

Male-Female Responsibilities and Privileges in the Modern Era

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Abstract:

Many of the Quranic injunctions dealing with the women issues, which were progressive in the days of the Prophet^{SAW}, have now become regressive and inferior to those practiced by the West. The interpreters of the Quran have not kept up with the requirements of the changing times. Time has come to revisit and re-interpret these injunctions in view of the current reality and come up with a system of social justice which is at least at par with the West while still maintaining the spirit of the Quran. This paper addresses the issue of Male-Female Responsibilities and Privileges in this context.

The author by revisiting the male-female relationship and looking at the rationale behind the Quranic injunctions shows that the differentiation made in the Holy Quran between the male and the female has nothing to do with the sexual differences. The differentiation is made between those who earn the living and have physical strength versus those who could not earn a living and did not have the physical strength. With the changed economic and technological environment these relationships should be redefined. For example, (a) the burden of the financial responsibility in a family should be upon the bread winner, not the male member of the family; (b) the higher share in the distribution of inheritance should be given to the one who contributed financially to the well being of the deceased irrespective of the sex of the person; (c) leadership in the family should be the domain of the one who has financial and physical strength irrespective of the sex of the person; (d) dowry should be paid by the one who is the bread winner in the family irrespective of the sex of the person; (e) the right to divorce should belong to the one who has paid the dowry irrespective of the sex of the person; (f) the requirement of a second witness during a woman's testimony was to help the woman and should be left to the woman if she wants to avail that assistance or not; (g) the Quran and the Sunnah does not deny the women the right to lead the prayer; and (h) the constraint on the dress code for women should reflect the present economic condition and not the past.

Male-Female Responsibilities and Privileges in the Modern Era

Introduction:

The Muslim Ummah is in great turmoil. While reduced to the divided nations of many, having no say in the world affairs, and looking (almost begging) to the Christian West to redress its problems, it still longs for the days when it enjoyed the status of an unchallenged superpower until thirteenth century. If it wants to compete with the West, it has to come up with a set of social laws that are at least at par with the laws practiced by the West. Although the social laws promulgated by the Quran were progressive and revolutionary in the time of the Prophet^{SAW}, the Ummah is now lagging behind the West. Whereas most of the deficit can be overcome by practicing the social laws promulgated in the Quran, there are some structural problems. The interpreters of the Quran have not kept up with the requirements of the changing times. As such some of the interpretations have become regressive and are inferior to the social laws practiced by the West. Time has come to revisit and re-interpret the Quran in view of the current reality and come up with a system of social justice which is at least at par with the West while still maintaining the spirit of the Quran. This paper addressed the issue of Male-Female Responsibilities and Privileges in this context.

Discussion:

Before we even dwell on this subject, we must prove that we stand on a solid ground to take this approach. Ramadhan states that "(c)ontemporary Islamic ethics has become defensive, passive, behind the times, and isolated, and it by no means corresponds to the requirements of a religious and humanist conscience that ought, in keeping with its ideals, produces a visionary, committed, open ethics that questions the world, its order, its achievements, and its lapses and then devises, and proposes concrete modalities to transform it."¹ It should, however, be well understood that the reform we are talking about is in *muamlat* (social affairs) and not in *aqidah* (belief) or *ibadah* (worship) In the area of *aqidah* (belief) and *ibadah* (worship), the teachings and practices determined by revelations and by the Prophetic traditions cannot be modified or changed. Any addition, deletion, or change in these areas is condemnable innovation (*bida*).² In this paper the author will demonstrate one way to achieve this objective.

The ground work for this approach was first laid by Ibrahim al Nakhai (d. 96 AH) and his peers in Iraq.³ They held the following about Sharaih laws:

- they were intelligible and logical;
- they embodied whatever was good for public welfare;
- they were based on clear unequivocal principles as well as underlying reasons;
- they are linked to consideration of public interest;
- these principles can be derived from the Quran and the Sunnah;
- subsidiary laws could be derived from the Quran and the Sunnah in accordance with these reasons.

They argued that:

- competent jurists could discover the effective reasoning behind these laws and comprehend their purpose and intent;
- legal texts are finite but circumstances are not;
- since revelation and clear textual rulings came to an end with the Prophet's death, it would be impossible to meet the needs of legislation unless the underlying reasons for particular rulings derived from the Quran and the Sunnah were determined and acted upon.

This view was further reiterated by ash-Shatbi who, as quoted by Ramadhan, stated that 'scholars must constantly ask themselves this question: if the divine Lawgiver wanted such and such principle (or such and such a ruling) to be implemented, in such and such a way, in such and such environment, how can the primary objective of that principle (or ruling) be established inductively, beyond that specific environment, so that it can be of use to other human beings living in another age and other societies?'⁴ He recommends that '(l)egal scholars must therefore read, infer, and understand text in the light of the intentions of the divine Lawgiver, who moreover requires that they should always take into account the situations and people's well-understood interest.'⁵

Among the modern scholars, Barlas suggest that "the Quran is couched in semiotic, linguistic, and ethical moral terms specific to Arab society."⁶ Faruq Sherif observes that "many verses relate to particular time and place and to circumstances which had only a temporary importance."⁷ As a result, according to him, most Quranic penal provisions are aimed at "the social conditions that were characteristic of Arabian tribes." However, according to Barlas, "Recognizing the historical contexts and specificity of the Quran's teaching does not require an assumption that the moral purpose of the Quran is limited to Arab society, or that we cannot derive universal laws from it."⁸ According to Rahman, the Quran itself "provides, either explicitly or implicitly, the rational behind [its] solutions and rulings, from which one can deduce general principles."⁹

According to Maudoodi, Shariah is based on common good and public interest (*maslelah*). As such true adherence to Shariah is only possible by understanding the wisdom and purpose behind it. Without this understanding the Shariah could only be followed in letter, but not in spirit. By doing so the person would no doubt apparently be following the Shariah, but will not be achieving the objective for which it is promulgated. Although many of the Sharia laws are valid and achieve their objectives for all the ages, places, and conditions, there are many laws which must change with changing conditions. The conditions, which existed during the era of the Prophet^{SAW} and the companions^{RA}, may not exist in other era or nations. Sticking to those laws without adjusting for the new situations and conditions will amount to nothing but adherence to customs. Adherence to Shariah thus requires an understanding of the objective and purpose and adjusting the details of the Shariah to achieve those objectives.¹⁰ Such adjustments, according to him, are only allowed when the law has failed to achieve the main objective and purpose of the law due to the changed circumstances. Such adjustment must:

- maintain balance and moderation, one of the great characteristics of the Islamic Shariah;
- keep in view all the purpose and benefits of the law;
- should not sacrifice the main objectives of the Shariah;

- could sacrifice lesser purpose for the sake of higher purpose, as Shariah in some cases does.

Qaradawi suggests the following about Sunnah of the Prophet:

Distinguish between particular and general, temporal and eternal, and partial and comprehensive.¹¹

If adherence to the letter of Sunnah is opposed to its spirit and purpose, it amounts to opposing the Prophet.¹²

The means may change with the change in circumstances or epoch or usage or other influencing factors, but the aim remains stable and enduring.¹³

In view of the above discussion Qaradawi's views are equally applicable to the Quran. In fact he himself states that the Quranic injunction "Make ready for them all you can of force (of men) and reined horses so that you may thereby dismay the enemy of God and you enemy, and others besides them," (8:60) now implies tanks and artillery.¹⁴

Having established that the aim of the Quranic injunctions will take precedence over the means, we will now address some of the male-female privileges and responsibilities.

