

## The Status of Women in Islam: A Critical Examination

KAMARUDIN HAJI SALLEH

### ABSTRAK

*Artikel ini berhasrat memaparkan satu pemeriksaan kritikal ke atas kedudukan atau status wanita dalam Islam sebagaimana yang diperjelaskan oleh Syariah. Bagi memperoleh gambaran selengkapnya tentang status tersebut, perbincangan dimulai dengan latar belakang kedudukan wanita dalam lipatan sejarah tamadun-tamadun dan agama-agama manusia. Kemudian menjurus kepada status mereka sama ada menyentuh aspek rohani dan peribadatan, sosial, ekonomi dan politik yang memperlihatkan martabat wanita lebih rendah dari yang sepatutnya ia nikmati dalam Syariah.*

### ABSTRACT

*This article intend to disclose a critical examination on the status of women in Islam (Shari'ah). To get a comprehensive perspectives, the presentation begins to view women's status in other religions and civilizations throughout the human history. Then, the article focusing on the Islamic welstanchauung relating to some aspects of women positions such as spiritual and ritual, social, economic or business and political. The current development seems to show that what women enjoy nowadays is quite restrictive compares to real status that they should have in Shari'ah.*

### INTRODUCTION

The status of women in society is neither a new subject nor is it a fully settled one. The position of women under Islam has also been the subject of repeated controversy among educated Muslims (including Western scholars and researchers) ever since they came under the impact of Western civilization. It is still a live issue capable of generating much heat and passion.

This paper is intended to provide a brief and authentic exposition of what Islam stands for, in this regard. I attempt to analyze the position of women as objectively as possible within and according Islamic broad principles and teachings. The teachings of Islam are based essentially on the Qur'an and the Hadith. I believe that, the Qur'an and the Hadith properly and unbiasedly understood, provide the basic source of authentication for a fair role for women which is part of Islam.

To begin with the presentation, it would be useful to have a brief understanding of other religions and civilizations attitude concerning women's importance and significance throughout the history of humankind. This comparison will enable us to form a relatively clear and intelligible picture of the Islamic principles. Furthermore, I suggest that, one must grasp this controversial subject in the light of the historical situations and developments which predominated when Islam was born. The second part of this paper will focus on the Islamic *welstanchauung* relating to some aspects of women status, for instance spiritual and ritual, social, political and economic.

### HISTORICAL BACKGROUND

Hinduism, as it is commonly accepted, possesses superiority of being one of the oldest among the existing religions and ethical systems. The study of Hindu religious books reveal the fact that women were accorded an extremely low position. Their role in society has been insignificant and their status deplorable. Describing the status of the Hindu women, *The Encyclopedia Britannica* states:

In India, subjection was a cardinal principle. "Day and night must women be held by their protectors in a state of a dependence", says Manu (the greatest law giver of ancient India). The rule of inheritance was agnatic i.e. descent traced through males to the exclusion of females (1911 vol. 28:782).

Manu added:

In childhood must be a female be dependent on her father, in youth on her husband, her lord being dead on her son: a woman must never seek independence. By a girl or by a young woman advanced in years nothing must done, even in her dwelling-place (Parveen Shaukat 1975:13).

Buddhism, the second religion in our scheme of analysis claims that *nirvana* (salvation), as the highest goal of human life cannot be attained in the company of a woman. In other word, Buddhism forbids conjugal life and preaches celibacy. The Buddhist monks were to renounce marriage as inconsistent with their religion. G.T. Bettany in his book *The World's Religion* has recorded a conversation of Buddha with one of his disciples about women in the following words:

At early period, when Buddha was asked by Ananda how the brethren should behave towards woman, he answers, don't look at them and when further pressed if we should see them, what are we to do, he replies, don't speak to them, if they should speaks to us, what are we to do, keep wide awake is the master's advice (1890:664).

Generally, the position of women in Judaism was markedly better than it was in Hinduism and Buddhism and in Greek or Roman civilization. Women was described in the Bible story of the creation of the first human couple, Adam and

Eve, as a “helpmeet opposite” man and we found also in the very first chapter of Genesis: “and God created Adam (humankind) in His Image... male and female He created them (Gen. 1.27), there it is – man and women, created equal to each other, in the image of God” But the Mosaic Law, the women had little position legally (Gen. 31.14-15, Num. 27:1-8), the power of divorce was a privilege of the husband only (Deut. 24:1), the vow of a woman might be disallowed by her father or husband (Num. 30:3), and the daughter could inherit only in the absence of sons, and then they must marry in their tribe (Num. 27). From other aspects, her role in public religion for instance *Synagogue* worship, the office of Rabbi, and Torah study is insignificant, when the male is essentially preserve. Woman’s role is primarily as a wife and mother, who is not bound to keep all the commandments as the male is (Hinnells 1984:353).

