

# Women In Islam: Frequently Asked Questions

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**International Muslim Women Union (IMWU)  
Pakistan Chapter**



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## Frequently Asked Questions

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## **Women In Islam: Frequently Asked Questions**

Women issues have acquired a special focus in contemporary times. The status and role of women in Islamic societies has also become a topic of discussion ever since the women liberation, women freedom or women rights movements gained momentum globally. Islamic perspective concerning this important issue of contemporary times is unclear rather misunderstood in the minds of non Muslims as well less informed Muslims. Position of women in Islam has been the subject of repeated controversy with the perceived misconception that the religion somehow enforces gender inequality. Few questions are repeatedly raised as an accusation on the family laws; namely, inheritance share, right to divorce, marriageable age, polygamy, consent of guardian in matrimonial matters and so on so forth. In the criminal law area also, the testimony of women and few other matters have been under debate.

Adding to the ignorance regarding position of women in Islam, the presence of injustice and malpractices in contemporary Muslim societies, has been taken up as a weak point of Islam. Violence of women rights is mainly due to the ignorance from Islamic teachings which sets high standards of treatment meted out to women in Muslim societies. This ignorance of desired attitudes and behaviors is irrespective of social, economic or educational standards or levels. However, this ignorance is magnified when education is denied to people, in general and to women in particular.

An attempt has been made to phrase and answer such frequently asked questions concerning the status of women in Islam, in the following document.

### **1. Why women in Muslim countries do not have the same rights as women in the West?**

Answer to this question has many dimensions. First of all, the problems and issues faced by women in the Muslim world are of a

vastly different nature as compared to those of western women.. Secondly, it is important to differentiate between the status of women in Islam<sup>1</sup> and the present status of women in the Muslim world.<sup>2</sup> Furthermore, it also becomes relevant to appreciate the vast diversity of the Muslim world, with its varying levels of adherence to Islamic injunctions, concerning the issue.

In a world-wide population of more than 1.6 billion Muslims, the status of women varies from culture to culture and often within the same culture. Thus the stereotypical image of the oppressed Muslim woman with limited or no access to education, employment opportunities or legal help, is just a stereotype based on gross misinformation.

Social evils such as “honor” killings, domestic violence and exploitation of women exist in Muslim as well as non-Muslim cultures. To associate these evils with Islam is a grave injustice to the cause of women’s empowerment. Such practices are completely repugnant to the Islamic concept of *adl* (justice). Again to say that women in Muslim countries do not have the same rights as women in the West is based on the assumption that the general status of women in the West is worthy of emulation by Muslim women. It is important to understand that the status of Muslim women need not be viewed through the prism of the aspirations or practices of Western women.

Considering the education, the bedrock of the Islamic civilization was learning and intellectual striving and women scholars have been common from the earliest days of Islam. Limiting women’s access to education in general and higher education in particular, either openly or by tacit discrimination, as a reality in some countries is a violation of Islamic injunctions, as Islam has declared it mandatory for both males and females to equip themselves with knowledge.

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<sup>1</sup> True Islamic Philosophy and values according to Quran and *Hadith* i.e. sthe basic sources of law.

<sup>2</sup> The Muslim reality, as to what is happening in the Muslim communities.

The man even though he is in positions of leadership outwardly, is in reality the protector and caretaker of the woman. In Islam leadership is not about authority, it is about responsibility and accountability. The man will be accountable in front of God Almighty on the Day of Judgment as to how well he took care of this trust (i.e. women) God has put in his reign.

Unfortunately Muslims today have become distant from these essential teachings of Islam as a result of which the Muslim world is found to be in much disarray in general and for women in particular. The undesirable conditions in the present status of Muslim women are a result of not following the teachings of Islam, therefore, improving the status of women in the Muslim world requires more and not less adherence to Islamic injunctions.

To make matters worse, the media has done much disservice in promoting the misdeeds of the powerful but ignorant few, and not making known the voices of the silent majority who know Islam to be a peaceful, loving religion especially to its women. They simply have no idea how Muslim women are protected and respected within the Islamic framework which was built more than 1400 years ago. Yet, by writing and discussing about cultural issues like child marriages, female circumcision, honor killings and forced marriages they wrongly believe they are coming from a point of knowledge. Islam encourages and expects each mature individual to take responsibility to learn from direct sources, Quran and *Hadith*, and not fall into the traps of vested interest groups.

