



40 Hadiths on Social Justice

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Lecture Notes

Chapter 34: Gender Equity in Islam – “We Used to Have No Regard for Women”

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Aisha (ra) narrated... [The messenger ﷺ] said: Yes. Woman are the twin halves of men.

[Sunan Abu Dawud]

عَنْ عَائِشَةَ، قَالَتْ... قَالَ [رَسُولُ اللَّهِ] نَعَمْ إِنَّمَا النِّسَاءُ شَقَائِقُ الرِّجَالِ.

[سنن أبي داود]

Introduction

- Some reforms that Islam made were solutions to clear problems and injustices in society. An example would be opposing racism.
- Other reforms that Islam brought are not as clear in our western context. Especially in issues where what is considered justice is hotly disputed and debatable.
 - For example, the discussion of feminism. What is the liberation of women? What are Islam's solutions to the clear problem of injustices against women? What about iterations of feminism and other ideologies that view Islam's solutions and reforms to be regressive?
 - How can you reconcile between a religion that is timeless and ideologies that are in constant evolution?
- What did Islam do for women?
 - The greatest contribution Islam made to women's rights is recognizing the full humanity of a woman. This was revolutionary and unheard of at the time, especially from a theological perspective.
- What does empowerment mean?
 - *Women in the Nation* by Dr. Jamillah Karim and Dawn-Maree Gibson discusses the transition of women from the Nation of Islam to Sunni Islam. One of the distinctive features of the Nation was discipline. There was also a strong emphasis on gender

roles. The book has experiences from women on how they viewed empowerment. Did they feel empowered by how the nation treated women or did they feel belittle by it?

- Malcom X once said in a speech (while he was in the Nation of Islam), “the most disrespected woman in America is the black women... We will kill you for our women.” This protectiveness could be looked at as belittling to some while others could take pride in it.
- Because of the socio-historical influences of the Jim Crow era, black women were so tired of seeing black men emasculated that the empowerment of black men meant the empowerment of the black human being.
- Ideology can sometimes be very short sided and very restricted to one particular social and cultural context.
- There will always be different views on what it means based on people’s experiences, class, culture, time period, etc.
 - For example, a rich woman in America vs. a poor woman in Palestine vs. a woman in 7th century Arabia.
- The best way to decide whether Islam is empowering vs. diminishing is to see how women felt with the advent of Islam in 7th century Arabia as revelation was coming and see how men viewed women as a result of the revelation of the Quran and Sunnah.
- Yaqeen Papers regarding women’s rights:
 - “Honor Killings” – by Dr. Jonathon Brown
 - Our views of the situation of women around the world are often very skewed. We assume and internalize the idea that Muslims are more backwards in regards to women’s rights than any other group of people. However, most of the injustices against women’s are regional/cultural causes, not religious.
 - “We Used to Have No Regard for Women - Gender Equity in the Advent of Islam
 - “Why Ideological Bandwagons are Failing Muslims” – a paper on Feminism

- “Examining Myths in Islamic Law about Women” – issues of inheritance, testimony, domestic violence.

How Women Were Viewed in the Advent of Islam

- Umar (ra) said: “اللهِ إِنَّ كُنَّا فِي الْجَاهِلِيَّةِ مَا نَعُدُّ لِلنِّسَاءِ أَمْرًا ، حَتَّى أَنْزَلَ اللَّهُ فِيهِنَّ مَا أَنْزَلَ وَقَسَمَ ”لَهُنَّ مَا قَسَمَ“
- “In the days of ignorance, we used to have no regard for women whatsoever. Until Allah revealed about them what he revealed and allotted for them what he allotted.”
- Umar (ra) first mentions the view of the intrinsic value of women. Then he mentions the legal aspects of their rights.
- You can never find Sahabiyaat that believed that Islam diminished her instead of empowering her.
- There is an authentic narration where some Sahabiyaat said: “Allah and his Messenger are more merciful to us than ourselves.”
- Surah Ahzab Ayah 35:
 - إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا - 33:35
 - “Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward.”

Women are the Twin Halves of Men

- Hadith 34: عَنْ عَائِشَةَ، قَالَتْ... قَالَ [رسول الله] نَعَمْ إِنَّمَا النِّسَاءُ شَقَائِقُ الرِّجَالِ



- Aisha (ra) narrated... [The prophet] said: "Yes. Woman are the twin halves of men."
- The Hadith is speaking to their essential value and fullness in humanity. Everything else is viewed within that spirit.
- The default is that men and women have the same rights and responsibilities in the law. Then some differences are specified but not because the values of the people are different. The law (rights and responsibilities) does not differ out of the inherent superiority of one gender over the other.

The Situation of Women Before Islam

- Aristotle said that a woman is defective and a misbegotten man.
- Can see the how women were viewed by reading the literature of the church, especially the catholic church.
- Hammurabi's law, the oldest book of law, stated that if a man strikes a pregnant woman causing her to miscarry and die, the assailant's daughter will be put to death.
- The Niddah laws in Judaism discuss whether a woman in her period contaminates utensils. Does she need to be isolated? Is she forbidden from supplication? Does she have to 'atone' by casting a stone when she finishes?
- The difference between this and the Hayd laws in Islam is that there is no feeling of punishment and degradation.
- Sometimes the debates in the Abrahamic corpus weren't about law but about the value of a woman as a whole.
- The council of Mâcon in the year 585 had a debate about whether or not women have souls.
- Compare that to Surah Hujurat Ayah 13:
 - يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ
 - "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of

you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”

