

Gender equality in the light of Sirah (An intensive study of Muhammad his character and conduct by Adil Salahi)

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Abstract

With the passage of time, every society faces newly issues in daily life. Western society is blessed with all luxury and extravagant living facilities. And it is a natural phenomenon and universal truth that, the more a community enjoys the worldly things, the more it loses its moral values and ethical esteem. So western world gradually loses its etiquettes and has been replaced with some problematic issues. The western people also criticize the Islamic teachings regarding some family issues. They consider it injustice against the women rights on humanity basis. According their objection the gender equality comprises to permission to beat a wife, Polygamy, unequally distribution of inheritance among son & daughter and testimony of two women is considered equal to one man in court. All these issues are linked to Islamic injustice and vastly debated in western society. Here the researcher will discuss the aforementioned issues in the light of Adil Salahi's book "Muhammad: His character and conduct" in detail and then tackle its solution in the light of the the scared instructions of Al mighty Allah and the teachings of the Holy prophet Muhammad (pbuh).

Keywords: Gender equality, Shariah, Man, Woman, Western perspective.

Introduction:

For the past two centuries in Western countries, it has been objected that in Islam, men are given priority over women in the right to divide inheritance, to testify in court and to perform

multiple marriages at the same time, while, women are deprived of these basic rights. Now it will be examined these issues one by one in detail to see if it has really been done unfairly to women. First of all we take a bird eye view on the objection's rationality

that is it valid logically or not? Suppose a man dies leaving behind a son and a daughter. According to Islamic law, two-thirds of the total property is given to the son and one-third to the daughter like 66.66 percent goes to the son while 33.33 percent will go to the daughter. On the other hand, when this son gets married, he will give definitely his wife a dowry. Suppose he paid RS 16 out of these RS 66 as dowry, then the remaining RS 50 remained, along with this, the brother will bear his sister's expenses as well, as before her marriage, it is responsibility of the brother to feed and grant the cloth and to fulfill all other needs after the demise of his father. On the other hand, it is the daughter whose expenses before marriage are the responsibility of the brother and after marriage the husband is responsible. Therefore, after addition and subtraction, both parts are equal. Therefore, rationally, this distribution of inheritance is full justice. Now a person who does not know these details or who has not thought about it will surely be affected by this baseless slogan of inequality. And he will object to God's division and consider it unfair to women. If he is a Muslim, then

doubt will arise in his mind that even Allah is not fair in his distribution. Therefore, the aim of these people is to create doubt in the hearts of Muslims and they succeed in it. Now here we try to see that how the western scholars resolve this issue? If we see the prominent scholar like Adil Salahi, he mentioned it in his book "Muhammad: His character and conduct" under the title 'Changing the status of women'. Here we copy his text and then analyze it in our words." He put the title "LIKE MANY SOCIETIES"

"Old and new – pre-Islamic Arabia treated women as inferior to men. However, there were differences between tribes with regard to the treatment of women. Although some tribes respected women, they did not treat them as equal to men; the overall picture made women inferior, but the degree of this inferiority varied. As I mentioned in the previous chapter, sometimes girls were buried alive because of fear of poverty. Needless to say, this was not the lot of every young girl, but it was nevertheless considered to be an acceptable practice. A few kind-hearted people tried to save young girls from such a fate by taking over their care and bringing them up. However, the

practice is indicative of the status of women in Arabia at the start of the Islamic message. Women had practically no rights in pre-Islamic Arabia, unless they were rich. A father could give his daughter in marriage to someone without even consulting her. She had no rights of inheritance; on the contrary, in some cases she was considered part of the estate left by her deceased husband. In this circumstance, the chief of the household could inherit her as a wife, or could give her to anyone he liked. Nor were women consulted on family affairs. Pre-Islamic Arabia was a man's world par excellence. However, this view of women was by no means unique to Arabia."

It is stated in the aforementioned text that the woman has been treated badly in pre Islamic era. Although there were a little bit differences as some people respect the women but they did not consider them equal to men .Some people buried alive their daughters because of fear of poverty and unemployment. Women had no right of inheritance .A person could marry his daughter to someone without her consent and willing .Some time a women was considered commodity and part of

inheritance left by her deceased husband. She had been inherited by the chief of the house as a wife or has been given as a gift to any one other. The overall picture made the women so inferior and commodity of cheap and minor value.

Adil Salahi says that this situation was not confined to only Arabia, but it prevails in other civilization and areas as well .There were two super empires Persia and Rom .They also treated the women bitterly and severe badly. He says.