It is also, every woman's duty to take back what is rightfully hers, given to her, by Our Creator – the right to equality, justice, freedom, safety, health, education, opportunity and above all the right to seek knowledge and spirituality so we can truly be the servants of Allah Almighty and His Beloved Prophet (SAW). May Allah Almighty grant women the strength to step up to the pedestal and take on the task of educating themselves and their children and inspiring everyone towards continuous self improvement.

## 2. Why the right of legal witnessing is denied to women or why it is not equal to men in Islam?

A common misgiving rather a myth, widely circulated is that Islam regards woman equal to half the males, denying equality in Islamic Law especially in matters of legal witnessing? It's all due to lack of understanding of Islamic legal philosophy.

First of all it must be understood that the legal witnessing is not a right rather it is a responsibility. Secondly the Quran at a generic level, requires Muslims (Both males and females) to be a witness for truth (*shuhada alan naas*) to the whole of humanity, however in certain specific matters legal testimony is not binding for all members of the community. Thirdly instead of a gender based approach, Islamic Law develops a situation based view where as a given situation determines the nature and number of testimony.

Islam enjoins upon men to give testimony, generally sparing women from witnessing. This could be perhaps visualizing the humiliation a witness may undergo in a law suit. However in case no male witness is available *shariah* allows a female to appear in a court especially when an offence is committed in a place where generally women are present. In such cases *shariah* does not even asks male witnesses. Similarly in areas specifically related to women, such as child birth, medical checkup of a woman or other related matters, a single woman's witness is more important and authentic than a man's

In criminal matters, dealing with *hudud*, *qisas* and *diyat*, however, considering the area out of her usual periphery of work, her testimony is not sought, but if the available one is hers it is considered without any restriction or observation. However, *ijtehad* is required considering the validity of legal witnessing of women in criminal or *hudood* cases as the specific training of women has made it possible for them to be lawyers and judges and they are dealing with criminal cases and courts as well.

### **3. Why is inheritance share of women half as compared to men?**

Islam's system of inheritance can be understood having in view its *Kifalat* (maintenance) system. Men are held responsible for economic liabilities of women, as daughters, sisters, wife and mother. A lot has been said about discrimination in Islam regarding inheritance of women as being half of men. This misconception is due to the ignorance regarding Islamic system of rights and responsibilities amongst various family members

As a rule both men and women inherit from their deceased relatives and can be inherited by their successors. Principles of division of inheritance are clearly laid down in the Quran. A woman has her prescribed share as daughter, sister, wife, mother, grand mother (paternal and maternal), grand daughter and paternal aunt. The general rule is that women are entitled to inherit half the share given to a man. However her share varies in different situations: sometimes half, sometimes equal and even more than men at certain particular occasions.

#### **Woman's share is less than a man**

If deceased has both sons and daughters, the daughters will get half the share to that of a son. Basically this division of share is based on the principle of "benefits in accordance with the scale of responsibility." The half share that a woman inherits from her father as compared to her brother is for her alone, with no right of either her brother or her husband in it. Where as her brother getting double share has to take care of his mother, sisters and younger brothers, if any. Even if there is a widow or divorced sister, she is also responsibility of the brother now.

#### **Woman's equal share**

In other situations where the responsibility is not the key factor she might have equal share with the man. One such example is equal share of mother and father of a deceased child.

If a deceased has neither children nor his parents are alive then his siblings (male and female) will have equal share.

Parents of deceased (mother and father) will get equal share.  
Maternal sisters and brothers will have equal share.

### **Woman's share more than a man**

Wife of a deceased gets 1/8th of the inheritance. Then the rest is divided among children. If the deceased has 3 or 4 children than what a mother gets is more than his son's share.

