

# WOMEN IN ISLAM

4291

by

MUHAMMAD MAZHERUDDIN SIDDIQI

*Fellow, Institute of Islamic Culture Pakistan, Lahore*



THE INSTITUTE OF ISLAMIC CULTURE  
CLUB ROAD, LAHORE

First Edition 1000

1952

Price Rs. 5/12

87600

~~70400~~

PRINTED IN PAKISTAN  
by  
Mirza Mohammad Sadiq  
at the  
Ripon Printing Press, Bull Road, Lahore  
and published by  
Dr. Khalifa Abdul Hakeem, Director  
for  
The Institute of Islamic Culture  
Club Road, Lahore

مکتبہ اسلامیہ  
لاہور  
پبلشرز

## PREFACE

4291

**T**HE position of women under Islam has been the subject of repeated controversy among educated Muslims ever since they came under the impact of Western civilisation. It is still a live issue capable of generating much heat and passion. In this book an attempt has been made to analyse the position as objectively as possible.

It has been the basic stand of the Institute of Islamic Culture ever since it came into existence and formulated its approach to existing social, political and economic problems that Islam is not a rigid framework of laws and institutions, but a set of principles capable of fresh application in changing social conditions. Consistently with this view, I have tried to show how Islamic injunctions in regard to the regulation of sex and family life can be adapted to modern conditions without departing from the principles underlying them. In this approach towards Islamic injunctions we differ both from the orthodox theologians and the Westernised Muslims. The former maintain that every single, specific injunction of Islam is eternally valid and unchangeable. The latter advocate changes which are sometimes repugnant to the total world outlook of Islam and contravene its basic principles. We admit the need of change but only within the framework of fundamental Islamic values and general underlying principles whose validity remains unaffected by the varying conditions of social progress.

The rights of women *versus* those of men spring from sexual, biological and social realities, not from romantic idealism unrooted in scientific facts. A civilisation's attitude towards women is largely determined by its total pattern of life

and particularly by the view it takes of sex life in all its manifold manifestations. The importance of sex life and its general influence on men's conduct was not fully realised until very recently. Modern researches on sex psychology have drawn attention to the wide ramifications of the sexual impulse in everyday life. In this respect Islam anticipated much of what the modern man has recently learnt. No other religion realised to the same degree the importance of sex in moulding human conduct for good or ill.

Islam's insistence on sexual purity and the preventive measures it devised to ensure a healthy sex life, reveal a deep insight into sex psychology and shows its awareness of sex as a vital factor in strengthening or destroying a civilisation. For it is clear that sex, like economics, is one of the most vital determining factors in moulding the future of a people. A civilisation which can successfully regulate its sex and economics is able to endure longer than one which leaves them unregulated or regulates them badly. Islam has adequately dealt with both. In determining the respective rights and obligations of men and women, it has kept in view the depth and extent of sexual urges and their repercussions on economic life. For sexual life has its economic consequences which are sometimes lost sight of. It is not right to view sexual life in isolation. No aspect of life can remain unaffected by others. Interaction and interpenetration of different habits is a vital psychological fact. In studying Islamic injunctions with regard to the private and public life of men and women, this fact should not be overlooked.

MAZHERUDDIN SIDDIQI.

Lahore :  
14th June, 1952.

## TABLE OF CONTENTS

	PAGE
PREFACE . . . . .	iii
CHAPTERS	
I. GENESIS OF THE PROBLEM . . . . .	1
II. BASIC ATTITUDES . . . . .	11
III. ISLAM AND THE IDEAL OF SEX EQUALITY . . . . .	16
IV. WOMEN IN MARRIAGE . . . . .	40
V. DIVORCE . . . . .	76
VI. SOCIAL RESTRICTIONS ON MEN AND WOMEN . . . . .	101
VII. PURDAH . . . . .	132
VIII. POLYGAMY . . . . .	143
IX. CO-EDUCATION . . . . .	152
X. BIRTH-CONTROL . . . . .	162
XI. DEVIATIONS FROM ISLAM . . . . .	179
XII. CONCLUSION . . . . .	189



## CHAPTER I

### GENESIS OF THE PROBLEM

**B**EFORE dealing with the position of women in Islam, it would be well to examine how the question of women's rights and their claim for complete equality with men came to the forefront in modern times and what the underlying causes were which added strength to women's claim for freedom and equality. Such an analysis is called for in order to ascertain how far women's movement in modern history issued out of a scientific and rational understanding of their powers, faculties and social functions and how far it represented merely a blind revolt against tradition, custom and artificial social restrictions and was prompted by desires untinged with altruism. It is necessary to make a dispassionate search for rational as well as non-rational factors in the modern women's movement, because otherwise our conclusions are likely to reflect the partisan spirit of one or the other side in the bitter controversy that has raged over women's demands.

An American writer, Mary R. Beard, sums up three divergent viewpoints on the subject of women's place in society in her book, *Woman as Force in History*. She says :

"One is the view that 'the women's problem', a definition respecting woman's place in society satisfactory to herself, can only be solved by complete equality with men, and that this equality can only be established under Communism. A second view is that woman must find her greatest happiness and contribute most to the state by limiting her ambitions to domesticity and still more narrowly to child-bearing, in order that the population rate may be high enough to keep a given nation secure against crowded societies on its borders, and strong

enough within for aggressive action when desired against neighbours or more distant communities; this is the ideology of Fascism. The third view is that woman must have the right to choose her way of life even to the point of self-centred interests; this is one among the ideologies of democracy."

Let us now see the actual historical circumstances which gave birth to these three viewpoints on the subject of woman's place in society. We shall first deal with the democratic viewpoint which is historically prior to the ideology of Fascism and Communism.

The eighteenth century was a period of great social and intellectual unrest in Europe. The rising intelligentsia and the middle classes of Western countries found themselves encumbered with a host of social barriers, economic restrictions and intellectual fetters which were blocking the path of progress in every direction. They were legacies of an age of Feudalism which was already past. The feudal landlords, the Catholic Church with its vast power over men's bodies and souls and the Pope, who headed the church organisation, had a vested interest in perpetuating age-old customs and artificial social restrictions which the new spirit was seeking to break through. In these circumstances it was not unnatural that for the rising bourgeoisie of European countries, freedom and liberty should acquire a sanctity out of all proportion to their importance in the total scheme of human values. Thus in the eighteenth- and nineteenth-century Europe, liberty and freedom became exclusive sovereign values. The importance of all other ideals was lost sight of and the complementary values of order, discipline and responsibility, without which there could be no real liberty, were ignored and brushed aside as of no moment in the lives of nations. History bears witness to the



fact that when some powerful idea takes root in a civilization, it permeates every sphere of human life and activity. The same thing happened with the notion of liberty which, extending from the domain of politics, invaded the social sphere and expressed itself in a demand for the readjustment of sex relations. Powerful voices were raised on behalf of the rights of the female sex which had long suffered from innumerable legal and social disabilities. Freedom and equality of the sexes became accepted principles with the new social reformers.

In France, which was the centre of all revolutionary ideas, the Romantic school of literature and poetry first made an organised drive to popularise the ideal of sex equality. George Sand, who headed this school, was a woman of loose sexual morality. She proved unfaithful to her husband who was driven to separation. Thereafter she led the life of a libertine forming promiscuous sexual relations with a number of men, among whom was Alfred Musse, a French poet of some renown. In her novels, *Lelia* and *Jacques*, she severely criticised the institution of marriage and advocated free love. George Sand was followed by another group of poets, novelists and dramatists among whom Alexander Dumas and Alfred Naquet stand out as the most prominent. These writers laid emphasis on the natural birthright of men and women to indulge in free sexual relations without the encumbrances of marriage. Mention must also be made of Mary Wollstencraft who wrote her book, *A Vindication of the Rights of Women*, in 1792. She reflected a more rational outlook which was coloured more by the altruistic desire to serve the cause of women than open the flood-gates of license. In this pioneer work she protested against the unjust and unequal treatment of women and condemned the

whole system of law and custom that governed the relations of men and women. Her influence on the women's movement in France was deep and widespread. These tendencies were reinforced by the Neo-Malthusian movement in England and France which sought to limit the growth of population by popularising the use of contraceptives. Then the industrial revolution in England, by throwing upon the crowded cities a vast army of peasants and rural craftsmen, unable to support their family, further accentuated this process and brought women into the economic field for the first time in history. The radicals and philanthropists of the fifties and sixties like Robert Owen, Ruskin, Bentham and John Stuart Mill gave further impetus to the women's movement. In 1861 Mill wrote his famous book *Subjection of Women* in which he argued with great precision and logic that the subjection of women was the product of age-long custom and did not testify to any inherent inferiority in the female sex. Mill contended that the distinctions between men and women which went to show the inferiority of women in the domains of mental and intellectual productions were not natural but artificial, that is a product of subjecting environment. The education and external circumstances in which women were being brought up were, according to him, responsible for their seeming inferiority; all other talk, he pointed out, of her innate inferiority was logical perversion and psychological misunderstanding. Under the stress of these social changes and intellectual movements, family ties loosened and domesticity lost its importance for women who were forced into the economic field by circumstances beyond their control. The ideal of sex equality came nearer fulfilment than ever, though in ways which boded ill for the happiness of individuals and the moral health of the community. In the Great War of 1914 a vast

majority of the male population in European countries had to join the war services and many of the non-military occupations, hitherto regarded as the closed preserve of the male sex, were thrown open to women who became more and more convinced of their ability to compete with men on equal terms in all fields of life.

In 1941 when America entered the second world war, millions of American women were taken into the armed forces, placed in uniform, disciplined by officers of their own sex working under naval and military authorities, accorded official ranking and honoured with decorations for bravery under fire. To release men for fighting, thousands of uniformed women worked as secretaries, clerks and officials. With skill and courage women served as doctors and nurses in the battle areas and in war hospitals at home ; and many were killed at the fronts while working near or under fire. In all the drives to raise money in aid of the armed services, American women assumed leadership and served in the ranks. They laboured to uphold the morale of the services at home and abroad. They toured the war areas and fronts as entertainers of the men under arms. They entered the war-production plants by millions and made possible the output of munitions and other war supplies on a scale that astounded the whole industrial world.

At the end of the war, American men and women alike in general hoped for a return to civilian life, and this meant a heated debate over public policies to be adopted with regard to "equality of rights" in the distribution of employments, in the competition for places and rewards in economy and society. The old debate over women's place in society was reopened with added intensity. When in 1944 the War Department of the United

States issued its booklets for the education of soldiers at round table forums, it included one manual to invite a pointed argument: "Do you want your wife to work after the war?" In this discussion one side argued that times have changed, that it is good and fitting for women to work, that they are competent in all kinds of jobs, hanker after economic independence, and are likely to hang on to a cash nexus for dear life. On the other side were those who argued that woman's place is in the home, that her function is child-bearing and rearing, and that men will not stand her competition with returned veterans.

So far we have examined the circumstances in which the democratic ideal of equality of sexes arose and gathered strength. Now let us turn to the communist ideal. The leader of Communism in Russia, V. I. Lenin, was ably supported and encouraged throughout his period of struggle by his wife, Krupskaya. When Lenin climbed to power in Russia, Krupskaya, who had been a zealous champion of sex equality, helped to drive home the issue of woman's rights as one of the basic issues of the Soviet revolution.

Lenin and his wife both knew very well that the Communist movement could have little prospect of success without the active support of women. And to win their full support, recognition of their right to full participation in the Communist regime was immediately given. In a speech delivered in September 1919 at the Fourth Moscow City Conference, Lenin declared: "The Soviet Government has applied democracy to a greater extent than any other country, by the fact that in its laws not the slightest hint of any inferiority of women is left. I repeat, not a single state and no democratic legislation has done even half of what the Soviet

Government did for women in the very first months of its existence." In a conversation with Klara Zelkin, a prominent German socialist, Lenin elaborated the doctrine that "real freedom for women is possible only through Communism." Women must appreciate this and throw their energy into the Bolshevik Revolution, he insisted. "The Communist woman's movement must itself be a mass movement, a part of the general mass movement. There can be no real mass movement without women. Unless millions of women are with us we cannot exercise the proletarian dictatorship, cannot construct on Communist lines. We must find out our way to them, we must study and try to find that way." In Krupskaya's introduction to a pamphlet by Lenin on *Women and Society*, the double power of women's revolutionary agitation and the Communist theory of its underlying importance were brought out. Krupskaya wrote, "Ever since the beginning of the Soviet rule, equal rights for women have been an object of interest not only for women, but for men as well." As a result of these ideas which impressed themselves on youthful minds, Russian women in great numbers agitated and organised at home and abroad for the realisation of their objects. They secured positions in Russia with the secret police and both judged and punished opponents of the Communist party. After German troops invaded Russia, women who were not members of the Communist party rushed like members of the party to defend their country. The Russian women, communists as well as non-communists, engaged in all phases of armed combat with the foe.

Like the Russian Soviet revolution, the Fascist revolution in Italy, Germany and Spain was also confronted with the necessity of winning women's support and their active co-operation in the struggle

for Fascist ascendancy. The Fascist attitude to women was explained by Professor Maria Castellani in a volume on *Italian Women, Past and Present* in which she said, "Fascism recognises women as a part of the life force of the country, laying down a division of duties between the two sexes, without putting obstacles in the way of those women who by their intellectual gifts can reach the highest positions." Adolf Hitler, leader of the German Nazis, formulated the attitude of his movement towards women in a speech at Nuremburg on September 14, 1934 when he said, "Woman has her battle-field. With each child that she brings to the nation, she fights her fight for the nation." Such women as Sophic Rogge-Boerner, who called for the military training of women, were suppressed by Hitler and Goebbels in favour of women who devoted their strength and interest to child-bearing. Young women in large numbers responded enthusiastically to indoctrination on this point and entered the numerous maternity homes founded by the Nazis.

We have seen how the Democratic, Communist and Fascist viewpoints about the rights of women and their place in society were in part moulded by certain historical conditions and in part by political expediency designed to secure a larger following by enlisting the support of women. As far as the democratic viewpoint is concerned, it was free from the taint of political expediency, but there was present in it from the very beginning a negative urge to sweep away age-long restrictions. Democracy failed, as in other fields, to develop a positive doctrine of women's rights and duties and confined itself to the removal of old abuses.

In contrast with the above-mentioned attitudes towards the problem of sex relations, Islamic teach-

ings in regard to the position of women can be traced to neither of these sources. There was no political necessity for the Prophet of Islam to gain the favour of the fair sex, because the social conditions of Arabia were such that women's influence on the larger affairs of life was bound to be negligible. Nor was the Prophet of Islam confronted by the necessity of enlisting women for fighting a national war of defence or aggression against foreign countries. Therefore, unlike Hitler and Mussolini, he had no motive to define women's rights and duties with an eye on the requirements of military defence or aggression. Again in contrast to Democracy, which was the outcome of a negative urge to sweep away old restrictions that blocked the way to progress, Islam was more concerned with bringing some sort of discipline to a race of wild, freedom-loving Arabs who knew no respect for law and order and obeyed no central authority. The problem, therefore, for Islam was not so much the loosening of artificial bonds, as creating law, order and discipline among a people steeped in licence and unacquainted with healthy social or moral restrictions. For all these reasons, Islam treated the question of sex equality and women's rights on its own merits and defined its attitude to sex-relations on the basis of human nature rightly interpreted. Islamic teachings on this subject, therefore, spring from the ultimate facts of human nature in its social context. Military necessity, political expediency or merely blind revolt against the past did not in any way affect Islam's solution of the sex problem.

The question of the relationship between men and women and their respective rights and duties is really a part of the larger socio-economic problem of man. Its solution depends on the way in which this larger problem is dealt with by a civilization.

It is wrong, therefore, to study the question of women's rights, and her place in society in isolation from the total context of human relationships in all their aspects. Before we pass any judgment on the particular way in which a civilization deals with the sex problem, we should consider its total approach to human existence, so as to enable us to view its specific solutions in their larger and total setting. But for this, we shall have to define the basic attitude of a civilization towards life in general. In the next chapter, therefore, we shall attempt to define the basic approach of Islam towards human existence, in contrast with that of the Western Civilization, because this approach has a decisive bearing on the way in which Islam grappled with the problem of sex equality and the rights of women.



## CHAPTER II

### BASIC ATTITUDES

**I**SLAMIC attitude towards life has been defined by the Holy Quran in the following verses :—

“Blessed is He in Whose hands is the kingdom and He has power over all things, Who created Death and Life that He may try you—which of you is best in conduct.” (LXVII : 1, 2)

“And He it is Who created the heavens and the earth in six days and His throne was on water that He may try you—which of you is best in conduct.” (XI : 7)

“Lo! He produceth creation, then reproduce thit that He may with justice recompense those who believe and do good works.” (X : 4)

Life, for the individual, according to the above verses, is an opportunity, provided by Nature, to bring out the best and most spiritual in him by being placed within a network of human relationships which constantly put him on trial in respect of his social sympathies and sense of justice towards his fellow men. The purpose of life, therefore, is the spiritual betterment of man. Nature secures this end by placing individuals in a social situation where they may develop their altruistic self and restrain their egoistic desires. The response of the individual to the requirements of this situation is a measure of his spiritual progress and an index of his success or failure in the trial spoken of by the Holy Quran.

It is clear from the verses quoted above that Islam does not judge a civilization by its mechanical efficiency, technical progress or productive capacity. A society may achieve phenomenal

success in any or all of these aspects and still remain spiritually bankrupt, if in the distribution of material wealth and the products of technical development, it betrays an insufficient regard for social justice and human equality. On the other hand, there may be civilizations lacking in material productivity, yet marked by a high sense of fellow-feeling and greater regard for human values. The test of a civilization, from the Quranic viewpoint, lies in the harmony of relations between its component parts, whether horizontally as affecting the different national groups which inhabit its sphere of influence or vertically as reflected in the mutual attitude of the different economic classes whose total productive efforts sustain its material existence. That is the meaning of the Quranic statement that God created Death and Life in order to try which of you is best in conduct. The primary value of a civilization, according to this attitude, lies in the moral conduct of its individuals as reflected in their beliefs, institutions and class and sex relations etc. Here and not in its mechanical development and technical efficiency should be sought the criterion of its success or failure.

That social conduct in its various manifestations is the main concern of the religious spirit has been further emphasised by the Holy Quran in the following verses :—

“ The love of desires, of women and sons and hoarded treasures and well-bred horses and cattle and tilth is made to seem fair to men ; this is the provision of the life of the lower level and Allah is He with Whom is the higher goal (of life).

Say : shall I tell you of what is better than these ? For those who guard (against evil) are gardens with their Lord, beneath which rivers flow, to abide in them and pure mates and Allah's pleasure ; and Allah sees His servants.

Those who say, our Lord ! surely we believe, therefore forgive us our faults and keep us from the chastisement of fire.

The patient and the truthful and the obedient and those who spend (benevolently) and those who ask for forgiveness in the morning times." (III : 13, 14, 15),

Here the Holy Quran presents two alternative ways of life. Firstly the lower way, which is distinguished by the predominance of acquisitive desires, the love of sexual pleasure, the pride of family, wealth and other kinds of material acquisitions, and secondly, the life of creative social sympathies marked by the pursuit of higher ideals which call forth our powers of patience, philanthropy and remind us of our duties to our fellow men. The Holy Quran declares its preference for this latter way of life and holds out the prospect of a rich reward for those who follow it. Here again Islam emphasises social values other than those which lead merely to greater abundance of material goods without in any way ennobling and harmonising human relations.

Further evidence of this attitude towards human social existence is provided by the following statement :—

“ Permission (to fight) is given to those upon whom war is made, because they are oppressed . . . . . Those who have been expelled from their homes without a just cause . . . . . Those who, should we establish them in the land, will keep up prayer and pay the poor-due and enjoin good and forbid evil.” (XXII : 39, 40).

The Holy Quran describes here the distinctive qualities of a party which comes into power as the result of a successful struggle against the forces of evil. What is significant is that we miss here any emphasis on purely physical valour, military preparedness, technical efficiency and mechanical skill—qualities which, by any test of fitness, are neces-

sary for those who wish to come out successful in a military struggle. Instead, the virtues recommended by the Holy Quran are those which tend to harmonise and ennoble human relations—deference to the claims of the down-trodden, humility in a state of power and success, manifested in efforts to establish prayers, and an active desire to stamp out evil and injustice in all forms, a reforming zeal to encourage virtuous behaviour leading towards improved human relations. For a group engaged in a life and death struggle for survival, these qualities seem rather inappropriate, since a state of struggle calls for just the opposite qualities of physical valour, mechanical efficiency and technical superiority. The only explanation for this seeming paradox is that, according to the Holy Quran, the latter virtues are the necessary but secondary products of a struggle whose inspiration comes exclusively from a spiritual vision of life. The main object of human existence is the continuing improvement of human relationships. But this object requires for its successful accomplishment the secondary qualities of material strength and mechanical efficiency etc. A civilization which inverts this natural order and sets up material progress and technical skill etc. as ends in themselves, runs the grave risk of disintegration from within by social conflicts arising from the deteriorating relations of its component parts.

In passing judgement on Islamic teachings with regard to sex relations and the ideal of sex equality, it is necessary to keep in mind this aspect of the matter. As against Western civilization which regards the abundance of material wealth, technical skill and mechanical efficiency as of primary importance and which subordinates, as of instrumental value and secondary importance, the ideal of social

justice and other spiritual values, Islam puts primary emphasis on just those qualities of the soul which lead to greater social harmony and prevent class conflicts. Material wealth and the human qualities which tend to increase it are not belittled by Islam. They are allowed only a rank of secondary importance. This difference in the two systems of values alters the perspective in which human and social problems are tackled respectively by Islam and Western civilization. Islamic civilization stand midway between ancient ascetic cultures which negated life and matter and looked upon the things of this world as having a soul-degrading effect and the materialistic culture of the modern West which has turned material wealth and economic prosperity into objects of idolatrous worship. From the Islamic viewpoint, economic wealth and the qualities which help its furtherance, are good only in so far as they subserve spiritual interests and make for greater social harmony. When raised to the level of primary importance, they become the agents of the devil.

### CHAPTER III

## ISLAM AND THE IDEAL OF SEX EQUALITY

**E**QUALITY is a term which is hard to define. There is a sense in which all human beings are equal, but in actual life, we find that no two human beings are really equal in all respects. There are differences of tastes, temperaments, faculties, powers and outlook, all of which cannot be traced to differences of environment or upbringing. It is apparent that the rights and duties of men and their social position flow from these inborn differences. In spite of the fundamental and essential unity of all human beings, it is impossible in practice to level down all differences and inequalities, because some of them are the outcome of native differences. Inequality leads to injustice and oppression only where artificial impediments, whether in the shape of laws and customs or traditions, are super-added to natural inequalities so as to prevent men and women from developing their native capacities to the full. It is the task of religion, state and law to remove all hindrances to human development and create an environment where only natural inborn differences and inequalities may fix a man's station in life.

The ideal of sex equality should also be studied from the same angle. If by sex equality is meant that artificial customs, traditions and laws which prevent the female sex from playing its full part in collective life and developing its inherent capacities to the maximum extent, should be removed out of the way, there is hardly any individual of sound understanding who would disagree.

But if sex equality means that the type of mental and bodily faculties, psychological make-up and temperamental equipment possessed by the two sexes is identically the same and that men and women exist and have their being not as complements to each other but as competitors and rivals in a common sphere of action, then it is an ideal about which most people would disagree. As we shall discuss later, even modern writers and specialists on sex are not agreed on this point.

As far as the Holy Quran is concerned, it promulgated the doctrine of human equality, including sex equality, in a comprehensive verse which negates all inequalities due to sex, race, colour, nationality, caste or tribe. Says the Quran :—

“O people! be careful of (your duty to) your Lord, who created you from a single being and created its mate of the same (kind) and spread from these two many men and women.” (Chap. IV : 1).

This is a declaration in plain terms that in essential human dignity and fundamental rights, all human beings of whatever sex or race or nationality stand on a footing of equality, because they all ultimately spring from a single source.

When Islam appeared in Arabia, women held a very low position in society. They were treated not only as social inferiors but like slaves and chattel. When a man having many wives died, the latter were inherited by his sons like moveable property. It was a mark of dishonour for any man to have a daughter and many preferred to bury alive their female children rather than face social opprobrium. It was Islam and the teachings of the Holy Prophet which dispelled the prevailing idea that women were inferior to men or that female children deserved any treatment different from that meted out to male issues. The Quran

asserted the dignity of women by declaring :—

“They are an apparel for you and you are an apparel for them.” (II : 188).

Here again the Quran lent support to the basic equality of women and men by declaring that each sex complements the other, and neither is inferior in status and dignity. The word apparel may be interpreted to mean either ‘protection’ or ‘dignity and beauty’. The verse would mean, therefore, that men and women protect each other from sin and dishonour or it may mean that woman lends dignity and adds beauty to the existence of man, as man does to that of woman. Similarly the Quran heaped scorn on the Arabs’ traditional attitude towards the female sex in the following verses :—

“And when a daughter is announced to one of them his face becomes dark and he is full of wrath. He hides himself from the people, because of that which is announced to him. Shall he keep it with disgrace or bury it (alive) in dust. Now surely evil is what they judge.” (XVI : 58, 59).

With a view to contradict the notion that women have no rights, the Quran came out with the plain and unambiguous declaration :—

“They have rights similar to those against them, in a just manner.” (II : 228).

In consonance with this spirit of equality, the Prophet of Islam constantly reminded his followers that female children should be treated exactly in the same manner as male issues. Prior to Islam, daughters were looked upon with disfavour and as a kind of economic and social burden. The result was that the male members of the family enjoyed a respect which was denied to those of the fair sex. There were marked differences in the treatment and upbringing of sons and daughters. All this was discouraged by the Holy Prophet (peace be on him) who upheld the rights of female children



and insisted on their being treated on a footing of equality. For example, according to a report of Ibn-e-Abbas, the Prophet's cousin, he is said to have declared : "If a daughter is born to a man and he brings her up affectionately, shows her no disrespect and treats her in the same manner as he treats his sons, the Lord will reward him with paradise." (*Kanzul Ummal*, p. 277). According to another report from Anas-bin-Malik the Prophet said : "Girls are models of affection and sympathy and a blessing to the family. If a person has one daughter, God will screen him from the fire of the hell owing to his daughter ; if he has two daughters, God will admit him to paradise ; if he has three, God will exempt him from the obligations of charity and jehad." (*Kanzul Ummal*). Abu Huraira, a revered companion of the Prophet, says : "The Prophet of God said that if a person has three daughters whom he provides for and brings up, God will surely reward him with paradise." According to Abdulla Ibn-e-Masood, the Prophet is reported to have said, "If a daughter is born to a person and he brings her up, gives her a good education and trains her in the arts of life, I shall myself stand between him and hell-fire." (*Kanzul Ummal*, p. 277). Not content with moral exhortations intended to assert the equal rights of free women, the Prophet went so far as to declare : "A person who has a female slave in his charge and takes steps to give her a sound education and train her in arts and culture, and then frees her and marries her, he will be doubly rewarded." (*Bukhari, Kitabunnikah*).

The Holy Quran has in more than one place made it plain that in regard to moral and spiritual development men and women stand on a level of perfect equality. There are no limits to the moral

progress of a woman as that of a man. For example, the Holy Quran says : —

“Men shall have the benefit of what they achieve and acquire and women shall have the benefit of that which they similarly achieve and acquire.” (IV : 32)

And again, “And whoever does good deeds, whether male or female, and he or she is a believer, these shall enter the garden and they shall not be dealt with a jot unjustly.” (IV : 124).

In regard to religious duties, the Quran recognises no distinction between men and women. Their obligations towards God and man are similar in many respects, and therefore, their position and status in the eyes of God are also not dissimilar. Says the Quran :—

“And as for the believing men and the believing women, they are guardians of each other ; they enjoin good and forbid evil and keep up prayer and pay the poor-rate, and obey Allah and His Apostle ; (as for) these, Allah will show mercy to them, surely Allah is Mighty, Wise.

Allah has promised to the believing men and believing women gardens beneath which the rivers flow, to abide in them, and goodly dwellings in gardens of perpetual abode ; and the best of all is Allah's goodly pleasure ; that is the grand achievement.” (IX : 71 and 72).

It follows that if men and women have equal duties in regard to prayers, the payment of poor tax and, most of all in the enjoining of good and the forbidding of evil in all their social, economic and political forms, it is necessary that they should have equal educational opportunities. How can a woman enjoin the good in politics or forbid men from bad politics, how can she raise her voice against ruinous economic policies or advocate beneficial economic reforms, if she is not mentally and spiritually well-equipped for this supreme religious duty. It should also be remembered that Islam makes no distinction between secular duties and religious

duties. According to the teachings of Islam all duties whether they concern politics, economics or social well-being in general, are religious duties in no way different from prayers, fasts and the organisation of social charity. It is, therefore, a plain deduction from the above verse that men and women should be regarded as equal in the fields of politics, economics and education etc. and, consistent with the discharge of their special responsibilities in their particular spheres, they should receive equal rights in all these fields of action.

The Prophet not only enunciated this general doctrine of sex equality involving equal educational opportunities but also practised it. Innumerable are the traditions of the Prophet which show that women, like men, used to come freely in the presence of the Prophet for putting questions and addressing enquiries on all sorts of social, religious and economic matters. The Prophet used to answer their queries and enlighten them on all live issues. Arabia, in particular and the world in general, was so backward in those days that there were no organised educational institutions even for boys, not to speak of girls. So the Islamic attitude towards female education can be studied only from the casual remarks of the Prophet and his permission to women to approach him freely for enquiries on matters of religious, economic and social importance. There is no doubt that the Prophet encouraged women in the spirit of understanding and enquiry. His wife, Ayesha, was herself a very learned woman, and during the reign of the first four Caliphs her advice, even on political matters, was eagerly sought by the rulers of Islam. On Islamic jurisprudence she was and is still regarded as a great authority. In his collection of traditions, Muslim reports that Ayesha praised the women of Ansar for their spirit

of enquiry and learning saying, "How praiseworthy are the women of Ansar that their modesty does not prevent them from attempts at learning and the acquisition of knowledge". (Muslim, *Kitabuttaharat*). This statement was occasioned by the fact that the women of Ansar were more eager than others to learn from the Prophet and they used to address frequent enquiries to him. Instead of discouraging them, the wife of the Holy Prophet characterises as highly praiseworthy their eagerness for learning and enquiry.

The Holy Quran further stresses the equality of women in regard to the possibilities of spiritual progress by quoting from history the examples of women who rose to spiritual eminence by their own efforts :—

"And Allah sets forth an example to those who believe the wife of Pharaoh when she said : My Lord ! build for me a house with Thee in the Garden and deliver me from Pharaoh and his doing, and deliver me from the unjust people.

And Mary, the daughter of Amran, who guarded her chastity, so We breathed unto her of Our inspiration and she accepted the truth of the words of her Lord and His books, and she was of the obedient ones." (LXVI : 11, 12).

The Holy Quran further declares that women have been the recipient of special gifts from God so that nothing stands in the way of their reaching the highest pinnacle of spiritual progress.

"And We revealed to the mother of Moses." (XXVIII : 7).

"And (remember) when the angels said : O Mary ! surely Allah hath chosen thee and purified thee and selected thee (for His special blessings) of all the women of the world." (III : 2).

Despite the great stress it has laid on the essential and fundamental equality of men and women and their equal rights in all matters of vital

87600

~~70000~~

concern, the Holy Quran does not believe in that conception of sex equality which ignores the natural differences, special aptitudes and specific powers and faculties of men and women with the resulting fitness of men for some kinds of work and the equal fitness of women for other types of activity. On the whole, the Holy Quran regards men and women as complementary to each other, one sex making up what the other lacks. This is evident from the following verses of the Holy Quran which underline the purposive nature of sex differences :

“He it is Who created you from a single being, and of the same (kind) did He make his mate, that he might incline to her.” (VII : 189)

“And one of His signs is that He created mates for you from yourselves, so that you may find quiet of mind in them and He put between you love and compassion.” (XXX : 21)

“Men are the maintainers of women because of that excellence which Allah has given to some of them over others and because they spend out of their property.” (IV : 34)

“And they (women) have rights similar to those against them in a just manner and the men are a degree above them.” (II : 228)

The main points to be noted here are, firstly, that the female sex must be a source of comfort and peace of mind to its male counterpart, secondly, that men and women excel each other or are superior to each other in some respects and that in the general affairs of life men are partially, but not absolutely, superior to women. These general statements involve certain indirect conclusions which are of the greatest importance to social happiness. The Quran, it seems, first sets forth a general doctrine of sex equality and then qualifies and defines it with the assertion that this is not a bald and undifferentiated equality but one involv-

ing special rights and duties both for men and women. Within the frame-work of their special responsibilities, both sexes are absolutely equal to each other.