Traditional attitudes towards women in Christian society are derived largely from the early Christian teachings of the Church Fathers. It was the Apostle Paul who expressed the earliest authoritative opinion of Christianity in regard to the status of women. Women he thought inferior. They must, he said, keep silence in the churches and “adorn themselves in modest apparel, with shamefacedness and sobriety” Women were all tainted with the sin of Eve which she was attributed as a cause to the fall of Adam and therefore needed discipline (Ferm 1976:829).

In addition, the examination of the first urban center of the Middle East, the Mesopotamia civilization, the status of women described as follows:

The patriarchal family, designed to guarantee the paternity of property – heirs and vesting in men the control of female sexuality, became institutionalized, codified and upheld by the state. Women’s sexuality was designated the property of men, first of the women’s father, then her husband and female sexual purity (virginity in particular) became negotiable, economically valuable property (Ahmed 1992:12).

The growth of complex urban societies and the increasing importance of military competitiveness put the women under male domination with strong reason: to keep them safe at home. In ancient Greek world, according to *Baker’s Dictionary of Theology*, “Women were considered inferior to men, wives led lives of seclusion and practical slavery” (Harrison 1966:556). Relating to her characters and virtues, Aristotle added: “women’s virtues are in obeying, being less complete, less courageous, weaker, more impulsive than men” (The Encyclopaedia Britannica 1973:627). To summarize her role in society, Sarah Pameroy describes the free women in Greek and Athen in the Classical Period (500-323 B. C.) as follows:

... were usually secluded so that they could not be seen by man who were not close relatives... men and women led separate lives, men spending most of their days in public areas such as market place and the gymnasium, while “respectable” women stayed at home. Women were expected to confine themselves to their quarters and to manage the household, care for small children and servants and supervise the weaving and cooking (1975:81).

The quotation above clearly express the practice of segregating male and female functions and the unacceptability of women being seen in the public is generally accepted as inferiority of female in the domains of male community. Athenian women always took a minor role, under a male- the father, the brother or some other male kin. Moreover, in *The Encyclopaedia Britannia*, we find a summary description of legal status of women in the Roman civilization:

In Roman Law a women was even in historic times completely dependent. If married she and her property passed into the power of her husband... the wife was the purchased property of her husband, and like a slave acquired only for his benefit. A women could not exercise any civil or public office... could not be witness, surety, tutor or curator! She could not adopt or be adopted or make a will or contract (1911 vol. 28:782).

And finally, I will sketch the status of women in Arab Peninsula before Islam. The condition of women, during the Ignorant Era (*al-Jahiliyya*) was in no way better or more elevated. The patriarchal form of social structure made women also a part of man's property. She was under perpetual bondage and was considered to be an instrument for the satisfaction of man's carnal desires, infanticide, unlimited polygamy and exploitation over women were common practices. Bosworth Smith depicting the social life of pre-Islamic Arabia has recorded:

A women had no rights, she could not inherit property, her person formed a part of the inheritance which came to the heir after her husband and he was entitled to marry her against her will. Hence sprang up the impious of sons with their stepmother and others of an ever worse character, which Muhammad so peremptorily forbade. Polygamy was universal and quite unrestricted, equally so divorce, at least as far as the man was concerned (1876:342).

Generally, I could summarize that the position of women in these early religions and civilizations are in no way better than Islam offers. Even in the Modern days of Europe, women still been a subject of abuse and sexual harrasment.

#### WOMEN IN ISLAM

In Islam there is absolutely no difference between men and women as far as their relationship to Allah is concerned, as both are promised the same reward for good conduct and the same punishment for evil conduct. The Qur'an says: "And for women are rights over men similar to those of men over women" (al-Baqarah 2:226). The Qur'an is also promulgated the doctrine of human equality, including sexual, in comprehensive verses which negate all inequalities due to sex, race, colour, nationality, caste, or tribe. The Qur'an says:

O man kind! Reverence your guardian-Lord, who created you from a single person, created, of like nature, His mate of the same (kind), and from them twain scattered (like seeds) countless men and women (al-Nisa' 4:1).

This is declaration in plain that in essential human dignity and fundamental rights, all human beings of whatever sex or race or nationality stood on a footing of equality because they all ultimately sprung from a single source. I am firmly of the opinion that the Qur'an grants equality of status to women like men except in a few limited spheres wherein women may be weaker due to biological factors, whereas in some other respects, she has superiority over man. In Islam, the superiority comes out of virtues and not out of race, sex or progeny. The Hadith of the Prophet Muhammad s.a.w. strongly support this idea by saying:

All people are equal, as equal as teeth of a comb: there is no claim of merit of an Arab over a non-Arab, or of a white over a black person, or of a male over a female. Only God fearing people merit a preference with God (Ibn Hanbal 1978:411).

