



**WOMEN'S  
RIGHTS**  
in Islam

Author: Shaista Gohir OBE  
Produced by: Muslim Women's Network UK

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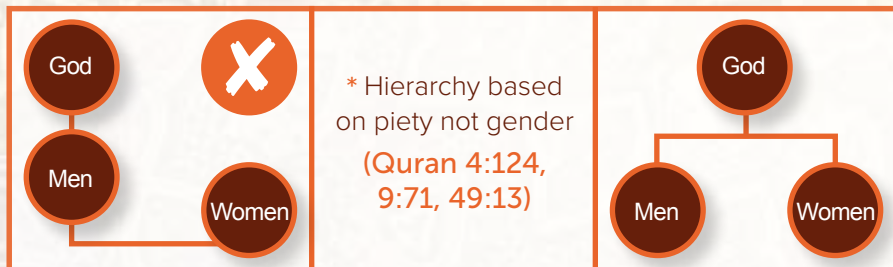
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# Introduction

When Islam was introduced in the 7th century, it included strategies to empower women. Examples supported by the Quran or Sunnah (teachings, deeds and sayings by Prophet Muhammad (pbuh) include:

- Equality of reward for deeds (Quran 33:35)
- Spiritual equality (Quran 4:124, 9:71, 49:13)\*
- Women valued as mothers (Quran 4:1)
- Right to express an opinion and be heard
- Right to an education and to work
- Right to own property
- Right to inherit (Quran 2:180, 4:7-14)
- Right to keep own money and choose how to spend it
- Right to divorce (Quran 2:229)
- Right to remarry (Quran 2:232)
- Right to receive marriage gift from husband (Quran 4:4)
- Right to choose a spouse and negotiate terms of marriage (Quran 4:19)
- Right to be treated with kindness and respect in marriage (Quran 2:231. 4:19)
- Right to economic support in marriage and after divorce for a time (Quran 65:6-7)

Women in the West did not obtain similar rights until over 1000 years later. However, Muslim practice does not match the status of women (discussed in a later section) because of men's human understanding and interpretation of the Quran and Sunnah, which often regards men superior to women.





## Work and property ownership

In Britain, The Married Women's Property Act 1870 allowed married women to be the legal owners of the money they earned and to inherit property. Before 1870, any money made by a woman either through a wage, from investment, by gift, or through inheritance automatically became the property of her husband once she was married.

1400 years ago Islam allowed women to hold, use and dispose of property. She also had the right to work and keep the income she earned and not have to give it to the husband or contribute to the household unless she chose to. However, since that time Muslim laws and practice have severely limited these rights, the most detrimental one being restricting women to the private sphere and not allowing them to participate in public life. In some countries laws are used to make it difficult for women to inherit and own property. These tactics have been used to make women dependent on men.



## Education

Islam places importance and emphasis on education unequivocally, with no distinction being made between men and women. Muslim women have played an important and historic role as scholars and leaders in education. However, over time a woman's right to free movement was severely curbed. This prevented women from accessing education but also work. They were taught that their only role is that of a wife and of a mother and were discouraged from seeking educational and professional opportunities.

# Gender Equality

There are number of verses in the Quran that illustrate gender equality:

1

## Hierarchy in Islam based on piety and not gender

*O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that you despise each other). Verily the most honoured of you in the sight of Allah is the one who is the most righteous of you. And Allah has full knowledge and is well acquainted (with all things). (Quran 49:13)*

2

## Men and women will be equally rewarded for good deeds

*Their Lord responded to them: "I never fail to reward any worker among you for any work you do, be you male or female - you are equal to one another... (Quran 3:195)*

*If any do good deeds of righteousness – be male or female – and have faith, they will enter heaven, and not the least injustice will be done to them. (Quran 4:124)*

*Whoever works righteousness, man or woman, and has faith, verily to him will we give a new life, and life that is good and pure, and we will bestow on such their reward according to the best of their actions. (Quran 16:97)*

3

## Men and women have equal responsibilities to do good

*The believers, men and women, are protectors of one another: they enjoin what is just, and forbid what is evil: they observe regular prayer, practice regular charity, and obey Allah and his Messenger. On them will Allah pour his mercy: for Allah is exalted in power. Wise. (Quran 9:71)*

## 4

**Basic equality of men and women before Allah**

*For Muslim men and women - for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, women who guard their chastity, and for men and women who engage much in Allah's praise - for them Allah has prepared forgiveness and great reward (Quran 33:35).*



There is an egalitarian ethos in Islam  
but it is distorted by patriarchal forces.



**Men of quality are those  
that respect women's equality**

Despite the verses promoting equality, some scholars tell us that according to Islam women are inferior to men. Some of the excuses used to justify this position include:

- Men are the head of the household. (Quran 4:34)
- Men have a degree above women. (Quran 2:228)
- Women have to prostrate to and obey their husbands, including having sex on demand.
- Men are allowed to beat their wives.
- Two female witnesses equate to one male witness.
- Women are only entitled to half the inheritance to what men get.
- Men are allowed to commit polygamy.
- Absence of women as prophets.

All of these have been addressed and also challenged in the following sections of this booklet. Some scholars deliberately misinterpret religious texts for the benefit of men.



## Absence of women as prophets

Patriarchal societies were unlikely to respond to female prophets. However, the role of women mentioned in the Quran may also have been played down. Some scholars have argued that verses mentioning angels speaking to Mary (mother of Jesus) confirms her prophethood. She is also the only woman mentioned by name with a chapter named after her.




Women's piety has been linked to subservience and obedience to men - we must break this connection.



# Status of Women in Islam Versus Muslim Practice

## Divine will of God or male opinion?

The Quran was revolutionary for its time, giving women rights. However, there are discrepancies that exist between Quranic principles regarding women related issues and Muslim practice in families and communities. Many women and girls continue to be discriminated against, contrary to Quranic principles. This is often a result of some religious scholars giving opinions on issues concerning women that are negative.



Women are directly or indirectly labeled with negative characteristics:

- \* Troublemakers
- \* Morally and religiously defective
- \* Unfaithful and ungrateful to their husbands
- \* Intellectually deficient
- \* The main inhabitants of hell
- \* Temptresses
- \* Source of all chaos and 'fitna'



When hearing rulings and interpretations, investigate their sources to determine whether these are the 'divine will of God' or just men's opinions about women. This distinction is very important.

## Are men held equally accountable?

Despite the fact that men commit the vast majority of violent crimes such as murder, rape, child abuse etc., we are told, "the majority of inhabitants of hellfire will be women," using the following hadith:

*It was narrated that 'Abd-Allaah ibn 'Abbaas said: The Messenger of Allah (pbuh) said: "I was shown hell and I have never seen anything more terrifying than it. And I saw that the majority of its people are women." They said, "Why, O Messenger of Allah?" He said, "Because of their ingratitude (kufr)." It was said, "Are they ungrateful to Allah?" He said, "They are ungrateful to their companions (husbands) and ungrateful for good treatment. If you are kind to one of them for a lifetime then she sees one (undesirable) thing in you, she will say, "I have never had anything good from you." (Bukhari, 1052)*



According to the hadith women will go to hell, not for being disobedient to God, but being disobedient to their husbands. This implies that being obedient to the husband is regarded more important than obeying God which infers that husbands are more superior to God. Could the Prophet (pbuh) have wanted this?

This hadith is regarded as weak (dhaif) and should not be quoted and if it is, then scholars should clearly state it is regarded as questionable. However, scholars relying on this hadith are unlikely to do so as it will undermine their own argument against women. Also the hadith is not supported by the Quran, which describes inhabitants of hell in a number of verses such as 7:179, 11:119, 32:13, where the term 'men or mankind' is used to describe humans generally:

- ..... *I will fill hell with jinns and men together. (Quran 11:119)*
- ..... *I will fill hell with jinns and men together. (Quran 32:13)*
- *Many are jinns and men we have made for hell: They have hearts but understand not, have eyes but see not, have ears but hear not. They are like cattle – nay more misguided for they are heedless of warning. (Quran 7:179)*

Men's behaviour is often not challenged. For example, men are not criticised for the way they may treat their wives. Also men who have pre-marital sex are not challenged or criticised while shame is heaped on unmarried women who lose their virginity. Virginity tests are carried out in some parts of the world. Despite having premarital sex themselves, many men will want to marry a virgin. They will also want a virtuous wife even if they have questionable morals. Such men are rarely reminded that they have no right to make such demands:

*Corrupt women are for corrupt men, and corrupt men for corrupt women. Good women are for good men, and good men for good women. They are innocent of the accusations people utter. There shall be forgiveness for them and a generous provision. (Quran 24:26)*

## Quran read through lens of secondary religious texts

The primary source for Islam is the Quran but is often read through the lens of secondary sources of Islam such as hadiths (narrations of actions and saying of the Prophet (pbuh) compiled after his death, some up to hundreds of years later). Although many compliment the Quran, others do not and are therefore likely to be additions to popularise views of people at the time. All the Islamic authorities agree that an enormous amount of forgery was committed in the hadith literature. The attribution of false statements to the Prophet (pbuh) may be divided into two categories:

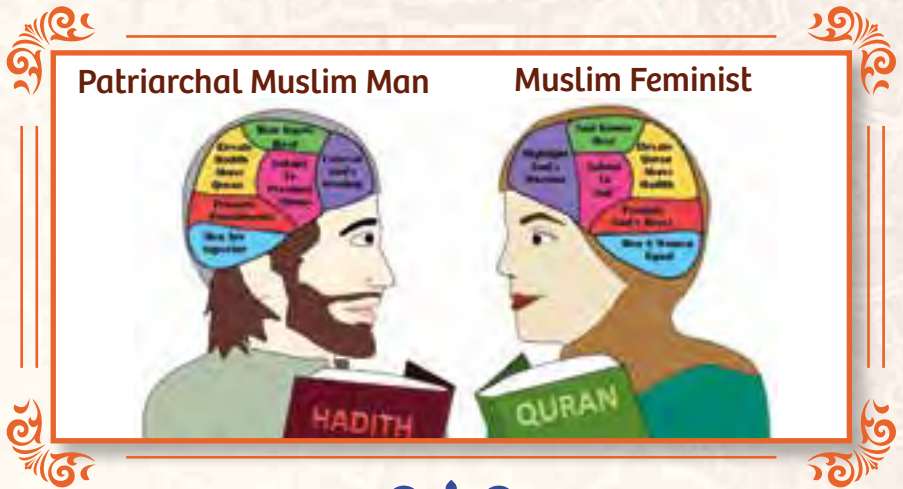
- Intentional fabrication of hadith (*hadith mawdu*)
- Unintentional attribution of a false hadith to the Prophet (pbuh) by mistake or due to carelessness (*hadith batil*)

Moved by the desire to safeguard the Sunnah of the Prophet (pbuh), against falsification and error, scholars did undertake efforts to verify the authenticity of hadiths many centuries ago. However, hadiths are still quoted by some Muslims even though they contradict the Quran's spirit of mercy and justice and also quoted by those who want to attack Islam. Fresh revisions should therefore be sought so that those hadiths that are not in tandem with the spirit and principles of the Quran can be discarded.