Financially Responsibility:

The scholars claim that the males are financially responsible for the females when they fulfill the role of fathers, husbands, and brothers:¹⁵

Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other and because they support them from their means. --- (4:34)

In this respect husband is supposed to pay dowry and child support. However, based on the arguments given above it is proposed that Quranic injunctions reflected the reality of the geography and the era. At the time of the Quranic revelation, most of the work had to be done by muscle power and only men had that power. As such it was very logical to place the financial burden on men. The reality has now changed. Most of the living is made through the use of brain power. In fact the jobs that require the muscle power are the lowest paying jobs. The Quranic injunctions have to be extrapolated to reflect the current reality.

Because of the importance of brain power in the work force now, women are availing the opportunities that were unavailable and unimaginable for them in the past. As such they are entering the workforce in hordes. We now face a situation where either husband works (conventional), wife works, or both work. The claim that men are financially responsible has now become unfair to both the men and the women. It implies that women should not be working even if they are better qualified to earn a living and waste their talent sitting at home. It also imposes unfair financial burden on men when the wife is also the wage earner and gets to keep the earning to herself or when the husband cannot earn enough to support his family. In a situation where wife contributes to the financial burden or is the sole bread winner, the ruling sends the husband on a guilty trip, as if he is committing a sin, even though he is incapable of redressing the situation. It is

about time to recognize that the Quranic injunction is not imposing a verdict; it was simply offering a fair and just solution in the existing circumstances. Since the circumstances have changed, the financial responsibility should be upon the wage earner irrespective of whether the person is a male or a female.

Inheritance:

The Holy Quran describes in detail how the inheritance is to be distributed.¹⁶ Based on the Quranic descriptions the following rules have been derived¹⁷:

1. If the deceased has only one daughter, she will receive half of the wealth.
2. If the deceased has only girls but two or more, they will receive two-third of the wealth.
3. If the deceased has left sons and daughters, then sons will get twice that of daughters.
4. If the deceased has left children, both the father and mother will receive one-sixth of the wealth.
5. If the deceased has left no children, brothers or sisters, mother will get one-third and father will get two-third.
6. If the deceased has left no children, but has brothers and/or sisters, mother will get one-sixth and father will get five-sixth.
7. If the deceased has left no children, husband will get one-half of the wealth.
8. If the deceased has left children, husband will get one-fourth of the wealth.
9. If the deceased has left no children, wife will get one-fourth of the wealth.
10. If the deceased has left children, wife will get one-eighth of the wealth.
11. If the deceased has neither parents nor children and has a uterine brother or a sister (from the same mother but different father), they will each receive one-sixth.
12. If the deceased has neither parents nor children and has more than one uterine brother or sister, one-third of the wealth will be distributed among them.
13. If the deceased man has neither parents nor children and has one full sister (same father but different or same mother), she will get half of the wealth.
14. If the deceased woman has neither parents nor children and has one full brother, he will get whole wealth.
15. If the deceased has neither parents nor children and has two or more full sisters, two-thirds of the wealth will be distributed among them.
16. If the deceased has neither parents nor children and has full brothers and sisters, brothers will get twice that of sisters.

The wealth will be distributed according to the following sequence:

- If the deceased has left a will, up to one-third of his wealth will be distributed according to the will.¹⁸
- The husband or wife will be given their share.
- The father and mother will then be given their share.
- The rest will then be awarded to the children according to the rules prescribed.
- Brothers and sisters will only receive inheritance if the deceased has neither parents nor children

The passage demonstrates the following principle:

- The share of a male in general is twice the share of a female.
- The deceased's immediate relatives have a share in his or her wealth (parents, spouse, and children).
- In the absence of the immediate blood relatives (parents and children), the relative closest to him or her i.e. brothers and sisters will inherit the wealth.
- The deceased cannot bequeath more than a third of his or her wealth. At least two third of the wealth will be distributed according to the Quranic injunction.

In the West, the deceased has full right to bequeath his/her wealth to any person(s) he/she pleases. Thus depending upon the relationship between the deceased and his relatives, sometimes the immediate relatives do not receive any inheritance. The Quran has taken a more holistic approach and recognizes that the immediate relatives play a major role in the upbringing and maintenance of the deceased. It starts with parents who take care of the deceased in his childhood. The children in turn take care of him in his old age and the spouse takes care of each other during adulthood. As such the Quran awards all of the three groups a share in the inheritance.

In Arab culture, before the advent of Islam, only those who could ride horses or could fight in wars and had the ability to collect booty from enemies were entitled for inheritance. As such the weak, young children and women were denied any inheritance. These verses were revealed in response to an incident that took place during the era of Prophet Muhammad^{SAW}. When Aus bin Thabit^{RA}, an Ansar, died, his two cousins took over all his property. His wife and two daughters were denied any inheritance. Aus^{RA}'s wife complained to the Prophet^{SAW}. In response these verses were revealed. Thus a miscarriage of justice in the name of custom was overturned.¹⁹

The Quranic injunction was revolutionary and progressive in an era when women were considered only property. The Quran gave them the status of a person and awarded them a share in the inheritance. However, the same injunction now gives the perception of being regressive and discriminatory towards women. They only get half the share of men. Some scholars have rationalized this by suggesting that since Islamic Shariah lays the financial responsibility upon male, they are provided relief in the form of an extra share in the inheritance.²⁰ Be that as it may, we are now living in an era when women are walking toe to toe with men. They earn their own living and sometimes become the bread winner. In such situation the argument does not hold water.

Thus in order to remove the perception of injustice in the Quranic inheritance laws in this era; we will derive the general principal for inheritance from the Quranic text and then apply those principles to the modern era. The Quran has already explicitly identified some of the principles that have already been described. We have to explore if there are any implicit laws we have failed to identify that is giving the perception of injustice to women.

When it comes to the social laws, the basic intent of the Quran is to deliver justice and provide relief to the oppressed.²¹ The inheritance laws themselves were in response to an injustice. It should, however, be realized that most of its solutions are geared towards masses in general and not the exceptional circumstances.

If we look at the Quranic inheritance laws, it becomes obvious that those who have contributed or could have contributed to the well being of the deceased should be rewarded. In general parents, children and spouses are the main contributors at different stages of the deceased. Fairness thus requires that they should be rewarded. It is thus in this context spouses, parents, and children are awarded the inheritance.

It is inconceivable that the Quran which proclaims the equality of men and women²² will discriminate against females in the distribution of wealth on the basis of gender or on the basis of how many X or Y chromosomes a person has.²³ Even in Paradise, contrary to the general belief that men will get hooories, while women will only get to enjoy the company of their husbands, the author of the paper titled "Hoories for Men, and for Women? The Reality of Paradise," has shown that both men and women will be enjoying the same benefit in the Paradise.²⁴ It is against the Quranic claim that its verses are internally consistent²⁵ that on one hand it proclaims the equality of men and women and then, as shown below, it discriminates against females in inheritance:

- The general principle that the share of male will be twice that of female.
- If the deceased has one son he will get all of the wealth, but if he has only a daughter, she will get half of the wealth.
- If the deceased has left no children, brothers, or sisters, mother will get one-third and father will get two-third.
- If the deceased has left no children, but has brothers and/or sisters, mother will get one-sixth and father will get five-sixth.
- The wife of a deceased will get one-fourth or one-eights, but the husband of a deceased will get half or one-fourth, respectively.

