

Does Islam Oppress Women?



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“The top-to-toe Burka, with its sinister, airless little grille, is more than an instrument of persecution, it is a public tarring and feathering of female sexuality. It transforms any woman into an object of defilement too untouchably disgusting to be seen. It is a garment of lurid sexual suggestiveness...it turns them into covering creatures demanding and expecting violence and victimisation...More moderate versions of the garb have much the same effect, inspiring the lascivious thoughts they are designed to stifle.”

Polly Toynbee in ‘Behind the Burka,’ Guardian, UK¹

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Introduction

Nothing has received more vilification from commentators and writers across the world than the issue of Islam's view on women. Images of fully covered women, with veils across their faces, leap to mind whenever the media discusses the issue. The treatment of women in any society has become a key benchmark measurement to its progress so when the Muslim world is assessed it miserably fails on the standard Western tests ranging from the treatment of women to their involvement in society.

This has led to a number of ferocious attacks on Islam:

“We all know that the Taliban is a regime that denies all its citizens even the most basic of human rights, and for women that has been particularly acute. Things that women in our country take for granted, just to be able to enjoy life publicly with our families, to dress as we please. All of these things are forbidden. In Afghanistan if you wear nail polish, you could have your nails torn out. Well, that may seem a trivial example, but it is an example, nonetheless, of the oppression of women, and nothing more I think symbolises the oppression of women than the burkha which is a very visible sign of the role of women in Afghanistan and we had some interesting discussions about what it is like to wear a burkha and how difficult it makes just ordinary, everyday living...”²

and

“Islam is deeply anti-woman. Islam is the fundamental cause of the repression of Muslim women and remains the major obstacle to the evolution of their position. Islam has always considered women as creatures inferior in every way: physically, intellectually, and morally. This negative vision is divinely sanctioned in the Koran, corroborated by the hadiths, and perpetuated by the commentaries of the theologians, the custodians of Muslim dogma and ignorance.”³

and

“Hundreds of women get shot, burned, strangled, stoned, poisoned, beheaded or stabbed every year in Islam ridden countries because their male relatives believe their actions have soiled the family name. They die, so family honour may survive. According to this tribal and religious practice, woman is a man's possession and a reflection of his honor. It is the man's honour that gets tarnished if a woman is 'loose'. The murderers and their defenders refer to verses of the Koran that allows husbands to beat their wives.”⁴

and

“Fundamentalists demand that women be veiled and segregated at every level of society, starting at puberty. Public displays of affection between husbands and wives is forbidden. Wife-beating is so prevalent, many see it as a normal part of marriage. In bed

any sexual position where the woman is on top is *haraam* or sinful. It's difficult to imagine how either gender can enjoy intimacy in such a climate.....

The nazi's just like modern Islamic and Christian fundamentalists, were also obsessed with virgins and women as submissive housewives and perfect mothers.”⁵

These are just a few of the scathing attacks many in the West label against Islam and the Shari'ah. Whilst there are some sincere misconceptions in the West with regards Islam and women at the same time the hatred against Islam is a consistent feature in Western newspapers and magazines.

This misconception however is not just restricted to the West, across the Muslim world there are many misconceptions with regards Islamic male-female relations and the Shari'ah rules with regards to women. Ideas such as women being completely cut off from any societal role, the women's voice being considered *awrah*, forced marriages, female genital mutilation, honour killings, thousands of women in the subcontinent hospitalized each year from nitric acid thrown onto their faces for refusing a marriage suitor or over dowry or marital disputes. Many view the Shari'ah has subjugated women to their husband and father without any rights - these are just some of the cultural practices that have come to be seen as Islamic.

As a reaction to this some women have turned to the West and have taken on the decades long struggle of becoming mans equal. Many women who are Islamic have looked towards the West for their salvation and continue to call for the separation and removal of what remains of Islam.

The aim of this booklet is to as assess the struggle Western women undertook to achieve their rights as this continues to be held as the benchmark for women and societies across the world. The Islamic social system will then be looked at to asses what Islam actually says about women, how it regulates male-female relations and its suitability as a model for women and society.

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Equality: Past and Present

Today the concept of equality remains the benchmark for organising the relationship between men and women and the tool utilised for women's rights. From a historical perspective great significance and importance has been assigned to the discussion of 'equality', and to the specific meaning it has come to assume, by western writers.

