

A Scientific Discourse about Woman

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Allamah Tabataba'i, an extract of al-Mizan, Commentary of Surah al-Baqarah, verses 228–242, vol 4, pages 55–75

In this text, Allamah Tabataba'i presents an in-depth scientific discourse on women on various topics and compares their position in pre-Islamic civilizations with the Islamic civilization and what Islam presented for women.

Introduction

It is well known that Islam – and we should not forget that it is Allah who legislated it – did not base its laws on experiments, like all other laws. Yet, we are sometimes obliged to look at the rules, laws and customs of modern and even ancient peoples, so that we may rationally judge the *shari'ah* of Islam.

We have to look at the felicity of the human races and then see whether other customs and laws fulfill the requirements of humanity or not. In this way, we may see the difference between Islamic and non-Islamic rules, and appreciate the living and powerful spirit of Islam in comparison with others. That is why we refer to the history of nations and societies, and describe what they have to say on particular subject.

Accordingly, we should discuss the ideas and ideals of Islam about the following.

1. The identity of woman and the comparison of it with the identity of man.

2. Her value and importance in society – so that we may know what influence she had and has in human life.
3. Her rights and the laws made about her.
4. The foundation of the above-mentioned laws.

But before we discuss the above subjects from the Islamic point of view, it is necessary to look at history and see what her life was like before the advent of Islam, and what treatment has been accorded to her by non-Muslim nations – both civilized and uncivilized – until now. It is not within the scope of this book to go into the detail of these subjects; but a short review will not be out of place.

The Life of Woman in Uncivilized Nations

In uncivilized tribes and nations – like the tribes of Africa, the aborigines of Australia, the inhabitants of the Pacific Ocean islands, the Red Indians of America, etc., a woman's life in comparison with a man's life was exactly like the life of a domestic animal as compared with the life of a human being.

Because of the natural instinct of exploitation, man believes that he has a right to possess cattle and other domestic animals, and to use them as he wishes and in any work he likes.

He makes use of their hair, wool, meat, bones, blood, hides and milk; they serve him as a guard and watch; they are exploited even for breeding and procreating; their offspring and their profit serve the purpose of man; they carry his burden, are used in agriculture and hunting and satisfy the need of man in countless other ways.

These animals have no say at all about their own necessities of life and their desires, like food and drink, living space, their sexual urge, and the rest. It is only their owner who provides them with these items according to his own wish. And he would never wish but what is beneficial to himself through those animals.

If we were to look from the eyes of that animal at the arrangements made by man we would surely be alternately amused and enraged at his high-handedness; we would find an animal being persecuted without any fault, another one crying for help without anyone paying any heed to it, a third one oppressing others without any hindrance.

We would see one living a blissful and enjoyable life without doing any work to deserve it, like the stallion or the bull kept for breeding, which lives a most happy life according to its own view; and would find others living a distressed and difficult life without having committed any sin to deserve such a punishment, like a donkey which carries loads heavier than itself and the horse in the mill.

Such animals do not have even the right of life. The owner believes that it is he who has the right of their

lives. If someone kills a horse, he is not charged with the murder of that horse, he is only accused of destroying the property of the owner. It is because man thinks that the animal's existence is an appendage to his own existence, its life is an offshoot of his own life; and that its status is that of a hanger-on.

The position of a woman vis-à-vis a man in these tribes and societies is exactly the same. According to their belief, woman was created for man. She was her man's appendage even in existence and life.

It was the father who owned her so long as she was not married, and the husband assumed that right soon after marriage.

The man could sell her, gift her away or loan her to some other man for the purpose of cohabitation, procreation, or service, etc. He could mete out to her any punishment he decided upon, even the death penalty. He could abandon her, without caring whether she would die. He could kill her to feed on her meat, especially in feasts and during famine.

All the properties and rights of the woman belonged to the man; only he, and not she, could enter into dealings – selling, buying, accepting, rejecting – on her behalf.

And the woman was duty-bound to obey the man – her father or husband -- whether she liked it or not; she was not expected to act independently even in her, let alone his affairs. It was her duty to look after the house and the children and make sure that the man's whims and desires were properly satisfied.

When there was work to do, she always got the hardest, like carrying heavy load on her back, digging the earth, etc., and from vocations and handicrafts her share was the lowest and the most worthless. Things got bad to such extent that in some tribes a woman, after giving birth to a child, had to get up at once and engage herself in household drudgery, while the man lay on her bed convalescing and getting treatment for himself.