Now what are the conclusions to be drawn from the qualifications mentioned by the Holy Quran? It is emphasised by the Holy Book that the female sex is a source of comfort and quietness of mind to the male sex. This can happen only if men and women are united in a more or less permanent bond of interests which finds expression in a life planned and based on some idea of the future, requires them to co-operate and not to compete, and integrates them as complements in an ordered whole. These considerations involve a pattern of life of which Marriage, Family and Children are the most important factors because there can be no other abiding interests to hold together two individuals of different sexes. A mere community of intellectual interests or identity of special aptitudes is an insufficient bond even for that microscopic minority to whom these things matter most. For the large majority of men and women these can hardly provide any link, unless they are supported and strengthened by the desire for family life and children. It is obvious, therefore, that Islam does not envisage any social pattern from which family and children have been excluded and since these two factors involve special functions for women and special responsibilities for men, equality of rights in Islam means an equality which is adjusted to and qualified by the special duties and responsibilities of each sex.

Again the Quran recognises the superiority of both sexes over each other in some respects. To the extent that men are superior to women and women to men in certain matters, the doctrine of

equality must be qualified with due regard to natural facts. About the special position of men the Quran makes two statements. Firstly that men are the supporters or sustainers of women in an economic sense. But it must be noted that this implies no natural superiority on the part of men, nor any inherent inferiority of women, because it is a purely economic arrangement dictated by natural necessities. The Quran, however, accords a slight superiority to men in general by saying that men are a degree superior to women. This superiority of men relates both to the domestic and political fields. In domestic life final authority must rest with the one sex or the other. There cannot be two co-equal authorities here as elsewhere. Similarly in the political field also final decisions should rest with men in general, because men are by nature gifted with a wider vision and also because their comparative freedom from certain natural limitations which absorb a considerable amount of female time and energy enable them to devote more attention to political affairs.

Having stated the Islamic conception of sex equality, we shall examine whether the qualifications made by Islam to the general doctrine of sex equality find any support from modern writers on the subject of sex. The question ultimately resolves itself into one of differences between men and women in regard to their faculties, powers, aptitudes and temperaments. If there are such differences and dividing lines, then the doctrine of perfect sex equality can be true only with the qualifications set forth by the Holy Quran and to the extent of these qualifications there ought to follow a scheme of life in which men and women, apart from general and equal rights and duties, must be assigned special rights and exclusive responsibili-

ties. Many modern writers on sex would generally agree with the above proposition. For example, Dr. Alexis Carrel, a French Nobel Prize winner, says in his famous book, *Man the Unknown* :—

“The differences existing between man and woman are of a more fundamental nature. They are caused by the very structure of the tissues and by the impregnation of the entire organism with specific chemical substances secreted by the ovary. Ignorance of these fundamental facts have led the promoters of feminism to believe that both sexes should have the same responsibilities. In reality woman differs profoundly from man. Every one of the cells of her body bears the mark of her sex. The same is true of her organs and, above all, of her nervous system. Women should develop their aptitudes in accordance with their own nature without imitating the males. Their part in the progress of civilization is higher than that of men. They should not abandon their specific functions.”

There are a large number of equality enthusiasts among us now who are either unwilling to recognise such radical differences between the two sexes or, accepting them grudgingly, insist on their removal and obliteration by conscious efforts. What these people fail to note is that the peace of mind and comfort on which the Quran has laid stress in the relations between the two sexes is the outcome of these very differences. If they could possibly be removed, sex life and marriage would lose much of their charm. On this point we would quote the American writer, Margaret Mead who says in her book, *Male and Female* :—

“Our tendency at present is to minimize all these differences in learning, in rhythm, in type and timing of rewards, and at most to try to obliterate particular differences that are seen as handicaps on one sex. If boys are harder to train, train them harder ; if girls grow faster than boys, separate them, so the boys would not be damaged ; if women have a little less strength than men, invent machines so that they can still do the same work. But every adjustment that minimizes a difference,



a vulnerability, in one sex, a differential strength in the other, diminishes their possibility of complementing each other, and corresponds—symbolically—to sealing off the constructive receptivity of the female and the vigorous outgoing constructive activity of the male, muting them both in the end to the duller version of human life, in which each is denied the fulness of humanity that each might have had. Guard each sex in its vulnerable moments we must, protect and cherish them through the crises that at sometimes are harder for one sex than for the other. But as we guard, we may also keep the differences. Simply compensating for differences is in the end a form of denial."

This sound advice of a writer who herself happens to be a woman and belongs to an advanced country of the West must serve as an eye-opener to those extremists who, in their blind enthusiasm for sex equality, are advocating all sorts of ridiculous reforms and denying the beneficial effects of sex differences as well as the complementary position of man and woman in respect of each other.

The same American writer, commenting on the increasing entry of women in professional fields (of course, under a wrong conception of sex equality) remarks, "It is of very doubtful value to enlist the gifts of women if bringing women into fields that have been defined as male frightens the men, unsexes the women, muffles and distorts the contribution the women could make, either because their presence excludes men from the occupation or because it changes the quality of the men who enter it." (*Male and Female* by Margaret Mead).

It would seem, then, that the doctrine of sex equality cannot be pushed to a point, where it means that men and women are equally fit for all fields of employment, or that the indiscriminate entry of women in the professional fields would have no undesirable social effects.

In regard to the Quranic statement that men and women excel each other in some respects and are, therefore, unequal to that extent, we shall quote another American woman writer, Mary B. Beard, who gives a very interesting account of the discussions held on this point by American psychologist in her book, *Woman as Force in History*. She writes:—

“At its ninth spring meeting, the Eastern Branch of the American Psychological Association held sessions on the attitude of men and women towards men.

The meeting lasted for two days and nearly one thousand persons were reported attending its sessions. The main discussion revolved round the results of a questionnaire submitted to an equal number of men and women. By means of this survey designed to explore opinions of men and women about women, the conclusion was reached by its promoters that both sexes were in a remarkable agreement in favour of equal social rights for both sexes and a wide disagreement in evaluating the emotional stability and originality of women.”

In the discussion which followed a statement of the survey's findings, men and women participated and according to newspaper accounts, “Seven out of every ten men, and an equal proportion of women, believed that men were less influenced by emotion than women in their judgments.” To the statement that ‘women are more interested in the trivial things of life than men,’ 91.7 per cent of the men gave their assent and 91.1 per cent of the women.”

The discovery or assumption that women differ from men governed discussions of the subject by members of the Psychological Association which assembled at Palo Alto a few years ago, and much importance was attached to glandular differentiations.

“What is the psychological difference between a boy and a girl?” was the question on which they

attempted to focus their remarks. The question had been before the members of the Association for meditation in advance of this meeting. Indeed a report, framed by two men and one woman of Stanford University was ready for the guidance of the discussion. Its burden was that the "original constitutional" equipment of girls and boys differs. And in women, it asserted, the whole glandular system is "more precarious" than in men. But mental balance is "superior in the male." Whys and wherefores of the divergence in mental balance were 'probably' traceable to the basic physical differences, some speakers averred. As the discussion was reported in the press, its upshot was the consensus that "women in general have made no relative progress against mental irregularities since they began throwing off conventional restraints at high speed."

Now, if the above conclusions are true, it means that men, being less amenable to emotional influences and possessing a more stable mental balance, are better fitted for political activity which requires calm reasoning and lesser susceptibility to emotional influences. Similarly these conclusions also establish the fact that being mentally more stable, men are bound to remain superior in intellectual pursuits which require persistent and continuous work. These facts make it clear that the ideal of sex equality cannot be accepted without important qualifications and reservations based on the ultimate facts of the psychology and nature of the two sexes.

Let us now see what Havelock Ellis, one of the greatest modern authorities on the psychology of sex, has to say about the special nature and characteristics of women. In *Man and Woman*, Havelock Ellis has considered impartially a great amount of

available data as to the intellectual and other capacities of the two sexes. He says that abstract thought in women is, on the whole, marked by a certain docility and receptiveness. Even in trivial matters, he says, the average woman accepts statements and opinions more easily than a man; and in more serious matters, "She is prepared to die for a statement or an opinion, provided it is uttered with such authority and unction that her emotional nature is sufficiently thrilled." Further, Ellis points out that woman craves more for sympathy than man and that she has not the same sturdy independence like him. This is a statement which lends support to the Quranic view that men are the maintainers of women, because even if it were possible for all women to become economically independent of men, their emotional nature and craving for sympathy would involve most of them in partial dependence on men. In man, on the other hand, there is no such gravitating force to incline him towards the fair sex, unless it be sexual attraction or the bond of children. Ellis illustrates his statement on this special characteristic of women by giving a famous list of women of genius who have put forth their best efforts only in sympathetic and intimate association with another person of the male sex. Thus Madame Curie, the most distinguished woman of science in modern times, was the wife of a distinguished scientific man who shared in her investigations. Mrs. Browning wrote her finest poems after she knew Robert Browning. The whole of George Eliot's fiction and other imaginative work was written in the company of a man (J. H. Lewis) who shared her scientific as well as literary tastes.

Taken as a whole, Havelock Ellis considers that the qualities of intelligence in men and women are

not of identical character or value ; but there is no question of superiority or inferiority. Their respective intellectual qualities fairly balance each other. Thus men, he says, are better able to apply what they have learnt ; they are much more inclined to support what they have learnt by reflection or further investigation. They have a precise knowledge in their own department, are without doubt more apt to supplement the prescribed course of reading by independent scientific research, take more interest in scientific pursuits and have greater power of observation. Women, on the other hand, dislike the essentially intellectual process of analysis, because, says Ellis, they instinctively feel that "analysis may possibly destroy the emotional complexes by which they are largely moved and which appeal to them." This is why women do not favour rigid rules, principles and abstract propositions. They are more impulsive and believe in its rightness. These are not all defects of the feminine mind, says Ellis ; they are innate sexual differences pointing to the ineptitude of women for science, however numerous and brilliant the exceptions.

Those characteristics, in his opinion, are "probably correlated with instinctive and emotional qualities which may fairly be regarded as organic." Ellis then proves that emotion is not, as popularly supposed, a purely mental phenomenon. It has its reactions upon man's vascular and muscular system, however self-controlled a man may be. "No amount of self-control on coarser expressions of emotion alters the case, for even to unscientific inspection the passion of the self-controlled man reveals itself by some quiver of muscle, some quickening of the heart-beat." Here he lays down an important truth that emotion depends on physical organisation. Woman's heart is easily excited under the

influence of stimuli by which man's heart in a state of health is unaffected. And he gives a proof of the greater excitability of woman's heart by pointing that there is a distinctly greater increase in the number of pulsations on awakening from sleep in women. Even the complex phenomenon of hysteria is due to weakness of resistance of the vasomotor system. And the special tendency of women to be affected by the disease of the eye called 'glaucoma' is, he says, accepted by all authorities to be due to the disturbances which emanate in generative organs.

He then points out that woman is more liable than man to convulsive manifestations. It is based on an abnormal readiness or, in other words, an undue affectability. Frequent appearance of blushing in women is due to the greater affectability of their vasomotor system. Convulsive tendency of women is testified by the facility with which they yield to tears and laughters. Tears are not produced by pain even when amounting to agony, but occur when "sympathetic nervous system is most developed and most impressionable."

Irritability, which Ellis calls 'irascibility,' is another form of affectability which "has been quite legitimately attributed to women." How far is this affectability in women, their greater emotionality, organic and, therefore, ineradicable, and how far it is the product of external circumstances and, therefore, capable of modification? Ellis says that affectability in women may be decreased to some extent, but that "there is, however, a limit to this sexual equalisation of affectability, remains extremely probable." And he further emphasises that "the comparatively large extent of the sexual sphere in women and of the visceral regions generally, the physiological tendency to anæmia, the exis-

tence of inevitable periodicity of function in women, conspire to furnish a broader basis for the play of emotion which no change in environment or habit could remove." And he quotes Hymen that "all the most characteristic features of women's nature are correlated with emotionality, and half of women's psychic nature would remain unexplained if we struck out this factor." Affectability in women, therefore, is an innate quality which, according to Havelock Ellis, may be reduced to finer and delicate shades but can scarcely be brought to the male standard.

It is not only Havelock Ellis who holds this opinion on the differences between men and women. There are other psychologists who think almost in the same terms. Thus Bloch<sup>1</sup> says that "psychologically also man and woman are different beings" : and Forel<sup>2</sup> expresses a similar opinion. Kisch<sup>3</sup> who has made an elaborate and deep study of woman's sexual life remarks : "The intellectual changes undergone by the girl at puberty are on less extensive and characteristic than the physical. In brief, the girl is transformed into a young woman endowed with all the attributes, mental and bodily, characteristic of femininity." Dr. Winge,<sup>4</sup> Norwegian physician, quoted by Weith-Kundsen, says : "The difference of sex is fundamental. Both bodily and mentally the difference between the typical woman and the typical man is all-pervading—the difference is by no means confined to sexual organs." And Weith Kundsen himself remarks, "Man and woman are not equal ; they have never been equal and they never will be. On the contrary, the difference of sex is so deep-going, that

- 
1. Iwan Bloch : *The Sexual Life of Our Time*, pp. 49-86.
  2. August Forel : *The Sexual Question*, pp. 504-505.
  3. Kisch : *The Sexual Life of Women*.
  4. Dr. Winge quoted by Weith-Kundsen in *Femininism*, 86.

two men of different civilised races are much more nearly similar in their nature than are men and women belonging to the same race." Dr. Lambrose Gina writes in her book, *The Soul of Woman*, that not only man and woman are different in height, in structure of the bones and in the muscular system but they are also different in the quality and quantity of air and food that they absorb, that they are subject to different sicknesses, their desires are different and finally they differ in their mental and moral tendencies. She further remarks, "progress, evolution and life are possible only through differentiation."

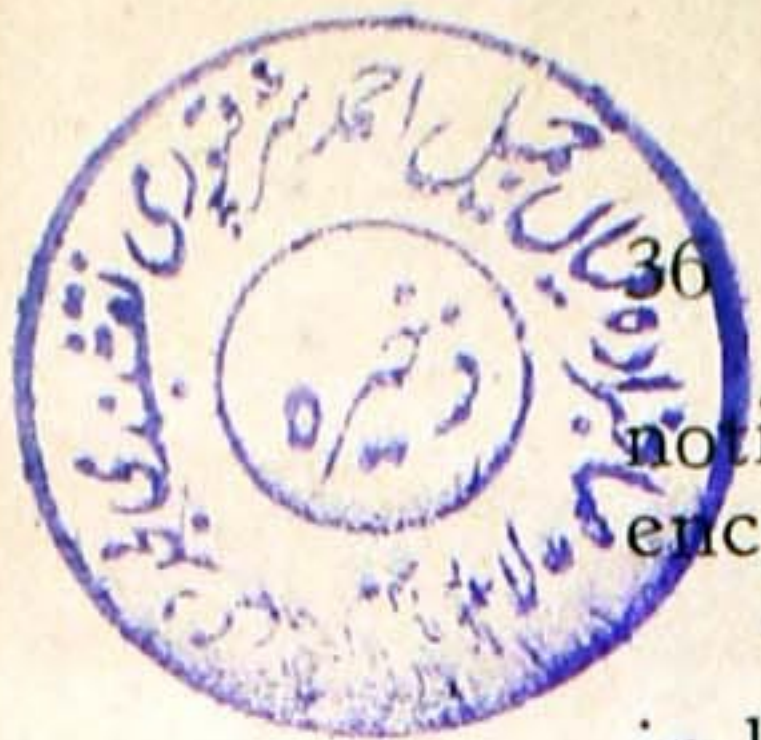
After quoting these authorities, the author of *Whither Woman?*, V. M. Rege writes on page 225 of his book, "There is, therefore, no escaping of the fact that there are certain inherent psychological differences which sharply distinguish man and woman. Here there is no question of their relative superiority or inferiority. They only point to the fundamental differences of the sexes in their function and mission. In their zeal to show equal educable capacity and intelligence, the English and American women are utterly misguided in demanding the same education for girls as for boys. It is now proved beyond doubt that woman has as much intelligence as man in pursuing the highest possible education. And this is exactly what has misguided the modern woman. She has misunderstood her own nature, needs and functions. She has allowed herself to be exploited by male-like ideals. She has come to conceive in womanliness something inferior and lacking, so that she has held before her as model all that the male is doing. She has become ashamed of her womanliness and wishes it better if she had been born a male. These false ideas have created a false standard before her, and consequently she has identified her personality with



that of man. She has ignored that she has an independent personality, quite different and entirely equal to man and which, if she developed, would develop into perfect womanliness."

In the sphere of sexual morality, it has been observed by modern protagonists of sex equality that it is unjust to apply two different standards in respect of men and women ; that if sexual laxity in men is not regarded as a very serious offence, there is no reason why it should be so regarded in women. This is true up to a certain limit and Islamic teachings have never made any discrimination in this respect between males and females. Thus adultery, according to Islam, in both men and women is legally an equal offence punishable with equal penalties. But even in this sphere unalterable facts of nature tilt the balance in favour of men. Discussing this question, Dr. Westermarck says in *The Future of Marriage in Western Civilization* :—

"But even if public opinion would, in the future, grant complete sexual freedom to the unmarried of either sex, the indulgence in it by girls would still be attendant with serious disadvantages, already pointed out. There would undoubtedly be exploitation of women by men ; girls who remained virgins would still be preferred as wives, and the others would run the risk of being used for temporary purposes. Feminists advocating equal freedom for men and women seem to overlook the benefits that the men would derive from it : they would find it easier to gratify their desires in a more agreeable manner than through intercourse with prostitutes, and at the same time to acquire sexual experience considered useful for their future marriage. When speaking of the 'injustice' of different moral demands on man and woman, those advocates also fail to



notice that this difference is ultimately due to a difference in the sexual instincts of the two sexes."

The ideas expressed above are more or less in line with the Islamic conception of sex equality. As we have shown in the beginning of this chapter, Islam upholds the essential human dignity and fundamental equality of the two sexes, but, along with the common rights and duties of men and women in which both are equal, it concedes some separate rights and prescribes some separate duties for men and women, in accordance with its view that each sex has its specific functions in society and is charged with an independent mission for the preservation and advancement of the human race. Within the limits of their special mission and functions in society, both men and women will have different rights and responsibilities and neither sex should feel jealous of the other if this involves lesser rights for one sex against the other in a strictly limited sphere and on easily understandable terms capable of adjudication in law-courts. This is the meaning of the Quranic verse :—

"And do not covet that by which Allah has made some of you excel others, men should have the benefit of what they earn and women shall have the benefit of what they earn." (V : 32).

According to Islam, there is a specific sex individuality in man and woman which they must preserve and cherish, because it is this individuality which gives them honour and dignity and enables them to fulfil in an effective manner their specific rôle in society. Where this specific sex individuality, instead of being regarded as a source of honour and dignity, is sought to be dulled and effaced, as if it involved any inferiority in men or women it produces a dead and colourless equality

which is, in effect, a denial of real equality, as it makes for less differentiation and, therefore, for less progress. There are clear instructions of the Holy Prophet on this point which stress the need for preserving sex individuality. Thus Abu Daud records it on the authority of Abu Huraira, a companion of the Prophet, that the Prophet uttered a curse on men who imitate women in their dress and manners and similarly on women who abhorred their femininity by trying to dress and act like men. Similarly in another place Abu Daud has recorded that the Prophet severely condemned those women who tried to appear and behave in the form and likeness of men.

Consistent with the exercise of their specific individuality and of the special functions flowing therefrom and involving special rights and responsibilities, both sexes have equal rights and are looked upon by Islam as distinct legal personalities. A wife, even after having come in partnership with her husband, is a separate legal person in Islamic law capable of suing and being sued in her own individual capacity and entitled to sue her own husband for any infringement of her just rights. This is a position which was not accorded to the female sex in Europe and America until the nineteenth century and this too after a great deal of agitation against the existing legal disabilities of women. Blackstone, who was the greatest exponent of the English Common Law and has had profound influence on legal theory and practice both in England and America, maintained that the legal position of married women was one of unity with husband. In *The Legal Rights, Liabilities and Duties of Women*, Professor Mansfield summarised the Blackstonian thesis as follows :—

“The first great principle of scripture, the unity of

husband and wife, is repeated by the law. They are, in law, one person,.....upon it, as observed by Blackstone, depend nearly all legal rights, duties and disabilities acquired by marriage."

Commenting on Blackstone's dictum, Mary R. Beard says in her book *Woman as Force in History* :—

"When Blackstone spoke of the husband's rights over the real and personal property of his wife and of her disabilities in law, he was technically correct, within fixed limits. On its face, the statement meant that, in case of litigation, the husband asserts certain rights over the real and personal property of his wife, and if the wife contests them or the said rights are drawn in question at Common Law, the Common Law courts will enforce the husband's Common Law rights, unless the husband and wife have made agreements to the contrary before and after the marriage or a relative of the wife has safeguarded the wife's rights by the creation of a trust or otherwise, which agreements or trusts made in due form are valid in equity and will be enforced by courts of equity. In other words, in the absence of valid agreements and actions to the contrary, the husband may, if he so desires or his creditors and other litigants may, assert a husband's rights over the wife's property and within the limits set by the specific rules of Common Law, the Common Law Courts will enforce them in case of litigation."

This was the position of a married woman in Europe and America until about 150 years ago. She could lose her rights on her own property, if the husband wished to deprive her of them because the law did not recognise her separate legal personality. Islam, on the other hand, from its very inception, gave the married woman a separate legal status with full property rights. Little wonder that a wrong conception of sex equality and extremist stand in respect of female freedom resulted from the sense of utter frustration generated by such great social and legal disabilities. But how

could the Muslim women be justified in going to the same extreme length and preaching a conception of sex equality which lacks all scientific and natural basis as evidenced by latest researches on sex psychology, examples of some of which have been quoted above ?

## CHAPTER IV

### WOMEN IN MARRIAGE

“THERE are three essential elements in every normal marriage,” says Dr. Westermarck in his book, *The Future of Marriage in Western Civilization*. “The gratification of the sexual impulse, the relation between husband and wife apart from it and procreation of children.” Let us see what is the angle of vision from which Islam looks at marriage and what is the central value in it which it stresses more than any other. Let it not also be forgotten that, unlike Christianity, which looked upon marriage as if it were a necessary evil, Islam regards it as a most sacred institution and makes it incumbent on every Muslim man and woman, unless prevented by valid physical or economic incapacity, to lead a married life. The following traditions of the Holy Prophet stress the importance of marriage :

“It is necessary for you to marry, because marriage is the most powerful shield against the allurements of sight and the protection of your private parts ; if one of you cannot afford it, let him fast, because fasting weakens the sexual impulse.”

The Prophet declared that marriage was one of his most sacred practices and added “whoever dislikes my way of life is not of me.” (*Bukhari*).

A tradition reported by Anas says, “When a man has got married he has made his religion half perfect. Then let him fear Allah for the remaining half.” (*Baihaqi*)

The Quran also exhorts the followers of Islam to enter into marriage with chaste women :—

‘Then marry such woman as seem good to you.’ (IV : 3)

‘And lawful for you are all women, besides those mentioned above, provided that you seek them with your property, taking them in marriage, not committing fornication.’ (IV : 24).

'You are sprung one from the other ; so marry them (slave girls) with the permission of their masters and give them their dowries justly, they being chaste not fornicating, nor forming secret relations.' (IV : 25)

'This day all the good things are allowed to you, and the food of those who have been given the Book is lawful for you and your food is lawful for them ; and the chaste from among the believing women and the chaste from among those who have been given the Book before you (are lawful for you), when you have given them their dowries, taking them in marriage, not fornicating nor taking them for paramours in secret.' (V : 5)

The Quran has constantly used the word 'Mohsin' for chaste men and 'Mohsinat' for chaste women both of which come from the Arabic root 'Hisn' meaning 'fort'. The underlying idea is that marriage safeguards and protects chastity in the same manner as a fort protects the garrison within from a besieging army.

From the above quotations, it appears that Islam recommends marriage, because, firstly, it helps men and women to lead a life of chastity, that is, it secures them against promiscuous sexual indulgence ; secondly, because it prevents the formation of secret sex relations. These two values are the corner-stone on which the institution of marriage rests and Islam's conception of woman's rights in marriage flows logically from them.

Let us see what is the social importance of chastity and open sex relation as opposed to secret love. In modern times the ideal of chastity has lost its hold on men and it has been claimed by some, even among men of science and learning, that chastity is by no means a very important social value and that happiness in marriage as well as the proper upbringing of children, need not suffer from sexual promiscuity on the part of either

partner. Some would go to the length of abolishing the family system in order to secure the release of men and women from the bonds of conjugal fidelity. It is presumed by these people that alternative methods of bringing up children can be organised more efficiently. It is difficult to bring out the importance of chastity as a social value, unless we discuss all such proposals and ideas.

Let us first deal with the importance of conjugal fidelity and its healthy effects on the happiness of the family and the health of society. Islam has made no distinction in this respect between man and woman; both are equally punishable under the law of Islam if they are guilty of sexual laxity. But in practice, public opinion has always, even in Western countries, taken more alarm at unchastity in women than men, the reason being that the disturbing social and family effects of a woman's misconduct are deeper and more widespread. Discussing this inequality of treatment as regards men and women, Dr. Westermarck says in *The Future of Marriage in Western Civilization*:—  
 “But there are also more special reasons for that inequality between the sexes. It was a doctrine of the Roman jurists that adultery is a crime in the wife, and in the wife only, on account of the danger of introducing strange children to the husband . . . . It has been argued that the danger of confusion of pregnancy has disappeared with the development of methods for preventing conception, but it is anything but certain that the lovers trouble themselves about contraceptives. Von Krafft-Ebing<sup>1</sup> writes: ‘The unfaithfulness of a wife in comparison with that of a husband is morally much more weighty and should be more

---

1. R. Von Krafft, *The Modern Family*, quoted by Dr. Westermarck in *Future of Marriage*.



severely punished legally. The unfaithful wife dishonours not only herself but also her husband and her family.' 'The man,' says Kisch,<sup>1</sup> "can make a lapse in his marriage without the consequences of it being necessarily of vital importance ; he can at any moment do remorseful penance without the mischief he has caused being irreparable. The infidelity of the wife poisons the soul for ever, shakes the foundations of the harmony between mother and children, makes the legitimacy of the latter uncertain, and leads to an irreparable rupture of the domestic life." Hedwig Wegea<sup>2</sup> observes that while the adultery of the husband is in many cases a purely sexual fact, which need not spoil marriage, that of the wife is in no case merely bodily attachment. Stendhal<sup>3</sup> says that where love is absent, the fidelity of a married woman is something contrary to nature, but that, 'with love there, one has no taste for any mate but that of the beloved fount'. He also writes : 'The difference between infidelity between the two sexes is so real, that a woman of passion may pardon it, while for a man that is impossible !'

These are some of the consequences of female unchastity, but no less grave are the consequences which follow from the sexual irregularities of men. We shall again quote Dr. Westermarck who says :—

However useful sexual intercourse may be to the unmarried, it has also its disadvantages. It may give venereal diseases to him who practises it ; and it may be fraught with serious consequences for the female partner . . . . The illegitimacy

- 
1. Kisch *Die Sexuelle Untreue der Frau*, quoted by Dr. Westermarck in *Future of Marriage*.
  2. Hedwig Wegea, *loc. cit.*, p. 67, quoted by Dr. Westermarck in *Future of Marriage*.
  3. De Stendhal, *On Love*, quoted by Dr. Westermarck in *Future of Marriage*.

of birth affects the offspring even more than the mother. The death rate for illegitimate infants is very much higher than for legitimate ones . . . . . Another result of them is the comparatively large number of criminals among the children of unmarried parents, who grow up in so unfavourable circumstances. The way in which they have been treated in the Western world is a disgrace to its civilization . . . . . It certainly seems both absurd and unjust that the legal rights of any citizens should be influenced by the judgements which society passes upon their mothers ; but however much legislation may improve the condition of illegitimate children, it cannot make them equal to those under which most other children develop. Family allowances may be granted to their mothers where the father is unknown or indigent, foundling institutions may provide them with an education that is the best possible in the circumstances, but nothing can compensate them for the lack of an adequate home.'

“It may of course be argued that all such evils can be avoided through the use of contraceptives. Dr. Ellis maintains that the much smaller rate of illegitimate children in England, compared with the rate of such children in Germany, is due to the wider adoptions of methods for preventing conception, but when we hear that their number is rapidly increasing in Germany, in spite of the fact that contraceptives are used on a large scale in all classes, we can by no means feel reassured that extra-matrimonial procreation will some day become an anachronism. Strictly speaking, however, the censure to which the unmarried mother is subjected refers to something else than the birth of the child : this event is an impressive

and conclusive testimony of an act which itself is considered degrading." The above quotations should suffice to establish the fact that immodesty and unchastity have a serious disturbing effect on married happiness, family ties and the proper development of children. Apart from these effects, conjugal infidelity breeds jealousy, one of the most destructive human passions, both individually and socially. There are people who try to minimize the effects of jealousy and regarding it as a relic of primitive barbarity, foresee its disappearance with the spread of education and enlightenment. Dr. Westermarck himself is one of those who believe that with proper education this primitive feeling would disappear, but even he has been forced to admit that there is one kind of sexual and conjugal jealousy, which is not traceable to primitive barbarity.

This kind of jealousy, he says, arises from the uniqueness of the relationship between two persons and the endeavour to stamp this uniqueness on the whole relationship, sexual and moral. If this is true, civilization and culture may be expected to increase this kind of jealousy rather than reduce its proportion. Let us see what Dr. Westermarck himself has to say on this subject. He writes :—

"The jealousy of a man, particularly a civilized man, differs from that of a male animal, apart from any feeling of injured rights—ownership or any other right. It is coloured by the nature of his love. It is accompanied with humiliation, because the loss of possession to which jealousy refers, or the failure to obtain it, is of such a nature as carries with it a lowering of a man's self-valuation. There may also be envy of what the other has obtained by depriving him of

it. There may be fear of another man's offspring being born into the family. But there is one characteristic common to sexual jealousy in all its forms, namely, that it is an angry feeling aroused by loss, or fear of the loss, of the exclusive possession of an individual who is the object of one's sexual desire. It is impossible to suppose that the feeling of anger will ever disappear, however ugly and useless it may be. How violent..... it sometimes is among ourselves is illustrated by the fact that in analysing 188 murders committed by some persons in England, a prison commissioner recently found that the highest number, 46, were due to jealousy.

But even when the infidelity of a husband or wife does not give rise to the angry feeling of jealousy it causes deep sorrow ; and I think it can be demanded of a spouse to consider whether he or she has a right to inflict such suffering upon the other party. Helene Stocker observes that the refined feeling of love implies instinctively an obligation to avoid, as far as possible, making the beloved person feel pain. It is true, as Bertrand Russel said, that love is a generous emotion. But it is not generous to the person who has to suffer for his generosity towards another."

Communist-minded persons in our country who really desire to maintain their capitalistic way of living under the garb of Communism have spread the false idea that Soviet Communism does not attach any importance to the ideal of feminine chastity, because all such ideas and values are really the product of outmoded religious teaching. But a writer of the eminence of Havelock Ellis<sup>1</sup> writes : "There has been an erroneous idea abroad in the world that the Bolsheviks believe in sexual in-

---

1. Havelock Ellis, *On Life and Sex*, p. 187.

temperance and promiscuity in sex relations, an idea no doubt based on the chaos which inevitably resulted at first when the new regime was so suddenly inaugurated. That disorder much distressed Lenin himself, who was entirely opposed to promiscuity and all mere physical indulgence, and held that the highest human elements entered the love relationship. It is Lenin's doctrine which now permeates Soviet Society.

The same writer<sup>1</sup> tells us that unchaste women command little respect in Soviet Society. "It would almost seem that the polyandric woman whom, in the opinion of some Western persons, Soviet conditions favour, is there unduly depreciated....Blonsky points out that the depreciation of polyandric women is shared by men, even the men who form temporary relationships with them, for men are inclined to look on such women as a convenient means of satisfying sexual needs, simply as substitutes for prostitution, and feel for them no high regard. That, Blonsky considers, is an influence making for the degradation of polyandric women whose life courses are not usually happy. It is unnecessary to add that the monoandric woman, who is peculiarly adapted for motherhood and family life, will not be easily deprived of that career."