### **4. Why is polygamy allowed in Islam whereas polyandry is not?**

Polygamy means a system of marriage wherein one person has more than one spouse. Polygamy can be of two types; one is polygamy wherein a man marries more than one woman, and the other is polyandry, wherein a woman marries more than one man. Islam permits limited polygamy while prohibiting polyandry completely. Muslims derive the permissibility of polygamy in Islam from the following Quranic verse:

*"If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly (with them), then (marry) only one..."<sup>3</sup>*

From this verse, it is evident that polygamy is neither mandatory, nor encouraged, but merely permitted. As is evident from the cited verse, it was also for limiting the number of wives and closing the door of extra-marital relations as well their exploitation as orphans or widows. As a principle, monogamy is the norm whereas polygamy is the exceptional mode for a person's specific conditions. Furthermore the above cited clear Quranic injunction allows polygamy with the condition of implementing

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<sup>3</sup> Al Quran Al-Nisa 4:3

justice in provisions of facilities and time to both or all the wives. The Quran also warns about the difficulty of dealing justly between multiple wives:

*“You are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If you come to a friendly understanding, and practice self-restraint, Allah is Oft-forgiving, Most Merciful.”*<sup>4</sup>

Nevertheless, it made fair and equitable dealing with wives an obligation. If one is not sure of being able to deal justly with wives, the Qur’an says: *“then (marry) only one”*<sup>5</sup>

The Quranic injunction, thus, made polygamy restrictive, as compared to the prevalent practice at that time. Dr. Jamal Badawi, a Canadian Islamic scholar says:

*“The requirement of justice rules out the fantasy that man can “own as many as he pleases.” It also rules out the concept of a “secondary wife”, for all wives have exactly the same status and are entitled to identical rights and claims over their husband. It also implies, according to the Islamic Law, that should the husband fail to provide enough support for any of his wives, she can go to court and ask for a divorce.”*<sup>6</sup>

Another dimension of the issue is that polygamy is neither universally wrong nor immoral. What is wrong is adultery; having illicit relations with women one is not married to. Let us consider a few honest questions: What is the situation in countries that have banned polygamy? Do they really enjoy sincere and faithful “monogamy” as the norm? Are infidelity and secret extramarital sexual relationships more moral than the legitimate, legally protected husband-wife relationships, even under polygamy, if

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<sup>4</sup> Al Quran Al-Nisa 4:129

<sup>5</sup> Al Quran Al-Nisa 4:3

<sup>6</sup> Jamal Badawi, Polygamy in Islamic Law, available at:

[http://www.irfi.org/articles/articles\\_251\\_300/polygamy\\_in\\_islamic\\_law.htm](http://www.irfi.org/articles/articles_251_300/polygamy_in_islamic_law.htm) last accessed on 16.02.2012

there is a pressing need for it? Which of the two situations is better?

Furthermore, one has to look at polygamy in terms of the specific circumstances of different times and places; for example, polygamy played a key role in facilitating the care for orphans and widows at times of war which take a heavier toll on men as compared to women. There are societies where women outnumber men. For unmarried women who cannot find husbands and widows who aspire to a respectable family life, polygamy is often an acceptable alternative.

Sometimes it also helps to safeguard a woman's right of family life, by her choice. In case for some reason a man wants to have another wife, which could be due to child issue, medical reasons or any other personal reasons, the first wife is not left unsupported and the second wife also gets the legal protection. This is the situation being referred to in Quran:

*“And if a woman fears cruelty or desertion on her husband's part, there is no sin on them both if they make terms of peace between themselves; and making peace is better.”<sup>7</sup>*

*Hazrat Ayesha* explains this verse, that if a woman feels that her husband does not love her and he wants to marry another woman, the first wife may withdraw from her conjugal rights and allow her husband to marry other woman on the condition of not divorcing her.<sup>8</sup>

As far as polyandry is concerned there is no provision under Islamic law for this to take place. One of the major reasons for this is the complexities this would raise for establishing the paternity of the children, as the protection of parentage/lineage is amongst one of the basic objective of *shariah* laws. Secondly this situation will definitely raise the problems of inheritance. Thirdly from a medical point of view, this arrangement might enhance the

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<sup>7</sup> Al Quran Al Nisa 4: 128

<sup>8</sup> Bukhari *Kitab-un-Nikah*

possibility of communicable venereal diseases, which originate from a woman being sexually visited by more than one man. Islam has forbidden polyandry not for any partiality towards man, but for the good of man and woman both and for the entire human society.<sup>9</sup>

## **5. What is the exact role of guardian in a girl's marriage? Is she allowed to choose her life partner?**

Father being the natural guardian is responsible for contracting his daughter into marriage. In the absence of the father, her grand father or paternal or maternal uncles or the mother will be the guardian

The standard norm is that any proposal will come through parents, who will describe all the personal, social and economic details to their daughter. This is the stage when and where a girl's right of consent becomes conditional for the proposal to be finalized.

