

CHAPTER 4



Rights and Roles of Woman: Some Controversies

*I*T would be impossible to have a discussion on any topic in the Qur'an which would exhaust the material covered in the text itself. Nor would it be possible to conclude in definitive terms the significance of all the material in the Qur'an concerning humankind on earth. The text was revealed to the inhabitants of the earth, while they inhabited the earth, and we are all on the earth as we read and discuss the text. As such, our earthly existence transforms our perceptions of the text and is equally potentially transformed by the text. More importantly, because of the Qur'an's intention to guide the affairs of humans, a certain emphasis is placed on understanding and applying the text while we are here on earth.

In my consideration of woman on earth from the Qur'anic perspective, there are certain problems inherent in our understanding of what the Qur'an depicts. Our operations on the earth are shaped by our world-view (and vice versa). We have not yet attained the Qur'anic utopia. Whenever Qur'anic support is given for conflicting opinions on how to operate in this world, controversies arise. Many popular or dominant ideas about the role of woman do not have sanction from the Qur'an. Pointing these out causes problems, not so much with logical analysis of the text, but with application of the new analysis in the context in which Muslim societies operate.

Hermeneutics of any text must confront three different aspects in order to support its conclusions: 1. the context in which the text was written (in the case of the Qur'an, in which it was revealed); 2. the grammatical composition of the text (how it says what it says); and 3. the whole text, its *Weltanschauung* or world-view.

RIGHTS AND ROLES OF WOMAN

Often, differences of opinion can be traced to variations in emphasis between these three aspects.

I will discuss selected concepts, terms or verses from these perspectives: 1. There is no inherent value placed on man or woman. In fact, there is no arbitrary, pre-ordained and eternal system of hierarchy. 2. The Qur'an does not strictly delineate the roles of woman and the roles of man to such an extent as to propose only a single possibility for each gender (that is, women must fulfil this role, and *only* this one, while men must fulfil that role and *only* men can fulfil it).

To demonstrate these points, I will make a detailed analysis of Qur'anic passages which have been interpreted to imply the superiority of males over females. In doing this, I will demonstrate a more integrated communal perspective on the rights and responsibilities of the individual in society using certain Qur'anic concepts.

Overall, my analysis tends to restrict the meaning of many passages to a particular subject, event, or context. These restrictions are based on the context of the verses or on application of general Qur'anic concepts of justice towards humankind, human dignity, equal rights before the law and before Allah, mutual responsibility, and equitable relations between humans.

One other aspect of my consideration will be to demonstrate the significance of chronological developments in the Qur'an. The Qur'an sets forth a logical progression with regard to the development of human interactions, morality, and ethics,¹ as reflected by the growth and development of the community of Muslims who lived concurrent with the revelation. The significance of this with regard to application of the precepts concerning the role of woman will be demonstrated.

Functional Distinctions on Earth

In Chapter 3, I demonstrated how the Qur'an treats woman as an individual in the same manner as it treats man as an individual. Their only distinction is on the basis of *taqwa* (God-conscious piety). *Taqwa* is not determined by gender. The Qur'an also focuses on how we function in society. It acknowledges that we operate in

social systems with certain functional distinctions. The relationship that the Qur'an shows between these worldly distinctions and *taqwa* is important in my consideration of equity among people. More importantly, functional distinctions included in the Qur'an have been used to support the idea of inherent superiority of men over women.

Functional distinctions are indicators of roles and role expectations. To what extent does the Qur'an delineate functions for each gender? Are there certain exceptions and exclusions for males or females? Does the Qur'an value certain functions above others?

Woman is not just Biology

Because woman's primary distinction is on the basis of her child-bearing ability, it is seen as her primary function. The use of 'primary' has had negative connotations in that it has been held to imply that women can only be mothers. Therefore, women's entire upbringing must be to cultivate devoted wives and ideal mothers in preparation for this function.

There is no term in the Qur'an which indicates that child-bearing is 'primary' to a woman. No indication is given that mothering is her exclusive role. It demonstrates the fact a woman (though certainly not all women) is the exclusive human capable of bearing children. This capacity is essential to the continuation of human existence. This function becomes primary only with regard to the continuity of the human race. In other words, since only the woman can bear children, it is of primary importance that she does.

Although it does not restrict the female to functioning as a mother, the Qur'an is emphatic about the reverence, sympathy, and responsibility due to the female procreator. 'O humankind . . . have *taqwa* towards Allah in Whom you claim your rights of one another, and (have *taqwa*) towards the wombs (that bore you).' (4:1). This verse is often interpreted as indicating respect for women in general.² I specify this verse as indicating respect for the needed procreative capacity of women. I do not diminish respect from women as a class, but I do specify, from the Qur'anic perspective, the significance of the function of child-bearing, which is exclusively

performed by women.³ The reverence given to the fulfilment of this function helps to explain how the Qur'an explicitly delineates a function for males which creates a balance in human relations.⁴

No other function is similarly exclusive to one gender or the other. This brings to mind the popular misconception that since only males have had the responsibility of *risalah*⁵, it indicates something special about that class. Both men and women have been included in divine communication as the recipients of *wahy*⁶, but there is no Qur'anic example of a woman with the responsibility of *risalah*. However, all those chosen for this responsibility were exceptional.

This is not a biological association with males representing their primary function and expressing a universal norm for all men. In fact, given the difficulty they have faced in getting others to accept the message when these exceptional men have come from poor classes, the likelihood of failure for the message might have been greater if women, who are given so little regard in most societies, were selected to deliver the message. It is a strategy for effectiveness, not a statement of divine preference.⁷

Besides the two functions discussed above, every other function has real or potential participation by both males and females. However, there is still a wide range of functional distinctions between individuals considered in the Qur'an. The questions that must be asked then are: What is the value of the functional distinctions between individuals? Do these functional distinctions and the values placed on them delineate specific values for males and females in society? Are these values intra-Qur'anic or extra-Qur'anic?

In particular, several verses from the Qur'an have frequently been used to support the claims of the inherent superiority of males over females. These verses contain two terms which have been used to indicate value in the functional distinctions between individuals and groups on earth. I will review these terms, how they have been used in the Qur'an, and in the overall context of Qur'anic justice.

The first term is *darajah* (pl. *darajat*), 'step, degree or level'. A *darajah* exists not only here on earth between people but also between the Hereafter and earth,⁸ between levels in Heaven and in Hell.

The other term, *faddala* is often used in conjunction with *darajat*. I have translated *faddala* 'to prefer', with a verbal noun (*tafdil*) meaning 'preference'. Often the preference given is spoken of in terms of *fadl*, which I translate as (Allah's) 'benevolence'.

Darajah

An individual or group can earn or be granted a *darajah* over another. The Qur'an specifies, for example, that by striving in the way of Allah with one's wealth and one's person (4:95) or by immigrating for Allah (9:20), one can obtain a *darajah*. However, most often the *darajah* is obtained through an unspecified category of doing 'good' deeds (20:75, 6:132, 46:19).

