

A STUDY OF ISLAMIC HERSTORY: OR HOW DID WE EVER GET INTO THIS MESS?

To the memory of my mother, Yusra Midāni, who was an active, independent, and capable Muslim woman

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To write about 'Women and Islam' is to write about a host of issues only one of which is 'the Status of Women in Islam'. For Islam and Women have shared an enduring though often turbulent relationship throughout the patriarchal upheavals of the past 1400 years in the Arab World. To comprehend this relationship fully, we must comprehend first the socio-political conditions affecting women in the Arab peninsula before the rise of Islam, and the subsequent impact of Islam upon the lives of these women, as well as upon society as a whole. We also need to comprehend the dynamics of rising Patriarchy in the Arab World during the era of Jahiliyyah, and the ensuing power struggles among various patriarchal factions. These struggles raged for many centuries destroying most notably the original Khilāfah (Caliphate) system, the Umayyad State and the Abbaside State. It finally brought about the decline of Arab civilization, paving the way for Western colonization.

Some argue that Islam is essentially a variation of patriarchal ideology. Others argue that Islam is above any worldly ideology, including Patriarchy; for, as the word of God, it transcends all ideology. Among these, we can distinguish two groups: those who believe that Islam as it is today is fair and just to women, and those who believe that Islam *as it is practised today* is utterly patriarchal, but that *true* Islam is not. This latter group upholds the position that Islam is not only different from Patriarchy, but that through an historical process of co-optation, Patriarchy was able to devour Islam and quickly make it its own after the death of Prophet Muhammad.¹ I should like to lend some credence to this last view regardless of whether one believes that Islam transcends all ideology. I shall not attempt to provide in this article a detailed and profound study of the relation of Women to Islam, or of Patriarchy to Islam, simply because such a study requires nothing less than rewriting Arab history from a feminist perspective. However, I do intend to provide some preliminary data to that end. It is best to approach this rich and complicated topic by focusing first on the relation between Islam and Patriarchy.

¹ Many, though not all, traditionalist Muslims uphold the view that Islamic tradition as it stands is just and fair to women. See, for example, *The Islamic View of Women and the Family* by Muhammad Abdul-Rauf, published by Speller, New York (1977). For the view that Islam as it is practised is patriarchal, see *As-Sufur wal Hijab* by Nazirah Zein Ed-Din of which a section is included in this collection.

THE AGE OF JAHILIYYAH

The word 'Jahiliyyah' comes from 'jahl' or ignorance. Thus the age of Jahiliyyah refers to an age of ignorance existing in the pre-Islamic Arab peninsula. It is unclear what time span is covered by that age. Sometimes it covers all pre-Islamic Arab history, but more often it refers only to the last century before Islam.²

In either case, it is a mistake to conclude from this designation, as some have, that the age of Jahiliyyah refers to an age of barbarism. It is an established historical fact that certain parts of the pre-Islamic Arab peninsula knew civilizations comparable or superior to others existing at that time. Suffice it to say that the kingdom of Sheba in the South, was well known for its sophisticated technology and civilization. Among its technological feats was the famous dam of Ma'reb. True, the kingdom of Sheba reached its zenith by the sixth and fifth centuries B.C., and was destroyed long before Islam. However, less impressive civilizations continued to thrive in that area; and right before the dawn of Islam, the art of poetry among the bedouins in the North had reached its highest form ever in Arab history. Indeed, much of our information about that period of Arab history is rooted in these ancient literary sources.

Only compared to the age of Islam, did Arabs judge the pre-Islamic age as that of ignorance. On the whole, women should not have a problem with this judgement since there is an overwhelming amount of evidence indicating that at least the most recent pre-Islamic era in the northern part of the peninsula was viciously patriarchal.

This might come as a surprise to many who have heard both of matriarchal pre-Islamic trends in that region, and of patriarchal Islam. So let me first introduce some of these matriarchal characteristics to those unfamiliar with them. Then I shall develop and defend my argument.

The northern people of Jahiliyyah built shrines for goddesses. The most famous among them were: al-Lāt, al-Uzzah and Manāt. They were referred to as God's daughters (Mahmasāni, 1965; pp. 38–39). However, these and other gods were part of a hierarchy topped by one major God. They were not worshipped, since only God was. Their role was to advise and intercede with God on behalf of their followers. They were so influential in that role that they were mentioned both in the Qur'ān and by the prophet.

