

## The Qur'an, Interpretation And The Matter Of Gender\*

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### Özet

Kur'an, Allah tarafından Cebrail aracılığı ile Hz. Muhammed'e gönderilmiş, hiçbir değişikliğe uğramadan bizlere kadar intikal ettirilmiştir. Vahiyyelerin amacı, yeryüzünde yaşamakta olan insanlara Allah'ın varlık ve birliğini, hayatın anlam ve gayesini kavrama noktasında yardımcı olmak, onları doğru yola ve dine irşad etmektir. Kur'an'a göre Kur'an'ın âyetleri ile bilimsel gerçekler arasında yakın bir ilişki vardır. Kur'an'da hem Kur'an'ın cümlelerine hem de olgulara/gerçeklere âyet ismi verilmektedir. Allah, kendi âyetlerine insanların dikkatini çekmekte ve onları gerçek hidayete ulaştırmaları, Kur'an âyetlerinin, yaratılışın, bilimsel gerçeklerin ve peygamberlerin mucizelerinin arkasındaki sınırsız gücü idrak etmeleri için insanları derin bir şekilde düşünmeye davet etmektedir.

Kur'an, Hz. Peygamber'e gönderilen Allah kelamı olmasına rağmen, onun yorumu ve tefsiri insanlara aittir. Bundan dolayı, Kur'an metninin anlaşılıp yorumlanmasını subjektif kılan bazı faktörler vardır; yani Kur'an ve Kur'an'ın yorumu aynı şeyler değildir ve seviyeleri farklıdır. Örneğin, aynı âyet veya âyetler üzerinde yapılmış farklı yorumları bulabiliriz ve onlardan birini doğru/sahih yorum olarak seçebiliriz. Dolayısı ile yorumu yanlış anlamalardan, spekülâtif görüş ve değerlendirmelerden kurtarmak için Kur'an'a yaklaşımda tutarlı ve doğru bir metodumuzun olması gerekir.

Cinsiyet konusunda da Kur'an'ın kendisi ile geleneklerin, âdetlerin ve ataerkil zihniyetlerin etkisi altında şekillenen birtakım yorumlar ve dini anlayışlar arasında farklılıklar söz konusudur. Çoğu defa cinsiyet ayrımı ile cinsiyet ayrımcılığı birbirine karıştırılmıştır. Halbuki onlar aynı şeyler değildir. İslâm, erkekle kadın arasında aile ve toplumda gerçek olarak kendisini hissettiren doğal farklılıkları görmekte ve hayatın organizasyonu noktasında onları dikkate almaktadır. Ancak İslâm, erkek ve kadın arasında bir cinsiyet ayrımcılığı yapmamaktadır. Kur'an ve Sünnet'e göre erkek ve kadın aynı özden/ruhtan yaratılmış olup her ikisi de Allah'ın ve hukukun önünde eşit bir konumdadırlar. Her ikisi de birbirlerinin üzerinde karşılıklı ve dengeli haklara sahip olup birbirlerine

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karşı sorumludurlar. Üstünlük erkek veya kadın olmakla, belirli bir kabileye, millete veya ırka mensup olmakla değil, ancak takvâ ile mümkündür. İslâm hiçbir şekilde zulmü, adaletsizliği, ahlâksızlığı ve insan hakları ihlallerini kabul etmez.

**Anahtar Kelimeler:** vahiy, Kur'an, yorum, cinsiyet, aile, şahitlik, evlilik, boşanma, miras

#### **Abstract**

The Qur'an was revealed to Prophet Muhammad (p.b.u.h.) by Allah through Gabriel such as the former revelations to other prophets and handed down to us without a change. The main goal of all revelations is to help people on the earth to comprehend the unity of God, the real meaning and aim of the life, and to guide them to the true way of life and religion. According to the Qur'an, there is a close connection between the verses of the Qur'an and the creation and scientific facts. The verses and facts are both called *âyâh/âyât* (sign/signs) in the Qur'an. Allah draws attention of humankind to His signs, invites them to think deeply on them to reach the true guidance; to be aware of the limitless power and knowledge behind the verses of the Qur'an, the creation, scientific facts and miracles of the prophets.

Even though the Qur'an is the word of Allah, its understanding, interpretation and commentary is made by human beings. That is why, there are some factors that lead to subjectivity in understanding and interpreting the text of the Qur'an; that is the Qur'an and its interpretations are not the same things and their levels are different. For example, we can find many various interpretations on the same verse/verses and choose one of them as true interpretation. Therefore, there must be a consistent and true method in approaching the Qur'an to save the interpretation from misunderstandings, false or speculative views and considerations.

In the matter of gender, there are differences between the Qur'an itself and some interpretations religious understandings under the effect of traditions, customs and various mentalities relating to patriarchy. Islam sees the natural and functional differences between man and woman as a fact in the family and community, and it makes basic arrangements to organize the life taking into consideration these varieties, but it does not make any discrimination between male and female on the basis of gender. According to the Qur'an and Sunnah, man and woman are created from the same essence and they are equal in the sight of God and before law. Both of them have reciprocal and balanced rights over each other and responsibilities towards one another. Superiority is only possible with taqwâ (being in conscious of God, possessing and living moral values and keeping away from evil things and sins), no matter to be a man or a woman, to belong to a certain tribe, nation or race. Islam does not approve any kinds of cruelty, injustice, immorality and violation of human rights.

**Key Words:** revelation, the Qur'an, interpretation, gender, family, bearing witness, marriage, divorce, inheritance

## I. THE REVELATION AND THE QUR'AN

### A) What is Revelation?

Revelation is disclosure of knowledge in a special way to a man or other existing creatures by a divine and supernatural agency. According to the information given in the Qur'an, Allah has revealed to the earth,<sup>1</sup> heavens,<sup>2</sup> bees,<sup>3</sup> angels,<sup>4</sup> human beings<sup>5</sup> and especially to the prophets.<sup>6</sup> Of course, the nature of the revelation to lifeless things and animals such as the revelation to the earth and heavens and the bee must be different from the nature of the revelation to human beings and prophets. We cannot understand the true nature (essential character) of the revelation to the prophets by Allah. We only try to comprehend it by signs and in the messages and personality of the prophets. Allah has sent a lot of prophets chosen by Him among peoples to humanity with various languages. There is a close connection and similarity between their messages sent by Allah and their exemplary personalities, life models and moral values put by them practically before the eyes of peoples in history. Allah has interfered in history by sending His messages through His prophets and messengers to tribes, nations and peoples to reinforce the true religion on the surface of the earth based on the unity of God, assigning worshipping only to Him without making a partner of Him, and on the universal moral values and principles. The following verse from the Qur'an refers to which way the revelation comes to the prophets:

وَمَا كَانَ لِيُنزِلَ أَنْ يُكَلِّمَهُ اللَّهُ إِلَّا وَحْيًا أَوْ مِنْ وَرَاءِ حِجَابٍ أَوْ يُرْسِلَ رَسُولًا فَيُوحِيَ بآيَاتِهِ مَا يَشَاءُ  
إِنَّهُ عَلِيمٌ حَكِيمٌ

*"It was not (realized) to a human being that Allah's speaking to him unless (it be) by revelation<sup>7</sup> or behind a veil,<sup>8</sup> or that He sends a messenger<sup>9</sup> to reveal what He wishes by His permit. Look! He is Exalted, Wise."* (al-Shūrā, 42/51)

This is another verse giving information about the feature of revelation to the Prophet:

<sup>1</sup> al-Zilzāl, 99/4-5.

<sup>2</sup> Fussilet, 41/11-12.

<sup>3</sup> al-Nahl, 16/68-69.

<sup>4</sup> al-Anfāl, 8/12.

<sup>5</sup> al-Māidah, 5/111; al-Kasas, 28/7.

<sup>6</sup> al-Nisā, 4/163; al-A'rāf, 7/117, 160; Tāhā, 20/77.

<sup>7</sup> A kind of firm inspiration (accurate knowledge) descending into the heart directly.

<sup>8</sup> Allah spoke to Moses on the mountain from the inside of fire.

<sup>9</sup> The angel called Gabriel, Rūh al-Quds (The Holy Spirit), Rūh al-Amīn (The Trustworthy Spirit)

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*"Don't stir your tongue to hasten it. Look! It is upon us to put it together (in your heart) and to read it. And when we read it, follow you the reading. Then look! It is upon us the explanation of it." (al-Qiyamah, 75/16-19)*

The Qur'an is the sacred book completely based on revelation. Allah sent revelation to Prophet Muhammad through the Archangel Gabriel. The style of the Qur'an is different from the style of the Prophet's own words (hadith) even though they both came out of his mouth.