Her right of consent does not imply that she will herself get involved with boys and find the suitable match by hit and trial, in school, colleges, university or at job place without bothering about parent's like or dislike or will have court marriage on her own. However in situations where she does not have any guardian or her guardian is not fulfilling his responsibilities, she can decently find her mach on her own.

## **6. Does Islam permit child marriages?**

For any marriage not only puberty rather attaining of maturity is prescribed for both partners as required mode. The general prescribed requirements for a marriage to be valid are *balooqhat* (puberty and maturity), consent of both partners, and the consent of guardian for the woman. Therefore the prevalent laws in many

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<sup>9</sup> Prof Khurshid Ahmad, in the question and answer session in The International Islamic Conference, held in London (3<sup>rd</sup> to 12<sup>th</sup> April, 1976), cited in conference proceedings compilation as *Woman in Islam*, Islamic Council of Europe, 1978, p 47

states enforcing certain minimum age limit such as 18 years in Pakistan, for marriages are in accordance with Islamic teachings. Still for exceptional cases contracting a minor into marriage is allowed in Islam. Such marriage is however conditional for consummation after attaining puberty. Still, a minor be it a male or female has the option of repudiating the marriage after he or she attains puberty. Dissolution of Muslim Marriage Law prevalent in Pakistan has the provision for dissolving the marriage through court on the basis of "option of puberty".<sup>10</sup>

One of the prophet's wife Ayesha was married as a minor, with the consummation of marriage few years later after her puberty, which was an extra ordinary event having multiple reasons and dimensions. Though this incidence indicates the legal possibility of marriage as a minor, but in no way suggests or promotes child marriages. As said earlier the general teachings of Islam call for wedding both men and women after maturity or being major, which has been a standard procedure throughout Muslim history.

Incompatible child marriages customary in tribal or other areas of any Muslim society are not tolerated in Islam. The tradition of giving young girls in lieu of blood money to the rivals in marriage, known as *Wanni* or *Sawara* in few areas of Pakistan, is a tyranny strongly condemnable and punishable under *shariah* law. According to *Qasas* and *diyat* law<sup>11</sup> enforced in Pakistan, any such settlement is a punishable crime. It is further endorsed by a recent legislation enacted for women's rights by declaring fine payment and imprisonment for the parents giving their girls in lieu of dispute settlements.

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<sup>10</sup> Dissolution of Muslim Marriage Act (DMMA) 1939.

<sup>11</sup> Crimes against body in case of murder or body injuries, are part of Pakistan Penal code (PPC), in which Islamic legal rules were incorporated and enacted in 1997.

**7. Why the women are to wear *hijab* and not the men, whereas both have been ordered to guard their gazes and chastity?**

A common misconception about *Hijab* is that it is mandated only for women. *Hijab* is actually mandated for both men and women. The difference lies in how they are required to implement it. The Glorious Qur'an says:

*“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 all that they do. And say to the believing women that they should lower their gaze and guard their modesty; and 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 beauty except to their husbands or their father or the father of their husband, their sons or their husband’s sons, their brothers or their brother’s sons, or their sister’s son or their women or their male servants who lack vigor or kids who are unaware of women’s sexual organ/nakedness; and they (the believing women) should not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that you may succeed.”<sup>12</sup>*

*“O, Messenger! Advise your wives, daughters and the believing women to let down their jilabib (plural of jilbab meaning a head scarf covering the head, the neck and the bosom, also a loose garment covering the whole body) this will cause them to be distinguished from those women who do not cover their heads and thus bar the vulgar men from making trouble for them, and Allah is the merciful forgiving.”<sup>13</sup>*

Both men and women are required to dress and conduct themselves in a manner that befits their dignity and is not the cause of temptation for others. Women however are additionally

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<sup>12</sup> Al Quran An-Nur 24:30-31

<sup>13</sup> Al Quran Al-Ahzab 33:59

required not to display their ornamentation and hair as hair is considered part of a woman's physical attractiveness. Therefore, covering of hair for the woman is considered essential to modesty of her attire. It was even found in the Bible, that is why the nuns and orthodox Jewish women also cover their hair.