*Do not accept anything that you yourself cannot verify. Surely your hearing, your eyesight and your mind will be questioned. (Quran 17:36)*



Some hadith narrations can be the cause of diminishing a woman's status in Islam.



Islam is the submission of mankind to the will of Allah,  
not the submission of women to the will of men.

If religious scholars are acting as special agents to help us understand God's divine will then many are failing in their duties. The notion of blind obedience must be rejected because instead of making the full truth available, many are just guiding people towards their personal opinions. They do this by:

- Carrying out selective investigations into the hadiths and other historical texts to reinforce their opinions or preconceived ideas
- Giving selective disclosure on their Islamic knowledge including not disclosing anything that goes against their opinions and interpretations
- Finding the worst meaning in texts which is in contradiction of Quran verse 39:18

*Those who listen to the word, And follow the best (meaning) in it: Those are the ones whom God has guided, And those are the ones endued with understanding. (Quran 39:18).*

# Anti-Women Hadith

## Weapon to Lower Status of Women

While many hadiths compliment the Quran, some do not, especially those about women. Some are deeply disturbing, an insult to common sense, insult to women but also an insult to the Prophet (pbuh) and God. When a clear contradiction has arisen between the Quran and a particular hadith, sadly many interpreters or scholars have chosen to corrupt the meaning of the Quranic verse so as to comply with the content of the hadith.

There seems to be little open discussion on the uncomfortable hadiths. Some Muslims try and avoid discussions by saying, 'you do not understand the Arabic, the context and wisdom.' Instead it is time to discuss how hadiths that contradict wisdom of the Quran may have made it into hadith literature.

Some hadiths have already been covered in previous sections and questioned but here are a few more that portray women negatively:



### Women are evil omens

*I heard the Prophet saying. "Evil omen is in three things: The horse, the woman and the house."*

**Narrated 'Abdullah bin 'Umar Bukhari: Volume 4, Book 52, Number 110**

Could have the Prophet (pbuh) said such a thing when superstition is sinful in Islam? Also why would he have contradicted himself because in another narration he says there are no such things as omens.

*Prophet Muhammad (pbuh) said: "There are no such things as omens." (Bukhârî (5754) and Muslim (2223))*



## Women are defective in religion

*The Prophet said, "Isn't it true that a woman does not pray and does not fast on menstruating? And that is the defect (a loss) in her religion." Narrated Abu Said Bukhari: Volume 3, Book 31, Number 172*

It does not seem fair that God would create women with menstrual cycles, then bar them from praying on menstrual cycles, then hold them to account as "deficient" for something He prescribed. So by merely following an order, how can women be deficient for a situation they did not choose?



## Women are harmful to men

*The Prophet said, "After me I have not left any affliction more harmful to men than women." Narrated Usama bin Zaid Bukhari: Volume 7, Book 62, Number 33*

This hadith is inconsistent with the Quran verses on marriage. Why would the Prophet (pbuh) be saying such a thing when the Quran infers that men and women are there for mutual support and comfort. For example, in 2:187 the verse tells us that that men and women are garments of one another. And verse 30:21 God talks about tranquility, affection and mercy between husbands and wives.



## Women are like black dogs

*The Prophet said: "Three things interrupt a man's prayer [by passing in front of him] if he does not have in front of him something the height of the back of a saddle: a woman, a donkey and a black dog." Narrated by Abu Huraira - Sahih Muslim: Book 004, Number 1032*

Women are being indirectly compared to donkeys and black dogs. In many hadiths dogs have been labeled as unclean and here women are put on the same level as them. Why doesn't the passing of a man annul prayer? The Prophet's wife Aisha challenged the authenticity of this hadith and said: "They (those who narrated this hadith) compared us with donkeys and dogs. By Allah, I saw the Prophet praying and I was lying in bed between him and the Qibla (in front of him)". This is found in Bukhari - Volume 1, Book 8, Chapter 101, Number 511 (and Chap 105, No. 514). So the question arises why has the hadith that compares women to dogs been included in hadith literature despite the fact that Aisha even challenged it?



It is time we accepted that our hadith collections are not as reliable as we would all wish it to be. Perhaps there needs to also be an acknowledgement that Islamic tradition is merely the tradition of men and not necessarily always the tradition of the Prophet (pbuh). And perhaps this is one of the reasons that scholars do not want women to use their intellect but instead use them as a crutch so we cannot challenge such historical texts.

Please remember (especially in today's age of celebrity Youtube scholars) that no matter how religious or knowledgeable they may appear, even they are not perfect as highlighted in the Quran:

*"If Allah were to punish men for their wrong doing he would not leave on earth a single living creature..." (Quran 16:61)*



# Discriminatory Practices in Muslim Countries

Most Muslim-majority countries adopt various aspects of shariah law (moral code and religious law of Islam). However, shariah varies from one country to another because they are mostly man made laws (human interpretations / opinions) disguised as God's law so that they cannot be challenged or be questioned.



## Iran

If a woman is raped, she may be considered an adulteress and faces death by stoning. But if a woman fights off a sexual predator and kills him, she can then be tried for murder and can face death by hanging if she cannot prove it was self-defense. Women have to wear the headscarf often being monitored by the 'morality police' and are also banned from watching men play sports in stadiums.



## Afghanistan

Women can be imprisoned for moral crimes such as adultery or even simply running away from home. However, the law gives men freedoms regarding domestic violence and the killing of women e.g. a man is likely to avoid prosecution for violent assault or murder if he claims he saw his wife or other family members in a compromising position and kills or injures them in order to defend his dignity and respect. Not surprisingly there are numerous cases of domestic violence where men will punish their wives by cutting off their noses and / or ears and not held to account.



## Egypt

The 'Obedience Law' stipulates that a man may file an obedience complaint against his wife if she leaves the marital home without his permission.



## Lebanon

Although rape is punishable, a man can escape the prison sentence if he marries the victim (similar laws exist in some other countries such as Bahrain).



## Saudi Arabia

Women are not recognised by the state as full legal adults and operate a guardianship system where women have needed a male relative such as a husband, father, son or brother to give permission to travel, work, study, marry etc. This rule was only partially relaxed in 2017 to allow women to work and study without a man's permission. Other restrictions include women having to wear the headscarf and not being allowed to drive. However, the government announced in 2017 it will lift the driving ban.



## UAE

According to the law, men are allowed to beat their wives and children - as long as they don't leave any physical marks.



## Turkey

The law allows leniency towards men who have committed honour killings. If the motives involve honor, passion or family privacy, then the sentence can be easily reduced and men can be out of prison within a couple of years.



## Pakistan

Pakistan, is ranked the world's third most dangerous place for girls and women due to the high levels of domestic violence, sexual assaults, gang rapes, honour based violence and murders. Although the Protection of Women Against Violence bill (PWAV) was passed in 2016 by the Punjab Assembly to better protect women, religious groups claim such laws are unIslamic and a form of Westernisation and want the law to be reversed. The same groups also equate women's rights campaigns with promotion of obscenity.



## Bangladesh

Trial and punishment by religious leaders (known as shalish) is a common practice in remote villages. When women are raped and abused, they are accused of immorality and punished instead of the male perpetrators. Punishments during such 'fatwa violence' can include public lashing, stoning, forced veiling, shaving heads, blackening faces or forcing the accused to walk through the village wearing a garland of shoes around the neck etc. Despite the 'fatwa violence' being illegal, the government is not doing enough to protect women from violence.



## Yemen

Although child marriage happens in other countries too, there is no legal minimum age for marriage. Families have married off girls as young as 8-11 years old. Despite numerous cases of girls dying of internal injuries after forced sex or during childbirth, religious conservatives have blocked laws to set 18 as the minimum marrying age claiming its against shariah law.

# Islamic Feminism



**Definition** *“Islamic feminism derives its understanding and mandate from the Quran, seeking rights and justice within the framework of gender equality for women and men in the totality of their existence.”*  
(Margot Badran)

Islamic feminists therefore make a distinction between the ‘divine will of God’ and men’s opinions.

**1****MYTH****It is a recent Western phenomenon**

Feminism amongst Muslim women is not a recent phenomenon - right from the advent of Islam, women argued for their rights. Unfortunately over time women were taken out of the public realm and confined to the private sphere because of culture.

**2****MYTH****It is not needed as Islam gives rights to women**

Critics tell us Islamic feminism is not needed because women have many rights in Islam. However, there is a huge disconnect between women's status in Islam / the rights given by God and the reality of Muslim women's lives. Culture and human opinion is often prioritised above religion.

**3****MYTH****They are changing religious texts to suit women**

Islamic feminism is not about changing God's words but bringing attention to the words of God. In fact God's words are being used as the criteria for seeking equality and justice. Islamic feminists are therefore making compelling arguments that many patriarchal interpretations do not conform to the Quranic principles of human equality and gender justice. If anyone is changing religious texts, it is the many critics of Islamic feminism that are attributing words to God that God has not said.



How many times have you heard people saying, God said this or the Quran said this?

Quran mentions those who falsely attribute words to God:

- *And those who commit a greater wrong than he who invents a lie and attributes it to God, or disbelieves his revelations? Surely the evil doers shall not prosper. (Quran 6:21)*
- *And what think those who invent lies against Allah, of the Day of Judgment? (Quran 10:60)*
- *Who doth more wrong than those who invent a lie against Allah? They will be turned back to the presence of their Lord, and the witnesses will say, "These are the ones who lied against our Lord! Behold! The curse of Allah is on those who do wrong. (Quran 11:18)*
- *Who is more unjust than the one who invests a lie against Allah or rejects His signs? (Quran 7:37)*



Men too can be feminists and champions of women's rights just as Prophet Muhammad (pbuh) was. He was a pioneer and promoted women's rights at a time when society was even more patriarchal than it is now.