It is sometimes argued by those who wish to lead a life of unlimited sexual indulgence that there is no reason why a man's sexual desires should be tied down to one woman, why he should be put under an unnecessary obligation to bring up a family with all its cares and responsibility. To such persons Havelock Ellis<sup>2</sup> replies, "It used sometimes to be asked : what has posterity done for me that I should

---

1. Havelock Ellis, *On Life and Sex*, p. 171.

2. *Ibid.*, p. 185.

do anything for posterity? The question was wrongly put. 'Posterity' is only another name for mankind, and when we pose the question rightly there can be no dispute about the answer. If we put aside the part that belongs to Nature or God, we owe everything to Mankind. All that we are, all that we possess in civilization, we owe to the everlasting aspiration and struggle of Mankind before us, and to the slow accumulation of knowledge and art on the topmost level on which we now stand. Our immense debt to Mankind in the past can only be repaid to Mankind in future. It is our privilege, if we do not regard it as our duty, to pass on in ever finer shapes, the great traditions which have been handed to us."

Such passages enable us to understand why Islam insists on marriage both for men and women. Without married life involving the care and education of children, human personality can never find its full development and the great traditions of religion, culture and civilization cannot be passed on to the future generations. It should also be remembered that children contribute as much to our education and personal self-development as we contribute to their proper growth and upbringing, so that it can be safely asserted that a childless man is necessarily a half-developed man. Then there is an additional consideration. If human individuality is a value of some importance, then it is not only necessary for every person to develop his individuality to the fullest extent possible but also to transmit it for the future use of mankind by bringing into the world fresh individuals who will retain at least a part of his individual characteristics.

It is possible, however, to admit the necessity of procreation and the importance of chastity as a cementing and healing bond in family life and yet

maintain that by abolishing the family and evolving alternative institutions for the training and upbringing of children, we may allow a large amount of sexual latitude to men and women without any serious social disturbance. Such methods were tried in Soviet Russia for some time and though the Soviet Republic has wisely abandoned them, their echoes are still heard even in our backward country. It is true that if once we can get rid of the family and evolve other means for the preservation of human race and the education of children, modesty, chastity and all other such values lose their necessity. But what is the possibility of success in this attempt : Is it possible to abolish the family or is it rooted in our social nature ? Let us deal with this question, as it has a very important bearing on the rights of women *versus* men.

There are three biological tendencies common to men and animals which form the foundation of family life and which cannot be overthrown now or in any conceivable future. They are the impulse of sexual attraction which leads to mating, the tendency to a close and enduring comradeship with the opposite sex and the instinctive impulse of mates to care for their offspring. Even an authority like Havelock Ellis<sup>1</sup> admits that "it is vain for even the most conservative of human beings to lament the failure of marriage, it is futile for even the most light-hearted of radicals to hope to get beyond it. The family is at the root of our bisexual constitution, and needs no formal institution." Again the same writer says,<sup>2</sup> "It has too often been forgotten that the family possessed this many-sided flexibility and has in different ages and lands shown endless variations of shape in adjustment to varying social conditions.

---

1. Havelock Ellis, *On Life and Sex*, Renovation of Family.

2. *Ibid.*

Those who over looked this essential fact have frequently cried out in rebellion against the whole conception of the family. Because they themselves have chanced to come out of an unhappy family life—though the excellent qualities they have, notwithstanding often displayed so far show that even an unhappy family life may have happy results—they impetuously demand the complete abolition of the family”, Havelock Ellis also replies to those who believe that the economic independence of women achieved by her in modern society, her increasing participation in civil and industrial life and the growing use of contraceptives will in the end lead to the disintegration of the family. He does not believe in any such consummation and says in his essay on the ‘Renovation of the Family’ that these factors, instead of abolishing family, may even strengthen and purify it, if they are well-handled.

Institutions like the maternity home, the nursery school and the kindergarten which are increasingly taking over the functions of the home have encouraged a large number of people to believe that as this process goes on to its perfection, the family will soon become unnecessary as a social institution. Those who harbour such notions should not turn a blind eye to the evils which are likely to arise from the disappearance of personal and intimately affectionate relations between the parents and children. Mechanical instruments involving depersonalisation of human relations are a source of danger to the growth of human personality. This aspect of the matter is well brought out by Margaret Mead in her book *Male and Female*. Writing about American mothers, she says, “Birth in America is ideally, more and more frequently and actually in a hospital. This means that but for a few exceptional cases, the father is absent and the mother has been given over to the care of profes-



sionals, doctors and nurses. For months before the birth she has been preparing to leave her home and her husband, not for the home of her parents or her brothers, as in many primitive societies, but for a strange, segregated spot, where she and many other women unknown to her will lie together, giving birth among strangers. When the baby is born, it is against the force of gravity, on a delivery table designed not to let the child's own weight assist the birth but rather to facilitate the ministrations of the obstetrician. Its first cry is often induced by a vigorous slap. The mother, deep under an anæsthetic dose, not hear this cry, although recent research has suggested that the cry has a function in making her uterus contract. The infant is taken away to a row of cribs; its lips, ready for suckling, are left to press helplessly against each other; crying brings no circease. The primary bodily capabilities with which the child enters the world are initially unrewarded. It can suck, but no breast is given it; it can cry for help, but no one holds it close and feeds it. Its body is wrapped completely in soft cloth, the first lesson in expecting cloth to intervene between one body and the next. The second lesson will come when it is taken to its mother, at the proper hour for its birth weight, neatly laid out on a moving table, and placed against her fully clothed body, with the carefully sterilised breast exposed just a few inches, and persuaded to suck. This persuasion is often a grim business; the nurse knows how to take the baby, who very often is so exhausted with hunger that it no longer wants to eat, and holding it by the scruff of the neck, put it on the mother's breast. Whether it eats or not, it is supposed to be taken away again after the appointed number of minutes. The mother is left sometimes with nipples sore

from its hungry little jaws, sometimes worried and enraged because the baby would not eat, having very doubtfully enjoyed in routinised cloth-developed experience. During the nine or ten days that follow, the mother handles her baby clothed, and only at regular hours. The father does not handle it at all. Breast feeding is frequently abandoned altogether, and by the time the child goes home, the mother, if not the baby, has learned that contacts between mother and child have a certain form. The failure of milk, the failure of the baby to nurse, the obstetrical and pediatric pressure towards at least supplementary feeding, are all natural enough in a setting where the new child is treated as if its health and well-being depended on the machine-like precision with which it is fed, and on what it is fed. The mother learns impatience with her milk, which is too rich or too weak, too much or too little pouring through nipples that are inverted or sore or otherwise unobliging. She can turn with some relief to the bottle and the formula the reliable rubber nipple with a hole that can be enlarged with a pin, the graduated bottle into which just the right formula, at just the right temperature can be measured. No recalcitrant individual unregulated body here, to endanger her baby's gain in weight, the chief criterion of its healthful existence. At once or in a few weeks, most American mothers, reject their own bodies as a source of food for their children, and in accepting the mechanical perfection of a bottle, reaffirm to themselves, and in the way they handle their babies, that the baby too will be much better the more it learns to use the beautifully mechanical bottle—accurately on time, in the right amounts, the more it accepts an external rhythm, and abandons its peculiar rhythms that it brought into the world.

For the primary learning experience that is the physical prototype of sex relationship, a complementary relation between the body of the mother and the body of the child is substituted a relation between the child and an object, an object that imitates the breast, but which is not handled as either part of the mother or part of the baby. If the mother holds the baby as she gives it the bottle in most instances becomes an implement, an extension of her hand so that it holds food, rather than an extension of her breast. At what age the child distinguishes the exact difference between a glass bottle and a rubber nipple, loose in space, and a human breast we not know, but the mother experiences the difference from the start, and her experience is available to the child, in her voice, in her hands, in the very tempo of her being. She is not giving the child herself; she is faithfully, efficiently providing the child with a bottle, external to both of them, substituting for a direct relationship mediated by an object."

This ironic description of an ideal delivery in an ideal hospital shows how the substitution of mechanical inventions for direct human contacts retards the growth and mars the personality of the child. Evidence is not lacking to prove that institutional care of children is a poor substitute for home life. A White House Conference on Child Health and Protection<sup>1</sup> held in America in 1930 declared that "Institutional care for the most part has produced uninspired individuals poorly adjusted to the outside world. Dr. Nim Koff<sup>2</sup> writes. "We can show that normal family life is indispensable to the proper development of the child's personality." Floyd Dell<sup>3</sup> writes: "Institutional life at its best has been

1. Quoted by Westermarck in *The Future of Marriage in Western Civilization*.

2. *Ibid.*

3. *Ibid.*

notoriously drab and barren in comparison with ordinary family life. Institutional life has been found to fail in developing individual powers, and in furnishing incentives for growing up. It has characteristically turned out spiritless creatures, who do not know how to get along in the outside world. The best modern institutions for children now model themselves upon the parental home and try to give what it should give. Even at their best, however, these institutions, when they replace the private home entirely, are regarded as makeshifts, as poor substitutes for a real home with real parents. And real homes and real parents are known to be so important to the child's development that it is more and more the practice that only as a last resort are homes broken up and children taken from parents.

After giving an account of the methods tried by Soviet Russia for providing alternate education to children and the results experienced, Dr. Westermarck says in his book *The Future of Marriage in Western Civilization* :

“Many facts thus support the general belief that there is no adequate substitute for the beneficial influence which parents as a rule exercise upon their children, that the love of the parents towards the child is one of the most essential features, if the child's moral and emotional development is to proceed harmoniously. In these circumstances I can find no reason to suppose that it could be in the interest of the state in the future to break up the family. The Bolshevik's suspicious attitude towards it is due to the view that private property has always served as a cementing bond in the family ; and to demolish private property is the object of the most feverish efforts of the new society. It is considered to be of great importance

that the mentality of the Russian youth should be largely moulded by agencies outside the home, away from the family circle ; in the kindergartens and schools it is always made to feel that the supreme aim of life is the promotion of the purposes of the new society. Yet, though the rulers of Russia regard the family as a menace to their ultimate designs, they find it at the present stage of readjustment indispensable to the maintenance of social stability. But they have obviously underrated its vitality. The persistence of the family does not depend upon the preservation of private property. Its safest guarantee is the love of man and woman for each other and for their children, and the Bolsheviks are even said to assure themselves that this bond will gain in firmness when property has passed from private to social control."

In conclusion Dr. Westermarck says, "So far as I can see, then, there is every reason to believe that the unity of sexual and spiritual elements in sexual love, leading to a more or less durable community of life in a common home, and the desire for and love of offspring, are factors which will remain lasting obstacles to the extinction of marriage and the collapse of the family, because they are too deeply rooted in human nature to fade away, and can find adequate satisfaction only in some form of marriage and the family founded upon it."

We thus find that the family as the basic unit of social organisation, is likely to outlast the forces tending to destroy it. A stable family life is necessary not only in the interests of society, not only for the happiness and moral development of the husband and the wife, but also for the proper growth and development of future generations.

Conditions and forces which tend to shake the stability of the family should be countered and removed in the interests of the society and the individual. If these basic facts are admitted, chastity becomes a value of the highest social importance to be safeguarded at all costs. And from this conception and pattern of family life, the mutual rights and obligations of men and women can be determined with more scientific precision and greater justice than from an abstract conception of equality which does not keep in view the practical requirements of family organisation. Islam has built its system of rights and obligations for men and women not on a vague and abstract conception of sex equality but on a doctrine of basic sex equality qualified by actual biological sex differences and the practical needs of a stable family organisation. With this background in view, we proceed to discuss the rights and obligations of the female sex as defined by Islam.

In order to ensure a happy home and a really stable family life, Islam has assigned to marriage the status of a contract dissoluble if either party develops grievances against the other leading to a final and irrevocable break in their mutual relations. It is not, as in Christianity, a sacrament indissoluble except by a difficult process and under very extraordinary circumstances. This may appear, at first sight, to be a factor operating against family stability, but in fact it is designed to safeguard it. There is really no virtue in keeping two persons tied together to save appearances, when their relations have deteriorated beyond all hope of reconciliation. An unhappy marriage resulting in interminable quarrels fails to realise the primary object of the union which brought the partners together, besides increasing the probability of illegal

sexual relations outside marriage. It also tells upon the health and education of children. It is, therefore, better both socially and morally that the husband and the wife should be allowed to part with each other if the breaking point has been reached in their mutual relations. Therefore, marriage in Islam is not indissoluble but a kind of contract in which specific rights and obligations may be undertaken besides those already implied in marriage. These rights are justiciable in a court of law. It is open both to the husband and the wife to enter into agreement prior to marriage on matters which they consider important for the regulation of their future relations. Such agreements shall be part of the marriage contract and adjudicable in law courts, provided they are not repugnant to the basic rights and obligations of husband and wife as stated by Islam. Thus Omar, the Second Caliph, says, "When a person marries a woman and the woman stipulates that she would not be taken out of the town or city of her residence, it is necessary for the husband to abide by the stipulation." (*Sharu'he-Araba-Tirmidhi*, page 385). Imam Ahmed and Imam Shafi also hold the same opinion. But Ali, the fourth Caliph, says, "The conditions laid down by God take precedence over the conditions set by man," which means that, in his opinion, such a condition is repugnant to the basic terms of marriage. Sufyan Sauri and other scholars of Kufa also hold the same opinion. Whatever the differences among the scholars on this point, they relate to the point whether this particular stipulation is or is not repugnant to the basic terms of marriage contract as defined by Islam. There is no disagreement on the point whether a woman can insist on inserting terms of her own in the marriage contract. All are unanimous that she holds this right. Thus the author of *Nailul*

*Autar* says, "The wife can lay down conditions prior to marriage relating to her way of living, her food, house and dress, according to the social status of the husband and that her just rights shall not be whittled. Similarly the husband can lay down these conditions : that the wife shall not go out from home without his permission, that she shall not refuse sexual intercourse with him and shall not use his property and possession except by his permission." (*Nailul Autar*, Part VII, p. 64).

Just as a man can stipulate that his wife shall not go out except by his permission, it is open to the woman to insist that she shall not be prevented from going out of her home on suitable occasions or for her economic or social needs, so long as this action does not disturb the work of her husband or the proper upbringing of the children. All these matters come within the scope of the marriage agreement, but since some of them are not easily justiciable, much depends on the actual relations of the husband and the wife after marriage and their mutual understanding. All these things show that the wife does not lose, under Islam, her separate legal personality, but retains full possession of it. She can sue her husband in a law-court if the implied or express terms of marriage contract are violated by the husband. This is in direct contrast to the position of women under Christianity. Professor Mansfield writing in his book *The Legal Rights, Liabilities and Duties of Women* states, "The first great principle of Scripture, the unity of husband and wife, is repeated by the law. They are, in law, one person. Upon it, as observed by Blackstone, depend nearly all the legal rights, duties and disabilities acquired by marriage." The English Common Law, as interpreted by Blackstone, whose commentaries governed



actual legal decisions both in England and America for a very long period, assigned the same position to a wife in relation to her husband. It was only with the greatest difficulty and by resorting to parliamentary legislation or equity courts that the wife was able to secure a few rights over against her husband. From a strictly legal viewpoint, the position of women among the Muslims has been really enviable when compared to that of their counterparts in the Western countries.

In order to safeguard the economic position of women after the marriage, Islam has made it legally obligatory on the husband to pay her a reasonable amount as dower. The amount to be fixed as dower depends on the agreement between the two parties, but in any case, the object is to strengthen the financial position of the wife, so that she is not prevented, for lack of money, from defending her rights. The Quran says :—

“And give women their dowries as a free gift, but if they themselves be pleased to give up to you a portion of it, then eat it with enjoyment and with wholesome result.” (IV : 4)

“And if you wish to have (one) wife in the place of another and you have given one of them a heap of gold (as dowry) take not anything from her ; would you take it by slandering (her) and (doing her) manifest wrong.” (IV : 20)

No marriage can be regarded as legally valid, according to Islam, for which dowry has not been stipulated. If the amount of dowry is not fixed, the wife is entitled to proper dowry (*mahr-e-misl*), even if the marriage was contracted on the express condition that she should not claim any dowry. In determining what is ‘proper’ dowry, regard is to be had to the amount of dower settled upon other female members of her father’s family such as her

father's sisters. The following tradition of the Prophet stresses the importance attached to dowry in Islam.

"Ibn-e-Omar reported that the Prophet of Allah forbade *shighar* and *shighar* is a man's giving his daughter in marriage on condition that another would give his daughter in marriage to him, and that there should be no dowry between them." Another tradition collected by Abu Daud and Nisai says, "Alqama bin Masud reported that he was asked about a man who married a woman but did not fix any dowry for her, nor had he any intercourse with her till he died. Ibn-e-Masud told her : fix the equivalent dowries of his women, neither less nor more. And there is the period of waiting for her and there is her share of inheritance for her (from her husband's property), then Maqal bin Sinan got up and said, "the Messenger of Allah decreed in case of Berwa'a-ibn-Washeq (a woman belonging to us) just as you have decreed."

Regarding the amount of dowry to be fixed, Islam has given a wide latitude to men and women. It can be as low as possible or as high as the parties may desire. Ibn-e-Maja and Tirmidhi report from Amir Ibn-e-Rabia that a woman belonging to the tribe of Banu Fazara married a man for a pair of shoes. The Prophet asked her whether she was really happy over that much dowry. She replied in the affirmative whereupon the Prophet made no objection.

According to Abul Ja'far, it was the opinion of Omar, the second Caliph, that the dowry should not be fixed at a very high rate, for if this had been a point of honour, and pleasing in the sight of God, the Prophet too would have acted accordingly, but he did not fix more than a hundred and twenty-five dirhams of dowry for his wives and daughters.

(*Tirmidhi*, p. 132). Omar's opinion was, however, challenged by a woman who said, "Omar, you have no right to impose such restrictions, because the Holy Quran says that men should not take back anything from their wives if they intend to divorce them, even if they have given them a heap of gold. This shows that God allows even a very high rate of dowry." Omar replied to her saying that she was right and that he had made a mistake himself. (*Nailul Autar* by Shaukani, p. 85).

The amount of dower may be fixed either before or at the time of marriage or after marriage; and can be increased after marriage. A contract of dower can be made by a father on behalf of his son, if the latter is a minor. The wife may remit the whole or part of dower. Such remission is valid though made without consideration. If the dower is not paid, the wife and, after her death, her heirs, may sue for it. The wife may refuse to live with her husband and admit him to sexual intercourse so long as the dower remains unpaid. If the husband sues her for the restitution of conjugal rights, before sexual intercourse has taken place, non-payment of dower is a complete defence to the suit, and the suit will be dismissed. If the suit is brought after sexual intercourse has taken place with her free consent, the court can issue a decree for restitution conditional on payment of the dower, to the extent only of a share of the dower debt proportionate to his share of the estate. When a widow is in actual possession of the property of her deceased husband, she is entitled as against the other heirs of her husband and as against the creditors of her husband, to retain possession of the property until her dower is satisfied. The fact that a widow is in possession of her husband's property under a claim for her dower is no bar to a suit against the other heirs of her husband to

recover the dower debt, but she must in such a suit offer to give up possession of the property.

Further, to secure a strong economic position for women, Islam has given them full property rights. A daughter gets half the share of property allotted to the son, half of the entire property of her father if there is no other son or daughter; and if there is more than one daughter but no sons, the daughters share between them equally two-thirds of the entire property. A widow is entitled to one-eighth of the property left by her husband, but if there are no children by the marriage, she receives one-sixth. No distinction is made by Islam between movable and immovable property. The whole, including both kinds, is distributed to the heirs in their fixed proportions. It may be said that by giving the daughter half the share of a son, Islam has let down the position of women, but it should not be forgotten that women may also receive dower and property from her husband in which case her inequality is more than compensated for. Moreover, there is no obligation on a wife to sustain her husband economically, while the husband is under a legal obligation to provide for his wife. Thus the inequality of women in the share of inheritance is matched by a corresponding increase in the economic burden of men, which makes the two sexes equal in respect of their economic rights.

One of the most essential factors of a happy marriage is the right of free choice by either party. Islam has given this right both to men and women. The Prophet insisted on a number of occasions that a person wishing to marry a woman should have a look at her before finally consenting to marriage. Thus Abu Huraira reports that "a man came to the Prophet and said, I intend to marry a

woman of the Ansars. He said, have a look at her, because sometimes there is something defective in the eyes of the Ansars." Jabir reports that the Prophet said, 'when one of you seeks a woman in marriage and then if he is able to have a look at one he wishes to marry, let him do so' (*Abu Daud*). Mughira Bin Shuba reports, "I sought a woman in marriage. The Holy Prophet asked if I had seen her. 'No' said I. He said: 'Then look at her, because it is more proper that love should be cemented between you.'

The jurists agree that this right to have a look at the prospective partner is equally eligible for the members of the female sex. According to Imam Abu Haneefa, it is lawful to have a sight of the bride and the bridegroom. Imam Malik holds that it is lawful with permission of the bride. Imam Shafi and Imam Ahmed are of opinion that a look at the prospective husband or wife is lawful with or without the permission of the other.

Freedom of choosing one's partner for life has been extended both to men and women. No marriage in Islam can be valid without the consent of either partner. According to a report from Abu Huraira, the Prophet said, "A previously married woman shall not be married till she gives her consent, nor a virgin be married till her consent is sought. They asked, How shall her permission be known? He said: if she remains silent." A report from Ibn-e-Abbas, collected by Muslim, states that the Prophet said, "A previously married woman is more a guardian for herself than her guardian and a virgin should be asked permission about herself, and her permission is her silence." Abu Huraira further reports that the Prophet said, "A grown-up girl shall be asked permission about herself. If she is silent, it is her permission; and if she

declines, there shall be no compulsion on her."

The presence of two witnesses is necessary to make a marriage valid, because open declaration of marriage constitutes its soul and essence. According to a tradition of Tirmidhi reported by Ibn-e-Abbas, the Prophet declared, "Those women are adulteresses who marry themselves without the presence of witnesses." Omar was once told that a certain marriage had been performed with one witness only. He said that such a marriage amounted to clandestine relationship which was illegal. If he had knowledge of it beforehand, he would have dealt stern punishment to either party.

Guardianship is regarded by some as necessary for the marriage of a woman. There are some traditions in which the presence of a guardian has been made an essential condition precedent to the marriage of a girl. Thus Bokhari gives a tradition stating, "There is no marriage without a guardian." This is probably meant only for minor girls. Imam Abu Haneefa, the greatest and the most popular jurist of Islam, holds that a marriage, whether of a widow or a grown-up virgin, is permissible even without a guardian. But Imam Shafa'i and Imam Malik, however, hold that guardianship is necessary for the the marriage of woman. As marriage depends essentially upon the choice of a woman, the presence of a guardian, even if one is required by law, can only be regarded as necessary in the sense that he undertakes to watch the interests of the minor or the grown-up girl who is to be married and to see that she is not disadvantaged by reason of sex in the settlement of the terms on which marriage is contracted. This interpretation is supported by a tradition contained in *Kitabun-nikah* of the collection made by Tirmidhi. The

tradition states : "Ayesha said, the Prophet of God declared : Marriage of a woman is invalid without there being a guardian. He repeated this three times and said that if the husband of such a woman had sexual intercourse with her, she should receive her dower and if after the performance of the marriage, the two quarrel, then the ruler of the Muslims is the guardian of a woman who has no other guardian." The reference here to the recovery of dower and the possibility of a quarrel as well as recognition of the right of the state to take up the functions of a guardian all point to the fact that the Prophet had in mind the necessity of safeguarding the interests of women by making the presence of a guardian essential. In a society which, until the advent of Islam, had been ridden by sex inequality and where women had been treated as mere chattel, it was always possible, despite the teachings of Islam, that a single woman without a guardian or a patron should find herself at a disadvantage in the settlement of marriage terms. So the Prophet deemed it essential that, if there be no guardian for a woman, the State should become her guardian with a view to ensure equality and justice at the time of the marriage contract and thereafter. No other interpretation is possible, in view of the fact that the final say in all matters has been accorded to women themselves and not to their guardians, a fact which is attested by the authentic traditions of the Prophet himself.

That the woman who contracts a marriage and not her father or guardian has the final choice in the matter is proved by the following traditions which extend to women the right to repudiate a marriage forced on them through pressure, direct or indirect.

"Ibn-e-Abbas reported that a virgin grown-up girl came to the Prophet of Allah and narrated that her father



## WOMEN IN ISLAM

had given her in marriage to a person whom she disliked. The Prophet gave her option." (Abu Daud).

**Again,**

"Khans-bin-Khejan reported that her father gave her in marriage, after she became a widow. She disliked it and came to the Prophet. He annulled the marriage." (Bokhari).

A very significant report which throws a flood of light on the complete liberty of choice and repudiation extended to women by Islam in the matter of their marriage is found in the traditions collected by Nisai. The reporter is no less a person than Ayesha, the wife of the Prophet. She says, "A girl came to me and stated that her father had given her in marriage to his nephew and she disliked him. I told her to wait till the Prophet arrived. When the Prophet came, I told him the full story of the girl. He at once sent for the father of the girl and enquired of him whether the facts stated were true, after which he told the girl that she was at liberty to choose or repudiate her husband. The girl replied saying that she chose to retain her marriage, and that she wanted only to know whether women had any rights in the matter." Another tradition from the collection made by Ibn-e-Maja states, "Ibn-e-Omar says: Osman bin Mazoon left behind a young daughter. My uncle, Qodama, married her to me, and did not even consult her. When the girl came to know of this, she disliked this marriage and wished to marry Mughira bin Shuba. So she was married to Mughira."

All these traditions furnish conclusive proof that a girl is as free in Islam as a boy to choose or repudiate her partner and that the Prophet's insistence on there being a guardian before a woman can be married was intended to safeguard her position and rights in a society which was not yet



completely free from the dominance of the male sex and in which a lonely woman ran a chance of being outwitted by clever men and left without the necessary protection.

The legal equality of men and women in Islam is a fact which has never been in dispute among the Muslims. There is no legal right belonging to man for which a corresponding female right cannot be cited. But the ideal of sex equality or any other kind of equality cannot be wholly given effect to by the law. Specially is this true of the relations between husband and wife which in their very nature refuse to be covered and guided wholly by legal injunctions and principles. Real equality between the sexes depends much more on social opinion and national traditions than on legal commands. Even in Western countries where the claim for complete equality between the two sexes has been pressed to extremes, formidable difficulties have been experienced by legislators to translate the ideal into the actual. Mary Beard, after giving a detailed account of the attempts made in America to give equal property rights to men and women, mentions a long list of legislative failures to give effect to the principle of equality. The following extracts from her book, *Woman as Force in History*, will give the reader an idea of the intricate and evasive nature of the ideal of sex equality. Writing about the legislative changes made in America with respect to women's property rights, she says, "A Married Woman's Property Act was, therefore, simple in principle. But in application the terms of such an Act were difficult to draw. Despite the theory of independence and equality which was supposed to furnish guidance in drafting the Act, law-reformers and law-makers actually confronted a paradox: "The wife is to be treated as if she is a single woman in respect

of her property, but in marital relations she has obligations not assumed by single women and is no more of a single person than her husband is ; for both are entangled in a net-work of duties not imposed on single persons. Is the wife free to use her property as she pleases while the husband is in straits to support her and their children ? In what, if any, circumstances is the wife to be under obligations to support the family in part or whole ? Is the owner of the home, whether husband or wife, to be allowed to sell it at will, without the consent of the other party to the marriage contract, and turn the family out of it ? These and a hundred other questions taxed the adroitness of law-makers and were answered by men and women in many different ways. No mere declaration of equality could dispose of them in a few words. At no time or place did it prove possible to write one married women's property Bill which could settle all these questions."

The same writer goes on to say. "In their efforts to clear away anachronisms and to bring the law abreast the advance in civilization, legislators did not, indeed could not, treat a man and a woman who had chosen to marry and bring children into the world as if they were perfectly free and entitled to be wholly whimsical with their respective properties and earnings, without regard for obligations due to each other. Nor could legislators overlook the rights of their children, their creditors and their more or less distant relatives. All law-makers recognised the fact that husband and wife had to surrender some freedom by virtue of their very marriage contract. How much and what kinds of freedom ? .....  
 ..... On the point of how to realise the ideal of equality, men differed and women differed and provisions of law running into hundreds of pages

reflected their doubts, uncertainties and aspirations.

Furthermore, after statutes were enacted, the application of the principles in them to human controversies which arose in law and equity, led to a positive risk of variations. The more general the principles, the more difficult it was for men and women as litigants and for courts as tribunals of adjudication to agree on the meaning of principles as governing concrete cases. Especially is this true of novel cases not specifically contemplated or provided for in the written laws. And novel cases were and are perennial and striking features of life and law.

How far married women's property Acts and kindred legislation fell short of covering in concrete anticipation the numerous problems that arose under them is indicated by the following types of questions raised and adjudicated in various jurisdictions of the United States after the process of abolishing common-law doctrines had been started. In order that the readers may decide for themselves if they can, how these questions should have been answered under the theory of separate property rights and equality, the answers given to these questions by the judges in affirmative opinions, negative opinions, and diversities of opinions are left to the reader's imagination.

Does the Married Women's Property Act relieve a husband of obligation to support his wife, even if he has become bankrupt and she is earning money?

If the wife leaves the husband without good reason and returns home voluntarily at a later date, is the husband to pay the bills which she had incurred for her support during her absence?

Can the wife lawfully waive the husband's liability to support her with a view to helping him pay his debts to creditors ?

If the husband employs his wife at wages otherwise payable to some one else, may she be deprived of the money or the property in which it is invested on the ground that it is actually her husband's ?

May the wife take her separate property, enter business, and, without his consent, compete with her husband who is legally liable for her support ?

Where under a new statute the husband is forbidden to use even gentle force to restrain his wife, may he lawfully restrain her from committing a crime ?

If the husband carries on a gambling business in his wife's house, may she be liable for his crimes committed therein" ?

These and a thousand other questions likely to arise in the married state show the limitations of law in governing husband and wife relations. Even if perfection in legislative acts were possible and the marital relations of men and women could be placed on a footing of full equality, that would not automatically ensure actual equality in day-to-day relations. Human relations in general and marital relations in particular are governed and regulated far more by customs, traditions and the spiritual and moral outlook of human beings than by legal enactments and commands of the sovereign. Law alone is an insufficient guide and measure in gauging the extent to which a civilization gives effect to the ideal of sex equality. To understand in full the attitude of a community towards the relations between the two sexes, we must look to its general moral teachings, as distinguished from legal provisions. Let us judge Islam from this angle and see

how far it adds to the social dignity of women and ensures their equality in its social precepts, moral principles and spiritual directions.

In stating the general principles according to which marital relations should be regulated, the Quran has laid particular emphasis on love and compassion as an essential ingredient of married life :—

‘And one of His signs is that He created mates for you from among yourselves that you may find quiet of mind in them and He put between you love and compassion.’ (XXX : 21).

With a view to dispel the false idea that men are inherently superior to women, the Quran emphasised that differences of race, tribe, sex, and nationality do not disturb the fundamental equality of mankind :—

‘O you men! surely We have created you male and female and made you tribes and families that you may know each other; surely the most honourable of you with Allah is the one among you most careful (of his duty).’ (XLIX : 13).

The same breadth of outlook is reflected in those verses of the Holy Quran which deal with the more concrete problems arising out of marital life. In regard to the treatment of wives whom their husbands wish to divorce, the Quran says :—

“O believers! it is not lawful for you that you should take women as heritage against their will and do not straiten them in order to take from them a part of what you have given them, unless they are guilty of manifest indecency; and treat them kindly; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it.” (IV : 19).

“But when you divorce women, and the time for sending them away is come, either retain them with generosity or put them away with generosity, but retain not them by constraint so as to be unjust towards them. He who doth so, doth in fact injure himself.” (II : 231).

Generosity in the relations between husband and wife has been emphasised again and again :—

“ But if you divorce them before consummation and have already settled a dowry on them, ye shall give them half of what ye have settled, unless they relinquish or he should relinquish in whose hands is the marriage tie ; and it is nearer to piety that you should relinquish ; and do not forget to be generous between yourselves ; surely Allah sees what you do.” (II : 237).