### **B. Main Subjects of the Qur'an**

Those are the main subjects which the Qur'anic verses are connected:

- 1) Verses relating to faith
- 2) Verses relating to moral values and behaviours
- 3) Verses relating to worship
- 4) Verses relating to law
- 5) Verses relating to the creation of human, earth, skies, living and lifeless things and all universe
- 6) Verses relating to history (some scenes from the life of prophets and societies, main reasons behind the social collapses)

According to the Qur'an, there is a close connection between the verses of the Qur'an (revelation) and the creation and scientific facts. Allah draws attention of humankind to His *âyâhs* (signs). In the Qur'an He invites all human beings to think deeply on the *âyâhs/signs* to reach the true guidance; to be aware of the limitless power and knowledge behind the verses of the Qur'an, the creation, scientific facts and miracles of the prophets. The meaning of *âyah/âyâhs* (sign/signs) in the Qur'an is as follows:

It is a sign or signs that take you to Allah. They are like the traffic signs on your way to show the true direction. There are three kinds of sign (*âyah*) in the Qur'an:

- 1) The verses of the Qur'an which constitute the *sûrahs* (divisions).
- 2) All creatures and scientific facts on the micro and macro levels.
- 3) Miracles of prophets that cannot be realized by normal people. They are the proofs/signs supporting the prophets sent by Allah in their claims.

### **C. Main Features of the Qur'an**

The following is the information to be known about the features of the Qur'an:

1. Qur'an was revealed to Prophet Muhammad by Allah to invite people and humanity to His way:

وَكَذَلِكَ أَوْحَيْنَا إِلَيْكَ قُرْآنًا عَرَبِيًّا لِتُنذِرَ أُمَّ الْقُرَى وَمَنْ حَوْلَهَا وَتُنذِرَ يَوْمَ الْجُمُعِ لِأَنَّ فِيهِ فُرْقًا فِي الْجَنَّةِ وَفَرِيقٌ فِي السَّعِيرِ

*"And thus We revealed you a Lecture<sup>10</sup> in Arabic to warn (those) in the Mother Town and those around it, and to warn of a day of assembling whereof there is no doubt. A party will be in the Garden, a party will be in the flame."* (al-Shūrā, 42/7)

2. The revelation of the Qur'an started in the month of Ramadan (610 A.D.) in the cave called Hirah in Makkah. It gradually continued according to the events and developments.

3. The first verses that descended were the first 5 verses of Surah al-Alaq:

اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ  
خَلَقَ الْإِنْسَانَ مِنْ عَلَقٍ  
اقْرَأْ وَرَبُّكَ الْأَكْرَمُ  
الَّذِي عَلَّمَ بِالْقَلَمِ  
عَلَّمَ الْإِنْسَانَ مَا لَمْ يَعْلَمْ

*"Read: In the name of the Lord who created, created man from an alaq (embryo). Read: And your Lord is the Most Bounteous, Who taught (the use of) the Pen, taught man that which he knew not."* (al-Alaq, 96, 1-5)

4. The Qur'anic verses were descended according to the events and developments in the society. It was revealed in about 22 years. There is a close connection between the events of life and the verses and sūrahs of the Qur'an.

5. The Qur'an was revealed to the Prophet by word and then memorized, recited and written on some writing materials; then prepared as a book by the companions of the Prophet, and transformed to the next generations without any changes. Allah has promised to protect it:

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ

*"We have, without doubt, sent down the message; and we will assuredly guard it (from corruption)."* (al-Hijr, 15/9)

<sup>10</sup> The Qur'an

6. The Qur'an was made very sound, secure, well-built and trustworthy:

الر كِتَابٌ أُحْكِمَتْ آيَاتُهُ ثُمَّ فُصِّلَتْ مِنْ لَدُنْ حَكِيمٍ خَبِيرٍ

*"Alif Lām Râ. (This is) a scripture the verses of which are perfected and then further explained in detail, from One who is Wise and Well Acquainted (with all things)." (Hüd, 11/1)*

لَا يَأْتِيهِ الْبَاطِلُ مِنْ بَيْنِ يَدَيْهِ وَلَا مِنْ خَلْفِهِ تَنْزِيلٌ مِّنْ حَكِيمٍ حَمِيدٍ

*"No falsehood can approach it from before or behind it: It is sent down, by One Full of Wisdom, Worthy of all praise." (Fussilet, 41/42)*

أَفَلَا يَتَذَكَّرُونَ الْقُرْآنَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا

*"Do they not consider the Qur'an (with care)? Had it been from other than Allah, they would surely have found therein much discrepancy." (al-Nisâ, 4/82)*

7. The Qur'an is entirely suitable to the creation, nature and needs of mankind:

فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَلِكَ الدِّينُ الْقَرِيمُ  
وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

*"So set your face steadily and truly (O Muhammad) to the religion, (according to) the pattern on which He has created man. There is no altering (in the laws of) Allah's creation. That is the right religion, but most men know not." (al-Rûm, 30/30)*

8. Those are the main points/goals on which the Qur'anic verses and judgments are based relating to the nature of human-kind:

- a) Protection of life
- b) Protection of property
- c) Protection of reason
- d) Protection of generation
- e) Protection of religion

9. It invites mankind to the middle way far from excessiveness:

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا

*"Thus have We made of you an ummah (society) justly balanced so that you may be witnesses over the nations,*

and the Messenger a witness over yourselves." (al-Baqarah, 2/143)

10. Even though the Qur'an was revealed in Arabic to an Arabic society in the past, its nature and message are universal:

قُلْ يَا أَيُّهَا النَّاسُ إِنِّي رَسُولُ اللَّهِ إِلَيْكُمْ جَمِيعًا الَّذِي لَهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ لَا إِلَهَ إِلَّا هُوَ يُحْيِي وَيُمِيتُ فَأَمَّا بِاللَّهِ وَرَسُولِهِ النَّبِيِّ الْأُمِّيِّ الَّذِي يُؤْمِنُ بِاللَّهِ وَكَلِمَاتِهِ وَاتَّبَعُوهُ لَعَلَّكُمْ تَهْتَدُونَ

**"Say (O Muhammad): "O men! I am sent unto you all, as the Messenger of Allah, to Whom belongs the dominion of the heavens and the earth: There is no god but He: It is He that gives both life and death. So believe in Allah and His Messenger, the unlettered Prophet, who believes in Allah and His words; follow him that (so) you may be guided."** (al-A'raf, 7/158)

تَبَارَكَ الَّذِي نَزَّلَ الْفُرْقَانَ عَلَى عَبْدِهِ لِيَكُونَ لِلْعَالَمِينَ نَذِيرًا

**"Blessed is He Who has revealed unto His servant the criterion (of right and wrong), so that he may be a warning to the peoples."** (al-Furkân, 25/1)

وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِّلنَّاسِ بَشِيرًا وَنَذِيرًا وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

**"We have not sent you but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not."** (Saba, 34/28)

مَنْ اهْتَدَى فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ وَمَنْ ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْنَا وَلَا نَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ نَبْعَثَ رَسُولًا

**"Who receives guidance, receives it for his own benefit; who goes astray, does so to his own loss; no bearer of burdens can bear the burden of another, and We never punish until We have sent a messenger."** (al-Isra, 17/15)

11. The Qur'an certifies the revelations/laws sent before to mankind by Allah through His prophets:

نَزَّلَ عَلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ وَأَنزَلَ التَّوْرَةَ وَالْإِنْجِيلَ

مِن قَبْلُ هُدًى لِّلنَّاسِ وَأَنزَلَ الْفُرْقَانَ إِنَّ الَّذِينَ كَفَرُوا بِآيَاتِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ وَاللَّهُ عَزِيزٌ نُّو  
انْتِقَام

**"He has revealed unto you (Muhammad) the Scripture with truth, confirming that which was (revealed) before it, even as He had revealed the Torah and the Gospel before for a guidance to mankind; and has revealed the Criterion (of right and wrong). Look! Those who disbelieve the revelations of Allah, theirs will be a heavy doom. Allah is Mighty, Able to requite (the wrong)." (Al-i'Imrân, 3/3-4)**

سَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ كَبُرَ عَلَى الْمُشْرِكِينَ مَا تَدْعُوهُمْ إِلَيْهِ اللَّهُ يَجْتَبِي إِلَيْهِ مَنْ يَشَاءُ وَيَهْدِي إِلَيْهِ مَنْ يُنِيبُ

***“The same religion has He established for you as that which He enjoined on Noah the which We have sent by revelation to you and that which We enjoined on Abraham, Moses, and Jesus: Namely, that you should remain steadfast in Religion, and make no divisions therein. To those who worship other things than Allah, hard is the (way) to which you call them. Allah chooses to Himself those whom He pleases, and guides to Himself those who turn (to Him).”*** (al-Shūrâ, 42/13)

