

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*In the Name of Allah,
the All-beneficent, the All-merciful*

قال الله تعالى:

﴿إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا﴾

Indeed Allah desires to repel all impurity from you, O People of the Household, and purify you with a thorough purification.

(*Sūrat al-Aḥzāb* 33:33).

Prophetic traditions mentioned in both in Sunnī and Shī'ah authoritative reference books of *ḥadīth* and *tafsīr* (exegesis of the Qur'an) have confirmed that this holy verse was revealed to exclusively refer to the People of the Cloak [*ahl al-kisā*'], viz. Muḥammad, 'Alī, Fāṭimah, al-Hasan, and al-Ḥusayn ('a) as the *Ahl al-Bayt* (People of the Household). For instance, refer to the following references:

Sunnī: Aḥmad ibn Hanbal (d. 241 AH), *al-Musnad*, 1:231; 4:107; 6:292, 304; *Ṣaḥīḥ Muslim* (d. 261 AH), 7:130; Al-Tirmidhī (d. 279 AH), *Sunan*, 5:361 et al.; Al-Dūlābī (d. 310 AH), *Al-Dhurīyyah al-Tāhīrah al-Nabawīyyah*, p. 108; Al-Nasā'ī (d. 303 AH), *Al-Sunan al-Kubrā*, 5:108; 113; Al-Ḥakīm al-Nayshābūrī (d. 405 AH), *Al-Mustadrak 'ala' ṣ-Ṣaḥīḥāyn*, 2:416, 3:133, 146-147; Al-Zarkashī (d. 794 AH), *Al-Burhān*, p. 197; Ibn Hājar al-Asqalānī (d. 852 AH), *Fath al-Barī Sharḥ Ṣaḥīḥ al-Bukhārī*, 7:104.

Shī'ah: Al-Kulaynī (d. 328 AH), *Uṣūl al-Kāfī*, 1:287; Ibn Babawayh (d. 329 AH), *Al-Imāmah wa' t-Tabṣīrah*, p. 47, *ḥadīth* 29; Al-Maghribī (d. 363 AH), *Da'ā'im al-Islām*, pp. 35, 37; Al-Ṣādūq (d. 381 AH), *Al-Khiṣāl*, pp. 403, 550; Al-Ṭūsī (d. 460 AH), *Al-Amālī*, *ḥadīth* 438, 482, 783.

For more details, refer to the exegesis of the holy verse recorded in the following books of *tafsīr*: Al-Jassās (d. 370 AH), *Aḥkām al-Qur'ān*; Al-Wāḥidī (d. 468 AH), *Asbāb al-Nuzūl*; Ibn al-Jawzī (d. 597 AH), *Zād al-Masār*; Al-Qurṭubī (d. 671 AH), *Al-Jāmi' Li-Aḥkām al-Qur'ān*; Ibn Kathīr (d. 774 AH), *Tafsīr*; Al-Tha'labī (d. 825 AH), *Tafsīr*; Al-Ṭabarī (d. 875 AH), *Tafsīr*; Al-Suyūṭī (d. 911 AH), *Al-Durr al-Manthūr*; Al-Shawkānī (d. 1250 AH), *Fath al-Qadīr*; Al-'Ayyāshī (d. 320 AH), *Tafsīr*; Al-Qummī (d. 329 AH), *Tafsīr*; Furāt al-Kūfī (d. 352 AH), *Tafsīr* at the margin of the exegesis of *Sūrat al-Nisā'* verse 59; Al-Ṭabarsī (d. 560 AH), *Majma' al-Bayān*, as well as many other sources.

Women in Islam

قال رسول الله:

"إني تاركُ فيكُمُ الثَّقَلَيْنِ: كتابُ الله، وعترتي أهلُ بيتي، ما إن تمسكتُم بهما لن تضلوا أبداً وأنتُهما لن يفترقا حتَّى يردا عليَّ الحوضُ"

The Messenger of Allah (ﷺ) said: "Verily, I am leaving among you two precious things [*thaqalayn*]: The Book of Allah and my progeny [*'itratī*], the members of my Household [*Ahla Bayti*]. If you hold fast to them, you shall never go astray. These two will never separate from each other until they meet me at the Pond [*ḥawḍ*] (of *Kawthar*)."

Some references:

- ❑ Al-Ḥākim an-Nayshābūrī, *Al-Mustadrak 'alā'ṣ-Ṣaḥīḥayn* (Beirut), vol. 3, pp. 109-110, 148, 533
- ❑ Muslim, *Aṣ-Ṣaḥīḥ*, (English translation), book 31, *ḥadīths* 5920-3
- ❑ At-Tirmidhī, *Aṣ-Ṣaḥīḥ*, vol. 5, pp. 621-2, *ḥadīths* 3786, 3788; vol. 2, p. 219
- ❑ An-Nasā'ī, *Khaṣā'is 'Alī ibn Abī Ṭālib*, *ḥadīth* 79
- ❑ Aḥmad ibn Ḥanbal, *Al-Musnad*, vol. 3, pp. 14, 17, 26; vol. 3, pp. 26, 59; vol. 4, p. 371; vol. 5, pp. 181-182, 189-190
- ❑ Ibn al-'Athīr, *Jāmi' al-Uṣūl*, vol. 1, p. 277
- ❑ Ibn Kathīr, *Al-Bidāyah wa'n-Nihāyah*, vol. 5, p. 209
- ❑ Ibn Kathīr, *Tafsīr al-Qur'ān al-'Aẓīm*, vol. 6, p. 199
- ❑ Naṣīr ad-Dīn al-Albanī, *Silsilāt al-Aḥādīth aṣ-Ṣaḥīḥah* (Kuwait: Ad-Dār aṣ-Ṣalāfiyyah), vol. 4, pp. 355-358

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Preface

The invaluable legacy of the Household [*Ahl al-Bayt*] of the Prophet (may peace be upon them all), as preserved by their followers, is a comprehensive school of thought that embraces all branches of Islamic knowledge. This school has produced many brilliant scholars who have drawn inspiration from this rich and pure resource. It has provided the Muslim *ummah* with many scholars whom, following in the footsteps of Imāms of the Prophet's Household ('*a*), have done their best to clear up the doubts raised by various creeds and currents within and without Muslim society and to answer their questions. Throughout the past centuries, they have given well-reasoned answers and clarifications concerning these questions and doubts.

To meet the responsibilities assigned to it, the Ahl al-Bayt World Assembly (ABWA) has embarked on a defense of the sanctity of the Islamic message and its verities, often obscured by the partisans of various sects and creeds as well as by currents hostile to Islam. The Assembly follows in the footsteps of the *Ahl al-Bayt* ('*a*) and the disciples of their school of thought in its readiness to confront these challenges and tries to be on the frontline in consonance with the demands of every age.

The arguments contained in the works of the scholars belonging to the School of the *Ahl al-Bayt* ('*a*) are of unique significance. That is because they are based on genuine scholarship and appeal to reason, and avoid prejudice and bias. These

arguments address scholars and thinkers in a manner that appeals to healthy minds and wholesome human nature.

To assist the seekers of truth, the Ahl al-Bayt World Assembly has endeavored to present a new phase of these arguments contained in the studies and translations of the works of contemporary Shī'ah writers and those who have embraced this sublime school of thought through divine blessing.

The Assembly is also engaged in editing and publishing valuable works by leading Shī'ah scholars of earlier ages to assist the seekers of the truth in discovering the truths which the School of the Prophet's Household ('a) has offered to the entire world.

The Ahl al-Bayt World Assembly looks forward to benefit from the opinions of the readers and their suggestions and constructive criticism in this area.

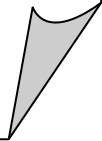
We also invite scholars, translators and other institutions to assist us in propagating the genuine Islamic teachings as preached by the Prophet Muḥammad (S).

We beseech God, the Most High, to accept our humble efforts and to enable us to enhance them under the auspices of Imām al-Mahdī, His vicegerent on the earth (may Allah expedite his advent).

We express our gratitude to 'Allāmah Sayyid Muḥammad Husayn Ṭabāṭabā'ī the author of the present book, Abuzar Ahmadi for its translation and Mrs. Ashraf Ahmadi for her editorial interventions. We also thank our colleagues who have participated in producing this work, especially the staff of the Translation Office. ✍

***Cultural Affairs Department
Ahl al-Bayt ('a) World Assembly***

SECTION ONE:
WOMAN



Women¹

Since the legislator of Islamic laws is the Beloved Lord –who does not base His laws on experience as humans do– in order to understand and make judgments about God’s sharia (i.e. Islamic laws) we need to scrutinize laws and customs common among both modern and by-gone civilizations.

We must also inquire into human happiness and then juxtapose the results of these two investigations in order to realize the value of Islamic laws and also the laws other religions, creeds, and nations and discern the living, rational soul within those laws. This is the reason for studying histories of nations and analyzing characteristics and creeds of contemporary nations. In this way we recognize the great status of Islam. Our investigations, however, are not carried out because we deem it probable that there is a better and more complete set of laws in past or present legislations and that we must seek them out.

To this end, I shall examine the problem from the following angles:

What is the identity of womankind in Islam? What is the relation between the identity of womankind and mankind?

What value and status do women enjoy in the society? To what extent do women affect human life?

What rights and precepts have been decreed for women?

1- **Al-Mizān**, vol. 2, pp. 276-460. Also, Persian translation, vol. 2, pp. 393-418.

On what basis have the precepts and laws regarding womankind been ordained?

In order to put the issue into perspective, perforce I must put forth that which has been recorded in the history of women before Islam. I shall scrutinize it to see how peoples before Islam and non-Muslim peoples after Islam, in both civilized and primitive nations, acted in regard to the issue of women. It goes without saying that complete historical analysis of this topic is beyond the capacity of this publication so I will merely suffice with a short review of this history.

Women in Primitive Nations

The life of women in relation to men among primitive tribes and peoples such as natives of Africa, Australia, Oceania, the old Americas, etc. can be likened to the relation between humans and domestic animals.

To elucidate, due to the human exploitative nature, humans deem it their right to possess cows, sheep, camels, and other domestic animals, do with them what they will, and utilize them to satisfy any requirements that they may have; for instance, to use their fur, meat, bones, blood, hide, and milk. Thus, they keep and safeguard them and breed their males and females together to make use of their offspring. They put their loads on the backs of these animals, use them to plough their fields, thresh their grain, hunt game, and exploit them in innumerable other ways.

These voiceless animals can only enjoy the necessities of life, i.e. food, drink, shelter, mating, and rest, to the extent that their owners permit them and humans give them only that much free will that does not interfere with their motives for subjugating them and the benefits the owners desire. For this reason, it happens much that exploitation of animals entails behavior that, according to these animals, is very cruel and if they had the power of speech and could master their destinies, they would

cry out against this insane tyranny. Many animals have been oppressed without having committed any crime and so many oppressed animals seek succor where there is no savior to be had. There is so much oppression that continues without any impediment. On the one hand, there are many animals that live in pleasure without having done anything for it, such as studhorses that live in the utmost comfort. On the other hand, there are so many blameless animals that live in the worst possible conditions, like pack mules and mill horses.

Animals possess no rights in life; other than the rights that their owners allow them. If someone hurts an animal, they will not be prosecuted unless it is because they have caused loss to the owner and reduced the worth of the valuable animal. This is all because humans regard the existence of animals in service to themselves and regard their value and status as secondary to their own existential worth.

Among many peoples and tribes, in the minds of men, the life of women is such. The existence of women is subordinate to that of men. Womankind has been created for mankind. The life and being of women is dependent upon the life of men. They have no independence in life and no rights and, as long as a woman has not married, she is under the guardianship and authority of her father. After marriage, she goes under the authority of her husband; an unconditional and unbounded authority at that.

Among these by-gone nations, were situations where a man could sell, gift, or lend his wife like a commodity to anyone he wanted so they could take pleasure from her, have a child from her, make a servant of her, or exploit her for other purposes. Man had the right to punish, beat, imprison, even murder his wife or leave her hungry and thirsty, regardless of whether she lived or died. He even had the right –especially in times of famine or celebration– to butcher her like some beast and devour her flesh. What belonged to the woman, he considered his own. Even her rights he considered as his own property;

especially in barter and transactions he considered himself as possessed of absolute authority.

A woman was required to blindly obey the patriarch –be it her father or husband– regardless of whether she wanted to or not. It was also incumbent upon a woman to take care of household affairs, children, and all the living needs of the man within the home. She had to bear even the most difficult of duties; carry heavy loads; work in the garden; and perform the basest of crafts.

This peculiar behavior had reached such an extent that in some tribes immediately after giving birth to a child, a woman was forced to work and perform household tasks while the man feigned sickness and took to bed so the woman would take care of him.

This was the general trend in regard to women in primitive societies. Needless to say, the peoples of every age each possessed a specific type of barbarity, savageness, and characteristics. Tribal customs and traditions varied with hereditary practices, the region in which the people lived, and their living environment. For more information, refer to books published on this topic.

Women in Advanced pre-Islamic Nations

By civilized and advanced nations, I mean peoples who lived according to national customs which were passed on through the generations without being based upon documents or a legal assembly, such as the peoples of China, India, old Egypt, and Persia.

The common view of these nations was that women possessed no independence or freedom –whether in decisions or in actions– rather, they remained under the supervision and guardianship of men. They could not do anything by themselves and did not have the right to interfere in any social

affairs whether in government, judgment, or any other aspect of social life.

All the responsibilities of men were also the responsibilities of women, such as trading. In addition to this, a woman also had to manage the household and children and obey her husband's every command.

Even so, among such peoples, a woman possessed a more comfortable life as opposed to uncivilized peoples. She was not killed as in those tribes and her flesh was not eaten. She was not completely divested of property rights. Minimally, she could own, inherit, and marry although her ownership and autonomy in such matters were not a function of her own free will.

In such societies, a man could take several wives without any limit and he could divorce any of them as he desired. Immediately after the death of his wife, a man could marry; however, a woman could not marry after her husband's death and often could not socialize with others outside her home.

As per regional conditions and special circumstances, each of these nations had specific customs and traditions. For instance, the class privileges reigning in ancient Persia enabled upper-class women to truly utilize their rights of ownership, to govern, or even to rule the kingdom. They were even allowed to marry those that were *mahram* (i.e. close family) –such as their son or brother.

In China marriage was a type of self-sale and slavery of women. In this transaction, a woman sold herself completely, was deprived of inheritance, and did not have the right to sit at the same table to eat with her husband or even her sons. A few men could marry a single woman and collaborate in making use of and taking pleasure from her. If such a woman bore children they usually belonged to her most powerful husband.

In India, a woman was a dependant of her husband and it was not admissible or legitimate for her to marry after her first husband; rather, she either had to be burnt alive with her dead husband or, if she kept on living, had to live in abjectness and wretchedness.

The women of ancient India were considered filthy and unclean and they had to be avoided. Even their clothes and whatever touched their hands or any other part of their body were considered filthy and unclean.

The situation of women among these nations can be summarized thus: Women were neither human nor animal but rather they were treated as a creature between the two. To elucidate, women were used as an average or weak human with no rights unless those rights aided other humans in their living affairs. They were like a child who is accorded a status somewhere between that of an animal and a complete human; he or she helps other humans but does not independently possess any rights and is under the guardianship and supervision of a father or other parent figure. Indeed, there is a difference between a male child and a woman and that is that after coming of age, a male is abstracted from such supervision and guardianship whereas women forever lived within the confines of such administration.

Women among ancient Chaldeans, Assyrians, Romans, and Greeks

The customs and traditions of the nations that I have mentioned until now were mostly based upon regional conditions, hereditary practices, and similar matters and were apparently not based upon any book or law. In contrast to this are nations such as Chaldea, Rome, and Greece that were governed by laws or a book.

In Chaldea and Assyria, where the Laws of Hammurabi¹ reigned, the law stated that a woman was a dependant of her husband and deprived of independence. Women neither had independence in will nor in action. If a woman did not obey her husband or did something independently, he could even spurn her from his home or take another wife and then he had the right to barter her as a slave, or if she made a mistake in managing the household (e.g. if she wasted or squandered something) her husband could take his grievance to a judge and if her crime was proven, they would drown her.

The first time Rome –one of the most ancient nations to formulate civil law– legislated laws was approximately 400 BC, after which it gradually attempted to perfect them. This law gave a type of independence to a home in which the commands of the head of the household were mandatory. This head of house, who was either the husband or father, had a kind of charge over the people of his house. They had to obey him just as he had obeyed his father in his father's house. This head had full authority and all his decisions were authorized and binding. Even if he found it expedient to have a wife or child killed, he had to be obeyed without question and there was no one who could oppose him.

The women of the house (i.e. wives, daughters, and sisters) had an even worse situation than the men and even boys. Men and boys were absolute servants of the patriarch but women were essentially not even considered part of the society. Hence, a woman's grievances were left unheeded; her transactions were not considered authorized or binding; and her involvement in social affairs was unacceptable. However, the men of the house

1- These were the oldest set of rules known to history. They were developed in the reign of the sixth king of the first dynasty of Babylon. These laws were discovered in the ruins of Susa. It was inscribed upon a stela that is currently preserved in the Louvre Museum in Paris.