These were her rights and her duties. Every tribe and society had its own special rules and characteristics according to its habit and habitat; anyone interested should study the books written on this subject.

Woman in Pre-Islamic Civilizations

Now we come to those nations who lived under traditional well-defined customs which they had inherited from their forefathers, and which were not based on any book or codified law. Such were the people of ancient China, India, Egypt, and Iran.

In all these civilizations the woman had no independence or freedom, either in her intentions or her actions; she was totally under the guardianship and mastership of man. Neither could she decide on anything concerning herself, nor had she any right to interfere in civilian affairs like the government, the

judiciary, etc.

It was her duty to participate with man in all the responsibilities of life, like earning a livelihood. In addition, it was her exclusive duty to look after domestic affairs and the children. She had to obey her man in all his orders and desires.

On the whole, a woman in these societies was in a better position than her sisters in uncivilized nations. She was not killed and her meat was not used in feasts. She was not entirely deprived of the right to property; she owned to a certain extent what she got from inheritance or marriage, though she could not administer it independently.

The man had the right to take, as many wives as he desired, and to divorce whomever he wished. The husband could marry after the death of his wife, but in most cases the widow had no such right; and mostly she was forbidden to participate in society beyond her door-step.

Each of these civilizations had some particular customs. The class system in Iranian society, gave women of the upper class a right to participate in government and state and to succeed to the throne. Also it recognized as valid a marriage with women having close affinity, like the mother, daughter or sister.

In China, marriage was a sort of servitude for woman. The husband almost purchased and owned her. She had no right in inheritance and could not eat with men, not even with her own sons. Polyandry was allowed; many men jointly married one woman, and shared her among themselves, and the chiwas affiliated in most cases with the strongest husband.

In India, she was completely an appendage of the man. She was not allowed to remarry after the death of her husband – she would be burnt alive with the body of the deceased husband; otherwise she would live in disgrace. During her monthly period she was treated as the dirtiest thing; even her clothes could not be touched by others.

In short, the status of women in these nations was something between a human being and an animal. She was treated as a minor child under his guardianship; but unlike the child, she was never thought fit to be free from the yoke of her man's guardianship

Woman in Some Other Civilizations

There were some other nations who lived under, and were governed by, a codified law or book, like the Chaldeans, the Romans, and the Greeks.

The Chaldeans and the Assyrians followed Hammurabi's Code, which made the woman an appendage of her husband; she was not independent in her decision or action. If the wife disobeyed her husband in any way, or decided independently on anything, the husband could turn her out of his home or could

bring in another wife degrading the offending wife to concubinage.

If she made any mistake in household management or exceeded the limits of the domestic budget, the husband could lodge complaints before the judge and on being found guilty she could be drowned in water.

The Romans were the first to enact civil laws. The earliest laws were made four centuries before the Christian era; and were gradually completed and perfected. The Roman law gave some freedom to the woman in her own affairs.

The master of the house, that is, her husband and the father of her children, was vested as, a sort of godhead; he was worshipped by the people of his household, as he, in his return, worshipped his forefathers and ancestors. He had full authority and decisive will in all that he desired and ordered concerning his family – he could kill them, if he so wished, without anybody lifting a finger to restrain him.

The females of the family – wife, daughter and sister – were in a worse condition than the male members, even than their own sons. The women were not a part of society; their complaints were not heard, their dealings were not recognized and they could not interfere in social affairs.

But the men, like brothers and sons, even the adopted ones (adoption and affiliation of children to other than their real fathers was a common practice in Roman society as well as in Greek, Iranian and Arabian) could be granted independence in their affairs by the master of the house.

The females were not a part of the household. The men were the members of the family, and the women were their appendage. Any formal relationship, giving the right of inheritance, etc., was reserved for between the males. The women had no formal relationships – neither between themselves like mother with daughter, or sister with sister, nor between themselves and the men like wife with husband, mother with son, sister with brother or daughter with father.

And there was no mutual right of inheritance except where there was the formal relationship. Of course, the natural relationship was not denied, and some consequences of that half-hearted acceptance were the prohibition of marriage between close relations in many societies, and the guardianship of the master of the house over her women.