- Shows the equity between men women in salvation and reward.
- Before Islam, the poorer tribes of the Arabs used bury their daughters alive.
 - Allah (swt) condemned the practice saying: وَإِذَا الْمَوْءُودَةُ سُئِلَتْ: بِأَيِّ ذَنْبٍ قُتِلَتْ
 - “And when the girl [who was] buried alive is asked, for what sin she was killed.” (Surah Takwir Ayah 8-9)
 - Allah (swt) also says: وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنْثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ
 - “And when one of them is given the good news of [the birth of] a female, his face becomes dark, and he suppresses grief.” (Surah Nahl Ayah 58).
 - Meaning that before even burying her, you’ve already buried her value. That is what allows you as a society to be okay with burying your daughters alive.
- Some Marital Schemes of Jahiliyyah
 - Imam Tabari narrates: Ibn Abbas (ra) said that when a man’s father would die, he would be most entitled to his wife. If he wished he would keep her for himself or hold he until she is ransomed with a bridal dowry. Or she dies and he takes her wealth.
 - Men would send their wives to be intimate with others to have children from a more noble tribe. They would enact contracts around that.
 - Compare that to the prophet ﷺ telling a young girl that she has the right to leave a marriage her father arranged for her.
- Waiting Period of a Widow
 - Before Islam, it was called **افتضاخ**. Zaynab (ra) said that when a woman’s husband died, she would be confined to a small room. She would don her worst clothes, not touch perfume or anything similar until an entire year passed. Then after the year, she would come out and would be brought an animal (donkey, bird, or lamb)

and do **افتضاض** (wiping of the private with that and then casting it as a sign of her bereave.

- The spirit of the Iddah in Islam is that it is out of consideration for the woman and her well being after her husband passes away. She isn't blamed or punished in any way.
- How Hayd was viewed
 - The prophet ﷺ said that a believer is never impure. Meaning that ritual impurity does not mean spiritual impurity or that you are soulless, should be punished, etc.
 - The Hadith that "women are the twin halves of men" comes in the discussion of Janabah (ritual impurity) for men and women. The prophet ﷺ is saying that ritual impurity is mostly the same for men and women with slight differences.
 - The prophet ﷺ would touch his wife and show affection/kindness while she was menstruating.
 - This was revolutionary in Arabian society and the Abrahamic texts of the time.
 - The people of the book in Madinah would sleep in different rooms when their wives were menstruating.
 - When Aisha (ra) cried during Hajj because of her ritual impurity, the prophet ﷺ told her that you are not cursed, this is merely something given to the daughters of Adam (as).
 - Compare this to blaming Eve for the mistake of Adam. Almost all the literature that belittled women from a theological perspective used the angle of them being the daughters of Eve that are inherently evil.
 - If you want to restore the humanity of a person, you have to go back to how humanity starts. If a woman is blamed for the action of a man from the start then that opens the door for blaming women in the realm of Iddah, Hayd, etc.
- When we think about the barbaric treatment of women, we have to reframe the conversation and ask ourselves: Are women in the 21st century really less objectified than they were in Makkah in the 7th century?

- Prescriptive secularism has become far more oppressive than any religious system in history. Look at Europe in the 20th century, Nazism, Communism, and American Dollarism (as Malcom X called it).
- Injustices against women weren't just thousands of years ago.
 - Look at 19th and 20th century England and France. During the reign of Henry the 8th, the English Parliament prohibited women from reading the New Testament because they were inherently (not ritually) impure.
 - Until 1805, English law permitted a man to sell his wife for as little as 6 pennies.

Women in Islamic Law

- Why does a woman inherit half of what a man inherits?
 - Many will say that it is because a man is obliged to spend on his family.
 - But also, in 30 out of 34 scenarios, a woman inherits more than a man.
- A woman's testimony is not simply half of a man's testimony.
 - There are some cases where that is true but others where a woman's testimony is just as strong or even stronger. For example, cases of رضاعة.
- Instead of getting caught up in the details of the law, why not look at how the law is conceived? Is it conceived in a way that truly belittles and diminishes?
- Dr. Brown mentions in his article on Honor Killings, "This part of the history of honor killings you're unlikely to read or hear about. In 1947 in the British colony of Nigeria, English judges had to overturn what they viewed as the backward ruling of a local Shariah court. A man had been sentenced to death for murder, but the British superior court pointed out that it had been a crime of passion. The man had killed his wife's lover. The Shariah court had been unimpressed by this excuse, but the British court decided that the murderer did not deserve to die.[1] Yes, you read that correctly. A Shariah court, applying Shariah law, did not buy the 'crime of passion' argument that has long served as a justification for honor killings. The British court did."

Conclusion

- Islamic History and the current state of the Ummah should not be romanticized. Just saying that Islam helped women realize their rights in the 7th century is not sufficient.
 - There are legitimate grievances but usually that is followed by illegitimate agendas that exploit those legitimate grievances.
 - This is why the Yaqeen article on ideological bandwagons is important.
 - Its not enough to just deconstruct those illegitimate ideologies/agendas and show their incoherence. We should also use the empowering nature of Islam to address those legitimate grievances in a way that conforms with the Quran and Sunnah.
- Islam entered into a society where women were buried physically and seen as a curse. Then in the same generation, Islam produced female scholars that could speak with authority to the entire generation of the prophet ﷺ such as Aisha (ra).
- The article on ideological bandwagons gives many examples of women that were elevated in their position in society as a result of the reorienting of how women were viewed in their essential nature.
 - For example, Umar (ra) appointed two women to overlook the marketplace of Madinah.