There has to be some underlying reason for this apparent discrimination. Actually the underlying reason has already been identified in the rationale given for such discrimination by the scholars²⁶ i.e. since males are financially responsible for females he is given twice as much share. In other words the person who had the financial responsibility was given extra share to provide him relief. Now with hordes of women entering the work force, they are becoming financially independent. In many cases they have become the main bread winner. Thus in order for the verses to remain just and non-discriminatory, those who are bearing the financial burden should be awarded equal share irrespective of their gender and the financially dependent should be given half of those bearing the financial burden irrespective of gender. If both, father and mother, husband and wife, brothers and sisters, are bearing the financial responsibility of the family; both should be given an equal share. If the male is financially dependent upon female, the male should be given half the share of the female. If both, sons and daughters are providing financial support to parents, they should share equally in the inheritance of the parents.

Leadership:

Most of the scholars scoff at the leadership of women. Whereas the Quran speaks highly of the Queen of Saba as a leader²⁷, the leadership of women is scorned and cursed by many of the scholars. They fail to realize the excellent leadership skills many women leaders possess. The author has personally worked under three female managers in corporate culture. Two of them were as good as men and one proved to be far superior to the men. The author has also interacted extensively with a female executive member

of an Islamic organization. She far excelled in her performance than her male peers. The recent president of ISNA is another example of the competency of females in leadership position. The corporate culture of the USA has shown that women CEO can be as good as men. Even in politics, Sirimavo Bandaranaike (Sri Lanka), Margaret Thatcher (England), Indira Gandhi (India), and Golda Meier (Israel), have demonstrated and have proved that gender has nothing to do with the leadership skills. Three of these female leaders even led their nations to victory in war against dictators. Bangladesh has been led by two lady prime ministers (Hasina Wajid and Begum Khaleda Zia) for the last couple of decades. In Pakistan, if late Benzir Bhutto did not show a good leadership, her opponent, Nawaz Sharif, did not show it either. They were equally bad.

Some use the following verses to support the servitude of women:

Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other and because they support them from their means. ---- (4:34)

And women shall have rights similar to the rights against them according to what is equitable; but men have a degree (of advantage) over them and Allah is Exalted in Power Wise. (2:228)

First of all these verses are only applicable in a family setting. Even there Verse 4:34 defines the reason for the servitude. If those conditions cease to exist, the higher degree for men vanishes. It is understood and accepted that whoever has power and money has the right to call all the shots. Since, in the era of the Prophet^{SAW}, only men had the financial resources and muscle power, they rightfully had the power to call all the shots. The Quran was simply recognizing a reality. The reality has now changed. If the wife has a better paying job or is the only bread winner, the husband loses one of the levers of his power. Since the husband could still have the physical power, the two must deal with each other in equitable terms. Nowadays even muscle power can be outmaneuvered by technology. If the wife has control over that technology because of her financial strength, the husband loses both the lever of power. In such case the wife will be the boss of the house.

Dowry:

Islamic law requires that the husband should pay dowry to his wife.²⁸ The Quranic verses suggest the following rules:

- Dowry is an obligation upon the husband and a right of the wife.
- If the amount of dowry has not been fixed and engagement is broken, no dowry is due. It is, however, recommended that the husband should give something at the time of the breaking of engagement.
- If the amount of dowry has been fixed, but divorce takes place before the consummation of marriage, only half of the dowry is required to be paid.
- If marriage has already been consummated, the full amount of dowry becomes due.
- It is non-refundable unless:
 - The wife returns it out of her own will.

- The wife is guilty of open lewdness.
- The wife agrees to refund a part or the full amount in order to get out of the marriage contract.

The reason dowry cannot be taken back according to the Quran is:

And how could ye take it when ye have gone in unto each other and they have taken from you a solemn covenant? (4:21)

Marriage is a contract. The dowry is a part of that contract. Since both parties have signed the contract, the dowry becomes due at the conclusion of the contract. Half of the dowry becomes due after the signing of the contract; the other half becomes due after the consummation of marriage. After the marriage, since both of the conditions have been met, dowry becomes a non-refundable possession of the wife.

These rules were promulgated when men were the bread winner and women were financially dependent upon them. It was thus compensation to the financially dependent partner in the marriage from the financially independent partner.

The word chosen in the Quran also suggest that it is a transfer of money from the have to the have not. It has used the term '*sadaqah*' (charity)²⁹, what you gave³⁰, '*ajr*' (remuneration, wages)³¹, '*infaq*' (spent)³², and '*fardh*' (fixed).³³ The use of the term suggest that it is not, as has been translated, a gift for which the Arabic word is '*hibah*'. It is a charity in the sense that the money transfers from have (traditionally husband) to have not (traditionally wife). It is remuneration for wife surrendering her rights in accepting her husband as the ruler of the house. It has already been discussed above that the husband derives his rule based on his financial and physical strength.

With the changing circumstances, there are situations when both husband and wife are financially independent or worse, the husband is financially dependent upon his wife. In case where husband is financially dependent upon wife, he (the have not) cannot give '*sadaqah*' to his wife (the have) and since the wife becomes an equal partner in ruling the house, she does not deserve '*ajr*' since she is not surrendering herself to the rule of her husband. The rule of dowry thus needs to be adjusted for the new circumstances. In situations where husband is financially dependent upon wife, it is the wife who should be paying dowry to the husband. In case where both are financially independent, nobody should be obligated to pay anything to the other. If the husband is still the bread winner, the ruling stands.

Right to Divorce:

According to the Islamic Shariah the husband has been given the right to divorce his wife at his will.³⁴ The woman on the other hand is required to address the issue to the court. The court then decides if wife can be granted the request. Here again the issue is not if the right belongs to the husband or the wife. The issue is whoever has paid the dowry has the right to give the divorce at his or her will. The person who has accepted the dowry loses that right and has to make a case in the court. The court will judge if the dowry accepter can get out of the contract. Thus if it is the husband who is the main bread winner and has paid the dowry, he will have the right to initiate the divorce and the wife has to seek the assistance of the court. If it is the wife who is the main bread winner and has paid the dowry, she will have the right to initiate divorce and husband has to seek the assistance of the court. If both the husband and the wife are equally

responsible to earn the living and none have paid the dowry, then either one will be able to initiate the divorce.

Deciding about Paternity:

The Quran does not have any direct statement about how the paternity should be decided in case of a denial by the father. According to the Prophet^{SAW}, the father of the child is the one in whose house the child is born.³⁵ According to Qaradawi, in case the husband has any suspicion about his wife of some wrongdoing, the process of '*lian*,' as prescribed in the Quran will be used.³⁶ In the present day and age, since DNA test is the most accurate (99.9%) method of determining paternity,³⁷ it should be adopted in case of any dispute.