In short, woman, in their eyes, was a parasite, completely dependent in her social and domestic life; the rein of her life and her will was in the hands of the master of the household – her father if she was with him or husband if she lived with him, or others. The master could do with her whatever he wished, and decide about her as he thought fit. He sold her, gifted her away, loaned her to others for sexual enjoyment, and gave her in repayment of debt, rent or taxes.

He punished her by beating and even killing her. He had the authority to administer her property if she got hold of any through marriage or if she earned it with the permission of her master; but not through

inheritance because she had no such right. Her father or other male relatives gave her in marriage and her husband had the right to dissolve the marriage.

The custom of the Greeks in the composition of the household and the mastership of the males was almost identical with the Romans. Their social and domestic organization was made up of the males; the females were their dependents. They had no independence in their will or action except under the guardianship of men.

But there was a surprising contradiction in that system: if there was any decision to be taken against the woman, she was treated as an independent person, and if there was any judgment in her favor, she was a dependent of men – provided such orders were of benefit to the men. Thus, the woman was punished for all her faults and crimes as though she were independent, but she was never rewarded for her good work except under guardianship of her man.

This shows that these legal systems did not think that woman was a part of human society, not even a weaker part dependent on others; instead, they treated her as a harmful bacterium which disturbed society and damaged its health; but there was the unavoidable reality that she was needed to continue the human race; therefore it was necessary to look after her.

Even then she should be punished if she made a mistake or committed a crime; and her rewards should be given to the man when she did a good work. She was not to be left to do as she liked; otherwise, society would come to harm. In this she was like a powerful enemy who has been defeated, caught and enslaved; he lives his long life under duress; if he does any wrong he is punished, but if he does a good deed he is not thanked.

As society, according to their thinking, was made up of the men only, they believed that the progeny in reality consisted of male children only, and the family could continue only when there was a male child to carry it on. This belief was the basis of the system of the adoption of sons.

The house which had no male child was thought to be ruined, and such a family was deemed extinct and dead. No wonder then that they had to adopt others' sons as their own to save the family from extinction. Such adopted sons were treated as legitimate, legally recognized sons, having mutual rights of inheritance, and subject to all the rules and customs concerning natural sons.

When a man thought himself to be sterile, he brought one of his relatives like a brother or a brother's son to sleep with his wife, so that she could conceive by that relative, and the son born thereof would be called his own son, and the family would continue.

Marriage and divorce in Greece was like the Roman system. They could marry more than one wife, but only one of the wives would be officially recognized; others were unofficial.

Woman in Arabia: the Environment in Which the Qur'an was Revealed

The Arabs lived in the Arabian Peninsula, an infertile land with an extremely hot climate. Most of them belonged to nomadic tribes far away from any civilization; they lived on raid and plunder. Their neighbors were Iran on the one side, Rome (the Byzantine Empire) on the other and Ethiopia and Sudan on the third.

As a result of this geography, most of their customs and traditions were barbarous, and traces could be found in them of some Roman and Iranian traditions, as well as some Indian and ancient Egyptian customs.

The Arabs did not accord any independence to the woman in her life; nor did she have any honor or dignity except that of her family. She was not entitled to inheritance. A man could marry as many wives as he desired; there was no restriction on divorce. Daughters were buried alive. This wicked custom was started by Banu Tamim when many of their daughters were made captive after a war against Nu'man ibn Mundhir.

This disturbed them very much and they started burying their daughters alive. Gradually the practice was adopted by other tribes. When a daughter was born, the father thought it a disgrace and hid himself from others' eyes.

On the other hand, his joy knew no bounds when he got news that a son was born – the more the better, even if the son was an adopted one. They gladly affiliated to themselves the son born as a result of their adultery. Sometimes, when many people slept with one woman in one month and a son was born, every one of them claimed him for himself and often than not, this led to dispute and conflicts.

Even then, it was seen in some families that their women had some freedom, and especially the daughters were free in matrimonial affairs, their consent and choice was respected and accepted. In this they were influenced by Iranian upper class society.

Anyhow, their treatment of women was a mixture of the civilized systems of Rome and Iran (not giving them any independent rights, not allowing them to participate in public affairs like government and war, except in exceptional cases) and the barbarous systems of primitive nomads.

The women were deprived of many human rights, but not because the master of the house was a sacred person deserving to be worshipped. It was simply a matter of the stronger party subjugating and exploiting the weaker one.