It is the outer dress of Muslim women which includes the head covering that is usually referred to as *Hijab*. *Hijab* is not merely a covering dress, but more importantly, it involves behavior, manners, speech and appearance in public. The headscarf is an outer manifestation of an inner commitment to worshipping Allah and it symbolizes a commitment to piety. Self or inner morality is what gives meaning to the external scarf.

#### **8. Is *hijab* a sign of subjugation and a restriction in the social activity or development of a woman?**

The modest attire of Muslim women has become so commonplace, that *Hijab*, the Arabic word used to refer to the Islamic dress code, is now commonly used in English. One of the most visible aspects of Islam, *Hijab* is often the subject of controversy as well. Some view it as a sign of the subjugation of Muslim women, while some others see it as an obstacle to the integration of Muslims in Western society. However, to Muslim women who practice *Hijab*, it represents an act of obedience to God. It also represents a step towards freedom, i.e. freedom from being judged by their looks rather than their intellect.

Islam seeks not to confine but to liberate the spirit of the woman through its various injunctions to protect her. The outward veil or *hijab* is a prime example. Although grossly misunderstood and misinterpreted as a symbol of oppression, this icon of modesty in reality is a statement of dignity for the woman. It is a stop sign for her onlookers to judge her for who she is and not what she looks like, to judge her for her mind and spirit and not her body. The woman in Islam is encouraged to develop herself to her highest potential – to gain knowledge even if she has to go to far off lands.

*Hijab* of a woman in no way restricts her from social activity, acquisition of knowledge and other activities. Throughout the Muslim history women's achievements in social sector have denied this hypothesis. In all agricultural societies women have been working side by side their men in cultivation, as well as raising livestock in their traditional *Hijab*. In today's modern world, in urban settlements, Muslim women in *Hijab* have performed with confidence and extra ordinary achievements in the field of medicine, education, research, judiciary, parliament and others.

## **9. Why do Muslim women veil (*niqab*) themselves?**

Regarding covering of face, while going out or facing strangers, two opinions are held amongst Muslim scholars. However, there is consensus amongst majority of Muslim scholars that a woman should cover her entire body and ornamentation except her face, hands and feet till ankles. The face veil however, is therefore worn by a lot of Muslim women, who either consider it a requirement, or wish to adhere to a higher level of modesty.

*Niqab* (Veil) has constantly been criticized by western media as sign of oppression and a barrier for communication. Yvonne Ridley, the convert British journalist comments on this criticism of *Niqab*:

“I used to look at veiled women as quiet, oppressed creatures and now I look at them as multi-skilled, multi-talented, resilient women whose brand of sisterhood makes Western feminism pale into insignificance. And yet in Britain we have had the former Foreign Secretary Jack Straw describing the *Niqab* - the face veil revealing only the eyes - as an unwelcome barrier. When, oh when, will men learn to keep their mouths shut over a woman's wardrobe? We also had Government Ministers Gordon Brown and John Reid express disparaging remarks about the *Niqab* - both these men come from over the Scottish Borders where men wear skirts!! Then we had a series of other parliamentarians enter the

fray describing the *Niqab* as a barrier for communication. What a load of nonsense. If this was the case can anyone explain to me why cell phones, landlines, emails, text messaging and fax machines are in daily use? Who listens to the radio? No one switches off the wireless because they cannot see the face of the presenter. The majority of sisters I know who choose to wear the *Niqab* are actually white, Western reverts who no longer want the unwelcome attention of those few leering men who will try and confront females and launch into inappropriate behavior<sup>14</sup>

#### **10. What is the Islamic approach towards segregation of both sexes?**

Segregation of both sexes is the required and advised mode as Islam has clearly set down the principle of segregation of both sexes, which will be observed in general social setup, educational and job conditions as well. There may be areas where segregation is not possible, and then the code of conduct for both the sexes has been delineated. Modesty of behavior and dress, and a strict code of morality which discourages unnecessary mixing of the two sexes are stressed at such occasions.

