

## Women in the Balance of the Islamic Law Compared with Their Actual State in the Western Society

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### In the Name of Allah, the Most Beneficent, the Most Merciful

I am going to talk about the woman's duties and rights in the balance of the Islamic Law, regardless of the reality of the Islamic societies, which differ one from the other in the extent to which they adhere to the verdicts of the Islamic Law.

*First;* in the Holy Qur'an, Allah addresses men and women equally, both with the honorable address and the human value in which they participate, when He says, for example: "Whoever works righteous, whether male or female, while he (or she) is a true believer, verily to him We will give a good life" [Al-Nahl 16:97], and "Verily, the Muslims, men and women, the believers, men and women, the men and the women who are obedient (to Allah), the men and women who are truthful, the men and the women who are patient, the men and the women who are humble (before their Lord – Allah), the men and the women who give alms (i.e. *Zakat*), the men and women who fast (within and without Ramadan), the men and women who guard their chastity and the men and women who remember Allah much with their hearts and tongues, Allah has prepared for them forgiveness and a great reward (i.e. Paradise)." [Al-Ahzab 33:35].

*Second;* The Qur'an imposes what the Islamic Law calls 'The mutual responsibility undertaken by the man and the woman Thus it makes the man responsible for looking after the woman, and makes the woman responsible for looking after the man when it says: "The believers, men and women, are *Awliya*' (helpers, protectors and supporters) of each other, they enjoin what is right and forbid what is evil". [Al-Tawbah 9:71]

*Third;* Islam decides a wide spectrum of duties imposed on both men and women as it decides a wide spectrum of rights enjoyed by both sexes. But what might be the source of the duties which go abreast with both? What is the source of the rights given to both of them?

In reply, I say: The source of the **duties** that the man and the woman bear is their servitude to Allah, The Great and The Almighty, and their being absolutely

possessed by Him, and since the attribute of servitude never varies in the male and the female, the duties that Allah demanded from both were also exactly the same. Should we review the commissions that Allah imposes on His servants, the veracity of what I say will appear clearly. We may meet a few cases excepted from this general rule, where there are duties in which men and women are not equal, but when we meditate on them, we find that masculinity and femininity have nothing to do with them. Other factors, certainly, should be playing another role, exactly as those which appear between the men themselves and result in variation in the duties among them.

Whereas the source of the **rights** granted to the man and the woman is represented in the sense of humanity they assimilate, and since the sense of humanity is the same in men and women and never varies, no man will be higher in rank than a woman, or a woman higher than a man, because the rights Allah endowed upon each of them are alike. Should there be cases beyond this rule, they are certainly not attributed to the quality of masculinity and femininity. They are really attributed to contingents requiring such difference, a point which will be clear enough through the examples I am going to mention.

It is necessary, when laying such comparison, to inquire about the source of the woman's duties and rights in the Western societies. The reply that we clearly discern from the witnessed reality she lives in is that the source of the duties going abreast with her lie in the material interests, whereas the source of her rights lie in her femininity.

One of the outcomes of the dominion of the material interests which represent the source of the woman's duties resulted in the appearance of various sorts of despotism and injustice, most of which befell the woman because she is commissioned by the dominion of this material stimulus to sustain herself no matter whether she be a girl in her parents' house or a wife under the shelter of her husband as long as she is strong enough to practice any work and earn her living by herself!..

Accordingly, what was the consequence the West has realized from surrendering to this source?

There have been two results: First; it annihilated the family as a whole when it destroyed its most essential component, because the family only relieves and survives through the feeling of solidarity which flows among the hearts of its members, and is represented in the husband's responsibility for the wife and the parents' responsibility for the children, a feeling which was condemned to death by the philosophy of realism which made every individual responsible only for

his/her own self. Second; the West, thereby, exposed the woman's femininity to destruction because she has been forcibly thrust to work. She has not gone to work optionally for making more money. A condition that caused her to be deprived of the opportunity of choosing a job that fits her and accords with her femininity. Should she be fortunate, she would attain an easy job, otherwise she would approve of any other work when she finds no better.