"In the Persian Empire, for example, the Zoroastrian faith flourished: In its later version known as Zarvanism, it developed the concept of dualism with Ahriman being the god of evil. Women were his means to lead people astray. Thus, women became part of the realm of evil... The ancient Greeks classified women as inferior creatures whose sole function was to continue the species and attend to household chores. A woman was forced to have intercourse [with chosen males] and to practice prostitution. Aristotle ranked her with slaves and said she should receive the same treatment of servants because she was an

inferior being, with a weak personality and no will of her own. Woman ranks very low in Plato's *The Republic*:"

A man's courage is in commanding; a woman's in performing humble duties...." The Indian Law of Manu says that "a woman belongs to her father in her childhood and her husband in her youth. If her husband dies, she belongs to her sons, and if she has none, she belongs to her husband's male relatives, because she should not be left on her own under any circumstances.

"A wife was even expected to die with her husband and to burn with his corpse. If she escaped from death, she was damned through eternity¹."

Analysis:

Therefore, this was the situation of women in the great civilizations of the world like Persian, Roman and Indian Cultures.

Adil Salahi says:

It was Islam that for the 1st time of history gave the rights of women .He says"From the first day, the Prophet was instructed that his message was addressed to both men and women in equal measure. He therefore sought to

remove every impediment to equality, and he addressed both men and women in the same way. In fact, the first person to believe in his message was a woman: his wife, Khadijah. When we look at the religious duties that Islam requires of its adherents, we find that they all apply in equal measure to men and women. Likewise, the reward God grants for them is the same. There are, however, some differences in certain types of worship. These differences accord for biological and social differences, but do not ultimately affect a person's status in God's sight. The major difference is that women are not required to pray the five obligatory daily prayers and do not fast in Ramadan when they are in their menstrual period. They compensate for this by fasting the same number of days later in the year, choosing the days that suit the"². In everything else, the basic principle repeatedly stated in the Qur'an applies:

”مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ
فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا
كَانُوا يَعْمَلُونَ“³

“Whoever does righteous deeds, whether man or woman, and is a believer, We shall most certainly give a good life. And we shall indeed reward these according to the best that they ever did.”

“Islam works on the basis that men and women play different roles in human life: women generally look after the next generation, thus ensuring the community’s future well-being; while men earn the family living and look after the present. Since women look after their children and families, they are not required to work in order to earn their living. Their husbands, parents or other close relatives are required to look after them. A woman who has no male relative to look after her is provided for by the Muslim state.”

Analysis:

Here Adil salahi demonstrates the best living standard while distributing their responsibilities according their skills. As there are two characters in a family: man and woman. Man

being a father looks after for his off springs and siblings in present time .So he earns for his family and spends his best effort to accommodate them. While woman being a mother cares for her children in home .Actually she has to educate and love them from the very early time, as the father can’t do this, because he has to earn for them. So a mother has a plenty of spare time to look after, educate, love and prepare them for future. Here below we mention the responsibilities of both man and woman in the light of sirah of the Holy Prophet.

1. Financial independence:

As our Holy prophet provided and set a best example for practical implementation. Adil Salahi says.

“He laid down the rule that a woman may earn and own her money and property. She has sole discretion as to how this money is spent or invested, provided that she abides by the provisions of Islamic law. She does not need to bear any expenses of her family, because that is the responsibility of her husband. Her right of ownership is guaranteed by the Qur’ān:

"وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ
لِّلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبْنَا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا
كَتَبْنَا وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ
عَلِيمًا"⁴

“Do not covet the bounties God has bestowed more abundantly on some of you than on others. Men shall have a benefit of what they earn and women shall have a benefit of what they earn. Therefore, ask God to give you out of His bounty as he knows every thing.”

The prophet (pbuh) made it quietly clear to his companions by setting a guideline. One of his wives, Zaynab bint Jahsh, “used to do some handicraft and give her earnings for charity.” The narration is as below:

"عَنْ زَيْنَبِ امْرَأَةِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا - قَالَتْ:
كُنْتُ فِي الْمَسْجِدِ، فَرَأَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
فَقَالَ: «تَصَدَّقْنَ وَلَوْ مِنْ خُلَيْكُنَّ»
فَدَخَلَ فَسَأَلَهُ، فَقَالَ: «مَنْ هُمَا؟» قَالَ: زَيْنَبُ، قَالَ:
«أَيُّ الرِّيَازِيبِ؟» قَالَ: امْرَأَةُ عَبْدِ اللَّهِ، قَالَ: «نَعَمْ، لَهَا
أَجْرَانِ، أَجْرُ الْقَرَابَةِ وَأَجْرُ الصَّدَقَةِ»⁵

"The Prophet urged women to donate to charity, “even though you give some of your jewelry.” Having heard this from the Prophet as he addressed women in the mosque, a woman named

Zaynab later went to see him. She asked whether she could pay her charity to her poor husband and to orphans she was looking after (these orphans were her relatives). His answer was that, “If she does, she will have double reward: one for being kind to relatives and one for her charity.”

Another example is also found in the story of Jabir bin Abdullah and his aunt.

The narration is as follow.