But to see too much in this fact is a mistake. The existence of these goddesses does not indicate the existence of some form of Matriarchy in the peninsula then. However, it does very possibly hint at an ancient matriarchal culture of which these practices were traces.³

There are other such hints and traces among the northern Arabs of Jahiliyyah. Some of their tribes were matrilineal as well as matrilocal. Some of the women seemed to be possessed of self-determination in sexual and other matters. They joined combat, said poetry, and conducted business. Others were sought by their tribes for the wisdom of their advice.

In sexual matters, women could not only choose their husbands and divorce them at will under some non-patriarchal forms of marriage, but they could also marry more than one man simultaneously (Mahmasāni, 1965; pp. 64–65). However, we are talking here about practices that were the exceptions to the patriarchal rule of marriage. Indeed, some writers studying these forms found them 'strange' and theorized (correctly I believe) that they were traces of an older, defunct Matriarchy (Mahmasāni; pp. 64–65).

² On this, and subsequent historical discussion, I have relied mainly on the unabridged version of *Tarīkh el-'Arab*, Vol. I by P. Hitti, translated by E. Jirji and edited by J. Jabbour, published by Dar el-Kash·shāf, Beirut, Lebanon (1949).

³ Mahmasāni also suggests this possibility on pp. 47, 64.

Among the famous women warriors were Naseebah al-Maziniah and Azdah Bint el-Ḥarith Bint Kanadah who fought with the prophet at the dawn of Islam, and Hind Bint Rabi'ah who fought against him. Among the famous women poets are al-Khansa', and Um-Jandab. But the most famous business woman was Khadijah Bint Khuwailed, who gave the prophet his first job, sending him to trade in Damascus when he was only twelve. (She later proposed to him in marriage and he accepted.) And finally, among the wise women we know of Suḥur Bint Lukman and Jum'a Bint Habis al-Ayadi.⁴ Taken out of context, these facts could lead to the erroneous conclusion that women were possessed of their rights in pre-Islamic Jahiliyyah. So let me now provide additional information to complete this picture.

The northern Arabs of Jahiliyyah practised femal infanticide. It was prompted by one of two reasons: poverty or fear of shame (Mahmasāni; pp. 54–56). In the first case, some Arabs like Sa'sa'a Bin Najiah and Zeid Ibn Amrou Bin Nufayl, used to offer to buy these female infants from their fathers to save their lives. Sometimes, male infants were eliminated for this reason also, although only after there were no daughters left.

In the second case, Arabs feared the raids of other Arab tribes during which their own daughters may be captured. Upon capture, these women were treated as slaves, their prior marriages became void, and the victors had sexual relations with them until they were freed by their own tribe.

Three tribes famous for killing their daughters for fear of shame are: Tamīm, Rabī'ah and Kindah. The story goes (Mahmasāni; pp. 54–56) that the daughter of Qais Bin 'Assem, a leader of the tribe of Tamīm, was captured by the soldiers of Nu'man Bin al-Munther. Later, when she had the opportunity to choose between her husband and captor, she chose the latter, even though the choice meant the renunciation of her rank in her tribe and the acceptance of slavery. Her father was so scandalized by her choice that he killed every female infant born to him after that incident. A similar incident is said to have occurred in the tribe of Rabī'ah, leading to a similar response.

But these incidents of female infanticide were becoming less frequent by the dawn of Islam. By then, supposedly, one out of eleven engaged in that practice. Again, one must not hasten to see the decline of Patriarchy in this fact. On the contrary, by that time many Arab men had discovered that selling their daughters for a large dowry was much more profitable than burying them in the ground (Mahmasāni; pp. 54–56). This in itself reveals a heightened sense of economic pragmatism that was absent among the tribes in earlier times. It can be regarded as one indicator of the socio-economic transformation that was sweeping the peninsula just prior to Islam. Another indicator, is that by the time of the Umayyad Caliphate, only a few decades after the death of the prophet, the economy had replaced barter with money (Mahmasāni; p. 83). The shift from a use-value economy to an exchange-value economy was complete.

Another fact about Jahiliyyah was that the man could marry up to 100 women. His wives would become part of the inheritance upon his death.⁵ His son would then have the choice of marrying them (except his mother), incarcerating them until they give up any property they

⁴ The subsequent discussion of famous women was enlightened by the work of Widād Sakakīni, a Syrian woman who wrote *Insāfel-Mar'ah*, Thabat Press, Damascus, Syria (1950) and by *A' Alām el-Nisa'* by Omar Rida Kah-haleh, Riṣālah Institute, Beirut, Lebanon (1977). Sakakīni's work is especially interesting because it is written from a critical point of view, calling for the return of Arab women to the original active and independent way of life.

