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WOMEN IN THE LIGHT OF HADITH

Asghar Ali Engineer

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Muslim Women are often deprived of their rights in the name of hadith. When it is pointed out that it is not keeping with the spirit of Qur'an they point out some hadith and say hadith is authentic and hadith will prevail even if it is not strictly in keeping with the Qur'anic pronouncement. But such people are equally selective in matters of hadith. They quote hadith, which serves their purpose and helps in maintaining man's authority over woman. Here we would like to throw light on those ahadith which are closer to the spirit of the Qur'an and which empower women. Such ahadith are often suppressed or at least not highlighted except by those who believe in justice to women.

Before we take up these ahadith we would like to throw some light on nature and treatment of ahadith. First most important thing in regards to ahadith is that unlike Qur'an there is no unanimity about hadith among Muslims. It is highly controversial area and it is not without grounds. No criteria had to be laid down for Qur'anic text as the Prophet (PBUH) used to recite *vahi* as soon as received and some of his companions used to either memorise it or write it down on palm leaf or camel bone or its skin. So never any controversy arose.

It is not so in respect of ahadith. Ahadith were compiled more than 150 years after the death of the Holy Prophet. Prophet himself never encouraged collecting of ahadith. He was aware of controversies it will give rise to. Similarly Hazrat Abu Bakr and Umar also discouraged collection of ahadith. So not much attention was paid to ahadith until the period of four caliphs.

It was after them that all kinds of political controversies started and Muslims were divided into different groups and subsequently into sects. The Umayyads captured power and to the shock of Muslim Ummah Yazid was nominated as his successor by Amir Mu'awiyah. The Umayyads were conscious of their non-acceptance by Muslims and also the fact that Yazid had brutally killed Imam Husain and his colleagues. So the Umayyads had to somehow win legitimacy and ahadith began to be fabricated. This was one reason why so many ahadith came into existence, which were far from being authentic.

Second reason why large number of ahadith came to be fabricated was that Islam spread to vast non-Arab areas with their distinct cultures and traditions. They had to mould Islamic teachings in their own customary mould. Also many Sahabah (companions of the Prophet) were not available to travel to those areas and spread proper teachings of Islam. This was particularly so in respect of women. Each culture has its own traditions of treating women. It was difficult for those cultures to accept what Qur'an had taught them with respect to women. These were feudal cultures where women were greatly subjugated and patriarchal authority was supreme.

And to give legitimacy to their own customs and traditions over and above ahadith were needed and thus large number of ahadith came into existence. When large number of ahadith came to be fabricated many Jurists and Ulama were alarmed and had to develop science of hadith to separate

authentic from fabricated. This was not easy with passage of time but nevertheless an attempt had to be made.

One of the ways developed was to examine the chain of narrators as to what was the reputation enjoyed by narrators. Were they quite honest and truthful? However, this became most important criteria rather than text of the hadith itself whether it was in keeping with the reason or in keeping with the Qur'anic teachings or not. Thus *riwayat* (what is narrated) became more important than *dirayat* (i.e. reason). Also, if a hadith was narrated by a single narrator it could not be as acceptable as the one narrated by several narrators. Most of the ahadith were judged on these criteria.

Those jurists who lived in Mecca and Madina like Imam Hanbal or Imam Malik used only those ahadith which were considered authentic there and thus used very few ahadith. Imam Abu Hanifa also was very careful in this respect but since he lived in Kufa which was confluence of more than one culture (non-Arabs outnumbering the Arabs) he had to face several other problems which were not faced by Madinese and Meccan jurists.

What is corpus of Shari'ah law which survived had come into existence in largely non-Arab areas and did cast its shadow on the corpus of Shari'ah law and such ahadith about which there was no unanimity were used in its formulation. These sociological aspects cannot be ignored while determining status of women. Thus one has to be very careful while pronouncing our judgment about Shari'ah laws as regards to women.

With these introductory remarks we would like to deal with those ahadith which are more favorable to women than others which reduce women to man's subjugation and then it is justified in the name of hadith. Qur'an has not only given equal dignity but also has recognized woman as an independent entity in her own right, not mere appendage to her parents or husband. However, it is not so with Shari'ah law. She is treated as subject to father's or husband's authority.

Let us begin with creation of Adam and Hawwa. Qur'an nowhere says that Hawwa was created from the rib of Adam and yet we find this in hadith literature and that too in *Sahih Bukhari*. Now it is true this hadith is accepted by Muslims almost unanimously and yet this cannot be the reason for accepting it uncritically. The Qur'an while talking of creation of man and woman says in 4:1 "O people, keep your duty to your Sustainer, Who created you from a single being (*nafs*) and created its mate of the same (kind), and spread from these two many men and women."

According to this verse both man and woman were created from one being and there is no question of one being superior to the other. But this was not acceptable to a culture which was patriarchal and wanted man to be invested with authority over woman. Hence a hadith was needed to sanctify man's authority over woman and this hadith said Hawwa was created from rib of Adam. This belief was more popular among Christians (though it is not stated in Bible also) and was borrowed from there.