"عن جَابِرِ بْنِ عَبْدِ اللَّهِ يَقُولُ: طَلَّقْتُ خَالَتِي، فَأَرَادَتْ
أَنْ تَجِدَ نَخْلَهَا، فَرَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ، فَأَتَتْ النَّبِيَّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: «بَلَى فِجْدِي نَخْلِكِ،
فَإِنَّكَ عَسَى أَنْ تَصَدَّقِي، أَوْ تَفْعَلِي مَعْرُوفًا»⁶

"Jābir ibn ‘Abdullāh reports that his maternal aunt was divorced. She wanted to go to her date farm to supervise the picking of her date harvest. Some of her people tried to stop her from doing so on account that she was still in her waiting period. She went to the Prophet asking him whether she could attend to that task. He said: “Yes, you may go and pick your dates. It may be that you may give some to charity or do something useful”

Adil Salahi says:

All these instances, and several others, confirm the fact that in Islam women enjoy total financial independence. The Muslim woman has an even greater privilege. A man cannot pay his zakāt (obligatory charity) to his wife, because he is responsible for her upkeep; while she can pay her zakāt to him because she has no such responsibility, even though she may be much richer than him⁷.

Analysis:

In this text, the author, while talking about Zakat, the third fundamental element of Islam, says that the husband cannot give Zakat to his wife because he is responsible for her expenses, while the wife can give it to her husband as she has no such responsibility to feed her husband. If we evaluate this argument in the light of great early scholars, we find that wife can't give Zakat to her husband as he can't give her, because the both have common ownership and prophets according Hanafi and Hanbaly School of thoughts. While the reason that Adil salahi coated that husband cannot give her as he is responsible for her expenses, and wife can give him

as she is not responsible is not enough sound base. It is mentioned in the authentic books of Fiqh that the basic reason for prohibition is their common ownerships, so this reason is occurred in both sides while in Zakat one make the other person owner so he can use it as he like. As it is mention in Al-Hindiya .The text is as follow:

"فلا يدفع لأصله أي وإن علا، وفرعه وإن سفلا،
وكذا لزوجته وزوجها وعبدته ومكاتبه لأنه بالدفع
إليهم لم تنقطع المنفعة عن المملك: أي المزكى من كل
وجه"⁸

The same version is coated in "Al mughni" li ibni Qudama.

"If we conclude and summarise this point we can say that in the society molded by the Prophet, women also participated in political and social activities alongside their men brethren. Such participation reasserted the fact that in Islam, women enjoy equality in all aspects of life. However, the Prophet outlined certain values that were to be observed in all situations, so that the overall Islamic principles would remain in practice."

"2. Emancipation by Gods order. The emancipation of women that took place in Arabia with the

advent of Islam was not necessitated by any social or economic circumstances. The only need for it was that God wanted to give mankind a message that provided societies with a solid foundation, in order to ensure happiness for individuals and the community. Therefore, it took care of the needs of both men and women and enhanced their capabilities so that everyone would make their contributions in an atmosphere of unity, complementarity and cohesion. The cornerstone of the relation between the two sexes under God's message is that wives, sisters, daughters and mothers must be well looked after and kindly treated by their menfolk, in all situations. Since wives are the ones who are more likely to be ill-treated, the Prophet always urged kindness towards them. He himself set the best example for all Muslims to follow. He said: "The best among you are those who are best to their wives. I am the best of you to my wives."

The narration is as follow:

"خَيْرُكُمْ خَيْرُكُمْ لِأَهْلِهِ، وَأَنَا خَيْرُكُمْ لِأَهْلِي"⁹

Analysis:

This narration comprises on theory and practice at the same time as it provides a theory in its first part and practice in the second one. A Muslim should follow the Holy prophet in all matters. He was always kind to his foster mothers, daughters and views. He has given respect and welcome them.

The text is as follow:

"إِذْ أَقْبَلَتِ امْرَأَةٌ، حَتَّى دَنَّتْ إِلَى النَّبِيِّ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ-، فَبَسَطَتْ لَهَا رِدَاءَهُ، فَجَلَسَتْ عَلَيْهِ، فَقُلْتُ: مَنْ هِيَ؟ فَقَالُوا: هَذِهِ أُمُّهُ الَّتِي أَرْضَعَتْهُ"¹⁰

However the holy prophet (pbuh) has never beaten any one by his hand as the narration says:

"أَنَّ عَائِشَةَ قَالَتْ: «وَاللَّهِ مَا ضَرَبَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِيَدِهِ امْرَأَةً لَهُ قَطُّ، وَلَا خَادِمًا لَهُ قَطُّ، وَلَا ضَرَبَ بِيَدِهِ شَيْئًا قَطُّ"¹¹

Despite the aforementioned status of women in Islam, people tend to think that Islam gives women a lower status than men.

