmitters up to the Prophet (pbuh). What remains then is the only well-authenticated tradition on the subject, '*For a soul, a hundred camels.*'

The general agreement of authorities that make the value of the blood money paid for the killing of a woman half that

for the killing of a man falls short of a consensus. Ibn `Ulayya and al-Asam, two high ranking jurists, make the value of the blood money the same for both men and women. This opinion agrees with the generality of reference to 'believer' and 'soul' and its irrelevance of gender in the Glorious Qur'an and the noble Prophetic tradition.

Depending on our primary frame of reference, the Qur'an, we find that its statement is general and does not privilege man with any special status:

Under the subtitle 'Blood Money, the Same for Men and Women', Sheikh Shaltut writes,

'Woman's humanity stemming from the same origin as that of the man, her blood is the same as his, he is part of her and she is part of him and equal retaliation in kind being the rule common to both cases of homicide and hell, and damnation being the other punishment for the killing of either man or woman. So the rule of the verse applies to the accidental homicide of either a man or a woman.'

In conclusion, all agree that this verse addresses both men and women, therefore the ruling on the sum paid is the same.

Does a Muslim Female Have the Right to Inherit?

One of the most important differences between Islam and other religions is their attitude towards female inheritance of the property of deceased relative.

Describing the status of the Indian woman, *Encyclopedia Britannica* states,

'In India, subjection was a cardinal principle. Day and night must woman be held by their protectors in a state of dependence, says Manu. The rule of inheritance was agnatic, that is descent traced through males to the exclusion of females.'¹

In **Christianity**, both the ecclesiastical and laws of Christendom barred daughters from sharing with their brothers in the father's patrimony. Besides, wives were deprived of any inheritance right. These iniquitous laws survived until almost the end of the 19th century.

The Biblical attitude has been described by Rabbi Epstein

'The continuous and unbroken tradition since the Biblical days gives the female members of the household, wife and daughters, no right of succession to the family estate. In the more primitive scheme of succession, the female members of

¹ *Encyclopedia Britannica*, 11th ed., Vol. 28, 1911, p. 782

the family were considered part of the estate and as remote from the legal personality of an heir as the slave.'

The Biblical rules of inheritance are outlined as follows:

'A wife is given no share in her husband's estate while he is her first heir even before her sons. A daughter can inherit only if no male heirs exist. A mother is not inheriting at all while the father is. Widows and daughters, in case male children remained, were at the mercy of the male heirs for provision. That is why widows and orphan girls were among the most destitute members of the Jewish society.'

Muslim mothers, wives, daughters, and sisters had received inheritance right thirteen hundred years before Europe recognized that this right even existed. The division of inheritance is a vast subject with an enormous amount of details in *Surah an-Nisa'*, on verses 7, 11, 12,176).

Is the Muslim female counted as half person in inheritance?

Proper understanding of the Islamic philosophy of inheritance reveals the fact that the variation in the shares of male and female heirs is independent of gender. This Islamic philosophy of inheritance is based on divine wisdom and purposes that were unclear to those who took advantage of the variation in the shares of males and females in some cases of inheritance to introduce a false claim that women are not considered to be of full equality in Islam.

In fact, variation in allotted shares of male and female heirs, in the Islamic philosophy of inheritance is governed by three criteria:

- 1) Degree of kinship: the closer the kinship between the heir and the deceased, the larger is his/her share and vice-versa regardless of gender.
- 2) Chronological rank of generation: generations starting out in life and preparing to bear its burdens are usually allotted a larger share than generations preparing to leave and releasing their burdens, or even obliging someone else to carry their own burdens as is the normal case. This is regardless of the gender of inheritors. For example, the daughter of a deceased person inherits more than does the mother of the deceased, while both are female. Actually, the daughter inherits more than her grandfather does, even if she is a newborn infant who has no recognition of her father, and even if the grandfather was the source of the father's wealth, half of which is assumed by the girl. Similarly, a son inherits more than a father, and both are males!
- 3) The financial burden that Islamic legislation assigns to the inheritor and requires him/her to fulfill towards others is the only criterion that may lead to variance between males and females, but it implies absolutely no injustice or unfairness towards women.

In fact, it might even be advantageous to her in cases to protect her from any exploitation.

If the inheritors have equal degrees of kinship and rank, such as in the case of the sons and daughters of the deceased, then the variation in financial burden causes variation in inheritance shares. That is why the Qur'an did not generalize this variation between males and females in all inheritors, but rather restricted it to this particular case.

In order to understand the rationale behind this rule, one must take into account the fact that the financial obligations of men in Islam far exceed those of women.