The statement from the book, *Women in the Muslim World* explains further the Qur'anic principles towards women:

... the general morals norms it lays down the rules with regard to the position of women are undoubtedly of equal or even greater importance than its specific legal rules. Thus, the injunctions that wives should be treated fairly and equitably, that divorce should take place only with due consideration, and that in general women's rights should be respected, abound (Keddie & Beck 1978:37-38).

However, in practice, the Islamic ideal remain blurred, half understood and out of reach regarding to the status of women. Despite the unsatisfactory condition of the women in Muslim countries, I feel a deep concern about women absence from the most arenas of the community's central affairs in the Muslim world today. In brief, I will try to highlight that the women's seclusion and her exclusion from the social affairs was not due to Islam and completely contradicts with overall Qur'anic *welstanchauung*, which I will discuss later. Instead it is a product of secular custom and tradition which prevailed in nations conquered by Islam and has not disappeared with Islamic teaching. Qasim Amin (among the well-known pioneers of the women's liberation in Egypt) affirms that, those secular traditions were reinforced by reactionary secular political regimes throughout the Muslim's history (Mernissi 1975:12). Significantly as far as lifestyle were concerned, many muslims had adopted the extravagant ways of the Byzantine and Persian kings. As Philip K. Hitti described:

That gradually the empire developed into the empire of the conquered. The large harems, made possible by countless numbers of eunuchs; the girl and boy slaves, who contributed most of the degradation of womanhood; the unlimited concubines and numberless half-brothers and sisters in the imperial household with their unavoidable jealousies and intrigues; the luxurious scale of high living with the emphasis on wine and song – all these and other similar forces sapped the vitality of family life and inevitably produced the persistently feeble heirs to the throne (1970:485).

Islamic history clearly shows that, a few decades after the prophet's death in 632, the Arabian Muslim conquered much of the Middle East. In the con-

quered territories which included much of the Byzantine and all of the Sasanid Empires, women, particularly in urban areas, played a role that was more restricted to household activities and childbearing. As ever increasing of the population of the conquered areas embraced Islam, the status that women enjoyed in the beginning Islam began to be undermined.

Not surprisingly the way of conquered population, who vastly outnumbered the early Muslim Arabian origin prevailed. Although many of those living in the region outside of Arabia had converted to Islam, the coming of the pastoral Arab did not change the socio-economic in the conquered territories. These remained urban and agrarian: consequently the attitudes and the value system those conditions had generated remained equally unchanged. Women continued to be viewed as inferior to men, descent through the father continued to be emphasized, effort was made to minimize contact between male strangers and women, and women's activities were relegated to tasks of the household and the raising of children (Walther 1993:8).

Following the same traditions or influence by the current environment, many of the theologians and jurists who were interpreting and developing the religious law were themselves of non-Arab stock: in their debate over the proper mode of behaviour for Muslim women, they insured that the discussions of the Qur'anic references to women would be interpreted in a manner that reflected the older cultural values systems. This explains why in many cases the Qur'anic statements and injunctions regarding women are less restrictive than eventual position that appeared in the Shari'ah (Islamic law). In Qasim's argument, Islam became the most liberating of religion towards women:

Muslim law, before any other legal system, legalized women's equality with men and asserted their freedom and liberty at the times when women still in the most debased condition in all the nation of the world. Islam granted her all human rights and recognized her legal capacity, equal to that of men in all matters... (Mernissi 1975:12).

The basic pattern of male domination, sexual double standard, segregation and so on, existed in the Middle East and in other parts of the world long before Islam appeared. Even veiling is not original to Islam: the earliest iconographic depiction of it dates from Palmyra in the first century and it was practiced in Byzantine Empire and adjacent areas before Islam. It was said that the caliphs and their royal families (Muslim) adopted the lifestyle of the Byzantine kings and emperors. They lived a luxurious life, build big castles, enjoying good food, and keeping as many slave girls as possible. They were little concerned about the welfare of the people. All these practices gradually become established in Muslim society especially among the elite (Faisal 1993:85-86). To make the presentation clear, some aspects concerning the status of women in society such as spiritual and ritual, social, economic and politic will be examined.

## THE SPIRITUAL AND RITUAL ASPECTS

The Qur'an provide clear cut evidence that women are completely equal with men in the sight of God in terms of individual rights and responsibilities. Then, the women spiritually and intellectually equals of men. The Qur'an states: "Every soul will be (held) in pledge for its deeds" (al-Muddathir 74:38). This means that men and women are addressed in the same breath as equally responsible agents, required to observe the law, religious ritual, promised good rewards for compliance and warned of punishment on disobedience. The Qur'an treats the individual whether male or female, in exactly the same manner because whatever the Qur'an says about the relationship between God and the individual is not in gender terms but with regard to personal practices and submission. With reference to the individual, the Qur'an most often uses terms *nafs* (self). On earth, the individual is given responsibilities and capabilities. Both determine the recompense of the individual in the Hereafter. With regard to spirituality, there are no rights of women distinct from right of men (Amina 1992:34). There are no limits also to the moral progress of a woman as that of a man, for example, the Holy Qur'an says: Men shall have the benefit of what they achieve and acquire and women shall have the benefit of what that which they similarly achieve and acquire (an-Nisa' 4:32). And again: "And whoever does good deed, whether male or female, and he or she is a believer these shall enter the Garden and they shall not be dealt with a jot unjustly" (an-Nisa' 4:124).