After a woman has been divorced, no motive remains for the husband to treat her kindly, but the Quran insists on kindly and generous treatment so long as there subsists the weakest tie among the partners :—

“ Lodge them where you lodge according to your means, and do not injure them in order that you may straiten them ; and if they are pregnant, spend on them until they lay down their burden ; then if they suckle for you, give them their recompense ; and consult among yourselves and act generously, and if you disagree, another woman shall suckle for him.

“ Let him who has abundance spend out of his abundance, and whoever has his means of subsistence straitened to him, let him spend out of that which Allah has given him ; Allah does not lay on any soul a burden except to the extent to which He has granted it.”  
(LXV : 6, 7).

The same generosity towards women is enjoined by the Prophet in his traditions. A report from Abu-Huraira says, “No believer should be angry towards his wife. If some of her qualities are displeasing, there will be many other qualities worth appreciation (*Nailul Autar*, p. 125). Ayesha, the wife of the Prophet, reports : the Prophet of God said, “The best of you is he who is good to his wife.” (*Tirmidhi*). On the occasion of his last pilgrimage the Prophet advised the Muslims to treat their women kindly and added, “You have no more rights against them except that if they are guilty of manifest lewdness, you can ask them to leave your beds and strike them softly ; if they

improve their conduct, do not leave them helpless, because there are some rights for you over against them and some rights for them over against you. The duty of a woman is that she should not allow any one to enter your house whom you dislike, nor spoil the bed which is your preserve and the duty of a man is that he should feed, clothe and treat his wife generously (*Tirmidhi*). According to a report from Abdullah bin Omar, the Prophet declared, "The whole world is a thing to be made use of and the best thing in the world is a virtuous wife" (*Muslim*). On his death-bed the Prophet's last words related to the duty of offering prayers and safeguarding the rights of women and slaves. About women he said, "Women are like prisoners in your hands and you have taken them on trust from God and the Word of God has made their private parts lawful for you ; so be careful towards the treatment of women." On another occasion the Prophet is reported to have declared, "The Angel of God advised me so many times about women that I became convinced that it is not lawful for a man to divorce his wife, except when she commits adultery" (*Irshadul Muhtaj, Huququl Azwaj*). A report from Bahz bin Hakeem states, "I enquired of the Prophet about his teaching in respect of women. He replied: feed them as you feed yourselves, clothe them as you clothe yourselves and do not beat or scold them" (*Kanzul Ammal*). According to Ayesha, the Prophet's wife, he said about women, "They are like pleasing roses," meaning thereby that their grace and tenderness deserve special regard from men (*Kanzul Ammal*). In regard to domestic duties, Islam has relieved women of all manual drudgery. According to strict Islamic injunctions, it is not obligatory for a woman to cook the food for her husband or children, or to wash their clothes or even to suckle the infants. A

woman may refuse to do any or all of these things without this being made a ground of legal complaint against her. If she undertakes these duties out of her regard for the husband, it is an act of sheer grace. It is reported that a man once came to Omar, the second Caliph, with the intention of bringing to his notice certain complaints which he had against his wife. When he reached the door of Omar's house, he heard the Caliph's wife railing against him. Hearing this, he went back as he thought that the Caliph was himself in the same predicament and could, therefore, be hardly expected to set matters right for him. Omar, coming out of his house, saw the person going back. So he called him out and enquired as to the purpose which had brought him to his house. He said that he had brought before him some complaints against her wife, but turned back on finding that the Caliph himself was subject to the same treatment from his wife. Omar said to him that he patiently bore the excesses of his wife, because she had certain rights against him. "Is it not true that she cooks my food, washes my clothes and suckles my children, thus relieving me of the necessity of employing a cook, a washerman and a nurse, although she is not in the slightest degree responsible for any of these duties? Not only that. I enjoy peace of mind on account of her and I am protected from committing the sin of adultery. In view of all these advantages, I put up with her excesses. You should also do the same" (*Uqudullujain*).

In regard to the authority of men and women in their respective spheres, the following tradition of the Prophet shows the status enjoyed by women under Islam :

"Man is the ruler in his home. He will be held responsible for the conduct of his dependents, and woman is the ruler in her husband's home. She will also be



held responsible for the conduct of her dependents”  
(*Bokhari*).

This tradition makes the wife the co-equal of her husband in home affairs. She is as much responsible for the conduct of domestic affairs as the husband. Only in larger matters affecting the total welfare of the family, the husband is given a degree of superiority, since two co-ordinate authorities with equal powers are likely to lead to clashes and conflicts such as may destroy the balance and poise of family life.

## CHAPTER V

### DIVORCE

AS has been made clear in the previous chapter, Islam never regarded marriage as a sacrament indissoluble except under extraordinary conditions. In accordance with its view of marriage as a contract, it made provision for the separation of married couples if the terms of the contract were not observed by either party. Divorce is the necessary corollary of the freedom given to men and women to choose their partners. The American authoress of *Male and Female* makes the sensible remark, "With freedom to choose goes the right to change one's mind. If past mistakes are to be reparable in every other field of human relations, why should marriage be the one exception? If their choice of each other was what made marriage a real marriage, then once either makes another choice, its reality is gone. The spouse who clings to such a marriage is committing one of the worst acts in the American list of sins, limiting the freedom of another person, exploiting and taking advantage of someone else's past, dead impulse, freezing a past mistake into a present prison."

The idea that there is something essentially and inherently immoral in divorce was bequeathed to the world by Christianity and Hinduism. Its impracticability has been proved beyond shadow of all doubt, so much so that there is now a swing in the reverse direction and the danger of frequent and easy separation of married couples threatens the stability of the home and the family.

According to the Roman Catholic doctrine, a consummated Christian marriage is a sacrament and

must as such remain valid for ever. It represents the union between Christ and the Church, and is consequently as indissoluble as that union. It is also permanent according to the law of nature, because only a permanent marriage can fulfil this object. And God made it so at the beginning of our race, when He decreed that a man shall leave his father and his mother and shall cleave to his wife, and they shall be one flesh. In spite of this doctrine, which never could work in practice, the Roman Catholic Church allowed separation of married couples under exceptional circumstances on the ground of the invalidity of marriage. Lord Bryce has pointed out in his book, *Studies in History and Jurisprudence*, that the rules covering these exceptional cases "were so numerous and so intricate that it was easy, given a sufficient motive, whether political or pecuniary, to discover some ground for declaring almost any marriage invalid." A man might secure a divorce by swearing that he was his wife's distant cousin, or had loved her sister in his youth, or had before his marriage stood godfather to one of her near spiritual kindred.

For a long time the doctrine of the Western Church was not accepted in full by the legislators. But since the days of Charlemagne the canonical doctrine of the indissolubility of marriage increasingly influenced the legislation of Western countries. It was only during the course of nineteenth and twentieth centuries that divorce was made legal in the Roman Catholic countries in the case of Roman Catholic marriages. In the United States, South Carolina stands alone in granting no divorces whatsoever. It is the only Protestant community which now-a-days holds marriage indissoluble.

The Roman Catholic doctrine of the indissolubility of marriage except by death was never accepted

by Protestant reformers. They all agreed that adultery should be recognised as a ground for divorce, and most of them regarded malicious desertion as a second ground for the dissolution of marriage. The views of the Protestant reformers influenced the course of legislation in various Protestant countries and laws were passed permitting divorce for a number of reasons. Apart from adultery and desertion, an attempt made by one of the couples on the life of another is specified in the laws of many countries as a legitimate ground for divorce. Ill-treatment of some kind has also been laid down in some countries as a sufficient reason for the dissolution of marriage. In the United States divorce is obtainable for cruelty. The degree of cruelty necessary is usually actual and repeated violence endangering life, limb, or health. An extremely frequent ground of divorce is the condemnation of one of the parties to a certain punishment or his or her being convicted of a certain crime. In the United States a husband who is able to support his wife but for a certain time neglects to do so may be divorced. Similarly in some States divorce may be obtained on proof of the habitual drunkenness of either party for varying terms. In North Carolina a husband may obtain a divorce if his wife has without good reason refused sexual intercourse to him for the space of twelve months.

Besides offences of some kind or other committed by either husband or wife and entitling the other party to demand a dissolution of the marriage, there are other circumstances recognised as ground of divorce, which may or may not involve guilt in one of the parties, but in all cases are supposed to make marriage a burden for the other spouse. Impotence in the husband or the wife, existing at the time of the marriage and afterwards, but

unknown to the other party, is recognised as a legitimate ground of divorce in some law books. In England it has long been a ground for pronouncing an otherwise valid marriage invalid; and in the United States also divorce is commonly granted for incurable physical incapacity, if the plaintiff was ignorant of the defendant's condition. Other grounds of divorce, according to many law books, are contagious, venereal and other diseases, and insanity which existed at the time of marriage or prior to it without the knowledge of the other party, or insanity which has been pronounced incurable or gives no reasonable hope of recovery after three or sometimes five years' duration.

These are the most general grounds of divorce laid down in modern law books. English law is the only one in Europe that recognises none but sexual reasons either for the dissolution or the annulment of marriage. The Majority Report of the Royal Commission of 1909 recommended that divorce should, in the future, be obtainable for the following reasons: adultery; wilful desertion for three years or upwards; cruelty; incurable insanity after five years' confinement; habitual drunkenness found to be incurable from the first order of separation; and imprisonment under commuted sentence of death.

Among Western countries, France has made divorce much easier. The 1792 law of divorce says that marriage is merely a civil contract, and that the facility in obtaining divorce is the natural consequence of the individual's right of freedom which is lost if engagements are made indissoluble. Divorce is granted on various grounds, among others on the mutual desire of the two parties, and even at the wish of one party on the ground of incompatibility of temper, subject only to a short period of delay and to the necessity of appearing

before a family council who are to endeavour to bring about reconciliation. In 1804, however, under the provisions of Napoleon's *Code Civil des Francais*, divorce was made more difficult. Mere incompatibility of temper is no longer recognised as a sufficient cause for divorce. Marriage may still be dissolved on the ground of mutual consent, but on certain conditions only : the husband must be at least twenty-five years of age and the wife twenty-one ; they must have been married at least for two years and not more than twenty-five years and the wife must not be over forty-five years of age ; the parents or other living ascendants of both parties must give their approval ; and the mutual and unwavering consent of the married couple must sufficiently prove that "their common life is insupportable to them, and that there exists in reference to them a peremptory cause of divorce."

The Soviet law goes even further than the French law in granting extreme facilities for divorce. It states that "the ground for divorce may be either the mutual consent of the parties or the desire of one of them." If the union is not entered in the registry of books, men and women part without formalities. If they have 'inscribed themselves' all that they have to do is to "write themselves out," that is, record their separation in the books. The law steps in only when there are children and then not to hold the family together but to make provision for children.

We thus find that the Western world which began with the doctrine of the indissolubility of marriage is now swinging to the other extreme by granting divorce on terms which can only be regarded as frivolous. Even in countries like England and America where the divorce law is more stringent than in France and Soviet Russia

the number of divorces is increasing at an alarming rate. In the opinion of Dr. Westermarck, "It is a mistake to believe that the rate of divorces are proportionate to the facility with which divorce may be obtained according to law. Dr. Wilcox even maintains that "the immediate, direct and measurable influence of legislation is subsidiary, unimportant, almost imperceptible." With regard to the United States he remarks, "It seems that the exceptionally great divorce rates in the United States are largely due to the laxity of procedure that has grown up there. One wife alleges that her husband has never offered to take her 'riding' (driving); another, that he does not come home till ten o'clock at night, and when he does return he keeps the plaintiff awake talking." In England, according to the same writer, the removal of a legal obstacle has distinctly increased its frequency. Shortly after the Act was passed in 1925 which gave men and women equality as regards grounds for divorce, the divorce-rate began to climb, and an estimate of this increase shows that between 1924 and 1930 an addition of about 36% per year was made to the residual divorces as a result of that Act.

We have already seen that Islam recognises the necessity for divorce in cases when marital relations have been poisoned to a degree which makes a peaceful home life impossible. But Islam does not believe in unlimited opportunities for divorce on frivolous and unimportant grounds, because any undue increase in the facilities of divorce would destroy the stability of family life. Therefore, while allowing divorce on genuine grounds, Islam has taken great care to introduce checks and balances designed to limit the use of available facilities. Let us study in more detail the Islamic law on this point.

While permission has been given both to man

and woman to obtain a release from the bond of marriage in cases of absolute necessity, the Prophet has made it clear that Islam does not regard it as desirable. A tradition of the Prophet states, "The most repugnant of things made lawful in the sight of God is divorce." Another tradition says, "Marry but do not divorce, because God does not like men and women who relish variety in sexual pleasure."

So far as men are concerned, they have been given liberty of divorce on certain conditions. Firstly, as regards the dower they have bestowed on their wives, they are not permitted to withhold it or take back anything from it, if they decide upon divorce. Secondly, a divorce pronounced at a single sitting does not have the effect of final separation. It is laid down as a condition that a divorce, to take legal effect, must be pronounced three times at intervals of one month each. There is some difference of opinion as to whether three pronouncements at a single sitting can have the effect of final separation. Most jurists hold that a divorce takes effect if it is pronounced three times even at a single sitting. But Imam Ahmad Ibn-e-Hanbal and Imam Ibn-e-Taymia reject this opinion and regard as one pronouncement three declarations of divorce delivered at a single sitting, so that separation does not come off at the end of three such declarations, but only when they are separated each by an interval of one month. There are strong grounds for supporting the stand taken by Imam Ahmad and Imam Ibn-e-Taymia. In the first place, it is obvious that the intention of law in prescribing three pronouncements of divorce separated by fixed intervals of time precedent to final separation was to leave open the opportunity of reconciliation. This intention is defeated by recognising three pronouncements delivered at a single sitting as having the effect of final separa-



tion. Secondly, there is evidence to show that the companions of the Prophet regarded this form of divorce as being morally reprehensible and involving the person responsible in a great religious sin. It is recorded that Omar, the Second Caliph, used to punish such persons who pronounced three divorces at a single sitting. Ibn-e-Abbas, another companion of the Prophet, was asked about a person who divorced his wife in a single sitting. He said, "The man was guilty of disobedience to divine commands." Ali is reported to have said, "If the people faithfully observed the conditions of divorce, no one would feel sorry for the separation of his wife." In the face of this strong evidence, it is strange that the majority of jurists should have recognised the legal validity of an act which has been universally condemned as being highly sinful and which obviously defeats the law-giver's intention. The law-makers of modern Muslim communities should not be bound by the legal decisions of old jurists but should boldly carry out the intention of the original Islamic law.

During the period of the first two pronouncements of divorce, the husband and the wife are required to live together as formerly, so that if the husband has acted hurriedly or in a fit of passion, he may revoke his pronouncement and normal relations may be restored. Again, if the husband has sexual intercourse with his wife or indulges in the preliminaries of cohabitation, the pronouncement of divorce lapses automatically without express declaration on his part. But, if no such thing has happened and the two intervals of one month each have elapsed, normal relations cannot be restored except by remarriage. If, however, the husband makes the third and final pronouncement after this period, marital relations are completely dissolved and the divorce is complete. If

the husband repents after this and wishes to have his wife again, he cannot do so, except after his wife has been married to some one else and divorced by him too. This provision has been considered necessary in order that it may act as a deterrent for husbands who are prone to act rashly without considering the consequences of their action.

Another condition laid down for husbands intending to divorce their wives is that they should not pronounce the divorce during the period of their wives' menstruation. This condition has been deemed necessary because a woman is liable to become ill-tempered and easily irascible during the period of menstruation. This physical disability leads her sometimes to act and behave in a manner which she disapproves herself on becoming clean. Another reason for this stipulation is that normal sexual relations between husband and wife are suspended for the time she undergoes her monthly course and sexual relations are commonly the basis of love and amity between husband and wife. It is possible that a couple may resume their normal attitude to each other and forget their quarrels when their sexual relations are restored after the period of menstruation. There is a tradition that Abdulla bin Omar divorced his wife when she was having her monthly period. His father reported the matter to the Prophet who became very angry and ordered that Abdullah should revoke his divorce and wait until his wife is clean, after which he is free to do as he liked. Another tradition states that the Prophet told Ibn-e-Omar to observe the following procedure in divorcing his wife :

“Ibn-e-Omar,” said the Prophet, “you adopted a wrong method. The right one is that you should

wait for 'tuhr' (period of cleanliness), then pronounce a divorce during one 'tuhr' and another during the second. During the third 'tuhr' you should decide finally and either retain your wife or finally divorce her."

So far we have given a brief account of the rights given to husband for securing release from the marriage bond and the conditions he is required to observe. Similar rights have been given by Islam to the female sex. There are two ways in which a woman is allowed to seek separation from her husband. Firstly, through mutual agreement between the husband and the wife which is called 'Khala.' Secondly, through a judicial decree by filing a suit against the husband in a law court. It will be seen that the wife is not at liberty, like the husband, to get herself released by an outright declaration of divorce. In case her husband refuses to release her from the marriage bond, she has to go to a court of law and obtain a decree in her favour. This may seem to place her at a disadvantage in comparison with her husband and it may be asserted that this implies inequality of rights, as between husband and wife. Actually the intervention of the State in the matter is a device for the fuller protection of her rights. Conditions all over the world, including even Western countries, are such that a woman is not altogether free to exercise her legal rights. The husband can, if he so desires, place many impediments in her way. If the State does not come to her help in order to safeguard her rights, the woman may find herself handicapped in many ways, despite all talks and preachings of sex equality. It is, therefore, in her own interests to seek the support of authority in defending and exercising her rights. This was all the more necessary in the past when woman's social position exposed her to greater difficulties.

As in the case of a divorce by the husband, the legal permission given to women to seek and obtain separation through mutual agreement or the intervention of the court does not imply moral approval of the act. Islam has unreservedly condemned men and women who use their legal rights of divorce on any except legitimate grounds and in absolutely unbearable conditions. Thus a tradition of the Prophet states, "God does not like men and women who seek variety of sexual experience." Again, "God has showered curses on those men and women who make frequent use of divorce for the sake of sexual enjoyment." A third report says: the Prophet of God said: "A woman who seeks divorce from her husband without any excess on his part will be cursed by God and His angels." Yet another tradition says, "Women who make a play of their divorce rights are hypocrites." These warnings and moral exhortations are intended to discourage men and women from disturbing the stability of family life and resorting to separation except in cases of unavoidable necessity. Moral dissuasion apart, there is no dispute about a woman's legal right to seek separation from her husband. This she may do either by giving up a part of the whole of the dower given her by the husband or by offering an agreed sum of money to her husband in return for his consent to release her from the marriage bond. Thus both men and women are required to undergo monetary sacrifice for securing their separation. This is likely to act as a deterrent in both cases. Should the husband refuse to part with his wife on any of these terms it is open to the latter to seek the protection of law by filing a suit against him and obtaining a legal decree of separation.

Actual legal decisions by the Prophet of Islam show the spirit and principles which the law courts

should apply to cases brought by women against their husbands. The most famous case is that of Sabit bin Qais whose two wives sought divorce from him. One of them Jameela bint Abi Salul, disliked his features. She came to the Prophet of God and complained against him saying, "O Prophet, nothing can bring him together with me. I lifted my face-covering to see him coming along with a few other men and I noticed that he is the blackest, the most short-statured and the ugliest of them." Another report says : she said, "By God, I don't dislike his morals or behaviour, but I cannot stand his ugliness." According to Ibn-e-Maja, she is reported to have said, "By God, if fear of God did not stand in my way, I would have spit him in his face." According to the author of *Fathul Bukhari*, Jameela said, "You see, O Prophet, how beautiful I am, but Sabit is an ugly person." Bokhari reports that she said to the Prophet, "I don't blame him for his morals or religion, but I am afraid Islam will lose its hold upon me, if I am compelled to live with him." After hearing her complaint, the Prophet said to her, "Will you give him back the orchard he gave you?" She replied, "Yes, and more too, if he wants." The Prophet asked her not to give more and ordered Sabit to accept the orchard and divorce her.

Another wife of Sabit bin Qais, Habeeba bint Sahel, according to a report from Imam Malik and Abu Daud, came to the Prophet one early morning. When the Prophet came out, he saw her standing before the door. On the Prophet enquiring how she happened to be there, she replied, "I and Sabit cannot pull together." When Sabit came, the Prophet said to him, "This is what your wife says about you, so leave her." According to Ibn-e-Maja, Habeeba complained to the Prophet that Sabit had beaten him so badly as to break her

bone. In any case, the Prophet, on hearing both sides of the matter, ordered dissolution of the marriage.

During the time of Omar, the Second Caliph, a suit of divorce was brought to him. He advised the wife not to leave her husband and try to pull on with him. The woman refused to do so. Omar put her in a dirty room for three days. On the fourth day he asked her how she had fared. She said that she had real peace of mind only for those three days, whereupon Omar ordered dissolution of the marriage.

These three cases show that the mere fact of a woman becoming disgusted with her husband is sufficient ground for legal separation between them. In the case of Sabit bin Qais, the Prophet showed by his action that a woman's disapproval of her husband on physical grounds is a legitimate ground for a legal decree of separation in her favour. It is enough for the court to satisfy itself that one of the partners has developed sufficient antipathy against the other to make reconciliation impossible. The court need not inquire into the detailed reasons of this antipathy, because a woman may dislike her husband on many grounds some of which she may not like to state openly. There may also be reasons for disgust, which may not seem valid to the court or to any other arbiter, but which may be sufficient to spoil the marital relations of husband and wife. The court has no right to give its verdict on the point whether the reasons for dissatisfaction as expressed by the wife are valid. All it can do is to satisfy itself on the point whether the dissatisfaction is genuine or faked, whether it arises from causes which are temporary and may disappear or it is so deep-rooted as to preclude the possibility of happier relations being restored.

It is also inadvisable for the court to inquire whether a wife seeking divorce is doing so because she is sexually erotic and desires a variety of sexual pleasures or her aversion to her husband springs from genuine causes. The right of a man to divorce is not limited by the condition that he should not use it for satisfying his anarchic sexual desire. If this is so in the case of a man, it applies equally well to women who have got equal rights. Moreover, if a woman is really disposed to be sexually anarchic, the mere fact of being unable to obtain a divorce from a law court will not prevent her from forming illicit unions, and in such a case, the court, by refusing a decree of separation, will be supplying an incentive to illegitimate sexual activity, which is morally and socially more reprehensible than a frequency of divorces. The effect of a court decree in favour of separation is the same as that of the final divorce pronounced by the husband which dissolves the marriage finally and irrevocably. The couple cannot be remarried, unless the woman marries another husband and gets a divorce.

As regards monetary sacrifices involved when a woman seeks divorce from her husband, it has already been stated that the husband cannot claim more than he has already given his wife as dower. If the separation comes off as a result of mutual agreement without the intervention of the court, the amount has to be settled between the two partners. But if the dispute is brought to the court, the latter can decide what portion of the dower should be returned by the wife, whether the full amount, or half of it or one-fourth, etc. Many jurists agree that if separation takes place as a result of the ill-treatment of the husband or his excesses, and such charges are proved during the process of legal inquiry, the court can totally

exempt the wife from repayment of the dower, or it can decide in favour of an amount less than that of the dower, according to the circumstances involved. Some jurists are also of opinion that if the court is satisfied that the wife has no legitimate grounds for seeking separation and is merely the victim of anarchic sexual impulses, it can order her to pay more than her dower.

Apart from cases of ill-treatment and genuine aversion of wife against the husband, Islam recognises other grounds of divorce also. These are : (1) option of puberty ; (2) refusal to provide economic sustenance ; (3) change of religion ; (4) impotence ; (5) Infectious diseases in either partner ; (6) wilful desertion ; (7) disappearance of the husband.

The Quran has given some importance to the opinion of the guardians, in the case of a woman's marriage, but it has not withheld from her the right of final acceptance or rejection. Actual legal decisions by the Holy Prophet show that while a woman is bound to consult her guardians, she is not under any obligation to abide by their advice. Abu Daud, Nisai, Ibn-e-Maja and Imam Ahmad Ibn-e-Hanbal have reported a tradition from the Prophet stating that a girl complained to him saying that her father had given her in marriage against her will, whereupon the Prophet told her that she was at liberty to repudiate it. Nisai has given a report from Khansa bint Khuzam that her father married her to a man whom she did not like. On hearing her complaint the Prophet gave her option to retain or repudiate the marriage. Dar-e-Qutni, another collection of traditions, contains a report from Jabir, one of the companions of the Prophet, stating that the Prophet ordered the dissolution of a marriage which was performed



against the will of the wife. Nisai further gives a tradition from Ayesha, the Prophet's wife, stating that a girl was married by her father against her will, whereupon she complained to the Prophet. The Prophet gave her liberty to repudiate the marriage. On hearing this the girl declared, "O Prophet, I accept the decision of my father. I wanted only to show to other women that their fathers' decision is not final." Muslim, Nisai, Abu Daud and Muatta also contain the following tradition :—

"A woman previously married has a greater right than her guardians to decide her choice in marriage, while permission of a virgin should be sought in regard to her marriage." Another report from Abu Huraira says, "No woman who has been married once should be remarried, until she gives her permission ; similarly a virgin should not be married until she declares her consent."

In the face of these traditions, the question arises : What is the position of minor girls married by their guardians or parents during their minority ? Are they free to repudiate their marriage on attaining puberty ? Most of our old jurists give the option of puberty to the minor girls only in cases where they have been married by guardians other than their fathers or grandfathers. But if the marriage has been arranged by the father or grandfather during the minority of the girls, they maintain that the girl is not at liberty to repudiate the marriage, except when it has been proved that the father or the grandfather is a man of loose character or that he is reputed to be a man of careless disposition. No precedent or authority has been quoted by the jurists for making an exception in favour of the father and the grandfather as distinguished from other guardians. Their opinion

is obviously based on the presumption that the father or the grandfather, being the well-wishers of their family, cannot act against the real interests of the minor. This presumption for which no authority has ever been quoted from the Quran or the traditions of the Prophet is open to the following grave objections :—

Firstly, a very authentic tradition of the Prophet states that he gave away the daughter of Hamza in marriage to Omar bin Abi Salma, while she was still a minor and declared that after she reached puberty, she was at liberty to repudiate the marriage. Here the Prophet did not make any exception in favour of any guardian, nor did he specify it as a reason that because he was not the father or the grandfather of the girl, therefore she had the option of puberty. He made a general statement covering all cases. This shows that even a minor girl married by her father or grandfather has the option of puberty. Secondly, it does not stand to reason that a girl who has reached puberty should be given the right of final choice, but a minor girl should be refused the same right. If the presumption is that the father and the grandfather cannot act in disregard of the real interests of their lineal descendants, it should apply to both grown-up and minor girls. Thirdly, the presumption itself has a very frail basis. There are innumerable cases where a father or a grandfather has not consulted the best interests of his descendants in deciding their future. Fourthly, even if the presumption be valid, it is quite possible that the husband of the minor girl may prove unworthy, after he has grown up or he may develop habits and aptitudes ruinous to the health and happiness of his wife. For all these reasons the stand taken by the old jurists appears untenable and since the Muslims are not bound by the decisions of any

person or persons except those of the Prophet, there is no reason why the Muslim law should not be amended in accordance with the spirit and principles made explicit by the Prophet in his own legal decisions.

In case a husband refuses to provide economic sustenance to his wife, there are two courses open to the court. If the husband is able to make provision for her needs, but does not do so, the court can bring pressure to bear on him and force him to look after the needs of his wife. Should the husband still refuse, the court can issue a decree of separation and the marriage will be dissolved thereafter. In case where the husband is absolutely unable to provide for his wife, dissolution of the marriage should come about instantaneously, according to the school of Imam Ahmad ibn-e-Hanbal. In the opinion of Imam Shafa'i, three days' time should be given to the husband, while Imam Malik would give a month's time or two.

Conversion of either partner to any religion (other than Islam) leads automatically to the dissolution of the marriage, because Islam does not allow a Muslim woman to enter into marriage union with a non-Muslim. The only exception in this case is when a Muslim woman is converted to Christianity or Judaism. In such a case the husband can retain her in marriage, because Islam allows Muslim males but not Muslim females to contract marriages with the members of the Jewish and Christian communities.

If the husband is impotent, the wife can obtain a decree of separation from the law court. But in cases where the impotency is not constitutional and incurable, one year's time may be allowed to the husband for undergoing treatment. If he regains his potency during this period, the marriage cannot be dissolved. The medieval jurists have,

however, laid down the following conditions which cannot stand rational scrutiny and do not agree with the spirit and intention of Islamic law :—

(1) That a decree for separation is eligible only if the wife was ignorant prior to marriage of the impotence of her prospective husband.

(2) If the wife was ignorant of the fact but consented to retain her marriage when she came to know of it, she cannot demand separation later on.

(3) If the husband, after treatment, is able to have sexual intercourse even once, the wife loses the right to demand separation.

These conditions are very unfair and destroy the intention of the marriage and divorce laws, for the object of marriage in Islam is to provide a stable family life and to prevent the formation of illicit sexual unions. Both these objects are defeated if the conditions laid down by the older jurists are given legal sanction. If a woman foolishly commits herself to marry a man whom she knows to be impotent, it is just possible that she may repent her action sometime later when she knows by experience what association with such a person means. It is a very heavy punishment, to poison her whole life for a single act of misjudgment or folly. It is enough if she has to forego her dower as a result of her separation. The same is true of a woman who comes to know after the marriage that her husband is impotent but out of sentiment or natural nobility of mind consents to live with him. It is quite possible that later experience may render her disconsolate or she may be unable to bear a long period of sexual abstinence. If she is afraid that the continuation of marriage would expose her to sexual temptations which she may not be able to stand, she is per-

fectly justified in claiming separation. To refuse a legal decree on the ground that she had earlier consented to the continuation of marriage is to drive her to sin. But marriage is intended to safeguard men and women from sin and not force them into situations where they find no alternative except to disregard their faith and conscience.

In regard to infectious diseases and other noxious ailments, there are three classes of opinions among the older jurists. One class of jurists holds that neither partner can demand separation on the ground of noxious or infectious disease in the other partner. Ali and Abdullah bin Masood, among the companions of the Prophet, and Imam Abu Haneefa and Imam Abu Yusuf, among the jurists, belong to this school of thought. The other school holds that in all diseases which prevent sexual intercourse between man and woman, such as lunacy, leprosy, venereal diseases etc., either party has full right to demand separation. This is the opinion of the Maliki school. Imam Shafa'i says that lunacy and leprosy entitle a husband or wife to demand separation but not venereal and other diseases. Of these three schools, the opinion of the second school is more in accord with the spirit and principles of the Holy Quran. According to the Quran the two essential factors in healthy marital relations are the safeguarding of sex morality and the maintenance of love and compassion between husband and wife. Both these factors become non-existent in cases where the husband and wife develop antipathy against each other owing to physical causes. Where there is the slightest danger of either party falling into sexual aberration due to continuance of marriage, it is much more advisable to dissolve the marriage rather than expose the partner to the risk of sexual promiscuity.

In regard to the right of a wife to demand separation when her husband is missing or has disappeared, there is considerable difference of opinion among the religious scholars. The Quran as well as the traditions of the Prophet are silent on this matter. Among the companions of the Prophet, Omar, Osman, Ibn-e-Omar and Ibn-e-Abbas are of opinion that the wife should be ordered to wait for a period of four years. Ali and Ibn-e-Masood, on the other hand, hold the opinion that the wife should wait until the husband returns or the fact of his death is ascertained. Imam Abu Haneefa and Imam Shafa'i have expressed the same opinions.