13. Allah has challenged all humanity to bring up a book like the Qur'an or even one of its sûrahs if they can do:

وَإِنْ كُنْتُمْ فِي رَيْبٍ مِمَّا نَزَّلْنَا عَلَىٰ عَبْدِنَا فَأْتُوا بِسُورَةٍ مِثْلِهِ وَادْعُوا شُهَدَاءَكُمْ مِنْ دُونِ اللَّهِ إِنْ كُنْتُمْ صَادِقِينَ

فَإِنْ لَمْ تَفْعَلُوا وَلَنْ تَفْعَلُوا فَأْتُوا نَارَ الَّتِي وَقُودُهَا النَّاسُ وَالْحِجَارَةُ أُعِدَّتْ لِلْكَافِرِينَ

***“And if you are in doubt concerning that which We revealed unto Our servant (Muhammad), then produce a sûrah of the like thereof, and call your witnesses beside Allah if you are truthful. But if you cannot do- and surely you cannot do- then fear the Fire whose fuel is men and stones - which is prepared for those who reject faith.”*** (al-Baqarah, 2/23-24)

## II. FACTORS LEADING TO SUBJECTIVITY and THE CRITERIA OF THE TRUE METHOD IN THE COMMENTARY/INTERPRETATION OF THE QUR'AN

### A. Individual and Social Factors Leading to Subjectivity

#### 1) Individual Factors:

a. The nature and weakness of human (Information that is reached through mind and senses is limited, especially natural boundaries in understanding transcendental and subjective matters and concepts; difference of understanding capacities among people; psychological and mental weakness; good or bad intentions, strong desires)

b. Difference of methods followed while approaching the verses and sûrahs of the Qur'an and the problems. The results reached through a method that puts the Qur'an in the centre will be different from the ones reached by putting traditions, narrations, customs and speculative reason and opinions in the centre of the thought and commentary. The consequences reached by

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setting off from the direct Qur'anic information and concepts will be different from the consequences reached by setting off from the Islamic disciplines such as fiqh, hadith, tafseer and Sufism. An approach to the Qur'an by taking all sûrahs (divisions) and verses of it as a whole in the commentary is completely different from the atomic approach that someone choose only one or more verses from the Qur'an as a proof and then loads some irrelevant meanings on them to prove his/her claims. This (atomic) kind of approach may be mostly ideological, political and speculative.

2) Social and Cultural Factors

a) Socio-cultural environment, dominant culture and traditions surrounding the commentator.

b) The economic, politic and other conditions and needs of the community lived in.

c) Wide-spread mentalities and the level of thought and science in that society.

d) Scientific, professional and other groups and associations in which an individual (commentator) takes place.

**B. Factors originating from the literary text itself**

1. There is a close and living connection between revelation and events in the society to whom the Qur'an was sent at first. To be aware of this connection or not is very important. It is not only a plain and simple text cut off the events and reasons.

2. There are some problems originating from the structure of Arabic language. Language problems can cause reading and understanding problems in commentary. It is important to see and be aware of the changes in the meaning of the words and concepts. For example, Arabic is a gender structured language. Its character is patriarchal. For every noun whether it is a human, animal or lifeless one is a case of being masculine or feminine, but masculinity is dominant. When a group of men and women mixed together is addressed, the masculine pronouns are used in the manner of addressing, but this act comprises both genders without excluding women from the group. Because the Qur'an was revealed in Arabic, it used the same language and the same manner in the way of addressing to people. Those people who have not been aware of this fact and the semantic structure of the Arabic/Qur'anic language have made a lot of mistakes while understanding and explaining the âyâhs/verses of that kind, and so the patriarchal mentality has dominated on their commentaries. Of course, some prevailing traditions and mentalities connected with

tribalism and patriarchal structures in the Muslim societies have supported this kind of interpretation.

### C. The Main Points on Which a Consistent and True Method in Approaching the Qur'an Is Based on

1) A commentator should be aware of the features and specialities of the Qur'anic revelation and other revelations sent before it, taking all of them together into consideration as a whole.

2) He/she should take the Qur'an to the centre as a whole (Reason, traditions of the Prophet and narratives, historical facts, scientific developments and human experience will be evaluated as a whole with a critical way under the light of the Qur'an from the angle of the universal principles and main goals of the religion).

3) He/she should establish the connection of revelation and phenomenon in a lively way. The commentator must know the factors, historical events and reasons lying under the verses and sûrahs.

4) He/she should consider the language features, specialities and the rhetoric of the Arabic language and the Qur'an together.

5) He/she should consider the semantic system of the language and concepts of the Qur'an.

6) Good intention.

### III. THE ISSUE OF GENDER IN THE QUR'AN

#### A. The Qur'anic Principles Which must be Put in the Centre While Evaluating the Matter of Gender:

1. Man and woman are created from the same origin by Allah, and so woman is not a secondary existence in comparison with man.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

*"O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from two of them has spread abroad a multitude of men and women. Be careful of your duty toward Allah in Whom you claim (your rights) of one another, and toward the wombs. Look! Allah has been a Watcher over you."* (al-Nisâ, 4/1)

2. Man and woman are equal in the sight of God and before law. To be noble and superior in the view of Allah is only possible with taqwâ. Man is not superior to woman because he is male and the other is female. Woman is not a source of evil.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

***“O mankind! Look! We have created you male and female, and have made you nations and tribes that you may know one another. Look! The noblest of you in the sight of Allah is the best in conduct. Look! Allah is Knower, Aware.”***  
(al-Hujurat, 49/13)

3. Women have the same rights over men as men have rights over women:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَىٰ نِسَائِهِمْ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

***“They (women) have the same rights over them (men) in kindness, and for men is a degree (daraja) above them. Allah is Mighty, Wise.”*** (al-Baqarah, 2/228)

4. God will give all human beings their reward or punishment according to their deeds and acts without any discrimination between man and woman. The Qur'an states categorically that men and women who practise the principles of Islam will receive equal reward for their efforts:

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

***“Whosoever does right, whether male or female, and is a believer, We shall make him/her verily live a good life, and We shall pay them a recompense in proportion to the best of what they used to do.”*** (al-Nahl, 16/97)

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّانِمِينَ وَالصَّانِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

***“Look! men who surrender unto Allah and women who surrender, and men who believe and women who believe, and men who obey and women who obey, and men who speak the truth and women who speak the truth, and men who persevere (in righteousness) and women who persevere, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who guard their modesty and women who guard (their modesty), and men who remember Allah much and women who remember Allah much - Allah has prepared for them forgiveness and a vast reward.”*** (al-Ahzab, 33/35)

5. Protecting his/her honour and being loyal is responsibility on men and women together. According to the Qur'an and the

teachings of the Prophet, Allah requires the same high standard of moral conduct from men as He does from women:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ  
 وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا  
 وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ  
 أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوْ  
 التَّابِعِينَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ  
 بَأْرُجِهِنَّ لِیُعْلَمَ مَا يَخْفَى مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ

***“Tell the believing men to lower their gaze and be modest. That is purer for them. Look! Allah is aware of what they do. And tell the believing women to lower their gaze and be modest, and to display not their ornaments except what is apparent of them, and to draw their scarves over their bosoms, and not to reveal their ornaments except to their own husbands or fathers or husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack natural sexual force, or children who know nothing of women's nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that you may succeed.”*** (al-Nûr, 24/30-31)

يَا أَيُّهَا النَّبِيُّ قُلْ لَلرَّؤَالِكِ وَبَنَاتِكِ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

***“O Prophet! Tell your wives and your daughters and the women of the believers to draw their outer garments over them (when they go abroad). That will be better, so that they may be recognised and not annoyed. Allah is ever Forgiving, Merciful.”*** (al-Ahzâb, 33/59)

لَا جُنَاحَ عَلَيْهِنَّ فِي آبَائِهِنَّ وَلَا أَبْنَائِهِنَّ وَلَا إِخْوَانِهِنَّ وَلَا أَبْنَاءِ إِخْوَانِهِنَّ وَلَا نِسَائِهِنَّ وَلَا نِسَائِهِنَّ وَلَا مَا مَلَكَتْ أَيْمَانُهُنَّ وَاتَّقِينَ اللَّهَ إِنَّ اللَّهَ كَانَ عَلَى كُلِّ شَيْءٍ شَهِيدًا

***“There is no blame (on these ladies if they appear) before their fathers or their sons, their brothers, or their brother's sons, or their women, or the (slaves) whom their right hands possess, and (ladies), fear Allah; for Allah is Witness to All things.”*** (al-Ahzâb, 33/55)

6. Men and women who are believers are protecting friends of each other:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

**"And the believers, men and women, are protecting friends of each other; they enjoin what is good and forbid what is wrong, and they fulfil the prayer and they pay the zekât (alms), and they obey Allah and His messenger. As for these, Allah will have mercy on them. Look! Allah is Mighty, Wise."** (al-Tawba, 9/71)

7. Allah has put love and mercy between man and woman:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

**"And of His signs is this: He created for you helpmates from yourselves that you might find rest in them, and He put between you love and mercy. Look, herein indeed are signs for people who contemplate."** (al-Rûm, 30/21)

8. Enjoining goodness and right conduct and forbidding indecency must be the sign of being a Muslim community. So men and women must encourage good conduct and avoid evil things in the family and society.