⁵ This and subsequent facts came mainly from al-Afaghāni, Saīd, *Al-Islam wal Mar'ah*, part I, Ch. 2, pp. 21–29. Tarakki Press, Damascus, Syria. (1945).

may have in exchange for freedom, or marrying them off to another male and pocketing the dowry. (In the Arab peninsula the dowry was paid by the man to the family of his wife. The price was often a number of camels or horses.)

Women were not allowed to inherit. They accumulated their scanty property from trading such items as chickens, milk and eggs. Still, that scanty property was subject to the husband's control.

Finally, as Arab men discovered the value of live daughters, some of them forced them into prostitution.

The totality of data so far is not only interesting, but also disconcerting. Relatively independent women seem to have been living side by side with hopelessly enslaved ones. What are we to make out of this evidence?

THE PATRIARCHAL TAKEOVER

If we are willing to accept the reasonable assumption that the evidence presented earlier indicates traces of a defunct matriarchal culture, then the history of the Arab peninsula could be viewed as one of a dynamic struggle between the forces of Matriarchy and Patriarchy extending over a period of hundreds of years. By the late Jahiliyyah, while Patriarchy was supreme, it had still not wiped out some pockets of 'matriarchal' resistance and some ancient practices. But that seemed to be only a matter of time. How did women lose their status in the peninsula? Or how did Patriarchy take over?

One common answer to this question is the following⁶: the life of the bedouin in the desert was a rough one, surrounded with dangers and hardships. Women weakened by childbearing and rearing could not fight. But since fighting was the most important task of the individual in that society, it followed that women were held in lower esteem. This gave rise to Patriarchy.

Yet we have reason to believe that Matriarchy did exist in the ancient past. Given this argument, Matriarchy could have existed only if the desert was milder, women stronger or values different. Since we have no evidence for the first two possibilities, the third becomes most likely. But to claim that values changed is not to explain the rise of Matriarchy. It is only to describe one of its stages.

Perhaps a clue could be found by examining the surrounding cultures, many of which were agricultural and originally worshipped female gods. These cultures were tied to the Arabs of the desert by trading routes. As time passed several things happened: the surrounding cultures became increasingly patriarchal under Byzantine and Persian influence. Also the trading routes transmitted these changes to the Arabs of the desert whose rough style of life was well suited for this change. At the same time, I propose, these same trading routes were importing into the desert some rudimentary technology, especially the war related kind like arrows and swords.

There is some evidence to indicate that Arab men adopted these tools and developed them while limiting the women's access to them. So that while women were busy weaving, herding and rearing, men were developing and expanding the material basis for their later take-over through the technologies of war and trade.⁷

⁶ Such an argument was implied by Mahmasāni, p. 46. I have heard many present day Arabs articulate it.

⁷ For more on the role of technology in the rise of Patriarchy, and on the origins of both, see my 'Capitalism is an Advanced Stage of Patriarchy; But Socialism is Not Feminism', in *Women and Revolution*, Lydia Sargent, ed., South End Press, Boston (1981).

Note here that something similar to what is going on today in Third World countries may have gone on then. Patriarchal societies in possession of technological know-how may have preferred to pass this knowledge to and trade with the Arab males of the northern part of the peninsula, as opposed to the females. If this observation is correct then the founding of a patriarchal base in the north of the Arab peninsula would have been extremely facilitated.

I began suspecting the role of technology in establishing Patriarchy in that region while I was reading passages about the feats of Arab women warriors. First of all, they did not lack courage or strength. The following story about Khawlah Bint al-Azwar al-Kindiyah is especially enlightening (Kah·haleh, 1977; Vol. 1, pp. 374–380). It is said that during a battle against the Byzantines the leader of the Arabs, Khaled Ibn al-Walīd, saw a tall imposing knight draped in black fighting with unprecedented courage. The knight penetrated the lines of the Byzantines with sword in hand. The rest of the Arab soldiers followed him thinking he was their leader Khaled. After the battle was over, Khaled approached the knight asking him to identify himself. After much reluctance the knight said ‘I am Khawlah al-Kindiyah, sister of Dirar Ibn al-Azwar, descendants of Arab kings. I only avoided you out of modesty for I am a woman of rank and honor. I came to you *with the Arab women* to strengthen you in your fight’ [emphasis added].

The story exhibits the fine calibre of Arab women warriors when given the opportunity. It also indicates that other Arab women came with Khawlah for the fight. In fact, many of the stories about Arab women repeatedly express their dissatisfaction in being excluded from war, and emphasize the fact that they materialized at the battle field given the slightest excuse. And why not, if a lost battle meant their enslavement?