Distinguishing between individuals or groups on the basis of 'deeds' involves problems with regard to the value of women in society and as individuals. Although the Qur'an distinguishes on the basis of deeds, it does not set values for particular deeds. This leaves each social system to determine the value of different kinds of deeds at will. They have always done this and 'every society has distinguished men's work from women's work'.⁹ The problem is that 'Men's work is usually regarded as more valuable than women's work, no matter how arbitrary the division of labor'.¹⁰

On the one hand, the Qur'an supports distinctions on the basis of deeds, but on the other hand, it does not determine the actual value of specific deeds. This leads to the interpretation that the Qur'an supports values of deeds as determined by individual societies. Actually, the Qur'an's neutrality allows for the natural variations that exist.

With regard to the *darajah* obtained through deeds, however, the Qur'an has stipulated several points which should affect evaluation in society. First, all deeds performed with *taqwa* are more valuable. Second, 'Unto men a fortune from that which they have earned, and unto women a fortune from that which they have earned.' (4:32). The deeds may be different, but recompense is given based on what one does. It does not matter how the deeds are divided between the males and the females in a particular social context.

Another implication of a 'fortune from what one earns' is that whenever anyone performs tasks normally attributed to the other

gender in addition to his or her own normal tasks, he or she will earn an additional reward. For example, Moses meets two women from Madyan, where ordinarily the males tended the animals. However, because there was no able-bodied male in the family to perform this task according to the norm (the father being an old man), the women were required to be *extraordinarily* useful.

There is no indication that these women were immoral in their performance of this task, because fulfilling the tasks needed for survival takes precedence over socially determined roles. Similarly, in post-slavery America, the Black female was given employment instead of the Black male. In many families, she became the sole supporter. This necessity, in addition to her fulfillment of the ordinary tasks of bearing and rearing children, should have given her more. A flexible perspective on the fulfillment of necessity would have benefited her. Instead, she was subject to a double burden and, often, violence at home from a husband who felt displaced.

Each social context divides the labour between the male and the female in such a way as to allow for the optimal function of that society. The Qur'an does not divide the labour and establish a monolithic order for every social system which completely disregards the natural variations in society. On the contrary, it acknowledges the need for variations when it states that the human race is divided 'into nations and tribes that you might know one another'. (49:13). Then it gives each group, and each member of the group—the males and the females—recompense in accordance to deeds performed.

This is an important social universal in the Qur'an. It allows and encourages each individual social context to determine its functional distinctions between members, but applies a single system of equitable recompense which can be adopted in every social context. This is also one reason why certain social systems have remained stagnant in their consideration of the potential roles of women. The Qur'an does not specifically determine the roles, and the individual nations have not considered all the possibilities.

As for the *darajah* which is 'given' by Allah, it is even more illusive than the *darajah* for unspecified deeds. There is a distinction

on the basis of knowledge: 'Allah will exalt those who believe among you, and those who have knowledge, to high ranks [*darajat*]' (58:11). 'We raised by grades [*darajat*] (of mercy) whom We will, and over all endued with knowledge there is one more knowing.' (12:76).

There are also social and economic distinctions: 'We have apportioned among them their livelihood in the life of the world, and raised some of them above others in ranks [*darajat*] that some of them may take labour from others; and the mercy of Allah is better than (the wealth) that they amass.' (43:32).¹¹ It is also clear, however, that wealth is not a 'real' distinguishing characteristic, but a functional distinction apparent to humankind and valued within society.

The *darajah* given by Allah serves another significant function—to test the inhabitants of the earth: 'He it is Who has placed you as viceroys of the earth and has exalted some of you in ranks [*darajat*] above others, that He may try you by (the test of) that which He has given you.' (6:165).

Finally, it is necessary to discuss the one verse which distinguishes a *darajah* between men and women:

Women who are divorced shall wait, keeping themselves apart, three (monthly) courses. And it is not lawful for them that they conceal that which Allah has created in their wombs if they believe in Allah and the Last Day. And their husbands would do better to take them back in that case if they desire a reconciliation. And [(the rights) due to the women are similar to (the rights) against them, (or responsibilities they owe) with regard to] the *ma'ruf*, and men have a degree [*darajah*] above them (feminine plural). Allah is Mighty, Wise. (2:228).

This verse has been taken to mean that a *darajah* exists between all men and all women, in every context. However, the context of the discussion is clearly with regard to divorce: men have an advantage over women. In the Qur'an the advantage men have is that of being individually able to pronounce divorce against their wives without arbitration or assistance. Divorce is granted to a woman, on the other hand, only after intervention of an authority (for example, a judge).

Considering the details given, *darajah* in this verse must be restricted to the subject at hand.¹² To attribute an unrestricted value to one gender over another contradicts the equity established throughout the Qur'an with regard to the individual: each *nafs* shall have in

accordance to what it earns. Yet, the verse is presumed to state what men have believed and wanted others to believe: that society operates hierarchically with the male on top.

Finally, this verse states: '[(the rights) due to the women are similar to (the rights) against them, (or responsibilities they owe) with regard to] the *ma'ruf*.' The term *ma'ruf* occurs in other instances with regard to the treatment of women in society. Pickthall translates it as 'kindness', but its implications are much wider than that. It is a passive participle of the verbal root 'to know', and as such indicates something 'obvious', 'well known' or 'conventionally accepted'.¹³ However, with regard to treatment, it also has dimensions of equitable, courteous and beneficial¹⁴.

In this verse (2:228), it precedes the *darajah* statement to indicate its precedence. In other words, the basis for equitable treatment is conventionally agreed upon in society. With regard to this, the rights and the responsibilities of the woman and the man are the same. Again, the expression places a limitation rather than a universal perspective on this issue because convention is relative to time and place.

Faddala

As with *darajah*, the Qur'an states explicitly that Allah has preferred [*faddala*] some of creation over others. Like *darajah*, this preference is also discussed in specific terms. First, humankind is preferred over the rest of creation (17:70). Then, occasionally, one group of people have been preferred over another.¹⁵ Finally, some of the prophets are preferred over others (2:253, 6:86, 17:55). It is interesting to note, however, that 'preference' is not absolute. Although the Qur'an states that some prophets are preferred over others, it also states that *no distinction* is made between them (2:285). This indicates that, in the Qur'anic usage, preference is relative.

Like *darajah*, *faddala* is also given to test the one to whom it is given. Unlike *darajah*, however, *faddala* cannot be earned by performing certain deeds. It can only be given by Allah, Who has it and grants it to whom He wishes and in the form He wishes. Others do not have it and cannot give it. They can only be recipients of His *fadl*.

With regard to *faddala*, men and women, the following verse is central:

Men are [*qawwamuna 'ala*] women, [on the basis] of what Allah has [preferred] (*faddala*) some of them over others, and [on the basis] of what they spend of their property (for the support of women). So good women are [*qanitat*], guarding in secret that which Allah has guarded. As for those from whom you fear [*nushuz*], admonish them, banish them to beds apart, and scourge them. Then, if they obey you, seek not a way against them. (4:34).

