

A LIBERATIVE APPROACH TO ISSUES OF MUSLIM WOMEN IN INDIA

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1. Introduction

It is a fact that many Muslim women in India lack empowerment and experience grinding poverty, illiteracy, and various restrictions imposed on them by their parents and husbands in their everyday life. When I deliver lectures on rights of women in Islam, participants invariably ask me about the actual plight of women in Muslim society today. I have to offer a lot of explanation as to the reasons of their sad plight. There are certain factors for which Muslims cannot be blamed like poverty. There are, however, certain other factors for which Muslims have to own responsibility like imposing restrictions exclusively upon women, which have nothing to do with Islam. These restrictions are rooted more in social customs and traditions of the past but legitimised in the name of Shari'ah.

2. Status of Women and the Muslim 'Ulama

In May, 2007, an Urdu daily from Mumbai, *Inquilab*, reported about a session of Muslim Personal Law Board, in which the Board is said to have expressed its worries about the Government of India passing a law against domestic violence, whereas the '*Ulama* and *fuqaha*' (jurists) have always permitted beating of women. According to the law against domestic violence, to put it sarcastically, Muslim men have lost right to beat their wives! Could there be any more shocking news about the status of mind of the '*Ulama*, if this report is true? Can there be a right to beat one's wife? Does the Qur'an or the Prophet's *Sunna* allow this? Did the Prophet ever beat his wives? Can anyone quote any instance of this? Is there any verse in the Qur'an permitting wife-beating?

Generally, the '*Ulama* refer to one verse 4:34, which, according to them, permits wife-beating. The translation of the verse is as follows: "Men are maintainers of women, with what Allah has made some of

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them to excel others and with what they spend out of their wealth. So, the good women are obedient (to Allah), guarding the unseen as Allah has guarded. And (as to) those on whose part you fear ill-will, admonish them, and leave them alone in the beds and chastise them. So, if they obey you, seek not a way against them.” This is the only verse in the Qur’an, which the ‘*Ulama* hold against women. All other verses exhort men to fulfil their duties towards women and remind them of women’s rights. In fact, the entire discourse on women in the Qur’an is right-based, whereas with regard to men it is duty-based. This above verse occurs in chapter 4, which is on women. Interestingly, there is no chapter on men in the Qur’an. The Qur’an emphasizes equality of men and women (2:228). About 2:228, Maulana Azad says in his *Tarjuman al-Qur’an* that this is a revolutionary declaration of sexual equality formulated 1300 years ago. In the light of all these, how can one think that the Qur’an will allow women to be beaten?

Now, let us come to the expression ‘chastise them’, which, in Arabic, is *wadribuhunna*. The word *daraba* in Arabic has several meanings. In Lane’s dictionary, one finds at least two full pages of meaning of this word *daraba* of which only one meaning is to chastise. Among other meanings is, according to Imam Raghīb Asfahani, a distinguished scholar of the Qur’anic terms, for the he camel to go near the she camel. Thus, if this meaning is taken, then it would mean, when she is persuaded, go near her, and not to chastise her. This interpretation is more congenial to the entire discourse on women in the Qur’an.

The Qur’an, again and again, exhorts men to be mindful of women’s rights. Then, how can it permit men to chastise women? Even when this meaning of chastisement is taken into consideration, Tabari, a highly respected exegete of the Qur’an, refers to one *hadith* in which the Prophet only permitted very light strike with tooth brush or kerchief, and no more. According to this *hadith*, only a symbolic light strike, so as not to injure, is allowed. But, in the first place, this meaning goes against the spirit of the Qur’an. All modern commentators have rejected this meaning. A Turkish scholar who has worked on the translation of the Qur’an for more than two decades maintains that *daraba* here means to strike out, i.e., if a woman rebels against her husband, then he should, in the last measure, remove her and divorce her as they cannot carry on together.

Another woman scholar from Iran, Laleh Bakhtiar, who has translated the Qur’an from a feminist point of view and has spent forty

years on this work, also disagrees with the translation of *daraba* as chastisement. She says: “After 40 years studying and translating books related to the Qur’an, I realized that something was missing: an objective universal and inclusive translation of the Qur’an from its classical Arabic into contemporary English. Most of the 17 English translations I had seen included some interpretation of the verse making a direct comparison between the English and Arabic extremely difficult. Plus, many of the English translations continue to use Arabic words and names such as Allah for God, which can be confusing or even off-putting to new readers.” Two things she says about the method that she followed are quite striking: she has looked at all different uses of the word in the text in context before determining the appropriate meaning in English. She used a software to create database of 40,000 nouns and verbs of the Qur’an and 50,000 particles of speech. This method is most appropriate as then alone one can understand the significance of a word, both as verb and noun. The methodology of understanding the Qur’an, which I have developed, includes also collating all the verses of the Qur’an on one subject and, then, inferring the most appropriate meaning. One should remember that no ‘*alim* (scholar) can avoid being influenced by his/her circumstances, both cultural and political, in understanding the scriptural text. There is no surprise, if the commentators of early Islam understood chastisement by the word *daraba* in their own cultural and political milieu.