Pro. Dr Anees Ahmad says:

If we see the historical context, the Western slogan of gender equality came into being as a logical necessity of the capitalist system. Capitalism could not sustain itself without meeting the need of labour force working at low wages in the mechanized age, therefore, the name of freedom, and development was given women to get out from home and work in factories and they were invited to become commercial workers. The consequences Europe and America are facing today and the way their family and moral systems have been destroyed are enough for any intelligent person to understand that gender equality alone is not the solution to the problem. Each gender has its training and education according to its needs, nature and character, which the system of life of Islam has provided us in the form of the best principles¹².

The criticism focuses on specific areas as follow:

Permission to beat wife for her husband.

Polgamy

Unequality in inheritance

Testimony in court.

We discuss briefly these four areas to clarify the true Islamic teachings and the guidance of Holy prophet.

1. Wife beating

There are several authentic narrations by the holy prophet, which make it clear that he intensely detested the idea of beating ones wife. Once the holy prophet said“could any of you beat his wife as he would beat a slave, and then lie with her in the evening”.The actual words are as follow:

"أَمَا يَسْتَحْيِي أَحَدُكُمْ أَنْ يَضْرِبَ امْرَأَتَهُ كَمَا يَضْرِبُ الْعَبْدَ يَضْرِبُهَا أَوَّلَ النَّهَارِ، ثُمَّ يُصَاجِعُهَا آخِرَهُ أَمَا يَسْتَحْيِي"¹³

Another occasion the Holy prophet said to one of his companion.

“The good people among you don’t resort to beating their wives” So this is a clear statement that beating ones wife is contrary to Islam and goodness of character. Now here a question arises that it is mentioned in the holy Quran that one can beat his wife .So how Islam promotes two parallel contradictory versions?

The holy Quran states:

"الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ وَاللَّاتِي تَخَافُونَ
نُشُوزَهُنَّ فِعْظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ
وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا"¹⁴

“Men shall take full care of women with the bounties with which God has favored some of them more abundantly than others, and with what they may spend of their own wealth. The righteous women are devout, guarding the intimacy which God has ordained to be guarded. As for those women from whom you have reason to fear rebellion, admonish them [first]; then leave them alone in bed; then beat them. Then, if they pay you heed, do not seek any pretext to harm them. God is indeed most High, Great.”

Adil salahi says:

“We therefore need to examine this verse in the context and try to understand it in the light of Holy prophet’s Sirah. It is clear from this verse that it is incumbent on men to take full care of women, by providing for them and treating them kindly. The verse also commends righteous women and their behavior. It then deals with the serious situation of rebellion and outlines three methods of dealing

with this. The approach here is gradual, which means that the first method of admonition is the one to be resorted to in all cases. Only when it totally fails and the rebellion continues the second method (of leaving the woman alone in bed) is resorted to. The third method (of corporal punishment) is permissible only when this second method has clearly failed.”

Analysis:

This verse clearly shows that men should take full care of women, spend on them and treat them well. This verse appreciates and praises virtuous women and their behavior as well. After this preliminary encouragement the verse deals with the serious and rear situation of rebellion and mentions three ways to deal with it. The approach here is gradual which means that the first method of advice should to abide by in every situation. When the 1st method fails completely and the rebellion continues the other method would be utilized that is leaving the woman alone in bed .If the 2nd method also fails to achieve the objective then the 3rd method would be implemented on that is physical punishment. Now some questions arise here.

Q1. is there any vivid clue explaining the situation in which this 3rd method can be applied?

Q2. What is the level of harshness and severity that can be practiced?

To answers for these questions we try to know the meaning of two words {Qawwam} and {Nushuz}. The former is derived from Qaim and is its intensive form which means the one who is responsible for and take care of a thing or a person. So it signifies that man undertook the maintenance of the woman. Asad says: the grammatical form Qawwam is more comprehensive than Qaim, and combines the concepts of physical maintenance and protection as well as of moral responsibility¹⁵. The later word literally means rebellion that means here ill-will. it comprises every kind of deliberate bad behavior of a wife towards her husband or a husband towards his wife. Muhammad Asad says "The word nushuz includes: mental cruelty: with reference to the husband it also denotes ill-treatment in the physical sense of his wife". So in this context a wife's "ill-will" implies a

deliberate, persistent breach of her marital obligations.

Muhammad Asad illustrates the permission of beating any woman by presenting the tradition of the holy prophet that he forbade the beating of any woman with the words,

16 لَا تَضْرِبُوا إِمَاءَ اللَّهِ"

"Never beat God's handmaidens"

فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَقَدْ طَافَ بِأَلِ مُحَمَّدٍ نِسَاءٌ كَثِيرٌ يَشْكُونَ أَزْوَاجَهُنَّ لَيْسَ أَوْلَانِكَ بِخِيَارِكُمْ"

If we see cause of revelation of this verse the picture will become clearer. When the above mentioned verse authorizing the beating of a refractory wife was revealed, the Prophet is reported to have said: "I wanted one thing, but God has willed another thing - and what God has willed must be best " He also said in his sermon on the occasion of the farewell Pilgrimage, shortly before his death, that beating should be resorted to only if the wife "has become guilty, in an obvious manner, of immoral conduct", and that it should be done "in such a way as not to cause pain