(i.e. sons, brothers, and even foster sons¹ of the patriarch) could become independent with permission from the head of their house and take control of their own lives.

In ancient Rome, women were not main members of the house and family. Family consisted of only men. Women were dependants or subsidiaries of the family. As a result, the formal social kinship that was effective in inheritance and such was specific to men while women did not possess kinship among themselves, with men, or even with their husband. There was no kinship resulting in inheritance between son and mother, sister and brother, or daughter and father.

Indeed, there was only natural kinship – which entailed the bond between a man and woman and the birth of children from them. It often happened that this nonexistence of formal kinship became grounds for marriage between *maharim* (i.e. close family members). Thus, the patriarch, who was the guardian of all the women and girls in the household, might marry his own daughter and, because he was the guardian and supervisor of the woman, he had complete authority over her.

In short, in the view of Romans, the existence of women in a civic or familial society was a parasitic one and dependent upon the life of men. Control of life affairs was in the hands of the patriarch, who was either the father (if he lived in the household), a husband (if a person with such a title lived in the household), or some other man. The head of the house did whatever he pleased with his subjects and ordained any command he desired. It was a frequent occurrence that the patriarch sold, bartered, or loaned his women for the pleasure of others. It also often happened that in lieu of a fee he had to pay –such as a debt or tax– he would hand over his sister or daughter, and many a time he would beat or even kill a woman

1- In those days taking foster-sons was prevalent among Romans, Greek, Persians, and Arabs.

of his house in punishment. Management of the wealth of women was in the hands of men; whether it was money gained as bride-price [*mahriyyah*] or something for which she worked. A woman had no inheritance and the authority over marriage of girls and women belonged to the father or an elder. Divorce was controlled by the husband. Indeed, this was the situation of women in Rome.

As for Greece, the situation of women and, in general, formation and governance of the family was similar to Rome. That is, the pillar of the family and the civil society was man and women were considered subordinate to men. Thus, women were bereft of independence in their decision-making and behavior. They were under the supervision of men.

All these nations violated their own laws because they regarded the subordination of women to be in the women's best interests and decreed that if a woman performed a beneficial deed, its rewards went to the guardian but if they did wrong they were punished and tortured. If a woman made a mistake, she was punished but received no reward for her labor. Her condition and situation was given no regard save as an incidental and subordinate creature under the rule of man.

This is clear evidence showing that in all these laws, women were viewed as weak beings but also part of the society, albeit an impotent one in need of a guardian. Woman was viewed as a harmful creature like a germ that corrupts the nature of society and impairs its health. Even so, they saw that the society vitally required this harmful being because, if there were no women, humanity would cease to exist. Hence, they said: there is no option save that we pay attention to them and take responsibility for this burden.

If a woman performed a crime, she had to undergo its punishment herself and if she did something gainful and advantageous, men enjoyed the profits. In order to be safe from a woman's harm, she was never left free to do as she willed.

She must always be as a powerful foe that was defeated in battle and enslaved. As long as she lived she had to be subordinate, if she did something wrong she had to be punished, and if she did a good job no praise or thanks was necessary.

It was said that the pillar of society was the existence of men and this caused them to believe that the true children of humans were their sons and the continuation of a bloodline depended upon the continuation of sons. This belief resulted in the emergence of adoption. That is, it caused people with no sons to name someone as their son and annex them to themselves and invest in them all the effects of a true son. They believed that a house that had no sons was condemned to destruction and the lineage of the head of the house was doomed. Therefore, they had no choice but to name the sons of others as their own so that in their imagination their bloodlines would not become extinct. Even though they knew that foster sons were the children of others and of separate ancestry, they considered them their own children subject to inheritance and authorized and executed all the effects of a natural child regarding them.

When a man in one such nation became sure that he was sterile and would never have a child, he would appeal to a man from his close family, such as a brother or fraternal nephew, to sleep with his wife and bring him a child he could call his own so that his bloodlines would go on.

The matter of marriage and divorce was also similar in Greece and Rome. In both nations, polygamy was permitted. If there were more than one wife, one was official and the rest were unofficial.

Women among the Arabs

The Arabs lived in the Arabian Peninsula from ancient times. It was an arid, searing wasteland and most of its inhabitants consisted of uncivilized desert nomads. Their lives were

governed by plunder and night raids. The Arabs neighbored Iran to the north-east, Rome to the north, Abyssinia to the south, and Egypt and Sudan to the west. The majority of their customs were those of savagery among which some vestiges of ancient Roman, Persian, Indian, and Egyptian traditions could be seen.

For women, Arabs neither believed in independence nor respect and dignity. Their only respect was for the house and family. Among the Arabs women did not inherit and polygamy was acceptable with no specified limits just as it was among the Jews. Also, in divorce, women had no control. Daughters were buried alive. The first tribe to commit such an act was Banū Tamīm, due to a certain incident that occurred within the tribe. It is a well known historic incident that in a war against Nu'mān ibn Mundhir some of their girls were captured. In a rage they decided to murder all their girls by burying them alive. This wicked tradition gradually became customary among other Arab tribes as well. Whenever an Arab had a daughter, he would see it as an evil omen and regard having such a child as a disgrace; such that the Quran states:

﴿يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ...﴾

“They would hide from the people because of the bad news they received...”¹

On the other hand, the more a man had sons—even foster sons—the happier he was. Arab men would even annex the illegitimate sons of married women to themselves. Much it has happened that the heads and powerful men of a tribe would fight over a son who was born of the illegitimate relations of his mother and each would claim him as their own.

1-Sūrah Naḥl 16:59.

Of course, in some Arab families it has happened that women and girls were given independence in the issue of marriage and their choice and consent was the basis for their marriage. This behavior among Arabs was similar to the customs among Persian nobility based on their social rank.

Regardless, the behavior of Arabs with women was an amalgam of the conduct of civilized nations and savage tribes in that they gave no independence to women in rights, social affairs (such as adjudication), leadership, war, and marriage. Giving autonomy in marriage to women after their privation from the benefits of life was not contingent upon the measure of sanctification and worship of the patriarch; rather, it concerned supremacy of the powerful and exploitation of the weak.

Worship among Arabs was such that all Arabian tribes worshiped idols. Their beliefs regarding idols were similar to the beliefs of Sabians regarding stars and deities. Arab idolaters differed according to the wishes and desires the tribes had from their idols. They worshiped stars and angels who they regarded as God's daughters and created mental representations of them based on which they built statues of stone or wood. Their tendencies and beliefs went so far that for instance, the Banī Ḥanīfah tribe—according to their own citation—constructed an idol of dates, certain milk products, oil, and flour, worshiping it for years until, when faced with famine, they ate their god! A poet says about them:

أكلت حنيفة ربّها زمن التقحّم و المجاعة
لم يحذروا من ربّهم سوء العواقب و الباعة

The Ḥanīfah tribe ate their god in famine and hunger.

They neither feared their god nor did they heed the ramifications of this deed.

It has often happened that they worshiped a stone but when they found a more beautiful stone, they would throw aside the old and worship the new. If they couldn't find anything, they would make an idol with clay and sheep milk and circumambulate that!

The privation and misfortune born by the women of these nations produced a weakness in their minds and hearts. Fantasies and superstitions of astonishing magnitude were fabricated regarding various phenomena which have been recorded in historical books.

This was a fleeting review of the condition of women in the ages before Islam and at the advent of Islam. From what has been said, the following points may be deduced:

One: In those days, humans had two views regarding women, one that regarded women on the same level as dumb animals and another that saw them as base humans weak in humanity; a type of human whose wickedness and evil that men—i.e. perfect humans— cannot be free of unless they are bound. Therefore, women must always be under the domination of men and men must not permit them to gain freedom. The first view relates to the tradition of savage tribes and the second to that of the civilized peoples of those ages.

Two: In regard to social status of women, pre-Islamic humans had two perspectives: some nations considered women to be outside the social hierarchy of human individuals and believed that women could not be part of this social structure; rather, they were a part of the provisions of life —provisions that humans require to persist, such as a home that must be used for shelter. Others believed that women were like captives that are enslaved and subordinate to the victorious society— the society that enslaves them, utilizes them as a workforce, and keeps them from causing harm.

Three: In these societies, women were deprived of all the rights they deserved save those that benefited men –who were the guardians of women.

Four: The basis of men's behavior regarding women was domination of the powerful over the weak. In other words, all their encounters with women were based on exploitation. This was the method of uncivilized peoples. As for civilized nations, in addition to this, they also believed that women were weak creatures that could not manage their own lives and were dangerous entities whose evil and corruption imperiled humanity. These beliefs were mutually affected by the interaction of nations and epochs.

The Revolution of Islam regarding Women

All over the world, such beliefs and behaviors regarding women reigned supreme. Women were incarcerated in the torture chamber of abjectness such that feebleness and humility had become second nature to them and their flesh and bones grew with this nature. A woman came into life with this nature and died with it. The words woman, weakness, lowness, and wretchedness had not only become synonyms in the minds of men but also in the minds of women themselves, even though these words had been devised with separate and different meanings. It is a wonder how the comprehension of a human can be inverted by inculcation and brainwashing. No nation can be found, neither savage nor civilized, whose culture does not possess widespread proverbs regarding the weakness and abjectness of women. In fact, if you look, you will see that in every culture—with all their differences in languages and dialects—there are various metaphors, allusions, and similes regarding the word 'woman' and you will even see that a craven, weak, incompetent, or pathetic man is called a 'woman'; such as the following Arabic verse:

ما أدري و ليت اخال أدري أقوم آل حصن ام نساء

I do not know, but how I wish to know;

Whether the tribe of Āl-i Huṣṇ are (men) or women

One can find hundreds and thousands of negative proverbs in both poem and prose regarding women in every language.

This in itself is enough for researchers to understand the thoughts that prevailed about women among pre-Islamic man and there is no longer any need for historians to write a separate chapter or book in the beliefs of various peoples and nations regarding women because the spiritual characteristics and existential aspects of every nation and people manifests in their individual literatures.

No history or ancient work exists which chronicles respect or regard of the true status of women save briefly in the Torah and the testament of Jesus son of Maryam –peace be upon them– where it says that women must be treated with temperance and must be provided amenities.

However, Islam –that is, the righteous religion for which the Quran was revealed– established a view regarding women that never existed from the day humanity set foot into the world. With its view, Islam set itself at odds with all the peoples of the world and introduced women as they truly are and on the basis of their creation –a basis that was destroyed at the hands of humanity wiping away all its traces.

Islam discredited and invalidated all the inordinate beliefs, views, and behaviors of people regarding women.

Woman's Identity

Islam declares that, like men, women are human and that every human –whether man or woman– is an individual, the originating matter of which two people –one female, one male– institute. Neither is better than the other save by each person's piety and God-awareness [*Taqwa*] as stated in the divine Book:

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

“O people! Verily, we have created you from a man and a woman and have made you into various races and tribes so that you may know one another. Surely the noblest among you before Allah is the most God-aware and pious. Indeed Allah is All-knowing, All-aware.”¹

Almighty God expresses that every human is derived and initiated from a male and female which both equally participate in the genetic matter of their offspring, and that humans, whether woman or man, are formed from the summation of substance obtained from each.

In identifying women, God has not proclaimed as a certain poet has that:

وَأَمَّا امَّهَاتُ النَّاسِ أَوْعِيَّةٌ

And surely mothers are only the shell and vessel in which humans are formed.

Or as another professed:

بنونا بنوا أبناءنا وبناتنا بنوهن أبناء الرجال الأبعد

Our sons are our own progeny but our daughters are the daughters of strange men

Rather, He introduces every human individual, daughter or son, a creation formed by a woman and man. As a result, all human individuals are like each other. In this matter, there is no statement clearer or more complete than this. After proclaiming

1- Sūrah Hujurāt 49:13.

this non-difference, God set the only criterion of superiority to be taqwa.

﴿...أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُم مِّنْ بَعْضٍ...﴾

“I shall not leave unrewarded the work of any agent among you, whether man or woman; you are all members of the same race (some of you are from some others).”¹

In this verse, God stresses that the labors of no person will be disregarded and that before God, no person’s actions will be wasted. He has given a reason for this: some of you are from some others. Here the meaning of the previous verse (49:13) is clearly stated, that men and women are both of one type and are no different in their creational origins and bases.

Then, this meaning is further detailed by saying that the actions of no woman or man will be wasted or neglected by God and no one’s deeds will be given over to another.

﴿كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِينَةٌ﴾

“Every soul is held in pledge for what it earns.”²

This, as opposed to the ancients who maintained that the sins of women are their own responsibility and their good deeds and beneficial actions belong to men!

The actions of every man and woman –whether bad or good– are written to their own account. No preference exists for any person save by taqwa and one of the stages of taqwa is virtuous behavior [*akhlāq-i fāḍilah*] which includes the various levels of faith, beneficial acts, steadfast and mature reasoning, good conduct, patience, and forbearance. Hence, a woman who possesses a lofty degree of faith is overflowing with

1- *Sūrah Āl-i ‘Imrān* 3:195.

2- *Sūrah Muddaththir* 74:38.

knowledge, benefits from a staunch and mature intellect, or holds a greater share of moral virtues is essentially more cherished and enjoys a higher status than a man beneath her in these things, regardless of who he is. There is no greatness aside from taqwa and virtue.

Similar to the previous Quranic verse, or rather clearer than it, is the following one:

﴿مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَ لَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ﴾

“Whosoever performs good deeds, whether man or woman, while having faith in Allah, We shall assuredly restore them with a good and pure life and We shall recompense them with rewards according to the best of what they have done.”¹

And also this verse:

﴿...وَمَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ يُرْزَقُونَ فِيهَا بِغَيْرِ حِسَابٍ﴾

“...and whosoever does right—whether man or woman—while having faith in Allah, they shall enter Paradise wherein they shall be provided without reckoning.”²

And this verse:

﴿وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَ لَا يُظْلَمُونَ نَقِيرًا﴾

1- Sūrah Nahl 16:97.

2- Sūrah Ghāfir 40:40.

“And whosoever performs deeds of righteousness—whether man or woman—while having faith in Allah, they shall enter Paradise and will not be wronged the dint in a date stone.”¹

In addition to these verses, there are others that castigate depreciation of daughterhood:

﴿وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ * يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ﴾

“And when one of them was given the good tidings of the birth of a girl, their face would darken in repressed anger. They would hide from the people because of the bad news they received asking themselves whether they should keep it in disgrace or bury it in the earth. Ah! Evil is that which they judge.”²

It is stated that they would hide themselves in shame because they considered the birth of a daughter to be disgraceful for a father. The major source of this thought came from the fact that in such cases men imagined that their daughters would soon grow up to be toyed with and exploited. This itself was an example of men’s dominance over women and this, regarding a gender whose naming was considered obscene and immodest. Therefore, the disgrace of their infamy would cling to the father and his family.

This way of thinking caused Arabs of the Age of Ignorance to bury their innocent daughters alive. Another reason for this was the aforementioned initiating cause of this intellectual perversion which God, the Exalted, has condemned thus:

1- *Sūrah Nisā’* 4:124.

2- *Sūrah Naḥl* 16:58-9.

﴿وَإِذَا الْمَوْدُءُ سُئِلَتْ * بِأَيِّ ذَنْبٍ قُتِلَتْ﴾

“And when the infant daughter that was buried alive is asked for what crime she was killed.”¹

Remnants of these unfounded beliefs from the ancients remained among Muslims even after the advent of Islam, being passed on from generation to generation. They still have not been able to wash away the shameful stain of these credulous ideas from their hearts. As evidence, one can see that if a man and woman fornicate, the dishonor remains with the woman forever even if she repents. However, no shame falls upon the man even if he refuses to repent, even though Islam considers sin to be both repugnant and shameful. It considers this shameful act as a disgrace for both man and woman. It sees both deserving of requital and punishment. Both must receive one-hundred lashes.

The Social Status of Women in Islam

Islam has created equilibrium between man and woman in the running of social affairs through decisions and labor. The reason is that just as men desire to live, women also so desire. Women and men are equal in their requirements of necessities of life such as food and drink. Almighty God has declared:

﴿...بَعْضُكُمْ مِّنْ بَعْضٍ...﴾

“...You (women and men) are of each other's type...”²

Just as a man can make choices regarding his own destiny, independently act, and own the results of his actions, women also possess this right without difference:

1- *Sūrah Takwīr* 81:8-9.

2- *Sūrah Āl ‘Imrān* 3:195.