Needless to say, this verse covers a great deal more than just preference. This is classically viewed as the single most important verse with regard to the relationship between men and women: 'men are *qawwamuna 'ala* women'. Before discussing this, however, I want to point out that this correlation is determined on the basis of two things: 1. what 'preference' has been given, and 2. 'what they spend of their property (for support of women),' i.e. a socio-economic norm and ideal.

The translation I have inserted, 'on the basis of,' comes from the *bi*¹⁶ used in this verse. In a sentence, it implies that the characteristics or contents before *bi* are determined 'on the basis' of what comes after *bi*. In this verse it means that men are *qawwamuna 'ala* women only if the following two conditions exist. The first condition is 'preference', and the other is that they support the women from their means. 'If either condition fails, then the man is not '*qawwam*' over that woman'.¹⁷

My first concern then is *faddala*. The verse says the position between men and women is based on 'what' Allah has preferred. With regard to material preference, there is only one Qur'anic reference which specifies that Allah has determined for men a portion greater than for women: inheritance.¹⁸ The share for a male is twice that for the female (4:7) within a single family. The absolute inheritance for all men will not always be more than that for all women. The exact amount left depends on the family's wealth in the first place.

In addition, if verse 4:34 refers to a preference demonstrated in inheritance, then such a materialistic preference is also not absolute. This connection is often favoured because the other condition for *qiwamah* is that 'they spend of their property (for the support of women)'. Thus, there is a reciprocity between privileges and respons-

ibilities. Men have the responsibility of paying out of their wealth for the support of women, and they are consequently granted a double share of inheritance.

However, it cannot be overlooked that 'Many men interpret the above passage' as an unconditional indication of the preference of men over women. They assert that 'men were created by God superior to women (in strength and reason)'.

However, this interpretation, ... is (i) unwarranted and (ii) inconsistent with other Islamic teachings ... the interpretation is unwarranted because there is no reference in the passage to male physical or intellectual superiority.¹⁹

Faddala cannot be unconditional because verse 4:34 does not read 'they (masculine plural) are preferred over them (feminine plural)'. It reads '*ba'd* (some) of them over *ba'd* (others)'. The use of *ba'd* relates to what obviously has been observed in the human context. All men do not excel over all women in all manners. Some men excel over some women in some manners. Likewise, some women excel over some men in some manners.²⁰ So, whatever Allah has preferred, it is still not absolute.

If 'what' Allah has preferred is restricted to the material (and specifically inheritance), then the extent and nature of the preference is explained by the Qur'an. Even if 'what' Allah has preferred is more than just the preference given in inheritance, it is, nevertheless, still restricted to 'some of them' over 'some others' by the wording in this context:

'men are '*qawwamun*' over women in matters where God gave *some* of the men more than *some* of the women, and in what the men spend of their money, then clearly men as a class are not '*qawwamun*' over women as a class.²¹

However, further understanding of this distinction requires further explanation of *qawwamuna 'ala*. What does it mean, and what are the parameters of its application?

As for the meaning, Pickthall translates this as 'in charge of'. Al-Zamakhshari²² says it means that 'men are in charge of the affairs of women'. Maududi²³ says 'Men are the managers of the affairs of women because Allah has made the one superior to the other. . . .' Azizah al-Hibri objects to any translation which implies that men are protectors or maintainers because 'The basic notion here is one of moral guidance and caring'²⁴ and also because:

... only under extreme conditions (for example, insanity) does the Muslim woman lose her right to self-determination. . . . Yet men have used this passage to exercise absolute authority over women. They also use it to argue for the male's divinely ordained and inherent superiority.²⁵

Some questions beg asking concerning the parameters of application: Are all men *qawwamuna* 'ala all women? Is it restricted to the family, such that the men of a family are *qawwamuna* 'ala the women of that family? Or, is it even more restricted, to the marital tie, such that only husbands are *qawwamuna* 'ala wives? All of these possibilities have been given.

Generally, an individual scholar²⁶ who considers *faddala* an unconditional preference of males over females does not restrict *qiwamah* to the family relationship but applies it to society at large. Men, the superior beings, are *qawwamuna* 'ala women, the dependent, inferior beings.

Sayyid Qutb²⁷, whose discussion I will consider at length, considers *qiwamah* an issue of concern for the family within society. He restricts verse 4:34, in some ways, then, to the relationship between the husband and the wife. He believes that providing for the females gives the male the privilege of being *qawwamuna* 'ala the female.

He gives *qiwamah* a decided dimension of material maintenance. The rationale behind restricting this verse to the context of husband and wife is partly due to the fact that the remainder of the verse discusses other details of concern to the marital relationship. In addition, the following verse uses the dual, indicating that it is concerned with the context between the two: the husband and wife. However, preceding verses discuss terms of relations between male members of society and female members of society.

I apply this verse to society at large—but not on the basis of inherent superiority of men over women, or of Allah's preference of men over women. Rather, I extend the functional relationship, which Sayyid Qutb proposes between the husband and the wife, towards the collective good concerning the relationship between men and women in society at large. My main consideration is the responsibility and right of women to bear children.

Sayyid Qutb says, 'The man and the woman are both from Allah's creation and Allah ... never intends to oppress anyone from

His creation.'²⁸ Both the man and the woman are members of the most significant institution of society, the family. The family is initiated by marriage between one man and one woman. Within the family, each member has certain responsibilities. For obvious biological reasons, a primary responsibility for the woman is child-bearing.

The child-bearing responsibility is of grave importance: human existence depends upon it. This responsibility requires a great deal of physical strength, stamina, intelligence, and deep personal commitment.²⁹ Yet, while this responsibility is so obvious and important, what is the responsibility of the male in this family and society at large? For simple balance and justice in creation, and to avoid oppression, his responsibility must be equally significant to the continuation of the human race. The Qur'an establishes his responsibility as *qiwamah*: seeing to it that the woman is not burdened with additional responsibilities which jeopardize that primary demanding responsibility that only she can fulfil.

Ideally, *everything* she needs to fulfil her primary responsibility comfortably should be supplied in society, by the male: this means physical protection as well as material sustenance. Otherwise, 'it would be a serious oppression against the woman'.³⁰

This ideal scenario establishes an equitable and mutually dependent relationship. However, it does not allow for many of today's realities. What happens in societies experiencing a population overload, such as China and India? What happens in capitalistic societies like America, where a single income is no longer sufficient to maintain a reasonably comfortable life-style? What happens when a woman is barren? Does she still deserve *qiwamah* like other women? What happens to the balance of responsibility when the man cannot provide materially, as was often the case during slavery and post-slavery US?

All of these issues cannot be resolved if we look narrowly at verse 4:34. Therefore, the Qur'an must eternally be reviewed with regard to human exchange and mutual responsibility between males and females. This verse establishes an ideal obligation for men with regard to women to create a balanced and shared society. This responsibility is neither biological nor inherent, but it is valuable. An

attitude inclined towards responsibility must be cultivated. It is easy enough to see the cases in which it has not been acquired.

However, such an attitude should not be restricted to mere material *qiwamah*. In broader terms, it should apply to the spiritual, moral, intellectual, and psychological dimensions as well. Such a perspective on *qiwamah* will allow men to truly fulfil their *khilafah* (trusteeship) on the earth, as ordained by Allah upon human creation. Such an attitude will overcome the competitive and hierarchical thinking which destroys rather than nurtures.