Both these opinions seem to err on the side of caution and involve manifest wrong to the wife. They are also opposed to the principles of the Holy Quran. For example, in permitting conditional polygamy the Holy Quran has stated clearly: "And you have not it in your power to do justice between wives, even though you may covet it, but be not disinclined from one with total disinclination, so that you leave her, as it were, in a suspense" (iv : 129). Again in enunciating the rules of conduct for persons intending to divorce their wives the Quran says: "And when you divorce women and they reach their prescribed time, then either retain them in good fellowship or set them free with liberality, and do not retain them for injury so that you exceed the limits, and whoever does this, is unjust to his own soul" (ii : 231). Further in the case of husbands who swear not to go near their wives, the Quran says: "For those who swear that they will not go in to their wives, should wait for four months" meaning that such sexual abstinence should not last more than four months. If the husband does not break his oath after this period, the wife is entitled to ask

for separation. These three verses show that the Quran does not allow a husband to hold his wife in suspense for more than a limited period. How then is it permissible to keep a woman waiting not for months but for years, simply because no trace of her husband could be found? During the caliphate of Hazrat Omar there was a very striking incident which throws further light on the spirit in which such cases should be dealt with. It is said that while Omar was carrying out his nocturnal vigil, he heard a woman singing erotic verses in which she gave expression to the unbearable pain of separation from her husband and added, "If there were no God, this bed would not be empty of a male partner." Omar found, on making enquiries, that her husband had gone on holy war. He came home and asked his widowed daughter how long a woman could bear the pain of sexual abstinence? After some hesitation she told him that six months was the maximum period. Omar at once ordered that no soldier should be sent on war for a period longer than six months. After six months of active service, every soldier should be given compulsory leave to return home. If it is recognised that a woman cannot forego sexual enjoyment for a period of more than six months, why should it not be applied to cases of missing husbands? How can the wife be forced to wait for four years or for a longer period, if such compulsion is likely to drive her into the quagmire of sin, and who is going to provide for her needs during all this period? Obviously the demands of elementary justice and the principles enunciated by the Holy Quran have been ignored in this respect.

It is for these reasons, probably, that the jurists of all schools have adopted the rules laid down by Imam Malik which are more liberal and involve less hardship to the wives of missing husbands.

According to Imam Malik, three situations may arise requiring separate decisions :—

(1) If the missing husband has left no property wherewith the wife may provide for her needs, the court shall immediately order dissolution of the marriage and set the wife free for marriage with another man. The Shafai' and Hanbali schools also agree to this rule, as, in their opinion, failure to provide economic sustenance to the wife is itself a sufficient ground for the dissolution of the marriage.

(2) The husband has left property but the wife is so young that she cannot be expected to bear sexual abstinence without running the risk of sin. In this case the court can fix a period of one year or six months or even a smaller period within which the wife will have to wait for the return of her husband, after which the marriage will be dissolved. In urgent cases the court may order instantaneous dissolution of marriage. It is not necessary for the court to force from the wife an express declaration of her inability to withstand sexual temptation. It is the duty of the court to come to a judgement on this point after studying the situation.

(3) The husband has left property and there is also no danger of the wife falling a prey to sexual temptation. In this case the following steps have been recommended :—

If the missing husband was lost in a Muslim country or in another civilised country having diplomatic relations with Muslim countries, the wife will be asked to wait for four years and the government will order a search to be made for the man.

If he was lost in a war, a full search should be



made, after which the wife should be ordered to wait for one year.

If he was lost during a local civil commotion, a full search should be ordered after the completion of which the marriage will be dissolved without further waiting.

It would appear that even the Maliki law, which is followed now by all schools, leaves room for hardship. Six months is the reasonable maximum period for which the wife can wait. No further delay appears reasonable keeping in view the injunctions of the Holy Quran.

Opinions differ as to what would happen if the missing person is found after or without a search. Omar holds that if the husband returns before the wife is married to another person, the wife should belong to him but if she is already married the former husband loses all rights on her, even though her second marriage may remain unconsummated. Imam Malik has adopted this opinion. Ali, another companion of the Holy Prophet, however, was of opinion that the wife belongs to her first husband, whether she marries and has children or remains unmarried. If the marriage has been consummated, the wife is also entitled to her dower from the second husband. The Hanafi school has adopted the same rule.

According to Osman, the third caliph, the returning husband will have the option to take back his wife or leave her and have his dower repaid to him. If he is willing to take back his dower or to remit it to his former wife, the wife will be left with the second husband. Otherwise, she will be separated from her second husband and ordered to wait for a period of four months, after which she will become the wife of her first hus-

band. Moreover, she would be entitled to receive her dower from the second husband.

The above is a general picture of the rights given to women by Islam for demanding separation from their husbands. As will be seen, Islam has maintained more or less absolute equality between man and woman in this regard. There is no doubt that man enjoys a greater degree of freedom in this respect, because he has no need to resort to a court of law. But we have also explained the circumstances which made this restriction necessary in the case of women. In fact there are so many ways open to a woman to secure her freedom from an unhappy marriage that if she fails on any one ground to obtain a decree in her favour, some other ground remains available to her and the court can hardly refuse a decree of separation to a wife who is determined to seek separation.

## CHAPTER VI

# SOCIAL RESTRICTIONS ON MEN AND WOMEN

**F**REEDOM and equality are concepts which have been very much misused by the modern world. There is no doubt that human progress depends to a large extent on freedom and equality, and a society which creates artificial inequalities and places unnatural obstacles in the way of human freedom slowly degenerates and dies out. But it is equally true that real freedom does not lie in unrestricted licence and presupposes as its inevitable corollary certain wholesome natural restrictions. Similarly equality cannot mean a total obliteration of diversity arising from the natural and inborn differences between man and man. Real equality can only be based on an inequality of functions where each individual and each sex is entrusted with the tasks to which its natural endowments and inherent qualities qualify it most. The Western civilisation has placed undue and exaggerated emphasis on self-assertion and self-expression for the historical reason that its fundamental concepts arose out of a struggle against artificial repressions. The result is that the assertive and expressive tendencies of human beings have brought about internal conflicts which threaten to its foundation the very structure of civilisation. A balance between self-expression and self-repression, freedom and order, uniformity and diversity should be achieved to put human society on a stable basis. If this is true in the larger spheres of human relations, it is equally true in the sex relations of men and women. An expert on sex psychology like Havelock Ellis says, "We have always to remember that the whole art

of living lies in a fine balance of expression and repression. For repression—understood in a wide sense and not merely in the special sense sometimes given to it by psycho-analysts—is as central a fact of life as expression. We are constantly at the same time repressing some impulses and expressing other impulses. There is no necessary penalty in the repression, for it is essential to expression.”<sup>1</sup>

Islam has placed certain restrictions on men as well as women in order to regulate their sex and family life, both of which it regards as the foundation of a stable and progressive civilisation. The restrictions on men and women differ in accordance with their varying functions in society. To the extent that these functions differ in the case of the two sexes, their rights and responsibilities also differ and the restrictions they are required to observe also differ. Advocates of a bald and dead equality who do not believe in the functional differentiation of the sexes will cite them as proof of unequal treatment. Actually these restrictions arise out of the different social responsibilities of either sex. If it is true that motherhood is one of the essential responsibilities of women, that sexual aberration in women leads to more complications and more serious consequences than the misconduct of men; if again, it is true that men and women differ in the types (not degrees) of their natural gifts and that the physical powers of women are attuned to particular types of work only, then it is easy to see that within the general framework of fundamental sex equality, their rights, duties and the channels of their self-expression and self-repression should also differ.

Saner intellectuals even among the Westerners have always recognised the functional differentiation

---

1. Havelock Ellis : *Psychology of Sex*, p. 222.

between the two sexes. They also admit that women are better fitted for particular types of work than men and ill-suited for other tasks. For example, the American authoress of *Male and Female*, Margaret Mead, discussing this point in connection with her researches into the life of savage tribes, writes: "Thus if the theorist about men and women's natural work-rhythms had based his theories on Iatmul, he would easily have come up with a picture of man as the lineal descendant of a nomadic hunter, capable of strong output of effort, but demanding long periods of recuperation, and a picture of woman as better fitted by nature for the routine tasks of everyday life, unresisting and un-rebelling against a world in which their work was never done and their hands were hardly ever at rest." Proceeding further the same authoress says, "If research finally demonstrates any genuine differences in the capacity to tolerate monotony, or to benefit by working in irregular spurts of energy, we still have to consider whether the most felicitous results are obtained by constructing a society in which women's work, while more monotonous and demanding, is also keyed up to the cycles of menstruation and pregnancy, and men's work, less monotonous and demanding, is the work that can be depended upon in any emergency, since men are subject to no such periodic rise and fall in capacity as women. Possibly we may find instead that if all work is keyed low enough so that women do not suffer too inappropriate demands during their periodic fluctuations in capacity, but men are not prevented from constructing crises if they find them congenial, the gain in adaptation of rhythm between the sexes may be greater than any loss that comes from not pitching the work rhythms of each sex as perfectly as possible to their distinctive periodicities."

Now this periodic rise and fall in the capacity of work among women is an undeniable physical fact that alters their function in society and excludes them from certain kinds of work. A civilisation which keeps this fact in view in the allocation of rights and duties will naturally suggest different social restrictions for women with a view to prevent them from transgressing their natural sphere of duties.

A more important physical factor which has a decisive bearing on the functions of women and marks out a different path of life for them is the physical periodicity of women arising from menstruation. Menstruation is by no means an ordinary phenomenon of local manifestation. It is but the most obvious symptom of the general monthly wave which periodically flows through a woman's body, affecting to a greater or lesser extent, all her organs. The observations of a great many medical authorities have shown that during the process of menstruation most significant physical and mental changes are observed in women. The whole nervous system of women is affected during this period and it is the nervous system upon which depends the normal functioning of the general physiological well-being of women. Vemilow in his *Biological Tragedy of Woman* says that women's mental equilibrium is upset during the period of menstruation. He records his observation that a woman street-car conductor pulls out the wrong tickets and is muddled in counting the change. A menstruating motor-woman drives the street car slowly and with hesitancy, becoming confused at crossings. The lady typist's fingers strike the wrong key. The woman dentist cannot find the proper instrument. An actress is not in the right mood and makes wrong gestures. Writing in *Man and Woman*, Havelock Ellis observes that there is at this period greater

impressionability, greater suggestibility and more or less diminished self-control. It is at this time that sudden caprices, fits of ill-temper, moods of depression, impulses of jealousy, outbursts of self-confession are chiefly liable to occur. At times menstruation produces abnormal and diseased conditions. There may be so high a degree of physical pain and disability that the woman is really an invalid for several days every month. On the basis of these facts Havelock Ellis had to utter a note of warning that "it is no longer possible to regard the physiological periodicity of women and the recurring menstrual function as the purely private concern of the woman whom it affects." Such a view necessarily leads to the conclusion that the public activities, work, and employment of women must be conditioned and limited by their physiological peculiarities. It cannot be that men and women are treated as equals in the field of industrial employment or in the matter of political activity. If an attempt is made to create an artificial equality which in fact does not exist, it is likely to break down with serious consequences.

Motherhood is another important factor in the life of women which conditions, limits and particularises their sphere of activity. In the modern world, a large number of well-to-do women, under the influence of a wrong conception of equality, have increasingly turned away from this noble life vocation. Various theories and suggestions have been propounded to prove that motherhood is not essential to the life and happiness of women and that alternative institutions can be evolved which will free the mothers from the burden of rearing and training their children, thus allowing them greater liberty of movement and enabling them to share with men the larger activities of social and political life. While no sane person will maintain that women

should be kept confined to domestic life or should in no case participate in the wider spheres of collective activity, many will agree that the duties of motherhood form the primary concern of a woman's life and a society which allows its female members to plunge into the wider spheres of life at the cost of their primary avocation is bound to suffer from maladjustment. It is only women who are already past the age of motherhood and can easily spare time and energy for other duties that should be really welcome in the political and industrial fields. But by far the largest number of women cannot escape, if they are to fulfil their function in society, the burden of their primary biological and social responsibility. Of course, the more fortunate among them by reason of their economic condition or limited family can do, if they are so minded, part time work in other fields but not in a way which might disturb their main functions. The saner elements among Western writers and thinkers have not overlooked this aspect of the matter and we shall give a few brief quotations from them.

Writing about the depth of maternal instinct in women, Havelock Ellis<sup>1</sup> says, "Most people, certainly most women, feel at moments, or at some period in their lives, a desire for children," and in women the longing for a child may become so urgent and imperative that we may regard it as scarcely less imperative than the sexual impulse. Van de Velde<sup>2</sup> writes, "To be a woman means to have the desire to become a mother both physically and mentally." He admits that "there are women, and presumably always have been women, although their number may be relatively very small, who feel such a strong antagonism to motherhood that they

1. Quoted by Dr. Westermarck in *Future of Marriage in Western Civilisation*.

2. *Ibid.*



refuse to marry for that reason," but he adds, "The absence of the maternal instinct in the modern woman is really nothing but a pose. The maternal instinct exists in spite of this, although there may be only one child..... Where it really is repressed, because some women think it fashionable, or because of decadence or love of pleasure, it will also be seen that such repression has its revenge sooner or later. A more than temporary repression of the mother instinct is, practically speaking, impossible."

A prominent American authoress Margaret Mead writes in *Male and Female*, "Women may be said to be mothers unless they are taught to deny their child-bearing qualities. Society must distort their sense of themselves, pervert their inherent growth patterns, perpetrate a series of learning outrages upon them, before they will cease to want to provide, at least for a few years, for the child they have already nourished for nine months within the safe circle of their own bodies." The same writer quotes the experience of a psychiatrist working in the United States who said, "I have never seen a woman who was socially and physically able to have children and who refused to have children, who did not suffer psychologically from that refusal."

Writing about the nursery and other institutions for the education of children in order to relieve mothers of their educational responsibilities, Havelock Ellis says in his book *On Life and Sex* : "The idea has been put forward (first of all by Plato in the famous fifth book of his *Republic*) that the infant should be removed from its natural parents and placed in the hands of nurses skilfully trained in all the science and art of modern hygiene in general and puericulture in particular. Certainly, it is possible

to find innumerable parents who are completely and lamentably ignorant of this science and this art. This may be specially so in those lands of communistic tendency, like Soviet Russia, where the Platonic ideal is most commended. But to be content to leave the mothers in ignorance and to train up in the knowledge of the duties of maternity a body of women who are not intended to be mothers, except for other women's children, seems a perverted attempt to escape the difficulty. It is not calculated to benefit, and still less to render happy, the real mothers, the artificial mothers or the children. An institution on so unreal a foundation cannot possibly compete with one on a sound biological basis which is just as susceptible to any necessary cultivation and development as the other . . . The legitimate method of approaching the problem—as is constantly becoming more widely recognised—lies in training the real mothers, and, so far as possible, before they have begun to be mothers . . . The establishment of Schools for Mothers, in some countries, facilitated by law, constitutes a notable step along this path."

In regard to the advisability and fitness of woman for work in the wider sphere of social activity, Havelock Ellis expresses an opinion which agrees with our own view which we have given above, namely, that women who have had the experience of motherhood and whose maternal duties are over have more justification as well as ability to take part in such activity than those whom motherhood calls for dedication to domestic duties. Writing in his book *On Life and Sex*, Ellis says: "There is nothing that is so much needed as the 'maternal in politics,' or in all sorts of non-political channels of social service and none can be better fitted for such service than those who have had an actual experience of motherhood and acquired the

knowledge that such experience should give. There are numberless other ways, beside social service, in which mothers who have passed the age of forty, provided they possess the necessary aptitudes, can more profitably apply themselves than in hampering or pampering their adult children. It is by wisely cultivating their activities in a larger sphere that women whose chief duties in the narrower domestic sphere are over, may better ensure their own happiness and the welfare of others than either by fretting and obstructing or by worrying over their own children who are no longer children. It is quite true that children may go astray even when they have ceased to be children. But the time to implant seeds of virtue, the time to convey a knowledge of life, was when they were small. If it was well done, it only remains to exercise faith and trust. If it was done ill, nothing done later will compensate, for it is merely foolish for a mother who could not educate her children when they were small to imagine that she is able to educate them when they are big."

Writing about the desirability of closer mother-child relations during the period of infancy which is completely non-existent in collective social institutions where women, other than mothers, take care of children, Dr. Westermarck<sup>1</sup> writes: "According to Havelock Ellis, the mortality of artificially fed infants during the first year of life is seldom less than double, and sometimes as much as three times, that of the breast-fed, or even more. He also points out that the advantages for an infant being suckled by its mother are greater than can be accounted for by the mere fact of being suckled rather than hand-fed, because the infant's best food is that elaborated in his mother's body.

---

<sup>1</sup>*Future of Marriage in Western Civilisation.*

This has been shown by Vitray, who found from the statistics of Astel-Dien at Lyons that infants suckled by their mothers have a mortality of only 12 per cent, while in the case of infants suckled by strangers the mortality rises to 33 per cent."

It may be said that the progress of science may so lighten the manual burden of women that even after discharging their full responsibilities at home, mothers may be enabled to spend a larger and larger portion of their time outside their homes in social, political and industrial activity. While nobody would grudge such a situation, provided it means equal facilities for all mothers and not merely for a few born with silver spoons in their mouths, it is after all not so certain that the increasing use of mechanical devices would bring about the desired change. The following quotation from Margaret Mead is worth reading in this connection: "There was a time also when in the first fine flush of laundries and bakeries, milk deliveries and canned foods, it did look as if American life was being enormously simplified. A vacuum cleaner was a great addition to a home that kept the standards of a carpet-sweeper and a broom, laundries were a godsend to a household whose routine of sheet-changing was geared to the old-fashioned wash-tub, and bakeries to homes in which the making of bread had dominated one whole day. But just as our new medical palliatives are creating new vulnerabilities and new disease states, so the new equipment has not led to more leisure, more time to play with the baby, more time to curl up and read by an open fire or to help the P.T.A., but has merely combined with other trends in making the life of the American home-maker not easier, but more exacting. Most urban-living women do not realise that, as the Bryn Mawr report shows, house-keeping activities consumed 60.55 hours a week in

a typical farm family, 78.35 in urban household in cities of over 100,000. This was in pre-war days, and in a world that has been moving steadily towards a forty-hour week on the job."

Now, if these facts are true, they show that even the mechanical improvements of an industrial civilisation cannot release mothers for whole-time work outside their homes and a pattern of social life which seeks to make men and women equal in this respect is bound to produce unpleasant consequences. There remains one final argument to justify the full participation of women in fields other than the sphere of domestic life. It is said that specially gifted women should be given full opportunity to utilise their gifts for social and political service and to that extent they should be absolved of the responsibilities of motherhood and domestic life. This is true. But it should not be overlooked that special gifts can be multiplied and passed on to future generations on a wider scale, if the specially-gifted woman undertakes the responsibilities of motherhood. So the argument in favour of exempting such women from the burden of motherhood falls down, because the social service which such women can render may be more effectively rendered, if they can become proper mothers. A woman who has borne two gifted children and brought them up under her gifted training really does greater service to society than if she exercises her gifts in other ways. Of course, if she can combine motherhood with social or political service, nothing should be allowed to stand in her way, because then her utility will increase tenfold. But motherhood is the essential vocation of a woman's life which should not be sacrificed for any other consideration.

It is in view of all the facts and considerations

we have stated above that Islam has laid down certain social restrictions both on men and women. Some of them are common to either sex, while some are different and arise from a particular conception of womanly duties. On the whole, the Islamic pattern of life is one in which woman has her main functions confined to home life. This does not mean that she is completely debarred from going out or taking part in wider activities, as the old-fashioned Muslims maintain. But there is no doubt that Islam disapproves of a social pattern in which women neglect their primary and essential functions or plunge into wider spheres of activity at the cost of their primary duties. Women who have the time and the ability to do useful service in the social or political field are not prevented by Islam to enter these fields, provided it does not prejudice or impede their functions at home. Let us now examine in more detail what these restrictions are which Islam places on the liberty of men and women in the interest of sexual purity and the stability of family life.

Among the common restrictions on men and women, the first relates to the duty of behaving with modesty in public. About this the Quran says: Say to the believing men that they cast down their looks and guard their private parts, that is purer for them. Surely Allah is aware of what they do. And say to the believing women that they cast down their looks and guard their private parts and not display their ornaments except to their husbands, or their fathers, or the fathers of their husbands, or their sons, or sons of their husbands, or their brothers or the sons of their brothers, or their sisters' sons, or their women, or those whom their right hands possess, or male servants not having need (of women) or the children, who have not attained knowledge of what is hidden of

women, and let them not strike their feet, so that what they hide of their ornaments may be known (xxiv : 30, 31).

In this verse, apart from the common duty of casting down one's looks in public where men and women may both be present, the Holy Quran has laid down two special restrictions on women, namely, that they shall not make a display of their elegance and ornamentation or behave in such a way as to draw the attention of men towards their ornaments and beauty. The Prophet said that the first look which is generally involuntary is pardonable, but not the second look, which is cast for further sexual satisfaction.

This is meant both for men and women. Similarly, a tradition quoted by Abu Daud says, "O Ali, do not have a second look after the first one, because the latter is not punishable, but the former is."

Another restriction which is common to both sexes is the compulsory duty of keeping certain parts of the body covered. These parts which should be kept covered in any case and not exposed to any person, except to the wife or the husband, or when medical or other pressing necessities require exposure, are called 'Satr.' For men the portion of the body beginning from the knees and extending to navel has been fixed as 'Satr.' A tradition of Dar-Qutni reported by Abu Ayyub Ansari says, "What is above the knees and what is below the navel should be kept covered." Another tradition reported by Ali states, "Do not expose your thighs to any one and do not look at the thigh of a living or dead person." For women the entire body, excepting hands, feet and face, is included in the 'Satr.' A tradition of Abu Daud says, "When a woman reaches the age of puberty, no parts of her

body should be kept exposed except the face and the hands extending to the joints of the wrist." Just as men have been forbidden to wear pure silk to prevent luxurious living, women have been forbidden to use thin clothing which instead of covering and hiding the features of their body makes them all the more prominent. Asma bint Abu Bakr, the sister of the Prophet's wife, Ayesha, once came to the Prophet wearing a thin dress which did not properly cover her body. The Prophet at once turned away his look and said, "Asma, when a woman has reached the age of puberty, it is not proper that any part of her body should be seen except her face, hands and feet." Another tradition states, "God has cursed those women who remain naked even after putting on their dress." Similarly the corpus of traditions collected by Muslim contains one which states, "Women who remain naked even after putting on dress and draw others into temptation or walk and move in an alluring manner shall not enter paradise, nor get even its scent."

There are some special restrictions on men circumscribing their freedom of action with a view to guard their chastity and sexual purity. The entry of men in the houses of other persons is forbidden except with the permission of the inmates. The Quran says: "O men who believe do not enter the houses of other people until you have asked their permission and when you do enter, salute them" (xxiv: 27). Further with a view to guard against the possibility of men finding the female members of their own house without proper covering, it is laid down that no male member should enter his house at night, in the early morning and during midday time of siesta and rest without previous notice. The Quran says: "And when the children among you have



attained to puberty, let them seek permission as those before them sought permission" (xxiv : 59). Strangers of the male sex are required to be circumspect, if they have to ask for something from the female inmates of a house. The Quran says on this point, " And when you ask of them any article, ask of them from behind a curtain ; this is purer for your hearts and for their hearts (xxxiii : 53). Another restriction is that no man or woman is permitted to remain alone with a member of the opposite sex except his or her partner, but women who have passed the age of child-bearing or those with whom, owing to intimate blood-relationship, marriage cannot be contracted, are excepted ; for example, brothers, sisters, parents, nephews, nieces, etc. A tradition reported by Aqba bin Amir states : Do not go near women, when they are alone. One of the Ansars asked : What about the husband's elder and younger brothers ? The Prophet said : "Intimacy with them is to be avoided as death." Another tradition says : " Do not go near any woman in the absence of her husband, because Satan is circulating as blood in your veins." Omar bin Aas reports a saying from the Prophet : " The Prophet of God forbade us to go near women except with the permission of the husband" (Tirmidhi). Tirmidhi gives a further tradition saying : " No man should from this day go near a woman, unless there are one or two persons with him." Touching of women is also forbidden, except in cases of grave emergency endangering life or health. A tradition says : " If a person touches a woman with whom he has no legitimate relations, his hands will be burnt on the day of judgement." Whenever a woman or a party of women came to the Prophet for taking the pledge of Islam, he refused to stretch his hands. Once Umaima bint Ruqaiqa came with a few

women to take her pledge and asked the Prophet to give his hand. The Prophet refused saying, "I do not shake hands with women ; verbal declaration is enough for them."

All these restrictions on men are intended to guard sexual purity. If chastity is of any real and lasting social value, there is no doubt that such restrictions are justified, as they prevent men and women of virtuous disposition from falling into temptation. For those who have already been corrupted and become used to sexual indecency, these and other restrictions are of no avail.

We now come to special restrictions on women. Two of them we have already mentioned, namely, that women should not display their beauty and finery to any one else except their husbands and a few intimate relations with whom they cannot enter into marriage ; for example, brothers, fathers, nephews, etc., and that they shall not strike their feet in such a way as to draw the attention of men. Other restrictions are specified by the Quran in the following two verses :

" O wives of the Prophet ! You are not like any other women. If you fear God, be not soft in speech lest in whose hearts is a disease yearns, and speak good word. And stay in your houses and do not display your finery like the ostentation of the Days of Ignorance. "

(xxxiii : 22.)

" O Prophet ! Say to your wives and your daughters and the women of the believers that they let down on their bosoms their overgarments. "

(xxx : 59.)

" Say to the believing men that they cast down their looks and guard their private parts ; that is purer for them. Surely, Allah is Aware of what they do. And say to the believing women that they cast down their looks and guard their private parts and do not display their ornaments except what appears thereof, and let them wear their head-coverings over their bosoms and not display their ornaments except to their husbands or their .....

(xxiv : 31.)

In the first verse women are forbidden to indulge in alluringly soft speech which may raise amorous hopes in the person spoken to. This is a necessary and natural safeguard as speech is one of the primary sources of sexual excitation. In the opinion of Van de Velde, speech has an overpowering effect on sexual passions. Writing in the second chapter of his *Ideal Marriage*, he observes: "The tone-colour of a voice, and the intonation of a single word—and it may be a word with no special meaning or associations in itself—may excite incredible intensity of desire. The unique and precious significance that a woman's voice can give to "you" or "thou" can suffice to overwhelm a man's powers of endurance and control, or to bring about the climax of erotic expression in the orgasm." Women have therefore been ordered by Islam not to speak in a soft or sexually sweet tone.

The second verse prescribes a certain mode of dress for women which is designed to guard themselves and the members of the opposite sex from falling into sexual temptation. This injunction has been further clarified in the following verse which says that women should keep all portions of their body fully covered except such as must necessarily become exposed. Explaining this injunction Maulana Mohammad Ali writes a note on page 701 of his translation of the Holy Quran: "To guard the relations between males and females and to check a too free intermingling of men and women, the Quran now lays down another injunction in addition to that which requires both sexes to go abroad with looks cast down. One part of the injunction is common to both sexes; both must keep their looks cast down and both must guard their private parts. But women must observe further directions. The injunction which

relates to women in particular is to keep their ornaments concealed. There is a difference of opinion as to what "zeenat" or ornament means. According to some it includes the beauty of the body, while to others it is exclusively applied to external ornaments and adornments. The use of the same word in the concluding portion of the verse, 'let them not strike their feet so that what they hide of their ornaments may be known' clearly supports the latter view. But even according to those who include the beauty of the body in the significance of zeenat, it is permissible for a woman to have her hands and face uncovered as being allowed under the exception 'what appears thereof,' as without uncovering these it would be impossible for women to take part in any business; the rest of the body and the ornaments upon it, whether in the form of tight clothes or gold and silver ornaments, are to be kept concealed by a long head-covering or, say, an overcoat. According to Kf 'except what appears thereof' means except that which it is customary and natural to uncover. The customs of different societies would therefore allow a variation, and one rule cannot be laid down for all. According to Qaffal the meaning of the words is 'except that which a person discloses', and in the case of woman this means the face and the two hands. Thus a woman when going out should have herself covered over by an external wrapper or an overcoat, it being permissible to leave the hands and the face uncovered. The exposure of such parts as the neck, the bosom or the arms is forbidden, as also the display of decorations..."

Modern, 'civilised' society has taken precisely to those forms of dress which expose and do not conceal a woman's beauty. The Quran which regards chastity as one of the basic moral and

social values has directed its injunctions against these ultra modern forms of dress which are meant more to reveal than to conceal. The justification for these restrictions lies in the hidden springs of sex psychology. Let us quote Van de Velde again on this point. He says in *Ideal Marriage* :

“ The male costume of modern times is not as a rule specially sexually accentuated.”

“ The exact contrary is the case with female dress, which of late has followed primitive and tropical patterns, and aims not at concealing but at enhancing physical charms. From the earliest times, and even when it had to serve as covering from intense cold, it has tended to accentuate and follow the lines of secondary sexual characteristics. Examples are numerous : for instance, the low-cut bodice—“ decollete” of the seventeenth and eighteenth centuries ; the corset, which in its original form literally lifted and pressed forward the bosom, in a dangerously painful fashion ; and the wasp-waist, which was constructed in order to emphasize the curves of the bust and the hips. Or, again, the “Tournure” or “bustle” of the eighties, which was at first only meant to discreetly indicate the roundness of the feminine posterior—in itself an important sexual attraction, but which became so exaggerated and unwieldy that it ended by giving the ladies of the most fashionable society a deplorable resemblance to Hottentots.

“ Fashions such as those of the Directoire and contemporary periods, which instead of uncovering the largest possible amount of epidermis, drape the covered portion in light and clinging fabrics, which suggest rather than conceal outlines and give additional suppleness to movements, have a particularly alluring effect—much more so than that of nudity. Women have always recognised and utilised this form of charm in their veils, shawls and shawl-dances, etc.”

In view of these facts, it is impossible not to agree that the Quranic restrictions on female dress are not only rational but necessary.

One of the Quranic verses quoted above states that women should stay at home and not wander about displaying their beauty and finery. This

verse does not mean that they should never go out and remain in perpetual confinement, since otherwise the Quranic injunctions about dress and movement of women would become meaningless. The injunction emphasizes the fact that their home should form the centre of their interest and activity and there should be no unnecessary intermingling of the sexes in daily life. This interpretation is supported by a famous tradition of the Prophet in connection with Omar's objection against the appearance of the Prophet's wives outside their homes. Once Sauda, a wife of the Prophet, came out on some private business. Omar recognised her and complained to the Prophet that she was not observing the Quranic restrictions, whereupon the Prophet replied, "They are permitted to go out for satisfying their real wants."

Apart from restrictions on dress and speech, as indicated above, women are also forbidden to use scents or perfumes when going out. A tradition from Tirmidhi's collection states, "The Prophet of God said that a woman who uses scent or perfume when passing through streets is a profligate woman." A tradition of Muatta by Imam Malik says, "When a woman goes to mosque for offering prayers, she should not use perfume or scent." Here again Islam has shown great insight into sex psychology. Perfumes and odours play a great role in exciting sexual emotion. The subject has been discussed in detail by Van de Velde in his *Ideal Marriage* in which he explains how women have always known the sexual effects of odours and perfumes and utilised them for different purposes. Van de Velde goes so far as to remark, "I am of opinion that experts who use perfumes as aphrodisiacs for their own emotions—perhaps without being fully conscious of this aim—are generally women."

Within the home also men and women are required to observe certain rules of decency. Although the sex relations of husband and wife are not subject to any kind of restrictions, the Prophet has given directions that even in their utmost privacy, husband and wife should conduct themselves with decorum and refrain from acts of mere animality. Thus, according to a tradition of Ibn Maja, the Prophet is reported to have said, "Whenever one of you goes to his wife, he should not uncover himself completely like asses." A wife of the Prophet, according to Tirmidhi, reports that she never saw the Prophet completely naked. The same ideal of decency and chastity finds expression in the restrictions placed on men and women in their family life. These are explained in the following Quranic verse :

" O you who believe ! Let those whom your right hands possess and those of you who have not attained to puberty ask permission of you three times : before the morning prayer, and when you put off your clothes at midday in the summer, and after the prayer of the nightfall ; these are three times of privacy for you ; neither is it a sin for you nor for them besides these times, because some of you must go around waiting upon others ; thus does Allah make clear to you the communications, and Allah is Knowing, Wise.

" And when the children among you have attained to puberty, let them seek permission as those before them sought permission ; thus does Allah make clear to you His communications, and Allah is Knowing, Wise."

" And as for women advanced in years who do not hope for marriage, it is no sin for them if they put off their clothes without displaying their ornaments ; and if they restrain themselves, it is better for them."

(xxiv : 58)

Here the Quran has laid down three rules for the observance of the male and female members of the house. Women who have attained puberty

are usually found half-dressed or lightly dressed at night, during midday in the summer or in the early morning. The male members of the family, with the exceptions already stated, as well as male servants should not enter their rooms or come inside the house without previous notice. Barring these stated periods, they are free to move about as they like. It automatically follows from this that the Quran desires that women should keep themselves fully dressed during business hours, so that no opportunity of temptation occurs for males or females. But women who have passed the age of child-birth are exempt from this restriction. Children when they reach the age of puberty are also required to observe these directions.