﴿...لَهَا مَا كَسَبَتْ وَ عَلَيْهَا مَا اكْتَسَبَتْ...﴾

“...In favor of every soul is (the good) that they have earned and against them is (the evil) that they have earned...”¹

Therefore, women and men are equal in what Islam and the Quran consider as ‘rights’ [*ḥaqq*]. God establishes ḥaqq with His words. There are, however, two characteristics that God has incorporated into the genesis of women privileging them over men:

One: Women bear progeny for the continuance of humanity. Humans come into existence and grow within this haven. Thus, they fall within the domain of a special set of precepts that privilege them over men.

Two: God has created women more delicate and, in order for them to be able to endure the hardships of childbearing and household management, He has made their emotions and intellect sensitive.

These two characteristics, one in body and the other in soul, affect the social responsibilities given to women.

This is the social status and standing of women. The following reading clarifies the social status of men. Through this verse, the complexities and problems existing in the mutual Islamic mandates for men and women and also sex-specific mandates are resolved. The Holy Quran states:

1- *Sūrah Baqarah* 2:286.

﴿وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضُكُمْ عَلَى بَعْضٍ ۚ لِلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ ۚ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا﴾

“Do not covet that by which Allah has elevated some of you over others. To men is allotted what they earn and to women is allotted what they earn. So ask Allah of His bounty. Surely Allah has absolute knowledge of all things.”¹

This declaration means that the actions that each woman and man gifts to their society result in that person gaining favor from God. Some divine favors are particular to one gender –some specific to men and others specific to women.

For instance, He has given men the favor of double inheritance in contrast to women and women have the favor of being absolved from paying for household expenditures. Hence, neither should a man wish that household expenses were not his responsibility, nor should a woman wish that her inheritance were equal to her brother’s.

Other superiorities depend upon deeds; they are neither specific to men nor women. Whoever performs the necessary actions will attain the ensuing virtues. Those who do not perform them will not attain them –whether woman or man. No one can just wish that they had some particular virtues –such as faith, knowledge, discernment, or other virtues that the religion endorses –and attain them.

This type of virtue is in God’s hands, and He bestows them upon whomsoever He wills. Therefore, at the end of the verse, He states:

1- *Sūrah Nisā’* 4:32.

﴿...وَ اسْأَلُوا اللَّهَ مِنْ فَضْلِهِ...﴾

“...So ask Allah of His bounty....”¹

A testimony of the preceding is in the following verse:

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَ بِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ﴾

“Men are the protectors and supervisors of women because of the superiority Allah has given some over others and because they support them from their means. Therefore righteous women are those who are humble and who guard (in their husband’s presence and absence) his rights and secrets, which Allah has ordained to be guarded.”²

Common Precepts among Women and Men and Those Specific to Each

In Islam, women are partners to men in all devotional commandments and social rights. Like men, they can be independent and have no difference with men whether in inheritance, vocation, business, learning, teaching, litigation, defending rights, or in other mandates except where the nature of women necessitates a difference.

The bulk of these differences (based on the nature of women) are related to government, adjudication, jihad, and attacking enemies although women are not deprived of attending jihad and aiding men in various matters such as treating the wounded. There is also the issue of inheritance where they receive half the share of men. Another is the issue of covering the areas of embellishment on their bodies. In addition, they

1- *Sūrah Nisā’* 4:32.

2- *Sūrah Nisā’* 4:34.

must obey their husbands in all requests pertaining to sexual relations.

To balance the scales, these complications have been requited with *Nafaqah*. That is, living costs are the responsibility of a father or husband. It is incumbent upon a husband to do his utmost to support his wife. The right to nurse and train children has also been given to women.

These facilities have been accorded to protect the lives and honor of women and safeguard them from slander. Also, women are exempted from obligatory worship in periods of lochia and menstruation. In all cases, the required consideration has been given.

According to the foregoing discussion, it is understood that regarding gathering knowledge, other than learning the Islamic principles of thought and subsidiary precepts (such as precepts regarding worship and social laws), women have no additional obligatory duty and in their practical responsibilities they are bound by the same responsibilities as men –in addition to the obligation to obey their husbands in matters of sexual relations. However, managing personal and household affairs, business and employment, and cooperating in social and public welfare (such as working in jobs that are publicly beneficial) while observing specified limits are not demanded of women. The fact that these are not obligatory entails that efforts in any of these –scientific fields, businesses, edifications, and such –are benefactions bestowed upon the society by women. Such accomplishment is a glory she has attained herself and Islam allows such women this self-glorification, as opposed to men who are forbidden from self-glorification except in battle.

This was what is understood from the preceding discussion, which is also confirmed by the tradition of the Prophet (ﷺ). If it were possible to give a concise review, I would cite examples from the behavior of the Prophet of Allah (ﷺ) with his wife Khadījah (‘a) and his daughter Fatimah (‘a), the foremost of the

world's women, and the other women within his nation; his recommendations about women; and the comportment of the Imams of the Ahl al-Bayt ('a) and their wives, such as Zaynab daughter of Ali ('a), Fatimah and Sakīnah daughters of Husaīn ('a), and others. I would also state some of their counsel in regard to women.

Nevertheless, the basis on which Islam has decreed its edicts and rights is *fiṭrah* or the primeval nature of humanity. Its framework was made clear in the section devoted to the social status of women. However, I will explain it further as follows. It is not right for social scholars and researchers to doubt that rights and responsibilities must stem from nature because it was the natural faculty of humans that guided them to form societies in the first place. A testimony to this is that there was never a time that humanity lived independent of society. Of course I do not want to say that the society that humans formed as a result of their nature was always wholesome. Various factors may have contributed to deviation and corruption from the healthy path just as it is possible for myriad factors to derail a vigorous body from its completely natural state and force it to have creational faults or keep it from natural health and cause it to become diseased and sickly.

Therefore, society with all its aspects and dimensions, whether virtuous or corrupt, ultimately originates from nature. Even so, a society that has become corrupt, as opposed to a virtuous society, has encountered an agent that caused its corruption and kept it from rectitude.

This is a truth that scientists directly or indirectly refer to in their social discourses. Before all scientists, however, the Book of God has addressed this matter in a very clear-cut manner:

﴿قَالَ رَبُّنَا الَّذِي أَعْطَى كُلَّ شَيْءٍ خَلْقَهُ ثُمَّ هَدَى﴾

“He said: Our Lord is He who gave to each thing its creation and then guided it.”¹

And has said:

﴿الَّذِي خَلَقَ فَسَوَّى * وَالَّذِي قَدَّرَ فَهَدَى﴾

“He who has created then given order. And who has determined then guided.”²

And has also said:

﴿وَنَفْسٍ وَ مَا سَوَّاهَا * فَأَلْهَمَهَا فُجُورَهَا وَ تَقْوَاهَا﴾

“By the soul and He who (created it and) gave it order. Then inspired it (with discernment of) its virtues and vices.”³

Hence, all beings including humans are guided in both their being and life toward the goal for which they have been created. In their genesis they have been equipped with all the capacities and instruments necessary for reaching that goal and securing their eternal and blissful life, the vital activities of which are completely compatible with the creation and nature of humanity and the responsibilities of which correctly emanate from nature. This is the truth that is indicated in the following verse:

﴿فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ
اللَّهِ ذَلِكَ الدِّينُ الْقَيِّمُ وَ لَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

“So set thy face toward the pure religion; it is in accordance with the nature [fiṭrah] of God upon which He has formed the nature of humankind. There is no alteration in the creation of

1- Sūrah Ṭāhā 20:50.

2- Sūrah A'lā 87:2-3.

3- Sūrah Shams 91:7-8.

God. This is the enduring (and true) religion, however most humans do not know.”¹

What fitrah necessitates is that the rights and responsibilities of humans be equal. That is, it is not right that some enjoy increased rights and others be deprived of primary rights. However, this equality of rights that social justice requires does not mean that all social positions and ranks must belong to all members of the society. For instance, how is it possible that a child in its childhood or an insane man in his insanity be entrusted with the job of a person who possesses a perfect intellect and is experienced at what she does or that a weak person take upon himself a task that can only be carried out by a powerful and potent person? It does not matter who is involved because equality between competent and incompetent persons causes the corruption of the affairs of both; the competent and incompetent persons are likewise ruined.

What social justice necessitates and construes as the meaning of equality is that, in the society, every person that is entitled to a right receive that right, no right interfere with other rights, and no right be abandoned due to enmity, oppression, or any other motive. This is what the following verse indicates:

﴿...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ﴾

“The precepts that have been ordained to the advantage of women are equal to those that are against them in a just manner and men have a degree above them.”²

While this statement accepts the natural differences between men and women it also underscores the equality of their rights.

Moreover, the principle existential gifts held in common by women and men, i.e. thought and determination which produce

1- *Sūrah Rūm 30:30.*

2- *Sūrah Baqarah 2:228.*

free will, necessitate that women be partners to men in freedom of thought and determination, and therefore free will. Just as men are independent in all aspects of personal and social life –except those that are forbidden– women must also have independence. Islam, being a religion according to fitrah, accords women with this autonomy and freedom in the most complete manner.

Indeed! Women are autonomous and dependent upon themselves. Their determination and actions, which before the advent of Islam were tied to the determination of men, was severed from men's determination and actions, detached from being under the authority of men, and women thus attained a status that the world before Islam with its great antiquity and all its many ages had never given them—a status you will never find in any corner of history. The Quran declares:

﴿...فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ...﴾

“...The responsibility of what women do within the confines of religious law and custom is not yours...”¹

Of course this does not mean that whatever is expected of men is also expected of women. Even though there are aspects in which women are similar to men, they are also different in other aspects.²

In simpler terms, even though it is true that extraordinarily powerful women and weak men exist, according to the testament of physiology, average women are different, i.e. weaker, than average men in their physiological characteristics. This results in the female body being softer and more delicate and the male body being harder and more robust and the

1- *Sūrah Baqarah* 2:234, 2:240.

2- Here, typical aspects are meant not individual. Specifically, the human female type is physiologically weaker than the human male type.

delicate feelings— such as love, tenderness, and propensity toward beauty and adornment— being stronger and more dominant in women. In contrast, the intellect of men is more dominant (though not necessarily stronger) than women's intellect. Thus, the life of women is more emotional just as the life of men is more intellectual.

Due to this difference between men and women, Islam has set a difference for men and women between those public and social responsibilities which are supported on either thought or emotion. Those that are more closely related to thought, such as leadership, adjudication, and war, have been given to men and those more closely related to emotion have been given to women, such as rearing and training children, managing the household and so on. Then it has compensated for the greater hardship of the responsibility of men by doubling their share of inheritance. In effect, this means that at first, the share of both was equal; then a third of the woman's share was ceded to men in return for the nafaqah (a woman's expenses) men give women.

In other words, if we suppose that the inheritance of a man and woman is eighteen dollars, each should receive nine dollars. Then, if we take three dollars (which is a third of the woman's share) from her and give it to the man, his share will be twelve dollars. However, women also benefit from half of the man's share. Therefore, the end result of this distribution of inheritance is that, of all the wealth in the world, two-thirds belongs to men —both its ownership and its actuality— and two-thirds belongs to women: they own one-third and benefit from the other third which is in the possession of men.

Thus it was made clear that a majority of men —although not all— are stronger in prudence. Therefore, most of the prudence — or in other words, production— in the world pertains to men and most of the profit, benefit, and consumption pertains to women because the emotions of women overshadow their thought. On

top of this are the facilities and concessions conferred upon women, which were previously mentioned.

Now some say:

These indulgences conferred upon women causes them to become idle. It turns them into freeloaders and consumers. It is true that men are vitally in need of women and that they are necessities of life, but in order to allay this need it is not necessary to render women –that is half the human population– useless and force their living expenses upon the other half of the population. This method brings them up as parasites and indolent persons and thus they will be unwilling to tolerate hard work. As a result, they will become base and wretched creatures. Empirically, such a person is not beneficial to social evolution.

In answer, I say: This criticism originates from confusion between the making of laws and their enforcement. Making laws that correct the condition of humanity is one thing and proper execution of these laws and cultivation of people with meritorious behavior is another thing. Islam has legislated correct laws in this regard; however, throughout history, these laws were subject to incompetent custodians. There have been no competent custodians and hard-working administrators to correctly implement Islamic laws. The consequence of this is that Islamic laws have lost their effect and Islamic training has halted and even regressed.

This certain experience is the best evidence and clarifier of our viewpoint that, regardless of how correct they are, as long as laws are not established within the beings of people through practical promotion and correct training and people do not take on this cultivation they will not be effective. Aside from the short time of the Prophet of God (ﷺ) and the government of Ali (‘a), Muslims did not see any righteous training in which knowledge and action were in tandem from their governments and rulers who were supposed to manage their affairs. It was

Mu‘awīyah who gave a speech after his installation upon the throne of the caliphate, in summary, saying that: ‘I did not fight you so that you pray and fast. That task concerns you. I fought you to rule over you and I have realized this goal.’ The rest of the Umayyad and Abbasid caliphs and other rulers were no better than Mu‘awīyah.

Positively, if it were not for the effulgence of the religion itself, which can never be extinguished even if all unbelievers desire it, Islam would have been annihilated centuries ago.

The Freedom of Women in Western Civilization

There is no doubt that the forerunner in freeing women from their bondage and securing their autonomy, in determination and action, is Islam. If Westerners took steps for women, they were imitating Islam, even though they imitated poorly and confronted the issue incorrectly. The reason that they could not completely imitate Islam was that in Islam laws are interconnected like the links of a chain. The method of Islam is truly and completely a series of effective links that influence social development. It is impossible to transplant a branch of a system without involving its trunk.

In short, Westerners established a full-scale equality in rights between women and men. They strived for this for many years but did not consider the genesis of women and their complementary perfectionistic differences. Their general view is roughly that the differences of women in perfection and virtues is related to the defective upbringing they have been subjected to for centuries and that they have been constrained by artificial limits from the beginning of creation until now; otherwise, the nature and genesis of women is no different from that of men.

The fault with this view is that –just as Westerners themselves confess– from the most ancient times when societies were formed they have judged women to be weak. If the natures of

men and women were the same, surely the former view would be denied—at least for a time—and the truth would be made clear. Also, if they were created the same, as time went on, the major and lesser parts of women's bodies would change and become similar to the anatomy of men.

This view is confirmed by the fact that Westerners have been trying their utmost to save women from backwardness and secure their advancement and elevation. However, they have still not been successful in creating equality between men and women. Continually, world statistics show that in Western countries, in professions from which Islam has exonerated women (i.e. adjudication, rule, and war), superiority mostly belongs to men and only a small number of women are engaged in such professions.

As for the results obtained by Westerners by their advertisement of the equality of the rights of men and women and their endeavors, God willing I shall discuss them in a separate chapter with as much detail as I am able.

On the Role of Sexual Intercourse

Intercourse is one of the pillars of social behavior. From the beginning of humanity's creation and growth until today we have not set aside this social behavior. Initially, this behavior stems from human nature and it originates from that nature in its entirety.

When Islam seeks to integrate and systematize the sexual act into law, it bases its law-making upon the creation of the male and female reproductive organs. This is because the reciprocal reproductive equipment that exists in women and men—each of which have been created with utmost care and are dependent upon the whole of the male and female bodies—have not been set in their places in vain and their creation was not futile. Any thoughtful person who ponders this matter will clearly realize that the nature of men, by which they were equipped with the

male apparatus, desires nothing but the apparatus of the opposite sex.

Also, the nature of women, by which they were equipped with the female apparatus, seeks nothing but the apparatus of the opposite sex. These two attractions in their mutual gravitation have no goal but reproduction and continuance of human kind. Thus, the foundation of sexual intercourse is this natural truth and all the laws that Islam has appointed regarding this act revolve around this truth and seek that this act not be performed as a game.

In a word, all the rules about chastity, sexual etiquette, the fact that every woman is specific to her own husband, and also the dictates about divorce, 'iddah¹, children, inheritance, etc. exist so these two apparatuses are employed upon the course for which they were created, i.e. continuation of humankind.

However, in other laws that exist in the current age the foundation of sexual intercourse is cooperation of a husband and wife in life. In fact, according to these laws, sleeping together is a type of sharing in life that occurs within a tighter circle than that of the municipal society. As modern social and civil laws only consider the municipal society and have nothing to do with lives shared within homes, they do not enter into any of the rules that Islam conceived regarding married life, its subsidiaries, chastity, and so on.

The foundation set by modern civilization, in addition to being a cause for undesirable social complications and ramifications, –upon which, God willing, I shall soon elaborate– is incompatible with the basis of human genesis and nature. This is because the motivation that it incites in humans so that we naturally and cooperatively live in a society is different than the motivation that drives us to marry. The human motivation that

1- 'Iddah is the period after divorce within which a woman may not remarry any other man.

drives us to form societies is that happiness –the germ of which our nature has instilled within us– requires many things that we cannot attain by ourselves and must necessarily achieve through forming a society and collaborating with other people and social classes. Realizing all needs requires all people. Here the marvel is that this nature and fitrah puts the enthusiasm and interest of each and every profession in various individuals so that through the work of the entirety, the entirety of needs may be met.