# Principles of Justice in the Quran

According to Islam we have an obligation towards **justice** and **balance**, which should also apply to all issues including women:

- *Thus we have made you (Muslims) a nation (that must be) justly balanced so that you may bear witness over humanity. (Quran 2:143 and 22:78)*
- *O you who believe, stand firmly for God as witnesses for justice, and let not the hatred of others to you make you swerve to wrong and depart from justice. (Quran 5:8)*
- *O you who believe, stand firmly for justice as witnesses for God, even as against yourselves, or your parents, or your kin and whether it be (against) rich or poor. (Quran 4:135)*

These verses tell us that to 'serve God' one must 'deliver justice.'



So when you hear an Islamic text interpreted, always ask two questions:

**Is it fair? Is it just?**

## Where is the justice for girls and women?

Culturally boys tend to be valued more than girls from the celebration of their birth to adulthood. The Quran criticises the attitudes of such parents who reject their female children:

*When news is brought to one of them, of (the birth of) a female (child), his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on (sufferance) and contempt, or bury her in the dust? Ah! What an evil (choice) they decide on! (Quran 16:58-59)*

The Quran considers the birth of a female as a gift and a blessing from God, the same as the birth of a male. The Quran even mentions the gift of the female birth first:

*To Allah belongs the dominion of the heavens and the earth. He creates what He wills. He bestows female children to whomever He wills and bestows male children to whomever He wills. (Quran 42:49)*

Islam banned the pre-Islamic practice of burying infant girls alive, which is highlighted by this verse as it talks about holding the perpetrators to account on Judgement Day:

*And when the female (infant) buried alive is questioned, for what crime she was killed. (Quran 81:8-9)*

It can be argued that in today's society by not giving girls and women their rights, subjecting them to abuse and expecting them to suffer in silence, it is equivalent to burying them alive.



For centuries girls were denied their right to an education in fear that they will actually decide to read and interpret the Quran for themselves and demand their rights.



# Male Guardianship

## Are men really in charge of women?

Gender discrimination and male authority in Islamic legal tradition is a result of two central juristic concepts *qiwamah* and *wilayah*, which are translated into legal rulings by Muslim scholars, placing women under male authority.

- **Qiwamah** - refers to a husband's authority over his wife, his financial responsibility towards her, and his superior status and rights.
- **Wilayah** - is male family members' right and duty of guardianship over female members (e.g., fathers over daughters when entering into marriage contracts) and the privileging of fathers over mothers in guardianship rights over their children.



New feminist research by Musawah has unearthed alternative and empowering interpretations of the two concepts using the Quran and the Sunnah.

For further reading refer to, *Men in Charge? Rethinking Authority in Muslim Legal Tradition*.

Wilayah' occurs in the Quran BUT only in the sense of friendship and mutual support. It is never used to endorse male authority over women, which is the interpretation of the term enshrined, alongside '*qiwamah*', in juristic rulings:

*The believers, men and women, are awaliya (allies) of one another. They enjoin al-ma'ruf (the good) and forbid al-munkar (the bad), they observe salat (prayers) and give zakat (charitable alms) and obey God and His Prophet. (Quran 9:71).*



Verses such as 9:71 that promote equality between men and women are marginalised, rarely cited and at times completely overlooked. In fact to try and justify men have authority and guardianship over women, scholars often cite the following Quranic verse and translate 'qawwamun' to mean maintainer / protector.

*Men are **qawwamun** [protectors/maintainers] in relation to women, according to what God has favored some over others and according to what they spend from their wealth. Righteous women are **qanitat** [obedient] guarding the unseen according to what God has guarded. Those [women] whose **nushuz** [disobedience] you fear, admonish them, and abandon them in bed, and strike them. If they obey you, do not pursue a strategy against them. Indeed, God is Exalted, Great. (Quran 4:34).*

*Note: the translation of the words **qawwamun**, **qanitat** and **nushuz** are human interpretations of what men think these words mean and can have a number of meanings, often selecting interpretations that fit with their perspective on what the husband – wife relationship should look like. The latter part of the above verse in relation to domestic violence is addressed in a later section in this booklet.*

## However, what scholars DON'T tell us is:

- This is the only appearance in the Quran of the word '*qawwamun*' and the meaning popularised is only a human interpretation and not fact.
- From '*qawwamun*', they have derived the word '*qiwamah*' which means maintainer / protector to justify guardianship. However, '*qiwamah*' does not appear at all in the Quran.
- If *qawwamun* does indeed mean maintainer, guardian, protector, then this status (according to the verse itself, hinges on the ability to provide financial support (i.e. by what God has given some over others, and by what they spend). So if a woman is the one providing the financial support, then it seems logical that she becomes entrusted with the burden of guardianship. And what if the financial responsibility is shared (as is more common today) – then surely they become each other's guardians.
- The word 'obedience' ('*ta'ah*') is not used in the Quran to characterise the marital relationship yet scholars will say wives should be obedient to husbands.
- In relation to marriage and relations between spouses, two other terms appear over twenty times: *ma'ruf* (good way, decent) and *rahmah wa muwadah*, (compassion and love). However, scholars choose not to translate these two terms into Islamic rulings.

The knock on effect of this is that women will be told that since women are under their husbands' authority, they cannot occupy positions that entail the exercise of authority in the family, such as guardians of the children, or in society, such as judges or political leaders. This is also used to justify inequality in matters such as right to divorce, custody and guardianship, choice and consent in marriage, sexual and reproductive health and rights and inheritance.



# Challenging 'Men are Superior' Narrative



Men also use verse 2:228 to justify their superiority (and therefore guardianship) over women:

*Divorced women shall wait concerning themselves for three monthly periods. Nor is it lawful for them to hide what Allah hath created in their wombs if they have faith in Allah and the last day. And the husbands have the better right to take them back in that period, if they wish for reconciliation. And women shall have rights similar to the rights against them according to what is equitable; but men have a degree (of advantage) over them. And Allah is exalted in power, wise. (Quran2:228)*

However, most men either misunderstand or misinterpret the words 'men have a degree (of advantage) over women,' or take these few words out of context. Why would God say men are superior to women when God tells of us of their equality in other verses? As the topic of divorce is being discussed in this verse, the most logical explanation appears to be that these words are in connection with divorce.

The verse does not specify what degree of advantage that men have in a divorce situation, so scholars interpret this advantage differently. Some say that it refers to men being able to pronounce divorce instantly without having to go through an arbitration / assistance process (which women need to go through to get a divorce).

However, other scholars say this 'degree of advantage' refers to the husband being able to take back the divorce during the process of it being carried out. Others say this refers to husbands being able to remarry within the three-month period without having to wait (e.g. to check whether she is pregnant). Whichever interpretation one prefers, it is apparent that the 'degree of advantage' is not referring to men being superior in status to women, it only refers to their rights in divorce.



In other instances women have a degree of advantage over men. For example, Muslim women do not have to spend their money from what they inherit or earn.

# Challenging Narrative of Women's Sexual Availability

Some scholars quote the following hadiths to emotionally blackmail women into having sex with husbands even if they don't want to and therefore are sanctioning marital rape:

- *"It is not lawful for anyone to prostrate to anyone. But if I had ordered any person to prostrate to anyone, I would have commanded wives to prostrate to their husbands because of the enormity of the rights of husbands over their wives."*
- *"If I would have ordered anyone to prostrate to anyone but God, I would have ordered a woman to prostrate to her husband. A woman cannot fulfil her obligations to God until she fulfils her obligations to her husband and if he asks for her (i.e. sex) while she is on a camel's back, she cannot deny him (his pleasure)."*
- *"If I would have ordered anyone to prostrate to anyone but God, I would have ordered a woman to prostrate to her husband. A woman cannot fulfil her obligations to God until she fulfils her obligations to her husband and if he desires her while she sits on a saddle (or an upright seat used for birthing), she should submit."*
- *"No human may prostrate to another, and if it were permissible for a human to prostrate to another, I would have ordered a wife to prostrate to her husband because of the enormity of his rights over her. If there is an ulcer excreting puss from his feet to the top of his head, and she licked it for him she would not fulfil his rights."*
- *"If a man calls his wife to bed, and she refuses to come, the angels will continue cursing the woman until the husband is no longer angry." (Bukhari and Muslim)*

*Note: Variations of the above can be found in different hadith collections e.g. Sunan Ibn Majah (1853), Al-Bayhaqi (14711), Abu Dawood (2140) and al-Haakim (2763) etc.*



# Can we really believe the Prophet (pbuh) said such things?

## What the scholars DON'T tell us:

- The authenticity of these hadiths range from weak to good and are "ahad hadith" i.e. reports of singular transmissions. This is important, as one method to judge the authenticity of hadiths is the number of people reporting it. So when a large number report something, it is less likely to be fabricated. So in the case of these hadiths their authenticity is questioned.
- Why would the angels in the heavens be so upset because a man is sexually frustrated – as if angels do not have better things to do! Is the male libido really that important to Allah?
- Also when the Prophet (pbuh) was asked whether people should prostrate to him, according to hadith, he said no! So it appears rather peculiar that he would make any suggestion of women prostrating to their husbands. Would the Prophet (pbuh) have (in such a casual way) suggested such a powerful symbolic association between Allah and ordinary men? Why would he symbolically equate men to Allah? This would be in direct contradiction to Islam as it undermines the undivided supremacy of God.
- These hadiths are inconsistent with the Quranic verses on marriage that promote mutual love, dignity and respect in a marriage e.g. 4:19, 30:21, 2:187.
- These hadiths are not consistent with the reports on how the Prophet treated his own wives.

If one reflects honestly on the justifications used by scholars to get women to submit to the will of men, they appear suspect as they are not logical and the hadiths quoted are very exaggerated. It was a very patriarchal society in early Islam and the likelihood is that the Prophet (pbuh) prohibited prostrating to him but later extensions were added by others to the original saying about women prostrating to husbands, having sex on demand etc.