Sexual harassment at work places is one of the important issues of modern world, requiring particular legislation and devising codes of conduct; Islam tackles the root of the problem by separating both sexes thus avoiding the situations of such harassments.

#### **11. How can the crimes against women in Pakistani or any other society be eradicated?**

According to sociologists treatment of social problems is possible on two levels: basic or fundamental reforms; and ameliorative or symptomatic treatment. The basic level aims to remove the causes of the problem, so that its unpleasant symptoms will disappear.

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<sup>14</sup> Yvonne Ridley, on "The Agenda, press T.V., How I came to love the veil, available at <http://mybroadband.co.za/vb/showthread.php/369746-How-I-Came-to-Love-the-Veil-Yvonne-Ridley>, or at : <http://www.islamreligion.com/articles/482> at last accessed on 10.02.2012

Ameliorative treatment leaves the causes untouched but tries to relieve some of the distress which the problem carries. Unfortunately most of the social problems are treated at ameliorative level

It is therefore considered that ameliorative measures such as legislation against societal and domestic violence like honor killing, physical violence, acid throwing, killing, forced marriages etc. is not going to help much without making changes in the social institutions through education and awareness campaigns. Need of a wide spread movement for attitudinal change, however, does not negate the importance of any legislation in such matters.

## **12. Is domestic violence permissible in Islam? Does the permission of beating one's wife give men the license for misconduct against her?**

Leaving aside domestic violence, Islam condemns all kinds of violence when it commands that the life, property and honor of all human beings is sacred which cannot be transgressed by any individual. It, therefore, ordered capital punishment for crimes against body (killings or injuries), for theft, robbery, terrorism, narcotics and liquor dealings etc.

All forms of violence termed or considered domestic violence such as honor killing, acid throwing, causing burns, wife battering, child molestation or corporal punishment so as to harm them physically are heinous crimes in Islam. Such cases are to be dealt under the criminal law.

However, the psychological or emotional violence cannot be dealt in the same manner. The suggested, required or desirable behavior for all family members especially the weaker ones; women, children and servants emphasizing gentle, appreciable and kind behavior is the essence of Islamic teachings. Prophet (SAW) not only emphasized this in his teachings but presented himself as a role model, when he proclaimed;

*"The best amongst you is the one who is best for his family and I am the best amongst you in this regard."*<sup>15</sup>

Regarding the permission to beat or strike one's wife in case of disobedience, the related *Quranic* verse mentioning this permission should be understood with reference to its context. This very verse suggests multi level strategy for cases of extreme rebelliousness against family interests and honor only, as a punitive and corrective measure. It says:

*"As to those women on whose part you see nushuz (ill-conduct), admonish them (first), (next) refuse to share their beds, (and last) beat them lightly, but if they return to obedience, do not seek against them means of annoyance; verily Allah is the sublime great"*<sup>16</sup>

This permission is however, not absolute, rather it is only allowed in extreme case of rebellious attitude regarding family working relationships, or according to other opinion, in cases of extra marital relations only. This fact is elaborated by prophet Mohammad (SAW) in his last sermon on the occasion of Hajj, in the following words:

*"You have rights over you wives and they have rights over you. You have the right that they should not defile your bed and that they should not commit acts of indecency. If they do, Allah allows you to put them in separate rooms and to beat them but not with severity. If they refrain from these things, they have the right to their food and clothing with kindness. Give instructions to them kindly, for they are placed under you. You have taken them only as a trust from Allah, and you have the enjoyment of their persons by the word of Allah, so understand my words, o men, for I have told you."*<sup>17</sup>

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<sup>15</sup> Ibn-Maja

<sup>16</sup> Al Quran Al-Nisa 4:34

<sup>17</sup> Seerat Ibn Ishaq quoted by Afzular Rahman in the *Role of Muslim Woman in Society*, 1986

Prophet Mohammad (SAW) gave several rulings and detailed instructions in this regard, alongwith presenting himself as role model. He proclaimed at different occasions: “*don't beat women*”<sup>18</sup> “*Don't beat your women on their faces*”<sup>19</sup> “*Don't beat you wife as a slave as you enjoy their company*”<sup>20</sup> “*Don't beat them and don't scold them.*”<sup>21</sup> What to say more, according to Ayesha Prophet Mohammad SAW never beat any of his wives or helpers.<sup>22</sup>