Christian theology, a pillar of Europe's medieval monarchies, played a pivotal role in forming Europe's confused perspectives on women. The Decretum Gratiani, which formed the basis of Church law for nearly eight hundred years between 1140 and 1917, assigned roles and duties on the basis that **"sin came into the world through them (women)"** and that **"because of original sin they (women) must show themselves submissive"**. Apart from blaming Eve for original sin, and so condemning women, the belief that Eve was created out of the bent rib of Adam popularised their secondary nature. Indeed, even after the Reformation, the works of theologians that asserted women possessed an innately evil capacity, and that even their humanity was questionable convinced monarchs and senior clergy. Pope Innocent VIII's endorsement of the book 'The Hammer of the Witches' in 1484, which asserts: **"What else is woman but a foe to friendship, an inescapable punishment, a necessary evil, a natural temptation, a desirable calamity, a domestic danger, a delectable detriment, an evil of nature, painted with fair colours"**, (The Malleus Maleficarum, 1971) resulted in thousands of women being burned at the stake. Even the Enlightenment's most eminent thinkers spoke of the subject in a manner reflective of more traditional attitudes. Rousseau in 'Emile', his seminal work on education, wrote:

"Men and women are made for each other, but their mutual dependencies are not equal. We could survive without them better than they could without us. They are dependent on our feelings, on the price we put on their merits, on the value we set on their attractions and on their virtues. Thus women's entire education should be planned in relation to men. To please men, to be useful to them to win their love and respect..."⁶

Industrialisation did not liberate women from their historical treatment but merely compounded their subordination. The considerable wealth generated during the industrial age created a growing male middle class who increasingly disregarded women. Women bemoaned their treatment at the hands of men, who justified their typically drunk and unruly behaviour on the pressures of increasing competition in commerce and industry and showed no interest in domestic matters other than to demand that their needs were met. Indeed, it was this situation in industrial Europe, which produced patriarchal, male dominated societies that feminists have opposed ever since. In this historical context equality, when first suggested, was very controversial. Soon, the equality debate established the framework by which Europe

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was to deal with the prevailing subjugation of women and correct the historical imbalance. Therefore the correcting of a historical prejudice became the basis for defining relationships between people.

Today's framework originated after Europe's Age of Enlightenment. It was Mary Wollstonecroft, influenced by her company of liberal thinkers, who first applied the conclusions of the Enlightenment to the issues of women in her 'Vindication of the Rights of Women' in 1792. It followed the publication of 'The Rights of Man' by her close friend Thomas Paine and challenged the 'domestic tyranny of men' as Paine had challenged the 'divine right of kings'. After nearly a century of campaigning, and through the turbulence of the French Revolution, another landmark work on the rights of women appeared with the publication of 'The Subjugation of Women' by John Stuart Mill. 'Modern' perspectives on the rights of women are largely based on the liberal conclusions first articulated by Wollstonecroft and Mill termed 'constructivism'. Liberals assert that men and women are fundamentally (or as Mill put it 'perfectly') equal and accepting anything less is to promote the oppression of one sex over the other, rendering the other subordinate. Observed differences between men and women, they asserted, are neither biological nor innate but the product of centuries of conditioning. This is why feminists are keen to differentiate between 'gender' as a social construct and 'sex'.

Simone De Beauvoir, one of the most significant voices after Wollstonecroft, famously remarked in her book 'The Second Sex': **"One is not born, but rather becomes, a woman"**. Equality effectively meant equal political, economic, and social rights and opportunities, such as those to independent education, employment and political representation. The 'division of labour', between the female as housewife and the bread-winning male, was deplored as a symbol of subjugation and patriarchy (male dominated society) and a consequence of the growing injustices of the industrial revolution. Liberal individualism (preference of individual over society) therefore, was the bedrock on which classical theories of women's emancipation were founded and which now form the foundations of modern perceptions.

Western Women in the 21st Century

The many thinkers and philosophers who formulated the concept of equality between men and women believed that it would raise woman out of the misery that she had been living in for centuries, therefore a number of questions need to be asked:

- 1) Has the modern women been lifted out of the misery that plagued her for centuries?
- 2) Has the historical imbalance been fixed?
- 3) Are women faring any better in terms of political, social and economic opportunities?

The successful woman today has implicitly been defined as one with a successful career, financially independent and thriving, or at least secure, in material terms. Personalities such as Michelle Obama, who has apparently managed to juggle a successful career with being a mother of two and wife to the President, are often cited as role models. Alongside this is the belief that to be dependent upon a husband or father gives the woman an inferior status within society. There is a sentiment that a mother or wife with no career has sold herself short in life or is even a failure. This may not be expressed openly but is evident in the manner by which many women feel about themselves when asked the

question (especially on game-shows on daytime television), “What is your occupation?” The uneasiness they feel is mirrored when they respond, “I’m just a mother” or “I’m only a housewife”.

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The historical problem was the inequality women fared in relation to men, ever since their struggle has always been one of being equal to men in terms of work, pay, opportunities and politics. This has led to an increasing shift in attitudes towards gender roles in society, with the belief that the woman should have as much right to be the breadwinner within a family as the husband. A 1996 Cambridge University study found that the belief that it was the man’s role to earn the money in a family within society fell from 65% in 1984 to 43% in 1994. 45% of British mothers are in paid work and in the US, 78% of women with children between 6 and 17 are in the labour force.

