

**“Role of Women in Our Religious Organisation**

**According to Scripture, Tradition and in Practice Today”**

Almost half of the world’s population are women and girls. Women and girls are entitled to similar roles and privileges as men and boys. Allah informs humanity in the Holy Qur’an that He creates in pairs and both genders are equal, at 53: 45 – *“And that He creates pairs, the male and the female.”* Note: Creating in pairs means they are made of the same formula.

Both groups of people are the noblest of Allah’s creations. The Holy Qur’an most emphatically makes positive statements at 40:39-40 – *“39. O my people, this life of the world is but a (passing) enjoyment, and the Hereafter, that is the abode to settle.”*

40. *“Whoever does evil, he is requited only with the like of it; and whoever does good, whether male or female, and he is a believer, these shall enter the Garden, to be given therein sustenance without measure.”*

Allah, in His deliberate Magnificence made women and girls, more attractive of the two genders as common persons. This is to bring about compassion in mankind and indisputably evidenced the Holy Qur’an at 30:21 as – *“And of His signs is this, that He created mates for you from yourselves that you might find quiet of mind in them, and He put between you love and compassion. Surely there are signs in this for a people who reflect.”*

Accordingly, Islam requires that women should be appropriately and decently dressed when they go out of their homes, and ensure that their very appearance should be indicative of prescribed modesty. Islam protects women and further advises that their appearance and actions must not become as causes of provocation to the opposite gender, and so making women and girls vulnerable, as victims to crimes and their loss of dignity. The Holy Qur’an states at 24:31 – *“And say to the believing women that they lower their gaze and restrain their sexual passions and do not display their adornment except what appears thereof. And let them wear their head-coverings over their bosoms. And they should not display their adornment except to their husbands or their fathers, or the fathers of their husbands, or their sons, or the sons of their husbands, or their brothers, or their brothers’ sons, or their sisters’ sons, or their women, or those whom their right hands possess, or guileless male servants, or the children who know not women’s nakedness. And let them not strike their feet so that the adornment that they hide may be known. And turn to Allah all, O believers, so that you may be successful.”*

The above verse shows certain exceptions, which a woman has been allowed only in the privacy of her very close relatives, within the extended family, in her home. The specific mention is that head covering (veil) should be extending over their bosoms in presence of persons other than the listed at 24:31. The list is specific. There is no mention of compelling Muslim women and girls into wearing the *burqa* (spelt variously as *burkha*, *burqa*, *burka*, *burqua*, etc) and the *niqab* (face veil as a separate piece, with only eyes showing).

The Ka'ba is the holiest of all holy places in Islam and as the pinnacle of purity. Muslim female pilgrims are prohibited from wearing *burqa* and *niqab* when circling around the Ka'aba in Mecca. Again, the role and rights of women are given that exclusive protection, so that when in the state of "*ihraam*" women are not allowed to wear *burqa* and *niqab*. The woman's full-face must show, her hands to her wrists must show and her feet to her ankles must also show, so that she is identified both as a woman and as a spouse; most importantly, she gets special respect and that she does not get jostled about in the massive crowd and so, perhaps get accidentally partly disrobed. Various Hadith report Prophet Muhammad (pbuh) made a ruling that "*The woman in ihraam is forbidden to veil her face (wear niqaab) or to wear the burqa.*"

From a material as well as a spiritual point of view, Islam recognises the position of woman to be same as that of man. Good works bring the same reward, whether to a male or to a female. This is evidenced in the Holy Qur'an at 40:40, as already stated in the second paragraph above.

According to Islam, home is the unit of human society, and the sum total of human happiness is ordinarily, determined by the happiness that prevails in the home. As the male and female together make the home, Islam has considered necessary to bring about more correct understandings of their positions and relations. One of several unique contributions made by Prophet Muhammad (pbuh) to human civilisation was human dignity.