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ

**"You are the best community that has been raised up for humanity. You enjoin what is good and forbid what is evil; and you believe in Allah."** (Al-i 'Imrân, 3/110)

9. Allah wants people (men and women) to be just, to do goodness and to give to relatives. He forbids all shameful deeds, injustice and violating rights:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

**"Allah commands justice, the doing of good, and generosity to close relatives, and he forbids all shameful deeds, injustice and rebellion: He preaches to you that you may receive advice."** (al-Nahl, 16/90)

#### B. The Creation of Mankind in the Qur'an As a Caliph (The story of ADAM and EVE)

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضَهُمْ عَلَى الْمَلَائِكَةِ فَقَالَ أَنْبِئُونِي بِأَسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُمْ صَادِقِينَ

قَالُوا سُبْحَانَكَ لَا عِلْمَ لَنَا إِلَّا مَا عَلَّمْتَنَا إِنَّكَ أَنْتَ الْعَلِيمُ الْحَكِيمُ

قَالَ يَا آدَمُ أَنْبِئْهُمْ بِأَسْمَائِهِمْ فَلَمَّا أَنْبَأَهُمْ بِأَسْمَائِهِمْ قَالَ أَلَمْ أَقُلْ لَكُمْ إِنِّي أَعْلَمُ الْغَيْبَ السَّمَاوَاتِ وَالْأَرْضِ وَأَعْلَمُ مَا تُبْدُونَ وَمَا كُنْتُمْ تَكْتُمُونَ

وَإِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا لِآدَمَ فَسَجَدُوا إِلَّا إِبْلِيسَ أَبَىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ

وَقُلْنَا يَا آدَمُ اسْكُنْ أَنْتَ وَزَوْجُكَ الْجَنَّةَ وَكُلَا مِنْهَا رَغَدًا حَيْثُ شِئْتُمَا وَلَا تَقْرَبَا هَذِهِ الشَّجَرَةَ فَتَكُونَا  
 مِنَ الظَّالِمِينَ  
 فَأَزَلَّهُمَا الشَّيْطَانُ عَنْهَا فَأَخْرَجَهُمَا مِمَّا كَانَا فِيهِ وَقُلْنَا اهْبِطُوا بَعْضُكُمْ لِبَعْضٍ عَدُوٌّ وَلَكُمْ فِي  
 الْأَرْضِ مُسْتَقَرٌّ وَمَتَاعٌ إِلَى حِينٍ  
 فَتَلَقَى آدَمُ مِنْ رَبِّهِ كَلِمَاتٍ فَتَابَ عَلَيْهِ إِنَّهُ هُوَ التَّوَّابُ الرَّحِيمُ  
 قُلْنَا اهْبِطُوا مِنْهَا جَمِيعًا فَإِمَّا يَأْتِيَنَّكُمْ مِنِّي هُدًى فَمَنْ تَبِعَ هُدَايَ فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ  
 وَالَّذِينَ كَفَرُوا وَكَذَّبُوا بِآيَاتِنَا أُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

*"Behold, your Lord said to the angels: 'I will create a caliph on the earth.' They said: 'Will You place therein one who will make mischief therein and shed blood while we do glorify You with praise and venerate Your holy name?' He said: 'I know what you do not know.'*

*And He taught Adam the names of all things; then He placed them before the angels, and said: 'Tell Me the names of these if you are right.'*

*They said: 'We glorify you! We have no knowledge except that You has taught us. Look! You, only You, are the Knower, the Wise.'*

*He said: 'O Adam! Tell them their names.' When he had told them, Allah said: 'Have I not told you that I know the secrets of heaven and earth, and I know what you reveal and what you conceal?'*

*And when we said to the angels: 'Prostrate yourselves before Adam!' They all prostrated except Iblis (Satan). He raised an objection against it with pride and so became an infidel (rebel and ungrateful).*

*We said: 'O Adam! Dwell you and your wife in the Garden; and eat the things therein abundantly as (where and when) you wish; but don't approach this tree, or you run into harm and transgression.'*

*Then Satan made them slip from the (Garden), and got them out of the state (of felicity) in which they had been. We said: 'Get you down all, with enmity between yourselves. On earth will be your dwelling place and your means of livelihood - for a time.'*

*Then Adam received from his Lord words (of revelation), and He repented (for his mistake) toward him. Look! He is the Relenting, the Merciful.*

*We said: 'Get you down all from here; and if there comes to you a guidance from Me, whosoever follows My*

**guidance, on them shall be no fear, nor shall they grieve. But they who disbelieve, and deny Our revelations, They shall be Companions of the Fire. They will stay forever therein.** " (al-Baqarah, 2/30-39)

In the surah al-A`raf, more information is given about the trick of Satan on Adam and his mate:

قَالَ مَا مَنَعَكَ أَلَّا تَسْجُدَ إِذْ أَمَرْتُكَ قَالَ أَنَا خَيْرٌ مِّنْهُ خَلَقْتَنِي مِن نَّارٍ وَخَلَقْتَهُ مِن طِينٍ  
قَالَ فَاهْبِطْ مِنْهَا فَمَا يَكُونُ لَكَ أَنْ تَتَّكِبَ فِيهَا فَاخْرُجْ إِنَّكَ مِنَ الصَّاغِرِينَ  
قَالَ فَأَنْظِرْنِي إِلَى يَوْمِ يُبْعَثُونَ  
قَالَ إِنَّكَ مِنَ الْمُنظَرِينَ

**Allah) said: "What prevented you from bowing down when I commanded you?' He said: 'I am better than he: You have created me from fire, and him from mud!'**

**He said: 'Then go down hence! It is not for you to show pride here, so go forth! Look! You are of those humiliated.'**

**He said: 'Reprieve me till the day when they are raised (from the dead).'**

**He said: 'Look! You are of those reprieved."** (al-A`raf, 7/12-15)

وَيَا آدَمُ اسْكُنْ أَنْتَ وَزَوْجُكَ الْجَنَّةَ فَكُلَا مِنْ حَيْثُ شِئْتُمَا وَلَا تَقْرَبَا هَذِهِ الشَّجَرَةَ فَتَكُونَا مِنَ  
الظَّالِمِينَ

فَوَسَّوَسَ لَهُمَا الشَّيْطَانُ لِيُبْدِيَ لَهُمَا مَا وُورِيَ عَنْهُمَا مِنْ سَوْآتِهِمَا وَقَالَ مَا نَهَاكُمَا رَبُّكُمَا عَنْ  
هَذِهِ الشَّجَرَةِ إِلَّا أَنْ تَكُونَا مَلَكَتَيْنِ أَوْ تَكُونَا مِنَ الْخَالِدِينَ  
وَقَاسَمَهُمَا إِنِّي لَكُمَا لَمِنَ النَّاصِحِينَ

فَدَلَاهُمَا بِغُرُورٍ فَلَمَّا ذَاقَا الشَّجَرَةَ بَدَتْ لَهُمَا سَوْآتُهُمَا وَطَفِقَا يَخْصِفَانِ عَلَيْهِمَا مِنْ وَرَقِ الْجَنَّةِ  
وَنَادَاهُمَا رَبُّهُمَا أَلَمْ أَنْهَكُمَا عَن تِلْكَ الشَّجَرَةِ وَأَقُلْتُ لَكُمَا إِنَّ الشَّيْطَانَ لَكُمَا عَدُوٌّ مُّبِينٌ

قَالَا رَبَّنَا ظَلَمْنَا أَنفُسَنَا وَإِن لَّمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ  
قَالَ اهْبِطُوا بَعْضُكُمْ لِبَعْضٍ عَدُوٌّ وَلَكُمْ فِي الْأَرْضِ مُسْتَقَرٌّ وَمَتَاعٌ إِلَى حِينٍ  
قَالَ فِيهَا تَحْيَوْنَ وَفِيهَا تَمُوتُونَ وَمِنْهَا تُخْرَجُونَ

**"We said: 'O Adam! Dwell you and your wife in the Garden; and eat of the things therein abundantly as (where and when) you wish; but do not approach this tree, or you run into harm and transgression.'**