In regard to religious duties, the Qur'an recognizes no distinction between men and women. The obligations towards God and other people are the same in most respects, and therefore, their position and status in the eyes of God are also similar. As John L. Esposito mentions: "On the ethico-religious level, the position of men and women are an equal standing, both as their religious obligations towards God and their peers as well as the consequent reward or punishment" (1980:107). Women pray, fast, give *zakat*, go on *Hajj*, and are as responsible as men for fulfilling the religious duties of Islam, apart from taking part in public prayers in mosques such as Friday and two *'Id* prayers (Chris Waddy 1980:30). The Prophet said: "Do not prevent your women from going to the mosque of Allah" (Muhammad Fu'ad 'Abd al-Baqi n.d., 34). It must be pointed out that, the Friday congregational prayer is an obligation upon every free, adult, sane, resident Muslim who has the ability to attend the prayer and does not have a valid excuse to miss it. This ritual, however is not prescribed to women and children, but Islam permit them to attend the prayer as well. This is happen during the Prophet Muhammad's s.a.w. time when some women came to the Friday prayer.

Concerning two *'Id* prayer (Festival of Breaking the Fast and Festival of Sacrifice), Shari'ah requires women and children to go out and attend both of them. Ibn Abbas says that, "the prophet would take his wives and daughters to the two *'Ids*. Ummu 'Athiyah reports: "We were ordered to go out with the single

and menstruating women to the two *‘Ids* in order to witness the good and supplications of the Muslim” (Sayyid 1989:148). In Modern times, according to Muhammad A. Rauf, legislation assuring the right of leave of absence for a confined women, and even for her husband if there is need, will be congruent with the spirit of the law of Islam (1977:34).

## THE SOCIAL ASPECT

### CHILDHOOD

Despite the social acceptance of female infanticide among the some Arabian tribes, the Qur’an forbade this custom, and considered it a crime like any other murder. The Holy Qur’an states: “And when the female (infant) buried alive: it is questioned, for what crime she was killed” (at-Takwīr 81:8-9). Explaining this attitudes of such parents who reject their female children, the Qur’an further explains:

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 on her (sufferance and) contempt, or bury her in the dust? Ah! what an evil (choice) they decide on? (al-Nahl 16:58-59).

Far from saving the girl’s life so that she may later suffer injustice and inequality, Islam requires kind and just treatment for her and prophet Muhammad constantly reminded his followers that female children should treated exactly in the same manner as male issues. For example, according to Abdullah Ibn Mas’ud, the prophet is reported to have said: “If a daughter is born to a person and he brings her up, give her a good education and trains her in the arts of life. I shall myself stand between him and hell-fire” (Ahmad Ibn Hanbal 1978 4:205). And again: “Whoever had a daughter and he does not bury her alive, does not insult her, and does not favour his son over her, God will enter him into Paradise” (Ahmad Ibn Hanbal 1978 4:200).

It is important to note that, the Qur’anic social reforms in particular related to the unjust practice at that time. In this respect, most of the reforms were for the benefit of the female. No equivalent reforms benefiting the male were instituted because the existing norm greatly provided for male needs and wants. Furthermore, in bringing up children, parents were responsible for giving them a good education. The right of a female to seek knowledge is not different from that of a male. The prophet Muhammad s.a.w. said: “Seeking knowledge is an ordinance obligatory on every Muslim (Sunan Ibn Majah, al-Muqaddimah 17, *bab fadl al-‘ulama wa talab al-‘ilm*, 1:810). The word Muslim here is general, includes both males and females. I strongly believe, the equal educational opportunities are important to ensure the ability of females to participate in public affairs and



activities and to raise their voices to speak out against economic, social and political discrimination against women.

#### THE INSTITUTION OF MARRIAGE

Islam regards marriage as most sacred institution and made it incumbent on every Muslim man and women, unless prevented by valid physical disability or economic incapacity, to lead a married life. According to Islamic law, women cannot be forced to marry anyone without their consent. Ibn Abbas reported that a girl came to the prophet Muhammad, and she reported that her father had forced her to marry without her consent. The prophet gave her the choice... (between accepting the marriage or invalidating it) (Sunan Abi Daud, *kitab al-nikah, bab fi al-bikr yuzawijuha...*, 2:232). In another version of Hadith, the girl said: "Actually I accept this marriage but I wanted to let women know that the parents have no right (to force a husband on them)" (Ahmad Ibn Hanbal 1978 5: 2469).