The motivation that drives humans to form societies does not impel us to marry. Those that found marriage upon the pillars of mutual assistance in life have deviated from the natural course of reproduction. They have deviated to a place to which nature and fitrah does not invite.

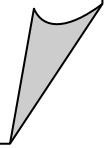
If marriage is based upon cooperation and collaboration in life, then it will not include any special rules, save those general rules that are formulated for all companies and cooperative firms. It is clear that in such a case there will no longer be a virtue called chastity and bloodlines and lineages would mingle, the issue of inheritance would be faced with chaos, and the normal state of affairs would become as the communists created for themselves. Also, all natural instincts instilled within men and women would be invalid. I shall further elaborate on this in a more opportune place.

This was a précis of our discourse on married life. Divorce – one of the prides of this religion– also stems from human nature like all the precepts of the religion. In other words, its legitimacy is in line with fitrah. In accordance with fitrah, there is no reason for the prohibition of divorce. As for the characteristics and stipulations of divorce, I have mentioned them in their own place.¹

1- *Al-Mizān*, vol. 19, pp. 312-322.

Here I will suffice to say that, in proving the inherence [*fīṭrī*] of divorce, in itself, it is enough that after centuries the civilized nations and great countries of today have been forced to annul the prohibition of divorce and include its permissibility in their civil laws.

SECTION TWO:
MARRIAGE



Marriage

1. Marriage is one of the Goals of Nature¹

The foundation of the union of men and women is not enjoined or imposed. It is such that the human nature and even animal nature warrants it and expresses it in the clearest manner. Because Islam is the religion of fitrah, it goes without saying that it endorses marriage.

The act of reproduction, which is one of the goals of nature, is the sole factor for this union. Islam has separated this union, which takes the form of marriage, from immoral amalgams and changed it from a merely sexual relationship into a marriage relationship blended with commitment. Therefore, in animals that are responsible for the upbringing of their offspring, the females and males have commitments towards each other; such as birds where females are responsible for nurturing their eggs and bringing up their chicks, and males are responsible for bringing water and sustenance to the nest.

The females of animals that require a nest in order to reproduce and raise their young need the cooperation of males in building and protecting it. In order to reproduce, such animals choose marriage which entails a kind of mutual commitment, cooperation, and exclusiveness between a male and female. It attaches and dedicates them to each other and makes them partners in protecting the eggs or unborn offspring, handling

1- See: **Al-Mizān**, vol. 4, pp. 178-198; or Farsi translation, vol. 4, pp. 285-302.

them, hatching or bearing them, and nurturing their young. This cooperation goes on until the duration for raising the young ends and they can live on their own and separate from their parents. Then, males and females marry again, lay eggs once more, and so the circle continues.

Hence, the agent for marriage is reproduction and fostering children. The issue of sexual needs or cooperation in life management, such as business, farming, gathering wealth, food, water, and household commodities and the administration thereof are matters that go beyond the framework of the motive of nature and creation. They are only preliminaries or entail benefits apart from the prime objective of nature.

Thus it becomes clear that freedom and unrestraint of women and men—in that any man take pleasure with any woman or that any woman give pleasure to any man, that the two genders gather together at any time and in any place, that they pounce upon one another like unbridled beasts, and that these become common customs—is an iniquity. Today, this is something that has happened in Western civilization; fornication and even long term intimacy between a married person and one to whom they are not married has become common.

Moreover, preventing divorce or eternally fixating marriage between two persons who are not behaviorally compatible, and also forbidding a woman from divorcing her (for instance insane) husband and marrying a healthy man thus condemning her to live with her current husband are wrong.

Additionally, thinking that having children is useless, refraining from having them, shirking the duty of training children, designating exact equality in management of living affairs as the cornerstone of marriage (as the advanced civilizations of today have done), sending babies to public baby care centers for feeding and training....each and every one of these items is against the principles of nature. The genesis of humankind is such that it is incompatible with such customs.

Naturally, animals that need no more than impregnation of the female, her nursing, and her nurture in order to be born and grow do not require marriage, accompaniment, and exclusiveness; regardless of what type of animal the males and females are. Such creatures have absolute freedom in mating; of course, only to the extent that does not harm the goal of nature in preservation of the generations.

Let not the reader think that there is no problem in diverging from the traditions of creation and the necessities of nature; that human faults and shortcomings may be averted by thought, perception, and experience and that in return, the pleasures of life will. This illusion is a great mistake. Natural constitutions, including the human constitution, are amalgams of many constituents and every part must be put in its special place and comply with specific conditions such that it is compatible with the aim of creation and its intended compound nature. The role of every element in the accomplishment of that aim and in the perfection of each type of being is similar to the role of each element in a tincture or compound medicine. The circumstances and success of each constituent are similar to the circumstances and success of the elements in a medicine, which must have specific qualities, be in determined quantities and weight, and be made under special conditions. If every one of the elements are not there, or the proportions or composition changes, the drug will lose its properties.

Humans are natural beings and possess parts that have been combined in a particular way. The result of this combination necessitates the emergence of internal attributes, spiritual characteristics, and body functions. Thus, if some of the actions of individuals deviate from the qualification and path nature has set for them, and they adopt a method in life inimical to nature this will surely affect their attributes and lead them astray from the path of nature and creation. The outcome of this deviation is severance of the connection with their natural perfection and

with the ultimate objective that they seek in accordance with their nature.

If we carefully examine the widespread calamities and tragedies that have enveloped the human world of today, and those that have neutralized humanity's endeavors to attain comfort and happiness, and threaten humanity with annihilation and ruin, we can see that the most important factors for these calamities are abandonment of piety and its substitution with shamelessness, heartlessness, rapacity, and avarice. Also, the greatest cause for impiety and shamelessness is, in truth, unrestricted freedom and disregard for the laws of nature in spouse selection and nurturing children. Indeed the traditions of family and raising children in the current age—from the day a child gains understanding to the end of its life—slaughter the mentalities of love, affection, compassion, chastity, modesty, and humility.

As for whether it is possible to eliminate these faults from the civilization of this age using thought and experience —it is an eternally impossible task. This is because thought, like all other living faculties, is a tool created by nature and genesis. Nature has created it to restore that which has deviated from the natural path, not to nullify the charges of genesis and nature. The sword of nature that has been given to humanity to repel evils and blights must not bring nature itself to its knees. If thought, which is one of the tools of nature, is used to ratify the corruption of nature it too will become corrupt and futile like the other faculties. This is why it can be seen that the more modern humanity tries to correct corruptions in human societies using thought, the more bitter the results and painful the calamities become; catastrophes that are more destructive and comprehensive.

Indeed it often happens that advocates of such views say that spiritual attributes or virtues are nothing but remnants from the ages of myths, legends, and savagery and that they are in no way compatible with the life of the modern, advanced human.

For instance, they redefine chastity, generosity, modesty, affection, and honesty. Chastity is now deemed useless restraint from carnal desires. Generosity is viewed as loss of the products of one's labor for which one has endured hardships and tribulations, along with a means of teaching some people to be self-indulgent, idle beggars. Modesty is considered to be a harness that keeps people from demanding their rights and does not allow individuals to express what is in their hearts. They now say compassion stems from weak-heartedness and that honesty is no longer congruent with modern living conditions.

This logic is one of the souvenirs of the deviation I mentioned before. These individuals have not considered that observing such virtues in the human society is a necessity and imperative such that if their observance is completely abolished from the human society, humans could not even live collectively for one hour.

If humanity turns a blind eye on these attributes; if whoever wants to take that which belongs to others and violate property, honor, and rights; if no one is beneficent, making donations to secure the needs of the society; if no one is ashamed of committing evil deeds and violating obligatory laws; if no one is compassionate and merciful towards weak and helpless people such as children and those who are less than sane (who are not to blame for their distress); if no one is to tell anyone the truth and everyone is to lie to each other and break their promises, then human civilization would be shattered from the first moment and chaos would reign supreme.

Therefore, it is only right that such individuals at least understand that not only have these attributes not retired from the human world but they never will. Humans make use of them naturally and without enjoinment and they will keep these attributes for as long as the motivation for communal life exists within them.

The only thing that must be said and advised about these qualities is that they must be regulated, balanced, and protected from extremes so that they are harmonious with the objective of nature and creation in inviting humans to everlasting happiness. If the characteristics that are considered virtues in modern and advanced societies were really virtues—i.e. if they were regulated and balanced—so much corruption would not appear in human societies, casting humanity to the very precipice of destruction. Rather, they would bestow safety, comfort, and happiness upon humankind.

Now, back to the main discussion, I must say: Islam has set marriage in its natural place. It has made marriage permissible [*ḥalāl*] and extramarital sex [*zinā*] unlawful [*ḥarām*]. It has entered spousal affection and marital life into the sharia (i.e. Islamic law) along with the permissibility of separation (i.e. divorce). As I will further explain later on, it has placed boundaries and restrictions on this conjugal union and has freed it from a chaotic form. It considers marriage to have a logical basis, that is, reproduction and education. The beloved Prophet of Islam (ﷺ) has declared:

تَنَاقَحُوا تَنَاسَلُوا تَكْثُرُوا...

Marry, have children, and increase your population...

2. Supremacy of Men over Women

By examining the mating of and relationships between female and male animals we can see that in mating among animals also there is a type of supremacy of males over females. It seems that the male animal regards itself as the owner of the female reproductive organs and thus owner of the female. This is why males fight over one female but females do not throw themselves into battle over one male. For instance, if a female donkey, dog, sheep, or cow sees its male with another female it does not attack the female. However, if a male sees another male pursuing its female, it becomes enraged and attacks it.

We also see that an act called marriage proposal, which exists among humans, persists also among animals in some way and is initiated by the male animal. This is because animals instinctively understand that in the act of mating, the male is the active participant while the female is passive. Therefore, the female sees no alternative to submission.

This is different from the fact that among males it is observed that they submit to the wishes of the female, in that they resolve the needs of the female and ensure its pleasures. The obedience of males towards females is in observance of affection, lust, and increased pleasure. Every male takes pleasure in pampering females and satisfying their needs. Therefore, the root of this compliance is lust and the root of that supremacy is the maleness of an animal.

Belief in this concept, that is, the necessity of hardness and power in males and the necessity of softness and submission in females is something that exists, more or less, among all nations; such that it has permeated all languages of the world and all heroes, champions, and people who never yield are called men and all soft-natured and impressionable persons are called women.

Islam also gives credence to this natural law in the legislation of the sharia. According to a Quranic verse:

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ...﴾

“Men are the protectors and supervisors of women because of the superiority Allah has given some over others...”¹

With this decree, Islam has made it obligatory upon women to accept their husband’s request for sexual relations and to give themselves over to their men.

1- *Sūrah Nisā’* 4:34.

3. Polygyny (The Practice of having more than One Wife)

The issue of monogamy vs. polygamy varies among different types of animals. This is because among animals that possess a familial society there is only one spouse; one female is exclusive to one male and vice versa since males cooperate with females in nest management and training their offspring. This cooperation leaves no opportunity for males to manage another female, nest, and brood. Even so, it is possible to change this by domesticating and supervising them meaning to provide for their sustenance like chickens and roosters or doves. In such a state, their spousal conditions will change.

From ancient times and among most early nations such as Egypt, India, Persia, Rome, and Greece, polygamy was customary. It happened much that after marriage, in order to prevent loneliness of a wife, men would bring companions to their home for them to be friends with their wives. In some nations, there was no set limit on these companions. For instance, Jews and Arabs sometimes married up to ten or even twenty women. It is said that King Solomon married a few hundred women.¹

Most instances of polygyny occurred among tribes and tribal families such as villagers and mountain peoples. This was because the patriarch desperately required human resources and the cooperation of others. Their aim of polygyny was to have more sons to more effortlessly provide better security for the family, which was one of the necessities of their life.

Furthermore, increasing the members of the household was an instrument with which they could rule over others. Also, by taking a wife they would add to their relatives and supporters.

1- **Al-Durr al-Manthūr**, vol. 7, p. 182; **Biḥār al-Anwār**, vol. 14, p. 106.

The notion of some scientists who say that the motivation for polygyny among tribals and villagers is the superfluity of work is also worthy of some thought. They say that in such societies, some must carry loads; some must farm and irrigate, hunt, cook, weave, and so on. Even though this view deserves a pause, by carefully considering the inner qualities of this group, it is evident that the profusion of tasks had *second priority* for them. The *primary aim* in polygyny of village and tribal people is that which was previously mentioned; prevalence of foster sons and such are also branches of the motivation I pointed out.

There was an additional chief factor among these peoples that resulted in the widespread presence of polygyny. Among them, the number of women was greater than that of men owing to the fact that—for peoples who live in tribes—war, killing, night raids, assassination, and pillage were common. This resulted in a reduction in the number of men and fixed number of women. This was an important factor in the increased ratio of women to men. This high ratio was such that without polygyny the natural needs of the society could not be satisfied. In analysis of the prevalence of polygyny this issue must not be left off the table.

Islam has authorized the law of marriage with one wife and also with more than one wife (i.e. up to four) if justice is observed between them. It has corrected all problems that may relate to this authorization—as I will explain later on—and has declared:

﴿...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ...﴾

“And similar to those (responsibilities) that are upon women, in an appropriate manner, there are some to their advantage (upon the shoulders of men).”¹

Some have made the following criticisms against the decree allowing polygyny:

1- *Sūrah Baqarah* 2:228.

1. This decree has negative consequences for the society. It wounds the sensibilities of women, throws their wishes and desires out the window, extinguishes the fires of their love and affection towards their husband, and trades in their friendship for vengefulness. Thus, they do not perform household tasks and shirk the training of children. For the wrong their husbands committed against them, they strive to retaliate and take to adultery which gives rise to the prevalence of evil acts and perfidy regarding chastity and wealth, and so on. In no time at all, the society will fall into decadence.

2. Polygyny is antagonistic to what is observed in nature. Statistics from centuries after centuries of world nations show that the numbers of women and men have been equal or had very small variance. It is clear that for every one man nature has planned on one woman. Hence, if any instructions are given otherwise, it is against the flow of nature.

3. Allowing polygyny encourages men to become greedy for carnality and sexual pleasure and disseminates the lust drive in the society.

4. This law diminishes the social status of women in the society. It, in fact, equates the value of four women to one man and this is an unjust valuation. It is not even compatible with the style of Islam itself since in matters of inheritance and testimony, Islam equates one man to two women. According to this, Islam should allow the marriage of one man to two women, no more. Therefore, allowing marriage with four women is deviation from justice and without reason at that.

These criticisms have been leveled at Islam by Christians and advanced nations that profess equality of the rights of women and men.

I have repeatedly answered the first criticism prior to this: Islam has based the human society upon logical and rational living as opposed to emotional and sentimental. That which must be sought in Islam is realization of rational expedience in

social traditions not the expedience demanded by emotions and sentiments.

This concept in no way necessitates the death of the emotions of women or the falseness of divine blessings and natural instincts because, in psychology it is made clear that spiritual qualities, emotions, and sentiments differ in quality and quantity due to variance in upbringing and traditions. As we see with our own eyes, many traditions are laudable for Easterners but deplorable for Westerners and vice versa. There are no two nations or peoples that have the same opinion in all customs and traditions.

In Islam, religious education develops women such that their feelings are not hurt by such things. In the souls of western women, who for many centuries have grown accustomed to being the only wife of their husbands and have inculcated the concept of monogamy into their beings, a false sentiment has become established that is at odds with polygyny.

The witness to this false sentiment is the disgraceful unrestraint that is common among both men and women in advanced nations. It is not merely the Western man who performs sexual acts with any woman he wants, whether virgin or widow, single or married; Western woman also initiates illegitimate relations with any man she desires. Even worse, among the millions of Westerners hardly an individual can be found who avoids the dishonor of fornication; whether man or woman. The Western human is not even content with this and even allows and performs homosexual acts and pederasty. Perhaps few men can be found that remain unpolluted by this dishonor. This disgrace has gone so far that a few years ago the English Parliament was asked to make male homosexuality lawful¹ and this occurred after its long unofficial prevalence. Among women also,

1- At the time of writing of this paper homosexual marriage had become legitimate in several European countries.

especially unmarried and virgin women, lewdness was much more serious.

It is very surprising how Western women observe so much unchastely from their husbands and are not distressed and their hearts and feelings are not hurt! How is it that the feelings and sentiments of men are not hurt when they marry a woman as a maiden and find them to be otherwise? Rather, they are proud that they have a wife who has had many male friends and her lovers had competed with each other over having sexual relations with her—that their wife is someone who has tens and even hundreds of male friends and acquaintances.

If the matter I pointed out is taken into consideration, such surprises will no longer exist. I said that feelings and emotions vary with different upbringings. Because such emotional acts and behaviors recurred and people were free to perform them, their hearts have become familiar with them such that they have become habits deeply rooted within their souls. This is why emotions and sentiments are inclined towards them and they do not object.

Furthermore, the criticism that polygyny causes discouragement of women in household management and their reluctance in training children and that it promotes extramarital sex and perfidy is false since experience shows otherwise.