Child Support and Alimony:

The Quran states that the child support is to be paid by the father.³⁸ The Quran has made the father financially responsible for child support. As such it gives him the right to decide who will suckle the baby. The Quran also required the husband to pay the divorced wife the alimony. This was valid and just when husband was the chief bread winner for the family. If wife becomes the main bread winner, she should be required to pay not only the dowry to the husband, but also child support and alimony to the husband in case of divorce. She should also have the right to suckle the baby. In case both earn equally for the family, no one should be required to pay alimony and both should equally share the burden of child support.

Waiting Period (*Iddat*):

The Quran required the divorced wife or the widow to complete the waiting period before remarrying.³⁹ The following are the rules:

- If the divorce has taken place before the consummation of marriage, there is no waiting period.
- If the divorce has taken place after the consummation of marriage and the women has not passed the age of her monthly period, she has to wait for three monthly periods.
- If the divorce has taken place after the consummation of marriage and the women has yet to begin her monthly period or has passed the age of her monthly period, she has to wait for three months.
- If the husband dies, the widow has to wait for four months and ten days.
- If the woman is already pregnant or found to be pregnant during the waiting period, her waiting period will last till the delivery of the baby.

Although it looks unfair to women that the husband can marry the same day he buried or divorced his wife, while the wife has to wait for at least three months. Since the Quran assigns the financial responsibility for child support on the father, it was critical to know who the father of the child was. The very fact that there is no waiting period for unconsummated marriage supports this view. The law was instituted to provide financial protection to women and not to burden them with child support. It is for this reason the Quran instituted the waiting period during which the divorced wife or widow could not marry. In the absence of early pregnancy test and DNA testing, the period was big

enough to remove any ambiguity about pregnancy. In this day and age, with the availability of early pregnancy test and DNA testing, it is questionable if women need to wait that long. Even if EPT misses the pregnancy, DNA should be able to identify the father of the child. If it is clear from the EPT that the woman is not pregnant, she, just like her husband, should be free to marry whomever and whenever she wanted. In case where wife is the bread winner, she will be responsible for child support. As such waiting period becomes irrelevant. The fatherhood of the child can still be determined by DNA testing without causing undue emotional hardship to the wife.

Witness:

The following verse has been abused to deny woman an equal status in voting, participation in government, and witnessing:

O ye who believe! when ye deal with each other in transactions involving future obligations in a fixed period of time reduce them to writing. Let a scribe write down faithfully as between the parties: let not the scribe refuse to write as Allah has taught him so let him write. Let him who incurs the liability dictate but let him fear his Lord Allah and not diminish aught of what he owes. If the party liable is mentally deficient or weak or unable himself to dictate let his guardian dictate faithfully. And get two witnesses out of your own men and if there are not two men then a man and two women such as ye choose for witnesses so that if one of them errs the other can remind her. The witnesses should not refuse when they are called on (for evidence). Disdain not to reduce to writing (your contract) for a future period whether it be small or big: it is juster in the sight of Allah more suitable as evidence and more convenient to prevent doubts among yourselves; but if it be a transaction which ye carry out on the spot among yourselves there is no blame on you if ye reduce it not to writing. But take witnesses whenever ye make a commercial contract; and let neither scribe nor witness suffer harm. If ye do (such harm) it would be wickedness in you. So fear Allah; for it is Allah that teaches you. And Allah is well acquainted with all things. (2:282)

The scholars have missed the point that the verse came to give relief to the women, not to deny them an equal status. First of all it was not a general statement, but a special case of financial transaction where two women were required. The verse then gives the reason that if one errs, the other will remind her. In the male dominated society, it was very natural for a woman to get nervous in front of so many men eyeing on her. Since most of the financial transactions were done by men, women were not even versed in it. The second woman was provided to assist her on both the counts, not to discriminate against her. In the present era, if a woman feels confident and is able to understand the financial transactions, she should not be required to bring another woman with her. It should be left to her, not others.

Leading the Prayer:

According to Fiqh⁴⁰, the following are the criteria for becoming Imam:

1. One who is more versed in Quran
2. One who has the most knowledge of Sunnah.
3. One who performed the migration first (no longer applicable).
4. One who is eldest in the group.

If all are equal in Criteria No.1, then Criteria No.2 will be checked and so on.

The imamate of all the following is acceptable⁴¹:

- A discerning boy.
- A blind person.
- A standing person for those who are sitting and vice versa.
- A person who is praying *fard* for those who are praying *nafl* and vice versa.
- A person who has performed ablution for those who have performed *tayammum* and vice versa.
- A resident for the traveler and vice versa.
- A more qualified for less qualified and vice versa.

Except Imam Malik, others do not allow for a person with a health problem that does not allow him to remain in a state of purity to be an Imam for others who do not have such problems. According to Imam Malik, it is only disliked.

Leading the prayer is considered to be man's territory. The following are, however, some of the facts on this issue⁴²:

- The Quran is silent on this issue.
- There is no reliable report of the Prophet^{SAW} forbidding it. The only hadith that unequivocally states that women may not lead mixed congregations, according to Qaradawi, is extremely weak.⁴³
- Certain sects, such as the Haruriyyah branch of the Kharijites movement in the 7th century, considered it acceptable for a woman to be imam.
- Certain medieval scholars—including Al-Tabari (838–932), Abu Thawr (764–854), Al-Muzani (791–878), and Ibn Arabi (1165–1240)—considered the practice permissible at least for optional (*nafla*) prayers;
- the consensus of the traditional jurists is overwhelmingly against it.
- Some Islamic scholars have used the hadith of Umm Waraqa as proof to argue that women can lead congregational prayer.⁴⁴
- Few scholars, most notably Dr. Khaled Abou el Fadl, permit women to lead a mixed gender congregation with a recommendation that the placement of the imam be made with greater modesty in mind for a female imam.

The very fact that both the Quran and the Prophet^{SAW} are silent on this issue, one Hadeeth raising the possibility of a lady leading the mixed gathering, and few fatawa permitting women to lead a mixed gender congregation raises the possibility for women to lead the prayer, if they fulfill all the criteria for leading the prayer with the additional condition of adhering to the feminine modesty.⁴⁵ Needless to say men are also required to practice modesty.⁴⁶

Considering that it has been man's world until now, it is the men who dictated the consensus (*ijma*), and men have always looked at the issue from male sexuality, it is understandable why there is a consensus against the Imamate of females. If women leading prayer can cause sexual arousal among men, the women can make the same case against men. If the Quran does not deny women this right, if the Prophet^{SAW} did not deny women this right, a body of men cannot deny women this right.

Dress Code for Women:

The dress issue for women has been an object of contention. According to the Quranic injunction, women should observe the following in front of outsiders⁴⁷:

1. they should lower their gaze
2. they should guard their modesty (*faraj*) (private parts);
3. they should draw their veils over their bosoms (*joyoob*)
4. they should not display their beauty and ornaments (*zeenat*) except

what (must ordinarily) appear thereof;

to their husbands their fathers their husbands' fathers their sons
their husbands' sons their brothers or their brothers' sons or their
sisters' sons or their women or the slaves whom their right hands
possess or male servants free of physical needs or small children
who have no sense of the shame of sex

5. they should wear an outer garment when going out so that they should be known and will not be molested

It should be noted that:

Men are also required to lower their gaze⁴⁸ and they are also commanded to guard their modesty (private parts) (*faraj*).⁴⁹ In addition, women are also required to cover their bosoms. In the old days, women probably did not wear brassieres.