Men are encouraged to fulfil their trusteeship of the earth—especially in relationships with women, the child-bearers and traditional caretakers. What women have learned through bearing and caring for children, men can begin to experience, starting with their attitudes to and treatment of women.

Nushuz: Disruption of Marital Harmony

Finally, with regard to this verse, I will discuss whether this portion,

So good women are *qanitat*, guarding in secret that which Allah has guarded. As for those from whom you fear [*nushuz*], admonish them, banish them to beds apart, and scourge them. Then, if they obey you, seek not a way against them

means that a woman *must* obey her husband, and if she does not, he can beat her (here translated 'scourge'). I believe the passage intends to provide a means for resolving disharmony between husband and wife.

First, the word *qanitat* used here to describe 'good' women, is too often falsely translated to mean 'obedient', and then assumed to mean 'obedient to the husband'. In the context of the whole Qur'an, this word is used with regard to both males (2:238, 3:17, 33:35) and females (4:34, 33:34, 66:5, 66:12).³¹ It describes a characteristic or personality trait of believers towards Allah. They are inclined towards being co-operative with one another and subservient before Allah. This is clearly distinguished from mere obedience between created beings which the word *ta'a* indicates.

Sayyid Qutb points out that this choice of words indicates that the Qur'an intends there to be a personal emotional response rather than the external 'following of orders' which the *ta'a* (obey) would suggest.³² As for the use of that word *ta'a* and the remainder of the

verse, 'As for those (feminine plural) from whom you fear *nushuz* ...', it should first be noted that the word *nushuz* likewise is used with both males (4:128) and females (4:34), although it has been defined differently for each.³³ When applied to the wife, the term is usually defined as 'disobedience to the husband'. With the use of *ta'a* that follows. Others have said this verse indicates that the wife must obey the husband.

However, since the Qur'an uses *nushuz* for both the male and the female, it cannot mean 'disobedience to the husband'. Sayyid Qutb explains it as a state of disorder between the married couple.³⁴ In case of disorder, what suggestions does the Qur'an give as possible solutions? There is 1. A verbal solution: whether between the husband and wife (as here in verse 4:34) or between the husband and wife with the help of arbiters (as in 4:35, 128). If open discussion fails, then a more drastic solution: 2. separation is indicated. Only in extreme cases a final measure: 3. the 'scourge' is permitted.

With regard to regaining marital harmony, the following points need to be raised. First, the Qur'an gives precedence to the state of order and emphasizes the importance of regaining it. In other words, it is not a disciplinary measure to be used for disagreement between spouses. Second, if the steps are followed in the sequential manner suggested by the Qur'an, it would seem possible to regain order before the final step. Third, even if the third solution is reached, the nature of the 'scourge' cannot be such as to create conjugal violence or a struggle between the couple because that is 'un-Islamic'.³⁵

It appears that the first measure is the best solution offered and the one preferred by the Qur'an, because it is discussed in both instances of the word *nushuz*. It is also in line with the general Qur'anic principle of mutual consultation, or *shura*, being the best method for resolving matters between two parties. It is obvious that the Qur'an intends a resolution of the difficulties and a return to peace and harmony between the couple when it states: '...it is no sin for the two of them if they make terms of peace between themselves. *Peace is better.*' (4:128). It is peace and 'making amends' (4:128) that are the goals, not violence and forced obedience.

The second solution is, literally, to 'banish them to beds apart'.

First, the significance of 'beds apart' is possible only when the couple continually shares a bed (unlike polygamy when husband and one wife do not), otherwise, this would not be a meaningful measure. In addition, 'beds apart' indicates that at least one night should pass in such a state. Therefore, it is a cooling-off period which would allow both the man and the woman, separately, to reflect on the problem at hand. As such, this measure also has equally mutual implications.

As one night apart can lead to many nights apart before any resolution is made, this separation could go on indefinitely. This does not indicate that a man should then begin to physically abuse his wife. Rather, it allows for a mutually found peaceable solution, or a continued separation—divorce. Divorce also requires a waiting period, and beds apart is characteristic of that waiting. Thus, this measure can be taken as part of the overall context of irreconcilable differences between the married couple.

It cannot be overlooked, however, that verse 4:34 does state the third suggestion using the word *daraba*, 'to strike'. According to *Lisan al-'Arab* and *Lanes's Lexicon*, *daraba* does not necessarily indicate force or violence. It is used in the Qur'an, for example, in the phrase '*daraba Allah mathalan . . .*' ('Allah gives or sets as an example. . .'). It is also used when someone leaves, or 'strikes out' on a journey.

It is, however, strongly contrasted to the second form, the intensive, of this verb—*darraba*: to strike repeatedly or intensely. In the light of the excessive violence towards women indicated in the biographies of the Companions and by practices condemned in the Qur'an (like female infanticide), this verse should be taken as prohibiting unchecked violence against females. Thus, this is not permission, but a severe restriction of existing practices.

Finally, the problem of domestic violence among Muslims today is not rooted in this Qur'anic passage. A few men strike their wives after completely following the Qur'anic suggestions for regaining marital harmony. The goal of such men is harm, not harmony. As such, after the fact, they cannot refer to verse 4:34 to justify their action.

Finally, the word *ta'a* in this verse needs a contextual consideration. It says 'if they obey (*ta'a*) you do not seek a way against them.'

For the women, it is a conditional sentence, not a command. In the case of marriages of subjugation—the norm for Muslims and non-Muslims at the time of the revelation—wives were obedient to husbands. The husbands are commanded 'not to seek a way against' wives who are obedient.³⁶ The emphasis is on the male's treatment of the female.

The Qur'an never orders a woman to obey her husband. It never states that obedience to their husbands is a characteristic of the 'better women' (66:5), nor is it a prerequisite for women to enter the community of Islam (in the Bay'ah of the women: 60:12). However, in marriages of subjugation, wives did obey their husbands, usually because they believed that a husband who materially maintains his family, including the wife, deserves to be obeyed. Even in such cases, the norm at the time of the revelation, no correlation is made that a husband should beat his wife into obedience. Such an interpretation has no universal potential, and contradicts the essence of the Qur'an and the established practices of the Prophet. It involves a severe misreading of the Qur'an to support the lack of self-constraint in some men.

With regard to the relationship between maintenance and obedience, it can be observed that even husbands who are unable or unwilling to provide for their wives, believe they should be obeyed. In fact, this widespread characteristic of Muslim marriage is only one example of the association of men as natural leaders deserving obedience.

This belief in the need to obey the husband is a remnant of marriages of subjugation and is not exclusive to Muslim history. It has not progressed, although today couples seek partners for mutual emotional, intellectual, economic, and spiritual enhancement. Their compatibility is based on mutual respect and honour, not on the subservience of the female to the male. The family is seen as a unit of mutual support and social propriety, not an institution to enslave a woman to the man who buys her at the highest price and then sustains her material and physical needs only, with no concern for the higher aspects of human development.