But the most striking fact about Arab Women warriors, is that they tended, with high regularity, to attack several enemies all at once with the posts of their tents. For example, Asma’ Bint Yazīd al-Ansariah killed nine Byzantine soldiers with the post of her tent, and Um Hakīm Bint Harith al-Makhzoumieh killed seven. Even Khawlah Bint al-Azwar resorted to the post of a tent (Kah·haleh, 1977; Vol. 1, pp. 68, 281, 380). The circumstances of this incident are again enlightening.

In the battle of Sabḥura, near Damascus, Khawlah was finally captured. She found herself in captivity with other Arab women, so she stood among them and asked, ‘Do you accept the Byzantines as your masters, are you willing for your children to be the slaves of the Byzantines? Where is your *famed courage and skill* which has become the talk of the Arab tribes as well as the cities?’ [emphasis added]. She was answered by Afra’ Bint Ghifar al-Ḥumayriah ‘You have said the truth . . . We are as courageous and as skilled as you described. But in such cases a sword is quite useful, and we were taken by surprise, like sheep, unarmed.’ Khawlah answered ‘Take the posts and stakes of your tents and fight with them. Perhaps God will help us win and save us from shame among the Arabs.’ So each woman took one post, they formed a circle clinging closely to each other. They fought and won their freedom (Kah·haleh, 1977; Vol. 1, pp. 379–380).

Thus fighting with the post of a tent seems to indicate the lack of arms; and Arab women often fought with tent posts. The men fought with swords. This in turn indicates some sort of a power monopoly that was soon to have its impact on the whole Arab tribal life style. Nevertheless, rarely in the annals of ancient Arab history have I seen stories attributing physical or mental inferiority to women. In that I am in partial agreement with Fatima Mernissi who argues, in *Beyond the Veil*, that the whole Islamic (and I add, Jahiliyyah) system was ‘based on the assumption that the woman is a powerful and dangerous being’ which must be contained (Mernissi, 1975; p. xvi).

In light of these facts the claim that the Arab woman lost her earlier status because of her physical (or mental) inferiority seems unsubstantiated and false. It goes against the grain of Arab culture and history.

The major feature of the new patriarchal order was the development of a new tribal power structure totally based on patrilineage.

Within the family unit, the father became the uncontested and absolute ruler. The wives and daughters were referred to interchangeably as slaves. (This fact makes the choice of the daughter of Qais Ibn 'Assem to remain with her captor seem less drastic.) He could sell his wives or children, kill them or incarcerate them. He could expel a son out of his house, exposing him to certain death without the protection of his tribe.

The tribe as a whole was itself defined on the basis of patrilineage. All paternal uncles and their descendants belonged to the same tribe whose head was the absolute ruler. In case of war, tribes sought help from their paternal relatives. Only on rare occasions did they turn to the maternal ones for help. For, in cases of exogamous marriages, that usually meant appealing to a 'foreign tribe' for help.

Since the tribe was the highest political, economic, military and legal authority, without which the individual had no significance whatsoever, it followed that the 'paternal bond' became the supreme bond in the society of Jahiliyyah permeating all its facets, and founding all power within it. It became the core and essence of that patriarchal system.

THE DAWN OF ISLAM

Male Muslim writers have seized every opportunity to remind Arab women of the various ways in which Islam, from its very inception, sought to defend the rights of women and improve their stature. Some of Islam's contributions in this matter are:⁸

- (1) Islam prohibited males from expelling menstruating women from their homes, and from refusing to eat from the same pot with them.
- (2) Islam limited the period of time a man can deny his wife sexual relations with him to four months. Men used to leave their wives for years without divorcing them. Under the new law they became automatically divorced after the four month period passed.
- (3) Islam prohibited women from the practice of mourning their husbands for one full year. During that year women wore their worst clothing, avoided perfumes and, on the whole, made their lives miserable.
- (4) Islam limited the number of wives.
- (5) Islam gave both women and children a set share in the inheritance.
- (6) Islam prohibited the practice of inheriting women along with property, and of incarcerating such women in exchange for their property.
- (7) Islam prohibited sons from marrying their fathers' wives after their death, or of marrying two sisters at once.
- (8) Islam prohibited forcing women to engage in prostitution.
- (9) Islam made female infanticide a crime against God.
- (10) Islam prohibited Muslim men from taking Muslim women prisoners of war.
- (11) Islam made killing women a crime equal to that of killing men.
- (12) Islam made education and learning equally the duty of both male and female.