So far as worship was concerned, all of them (men and women both) worshipped idols, as was also done by the as-Sabi, the worshippers of stars etc. Every tribe had its own idol made according to its

liking and preference. They also worshipped the celestial bodies and the angels (whom they thought to be the daughters of Allah!) and made idols representing them according to their own fancy.

The idols were made of various materials, often of stone and wood, though Banu Hanifah are reported to have made their idol from flour. They worshipped it for a long time, then came a time of famine, so they ate it. A poet says about it.

The (tribe of) Hanifah ate its lord, At the time of hardship and famine.

They did not fear their lord, About (its) evil consequences and effect.

Sometimes they worshipped a stone; then if a more beautiful stone came to hand, the first one was thrown away and replaced by the second one. If nothing suitable was found, they took a double handful of earth, brought a sheep or goat and milked it over that mound of earth. Then they started going round it and worshipping it.

Such deprivation and misery created in woman's mind a weakness which made her an easy prey to superstition and credulity. Books of history and anthropology have recorded how she fell into error whenever she tried to explain natural phenomena and simple events.

This in short, was the condition of woman in human society in various eras before the advent of Islam. It may be seen from above that.

First: Men thought that women were human beings, but on the level of dumb animals, or with very weak and low grade human qualities, who could not be trusted if set free. The first was the view of primitive people, and the second, of others.

Second: Society did not accord her the status of a member; and she was not considered an integral part of humanity. For primitives, she was one of the necessities of life like a home and accommodation. For civilized people, she was a captive and dependant on her masters who took advantage of her labor and always remained alert lest she escaped or cheated.

Third: Both types of societies deprived her of all common rights; she was given only that much which was necessary for her exploitation by men.

Fourth: They treated her as a strong person treats a weakling. In other words, the basis of their dealings with her was exploitation. In addition, civilized nations believed that she was a weak human being, incapable of independently looking after herself, and who could not be trusted in any matter.

Different nations and tribes had different ways, and sometimes customs and beliefs were mixed; also there were variations in the degrees and grades of the above treatment.

What Islam Brought for Woman

Woman had to undergo patiently the above-mentioned treatment, which imprisoned her in the dungeon of humiliation and disgrace. Consequently, weakness and inferiority became her second nature; she was brought up in this environment and lived and died in it. Ultimately, the word 'woman' became synonymous with 'weakness' and 'insignificance' – not only in the conversation of men but even in the language of women themselves.

Look at any society, primitive or civilized, and you will find adages and proverbs reflecting on woman's feebleness and unimportance. Take any two or more languages of different origins and unrelated developments, and you will find one thing in common: allegories, metaphors and similes connected with the word 'woman' to scold a coward, to rebuke a weakling and to chide a contemptible and despised person. An Arab poet said.

I do not know (and would that I knew), Whether the family of Hisn are people or women.

Such expressions may be seen in hundreds and thousands in every language.

These idioms and expressions were enough to show what human society believed about women, even if there were nothing recorded in the books of history and culture, because the ideas and ideals of a nation may clearly be gleaned from its language.

The only thing showing any consideration and care towards her is found in a few sentences of the Torah and in the admonition of Jesus to have mercy on her.

Then came Islam, the religion of truth and monotheism, accompanied by the Qur'an. Islam originated and initiated in her favor a system which the world had never known before, from the early dawn of humanity.

It set forth straight away against the dictum of the whole world, and rebuilt, for her, her natural place, which the world had completely destroyed, from the very beginning. It cancelled and dismissed as baseless their belief about her identity and their practice concerning her treatment.

1- Her identity

Islam declared that woman is as much a human being as man is. Every person, male or female, is a human being, whose substance and ingredients combinedly originate from two human beings – one male and one female, and no one has any superiority over the other except through piety.

Allah says:

O you people! Surely We have created you of a male and a female, and made you nations and tribes that you may recognize each other; surely the -most honorable of you with Allah is one

among you who guards (him/her self) most (against evil); surely Allah is Knowing, Aware (49: 13).

Allah clearly says that every human being originates and is made from two human beings, a male and a female, and they both jointly and in equal degree are the source of his existence; and everyone, male or female, is a combination of the substances taken from those two. Note that Allah did not say as the Arab poet had said: "And surely the mothers of the people are but receptacles". Nor did He say like another poet.

Our sons are (those who are) the sons of our sons; and as for our daughters,

Their sons are the sons of distant men.