The injunctions for '*faraj*' and '*zeenat*' are different. Whereas the Quran allows the '*zeenat*' to be exposed to close relatives or what must be exposed, '*faraj*' cannot be exposed (except to husband⁵⁰)

According to El Fadl⁵¹, nearly all scholars agree that Injunction #5 was for protecting women from molestation. There was a group of young and corrupt men in Medina who harassed and sometimes molested slave women at night. They distinguished them by the clothes they wore. If a woman wore an outer garment (*jilbab*), they, considering them to be a free woman, would leave them alone. Many jurists argue that the operative cause (*'illa*) for the outer garment (*jilbab*) is to address a specific problem.

Thus the injunction for women is that they should cover their bosoms and they should not display their beauty (*zeenat*) except what is necessary. The outer garment clause is conditional and if these conditions do not exist, then this injunction can be waved.

According to Imam Razi,⁵² Islam has permitted to expose those parts of the body which needs to be exposed in order to carry out daily business. In his time a woman's need for conducting business could be fulfilled by exposing her face and hands only. As such he and majority of the scholars allowed the exposure of the face and the hand for women.⁵³ Even then the ruling for slave women was different. Since their business conduct required more exposure of their '*zeenat*', they were not required to cover their hair, neck, arms and anything below knee. Some scholars even allowed chest to remain bare, but

this seems to be in contradiction with the Quranic injunction.⁵⁴ Thus the scholars of the era responded to the requirement of the time and the condition of the individuals and made appropriate ruling. We must respond to the requirement of the present era where women have to go out and earn their living. The constraint on '*zeenat*' must be relaxed to conform to women's need for today. According to Imam Razi and al-Andlusi, what needs to be covered should not impose undue hardship on women.⁵⁵ The intent of the commandment is not to cover all the '*zeenat*' to eradicate all the sources of enticement in the society, but to strike a balance between the weakness of men and the hardship for women. Let each woman decide on her own how much constraint she can impose on her in order to function in the modern society without undue hardship while still maintaining her modesty, which is also a requirement for men.

Conclusion:

The author by revisiting the male-female relationship and looking at the rational behind the Quranic injunctions shows that the differentiation made in the Holy Quran between the male and the female has nothing to do with the sexual differences. The differentiation is made between those who earn the living and have physical strength versus those who could not earn a living and did not have the physical strength. With the changed economic and technological environment these relationship should be redefined. For example, (a) the burden of the financial responsibility in a family should be upon the bread winner, not the male member of the family; (b) the higher share in the distribution of inheritance should be given to the one who contributed financially to the well being of the deceased irrespective of the sex of the person; (c) leadership in the family should be the domain of the one who has financial and physical strength irrespective of the sex of the person; (d) dowry should be paid by the one who is the bread winner in the family irrespective of the sex of the person; (e) the right to divorce should belong to the one who has paid the dowry irrespective of the sex of the person; (f) the requirement of a second women during witness was to help the woman and should be left to the woman if she wants to avail that assistance or not; (g) the Quran and the Sunnah does not deny the women the right to lead the prayer; and (h) the constraint on the dress code for women should reflect the present economic condition and not the past.

References:

¹ Ramadan, T., "Radical Reform – Islamic Ethics and Liberation," Oxford University Press, New York, 2009, p. 81.

² Ramadan, T., "Radical Reform – Islamic Ethics and Liberation," Oxford University Press, New York, 2009, p. 20.

³ Alwani, T. J. "The Ethics of Disagreement in Islam," The International Institute of Islamic Thought, Herndon, Virginia, 2000, p. 64.

⁴ Ramadan, T., "Radical Reform – Islamic Ethics and Liberation," Oxford University Press, New York, 2009, p. 73.

⁵ Ramadan, T., "Radical Reform – Islamic Ethics and Liberation," Oxford University Press, New York, 2009, p. 69.

⁶ Barlas, A., "Believing Women in Islam," University of Texas Press, Austin, 2002, p. 59.

⁷ Faruq, S., "A Guide to the Contents of the Quran," London, Ithaca Press, 1985. pp 3-4.

⁸ Barlas, A., "Believing Women in Islam," University of Texas Press, Austin, 2002, p. 59.

⁹ Sonn, T., "Interpreting Islam: Bandali Jawzi's Islamic Intellectual History, New York, Oxford University Press, 1996, p. 65.

¹⁰ Maudoodi, S. A. A., "Tafheemat," Volume 2, Islamic Publications Ltd., Lahore, Pakistan, 1974, pp. 387-392 (Prayer and Friday Khutbah) (Urdu)

¹¹ Al-Qaradawi, Y., "Approaching the Sunnah – Comprehension and Controversy," The International Institute of Islamic Thoughts, Washington, 2006, p. 125.

¹² Al-Qaradawi, Y., "Approaching the Sunnah – Comprehension and Controversy," The International Institute of Islamic Thoughts, Washington, 2006, p. 137.

¹³ Al-Qaradawi, Y., "Approaching the Sunnah – Comprehension and Controversy," The International Institute of Islamic Thoughts, Washington, 2006, p. 139.

¹⁴ Al-Qaradawi, Y., "Approaching the Sunnah – Comprehension and Controversy," The International Institute of Islamic Thoughts, Washington, 2006, p. 141.

¹⁵ Maududi, A. A., "Tafheem-ul-Quran," Islamic Publications Limited, 1978, Surah An-Nisa, Explanatory Note No. 15.

Yusuf Ali, A., "The meaning of the Holy Quran," Amana Publications, Maryland, 1989, Note No. 255.

¹⁶ From what is left by parents and those nearest related there is a share for men and a share for women whether the property be small or large a determinate share.

But if at the time of division other relatives of orphans or poor are present, feed them out of the (property) and speak to them words of kindness and justice.

Let those (disposing of an estate) have the same fear in their minds as they would have for their own if they had left a helpless family behind: let them fear Allah and speak words of appropriate (comfort).

Those who unjustly eat up the property of orphans eat up a fire into their own bodies: they will soon be enduring a blazing fire!

Allah (thus) directs you as regards your children's (inheritance): to the male a portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the

parents are the (only) heirs the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah and Allah is All-Knowing All-Wise.

In what your wives leave your share is a half if they leave no child; but if they leave a child ye get a fourth; after payment of legacies and debts. In what ye leave their share is a fourth if ye leave no child; but if ye leave a child they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants but has left a brother or a sister each one of the two gets a sixth; but if more than two they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah and Allah is All-Knowing Most Forbearing.

Those are limits set by Allah: those who obey Allah and His Apostle will be admitted to Gardens with rivers flowing beneath to abide therein (for ever) and that will be the Supreme achievement.

But those who disobey Allah and His Apostle and transgress His limits will be admitted to a fire to abide therein: and they shall have a humiliating punishment. (The Quran 4:7-14)

And in no wise covet those things in which Allah hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask Allah of His bounty: for Allah hath full knowledge of all things.

