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Current Dimensions of Fiqh al-Ḥadīth: A Case Study of Women Empowerment

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Abstract

The issue of socio-political rights of women is a highly debatable and equally controversial in current Muslim era. One group of scholars seems to be traditional and limit women's activities within the household sphere, while another group of academicians allows women every activity allowed for men, except that of head of state and argue the modern trends and tendencies as in consonance with the Islāmic texts. There is the third group of scholars who has challenged the traditional approach to Muslim women and even disagreed with the issues unanimously agreed by the Islāmic scholars in the history. This paper modestly analyzes the view of first two groups of intellects and evaluates their arguments in Islāmic perspective. The paper highlights the implications of the women empowerment in detail. It also describes the varying, interpretations of the Qur'ānic concept of equality and the dignity of women in detail. In this context the famous Ḥadīth negating the role of women in politics is thoroughly discussed and its universal character and applicability is gone through. The paper concentrates upon a balanced approach to be adopted by the scholars in the Islāmic perspective. The secular scholars who are not worried of the clear-cut instructions provided in the Qur'ānic texts and the traditions of the Prophet are out of the jurisdiction of this paper.

Keywords: Fiqh al-Ḥadīth, women empowerment, Social Rights, Political Rights

Introduction

Contemporary Muslim Women are trapped ideologically by the two varieties of *Jahiliyyah*, as Abdul Ḥalīm Muḥammad Abū Shaqqah has analyzed: 1. the *Jahiliyyali* of extremism, exaggeration and blind following to forefathers as prevailing the fourteenth century Hijrah of Muslim society; 2. the *Jahiliyyah* of 21st century Christian era rooted in ultra-liberalism, feminism, and a blind following to the West. Both the varieties of *Jahiliyyalt* constitute a violation of the Sharī'ah dictates and Islāmic teachings.¹ Position of women under the Prophet (PBUH) of Islam is to be restored and revived if Islāmic awakening in the contemporary world is to be retained in the right direction. This is repeatedly emphasized by Professor Faḍal al-Raḥmān Farīdī (1932-2011) in his editorials published in the Monthly *Zindagī* Nau New Dehhī, and by Dr. Muḥammad Nijātullah Siddīqī in his book *Maqāsid-e-Sharī'at*.²

The issue of socio-political rights of women in Islām has been a highly debatable and equally controversial issue in the modern Muslim world. The scholars are mainly

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divided into two groups. One group of scholars seems to be traditional exclusively and negates all political rights to be conferred upon the women. They limit women's activities within the household sphere and discuss politics and socialization out of context in this regard. They explain the verses of the Qur'ān and traditions of the Prophet (PBUH) as well as Islāmic history to substantiate their arguments. Maulānā Ashraf 'Alī Thānavī (1863-1943), Maulānā Muḥammad Idrīs Kāndhlavī (1899-1974) and other theologians of all the Sunnī schools of thought form this group.

Another group of academicians allows women all political rights except that of head of state and argue the modern trends and tendencies as in consonance with the Islāmic texts. This group includes Sayyed Abū al-A'lā Maudūdī (1903-1969), 'Abdul Ḥamīd Mutawallī and Maḥmūd Shaltūt (1893-1963) to name a few.

There is the third group of scholars including ||āriq Ramaḍān, Muḥammad Arkoun (1928-2010), Muḥammad Shāhroz, Leilā Aḥmed, Aminah Wadūd, Fā'imah Mernissi, Ḥassan Ḥanafī, 'Abdul karīm Shorash, Mehrān Kamrava, ʿiyā al-Dīn Sardār and other reformists who have challenged the traditional approach to Muslim women and even disagreed with the issues unanimously agreed by the Islāmic scholars in the history. Some of them have provided a feminist interpretation of the Islāmic texts and raised a heated debate over the nature and scope of the role the women today are required to play in the society. Today I have no time to examine the ideas of this group. This needs a thorough study and analysis independently.

This paper humbly examines the view of first two groups of intellectuals mentioned earlier and evaluates their arguments in Islāmic perspective. The paper highlights the implications of the Qur'ānic term *Qawwām* in detail and examines the validity and invalidity of the interpretations provided by different scholars. It also describes the varying, interpretations of the Qur'ānic concept of equality and the *Takrīm* of women in detail. The of-quoted traditions of the Prophet (PBUH) in favor or against the political rights of women (heir contemporary applications as discussed in the writings of modern scholars of Islām are also assessed. In this context the famous Ḥadīth negating the role of women in politics is thoroughly discussed and its universal character and applicability is gone through. The paper concentrates upon a balanced approach to be adopted by the scholars in the Islāmic perspective. The secular scholars who are not worried of the clear cut instructions provided in the Qur'ānic texts and the traditions of the Prophet (PBUH) are out of the jurisdiction of this paper.