⁸ This list came mainly from Kah·haleh's *Al-Mar'ah* Vol. VI, pp. 7-8. Risalah Institute, Beirut, Lebanon (1978).

- (13) Islam declared null and void any marriage to which the woman did not consent.
 (14) Islam made the dowry the property of the woman, not of her father or later her husband.

So many other changes were also introduced that Omar Ibn al-Khattab is known to have said, 'By God, we did not use to pay attention to women in Jahiliyyah until God said about them in the Qur'ān what is said, and gave them their share in matters' (Al-Afaghāni, 1945; p. 24).

The Prophet himself made several interesting statements concerning women. For example, he explained to men the importance of foreplay in lovemaking, saying 'Don't fall upon your wife like an animal does. Send a messenger between you first.' His listeners asked 'What messengers?' He answered 'Kisses and words' (Al-Ghazālī, Vol. 2, p. 46).⁹

The Prophet also designated his wife, 'Aisha, a religious authority when he said 'Take half of your religion from this ruddy-complexioned woman' (Sakakīni, 1950; 128). After his death she continued to be regarded as the leading religious authority, and thus played a major role in subsequent developments in Islam.

Among the other sayings of the Prophet (Al-Afaghāni, 1945):

'He who honors women is honorable, he who insults them is lowly and mean' (p. 55).

'Treat your children equally. However, were I to favor some of them over others, I would favor the females' (p. 58).

'He who has a female infant and he does not bury her alive, does not insult her, and does not prefer his sons over her, will be ushered by God into paradise' (p. 59).

On his deathbed, the Prophet uttered among his last words

'I urge you to treat women kindly. They are a trust in your hands. Fear God in His trust' (Ibn Yazīd, Vol. 1, p. 594).¹⁰

All these are well known facts to any good Muslim. However the major contribution of Islam towards the ultimate defeat of Patriarchy does not lie in any such list of reforms. Rather, it lies in the fact that Islam replaced the 'paternal bond' of Jahiliyyah totally by the religious bond within which everyone—male or female, black or white, young or old, rich or poor—is equal.

By doing that Islam struck at the heart of the patriarchal system. Tribal allegiances were weakened, with brother fighting brother for the faith. New allegiances appeared based on moral and religious principles instead of patrilineage.

At the same time the prophet stressed the 'womb's bond' and made it a duty upon the Muslim to honor it. When once asked whom should a son honor and befriend most, the Prophet answered 'Your mother, then your mother, then your mother, then your father' (Al-Afaghāni; p. 54).

The problem with the propagation of Islam in such a hostile milieu is that it could not have survived without an infinite amount of flexibility and adaptability. Thus the prophet had to resort to a variety of compromises and tactics to achieve his end.

⁹ Al-Ghazālī, Abu Hāmid, recent edition, 1958. *Ihya' Ulūm ed-Dīn*, Vol. II, p. 46, Halabi Press, Cairo, Egypt. This is a classical Islamic work. It remains to this very day a basic source of information and knowledge.

¹⁰ Ibn Yazīd, Muhammad (also known as Ibn Mājah), recent edition, 1953. *Sunan*, Vol. I, p. 594, Halabi Press, Cairo, Egypt. This is also another classical Islamic work.

A devout Muslim might find such claim repugnant, since the truths of God as stated in the Qur'ān are eternal and unchanging.

However, I would ask this Muslim to reflect upon the concepts of 'al-Nāsekh wal Mansūkh' according to which certain parts of the Qur'ān were superseded by later ones. The justification for these changes was that the latter injunctions were not suitable for the people at the earlier time. Even the Qur'ān clearly states: 'It is part of the Mercy of God that thou dost deal gently with them. Wert thou severe or harsh hearted, they would have broken away from about thee' (*Qur'ān*, III, verse 159).

As Islam consolidated its forces and the society underwent some transitions, it became possible to introduce the later and overriding injunctions. After the death of the Prophet, the 'Ulama' (religious authorities) continued modifying injunctions in accordance with well established criteria. This is what gives Islam its flexibility and adaptability to social and historical change. Thus the prophet, while finely attuned to his milieu, sought to change it subtly and diligently. For example, while acknowledging the Arab's concern with patrilineage, he made marriage and divorce extremely easy for both male and female (see subsequent discussion of this issue).