In order to make woman subject to male authority it must begin with her origin itself. If it is accepted as revealed in Qur'an that both man and woman were created from the same being and

from the same kind how could one justify superiority of man over woman. Also, unlike Bible Hawwa was not to be blamed for Adam's mistake and it was Adam himself who was to be blamed for defying Allah's fiat.

Thus the Qur'an clearly says "And certainly We gave a commandment to Adam before, but he forgot; and we found in him no resolve (20:115) then again Qur'an says, "And Adam disobeyed his Sustainer, and was disappointed" (20-121). In both these verses Qur'an blames Adam alone and Hawwa is nowhere in picture. Thus it is not Hawwa who, as in popular stories, induced Adam to eat the forbidden fruit. It is again very important verse as to how Qur'an treats woman.

Thus according to Qur'an woman is neither posed against man nor is she his competitor but in Qur'anic philosophy both man and woman complete each other and they are mutual companions, nothing less, nothing more. And according to one hadith the Messenger of Allah said both man and woman are equal in status. Yet our hadith literature is full of ahadith according to which woman is not equal partner but depends on the will of her husband. She has to be obedient to husband and not to do anything not approved by him.

Again according to hadith literature woman is temptress, often misleads man and seduces him and makes him deviate from right path. This is utterly un-Islamic and un-Qur'anic view of woman. And according to some ahadith she will be severely punished if she disobeys her husband and goes out of her home without his permission. She should not go to see even her sick father or mother, if husband has not given her permission.

And in Qur'an even if suckling is to be discontinued for a child it should be done with mutual (husband and wife's) consent. Thus Qur'an says (65:6), "But if both desire weaning by mutual consent and counsel, there is no blame on them." Thus even for weaning mutual consent and counsel is necessary and so woman should be equal partner in all such decision and not only husband.

Many marry off their daughters without her consent or even without consulting her. And it is surprising that even Imam Shafi'i, Maliki or even Hanbali (followers of Imam Hanbal) take such position which is found to be quite weak. Imam Taymiyyah and his disciple Ibn Qayyim did not agree with them and refuted this position. Daughter's consent is a must for her marriage.

According to one hadith the Holy Prophet is reported to have said that if woman becomes head of a state that country will face disaster. A Moroccan sociologist Fatima Merrinisi has shown after meticulous research that this hadith appears thirty years after the death of Prophet (PBUH) and its narrator is one Abu Bakrah who narrated this hadith after the battle of Jamal in which Hazrat A'isha fought against 'Ali. We do not find its narration by others. It is also important to note that Abu Bakra was aspiring for a post in Hazrat Ali's administration. The Prophet had highest regard for women and he can hardly be expected to have said such thing. Also, in a revelation to the Prophet Bilquis (Queen of Shiba) overrules opinion of her court nobles to fight against Solomon rather than make peace with him. Thus Bilquis showed more wisdom than her male nobles.

One thing is to be noted here that our apriori attitudes are reflected in the use of hadith or Qur'anic text. If we are for subordination of women to patriarchal authority we either search for such ahadith – weak or strong- or Qur'anic text by and interpret it the way we want and if we are in favour of women's dignity and equal status we search for hadith or Qur'anic text to suit our attitude.

Then what is the way out? How to determine what is really intended? We have to adopt proper criterion as well as methodology for that. In order to do so first we have to carefully examine the core value system of Islam and then to take other factors social, economic, political and contextual. These factors are contingent, not integral to the core value of Islam.

Now core value of Islam is gender equality and human dignity (2:228, 17:70). Thus if other factors do not seriously impinge on the situation gender equality and woman's dignity will prevail and laws made will have to reflect these two core values of Islam. Now when jurists of classical Islamic period 1st to 3rd centuries of Islam were compiling Shari'ah laws there were certain contingent factors they had to take into account which resulted in gender inequality. But since these Shari'ah laws were based on these contingent factors and not on core values, they cannot have status of permanence. If those contingent factors are no more valid, the laws may have to be changed in keeping with the core values of Islam.

Firstly, when classical jurist were formulating laws the very social ethos were such as to subject woman to male authority. Secondly, there was no concept of rights of women as an individual entity and this certainly influenced Islamic jurists while making laws. However, since Qur'an had clearly pronounced their rights they could not completely ignore rights but did find ways to make woman subordinate through arguments like she is biologically different and as a mother she has duties towards her children and so on or by using weak ahadith or used the Qur'anic text through their own interpretation.

Thirdly women in those days were economically totally dependent on man and hence could hardly assert their independence and also were brought up on those lines interiorizing their subjugation to man. So the jurists found no resistance from women to their formulations who took them quite natural as well as divine. Though there were few women who were learned and knew both hadith and Qur'an but they were far and few in between. Moreover such women also had to take prevailing social conditions into account.