Participation of Women in the politics as the legislator or administrator in Islām is a highly debatable issue in Islām. There are two distinct trends among the Muslim Learned prsons and intellectuals regarding this issue. According to one school of thought, women do not enjoy political rights and Islām enjoins on them to attend only to household tasks; their sphere of activity being absolutely different from and opposite to that of men. This was the opinion of earlier Jurists and some contemporary scholars agree with them.

Another opinion on the question is that while Islām allows women every political status except that of head of state but the conditions in the Muslim society are not yet congenial for and ready for according such rights to women. This opinion is held by a majority of contemporary '*Ulamā*' and intellectuals.

Those advocating the first of the two attitudes towards political rights of women cite

the following verse in support of their stand:

“Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means.”³

Interpreting the *Qawwām*

This verse means that men are protectors of women (*qawwām*), and not the other way round.⁴

These scholars say that the job of the legislative assemblies of today is not merely to enact laws. They control the entire political life of a country. They form and dissolve ministries, formulate policies, enforce law and order, tackle financial and economic problems and take decisions in matters of war and peace. So, in their opinion, the functions of these assemblies are not merely those of faqihs or muftis but to administer the entire country.⁵

Another verse that is cited by those who are opposed to the idea of conferring political rights on women is as follows:

“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.”⁶

Those who cite the above verse in support of their argument say that by the degree of advantage of men over women, it refers to the former being the protectors of the latter. According to them, application of this verse is not limited to the domestic sphere since the protection of a state involves a much greater degree of responsibility than that of a household. They wonder if it could be visualised that Allah who does not deem a woman fit to be the protector of her own household can make her the protector of a collection of hundred of thousands of households.⁷ Such an interpretation of the verse cited from Sūrah al-Baqarah has been objected to on the ground that to a certain degree men have been considered superior to women and it is correct to say that they are protectors of women. But this verse has been revealed in the context of the issues of marriage and divorce and so it is related wholly to domestic matters and hence to tear it away from its background and context and apply it to the realm of politics is entirely unjustified.⁸ According to the critics of the above-mentioned interpretation the 'degree' that is mentioned in the verse related to physiological and natural features which is indispensable for a society since no family system can work without any one being responsible for it, otherwise the system would disintegrate leading to anarchy everywhere.⁹

The third Qur'ānic verse that is cited to establish the superiority of men over women is as follows:

“And in no wise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others: to men is allowed what they earn and to women what they earn.”¹⁰

On the basis of this verse it is argued that men are superior to women and hence they are the guardians and protectors in all collective and social matters. This interpretation of the verse can be controverted by asserting that the superiority of men is confined to the management of family affairs since there is no mention in the verse of the superiority of men over women in absolute terms.

Defining of the Sphere

Two other verses, both from Sūrah al-Aḥzāb, have been cited by the advocates of the exclusion of women from political rights. They are as follows:

“And stay quietly in your houses, and make not a dazzling display like that of the former times of Ignorance.”¹¹

And

“And when ye ask (the prophet’s spouses) for anything ye want, ask them from before a screen: that makes for greater purity for your hearts and theirs.”¹²

Those citing these verses in support of their contention, claim that they delimit the sphere of activities of women so that they leave their homes only in emergencies and for short periods. If these citations apply to Muslim women other than the consorts of the Prophet the question arises as to whether they are allowed to leave their homes embellished with cosmetics and ornaments in a coquettish manner and whether they are permitted to converse with strange males in a manner that arouses desire in their hearts for these men.¹³ They say that it cannot be argued on the basis of these verses that the consorts of the Prophet (PBUH) had some particular weakness of character because of which they were deemed to be incapable of shouldering responsibilities relating to matters outside their domestic sphere and that other women were considered superior to them.

The above mentioned arguments have been controverted by other scholars on the ground that these verses referred specifically to the consorts of the Prophet (PBUH) and not to women in general, as is clear from the following words of the Qur’ān:

“O consorts of the Prophet! Ye are not like any of the (other) women. If ye do fear (Allah), be not too complainant of speech, lest one whose heart is diseased should be moved with desire, but speak ye a speech (that is) just. And stay quietly in your houses, and make not a dazzling display, like that of the former times of Ignorance.”¹⁴

These scholars say that it is not something strange or unique that some special instructions are given to the consorts of the Prophet (PBUH) which are not meant for other ladies. For example, while other ladies are allowed to marry again after the death of their husbands on the expiry of the period of *Iddah*, the consorts of the Prophet (PBUH) were not allowed to do so. In the same way, if the consorts of the Prophet (PBUH) had done anything obscene, Allah would have awarded much more severe punishment to them than He would give to other women for committing a similar sin.