According to Prophet Muhammad (pbuh), humans were the noblest of God's creation. That reference is in the Holy Qur'an at 49: 13 – "*O mankind, surely We have created you from a male and a female, and made you tribes and families that you may know each other. Surely the noblest of you with Allah is the most dutiful of you. Surely Allah is Knowing, Aware.*"

Men and women have equal rights and both are born spiritually pure – as sinless. The relationship of men and women to God is the same. Both genders are required to pray to God five times daily, either in congregation or as individuals. The Holy Qur'an makes very distinct decrees when those five times prayers should be performed by both men and women:-

20:130 - "*So bear patiently what they say, and celebrate the praise of thy Lord before the rising of the sun and before its setting, and glorify (Him) during the hours of the night and parts of the day, that thou mayest be well pleased.*"

11:114 - "*And keep up prayer at the two ends of the day and in the first hours of the night. Surely good deeds take away evil deeds. This is a reminder for the mindful.*"

30:17 - "*So glory be to Allah when you enter the evening and when you enter the morning.*"

30:18 - "*And to Him be praise in the heavens and the earth, and in the afternoon, and when the sun declines.*"

Under the Islamic law of inheritance men and women have equal privileges. The Holy Qur'an states at 4:7-8 - "*7. For men is a share of what the parents and the near relatives leave, and for women a share of what the parents and the near relatives leave, whether it be little or much — an appointed share.*"

*“8. And when relatives and the orphans and the needy are present at the division, give them out of it and speak to them kind words.”*

According to the Islamic law of inheritance laid down by Prophet Muhammad (pbuh), the wife inherited the husband, the mother inherited along with the father, the daughter along with the son, the sister along with the brother, the aunt along with the uncle, and so on.

However, according to some other communities and the national laws of those countries, the law of inheritance works specifically downstream only: from parents to children; whereas in Islam, parents are fully entitled to inherit from their children's will as well, especially so if the parents are aged and have no other means of dependence and survival. Islam goes much further and allows women to work and earn an honest living.

The national or State Laws of any country must not and cannot be superseded by religious laws. All religious conflict matters must be resolved within the context of that religion's administration system. The Holy Qur'an clarifies this point at 4:59 - *“O you who believe, obey Allah and obey the Messenger and those in authority from among you; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. This is best and more suitable to (achieve) the end.”* The Holy Qur'an recognizes basic democracy and states so in very subtle words *“and those in authority from among you”* and clearly meaning full recognition of the Government of the day.

The Holy Qur'an states at 4:32 *“And covet not that by which Allah has made some of you excel others. For men is the benefit of what they earn. And for women is the benefit of what they earn. And ask Allah of His grace. Surely Allah is ever Knower of all things.”*

The only restriction on the acquisition of wealth was that it must not be acquired by unlawful means, such as theft, fraud, gambling or prostitution, etc.

Equal warning is given to both men and women that the love of wealth is spoken of as becoming first a fire that burns in the heart, easily leads to sin and then, this very fire turns into a qualification for Hell in the next life. Accordingly, the Holy Qur'an makes clear that men are maintainers of women, but if women sought to earn a living by sinful means, then the decree states the prescribed corrections methodology at 4:34 - *“Men are the maintainers of women, with what Allah has made some of them to excel others and with what they spend out of their wealth. So the good women are obedient, guarding the unseen as Allah has guarded. And (as to) those on whose part you fear desertion, admonish them, and leave them alone in the beds and chastise them. So if they obey you, seek not a way against them. Surely Allah is ever Exalted, Great.”*

In Islam, every woman is in fact made the owner of some property at her marriage. No marriage is legal in Islam, unless the woman had some property settled on her. She is expected to carry out her own property management, no matter how large or small it may be. This is Islam's practical step to elevate the woman to the status of the man. There is a commencement point. This settlement of very personal-to-her property is known as *“Mahr”* or dowry, as a nuptial gift. As a counterbalance, the husband proposes this nuptial gift and the wife do not demand it as a certain pre-qualification. There is no limitation to the amount of dowry; it could range from a whole property real estate or to silver or gold jewellery or to money in cash, which could be settled on her. This right of *“Mahr”* to a wife is very personal to her and is definitely not returnable to her husband – not even upon divorce.

The Holy Qur'an states at 4:4- *"And give women their dowries as a free gift. But if they of themselves be pleased to give you a portion thereof, consume it with enjoyment and pleasure."* The injunction at 4:4 even allows the wife optional opportunity, purely at her own volition, to partly dispose or convert her dowry (*Mahr*) into household use, even for the husband to enjoy; and that should be accepted with pleasure.