European governments encourage such a view of success. They both praise those women who have achieved successful careers in their life and also provide financial incentives for mothers to enter the workforce. The UK Labour Government introduced a “National Childcare Strategy” in 1998 to provide thousands of extra childcare places that would provide mothers a place to leave their children while they pursue their careers. They also provided financial benefits, such as the Working Families Tax Credit, to make childcare more affordable. Jill Kirby of the “Full-Time Mothers” organisation commented, “**There are financial incentives to go out to work but no financial incentives to stay at home.**”⁷

This has naturally fostered a view in society that the one of the most important objectives of life is to pursue a successful career. The belief is that a career gives a women status and respect within society, so marriage should be delayed or avoided altogether, since it would be a hindrance to her career objectives. Children also should be delayed, or maybe she should not have any at all. The belief here is that motherhood will prevent her chances of promotion or excelling in her career. Those women who do not work feel a constant pressure to do so.

Women today fare little better even when it comes to pay. Even though Equal Pay Legislation has been in place for thirty years in the developed countries, women still continue to earn less for doing the same work as men. This is of no surprise as women were encouraged to enter the workforce due to economic need when they were requested to directly contribute to the economy during the Second World War:

“A major factor in the emancipation of women was economic need...Economic modernization brought a need for female labour, which was augmented by mobilization for modern war... The economic involvement of women and the social changes resulting from it continued in the inter-war period and after, and even brought a few legislative changes in favour of women. These had some effect in social and family life.”⁸

It also explains why after over a century of calling for equality and women's rights, the twentieth century in the UK ended with only 4% of judges being women, 11% of managers, and 2% of FTSE 100 directors being women.⁹ The career woman with children constantly feels guilt about the limited time she spends with them. In addition, she finds her life is a continual juggling act between being a wife, mother, and her work. In most families, her status as a career woman has not reduced her household duties.

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The sociologist, Joseph H. Pleck comments:

“All scholars agree that even in studies suggesting that husbands of employed wives do statistically more (housework), the increase is small in absolute magnitude and employed wives continue to do the bulk of the family work”.

Her day is spent rushing from one responsibility to another; making breakfast for her family, preparing lunch for her husband, getting the children washed and dressed, doing the school run, rushing off to her job, performing a full day of strenuous housework, rushing to school to pick up the kids, taking them to after school classes, making the dinner, getting the children ready for bed and then the routine starts all over again. More often than not, she feels that unable to perform any of her duties to the best of her ability because she is so tired, stressed, and miserable. Lisa Belkin in a book called “Life's Work: Confessions of an Unbalanced Mom”, writes:

“Not one of us seems to be able to give 100% of themselves to their job and 100% of themselves to their family, and 100% of themselves to taking care of themselves”.

So after a century-long struggle with an age-old prejudice women do not fare much better. In some ways it is as bad if not far worse. The 21st century woman has moved from being just a man's ‘other-half’ to where she is potentially only an object of desire for men and not much else. While this dilemma has confronted women ever since they began to enter the workplace today women face far greater sex discrimination. In many fields, not least in the City of London, women often expect not to be employed simply on their abilities and intellectual prowess, but on her looks. Her ‘sex appeal’ also plays a fundamental part in securing existing employment, whether to attract clients with her sexuality, or to ‘fit into the team’. An article by BBC News Online (Laddism in the City, 10/4/2001) showed the plight of many women working in the city; many say they are **“touched up by both colleagues, contacts or competitors...and think objecting could be bad for business”**. “Team building’ meetings and ‘client facing’ often take place in strip clubs or seedy bars and, as one woman put it, opting out is not an option; **“You had to be part of the gang... they see it as seriously affecting their profits (if you miss these events)”**. Interestingly, the author of the BBC article said one bond trader interviewed for this article suggested to her that, **“a sexual favour might be adequate compensation for his opinions on why UK government bonds had slumped in afternoon trade.”**

So something has seriously gone wrong with male-female relations. Women may not be oppressed the way they were a few centuries ago but the oppression they face today remains, it is just different in its manifestation. The problem actually lies in the assertion that neither men nor women are inferior to one another. Taken in isolation this is a very simple, indeed obvious, truth but correcting historical prejudice alone cannot be a basis for defining relationships between people. The simple assertion that men and women are equal (i.e. that women are not inferior to men) alone is exceptionally simplistic once its historical context is considered. It also leaves a number of unanswered questions. It does not address how best men and women can cooperate to forge a cohesive society. In the wider context equality alone is very limited in handling disputes and organising the relationships that naturally arise between people. A simple assertion of human equality provides no guidance on the issue of difference and this fact gives rise to a need for additional, more elaborate, ideas and principles. In reality the call for equality is nothing more than making man the benchmark to aspire to – the call for equality is oppression itself.