**Forced sexual  
intercourse in marriage  
is not allowed in Islam  
and amounts to marital  
rape. It is also against  
the law in the UK.**



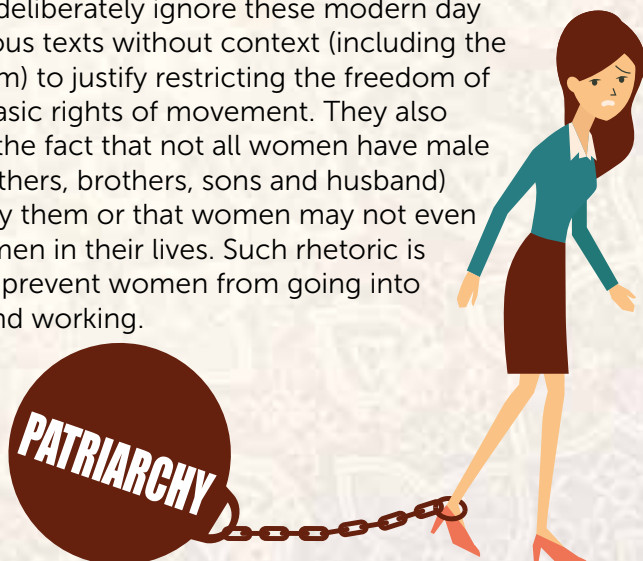


# Male Chaperones

Most contemporary scholars permit women to travel without a male chaperone providing they feel safe. This condition is generally fulfilled in today's society e.g. busy places, modern modes of transport and technology such as security cameras and mobile phones. Generally women are therefore able to safely go about their daily lives such as shopping, studying, working, travelling, using public services etc. If women are concerned about safety for any reason, they can always take precautions such as travelling with trusted people.

Unfortunately some religiously conservative groups in the UK (and abroad) promote rhetoric that 'it is not permissible for a woman to travel a distance of more than three days (or 48 miles - a distance they equate to 3 days) without a male chaperone.' This is an old tradition that was practiced in early Islam where male guardians accompanied women while they travelled because there was no security and there was risk of abduction.

It may have taken 3 days to travel 48 miles hundreds of years ago. However, within hours we are now able to travel hundreds or even thousands of miles depending on the modes of transport. Some Muslims will deliberately ignore these modern day facts and use religious texts without context (including the reasons behind them) to justify restricting the freedom of women and their basic rights of movement. They also have no regard for the fact that not all women have male relatives (such as fathers, brothers, sons and husband) that can accompany them or that women may not even be safe from such men in their lives. Such rhetoric is sometimes used to prevent women from going into higher education and working.



# Marriage and Divorce

This topic has been covered extensively in a separate publication and provides information on rights and practices in relation to marriage and divorce. It also provides advice on ensuring women are in legally valid marriages and how to navigate a divorce and being able to identify and challenge any discrimination. The booklet also includes information on:

- Contents of the marriage contract
- Permissibility of women conducting Islamic marriage ceremonies
- Legally valid and invalid marriages
- Shariah Councils
- Types of Islamic divorce and process

Although Muslim women marrying non-Muslim men and polygamy are also included in the publication, they have also been included here in the next two sections of this booklet.



# Polygamy

## No blanket permission for polygamy

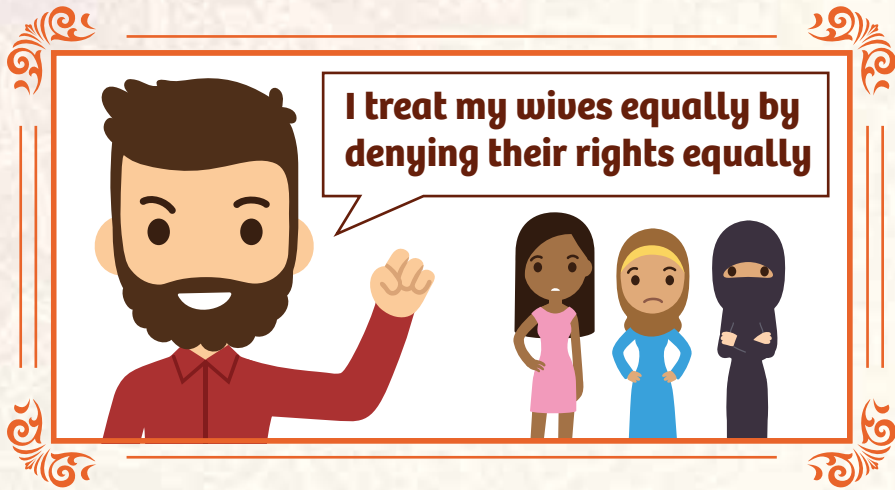
Although the Quran permits polygamy for men, it does not encourage it. It allows up to four wives with the strict condition that they are treated equally with justice. As this is a condition almost impossible to fulfil, acknowledged by the Quran itself (4:129), it recommends marrying only one wife.

*And you will never be able to be equal (in feeling) between wives, even if you strive (to do so). So do not incline completely (toward one) and leave another hanging..... (Quran 4:129)*

## Context of polygamy

Polygamy in Quran verses (4:2-3) has been mentioned in the specific context of caring for orphans (and therefore marrying widows). These verses were revealed shortly after 'Battle of Uhud', in which many Muslim men were killed leaving behind many widows and orphans. Permissibility of polygamy in Islam was therefore presented as a solution to a social problem for caring for widows and orphans who had no one to support them.

*Give orphans their property, do not replace their good things with bad, and do not consume their property as your own. That is a serious crime. If you fear you will not deal justly by the orphans, marry of the women, who seem good to you, two, or three or four; and if you fear that you cannot do justice (to so many) then (marry only) one or the captives that your right hands possess. Thus it is more likely that you will not do injustice. (Quran 4:2-3)*



## Myths propagated to support polygamy

- It is necessary to satisfy sexual desires.
- It is necessary to help women that cannot find husbands due to 'apparent' surplus of women in society.
- It is recommended by Prophet Muhammad (pbuh) and women who try and prevent their husbands from taking on another wife are not pious or committing a sin.



Some Muslim women may be unaware that they are in polygamous marriages. However, some women are knowingly entering into such marriages. The reasons can include:

- career women not wanting a full time husband.
- divorcees not wanting to bring up children alone.
- older single women who want children but have not found anyone.
- not being able to have children and allowing husband to take on another wife.
- converts looking for a husband with some believing it may be their only option.

# Marrying Non-Muslim Men

Most scholars state that Muslim women are forbidden to marry non-Muslim men unless they convert to Islam. However, it is important for Muslim women (who may be thinking of marrying Christian or Jewish men), to know that any prohibitions to marry them are based on male opinion rather than the Quran (which is silent on the issue). Some scholars such as Shaykh Khaled Abou El Fadl, are beginning to acknowledge that evidence for such a blanket ban is weak.

The Quran addresses marriage in two verses:



**Verse 2:221** - States that both Muslim men and women may not marry polytheists (those who believe in multiple deities / associate partners with God).

*And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, then though she might please you. And do not marry polytheistic men until they believe. And a believing slave is better than a polytheist, even though he might please you. (Quran 2:221)*



**Verse 5:5** - States that Muslim men can marry non-Muslim women who are Jewish or Christian. However, Muslim women are not addressed in this verse; they have not been given permission to marry them nor are they forbidden to marry them. Many jurists try to argue that because permission is not given it implies Muslim women are forbidden to marry Christian or Jewish men. However, this is their opinion.

*And (lawful in marriage are) chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking (secret) lovers. (Quran 5:5)*

# Abortion

## What is the position in Islam?

The Quran is silent on the issue of abortion. However, most Muslim scholars state that abortion is not allowed except in some circumstances providing it is carried out within certain time limits. There are some very religiously conservative scholars who state that abortion is forbidden under any circumstances. In fact Muslim-majority nations today are more strict in their rulings on abortion than the Islamic scholars in the past.

### Position taken by main 'schools of thought'



#### **HANAFI**

**Dominant in Central & South Asia**

Permit abortion within first 120 days in certain justified circumstances



#### **SHAFI**

**Dominant in Malaysia & Indonesia. Parts of East Africa, Jordan, Palestine and Somalia**

Permit abortion within first 120 days in certain justified circumstances



#### **HANBALI**

**Dominant in Saudi & Qatar**

Permit abortion within first 40 days in certain justified circumstances



#### **MALAKI**

**Dominant in Kuwait, Bahrain & UAE. Also in North and West Africa and Upper Egypt**

Usually abortion prohibited at anytime

*Note: Hanafi school of thought is the most flexible. However, even within each school of thought there is disagreement on time limits for abortion – the above are only a guide. There is also disagreement in terms of under what circumstances abortion it is allowed.*

## Time limits for abortion

- Those scholars who believe abortion is permissible under certain circumstances state that it would have to be done within certain time limits.
- Difference of opinion on what that time limit is which varies from 40 days (about 6 weeks) to 120 days (about 4 months) from conception.
- This difference of opinion is based on when scholars think the soul enters the embryo. These disagreements highlight that there is no definitive evidence that shows when the soul actually enters the embryo.
- Scholars who state that the abortion must be done within 40 days or 6 weeks of conception make it almost impossible to have an abortion because a woman is unlikely to know (even with pregnancy testing kits) until her periods are due after 4 weeks. Accounting for the possibility that some women may think they have a late period and time taken to arrange an abortion after due consideration - the 6 weeks would easily be exceeded.

## Reasons when it is allowed

There is disagreement amongst scholars regarding under which circumstances abortion is allowed. The following are the most commonly allowed reasons providing that the termination is carried out within suggested time limits. However, the permissibility according to these reasons will vary amongst scholars.

- Pregnancy due to rape or incest
- Disease of deformity of foetus
- Life of mother is threatened

However, women may choose to have an abortion for other reasons such as: pregnancy before marriage, not being able to cope mentally / mental health problems, financial burden, domestic violence etc. Some of these reasons are being debated amongst modern day scholars. However, while some may make allowances e.g. considering the mental health of mother - other scholars will not deem such circumstances as a good enough reason for abortion.

**Example: Tariq Ramadan in his book Radical Reform says:**

*"In cases of involuntary or accidental pregnancies, especially when the family situation or the social context could prevent the family's and/or the child's fulfillment in life, [abortion should be permissible] ...the procedure is never commendable, but the intervention can be considered when protecting a person's [the mother's] health, development, autonomy, welfare, education or dignity."* (This opinion is based on termination before soul entering foetus).



There are many opinions for and against abortion - only the woman concerned and God can know the personal circumstances and the decision should be made by the woman concerned.





# Domestic Violence

## Evidence that domestic violence is not allowed

In Islam, domestic violence is not allowed. The Quran strongly encourages relationships built on love, mercy and kindness. For example, the Prophet (pbuh) never beat any of his wives.