Instead He (Allah) declared that everyone was created from both male and female. All were, therefore, similar to each other. There could be no declaration more complete and more appropriate. Finally, He declared that being a male or a female or being born in a certain family or tribe is not the criterion of superiority. Superiority originates only from piety.

Also, Allah has said:

. . . that I will not waste the work of a worker among you, whether male or female, the one of you being from the other . . . (3: 195).

Here it is clearly said that endeavor is not repulsed and work is not wasted. And why? Because the one of you is from the other. This verse in this way clearly says what was implied in the words of the previous verse, "surely We have created you of a male and a female": The man and the woman together are a single species, without any difference in their origin and root.

He goes on to say that the work of anyone from these two groups is not wasted before Allah; it will not be neglected, nor will its reward be given to another person; every soul is mortgaged against its own endeavors. It is not as the people have said that women were responsible for their mistakes, but so far as their good work was concerned, its reward should be given to the men.

Every male and every female get what he or she does, and there is no superiority except of piety. The virtues are a part of piety like faith with its various degrees, beneficial knowledge, balanced wisdom, good character, patience and forbearance.

Therefore, a believing woman (in various stages of the faith), or a learned and wise one, or one who is of noble character, will be superior in her own right, and higher in grade than those men, whosoever, who are not equal to her in these virtues. Because there is no superiority except of piety and noble character.

There are other verses of the same meaning, and rather clearer. Allah says.

Whoever does good, whether male or female, and he is a believer, We will most certainly make

him live a happy life, and We will most certainly give them their reward for the best of what they did (16:97).

. . . and whoever does good, whether male or female and he is a believer, these shall enter the garden in which they shall be given sustenance without measure (40:40).

And whoever does good deeds, whether male or female and he is a believer, these shall enter the garden, and they shall not be dealt with a lot unjustly (4: 124).

And Allah has condemned their disdain of the daughters in these words (and it is the most telling condemnation).

And when a daughter is announced to one of them his face becomes black and he is full of wrath. He hides himself from the people because of the evil of that which is announced to him. Should he keep it with disgrace or bury it (alive) in the dust? Now surely evil is what they judge (16:58 - 59).

Obviously they hid themselves because they thought that a daughter was a disgrace for the father. They thought that she would soon reach marriageable age and would become a toy in the hands of her husband who would use her for sexual enjoyment – a shameful thing; and this shame would affect her family and her father; it was, therefore, better to bury her alive. (The original reason of this custom has already been described.) Allah severely condemned this practice in these words.

And when the buried alive shall be asked for what sin she was killed (81: 8 -9).

There has remained a residue of such superstitions among Muslims, a legacy of their pagan ancestors, which has not been washed away from their hearts. You will see them thinking that illicit sexual relations are a shame and disgrace for the woman (even if she repents) but not for the man (even if he continues in that sin); while Islam has declared that disgrace and evil belongs to the sin in which the man and the woman were equal partners.

2- Her Value in Society

Islam has made the man and the woman equal in their will and action so far as the management of their lives is concerned. Allah said:

The one of you being from the other (3:195).

She is independent in her will and intention and independent in her action. The woman owns the products of her own will and action as the man owns his own without any difference whatsoever. *For her is the benefit of what she earns, and on her is the responsibility of what she does.*

According to Islam both are equal; the Qur'an confirms it and Allah shows the truth to be the truth by His

words. Side by side, Islam recognizes two special qualities in her, by which the Creator has distinguished her from the man.

First, she is like a tilth for the creation and propagation of the human race. The species cannot exist without her. This distinction calls for some special rules concerning her life. Second, she has a comparatively delicate body and a sensitive perception. This has a tangible effect on her life and on the social and domestic responsibilities entrusted to her.

This is her value in human society – and also the value of the man may be understood from it. These two distinctions are the basis of all the rules that are common to both groups and of those that are reserved for either of the two. Allah says:

And do not covet that by which Allah has made some of you excel others; men shall have the benefit of what they earn and women shall have the benefit of what they earn; and ask Allah of His grace; surely Allah knows all things (4:32).

It shows that the contribution made by each group to society is the criterion of the excellence granted to it. And it is this excellence which gives special status to one in comparison to the other. For example, man has been given preference over woman in the share of inheritance; while woman has been given preference over man by being exempted from the responsibilities of maintenance. And no one should covet the preference given to someone else.