Besides all other provisions for her protection at the time of marriage, it was specifically decreed that women had full right to her "mahr" (a marriage gift or dowry). As the Qur'an says "and give them their stipulated price" (an-Nisa' 4:28) which presented to her by her husband and is included in the nuptial contract, and that such ownership does not transfer to her father or husband. The Hadith stresses the importance of marriage as a way to avoid the promiscuity. It is necessary for you to marry because marriage is the most powerful shield against the allurements of sight and acts as protection of our private parts: If one of you cannot afford it, let him fast because fasting weakening the sexual impulse (Imam Muslim, *kitab al-nikah, bab an-nahyu 'an al-ma'siah*).

Among the most impressive verses in the Qur'an about marriage is the following: And among His signs is this: That he created mates for you from yourselves that you may find rest, peace of mind in them, and he ordained between you love and mercy. Lo, herein indeed are signs for people who reflect (ar-Rum 30:21). Islam lays great emphasis of marriage as a means of providing companionship and measure of fulfilling certain other fundamental needs beside perpetuating human life. Rather, Islam stresses the need to extend the functional relationship towards collective good at large. Sayyed Qutb says: The man and the women are both from Allah's creation and Allah... never intends to oppress anyone from his creation" (Sayyed 1980:650). The husband and wife relationship is thus a reciprocal complementary pattern in which the spouses are equal in dignity and in due respect while their roles and mutual obligations are not necessarily completely identical.

The natural differences between the sexes implies no superiority and advantage before the law. And the man's of leadership in relation to his family does not mean the husband's full control and dictatorship over his wife. Islam emphasizes the importance of taking counsel and for mutual agreement in family deci-

sion. The Qur'an for example says: "... if they (husband and wife) decide to wean the child by mutual consent and (after) consultation, there is no blame of them" (al-Baqarah 2:233). Over and above her basic rights as a wife comes the right which is emphasized by the Qur'an and strongly recommended by the prophet Muhammad; kind treatment and companionship. The Qur'an, states: "... but consort with them in kindness, for if you hate them it may happen that you hate a thing wherein God has place much good" (an-Nisa' 4:19).

The Hadith adds: The best of you is the best to his family and I am the best among you to my family. The most perfect believers are the best in conduct and best of you those who are best to their wives (Robson 1975:691).

As the women's right to decide about her marriage is recognized, so also is her right to seek an end for unsuccessful marriage. To provide for the stability of the family, however, and in order to protect it from hasty decisions under temporary emotional stress, certain steps and waiting period should be observed by men and women seeking divorce. Considering the critical situation at that time, both of them are advise to come to the Qadi (Shariah judge). In our country, Malaysia, for example, both the husband and wife who find difficulty in the marriage must come before the court to express their complaints. The court then, acts as, or assigns, an arbiter for counseling (Amina 1992:79). The Qur'anic wisdom aims a harmonious reconciliation... it is no sin for the two of them if they make terms of peace between themselves (peace is better then divorce) (al-Baqarah 2:128). Either take them back on equitable terms, do not take them back to mure them, or to take unfair advantage (al-Baqarah 2:231). What is important is mutual and peaceable reconciliation or separation. The Qur'an applies explicit measures to prevent abandonment and misuse of women and move towards the restoration of women's dignity and rights.

Moreover, the Qur'an and the Hadith have a special recommendation for the good treatment of mothers and consider kindness to parents next to worship of God. Your Lord has decreed that you worship me non save Him, and that you be kind to your parents (al-Isra' 17:23). On the authority of Abu Hurairah who said: A man asked the messenger of Allah who amongst his near ones had the greatest right over him. The prophet replied, your mother" He asked, the who is next? The prophet replied: your mother" He again asked, then who is next? The prophet replied: your mother" He asked: Then who is next? The prophet replied: your father" (al-Bukhari, *kitab al-adab, bab man ahaq al-nas bi husni al-sahbati*). A famous saying of the prophet is Paradise is at the feet of mothers" (al-Suyuti, n.d., 1:536).

#### THE ECONOMIC ASPECT

In the socio-economic sphere, scholars of Islam agree that a major concern of Islam was the betterment of women's position by establishing her legal capacity, granting her economic right (dowry, inheritance, money, real estate and so son)

and thus raising her social status. The right undergoes no change whether she is single or married. From the Qur'anic verses, I can derive a few important points:

1. the right to own money and property;
2. the right to earn money and property and to keep or sell property with perfect freedom;
3. the right to manage her own money and property; in brief, she retains her full rights to buy, sell, mortgage or lease any or all of her properties.