At the advent of Islam, the decree for polygyny was put into force. There is no historian that claims that on that day women became reluctant to perform household tasks, that jobs were suspended, or that infidelity became prevalent; rather, they state the opposite.

Additionally, in the Islamic society and other societies that allow polygyny, women who marry a man with other wives, consensually become a second, third, or fourth wife in goodwill. These women are part of this society. Men do not bring them from other societies or as slaves and they do not trick them into this world from some other dimension. That

these women incline towards such marriages is due to social factors. The inherent essence of the female is not repulsed by polygyny. The hearts of women are not hurt by this undertaking. If there is any vexation, it is due to factors and complications created by the first wife. When the first wife is the only wife of her husband, she may not want another woman to enter her house because she fears that the heart of her husband will gravitate towards the other wife, that the new wife will gain dominance over her, or that the other's children will be unharmonious with hers. Such practical fears cause the dissatisfaction and spiritual pain of the first wife, not a natural instinct.

As for the second criticism which states that polygyny is unnatural in accordance with statistical evidence, I must reply that this reasoning is incorrect in several ways.

1. Marriage is not merely dependent upon statistics; rather, there are other factors and conditions that affect it. One of these is that in women, intellectual maturity and fitness for marriage occurs sooner than men. Women, especially in tropical regions, become ready for marriage through puberty as soon as nine years of age whereas many men do not reach this eligibility until they are fifteen years old. This criterion is what Islam gives attention to in the issue of marriage.

A testimony to this fact is the normal manner of girls in advanced countries. In these countries few girls can be found that remain chaste until they are of legal age (for instance sixteen). This loss of virginity occurs only because nature has readied them for marriage a few years before the legal age. Because the law does not give girls permission to marry, they gratuitously lose their virginity.

If we consider the births in a certain country –supposing male and female births are equal– on the sixteenth year, the boys will have been ready of marriage for only one year (i.e. the sixteenth year) whereas the girls would have been ready for marriage for

seven of those sixteen years; that is, the first year of boys until the seventh year of girls. If we consider births for twenty-five years, at the end of this period only will mature men will be in large numbers. Ten years of boys and fifteen years of girls are ready for marriage. If we set the average as standard, for every boy, two girls are ready for marriage and this ratio has been established by the physical nature of boys and girls.

Moreover, statistics, which were mentioned in the criticism, also show that the life expectancy of women is more than men. This necessitates that when the time of death of the boys and girls we pictured comes, there will remain some old women without there being old men for them.¹

Besides this, the functioning period of male reproductive organs is longer than its female counterpart. Most women lose sexual function around age fifty, reach menopause, and their uterus can no longer nourish a child whereas the sexual organs of men function years after fifty and many men even retain this function to the end of their natural lives; i.e. one hundred years. Consequently, the procreative lifespan of men, which is close to eighty years, is twice that of women, which is forty.

1- This point is confirmed by the data presented in the issue of Tehran Ettela'at Newspaper published on the 1st of January of 1957 citing France's statistics department. In short, statistics show that in France, for every 100 female births, there are 105 male births. Even so, every day the numbers of women are becoming more than men. From the population of forty million in France, over twenty million of which must be men, there are approximately 1,765,000 more women than men. This is because boys and men have a lesser tolerance to diseases and opposed to girls and women.

For this reason, from birth to nineteen years of age, death among boys is five percent greater than girls. Then, this institute indicates the data regarding the physically handicapped. This data starts at the 25-30 age group and ends at the 60-65 group. It concludes that in the 60-65 age group for every 1.5 million women there are no more than 0.75 million men left.

If we consider this together with the previous case, we can conclude that nature allows men to marry with more than one woman. It is not logical for nature to give men the ability to procreate but prevent them from doing so since the system of causality does not accept this concept.

Incidents that cause the deaths of people in the society –i.e. war, strife, and murder– threaten men more than women such that male deaths are not comparable with that of females. I have previously mentioned that this is one of the most powerful factors for prevalence of polygyny among tribals. Therefore, women who lose their husbands have no choice but to accept polygyny or to submit to fornication or privation since with the death of their husbands their sexual needs do not die.

One issue that corroborates this truth is an event that occurred in Germany several months before the compilation of these pages. A group of unmarried women expressed their worries about their unmarried status in a complaint to the government. In order to resolve this problem they requested that the polygyny of Islam become lawful and that the men of Germany be given permission to marry as many women as they want. The German government did not accede to their request since the Church did not allow them to do so. Indeed, the Church was content with prevalence of extramarital relations and corruption of the generations but did not allow the polygyny of Islam to become official in Germany!

2. The reasoning that the nature of humans has made the number of men equal to that of women –disregarding the faults in this reasoning– is only correct when all men take four wives or at least marry more than one woman whereas it is not true that all men have multiple wives and it never will be. This is because nature has not set these circumstances for all people and naturally having more than one wife is not possible for any but a few men. One must note that Islam, all laws of which are harmonious with nature and *fitrah*, has not made it obligatory for all men to have four wives; rather, it has made it permissible

only for those that are able and only if they can act justly with all their wives.

One of the clearest reasons that this law does not entail chaos or corruption is the correct practice of this law by Muslims. Also, among non-Muslims –peoples that allow this act– not only has it not caused problems and rareness of eligible women but, on the contrary, the prohibition of polygyny among peoples that have disallowed it causes thousands of women to be deprived of having a husband and family of their own and to submit to illegitimate relations.

3. The aforementioned criticism, regardless of its faults, may only be right and applicable to having more than one wife if the edict of polygyny were not mitigated and regulated with stipulations that correct the supposed faults.

Islam has done this. It requires that men who want to have more than one wife observe justice regarding them and divide their marriage bed between them equally. Islam has made it obligatory upon men to pay the living costs of women and children. It is clear that observing justice in the expenses of four wives and their children and also equality in associating with them is only possible for a small number of well off individuals. It is not viable for the general public.

In addition, there are other legitimate methods by which a woman can oblige her husband to refrain from taking another wife and content himself with her.

As for the third criticism which considers allowing polygyny an encouragement to men to become sexual hedonists and believes that it invigorates lust in the society:

In reply to this criticism, I must say that its presenter has no knowledge of Islamic education and is unaware of the goals sought by this religion. This detractor does not know that religious education brings up women in an Islamic-approved society to cover themselves and to be chaste and modest. The

popular idea nowadays that the lust of women is greater than men is an incorrect claim. Supporters of this view observe that women are avaricious in ornamentation, beauty, and self-prettification and, as a result, they wrongly conclude that the existence of this nature in women shows that their lust is greater than men. For Muslim men who marry religious women who grew up under the tutelage of a religious mother and father there is no doubt that the pure inborn lust of modest women is not greater than men. Therefore, all in all, the sexual appetite of men is at least equal to that of one woman and sometimes even two or three.

Moreover, Islam favors the concept that people must be gratified at least to the extent that is necessitated by their nature and carnal desires. No person must be deprived of this minimum. For this reason, it anticipates that the lust of no man ever be contained in his body thus forcing him to transgress and commit debauchery and obscene acts.

If a man is consigned to having one wife, when the woman is excused, which consists of close to one third of the time of her association—i.e. menstruation, a time during pregnancy and childbirth, etc.—he may be driven to sin and decadence. Islam bases the human society upon logical living not living in a constant state of passion. Therefore, according to Islam, keeping a man—such as in bachelorhood—in a state of unfulfilled passion, a state that draws him to lack of restraint in desires and wicked thoughts, is one of the greatest dangers that menaces humankind.

Furthermore, one of the most important aims of Islam is increasing Muslims to populate the world and make it prosper. Indeed, the Muslim society is entrusted to populate and develop the world, a special and deserving development that eradicates the roots of polytheism [*shirk*] and corruption. Islam aims at this goal and others, causing Islam to decree the law of polygyny as opposed to letting lechery become rampant and encouraging people to immerse themselves in lust.

If criticizers of Islam were impartial regarding polygyny, they would turn the sharp side of their attacks to the authors of Western civilization –it is more proper that they charge the West with spreading salaciousness and urging men to sexual turpitude– not Islam which bases its society upon theological happiness and bliss.

Indeed, the effect in allowing polygyny is that the intensity of men's rapacity is broken and alleviated since, as it is commonly said: He who is prohibited from something, more avidly desires it. Such persons would not mind tearing the veil of inhibition to achieve that from which they were barred. Regarding getting satisfaction of women, men are such. If the law prohibits them from more than one wife, they will become more covetous. However, if the law allows them to marry and have a second and third wife, even if they do not ever have more than one wife, the craving of their greed will be doused. The openness of the way takes away their excuse for committing adultery and transgressing upon the chastity of others.

Some Western writers who are fair have said that in the dissemination of adultery and debauchery among Christian nations no factor was more powerful than the Church's ban of polygyny.¹

In reply to the fourth criticism which said that allowing polygyny lowers the social status of women it must be said: it can never be so. As I have previously shown, women have not been honored in any religious or secular tradition –neither past nor present– as they have been honored in Islam and no ancient or modern tradition has observed their rights like Islam.

1- The Englishman, John Davenport, wrote this in *An Apology for Mohammad (s) and the Koran*.

<http://www.archive.org/details/apologyformohamm00dave>

The permissibility of polygamy for men is not an insult to women or a reduction of their social status and rights; rather, it is due to several expediciencies that have been mentioned earlier.

The strongest reason Western opposers bombastically present regarding the law of polygyny is related to potential home troubles endured by Muslims with two or more wives. They say:

In these homes, there is always turmoil and envy. Those that people these homes –whether man or woman–see no happiness from the day the second –or nth– wife enters the man’s home until the day she enters death’s house. (This type of thinking is so widespread that Muslims themselves have named this jealousy “the rival wives’ disease”.)

In such circumstances, all the natural, delicate sentiments and emotions of women which are instinctive qualities of women – such as friendship, tenderness, compassion, kindness, love, goodwill, fidelity, loyalty, equitability regarding the husband and his previous children, and devotion to home and everything tied to it– collapse and give way to their opposites. Therefore, the home, which is supposed to be a person’s place of rest and tranquility, a place where physical and mental weariness are supposed to be ousted, a place with which men are always preoccupied, will become a fighting ring or a battlefield; a battlefield where neither the life of a person is respected nor honor nor property. To sum up, no one is safe there.

In such a house, the serenity of life gives way to resentment and the pleasure of life migrates, giving its place to beating, insulting, cursing, slander, rivalry, trickery, and deceit. The children in such houses are also in a state of constant strife. It often happens that they can stand it no longer and a wife plans to destroy her husband, the children attempt to kill each other or their father; the relationship of kinship, brotherhood, and sisterhood yielding to vengeance and retribution.

The animosity of the first generation of the family transfers on into subsequent generations. Bloodshed, family genocide, and family corruption continue on in later generations.

Aside from these, the negative effects of polygyny will find way into the society and cause adversity, moral corruption, cruelty, oppression, violation, debauchery, lack of safety, and distrust.

Specifically, if we add permissibility of divorce into the bargain, it will become extremely clear where these two decrees lead the men of the society. When a man can marry whoever he wants and divorce any wife he no longer wants, he will automatically become a sex-monger. Such a man has no thought but following his lusts and extinguishing the fires of this longing, taking this woman and releasing that one, honoring one and crushing the other. This situation has no effect but defilement of half the population. With the defilement of half the society, the other half will also be defiled.

This was the sum of what opposers say regarding polygyny. These are in some cases correct claims. We also accept them. However, none of them pertain to Islam and the sharia. They are, rather, directed to the deeds of some Muslims.

Indeed, if antagonists could find a period when Muslims acted strictly in accordance with the reality of the Islamic teachings and decrees where the evil consequences of the permissibility of polygyny and divorce existed, then they can claim that these evils are repercussions of Islam allowing divorce and polygyny. Regretfully, for centuries Muslims have been deprived of a righteous system which could raise them on the basis of Islamic training and its lofty teachings. In fact, the leaders themselves have been ahead of the people in violating the sanctities, laws, and restrictions of the religion. As for the people, they often follow the manners of their sovereigns.

If I wanted to chronicle a portion of the history of the rulers, the affairs occurring in their courts, and scandals of ‘Islamic’ kings –from the day religious government became a monarchy– I would have to write a separate book.

To get to the point, any problems that exist pertain to Muslims themselves because they have arranged their familial society in such a manner that cannot provide them happiness in life. They have taken up a policy they cannot implement without digressing from the Straight Path [*ṣirāt al-mustaqīm*]. Be that as it may, the burden of these dire consequences is on the shoulders of men, not women and children. Even though every person is responsible for their own behavior, the root of all these corruptions, afflictions, and broken families is the behavior of men who have sacrificed their own happiness, wife, children, and serenity of the social atmosphere for wantonness and ignorance.

However, Islam has not allowed polygyny without any restrictions and has not made it necessary and incumbent upon all men. Rather, it gives heed to the nature and character of individuals, and also the complications that might occur for some people and, in the manner I have previously stated, it has stipulated definite competence and enumerated the plagues and dangers of polygyny. In such conditions it has allowed polygyny in order to provide for the interests of the society.

This permissibility is subject to the condition that none of these afflictions exist and only if the man is completely sure that he can behave justly with all his wives.

Therefore, only a person who has such confidence in himself and is so blessed by God may have more than one wife. However, men who show no concern regarding their own happiness and that of their wives and children; respect nothing but the satisfaction of their bellies and lusts; view women as nothing but a tool for the debauchery of men, have no connection with Islam. Islam in no way endorses the actions of

such men and multiple marriages for them with the situation they have is not allowed. Even if persons with such characteristics possess the necessary financial qualifications and do not treat women as animals, they still may take one wife only.

In addition, the criticism confuses two aspects which according to Islam cannot be separated from one another: sharia and leadership [*wilāyah*].

In explanation, the criterion nowadays for ascertaining which law or tradition is correct and which is not is the consequence of those laws. If after a law is implemented in the society, it has meritorious upshots, it is considered a good law. On the other hand, if it does not have good effects, it is said that the law is not a good one. In short, the criterion for the rightness or wrongness of a law is the approval or disapproval of the people and the level of their understanding, and natural inclinations are not important.

I do not think that scholars have neglected the fact that there may be many societies that have traditions and conditions that are incompatible with the ruling of polygyny. The society must be made ready for a method that is compatible with their traditions and the ruling so that the society can travel its course, and know where it is going and what will happen to it.

The problem is that these scholars only see desires and demands of the society to be the criterion for laws. That is, the demands arising from the current and outward state of the society are considered to be the standard no matter what that state, thought, or demand is. In the view of these scholars, a righteous and true law is one that corresponds to the current state of the society, all other laws being wrong even if they correspond to reason and *fitrah*.

For this reason, when they see Muslims who are lost in the vale of deviance, standing at the brink of destruction's precipice, corruption suffused throughout their material and spiritual

lives, they associate this with Islam. If they see lying, perfidy, bad-mouthing, violation of each other's rights, dissemination of oppression and corruption within families, and disturbance and chaos in the society, they link these with the religious laws of Muslims and think that the course of Islam's tradition and its effects are like those of other social traditions where the accumulation of emotions among the people imposes itself upon the law. Consequently, they conclude that Islam causes the social corruption that has become rampant among Muslims and that all the oppression and corruption stems from Islam! They say this while the worst of oppressions and crimes are rife in their own society.

So also is the result of the incorrect notion that if Islam were a true religion and its laws were good and entailed the interests and happiness of the people, it should have made them blissful and happy instead of imposing afflictions upon them.

This is an untrue statement since these scholars have confused the nature of the concepts of 'reformed' and 'reformer' and also 'corrupt' and 'corruptive'. Islam is the sum of theoretical, ethical, and practical teachings. Each of these three is related to and commensurate with the others. They can only be effective if all of the aspects are implemented together. If someone learns all the theoretical and ethical teachings but neglects the practical aspect, no doubt it will be ineffectual. This is similar to a medicine: If a part of the medicine is spoiled, it spoils the whole thing and leaves an undesirable result. Also, it has the desired effect when the diseased body is prepared for the entrance of the medicine and its functions. If the person who uses it does not heed the conditions of use, its effects will be neutralized and it might even have an opposite effect from what was expected.

Let us assume that the method of Islam does not have the power to correct the people and eliminate public failings and iniquities due to the weakness of its legal principles. Why then does the democratic method not have this ability and why does

it not have the effects in the East that it has had in European regions? What has happened to us that the more we move forward and the more we endeavor to advance the more we regress? No one doubts that in the Age of Civilization, wicked acts and evil behavior have become more deeply rooted within us even though it has been close to half a century since we have become 'civilized' and 'enlightened'. Neither do we enjoy the benefits of social justice, nor has human rights been revived among us. From both lofty and common knowledge and sciences and ultimately social happiness we have nothing but hollow, soporific words. Regarding rights only words are exchanged between people, no more.

Can you give any reply to this rejoinder of mine? Never! You can give no excuse but that the democratic system has not been able to reform us because we have not implemented its instructions for it to produce positive effects. If this reply is a correct one, why should it not be so regarding Islam?