*And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect. (Quran 30: 21)*

*O you who believe! You are forbidden to inherit women against their will. Nor should you treat them with harshness, that you may take away part of the dowry you have given them - except when they have become guilty of open lewdness. On the contrary live with them on a footing of kindness and equity. If you take a dislike to them, it may be that you dislike something and Allah will bring about through it a great deal of good. (Quran 4:19)*

*O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate, and from this pair scattered (like seeds) countless men and women. Reverence Allah, through Whom you demand your mutual (rights), and reverence the wombs (that bore you); for Allah ever watches over you. (Quran 4:1)*

*They (your wives) are your garment and you are a garment for them. (Quran 2:187)*

Narrated Mu'awiyah al-Qushayri: "I went to the Apostle of Allah (pbuh) and asked him: What do you say (command) about our wives? He replied: Give them food what you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them."

(Sunan Abu-Dawud, Book 11, Marriage (Kitab Al-Nikah), Number 2139)

is there anything in the Quran about what you do to scholars who misinterpret Allah's verses?



The Prophet Muhammad (pbuh) has said: "The most perfect believer is one who is the best in courtesy and amiable manners, and the best among you people is one who is most kind and courteous to his wives." (Tirmidhi)



## How religious texts are deliberately misinterpreted to justify domestic abuse

Although Islam is against domestic violence, unfortunately some men do try and justify their abusive behaviour using their faith. They wrongly use a particular verse in the Quran (4:34) to say that God has allowed husbands to beat their wives:

*Men are the protectors and maintainers of women, because Allah has given the one more than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct (nushuz), admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all).  
(Quran 4:34)*

This results in:

- Some scholars saying wife beating is allowed in Islam.
- Some scholars saying beating is acceptable as long as it is light and does not inflict serious injury and does not leave marks on your face.
- Some scholars saying beating is symbolic in that you have to use a miswak (a small thin stick / twig used to brush teeth) - which does not cause harm due to its size (but would cause emotional harm due to being disrespected / insulted).

Scholars who dilute the verse are not doing women any favours because symbolic or not it is the idea that a man can discipline his wife that is at the heart of their various interpretations.

# How to challenge misinterpretation of religious texts

Beating a wife, whether severe, light or symbolic is not the right interpretation of verse 4:34 because it contradicts the Quran's spirit of mercy and justice.

Also an analysis of 4:34 and other texts reveals the following:

## 1. Hadith about not striking face

Some scholars use the following hadith to justify wife beating. However, it does not prove that wife beating is allowed because the hadith is general and not aimed at nor mentions wives.

Narrated AbuHurayrah: *"The Prophet (pbuh) said: When one of you inflicts a beating, he should avoid striking the face."* (Sunan Abu-Dawud, Book 38, Prescribed Punishments (Kitab Al-Hudud), Number 4478)

## 2. Use of Miswak saying

This is used to justify that beating is only symbolic as it should be done with a miswak (teeth cleaning twig). However, this saying actually belongs to Imam Shafie, and not to Prophet Muhammad, who was around a couple of hundred years after Prophet Muhammad (pbuh).

## 3. Daraba means beat in Verse 4:34

Some scholars tell us that men are allowed to hit their wives because of the Arabic word adribu from the root word 'daraba' which is mentioned in verse 4:34 which they say means 'beat.'

However, 'Daraba' actually has up to 26 meanings. Despite this, men choose the harshest meaning, which is 'beat.' Patriarchal societies play a part in influencing the scholars to choose the most negative meaning. It is not surprising they chose a meaning that fitted with their context in which women were heavily discriminated against. However, the Quran tells us to pick the best meaning in God's words:

*Those who listen to the word, And follow the best (meaning) in it: Those are the ones whom God has guided, And those are the ones endued with understanding. (Quran 39:18)*

A key rule to understanding the words of the Quran is to go to other places in the Quran where the word daraba or the word beat / strike is used.

## **Words are used elsewhere in the Quran to imply the meaning of 'beat, strike or hit.' However, daraba is not used.**

Some examples where verses talk about beating but Arabic word 'daraba' is not used:

- a. The words for (beat) as in [to hit] found in **Surah Baqarah 2:275**  
*"... kama yaqoomu allathee yatakhabbatuhu ash-shaytanu mina almassi."*  
*"..like the standing of someone beaten by the devil (Satan) leading him to insanity."*
- b. And in **Surah Ta Ha 20:18 Allah Says**, "Qala hiya Aasaya atawakkaao Aalayha waahushshu biha Aala ghanamee waliya feeha maaribu okhra."  
*"This is my stick, whereon I lean, and wherewith I beat down branches for my sheep and wherein I find other uses."*

## **When daraba is used elsewhere in Quran, it is not used to mean beat.**

When daraba is used elsewhere it is not translated into beat / strike but translated to one of the other meanings such as: "set forth" as follows:

- a. **Surah Ar-Ra'd (13:17) yadribu Allahu al-amthala** "Thus Allah sets forth a parable" [here the word "yadirbu" is from the exact same root da-ra-ba
- b. **Surah Ibrahim (14:24) Alam tara kayfa daraba Allahu mathalan..**  
*"Don't you see how Allah sets forth a parable?.."*
- c. **Surah An-Nur (24:35) wa yadribu Allahu al-amthala li-naasi** *"..and Allah sets forth parables for mankind.."*

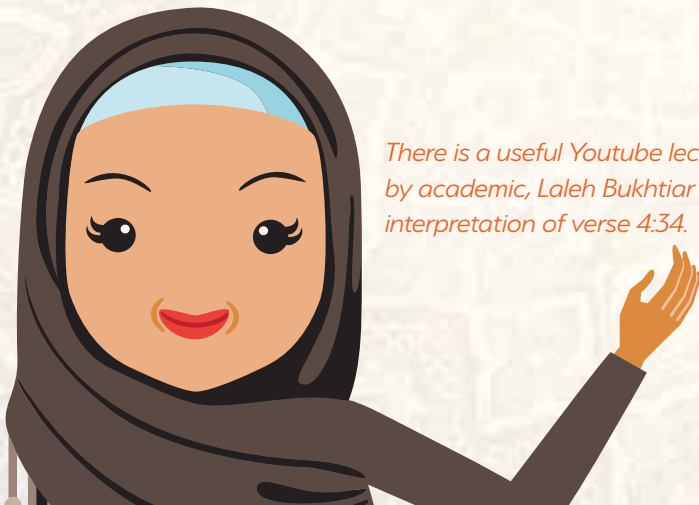


The scholars also don't tell us that 'daraba' has many different meanings which include: to separate, to part, to throw, to dispatch, to raise etc.

If the intention of verse 4:34 was to beat the wives, then this contravenes the next verse (4:35) which talks about a reconciliation procedure and getting arbitrators involved. Now if the man had beaten his wife, she is unlikely to want a reconciliation. However, if the daraba is translated as to leave or depart then the next verse makes sense i.e. after time apart, they are more likely to want to reconcile.

*If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge, and is acquainted with all things. (Quran 4:35)*

*This has been taken from writing of Ruqaiyyah Waris Maqsood.*



*There is a useful Youtube lecture by academic, Laleh Bukhtiar on interpretation of verse 4:34.*

# Forced Marriage

The Quran explicitly says that men cannot inherit women against their will (**Quran 4:19**). This means that forced marriages are not allowed in Islam. Both the groom and the bride must consent to the marriage. The consent of the woman is essential, and must be obtained, and any marriage that is forced is considered to be batil or void.

Further evidence that forced marriage is against Islam can be found in hadith traditions based on reports of the sayings and actions of the Prophet Muhammed (pbuh):



## Example 1

Narrated Abdullah ibn Abbas: *"A virgin came to the Prophet (pbuh) and mentioned that her father had married her against her will, so the Prophet (pbuh) allowed her to exercise her choice."* (**Translation of Sunan Abu-Dawud, Marriage (Kitab Al-Nikah), Book 11, Number 2091**)



## Example 2

Khansa Bint Khidam said *"My father married me to his nephew, and I did not like this match, so I complained to the Messenger of Allah (pbuh). He said to me "accept what your father has arranged." I said "I do not wish to accept what my father has arranged." He said "then this marriage is invalid, go and marry whomever you wish." I said "I have accepted what my father has arranged, but I wanted women to know that fathers have no right in their daughter's matters (i.e. they have no right to force a marriage on them)."* (**Fathul Bari Sharah Al Bukhari 9/194, Ibn Majah Kitabun Nikah 1/602**)



**Forced marriage cannot be justified on religious grounds in any faith.**

## Child marriages

A minimum age for marriage is not stated in the Quran but it specifies that the person must be mature enough to have sound judgement (**Quran 4:6**). Unfortunately some scholars use onset of puberty as sufficient indication of maturity and therefore eligibility for marriage. They also use a particular hadith narration that says the Prophet Mohammed (pbuh) married Aisha when she was only 9 years old although it is considered unreliable and ignores numerous other reliable hadiths that put her age at 19 years.

Children are clearly incapable of giving informed consent and are unable to take crucial decisions or negotiate the terms of a formal contract. There are scholars who acknowledge that intellectual maturity should be the basis for deciding age of marriage and not puberty and it is for this reason many Muslim-majority countries have adopted civil codes stipulating the minimum age of marriage as 18 years. Although Muslim marriages conducted in Britain are not legally recognised, the legal minimum age to enter into a marriage, whether it is a religious ceremony or a civil one, is 16 years providing it is not a forced marriage.





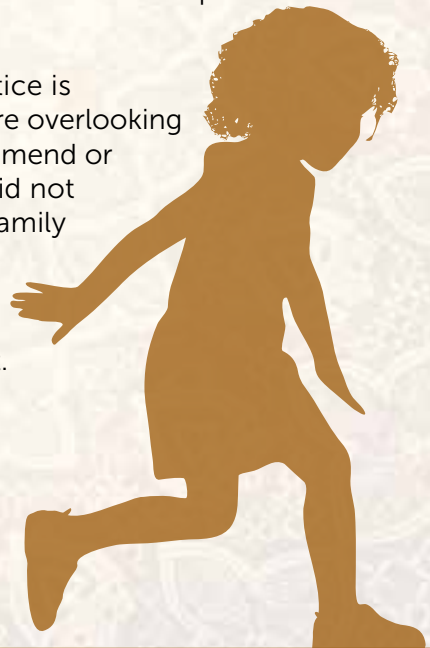
# Female Genital Mutilation

The practice of female genital mutilation / cutting (FGM/C) is against all faiths. Although it is a cultural practice and understood as that by some members of FGM/C practicing communities, others are not always convinced and will provide erroneous religious justifications to reinforce its continuation.

For example, some Muslims believe it is a part of their Islamic faith. It is important to understand why these beliefs are held so they can be challenged. It is simply not enough to say it is against Islam without further debate and discussion, which too often happens. These links between religion and FGM therefore cannot be ignored especially because faith leaders themselves are providing conflicting views on the matter. For example, some scholars condemn type 3 FGM while condoning other forms.