To (benefit) everyone We have appointed sharers and heirs to property left by parents and relatives. To those also to whom your right hand was pledged give their due portion: for truly Allah is Witness to all things. (The Quran 4:32-33)

They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs. If it is a man that dies leaving a sister but no child she shall have half the inheritance: if (such a deceased was) a woman who left no child her brother takes her inheritance: if there are two sisters they shall have two-thirds of the inheritance (between them): if there are brothers and sisters (they share) the male having twice the share of the female. Thus doth Allah make clear to you (His law) lest ye err. And Allah hath knowledge of all things. (The Quran 4:176)

¹⁷ Shafi, Mufti, Ma'arif-ul-Quran," Adarah-tul-Ma'arif, Karachi, Pakistan, 1989, Explanation of the Quranic Verse Nos. 7-12.

¹⁸ Maududi, A. A., "Tafheem-ul-Quran," Islamic Publications Limited, 1978, Surah An-Nisa, Explanatory Note No. 20 and Surah Al-Baqarah, Explanatory Note No. 182.

¹⁹ Shafi, Mufti, Ma'arif-ul-Quran," Adarah-tul-Ma'arif, Karachi, Pakistan, 1989, Explanation of the Quranic Verse Nos. 7-10 with reference from (Roohul Maani page 21, vol. 4)

²⁰ Maududi, A. A., "Tafheem-ul-Quran," Islamic Publications Limited, 1978, Surah An-Nisa, Explanatory Note No. 14.

Yusuf Ali, A., "The meaning of the Holy Quran," Amana Publications, Maryland, 1989, Note No. 255.

²¹ We have sent down to thee the Book in truth that thou might judge between men as guided by Allah: so be not (used) as an advocate by those who betray their trust. (The Quran 4:105)

Now then for that (reason) call (them to the Faith) and stand steadfast as thou art commanded nor follow thou their vain desires; but say: "I believe in the Book which Allah has sent down; and I am commanded to judge justly between you. Allah is Our Lord and your Lord. For us (is the responsibility for) Our deeds and for you for your deeds. There is no contention between us and you. Allah will bring us together and to Him is (Our) final goal. (The Quran 42:15)

It is Allah Who has sent down the Book in truth and the Balance (by which to weigh conduct). And what will make thee realize that perhaps the Hour is close at hand? (The Quran 42:17)

Allah commands justice the doing of good and liberality to kith and kin and He forbids all shameful deeds and injustice and rebellion: He instructs you that ye may receive admonition. (The Quran 16:90)

Allah doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice: verily how excellent is the teaching which He gives you! for Allah is He who hears and sees all things. (The Quran 4:58)

(They are fond of) listening to falsehood of devouring anything forbidden. If they do come to thee either judge between them or decline to interfere. If thou decline they cannot hurt thee in the least. If thou judge in equity between them; for Allah loves those who judge in equity. (The Quran 5:42)

To thee We sent the Scripture in truth confirming the scripture that came before it and guarding it in safety; so judge between them by what Allah hath revealed and follow not their vain desires diverging from the truth that hath come to thee. (The Quran 5:48)

And this (He commands): Judge thou between them by what Allah hath revealed and follow not their vain desires but beware of them lest they beguile thee from any of that (teaching) which Allah hath sent down to thee. And if they turn away be assured that for some of their crimes it is Allah's purpose to punish them. And truly most men are rebellious. (The Quran 5:49)

O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth (and justice): nor follow thou the lusts (of thy heart) for they will mislead thee from the Path of Allah: for those who wander astray from the Path of Allah is a Penalty Grievous for that they forget the Day of Account. (The Quran 38:26)

And why should ye not fight in the cause of Allah and of those who being weak are ill-treated (and oppressed)? Men women and children whose cry is: "Our Lord! rescue us from this town whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help!" (The Quran 4:75)

They ask thy instruction concerning the women. Say: Allah doth instruct you about them: and (remember) what hath been rehearsed unto you in the Book concerning the orphans of women to whom ye give not the portions prescribed and yet whom ye desire to marry, as also concerning the children who are weak and oppressed: that ye stand firm for justice to orphans. There is not a good deed which ye do but Allah is well-acquainted therewith. (The Quran 4:127)

²² And their Lord hath accepted of them and answered them: "Never will I suffer to be lost the work of any of you be he male or female: ye are members one of another; those who have left their homes or been driven out therefrom or suffered harm in My cause or fought or been slain verily I will blot out from them their iniquities and admit them into gardens with rivers flowing beneath; a reward from the presence of Allah and from His presence is the best of rewards." (The Quran 3:195)

If any do deeds of righteousness be they male or female and have faith they will enter heaven and not the least injustice will be done to them. (The Quran 4:124)

Whoever works righteousness man or woman and has faith, verily to him will We give a new life, a life that is good and pure and We will bestow on such their reward according to the best of their actions. (The Quran 16:97)

"He that works evil will not be requited but by the like thereof: and he that works a righteous deed whether man or woman and is a believer such will enter the Garden (of Bliss): therein will they have abundance without measure. (The Quran 40:40)

²³ Biologically female possesses two X chromosomes and male possesses one X and one Y chromosomes.

²⁴ Jawaid, M., "Hoories for Men, and for Women? The Reality of Paradise," November 28, 2008, unpublished.

²⁵ Do they not consider the Qur'an (with care)? Had it been from other than Allah they would surely have found therein much discrepancy. (The Quran 4:82)

Allah has revealed (from time to time) the most beautiful message in the form of a Book consistent with itself (Yet) repeating (its teaching in various aspects): the skins of those who fear their Lord tremble thereat; then their skins and their hearts do soften to the celebration of Allah's praises. Such is the guidance of Allah: He

guides therewith whom He pleases but such as Allah leaves to stray can have none to guide. (The Quran 39:23)

²⁶ Maududi, A. A., "Tafheem-ul-Quran," Islamic Publications Limited, 1978, Surah An-Nisa, Explanatory Note No. 14.

Yusuf Ali, A., "The meaning of the Holy Quran," Amana Publications, Maryland, 1989, Note No. 255.

²⁷ (The Queen) said: "Ye chiefs! Here is delivered to me a letter worthy of respect. "It is from Solomon and is (as follows): `In the name of Allah Most Gracious Most Merciful, `Be ye not arrogant against me but come to me in submission to the true Religion.' "

She said: "Ye chiefs! Advise me in (this) my affair: no affair have I decided except in your presence." They said: "We are endued with strength and given to vehement war: but the command is with thee; so consider what thou wilt command." She said: "Kings when they enter a country despoil it and make the noblest of its people its meanest: thus do they behave. "But I am going to send him a present and (wait) to see with what (answer) return (my) ambassadors." (The Quran 27:29-35)

She said: "O my Lord! I have indeed wronged my soul: I do (now) submit (in Islam) with Solomon to the Lord of the Worlds." (The Quran 27:44).

²⁸ And give the women (on marriage) their dower as a free gift; but if they of their own good pleasure remit any part of it to you take it and enjoy it with right good cheer. (The Quran 4:4)

O ye who believe! ye are forbidden to inherit women against their will. Nor should ye treat them with harshness that ye may take away part of the dower ye have given them except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing and Allah brings about through it a great deal of good.

But if ye decide to take one wife in place of another, even if ye had given the latter a whole treasure for dower take not the least bit of it back: would ye take it by slander and a manifest wrong?