Let us go on and suppose –God forbid– that Islam has not been able to penetrate the hearts of the people and permeate into the depths of the society because of its weak foundations. For this reason its governance could not endure and it could not sustain its reality; therefore, it has become abandoned and obsolescent. However, why was democracy, which was accepted and approved by the whole world before the Second World War, expelled from Russia after the War giving way to communism?! Even supposing that some excuse can be found for this expulsion and the substitution of another method in Russia, why did the democratic people in the nations of China, Lithuania, Estonia, Latvia, Romania, Hungary, Yugoslavia, and other countries become communists? And why did it suddenly disappear even though it threatened other countries and had become deeply rooted in them?

Why after merely forty years, control over close to half the population of the world, continuous boasts of its leaders and propagators of its virtues, and declarations that the communist

system is the only one that has not been corrupted by the despotism and exploitation of democracy and their depiction of countries governed by communism as the promised Paradise, did those same leaders and propagators suddenly reproach the unparalleled leader of this regime –i.e. Stalin– two years ago, proclaiming that his thirty year rule was based on force, tyranny, and slavery in the name of communism?¹

In this time, his rule had great influence upon legislation and implementation of law and related issues. All these deviations emanated from the despotic will and slavery mentality of an individual who killed thousands of people without reason while keeping thousands of others alive and made some nations happy while making others miserable. God knows who will gain rulership after the current leaders and what they will do to the poor people!

So many correct and incorrect traditions prevailed in a society later to be abolished due to various factors, the most important of which was the betrayal of the society's leaders and the feeble will of its adherents.

I wish I knew, in the view of Western scholars, what the difference is between Islam, as a social tradition, and traditions that were altered and transformed. How is it that the excuses of those traditions are acceptable but those same excuses are unacceptable from Islam? Truly, what is the reason for this double standard? Indeed, it must be said that today the word of truth has become alienated by the dreadful power of Westerners, ignorance, and blind imitation–by Easterners.

In any event, I must point out that the influence or lack of influence and also the subsistence or annihilation of a tradition among a people is not greatly related to its rightness or wrongness. Therefore, one cannot use this to prove a tradition's verity, saying that since this tradition endured among the

1- The author wrote this in 1956 of the Common Era.

people it is true or that since a certain custom has been abandoned and annulled it is false. Strictly speaking, other causes and factors influence this matter.

Thus we see that every tradition that was ever prevalent among people, one day had influence and the next became unproductive. One day it subsists among a people and the next it migrates away from them due to various factors. According to the Holy Quran:

﴿...وَتِلْكَ الْأَيَّامُ نُدَاوِلُهَا بَيْنَ النَّاسِ وَ لِيَعْلَمَ اللَّهُ الَّذِينَ آمَنُوا وَ يَتَّخِذَ مِنْكُمْ شُهَدَاءَ...﴾

“Such days We rotate among the people so that Allah may know those who believe and that He may take from among you witnesses.”¹

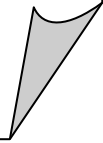
In short, Islamic laws and precepts have an essential difference from other social laws that prevail among people. The difference is that human laws and traditions are revised as a result of the circumstances of the times and the changes that occur in human interests. However, since the foundation of Islamic laws is based upon genuine interests and perversions, they do not change; neither wajib acts (obligatory), nor haram (prohibited), nor mustahabb (recommended), nor makruh (disapproved), nor mubah (neutral). The thing is that a person can perform or eschew any deed or behavior in the society. It is the duty of a ruler to induce the people to perform it if it is wajib, prevent them from doing it if it is haram, and so on. It is as if the Islamic society is a single body and the ruler is its intellect and controller.

Therefore, if the Islamic society possesses a ruler, it can prevent the injustices that occur in the name of polygyny or otherwise without altering its license. This is like when a

1- Sūrah Āl ‘Imrān 3:140.

person chooses to refrain from polygyny due to personal interests. This does not alter the decree of God and such a person does not intend to refute polygyny. He has, rather, abstained from a mubāḥ act.

***SECTION THREE:
THE WIVES OF
THE
PROPHET (ﷺ)***



The Wives of the Prophet (ﷺ)

An Analysis of the Wives of the Prophet of Allah (peace be upon him)

Another objection that has been put forth is the issue of the Prophet of God's (ﷺ) numerous wives. They say things like: The multiplicity of wives has no motive save rapacity in lust and weakness before the uprising of ardor and this is why the Prophet (ﷺ) sanctioned polygyny for his nation. He even did not suffice himself with the limit he set for his ummah (four wives) and he took nine wives.

The profusion of the Prophet's (ﷺ) wives is linked to several verses in the Quran. In order to present a comprehensive discussion encompassing all the aspects of the subject, I must expound and debate each of those verses. In order to avoid lengthening the discussion I will leave the comprehensive argument for a more suitable place and suffice with brevity. First, I must point out to the critic that the issue of the Prophet's (ﷺ) polygyny is not as simple as one might think and that his motive in this issue was not overindulgence in womanizing and lustfulness; rather, each of the wives he took throughout his life occurred in a specific manner. These manners are as follows:

The first marriage of the noble Prophet (ﷺ) was with the great Khadijah (‘a). He spent over twenty years of his honorable life (almost one third) with only this one wife and was content with her. Thirteen of these years were after his appointment as Prophet and before his Hijrah from Mecca to Medina.

After the death of Khadijah (‘a), while he had no wife, he departed from Mecca to Medina and started spreading the word of God and inviting the people to the religion. Then he married several women, some of which were maidens, some widows, some young, some old. All of these marriages occurred in a span of close to ten years. After this interval of marriages, all women became haram for the Prophet save for those to which he was married.¹

It is clear that marriages with such characteristics cannot occur with the motive of ardor for women and lovemaking and socializing with woman—at the end of one’s life and by a person that had no hunger for these things even at the beginning of his life at that—cannot have been the motivation.

In addition, there is no doubt that those who love women and are captivated by friendship and seclusion with them usually love beautiful women and are fascinated by coquetry and coyness whereas beauty, coquetry, and coyness exist in young women that are blooming with vigor whereas the tradition of the Prophet of Islam (ﷺ) does not speak of such a case. After marrying a maiden, he would marry a widow and after marrying a young woman, he would marry an old woman. After marrying young ‘Āyishah and Umm Ḥabībah, he married the older women Umm Salamah and Zāīnab daughter of Jaḥsh who were over fifty years old at the time.

Also, the Prophet (ﷺ) gave his wives the choice between life with him and freedom to live as they wanted. If they chose life with him, their choice included a life of austerity and abandoning self-adornment and luxury. The following verse is a testimony to this fact:

1- This interdiction occurred by *Sūrah Aḥzāb* 33:52.

﴿يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ إِن كُنْتُمْ تُرِيدْنَ الْحَيَاةَ الدُّنْيَا وَ زِينَتَهَا فَتَعَالَيْنَ أُمَتِّعْكُمْ وَ أُسَرِّحْكُمْ سَرَاحًا جَمِيلًا * وَ إِن كُنْتُمْ تُرِيدْنَ اللَّهَ وَ رَسُولَهُ وَ الدَّارَ الْآخِرَةَ فَإِنَّ اللَّهَ أَعَدَّ لِلْمُحْسِنَاتِ مِنْكُمْ أَجْرًا عَظِيمًا﴾

“O prophet! Say unto your wives, ‘If you desire this world’s life and its adornment, then come, I will give you a gift and allow you a goodly release.

But if you desire Allah and his messenger and the last abode, then surely Allah has prepared for the doers of good among you a mighty reward.”¹

This –as you can see– is incompatible with a man that adores women, their beauty, and intimacy with them.

The Reasons for the Prophet’s (ﷺ) Marriages

Hence, for a fair researcher and scholar, there is no choice but to justify the polygyny of the Prophet of Allah (ﷺ) at the start of his appointment and the ends of his life with factors other than love of women and wantonness.

In order to increase his influence and gather more tribes under his banner, the Prophet of Allah (ﷺ) married a number of women and he married others to appease some and remain safe from their treachery. He married others, still, to take up their living expenses and to teach people to strive to safeguard destitute or old women without sustenance so that the Faithful [*mu’minīn*] would make his behavior their tradition [*sunnah*]. Some he married to overturn an ignorant tradition and invalidate it. His marriage to Zāīnab daughter of Jahsh was for this reason. She was first the wife of Zāīd ibn Ḥārithah, the Prophet’s (ﷺ) foster-son. Zāīd divorced her and according to the traditions of the Age of Ignorance, marriage with a divorcee or

1- *Sūrah Aḥzab* 33:28-9.

widow of a foster-son was prohibited since for the Arabs of ignorance a foster-son was the same as a biological son. Just as a man could not later marry the wife of his real son so also, according to the Arabs of ignorance, marriage to the wife of a foster-son was forbidden. By marrying Zāīnab, the Prophet of Allah (ṣ), attempted to abolish this pagan and incorrect tradition. Some Quranic verses were revealed in this regard.¹

The Wives of the Prophet (ṣ)

The marriage of the Prophet (ṣ) to Saūdah daughter of Zama‘ah was because she had lost her husband after returning from the second hijrah to Abyssinia and all her family were unbelievers. If she had returned to her family they would have murdered her, subjected her to torture, or forced her to recant her beliefs. In order to protect her from these dangers the Prophet of Allah (ṣ) married her and in effect, gave her sanctuary.

His reason for marrying Zāīnab daughter of Khuzaymah was that her husband (‘Abdullāh ibn Jahsh) was killed in the battle of Uḥud and she was a woman who was kindly to the poor and gave much charity in the time of Ignorance. For this reason she was one of the respectable and celebrated people of the time. They called her the Mother of the Destitute [*umm al-masākīn*]. By marrying her, the Prophet (ṣ) preserved her honor.

Umm Salamah, whose original name is Hind, was first the wife of ‘Abdullāh ibn abī Salamah, the Prophet’s cousin (ṣ) and ‘milk brother’. She was the first woman to immigrate to Abyssinia and was an ascetic, virtuous, religious, and wise woman. After her husband passed away, the Prophet (ṣ) married her because she was an old woman with several orphans and could not manage them by herself.

The Prophet’s (ṣ) marriage to Ṣafīyyah daughter of Ḥuyyay ibn Akḥṭab, chief of the Banī Naḍīr Jews, was because her father

1- See *Sūrah Aḥzab* 33:37.

was killed in the Banī Naḍīr battle and her husband was killed in the Khaibar battle where she was captured. The Prophet of Allah (ﷺ) freed her and then married her both to protect her from the abjectness of bondage and to become an in-law of the Jews so that they would cease their plots against him.

The reason that the Prophet (ﷺ) married Juwayrīyah, whose original name was Barrah and who was the daughter of Ḥārith, chief of the Banī Muṣṭalaq Jews, was related to the Banī Muṣṭalaq battle in which the Muslims took two hundred Banī Muṣṭalaq families prisoner. These prisoners were women and children. The Prophet of Allah (ﷺ) married Juwayrīyah to become in-laws with all of Banī Muṣṭalaq. When the Muslims saw this they realized that all the prisoners had become relatives of the Prophet (ﷺ) and it was not becoming that the others remain captives. They freed all of them and when the men of Banī Muṣṭalaq saw this behavior, they all became Muslim. As a result, a large population was added to the Muslims. This act of the Prophet (ﷺ) and the reaction of the Banī Muṣṭalaq tribe put a positive impression upon the hearts of Arabs.

The marriage of the Prophet (ﷺ) to Maymūnah, whose name was Barrah and who was the daughter of Ḥārith Halālīyah, was because after the death of her second husband, Abī Rahm son of ‘Abdul‘uzzā, she gifted herself to the Prophet (ﷺ) to be his bondservant. As a result of this show of affection, the Prophet of God (ﷺ) freed her and married her. This occurred after the revelation of a Quranic verse in this regard.

The grounds for the Prophet’s (ﷺ) marriage to Umm Ḥabībah, or Ramlah daughter of Abū Sufyān, were that when she immigrated to Abyssinia with her husband for the second time, her husband became Christian but she remained Muslim. Islam should show gratitude for this act of spiritual strength. Moreover, her father was one of the most obstinate enemies of Islam who continually gathered forces to launch assaults upon

Muslims. The Prophet of Islam (ﷺ) married her to simultaneously show gratitude for this act, influence her father to abandon his enmity, and protect her from danger.

His marriage to Ḥafṣah daughter of ‘Umar took place because her husband, Khanīs ibn Ḥudhāfah, was killed in the battle of Badr making her a widow.

The only woman he married as a maiden was ‘Āyishah daughter of Abubakr.

When one contemplates these conditions, the Prophet’s (ﷺ) method throughout his life, his austerity regarding the world and its adornments—which his wives had the choice to reject, no doubt remains that the marriages of the Prophet (ﷺ) were not like the marriages of other people. In addition, his behavior regarding women and his revitalization of the lost rights, honor, respectability, and social identity of women of the Age of Ignorance is a further reason that he did not consider women a tool for satisfaction of the lusts of men. All his endeavors in this regard were pointed at saving women from abjectness and slavery. In the final moments of his noble life, he gave a recommendation to men regarding women:

الصَّلَاةُ الصَّلَاةُ وَ مَا مَلَكَتْ إِيْمَانُكُمْ لَا تَكْلُفُوهُمْ مَا لَا يَطِيقُونَ، اللَّهُ اللَّهُ فِي
النِّسَاءِ فَانَّهُنَّ عَوَانٌ فِي أَيْدِيكُمْ.

“Ritual prayer, ritual prayer and the servants that you own (these are important matters). Do not burden them more than they can bear. For the love of Allah, (I advise you to be considerate) of women for they are your helpers.”¹

The tradition of the noble Prophet (ﷺ) in observing fairness among women, being sociable and kind with them, and paying

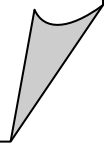
1- *Al-Mizān*, vol. 4, p. 197; also *Mizān al-Ḥikmah*, vol. 4, p. 3241.

attention to their needs was specific to him and I have spoken of this in its place.

As for why he was allowed to have more than four wives, I must say that this decree, like that of Wiṣāl fasting,¹ was specific to him and not permissible for his ummah. This was clear for all the people of his time such that his enemies could not find the opportunity to criticize him for his many wives even though they were continually in wait for him to act against expectation so that they could revile him in every corner of the land.

1- This type of fasting is when a person fasts for several days without breaking fast until the end of the duration as a duty; that is, a continual fast of several days. This decree was specific to the Prophet of Allah (ﷺ).

***SECTION FOUR:
INHERITANCE,
ITS DIFFERENCES
AND
PHILOSOPHY***



Inheritance, its Differences and Philosophy

﴿لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا﴾

*“For men there is a share from what their parents and close relatives leave, and for women there is a share from what their parents and close relatives leave, be it little or considerable; a definite share.”*¹

Naṣīb means benefit and share. The root of naṣīb is naṣb meaning ‘to uphold’. They use naṣīb to mean benefit and share because when portioned, every share is separated from the rest of the wealth so that it does not become mixed with it (and therefore every share is upheld).

Tarakah (meaning ‘that which is abandoned’) is the wealth that a person leaves behind after death, as the dead abandon wealth and migrate from the world. Therefore, the original use of this word was metaphorical and it gradually came into common use.

Aqrabūn means the kin that are closer to a person. The reason that the word aqrabūn was selected from among words from the same family such as aqrabā, uli al-qurbā, aqrabūn, and the like is for it to denote the receivers of inheritance. It is also used to reveal that if an inheritor inherits, it is due to their greater closeness to the departed.²

1- *Sūrah Nisā’* 4:7.

2- For more information see: **Al-Mizān** under *Sūrah Nisā’* 4:11.

Fard means to sever a strong thing and to separate apart from something. This is why it is used to mean imperativeness (a *definite* share); because doing it is obligatory and compliance with it is definite. Here, the benefit (naṣīb) that has been separated (farḍ) must be carried out.

In this verse, a general rule and novel tradition has been legislated which is unfamiliar to the minds of those responsible since the issue of inheritance, as it was legislated in Islam, had no previous analogue. It was customary for a number of inheritors to be deprived of their inheritance. This custom was so common that it had become second nature to the people such that if they heard otherwise their false sentiments would be aroused.

For this reason, in order to lay the foundations of acceptance for the Islamic law of inheritance among the people, before decreeing the law of inheritance, God consolidated friendship in His name and religious sacrifice among the faithful and established a pact of brotherhood among them. Then He enacted the law of inheritance between brothers. In this manner, God abrogated the custom that previously existed in inheritance and delivered the faithful from the ancient and deeply rooted prejudice they had regarding inheritance.

Then after fortifying the pillars of religion such that religious government could stand on its own, God legislated inheritance between relatives. Islam enacted the law of inheritance at a time that the faithful welcomed it with open arms.

With this preamble, it became clear that the aforementioned verse was revealed to preclude all doubts regarding inheritance and with the opening statement it intended to establish a general rule.