If the Qur'an was only relevant to this single marriage type, it would fail to present a compatible model to the changing needs and

requirements of developing civilizations worldwide. Instead, the Qur'anic text focuses on the marital norm at the time of revelation, and applies constraints on the actions of the husbands with regard to wives. In the broader context, it develops a mechanism for resolving difficulties through mutual or extended consultation and arbitration.

In conclusion, the Qur'an prefers that men and women marry (4:25). Within marriage, there should be harmony (4:128) mutually built with love and mercy (30:21). The marriage tie is considered a protection for both the male and the female: 'They (feminine plural) are raiment for you (masculine plural) and you are raiment for them.' (2:187). However, the Qur'an does not rule out the possibility of difficulty, which it suggests can be resolved. If all else fails, it also permits equitable divorce.

The Significance of Context and Chronology in Qur'anic Social Reforms for women

With regard to matters related to the subject of women, like divorce, it is apparent that the order in which verses were revealed in the Qur'an is more significant than for some other issues. The Qur'an responded to particular circumstances in Arabia at the time of the revelation. It is interesting to note that there are no references made in the Qur'an to specific rights, responsibilities and treatment of women until the Madinan period. 'They consult you concerning women. Say: Allah gives you decree concerning them....' (4:127). If a woman was mentioned in the Makkan period, she was a generic example for all humankind.

In the Madinan period of revelation, the particular social reforms introduced were related to the existing practices. In this respect, it is also interesting to note that most reforms were for the benefit of the females. No equivalent reforms benefiting the males were instituted, ostensibly because the existing androcentric norm greatly provided for male needs and wants. The Qur'anic responses were directed towards the pressing need for reforms regarding women.

Although the Qur'an responded to the need for reform with regard to women in the Madinan *surah*, these responses have implications

for later communities. However, the particulars on which these verses focus provide clear indications about the norms in that context. In matters regarding gender, seventh-century Arabia was far from ideal. However, even Qur'anic reforms were not fully implemented. Such rapid changes met with some difficulty and reluctance. This observation has been made by twentieth-century authors with regard to some of the details in Qur'anic social reforms.³⁷ We will examine these details and some of the modern observations below.

Divorce

Divorce is a lawful option for irreconcilable differences between married couples. However, the condition discussed above, which allows the male a *darajah* or an advantage over the female, has been pointed out as indicating an inequity in the Qur'an—that is, men have the power of repudiation. Unlike women, they may state: 'I divorce you' to begin the divorce procedure.

This power of the male has received some attention in modern Islamic legal reforms. In some instances, the male is required to come before the courts prior to such repudiation. In Malaysia, for example, both the husband and the wife who find difficulty in their marriage must come before the court to express their complaints. The court then acts as, or assigns, an arbiter (4:34, 35, and 128) for counselling.

Because this is similar to the traditional position for the woman, she faces no additional problem. However, when any stipulation is made in regard to what is believed to be a male privilege, men reject it as being too difficult; such a hardship should not be imposed over their rights, thus decreasing the empowerment they feel. Such a stipulation creates greater parity between the rights and responsibilities of both. The males are able to experience the matter from the point of view of the woman. Yet few men use this experience to provide for a more mutually beneficial solution.

Another consideration with regard to this verse again involves the evolution of marriages. Since women are no longer the subjects of marriage, but full, willing partners, our focus shifts to the broader

Qur'anic wisdom which aims at harmonious reconciliation: '... it is no sin for the two of them if they make terms of peace between themselves. *Peace is better.*' (4:128). 'Either take them back on equitable terms or set them free on equitable terms, do not take them back to injure them, or to take unfair advantage ...' (2:231).

Again, this consideration of repudiation is clear in view of the practices as they existed at the time of revelation, and not only for Muslim marriages. There is no indication that the unilateral right to repudiation needs be continued, or if continued, that it need be only for the husband. Although the Qur'an stipulates conditions for equitable separation or reconciliation, it does not make a rule that men *should* have uncontrolled power of repudiation. Men *did* have this power, over which the Qur'an places conditions and responsibilities.

Although the Qur'an makes no reference to women repudiating their husbands, it has been used to conclude that they cannot. This later conclusion was drawn in contrast to the custom in pre-Islamic times when a woman had simply to turn the entrance of her tent to face another direction to indicate her repudiation of conjugal relations with a man. There is no indication in the Qur'an that all power of repudiation must be removed from women.

What is important is mutual and peaceable reconciliation or separation. The Qur'an applies explicit measures to prevent abandonment and misuse of women, who were subject to the whims of husbands in marriage and divorce. It also stipulates measures of protection for the honour of both lines of parentage.

Patriarchy

The established order within the Arabian peninsula at the time of the revelation was patriarchal: a 'culture built on a structure of domination and subordination ...' which 'demands hierarchy'.³⁸ It was a culture with an androcentric bias, one where the male and the male experience are looked upon as the norm. (With such a bias, statements like 'All men are created equal', are left to individual whims which can interpret the term 'men' as human beings including women, or as exclusive to male humans.)

In androcentric cultures, females are looked upon in terms of their utility to men, which is primarily reproductive. That such a cultural bias was the context of Qur'anic revelation has serious implications for later communities which try to understand the social ideal the Qur'an was attempting to establish in that community. The Qur'an's accommodation of various social contexts has been viewed as implying support for the particular social order that existed in seventh-century Arabia.

Some argue that Islam is essentially a variation of patriarchal ideology. Others argue that Islam is above worldly ideology, including Patriarchy; for as the word of God,³⁹ it transcends all ideology. Among these, we can distinguish two groups: those who believe that Islam as it is today is fair and just to women, and those who believe that Islam as it is practised today is utterly patriarchal, but that *true* Islam is not.⁴⁰

The implication of this patriarchal context must be understood in relation to the greater Qur'anic principles and their ultimate intent of harmonious and equitable relationships in society. It is this ultimate Qur'anic intent which reveals its true 'spirit'. Muslim thinkers in the twentieth century use this Qur'anic 'spirit' to argue against literal application of some Qur'anic statements.

It is clear through the chronological progression of the text, that the Qur'an sets out guidelines. Following these guidelines to their natural conclusions will not lead backwards in time to the same level of difficulty experienced by the first community. Rather, the Qur'anic guidelines should lead the various communities towards progressive change within the context of universal Qur'anic guidance. To restrict future communities to the social shortcomings of any single community—even the original community of Islam—would be a severe limitation of that guidance.

I propose that the way to believe in 'the whole of the book' (3:119) is to recognize that 'spirit' of the book and accept its worldview, vision, and ultimate intent. In examining the Qur'an, we need 'to accurately determine the rationales behind its statements, comments and injunctions'.⁴¹ 'Even when the reason for a certain command is not explicitly stated, it is not difficult to guess it.'⁴² Thus, to arrive at that ultimate intent requires the same level of pure commitment, devotion, and intellectual striving as the members of

the earliest community. However, in the context of a technologically advanced world, such a commitment will require a broader, global perspective activated in, but not limited to, one's local context.