In such an environment, and under the dominion of such necessity, the differences between men's and women's labors certainly disappear. Therefore, no matter how much hard and laborious the work practiced by men be, a lot of women are found to have exceeded them to it, driven by the inevitable necessity.

On the other hand, the consequence of the dominion of her femininity, which workably represents the first source of the woman's rights, is that no sooner does her femininity disappears and the brilliancy of her youth fades than all the phenomena of dignity and respect, which she had already enjoyed, vanish and may be replaced by various types of abuse and humiliation.

Laws written on paper may state something different from what I have said, but the painful realities which befall the Western woman who has passed the stages of youth and middle age eradicate, and never leave, any trace of the dominion and charming enchantment of the texts of law.

A lot of asylums of a special kind are widely met with in America nowadays. Those asylums are prepared for receiving the women who managed to escape from the downpour of blows and limb break by their husbands or friends. Asylums are usually surrounded by ornamented decorations for camouflaging so that the buildings which shelter them may not be known, and the herd of the ill-fated women remain out of reach, in order not to be followed by their husbands and friends to the place of safety so as to beat them and hurt them!

Mr. Richard F. Jones, the professor at the Institute of Obstetrics and Gynecology in America, has written an article about this horrific and epidemic phenomenon titled, "Domestic Violence, Let Our Voices be Heard". He starts his article saying: "An epidemic is attacking our country. It is a very awful epidemic which we cannot skip." Then he added: "Within every second a woman is beaten and put to death, or has a limb broken, by a friend or a husband. Everyday we witness the consequences and influences of such striking in the rooms of emergency in our offices and clinics!"

I can, accordingly, say, “It is most likely that all women in the West suffer from this epidemic save those who have had the chance of occupying high posts or distinguished social ranks.

In comparison with such a reality, in which the Western woman lives, a woman in our Islamic societies (bearing in mind that the Islamic system and education still prevail in most of them) possesses a high rank, which becomes exceedingly higher when she grows older and older. The old aged woman in an Islamic house is undoubtedly the first lady in it, She has the operative word in the house, and all its members treat her with respect and glory. A treatment which originates from the fact that the source of women’s rights in Islam is her humanity, as I mentioned beforehand, and the Islamic education is (by Allah’s Grace) still effectual in our Arab and Islamic societies no matter whatever we speak about the Muslim’s negligence in adhering to their Islam and being disciplined to its systems and ethics.

The dependency of the Islamic Law on this source (i.e. the woman’s humanity) resulted in realizing the aim of Islam at making women enjoy the right of practicing labor which, in quality ought to be lawful, provided that her sufficient sustenance ought to be by way of the liability of her father or her husband; then her endeavor to labor will be for her luxury and for improving her standard of living, not induced by necessity. She can thereby preserve herself from the laborious works which never fit her femininity. On the other hand, the work wage, according to what the Islamic Law decides, correlates with how proficient the worker is. It has nothing to do with the identity of the worker, because the male and the female are equal in wage as long as the standard of proficiency in achieving it be the same. This rule should be observed in the schedule of priorities when works pack.

Another effect of the same source also is the equality between the male and the female in the right of consultation whether in selecting the members of its council, in participating in its membership with the men or in selecting the ruler and pledging allegiance to him.

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Alas, some people stimulate criticism contradicting with the facts I have clarified above. They, for example, pause at the Qur’anic Verse in which Allah, The All High, says “Men are *qawwamun* (the protectors and maintainers of women)” [Al-Nisa’4/43] criticizing. They give the word *qawwamun* the false sense which accords with their criticism; i.e. that the man is supreme over the woman in marital life, and entitled to use humiliation and oppression over her, whereas the

meaning known linguistically, and legally reliable, of this word **is** *care and management she feels under the protection of the man* without humiliation or oppression which the Islamic Law warns of.