However some also cited Qur'anic verses whose traditional interpretations support what today would be an inequitable position for women, perhaps the most commonly cited verses is Qur'an (an-Nisa' 4:34), which some interpret as indicating men's priority over women. Men are in charge of women, because Allah hath made one to excel over the other, and because they spend their property (for the support of women). Actually, the priority attributed to men over women is best understood as originating from the greater responsibility as protectors and maintainers within the socio-economic context of Arabian society during the prophet's times (Esposito 1982:107). But when the social situation of women changes, as it has for an increasing number of women in the twentieth century, they will be no longer necessarily dependent upon their husbands for maintenance and protection. Consequently, the general concept of priority of husband over wife in the socio economic sphere is subject to modification or alteration. The Qur'anic principle also is in favour of recognizing a woman's right to work and earn money, as a result the customs of certain societies which tend to prohibit women from participating in the socio-economic activities, cannot be taken into consideration as the standard criterion for establishing specific rules for the ummah.

Furthermore, there is no decree in Islam which forbids women from seeking employment, whenever there is a necessarily for it, especially in positions which suitable with her capability and which society needs her most. The prophet said: The most blessing earning is that which a person gains from his own labour (Muhammad Fu'ad al-Baqi n.d., 30-31). From my point of view, it would be unfair to impose the limitation on women from exercising their special abilities and talents which benefit society. However, to bear in mind, Islam wants to make sure everything is under control and the women (men) who are working must avoid themselves from unmoral activities or forbidden in Islamic teaching. Muhammad A. Rauf claims: We see no objection against a women engaged in an external job as long as her dignity is respected and she is not unduly exposed (1971:87).

In addition, Islam restored to women the right of inheritance, after she herself was an object of inheritance in some cultures. Her share is completely her own and no one can make any claim on it, including her father and her husband. The Qur'an explains: Unto men (of the family) belongs a share of that which

parents and near kindred leave, and unto women a share of that which parents and near kindred leave, whether it be a little or much – a determine share (an-Nisa' 4:7).

In Islamic marriage, there is no joint ownership of property that women own before marriage. The wife can therefore freely dispose of her own property and in this respect is substantially more favourable position than European women have enjoyed for centuries. The traditions of later periods, it is sure, give the higher possible authority not only over the wife possession's, but also over her sexual behaviour towards him, over her decision to fulfill her religious duties and even over her merely leaving the house. They thus contradict the Shari'ah. Doubtless this reflects the customs of later centuries.

#### THE POLITICAL ASPECT

Any fair investigation of teaching of Islam or into history of the Islamic civilization will surely find a clear evidence of women equality with men in what we call today political rights. During the time of prophet, muslim women basically enjoyed most of the political and social rights as prescribed by the Qur'an and prophet's practices, for example they attended the gatherings at Dar al-Arqam, the participation in the pledge of allegiance (bay'ah) and complaining or asking the prophet when problems arise.

Jamaluddin al-Afghani (1838-1897) advocated: There is no justification either in the Qur'an or tradition of the prophet and even in early Islam to shut out women from politics or affairs of state (Rafiq 1990:103). However, participation in politics, from the Islamic perspective, does not necessarily mean that the participants should compete for the office of leadership of the ummah, because leadership is not the goal of human life. But at the same time, it not also true to deny *in toto*, women's rights in politic and leadership, especially to the posts that suitable and eligible to her.

Al-Afghani analyses the backwardness of women's representation and participation in politics because the rulers were men who kept them under subjugation. The women have a right to vote as well as to be nominated in political offices. It includes women's right to participate in public affairs. Both in the Qur'an and Islamic history, we find examples of women who participated in serious discussions and who argued even with the prophet himself. We can take as an example the event of Aishah (the prophet's wife) leading armies to challenge the legitimization of Ali as a caliph in the controversial Battle of Camel – the first war in which Muslims shed Muslims blood. The second example is the caliph Umar who appointed a women to one of the key posts in his administration, she was al-Shifa' bint 'Abd Allah Ibn 'Abd Sham al-Quraishiyah who controlled the markets in Medina (Shaykhah Suq al-Madinah) (Fatima 1991.1). She could be considered, therefore, as the first official women civil servant in the Islamic state.

Although not mentioned in the Qur'an, one Hadith of the prophet is interpreted to make women ineligible for the position of head of state: Those who entrust their affairs to women will never know prosperity. In another version: A people will not prosper if they let a woman be their leader (al-Bukhari, *kitab al-maghazi, bab kitab al-nabiyy ila kisra wa qaisar*, 8:104). The prophet saying the Hadith after he heard that the Kisra of Persia is appointed one of his daughters to become the head of state after his death. Based on this hadith, most of the classical ulama tend to deny women's political rights whatsoever. They concluded that since a woman could not be chosen as the leader of the state, then by implication they have no political rights.