**Then Satan whispered to them so that he might show them that which was hidden from them of their shame (parts of the body that have to be covered), and he said: 'Your Lord forbade you from this tree only lest you should become angels or become of the immortals.'**

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*And he swore unto them (saying): 'Look! I am a sincere adviser unto you.'*

*So by deceit he brought about their fall: When they tasted of the tree, their shame became manifest to them, and they began to cover their bodies with the leaves of the Garden. And their Lord called unto them: 'Did I not forbid you that tree, and tell you that Satan was an evident enemy unto you?'*

*They said: 'Our Lord! We have wronged ourselves. If You do not forgive us and have not mercy on us, surely we are of the lost!'*

*(Allah) said: 'Get you down, with enmity between yourself. On the earth will be your dwelling-place and your means of livelihood- for a time.'*

*He said: 'There shall you live and there shall you die, and from there shall you be brought forth.'" (al-A`raf, 7/19-25)*

The above mentioned story hints us the main points of human adventure on the surface of the earth in a time over history with a rhetorical way. When we read it carefully, we can understand the real message from it. Allah has created man and woman from the same essence and made them male and female. Both of them together constitute the human nature. Allah has given them the power of thinking and will, and so He has made them (man and woman together) superior to the other creatures in the universe; that is, man and woman are both made the caliphs on the earth by God. He has given the earth and sky to the service of human beings in return for some responsibilities. Putting them to a test, He has put some boundaries (the forbidden tree) for their acts and wanted them to obey His rules and not violate these boundaries. But Satan has deceived them by whispering and making a promise that if they approached that forbidden tree, they would be angels and immortal and would not be in need of God any longer; namely, they themselves would become gods. In the story, both man (Adam) and his mate (Eve) were deceived by Satan and approached the tree to be immortal, and so they committed a sin. Not only woman but both man and woman are equally responsible for this violation; that is, woman is not considered the source of evil as it is claimed in some mythological stories<sup>11</sup> which have a

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<sup>11</sup> See Fred Gladstone Bratton, *Yakın Doğu Mitolojisi*, translation. Nejat Muallimoğlu, İstanbul 1995, pp. 13, 52-53; The Holy Bible, *Authorized King James Version*, Belgium 2001, The Old Testament, Chapters 1-3, pp. 1-3.

strong effect on the traditions and mentalities of peoples nearly all over the world. After committing that sin, they would not become a god, but would slip from the garden, fall into a shameful position and lose value; that is, those who do not respect the lines drawn by Allah to protect the mutual rights and law among people do not become gods, but lose their honour and self-respect in the sight of Allah and people. It is a very significant lesson that must be learnt from that story. At the end, man and woman get very sorry and regretful for their sinful act and repent and ask God for forgiveness. Upon this, Allah accepts their repentance and wants them to follow His guidance that will come to them through revelation and prophets. The door of forgiveness is open for everybody and every one carries his/her responsibilities on his/her shoulders; that is, no one carries the sin of others.

### C. Situation of Man and Woman

The following verse indicates a general social case relating the situation of man and woman that has been seen all over the world in the past, present and future:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ  
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ  
وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنِ اطَّعْتُمْ فَلَا  
تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

***“Men are QAWWĀMūn (dominant and protector) over women, because Allah has bestowed the one more than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would had guarded. As to those women whom you fear their NUSHŪZ (disloyalty, aggression and ill conduct), advise them (first), (next), refuse to share their beds, (and last) beat them (lightly); but if they return to obedience, don't seek against them means (of annoyance): for Allah is the most high, great (above you all).”*** (al-Nisā, 4/34)

What must we understand from the concept “qawwām” in the verse? While some commentators and translators of the Qur'an were translating it as *“The men are superior to woman”*,<sup>12</sup> some others translated it as *“The men are the protectors and*

<sup>12</sup> For example, see Firūzābādī, *Tanvīr al-Miqbās min Tafseeri Ibn Abbas*, 1. Edition, Beirut 1992, p. 91; Ibn ʿAtiyya al-Andalūsī, *al-Muharrar al-Wajīz fī Tafseeri Kitāb al-ʿAzīz*, Beirut 1993, Vol. II, p. 47; Abū Abdullah Muhammad Ibn Ahmad al-Qurtubī, *al-Jāmiʿ li Ahkām al-Qurʾān*, Beirut 1985, Vol. V, pp. 168-169.

*maintainers of women*".<sup>13</sup> The following verse is making a contribution to the explanation of this verse:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

***"They (women) have the same rights over them (men) in kindness, and for men is a degree (DARAJA) above them. Allah is Mighty, Wise."*** (al-Baqarah, 2/228)

Women have rights even as they have duties. But men have a DARAJA (degree/rank) over them. There is a close connection between QAWWĀM and DARAJA (degree). Yes, the concept "qawwām" contains both the meaning of dominancy and protection/maintenance together. Because as it is mentioned in the verse, men support women from their means and belongings. And it makes man gain a degree over woman. But this superiority is not from the angle of being more valuable, noble and virtuous than the opposite sex on the gender basis in the sight of Allah and before the law, which requires favouring men against women. It is not a juristic (FIQHĪ) judgment. As we read in the verse (Hujurāt, 49/13), mankind - man and woman - may be more valuable, worthy and superior only with "TAQWĀ":

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

***"O mankind! Look! We have created you male and female, and have made you nations and tribes that you may know one another. Look! the noblest of you in the sight of Allah is the best in conduct. Look! Allah is Knower, Aware."*** (al-Hujurāt, 49/13)

Then, this mentioned degree must be understood from the angle of functionality of men in the family and social life. This degree is interpreted by many Muslim scholars in connection with the role and situation of men in the family structure and social life. Generally, men are more dominant, active and functional in comparison with women as a social fact, and this functionality has been gaining new forms in time despite some changes in gender roles. But this situation does not require to put hindrances and barriers in front of women to stop them from improving themselves, gaining positions, making trade, accessing politics, attending education process, etc. And there may be some women more functional, active and dominant than many of men. The above mentioned verse is referring to a social fact only in connection with

<sup>13</sup> For example, see Abu Ja'far Muhammad Ibn Jarīr al-Tabarī, *Jāmi' al-Bayān 'an Ta'wīli Āy al-Qur'ān*, Beirut 1988, Vol. V, p. 57; Rasheed Riza, *Tafseer al-Qur'ān al-Hakīm*, 2. Edition, Dār al-Fikr, no date, Vol. V, p. 69, Vol. II, pp. 375-376.

the nature of mankind and imposing responsibilities of protection and maintenance more on the shoulder of men in return for his potentials, capacities including physical power, social positions which have been bestowed upon them by God. All these blessings requires men to take care their mates, to respect and protect their rights being aware of the fact that he will be accounted for his intentions and deeds at the end. Because Allah sees and knows every thing and there is nothing secret to Him.

The relation between man and woman, between parents and children must be on the basis of kindness, good will, equity, compassion, loyalty, truthfulness, sympathy, patience, tolerance and love. Many are the statements of the Qur'an and Sunnah (the traditions of the Prophet Muhammad). It is husband's duty to behave his wife and children in an equitable and kind manner, and he must be loyal and protect his honour. He has more responsibility for the maintenance of the family life as a whole, a duty which he must carry out cheerfully without reproach and injury. Maintenance entails right to lodging, clothing, nourishing, general care and well-being. The wife's residence must be adequate to provide her with a reasonable level of privacy, comfort and independence. No man is allowed to keep his wife with the intention of inflicting harm on her or hindering her freedom. As for the main obligation of wife as a partner in the marital relationship, she will contribute to the success and happiness of marriage as much as possible. She will be attentive to the comfort and well-being of her mate. She won't offend him and hurt his feelings. She must be faithful, trustworthy and honest. She mustn't allow any other person to have access to that which is exclusively the husband's right. She must avoid some doubtful actions which lead to jealousy, suspicion, gossip, etc. The husband's possessions and belongings are her trust. She will protect what is trusted to her. She will look after her husband and children. She will do her best to maintain the integrity of the family life.<sup>14</sup> Of course, children are responsible for their parents. A hadith (the Prophet's saying) lays stress on these duties vice versa briefly:

***"All of you are shepherds; the husband is responsible for his wife and children, the wife is responsible for her husband and children...You are all shepherds and responsible for your herd."***<sup>15</sup>

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<sup>14</sup> Hammudah Abdulati, *Islam in Focus*, el-Falah Foundation, Cairo 1997, pp. 227-230.

<sup>15</sup> See Bukhārī, *Sahih*, jum`a 11, jenāiz 32, istiqrād 20, wasâyā 9; Tirmidhī, *Sunan*, jihād 27; Ibn Hanbel, 2/5, 54, 55, 108, 111, 121.