(ghayr mubarrih)" imam tabri says" authentic Traditions to this effect are found in Muslim, Tirmidhi, Abu Da'ud, Nasa'i and Ibn Majah. On the basis of these Traditions, all the authorities stress that this "beating", if resorted to at all, should be more or less symbolic - "with a toothbrush, or some such thing with a folded handkerchief" some of the greatest Muslim scholar Ash-Shafi' is of the opinion that it is just barely permissible, and should preferably be avoided: and they justify this opinion by the Prophet's personal feelings with regard to this problem.

2. More than One Wife /Polygamy

More than One Wife or Polygamy was permitted in most societies for a long time. Polygamy was even permitted in Christian societies during its early period (although it was subsequently prohibited by the church). Islam permits polygamy, but restricts a husband to a maximum of four wives at any time. Islam also stipulates that a husband must treat his wives equally in all situations: he cannot favor one

with anything that he denies to his other wives. Moreover, he has to split his nights equally between his wives. The Prophet used to visit every one of his wives every afternoon, but he would spend the night with the wife whose turn it was.

"عَنْ عَائِشَةَ، قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَفْسِمُ فَيَعْدِلُ، وَيَقُولُ: «اللَّهُمَّ هَذَا قَسْمِي، فِيمَا أَمْلِكُ فَلَا تَلْمِني، فِيمَا تَمْلِكُ، وَلَا أَمْلِكُ»¹⁷

Islam emphasizes that when a man fears that he may not be able to maintain fair treatment of his wives, he must not marry more than one. The Qur'an states:

"فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً"¹⁸

"You may marry of other women as may be agreeable to you, two or three or four. But if you fear that you will not be able to maintain fairness between them, then marry only one."

Thus, Islam allows a man to marry more than one wife, but states a strict requirement of fairness in treatment. This applies to everything: including housing, standard of living, gifts and inheritance.

Analysis:

Islam allows the polygamy as the proper solution for various social situations, and it establishes a strict code of morality. Therefore, it regulates relations between the two sexes, making any sexual intercourse outside the bond of marriage a grave sin. Since there may be different cases where the home situation requires another woman to look after the family, Islam wants her to be a legal wife. This is better for her, as it guarantees her rights, and better for her children, who will be the siblings of their father's children by his other wife or wives. Their rights of education, upbringing, maintenance and inheritance are guaranteed on equal basis. However, the fact remains that one wife is the best situation in most cases. Societies that have restricted marriage to one wife only could not find a solution for several types of problems that might have serious effect on the continuity of marriage. They generally had to either turn a blind eye to unlawful relations or, as the case in contemporary non-Muslim societies, to adopt a permissive attitude that allows

extra-marital sexual relations. The effect of these is often very grave on families, particularly young children.

Analysis.

At the end the historical and scholarly study of polygamy shows that it was not created by Islam, nor was it promoted by the Prophet (pbuh) rather, it was common practice of different religions and nations before Islam as well. Famous French researcher Dr. Gustavoli writes in his book (Civilization de Arabs) "The practice of polygamy is completely different from Islam because it existed among the Jews, Iranians and Arabs before the Prophet. Those who entered Islam did not benefit from it additionally.¹⁹"

According to the famous anthropologist George Murdock's 1949 report, 415 out of 554 nations of the world have polygamy. Therefore, the practice of polygamy is being practiced by all the sematic and non-sematic religions of the world²⁰. So it is cruelty and against the ground reality to attribute it to Islam and the Prophet of Islam and criticizing his chastity.

Syyed Qutab says:

There have always been many practical cases, in different societies, in the past and in the present, where the number of women of marriageable age exceed the number of men who may get married. It has never been known in history that such an imbalance which can affect certain societies has ever exceeded the ratio of four to one. It is always within that limit. How do we deal with this imbalance which happens from time to time in different ratios and societies and which cannot be overlooked..

Analysis:

it is mentioned in the hadith that the number of women will increase so much near the resurrection that there will be 50 women compared to one man. As the Holy prophet said:

"إِنَّ مِنْ أَشْرَاطِ السَّاعَةِ..... وَيَقَلُّ الرَّجَالُ، وَيَكْثُرُ
النِّسَاءُ، حَتَّى يَكُونَ فِيْمَ خَمْسِينَ امْرَأَةً رَجُلًا وَاحِدًا"²¹

Syyed Qutab further explains: Here we find ourselves facing three alternatives:
1. Each man who is fit to get married marries one woman of marriageable age.

Therefore, one woman or more, according to the ratio of imbalance, will inevitably remain outside marriage, going through her life without ever knowing a man.