There is another type of excellence, which results from the deeds of the doer, whoever he or she might be. For example, the virtues of faith, knowledge, reason, piety and other admirable qualities. And it is the grace of Allah, He gives it to whomsoever He wishes, and ask Allah of His grace.

The proof of the above statement is found in the words of Allah, following the above-mentioned verse:

Men are the maintainers of women . . . (3:34).

Common and Special Rules

Woman, like man, is subject to all the rules concerning worship and social rights. She may act independently in all matter in which man is free to act, like inheritance, earning, dealings with other people, learning, teaching, making a claim, defending her rights, and so on. In all such affairs, Islam makes no discrimination between man and woman.

Of course, in other matters it has limited her sphere of activity, because of her natural characteristics. For example, she may not be made a ruler or a Qadi, she is exempted from participation in fighting, although she may attend the *jihad* and been trusted with its other responsibilities, like nursing and treating the wounded soldiers; and she gets half the share of man in inheritance.

She has to hide her body and the places of adornment; she has to obey her husband so far as his conjugal rights are concerned. To compensate these burdens, she is exempted from her own maintenance; it is her father or husband, who must maintain her, and they are also obliged to protect her to their utmost ability, and she has the right to bring up her children.

Islam has also enjoined that her person and honor must be protected – her name may not be used in an undignified manner. Also, she is exempted from worship during her monthly period and after delivery. In short, Islam says that in all conditions and in every way she should be treated with tenderness and kindness.

What she is obliged to learn and do, in brief, is as follows: On the side of learning, she must know the fundamentals of the faith and the commandments of the *shari'ah* concerning worship and civil rules. And on the side of action, she must follow the rules of the religion and obey her husband by giving him his conjugal rights.

But she is not obliged to earn her livelihood by any employment, handicrafts or artisanship. Nor she is obliged to take up the drudgery of domestic work. Similarly, it is not her duty to burden herself with what is considered useful for the general welfare of the society, like learning various disciplines (other than those mentioned earlier) or participating in useful industries or handicrafts.

She is not obliged to do so. But if she acquires such extra knowledge or looks after her domestic arrangements or affairs useful for the society, it will be regarded as her extra excellence, provided she keeps within the limits imposed upon her by the *shari'ah*. It will be a matter of pride for her. Islam has allowed, nay, encouraged her to boast of such achievements before her compatriots, although it has forbidden the men to boast (except in *jihad*).

The traditions of the Prophet support what we have said. Space does not allow full details; otherwise, we would have liked to describe how the Prophet lived with his wife, Khadijah, and his daughter, Fatimah, as well as with his other wives; and how he behaved with the women of his community and what he said and enjoined about women.

Also, we would have quoted the traditions narrated from the Imams of *Ahlu 'l-bayt* and their women like Zaynab (daughter of Imam 'Ali), Fatimah and Sakinah (ds/o Husayn) and others, and what they said about women. Perhaps we will get a chance to quote some of them in the traditions connected with the verses concerning woman.

The Foundation

The foundation upon which these rules have been built is nature. It may be understood from the explanation under the heading, "Her value in the Society". Further details are as follows.

The scholars of social sciences will no doubt agree with the premise that the duties imposed by society

should be based upon natural abilities and demands. It is nature which has led human beings to this collective social life from the earliest dawn of humanity.

Of course, a certain society may at times deviate from the natural course. As the body, by deviating from its natural way, loses its health and becomes sick, likewise, a society, by astraying from natural dictates, deteriorates into chaos.

Society, healthy or sick, is thus based on nature; although a sick society has been contaminated by extraneous and harmful elements during its progress.

This fact has been mentioned, or alluded to, by scholars of social sciences. And the Book of Allah, long before these researches, has explained it in the most excellent style:

Our Lord is He who gave everything its creation, then guided it (20:50);

Who created, then made complete, and Who made (things) according to a measure, then guided (87:2 -3);

And (1 swear by) the soul and Him Who made it perfect, then He inspired it to understand what is wrong for it and right for it (91:7-8).

These and other such verses show that all things, including human beings, are guided to what they have been created for; and that they have been equipped with what is needed to reach their goal. The blissful life is that which conforms perfectly with the dictates of nature. It has been pointed out in these words of Allah:

Then set your face uprightly for the (right) religion – the nature made by Allah in which He has made men; there is no alteration (by anyone else) in the creation of Allah; that is the established religion . . . (30:30).