As for the second part of the verse (Nisa, 4/34)<sup>16</sup>, it came on a special event. In the Arabic community some people were beating their wives severely and unjustly whenever they feel like it. A woman who was beaten by her husband came to the prophet and complained her husband. The Prophet did not approve the husband's behaviour towards his wife and wanted to punish him for his action. Then this verse was descended.<sup>17</sup> Allah has wanted to put limits for the action of those kinds of man towards their wives and to prevent them from doing injustice. Even today beating women is wide-spread all over the world. It is related with the level of agreement or disagreement between husband and wife. It suddenly breaks out without control. Man uses his physical power without thinking much to gain control over his wife to make her more submissive to him no matter he is doing right or wrong. It is the fact of social life. It appears nearly everywhere in the world. Islam invited people to the justice, patience and good behaviour, and wanted man and woman to control their acts by making directions in order to draw the matter to a logical and levelled ground. At first, if there is a **NUSHŪZ** caused by the wife (which includes the very excessive and severe conduct and aggressiveness of wife with tongue and hands without control against her husband), it is more appropriate for the husband to give advise to his wife compassionately to solve the problem without giving harm to her. If it does not give a positive result, the second step will be not to share the bed with her for a while. If that way does not give a positive result too and he considers it useful in settling the conflict, then he may beat her lightly to defend himself against the aggression of the wife and to make the family life continue, trying not to inflict on her any harm. But of course, it is not an inevitable and obligatory solution. In this case, the way to divorce is open. If one of the parts wants to divorce the other, there is no hindrance in front of it. But, if the woman mentally or psychologically ill and so cannot control his conducts, it is husband's duty to take care of her, to be patient, to do his best to cure his wife. Faithfulness and being devout requires this. The following verse explains the nature of beating:

<sup>16</sup> "...As to those women whom you fear their **NUSHŪZ** (disloyalty, aggression and ill conduct), advise them (first), (next), refuse to share their beds, (and last) beat them (lightly); but if they return to obedience, don't seek against them means (of annoyance): for Allah is the most high, great (above you all)."

<sup>17</sup> See Jalāl al-Din al-Suyūtī, *Lubāb al-Nuqūl fī Asbāb al-Nuzūl*, Beirut 1990, p. 68; Abū al-Hasen ʿAlī b. Ahmad al-Wāhidī, *Asbāb al-Nuzūl*, Beirut 1991, pp. 155-156.

The Prophet Job takes an oath to beat his wife for a reason the true nature of which we do not know. Of course, Allah does not give consent to this even he is a prophet. But on the other hand, Allah shows that prophet a way to fulfil his oath and says:

***"And take in your hand a bunch of grass/stalk and strike her with it, and don't break your oath." Truly we found him full of patience constancy. How excellent is the servant! He always turns to God."*** (Sād, 38/44)

Kind treatment of wives and families is a part of the religion in Islam. That is why, the Prophet Muhammad said:

***"The best among you are those who are kindest to their family members"***<sup>18</sup>

It is possible to find a lot of similar sayings of the Prophet (hadiths). The Prophet put blame on those who beat their wives. The Prophet himself has been the best example of good conduct towards women and his wives. He never insulted or beat his wives and children; he showed great patience, he was always kind and tolerant to his household and to the people even though he met a lot of hardships and offences.

#### D.Participation of Woman in the Social Life:

In fact Islam grants woman all rights for which she aspires; the right of education, having her own property, participating in politics, being the guardian inside the house and the right of job if circumstances demand it. It grants woman the right to depend on her husband. There is no obstacle to prevent her from having these rights. The great responsibility of caring for his family rests on the husband. He will find best possible solutions to the problems by consulting his wife and making use of all his wisdom. Yet, the following verse that was descended about the wives of the Prophet has become subject to misunderstanding with respect to the situation of Muslim women in the society and their participation in the social, politic and business life:

يَا نِسَاءَ النَّبِيِّ لَسْتُنَّ كَأَحَدٍ مِّنَ النِّسَاءِ إِنِ اتَّقَيْتُنَّ فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي فِي قَلْبِهِ مَرَضٌ  
وَقُلْنَ قَوْلًا مَّعْرُوفًا

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى وَأَقِمْنَ الصَّلَاةَ وَآتِينَ الزَّكَاةَ وَأَطِعْنَ اللَّهَ  
وَرَسُولَهُ إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا

***"O you, wives of the Prophet! You are not like any other women. If you keep your duty (to Allah), then do not be soft of speech, lest he in whose heart is a disease aspires***

<sup>18</sup> See Ibn Mājah, *Sunan*, nikah 50; Dārimī, *Sunan*, nikah 55.

*(to you), but utter customary speech. And stay in your houses (wa qarne fī buyūtikunne). Don't exhibit yourselves with the exhibition of the Time of primitive ignorance. Be regular in prayer, and pay the Zekât (legal alms), and obey Allah and His messenger. Allah's wish is only to remove uncleanness far from you, O Folk of the Household, and cleanse you with a thorough cleansing."* (al-Ahzâb, 33/32-33)

Moving from this verse, some commentators have claimed that the place of women is their houses and there is no right for a Muslim woman to go out of her house, they always must stay at home and serve their husbands and children.<sup>19</sup> When we have a look on the concerning verse, we see that it is privately about the Prophet's wives. In the Muslim society of that time's Madinah, the house of the Prophet was like a centre of education and meeting. The Prophet's companions were frequently coming there to consult or listen to the Prophet, and of course they were sometimes coming across and naturally seeing his wives. So, Allah advised the Prophet's wives to be more careful and sincere to protect their honesty and honour (waqar) and be good examples to other Muslim women in Madinah. The core of the matter was not their staying or not staying at their homes. When that verse came, they had already no jobs outside and had been staying at their homes. Of course they were going out of their houses if a need necessitated it.<sup>20</sup> As we know, when the Prophet married Hadijah, his first wife, she was making trade and there is no narrative in hand showing that the Prophet prevented her from doing this. In my opinion, there is a linguistic problem in understanding the phrase "*waqarne fī buyūtikunne*" in the verse. Some commentators of the Qur'an gave it only the meaning of "stay/sit at your homes and do not go out of your houses" Whereas the word *qarne* in imperative form is coming from the verb *waqara-yaqiru; waqara-yaqaru; waqura-yawquru*. It means staying (at his/her home) by protecting solemnity, honour (waqar), honesty and dignity.<sup>21</sup> Anyway, the following part of the verse is clearly indicating this meaning.

<sup>19</sup> For example see Jassâs, Abû Bakr Ahmad, *Ahkâm al-Qur'ân*, Dâr al-Fikr 1993, Vol. III, p. 529; Ibn Arabî, Abû Bakr Muhammad, *Ahkâm al-Qur'ân*, Beirut 1988, Vol. III, pp. 568-569; Ibn Atiyye al-Andalusî, *al-Muharrar al-Wajiz fî Tafeeri Kitâb al-'Azîz*, Beirut 1993, Vol. IV, p. 383; Shâbu'ddin Mahmûd al-Âlûsî, *Rûh al-Maâni*, Dâr al-Fikr, 1994, Vol. XII, p. 10; Elmalîlî Hamdî Yazîr, *Hak Dini Kur'an Dili*, Eser Neşriyat, 1979, Vol. VI, pp. 3890-3891.

<sup>20</sup> See Süleyman Ateş, *Yüce Kur'an'ın Çağdaş Tefsiri*, İstanbul 1990, Vol. VII, pp. 161-162.

<sup>21</sup> See Ibn Mandhûr, *Lisân al-'Arab*, Beirut, no date, Vol. V, p. 290; Butros al-Bustânî, *Muhit al-Muhit*, Beirut 1993, p. 980.