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Male-Female Relations

We are born with family and relatives and so naturally relate with them. We engage in social activity with friends, and the relationships formed between men and women determine the very future of the human race through human reproduction. Some framework is needed to articulate the rights and responsibilities of men, women and their offspring in order to produce a socially coherent society.

The differences between men and women lead to specific needs and complex disputes, whose management is a key element of ensuring social cohesion. Any failure to acknowledge or manage these needs and disputes effectively in the name of equality can be just as oppressive and detrimental as believing they symbolise the superiority of one sex over the other.

The problem is that liberal and feminist thinkers asserted perceived differences between men and women were a social construct, not a biological fact. They also asserted that the discussion of differences had been used historically as a tool for condemning women to subordinate roles. Historically in Europe, there have been some absurd assumptions, not facts, about perceived differences between men and women (whether or not women possessed deficient intelligence, reduced capability for sound verdicts, and a lower capacity to learn and think). The distinction between gender and sex therefore appears justifiable and a helpful way to separate developments from biological fact but rejecting all differences by attributing them to the product of social conditions cannot actually be a correct account of human nature.

There are some obvious differences between men and women, the nature of which have been the subject of many contemporary debates in science and the themes of philosophical discourse over many millennia; from studies by evolutionary psychologists and neuroscientists, to the conclusions of Plato and Aristotle. In fact, among the increasingly fragmented post-feminist movements are those who

assert, rather than deny, differences between men and women. They draw on differences between men and women to identify the uniqueness of women and refuse male assimilation that result from interpreting female characteristics in male terms. They assert femininity and characterise contemporary thinking in many ways. A research paper by Prof. Jacqueline Adhiambo-Oduol concluded that:

“A built-in tension exists between this concept of equality, which presupposes sameness, and this concept of sex which presupposes difference. Sex equality becomes a contradiction in terms, something of an oxymoron”¹⁰

a successful Western woman, unwittingly held up as a benchmark to measure success the world over, is most certainly free, most certainly allowed to enjoy herself, but will only be paid for her efforts at something approaching half to three quarters the amount a man will receive for similar work. Of course this is true unless she is a prostitute or a model as these are the only areas where on balance women earn more than men for the same work.

The conclusions of these scientific and philosophical studies have been disparate and varied. Some have clearly been disproved and found to be erroneous, as have some of the methods used to understand them, particularly Freudian tools or Gilligan's surveys (as well as the questionable relevance of knowledge of the precise nature of differences in solving practical social problems). However, these discourses demonstrate that differences between men and women have been consistently observable and are not recent phenomena. It is crucial to note that unlike some conclusions, differences do not translate to the inferiority or superiority of either gender.

From this it is clear that a successful Western woman, unwittingly held up as a benchmark to measure success the world over, is most certainly free, most certainly allowed to enjoy herself, but will only be paid for her efforts at something approaching half to three quarters the amount a man will receive for similar work. Of course this is true

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Islamic Social Framework

Islam has a totally different view towards women; Islam does not value an action, a duty or an individual on the basis of how much they can contribute to the economy or the state. It values an individual, male or female, based upon whether their actions conform to the command of the Creator and their level of *taqwa* (consciousness of the Creator). As Prophet Muhammed صلى الله عليه وسلم said in a hadith:

“An Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over a white except by *taqwa* and good action.”

(Sahih Muslim)

The successful woman in Islam is therefore the one who is devoutly obedient and respectful of the commands of her Creator, it is ones belief and deeds that will be the deciding factor of their destiny after death.

In Islam, where the man and the woman share similar qualities in their nature, the obligation prescribed to both is the same such as the *salaat* (prayer), *sawm* (fasting), and *Hajj* (pilgrimage). However, where the nature differs then different duties have been prescribed. So, the husband or father has been obligated with the responsibility of protecting the family and providing for them financially. The woman has been obligated with the primary role of ensuring the welfare of the family by nurturing the children and conveying the culture to them.

In Islam the duty prescribed to the man is not viewed as better than the role prescribed to the woman. Rather, the duties prescribed to the man are seen as responsibilities that need to be fulfilled and for which the man will be held accountable to Allah سبحانه وتعالى. Likewise the woman will also be held accountable as to how well she fulfilled her responsibilities. Both duties compliment one another and are crucial for the family and society to function properly and with tranquillity. This accountability to Allah سبحانه وتعالى is what prevents a devout Muslim woman from giving precedence to her career over the welfare of her family, as in her mind her success lies in how well she fulfils the roles ascribed to her by Allah سبحانه وتعالى and not in how much she earns (in monetary terms) or what type of career she is pursuing. However, this by no means suggests that she is not permitted to pursue her desired career.