So far as social norms are concerned, nature demands that all individuals should have equal rights and duties. It does not approve of giving one more than his due and oppressing another by depriving him of his rights.

But this equality does not mean that every individual should be offered every responsibility and every office. It would be wrong, for example, for a young inexperienced man to be given the place of a well-experienced official, or for an idiot to be given the chair of a professor; or to expect from a weakling the performance of a strong and brave person. If we treat capable and incapable persons equally, it will be harmful to both.

What is then the meaning of this equality? It means that every person should be given his right and put in his proper place. This equality between individuals and groups implies that shall get his due rights without any let or hindrance; no right shall be usurped or denied unjustly. The following words of Allah

point to it.

and they have rights similar to those upon them in a just manner, and for the men is (the right) a degree above them . . .

This verse ordains equality between the rights of both groups at the same time as it shows the difference between both.

Both groups, men and women, share equally in the basic gifts of thinking and will (which in their turn create free choice). She should, therefore, be equally free in her thought and will and should have free choice. In other words, she should be free to look after her life's affairs – as well as social, except where there is any genuine reason to the contrary.

Islam gave her this freedom and independence in full measure, as has been explained earlier. She, thus, became, by the grace of Allah, an independent ~ personality, unfettered in her will and action by men and their guardianship. She got what the world had denied her throughout all her existence since the beginning of humanity and which was unheard of in all her history. Allah says:

There is no blame on You for what they do for themselves in a proper manner (2:234).

But while sharing these basic qualities with man, she differs from him in other ways. An average woman lags behind an average man in the build of her body and its basic organs, like the brain, the heart, the veins, the nerves, her height and weight. (The details may be seen in any book of anatomy.)

As a result, her body is comparatively soft and elegant, while a man's is tough and rough. And the fine sentiments, like love, tender –heartedness and inclination towards beauty and adornment are more pronounced in her than in man. On the other hand, the reasoning power is more prominent in man than in woman. The woman lives a sentimental life; the man an intellectual one.

It was for this reason, that Islam differentiated between men and women in those duties and responsibilities which were related to reason and those related to sentiment. Ruling, judging and fighting have been reserved for man, because these things are closely related to reasoning and thinking. And the bringing up of, and looking after, the children, the domestic management has been reserved for woman. Her maintenance is the responsibility of her husband, for which he is compensated by a double share in inheritance.

Look at the division of inheritance in this way: It is as though inheritance is divided in two equal shares. Then one-third of the woman's share is given to the man in lieu of her maintenance. Thus the man gets two-thirds of the estate and the woman is left with one-third. But the expenses of her maintenance are not less than that of a man.

In this way, she gets the benefit of the man's two-thirds share in equal measure. (One-third's benefit goes to her while the man gets the benefit of the remaining one third.) The net result is that the man gets

two-thirds in species while the woman gets two-thirds in benefit.

Man has been given more to manage, because reasoning is his predominant characteristic; woman has been bestowed with more to benefit from and enjoy, because feeling and sentiment is more pronounced in her nature. (This topic will be explained under the verses of inheritance.) Then Allah completed His grace and bounty to women by giving them the concessions and exemptions mentioned earlier.

Question: The above-mentioned clemency granted in Islam to woman makes her idle. When she is told to hide herself from strangers and is guaranteed all the necessities of life (by transferring its burden onto man) she is bound to become slow, lazy, idle and unproductive; she will not be able to exert herself in difficult works and professions.

Thus her growth will be retarded and her progress will turn into backwardness; she will not be able to contribute meaningfully in making society perfect. And experience is an irrefutable proof of this aspect.

Reply: It is one thing to ordain laws to improve the conditions of humanity; and a completely separate thing to enforce these laws through exemplary character and good upbringing (which leads humanity to progress). It was the tragedy of Islam in the past that it did not get good rulers and striving guardians. Consequently, the laws were suffocated; upbringing halted and then turned in the opposite direction.

Irrefutable experience shows that mere theories and beliefs do not produce the desired result, unless, and until, they are ingrained in the soul by exhortation and good training and example. The Muslims in their long history could not take any good example to follow from their rulers, who usurped full authority over them.

Look at Mu'awiyah speaking on the pulpit of Iraq after taking over the caliphate: "I did not fight you to make you pray or fast – this is your own affair. I fought you only to become your ruler, and this I have now become." Also look at other caliphs from the Umayyid and 'Abbasid dynasties and other rulers after them.