Dr. ‘Abdul Ḥamīd Mutawallī says that Islām does not prevent women from doing any work so long as she observes the Islāmic code of propriety and manners. It allows women to enter into contracts without seeking the permission of their husbands or legal guardians, which is not possible while maintaining privacy or staying at home, since for this it is indispensable for them to stir out of their houses, Islām does not bar them from going to the market place and mixing with men. Islām does not consider it necessary that the husband or a close relation of a woman should act on her behalf as

a wakil for entering into a contract with someone.¹⁵

Mentally Deficient

Those who advocate that women should be confined to their homes also cite traditions of the Prophet (PBUH) in support of their contention, apart from citing from the Qur'ān. In this connection, the first Ḥadīth they cite is that once the Prophet (PBUH) said:

ما رأيتُ من ناقصاتٍ عقلٍ ودينٍ أذهبٍ لِلرَّجُلِ الحَازِمِ مِنكُنَّ-¹⁶

That he had not seen anyone who was more deficient in mind and religiosity than women, who can impair the wisdom of even a sane person. This Ḥadīth is interpreted to mean that man is perfectly wise and superior than women and that it is he who can be the protector of the society. If this Ḥadīth is seen in its proper context it would be found that the Prophet (PBUH) has himself elucidated these words of his. Some ladies asked him what he meant by saying that they were inferior in matters of wisdom and religion. He asked them whether or not it was true that the evidence of a woman is deemed to be less than half that of a man. When they replied in the affirmative, he said that this was the proof of the inferiority of their minds. He then asked them whether or not it is true that they did not perform Salah nor did they observe fasts when they were menstruating. When the ladies again replied in the affirmative, the Prophet (PBUH) said that this showed that they were inferior in religious matters.

قلن وما نقصان ديننا و عقلنا يا رسول الله؟ قال أليس شهادة المرأة مثل نصف شهادة الرجل؟ قلن بلى قال فذلك من نقصان عقلها قال أليس إذا حاضت لم تصل ولم تصم؟ قلن بلى قال فذلك من نقصان دينها-¹⁷

The above-mentioned Ḥadīth makes it clear that the deficiency of women is limited only to the issue of giving evidence. In this connection the Qur'ān says as follows:

And get to witnesses, out of your men. And if there are not two men, then a man and two women, such as ye choose for witness so that if one of them errs, the other can remind her.¹⁸

The reason for this is that sentiments affect the rational and psychological life of women. However, this does not mean that man is superior to woman in absolute terms or that it is right to allege that women are mentally deficient. The real issue involved here is that women are less interested in financial matters and there is greater probability of their being wrong in such matters and so it is better that two women give evidence in such affairs. Had women been deemed to be absolutely deficient mentally their evidence would not have been acceptable at all. To this may be added the fact that, according to Islam, the evidence of a single woman is acceptable in matters specially concerned with womenfolk like births, suckling, lineage etc., while man is not considered worthy of evidence in such affairs.¹⁹ In fact, in these matters women have much stronger power of recall than men so that evidence of a single woman is regarded as creditworthy. Muḥammad 'Abdohū (1849-1905) writes that need for the evidence of two women in financial matters is not due to any basic mental deficiency in women but owing to the fact that they are less interested in such affairs. However, in domestic, matters, the mental capacity of

women can be fully depended upon and their judgement in such affairs is deemed more trustworthy than that of men.²⁰

Some Learned Persons have said that on the basis of the Ḥadīth cited above, it cannot be contended that women are deficient in religious or rational matters. The Prophet (PBUH) did not intend to declare women as mentally deficient but to point out to the emotions that are at work in their mind in specific situations and hence the Prophet's (PBUH) pronouncement should not be interpreted in absolute terms but as somewhat like a metaphor.²¹ So on the basis of this Ḥadīth, it cannot be contended that women ought to be deprived of political rights, nor can any objection be raised to the authenticity of this Ḥadīth.

Dr. ‘Abdul Ḥamīd Mutawallī cites a number of incidents from the history of Islām attesting to the wisdom and sagacity of women and wonders how it is possible that on the one hand Islām has given women a sense of self-respect and has accorded them a distinguished status in the society and on the other it deems them as mentally deficient. He asks how one’s mind can accept this Ḥadīth as correct and how, if the Ḥadīth is considered to be right, it can be reconciled with the pronouncements of the Qur’ān in this respect.²²

This objection of Dr. Mutawallī is not sustainable. This Ḥadīth is correct and its interpretation is also correct. However it cannot be used to pronounce women deficient in wisdom and to deprive them of political rights. It can only be contended on the basis of this Ḥadīth that in matters of trade, contractual and financial affairs Islam has taken into consideration the possibility of women going wrong and has made certain stipulation so as to safeguard their rights.²³

Re-understanding the Ḥadīth

Scholars objecting to the bestowal of political rights on women cite another tradition of the Prophet (PBUH) which says:

“When the worst amongst you become amirs, when the wealthy in your midst become miserly and when your affairs are put in the charge of women, the belly of the earth would be better than its back.”²⁴

These scholars aver that this Ḥadīth prevents handing over the reins of the society of women and that conferring the right of vote on them and making them eligible to be candidates for the parliament are against the spirit of this Ḥadīth. But this Ḥadīth has been deemed to be *gharīb* by Imām Tirmidhī on the basis of its wording, style and spirit.