There is no evidence in any hadiths (secondary Islamic texts) to suggest that the Prophet (pbuh) subjected his daughters or his wives to FGM. The daughters and the wives of his companions were not circumcised either.

For those who say that the practice is recommended by the Prophet are overlooking the fact that he would not recommend or make obligatory something he did not do himself. If the women in his family were circumcised, it would have been well known and would be widely practiced in all Muslim majority countries, which it is not.





## Religious text used **Prophet did not ban FGM**

*Narrated Umm Atiyyah al-Ansariyyah: A woman used to perform circumcision in Medina. The Prophet (peace be upon him) said to her: Do not cut severely as that is better for a woman and more desirable for a husband. (Abu Dawud 41:5251)*

Some scholars will argue that the Prophet (pbuh) did not ban the practice thereby justifying its permissibility and / or as he was prohibiting more severe types, less severe FGM is more acceptable.

## **Challenging the text**

These scholars are ignoring the fact that if the words attributed to the Prophet (pbuh) were actually spoken by him, he is making a statement that does not translate into an injunction for cutting.

Also this narration has been widely regarded as weak or poor in authenticity amongst Islamic scholars throughout history because it does not meet the strict criteria to be considered unquestionable.



## Religious text used **FGM is recommended because it is honourable**

*Abu al- Malih ibn ` Usama's father relates that the Prophet said: "Circumcision is a law for men and a preservation of honour for women." (Ahmad Ibn Hanbal 5:75; Abu Dawud, Adab 167)*

This text is used to justify it is a recommended practice even if it is not obligatory.

## Challenging the text

This narration is regarded as weak and fails the test for being authentic. Also some scholars interpret this narration to mean that when a woman is married to a circumcised (i.e. ritually clean) man, it is an honour for her. It does not mean that it is an honour to subject the woman herself to circumcision.



### Religious text used

#### Religious texts indicate women were cut

*Muslim (349) narrated that 'Aa'ishah (may Allah be pleased with her) said: The Messenger of Allah (peace and blessings of Allah be upon him) said: "When a man sits between the four parts (arms and legs of his wife) and the two circumcised parts (al- khitaanani) meet, then a ritual bath (ghusl) is obligatory."*

Some scholars say that the two circumcised parts are referring to that of the husband and of the wife, indicating that women were circumcised. They therefore use this text to provide evidence that women were cut historically to justify continuing the practice. Proponents consider this hadith to be one of the strongest justifications for FGM in Islam because this is regarded as authentic.

## Challenging the text

Others scholars point out that the term khitaan in Arabic strictly refers to male circumcision and FGM is referred to as khifaadh. The term khitaanani, though in dual, is not evidence for FGM because the use of one word or quality to refer to two different persons or things is an acceptable Arabic language style. In this case khitaanani refers to the male and female organs but which are different with respect to circumcision i.e. male is circumcised, the female is not. The feature of the more common or prominent one i.e. male circumcision is used.

# Female Witnesses



A common misconception is that a woman's testimony is worth half that of a man's testimony.

An examination of the Quranic verses does not substantiate the claim two female witnesses equate to one male witness because most references to testimony do not specify gender. Generally testimonies of men and women are worth equal. However, some English Qurans do not translate Arabic accurately and state two men instead of two persons because the male translators are inserting their own personal opinions that the witnesses should be male.

- *If any of your women are guilty of lewdness, Take the evidence of four (Reliable) witnesses from amongst you against them... (Quran 4:15)*
- *You who believe, call to witness between you, when death draws nigh to one of you, at the time of making the will, two just persons from among you, or two others from among others than you, if you are travelling in the land and the calamity of death befalls you... (Quran 5:105)*
- *Thus when they fulfil their term appointed, either take them back on equitable terms or part with them on equitable terms; and take for witness two persons from among you, endued with justice, and establish the evidence (as) before Allah... (Quran 65:2)*

- *And for those who launch a charge against their spouses and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by Allah that they are solemnly telling the truth; And the fifth (oath) should be that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife if she bears witness four times (with an oath) by Allah that (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.*  
(Quran 24:6-9)

However, some scholars are using one verse that does distinguish between a man's and woman's testimony and that is on **financial transaction only** and is taken out of context:

*When you deal with each other in transactions involving future obligations in a fixed period of time, reduce them to writing... And get two witnesses out of your men and if there are not two men, then a man and two women, such as you choose for witnesses so if that one of them errs, the other can remind her...*  
(Quran 2:282)

This verse cannot be used as an argument (as often is) that there is a general rule in the Quran that a woman's testimony is worth half that of a man's. This verse only refers to financial transactions. Moderate scholars explain that for financial transactions, two women's testimonies equated to one man's testimony because during early Islam, women were not generally involved in business and financial transactions. No reference is made to say that two female witnesses are required because women are inferior. In fact the Arabic word '*tadhilla*' are used in the passage, which means loses the way, gets confused or errs - they were obviously likely to do this if they were not familiar with finances.

Interestingly, the following narration, which states women have a deficient intellect due to their gender, appears in hadith literature. This is used by some scholars to support their stance of two female witnesses equating to one male witness, even though this contradicts the verses where male and female testimonies are equal. So did this make it into hadith literature to help support anti women views and therefore wrongly attributed to the Prophet (pbuh)?

*The Prophet said, "Isn't the witness of a woman equal to half of that of a man?" The women said, "Yes." He said, "This is because of the deficiency of a woman's mind." Narrated Abu Said Al-Khudri Bukhari: Volume 3, Book 48, Number 826*



Scholars should be guided by the underlying principle of this verse e.g. If there is a woman who is an expert in business and finance they should acknowledge that her testimony is worth more than that of an illiterate man with no business or financial experience. In such circumstances two men and one female witness should technically be required.



# Inheritance

Islamic scholars often ignore the verses in the Quran that undermine their arguments and this is also true on the issue of inheritance. By concealing God's guidance, they rob inheritance laws of their flexibility and justice.



1

## Quran lets you decide how much to leave in your will

The Quran commands people to make a will according to reasonable usage and changing that will afterwards is forbidden, which seems fair as some relatives may need the inheritance more than others:

- *It is prescribed when death approaches any of you; if he leaves any goods, that he makes a bequest to parents and next of kin, according to reasonable usage; a duty upon the righteous. (Quran 2:180)*
- *If anyone changes the bequest after hearing it; the guilt shall be on those who make the change. Indeed, Allah is Hearing and Knowing. (Quran 2:181)*

## 2

### Quran gives guidance on shares only after wills and debts settled

The Quran (in verses 4:7-14) lists allocations of shares according to gender and relationship but only after bequests (or wills) and debts have been settled, which is mentioned three times in the same verse (4:12). Why are so many reminders given? Is it so there can be NO EXCUSE to misapply the guidance?

- *Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise. (Quran 4:11)*
- *And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest, which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah, and Allah is Knowing and Forbearing. (Quran 4:12)*



3

### It is possible to leave men and women equal inheritance

Verses 4:11 and 4:12 make it clear that the suggested share allocations are in relation to anything left over and above the will and debts. So according to this and verse 2:180, it is clear parents could leave their daughters and sons equal inheritance or any other proportion according to what they think is reasonable. In fact there is further proof in the Quran this share could be large:

*For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or large - an obligatory share. (Quran 4:7)*

It appears that scholars have used the guidance of share allocations set out in verses 4:11 and 4:12 for intestacy (in other words those who have not made a will) and then have laid it down as a rule for everyone (including those who make a will). Freezing the proportions allocated and not taking into considerable personal circumstances not only prevents women from accessing more wealth but also causes family rifts and disputes.



There is a tradition of the Prophet Muhammad (pbuh), which states that a person can will up to one-third of his or her property in any manner, thus allowing equalization of gender-based default presumptions. However, a majority of the Sunni schools of thought state that the one-third share cannot be bequeathed to natural heirs while some including the Shiite school, disagree with this limitation. Also transfers of property can be made during the life of the testator.

## 4

### Why do men receive double inheritance if there is no will?

When no 'will' has been left, some people argue that men receiving double share is unfair. This was in line with men having greater financial responsibility in Islam.

For example, a wife's possessions before marriage do not transfer to her husband. She has no obligation to spend on her family from her inheritance or out of her income after marriage. A woman also receives a mahr (dowry), which is given to her by her husband at the time of marriage. Women, unlike men, also have the right to be supported financially.

However, in today's society women's rights campaigners are arguing that this is no longer relevant. God's law is flexible and equitable to fit all circumstance, but scholars are robbing it of both of these vital qualities. Muslim scholars must:

- Address changing issues and times.
- Apply spirit of that law, which is justice, and find ways to accomplish this goal.



We inherit Islamic practices  
and interpretations and  
do not question them.

# Women and Mosques



In the holy city of Mecca men and women pray in common space in the Grand Mosque and circumambulate the Kabah together. This is in stark contrast to the extreme gender segregation that occurs in many mosques around the world. Some scholars ban women entirely from mosques while others relegate them to basements or other segregated spaces that are often cramped, poorly maintained and uncomfortable. Also women often have no say in how mosques are run nor are they a part of the governance.



## Women only mosques

In some parts of the world, women only mosques have been built e.g. Maldives and China. Sherin Khankan led the opening of the first female-led mosque opened in Copenhagen (Denmark) called the Mariam mosque. Women should not have to resort to such measures.

## Women are allowed in Mosques

1

### **Quran does not prevent it**

There is not a single verse in the Quran, which prohibits women from entering mosques. There is not a single authentic hadith which states that the Prophet (pbuh) prevented or forbade women from going to mosques.

2

### **No requirement of women to be hidden**

In the time of the Prophet (pbuh), there was no curtain separating men from women. The men prayed directly behind the Prophet, then the women. The women could be seen and heard.

3

### **Prophet allowed women in mosques**

During the time of the Prophet (pbuh), women not only went to the mosques for prayer, but also for religious education and literary discussions as the mosque was the centre of community. Several hadiths tell us that the Prophet (pbuh) addressed people in the mosque, and the audience consisted of both Muslim men and women. Women many a times asked questions to the Prophet (pbuh) in the mosque.