﴿لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ﴾

“For men there is a share from what their parents and close relatives leave”

Therefore, the ruling of this statement is absolute and is not bound by certain conditions or qualifications. The subject of this decree, which is men, is general and has not been linked to any conditions. Therefore, young boys also have a share like men.

After establishing this rule, it states:

﴿وَاللِّسَاءُ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ﴾

“and for women there is a share from what their parents and close relatives leave”

Like the previous statement, this one also establishes a rule and is general. There is no doubt of any conditions in it and it encompasses all women.

It is necessary to point out that in the first statement it said:

﴿مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ﴾

Therefore, it was not necessary to repeat it

﴿مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ﴾

in the next statement about women and a pronoun would have sufficed like so:

وَاللِّسَاءُ نَصِيبٌ مِّمَّا تَرَكَوْا

For men there is a share from what their parents and close relatives leave, and for women there is a share from what they leave

However the statement is repeated:

﴿مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ﴾

This was done so that it would be completely clear and open so as to leave no doubt.

For this same reason, the following statement was added to explain further and express that, even if the heritage of a person is negligible, its distribution should not be shirked in the least.

مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ

At the very end it is declared:

﴿نَصِيًّا مَّفْرُوضًا﴾

Here, ‘mafrūd’ is a conditional clause for ‘nasīb’ and the essence of an infinitive is embedded within it. Therefore, semantically it is a double emphasis, extreme clarification, and elimination of ambiguity. As a result, there can be neither mistake in it nor ambiguity.

An Investigation in Inheritance¹

1. The History of Inheritance

It seems that inheritance (that some living persons take possession of the wealth of the deceased) is one of the most ancient traditions existing in human society. Existing historical sources are not able to determine the start of this tradition. The history of no nation has attained this. Of course, even though inheritance was a tradition, nature also necessitates it since if we consider the social nature of humans it is clear that property, especially ownerless property, is something that humans naturally desire. They are interested in spending it for their needs. Gathering wealth, especially when there is no hindrance or complications involved, has been one of the initial and ancient traditions of humans.

Also, appraisal of the natural conditions of humans leads us to the fact that from the day humans formed societies –whether

1- See: **Al-Mizān**, vol. 4, pp. 222-233. Farsi translation: vol. 4, pp. 353-368.

civilized or primitive— they needed kinship and authority.¹ To state matters more simply, from the most ancient times, humans have considered some closer and more intimate to themselves than others. It has been this sense or feeling that urged them to form small, medium, and great societies; i.e. family, kin, relatives, tribe, clan, and so on. Therefore, in human societies there is no substitute for the importance of family ties. About neither the farthest point in human history nor today can we deny that people are closer to their parents than others. They are closer than strangers to family by reason of kinship, to friends for their honesty, to servants for mastery over them, to spouses for marriage ties, and to managers for their management. Even the powerful are more deeply related to the weak under them. This is true even though societies may differ in the way they recognize such relationships, and such differences might not be wholly discernible or recordable.

These two matters confirm that inheritance existed from the most ancient times in history.

2. The Gradual Evolution of Inheritance

The tradition of inheritance, like other customs common among human societies, has been in a state of continual transformation and development. Nonetheless, since this development has not been subject to a correct system in primitive societies, it is very hard to ascertain the systematic evolution of this custom from human history in a conclusive manner.

What is certain is that in such societies, women and weak persons were deprived of inheritance. Legacies were distributed among the most powerful kin of the deceased. There is no reason for this but that the people of those ages treated women, slaves, children, and other weak strata of society as if they were domestic animals only instrumental for living. Exactly like

1- By kinship and authority I mean that which derives from the sense of close relations and superiority.

household chattels which are only as valuable to them as the benefit they take from them; just as tools that people use whereas those tools cannot use people. Weak persons had such a situation. Men made use of them but they (women and the weak) did not take benefit from ‘humans’ and they did not enjoy the social rights that belonged to humans.

Even so, in the discernment of who was powerful there was variance and it changed from age to age. For instance, for a time, powerful and inheritor applied to a tribe or clan’s chieftain. At another time it meant the head of the household. Elsewhere, it was specific to the bravest or most savage person in the tribe. These gradual changes caused essential transformations in inheritance.

Because these traditions could not guarantee the instinctive desire and disposition of humans –that is their happiness–perforce, it was liable to change. This tradition was not above change even in civilized nations that were ruled by law or at least governed by national customs that were equivalent to law; such as the laws in force in Rome and Greece. No law of inheritance that has been common among nations to date has even endured as long as Islam’s law of inheritance. From the day it was legislated up to the present, Islam’s law of inheritance has lasted for close to fourteen centuries.

3. Inheritance among Civilized Nations

One of the social characteristics of the people of Rome was that they allowed each house civil independence; an autonomy that separated the house from the public society and protected it and its inhabitants from the influence and dominance of many government laws. Let me state this more plainly: They allowed families such autonomy that the government could not enforce many of the precepts that concerned social rights regarding members of families. In fact, according to the Roman tradition, a family was completely sovereign in commandment, injunction, punishment, and rewarding.

The head of a family was the deity of his subjects –his women, children, and slaves. Only he could own things and as long as he lived no one else had the right to possess anything. He was also the master of the members of his family and caretaker of their affairs. His authority was absolutely binding. He himself – who was the family deity– worshiped the previous deity of the house. If any member of the family had any wealth, after death, only the head of the family would inherit it. For instance, if a child of the family gathered any wealth with the permission of the head and then died, or a daughter of the family gained wealth through marriage –with the permission of the family head– and then died, all this wealth would be inherited by the family head since his absolute mastership and proprietorship necessitated that he gain ownership of the house, its inhabitants, and its wealth.

When the head of a house died, one of his sons or brothers –one who had the competence for mastery and was recognized by the other sons as heir– would inherit and take authority of all the children unless they married and left the family to establish a new one. In this event, the married son would become head of a new house. Anyone who stayed in their father's house had the same relationship with the heir, who was for instance one of their brothers, as they previously had with their father; that is, all went under the absolute guardianship and leadership of their brother.

In addition, sometimes the older foster-son of the family became the heir since taking foster-sons –i.e. naming another's son as one's own– was a common tradition among the people. In those days, just as it was customary among Arabs of the Age of Ignorance, women –that is, the first wife of the family, and mothers and daughters– received no inheritance whatsoever. This was due to the fact that they did not want their family wealth to be transferred to the home of an outsider, i.e. their son-in-law's house. In principle, they disapproved of the transfer of wealth from one house to another.

Perhaps this is similar to the idea that some scholars occasionally cite, that the Romans believed in communal ownership and did not recognize personal ownership. I think the origin of this view is what I stated in the previous paragraph not communal ownership per se, since even savage, primitive tribes from the most ancient of times were opposed to communal ownership. That is, they would not let other nomadic tribes share in their meadows and green pastures, protecting them and fighting against those who coveted their lands. This type of ownership was a public and group ownership where there was no specific individual owner rather a collective group. In short, the Romans did not believe in communal ownership between different tribes; rather, among the members of their own tribe.

Of course, this type of ownership was consistent with every person owning a portion of the public property, allocating it to themselves. This type of ownership is correct and valid. The thing is that primitive peoples could not regulate this as they should have in a correct manner in order to make use of it in a better manner. Islam honored this type of ownership.

In the Holy Quran, God has stated:

﴿...خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا...﴾

*"He has created for you that which is in the Earth, altogether."*¹

Therefore, the human society, if it is Islamic or subject to Islam, is owner of the entire wealth of the Earth; of course, owner in the aforesaid manner. On a lower level is the Islamic society which owns the wealth it has at hand. For this same reason, in Islam an unbeliever may not inherit from a Muslim. There are signs and examples for this concept in several current nations in the world: they do not permit foreigners to own the lands and real estate of their homeland.

1- *Sūrah Baqarah* 2:29.

This tradition that existed in independent clans and nations also existed in the ancient Roman houses, which possessed independence and autonomy.

The result of this tradition in Roman houses, in addition to the custom that they did not marry their close family members [*mahram*], was that the types of kinship among them became twofold: One was natural kinship which was based on shared blood. This was what caused prohibition of marriage among close family and allowance of marriage with others. The second type was official kinship which necessitated inheritance, financial support, parenthood, and so on. As a result, in relation to the head of the family and among themselves, children possessed both natural and official kinship. However, women only possessed natural kinship not official. Hence, women did not inherit from their fathers, children, brothers, husbands, or any other person. This was the tradition of ancient Rome.

In ancient Greece, the situation of families and houses was something similar to ancient Rome. Among them, only sons inherited and only the eldest at that. Women were deprived of inheritance; whether she was the deceased's wife, daughter, or sister. Also, among the Greeks, children did not inherit. In another characteristic, the Greeks were similar to the Romans. In order to leave a legacy, great or small, for their young children, or any other person they were fond of, whether wives, daughters, or sisters, they resorted to various schemes; for instance, by leaving a will or something similar they opened the way for this breach in the social tradition.

Also, in India, Egypt, and China the absolute deprivation of women from inheritance and the deprivation of young children and the continuity of their guardianship was similar to the methods prevailing in Rome and Greece.

As for Persia, firstly, they allowed marriage with close family such as sisters. They also –as I explained previously–permitted polygyny and fostering children was common among them.

Sometimes the favorite wife of a man was treated as a son and inherited from her husband like a real or foster son. However, the rest of the deceased wives and his married daughters did not inherit from him since they feared that the family's wealth would be transferred outside the family. The daughters who were not married inherited half the share of sons. Thus, the wives of the deceased –who were young and it was likely that they would remarry after the death of their husband– and daughters that were married were deprived of inheritance. Old wives, who had no hope of remarriage after the death of their husbands, and also foster-sons and unmarried daughters, were given a small portion of the family head's wealth.

However, Arabs completely deprived women and young boys from inheritance. The eldest son inherited if he was a man of battle and could defend the boundaries of the tribe and clan; otherwise, he did not inherit and more distant relatives took the legacy of the deceased.

This is a scrap of the realities at the time the verses of inheritance were revealed. Many historians who wrote the customs and traditions of nations, those who wrote accounts of their travels or wrote books on rights or something similar have pointed out the matters that I have recounted. For more information on these matters, readers may refer to such books.

Thus, we arrive at the fact that in the period of the revelation of the Quran, deprivation of women from inheritance was a tradition existing among all peoples and nations of the world and that women did not inherit as a result of their being a wife, mother, daughter, or sister. If a woman was exceptionally given something, it was due to other issues. The tradition was also common that young children and orphans did not inherit save in special circumstances and in the name of permanent fosterhood and guardianship.

4. What did Islam do?

Islam regards the true and correct foundation of human laws and precepts to be human nature –the nature by which all people were created– and there can be no alteration in the creation of God. According to this view, God has established kinship, which is itself natural, as the foundations of inheritance. It also invalidated inheritance of foster-sons. The Quran states:

﴿...وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ ذَلِكُمْ قَوْلُكُمْ بِأَفْوَاهِكُمْ وَاللَّهُ يَقُولُ الْحَقَّ وَهُوَ يَهْدِي السَّبِيلَ * ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ وَ مَوَالِيكُمْ...﴾

“And He has not made your foster-sons your sons. That is the saying of your mouths and Allah speaks the truth and He guides the way. Call them by their true fathers; this is closer to justice before Allah. So if you do not know their fathers call them your brothers in religion or your friends.”¹

After setting blood and kinship as the basis for inheritance, Islam set apart one’s last will and testimony from this rule and gave it an independent status; a status by which wealth could be imparted upon persons outside the family, creating the possibility for others to benefit from the wealth of the deceased. Even though in common parlance ownership through testament is also called inheritance, this denomination does not make two realities one. The difference of inheritance and testament is not only in name; rather, each possesses a separate criterion and stems from an independent source in human nature. The criterion for inheritance is kinship and the desires of the deceased are irrelevant to its existence. However, the criterion for testament is the will of the deceased. It is the deceased that can will that after death a portion of his or her wealth goes to a

1- Sūrah Aḥzāb 33:4-5.

stranger because the last will and testament of the owner must be respected. Therefore, if sometimes inheritance and testament are confused, and the first is called testament and the other inheritance, this is merely a denomination or utterance, nothing more.

The criterion for what people, for example ancient Romans, named inheritance was neither kinship nor the past will of a person; rather, the truth or basis they set for it was the previous influence of the individual and respect for his will. In the past, people wanted their wealth to stay within their house and after their death they wanted their most favored to administrate that wealth. In any event, according to them, inheritance was based upon reverence of the will of the deceased since, if it was based upon blood and kinship, many of those that were deprived of inheritance should have enjoyed a portion of the deceased's wealth and many who enjoyed such wealth should have been deprived of it.

After separating the two concepts of kinship and will, Islam proceeded on to define the issue of inheritance, setting these two principles as criteria.

1. The kinship principle which is the common element between persons and their relatives. In this element, there is no difference between man, woman, young, or old. Even so, there is a matter of precedence among them. That is, with the existence of the first level, the second layer receives nothing. Those who have greater precedence pre-empt the inheritance of those with less precedence since even though all are the family of the deceased, there are such things as close, closer, distant, direct kinship, and indirect kinship such as a brother's or uncle's son.

Thus, the principle is that all those who have kinship and common blood with the deceased, such as children, siblings, and uncles, adhering to precedence, inherit from the deceased.

The difference between men and women derives from the character of their dispositions; dispositions that stem from the difference in their creation, their genetic equipment. Men are influenced more by thought and women by emotions. Thus, on the basis of their nature, men are more rational humans just as women are humans with delicate and tender emotions and sentiments as per their nature. This difference in life has a clear-cut effect. That is, it prepares men for management of property and wealth and spending money to provide for needs. This principle has caused the difference in the inheritance share of women and men; even regarding those who are in a single rank of inheritance such as daughters and sons or brothers and sisters.

From the principle of common blood, Islam has concluded the issue of kinship ranking and has divided families into ranks as concerns their proximity or distance to the deceased since some kin are directly related to the late lamented and others indirectly. These are also of two types: some have fewer intermediaries in their relationship to the dead and some have more (and are thus less directly related). The first rank of inheritance which is directly related to the deceased consists of sons, daughters, mothers, and fathers (i.e. children and parents). The second rank which is related, once removed, to the deceased are brothers, sisters, grandmothers, and grandfathers (i.e. the parent's children and their parents). The intermediary for their relationship is the deceased's parents. The third rank that is related to the dead with two intermediaries includes the father's brothers and sisters, the mother's sisters and brothers, the father's grandfathers or mother's grandfathers, and also the grandmothers of one of them or both of them (grandparent's children and their parents). First are the parents of the deceased, second are the grandparents, and so on.

The children of each rank—in the event that there is no inheritor in that rank—take the place of the inheritor of that rank and prevent the inheritance of the next rank. However, because the

blood of husbands and wives has been mingled by marriage, they are inheritors in all ranks –no rank keeps them from inheriting.

From the second principle, Islam has deduced the difference between men and women. Of course, except in the case of mothers and other maternal inheritors the share of men is always twice that of women (that is, Islam has not made the share of a mother half that of a father and has not made the share of male maternal inheritors twice that of female maternal inheritors).

Even though the six shares that have been mentioned in the Quran (i.e. half, two-thirds, one-third, one-fourth, one-sixth, and one-eighth) are different, even though the wealth that ultimately reaches each of the inheritors differs from the described precepts,¹ and even though the share of parents and maternal inheritors are ultimately excluded from the rule (double share for men), in all these cases type has been observed and it is considered valid for a dead background type to make a living precedence type their substitute. This means that a husband or wife can make the other their substitute and progenitors, i.e. fathers and mothers, can make their progeny, i.e. children, their substitutes. The Islamic precept regarding both groups, i.e. spouses and children, is the following rule:

﴿...لِلذَّكَرِ مِثْلُ مِثْلِ حَظِّ الْأُنثَيَيْنِ...﴾

*“And for males is the like of two females.”*²

From this general rule it is concluded that Islam has made all the wealth and property in the world into two parts: one-third and two-thirds. Women must control one-third of the world's

1- That is, persons who are supposed to receive half the legacy usually receive more than half since they are given an amount as ‘radd’, also sometimes they receive less.

2- *Sūrah Nisā’* 4:11, 4:176.

wealth and men, two-thirds of it. Of course, this is only from the aspect of ownership not from the aspect of consumption since Islam has obliged men to pay the expenses of women and has commanded them to take the median and just path in all things. This decree necessitates that men observe equality between themselves and women in consumption. The result of these three factors is that in one-third of the world's wealth women are independent and make use of it without the interference of men and they benefit from another third through the mediation of men. Therefore, women make use of two-thirds of the world's wealth while men make use of one-third of it.

5. Women and Orphans in Islam

According to the ruling of Islam, orphans inherit just as dominant men do. Not only are they inheritors, their wealth is entrusted to their guardian (i.e. father, grandfather, the Muslim public, or the Islamic government) to be increased. The guardians of orphans put their wealth into circulation and increase it until they come of age. When they come of age, their wealth is handed over to them so that they may become independent. This is the best and most just method one can imagine for orphans.