Islam came with the Shari'ah commandments which it obliged on the man and the woman. When it clarified the Shari'ah rules which treat the actions of each of them, it did not give the issue of equality any attention nor did it give it even the slightest consideration. Rather it viewed that there was a problem that required a solution. So, it treated the actions regardless of whether it was a problem pertaining to a man or a woman. Thus, the solution was for the action of a human, for the incident, and not for the man or woman. Therefore, the question of equality or the lack of equality between the man and woman is not the subject of discussion. This expression is not present in Islamic legislation. Rather what exists is the Shari'ah rule of an incident, which has resulted from a certain humans whether it is from a man or a woman.

Hence, equality between men and women is not an issue for discussion, nor is it an issue that forms a subject in the social system of Islam. The woman being equal to the man, or, the man being equal to the woman is not a significant matter which has influence over the societal life nor is it a problem which is likely to occur in the Islamic life. It is but a phrase that is only found in the West. Islam has nothing to do with these terms because it has established its social system on a firm basis that ensures communal and societal cohesion.

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The Shari'ah commandments have been legislated upon this basis, and according to it, the rights and obligations of men and women have been assigned. When the rights and obligations are for humans in general, one will find equivalence in these rights and obligations for both men and women. Thus, the rights and obligations will be for all, and assigned to all men and women as one, without difference or disparity. Hence, one will find that Islam did not differentiate between men and women when it invited people to Islam. Nor did it differentiate between men and women in the commandment of carrying the *da'wah* (call to Islam). It made the commandments relating to Islam such as *salaat* (prayer), *sawm* (fasting), *Hajj* (pilgrimage), *siyaasa* (politics), employment and *Zakaat* (alms) the same in terms of their legal obligation. It made the description of the moral characteristics as *Shari'ah* rules for men and women without distinction. It also made the rules of societal transactions such as buying, renting, representation, guardianship etc. relating to, and relating between, humanity the same for men and women. Islam imposed punishments for breaching the rules of Allah سبحانه وتعالى, with both pre-determined penalties and discretionary punishments on men and women without discrimination in their capacity as humans. In addition Islam made both learning and teaching an obligation for Muslims with no difference between men and women. So, in this manner, Allah سبحانه وتعالى has legislated for all the rules pertaining to humans in their capacity as humans, exactly the same for men and women without distinction. So, the commandments from this perspective are all the same, and the rights and obligations are also the same. The verses and ahadith with regards to such rules have come as general and inclusive for humans in their capacity as humans. Indeed, many verses stipulate that the legal obligation is for the male and for the female. Allah سبحانه وتعالى said:

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ
 وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ
 وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ
 مَغْفِرَةً وَأَجْرًا عَظِيمًا

"Verily, the Muslims, men and women, the believers, men and women, and the men and women who are obedient (to Allah), the men and women who are patient, the men and women who are humble, the men and women who give *Sadaqat* (charity), and the fasting men and women, and the men and women who guard their chastity, and the men and women who remember Allah much. Allah has prepared for them forgiveness and a great reward" [TMQ Al- *Abqab*: 35]

Thus, in Islam all the rules relating to humans are as humans, whatever these rules are and however disparate and numerous they may be. Allah سبحانه وتعالى has legislated them uniformly for the man and woman, although that should not be considered as equality between men and women. Rather, they are rules legislated for humans, for the man and woman without distinction because each one is a human and these rules are a speech from Allah سبحانه وتعالى relating to the actions of humans.

When rights, obligations and commandments relate to the nature of a man or woman, in their physical, anatomical and biological make-up then their rights and obligations will be disparate due to the inherent differences. This is because the solutions are required for problems that arise from the inherent

difference. The solution is therefore not for humans in general but to one gender in particular who possesses different characteristics from the other. When a problem is faced by one gender due to their specific nature or attribute, then the rule pertaining to that gender cannot be applied generally to everyone simply because only one gender faces the problem. Thus the general rules would not apply and specific rules that address the characteristic in question are required.

Hence, the testimony of two women is equal to the testimony of one man in actions that take place amongst the males in the public life. Such as the woman's testimony concerning financial transactions:

وَأَسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّن تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكَّرَ إِحْدَاهُمَا الْأُخْرَى

"And get two witnesses out of your own men. And if there are not two men (available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her" [TMQ Al-Baqarah: 282]

The testimony of women is accepted on its own, in matters which take place amongst the female community, where there are no men present, such as a crime which is committed in a ladies' room. The testimony of one woman is sufficient for matters in which only women are familiar, such as their testimony regarding questions of virginity, matronhood and suckling. This is because the Prophet Muhammad صلى الله عليه وسلم accepted the testimony of a single woman with regards to suckling. In a situation where a husband accuses his wife cheating, the woman's testimony nullifies that of her husband.

Islam has also ordered that the attire of women be different from men, just as it has ordered that the attire of men should be different from the attire of women. It forbade one from resembling the other in attire, and from imitating what is particular to one gender or which distinguishes one from another gender, such as adorning certain parts of the body. It has been narrated that the Prophet Muhammad صلى الله عليه وسلم said:

"The Messenger of Allah cursed the man who wears the clothing of women, and the woman who wears the clothing of men."