It is scientifically and practically decided that the woman is pleased and relieved in her marital life when she feels that she is beside her husband and under his protection, a fact which Istravella, a German doctor, decides. Had she been destined to have an opposite marital life so that she be the protector and attendant and the man be under her care, she would have consequently fallen into horrible wretchedness.

Another example is represented in what they say: “The Qur’an makes the woman’s testimony equal to half the man’s, which proves clearly that she gains only what equals half the man’s share of the rights.”

In reply, I say: Those who studied the Islamic Law know that its attitude towards the value of the woman’s testimony is exactly the same as that of the Western laws and societies. Just as other laws, the Western laws are interested in the element of testimony at the stage of investigation and collecting information, not at issuing those verdicts. It is also known that these laws do not differentiate between men’s testimony and that of the women. It is also proven that the Islamic Law absolutely accords with the positive laws in this regard. The investigator, accordingly, has to resort to the available correct testimonies, in which case men and women are exactly alike, whereas depending on the testimony according to Allah’s Words: “And if there are not two men (available), then a man and two women.” [Al-Baqarah 2:282], is sought at issuing the verdict, and the testimony is then considered a support to issuing the verdict.

If the Islamic Law lays the condition of requiring two women in place of one man to depend on the testimony in this case, positive laws never regard her testimony in such a case at all. They even disregard the man’s testimony.

The reason for which the Qur’an lays the condition of two women to testify in place of one man in financial case has nothing to do with the woman’s femininity as some people imagine. It springs from a basic condition in the testimony itself, represented in the witness’s being highly related to the subject to which he testifies no matter whether the testifier be a man or a woman. When the subject of dispute is more relevant to women and a woman is more acquainted with its details (such as nursing, offspring or sucking) then the woman has the priority in giving testimony. Being more relevant to men (such as criminality, burglary and murder) priority in giving testimony then shifts to the man.



Another matter they arouse when they imagine that the woman's share in inheritance **always** equals to half the man's share of it, depending on what Allah, The All-High says: "To the male, a portion equal to that of two females." [Al-Nisa' 4:11] ! It is mere an illusion springing from deep inexcusable ignorance, for the Qur'an decides this verdict only in one case: when the testator dies leaving male and female children or brothers and sisters. It is well known that both of the son and the brother make their sisters their partners in possessing the rest of the inheritance after the owners of the other shares have had their shares. In such a case the brother- who has made his sister a partner-receives twice as much share as his sister who has been made partner. In all the other cases the man and the woman are equal in the limited inheritance portions, and the woman's portion may even exceed the man's in many cases.

Another point of criticism is their disapproving preventing the woman the right of nominating herself for presidency in the Islamic society. In short, I say to those who protest: a large number of the tasks that the Muslim leader undertakes are purely religious, such as Friday and the 'Id (feast) prayers and oratory, prayer of rain and eclipse, etc. It is also known that a woman cannot practice such rituals of worship personally at all times. Moreover, she is to undertake such rituals while she is in a rank at which she represents an example to be followed by others.

Regardless of such private excuse, the actualities of history from the earliest ages up till now agreed, and still agree, with the attitude of the Islamic Law. Should you have a deep look at the names of those who have been nominated as kings and presidents since the most ancient history up till now, you will find that the women who undertook such positions never exceed a dozen in number. The most prominent example in this regard is the USA which calls upon the women of the world to demand the restoration of their rights. We have neither heard of a single woman ever undertook presidency in it, nor heard of any woman ever nominated herself to presidency in it ever since it was born up to date.

I reckon these are the only points of criticism mostly mentioned concerning women under Islam in the West. What we say about the tragic society in which women live in the West however is so much. I have alluded to few of them in this epitome, and expect that the dialog and discussion to follow will give way to further explanation and clarification.

Finally, all the praises and thanks be to Allah, the Lord of the Worlds.