However, if we analyse the Islamic point of view about women occupying positions like ministership, judgeship, leadership in jihad, leadership in resolving public complaints and the police force, the jurists differ in their opinions. Some jurists feel that, if need arises, women should be given these positions. But all of them agree that the woman should not be appointed to the position of *Khalif*. Since the *khalifate* no longer exists in the Muslim world, this principle also applies to a woman's appointment as the Head of State (Abdur Rahman 1990:136). This view is in parallel with Ibn Hazm and Ibn Rushd who have refuted the charge of some ulama who denied women's political and social rights, by arguing that particular hadith specified only the post of the head of state, and that was primarily concerned about the security of the community (Faisal 1993:65). Wahid al-Din Khan (1994:186) explains that the Hadith is in parallel with the current discovering of knowledge about the unsuitable woman to the top position of state because the man who holds the task needs an extra power above other in all aspects.

Moreover, Syeikh Mustafa al-Siba'e (1986:33) in his book *al-Mar'ah baina al-Fiqh wa al-Qanun* agrees that the woman should not be elected to hold the highest post in state, because of the nature of work to protect the ummah and in certain cases, led the people in the battlefield (during classical times). While other lower positions and jobs, general consensus of fuqaha' (Muslim jurists) seem to permit the women which eligible to hold the post such as gabenors, assemblymen, trustees and so on. His opinion based on the analogy (qiyas) that the woman would take a will (wassiyah) from the guardian of children and disable person. In principle Syeikh al-Siba'e constantly believes that there is no restriction for Muslim women to cast a vote and to be nominated or elected in political offices. But in the case of right to vote, he applies certain requirements to fulfill such as there is no mixing between sexes, men and women and the security of them during the process of nomination and voting. Syeikh Siba'e also continually stresses the point that no clear cut *nusus* of disallowing electing women as an assemblymen and ministers. However, taking into considerations the *maslahah* of society, is used by him to stop women from using their rights for example taking care of their household, protect free mixing of sexes, *awrah* and traveling across countries without *mahram*. By applying the same

conditions, finally put the women is not eligible to become a minister, leadership in the battlefield, judicial positions and positions in the complaints commission and the police force (Abdur Rahman 1990:136). Dr. Abd. Karim Zaidan (1997:4:333) in his book *al-Mufasssal fi Ahkam al-Mar'ah wa al-Bayt al-Muslimah fi al-Shari'ah al-Islamiyyah* also supports the above argument and at another place tend to be more restrictive when he does not permit women from been elected as a member of majlis al-syura.

From the modernists point of view such statements is not parallel with the "spirit" (values and objectives) Al-Qur'an and al-Hadith. Modernists have long opposed the notion that women's segregation is a necessary aspect of moral Muslim society. Starting with Muhammad Abduh's call for the restoration of dignity to the Muslim women by way of educational and some legal reforms, the modernist blueprint of women's Islamic rights eventually also included the right to work, vote, and stand for election- that is, full participation in public life (B.R. Stowasser 1994:132). Modernist supporters argue, while some tradisionalists and fundamentalists saying that they do not shut the door for women from taking part in politics or public affairs, principally, but in fact by putting strict conditions and regulations which necessary to fulfill before women are eligible to perform their rights, intrinsically prevent them from political affairs. As a comparison, the same method is used in case of exercising ijtihad, ulama generally agree that the door of ijtihad always open, but by applying the strict criterias before the muslim qualify to become mujtahid, in reality seem to deny the right of ijtihad itself.

In view of this fact I prefer to look back through the history where many of the women in the past had actively taken part in the various battles while the prophet fought in defense of his mission: some of them participated in the discussion of the Shura (meeting) or the consultative council. Moreover many incidents happened during the time of Umar, the second caliph, which fully indicates women involvement in the social and political life of the ummah, contrary to the opinion and attitude to confine woman in home.

## CONCLUSION

To sum up briefly, this paper analyzed the status of women in Islamic emphasizing the original and authentic of Islam teaching. This represents the standard of general viewpoint and which and of which adherence of Muslims can be judged. It is also a fact that during the downward cycle of Islamic civilization, such teachings were not strictly adhered to by many people who professed to be Muslims. Accordingly, what happened in the Muslims countries in terms of women subjugation and segregation does not exactly reflect the overall Qur'anic *weltanschauung* and I quote the statement from Maxime Rodinson, rightly in my view, and relevant for explaining the problem above: the social backward-

ness of Muslim world may be attributed to any number of other factors, but not to the Islamic religion.

Finally, to conclude all the presentation precisely, I put the Qur'anic declaration about the status of men and women as follows in Surah al-Ahzab 33.35:

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 give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward.