Although in some instances the Qur'an proposed immediate abolition of certain ill practices, most of the time it advocated gradual reform. Few reforms were completely implemented before the final revelation. 'If all these customs had been entirely abolished by God, several problems would have ensued ..., not many of His commandments would have been obeyed'.⁴³ However, the means for completing others were provided for by the flexibility and intent of the text itself. 'It was considered wise ... not to totally abolish some of the reprehensible traditions such as polygamy [or slavery], as there were so many difficulties involved.'⁴⁴

In particular, some reformation which benefited the status of women was allowed to progress slowly because of the contexts in which these changes were to take place.

God's permissibility only showed man's cruel heart, his inability to submit to truth and justice, and his immoral character, acquired from the worst pre-Islamic customs.... Had it not been for the viciousness in his mind, his misguided soul and cruel heart, God would not have granted him then such allowances that He disliked and which were meant to vanish with time.⁴⁵

It is continuing that natural evolution in society which is indicated in the Qur'an that explains why many Muslim countries have instituted further legal and social reforms with regard to women. These reforms operate outside the literal content of some Qur'anic passages and make modifications on the basis of greater Qur'anic intent with respect to such issues as repudiation, polygamy, inheritance, and the rules for witnessing, etc.

Polygamy

Many Muslim nations which now consider polygamy unconstitutional have justified such changes in legislation on the basis of the overall Qur'anic perspective on marriage, as well as on modern Islamic perspectives of marriage. The marriage of subjugation at the time of revelation was premised on the need for females to be

materially provided for by some male. The ideal male for a female child was the father, and for the adult female, the husband. This economic perspective of marriage—as indicated by several verses discussed above—will also be reviewed here with regard to polygamy.

If you fear that you will not deal justly with the orphans, marry women of your choice, two, three or four. But if you fear that you will not be able to do justly (with them), then only one, ...to prevent you from doing justice. (4:3).

First, this verse is about treatment of orphans. Some male guardians, responsible for managing the wealth of orphaned female children, were unable to refrain from unjust management of that wealth (4:2). One solution suggested to prevent mismanagement was marriage to the female orphans. On the one hand, the Qur'an limited this number to four, and on the other hand, the economic responsibility of maintaining the wife would counterbalance the access to the wealth of the orphaned female through the responsibility of management. However, most proponents of polygamy seldom discuss it within the context of just treatment of orphans.

In fact, as far as they are concerned, the only measurement of justice between wives is material: can a man equally support more than one wife? This is an extension of the archaic idea of marriages of subjugation, because fairness is not based on quality of time, equality in terms of affection, or on spiritual, moral, and intellectual support. These general terms of social justice are not considered with regard to just treatment with wives.

It is especially clear that this verse is concerned with **justice**: dealing justly, managing funds justly, justice to the orphans, and justice to the wives, etc. Justice is the focus of most modern commentaries concerned with polygamy. In the light of verse 4:129—'You are never able to be just and fair as between women ...'—many commentators assert that monogamy is the preferred marital arrangement of the Qur'an. Surely, it is impossible to attain the Qur'anic ideal with regard to mutuality ('They [feminine plural] are raiment for you [masculine plural] and you are raiment for them' (2:187)), and with regard to building between them 'love and mercy' (30:21), when the husband-father is split between more than one family.

Finally, with regard to three common justifications given for polygamy, there is no direct sanction in the Qur'an. One is financial: in the context of economic problems such as unemployment, a financially capable man should care for more than one wife. Again, this assumes that all women are financial burdens: reproducers, but not producers. In today's world a lot of women neither have nor need male supporters. For one thing, it is no longer accepted that only men can work, do work, or are the most productive workers, in all circumstances. With regard to work outside the home, i.e. paid employment, the market is based on productivity. Productivity in turn is based on a number of factors, and gender is only one of them. Surely, polygamy is no simple solution to complex economic problems.

Another rationale given for a man having more than one wife centres on the woman who is unable to have children. Again, there is no mention of this as a rationale for polygamy in the Qur'an. However, the desire for children is natural. Thus, consideration for the barren man and the barren woman should not exclude either from the chance of marriage, nor from the care and upbringing of children. What possible solution is mutually available when the wife or husband is sterile and the couple cannot have their own children?

In a world of war and devastation, there are still orphaned Muslim (and other) children who would benefit from the love and care of childless couples. Perhaps caring for all of the earth's children might be practised by Muslims in the light of global catastrophes still unresolved. One's own blood relations are important, but perhaps not in terms of the final judgement of one's ability to care and nurture.

Finally, the third rationale given for polygamy not only has no sanction in the Qur'an, but is clearly un-Qur'anic as it attempts to sanction men's unbridled lust: that if a man's sexual needs cannot be satisfied by one wife, he should have two. Presumably, if his lust is greater than that, he should have three, and on until he has four. Only after this fourth are the Qur'anic principles of self-constraint, modesty, and fidelity finally to be exercised.

As self-constraint and fidelity are required at the onset for the

wife, these moral virtues are equally significant for the husband. It is clear that the Qur'an does not stress a high, civilized level for women while leaving men to interact with others at the basest level. Otherwise, the mutual responsibility of *khilafah* (trusteeship) would be left to one half of humanity while the other half remains near the animal state.

Witness

Another consideration in contemporary discussion on the issue of women in the Qur'an focuses on the woman as a potential witness. Is one male witness equal to two female witnesses and, therefore, one male equivalent to, or as good as, two females absolutely? In the related verse, a 'record in writing ...' 'when a debt is contracted' calls for two witnesses, 'if two men be (not at hand) then a man and two women, of such as you approve as witnesses, so that if the one errs (*tudilla*) the other can remind her ...' (2:282). In the wording of this verse, both women are not called as witnesses. One woman is designated to 'remind' the other: she acts as corroborator. Although the women are two, they each function differently.

In addition, there are some contextual considerations regarding the need for more than a single witness in the first place. The purpose is to see to it that there is no error—intentionally or unintentionally—regarding the terms of the contract. Fazlur Rahman takes exception to the application of the literal wording of the verse in all future transactions as follows:

... since the testimony of a woman being considered of less value than that of a man was dependent upon her weaker power of memory concerning financial matters, when women become conversant with such matters—with which there is not only nothing wrong but which is for the betterment of society—their evidence can equal that of men.⁴⁶

Thus the verse is significant to a particular circumstance which can and has become obsolete. However, I have found no commentary which considers the matter of intentional error. The call for two witnesses 'of such as you approve as witnesses' in the first place indicates an attempt to prevent corruption. If one goes wrong, or is persuaded to give untrue testimony, the other is there

to support the terms of the contract. However, considering that women could be coerced in that society, if one witness was female, she would be easy prey for some male who wanted to force her to disclaim her testimony. When there are two women, they can support each other—especially in view of the term chosen: if she (*tudilla*) 'goes astray', the other can (*tudhakkira*) 'remind' her, or 'recall her attention' to the terms of agreement. The single unit which comprises two women with distinct functions not only gives each woman significant individual worth, but also forms a united front against the other witness.

In addition, one male witness plus this two-female unit, does not equate to a two-for-one formula because otherwise, four female witnesses could replace two male witnesses. Yet, the Qur'an does not provide this alternative. Despite the social constraints, at the time of revelation—inexperience and coercion of women—a woman was nevertheless considered a potential witness.