Now take hadith like a *mehram* man (man relative who is prohibited to her by way of marriage) must accompany her when she goes out. She cannot go alone. In those days social conditions were such that there was no security available outside home and she was considered weak unable to defend herself from sexual attacks or molestation and hence a man must accompany her to protect her. Even today in many places women are generally unsafe and are often sexually attacked and raped and hence as a precautionary measure someone may accompany her.

But this cannot be elevated to a level of principle and stipulate that she cannot go out of her home without accompanied by a man which is what our jurists do and consider it a divine injunction. In principle a woman should be free to go out alone, if she deems it fit and social environment is secure.

Also, our muftis and jurists insist that she cannot earn her living and it is husband who will earn and look after his wife and children. This also has been elevated to the level of principle and many men do not allow their spouses to work. It is true it is Qur'anic injunction that husband will maintain his wife and children but Qur'an also permits woman to earn and whatever she earns will be hers and husband cannot take it away except by her consent (4:32).

Sometimes extremely weak and fabricated hadith is quoted to reduce her status and deprive her of her just rights unequivocally described in Qur'an or hadith. For example she is not allowed to enter mosque for prayer. There is absolutely nothing in Qur'an or in authentic hadith to prevent her from entering the mosque. Yet it is rigorously enforced in South Asia though not in South East Asian countries. In the Prophet's (PBUH) time women used to go to mosques even early morning and 'Isha (late evening) prayers. We find in *Sahih Muslim* that the Prophet (PBUH) said 'do not prevent Allah's female servants from entering the mosque'.

Another two ahadith often quoted to reduce woman's status are that women are deficient (*naqis*) in intellectual capacity and faith (iman) and that Prophet (PBUH) said that if it were permissible for human being to perform *sajdah* (prostration) before other human being I would have asked women to prostrate before her husband. Both these ahadith, Yusuf Qardawi, a well known 'alim from Egypt (now living in Qatar), are baseless. But they are often quoted to degrade woman.

Similarly Yusuf Qardawi points out the hadith that the Prophet of Islam asked his daughter what is best for a woman and Fatima Zahra replied she should not see any man and no mans should see her. The Prophet kissed her and said you are my daughter. Qardawi says this hadith is baseless and is not even worth the ink it is written with.

The Qur'an, on the other hand says that when Moses met two daughter of prophet Shuaib and he gave water to their sheep they talked to him and he talked to them and then "One of them said: O my father, employ him; surely the best of those that thou can employ is the strong, the faithful one. (28:26)

This verse shows two things: one, women can talk to men who are strangers and that women's counsel can be sound. This is further reinforced by the story of Queen Shiba which we have already quoted earlier. Similarly it is well known that in Hudaibiyah when companions of the Prophet (PBUH) refused to sacrifice animals as the Prophet had agreed to humiliating terms for peace with non-believers of Mecca, he sought advice of his wife Umm Salma and her advice proved to be very useful. Despite all these some people maintain that do not consult your womenfolk and if you do, do opposite of what they say. It is great insult to her intelligence and her dignity.

Similarly one saying is ascribed to Hazrat Ali that woman is total evil and whatever she does is evil. How can Ali whose wife was Fatima, Prophet's daughter whom the Prophet (PBUH) loved intensely can say this? All this is reflection of what was thought of women in earlier medieval societies and how men treated women. The Qur'anic and Prophet's teachings about women were totally disregarded in view of prevailing social ethos.

It is true that it is very difficult to change social conditions through mere exhortations. It takes not only sincere efforts and commitment but also objective socio-economic conditions. The Islamic teachings could not be implemented and women continued to be treated with contempt and degradation for following reasons:

- 1) When the Prophet and his companions departed from the scene there was none left with strong commitment to Islamic ideals to supervise Islamic values and ideals.
- 2) Islam spread to areas far and wide with culture in which women had much lower positions and they accepted Islam more for convenience than conviction and were immersed in their own cultural values and social ethos. Hardly anyone except some Ulama knew Qur'an and hadith and they too were surrounded by cultural traditions alien to Qur'anic teachings and hardly could do anything to change it.
- 3) The prevalent socio-economic conditions were also not at all favorable to raise woman's status. Mere religious teachings could, as pointed out above, hardly have brought about the necessary change.
- 4) Islam conquered parts of Byzantine Empire on one hand and Sassanid Empire on the other hand and both were feudal empire. Thus Islam entered a feudal society and got itself feudalized and women were further subjugated in Muslim society with feudal cultures.
- 5) Islam could not emerge from feudal societies until modern times and in modern times too basically no capitalist or industrial revolution could take place in entire Islamic world.
- 6) Those who migrate to western countries today also do so from these semi-feudal countries with their own traditions which remain part of their cultural baggage when they go there and attract severe criticism. Since the Muslims living in western societies are hardly acquainted with Qur'anic status of women, they consider such harsh criticism as 'attack on Islam' and is hardly able to respond creatively to such attacks.

We, therefore have to go back to Qur'an for restoring woman's rights and promote gender equality and reject all those ahadith which are weak and fabricated and develop proper criteria to develop new legislative parameters.

Institute of Islamic Studies,
Mumbai.
E-mail: csss@mtnl.net.in