2. Every man who can marry gets married to one woman in a healthy, legitimate relationship. He, then, has an affair or a short-term relationship with one or more of the women who do not have legitimate male partners. In this way, these women associate with men in an illegitimate and hypocritical way.

3. Men who are able to get married, or some of them, actually marry more than one wife. In this way, the second woman associates with a man as an honorable wife, in broad daylight, not as a mistress or as an occasional partner in an illegitimate relationship practiced under the cover of darkness.

The first alternative clashes with human nature and places a great burden on the woman who is made to go through life without ever having a man with whom to share her life. This fact cannot be ignored even on the basis of idealistic claims that argue when

a woman works and earns her own living she does not need a man. The need goes much deeper than such superficiality. Neither a job nor a high income can replace a woman's natural need to live normally with a man, to satisfy her physical urges as well as her emotional and spiritual needs, and to have a companion with whom to share her life. A man works and earns his living, yet this too is not enough for him. Therefore, he seeks a partner and a companion. Men and women are alike in this regard, because they descend from a single soul.

The second alternative is in sharp conflict with Islam, the religion of purity, and with Islamic society which is based on serious morality and with woman's human dignity in mind. Those who do not care when immorality spreads in society are the very people who boast that they know better than God and impudently criticize God's law because there is no one to stop them. Indeed, they find every encouragement and help from those who are keen to undermine the Islamic faith.

It is the third alternative that Islam adopts as a qualified concession to a situation that cannot be dealt with by simply shrugging our shoulders or by espousing hollow idealism. Such a choice is in keeping with Islam's seriousness and practicality in dealing with man as he is, taking full account of his changing circumstances. It is this approach which fits perfectly with the importance Islam attaches to decency, purity and morality as it tries to elevate man to its great height in an easy, gentle and practical way.

Analysis:

The first and second alternative are sharply against the nature .It does not present any solution to the burning issue. While the third type is useful and helpful for the both sexes, male and female .The both are honorable persons and have great dignity and value for each other .So it is impossible for a woman to live without having a partner in her life. While in second alternative a man gets marry with a woman, then he has illegitimate and short relations with other women and they live with that person hypocritical way. So the best option is the third one.

He further says:

From another point of view, we see in all human societies, ancient and modern, past, present and future, another real problem that cannot be overlooked or brushed aside. The period of a man's fertility extends to the age of 70, sometimes even beyond. In the case of women, fertility ends at around the age of 50. This means that there are on average 20 years of fertility in a man's life with no corresponding fertility in a woman. There is no doubt that one of the purposes of joining the two different sexes in marriage is to promote life through procreation and to build the earth through increases in population. It does not fit with this natural situation to prevent humanity from making use of man's longer period of fertility. What fits with this practical situation is that legislation that is applicable to all societies in all ages should provide this concession, not as an obligation, but as an option to benefit human life in general. This balancing between human nature as it is and the purpose of legislation is always evident in Divine law,

while it is generally absent in manmade laws. Left to himself, man cannot take into account all details, he cannot look at a situation from all angles, and cannot provide for all eventualities:

Analysis:

It is common observation that a girl is growing soon as compared to boy. Definitely she becomes older as well. On the other hand when a man and a woman got marry, the woman loses her fertility before man. While he feels himself energetic still .If he divorce her it would be considered disloyalty and cruelty on his behalf.so it is best way to keep his fertility by allowing him the second wife.so that their family could live with prosperity and peacefully.

Syyed Qutab sees another angle. He says:

One aspect that relates directly to the second fact is a man's need at times to satisfy his natural desire while his wife does not care about it, either because of her age or because of illness. Both man and wife, however, are keen to preserve their married life and do not

entertain the idea of separation or divorce. So how do we deal with such cases? Here again, we find ourselves faced with three alternatives:

1. We forbid the man from seeking satisfaction of his natural desires by the force of law. We say to him: "Shame on you. What you are thinking of is unbecoming and does not take account of the rights and dignity of the woman who is married to you.
2. We allow the man to have illegitimate relationships with other women.
3. We allow the man to marry again, as the situation requires, without having to divorce his first wife.

The first alternative is in sharp conflict with human nature, and weighs very heavily on man mentally. If we were to impose it by force of law, its immediate result would be to leave the man resenting, if not hating, his married life because of the pressures it imposes on him. Islam, which views the family home as a place

of rest and peace and views the married couple as intimate companions, does not approve of this alternative.

The second alternative clashes with Islam's moral concept as also its method of elevating human life and establishing it on foundations of perfect purity. Only a life of such purity is worthy of God's honoured creature, man.

The third alternative is the only one which satisfies the needs of human nature and which fits in with the Islamic moral code. It allows the first wife to continue to enjoy married life, satisfies the desire of both man and wife to remain together as intimate companions, and helps to elevate man with ease and practicality²².