Ibne-Abbas<sup>23</sup> explained this permission of beating just as the touch of a *Miswak* (light wooden stick to brush teeth) and Hasan Basari<sup>24</sup> explains it as not to leave any marks on the body.<sup>25</sup> It is also a recorded fact that Prophet SAW showed his disapproval for those who beat their wives by saying, “Such people are not good people amongst you.”<sup>26</sup>

It can be understood that the conditions for this punitive stroke, should leave no mark, should not be on face or to any sensitive area, just like touching with a *miswak* (tooth brush), explains it to be just like a teacher might do to student, or a father does to his children. A contemporary commentator of the Quran, Syed Abul A'la Maududi, commenting on these verses of the Quran explains:

“If the wife is defiant and does not obey her husband or does not guard his rights, three measures have been mentioned, but it does not mean that all the three are to be taken at one and the same time. Though these have been permitted, they are to be administered with a sense of proportion according to the nature and content of the offence.”<sup>27</sup>

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<sup>18</sup> Sahih Bukhari, kitab un Nikah Chapter 123

<sup>19</sup> Abu Dawood, kitab un Nikah

<sup>20</sup> Sahih Bukhari, Kitab un Nikah, Sunan Tirmidhi

<sup>21</sup> Abu Dawod, Kitab un Nikah

<sup>22</sup> Sunan Ibn -e- Maja, chapter 639, hadith 2054

<sup>23</sup> Very authentic jurist companion of prophet and his cousin

<sup>24</sup> Scholar of a little later time, who found the time period of prophet's companions.

<sup>25</sup> Ibn-e-Jareer

<sup>26</sup> Ibn-e-Maja, chapter 639, hadith 2055

<sup>27</sup> Syed Abul Ala Maududi, Tafheem Ul Quran

Yvonne Ridley, the convert British journalist comments on this:

“Regarding how Islam allows men to beat their wives, sorry, not true. Yes, I'm sure unaware Muslims and critics of Islam will quote random *Quranic* verses or *ahadith*<sup>28</sup> but all are usually taken out of context. If a man does raise a finger to his wife, he is not allowed to leave a mark on her body. This is another way of the Qur'an saying; "Don't beat your wife, stupid"<sup>29</sup>

### **13. Does Islam condemn working women?**

As discussed earlier Islam dignifies and brings respect to motherhood and being a wife. If a woman wants to stay at home, she can stay at home. It is a great honor to be a home maker and the first educator of one's children. Muslim women say with pride they are homemakers and housewives. But equally, Islamic teachings stress that if a woman wants to work, she can work. She can be a career woman; learn a profession, become a teacher or a politician and excel in whatever she does as a Muslim. However, with Islam choosing to remain at home and raise children takes on a new dignity and respect, similar to those sisters among us who choose to go out to work and have careers and professions

### **14. Can a woman lead prayers for women and men as well?**

There are two aspects of this question: Whether a woman can lead other women in prayers? and secondly whether a woman can lead men in prayers?

Considering the first case, yes, she can lead women in prayers, though the procedure would be a little different from routine congregational prayers. We have its example from prophet's time when Hazrat Ayesha and Hazrat Umm-e-Salma lead women in

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<sup>28</sup> Plural of *hadith*, tradition of prophet Mohammad SAW

<sup>29</sup> Yvonne Ridley, on "The Agenda, press T.V., How I came to love the veil, available at <http://mybroadband.co.za/vb/showthread.php/369746-How-I-Came-to-Love-the-Veil-Yvonne-Ridley>, last accessed on 10.02.2012

obligatory and non obligatory prayers, and he, himself, appointed Umm-e-Warqa to lead prayers for her neighboring women at her own residence.<sup>30</sup>

Regarding her *Imamat* (leading prayers) for men, there is consensus amongst scholars that it is not permissible. This fact finds its way in the Western criticism as being discriminatory to women. Demanding an end to discrimination against women at all levels regarding few legal and social aspects under Islam, in the context of worship the incidence of *Imamat* (leading of congregational prayers) by women both for men and women in the United States in 2008 appeared as part of the same chain of events.<sup>31</sup>