He also made adultery almost impossible to prove.¹¹ Four witnesses must *see* the male organ inside the female's vagina! Or else the guilty party confesses without coercion, mental stress, or being under the influence of alcohol. If either the witness or the confessing party withdraw their statements, even at the last minute, the charges are dropped.

If a witness accuses someone of adultery falsely, the witness gets eighty lashes. The married adulterer gets one hundred lashes, the single, fifty. This rule applies equally to males and females.

Some claim that the punishment for adultery is stoning to death. This was an old tribal habit not mentioned in the Qur'ān, but only in the ḥadith. The Qur'ān clearly specified one hundred lashes for the married adulterer and half of that for the single.¹²

Another contribution of Islam is that it preserved the Jahiliyyah's view of the female as a capable and active being. Thus, although some women resisted Islam, the majority joined its ranks questioning the Prophet, arguing with him and making demands upon him. On such occasions, they either sent him a representative or a delegation.

Women also participated in Bai'a (the process of confirming a new leader). This meant that as a group (no longer divided by 'paternal bonds') they were now part and parcel of the political process.

With 'Aisha providing a strong leadership after the death of the Prophet, the image of the active, independent and capable woman became the image of the Arab woman during that era.

I do not intend to claim that Prophet Muhammad's record was that of a feminist revolutionary. But he certainly made one brave and successful attempt, at the time, to undercut Patriarchy and to regain for women some of their lost rights.

In exchange for these regained rights, the Prophet worked out a compromise with the powerful patriarchal forces. They were promised paradise for living in accordance with Islam's teachings.

But the tribal 'paternal bond' was too strong to be severed readily and irrevocably. The

¹¹ See for example, Abdullah al-Alāyli's discussion in *Ayn al-khata'* pp. 83-84. Dar al-'Ilm lil-Malayin, Beirut, Lebanon (1978).

¹² For more on this discussion see al-Alāyli pp. 86-88.

patriarchal mentality was equally tenacious. So, after the death of the prophet, many Arabs attempted to return to the old ways. They were called 'al-Murtaddeen'. Muslim military power was immediately used to quash this trend, and the matter was considered closed.

Almost simultaneously, the patriarchal takeover of Islam commenced from inside its male ranks. Since women were still at the early stages of building their power base, they were ultimately unable to stop this turn of the tide. And the whole process of co-optation unfolded in broad daylight.

In one case, the new Khalifah (Caliphate) Omar Ibn el-Khattab spoke at a Friday prayer gathering, not long after the death of the Prophet, suggesting that dowries be reduced to a symbolic sum. An old woman rose from the back of the mosque and objected, 'You shall not take away from us what God has given us.' She then recited the passage in the Qur'ān which gives the woman the right to set her own dowry and keep it as her personal property (a source of economic independence for women). The Khalifah immediately retreated saying, 'A woman is right, and Omar is wrong' (Sakakīni, 1950; pp. 129–130).¹³

But as later attempts intensified, women lost their personal rights. They were also barred from being judges; and till this very day, in some Arab countries women may not engage in business or travel without their husband's written approval. Women were shrouded in black from head to toe and segregated from men. Their voices were not to be heard, so at weddings they developed the characteristic shriek achieved either by placing a knuckle in their mouths or vibrating their tongues—all this in order to express joy in a land where their voices may not be heard. And this was done in the name of Islam!

Interestingly enough, despite all its oppressiveness Islamic Patriarchy continued to view women as capable as well as dangerous beings. Its policies, (such as those of veiling and segregating women) were aimed at containing and restraining female power not at denying it.

With the rise of Western ideology, Arab Patriarchy became infected with the view of women as inferior being. This new view combined with the older policies became extremely oppressive.¹⁴ It prompted many women to return to the patriarchal Islamic movement, which though oppressive, seemed much less humiliating insofar as it regarded them as capable equal beings and treated them accordingly.

However, their return was not totally uncritical. Strengthened by the international feminist movement, and made more valuable by the attendant possibilities for propaganda, Arab women are now being actively wooed by both the Left and the Right; though, neither Left nor Right are willing to pay a high price for the women's support. Yet, women have used their minimal bargaining powers with some success. Within the Islamic groups, this often meant an insistence on the return to the early Islam of Prophet Muhammad.

In the next section, I shall discuss three major problems facing Muslim women, and explicate the role of Patriarchy in creating them. I shall also indicate how these serious problems disappear when we adhere to the clear text of the Qur'ān instead of its confounding patriarchal interpretations.

THREE PROBLEMS

I shall not waste the time of the reader by attacking the most obvious misconceptions about Islam. The more serious problems do not include, for example, the veil. Much has been

¹³ It must be pointed out here that the Khalifah's argument for his proposal was that women were not for sale in Islam.