[Reported by al-Hakim who declared it authentic (*Sahih*)]

In this manner the Islamic social framework set in stone nearly 14 centuries ago the woman's right to education, employment, to vote, political participation, choice in marriage, the right to divorce, the rights of citizenship, the right to work and the right to own property. In Western societies women are still battling the system to secure their rights

Freedom has only caused misery for women

Islam arranged the public life through the segregation between men and women and through specifying the basic attire for men and women. In this way the role of men and women is clearly defined and no gender struggle took place in Islamic history. Islam organised public life through regulating the occasion where men and women need to meet together to fulfil their basic needs. In contrast Western societies regulate societal life through the removal of obstacles and through the necessity of consent. Such constant, pervasive and all-encompassing agitation of the sexual instinct in public manifests itself in a number of unwanted results.

A society where men and women are bombarded with a variety of sexual imagery at all times of the day whether on television, billboards, newspapers or magazines will lead inevitably to widespread sexual agitation.

Such societies implicitly encourage citizens to compete in the latest fashions that vie to fetishise certain parts of their bodies. For women the pressure continues to be tall, slim and possess bee-stung lips alongside the almost seasonal pressures.

With opportunities abound for people to meet each other via speed-dating, singles' nights, lonely-hearts ads, nightclubs. Add to this the fact that a number of 'romantic' novels, soap operas and movies have established a widespread idea that it is possible to meet the love of one's life while ordering an espresso, catching a train or attending a lecture on the history of 20th Century armed struggle in Bolivia.

The sexual agitation excited can then be satisfied by a growing number of ways, all of which, are based on the core concept of freedom to choose how to live, use one's body and how to satisfy an urge. These ways can then include satisfaction via pornographic material, one-night stands, visiting prostitutes, swinging, strip-clubs, long-term fidelity, marriage, sexual assault and child abuse. Therefore the manner will depend solely on one's predilections and we soon have the potential for absolute sexual chaos.

Is it any wonder that societies that fit the model outlined find themselves at the mercy of rising rates of sexual crimes, both petty or violent? The UK already has the highest rate of teenage pregnancy in Europe, rates of new Sexually Transmitted infection cases are reaching pandemic levels, a woman is raped every three minutes in Britain and the numbers on the Child Sex Offenders Register are estimated at 230,000 with 3,400 paedophiles currently serving sentences in the UK. In the United States, 1.3 women are raped every minute. That results in 78 rapes each hour, 1872 rapes each day, 56,160 rapes each month, and 683,280 rapes each year.

Islam and Women

Contrast this inexcusable state of affairs with the Islamic perspective that restricts sexual agitation to married life, which is inherently private. There can be no public agitation of the sexual instinct, no places for unmarried people to meet to begin illicit affairs, no pornography, no prostitution. Islam has outlined very clearly through its social system how men and women can interact and it is these rules that will ensure an Islamic society is not faced with the problems that plague western societies. Islam

considers it best that we deem a woman's honour should tower above that currently in tatters in the seedy streets of London or even on the catwalks of Milan and Paris. Islam not only mandates that the sexual instinct not be publicly agitated but also that a woman must not be judged on the basis of her dress size, bra size, complexion, height, sense of fashion, knack of fighting off competitors while rooting out bargains during sales, length of her feet, colour co-ordination, gossip skills, or aptitude in dancing to cheesy music while inebriated.

Islam stipulated specific attire for women in the public life. The rules concerning the definition of the *awrah* (private parts) are disparate between men and women because their nature requires this. The man's *awrah* is from the navel to the knees, in front of both men and women, whilst for the women it is her whole body excluding her hands and face. The only exception to this for the women is in the private life, where her private parts are from her lower legs to the shoulders. Islam allowed the exposure of the *awrah* for both men and women in situation of bondage, between the husband and wife, to a judge (to determine identity and age), to a doctor (for a medical need such as pregnancy) and to a limited degree to her other *mahrem* (non marriageable men). By considering most of a woman's body as *awrah* Islam required that women be covered in public life, so Islam legislated the rules of the *hijab* (covering). Islam prescribed the covering of the head excluding the face and hands and the *Jilbab*, which is a large outer garment draping down to the feet. Much has been written about the *hijab* since its banning in France; it should be made perfectly clear that the subject of the nature of the woman's dress-code can never be discussed using the basis of Western thoughts on the matter. What is appropriate and acceptable does not come from the human mind but from the *Shari'ah* texts. In fact the matter does not merit study or reach the level of a legislative and societal discussion in Islam! The correct discussion is only on the rules laid down by the *Shari'ah*.