It is clear from all that has been said above with regard to the Islamic restrictions on the dress, movement and social intercourse of males and females that Islam insists on the segregation of sexes to the utmost extent compatible with individual and collective self-preservation. Its pattern of society is one in which men and women do not intermingle too freely. For each sex a certain sphere of life has been allotted within which it should concentrate its energies, leaving other fields for the opposite sex. If intermixture becomes necessary at any time, even then it is necessary to avoid too much freedom and laxity and observe the minimum requirements of decorum and sexual purity.

Now, the question is whether this Islamic pattern of sex life is compatible with industrial efficiency and military preparedness, two factors on which in the modern world depends the collective self-preservation of a community. We shall discuss each of these factors separately.

In regard to industrial efficiency, it should be borne in mind that all efficiency, interest and dyna-



mic energy in men and women depends to a very great extent on a healthy and happy private and family life. We have already discussed the question whether it is possible to dispense with the institution of the family and shown that, on the testimony of Western thinkers and sex psychologists themselves, it is very difficult to envisage a time when the family will disappear as an organised unit of collective life. If the family is a permanent feature of human civilised life and cannot be satisfactorily replaced by alternative institutions, it is self-evident that its stability and betterment should have the first claim on a nation's attention. If the family becomes disorganised and is not able to throw out healthy and happy individuals, not only will industrial efficiency disappear, all other spheres of human activity will suffer a set-back on account of ill-equipped, unhealthy, irresponsible and unhappy individuals who come to these fields. A pattern of collective life which weakens and disorganises the family in the interest of increased material and industrial productivity, is certain to suffer on the whole and, keeping all other factors in mind, more than others from social and economic maladjustments, because it undermines the very foundation on which the individual's health and efficiency depends. Unhappy, ill-adjusted, and uprooted individuals lacking the drive, initiative and moral idealism which only a healthy and happy family life can create, will hardly be productive in the full sense of the word, materially, or spiritually, in any field of life they enter. Before we form any opinion as to the desirability of bringing women in the industrial field as whole-time workers, let us consult the experience of industrialised countries. It would seem that the entry of the female sex in the industrial field has had positively harmful results on the family organisation of Western countries. Dr.

Sullivan observes in his book *Alcoholism* :

“The employment of women in the ordinary industrial occupations not only involves a disorganisation of their domestic duties, if they are married, but it also interferes with the acquisition of housewifely knowledge during girlhood. The result is that appalling ignorance of everything connected with cookery, with cleanliness, with the management of the children, which makes the average wife and mother in the lower working classes in this country one of the most helpless and thriftless of beings, and which, therefore, impels the workman whose comfort depends on her, not only to spend his free time in the public house, but also tends to make him take to alcohol as a necessary condiment with his tasteless and indigestible diet.

“Both directly and indirectly, therefore, the employments that withdraw women from domestic pursuits are likely to increase alcoholism, and it may be added, to increase its greatest potency for evil . . . namely, its influence on the health of the stock.”

Again, Arnold Toynbee, the renowned British historian, says in an article published in March 1949 issue of *World Review* :

“Certainly our recent efforts to solve our problems in strictly materialist terms have failed and made caricatures of all our brave plans. ‘We have made enormous strides,’ we say, ‘in the development of labour-saving machinery,’ and so we have. But one of the odd results of this progress is that women today are overworked as never before. Wives in America can no longer get household help or afford to devote themselves exclusively to the home. As a result the woman of today does two jobs ; one as wife and mother in the home ; one as employee in the office or factory.

“During the war in England, this double working of women was almost universal. And such a trend is not a hopeful one. In history, the ages of disintegration were usually the ages in which woman had left the home. In fifth century Greece, the high point of classical history, women stayed in the home. But after Alexander’s time, when the city states were breaking up, there was a feminist movement like our own.”

Commenting on the female craze to copy and imitate men and prove themselves equal to their power and capacity, Oswald Schwarz remarks in his *Psychology of Sex* :

“If women try to compete with men they try the impossible, impossible because it is against their intrinsic nature and against the trend of history. The best they can achieve is equality in action in such superficial strata as, for instance, the economic sphere.”

Sensible Western thinkers have never approved of the existing sex and social patterns in Western countries. Their ideas and opinions are much more akin to the pattern of life advocated by Islam. For an example, we quote Anthony M. Ludovici who writes in his famous book, *Women : a Vindication* :

“It seems eminently desirable to emphasize more than we have emphasized in the past the ideal of matrimony for every woman up to a certain age, and bring home to parents that marriage is what they must train them for . . . Anything else that she may do must always be second best to this ; and those who, by misrepresentation and appeals to vanity, persuade her while she is quite young that there are callings better than, or at least as good as, motherhood for her, are enemies not only of women but also of the species.”

The same book also contains the following passage :

“Immersed as woman obviously is up to her shoulders in the business of life and its multiplication, let it be said openly and unequivocally that all those who teach her that any other business is her business, all those who, in the face of the dilemma of modern problems, confuse her with tales about a true womanhood away from life and its multiplication ; all those, in short, who beguile her with promises of happiness, contentedness or even comfort, without her primary adaptation to man and the child, are liars both unscrupulous and criminal.”

It is clear from the above quotations that the promiscuous herding together of men and women in factories, besides disorganising family life, has been productive of other evils such as alcoholism, sexual laxity,

etc., which, in their combination, have more than nullified the benefits arising from increased industrial productivity. All this should not be taken, however, to mean that Islam desires women to be wholly confined to domestic life. There is no such restriction in Islam on the activities of women. They are free to do any work that benefits themselves or their society either materially or spiritually, provided, firstly, they do not neglect their primary duties as wives and mothers, and secondly, observe the rules of decency explained above. In general this means that part-time activities, other than domestic ones, are most suitable for women, if they can spare time and if such activities do not lead to too much intermingling with men. Co-operative family concerns in which a number of women belonging to different families or to one large family take part are ideally suited for mothers and wives. If it becomes necessary to engage male workers in such undertakings for supervision, teaching, or training, men of advanced age can be selected for the purpose. Part-time work in factories can also be performed by women if there is a separate section exclusively meant for them. Women whose maternal or domestic functions are over and who can do whole-time work in other fields are not debarred from outside activities. Such is the pattern of Islamic social life and it is one which without breaking up or disorganising family and home life, gives full scope to the abilities and energies of the female sex.

Let us deal now with the question of military preparedness and Islam's attitude in respect of the participation of women in military service. Individual and national self-preservation in times of crisis and emergency alters the normal course of life and individuals as well as communities are forced to deviate from their principles of life when the threat to their existence becomes too serious. In

consequence they have to do things which they would never like to do in the normal course of their existence. It is the sign of a virile individuality and virile civilisation that even if it has to deviate under the pressure of extreme emergency from the standards of conduct that it holds dear, it does so most unwillingly and only in the measure required by the necessities of the situation—neither more nor less ; and when the threat to its existence has passed, it hastens to revert to its original pattern of conduct. Islam, being a practical religion and claiming to be the natural way of life, recognises that situations may arise where things otherwise unlawful may have to be legalised as a temporary measure, but it takes care to ensure that its followers do not develop a liking and relish for illegality under flimsy pretexts. Therefore, while it allows temporary relaxations of normally accepted standards, it enjoins on Muslims not to regard them as more than passing concessions and not to make use of them except to the extent made absolutely necessary by the requirements of the situation. Examples of this attitude are found in the Islamic commands with regard to wine and exposure of the private parts of a Muslim male or female. Wine has been absolutely prohibited by Islam, but if a person on the point of death can be saved by being made to drink wine, its use is legally justified. Similarly, Islam has given strict injunctions to its followers not to expose their private parts under any circumstances. As explained above, the Prophet even enjoined on married couples not to become completely naked during sexual intercourse. But if a man or woman is threatened with extreme danger of ill-health or one's life is in peril and the threat to life or health cannot be averted except by exposing one's private parts before a doctor for medical treatment, such an act becomes fully

legitimate. Islam has adopted the same attitude with regard to the intermingling of the sexes in times of extreme national emergency or during an actual war. During such times, it relaxes all the restrictions as and when required and to the extent made necessary by the situation. When the emergency has passed, the normal restrictions are again made operative. But even during a war or emergency, Islam requires the Muslim males and females to follow as far as possible the rules of decency and avoid unnecessary intermingling. According to the Islamic attitude of life, the Muslim individuals, males and females, and the Muslim brotherhood exist not for mere self-preservation and self-enjoyment. The primary object of human existence in general and of the Muslim community in particular is to live and act for the preservation and growth of moral values and to uphold the spiritual ideals of social fairplay, justice, decency, cleanliness in thought and action.

“You are the best of the nations raised up for (the benefit of) men : You enjoin what is right and forbid the wrong and believe in Allah.” (iii : 109.)

“Those who, should We establish them in the land, will keep up prayer and pay the poor-rate and enjoin good and forbid evil.” (xxii : 41.)

“And thus We have made you a nation of the middle path that you may be bearers of witness to mankind and (that) the Apostle may be a bearer of witness to you.” (ii : 142.)

Sexual purity and chastity are among the fundamental social values upheld by Islam. In themselves they may appear to be of secondary importance, but they affect one's social conduct, one's ideas of justice, honesty and fairplay and in fact one's whole gamut of action in a thousand and one ways. They are, therefore, regarded by Islam as occupying a position of primary importance in its total scheme of values. How is it possible then for

a community which claims to be the guardian of morality and spirituality to sacrifice them for the sake of safeguarding and ensuring a bare carnal existence. Suppose the Muslims ensure their self-preservation at the cost of these or other moral values. Would it be a soul-satisfying existence? As Jesus Christ, one of the greatest prophets of God, remarked, "What does it avail if a man gains the whole world but loses his own soul?"

In view of these facts, Islam has enjoined, while permitting temporary relaxations, that great care should be taken during an emergency to see that these relaxations are neither misused nor used in a way which is unnecessary for individual and national self-preservation. As far as possible, intermingling of the sexes should be avoided even in times of war and resorted to only to the minimum extent compatible with the needs of collective self-preservation. Keeping in view these safeguards and precautions, let us explain the freedoms granted to women during a national emergency.

During the early period of Islam when the Muslims were engaged in a life and death struggle with the forces of disbelief, women used freely to take part in helping the warriors of Islam. Short of actual fighting which was unnecessary for Muslim women, because the women on the other side too did not join battle, they did everything such as nursing, carrying food and water and looking after other needs of the army. Bokhari contains a tradition stating that when the Prophet received wounds during the battle of Uhud, his daughter, Fatima, dressed up his wounds and carried water to him. It is clear that under these conditions, she could not have observed many normal restrictions on the dress and movement of the female sex. Similarly in the chapter on Jihad and Sear Bokhari states on the authority of Anas bin Malik, that during the battle

of Uhud when the non-believers inflicted a crushing defeat on Muslims, Ayesha, the wife of the Prophet, and Umm Saleem, another Muslim lady, raised up their gowns to the knees and carried water to the wounded. This shows that the normal restrictions on the dress of the females can be abandoned during a war to the extent made necessary by the exigencies of the situation. Again, a tradition found in the Muslim's collections states, "Umm-Atiya says : I took part in seven battles with the Prophet of God, and I used to cook food for the warriors, supply them with medicines and dress up their wounds." Anas also reports that the Prophet usually took with him in war Umm Saleem and other women of the Ansars and these women administered medicines to the wounded and kept them supplied with drinking water. That the Prophet saw nothing objectionable and even approved of women fighting for Islam is evident from another tradition also which says that the Prophet used to visit the wife of Abada bin Samit who was related to him. One day the Prophet slept in her house and on waking up began to laugh. The wife of Abada asked him as to why he laughed ; the Prophet said that he saw in a dream a number of men and women travelling in a ship and heading for a battle with the non-believers. The wife of Abada requested him to pray that she be one of those warriors. Accordingly the Prophet prayed for her. During the reign of Muawiya, the wife of Abada actually voyaged to the battle-field, but when she landed on the coast she fell down from her horse and died.

All these reports establish the fact that women are permitted to take part in war with men. There is nothing to prevent women from participating in actual fighting of this becomes necessary. During the Prophet's time the Muslim women did not do



actual fighting because it was not necessary, as the other side also did not employ women to fight its battles. But the Muslims may be faced now-a-days with enemies who recruit women in regular fighting service. Should this happen, Muslim women can also do actual fighting, as Islam does not prohibit it.

Only one question remains to be discussed. Modern war requires intensive training both for actual military service and for auxiliary services. How can Muslim women be trained in the art of war and nursing etc., if intermingling of the sexes is to be avoided. The obvious solution is to train initially a batch of women advanced in age for military and auxiliary services with the help of male experts. When a sufficient number of women have acquired skill in the different fields of military or medical services, they can train a large number of women without the help of men. Thus intermingling of the sexes can either be avoided or reduced to the minimum extent possible.

## CHAPTER VII

### PURDAH

THE purdah system among the Muslims has been the subject of fierce controversies between the old, conservative school of thought and the new, enlightened sections of Muslims brought up under the influence of Western education and culture. It has also come in for much abuse and mud-slinging by the non-Muslim critics, writers and thinkers. Old-fashioned people, whose influence is still great, defend the existing purdah system as entirely in accordance with the teachings of Islam. They maintain that this system is not a post-Islamic invention and a departure from the practices and customs that held sway during the period of the Prophet. On the other hand, the so-called advanced sections of the Muslims who have taken every Western mode of thought and practice as an infallible truth, argue very much as if life and society in early Islam were patterned on that which is exhibited in Hollywood films and obtains in the fashionable circles of London and New York. The truth, as in many other cases, lies somewhere in the midway.

There is no doubt that the purdah system as it exists among middle class Muslims has nothing Islamic about it. It is purely a non-religious social custom. Life in Islamic Arabia was set in a different pattern and the rigorous confinement of women within the four walls of their homes was a phenomenon not to be met with anywhere. This is not, however, to justify the stand-point of those Muslims who are anxious to prove that the wives and female relations of the Prophet and his

companions enjoyed the same unrestricted freedom as the ordinary woman in the Western countries or freely intermingled with men without occasion and necessity. This had never been the case. Women in early Islam were not totally confined to their homes. They came out on occasions under the stress of economic, social and religious necessity, but when they did come out they dressed and moved in a particular way which did not make them objects of attraction and they remained very much apart from the society of men. Unnecessary intermixture of the sexes was never approved of by Islam and runs counter to the whole spirit of its teachings.

In discussing the question of purdah, these two aspects should be sharply distinguished; otherwise there will be much confusion of thought. The question whether women are free to go out of their homes and, if so, whether it is necessary to hide their faces completely under their veils is different from the question whether they are permitted to mix freely with men on all occasions—in private gatherings, social and state functions and political assemblies. On the first issue we are in agreement with the stand taken by our modernists; on the second issue, we unreservedly repudiate their conclusions. Let us analyse our arguments.

The defenders of the existing purdah system which means, in effect, close and complete confinement of women within their homes, build their case on the following verses of the Holy Quran :

“And stay in your homes and do not go about displaying yourselves like the display of the days of ignorance.”  
(xxxiii : 33.)

“O Prophet ! Say to your wives and your daughters and the women of the believers that they let down over them their jilbab (over-garment); this will be more

proper, that they may be known, and thus they will not be molested." (xxxiii : 53.)

" Say to the believing women that they cast down their looks and guard their private parts ; that is purer for them ; surely Allah is aware of what they do."

" And say to the believing women that they cast down their looks and guard their private parts and not display their ornaments except what appears thereof, and let them wear their head-coverings over their bosoms and not display their ornaments except to their husbands or . . . . . (xxiv : 30, 31.)

From the first verse, the defenders of the purdah system argue that Islam means to keep women closely and completely confined to their homes. This is a wrong interpretation. When the Quran says that women should stay in their homes and make no display of their charms, it is referring to the life in pre-Islamic Arabia, when women, despite the heavy social and legal disabilities from which they suffered, freely and frequently moved about and indulged in amorous talks with strangers or mixed with them on objectionably intimate terms. This is the kind of life which Islam wanted to replace by a love of decency and responsibility. So the Quran asked women to take more interest in the affairs of their homes and not wander about like butterflies to charm and attract members of the male sex. The duty of remaining at home and the injunction prohibiting women from making a display of their charms are found together not without reason. The close proximity of these two items shows that women who are fond of displaying their beauty to outsiders cannot take the same interest in home affairs and family matters as others. If a woman, therefore, feels that her primary interest lies at home, she will naturally stay there and come out only in the face of a pressing necessity. This is all that the Quran means and we are further

supported in this interpretation by the next two verses of the Holy Quran which lay down some precautionary restrictions for women going out of their homes. If the Quran intended totally to prohibit the movement of women outside their homes, where was the necessity of laying down these restrictions on dress and movement? Moreover, as we have already explained in the previous chapter, the Holy Prophet expressly stated that women are permitted to go out for satisfying their legitimate wants when his companion, Omar, objected to Sauda's coming out of her house.

Next comes the question whether women are required on coming out to hide their faces by means of a veil or Naqab. The second verse quoted above directs women to put on a 'jilbab' (over-garment) when they go outside their homes and in the third verse it is stated that women should not exhibit any part of their body or ornaments except 'what appears thereof.' Differences of opinion have arisen as to what the Quran exactly means by 'jilbab' and what is the exact significance of 'what appears thereof.'

According to Alusi, the author of *Ruhul Maani*, 'jilbab' means an over-garment which a woman puts on over her ordinary clothes. Ibn Abbas, says Alusi, interpreted 'jilbab' to mean a long and loose gown which covered a woman's body from her neck to feet. The author of *Fathul Bayan*, a famous commentary of the Holy Quran, states that Ayesha, the Prophet's wife, said, "May God have mercy on the women of Ansar! When the Quranic verse relating to the wearing of 'jilbab' was revealed to the Prophet, they tore off their big sheets of cloth and covered themselves with their torn parts (because in those days, women did not use many clothes) and in this state offered their

prayers behind the Prophet, as silently as if crows were seated on their heads." These statements and interpretations read with that part of the Quranic verse which says that women should let down over them their jilbabs, because "this will be more proper, that they may be known, and thus they will not be given trouble" gives us the social and historical context to which the Quranic directions referred. It is clear from all this that (a) the social behaviour of pre-Islamic Arabia was such that women moving out of their homes were interfered with and teased, (b) women in pre-Islamic Arabia did not properly dress themselves and used very few clothes. Moreover, they were fond of displaying their bodily charms, as testified by one of the above quoted Quranic verses. (c) These conditions lasted until Islam was completely successful. (d) Islam enjoined on women to put on a long over-garment, firstly to serve as a warning to the people that new standards of decency had come into force and Muslim women coming out of their homes observed these standards and should, therefore, be marked off from other women; secondly to prevent the display of bodily features and charms. Now if the social morality of any country has advanced to the stage where women coming outside their homes are not interfered with or teased, the first ground on which women were ordered to wear a long over-garment disappears. But the second ground on which this injunction is based, namely, the need of preventing women from displaying and exhibiting their bodily charms, is not affected by any historical changes or development of social morality. As such there is no reason why this direction should not be observed by Muslim women even in advanced countries. Ordinary dress even if it covers all parts of the body can be such as to

expose and bring into prominence the physical charms of women. It is, therefore, still necessary to put on a long over-garment over ordinary clothes.

But this does not solve the question whether women coming out of their homes are permitted to uncover their hands, feet and faces, and whether a veil or naqab is necessary. It depends on the interpretation of the words 'except what appears thereof.' Let us see how the Prophet, his companions and the later authorities interpreted this phrase. Abu Daud has related a tradition transmitted by Ayesha, the Prophet's wife, wherein she says, "Asma bint Abu Bakr came to the Prophet wearing thin clothes. The Prophet turned his face away and said: When a woman reaches puberty, it is not proper that any portion of her body should be seen by a man except these parts, and he pointed towards his face and hands." Ayesha also related that once her niece, Muzeena, came to her. On seeing her, the Prophet turned away his face. Ayesha said that Muzeena was her niece and still a girl. The Prophet replied to her saying that when a girl comes of age, it is unlawful for her to display any part of her body except her face and two hands. Among the companions of the Prophet, according to Ibn Kaseer, Saeed and Ibn Masood are of opinion that 'what appears thereof' means clothes which a woman might be wearing. Ibn Abbas and Qatada are of opinion that it means eye-paint, signets and the hand paint. Ibn Omar says, 'what appears thereof' means face, hands and signet, because he is of opinion that women are forced to uncover these parts. If they do not uncover their hands, they cannot buy or sell; if they do not expose their faces, they cannot act as witnesses, nor seek the hand of any man in marriage, if they do not uncover their feet they can hardly go about for

their necessities. Among the later authorities, Ata, Auzai, Ibrahim Nakhi, Akrama and Zahak agree that 'what appears thereof' has reference to hands, feet and face. Among the famous jurists of Islam Imam Malik says that the entire body of a woman is included in 'sitr' (i.e., parts which should be kept fully covered), except the hands and face. Imam Shafei' also makes an exception in favour of the face and the hands. Imam Ahmed bin Hanbal says that the entire body of a woman should be kept fully covered except the face. Imam Abu Hanifa, the most widely accepted authority on Muslim jurisprudence, says that it is not lawful for a stranger to see any part of a woman's body, but he can see her face and hands. According to Imam Abu Yusuf, in addition to the face and the hands, the wrists of a woman may also be lawfully seen.

In his famous work, *Al-Muhalla*, Ibn Hazm also expresses the same opinion. He says that the Quranic words 'they shall not display their ornaments except what appears thereof' expressly permit the uncovering of the face and the hands. Ibn Hazm further refers to an incident reported by Ibn Abbas who said that during the farewell pilgrimage of the Prophet a woman belonging to the tribe of Khasam came to see the Prophet. Ibn Abbas' brother, Fazal, was riding behind the Prophet on the same camel. The woman said to the Prophet, "My father cannot perform the pilgrimage, which is a religious obligation, on account of old age. Is it permissible that I may perform the Haj on his behalf?" The Prophet said, "Yes." The woman was very handsome and pretty. Fazal began to look at her. Thereupon the Prophet turned his face away. Ibn Hazm argues that if it were prohibited for a woman to uncover her face outside her home,



how is it possible that the Prophet should have tolerated her to appear uncovered in public? Moreover how could Ibn Abbas know whether she was ugly or pretty. Further, Fazal could not have looked at her. On these grounds Ibn Hazm declares that the uncovering of the face and the hands in public is lawful for a woman.

From the opinions quoted above, it is clear that the vast majority of Muslim scholars, jurists and other religious authorities agree on this point; that a veil which totally covers the face of a woman is not necessary and that women have been permitted by Islam to come out with faces and hands uncovered in case of genuine need. But barring the face, the hands, and the feet, all other parts, including the neck, should be completely covered and a long over-garment put on which leaves no part of the body exposed. Any kind of dress which, instead of hiding the bodily charms and features of women, brings them into greater prominence is definitely prohibited by Islam.

Actual practice in the days of the Prophet, as evidenced by history and tradition, confirms the view that Muslim women came out of their homes frequently for satisfying their economic, intellectual and religious needs without putting on a veil but always dressed in full and wearing a loose, over-garment which completely hid their bodily features and charms. Thus Ayesha, the Prophet's wife, reports that "The Prophet used to offer his morning prayers. Many believing women also attended the prayers conducted by him wrapping themselves up in their long sheets. They then returned to their homes, while it was still dark and nobody recognised them on account of darkness." This report makes it clear that it was darkness and not the veil or any other face-covering

which prevented people from recognising them. Another tradition states, "Subeya Aslamia was married to Saad bin Khaula and he was one of those who were present at the battle of Badr. He died during the year of the farewell pilgrimage, leaving her pregnant. Some time after the death of her husband, she delivered a child. When she became clean, she adorned herself to seek remarriage. Abu Sanabil Bakak of the family of Abduddar passed by her and said to her : 'Perhaps you intend to remarry as I see you fully adorned. By God, you cannot marry unless four months elapse on the death of your husband.' Subeya says, 'On hearing this, I gathered upon me my clothes in the evening and came to the Prophet to ask him about this matter.' The Prophet said that after childbirth, she could lawfully contract another marriage and ordered her to remarry."

This incident, it is to be noted, happened after the last pilgrimage of the Prophet when the restrictions on the movement of women outside their homes had been enforced, not in the earlier period, when Muslim women still enjoyed the untrammelled freedom of the days of ignorance. It is clear that Subeya was not putting on a veil and her face was uncovered, as otherwise she could not be recognised. It is also clear that this uncovering of the face was not occasioned by her desire to remarry but must have been her normal practice, as otherwise Abu Sanabil could not have identified her, if he had not seen her face previously. It is also clear that Subeya did not go to the Prophet without putting on her full dress as she says, 'I gathered upon me my clothes' which points to the use of many clothes including an over-garment. All this shows that women during the period of early Islam were not as closely confined to their homes as those of the Muslim middle classes now-a-days

and that they enjoyed a fair amount of freedom of movement. But it is also clear from this they observed all the restrictions on dress and movement enjoined by Islam. The picture which thus emerges is quite different from the traditional purdah observed by Muslim women and also from the untrammelled freedom of movement and dress enjoyed by women in Western countries. This is the point which our modernists forget when advocating the abolition of purdah.

That Islam has definitely prohibited the unnecessary intermingling of men and women and their joint participation in social and state functions is evident from the restrictions on the movement, dress and looks of men and women. Islam enjoins on both men and women to cast down their looks in the presence of each other. How is it possible for men and women to meet freely in dinners, tea-parties, social and state functions with looks cast down? There is not a single instance in the history of early Islam of men and women being allowed to meet each other freely in any social, political or religious gathering. Even in the mosques women had their separate rows at the time of prayers. They usually formed a separate group. The Prophet had enforced a rule that no man should stand shoulder to shoulder by the side of a woman in the mosque, not even her husband or father. Bokhari relates a tradition on the authority of Ata that during the days of the Prophet women performed their circumambulations round the Kaaba but they were not allowed to mix with men. If this kind of segregation was enforced during religious worship and prayers etc., which form the most essential duties of Muslim men and women, it is unthinkable that it was allowed to remain unobserved in other matters. Another example of this segregation of

the sexes is found in the following tradition quoted by Abu Daud in the chapter "On the passage of women through streets" :

"Hamza bin Abu Ausaid Ansari transmits through his father that the Prophet was coming out of the mosque when he found that men and women have got mixed. He asked women to go behind and said : it is not proper for you to talk in the middle of the street. You should walk on the edge of the street. After this command, women walked so near the walls of the houses that their long sheets (over-garments) sometimes got stuck into the walls."

We have already discussed the point whether such segregation of the sexes would not exclude women from many public, social and industrial activities and we have shown that barring emergencies, arrangements can be made in normal times for women to participate in all kinds of work in such a way that they do not mix with men. But where such intermingling becomes socially necessary and no method can be devised for preventing social intermixture, the needs of society must take precedence over legal commands. Generally, however, men and women must work apart. If this leads to some deficiency in industrial or military strength, it must be put up for the sake of higher social values. In life one has to choose sometimes one evil from among many and it is always a rule that the greater evil should be avoided. It depends on the fundamental attitude of a civilisation whether it regards lack of industrial and technical efficiency as the more serious evil, or the breaking up of the family and the spread of sexual laxity with all its attendant consequences of jealousy, physical disease and weakness, etc., things which ultimately reduce and sometimes vitally impair the all-round efficiency of a nation and its capacity to put forth its most devoted and undivided efforts during a great social or political crisis.

## CHAPTER VIII

### POLYGAMY

**M**UCH harsh and unthinking criticism has been levelled against Islam for having permitted polygamy. It is not realised that the Islamic permission for polygamy was and remains conditional. It arose out of the circumstance that Islam found itself engaged in an almost unending series of wars with its deadly foes which naturally led to the progressive reduction of the male population. The problem of surplus women left in such circumstances could not be solved except by permitting men to marry more than one wife in order to provide for helpless women and save them from falling into the evil of prostitution. Moreover, in Arabia, before the advent of Islam, polygamy was unlimited. A man could marry as many women as he liked, there being no restriction as to the number of marriages he could contract. Islam could not have abolished such a deep-rooted custom with its far-reaching economic effects at a sudden stroke. Therefore, as in the case of slavery, it proceeded by gradual steps. Firstly, it limited to four the number of wives a man could have. Then it laid down that a second or third marriage could not be resorted to unless the husband felt that he could do justice to all his wives in the matter of economic sustenance and general treatment.

Christian writers who have condemned Islam on the score that it allowed polygamy forget that their own religion has nowhere expressly prohibited the institution of polygamy. Although the New Testament upholds the ideal of mono-

gamy, it does not prohibit polygamy except in the case of a bishop or deacon. It has been argued that it was not necessary for the first Christian teachers to condemn polygamy because it was rarely practised by the people amidst whom it was preached. But this is certainly not true of the Jews who permitted as well as practised polygamy at the beginning of the Christian era. Some of the Fathers accused Jewish Rabbis of polygamy, but no council of the Church in the early centuries opposed polygamy, and no obstacle was put in the way of its practice by kings in the countries where it occurred. Polygamy was sometimes practised by Christian kings without the disapproval of the Church. Charlemagne had two wives and many concubines ; and one of his laws seems to imply that the custom was not unknown even among the priests.

Even in the modern West there is a considerable number of thinkers and sociologists who recognise that polygamy is not an unmitigated evil and that in certain circumstances it may become desirable, even necessary. In England proposals were made in the seventeenth and eighteenth centuries, to legalise polygamy as a means of restraining infanticide, adultery, prostitution and the evils of sexual intercourse outside marriage. According to Havelock Ellis, James Hinton declared that although monogamy be good, nay even the only good order, if of free choice, a law for it is another thing. He says, "We have arrived at it as a legal and universal form to carry it out in its integrity and so actually called into being more licentiousness than would be possible under an open polygamy. A forced monogamy is responsible for many of the evils of prostitution, and leads to hatred and quarrels, to intense jealousy in women, and to an insistence on the mere physical

relationship which turns spontaneity and purity into corruption. The woman's natural jealousy is not at a man's loving another, but at his forsaking her." Westermarck quotes a number of writers in his book, *Future of Marriage in Western Civilisation*, who advocate the legalisation of polygamy on different grounds. He says :

"Dr. Cope sees no objection to voluntary polygamy or polyandry being permitted, if agreed to by all the parties. Under ordinary circumstances, he says, very few persons would be willing to make such a contract, but there are some cases of hardship which such permission would remedy. Such, for instance, would be the case where the man or woman had become the victim of a chronic disease; or, where either party should be childless, and in other contingencies that can be imagined. For the most part, he adds, the best way to deal with polygamy is to let it alone. So also, according to Mr. Southern, the preference that most people give to monogamy is no reason why the state should enforce it. So far as other forms of marriage can be practised by mutual consent, and without detrimentally affecting children, the state hasn't the ghost of a right to veto them. Dr. Norman Haire, who maintains that legalised polygamy would offer many advantages to the majority of people, argues that if the children are supported by the state, there need be no limit to the number of legal mates. Professor Dunlop thinks it may well be that certain individuals cannot attain complete satisfaction in monogamy, but may reach a highly satisfying adaptation in polygamous marriage, and that the system of the future will leave individuals free to form whatever type of matrimonial alliances are most advantageous to them. . . . . In France, Dr. Le Bon has predicted that European legislation in the future will recognise polygamy. . . . . A return to polygamy, the natural relationship between the sexes, would remedy many evils: prostitution, venereal disease, abortion, the misery of illegitimate children, the misfortune of millions of unmarried women, resulting from the disproportion between the sexes, adultery, and even jealousy, since the disregarded wife would find consolation in her cognisance of not being secretly deceived by her husband. . . . . A radical

champion of polygamy is Professor Christian Von Ehrenfels, who regards it as necessary for the preservation of the Aryan race."

After quoting the above writers, Westermarck examines the grounds on which polygamy may be justified. In this connection he says :

"If polygamy were permitted in modern civilisation its actual prevalence would also be influenced by women's feelings about it. It is said that if we reckon the age of marriage from twenty to fifty years, the disproportion between the sexes causes at least three or four women per cent to be, in normal circumstances, compelled to lead a single life in consequence of our obligatory monogamy."