The payment of dowry becomes necessary even though it may be a small amount. The amount of dowry becomes circumstantial to the husband's income and wealth, although no quantitative figure is fixed. If in any unfortunate circumstance, the husband dies or gets killed before he actually delivers the publically announced "*Mahr*" to the wife, then the amount of that "*Mahr*" becomes a charge against his properties; and in such situations, it must be publically proclaimed before the funeral. Her husband's relatives must then ensure that her "*Mahr*" is paid to her, soonest possible.

Conversely, at the husband's funeral, the relatives must make public call, that if the dead had owed money to anybody, then that person(s) must come forward and declare and the widow and dependants will make arrangements for repayment and settlement of debt. The role of the woman (wife) must be secured and her future life is not be tarnished with indebtedness, including usury in some cases.

Sometimes, but not always, some marriages may not sustain. This happens in all communities. Breaking up of the marriage may become the only logical option to consider, as final course of action. Even in this situation, the role and rights of the woman is upheld. Upon divorce, she is not to be considered for worthlessness and abandoned as a common derelict, to wander the streets. Her rights are to be respected; so that upon final parting, she has some property and disposable income with her, for her continued survival in the interim. The parting must not be involving fights, curses and arguments, which could become feudal; but the parting has to be of cordial understanding that each is going his/her own way.

The Holy Qur'an clarifies, circumstantially, even if matrimonial conjugal relationship has not commenced with decently subtle words of "*you have not touched them*" that a divorce is still permissible; and if the wife has not been promised her dowry (*Mahr*), the husband is expected to pay a sufficient parting allowance to her; and Holy Qur'an states most emphatically at 2:236 - *"There is no blame on you if you divorce women while yet you have not touched them, nor appointed for them a portion. And provide for them, the wealthy according to his means and the straitened according to his means, a provision according to usage. (This is) a duty on the doers of good."*

If however, the wife has already been promised her publically announced dowry (*Mahr*), and again circumstantially, even if matrimonial conjugal relations has not commenced with decently subtle words of "*you have not touched them*" and again most unfortunately, divorce has to come about, then she must be paid half of her dowry (*Mahr*) entitlement, unless she agrees to forgo that. The husband is not restrained from giving her parting gifts, voluntarily. Factually, the husband is compelled with an injunction of a very positive statement of: *"Nor neglect the giving of free gifts between you."* This all appears as a decree in the Holy Qur'an at 2:237 - *"And if you divorce them before you have touched them and you have appointed for them a portion, (pay) half of what you have appointed unless they forgo or he forgoes in whose hand is the marriage tie. And it is nearer to dutifulness that you*

*forgo. Nor neglect the giving of free gifts between you. Surely Allah is Seer of what you do."* This verse stressfully recommends, that the husband does not take back half of the dowry or nuptial gift ("*Mahr*"), which she has already received in full, prior to divorce action.

The stated aspect of giving free gifts to the divorced wife should not be taken to mean giving her a trinket item or other small token gift in narrowness of the word "gift." Far from the truth! The basic realisation is that she came to the husband's house with her personal possessions of her clothing, her articles of adornment and the usual sundries a bride comes with; she must be allowed to take them all back, because they were hers at all material times. In addition, she should also be gifted with some basic survival necessities, such as pots or pans, eating plates, bowls, etc, and some disposable cash, so that she can prepare for herself some basic meals, and survival for a while. The circumstances are not always that she has a definite place to go to, such as her parents' house. She may have parents but the parents themselves may be dependants on others. She may have been an orphan before marriage; and worse still, she may be from a far away district or from another country; and in such cases, the husband must consider as a gentleman, paying her passage to her destination. A specific list is not given, because that list will become limiting and binding, as the same list, whether the husband is very wealthy or common wage earner. By using subtle words such as "free gifts" the Holy Qur'an expects understanding from her husband and his gentlemanliness. That is the expanded implications of the term "*giving of free gifts.*"

In Islam, a pregnant woman is not allowed to be divorced until she has delivered her baby and - then only - there is a final decision to be taken between husband and wife – either proceed with divorce or stop the idea altogether, considering the new bubbly baby, which may bridge and repair the estrangement between husband and wife, into reconciliation. The Holy Qur'an states at 2: 228-229 - "228. *And the divorced women should keep themselves in waiting for three courses. And it is not lawful for them to conceal that which Allah has created in their wombs, if they believe in Allah and the Last Day. And their husbands have a better right to take them back in the meanwhile if they wish for reconciliation. And women have rights similar to those against them in a just manner, and men are a degree above them. And Allah is Mighty, Wise.*"