Also, Prophet’s *Sunna* plays an important role in evolving Shari’ah laws. No one, even the most conservative ‘*alim* or jurist, has ever referred to the Prophet as ever chastising any of his wives, even when they made unreasonable demands on him. The Qur’an itself refers to an incident in which the Prophet’s wives made demand for more worldly goods which the Prophet could not afford. Let alone chastising them, he did not even utter harsh words against them. He simply withdrew into a room and did not speak to his wives for a month and, then, as per the Allah’s instruction, explained to his wives that either they should opt for this-worldly goods and separate from him or live with him and expect their reward from Allah. This incident has been referred to in the Qur’anic verses 33:28-29 and also in 66:1-3 and we find, in Sahih Bukhari, reference to this incident that the Prophet temporarily separated from his wives for a month and then reconciled to them. This incident from the Prophet’s life clearly illustrates the real meaning of the verse

4:34 referred to above. When wives rebel or try to become difficult, persuade them, then isolate them in bed, then reconcile with them, and do not try to harass them or find way against them. Further, the word *daraba* has been used in the Qur'an in a number of ways and in different forms. For example, in verse 24:31, the word *daraba* has been used in gerund form for covering breasts with head coverings (*aurhani*). Here, *daraba* certainly does not mean beating or chastising anybody.

The occasion of revelation of verse 4:34, as described by Tabari and Kasshaf, both highly respected commentators, is that one woman approached the Prophet complaining, "My husband chastised me without any fault. What should I do?" The Prophet thought for a moment and advised her to go and retaliate. This caused jubilation among women in Madina. But men were worried and rushed to the Prophet and said how will they control their families if their women retaliated against them? Then, this verse was revealed saying men are maintainers of their families and, if women rebel, persuade them, then isolate them in bed and then strike them away, if they are not persuaded, or, according to Imam Raghیب Asfahani, go near them after conciliation. This verse is often quoted by men for claiming the license to beat their wives; however, this meaning is not at all in keeping with the Qur'anic spirit. I would urge upon the *'Ulama* to revisit this verse in the entire Qur'anic context and reinterpret it. After revelation of the verse 4:34, women came to the Prophet and inquired if they have inferior status to that of men. The Prophet replied that he would wait for Allah's revelation. Then, he received the concerned revelation in verse 33:35, which reiterates that men and women are equal in every respect and that they will be equally rewarded for their spiritual merits. Thus, the verse 33:35 settles the matter conclusively. This is the last verse regarding the relationship between men and women.

While referring to relation between husband and wife (though the Qur'an does not use the word husband and wife, as the word husband denoted authority but only *zawj* and *zawja*, i.e., one of the couple again denoting equality between the two), the Qur'an says that Allah has created love and compassion between them. The same verse also says that Allah has created the mates so that one finds peace of mind in them. If Allah has created love and compassion and source of peace in women how can it ever permit beating of wives? In fact, one has to take all verses on the subject and read them together to find the real intention of the Qur'an. Chastisement was inferred by the medieval scholars under

the influence of their patriarchal cultural milieu. One can discover new meanings, as the Qur’anic words are pregnant with many meanings, each meaning to be discovered in different circumstances, but in keeping with the fundamental Qur’anic principles and values.

Islam greatly raised the status of women more than 1400 years ago and, unfortunately, the ‘*Ulama* (though not all) still understand the Qur’an in ways which denigrate position of women as it was understood during pre-Islamic days which the Qur’an describes as *jahiliyyah* (period of ignorance). The Qur’an, in fact, came to dispel *jahilliyah* and create enlightenment. Will the ‘*Ulama* continue to choose ignorance over enlightenment?

3. Divorce in the Qur’an and Shari’ah

In all its discourses on divorce, the Qur’an requires husbands to divorce their wives or to separate them with kindness. The verse 229 of Chapter 2 also talks of kindness while letting them go or separating them: “Divorce may be (pronounced) twice; then keep them in good fellowship (*bi m’arufin*) or let (them) go with kindness (*tasrihun bi ihsan*).” Also ensuring full justice to women, the Qur’an requires arbitration before divorce (4:35). Thus, there cannot be a fairer method for divorce than the one prescribed by the Qur’an. It is so unfortunate that Muslim jurists, under the influence of patriarchal ethos of their societies, ignore all injunctions of the Qur’an and give more credence to prevalent social practices and that too in the name of Islam. All the corpus of laws is referred to as Islamic laws of divine origin. In total contradiction to what the Qur’an prescribes, some jurists not only justify divorce given in a state of anger but also try to describe various states of anger.