Those supporting conferring political rights on women say that even if the Ḥadīth is accepted as reliable it cannot be maintained that conferring political rights on women is the same thing as handing over the reins of the society to them. This is why ‘Abd al-Mut’āl al-Sa’īdī has said that handing over the reins of the society would be true only when the respective role of men and women are reversed, with womenfolk carrying on the activities of men and men performing the duties of women, managing the affairs of the kitchen and bringing up the children, and with women leaving their homes and managing the affairs of the state. He says that even if the situation is not absolutely changed but is somewhat near it, one would be justified in saying that the affairs of the society are in the hands of womenfolk. However, according to him, it

would not be against the spirit of Ḥadīth if alongside menfolk a few women take interest in some affairs of the state, since in such a situation, affairs of the state would be in the hands of men though a few women would be participating in their management. He says that the meaning of Ḥadīth is absolutely clear. It is meant to make people beware of the situation when there is a complete reversal of the respective roles of the genders and all or most of the affairs are in the hands of womenfolk.²⁵

Being Head of State

A well known Ḥadīth which the learned Persons and scholars cite as a decisive one in respect of the issue of the bestowal of political rights on women is worth being examined and analysed. Bukhari, Ibn Hanbal and Nasai cite a tradition of the Prophet (PBUH) to the effect that when he heard that the Irānians had crowned the daughter of Kisrā, he spontaneously said, that:

“A nation would not prosper which has handed over its affairs to a woman.”²⁶

The learned persons assert that though this Ḥadīth has been related as a piece of information it cannot be ignored since it cites the actual words of the Prophet (PBUH), who is talking of the damage that is caused when a woman is appointed by a people to rule over them, and hence it would be advisable to avoid such a state of affairs. It is in the nature of a negative thing, though not a direct negative but a stylised and indirect one. It simply means that women should not be given the charge of all the responsibilities of the state except for those over which there is an agreement that they should be managed by them. They say that this is so since the word *amr* has been used in it which has a general application, according to which the appointment of women to the position of head of state, membership of judiciary and parliament and command of armies are all prohibited.²⁷

According to the scholars, the first argument mentioned above, is related to a particular incident and hence the injunction contained in the Ḥadīth can be applicable only to that incident. The Prophet (PBUH) uttered these words when he heard that due to lack of male members of the royal family, the Iranians had crowned a princess. Earlier, when a messenger of the Prophet (PBUH) had gone to the court of Emperor Kisrā, he had torn his letter into pieces due to his arrogance and haughtiness. On hearing the Prophet (PBUH) had called upon Allah to tear the Iranian empire apart. Allah acceded to this curse from his favorite Prophet and there arose such a situation that members of the royal family started fighting one another, with the result that none of its male members survived to shoulder the onerous responsibilities of the empire and people were compelled to hand over the reins of absolute power to the princess. It was such a situation that the Prophet (PBUH) had said that a nation which makes a woman its head of state will never prosper. The comment of the Prophet (PBUH) is related to this particular incident since the menfolk of Irān had been proved to be worthless and there was none amongst them who could take the reins of the government in his hands.

Whether or not an injunction based on a particular case has a general application is a controversial issue among the Jurists (experts in jurisprudence). While Imām Ghazālī (1058-1111) says that a pronouncement based on a particular case should apply to all similar cases; other Jurists do not agree with him. Imām Ghazālī says that conjecture

regarding such a general principle can be applied to particular cases also and for this even a weak argument is adequate.²⁸

It appears from the Ḥadīth under discussion that it is meant to warn people that making a woman as head of a state militates against material welfare and that this statement has a particular relevance for the people of Irān, since their menfolk were incapable of shouldering the responsibilities of the head of state and hence this Ḥadīth should be treated as referring to a particular case and ought not to be applied universally. In modern times, several nations have had women as their head of state and they have been successful. However, even today if a nation reaches a stage when its menfolk are lacking in ability to shoulder the burden of the state and are compelled to accept a woman as their head of state, it can never flourish. This is so because management of affairs of a country depends upon the capacity and calibre of men and if men of a particular state are lacking in this capacity, women would be lacking in it even to a higher degree and disaster would be inevitable.²⁹

Supporting the Political Rights

Now a discussion can be taken up on the stand taken up by another group of scholars who hold that woman can be appointed to every public office except that of the head of state and that Islam is not opposed to it. Views of some scholars can also be taken up who are of the opinion that the social conditions of the present day are not suitable for bestowing political rights on women, holding that Islām has raised women to the great heights of honour, and the modern society has not reached the stage in which women could be bestowed political rights.