It is obvious that if what Dr. Westermarck says about the disproportion between the number of men and women of marriageable age is true, polygamy becomes a social necessity, provided it is on a restricted scale, in order to absorb surplus women into married life. There is no doubt that if polygamy is resorted to by a very large number of men, it may ultimately lead to the problem of a surplus of unmarried men, as there may be many people who will not be able to find a mate for themselves. But there is really little danger of polygamy spreading on a very large scale or assuming uncontrollable proportions. As pointed out by Havelock Ellis in his *Psychology of Sex* :

"Since the sexes are equal in number (with, at the start, a preponderance of males), the natural order in a civilised society cannot work out as two wives for every male, and in the societies which recognise polygamy, it is only practised by a small wealthy class. But it is incorrect to assert that in our civilization men (rare exceptions aside) ever desire two wives, whether in the same home or in separate homes ; there are various considerations of different orders which make such an arrangement undesirable for the majority of men ; while for a woman, to carry on two families, with separate fathers, is still more impracticable ; she is necessarily monogamic.



This conclusion is corroborated by Westermarck himself who says :—

“But this does not imply that if polygamy were legalised, any considerable number of men would indulge in it. It is a curious freak on the part of Bernard Shaw to say that as polygamy would enable the best men to monopolise all the women, a great many men would be condemned to celibacy. Apart from other reasons, economic considerations, fear of domestic troubles and the difficulty of finding a woman who would care to share her married life with a fellow-wife, would prevent men from taking advantage of the new right granted them. The experience gained from peoples who permit polygyny teaches us that generally only a small minority of the men practise it. In the Mohammedan world, for instance, the large majority of men live in monogamy. In Persia, according to Colonel Macgregor, only two per cent have a plurality of wives. Among the Mohammedans of India, according to a report from the census of 1907, there are 1021 wives to every 1000 husbands, so that, even if no husbands have more than two wives, all but 21 per thousand must be monogamous.”

Among other reasons why polygamy may be legitimately resorted to by men, Dr. Westermarck mentions sexual abstinence during pregnancy. Some people regard sexual intercourse during pregnancy as injurious to the health of woman as well as her unborn child, and there are women who feel less desire for sexual course during pregnancy greatly preferring total abstinence. “Of 81 married women,” says Westermarck,<sup>1</sup> who answered Dr. Hamilton’s questions on this subject, “28 stated that pregnancy did not affect their sex desire, 25, that they experienced increased, and 32 that they experienced decreased desire during one phase or another of at least one pregnancy.” Dr. Westermarck, however, rejects it as a sufficient ground for a plurality of wives saying, “But in no case does pregnancy, among ourselves, lead to general abstinence from conjugal intercourse, and however desirable it may

1. Westermarck : *Future of Marriage in Western Civilisation*, p. 182.

be proved to be in certain cases and certain stages of pregnancy, I think such abstinence is ruled out as a cause of prospective polygyny. The same may be said of abstinence from childbirth."

Another ground on which polygamy may be justified, according to Dr. Westermarck,<sup>1</sup> is the strong and innate polygamous instinct of man as contrasted with women who are generally monogamous by nature. "The man's taste for variety in sex experience," says Westermarck, "is more intense than the woman's, and this has led to the often repeated statement that he is instinctively polygamous. 'Man,' says Dr. Robinson, 'is a strongly polygamous or varietist animal . . . To a greater percentage of men a strictly monogamous life is either irksome, painfully disagreeable or an utter impossibility. Michels writes, "We regard it as beyond doubt that there is no man, of whatever degree of virtue, who has not, at least in imagination or in dream life, possessed more women than one. Attention has been drawn to this fact by an unending series of writers, both of scientific treatises and of belletristic literature . . . In the male, the stimuli capable of arousing sexual excitement (this term is not to be here understood in the grossly physical sense) are so extraordinarily manifold, so widely differentiated, that it is quite impossible for one single woman to possess them all. . . . Dr. Miesel-Hess remarks that 'in the male satiety ensues as soon as he has gained the goal of his desire. He wishes to pass on in search for fresh sexual experiences, whereas the woman who has given herself up to a man clings to this person all the more firmly to him. According to Forel, woman is generally much more particular than man in giving her love: while the normal man is as a rule

1. Westermarck : *Future of Marriage in Western Civilisation*, p. 188.

attracted to coitus by nearly every more or less young and healthy woman, this is by no means the case in the normal woman with regard to man. She is also much more constant than man from the sexual point of view, and it is really possible for her to experience sexual desire for several men at once. George Hirth is of the same opinion. Of 324 female students at the University of Moscow 31 thought it possible to love two men at the same time. Kisch says that 'the young sexual conqueror is thinking of women, the sexually ripening woman of *the man*'; and he attributes the predominantly monogamous character of woman's love to the commanding strength of its spiritual elements."

It is obvious that if man is by nature more strongly polygamous, the marriage law should not lose sight of this important fact and some provision should be made for men in whom the sexual instinct is more than commonly strong; otherwise illegitimate sexual relations are likely to become more frequent. A social system which does not permit polygamy under any circumstances will be constantly threatened with disruptive tendencies owing to the frequency of sexual aberrations. The state may no doubt interfere by making polygamy conditional, as Islam has done, but it has no justification to stop it completely. Among other reasons for polygamy may be mentioned barrenness, constant illness of the wife leading to prolonged sexual abstinence, and sexual frigidity which makes some women dislike the act of coitus. Complete prohibition of polygamy under any one of these circumstances commonly drives men to adultery.

For various reasons, some of which have been explained above, Islam did not deem it expedient to abolish the institution of polygamy altogether. But it restricted polygamy and insisted that full

justice should be done to all the wives and if a man was afraid that he could not do justice in treatment and in the provision of economic sustenance, he should limit himself to only one wife. Thus the Quran stated, "And if you fear that you cannot act equitably towards orphans, then marry such women as seem good to you, two, three and four, but if you fear that you may not do justice to them, then marry only one" (iv : 3). Explaining this passage Maulana Mohammad Ali writes in his translation of the Holy Quran :

This passage permits polygamy under certain circumstances : it does not enjoin it nor even permit it unconditionally. It may be noted here that the explanation of this passage, as generally understood, is based on a report contained in the Muslim, according to which Ayesha understood this verse as meaning that if the guardians of orphan girls feared that by marrying them they would not be able to do justice to them, they should marry other women. This explanation, even if the report be taken to be authentic, requires the insertion into the passage of a number of words which the original does not contain, and as the meaning is much more clear, and more in consonance with the context, without the addition of these words, the interpretation given below is preferable. It is admitted that this chapter was revealed to guide the Muslims under the conditions which followed the battle of Uhud, and the last portion of the last chapter deals with that battle. Now in that battle 70 men out of 700 Muslims had been slain, and this decimation had largely decreased the number of males, who being the bread-winners, were the natural guardians and supporters of the females. The number was likely to suffer a still greater diminution in the battles which had yet to be fought, while the number of women would be increased by the addition of the prisoners of war. Thus many orphans would be left in the charge of widows, who would find it difficult to procure the necessary means of support. Hence in the first chapter of this verse the Muslims are enjoined to respect the ties of relationship, and as they all came from a single ancestor, a breadth is introduced in the idea of relationship, inasmuch as they are told that they are all in fact related to each other. In

the second verse the care of orphans is particularly enjoined. In the third verse we are told that if they could not do justice to the orphans, they might marry the widows, whose children would thus become their own children, and as the number of women was now much greater than the number of men, they were permitted to marry even two, or three or four women. It would thus be clear that the permission to have more than one wife was given under the peculiar circumstances of the Muslim society then existing, and the Prophet's action in marrying widows, as well as the example of many of his companions, corroborates this statement. Marriage with orphan girls is also sanctioned in this passage, for there were the same difficulties in the case of orphan girls as in the case of widows, and the words are general.

It is clear from the above explanation that the permission given by the Quran for polygamy arose out of particular circumstances. Since these circumstances are likely to recur now and then in the life of the Muslim community and since there will always be individual cases where polygamy may become necessary in order to avoid more serious moral and social evils, it is not right to prohibit polygamy by legislation. But, since the Quran has made it conditional on a just and equal treatment of the wives, it is open to the state to prescribe conditions under which polygamy will be allowable. For example, it may be laid down that polygamy will be allowed only if a person shows sufficient cause for it and satisfies the authorities that he will be able to bear the additional economic burden and will not thereby injure his health.

## CHAPTER IX

### CO-EDUCATION

IT is not difficult to understand the attitude of Islam with regard to co-education, if one realises that its conception of sex equality is founded on a differentiation of functions as between men and women. Islam insists on married life both for men and women. It regards the home and domestic life as the natural and most important sphere of a woman's activity. It dislikes the free intermingling of men and women except under the strain of a serious emergency. It is, therefore, obvious that co-education is opposed to the whole tenor of Islamic teachings, because the system rests on presuppositions and postulates which are quite different. Co-education is based on the assumption that there are no psychological and temperamental differences of any great consequence between man and woman, that after completing their education they have to pursue like careers and enter identical spheres of activity and that no sexual aberrations are likely to occur from the herding together of boys and girls in the same institution, or if they do occur, their consequences for the stability of the family, the happiness of married life and the general character-formation of men and women are not serious enough to warrant social condemnation. All these assumptions are very questionable and since the modern education of girls has been mostly based on them, the results have been none too happy, as the following paragraphs will show.

In the earlier phase of the movement for woman's emancipation in England, the British feminists did not allow their aspirations to run

amuck. They had a practicable and sane ideal of women's freedom which did not run counter to the fundamental traits of feminine nature. As early as 1864, Miss Emil Davies wrote in the *Year Book of Education*: "We are not encumbered by theories about equality and inequality of mental powers in the sexes. All we claim is that the intelligence of women, be it great or small, shall have full and free development...the object being the awakening and strengthening and adorning of the human spirit." Totally different have been the ideas of later feminists whose educational and other ideals have fallen in the same line with men. Under the assumption that the female brain was capable of equal intellectual pursuits to the male, the modern educational system for girls is a copy of the educational system for boys. The results of this policy have been commented upon in the report of the committee appointed in England in 1923 to consider the differentiation of curricula between the sexes in secondary schools. The authors of the report remark, "Basing their policy on the belief that girls could equal boys at least in intellectual matters if favourable conditions were afforded, the leaders of the (women's) movement implicitly assumed that what had been done for and by boys was in general suitable for both sexes." A complete lack of feminine ideals and a thorough imitation of masculine ideals have been the most outstanding features of the educational system for girls.

To a considerable extent this defect in the education of girls is the outcome of co-education. When boys and girls are made to learn and receive their education under the same teachers and in the same schools, it is naturally difficult to give sufficient consideration to their psychological, emotional and temperamental differences and yet these differences are deep, abiding and all-pervading. Let

us examine them one by one.

In his book entitled *The Psychology of Education*, Professor Wilton points out that while man lives by reason, woman's outlook is moulded and determined by feeling. "She approximates the emotional temperament even when she does not show it in all its fullness." Intuition is a special quality of woman ; and therefore she does not care for abstract thought. It is not that she does not generalise, but that "she generalises without preparatory analysis." He cites the example of so eminent a woman as Hume de Sevique who acknowledged that "abstract reasoning was repugnant to her." Man therefore, he points out, analyses and applies principles deductively, but a woman takes the special case and its value for feeling. The differences in the mental outlook of the sexes become, according to the observations of this author, clear from early life. A little girl of four is essentially a little girl ; and a little boy a little boy. The girl, says he, is precocious in speech, is less often troubled with stammering. Her play has not the force and expansion of movement which characterises the boy's : it is comparatively quieter and assumes a definite meaning.

Wilton sees intellectual distinctions also. Intellectual distinctions colour the learning of the two sexes as soon as the studies provide an opportunity for their respective intellectual qualities. Thus girls do well in all that demands neither originality of thought nor abstraction. They therefore keep pace with the boys, or even surpass them, in the earliest school studies most of which are concerned with concrete wholes. They learn by heart with ease, take delight in neatness and in the embellishment of their written exercises, they work out with accuracy all detailed processes with the



general form of which they are familiar or which they can imitate from example. They appreciate beauty of feeling and of form ; and that is why study of literature has a special appeal to them, and they can show here more progress at an earlier age than what boys could do.

These mental and intellectual differences, says Wilton, are sadly ignored by the advocates and promoters of equal education to the sexes. He is therefore opposed to co-education. Boys and girls, he says, may be taught together in the same subjects only in the earliest age, say, up to ten years of age ; because in these years "the matter put before them gives little scope for their characteristically different modes of apprehension." But the intellectual differences come into prominence with advance in age. Soon boys and girls begin to retard each other's progress, the girls being held back for slower boys in some subjects, and their turn, impeding the advance of the boys in other subjects. So, different schools for the sexes with different curricula would seem to give the best intellectual results. And this, he says, "is very marked out by my own somewhat extended observations."

One point, however, Wilton makes clear. It is that it must never be supposed that woman is an imperfectly developed man. That woman differs from man in intellect does not mean that she is in any way intellectually inferior to him. To deduce intellectual inferiority from woman's inaptitude for abstract thought is to apply a false standard to reach a wrong conclusion. "Neither is inferior to the other. Each is essential to life ; and in this difference of attitude, as in all that follows from it, man and woman are complementary. There is no question of superiority or inferiority ; and any course of action based on the assumption that

woman should try to become intellectually like man rests on a very insecure psychological foundation."

Another ground on which Wilton proposes a different type of education for women is their functional difference from men. The functions of men and women, he says, are essentially distinct. Evolution does not mean the identification of sex qualities, but their more perfect mutual adaptation. "Equality in value of complementary functions, not the obscuring of differences already established, is what the whole course of man's evolution leads us to expect." In his book *What Do We Mean by Education*, he sadly deprecates the tendency of the course of woman's education which seeks to prepare them for various forms of professional and commercial life which, he points out, involves strenuous intellectual application during the years of adolescence and thus becomes trying on their nerves. In his opinion the present education on the same lines as that of males disturbs the nervous equilibrium of girls and thus injures their health. This breakdown of health may become serious in the rough and tumble of competitive examinations, and still more so when the competition is with boys.

In his book *The Mixed School*, Howard comments on the psychology of women. Howard does not admit much intellectual difference between the sexes, but he lays special emphasis on temperamental differences. He says that boys are less emotional and more practical. The girls are more subjective in their outlook while the boys are more objective. Similarly the girls are distinguished by greater passivity so that they are inclined to rely more on authority than reason and argument. The girls have also a certain power of rapid intuition. They jump to conclusions all too easily and reason back from them to test their accuracy. Howard,

therefore, advocates a different system of education for girls and boys. He bases his conclusion on the fact that girls are liable to fatigue more readily after puberty when the amount of hæmoglobin in the blood becomes lessened. This fact, he says, is of far more importance than is generally believed. For this, he cites Dr. Adami who has summarised his observations as follows.

Girls in general are (1) not so strong physically as boys ; (2) highly strung and liable to nervous strain which possibly is associated with the fact that physiologically they are liable to heavier drains upon the circulating calcium of the blood, and (3) with their thinner blood with lowered hæmoglobin content after puberty, they are nearer to the threshold of anæmia.

This consideration of her physiological aptitude, in the opinion of Howard, must weigh when laying down a particular system of education for girls. "The sex-changes during adolescence are followed in the girl by recurring periods of strain when general efficiency may temporarily be impaired." He, therefore, fears a risk of over-straining the girls through unsympathetic treatment at this period. Moreover, there is a definite risk which, in his opinion, may fail to do her abilities full justice at a moment when she specially needs it.

Howard, therefore, suggests that as far as games and physical exercises are concerned, the sexes should be entirely separated as soon as their physical differences become significant. As regards intellectual education, first, boys and girls may be separated for those subjects which are usually only studied by the one sex, and secondly, wider choice of optional subjects may be given in girls schools, and thirdly, overstrain on the part of the girl may be minimised by an easier optional subject.

Mrs. Dora Russell says in her book *Hypatia*, "Is there something wrong with this education of women, and if so, what? I think we must judge that there is. The reason lies in the sense of inferiority bred in women by so much operation, and the natural result that their chief aim, as they struggled upwards, was to prove that they could jolly well do without men. This effort is mistaken. Each sex has that to give to the common stock, which alone it can give, and robs itself and community by inferior imitation.....Feminist ideals of education, then, had the defect that they did in a certain measure deny sex or ignore it."

That there is such a thing as a female mind is proved beyond doubt by psychologists. And this female mind requires a suitable education for its own culture and development, irrespective of what the corresponding standard is for men. As Dr. Rabindranath Tagore pertinently remarks in an article published in the "Nineteenth Century and After" (August 1927): "If woman's nature were really the same as that of man, it would be a superfluity, a mere tautology.....If women acquire the view that sex difference is only physical, and that mentally and spiritually they are of the same nature as men, and if they act on this assumption (thus giving life a one-sidedly masculine form), then our civilisation would sink into utter confusion and chaos."

The most vital defect of co-education, from the point of view of female nature and woman's special functions in society, is that it prevents the training of woman for motherhood. How can a common educational institution run alike for the boys and the girls make adequate provision for training women in those arts and branches of knowledge which are necessary for her future life as a mother. Education for motherhood is the crying need of the world today. Because the vast majority of girls

become mothers in after-life, every girl should be required to specialise for a definite time in those subjects which will make her a good mother. When the whole curriculum of girls is hopelessly congested with subjects on the line of boys which cost them their mental equilibrium and physical health, their essential function in life is allowed to pass off in ignorance. Girls are expected to manage somehow, without any adequate training, their function of motherhood on which in a great degree depends their own happiness and the preservation and welfare of the race. As a woman herself writes : "The human mother gives poisonous mixtures to her infant in place of Nature's food. She feeds its lungs with poisoned air in overheated, stuffy rooms, whilst its nervous and physical vitality is undermined by the noises and distractions of over-civilised life. Teach, train and direct instinct in women if you will, but supplement it with knowledge that is essential for child-bearing in our social organisation."<sup>1</sup>

Not only is there a thorough lack of training in maternity, but, on the contrary, the female education today incapacitates women for motherhood and marriage. It is because the strain of higher education is so enervating and exhausting that they cannot bear the strain of childbirth. Dr. Cynn Esdon has remarked on this point : "Many educated women are so exhausted before marriage that after bearing one or two children they become wrecks." Dr. Taylor writes very much in the same strain in his book *The Nature of Woman*. He says, "This much we do know that probably at no other time in history has childbirth been so difficult, so unhealthily difficult, as now, and that this has manifested itself chiefly in the last 50 years, a period of increasing educational strain for girls."

1. Elizabeth Chesser : *Women, Marriage, Motherhood*, pp. 223-234.

Similarly Dr. Kenealy writes in *Feminine and Sex Education*, "When adolescent girls are strained by athletics, by over-culture or industrial exhaustion, the vital resources are so diverted from the evolution of function as to cause incapacitation in them, partial or complete, for wifedom and for bearing of fine offspring." Finally, the author of *Whither Woman*, Y. M. Rege, says :

"No feminist—of however extreme views—can deny motherhood to be the flower of all woman's individuality, physical and psychical. If higher education on male lines has done anything wrong to women, it is this : it has by arresting the full development of her physique, by enervating her nerves, made her incapable of attaining the full growth of womanhood of which motherhood is the final symbol. There is no surprise, that the graduates of English and American universities, with their physical energies sapped for any healthy reproduction, should come out in the world with *a-maternal* feelings and should try to cover this up with false pretensions that their unmarried state is due to their desire to devote their lives to some social service. It is really a pity that many a fine girlhood which, if spared of this overstraining education, would blossom into fine womanhood and would give real service to society by giving it healthy and vigorous children, is victimised under an entirely false and misguided idealism."

All these defects in the modern system of female education can be remedied, if co-education is entirely given up, separate institutions for boys and girls are set up and, consistent with the special needs of each sex, two parallel systems of education and curricula of studies are evolved, so that the large mass of girls who are to be the future mothers of the race may receive preparatory training for their special calling. A limited number of women there will always be, whose special gifts may entitle them to a different kind

of education, but the interests of the many should not be sacrificed for the chosen few. And even these women of special gifts and endowments should not refuse the call of motherhood because they can reproduce and enlarge their gifts by becoming mothers. In a country which is backward like our own, there may be difficulties in obtaining the requisite number of female teachers for higher arts and branches of knowledge, but this difficulty does not tilt the scale in favour of co-education. Islam allows men and women of advanced age who have lost sexual attraction to mix with members of the other sex, under the stress of social or religious necessity. To prepare and train women teachers in the higher branches of knowledge, male teachers and professors of advanced age can be employed in sufficient number. When an adequate number of women have been trained the need for even this amount of co-education will disappear.

## CHAPTER X

## BIRTH-CONTROL

**B**IRTH-CONTROL in its modern form was not practised in the days of Islam. No doubt infanticide, abortion and other methods of getting rid of unwanted children were prevalent in Arabia, as in other parts of the world, and Islam forbade them completely. The Quran said, "Do not kill your children for fear of poverty; We will provide for them and for you." The question is whether this injunction can be applied to modern methods of birth-control which do not amount to killing but aim at the prevention of conception. But this is not the only vital issue. There is the further question whether Islam would have approved of artificial methods for limiting population, if such methods had been used in its day? No clear-cut instructions are available either in the Quran or in the traditions of the Prophet. We will have to decide them on the basis of the general tenor and spirit of Islamic teachings, and the moral considerations involved therein. The Quran's own accepted method in deciding such doubtful issues is to weigh the good and the evil of a habit, institution or way of life, and condemn it if its evil is likely to exceed the good and *vice versa*. For example, in prohibiting the use of alcoholic liquor, the Quran says, "Its sin and evil far outweighs its benefits." Thus the Quran recognises that there are some benefits also in the use of wine but condemns it because the evils of it are more numerous and more dangerous. Proceeding on this basis, let us analyse the arguments for and against birth-control.



Among the foremost advocates of birth-control in modern times Havelock Ellis stands most prominent, apart from Margaret Sanger. In his book on *Life and Sex* he has devoted a whole chapter entitled "The Individual and the Race" to prove the thesis that birth-control is a social necessity and serves the interest of the race. Let us give a few quotations from this book.

Stressing the eugenic aspect of birth-control Ellis says :

"It is often said—I have said it myself—that birth-control when practised merely as a limitation of the family, scarcely suffices to further the eugenic progress of the race. If it is not deliberately directed towards the elimination of the worst stocks or the worst possibilities in the blending of stocks, it may even tend to diminish the better stocks since it is the better stocks that are least likely to propagate at random. This is true if other conditions remain equal. It is evident, however, that the other conditions will not remain equal, for no evidence has yet been brought forward to show that birth-control, even when practised without regard to eugenic considerations—doubtless the usual rule up to the present—has produced any degeneration of the race. On the contrary, the evidence seems to show that it has improved the race."

Examining the effect of birth-control on the health of mothers, Havelock Ellis writes in the same chapter :

"There will probably be a longer interval between the birth of the children, which has been demonstrated by Ewart and others to be an important factor not only in preserving the health of the mother but in increasing the health and size of the child. The diminution in the number of children renders it possible to bestow a greater amount of care on each child. Moreover, the better economic position of the father, due to the smaller number of individuals he has to support, makes it possible for the family to live under improved conditions as regards nourishment, hygiene and comfort. The observance of birth-control is thus a far more effective lever for raising the state of the social environment and improving the conditions of breeding, than is direct action on the part of the community in its collective capacity to

attain the same end."

Developing this argument further with reference to the effects of heredity, Ellis goes on to say :

"..... if, in accordance with the most careful modern investigations, we recognise that heredity is supreme, that the qualities we have inherited from our ancestors count for more in our lives than anything we have acquired by our own personal efforts, then we have to admit that the capable man's wealth is more the community's property than his own, and, similarly the incapable man's poverty is more the community's concern than his own. So that neither the capable nor the incapable are entitled to an unqualified power of freedom, and neither, likewise, are justly liable to be burdened by an unqualified responsibility."

Socialists also come in for scathing criticism by Havelock Ellis, because they are opposed to birth-control.

"Put social conditions on a sound basis, the people on this side often say, let all receive an adequate economic return for their work and be recognised as having a claim for an adequate share in the products of society, and there is no need to worry about the race or about the need for birth-control ; all will go well of itself. There is not the slightest ground for any such comfortable belief."

And further the same writer says :

"This prejudice (against birth-control) is based on the ground that bad economic conditions, and an unwholesome environment are the source of all social evils and that a better distribution of wealth or a vast scheme of social welfare, is the one thing necessary ; when that is achieved all other things being added unto us without any further trouble on our part. It is certainly impossible to overrate the importance of the economic factor in society or of a good environment. And it is true that eugenics alone, like birth-control alone, can effect little if the economic basis of society is unsound. But it is equally certain that the economic factor can never in itself suffice for fine living or even as a cure-all of social and racial diseases. Its value is not that it can effect any of these things but that it furnishes the favourable conditions for effecting them. He would be foolish indeed who went to the rich to find the example of good breeding and, as is well-known, it is not with the rich that the future of the race lies. The

fact is that under any economic system the responsible personal direction of the individual and the family remain equally necessary, and no progress is possible so long as the individual casts all responsibility away from himself on to the social group he forms part of."

In another book, *Psychology of Sex*, Havelock Ellis says,

"The necessity of birth-control is now generally recognised, not only by those who do not desire to have children but by those who do. The reason is that, both for the sake of the mother and for the health and well-being of the offspring, it is desirable that births should be properly spaced, allowing at least an interval of two years between births, while there are various legitimate reasons, economic or other, why those who marry early do not see their way to become parents immediately. The child, therefore, however much desired, should come at a time when the parents are best able to receive it and to care for it. Moreover, the day of large families are over. Alike for the sake of the family, and in the interest of the nation and the race an average of between two or three for each married couple suffices, and under the hygienic conditions of civilisation is ample to keep up the population. When, for any good reason, such as the health of the mother or the existence, in either parent of a bad heredity which should not be carried on, conception cannot be allowed, then strict birth-control is compulsory."

So far we have quoted arguments in favour of birth-control. Now let us see the other side of the picture. It must be recognised that over-population is not the only evil which has to be fought against and controlled. A falling birth-rate and a diminution of population is at least an equally serious evil. In the decline of civilisations, under-population and not over-population, is a common symptom. This is true of the Roman civilisation which was faced with serious depopulation in its period of decline. Similarly one factor in the defeat of modern France against Hitlerite Germany was lack of manpower. This was emphasised by

Marshal Petain in his speech on the morrow of French defeat. The reason is that love of luxury and comfort among the richer classes and fear of poverty and insecurity among the poor makes them unwilling to bring more children in the world. This tendency has been greatly facilitated by the use of birth-control methods. As Margaret Mead has pointed out in her book *Male and Female*, "Every human society is faced not with one population problem but with two: how to beget and rear enough children and how not to beget and rear too many. The definition of 'enough' and 'too many' varies enormously." The same writer, pointing to the growing sterility among men and women, adds, "There seems to be a deep-seated belief that conception is an almost automatic process, and that unless drastic measures are taken every sexual act will result in a child. The story of the king and the queen who had no children is replaced by jokes based on contraceptive failures. Even in the face of rising sterility rates and the occasional sterility clinic, the popular mind is still focussed on how not to have children rather than how to have them." On this evidence, in some countries the widespread use of contraceptives is creating a serious danger of depopulation, apart from facilitating and widening the range of extra-matrimonial illicit sexual relations which is undermining the stability of the home and the family. Let us quote Dr. Westermarck who says in *Future of Marriage in Western Civilisation*, "While the knowledge of contraceptives may increase the marriage rate, it also facilitates extra-matrimonial intercourse, the great frequency of which is, in our days, regarded as another indication of the doom of marriage."

The cult of birth-control was one of the by-

products of the Malthusian theory that the rate of increase of population is far in excess of any increase in the means of subsistence and, if it is allowed to go on unchecked, a point will come when most of the human race will have starved out. This false theory has been exploded since then, but its influence on the minds of people everywhere is still so great that they overlook the danger of depopulation. As Stefansson said in 1925, "According to the false Malthusianism of Malthus himself, we should all have starved to death sometime ago. . . . But here we all are, alive, prosperous and sceptical of the prophets of doom." What Malthus and his supporters overlooked was that humanity is infinitely creative, if it does not lose its spiritual moorings or sink into gross and sordid materialism. The productive powers of man have increased at a much faster rate than his numbers. If they have failed to make him happier and contented, it is because in the mad race for power and wealth, they are being put to destructive uses. As science and knowledge increase, the earth will support more and more of human beings, provided man's spirituality and vision also expand in the right direction. There was never really any danger of population increasing faster than human productivity. Even the available space on earth for human habitation is not so limited as many people imagine. Geographical explorations are opening up new areas with immensely rich resources which can be made fit for human habitation with the help of scientific power at the disposal of man. This theme has been very brilliantly treated by Parker Hanson in his book, *New Worlds Emerging*. We give here a few quotations from this great book which will show how much habitable space and available resources are still to be tapped by mankind. Discussing the methods which have

been and can be used for meeting the threat of over-population, Hanson says, "Throughout history and pre-history, man has met his ever-recurring problem of over-population, not in any one way, but by a complex, inter-related application of three distinct lines of effort, namely, migration, change of social and economic organisation, and technical invention." Strikingly enough Hanson does not mention birth-control as one of the methods for meeting the danger of over-population, because no really great and creative civilisation has ever resorted to birth-control, except in its period of decadence. The three methods referred to by Hanson are still open to humanity. With regard to the first of these, migration, let us study his conclusions. Speaking about the Amazon basin, he says,

"The Amazon basin, greatest of all the tropical frontiers, is still being discounted or written off at a time when its possibilities for colonisation and development need, in view of the world's present-day problems, the most serious considerations. . . . Is much of the Amazon valley a semi-swamp? Is the climate so terrible that nobody would want to live there? As long as there is no great pressure for developing the region, such questions are relatively unimportant for all but the few hundred thousand white men and women—and the primitive Indians—who live there and seem to get along reasonably well."

Proceeding further he asks,

"Today, four centuries after its discovery by white explorers, the Amazon basin is still an almost empty frontier, undeveloped, wild and often turbulent. Does it mean that it must always remain so? Is its present condition ascribable to natural conditions or to the accidents of history? Was its nature always hostile to human occupation and culture? If not, how do we white men differ from the men who once got along well there? Are those differences physical or emotional or do they stem from differing social outlook. . . .? As long as the white man felt that he could not live in the tropics except as a colonial administrator, with coloured labour doing his

work for him, the Amazon basin, lacking manpower, had no chance. If it is to be developed today, the job must be done by men and women who make their homes there. These may be white, brown, black, yellow or any other colour, but modern immigration policies and racial stirrings prohibit the importation of large racial blocs to be segregated from the overlords as cheap labour. The basin has been described several times in the past two centuries as a potential area of white settlement and it is today again being regarded in that light."

William Lewis Herndon who was sent to Amazon in 1851 to examine the possibilities of its future expansion, summed up his impressions as follows :

"It is . . . . . sad to think that . . . . this country has not more than one inhabitant for every ten square miles of land; that it is almost a wilderness; that being capable, as it is, of yielding support, comfort and luxury to millions of civilised people . . . . it should be but a dwelling-place of the savage and the wild beast."

About the riches and resources of this valley Hanson says,

"Few laymen have a true conception of the Amazon basin's size, wealth and variety, or of the truly staggering proportions of the river system itself. In length, the Amazon river is exceeded only by the Nile, and very little by it, in volume of water, by no three of the world's rivers combined. There are some eleven hundred tributaries of the Amazon, not counting thousands of brooks. Nine or ten of these tributaries exceed the Rhine in length, and carry more than double its volume of water. Seven of them are over a thousand miles long, and one, the Madeira, is nearly three thousand miles from source to mouth . . . . The area drained by that lordly river is an empire virtually untapped and unpeopled in the heart of Western Hemisphere, some two million, seven hundred thousand miles in extent, or almost as large as the continental United States with its three million square miles. It is as varied as the United States, and possibly as rich in the quantity and variety of its natural resources."

It is after reading such passages that one is reminded of the Quranic promise, "Do not kill your children for fear of poverty, We shall provide for them and for you." The Quran assumes, of

course, as a precondition, that men will accept its pattern of life and scheme of values, will be creative and co-operative and not fall into worshipping wealth and power so as to engage in mutual self-destruction.

Let us now see the possibilities of development and colonisation in Iceland. Before discussing this question Parker Hanson delivers a strong attack against the advocates of birth-control. He says,

“One of the most alarming symptoms of today’s psychology of hysteria is the astonishing popularity of those prophets of doom who summarily dismiss both north and south as regions for new endeavour, look about at the lands in between, state correctly that our culture has made a mess of its utilisation of natural resources, and arrive—*via* the so-called Malthusian law—at the conviction that there is now no real solution to the Western world’s problems except the energetic conservation of natural resources, going hand in hand with the partial extermination of human resources, through birth-control—imposed by the few on the many.”

