

WOMEN IN MUSLIM SOCIETY

The Muslims in history have experienced a significant deviation from the general ideals of life as taught by Islam. It is, therefore, not at all surprising that their loss is equally great in the area of social guidance which Islam offered regarding women. Whenever weakness creeps into the faith of Muslim men they tend to treat women oppressively and seek to exploit them. This is natural and is amply demonstrated by the fact that most of the rulings of the Quran regarding women were sent down as restrictions on men with a view to preventing them from transgressing against women, as is their natural disposition and their actual practice in many societies. Only a few of the Quranic injunctions impose restrictions on women.

We here quote some of those rulings that guarantee a fair deal for women. "When you divorce women and they fulfil the term of their Iddat, then retain them in kindness or release them in kindness. But do not retain them to prejudice them or to take undue advantage. Do not take the revelations of God as a laughing matter. Remember God's grace upon you and that which he has revealed upon you of the scripture and of wisdom to exhort you. Be pious and know that God is aware of all things. When you divorce women and they fulfil their term do not prevent them from marrying their former husbands, if they agree on equitable terms. That is an admonition for him among you who believes in God and the day of judgement and God knows, but you do not know". (Al-Bagarah, 231). "O you who believe, it is not lawful for you to inherit women against their will [by maliciously retaining them captive in formal marriage till death], nor to put constraint upon them to take away part of what you have given them unless they be guilty of flagrant lewdness. Consort with them in kindness for if you hate them it may happen that you hate something wherein God has placed much good". (Al-Nisa, 19). "When they have fulfilled their term, there is no blame on you if they [women] dispose of themselves in a decent and reasonable manner. And God is well aware of what you do" (Al-Bagarah, 234)

Most if not all of the verses of the Quran regarding oath (of abstinence from sex), divorce and Iddat (term of transition) were revealed to bring an end to the oppressive traditions and customs according to which a woman was retained in formal marital captivity and for long periods of time while her fate remained in suspense. The same is true of the verses concerning inheritance which restored rights which had been denied to her by guaranteeing her a definite share. Other verses were revealed which criticized the pessimism and dejection that used to attend a female birth and the abominable practices of female infanticide. The Quran says, "When any of them receives the tidings of the birth of a female his face becomes dark and he is filled with sulkiness. He keeps hiding from people because of the unfortunate news, [wondering] whether to hold on to it as a contemptible thing or just bury it in the soil. O! what a foul judgement". (Al-Nahal, 58-59). "When the [female] buried alive will be questioned: for what fault was she murdered?" (Al-Takwir, 8-9).

There are furthermore, many traditions of the Prophet (peace be upon him) which warn menfolk against meting out an ill-treatment to women, beating or detaining them. The Prophet said, "None of you will flog his wife like a donkey and later towards the end of the day have intercourse with her". (Bukhari). He once warned: "A large number of women have come to the Muhammads complaining about their husbands. Those husbands are not the best amongst you". (Riad Us-Saliheen). The Prophet's traditions encourage the Muslim to care for the good upbringing and education of women, and for their well-being in general: "The best of you is one who is best towards his family and I am best towards the family". (At-Tirmithy). "None but a noble man treats women in an honourable manner. And none but an ignoble treats women disgracefully". (At-Tirmithy).

Weak commitment to religion tends to cultivate unjust and hostile treatment of women. For unlike man, a woman is created and brought up gentle and delicate. Performance of her natural functions keeps her away from the toughening experience of everyday public life. Man, uncultured by religion, tends to oppress her as is common in many a human society. Men normally purposefully keep women weak, and the jealousy which they entertain in respect of women induces them to multiply the means for restraining and monopolising them. They like to dominate the property and life of the female with a view to assert their vanity and arrogance.

Male jealousy is but one aspect of masculine capricious tendencies which only godly men are immune from and which inculcated the myth that women, by nature, suffer from excessive incapacity. Men use that fantasy as an excuse to ban women from active participation in the broad spectrum of human life and to deprive them of experience and training - thereby devitalizing and debilitating them in fact. and finding reason for further ill-treatment and prejudice. These male tendencies and the appending customs and ways are manifest in many societies where male arbitrariness runs amok with no religious or human limitation.

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

This phenomenon has sometimes occasioned an even more serious development. New or degenerate Muslim societies would sometimes, out of ignorance, attribute their un-Islamic legacy or custom to Islam itself. By attaching an Islamic value to these practices they seek to give them legitimacy and sanctity, the values of Islam being accepted as sacred and supreme. This explains

the unabated influence on the minds of many otherwise good Muslims of attitudes abhorrent to Islam, especially in the sensitive area of sex relations where passion is strong and custom is sacrosanct.