This group of scholars has cited the following verses of the Qur’ān in support of their contention:

“And women shall have rights similar to the rights against them, according to what is equitable.”³⁰

“We have honoured the children of Ādam.”³¹

According to scholars advocating conferment of political rights on women, this verse shows that men and women are equal since the word “banī” includes both the sexes and that respect for women demands that they ought to be given all those rights that are enjoyed by men. This argument has been countered by contending that if for some reason women are deprived of certain political rights, it does not affect honour at all:

“The Believers, men and women, are protectors one of another, they enjoin what is just and forbid what is evil, they observe regular prayers, practice regular charity and obey Allah and His messenger.”³²

Model of the Queen of Saba

In the words of the Queen of Saba, the Qur’ān says:

“Ye chiefs, advise me in (this) my affair, no affair have I decided except in your presence. They said, We are endued with strength, and given to vehement war, but the command is with thee, so consider what thou wilt command, She said, Kings, when they enter a country, despoil it and make the noblest of its people its

meanest. Thus do they behave.”³³

It has been argued on the basis of these verses that women are endowed with deep insight, understanding, farsightedness and courage and that they are sagacious in the handling of political affairs, that they have a grasp of the rise and fall as well as ups and downs of governments and go to the bottom of matters and adopt correct strategies irrespective of the avowal of loyalty by the administrative and the military personnel. These verses aver that women comprehend the intricacies of politics and are well-versed in the manner in which a ruler should deal with the affairs of state.³⁴

Case of ‘Ātikah bint Zayd

Shaykh Abū Shaqqah and Sayyed Jalāluddīn ‘Umarī³⁵ both have cited an interesting case of ‘Ātikah bint Zayd, one of the consorts of ‘Umar bin al-Khaḥāb, the second caliph of Islām. The she-companions of the Prophet (PBUH) used to attend routinely the congregational prayers in the Prophetic mosque even the prayers of Maghrib, ‘Ishā’ and Fajr (at the odd timing of sunset, night and early morning). The Prophet (PBUH) had commanded the faithful not to stop women if they wished to join the masjid. Ibn-e-‘Umar narrates that the Prophet (PBUH) is reported to have said:

إذا استاذنكم نساؤكم بالليل إلى المسجد فاذنوا لهنَّ-

“In case your women seek permission to join the mosque in the night you allow them to do so.”³⁶

The issue became debatable when ‘Umar bin Khaḥāb, the second caliph realized during his caliphate that the socialization of women in the given circumstance was no more useful and he expressed his desire that women should not come out of their homes except in the emergency cases. Since the women were free to join the mosques during the period of the Prophet (PBUH), they might not be restricted officially. ‘Ātikah bint Zayd was among the ladies who were regular to join the mosque.

Once Umar Fārūq expressed his disliking and addressed her wife by saying

والله انكبي لتعلمين اني ما أحب هذا.³⁷

“By God, you know well that I do not like it (joining the mosque by you)! His wife ‘Ātikah replied:

والله اني لا انتهي حتى تنهاني.³⁸

“By God, I will not desist from until you stop me (forcefully).”

Ibn-e-‘Umar reports that one of the wives of ‘Umar used to attend the congregational prayers in the night and in the morning (salat al-subl wal ‘isla) in the prophetic mosque. She was asked: “why do you come out while you know that ‘Umar dislikes it and thinks it dishonor? She replied:

فما يمنعه أن ينهاني-

Then what does resist him to stop me (from joining the mosque)?

Ibn-e-‘Umar answered:

يمنعه قول رسول الله ﷺ: لا تمنعوا اماء الله مساجد الله-

“Resists him the following saying of the Prophet (PBUH) that do not prohibit the she-slaves of Allah from the mosques of Allah.”³⁹

Maulānā ‘Umarī has written with the support of historical accounts that ‘Ātikah bin Zayd used to continue joining of the mosque in her entire life and she was present in the mosque in the Morning Prayer when ‘Umar was attacked to death.⁴⁰ Maulānā concludes that the response of ‘Ātikah implied that her husband was entitled to stop her from the social interaction and that she was bound to follow him if he would have dictated her to do so, but she was not bound follow his wishes and desires specially when they were in violation to the Prophetic dictates. ‘Ātikah desires to avoid a concession of Islāmic law and ‘Umar, the head of state, despite of his personal dislike, is not convinced to prohibit his wife forcefully from joining of the mosque, though as a husband and moreover as the head of state he was fully entitled to stop her from doing an act he had thought it against the interest of Islām and Muslim community. This substantiates how the social rights of women were respected gracefully in Islām.