### **15. Why do many jurists consider woman as inappropriate for being the head of state?**

In Islam the head of state is ward of entire nation, and will be accountable for this responsibility. In many Islamic jurists' opinion considering the multi faceted responsibilities of the head of state, and the public life he is expected to lead, it is not desirable for a woman to handle this position. Jurist's opinion is also based upon the following i: "*A nation can not succeed, who leaves the helm of affairs to the women only*"<sup>32</sup>

Dr. Anis Ahmad, a renowned Muslim scholar, in *Women and Social Justice, An Islamic Paradigm*, elaborates on this aspect:

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<sup>30</sup> Abdul Haye Abro, *A'uratoon ki Ba Jama't Namaz*, Almi Tarjuman\_ul\_Quran, Feb. 2012, p. 56, reported on the authority of Sunnan Abi Dawod, Mustadrik Hakim, Behiqi, Dar Qutni. Musannif Abdur Razaq, Musannif Ibn Abi Shaiba, and Al Aasar of Imam Mohammad.

<sup>31</sup> Amna Wadood, one of the American Islamic feminist scholar, lead a congregational prayer for men and women in Muslim Education Centre of Oxford, in Banbury Road. About 20 men and women joined Prof Amina Wadud's as she delivered an hour long khuthba — sermon — about the importance of salat — prayers — then led the gathering in prayer. The meeting marked the start of a two-day conference at Wolfson College on Islam and feminism, available at [http://www.oxfordmail.co.uk/news/3769513.Women\\_protest\\_over\\_prayers/](http://www.oxfordmail.co.uk/news/3769513.Women_protest_over_prayers/). last accessed on 04.02.2012

<sup>32</sup> Sahih Bukhari

“Islamic political system is an externalization of the basic Islamic values as contained in the *Shariah*. Every political activity must conform with these general guidelines. Islamic society is essentially an ethical society and not based on discrimination, though in worship (*ibadat*) and in all normal activities, it maintains an atmosphere of distance and respect between the sexes. It appears that Islam, while concerned with human rights and equal opportunity, does not want to see social scene riven with conflictual roles. In exceptional situations, it may allow the hypothetical possibility of female leadership in political, economic and other matters. At the same time in the greater interest of the social system, it does not encourage women’s induction at the top slot as head of the state. This should not be confused with political opinion making, in which Islam wants them to be a responsible player. Controversial as the issue is, it calls for a dispassionate treatment.”<sup>33</sup>

Considering this, as exceptional cases, in Islamic history we observe women being head of the states without any serious condemnations against them.

## **Conclusion**

It can therefore be concluded that certain doubts or misunderstanding about women’s status or rights in Islam are basically result of lack of knowledge about Islamic philosophy of life, which considers both men and women equal as human beings. It also recognizes empirical differences between both genders but never uses these differences as measuring stick for their success. Rejecting all type of discrimination against women as injustice, Islam recognizes equality of genders in certain crucial areas yet it differentiates between the roles men and women are expected to play.

## About IMWU

The International Muslim Women Union (IMWU) is an international non-governmental organization in consultative status with the Economic and Social Council (ECOSOC) of the United Nations. IMWU was formed in Khurtoum, Sudan, in 1996.

This is meant to be a platform for Muslim women through which they can express their vision and aspirations. A vision for sounder world order where poverty is eradicated, conflicts are resolved, peace justice and equity prevails.

### Objectives

1. Directing and guiding Muslim women and through them all the women of the world to work together to achieve progress in all aspects of life , inspired by Islamic values and teachings .
2. Disseminating awareness of Islamic values and principles among Muslim women , and guiding them to develop an Islamic identity.
3. Assisting women to overcome injustices and emancipating them from degrading and other practices incompatible with Islamic values and human dignity.
4. Strengthening the bonds of co-operation, benevolence and compassion among women worldwide.
5. Educating Muslim women in the vein of women empowerment to achieve their rights and assume their Islamic role in the society.
6. Striving for the dominance of justice, equality, upright conduct and rejection of all forms -of discrimination and promotion of cultural and religious dialogues between different cultures, religions and ideologies.
7. Providing as effective and active forum for women for expressing Muslim view –point in all issues of concern.



**International Muslim Women Union (IMWU)**

NGO in consultative status with the Economic and Social Council of the UN

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