Even at that time of severe social, financial, and experiential constraints, the Qur'an recognized the potential of women's resources. In this modern era, such revolutionary consideration of women's potential should lead to greater promotion of her contributions to a just and moral social system, and end exploitation of her and others in society. Such a social system can be attained only through the encouragement of learning and experience for the male and the female.

Finally, the consideration regarding witnesses in this verse is specific to certain types of financial contracts. It was not meant to be applied as a general rule. Whenever the Qur'an does not specify gender in terms of a witness, androcentric interpretation concludes it to mean the male witness, exclusively. As such, the formula applied requires twice the number of females—not only for witnessing but for other aspects of woman's participation as well.

This limitation regarding financial transactions does not apply in other matters. The call for two women and one man for witnessing financial contracts is not a general rule for women's participation, nor even for all witnessing. Other requests for witnesses should be for unspecified gender. Therefore, anyone deemed capable of witnessing has the right to be one.

Inheritance

The mathematical formula of two-to-one has been—albeit erroneously—reinforced through oversimplification of the Qur'anic discussions regarding inheritance. Although the initial Qur'anic statement, in verses 4:11-12, makes 'the share of the male . . . equivalent to the portion of two female (siblings)', a complete look at this same verse enumerates a variety of proportional divisions between males and females. In fact, if there is one female child, her share is half the inheritance. In addition, the consideration of parents, siblings, distant relatives, as well as offspring is discussed in a variety of different combinations to indicate that the proportion for the female of one-half the proportion for the male is not the sole mode of property division, but *one* of several proportional arrangements possible.

Such variety of possibilities emphasizes two points with regard to inheritance: 1. In no way are females, including distant ones, to be disinherited. This is especially true for the pre-Islamic customs still prevailing today, which give the inheritance of even female offspring to some male relative, no matter how distant. 2. All distribution of the inheritance between the remaining relatives must be equitable. According to these verses, such 'equity' in distribution of inheritance must take the actual *naf'a* (benefit) of the bereft into consideration.

The full extent of the Qur'anic provision requires a look at other details which can lead to a redistribution of the inheritance according to the circumstances of the deceased and of those who inherit. The division of inheritance requires a look at all of the members, combinations and benefits. For example, if in a family of a son and two daughters, a widowed mother is cared for and supported by one of her daughters, why should the son receive a larger share? This might not be the decision if we look at the actual *naf'a* of those particular offspring.

The Qur'an does not elaborate all possibilities. However, by providing a variety of scenarios, it is clear enough that many combinations can and do exist, which must be considered for the equitable distribution of inheritance.

Finally, one-third of the wealth can be bequeathed, with no restrictions upon whom the beneficiary is and without decreasing the divisions of the remaining wealth. In fact, the proposal is quite flexible provided, of course, equity is met.

In short, the matter of inheritance involves these considerations; 1. distribution to both male and female surviving relatives; 2. some wealth can be bequeathed; 3. consideration must be given to the circumstance of the bereft, their benefit to the deceased, and the benefits of the wealth inherited.

Male Authority

Although the basis of Qur'anic discussion on society was particular to the existing system, it also gives general principles from which to derive solutions to social problems in other contexts. With regard to authority, the prevailing attitudes were patriarchal. As with other matters in society, the Qur'anic solutions to social problems reflect the prevailing attitudes in ancient Arabia.

The general principle for leadership in the Qur'an is similar to the rule for fulfilling any task, that it should be filled by the one 'best suited'. That person is the one best suited on the basis of whatever qualifications or characteristics are necessary to fulfil that task: biology, psychology, education, finance, experience, etc. This principle works in a number of complex social arrangements: the family, society at large and leadership.

With regard to leadership, the ancient (and modern) Arabian patriarchy yields certain advantages for men. Certainly where males had public privileges, experiences, and other advantages, they were best suited to operate in the political and financial arena. It was erroneously concluded that men would always have the advantages that would make them most suitable for leadership. Yet these advantages were not restricted to men in the Qur'an. Provided the woman has the motivation, opportunities should be made available. Her capacities ... to become 'best suited' for a number of tasks not common fourteen centuries ago should have greatly increased by now.

Despite this difference in opportunities between men and

women, even at the time of revelation, there is nothing implied or stated in the Qur'an which supports the opinion that males are natural leaders. Even in the context of patriarchal Arabia, the Qur'an gives the example of a female ruler. As discussed above, Bilqis is depicted extremely well in the Qur'an.⁴⁷ In fact, other than the prophets, she is the *only* ruler in the Qur'an who is given favourable consideration. The Qur'an refers to her characteristics of wisdom and independence as a leader.

The Qur'an does not restrict the female from being in authority, either over other women or over both women and men. However, there is the implication that the Qur'an inclines towards seeing necessary tasks fulfilled in society in the most efficient manner. Neither male nor female will be equally beneficial in every situation. To force even modern patriarchal societies to submit before a female ruler would be detrimental to the harmonious welfare of that society.

However, choosing the one best suited for the tasks at hand is a dynamic process. Continual assessment of a current situation should yield sufficient information about the qualification for fulfilling any task. A more independent and insightful woman might better lead a people into their future endeavours. Similarly, a husband may be more patient with children. If not predominantly, then perhaps temporarily, such as when the wife falls ill, he should be allowed to fulfil that task. Just as leadership is not an eternal characteristic of all males, child caring is not an eternal characteristic of all females.

Child Care

Again the prevailing system in many societies has determined that the responsibility of caring for the children is appropriate to the female. The convenience of this in many families and with many women who have a 'feminine' temperament inclined towards nurturing has reinforced this man-made determination as if it were inherent.

The Qur'an gives rights to both parents with regard to the children and equally allows for their emotional attachment: 'A mother should not be made to suffer because of her child, nor

should he to whom the child is born (be made to suffer) because of his child' (2:223). It allows for the mother to suckle a child, but leaves it to her own discretion: 'Mothers shall suckle their children . . . (that is) for those who wish to complete the suckling' (2:223). If instead a couple or a mother decides 'to give [the] children out to nurse, it is no sin for you' (2:223). Thus the basic nurturing of even the very young child is optional.

Yet, the tendency has always been to attach all forms of child care—and in addition all forms of housework—to the woman. Although this division of labour suits some families, especially when the father is working outside the home and provides materially for his family, it is, nevertheless, only one solution and does not have explicit Qur'anic ordinance.

In families where both husband and wife are providing for the material maintenance of the family, it is an unfair burden for the woman to be solely charged with all housework. If she has managed to increase her good deeds, then there are similar opportunities for the man to increase his by participating more in the housework and child care. In addition, this demonstrates to the children the ultimate Qur'anic system of evaluation which does not specify the deed: 'Whoever does good, whether male or female and is a believer, all such will enter Paradise' (4:124).

Such a flexible, integrated, and dynamic system of co-operation benefits a multiplicity of societies and family types. It places proper recognition on the single-parent households of today. If it is headed by a woman, then full responsibility, authority, and *qiwamah* are placed on her shoulders. Similarly, daughters may also assume the responsibilities of extended relatives and disabled husbands.