And how could ye take it when ye have gone in unto each other and they have taken from you a solemn covenant? (The Quran 4:19-21)

O prophet! We have made lawful to thee thy wives to whom thou hast paid their dowers; and those whom thy right hand possesses out of the prisoners of war whom Allah has assigned to thee; and daughters of thy paternal uncles and aunts and daughters of thy maternal uncles and aunts who migrated (from Mecca) with thee; and any believing woman who dedicates her soul to the Prophet if the Prophet wishes to wed her this only for thee and not for the Believers (at large); We know what We have appointed for them as to their wives and the captives whom their right hands possess in order that there should be no difficulty for Thee. And Allah is Oft-Forgiving Most Merciful. (The Quran 33:50)

O ye who believe! When there come to you believing women refugees examine (and test) them: Allah knows best as to their Faith: if ye ascertain that they are Believers then send them not back to the Unbelievers. They are not lawful (wives) for the Unbelievers nor are the (Unbelievers) lawful (husbands) for them. But pay the Unbelievers what they have spent (on their dower). And there will be no blame on you if ye marry them on payment of their dower to them. But hold not to the guardianship of unbelieving women: ask for what ye have spent on their dowers and let the (Unbelievers) ask for what they have spent (on the dowers of women who come over to you). Such is the command of Allah: He judges (with justice) between you: and Allah is Full of Knowledge and Wisdom.

And if any of your wives deserts you to the Unbelievers and ye have an accession (by the coming over of a woman from the other side) then pay to those whose wives have deserted the equivalent of what they had spent (on their (dower): and fear Allah in Whom ye believe. (The Quran 60:10-11)

This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers but chaste women among the People of the Book revealed before your time when ye give them their due dowers and desire chastity not lewdness nor secret intrigues. If anyone rejects faith fruitless is his work and in the Hereafter he will be in the ranks of those who have lost (all spiritual good). (The Quran 5:5)

A divorce is only permissible twice: after that the parties should either hold together on equitable terms or separate with kindness. It is not lawful for you (men) to take back any of your gifts (from your wives) except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah there is no blame on either of them if she give something for her freedom. These are the limits ordained by Allah; so do not transgress them. If any do transgress the limits ordained by Allah such persons wrong (themselves as well as others). (The Quran 2:229)

There is no blame on you if ye divorce women before consummation or the fixation of their dower; but bestow on them (a suitable gift) the wealthy according to his means and the poor according to his means; a gift of a reasonable amount is due from those who wish to do the right thing.

And if you divorce them before consummation but after the fixation of a dower for them then the half of the dower (is due to them) unless they remit it. Or (the man's half) is remitted by him in whose hands is the marriage tie; and the remission (of the man's half) is the nearest to righteousness. And do not forget liberality between yourselves. For Allah sees well all that ye do. (The Quran 2:236-237)

²⁹ The Quran, Al-Nisa ((4:4)).

³⁰ The Quran, Al-Nisa (4:19-21). Al-Baqarah (2:229).

³¹ The Quran Al-Ahzab (33:50).

³² The Quran, Al-Mumtahinah (60:10-11).

³³ The Quran, Al-Baqarah (2:236-237).

³⁴ So if a husband divorces his wife (irrevocably) he cannot after that remarry her until after she has married another husband and he has divorced her. In that case there is no blame on either of them if they reunite provided they feel that they can keep the limits ordained by Allah. Such are the limits ordained by Allah which He makes plain to those who understand.

When ye divorce women and they fulfill the term of their (*`iddat*) either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them or to take undue advantage; if anyone does that He wrongs his own soul. Do not treat Allah's Signs as a jest but solemnly rehearse Allah's favors on you and the fact that He sent down to you the Book and Wisdom for your instruction. And fear Allah and know that Allah is well acquainted with all things.

When ye divorce women and they fulfill the term of their (*`iddat*) do not prevent them from marrying their (former) husbands if they mutually agree on equitable terms. This instruction is for all amongst you who believe in Allah and the Last Day. That is (the course making for) most virtue and purity amongst you and Allah knows and ye know not. (The Quran 2:230-232)

There is no blame on you if ye divorce women before consummation or the fixation of their dower; but bestow on them (a suitable gift) the wealthy according to his means and the poor according to his means; a gift of a reasonable amount is due from those who wish to do the right thing.

And if ye divorce them before consummation but after the fixation of a dower for them then the half of the dower (is due to them) unless they remit it. Or (the man's half) is remitted by him in whose hands is the marriage tie; and the remission (of the man's half) is the nearest to righteousness. And do not forget liberality between yourselves. For Allah sees well all that ye do. (The Quran 2:236-237)

O ye who believe! when ye marry believing women and then divorce them before ye have touched them no period of *`iddah* have ye to count in respect of them: so give them a present and set them free in a handsome manner. (The Quran 33:49)

O Prophet! when ye do divorce women divorce them at their prescribed periods and count (accurately) their prescribed periods: and fear Allah your Lord: and turn them not out of their houses nor shall they (themselves) leave except in case they are guilty of some open lewdness. Those are limits set by Allah: and any who transgresses the limits of Allah does verily wrong his (own) soul: thou know not if perchance Allah will bring about thereafter some new situation.

Thus when they fulfill their term appointed either take them back on equitable terms or part with them on equitable terms; and take for witness two persons from among you endowed with justice and establish the evidence (as) before Allah. Such is the admonition given to him who believes in Allah and the Last Day. And for those who fear Allah He (ever) prepares a way out. (The Quran 65:1-2)

³⁵ "The child is attributed to the one on whose bed it is born," Bukhari and Muslim, al-Qaradawi, Y., "The Lawful and the Prohibited in Islam," American Trust Publications, p.222.

³⁶ al-Qaradawi, Y., "The Lawful and the Prohibited in Islam," American Trust Publications, p.222.

And for those who launch a charge against their spouses, and have (in support) no evidence but their own, - their solitary evidence (can be received) if they bear witness four times (with an oath) by God that they are solemnly telling the truth; And the fifth (oath) (should be) that they solemnly invoke the curse of God on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) By God, that (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of God on herself if (her accuser) is telling the truth. (The Quran 24:6-9)

³⁷ http://en.wikipedia.org/wiki/Parental_testing
"Probability of Paternity" Dr. Ron Ostrowski, UNC Charlotte

³⁸ Let the women live (in *'iddah*) in the same style as ye live according to your means: annoy them not so as to restrict them. And if they carry (life in their wombs) then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring) give them their recompense: and take mutual counsel together according to what is just and reasonable. And if ye find yourselves in difficulties let another woman suckle (the child) on the (father's) behalf.