3. Women inheritance:

Although Islam treats both men and women as equals, there are differences in certain provisions of Islamic law. People often use these in support of their claims that Islam views women as inferior. Unfortunately, these detractors do not look at the full picture. Whenever Islamic law gives special provisions for

women, the advantage works in women's favor. The best examples of this are inheritance and testimony in court. The Islamic system of inheritance defines a direct line of heirs that treats spouses, parents and children as heirs of the first degree. When the deceased leaves these behind, no one else inherits anything. The system stipulates certain shares for spouses and parents, which vary according to the presence, or otherwise, of other heirs. For example, the parents' shares are one-sixth of their son's estate if he has any children. If he has no children, the father takes two-thirds and the mother one-third. This difference is due to the fact that the father is required to look after his wife (the deceased's mother) and meet all her needs. Likewise, the deceased's wife takes one-quarter of the estate if he had no children, while her share goes down to one-eighth in the case of the presence of children. The reason for the difference is that her children are responsible for meeting all of her needs. The children take what is left after the wife and the parents have received their shares. Sons take twice as much as daughters.

This is the difference that causes people to claim that Islam discriminates against women. Again the difference in what is assigned to sons and daughters is due to the financial responsibilities of each. Such differences in the shares of males and females do not apply in all cases of inheritance. The Islamic system of inheritance is very elaborate, leaving no room for disputes among heirs and relatives, because every heir's share is assigned by God and stated in the Qur'an. This system is based on fairness, but the fairness does not operate using hard figures; it operates in a holistic approach that takes into consideration the financial responsibilities of every one of the heirs. Its guiding principle is that we do not own whatever we have, as this all belongs to God, Who is granting it to us. When we die, it goes back to God, Who divides it according to this system that combines elaborate division with fairness to all.

Analysis:

It is great change brought by Islam, that woman was not only denied to inherit before Islam but was treated as object to

be inherited by male. A woman (wife of Saad ibni Rabi) complained to the prophet (PBUH), that she and her daughter are prevented from inheriting property left behind by her husband. To this Allah Almighty revealed the verse that.

"لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ
وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ
مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا" ²³

Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether the property be small or large- a determinate share -if we see the detail of inherits they are of three kinds.

1. Zav-il-furuz means those heirs whose share has been defined in the Quran in chapter four verses 11-12
2. Asabah means those heirs whose share has not been fixed but they take after left by Zav-il-furuz. The rule of division of this category is male takes double of females.
3. Zav-il-Arham means Distant Kindred if there

are no heirs of the deceased in the first or second class they become heirs of the deceased.

In 1st category there are total 12 peoples. among these twelve persons eight are women and four are men. while in 2nd category there are three women.

Now to comment on this distribution Yusuf Al Qaradawy (1998) says that there are cases where a woman is entitled to a larger share than a man.

I. where a person dies leaving a husband, mother, two brothers and a uterine sister, in this situation the single sister gets 1/6 and the two brothers jointly get 1/6 and individually 1/12 which is half of a sister's share.

II. When a person dies leaving his daughter and two brothers, now daughter get 1/2 and two brothers jointly get 1/2.

Abubakri Olakulehin Yekini says that the fairness in the distribution of the property of the deceased has been maintained in Islam as shown in the following cases where a woman takes more than her male counterpart

I: Where a woman is survived by her husband, father, mother and two daughters or sons and leaving property valued at 60,0000 R.S the distribution will be as follows.

- i. Where a woman is survived by her husband, mother, father and two sisters or brothers, the sisters get more than the brothers.
- ii. Where a woman is survived by a husband, father, mother and daughter or son, the daughter is entitled to more share than the son.
- iii. If a woman is survived by her husband, mother and sister or brother then sister gets more than double the share of her brother.
- iv. Where the deceased person is survived by wife, father, mother, daughter and son's daughter or son's son, the son's daughter inherits more than the son's son²⁴.

Rationale for the double share of men:

Sayyid Qutb says:

“By giving one share for the girl and two shares for the boys, Islam did not favor one sex over another. The apparent disfavor will soon be replaced by a comprehensive treatment of the respective position of man and woman and their mutually complementary duties. A basic rule in Islamic system states that “gain is commensurate with duty”. In Islam, a man is required to pay the dower money to his wife at the time of marriage and he is to support his wife and children and old aged or needy parents and relatives in all situations. The least that can happen to a man who is negligent of this duty is that he be imprisoned. A man is required to pay the ransom and compensation for accidental death or injuries caused to others by any member of the family, while a woman is exempted from all these activities. Moreover, a man is required to support the insolvent and those who are unable to earn their living in his family, while a woman is exempt from the duty of mutual family support. Thus, the Islamic system is a comprehensive one,

which distributes inheritance according to the liabilities. Since man bears more liabilities, his share of inheritance is greater. Usually, it is all a matter of maintaining justice and balance between the responsibilities of a male and those of a female within the family. Islam, exempts the women from all types of liabilities, and ensures their individual ownership. The Qur'an (4: 32) says: "men shall have a benefit of what they earn and women shall have a benefit of what they earn". By ensuring the individual ownership of woman, Islam has protected her inherited property, dower money, self-acquired property and other incomes as intact as it comes to them and on the other hand a man can rarely save anything from his inherited property after the fulfillment of all the liabilities imposed by Islam."