The evidence that obliges the two items of clothing to be worn in public life, is the saying of Allah ﷻ with respect to the upper part of the clothing:

وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ

"Let them draw their head-coverings (*khumur*) over their necks and chest. And let them not display (more of) their charms to any but their husbands..." [TMQ An- Nur: 31]

As for the saying to the Prophet Muhammad ﷺ regarding the lower half:

يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزُوجِكُمْ وَبَنَاتِكُمْ وَنِسَاءَ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ

"Oh Prophet! Tell your wives and your daughters and the women of the believers to draw their cloaks (*Jalabeeb*) all over their bodies" [TMQ Al- Ahzab: 59]

Additionally, it has been narrated from Umm Atiyya (RA), who said:

The Messenger of Allah ordered us to bring out the young women, the menstruating women and veiled women for the two Eid festivals. The menstruating women were to keep away from prayer, yet witnessing the goodness and the dawa (address) to the Muslims. I asked, "Oh Messenger of Allah, what about one who does not have a *Jilbab*?" He said: "Let her use the *Jilbab* of her sister".

[Sahih Muslim].

These evidences are clear in their indication of a woman's dress when in public. Allah سبحانه وتعالى has thus described accurately, completely and exhaustively in these above verses the clothing he has obliged the woman to wear in public life.

There is a confusion that exists about how the various verses of the *Qur'an* should be exactly reconciled. This has resulted in various thinkers claiming that there is no evidence for the *Jilbaab*, that there exists is no evidence for the *Hijab*, only modesty has been sanctioned. Some have gone as far to say that the *hijab* is an Arab custom and has no basis in Islam. This confusion exists due to them being unable to make a distinction between:-

1. The covering of the *Anrrah*
2. The woman's dress in public life
3. *Tabarruj* (revealing the beauty)

Islam defined the whole body of the women as *anrrah* with the exception of the face and hands, and that the woman is obliged to cover her '*Anrrah* i.e. her entire body with the exception of the face and hands. As for the material used for covering the body of the woman, Islam at this stage did not specify a specific attire to cover the '*Anrrah*. Islam merely said: **'it is not correct that anything should be seen of her'** i.e. the '*Anrrah* should not appear, they are not to show, she is not allowed to show, and it is not fitting to be seen from her. Therefore, any type of clothing that covers her entire body except her face and hands is considered a **covering whatever its shape**. So, the long dress, the pants, skirt or the socks are all considered covering. This is because Allah سبحانه وتعالى has specified neither the type of clothes nor the shape of clothes at this stage. Therefore, every cloth that covers the '*Anrrah*, is considered legally valid regardless of its shape, type and number of pieces. The only exception to this is that the clothes must cover the skin. This means the clothes must hide the colour of the skin, for example, it should not be identified as white or black. In other words the women needs to make sure that the garment by which she covers the '*Anrrah* is not thin i.e. does not describe what is behind it and nor reveal what is under it. The evidence to show that has obliged the covering of the colour of the skin is his (SAW) saying: **'it is not correct that anything should be seen of her'**.

This is the issue of covering the '*Anrrah*. This subject is different to the woman's dress in public life, or the *Tabarruj* (revealing the beauty) portrayed by some types of clothes. Even though a garment covers the '*Anrrah*, it does not mean that the woman is allowed to wear it in public, This is because the rules for the women's dress in public have been specified in Islam. To merely use something that covers the '*Anrrah* while in public is not sufficient. So trousers, for example, do cover the '*Anrrah*, but still cannot be worn alone in public i.e. It is not proper to be worn in the main street. Because there is a specific dress obliged to be worn in the main street. Therefore the issue of covering the '*Anrrah*, cannot be confused with the woman's dress in public. Similarly, the issue of covering the '*Anrrah* must not be

confused with the issue of *Tabarruj*. Trousers for example, as long as they are not made of thin material, do cover the 'Awrah, but this does not mean that a woman can wear them in front of non-mahram men (marriageable men) in such a way that she would be revealing her beauty and charm. While she would be covering her 'Awrah in this case, she would be in a state of *Tabarruj*, which is forbidden by Islam. So, the fact that the woman has her 'Awrah covered, does not mean that her clothing prevents her from being in a state of *Tabarruj*.

Allah سبحانه وتعالى obliged the women to wear a wrap (*Jilbab*) which conceals her (home) clothes and drapes down until it covers her feet. If she does not have such a wrap (*Jilbab*), she must borrow one from a neighbour, female friend or relative. She needs to have a *Khimar* (head cover) or anything similar, which covers the entire head, the neck and the opening of the garment on the chest. Such a *Khimar* should be available when she goes out in public as this constitutes the upper portion of the woman's dress in public life.

This shows that all the evidences that discuss dressing modestly are generally discussing the covering of the awrah, which has nothing to do with her dress in the public life. Whist in the public life Allah سبحانه وتعالى clearly defined the women's dress and then went further to explain that the dress should not be seductive and reveal her charm. This indicates that all those original evidences which discuss modesty are restricted to the women's dress in her private life i.e. in the home in front of non-mahrem men. This shows that the Shalwar kameez is not the Islamic dress although it fulfils the criteria to be worn in the home, or even if it covers one's back, it certainly is not the Islamic dress in public. Similar with loose trousers it definitely is not the Islamic dress in the public life.