Islāmic Initiative Unavoidable

Dr. Faridī has emphasized the aggressive approach and taking an initiative towards the position and status of women in Islām the need of hour. To him, a negligence and unwisely strategy towards the women rights is harmful to the Islāmic movement. According to his sincere analysis the theologians and the Islāmic movements all over the world should affirm forcefully the Islāmic position of women and take initiative approach instead of preventive and defensive one (*tahaffuz nalin, igdām*). This affirmation of the women rights in Islāmic perspective would make the justice, moderation, and blessings of Islāmic thought more clear in one side and would demolish the contemporary western thought and reflect the darkness hidden behind the splendidly portrayed image of the society built on.

This affirmation of the women rights, in the words of Dr. Faridī, does not mean the affirmation of Muslim historical culture and of the customs and institutions the Muslim Ummah in its long journey has made indispensable to the Islāmic collectivity. This Islāmic affirmation (*ithbat o igdām*) should be purged from our human tendencies and desires as well as our customs, traditions and cultural manifestations. This affirmation and clarification is the need of time and is also our religious responsibility.⁴¹ Dr. Faridī realizes that the Islāmic scholars have been trying sincerely to reform the society through teaching and explaining the Islāmic fundamentals about the women rights and the family relations but they were soon dominated by the objective of defense. Because of the exaggerated sense of danger from the west the Islāmic scholars could not distinguish the authentic Islāmic cultural values from the mixtures, additions and paddings. The seminaries and theologians were fully appreciated to protect the status que from the deterioration and decay. In the process of this protection difference between the Islāmic teachings and the Muslim culture could not be maintained.⁴²

Dr. Faridi cites the objection raised from some theological circles and then analyses it academically. Some religious circles says that the Madinan society was, historically speaking, pure, modest and incorruptible and women were free to interact socially without any reservation. Now the society we breathing in, is pre-occupied with profligacy and dissoluteness, and therefore some restrictions are to be imposed on the

women and some concessions are to be withdrawn and close the doors of social interaction open in the then Madinan society. Dr. Faridī rejects this objection on two grounds.

1. Madinan society included the selfish and bad elements also though in a microscopic number; the hypocrites (munafiqin) and those always in wait for (mutarabbisin) used to be in looking for their vested interests. Despite of these elements the society was free to avoid all the legal and religiously justified concessions.
2. Commandments of the Qur'ān constitute everlasting position and were valid for the pure and modest society of Madīnah in the history and ensure still relevance and usefulness for the dissolute society of today.⁴³

Dr. Faridī considers some contemporary trends of thought and struggle healthy because they are originally in consonance with the Islāmic perception but the negligence of Godly teachings from their behalf has turned them into immoderate and extremist one. These trends are as follows:

1. The women liberation movement,
2. Socio-political empowerment of women,
3. Educational struggle for women,
4. Women rights in the family life,
5. Reform to the ideology of inferiority of women and
6. Struggle for economic security of the women.⁴⁴

The learned scholar does not suggest to surrender to these trends unknowingly since the champions of these are far from the revelation and their thinking is vague and complicated; the applications and demonstrations of their's are reflection of modernism and of ill will; these represent the extremism and sharp reaction also. With sustainable and serious efforts of the Islāmic movement, these trends in the Islāmic perspective of just and balanced thought may be interpreted in so much as to be commonly understood in the contemporary languages.⁴⁵

Conclusion

Shaykh Muḥammad al-Ghazālī (1917-1996) the Egyptian scholar while talking of the causes of Muslim deterioration in the fourteenth century Hijrah concentrates on the following:

- a. Incomplete version of religion,
- b. Disable and disqualified rulers of the Muslim world,
- c. Loosening relations of women with Islam and
- d. Increasing faith in the mythological perception of the religion.⁴⁶

Then al-Ghazālī has referred to the Ḥadīth of 'Abdullah bin 'Umar as cited in Saḥīḥ Bukhārī and detailed the event of 'Ātikah bint Zayd who used to join the mosque despite of disliking of 'Umar, her husband. 'Abdullah bin 'Umar narrated this Ḥadīth, says Shaykh al-Ghazālī, and his son reacted sharply by insisting his stand to stop women from joining the mosque. The father expressed his extreme anger against his son and continued his displeasure with him till the last breath of his life. After having cited this historical event al-Ghazālī painfully comments:

It was quite strange and unbelievable that Muslim community in the later phase of its

history was convinced with the stand taken by the son of ‘Abdullah bin ‘Umar, but overlooked the Ḥadīth narrated by the father. Consequently, the women remained deprived of attending of the congregational prayers in the mosques and the sermons and spiritual lectures to be delivered therein. This attitude of keeping of women far from the mosques was retained throughout the history. The Muslim families suffered the worst and they were delinked with the obligatory prayers too.⁴⁷