"229. *Divorce may be (pronounced) twice; then keep (them) in good fellowship or let (them) go with kindness. And it is not lawful for you to take any part of what you have given them, unless both fear that they cannot keep within the limits of Allah. Then if you fear that they cannot keep within the limits of Allah, there is no blame on them for what she gives up to become free thereby. These are the limits of Allah, so exceed them not; and whoever exceeds the limits of Allah, these are the wrongdoers.*"

The respect of a woman in Islam is very high. To prevent accusation from fornication, an essential feature of marriage in Islam is consent that is expressed publicly in the presence of witnesses. This witnessing happens at two locations, once at the bride's home and later at the groom's home. This is mostly followed by singing, music, beating of drums and meals for invited guests at the groom's home (called *Walimah*). Marriage must be given much publicity, so that there is no slander of any sort against the woman that she is living in sin with a man. All the invited guests become her witnesses. The woman gets the highest respect as a new wife.

The newly married wife has perhaps changed her living locality but retains her roles and rights as an individual. By entering the married state, a woman does not lose any of the rights, which she possesses as an individual member of society. She is still free to carry on

any works she likes, to make any contract she desires, to dispose of her property as she wishes. She is free to use her maiden name. The practice of becoming known as Mrs whatever is a British customary practice and not Islamic. Further, Islam does not require the married woman to enter into a deed poll to match her husband's name. Her individuality is not merged in her husband's.

The Holy Qur'an says that God has made man and woman to excel each other in certain aspects. The man excels the woman in constitution and physique, which is capable of bearing greater hardships and facing greater dangers than the physique of a woman. On the other hand, the woman excels man in the qualities of love, affection and all matters associated with housekeeping. The same is also seen in all animals.

In dress code, Islam requires persons of both genders to be decently dressed. Men and women are not permitted to enter the home of any person, unless specific permission has been given by the host to do so. The Holy Qur'an protects the dignity of all women and girls, regardless of age and makes two very clear injunctions that no person is allowed to enter another person's home, unless clear permission has been given. Women and girls, whilst in the privacy of their homes, may not be appropriately dressed to appear before strangers. The distinctiveness of the injunctions are given at 24: 27 – 28 as –

*"27. O you who believe, enter not houses other than your own houses, until you have asked permission and saluted their inmates. This is better for you that you may be mindful."*

*"28. But if you find no one therein, enter them not, until permission is given to you; and if it is said to you, Go back, then go back; this is purer for you. And Allah is Knower of what you do."*

A woman's duties and her relationship to God are not indifferent from a man's. She is still required to believe in One God, perform her prayers five times daily, practise giving to charity, fasting for 29-30 days during the month of Ramadan and perform pilgrimage to Mecca.

With exception of her gender difference, both the role and place of a woman in Islam has the same rights and privileges as a man. They are made from the same formula and proved in modern surgery; even their body organs are transplantable between the genders.

The issue of women's role and rights has recently been elevated globally, and over the last few decades only by communities, which are not really Muslim communities. They are now showing themselves as champions of the cause. These same communities regarded and commented most ruthlessly that Islam is a backward religion. Islam bestowed the rights to women and girls more than 1,500 years ago.

Prior to 12<sup>th</sup> Century and outside of Islam, women's roles and rights were non-existent. After the 12<sup>th</sup> Century, all property of whichever value, which a woman owned, automatically became possessions of her husband. The legal and court system did not allow the husband to transfer that property, without the consent of his wife. However, any monies generated from management of those properties were retained by the husband. That was the general trend all over Europe and their Colonies and Protectorates.

It was only as recent as late 18<sup>th</sup> Century and early 19<sup>th</sup> Century, women's pressure groups began to clamour for their rights. In Britain, it was not until 1918, that women over the age

of 30 were allowed to vote, after much-heated debates and laughter in the House of Commons; whilst man were allowed to vote at age of 21 as minimum.

The Holy Qur'an gave women and girls their roles and rights in year 632AD, upon final completion, compilation and with seal of the Holy Qur'an by Prophet Muhammad (pbuh).

There are so many communities, which recognize and know the unrivalled greatness, sheer marvel, beauty and history that the Holy Qur'an is a Divine masterpiece, but they just lack that simple courage in making such public admissions accordingly.

Allah will still stretch His mercy over them.

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