All of them were of the same type. And had it not been that this religion gets its light from the light of Allah which cannot be extinguished (and Allah is to complete His light even if the unbelievers dislike it), judgment would have been pronounced against the Muslims long ago.

The Freedom of Women in Western Civilization

There is no doubt whatsoever that Islam was the first to release woman from her bondage and to grant her freedom of will and action. All the slogans of the emancipation of woman raised in western countries are an echo of the clarion call of Islam. These nations in this matter are just following the lead given by Islam – even though they have made mistakes in this endeavor.

The principle laid down by Islam is a perfectly circular ring, and nothing can be added to, or subtracted

from, this circle without disturbing the whole alignment.

These people tried to improve upon the masterpiece of Islam, and decided to create complete equality between man and woman in all rights and privileges. This was done after long agitations and demands. They did not pause to ponder that woman lags behind man in many powers and faculties.

They explain away the inherent weakness of the woman by attributing it to the defective training and upbringing to which she has been subjected since time immemorial (perhaps, since the beginning of humanity) even though she was equal to man in all her natural potentials.

But it may be asked that if the natural potentials of both groups were the same, why did society since the dawn of humanity decide to oppress her? Why and how did man succeed in subjugating her in the first place?

And why has this oppression never changed its course? Western civilization, in spite of its keen desire to emancipate woman, has not succeeded in doing so. The data collected show that woman is far behind man in all those professions and activities which Islam has reserved for man, like ruling, judging and military service.

And as to what has been the fruit of this endeavor, the less said the better.

A Discussion about Marriage and Divorce

Marriage is one of the fundamental sociological institutions. Mankind, since its very beginning, has been keeping to it without any disruption. Such an institution must have been based on the foundation of nature itself.

Islam has based its matrimonial laws on the correlation between masculinity and femininity. There is no need to emphasize that this complementary system created in man and woman – and it is the most intricate and interrelated system permeating their whole bodies – was not created in vain and without purpose. The male by his nature is attracted to the female and vice versa. And this system has only one goal in sight: reproduction and the continuity of the race.

Marriage is based on this reality; and all its rules revolve around this axis. That is why Islam in its matrimonial laws has kept in view the fundamental principle of sexual interrelation; and on this principle are based the laws concerning chastity and conjugal rights; exclusive attachment of the wife to the husband and the rules of divorce and *'iddah*; legitimacy and parentage, the custody and upbringing of the children; inheritance and other related subjects.

Modern non-Islamic laws have laid the foundation of matrimony on a co-operation between husband and wife in their struggle for life. Marriage accordingly, is a co-operative institution much narrower than other such institutions like municipality etc.

It is for this reason that modern laws do not pay any attention to the rules of chastity etc., which are an integral part of the matrimonial laws of Islam.

This basis, co-operation in life, has given rise to a vast multitude of social problems and domestic upheavals. Apart from that, it is not in conformity with the realities of creation and nature.

Why does a man want to join others and co-operate with them? It is because his well-being depends on countless things and innumerable actions which he alone cannot get and do. He is by necessity obliged to join hands with others. Consequently each person co-operates with the others, dividing labor and work according to their aptitudes. And all the required work is completed with their joint effort.

This development requires co-operation between any two persons – it does not specifically call for co-operation between a man and a woman. Therefore, building the edifice of matrimony is fundamentally wrong. Nature has based it on the need of procreation and not on social or domestic co-operation. Otherwise, there would not have been any need of any special laws for marriage; the general rules governing association and co-operation would have been enough.

It would negate the virtue of chastity and fidelity, nullify the concept of legitimacy and affinity, and abrogate the rules of inheritance – as communism has done. If we accept this ultimate result of the western philosophy of marriage, we would have to accept that all this complicated and interrelated system in the bodies of man and woman was created without any purpose.

This is a short review of the Islamic and western philosophies of marriage. More explanation will be given in some other relevant place.

So far as divorce is concerned, it is a thing which the *shari'ah* of Islam should be proud of. It has been made lawful and this legalization also is based on nature. There is nothing in nature to interdict it. Details of the conditions of its validity will be given in the chapter of "Divorce" (chap. 55).

Here it should be noted that today all the nations of the world (not excepting the Roman Catholic countries) have had to adopt this system in their civil codes, even though previously they ridiculed Islam on this account.

Important notice:

This article is an extract of al-Mizan vol 4, the Commentary to Sura an-Nisa'

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