Dr. Faḍal al-Raḥmān Faridī’s statement on the restoration of Islāmic character of women in the contemporary world will certainly keep the issue in hand in the right direction. It is unavoidable to maintain the women’s position in the society as was retained under the Prophet os Islām. This only will empower the women in the right perspective and liberate them from all sorts of exploitation and varying dimensions of jāhiliyyah- pre-Islāmic, ancestral or modern.⁴⁸



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References & Notes

¹ Abū Shaqqah A.Ḥalīm, *Khawatīn kī Āzādī ‘Ahd-e Risālat Mein*, five volumes summarized into one by Dr. Aḥmad Kabsi, translated into Urdu by Shfuba Ḥasnain Nadwī (Herndon: International Institute of Islāmic Thought), pp.14-15.

² Muḥammad Nijātullah Siddīqī, *Maqāsīd-e Shari‘at*, (New Dehlī: Markazī Maktabah Islāmī Publishers, December 2017), pp. 56-37; Obaidullah Fahad Falāhī, *Fik-e-Islāmī ke Hijābāt* (New Delhi: Manshūrah, January 2018), pp.68-73.

³ The Qur’ān 4: 34.

⁴ Ibrāhīm ‘Abdul Ḥamīd, *Ni‘ām al-Qaḍa fī al-Islām* (Egypt: Jāme‘ah al-Azhar, Kulliyah al-Shari‘ah wa al-Qānūn), p. 30.

⁵ Abū al A‘lā Maudūdī, *Islāmī Riyāsāt*, (Lahore: Islāmic Publications, 1987), pp. 506-507.

⁶ The Qur’ān 2. 228.

⁷ Maudūdī, *Islāmī Riyāsāt*, p. 508.

⁸ ‘Abdul Ḥamīd Mutawallī, *Mabda al-Shūra fī al-Islām*, (Egypt: Ilm al-Kutub Edition II, 1972), p. 862.

⁹ Maḥmūd Shaltūt, *Al-Islām: Aqīdah wa Shari‘ah*, (Egypt: Dār al-Sharūq, 1968), p. 176.

¹⁰ The Qur’ān 4: 32.

¹¹ The Qur’ān 33: 33.

¹² The Qur’ān 33: 53.

¹³ Maudūdī, *Islāmī Riyāsāt*, p. 508.

¹⁴ The Qur’ān 33: 32-33.

¹⁵ ‘Abdul Ḥamīd Mutawallī, *Mabda al-Shūrā fī al-Islām*, (Alexandria: Manshā’ al-M‘ārif, 1966), p. 875.

¹⁶ Al-Sijistānī, Abū Dā‘ūd Suleymān bin al-Ash‘ath, Sunan Abī Da‘ūd, Dār al-Fikr, ND, Kita al-Sunnah, Bāb al-Dalīl ‘alā Ziādat al-Īmān wa Nuqṭā ānoḥū, Vol 2, p. 630, Ḥadīth: 630.

¹⁷ For detail see, Qus=alānī, *Irshād al-Sārī le sharah Saḥīḥ al-Bukhārī*, (Beirut: Dār al-kutub al-‘Arabī, 1/347).

¹⁸ The Qur’ān 2: 282.

¹⁹ For a detailed study see; Ibn Qayyam al-Jauziyah, *Al-Turuq al-Hukmiyah fī al-Siyasah al-Shar‘iah*, (Cairo: Al-Muassah al-‘Arabiyah li al-Tab‘ah wa al-Nashr, 1961), p. 92.

Maḥmūd Shaltūt has quoted the statement under consideration of Muḥammad ‘Abdohū and has discussed in detail. See, Maḥmūd Shaltūt, *Al-Islām: ‘Aqīdah wa Shari‘ah*, pp. 261-262.