## E. Men and Women in the Field of Law

### 1) Matter of being a witness:

The following verse about contracting a debt and its writing in presence of witnesses has caused some controversy with respect to the situation of women in Islam:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَابَرْتُمْ بَدَيْنَ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْبَ كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَلْيَمْلِكِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسْ مِنْهُ شَيْئًا فَإِن كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يَمْلِكَ هُوَ فَلْيَمْلِكْ وَلِيَّهُ بِالْعَدْلِ وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِن لَّمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّن تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَن تَضِلَّ إِحْدَاهُمَا فَتُذَكَّرَ إِحْدَاهُمَا الْأُخْرَىٰ وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا وَلَا تَسْأَمُوا أَن تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ ذَلِكُمْ أَفْسَدُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَأَشْهِدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَ كَاتِبٌ وَلَا شَهِيدٌ وَإِن تَفَلَّحُوا فَإِنَّهُ فُسُوقٌ بِكُمْ وَاتَّقُوا اللَّهَ وَيَعْلَمَكُمُ اللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

*"O you who believe! When you contract a debt for a fixed term, record it in writing. Let a writer record it in writing between you in (terms of) equity. No writer/clerk should refuse to write as Allah has taught him, so let him write, and let him who incurs the debt dictate, and let him observe his duty to Allah, his Lord, and diminish nothing of that. But if he who owes the debt is of low understanding, or weak, or unable himself to dictate, then let the guardian of his interests dictate in (terms of) equity. And call to witness, from among your men, two witnesses. And if there are not two men (at hand), then a man and two women, of such as you approve as witnesses so that if the one makes a mistake (through forgetfulness), the other will remember. And the witnesses must not refuse when they are summoned. Do not oppose to writing down (the contract) whether it be small or great until its term. That is more equitable in the sight of Allah and surer for testimony, and the best way of avoiding doubt between you; except only in the case when it is actual merchandise which you transfer among yourselves from hand to hand. In that case it is no sin for you if you do not write it. And have witnesses when you sell one to another, and let no harm be done to the writer or the witness. If you do (harm to them) look! it is a sin for you. Observe your duty to Allah. Allah is teaching you. And Allah is Knower of all things."* (al-Baqarah, 2/282)

As it is seen in the verse, in case of contracting a debt, two witnesses have been demanded from among men; and if there are not two men, then a man and two women have been demanded as witnesses. Depending on this verse and taking only its literal

meaning into consideration, some people have been claiming that Islam is making discrimination between men and women in favour of men by considering one man equal to two women on the basis of gender. They have considered this arrangement about the issue of testimony the final rule in every situation, definite and closed to all improvements and alterations. Of course, they have found their proofs supporting this kind of understanding in the interpretations of some old classical comments on the concerning verse.<sup>22</sup> But a careful reading of the verse and taking into consideration all the verses in the Qur'an about testimony as a whole turns out that kind of understanding to be nothing. On the other hand, we can find interpretations of some famous commentators who have made their comments not on the basis of gender but on the basis of social and economic conditions of that time.<sup>23</sup> The reason of demanding two female witnesses is not originating from the matter of gender itself, but from the current socio-cultural and economic conditions of that time and the capacity of women within those conditions.

As known, when the Qur'an was revealed, the Arabic society in Hijaz was patriarchal and the women were not active in trade and economy; that is, they were short of experience in this field in comparison to the men in their society. That is why, the following phrase was said in the verse: *"...If the one makes a mistake, the other will remember..."* Out of this phrase, it is clearly understood that the condition of the society and different experiences were taken into consideration while putting some divine judgments. Without considering the historical facts, phenomena and events which lying under the directions of the Qur'an, we cannot truly understand the verses and interpret them. If conditions in the society and labour life change in favour of women, then the judgments can also change and develop in line with these alterations. The important thing is not the matter of gender, but the protection of mutual rights and law among people. That is the purpose on which the Qur'anic arrangements are based on relating to testimony and other issues, no matter the concerned are male or female. In the other verses of the Qur'an about some other occa-

<sup>22</sup> For these comments see Jassās, *ibid*, Vol. I, pp.684-686; Ibn Kethīr, *Tafseer al-Qur'ān al-Azīm*, Beirut 1994, Vol. I, p. 413; al-Qurtubī, *ibid*, Vol. III, pp. 383-39; Elmalılı Hamdi Yazır, *ibid*, Vol. II, pp. 981-984.

<sup>23</sup> For example see Abu al-Qāsim Jārullah al-Zamakhsharī, *al-Kashshāf 'an Haqāik al-Tanzil*, Dār al-Fikr, no date, Vol. I, p. 403; Fakhr al-Din al-Rāzī, *Tafseer al-Kabīr*, Beirut 1990, Vol. IV, pp. 96-100; Muhammad Rāshid Rida, *Tafseer al-Qur'ān al-Hakīm*, Dār al-Fikr, no date, Vol. III, pp. 123-124; Fadl al-Rahmān, *İslam*, translated by Mehmet Dağ-Mehmet Aydın, Ankara 1981, pp. 125-126.

sions which require testimony, the form of address is general comprising both men and women together without a precondition.<sup>24</sup>

## 2) Marriage

Marriage is a very important institute in the Islamic society. Islam attaches great importance to marriage and the family life and encourages people (men and women) to marry if the conditions are proper. There are reasons why Islam encourages marriage. Family life is a nucleus of human society providing a secure, healthy and encouraging home for parents and the growing children. As continuators of the human race, children find warmth, patience and a first important part of their education in the family. In the Islamic family, the mother considers the care for her children not as a part-time job but as one of her foremost duties. With a home where mother and father are aware of their important role and realize that the world of tomorrow will be what they make of their children, the foundation of society will remain intact. Family is a guardian of the natural erotic desires of men and women, leading this powerful urge into wholesome channels. That is why, Prophet Muhammad (peace be upon him) said:

*"Marriage is a part of my sunnah (tradition), whoever runs away from my path is not from amongst us..."*<sup>25</sup>

In sûrah al-Baqarah, verse 187, it is told:

*"They (your wives) are your garments and you are their garments"*

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<sup>24</sup> See al-Nisâ, 4/15 (*If any of your women are guilty of lewdness, take the evidence of four (Reliable) witnesses from amongst you against them; and if They testify, confine them to houses until death do claim them, or Allah ordain for them some (other) way.*); al-Mâidah, 5/106 (*O you who believe! when death approaches any of you, (take) witnesses among yourselves when Making bequests,- two just persons of your own (brotherhood) or others from outside if you are journeying through the earth, and the chance of death befalls you (thus). if you doubt (Their Truth), detain them both after prayer, and let them both swear by Allah. "We wish not In this for any worldly gain, Even though the (beneficiary) be our near relation: we shall hide not the evidence before Allah. if we do, then Behold! the sin be upon us!*); al-Nûr, 24/4 (*And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations),- flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors*); al-Talaq, 65/2 (*Thus when They fulfil 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.*)

<sup>25</sup> Ibn Mâja, nikah 1.

Thus husbands and wives are likened to garments. They cover and protect each other. They may find fulfilment in each other for their erotic urges, desire for children and mutual exchange of love and tenderness. Family is the very breeding place for human virtues such as love, kindness and mercy. It is the most secure refuge against inward and outward troubles. The marriage is carried out with the marriage contract between the male and female, and their consents depending on their free wills are essential for making this contract besides some other conditions such as consents of parents, two witnesses (one from the girl's side, one from the boy's side), dowry and ratification.<sup>26</sup> Marriage brings the right of livelihood, providing female with housing and the right of inheritance. Allah describes it as a very strong contract<sup>27</sup> that mustn't be broken due to simple excuses.

As for getting married with more than one wife (polygamy), Islam encourages male Muslims to marry only one wife because it is more proper to do justice and to make the family structure less problematic.<sup>28</sup> Yet, while plurality of husbands (polyandry) and group marriages are absolutely forbidden in Islam, (plurality of wives) is permitted. Polygamy has been practiced throughout human history. It was practiced by prophets like Abraham, Jacob, David, Salomon, etc.; by kings and governors; by common people of the East and West in ancient and modern times. Even today, it is practiced among Muslims and non-Muslims of the East and the West in various forms, some of which are legal and some illegal and hypocritical, some in secret and some in public. The high correlation between strict formal monogamy and the frequency of prostitution, homo-sexuality, illegitimacy, infidelity and general sexual laxity must be examined. It does not require much search to find out where and how a great number of married people maintain private mistresses, or sweethearts, or simply go around with other women protected by common law. Whether moralists like it or not, the point remains that polygamy is lived in practice and it can be seen everywhere and found in all ages of history.<sup>29</sup>

<sup>26</sup> For wide information on the basic principles and conditions of the marriage (nikah) see. Wahba al-Zuhaylî, *al-Fiqh al-Islâmiyya wa Edillatuhû*, Dâr al-Fikr, Damascus 1989, Vol. V, pp. 36-94.

<sup>27</sup> "How can ye take it (back) after one of you has gone in unto the other, and they have taken a strong pledge (a solemn Covenant) from you?" (Sâd, 38/44)

<sup>28</sup> " ...but if ye fear that ye shall not be able to deal justly (with them). Then only one, or (a captive) that your right hands possess. That will be more suitable, to prevent you from doing injustice." (al-Nisâ, 4/3)

<sup>29</sup> See Hammudah Abdulati, *ibid*, p. 323.