When the Qur'an is viewed in its entirety and not atomistically, the concern for the role of woman in society and the potential she has, would necessarily be broadened from the demeaning and meaningless existence which renders her no greater than a procreating animal able to function only as a domestic servant. Likewise, her skills and participation on the home front would be acknowledged as significant and meaningful, such that all who aim at performing good deeds would rush to fulfil the same tasks.

If the aim of Islamic society is to fulfil the intentions of the

Qur'an with regard to the rights, responsibilities, potentialities, and capacities of all its earnest members, then those who truly believe in the Qur'an would equally wish for the woman the opportunities for growth and productivity which they demand for the man. The man would equally be charged with nurturing and caring for the family over and above attending to its material concerns. In short, both would be well-rounded and mutually beneficial to each other, to the family, and therefore to society at large. Only then is the true potential of the *khilafah* cultivated. The family acts as the initial arena of practice. Surely, as the Prophet says, 'The best of you is he who is best to his family. . . .'

¹See, for example, S. H. A. L. Shamma, *The Ethical System Underlying the Qur'an* (Tubingen: Hopfer Verlag, 1959), which discusses each ethical principle in the Qur'an with regard to Qur'anic chronology.

²It should not be overlooked in my literal interpretation, that 'the wombs that bore you' is also used as a metaphor for the blood ties of family relations in general.

³To further substantiate this point of view, see the discussion of Mary, Mother of Jesus, in Chapter 2.

⁴Which I will discuss in detail below.

⁵There is a distinction between *wahy*: receiving divine communication, and *risalah*: receiving divine communication concerning the destiny of humankind which includes the obligation to transmit the information of that *wahy* to humankind at large.

⁶Maryam and Umm-Musa among the women.

⁷See, for example, verse 22:75.

⁸'See how We prefer one above another, and verily the Hereafter will be greater in *darajat* and greater in preference [*tafdil*]' (17:21).

⁹Carol Tarvis and Carole Wade, *The Longest War: Sex Differences in Perspective*, 2nd edn. (Orlando: Harcourt Brace Jovanovich, 1984), p. 3.

¹⁰*Ibid.*, p. 20.

¹¹This is one of the verses which demonstrates that an Islamic society allows for economic classes.

¹²In addition, the preceding verses, 221-37 discuss at length other details related to marriage, divorce, and widowhood.

¹³Edward William Lane, *An Arabic-English Lexicon*, 8 vols. (London: Librairie du Libon, 1980), Part 5, p. 2017.

¹⁴As defined by Milton J. Cowan, *A Dictionary of Modern Written Arabic*, 3rd edn., (ed.) Hans Wehr (Ithaca, New York: Spoken Language Services, Inc., 1976).

¹⁵For example, the Children of Israel were preferred over 'other creatures' (the same term has been translated in Chapter 1, the Fatihah, as 'the worlds') in verses 2:47, 2:122, and 7:40. This preference is usually understood to mean that they were chosen to receive Prophets and the revelations.

¹⁶This is the *ba al-sababiyah* known in Arabic as the *bi* for a reason or purpose. It establishes a conditional relationship between two parts of the sentence or clause. The first part is conditional upon, and cannot be attributed without the second part.

¹⁷Aziza al-Hibri, 'A Study of Islamic Herstory: Or How did We ever get into this Mess?', *Women and Islam: Women's Studies International Forum Magazines*, 5 (1982); p. 218.

¹⁸Which I will discuss in detail below.

¹⁹Aziza al-Hibri, op. cit., pp. 217-18.

²⁰I have translated *ba'd* in its usual meaning of 'some' or 'a portion of'. However, there is also usage of *ba'd* + masculine plural pronoun + *ba'd* which means 'each other' with no particular number or gender implied. In other words, a degree of vagueness surrounds this statement. It could also mean women have a preference over men.

²¹Al-Hibri, op. cit., p. 218.

²²Vol. I, p. 523.

²³Vol. II, p. 117.

²⁴'Islamic Herstory,' p. 217.

²⁵Ibid., p. 218.

²⁶For example, I would include Pickthall because he translates this passage as unrestricted 'Men are in charge of women'. Al-Zamakhshari, in *al-Kashshaf an Haqa'iq al-Tanzil wa 'uyun al'Aqawil fi wujud al-Ta'wil*, 4 vols. (Bayrut: Dar al-Ma'arif, n.d.), Vol I, p. 523, states the terms he believes of Allah's preference of men over women. Abbas Mahmud Al-'Aqqad, *al-Mar'ah fi al-Qur'an* (Cairo: Dar al-Hilal, 1962) p. 7 states the same. Finally, Maududi interprets it this way.

²⁷Vol. II, pp. 648-53.

²⁸Sayyid Qubt, *Fi-Zilal al-Qur'an*, 6 vols. (Cairo: Dar al-Shuruq, 1980), Vol. II, p. 650.

²⁹Ibid.

³⁰Ibid.

³¹It is also extended to other than humans (2:116, 30:27).

³²Ibid., p. 652.

³³Part 8, p. 2795. Although he distinguishes between the *nushuz* of the wife and the husband, he also defines it as the one 'hates or dislikes' the other and is an 'evil companion' to the other.

³⁴Qutb, Vol. II, p. 653.

³⁵Ibid.

³⁶The verb here is *bagha* which Pickthall has translated elsewhere as 'doing wrong against someone or something' (verses: 10:23, 42:42, 49:9). Lane's

translation, Part 1, p. 231, also suggests acting wrongfully or injuriously towards another person, oppressing or seeking to hurt another.

³⁷See, for example, Abdullah: al-Na'im's *Towards an Islamic Transformation: Civil Liberties, Human Rights and International Law* (New York: Syracuse University Press, 1990, in which he discusses a methodology for applying general principles of the Qur'an over limited, specific statements from the Madinan period. See also Nazirah Zein-ed-Din, 'Removing the Veil and Veiling', translated from the 1928 edn. by Salah-Dine Hammoud for *Women and Islam: Women's Studies International Form Magazine*, 5 (1981): 221-7.

³⁸Maria Riley, *Transforming Feminism* (New York: 1989), p. 102

³⁹This author does not distinguish between the word of God and Islam, but this is an essential distinction for this research.

⁴⁰Aziza al-Hibri, 'Islamic Herstory,' p. 207.

⁴¹Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, (Chicago: The University of Chicago Press, 1981), p. 19.

⁴²Ibid., p. 18.

⁴³Nazirah Zein ed-Din, see footnote 37, p. 224.

⁴⁴Shaykh Al-Ghalaynini, *Al-Islam Ruhu al-Madaniyyah*, quoted by Nazirah Zein-ed-Din, 'Removing the Veil and Veiling', p. 223.

⁴⁵Nazirah Zein-ed-Din, op. cit., p. 223.

⁴⁶Rahman, *Major Themes in the Qur'an* (Chicago and Minneapolis: 1982) p. 49.

⁴⁷See Chapter 2 for a detailed discussion of the Qur'an's treatment of Bilqis.