¹⁴ For more on this see my 'The Status of Women Among the Lebanese and Palestinian Left in Lebanon', forthcoming; also 'Capitalism is an Advanced Stage of Patriarchy.'

written in Arabic on that topic attempting to show the non-Muslim origins of that custom. The more serious problems, I believe, concern the following areas:

1. Polygamy
2. Divorce
3. Supremacy of men over women
4. Bearing Witness
5. Inheritance

Of these, I propose to tackle the first three for reasons of space, although I must confess that I am still working on the issue of bearing witness where the testimony of two females is deemed equivalent to that of a single male (but for more on that see Zein Ed-Dīn).

1. *Polygamy*

According to Muslim tradition, a man may marry up to four wives at any given time. The woman does not seem to have a similar privilege. This has caused much misery for women so let us examine this problem.

First of all, we cannot conclude from the mere fact that the Prophet was polygamous in his later life that Muslim men may also be polygamous. This is because it is stated quite clearly in the Qur'ān that neither the prophet nor his wives are like other men and women (xxxiii, verses 32, 50). For example, while the Prophet encouraged widows and divorcees to remarry, his own wives were not to be remarried after his death. They were considered the 'mothers of all believers', and no believer may marry his mother. However, it must be stated here that as the Prophet grew older he gave his wives the choice to leave and marry another male more fulfilling perhaps of husbandly duties (Al-Afaghāni, 1945; p. 79). All but one wife refused to leave him.

Second, the passage in the Qur'ān which has been used to justify polygamy is the following:

'... Marry women of your choice, two or three or four; but if ye fear that ye shall not deal justly (with them), then only one ...' (IV, verse 3).

Of course, many men married all four wives decreeing that they are dealing justly with them. However, as usual, these males preferred to leave unnoticed another relevant passage in the same sura (chapter). It says:

'Ye are never able to be fair and just among women, even if you tried hard ...' (IV, verse 129).

The implication of the combined passages is now clear:

- (a) If you can be just and fair among women, then you can marry up to four wives.
- (b) If you cannot be just and fair among women, then you may marry only one.
- (c) You cannot be just and fair among women.

(b) and (c) are of the logical form:

$$\begin{array}{l} \text{If } p \text{ then } q \\ \text{and } p \end{array}$$

from which follows

$$q$$

i.e. you may marry only one wife. Furthermore, given (c) the condition for (a) is never satisfied, so that we can never conclude: You may marry up to four wives.

Other Muslim thinkers claimed that the words 'justly' and 'just' occurring in the two Qur'anic passages quoted above have two different meanings! (Mahmasāni, 1965; p. 470).¹⁵ So, they cannot be combined to draw an inference. However, there is no good evidence that there is an equivocation on the meaning of 'just' in these passages. The burden of the proof remains on their shoulders, and so far we (women) are not convinced. It seems rather evident that the whole issue of polygamy is the result of patriarchal attempts to distort the Qur'an in the male's favour.

2. Divorce

Divorce is a momentous act in Islam. But according to tradition, the male can divorce the female at will, while the female has no power to divorce her husband regardless of how miserable she is.

In Islam, the marriage contract is exactly that—a contract made between people. Either side can include in it any conditions desired. One such condition can be that if the groom marries another woman later, the bride will be automatically divorced; or that the woman has the right to divorce her husband at will; or that the husband will be automatically divorced if he does some act specified in the contract—for example, drink alcohol or come home late.

Indeed such conditions have been placed in contracts until this day. Many women insist on having their right to divorce and say so in the contract. I heard of one woman who specified that her marriage will dissolve the minute her husband disobeys her. The husband was so terrified of the possibility that he served his wife's every whim.

Of course, such modified contracts were mostly requested by upper class women with bargaining power. As the economic picture changes in the Arab World, more women will have real alternatives to marriage, and this form of modified contract will become the rule rather than the exception (this has already taken place in Tunisia.) Thus again the oppressive form of the marriage contract we find now in the Arab World was standardized and propagated by Patriarchy to serve its interests.

3. Supremacy of men over women

This view is supported mainly by the following passage in the Qur'an:

'Men are 'qawwamūn' over women in matters where God gave some of them more than others, and in what they spend of their money' (IV, verse 34).

The word 'qawwamūn' is a difficult word to translate. Some writers translate it as 'protectors' and 'maintainers'.¹⁶ However, this is not quite accurate. The basic notion involved here is one of moral guidance and caring.