Regarding the population and resources of Iceland, Hanson remarks,

“In the days of emigration to the United States, Iceland had half its present number of people and was over-populated in line with the Smith-Phillips’ dictum that ‘the meagre resources of the polar and sub-polar regions can support only a sparse population.’ Today with the number of its inhabitants growing steadily and rapidly, the land is decidedly under-populated in relation to its aspirations and potentialities. Changes in Icelandic life, both today and in the past, are worth watching. Several scientists have called it the finest available laboratory and observation post for the life of man. Nowhere else in the white man’s world do we find the same purity of conditions as there . . .”

About the wealth and resources of Iceland, the same author writes,

“As though to compensate for its lack of fuels, the republic has large stores of potential water power available. Its calculated four million horse-power, or 32 per inhabitant, are greater per capita than those known for any other country on earth. Only a small fraction of that power



has been developed for lighting, heating, and industrial enterprises, but plans for ever-increasing utilisation go steadily forward . . . . The country's volcanic heat is spectacular. Early in the century, a number of farmers began to realise that they had hot springs on their land, even if they did lack fuels and means for transporting such fuels from the outside. They then began to pipe those springs into radiators in their homes, as others harnessed small local waterfalls through power plants that were often in part made at home, and used the electricity for heat, light and cooking. Natural hot water began also to be used for agricultural purposes. In places it is today run over the ground for irrigation or warmth, in others it is run through buried pipes, in still others it used to warm glass-covered hot-houses. Together with an active program of agricultural development, it has resulted in a marked increase of crop production, both in quantity and kind. Many vegetable crops, formerly considered impossible in Iceland, are now produced and reduce the country's import of foods by that much."

Here again is a picture of the Arctic regions drawn by Parker Hanson in his memorable book:

"In 1935 there was published a geological map showing two hundred and twenty-eight of the two hundred and seventy-three places where valuable minerals had been found in the Soviet Arctic. A compilation of the results of the preceding fifteen years of study of the mineral deposits in the Soviet Arctic was completed by the geological section of the Arctic Institute, revealing that one thousand, six hundred and thirty-seven points had been located where there was a suggestion of mineral deposits, although only relatively few of them were estimated to have industrial value. In spite of the tempo and extent of the work accomplished up to 1936, however, only about 1,00,000 square miles, or less than five per cent of the Arctic land, had been surveyed.

"Coal, iron, nickel, lead, zinc, copper, various sulphites, salt, and peat are only a few of the subsoil resources that have been located in the Soviet Arctic since 1917. As new transportation facilities by water, land, and air make them available, as the Russians build cities and mining camps and get workers to the scene, these are being developed in line with the general northward course of Russia's economy."

Finally about Alaska the author of *New Words Emerging* says :

“Geographically, the territory has room for millions of new settlers. The former mental barriers which tended to keep them out are breaking down ; no longer is Alaska the ‘remote and barbarous region which under ordinary human conditions will never be largely peopled except by savages’. As the climate improves in men’s thinking, the physical resources of Alaska are being studied and are daily proving richer and more abundant. The most significant aspect of the problem is the economy. It is economic Alaska, within which there is little room for new settlers ; it must expand before new-comers make places for themselves in the Territory and thereby add to its and our material prosperity.”

The Alaskan delegate (without vote) to the American Congress in a speech on May 21, 1936, stated :

“We find.....that Alaska exceeds in area the combined areas of Norway, Sweden and Finland, which now support in comfort more than 1,20,00,000 people. We find that Finland has no natural gold reserves of any kind ; has very little of copper ; that its iron reserves are much less than that of Alaska ; that its fisheries are only a fraction of the value of the Alaska fisheries ; that its agricultural and grazing lands are approximately one-sixth of the area of the farming and grazing lands of Alaska ; that it has no coal reserves, no petroleum reserves ; in reindeer pasture Finland has 8,000 square miles, Alaska 2,40,000 square miles. And yet this country sustains a cultural as well as a rugged population of 35,00,000 people.

“A comparison of Alaska with Sweden, which has a population of 60,00,000 is equally favourable to the Territory. Sweden has an area of 1,73,550 square miles ; its farming and grazing lands do not in area exceed one-half of that of Alaska, and yet its agricultural population comprises approximately 27,00,000 people. Sweden has in reindeer pasture about 40,000 square miles, as against 2,40,000 square miles in Alaska. Sweden, like Finland, has nothing in the way of natural gold reserves, and its copper reserves are very small indeed as compared with the very large copper reserves of Alaska . . . . Alaska has large deposits of marble,

Sweden little. Alaska apparently has large reserves of petroleum, and Sweden is entirely without this resource . . . . The fisheries of Sweden, although extensive, do not amount in value to half of those of Alaska . . . . So when I conclude, as I do, that the territory of Alaska is capable of supporting a population of several millions, I am not drawing at all upon my imagination but basing it upon what has been done in the old world and upon an impartial consideration of geographic and scientific facts."

The report on Alaska's post-war economic development discusses at length the problem of agricultural expansion. It states,

"Of the millions of acres of potentially arable lands in the territory, Alaska farms contain only about 11,000 acres now classified as crop-land."

The report adds,

"It is estimated that South-East Alaskan pulpwood forests could support an industry employing at least 6,000 workers full time in the mills and the woods. Directly and indirectly the industry could be expected to provide year-round economic support for 25,000 persons." "It should be noted," says Hanson, "that the statement applies to only a small part of the territory's total forest reserves."

Mining expansion is another aspect of the Alaskan development treated in the report.

"Today gold is the Territory's greatest mineral output. It accounts for ninety-two per cent of the total. There are, however, innumerable possibilities for mining activities in coal, iron, copper, nickel, chromite and limestone, to mention only a few, specially when such activity comes to be combined with the utilisation of the part of the territory's extremely low-cost potential hydro-electric power towards the creation of electro-metallurgical and electro-chemical industries."

The above extracts will show that the available space for human habitation and the untapped resources of the world are sufficient to support the growing population of the earth and those who advocate the use of birth-control on the basis that the population of the world will soon outrun the means of subsistence do not take into account the limitless resources which the Creator has placed

at the disposal of man. As if to contradict such pessimists, the Holy Quran draws pointed attention to the infinitude of divine power and asks man to trust His infinite providence. "And there is not a thing in the world but with Us are its treasures, but We do not send it down except in a known measure" (xv : 20). Here is comfort for those who despair of the power of God to provide for His creatures. When we add to this the infinite creative power with which man has been endowed and which finds its visible embodiment in the progress of science and technology, we must dismiss all Malthusian fears as unreal.

Turning to the economic aspect of the question, we must emphasize one factor which the advocates of birth-control seem to have lost sight of. It is that every child who comes into the world remains as an economic burden on his parents and society only so long as his creative faculties are undeveloped. As soon as he becomes creative—and all individuals properly educated are creative—he pays back to his family and society more than what they contribute towards his growth and development. If lack of economic resources or a defective and unscientific education does not release his latent creativity, it is not the fault of his Maker but of the social system in which he is born. As far as Nature is concerned, it never really brings a fresh individual in society without implanting in him the seeds of creativity and endowing him with capabilities of enriching his society materially, culturally and spiritually. Properly brought up and scientifically educated, every human being is capable of creating more wealth than he can possibly use for his individual needs and of giving back more than what his parents have invested on him. From this point of view the birth of every child is an addition to social wealth for which humanity ought to be thankful to God.

It is not a curse to be eliminated and fought against. When people begin to prevent the birth of children and are afraid of every new addition to human population, it is a sure sign that the society in which they live has ceased to be creative and the acquisitive spirit has so far acquired ascendancy over the mind of the people as to destroy the economic equilibrium of society. In a nation which enjoys economic health and provides equal opportunities for all its members, nobody should be afraid of having an extra child. It is social and economic injustices and the accumulation of wealth in the hands of an uncreative oligarchy of politicians, officials, traders, industrialists and landlords which reduces the common man to poverty and makes him unwilling to add to his burdens by bringing into the world more mouths to feed. The advocacy of birth-control really springs from a subconscious desire to keep intact the socio-economic organisation of an unjust society. It is always a convenient device of the privileged classes when they feel that they cannot prevent the growth of disaffection among the poor without radical changes in the economic structure of society. In the circumstances they feel that a further deterioration in the economic situation of the poor cannot be arrested without the widespread use of birth-control. So instead of cutting down their own privileges and lowering their own luxurious standards of living, they offer the palliative of birth-control to the people low down in the scale of life.

Havelock Ellis has attacked the socialists for opposing the use of birth-control methods. But, apart from eugenic considerations, he produces no convincing arguments as to why, instead of exterminating the human race partially or wholly, society should not be so reorganised economically as to remove the fear of poverty on account of procrea-

tion. As regards eugenics what Havelock Ellis seems to forget is that the application of eugenic principles will lead to much interference in private and family matters. It is the State, after all, which will decide who shall procreate and to what extent particular stocks shall be encouraged to propagate themselves and what shall be withheld from so doing. Is there any guarantee that the State will not misuse its authority for political ends or that the sordid interests of a small group, holding power in the State, shall not determine the application of eugenic principles to the prejudice of its opponents. And again how will the state or any other corporate body enforce its decisions on unwilling persons?—A secret police force to watch the operations of birth-control and report to the authorities—Surely this is an absurd idea!

The most serious evil which is likely to attend the spread of birth-control methods is that once people get used to artificial family limitation, there will be nothing to prevent them from carrying that limitation to its furthest extent and reducing the population to a dangerously low extent. There is no limit to which love of ease and comfort and luxuries may not carry a people when they once become addicted to these things. Is there any real need for providing more incentives towards a life of irresponsibility. Human nature is already ballasted with this tendency and for this very reason procreation in man creates its own natural checks. —As soon as a couple feels that more children will mean extra burden, it takes necessary precautions, as far as it can, to prevent more births. To provide artificial checks and push human beings on the road to pleasure-loving and irresponsibility is tantamount to committing national suicide. When race extermination has become the rage and unwillingness to suffer and sacrifice for the sake

of the family and the nation has become deep-rooted, you can do nothing effective to reverse the process or change the habits of a people within a reasonable distance of time. To introduce such dangerous methods in a nation without an eye on future consequences and psychological reactions on the mental and spiritual attitudes of men and women, is the height of unwisdom. A few fleeting advantages should not blind us against far more effective and permanent national and moral injuries. A people using birth-control methods on a large scale may have more comforts, better standards of economic prosperity and wider educational opportunities but they are also likely to be incapable of making big sacrifices or undergoing great hardship for any ideal—social, religious or national. Can such a people survive in a world where these very qualities ultimately determine the chances of survival? The fear that bigger families will mean more hardship and a tougher economic struggle should be balanced by the consideration that it is through struggle, sacrifice and hardships that great individuals as well as nations have achieved success and glory and left their imprint on the sands of time. Very few among the great men of the world and not one among the great nations of the earth initially had those comforts, luxuries and facilities which the advocates of birth-control consider to be necessary for the health, happiness and progress of human beings. A small measure of poverty, provided it is not extreme and such as to freeze and corrode the human soul, provides an ideal incentive to progressive effort for creative individuals and nations than all the wealth and comforts sought after by the friends of race extermination. No great creative, spiritual or cultural accomplishment has ever come from the rich who wallow in luxury, waste, extravagance, greed, acquisitiveness and

ungodly arrogance. It is the poor individuals and nations that have throughout history lit the lamp of spirituality, culture and high scientific achievements. No great soul was ever afraid of moderate poverty. Let us not be carried away by the slogans of a decrepit civilization. A society which does not allow the majority of human beings to be reduced to abject poverty in order to provide wealth and luxury and comfort to a privileged group has little need of birth-control. Let all people live a life of simple habits, let them have freedom from the ever-recurring threat of starvation, let them be provided with the necessities of life, even without its superfluities and, finally, let them be creative in thought and deed, not acquisitive in spirit and attitude, and every fresh addition to the human population will but increase the wealth, happiness and virtue of mankind.



## CHAPTER XI

### DEVIATIONS FROM ISLAM

**D**URING the course of the last thirteen hundred years Muslim society has deviated in many respects from the teachings of Islam. This deviation has been more marked in the sphere of sex relations than in others. A variety of circumstances has conspired to make the Muslims take an extremely narrow view of feminine rights and the position of women in Muslim society, with the result that their freedom has been curtailed in many directions and their sphere of activity narrowed down to the confines of the home and the family, although Islamic injunctions in respect of womanly rights and duties are marked by an elasticity and catholicity which should have enabled the Muslims to march with the times and make the social readjustments rendered necessary by the demands of a new age.

To understand how the Muslim women suffered from un-Islamic practices and non-religious customs, let us go back to the original teachings of Islam and the actual historical setting which occasioned them. In pre-Islamic Arabia women held no better status than that accorded to the slaves. Islam gave them equality with men and taught the Arabs that they were as much of human beings as members of the male sex with a distinct individuality of their own which should be respected and given due weight in the apportionment of their rights and functions. But in one respect Islam had to take drastic steps for controlling women's freedom. Despite their low status and virtual rightlessness, women in pre-Islamic

Arabia enjoyed a measure of sexual freedom amounting to license which led to widespread illicit unions and promiscuity in sex relations. The sexual morality of the Arabs had sunk so low that women were viewed only as a means of sexual gratification or at best a vehicle of procreation. Marriage ties were very loose and there was not much stability in family life. Women moved out of their homes with a style of dress that afforded unlimited occasions for sexual excitement to strangers ; their looks and manners too were ill-calculated to ensure a healthy standard of sex morality. The Quran itself refers to this situation in the following verse :

“O wives of the Prophet, ye are not as other women. If ye fear God, be not too complaisant in speech lest he should covet in whose heart is a disease of incontinence, but speak the speech which is convenient ; and stay at home and do not go out with the display and ostentation of the former time of ignorance.”

As this verse shows, women in pre-Islamic Arabia did not observe any rules of decency while going out and dressed themselves with great ostentation with the intention of looking attractive to the male sex. Similarly, the injunctions given by the Holy Quran regarding the necessity of taking permission before entering the houses of other people show how the rude and barbarous Arabs did not know even the ordinary rules of propriety and freely entered each other's houses without permission. As regards the looseness of marriage ties and the degrading sexual morality of the Arabs, we have the evidence of no less a person than Ayesha, the Prophet's wife, who is reported to have said :

“During the Jahiliyyat (pre-Islamic era) there were four kinds of marriages. One of them was like our own form of marriage in which one person asked another for the hand of his daughter or ward, fixed the dowry and then took her in marriage. Another form of marriage

was this : As soon as a woman became clean after her period of menstruation, she was sent by her husband to another person who had sexual intercourse with her, while her husband left her for a period and would not touch her, until she became pregnant by the other person. When this happened the husband again had normal sexual relations with her and he did all this so that he may have a child of superior blood. This form of marriage was called Nikah-e-Istibza. A third form of marriage was also current. About ten or less than ten persons gathered together and had sexual intercourse with a woman, turn by turn. When she became pregnant and gave birth to a child, she sent for all of them and none could refuse her invitation. When all her lovers gathered together she would say : You all know what has happened. Here is the child and it is the son of such and such a person. She named whatever person she liked and then the person could not refuse and took the child for his son and the woman for his wife. There was also a fourth form of marriage. A number of men came to visit a woman and she could not refuse. These women were prostitutes and had a flag planted before their door. So, many persons entered her house and had intercourse with her. When one of them conceived and delivered a child, she called them before her and pointing towards the features of the child, named one of them as its father. Then he had to take the child, while she became his regular wife since then." (Abu Daud).

This tradition gives a clear picture of the low standards of sexual morality prevalent in Arabia before the advent of Islam. In these conditions, Islam found it necessary to impose certain restrictions on the dress and movement of women with a view to preventing the formation of illicit sexual relations and ensure a healthy and stable family life. These restrictions were not intended for all time and for every stage of historical and social development. They could be relaxed or tightened in accordance with changes in social and cultural conditions and the moral level of the people. Subsequent practice of the Prophet's successors showed that there was a large degree of elasticity in these rules, and the State was free to

introduce new regulations or tighten the old ones as needs dictated. During the regime of Omar, the second Caliph, it was noted that owing to the inflow of wealth, the standard of sexual morality was again falling. Accordingly Omar asked women to pray at home instead of attending congregational prayers in the mosques. He could not totally abolish the right of women to attend the mosques, but he greatly preferred to see them pray at home and took measures for persuading them to do so. This shows that the rules and restrictions regarding the movement of women outside their homes were elastic enough to admit of variation. Similarly in the matter of divorce also, Omar established a new rule which was a departure from the rules laid down by the Prophet. According to the practice observed by the Prophet, a pronouncement of divorce, to be considered final, must be delivered at three separate intervals of one month each. Omar found that people were generally careless in divorcing their wives and took the matter rather lightly. Accordingly he enforced the rule that even if three pronouncements of divorce are delivered at a single sitting, they would have the effect of final separation between the couple. This was a kind of punitive measure to bring home to the people the seriousness of the matter so that they might be more careful in pronouncing divorce. Its enforcement again showed that rules and regulations concerning marriage, divorce, dress and movement of women were capable of modification and relaxation, according to the circumstances and conditions. This fact has now been completely forgotten by the Muslims.

After the conquest of Syria, Iraq and other parts of Western Asia, social conditions in Arabia began to change quickly. During the period of early Islam, every Muslim, man and woman, was

a toiler, worker and warrior. Naturally total segregation of sexes could not be enforced, because women had to move out of their homes for economic, religious and other reasons. In fact according to a tradition reported by Umme Atiya Naseeba, the Prophet had issued definite orders that all women, including girls, should attend Idul Fitr congregations. It was because Islam, from its very inception, realised the impracticability of total sex segregation, that it laid down rules of decency concerning the appearance, behaviour and dress of women. But with the extension of the area of Arab conquests, an unbelievable amount of wealth began to flow in. This fact coupled with the division of conquered lands among the military leaders and warriors created a leisure class of Muslim landlords, barons and rich men who did not require the economic co-operation of their womenfolk in earning their bread. They lived in luxury and comfort without making any economic efforts. Naturally the social habits of the newly risen rich classes were different from the old Muslim toilers and warriors. The impact of these conditions on the social rights and status of women proved highly deleterious. The appearance of feudalism, the effect of social contacts with the people of the conquered countries and the coming into being of a leisured class devoted to the pursuit of physical pleasures contributed to lower the general standard of sex morality among the Muslims. The kings and monarchs in the Muslim countries and along with them the courtiers and aristocrats developed the institution of Harem. There was no limit to the number of concubines they could keep and since it was highly probable that many of them would remain sexually dissatisfied, extraordinary measures were taken to erect barriers between them and the

outside world. Strict seclusion of women and total segregation of sexes among the rulers, the feudal barons and other sections of the population dependent on the monarchs or allied to aristocracy began as an inevitable process. Its effects gradually percolated down to the middle classes also who could earn their living without any economic co-operation of women. That this kind of seclusion and absolute sex-segregation had no religious sanction behind it is proved by the fact that Muslim women belonging to the lower and poorer classes of Muslims have never observed that kind of strict purdah which characterises the life of middle and upper classes of Muslims. Similarly the poorer classes among Muslims have not developed segregation of sexes to the same extent as the upper classes. It is true that Islam laid down a few rules for regulating the movement, dress and speech of women, but it nowhere expressly forbade them to take part in economic, social or political activities. The rich and leisured classes could afford the luxury of purdah and segregation because without the economic co-operation of women the male members of their families could earn sufficient living. But as the lower classes could not make both ends meet without the participation of women in economic activities, the poorer Muslims could not go to the extremes observable among the upper and middle classes. It is true that in urban areas, owing to the example of the wealthy and richer classes, even the poorer sections of Muslims show some traces of the pattern developed by their superiors but anyone visiting the rural areas will be struck by the freedom with men and women talk to each other and jointly carry on the business of life. In the N.-W.F.P. of Pakistan, there is a large tribal territory whose population consists of orthodox

Muslims living in primitive simplicity. Their sexual morality is of an unusually high standard and yet they do not observe purdah nor are their womenfolk kept secluded and segregated from men. This shows that the segregation of women among middle class Muslims is a purely economic phenomenon having nothing religious about it.

The fact is that the economic organisation of societies and classes plays a very large part in determining sex relations. As the economic conditions keep changing from time to time, Islam, in accordance with its character as a universal religion, did not lay down any rigid rules regarding the movement of women outside their homes and their joint participation with men in political, social and economic activities. Such restrictions as it did lay down concerning the dress, looks and manners of women when going out were highly elastic and could be relaxed or stiffened in accordance with changed conditions. This fact is amply borne out by the freedom with which women were allowed to move and take part in wars. As we have already stated in a previous chapter, in the battle of Uhud, Ayesha, the Prophet's wife, and another Muslim lady Umme Saleem helped the Muslim warriors in their fight against the unbelievers and did not observe the usual restrictions with regard to female dress. From this it is easy to understand what the attitude of Islam would have been, if it had appeared not in the thirteenth but in the twentieth century when every nation has to keep itself fully prepared for a war of defence months and years ahead of actual warfare. A modern war not only requires intensive and extensive training in purely military arts and civil defence, etc., involving members of either sex but also a large degree of industrialisation. Now industrialisation is a process which is invariably attended with a readjustment of sex

relations. It is impossible to maintain the total segregation of sexes in a fully or even partially industrialised country. It is this aspect of the matter which has been forgotten by orthodox Muslims who insist on a rigid enforcement of segregation. What they do not take into account is that, in the first place, men and women in early Islam were never completely segregated and, secondly, whatever degree of segregation then existed was possible only because the economic conditions of the early age of Islam did not require the full co-operation of women in national affairs. But total segregation of the sexes in the present age of recurring national wars and increasing industrialisation is an utter impossibility. Islam being a practical religion which takes into full account the needs of individual as well as national self-preservation and permits under such extreme conditions things otherwise admittedly unlawful, cannot stand in the way of women working side by side with men in the sphere of industry and civil defence, etc., to meet the threat of foreign aggression. As we have shown above, in its own day, Islam allowed women to take part in religious wars. But as we have already pointed out, whenever it becomes necessary for men and women to meet and work together, under the stress of a social necessity, and not for the sake of personal and private enjoyment, they must observe those restrictions of dress and look which Islam has enjoined upon its followers.

There is no doubt that Islam desires to enforce certain standards of decency and also devised precautionary measures to check indiscriminate and unnecessary intermixture of men and women. Its rules of decency and the restrictions it has devised concerning the dress and movement of women can be enforced with suitable modifications even under the new social and political conditions and



it is the duty of an Islamic State to see that, as far as possible, the sexual morality of men and women is not lowered by the readjustment in sex relations arising from the changed situation in modern days. It is also necessary to remember that Islam gives great importance to a stable family life and does not approve of any pattern of social and economic organisation which has a disturbing effect on the family. According to Islamic conceptions of womanly functions, a woman should not take part in any social, political or industrial activity at the cost of her family responsibility. A modern Islamic State should regulate the industrial and social activities of women in such a manner that they can still find time to look after their homes and children. For example, newly married women with one or two children and expecting more births can be totally debarred from industrial activity. Girls receiving education can also be similarly treated. Married women whose children are grown up or who do not expect more births should be encouraged to work in factories. Generally, the working hours of women should not be allowed to exceed beyond four or five hours. They should also be given maternity leave and other special concessions. A minimum and maximum age may also be fixed for women eligible for industrial work. In this way many provisions can be framed to ensure that the management of the home and the interests of children do not suffer in consequence of the participation of women in industrial activity. With these safeguards and precautions, Muslim women will be able to work for the defence and industrial progress of their nation without endangering the sexual health of the community and in full accord with Islamic injunctions designed to protect them from evil ways.

## CHAPTER XII

### CONCLUSION

WE have dealt at length with the position of women in Islam and its attitude towards problems such as co-education and birth-control, etc. It is clear from the foregoing pages that, as far as legal and property rights and facilities for divorce are concerned, Islam has given equal rights to the members of the female sex. Many of the rights conferred on women by the Prophet of Islam thirteen hundred years ago have only partially and grudgingly been given to them in the Western and Eastern countries during the course of the last two centuries. Similarly with respect to sex equality, the essential human dignity and fundamental equality of women, Islam is at one with the leaders of the feminist movement. But as the application of an abstract principle is always qualified and conditioned by social realities and concrete situations Islam has modified its stand on sex equality in consonance with social, biological and sex realities. What the modern women and particularly those of Pakistan who are trying to ape foreign customs and manners are likely to find objectionable in Islam are not the legal, economic and social rights it has conferred on them, for on this score they can hardly have any genuine grievance, but the few social and family duties and some slight restrictions on dress, speech and movement which have been prescribed for them in order to regulate sex and social behaviour. We have already discussed in the foregoing chapters the justification for these restrictions. Untrammelled freedom amounting to licence is self-stultifying and soon

negates itself. Many of the checks devised by Islam to limit male and female freedom in regard to dress, speech and movement spring from biological and sexual facts which can be ignored only at a peril. Sexual misconduct is justly abhorred and condemned by Islam as the source of innumerable social evils. It is to prevent such misconduct that a few restrictions have been placed both on men and women. If men have been more easily let off and fewer restrictions have been placed on them, it is because they have to bear the main burden of economic responsibility and their economic activities demand greater freedom of movement. Even in advanced countries where women have come forward to earn their own living, legal responsibility for the maintenance of the family still rests with men. No doubt, a social system may be developed in which the husband and the wife equally share the responsibility of providing economic sustenance to the family. But this is still a remote possibility. Apart from this, any arrangement whereby women are forced to share in an equal measure the economic responsibility of winning the bread for the family is really an infringement of the principle of equality, because men cannot equally share with them the responsibility of motherhood. So under a system which places equal economic burden on women, the latter will be at a serious disadvantage. They will have to shoulder heavier burdens without the accession of additional rights. This will not lead to equality but to gross and palpable inequality. Even if it is maintained that the female sex is capable of shouldering the additional economic burden side by side with the responsibilities of motherhood, which is not at all true, there is a strong probability that the interests of children, under such a social system, will suffer to such a degree as to make them materially and spiritually

ill-equipped and ill-fitted for the duties of life. Besides, a vast army of female competitors will be thrown into the economic field with all its attendant social consequences, many of them undesirable. Indiscriminate intermixture of men and women is sure to provide greater opportunities for sexual irregularities resulting in the weakening of family ties and a further deterioration in the social and educational condition of children arising from diminished interest in domestic life and its everyday affairs.

There are people who maintain that sexual misconduct is not of much consequence in social existence and that sexual immorality need not necessarily lead to all-round moral deterioration. This is not the view of Islam which attaches great importance to sexual purity. People who hold the former view overlook the interpenetration of habits in social life and the constant interaction between different aspects of social morality. It is not true, as many people imagine, that there is a separate sex morality, a separate trade morality and another political morality. All morality is a single, unified whole with its manifold aspects which interact with and interpenetrate each other. A man who loses sexual conduct may not be initially dishonest in politics or commerce. But his habits and mode of life as shaped by his sexual conduct are bound, sooner than later, to affect his outlook and behaviour in other spheres of activity. Morality is really the product of one's way of life. If you adopt a wrong way of life, if you fall a victim to sexual lust, economic greed or love of political power, you cannot but trespass, in one way or the other, on the rights of others in order to satisfy your inordinate desires. It is just possible that a man who is guilty of sexual misconduct once or twice in his

early life, or without deliberately planning sexual enjoyment, falls off and on a victim to sexual temptation, may otherwise maintain his moral purity. But there is no guarantee that he who succumbs to temptation once will not be dragged by his weakness on the road to repeated and permanent misbehaviour. One act of sin leads easily to another, just as one act of virtue prepares the way for further virtuous behaviour. It is the peculiar nature of moral acts that they set in a train of reaction on the agent which makes it easier for him to repeat his conduct and predispose him towards similiar acts. Those who desire to condone sexual irregularities have really no idea of the wide ramifications of sex in everyday life. A man of loose sexual morality cannot be expected to devote the same care and attention to his wife and children as another whose sex morality remains unvitiated. He has to spend more and more on his pleasures and the ever-increasing demands of his paramours. To that extent he is likely to injure the economic rights of his wife and children. If he still remains just to his family and attempts to give his wife and children their due, he will be forced to adopt undesirable and unlawful methods for adding to his income in order to meet the growing expenditure caused by his extra-marital, sexual relations. This means that he has avoided injustice to his family by doing injustice to society. This is particularly true of men with limited incomes who form the vast majority of population in every country. It may be said that the rich can afford to indulge in sexual irregularities without causing economic injustice. But this is not true. All moral diseases are contagious. People in the lower strata of society often follow the social patterns set by the upper classes. If the higher classes in a nation are morally corrupt and sexually immoral, the whole nation becomes

corrupted sooner or later. All these facts are overlooked by people who look upon sexual misconduct as a mere foible which should not call forth more than ordinary condemnation. Islam is right in unreservedly and severely condemning sexual misbehaviour and taking precautionary measures against its general prevalence. These measures certainly entail a few restrictions on men and women but they are necessary for the moral, sexual and physical health of the community. It is true, of course, that when once the moral outlook of an individual, male or female, has become spoiled, no amount of restrictions can prevent him or her from committing sexual immorality. But this is a matter which concerns moral and religious education and the moulding of beliefs. Islam has not ignored this vital aspect of the matter. It lays greater emphasis on moral and spiritual reformation than on legal or preventive measures. But this does not mean that the legal and social aspect of the matter is of no consequence and the preventive measures taken by Islam are unnecessary. A government does not abolish its laws about theft, robbery, forgery or blackmarketing on the ground that unless the moral outlook of the community improves, these laws by themselves are insufficient to hold in check the miscreants. A healthy society makes simultaneous use of moral and legal sanctions to maintain its standards of integrity. Both are equally necessary, but the primary importance must attach to moral sanctions. It is the moral and spiritual outlook of individuals that determines their social conduct and this, again, is the product of their educational environment. Without maintaining that the preventive and precautionary measures taken by Islam to regulate sex-morality are unnecessary, we do hold that the task of moral and spiritual reformation is more primary and fundamental.

What the Muslim women in Pakistan and other Muslim countries lack is not any rights but the consciousness of their rights. They are depressed, they are ignorant and they have been placed under many fetters of custom and artificial tradition not sanctioned by Islam. If they receive proper Islamic education, become conscious of their rights, as well as their duties, they can easily break their chains. At present, being ignorant of Islamic teachings, they think that the traditions and customs they have been forced to observe are part of Islamic teachings. Education and proper education is their dire and essential need. But education for the majority of women in Pakistan involves economic considerations. The common woman cannot be educated unless there is a general economic uplift and every woman is made secure against the daily cares and anxieties of life. Pakistani women who have come forward as champions of sex-equality and demand equal rights with men would do well to bear this aspect of the matter in mind. To imagine that you can raise the social status of women in Pakistan and release them from the fetters of artificial customs and traditions without making education so cheap as to enable every member of the female sex to enjoy access to educational institutions is to live in a dreamland. Unless the champions of female liberty undertake an organised effort to make female education cheaper and more widespread so as to bring its benefits within easy reach of the poorest woman, the common people will continue to doubt their sincerity. What the common mind feels at present is that the woman's movement in Pakistan does not spring from genuine altruistic motives or from a real desire for social and national reformation but from a desire to throw off all restraints, some of

which are necessary and salutary, in order that a few fortunate women may be able to enjoy a life of luxurious self-indulgence without inviting social opprobrium. More and more of fashion, more and more of luxury distinguishes those of our women who have stepped out into the threshold of public life and demand equality of rights with men. Material acquisitiveness and pleasure-seeking, not service and social work, seem to be their motto. Their insistence on teaching fashionable arts like music and dancing to the exclusion of useful domestic arts and religious or political instruction is disliked by the people in general. As leaders of the feminine movement, it was their duty to teach by instruction and example the virtues of plain living, economy, frugality and national self-sacrifice for wider social objectives. Proper and scientific education of children and observance of hygienic principles in domestic life, not dancing and fashionable arts, should have been the object of their attention. If they are really sincere in their desire to raise the social status of women in Pakistan, let them devote themselves to these fundamental requirements. Let them demand and press for social security measures for women designed to ensure free education for the poorest members of their sex, then and then alone, they shall be held in true respect and become truly representative of the common urge for social and educational uplift.