- To begin with, at the time of engagement woman is on the receiving end. She receives a dowry and at the time of marriage she is on the receiving end, too
- If the woman has any property prior to her marriage, it all transfers with her without having to spend a penny even on furniture. It is her own financial security.
- If the woman earns any income during her marital life, either from her property or from working with the agreement of her husband, then the entire income is exclusively hers, no matter how much the woman has of previous property or income that she is earning .
- The full and complete financial responsibility of the household is exclusively on the man including the wife's food, clothing, medication and all other needs.
- At the time of divorce, there are certain guarantees for her during the waiting period as well as for her children in terms of child support.

- In some cases, the husband is charged also with the maintenance of his parents, brothers and sisters who have no income of their own.

Those who claim the unfairness of the Islamic legislation which doubles the inheritance shares for males with respect to their female counterparts should realize that Islam always provides maintenance for the females through others, whether a father, a brother, a husband or a male relative, while their inherited shares along with any properties or money they may have are retained. Females share with their male counterparts in their inherited shares while keeping their own wealth. Therefore, in fact females do take more than their male counterparts do.

Islamic allotment of inherited shares is honoring females

Allah says,

[Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half]

(An-Nisa':11)

The previous verse clearly indicates that Allah, the all-mighty, measured males' inherited shares with regards to the females' shares. This means that Allah had made females' shares as basis for measurement. If He had said that female's share is half the male's, He would have been measuring the female's share based on that of the male. Actually, He made the criterion for inherited shares related to females, which is a sign of honoring females and a proof that females' shares are divided first.

Female inheritance cases

Induction of inheritance cases, as set forth by the science of allotments (inheritance), reveals a fact that might surprise many of those who have previously distorted views of this issue. Such induction informs us that:

- a) There are only four cases where women inherit half as much as men do.
- b) There are many of these four cases where women inherit exactly as much as men.
- c) There are ten or more cases where women inherit more than men.
- d) There are cases where women inherit when their male counterparts do not.

1 - Cases where women inherit half as much as men do:

- Surviving daughters and sons: because Allah said,
[Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half]
 (An-Nisa':11)

In this case, the son receives twice as much as his sister. Related to this is the case where grandsons of any level coexist with granddaughters of the same level such as the son of a son with the daughter of a son, or the son of a son of a son with the daughter of a son of a son. In such cases, all inherit on basis of males receiving twice as much as females.

Surviving mother and father with no children or spouse, because Allah said,

[For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases ('s) after the payment of legacies and debts. You know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, All-wise.]

(An-Nisa':11)

In this case, the mother is entitled to one third and the rest, which is two thirds, goes to the father, because Ibn `Abbas (May Allah be pleased with him) narrated that Prophet (pbuh) said,

*'Rights by allotment should be provided to their owners, and the remaining is prior to male kin.'*¹

As such, the father would receive twice as much as the mother.

- Surviving full sister or paternal half-sister with the full brother or paternal half-brother:

Allah said:

[They ask you for a legal decision. Say, 'Allah directs (thus) about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (such a deceased was) a woman, who left no child, her brother takes her inheritance: If there are two sisters, they shall have two-thirds of the inheritance (between them): if there are brothers and sisters, (they share), the male having twice the share of the female. Thus Allah

¹ Reported by al-Bukhari, Muslim, Abu Dawud, at-Tirmidhi, Ibn Majah, and an-Nisa'i.

makes it clear to you (His law), lest you err. And Allah hath knowledge of all things.]

(An-Nisa':176)

Accordingly, if a man is survived by his full brother and full sister, or by his paternal half-brother and paternal half-sister then the brother inherits twice as much as the sister in either case.

2- Cases of twice the share of females:

Allah said,

[In what your wives leave, your share is a half, if they leave no child; but if they leave a child, you get a fourth; after payment of legacies and debts. In what you leave, their share is a fourth, if you leave no child; but if you leave a child, they get an eighth; after payment of legacies and debts.]

(An-Nisa':12)

Accordingly, if a husband survives his wife he receives half of her inheritance if no children exist, but one quarter if there are children. Conversely, if a wife survives her husband she receives one quarter of his inheritance if no children exist and one eighth, if there are children, which means that the man's share is twice that of the woman in such cases.

3- Cases where women inherit as much as men:

- **Surviving mother and father and there is a son:** in this case, the father and mother inherit equal shares of one sixth each. There are also cases where the grandmother inherits as much as the father in spite of being a grandmother on the maternal side, which means that she, would be more remotely related to the deceased. For example if the father, mother's mother, and son inherit together, the former two receive equal shares of one sixth each. In addition, if

the father, mother's mother, and two daughters inherit together, the former two receive equal shares of one sixth each, but the father receives what remains.

- **Surviving maternal half-brothers and maternal half-sisters in all cases:**

Allah says,

[If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-knowing, Most Forbearing.]