4

### **Hadiths prevent men from banning women from mosques**

There are hadiths that stop men from banning women from mosques:

- *The Prophet (pbuh) said, 'Do not prevent the female servants of Allah from going to the mosque of Allah.'* (Sahih Muslim Vol.1 Chapter 177 Hadith No.886)
- *The Prophet (pbuh) said, "If the wife of any one of you asks permission (to go to the mosque) do not forbid her."* (Sahih Bukhari Volume 1, Book of Salah, Chapter 80, Hadith No. 832)
- *The Prophet (pbuh) said , "Do not prevent women from going to the mosque at night."* (Sahih Muslim Vol.1 Chapter 177 Hadith No.888)

## How some scholars try to justify gender segregation or banning of women from mosques

Some justifications include:

1

### **Umar Ibn al-Khattab (the second Caliph) banned women from mosques**

However, only women attending the mosque that were loitering or using it for relaxation were banned, not all women including those attending prayers.

2

### **Women cause 'fitna' (chaos) therefore cannot be visible**

Women are viewed as sexually arousing men and distracting them from their spiritual endeavours. Such attitudes result in women being prevented from attending mosques or being hidden from view via curtains or placed in another room. However, such opinions need to be challenged.

3

### **Recommended for women to pray in the house**

*Abdullah Bin Mas'ud reported the Prophet (pbuh) as saying: It is more excellent for a woman to pray in her house than in her courtyard, and more excellent for her to pray in her private chamber than in her house.*  
(Sunan Abu Dawood Vol.1 Chapter 204 Hadith No.570).

However, using this single hadith to justify banning women from the mosque and ignoring all the others hadiths that prevent banning women from mosques is being totally irrational. Also the context of this hadith is important and is often ignored. According to another hadith, the Prophet (pbuh) also said that those praying in the mosque get 27 times more blessings. Women argued that they had children at home and other household work and therefore could not go to the mosque. Thus, the men would have a greater advantage than women for receiving such blessings. It was therefore in response to this complaint that the Prophet said it was also beneficial praying in the house.

## Historical background of women getting banned from mosques

One scholar in history substantially contributed to getting women banned from mosques. A 12th century scholar, Ibn al-Jawzi, wrote a book on the laws that govern women in Islam and devoted his chapter 24 to 'Women's Friday Service'. Although he acknowledged that women have a right to go to mosques and pray (as he could not deny the hadiths allowing women in mosques), he raised questions that betray the hadiths of the Prophet (pbuh). He wrote: 'Men who attended late would have to pray in rows behind women, which would mean their prayers would be worthless.' He also said that 'if women feared disturbing men's minds, it was better for them to stay at home.' He added: 'Friday prayers was not a duty for women and it was better for them to avoid going out as much as they could.' It then became easy to take the next step and ban women from mosques entirely.





## Sexual Men and Invisible Women

- ★ Many scholars reduce women to sex objects rather than treating them as individuals and if men are having sexual thoughts while entering a mosque, then they should not be there or reminded to control their sexual desires and lower their gaze: *“Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and Allah is well acquainted with what they do.”* (Quran 24:30)
- ★ Every male-female interaction should not be viewed as a potential sex act. Women have feelings and desires too, if they can control their urges, men should be able to as well.
- ★ If men are so morally weak and easily overcome by the sight of women and their voices, the external environment should not be changed and women made invisible. Women should not have to take responsibility for men’s thoughts, desires and behaviours. Men should take responsibility and control themselves - men and women have equal responsibility: *“The believing men and women, are associates and helpers of each other. They (collaborate) to promote all that is beneficial and discourage all that is evil; to establish prayers and give alms, and to obey Allah and his Messenger. Those are the people whom Allah would grant mercy. Indeed Allah is Mighty and Wise.”* (Quran 9:71)
- ★ If men are so morally weak, then one must ask why are they the ones holding most positions of responsibility and power?

# Women and Leadership

Some scholars argue that because women are excluded from leading prayer for a mixed gathering of men and women, they are not allowed to be political leaders. Leading prayer is purely a religious act. However, leading a state is a religiously based political act. Exclusion of women from one does not necessarily imply exclusion in the other. Evidence supporting permissibility of women leading prayer is addressed in the next section. Others try to claim that leadership of Muslims by women is a modern phenomenon caused by 'Westernisation.' However, throughout history there have been many women leaders.

A few examples include:



## **Aisha (the Prophet's wife)**

First Muslim woman to assume a political career and was the most knowledgeable in '*fiqh*.' (jurisprudence) at the time. She led the first armed resistance known as the 'Battle of Camel' (because she rode a camel). She would not have taken this decision if she thought women were not allowed to be leaders.



## **Razia Sultan**

13th century leader in India who was trained to lead armies and had coins minted in her name.



## **Arwa Bint Ahmad Al-Sulayhiyya**

11th century Queen in Yemen, who ruled for 49 years and had the Friday sermon proclaimed in her name in mosques.







Arguments to exclude women from being leaders are not convincing. Also there is no text in the Quran or Sunnah that precludes women from positions of leadership. Some scholars try to use the following hadith to say women cant be leaders:

*Narrated by Abu Bakrah: During the battle of Camel (in which Aisha, the Prophet's widow led an army in opposition to Ali, the fourth Caliph), Allah benefited me with a word. When the Prophet (pbuh) heard the news that the people of Persia had made the daughter of Khorau their queen (ruler), he said, "never will such a nation succeed as makes a woman their ruler."*

However, this has been disputed as follows:

- The timing of Abu Bakrah recalling the above hadith has been questioned i.e. after Aisha lost the battle against Ali. There is a theory that he may have opportunistically 'remembered' this so called hadith spoken 25 years earlier to gain favour with the winning side.

- The reliability of Abu Bakrah as a witness to the narration has been questioned as the second Caliph Umar had ordered Abu Bakrah to be flogged for false testimony.
- Some scholars say the hadith is authentic but insist that it was a prophecy relating to the Kingdom of Persia and had no legal implications beyond that. The Persian rulers at the time of the Prophet (pbuh) showed enmity towards him. The Prophet's (pbuh) response to the news may have been a statement about an impending doom of that unjust empire (which did take place later) and not related to issue of gender.
- Some scholars say that hadith (whether authentic or questionable) was for that specific example in history and not a general statement on gender because there is evidence in the Quran to refute the fact that people or any society ruled by women does not prosper. According to Al Naml: 28-44, people prospered under a wise and powerful female sovereign, Queen of Sheba.

*(Sources: The Forgotten Queens of Islam by Fatima Merinissi and Gender Equity in Islam by Jamal Badawi)*



# Women Leading Prayer

Female imams tend to only lead women in prayer. A woman leading mixed gender prayers continues to be controversial amongst most Muslims. For example, the American scholar of Islam, Amina Wadud, shocked the world in 2005 by leading mixed-gender Friday prayers in New York. However, an honest study of Islamic texts reveals that women are not forbidden to lead men in prayer - the Quran does not even address this issue.

The following conditions (none of which are gender related) are required to lead prayer:

- Islamic knowledge
- Skill
- Piety

However, (mostly male) scholars maintain there is consensus on the impermissibility of women leading men in prayer despite lack of evidence to back up their position. This issue is not even open to debate, despite the fact that centuries ago it was discussed without controversy and a diversity of opinions was respected:

- A number of male scholars, such as Abu Thawr al-Kalbi, Abu Isma'il al-Muzani, al-Isfahani, at-Tabari and Ibn Taymiyya, had nothing against women leading mixed prayers.
- One woman, Umm Waraqa, is known to have led men in prayers in her household during the time of Prophet Muhammad.

Male clergy often cite questionable hadiths or take them out of context to prevent women from leading prayer. One argument often marshalled is that women's bodily movements arouse desires in men. Are men really so weak that they can't keep their eyes off a fully covered woman's posterior during prayer?

- Women should not have to take responsibility for men's desires
- Men have invented arguments about their sexual excitement - it is only their ego that prevents them from praying behind a woman.

Despite strong arguments supporting the permissibility of women leading mixed congregation prayers, the practice is unlikely to become widespread in the near future as men control religious institutions anyway. Also most Muslim women are more concerned about fighting for equality on basic grounds such as education and economic empowerment. Leading prayers is a battle that many are not ready to fight yet even if they believe in it. At least Amina Wadud's example is resulting in more female imams coming forward to lead other women in prayer.



## Female Faith Leaders in Other Faiths

Restricting women's role in religious structures and practices is not exclusive to Islam. Historically all the world's major religions have done this.

**Judaism** - The first female rabbi was Regina Jonas, who was only ordained privately in 1935 in Berlin. The next ordination came in the US, in 1972, when Sally Priesand was made a rabbi in the Reform tradition. Since then, all branches of Judaism, except Orthodoxy, have found a way to ordain women.

**Christianity** - Female priests may have been ordained in various branches of Christianity. However, its largest denomination, Roman Catholicism, has consistently refused to allow women into the priesthood.

# Muslim Women and Dress

The hijab (headscarf), the niqab (face veil) and the jilbab (long cloak) have become the most defining symbols of Islam. In media the 'burkha' is often used to describe the jilbab and face veil. Unfortunately a woman's 'Muslimness' and piety are often judged only by her appearance. Most of the time, the debate on dress is polarised. Those opposed to headscarves and face veils automatically assume that most women are forced to wear them while those that support it, state it is a religious obligation, which is not even open to debate.

## Why do Muslim women cover?

Muslim women dress the way they do for many reasons such as:

- Believe it is a religious obligation.
- To feel more spiritual even if they do not believe covering is an obligation.
- Dress according to culture and custom.
- Do not want to be judged by appearance.
- Silent community pressure because covering has become commonplace.
- Being forced to cover (by husbands, parents, grandparents etc.).
- For fashion.
- To make a political statement.
- To imitate others around them.
- To attract men as Muslim men increasingly prefer women that are covered up.
- Want to be identified as a Muslim woman.
- Do not want to be identified with the West.
- On a whim due to a phase but find it hard to then revert back.
- Due to only being exposed to a particular ideology or interpretation.
- To become more noticeable.



## Historical context of women's dress codes



### Guidance in the Quran

Before Islam, Arab women of all faiths wore the 'khumrah' or headscarf. It was not a dress code introduced by the Quran. The Quran simply modified its use. Women did not cover their breasts with any veils and instead brought attention towards them by decking them with jewellery and ornaments. The following verse was therefore revealed to get the Muslim women to cover their breasts, not their hair.

*And say to the believing women that they should lower their gaze and guard their modesty: that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their...*  
**(Quran 24:31)**



### **Symbol of status**

As well as being a custom (rather than a religious obligation), the headcover was also a symbol of class or status. So for example, slave women were barred from wearing it. This can be illustrated by the fact that the second Caliph, Umar Bin Khattab barred slave women from wearing the jilbab / khimar and apparently ordered punishments for those that did. Umar's actions caused debate among Muslim jurists in the following centuries who apparently allowed Muslim slave women to pray without a head covering etc. If covering was a religious obligation, then why was it enforced selectively?