What is more central to Islam, justice (*‘adl, qist*) or a state of proper consciousness in anger? Forget about anger, the Qur’an does not approve of divorce in normal state of consciousness if proper method is not followed for effecting a divorce, which ensures justice for the wife. Any unjust act is *zulm* (oppression, wrong doing). According to the Qur’an, women must be treated with fairness and justice and no act committed in a state of anger (whatever the state of anger) can be a just act. Divorce, in fact, should never be given in a state of anger at all. Whatever state of anger, intense, extreme or moderate, one does lose control of oneself and even if he is conscious of the consequences of his

act, he is unable to think rationally. The Qur'an requires husband to remain kind even when divorcing her. Can anyone be kind while pronouncing divorce in a state of anger? Kindness and anger are two opposite states of mind.

There are several instances in which the husband pronounces divorce on getting angry on petty quarrels with his wife. Can, then, such divorces be justified? Often, the husband repents after pronouncing the divorce thrice in a state of anger; many jurists, however, maintain that his wife has been irrevocably divorced and he cannot take her back unless she marries some other man and he divorces her. Husband and wife often quarrel and husband gets angry temporarily and is provoked to pronounce divorce. Can such petty quarrels justifiably become the basis for a divorce? This is not only legally wrong but also morally unjustifiable. As long as the mindset and functioning style of the jurists of Muslim society remain so, can Muslim women ever expect justice from them? On the one hand, these jurists will argue that Islam greatly raised status of women as in pre-Islamic society women were treated as chattels but, on the other, in order to maintain 'manly' authority, bring back those pre-Islamic practices apparently in the divine garb. The Qur'an puts the entire responsibility of treating women fairly and with kindness on men and the jurists give complete authority to men to throw their wives away as per their whims and fancies.

In fact, there is not even a single verse in the Qur'an which exhorts women to treat their husbands with kindness while in their *nikah* (marital bond), whereas there are several verses requiring men to treat their wives with kindness. This was because women were found to be living in a weaker position in that society and Islam has all the sympathy for weaker sections of society. Islam had greatest stress on giving justice to weaker sections of society, including slaves, servants, orphan, widows, and the poor; it is a call for empowering the downtrodden. As I have already pointed out, the Qur'an's sympathy is with *mustad'ifin* (those who have been weakened) (5:28) and the 'Ulama show all the sympathy with men who have the power over women in our society and juristically give all the power over them. However, justice is more central to the Qur'an and the life of a Muslim society than opinion of any jurist howsoever eminent that jurist may be. Justice is the Qur'an's central principle which cannot be sacrificed on the altar of any jurist's opinion.

If we have to project Islam as a religion of justice and compassion for weaker sections of the society, Muslim society has to revise its jurisprudence completely and prioritize justice over opinions of all past jurists of eminence. Eminence is not a principle; it is only a social status. Justice, however, is a moral value central to Islam. Divorce being a very serious act, it should be treated with utmost caution and responsibility. It breaks families and causes trauma mostly to women and children. According to a well-known *hadith*, Allah has permitted act of divorce with utmost reluctance. Thus, neither the Qur'an nor authentic *hadith* give problem to women, but only inauthentic male authority.

4. Call for Liberation to Muslim Women in Indian Society

Muslim women suffer both from internal and external oppression. Muslim men practise what they themselves believe is Islamic and oppress their women and refuse to entertain any thought of change. Many educated Muslim women, thus, start believing that there can be no liberation within Islam and seek their freedom through secular laws. I conduct workshops for rights of Muslim women and when they listen to what is written in the Qur'an, they say they never thought the Qur'an liberates them; they thought Islam enslaves them. Thus, those who realize the core values of the Qur'an, through a process of enlightenment, become activists of Islamic rights.

Some problems that Muslim women face are of social nature and are common to women of all religions in India. All women face problem of social conservatism as they are reduced to secondary to men. Men are thought to be bread winners and decision makers across religions in India. But only difference is that among Hindus, this situation is fast changing at least in urban areas. Women are becoming self-reliant and, in some cases, they boldly assume the role of decision makers as well. The situation is not so bright as far as Muslim women are concerned.

Non-Muslims generally think that Muslim women are oppressed and face many restrictions. This is largely true but matter is much more complex. There are reasons for Muslim women facing such odds in India. Mostly Muslims are artisans and self-employed and, sociologically speaking, they have a restricted worldview and live in their own universe. Then, there are those Muslims who live in rural areas and are engaged as agricultural labourers and related operations. They tend to be even more conservative.