By Islam defining the women's dress in the public life Islam has protected women from becoming symbolised by her body, looks or any other cosmetic enhancements. Many women who have embraced Islam in the West have commented that the Islam dress actually protects them from being judged by their body and protects them from the pressure to look a particular way which is so prevalent in western societies. It is such impossible aims that have been defined for women in the West that is making them turn to Islam.

Islam came with rules, some of which are particular to men and some of which are particular to women. It distinguished between men and women with regards to a section of these rules based on inherent differences in physical, anatomical and biological make-up and ordered them to accept what Allah سبحانه وتعالى has specially assigned for them in terms of these rules. He forbade them from envying each other, and from desiring things in which Allah has preferred one over the other:

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

"And wish not for the things in which Allah has made some of you to excel others. For men there is allotted from what they have earned, (and likewise) from women there is allotted for what they have earned" [TMQ An-Nisa: 32]

This specification does not mean inequality, rather it is a solution for the actions of a female in her capacity as a female, and a solution for the actions of a male in his capacity as a male. The perspective of equality or inequality is not considered because it is not the subject of study. This is since solutions for problems faced by a particular gender should differ from the solution for humans generally.

It is essential, at this point, to reiterate that whenever one gender alone faces an issue due to the specific nature or attribute of the gender, then the rule pertaining to that gender cannot be applied generally to both genders. This is so as only one gender faces the problem. Thus it is plain that general rules would not apply and specific rules that address the characteristic in question would be required. When rights, obligations and commandments relate to the nature of a man or woman, in their physical, anatomical and biological make-up then their rights and obligations will be disparate due to the inherent differences. This is because the solutions are required for problems that arise from the inherent difference. The solution is therefore not for humans in general but to one gender in particular who possesses different characteristics from the other. Thus the rules to do with pregnancy, menstruation and suckling only apply to the one gender and are solutions for the women only.

Conclusions

Islam most certainly does not view the women as intellectually deficient. This is because the intellect is the same in terms of the natural characteristics of men and women. Adherence to Islam is also the same in terms of the belief and action of the men and the women.

Islam defined clearly the role of women in society; it made her primary role as a mother and wife but did not restrict her to these roles only. It permitted her the right to gain employment, invest her wealth, take up positions of governance, carry the call of Islam and gain an education. When Islam spoke about her role as a mother and wife this was in the context of her primary role not her only role.

It clarified for men their responsibility towards women. Therefore Islam obliged the earning and providing of provisions for the family upon the man. It clarified for the man the make up of women, including her sensitivity and her fragility. Thus Islam defined very clearly the role of each gender, thus in Islam there is no gender class where women are looked down upon and viewed as inferior beings.

Equality is not the basis of Islam and never has been in the history of Islamic jurisprudence. The term only seeped into the discourse after the industrial revolution when Western secular thinkers challenged Muslims who were unable to respond due to factors such as the closing of *Ijtihad*. Any study of Islam from the viewpoint of another ideology would be deeply flawed, biased and deficient from the outset.

Islam clearly laid out the role for both men and women in society. This ensures civilisation can continue as both sexes play a crucial role which supplements the other. Through defining the role of men and women Islam has secured the rights of both men and women, all of this was nearly 1400 years ago. In the West after nearly a century of struggle western women are still fighting for their rights and are attempting to fit mages coined by men.

The Islamic and Western social models do not agree at the basis. So judging the Islamic alternative using the secular model as a benchmark would inevitably lead to the elimination of any idea not in agreement with secularism before the discourse even commenced. No debate on secularism would ever take place! Furthermore agreement with the secular basis is not proof in itself. If anything could be proof in itself then it would only be what could rationally be proved to be from the Creator and no other.

Notes

¹ <http://www.guardian.co.uk/Archive/Article/0,4273,4266035,00.html>

² Cherie Blair, Press Conference on Taliban & Women, Tuesday, 20 November 2001, Press Release: UK Government

³ Ibn Warraq, 'Islam's Shame, Lifting the veil of tears'. Institute for Secularization of Islamic Society

⁴ Azam Kamguyan 'Yes, It is Islamic, Don't Apologize for It!', Institute for Secularization of Islamic Society

⁵ Sex and the single-minded Muslim, Cherry Potter, The Times, 18 Aug 2005

⁶ Rousseau, Jean-Jacques. Emile. Book 5, 1778

⁷ www.bbc.co.uk, working mothers 'can harm babies' learning, Oct 13th 1999

⁸ The Middle East," From Freedom to Freedom, Bernard Lewis

⁹ Equal Opportunities Commission July 2003

¹⁰ Adhiambo-Oduol. J. 'The socio-cultural aspects of the gender question, US International University-Africa, Dec 2001