(An-Nisa':12)

Accordingly, if the husband, mother, and maternal half-brother or maternal half-sister inherit together, then the half-brother or half-sister are allotted a share of one sixth. If both maternal half-brother and maternal half-sister coexist then they share one third between them.

4- Cases where women inherit more than men:

The Islamic system of inheritance is based on two major methods as follows:

- Inheritance by allotment, which is mentioned in the Qur'an and the noble Prophetic *Sunnah*. It refers to an heir receiving an allotment specified by authority, either two thirds, one third, one sixth, one half, one fourth, or one eighth.
- Inheritance by agnation, which means inheritance of the remainders after allotment heirs receive their shares. Heirs under this category include independent agnates, such as sons, sons of sons at all descending

levels, fathers, grandfathers at all ascending levels, full brothers, paternal half brothers and their sons, and full paternal uncles and their sons at all descending levels. Also included under this category are dependent agnates such the case of a sister with her brother, a son with a daughter, and the son of a son with the daughter of a son at all descending levels. Finally, there are conjunction agnates, namely a full or paternal half sister with a daughter or a daughter of a son.

The system of inheritance is applied such that allotment heirs take their allotted shares first, then the agnates take what remains afterwards, or they might take the entire estate if no allotment inheritors exist.

It has been proven by deduction that women inherit more often by allotment, and that their inheritance by allotment is more than by agnation in many cases. This is illustrated in the following table and the subsequent study.

Allotments set forth in the Qur'an and the *Sunnah*, and their beneficiaries

Two thirds	Two or more daughters	Two or more daughters of a son	Two or more full sisters	Two or more paternal half sisters		
One half	Single daughter	Single daughter of son	Single full sister	Single paternal half sister	Husband	
One third	Mother	Maternal half sister	Maternal half brother	Each allotment heir must meet certain requirements that are too large for this table.		
One sixth	Mother	Grandmother	Daughter of son	Maternal half sister	Maternal half brother	Father Grandfather

One fourth	Husband	Wife				
One eighth	Wife					

This distribution reveals the following:

- 1- The largest allotment in the Qur'an, which is two thirds, is solely enjoyed by women.
- 2- The only men who receive an allotment of one half are husbands, and then only in the absence of inheriting descendants, which is a rare case, whereas the same allotment is designated for four women.
- 3- The allotment of one third is received by two women, namely the mother in the absence of inheriting descendants or two or more brothers, and two or more maternal half sisters in the absence of inheriting descendants and ascendants. The same allotment of one third is received by maternal half brothers under the same conditions, or if there is a maternal half brother with a maternal half sister in the above mentioned equal status.
- 4- The allotment of one sixth is received by eight different heirs: five being women and three are men.
- 5- The allotment of one fourth is received by the husband if the wife has inheriting descendants and by the wife if the husband has no inheriting descendants.
- 6- The allotment of one-eighth is received by the wife if the husband has inheriting descendants.

It is thus obvious that allocating certain shares for women is in their interest, for they inherit by allotment in 17 cases, whereas men inherit by allotment in only six cases. Women

may very well inherit more than men may under such an arrangement.

5- Cases where women inherit and their male counterparts do not:

The inheritance of a grandmother: In many cases, a grandmother inherits and the corresponding grandfathers do not. The rule governing the inheritance of grandfathers and grandmothers is as follows:

- An eligible grandfather is one with no mothers in his chain of relation to the deceased, such as the father and the father of the father at all ascending levels. On the other hand, the father of the mother or the father of the mother's mother are ineligible grandfathers.
- An eligible grandmother is one with no ineligible grandfather in her chain of relation to the deceased, or a grandmother with no father between two mothers in her chain of relation. Therefore, the mother of the mother's father is ineligible, but the mother of the mother and the mother of the father's mother are eligible grandmothers and do inherit.

We now present two instances of women inheriting while their male counterparts do not:

- 1) The father of the mother does not inherit because he is ineligible, whereas the mother of the mother

- inherits one sixth by allotment and the remainder reverts to her.
- 2) The father of the mother's mother does not inherit because he is ineligible, whereas the mother of the mother's mother inherits one sixth by allotment and the remainder reverts to her.
 - 3) In these cases, the grandfathers neither inherit by allotment nor by agnation, whereas corresponding grandmothers (their wives most probably) are more likely to inherit the entire estate.
 - 4) As such, our induction has introduced thirty cases where women inherit as much as men or more, or inherit while their male counterparts do not. Conversely, there are only four specific cases where the woman inherits half as much as the man for reasons in line with other concerns of the Shari`ah which is inherently balanced in a manner that causes no injustice to anyone, because it is the law set forth by Allah, the Most Wise, the Most Knowing, the Most Just.