- ²¹ Abdul Ḥamīd Ismā‘īl al-Anṭārī, *Al-Shūrā wa Athruha fi al-Dīmqrā=iyah*, (Beirut: Al-Maktaba al-Fikriyah, 1980), p. 273.
- ²² Mutawallī, *Mabadi Ni Ḳām al-Ḥukm fi al-Islām*, p. 832.
- ²³ Muḥammad ‘Ajlūnī, Ismā‘īl bin Muḥammed, *Kashf al-Khifā wa Muzīl al-Ilbās*, (Beirut: Dār al-Aḥyā’ al-Turāth al-‘Arabī, 1351 A.H.), p. 27 has cited a Ḥadīth narrating that the Prophet (PBUH) had consulted Umm-e-Salmah on the occasion of Peace Treaty of Ḥudaibiyah. He wonders how she was consulted if the women were deemed by the Prophet (PBUH) as mentally deficient.
- ²⁴ Muḥammad ‘Abdul Raḥmān Mubārakpūrī, *Toḥfah al-Aḥwadhī bi Sharh Jame‘ al-Tirmidhī*, 6/544; Walī al-Dīn al-Kha=īb al-Baghdādī, *Mishkāṭ al-Maṭābīḥ*, (Damascus: 1961), 1/695.
- ²⁵ ‘Abdul Mut‘āl al-Sa‘īdī, *Min Ayna Nabda*, (Egypt: Maktabah al-Khānjī), p. 112.
- ²⁶ Muḥammad bin ‘Alī Shūkānī, *Nail al-Au=ār*, (Egypt: Muṭ=afā al-Bābī al-Ḥalbī, 1969), 8/273.
- ²⁷ Ibrāhīm ‘Abdul Ḥamīd, *Ni Ḳām al-Qaḍā fi al-Islām (Muḥāḍrāt)*, *Qism al-Siyāsah al-Shari‘ah, al-Dirāsāt al-Ulyah, Kulliyah al-Shari‘ah wa al-Qānūn*, p. 83.
- ²⁸ Abū Ḥamīd al-Ghazālī, *Al-Mustasfā fi‘ Ilm al-Uṭūl*, (Cairo: Maktabah al-Jundī), p. 335.
- ²⁹ Al-Sayeedi, *Min Ayna Nabda*, pp. 110-111.
- ³⁰ The Qur‘ān 2: 228.
- ³¹ The Qur‘ān 17:70.
- ³² The Qur‘ān 9:71.
- ³³ The Qur‘ān 27: 32-34.
- ³⁴ Shaltūt, *Al-Qur‘ān wa al-Marah*, p. 87.
- ³⁵ Abḥ Shaqqah, *A.Ḥalīm*, p.65; Sayyed Jalāluddīn ‘Umarī, ‘*Aurat Islāmī Mu‘āsharey Mein*, (Dehlī: Markazī Maktaba Jam‘āt-e Islāmī Hind, November 1961), pp. 147-148.
- ³⁶ Muḥammad bin Ismā‘īl Bukhārī, *Al-Jāme‘ al-Sahīḥ*, Kitāb al-Salāt, Bāb Khurūj al-Nisā’ ilā al-Masājid bi al-Laylwa al-ghalas, Ḥadīth: 820.
- ³⁷ Ibn-e-Ḥajar ‘Asqlānī, Abū al-Faḍal Aḥmad bin ‘Alī, *Fataḥ al-Bārī*, Dār al- Ma‘rifah Beyrut, 1379, Vol 2, p 383.
- ³⁸ Ibid.
- ³⁹ Bukhārī, *Al-Jāme‘ al-Sahīḥ*, Kitāb al-Jum‘ah, Bāb hal ‘alā min lam yashhad al Jum‘ah ghusl, Ḥadīth: 858; Imām Muslim has also cited this Ḥadīth in his *al-Jāme‘ al--Saḥīḥ*, Kitāb al-Salāt, Bāb Khurūj al-Nisā’ ilā al-Masajid, Ḥadīth: 442.
- ⁴⁰ ‘Umarī, ‘*Aurat Islāmī Mu‘āsharey mein*, pp. 147-148.
- ⁴¹ Faḍal al-Raḥmān Farīdī, *Iqāmat-e-Dīn Kā Safar Hindustānī Tanā Ḳur Mein*, (New Dehlī: Markazī Maktabah Islāmī Publishers, November 1997), p.71.
- ⁴² Ibid, p.79.
- ⁴³ Ibid, p.81.
- ⁴⁴ Ibid, pp.82-83.
- ⁴⁵ Ibid, p.84. Dr. Farīdī has discussed in brief the contemporary trends that cause the social disorder and damage the human values as: a) family life and regularization of it through dictates and laws cause the subjugation of women, b) flourishing of the war of rights between women and the society, c) estimating of individuals in term of material interests and d) negating of religion and the moral values. Ibid, pp. 85-86.
- ⁴⁶ Muḥammad al-Ghazālī, *Al-Da‘wat al-Islāmīyah Tastaqbilu Qarnahal Khamis ‘Ashar*, Urdu translation: Obaidullah Fahad Falāhī, *Da‘wat-e Islāmī Pandarahwin Sadi Hijri ke Istighbal Mein*, (Dehlī: Hindustān Publications, November 1981), pp.80-83.
- ⁴⁷ Ibid, p.82, See for detail, Falahī, *Fikr-e Islāmī Kay Hijābāt*, pp. 68-73.
- ⁴⁸ For the Islāmīc position on women, see also: Obaidullah Fahad Falāhī, *Tahdhīb-e Hijāb Aur Khawātīn (Culture of Veil and the Women)*, (Aligarh Publication Division, Aligarh Muslim University, 2017).