4. Testimony in Court

With regard to testimony in court, the Qur'an verse that discusses the provisions for loan transactions and commercial dealings includes the following statement:

"Call in two of your men to act as witnesses, but if two men are not available, then a man and two women, whom you consider acceptable as witnesses, so that if either of them should make a mistake, the other will remind her"

"This verse has given rise to criticism of the Islamic system, based on the accusation that Islam discriminates against women in this instance. Yet, such an outcry is due to a misunderstanding of the Islamic requirement, which in fact works in women's favor. Islamic law was designed for implementation in Islamic society, in which a man is responsible for the upkeep of his women folk. Therefore, most Muslim women choose to be housewives: looking after their children and building the future of their community. Some women will still work and may be involved in business or all sorts of work."

"Legal experts explain that the working of this provision in practice does not equate two women to one man. On the contrary, the provision gives women a privilege that men witnesses do not enjoy. In his

book *Woman in Islam*, Ahmad Zaki Yamani writes: Dr Muhammad Saleem al-Awa mentions the practical implementation of the provision requiring two women witnesses in place of one man. The fact, according to him, is that the statement attributed to the Prophet describing a woman's testimony as half that of a man's is meant figuratively. The procedure followed in Islamic courts in the history of Islamic law is that when two women witnesses enter, the judge asks them which of them is the witness and which is the one to remind her. Each will state her role. The judge then orders the witness to take the stand of witnesses and orders the other woman to stand behind her in a position where she is seen by the judge but not by the woman witness. He further instructs the woman acting as a reminder to give him a signal with her hand if she wants to say something. The judge then listens to the testimony of the woman witness in full. If the other woman has given him a signal, he then asks her to say what she has to say. Should he find it to affect the substance of the testimony, he

orders that it should be included in the record of the court's session. He then asks the witness if she accepts it as correct. If she approves it and the two women agree, there is no problem. If they differ and the witness insists that her version is correct, the judge will decide between the two and adopt what he determines to be correct. This means that we have actually one woman witness whose testimony might stand as it is, with the reminding witness having nothing to say, or else she might remind the other woman of certain things and they agree the facts. Dr Al-Awa explains that the woman witness has a privilege over the man acting as a witness. This privilege is the fact that she can bring someone to remind her of any facts she may overlook. Then the court accepts what the two women agree and it becomes the basis of decision in the case being heard. A male witness who forgets certain facts does not have such a Privilege. His testimony is rejected. Islamic law, according to Al-Awa, has given the woman witness this privilege and determined its application. The Qur'anic text is concerned with a

pre-prepared testimony, which relates to rights proven by documents, not with testimony regarding events. The latter type is proven by the testimony of people who were present at the time and place of the event. Thus, as scholars made the ruling on testimony concerning people's actions also applicable to testimony on events they have actually exercised their scholarly discretion, or Ijtihād, in a way that gives women a privilege that man does not enjoy. It does not downgrade her legal or social position in any way.”

On this point Imām Ibn Taymīyah is quoted as saying: “The Qur’an does not mention the two witnesses or the man and two women witnesses as evidence to prove a case. These two methods of proof are mentioned as means to protect one’s rights. What proves one’s right is completely different from a ruling given by a judge? It means to arrive at such a ruling are much wider than the testimony of a specific number of witnesses²⁵.”

Analysis:

The testimony in court by one man that is equal to two women is not meant to disgrace the woman. The reality is that a woman is more blessed than man in this regard. As she is allowed to have another woman to help her in the court while the man has not this option.

Findings:

1. Islam gave the rights for woman first time in the world history, as in pre-Islamic era woman was badly treated in Persian, Roman, Indian and Arabian cultures.
2. All religious duties and rewards of Islam apply equally on man and woman, however some differences occur due to their biological and social nature.
3. The permission of "beating a wife" is occurred on the third step, which is debatable among early scholars, however if resorted to at all, should be more or less symbolic.
4. Islam gives permission to have more than one wife as it is required to fulfill the natural desire of man, but also ensure their rights of education, upbringing, maintenance and inheritance are guaranteed on equal basis.
5. Islamic system of distribution the inheritance is most comprehensive as it divides according to the liabilities. Since a brother bears more liabilities, his share of inheritance is greater; while the sister is exempted to all these duties her share is lesser apparently, so the remaining amount of both is the same.
6. Woman witness has a privilege over the man acting as a witness. This privilege is the fact that she can bring someone to remind her of any facts she may overlook. Then the court accepts what the two women agree and it becomes the basis of decision in the case being heard. A male witness who forgets certain facts does not have such privilege so his testimony is rejected.

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