Let the man of means spend according to his means: and the man whose resources are restricted let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty Allah will soon grant relief. (The Quran 65:6-7)

The mothers shall give suck to their offspring for two whole years if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child. An heir shall be chargeable in the same way if they both decide on weaning by mutual consent and after due consultation there is no blame on them. If ye decide on a foster-mother for your offspring there is no blame on you provided ye pay (the mother) what ye offered on equitable terms. But fear Allah and know that Allah sees well what ye do. (2:233)

For divorced women maintenance (should be provided) on a reasonable (scale). This is a duty on the righteous. (The Quran 2:241)

³⁹ O Prophet! when ye do divorce women divorce them at their prescribed periods and count (accurately) their prescribed periods: and fear Allah your Lord: and turn them not out of their houses nor shall they (themselves) leave except in case they are guilty of some open lewdness. Those are limits set by Allah: and any who transgresses the limits of Allah does verily wrong his (own) soul: thou knowest not if perchance Allah will bring about thereafter some new situation. (The Quran 65:1)

O ye who believe! when ye marry believing women and then divorce them before ye have touched them no period of *'iddah* have ye to count in respect of them: so give them a present and set them free in a handsome manner. (The Quran 33:49)

Divorced women shall wait concerning themselves for three monthly periods nor is it lawful for them to hide what Allah hath created in their wombs if they have faith in Allah and the Last Day. And their husbands have the better right to take them back in that period if they wish for reconciliation. And women shall have rights similar to the rights against them according to what is equitable; but men have a degree (of advantage) over them and Allah is Exalted in Power Wise. (The Quran 2:228)

Such of your women as have passed the age of monthly courses for them the prescribed period if ye have any doubt is three months and for those who have no courses (it is the same): for those who carry (life within their wombs) their period is until they deliver their burdens: and for those who fear Allah He will make their path easy. (The Quran 65:4)

If any of you die and leave widows behind they shall wait concerning themselves four months and ten days: when they have fulfilled their term there is no blame on you if they dispose of themselves in a just and reasonable manner. And Allah is well acquainted with what ye do.

There is no blame on you if ye make an offer of betrothal or hold it in your hearts. Allah knows that ye cherish them in your hearts: but do not make a secret contract with them except in terms honorable nor resolve on the tie of marriage till the term prescribed is fulfilled. And know that Allah knows what is in your hearts and take heed of Him; and know that Allah is Oft Forgiving Most Forbearing. (The Quran 2:234-235)

So if a husband divorces his wife (irrevocably), he cannot after that remarry her until after she has married another husband and he has divorced her. In that case there is no blame on either of them if they reunite provided they feel that they can keep the limits ordained by Allah. Such are the limits ordained by Allah which He makes plain to those who understand. (The Quran 2:230)

When ye divorce women and they fulfill the term of their (*'iddat*), do not prevent them from marrying their (former) husbands if they mutually agree on equitable terms. This instruction is for all amongst you who believe in Allah and the Last Day. That is (the course making for) most virtue and purity amongst you and Allah knows and ye know not. (The Quran 2:232)

Let the women live (*in 'iddah*) in the same style as ye live according to your means: annoy them not so as to restrict them. And if they carry (life in their wombs) then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring) give them their recompense: and take mutual counsel together according to what is just and reasonable. And if ye find yourselves in difficulties let another woman suckle (the child) on the (father's) behalf. (The Quran 65:6)

⁴⁰ Sabiq, As-Sayyid, "Fiqh us-Sunnah, - Supererogatory Prayers" Volume II, American Trust Publications, 1992, p.55.

⁴¹ Sabiq, As-Sayyid, "Fiqh us-Sunnah, - Supererogatory Prayers" Volume II, American Trust Publications, 1992, p.56.

⁴² Wikipedia contributors, "Women as imams," Wikipedia, The Free Encyclopedia, http://en.wikipedia.org/w/index.php?title=Women_as_imams&oldid=296662336 (accessed June 16, 2009).

⁴³ Ibn Majah (*Kitab iqamat is-salat was-sunnati fiha*) #1134, narrated through Jabir ibn Abdullah: "A woman may not lead a man in Prayer, nor may a Bedouin lead a believer of the Muhajirun or a corrupt person lead a committed Muslim in Prayer." Yusuf al-Qaradawi, states that "The eminent scholars of Hadith say that the chain of reporters of this hadith is extremely weak, and hence, it is not to be taken as evidence in the question in hand."

⁴⁴ Umm Waraqa's hadith tells of a woman who was well versed in the Qur'an and was asked by the Prophet to lead a prayer and gave her, her own mu'ahdhin. Use of the word "Dar" in the hadith when speaking of where the prayer was held causes people to split in their interpretations of the hadith. A general interpretation of the word is "area", constituting the community around where Umm Waraqa lived. This idea is not accepted by many scholars. The other interpretation of "Dar" means household, saying prayers were led in Umm Waraqa's home. Who was she leading? Imam Zaid presents three possibilities; she was leading the two servants of her household and the mu'ahdhin, the women of her surrounding "area", and only the women of her household. All of these possibilities are based on great assumption, but the most accepted is that Umm Waraqa was leading the women of her household. (Wikipedia contributors, "Women as imams," Amina Wadud suggests that the aforementioned Umm Waraqah hadith is interpreted to apply to her town rather than to her household alone. Wikipedia, The Free Encyclopedia, http://en.wikipedia.org/w/index.php?title=Women_as_imams&oldid=296662336 (accessed June 16, 2009).

⁴⁵ O Consorts of the Prophet! ye are not like any of the (other) women: if ye do fear (Allah) be not too complaisant of speech lest one in whose heart is a disease should be moved with desire: but speak ye a speech (that is) just. (The Quran 33-32)

O prophet! tell thy wives and daughters and the believing women that they should cast their outer garments over their persons (when abroad): that is most convenient that they should be known (as such) and not molested: and Allah is Oft-Forgiving Most Merciful. (The Quran 33:59)

And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands their fathers their husbands' fathers their sons their husbands' sons their brothers or their brothers' sons or their sisters' sons or their women or the slaves whom their right hands possess or male servants free of physical needs or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! turn ye all together towards Allah that ye may attain Bliss. (The Quran 24:31)

⁴⁶ Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and Allah is well acquainted with all that they do (The Quran 24:30)

⁴⁷ O prophet! tell thy wives and daughters and the believing women that they should cast their outer garments over their persons (when abroad): that is most convenient that they should be known (as such) and not molested: and Allah is Oft-Forgiving Most Merciful. (The Quran 33:59)

And say to the believing women that they should lower their gaze and guard their modesty (*faraj*); that they should not display their beauty and ornaments (*zeenat*) except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms (*joyoob*) and not display their beauty (*zeenat*) except to their husbands their fathers their husbands' fathers their sons their husbands' sons their brothers or their brothers' sons or their sisters' sons or their women or the slaves whom their right hands possess or male servants free of physical needs or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! turn ye all together towards Allah that ye may attain Bliss. (The Quran 24:31)

⁴⁸ Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and Allah is well acquainted with all that they do (The Quran 24:30)

⁴⁹ Successful indeed are the believers ----- Who protect their *faraj* (protect their private parts, abstain from sex), except with those joined to them in the marriage bond, or (the captives) whom their right hands possess,- for (in their case) they are free from blame. (The Quran 23:1, 5-6)

⁵⁰ Who protect their *faraj* (protect their private parts, abstain from sex), except with those joined to them in the marriage bond, or (the captives) whom their right hands possess,- for (in their case) they are free from blame. (The Quran 23:5-6)

⁵¹ El Fadl, K. M. A, "Conference of the Books," University Press of America, New York, 2001, pp. 292-293.

⁵² al-Qaradawi, Y., "The Lawful and the Prohibited in Islam," American Trust Publications, pp.159-160.

⁵³ al-Qaradawi, Y., "The Lawful and the Prohibited in Islam," American Trust Publications, p.159.

⁵⁴ El Fadl, K. M. A, "Conference of the Books," University Press of America, New York, 2001, pp. 293, 296.

⁵⁵ El Fadl, K. M. A, "Conference of the Books," University Press of America, New York, 2001, pp. 295-297.