During the time of Biblical revelations, polygamy was commonly accepted and practiced. It was accepted religiously, socially and morally and there was no objection to it. Perhaps that is why the Bible itself did not deal with the subject because it was then a matter of fact, a matter of course. The Bible does not forbid it or regulate it or even restrict it.<sup>30</sup> Turning to the case of Islam, we find many people in the Western world who think that a Muslim is a man who is possessed by physical passions and is in possession of a number of wives, limited or unlimited. They believe that a Muslim is at full liberty to shift from one wife or a number of wives to another, and that is as easy as shifting from one apartment to another. This attitude is aggravated partly by sensational motion pictures and cheap paperback stories, and partly by irresponsible behaviour of some Muslim individuals. The inevitable result of this situation is that stationary barriers have cut off millions of people from seeing the brilliant lights of Islam and its social philosophy.<sup>31</sup>

When Islam was represented by Muhammad (peace be upon him), the practice of polygamy was common and deeply rooted in the social life. The Qur'an did not ignore the practice or discard it, nor did it let it continue unchecked or unrestricted. The Qur'an could not be indifferent to the question or tolerant of the chaos and irresponsibility associated with polygamy. As it did with the prevailing social customs and practices, the Qur'an stepped in to organize the institution in order to eradicate its traditional evils and insure its benefits.<sup>32</sup> Those are the main points that must be taken into consideration while evaluating Islam for its regulating polygamy:

Polygamy is permissible within certain conditions and under certain circumstances.<sup>33</sup> It is not an article of faith, a norm or a matter of necessity. According to many Muslim scholars, this permission is limited to a maximum of four wives. Before Islam there

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<sup>30</sup> Hammudah Abdulati, *ibid*, pp. 323-324.

<sup>31</sup> Hammudah Abdulati, *ibid*, p. 322.

<sup>32</sup> Hammudah Abdulati, *ibid*, p. 324.

<sup>33</sup> In some societies, women outnumber men because of wars and other reasons. Women can find sympathy, understanding, support and protection in the family life. The implications of the problem are not simply physical, but also moral, sentimental, social, emotional and natural. At the same time, most of men and women want to have children to preserve their names and to strength family bonds. The wife may not be capable of fulfilling her obligations towards her husband in some circumstances such as illness, long journeys etc. But Islam does not encourage or approve suppression of anyone's legitimate desires and natural aspirations. It helps to realize those aspirations and desires in a decent and legal way and to hinder the ways leading to adultery, immorality, deception, hypocrisy and infidelity in the family and social life.

were no limits or assurances of any kinds. The second or third wife enjoys the same rights as the first one. Equality between the wives in treatment, provisions and kindness is a prerequisite of polygamy. The equality depends largely on the inner conscience of the individual involved. This permission is an exception to the ordinary course.<sup>34</sup> The following verse permitting men to marry more than one wife was revealed after the battle of Uhud, in which many Muslims were killed, leaving behind them widows and orphans.

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَمَامَى فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تُعَدِّلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أُدْنَىٰ أَلَّا تُعْوِلُوا

*“If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly (with them). Then only one or (a captive) that your right hands possess (is more proper for you to marry). That will be more suitable to prevent you from doing injustice.”* (al-Nisâ, 4/3)

Marriage was one way of protecting those widows and orphans in a community where there were not any insurance systems or other protection systems. Islam did not invent polygamy, but regulated it; and this regulation does not mean putting it as a norm or encouraging it as a rule. Islam did not abolish it. Because if it were abolished, that would have been in theory only and people would have continued its practice as it is observed today among the people whose conditions and social standards don't approve polygamy. Islam came to be lived, practiced and not to stay in suspense or to be considered a mere theory.

### 3) Divorce

Islam encourages husband and wife to continue their marriage, be patient to each other and live together. Divorce is only taken to be a last resort in Islam. Kind treatment of wives and families is a part of the religion in Islam; therefore the Qur'an says:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

*“Live with them on a footing of kindness and equity. Even If you take a dislike to them, it may be that you dislike a thing through which Allah brings about a great deal of good.”* (al-Nisâ, 4/19)

If husband and wife consider it impossible to live together any longer, there is no way keeping them together by force. Some-

<sup>34</sup> Hammudah Abdulati, *ibid*, pp. 324-325.

times divorce is a solution to the problems arising in the family life. Husband and wife may separate in peace and each of them may seek fulfilment with somebody else. But before going to divorce, there is a waiting period to encourage reconciliation. In this period, the relatives and other members of family or of the community may try to help towards reconciliation and mutual understanding between the partners. The Qur'an says:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

***"If you fear a breach between them two, appoint (two) arbiters, one from his family and the other from hers; if they wish for peace, Allah will cause their reconciliation: for Allah has full knowledge, and is acquainted with all things."***  
(al-Nisā, 4/35)

If they are reconciled, they may resume the marriage relations at any time within the waiting period, whereupon the divorce is automatically revoked. If further trouble arises and divorce is pronounced a second time, the same procedure is followed. Only if the matter reaches a third stage, divorce becomes irrevocable. After three cycles the wife is free to marry another man if she wishes. The first husband is not then permitted to remarry her unless she has in the meantime married another man and been divorced.

Even if divorce is decided on, the good treatment is required:

***"Then keep them in all decency or part from them decently. It is not lawful for you to take anything you have given them."*** (al-Baqarah, 2/229)

This procedure is the normal one followed if the husband is the one seeking divorce or if the divorce is by mutual consent. There is a kind of misunderstanding and wrong interpretations among some commentators and people about divorce in Islam that divorce is only in the hand of the husband and the wife has got no right and no way to divorce her husband.<sup>35</sup> They have put traditions and customs in the centre of their interpretation instead of putting the Qur'an and the true Sunnah in it. It is a false opinion. Islam does not confine the right of divorce to men or women alone. It grants both husband and wife the right of divorce. If the wife seeks divorce against the wishes of the husband, she may

<sup>35</sup> For example see Tabarī, *ibid*, Vol. II, pp. 453-467; Jassās, *ibid*, Vol. I, pp. 509-540; Ibn Arabi, *ibid*, Vol. I, pp. 256-264; Qurtubi, *ibid*, Vol. III, pp. 124-124; Zamahsharī, *ibid*, Vol. I, p. 366; Elmalılı Hamdi Yazır, *ibid*, Vol. II, p. 785.

take her case to the court and obtain divorce.<sup>36</sup> The following verse is about such kind of divorce:

***"And if you fear that there may not be able to keep the limits of Allah, then there is no sin for either of them, if the woman redeems herself with that."*** (al-Baqarah, 2/229)

The reason for this verse to descend is an event which took place at the time of the Prophet. A woman came to him saying that although her husband was a good man and she had no complaint against the treatment, she disliked him greatly and could not live with him. The Prophet directed that she should return to the husband a garden which he had given her as her dowry, as the condition of divorce.<sup>37</sup> This procedure is sanctioned in the Qur'an with the above mentioned verse. Islam does not compel unhappy couples to stay together, but its procedures help them to find a ground on which they can be reconciled with each other. If reconciliation is impossible, Islam does not impose any unnecessary delay or obstacle on the way of divorce.

#### 4) Inheritance

During the period of Jâhiliyya before Islam, women were not entitled to take any shares from inherited property. All rights of inheritance were in the hands of men. When Islam came, it put the justice in the centre and it changed the situation in favour of women by opening the way of developments in the universal sense as it did in other issues. Inheritance is a part of the Islamic law. The method of division of inheritance is clearly laid down in the Qur'an.<sup>38</sup> According to the referred verse, the general rule is that daughter is entitled to inherit half the share given to son. This may appear unfair if taken in isolation from other legislations. However, it must be remembered that in the Islamic tradition, men are charged with the maintenance of all the women and children in their family, and therefore their necessary obligations of expenditure are far higher than those of women. Man has got most of the financial responsibilities from the angles of custom, religion and law towards his wife, parents, children and even his brothers and sisters. Yet, any money or property which a woman owns, or any business which she runs is entirely her own and her husband has no right to any of it. The division of inheritance is made according to the responsibilities and needs in the family and society.

<sup>36</sup> For wide information and evaluation see Talip Özdeş, *Kur'an ve Cinsiyet Ayrımcılığı*, Ankara 2005, pp. 191-200.

<sup>37</sup> See Bukhârî, Talaq 11, Süleyman Ateş, *ibid*, Vol. I, p. 409.

<sup>38</sup> al-Nisâ, 4/11-12.

While evaluating the matter, someone should take into consideration that this division of inheritance concerning women is not the only situation to apply to every position. According the above-referred verse of inheritance, there are also other positions. When a man dies and leaves only one daughter, she takes half of the inheritance; if he leaves more than two daughters, they are entitled to take two-thirds of the inheritance. If he dies and leaves children and parents together, the father and mother take equal shares (1/6) from the inheritance. And if he leaves no parents and children but a brother and sister, the male and the female also take equal shares. As understood from these arrangements, Islam handles the inheritance matter not depending on the basis of gender, but on the justice taking into consideration responsibilities, needs and functions carried out by men and women.<sup>39</sup>

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<sup>39</sup> For more information and evaluations see Talip Özdeş, *ibid*, pp. 200-211.