Many latterly juristic rules and stratagems have been adopted to qualify the Sharia to suit cherished customs and traditions. For instance, with a view to do this, express provisions of the Sharia are sometimes compared and contrasted, not to give relative effect to all, but to claim the abrogation of provisions purporting to extend rights, immunities or liberties to women; or to restrict their general scope almost to a vanishing point. Another tricky approach is to read liberally and broaden the scope of rules granting authority to men, while reading literally and strictly those imposing limitations on women. This discriminatory attitude of interpretation is very widespread. Yet another aspect of this tendentious jurisprudence is to generalise the provisions of the Quran and the Sunna that were meant to apply exclusively to the Prophet or his wives due to their unique position.

But the most popular anti-feminist argument derives from the abuse of the juristic principle that means and preliminaries assume the value of their ends and results. Thus the maximum precautionary prohibitions have to be observed to bar approaches to sexual temptation and avoid its undesired consequences. But the proper jurisprudential judgement in the absence of an express provision is to balance in consideration the risks of temptation with the positive merits of the integration of men and women in Muslim society, and not to forfeit all freedom for some necessary reserve in social intercourse.

The traditional Muslim Society, which is over-impressed by its historical decline, had developed a general preference for circumspection and cautiousness over the demands of positive pursuits. It has become unduly conservative for fear that freedom of thought would lead astray and divide the community; and that freedom of women would degenerate into licentious promiscuity - so much that the basic religious rights and duties of women have been forsaken and the fundamentals of equality and fairness in the structure of Muslim Society, as enshrined in the Sharia, have been completely overlooked.

Pseudo-religious arguments have been advanced for justifying a complete metamorphosis of the patterns of social life initiated by the Prophet (peace be upon him) himself under the guidance of the Quran. The most popular is the claim that the magnificent Quranic and Sunnic regulations had relevance for the virtuous society which prevailed during the Prophet's own life. Later however, it is argued that people have changed and corruption became the order or succeeding societies and latter days. Hence the necessity to correct this degenerative tendency by adjusting the norms of social conduct in the sense of greater circumspection. This would be a liberal manner of interpretation that underlines the spirit and purpose rather than the letter of the law, in order to allow for a progressive application thereof. But this is not the prevailing manner of thinking among Muslims who advance conservative views on female affairs. They are normally very literal in their understanding of texts; but they tendentiously opt for an understanding that suits their prejudice. Islam is not a matter of a single rule that can be flexibly understood; it is a whole order of norms that establish the entire way of life or social structure of Islam, and is not liable to variation.

Furthermore, the claim is based on a pious but excessive overvaluation of the society of Madinah. In fact not all its members were like the rightly-guided companion of the Prophet; some elements were hypocrites or new converts not yet free of Jewish or pre-Islamic Arabic influences and manners. The very verses of the Quran that prescribe proper dress for ladies refer to the presence of hypocrites and rumour-mongers (Al-Ahzab 59-60). Whatever the comparative character of our present-day society the proper reform policy is to reshape it after the example of the Sunnie society by changing its deviant ways and re-establishing Islamic Social practices and institutions now in disuse. It is not sound social policy to submit to the dominant ways of the de facto historical society and then either to forsake Islamic institutions in an attempt to save some of the ideals in that alien social context.

The thought and practice of Muslims have come lately to misrepresent most of the doctrinal and normative teachings of Islam on female affairs. The female is hardly ever religiously addressed except through the mediation of the male and as an addendum to him. In the fallen society of Muslims, women have little freedom to marry the person she likes, or to separate from a husband she loathes. Nor is she, as wife, entitled to full consultation and gracious companionship by her husband. In many cases she hardly enjoys an equal opportunity to earn and own property, or the full capacity to manage her property or to dispose thereof. All sorts of subterfuges are employed to deny her inheritance. Her role in private life has been reduced to that of a housewife chosen not for her personal merit, for she was denied the education or the opportunity to acquire merit, but for the merit of her menfolk.

In the domain of public life she is not allowed to make any original contribution to the promotion of the religious quality of life. Whenever she was allowed to work towards the material development of life that was likely to be in a context of exploitation or as mundane work with little spiritual satisfaction or significance.

The greatest injustice visited upon women, is their segregation and isolation from the general society. Sometimes the slightest aspect of her public appearance would be considered a form of obscene exhibitionism. Even her voice was bracketed in the same category. Her mere presence at a place where men are also present was considered shameful promiscuity. She was confined to her home in a manner prescribed in Islam only as a penal sanction for an act of adultery. She was so isolated on the pretext that she might devote herself exclusively to the care of her children and the service of her husband. But how could she qualify for

attending to domestic family affairs or to the rearing of children in a satisfactory manner without being herself versed through education or experience, in the moral and functional culture of the wider society?