These sections of society do not know what is written in the Qur'an or *hadith*, much less what are the problems with *hadith* or different schools of law. For them, what the *imam* of their *masjid* says is Allah's *hukm* (injunction) and it must be followed; else, they will be confined to *jahannam* (hell). Mostly, the imams of the mosques also come from poor families and have, in most cases, very limited knowledge of theology and Islamic Shari'ah. The 'fatwas' issued by such imams are based on ignorance. For example, the 'fatwa' issued by the imam of village mosque in case of Imrana (that she should marry her father-in-law who raped her) had absolutely no basis in Shari'ah. Thus, it is important to understand role of society as much as that of religion. Women are oppressed not so much by religion as by society. In order to bring about change in the plight of Muslim women it would be equally necessary to bring about change in socio-economic conditions of Muslims in India. If Muslims, in general, remain poor and illiterate, it will be very difficult to improve conditions of Muslim women.

5. Necessity of Awareness for Change

It is also necessary to understand that things are not totally stagnant on Muslim women's front. An educated middle class is emerging among Indian Muslims – though still small – which is well aware of changing society and need for change among Muslim women. The educated Muslim women, exposed to democratic political processes and electronic and print media, are becoming aware of their rights and are no longer prepared to accept what is being imposed on them in the name of religion.

In last one decade, there have been many positive indications of change. A group of Muslim women developed a standard *nikahnama* (marriage contract) and forced the Muslim Personal Board to adopt it. Though the Board did not adopt it as it is, it did respond to this demand and developed its own *nikahnama*, although it is not very satisfactory to women; nevertheless, the process of change, at the initiative of educated women, has started.

It must be said that the Board's entire functioning is reactive rather than proactive. I must say that it is incapable of being pro-active as it is busy defending medieval inheritance rather than rethinking Islam, as Muhammad Abduh, Fazlur Rehman, Ali Shariati, and many others did in their time. Members of the Board defend *riwayat* (tradition) rather than use *ijtihad* (assert intellectual capacity to reinterpret and rethink issues).

Today, as the world undergoes drastic changes, simply repeating, defending, and stagnating will create discord between the Qur’anic Islam and Shari’ah Islam, on the one hand, and Islamic Shari’ah and the modern world, on the other.

Whether Muslim Personal Law Board changes or not, women are not going to wait indefinitely. They are already on the move. Some Muslim women got together and formed their own board called Muslim Women’s Personal Law Board. This board is taking its own stand favouring women on the basis of the Qur’an and the *hadith*. Though Islamic feminism has not emerged in India on full scale, it is on its way.

Certain Muslim women NGOs have come together and constituted the Bhartiya Muslim Mahila Morcha. They have decided to operate within Islamic framework, on the one hand, and Indian Constitutional framework, on the other. It held its first convention in Delhi in early December 2007. Though a hopeful sign, it is far from sufficient. There is great need for the Qur’anic literacy among Muslim women. Unfortunately, the modern secular educated women know neither Arabic nor the authentic Qur’anic teachings. In order to bring real change in the Muslim women’s condition, there is great need to have encounter with traditional ‘*Ulama* on the basis of the Qur’anic injunctions in respect of women. Needless to say, the Qur’an accords equal rights to men and women and exhorts Muslim men of their obligations towards women. However, many of these Qur’anic rights were lost in the Shari’ah formulations in a conservative traditional feudal society. It is for Islamic feminists to revisit the Qur’an and develop the Qur’anic discourses on women’s rights.

Most of the Muslim countries have abolished triple divorce also known as oral divorce. India is the only country with second largest population of Muslims, which still upholds validity of oral divorce and orthodox ‘*Ulama* even uphold divorce given through SMS flying in the face of the Qur’an. It is totally unjust to women and the Qur’an, whose most fundamental value is justice (‘*adl* can never permit such unjust form of divorce). The Qur’an has laid down proper procedures for divorce, which, unfortunately, are not followed by Muslims though they swear by the divinity of the Qur’an.

6. Conclusion

India being a secular democratic country, there is much more political and social space available to Muslim women in India compared to their sisters in many other Muslim countries. To avail of this social and political space, increased awareness among women is needed. The greatest stumbling block is, indeed, poverty. One finds even greater urge for modern education among women but poverty pulls them down. Although one cannot expect drastic changes in the plight of Muslim women in India in near future, one can certainly hope for incremental changes.

To empower Muslim women, to reduce rate of childbirth, to usher in religious and social reforms, there is a great need to improve general economic condition which, in turn, will improve educational status of Muslim women and that, in turn, will bring in greater awareness for change. There is also great need for internal critique and, at least, educated Muslim men should attempt an honest self-criticism of condition of women in their community and consolidate efforts for change and reform based on the fundamental values and vision of life enshrined in the Qur'an.