### **Necessity due to environment**

Also whether one was a Muslim or not, the covering of one's head and face was sometimes an absolute necessity for protection from sandstorms and from the searing heat of the sun. What was essentially attire for a particular climate, culture, region and context has been turned into a symbol of piety and Islam. For example, the Prophet's wives also had to make sure they were covered when going out to prevent them from being recognised so that they would not be harassed or put themselves in any danger - their lives were under threat as Muslims, and particularly as the Prophet and his family were under threat by their enemies.



### **Veiling of men**

Also there has been a tradition of men veiling in some parts of the world and by ignoring this, perhaps many have misunderstood why women veil. For example, the veil-cum-turban of the Tuareg Tribes in North Africa is a sign of maturity. When a boy becomes a man, the cloth is wound around his face and head until only his eyes are visible. Its significance is both religious and cultural. Sufi mystics in Cairo continue a long tradition of veiling when they go into retreat, to isolate themselves from the world. And in the ancient religion of Jainism, both men and women cover their faces when entering their temple's inner sanctum.

## Which verses in the Quran refer to dress?

- *O children of Adam, we have provided you with garments to cover your bodies, as well as for luxury. But the best garment is the garment of righteousness. These are some of GOD's signs, that they may take heed. (Quran 7:26)*
- *Say to the believing men that they should lower their gaze and guard their modesty.... And say to the believing women that they should lower their gaze and guard their modesty: that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils (khimar) over their bosoms and not display their ... (Quran 24.30-31)*
- *O prophet, tell your wives, your daughters, and the wives of the believers that they should cast their outer garments over their persons (when abroad). That is most convenient that they should be known (and such) and not be molested. And Allah is oft forgiving. Most merciful. (Quran 33:59)*

## Opinions on women's dress

All Muslims unanimously agree that women (and men) must dress modestly. However, various scholars define modesty differently and no doubt their opinions are influenced by the society they are brought up in which means culture and patriarchy and misogyny have a strong part to play in their opinions. There are broadly three opinions concerning how women should dress:

- **Opinion 1**  
The Quran does not mandate that women cover their hair.
- **Opinion 2**  
It is an Islamic obligation for women to cover their hair.
- **Opinion 3**  
It is an Islamic Obligation for women to cover their face.

Arguments for and against covering and not covering have been presented so that women and young girls reading this can make more informed choices and perhaps research the arguments further.



## Commandments from the Quran that are clear and everyone agrees on and cannot be misinterpreted are:

- a. Righteousness is more important than what you wear
- b. To lower ones gaze (men and women)
- c. To guard ones modesty (private parts)
- d. Cover the bosoms
- e. Not to display their ornaments
- f. To wear outer garments to prevent being molested.
- g. Allah is forgiving and merciful

## What is not clear from the verses and can be open to interpretation:

- a. 'Ornaments' is NOT defined in the Quran
- b. What is 'ordinarily visible / apparent thereof' is NOT defined in the Quran

Despite the above fundamental facts, scholars arrive at different conclusions on a woman's dress depending on their opinions on the '*khimar*,' definitions of adornments and which hadiths they have selected to support their arguments. All this is influenced by societies they are brought up in which are often patriarchal where interpretations are influenced by culture.

## Covering the hair - opinions for and against

Many scholars tell Muslim women that they have an obligation to cover their hair according to the Quran. In fact they say everything must be covered except for the hands and face. Scholars will further add that this position is not open to discussion as most scholars have reached consensus on the issue. They base their opinion on the following reasons:

1. The word '*khimar*' is mentioned in verse 24:31 and *khimar* is defined as headcover.
2. That ornaments of a woman include the hair.

3. Women have always covered their hair and did so throughout Islamic history.
4. There is a hadith in which the prophet said that the only body parts of a girl that should show upon reaching puberty is her hair and hands.

*"Ayesha (rad.i-Allahu `anha) reported that Asma' the daughter of Abu Bakr (rad.i-Allahu `anhu) came to the Messenger of Allah while wearing thin clothing. He approached her and said: 'O Asma'! When a girl reaches the menstrual age, it is not proper that anything should remain exposed except this and this. He pointed to the face and hands.'" (Abu Dawud 32:4092)*

**However, the above views can easily be challenged using facts (and not opinion) in the following ways:**

1. The word '*khimar*' means 'cover' – so for example, a tablecloth is a *khimar* as it covers the table. So curtains, blankets, dresses etc., are all '*khimar*.' So in verse 24:31, Allah is asking women to cover their bosoms with their '*khimar*,' whatever that may be e.g. shawl, scarf, coat etc. At that time, as most women wore a '*khimar*' on their head hence, it was logical to bring this down to cover their bosoms.
2. Verse 24:31 does not instruct women to cover their hair nor head. The Arabic words for hair and head are not mentioned in this verse. The verse only instructs women to cover their bosoms. Scholars are only extrapolating that they think the hair and head should be covered because the word '*khimar*' is mentioned. One must therefore ask why Allah left this verse ambiguous and not gave a clear instruction to cover the head. Is it so the verse is applicable through all times and in all cultures depending on customs of dress. This would allow women to decide what '*khimar*' they use to cover their bosoms.
3. As mentioned in the 'historical context' section, all women of all faiths covered their heads so it was a social custom, particularly associated with class – therefore the custom in any period in history should not be used to set a precedent on what women should wear now.

4. If covering ones hair was associated with religion as scholars claim, then why were Muslim slave women not allowed to cover?
5. The hadith (Abu Dawud 32:4092) cited above about 'only showing hands and face,' which has been commonly used to support the argument for covering the head, is regarded as weak therefore its authenticity is questionable.
6. The Quran does not define a woman's ornaments as her hair nor does it define what is 'apparent thereof' – these are something male scholars have defined for us which we routinely accept as divine and Allah's words. They are the opinions of men and open to challenge. Women should be in control of their own bodies and define for themselves what their ornaments are – something that is very subjective.
7. Could it be possible that there is no instruction in the Quran to cover the hair as it may have appeared in a previous Book such as the Torah or Bible? No such commands exist in both books. The tradition on covering hair was adopted in writings in the Talmud only by Jews, which is equivalent to the Hadith, therefore written by men and not the Divine words of God.

## **Covering the face – opinions for and against**

A minority of scholars tell Muslim women that they have an obligation to cover their face (as well as their hair) and even go as far as telling them they must cover their hands too. They tell women it is a religious obligation according to the Quran. The main reasons include:

1. The women's ornaments include their face and hands.
2. It was compulsory for the wives of the Prophet and the companions to cover their face.
3. Muslim women in history veiled.

4. There is an obligation to veil according to the Quran and cite a particular interpretation of verse 33:59 as follows:

*O Prophet! Tell your wives and your daughters and the women of the believers to draw their cloaks (veils) all over their bodies (i.e. screen themselves completely except the eyes or one eye to see the way). That will be better, that they should be known (as free respectable women) so as not to be annoyed. And Allaah is Ever Oft-Forgiving, Most Merciful.*  
(Quran 33:59)

**However, the above views can easily be challenged using facts (and not opinion) in the following ways:**

- In the above version of verse 33:59, the part about only one eye showing is quoted in brackets which means it is not in the Quran but an opinion inserted in by the translator. To quote a verse in this manner is misleading as some women may believe these additional words are the words of God.
- The hadith of Ibn 'Abbaas about exposing only one eye which is commonly used by those who insist that women are obliged to cover their faces (as inserted in verse 33:59) has been declared as inauthentic by many scholars.
- There is no clear-cut authentic hadith to the effect of making the face veil obligatory. However, certain hadiths will be interpreted in a particular way to try and justify veiling
- Those scholars, who insist that covering the face is obligatory for Muslim women, interpret 'al-idnaa' in the verse of the jilbaab (Al-Quran: 33:59) to mean, "covering the face". This interpretation is erroneous because the basic meaning of the word in Arabic is "to come close", as the well-known scholar, ar-Raaghib al-Asbahaanee mentions in his authoritative dictionary 'al-Mufradaat'. Some people claim that jilbaab is "a garment which covers the face". This too is a misinterpretation as it is contrary to the interpretation of the leading scholars of past and present as well, who define jilbaab as a garment which women drape over their khimaars.

- Some people claim that the khimaar (headscarf) in Al-Qur'an 24:31 covers the head and the face, whereas linguistically the word only means cover and concerning women's dress only meaning headcover.
- If the face veil was compulsory, then men would not have been required to lower their gaze which is compulsory according to verse 24.30
- Majority of scholars do not consider a woman's face as her ornament. This is not in the Quran – it is male opinion only.
- There are many hadiths that describe a woman's face and the Prophet (phuh) has not instructed the woman in the narration to cover her face.
- From the times of the early Arab Ummayyads and Abbasides to the Persian Safavids, the Indian Moghuls and the Turkish Ottomans, never have Muslim women been forced by decree to cover their faces as an act of religiosity and piety.
- The Muslim world has seen many women in power, whether it was the Fatimide Queen Sitt al-Mulk in the 11th century Egypt or Razia Sultana in 13th century India, Muslim queens governed from their thrones, presiding over meetings with their advisors and with their faces uncovered, as is shown in paintings from those times.
- Academics who have studied historical records from Shariah courts suggest that women were not usually face veiled when they appeared in court.
- The analogy about the woman being like a precious diamond for only the husband to see. This is something often quoted, but it is just an excuse to get women to cover. Why is it that many men do not treat their wives like 'diamonds.' In fact many men are barriers to women accessing their full Islamic rights. All these are male analogies and are not supported by evidence in the Quran and hadith.
- Veiling is not compulsory during hajj and prayers.
- Tying religiosity and piety to face coverings is a twentieth-century phenomenon created by the Wahabbi ideology.

## Do women make informed choices?

Some women are not making informed choices because they are not exposed to:

- The variations in opinions on women's dress codes in Islam.
- How dress has varied through Islamic history and cultures.

If one is given only one interpretation and only provided with evidence supporting that particular opinion, the likelihood is, that is the theological interpretation the woman will follow. All women should have access to all interpretations concerning dress and be provided with evidences that support or even challenge them.



Women should make informed choices about their dress, whatever that may be - to cover their head and face or not to veil at all.



**Respect the  
womb that  
bore you**

(Quran 4.01)



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