Many men interpreted the above passage as one which puts men in charge of women's affairs because men were created by God superior to women (in strength and reason), and because they provide for women (they spend their money on them). However, this interpretation, which by the way is the standard one, is (i) unwarranted and (ii) inconsistent with other Islamic teachings.

¹⁵ Mahmasāni presents but refrains from endorsing this.

¹⁶ See for example A. Yusuf Ali's translation, *The Holy Qur'an*, The Islamic Center, Washington, D.C. (1978). It is one of the best English translations. I relied extensively on it for this work, although I sometimes introduced modifications.

Let me first show that (i) the interpretation is unwarranted. To start with, nowhere in the passage is there a reference to the male's physical or intellectual superiority. Secondly, since men are 'qawwamūn' over women in matters where God gave *some* of the men more than *some* of the women, *and* in what the men spend of their money, then clearly men *as a class* are not 'qawwamūn' over women *as a class*.

The conditions of being 'qawwamūn' as specified in the passage are two: (1) that the man be someone whom God gave more in the matter at hand than the woman, and (2) that he be her provider. If either condition fails, then the man is not 'qawwam' over that woman. If both obtain, then all that entitles him to is caring for her and providing her with moral guidance. For, only under extreme conditions (for example, insanity) does the Muslim woman lose her right to self-determination, including entering any kind of business contract without permission from her husband. Yet men have used this passage to exercise absolute authority over women. They also used it to argue for the male's divinely ordained and inherent superiority. It is worth noting that the passage does not even assert that *some* men are inherently superior to *some* women. It only states that in certain matters some man may have more than some woman.

For example, in making a business decision, a wife may find that her knowledge of the market place is inferior to that of many others (she has not been sufficiently involved). If her husband has superior knowledge to hers (in this area), then (and only then) can he be 'qawwam' over her in *this* matter, i.e. guiding her and protecting her interests with full knowledge that the final decision is hers alone. (Note that according to this interpretation no one has the right to counsel a self-supporting woman.) Since Islam emphasizes democracy and enjoins Muslims to consult each other in making decisions, this resolution falls totally within the spirit of Islam.

I shall now show that (ii), the traditional interpretation, is inconsistent with other Islamic teachings. Elsewhere in the Qur'ān we have the following passage:

'The believers, men and women, are "awliya'," one of another' (IX, verse 71).

"Awliya'" means 'protectors', 'in charge', 'guides'. It is quite similar to 'qawwamūn'. How could women be "Awliya'" of men if men are superior to women in both physical and intellectual strength? How could women be in charge of men who have absolute authority over their lives? The last passage clearly places male and female on equal footing. The traditional interpretation raises the man above the woman.

I close this part of the discussion with two quotes and a comment. The first quote is the Prophet's:

'All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a non-Arab, or of a white over a black person *or of a male over a female*. Only God-fearing people merit a preference with God' [emphasis added] (Abdul-Rauf, 1977; p. 21).

The second quote belongs to Nazīrah Zein Ed-Dīn, that Arab feminist who lived in the early 1900's (see her article in this issue):

'What is this unjust law (of veiling) which is permeated with the spirit of tyranny and oppression? *It is in violation of the book of God and his Prophet*, may God bless his soul. This law is the law of the victor, the man who subdued the woman with physical force. *Man tampered with God's book* to make this law. He prided himself on his tyranny and oppression, even as those hurt him, too. He made the law independently, not permitting

the woman to share in a single letter. So, it came out *in accordance with his desires and contrary to the will of God.* [emphasis added] (Zein Ed-Dīn, 1928; p. 140).

Here is the comment: Other problems may be less readily accessible to the kind of solutions suggested above. In those cases it pays to keep in mind that the 'Ulama' have accepted several fundamental criteria for changing laws. Most important, I believe, among those is the one which states that: 'It cannot be denied that laws change as times and places change' (Mahmasāni, 1965; p. 478). It was applied repeatedly in the past, and should be put again to good use.

CONCLUSION

I have attempted to dispel major misconceptions about Women and Islam by providing some historical facts as well as religious arguments. It would have been easier to dismiss the whole question on the basis that religion is a patriarchal tool. However, this is (a) giving too much to Patriarchy, (b) ignoring the sentiments of feminist Muslim women who find the problems raised above very real, and (c) ignoring the task of a woman to correctly understand her own herstory after it has been presented to her from the perspective of the Western colonizer. It is also my duty to bring my indigenous perspective on these issues to my readers, since their access to the original sources is highly limited.

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