#### REFERENCES

- Abdur Rahman I. 1989 *Women in Shariah (Islamic Law)*. London: Ta Ha Publisher's Ltd.
- Abu Dawud, Sulaiman Ibn al-'Ash'ath. n.d. *Sunan Abi Dawud*. Tahqiq Muhammad Muhy al-Din 'Ab al-Hamid. n.p.. Dar al-Fikr.
- Ahmad Ibn Hanbal bin Muhammad. 1978. *Musnad al-Imam Ahmad Hanbal*. 11 vol. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Ahmed, Leila. 1992. *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven: Yale University Pub.
- Ali, Abdullah Yusuf. n.d. *The Holy Qur'an: Translation and Commentary*. U.K.. Islamic Propagation Center International.
- Ali, Parveen Shaukat. 1975. *Status of Women in the Muslim World: A Study in Feminist Movements in Turkey, Egypt, Iran and Pakistan*. Lahore: Aziz Publisher.
- Amina Wadud Muhsin. 1992. *Qur'an and Women*. Kuala Lumpur: Fajar Bakti.
- Andek Masnah Andek Kelawa. 1999 *Kepimpinan Wanita dalam Islam: Kedudukannya dalam Syariah*. Bangi. Penerbit Universiti Kebangsaan Malaysia.
- al-'Asqalani, Ibn Hajar. 1959 *Fath al-Bari bi Sharh Sahih al-Bukhari*. 17 vol. Beirut: Mustafa al-Babi al-Halabi.
- al-Fahm, Abd. al-Rahman. 1990. *The 200 Hadith*. Makkah: Makkah Press.
- al-Suyuti, Jalal al-Din. n.d. *al-Jami' al-Saghir fi Ahadith al-Bashir wa al-Nazir*. Beirut: Dar al-Fikr.
- Betanny, G. T. 1890. *The World's Religion*. London: Warwick House.
- Esposito, J. L. 1982. *Women in Islamic Family Law*. New York: Syracuse Publisher.
- Faisal Othman. 1993. *Woman, Islam and Nation Building*. Kuala Lumpur: Berita Publishing.
- Fatima Mernissi. 1975. *Beyond the Veil: Male and Female Dynamics in a Modern Muslim Society*. New York: Schankmen Publisher.
- \_\_\_\_\_. 1991. *Women and Islam: An Historical and Theological Enquiry*. Oxford: Blackwell.
- Ferm, V. (ed.). 1976. *An Encyclopedia of Religion*. Connecticut: Greenwood Press.
- Harrison, E. V. (ed.). 1966. *Baker's Dictionary of Theology*. Michigan: Baker Book House.
- Hinnells. J. R. (ed.). 1984. *The Penguin Dictionary of Religions: From Adam to Zoroaster*. London: Penguins Books.
- Hitti, P. K. 1970. *History of the Arab*. New York: Macmillan.

- Keddie, N. & L. Beck. 1978. *Women in the Muslim World*. Cambridge: Cambridge University Press.
- Muhammad A Rauf. 1971. *Islamic View of Women and the Family*. New York: Robert Speller and Sons Pub.
- Muslim, Abu al-Husain. 1955. *al-Jami' al-Sahih*. tahqiq Muhammad Fu'ad al-Baqi. Istanbul: al-Maktabah al-Islamiyyah.
- Mustafa al-Siba'ei. 1986. *Wanita: Menurut Syariat Islam dan Peradaban Modern*. transl. Halimuddin. Kuala Lumpur: Pustaka Antara.
- Norton, P. B. (ed.). 1995. *The New Encyclopedia of Britannica*. 15 vol. Chicago: Encyclopedia Britannica Incorporation.
- Rafiq Zakaria. 1990. *Women and Politics in Islam: The Trial of Benazir Bhutto*. New York: New Horizon Press.
- Robson. (translation with explanation). 1975. *Mishkat al-Masabih*. Lahore: Muhammad Ashraf.
- Rodinson, Maxime. 1974. *Islam and Capitalism*. transl. Brian Pearce. London: Allen Lane.
- Sayyid Qutb. 1980. *Fi Zilal al-Qur'an*. Cairo: Dar al-Syuruq.
- Sayyid Sabiq. 1989. *Fiqh al-Sunnah*. Washington: American Trust Publication.
- Waddy, C. 1980. *Women in Muslim History*. London dan New York: Longman Publication.
- Wahid al-Din Khan. 1994. *Al-Mar'ah Baina al-Shari'ah al-Islam wa al-Hadarah al-Gharbiyyah*. transl. Sayyid Ra'is Ahmad al-Nadwi. Al-Qaherah: Dar al-Sahwah li al-Nashr.
- Wather, W. 1993. *Women in Islam*. Princeton dan New York: University Press.

Department of Theology and Philosophy  
 Faculty of Islamic Studies  
 Universiti Kebangsaan Malaysia  
 43600 UKM Bangi  
 Selangor Darul Ehsan  
 dins@pkrisc.cc.ukm.my