In accordance to a general theory, women own one-third of the world's wealth but in reality make use of two-thirds of the wealth in the world. They can independently utilize their share of one-third. They are not under the supervision of men, either temporarily or permanently, in this regard and men are not responsible for the use they make of this wealth as long as what they do is not prohibited.

Therefore, in Islam women possess a status equal to that of men and are free like men to make independent decisions and are not different from men except in matters that relate to their nature, genesis, and specific temperament. In these matters, their situation is different from men. The personality of women

is more emotional and that of men is more intellectual. For this reason, Islam has put two-thirds of the universal wealth under the control of men so that in the world management by intellect would be superior to management by emotions and sentiments and so that possible shortcomings deriving from the emotional deliberation of women (since their use of extant wealth is greater than men) be compensated by the intellect and judgment of men.

Also, where Islam has made it compulsory for women to obey their husbands in matters of intimacy, it has offset this by the marriage portion [*mahr*].

Where adjudication and rule, which are founded upon the power of intellect, have been prohibited for women, Islam has compensated this by another duty for men. It is obligatory for men to support and protect women. Islam has also taken the duty of employment and earning money for living expenses of themselves, their children, and their parents off the shoulders of women. In addition, if women request it, it is incumbent on men to pay a salary to women for taking care of the children. Of course, it has mitigated each of these precepts with other instructions that it has given women. For instance, women must not draw the attention of non-mahram¹ men; therefore, they should reduce their dealings with such men as much as possible and engage in household management and child rearing.

If anyone wants to understand the value of these precepts better and wants to better realize why management of social affairs, such as defense, judgment, and rule, have not been ceded to emotions and sentiments, they must regard the situation in modern society. With infinite effort and voracity, from hundreds of years ago until today Western civilized nations have striven to train girls and boys in one class and have tried

1- Mahram consists of close family members such as one's siblings, parents, and children. [trans.]

not to differentiate between boys and girls, so as to actualize their inner capacities and abilities. Even so, when we add up the tally of political prodigies, masterminds in law and judgment, war heroes, and battle commanders who have shone brilliantly throughout these many years and calculate the number of geniuses in rule, war, and judgment—from which Islam has prohibited women—we see that in these three matters very few prodigies have risen from among women and their numbers are incomparable with the hundreds and thousands of male personages. This is the best and most trustworthy witness to fact that the nature of women cannot grow sufficiently in these three fields where intellect dominates absolutely. The more these spheres are subject to emotions the greater the loss as opposed to the gain.

This examination is the most decisive reply and rebuttal of the theory which states: The sole factor in the underdevelopment of women in the society is the inadequacy of their training, something that they have been bound by from the most ancient periods of human history. If they are continuously given competent and correct training, with the delicate emotions and sentiments that are in them, they can even surpass men in rational perfection or at least become level with them.

This reasoning is similar to those that deduce an opposite answer to what is expected since the delicate sentiments of women, or the greater influence of emotions in women, results in their underdevelopment in matters that require intellect. It is not in their best interests to develop in such matters. Contrastively, it precipitates the excelling of those who are not like that, i.e. men, who are more undeveloped than women in inner sentiments and more advanced than them in intellect. Experience shows that if a person is stronger than others in a certain inner attribute, it is more effective to train them in a job appropriate to that quality. This necessitates that training men for tasks such as rule, judgment, and battle is more effective than training women for these tasks. Furthermore, training

women in vocations that are harmonious with their inherent emotions, such as some medical professions, photography, music, cookery, training and education of children, nursing the sick, and hairdressing, is more effective than training men in these professions. In vocations that do not fall within these two domains, those that neither require greater intellect nor softer emotions, there is no difference between men and women.

Some opposers consider the underdevelopment of women in rule, judgment, and defense to be coincidental. If this were true, at least in the many long centuries of human society this coincidence should have been contradicted.

If it were right to consider spiritual and instinctive matters to be coincidental and to regard the grouping of jobs according to the different human personalities as accidental, we could never realize any natural quality or inner attribute of humans. We could no longer say for instance that the inclination of humans toward communal life or civilization and culture is instinctive or that humanity's interest in knowledge and researching the secrets of phenomena is *fīrī* since they might say to us—'No! All these are accidental.'—just as they said that the superiority of women in taste and elegance and their subordination in matters of thought and horrific and difficult affairs, such as war, and the superiority of men in these matters and their backwardness in matters of taste and elegance are accidental. The result of this judgment is that women get upset when delicate and sentimental jobs are attributed to them and onerous jobs are attributed to men even though there is no cause for this distress. Thought and emotion are both divine gifts that have been set into the constitution of humans for God's righteous motives. Neither has preference over the other and there is no standard for greatness other than *taqwa* or piety. Other virtues, regardless of what they are, develop in their own manner and place; otherwise, they are nothing but a heavy burden.

6. The Laws of Inheritance in the New Age

Even though the laws of inheritance that exist in the current age differ –quantitatively and qualitatively– from Islamic laws, they have made use of the Islamic tradition of inheritance in their formation and establishment though there is a large time difference between the emergence of these laws and the appearance of the laws of Islam.

The day Islam legislated the laws of inheritance, there was no law of inheritance –even a faulty one. Neither had humans ever heard of any law like Islam’s nor had any person heard of anything similar from their forebears. The law of Islam had no antecedent and had not taken example from any previous law. However, when the laws of inheritance were formulated in the West, the laws of Islam had ruled over a large portion of the world and its population for several centuries, every generation passing over the tradition to the next.

It is a certain psychological principle that when one idea appears and becomes established, it greatly facilitates the emergence of similar ideas. In short, every previous social tradition is the basic substance and ferment of subsequent traditions. In fact, it can even be said that it is the first that has metamorphosed into the second. Hence, no social researcher can deny that because they came after the laws of Islamic inheritance, the new laws of inheritance have gotten help from the laws of Islamic inheritance or even that they are the same laws that have become as they are as a result of some adaptations, whether right or wrong.

On this account, there is occasion for surprise if you hear someone fanatically –may God destroy this ignorant fanaticism of the ancients– say that the source of the new laws of inheritance is the ancient law of Rome, while we are familiar with the state of the ancient Roman tradition regarding inheritance and also what the Islamic tradition presented to the human community. You see that in its emergence and practical

implementation, Islam's tradition is a mediator between the two laws –the ancient Roman law and the new Western law– and has become entrenched within a society of millions or even hundreds of millions of people throughout long, consecutive centuries. It is impossible that this law not have any influence on the thoughts of Western legislators.

Even more surprising and odd is the assertion that Islamic inheritance laws have been patterned from the inheritance of ancient Rome!

To come to the point, even though the new laws that prevail in Western nations differ in various qualities, they are almost all unanimous in that the inheritance of women and men, sons, daughters, mothers, and fathers are the same. The law of France considers the ranks of inheritance to be fourfold: first are sons and daughters, second are mothers, fathers, brothers, and sisters, third are paternal and maternal grandparents, and fourth are the siblings of one's parents. It has completely exempted spouses from these ranks and has based this upon heartfelt affection. Presently, there is no important utility in explaining the details of this law regarding husbands and wives and the rest of the ranks. Anyone who wishes for more information on this matter must refer to its appropriate place.

That which is important for us to investigate here is the result of the equality of men and women in the world's wealth. According to popular opinion, women are men's partners in the wealth existing in the world. However, in reality women are often under the domination of men. They deprive women of authority so much that they cannot even independently utilize the wealth that they have inherited and utilization of wealth occurs only with a man's permission. Therefore, although they regard the world's wealth to be shared by women and men, the application of wealth is specific to men. This has caused some populations to rise up against this law so as to free women from under the domination of men. Assuming they become

successful, they will only have made women and men partners in ownership and utilization of wealth.

7. Comparison of Traditions of Inheritance

Now, after briefly stating the traditions of inheritance among ancient nations, I leave in the reader's care comparison of them and the verdict regarding which is faulty and which is complete, which is beneficial and which is detrimental to the human society, which brings happiness and which causes wretchedness. I ask my dear reader to compare the aforesaid traditions with Islam's law and to see what the final conclusion is.

That which I must point out at this point is that the basic and essential difference of Islam's inheritance tradition with other traditions is in motive and aim. In Islam the motive for the law of inheritance is for the world to find order and the motive for the other traditions is for people to realize their desires. All the slight differences ultimately relate to this essential difference. The Holy Quran considers many human desires to be false cravings:

﴿...وَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾

*"And how oft you hate something which is good for you and how oft you love something that is bad for you. And Allah knows and you do not know."*¹

Also regarding the manner in which one must interact with women, the Quran declares:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبِينَةٍ وَ عَاشِرُوهُنَّ

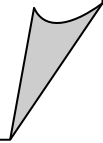
1- Sūrah Baqarah 2:216.

بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَ يَجْعَلَ اللَّهُ فِيهِ خَيْرًا
كَثِيرًا ﴿١٩﴾

*"O you who believe! It is not lawful for you to inherit from women against their will and you must not pressure them to take from them some of what you have given them (of dower) except when they have committed a blatant indecency. And consort with them honorably. And if you are averse to them, it may be that you are averse to a thing and Allah has set in it much good."*¹

1- Sūrah Nisā' 4:19.

***SECTION FIVE:
THE SOCIAL STATUS
OF WOMEN***



The Social Status of Women

From the day the human race appeared upon this globe and lived in a community, it required the female sex for both the survival of social life and natural generation. Men were never able to do without women.

Human societies –of both savage and civilized humans– continually followed a course in communal life with a series of regulations including customs and traditions, and just or cruel laws. Hence, in every tribe and every nation specific regulations were carried out regarding women.

Just as all laws and traditions in human societies stem from a series of natural factors and conditions, such as precedents and climate, regional, and environmental demands, the law of evolution that reigns over nature also manifests itself in and has an effect on social law which is an offspring of nature. Prevailing laws regarding women are not an exception to this general rule and evolve in the course of human life and follow –albeit slowly– the course of perfection.

The status of women in societies and its evolution may be summarized in three stages:

Woman, a Humanlike Animal!

Stage one: in nomadic human societies, women were not considered a part of the human society and had no social status or value and transactions with women were the same as people's transactions with dumb beasts.

Because of their mentality of utilization and exploitation and in order to resolve their needs, humans employ wild animals that live in their special environments and pursue their natural aims and take possession of them for their mortal interests. They use the meat, skin, fleece, fur, bones, milk, blood, power, abilities, and even the droppings of these animals. Even though they give them a place in their society and foster them, they do not allow them any rights.

If humans provide domesticated animals the necessary instruments for eating, drinking, and coupling and resolve their needs, it is to obtain the benefits that they expect of them, not because they are living beings just like humans that possess understanding and rights.

If a domestic animal employed by humans is mistreated or hurt and the offender is rebuked or punished, it is because the offender has violated the rights of the owner of the animal –a criminal act– not because the animal in question has any rights in the human society.

In order to achieve welfare and ease, humans kill billions of harmful microbes and insects using chemical toxicants and, in order to eat and resolve other needs, they slaughter millions of birds and herbivores and in doing this they feel not the slightest bit of remorse.

In primeval human societies, women had the same situation. As various periods of history reveal and is manifest from the remnants of this practice among savage tribes, many ages have passed in the life of humankind –maybe millions of years– where women often had the status of a parasite and were not real members of human societies.

The sole reason for their existence in the society was to meet a series of needs in the society not so that they could enjoy social rights. Thus, ‘lowly’ and ‘worthless’ tasks were given to women, such as carrying chattels during the tribe’s migration between summer and winter settlements, hauling firewood,

catching fish, acting as a servant for men, training children, and nursing the sick.

As long as a woman lived in her father's or guardian's house, not only did she not own anything, she was the sole property of the man. Even her clothes and ornaments belonged to the master of the house. Any kind of policy or reprimand—even murder—regarding a woman could be carried out with impunity. She was given to others as a gift, loan, or flattery. As soon as she was transferred to her husband's house—which was in the form of a transaction (a remnant of which is the custom, which still endures in some places, to give money to the bride's family as payment for nursing her)—in addition to the innumerable advantages that were taken of her in her father's house, she had to appease the desires of her husband.

Even now, in the civilized society of modern times, one hears than in some advanced cities, just as public lavatories are necessary for expelling bodily wastes, public brothels are also necessary for discharging the sexual fluids. These establishments exist so that those who cannot form a family or are temporarily deprived due to various factors such as distance from their spouse may release the fluids of lust that have gathered within them. This too is one of the practices of primeval humans, remaining to this day.

In ancient societies, men had no restriction in the number of their wives; as opposed to women. Men had the right to divorce but women did not. Women had to continually live under the authority of men and had to absolutely devote themselves to the whims of men.

In short, in primitive human societies, women were considered only human in form but were treated more like domestic animals.

Woman, Liberated in Chains!

Stage two: In a stage of the social life of women, civil laws appeared within civilized nations. Such as the system of Hammurabi of Babylonia and the laws of ancient Rome, Greece, Egypt, China, and Persia which were similar to modern civil laws.

Even though these systems and laws were very different from each other, a similarity may be found among them: Women have rights in human societies and they were viewed as a weak type of human who were not able to run their lives by themselves.

In these societies, women had to be under the authority and guardianship of men. They lived out their lives as followers and had no independence. They were not given the freedom to choose their path in life or possess property. They were not given independence of action so that they could ascribe deeds to themselves and enjoy proprietary rights or benefits of their deeds. They did not have the right to sue, or bear witness in court, and they had no authority whatsoever.

In these societies, as long as a woman lived in her father's house, she had to obey her father. A father could do anything he wanted regarding his daughter; he could marry her off to any person or give her away or take up any policy he wanted.

In these societies, women generally did not possess an official familial relationship –with men or other women– entailing inheritance and other rights. They only possessed natural kinship which sometimes prevented marriage with their father, brothers, and sons.

In ancient Persia, marriage with close family was acceptable. In China and the Himalayas, natural relationship came from the woman and lineage was focused on women. As a result, one woman could have several husbands. This custom still prevails

among some of these people. Instead of tracing ancestry from fathers, the line of mothers is delineated.

Among these clans and nations, woman could possess no property except in rare cases where they worked with the permission of their guardians or were given a marriage gift and their guardians did not take it away. A woman's life was managed by her guardian. For this reason, a father or husband had the right to punish their women in any way; they even had the right to murder them if they saw fit.

Also, the hardest of times for a woman was if she had indecent relations with a man or when she was suffering her monthly periods—in such cases she was shunned as an unclean creature—or when she gave birth; especially when she delivered a girl.

If a woman did something good, its benefit and praise went to her guardian and if she performed badly or unbecomingly, she herself was responsible and was chastised appropriately. Exceptionally, through fatherly affection or spousal warmth, she was willed or gifted with some property or was given special privileges. Even so, women were accorded no autonomy, determination, nor accomplishment.

For example, the condition of women within these nations was like that of a young child that is unable to manage its own life and must live under the guardianship of its custodians. For although young children are human, in view of the fact that their wills and intellects are undeveloped, they would cast the social system into a state of turmoil and incapacitate the society if they were given autonomy. Therefore, they must live under the guardianship of their elders and obey them until they are experienced and worthy of membership in the society.

In these societies, an analogy may be made between women and prisoners who live out their lives in slavery and are deprived of freedom of will and action; a slave fallen into the hands of a conquering enemy. Even though they are human and possess all human existential faculties, in the view of the

victorious population they are foes and their self-determination would harm the cornerstones of the society. Therefore, they should be divested of their freedom, dominated, debased, and possessed so the subjugating society may go on living as normal.

Likewise, because of their feeble-mindedness, capriciousness, and strong emotions, they are enemies of the society and their autonomous entrance into the society would bear nothing but paralysis of the society and enduring regret.

These were the common grounds among the policies and laws of all ancient advanced societies regarding women. In addition, the status of women in the society according to Jews and Nazarenes and their divine books –the Torah and the Christian gospel– was the same as in aforementioned ancient civilized societies. This was because even though the Torah and Evangel contain recommendations regarding friendship and moderateness with women, it is evident that these divine books assume that women will never be as good as men and that the social and religious status of women is much lower than that of men.¹ Moreover, in non-divine religions the religious actions of women have no considerable value or no value at all.

Women and Islam

Stage three: (This is an abbreviated account.) Islam regards women as human individuals and unconditional parts of the human society. Islam gives women the full value that can be

1- In 586 C.E., after much discussion regarding the issue of women, the religious assembly of France ordained that women are human; however, they have been created to serve men. Until approximately one hundred years ago, in England women were not considered part of the human society. Additionally, most ancient religions did not consider the deeds of women accepted by God. In ancient Greece it was even said that women are a wickedness created by the Devil.

given to any human individual as regards the results of their will and actions.

In order to understand the view of Islam regarding women, it is important to note that we live in an environment subject to opposing political gales and contrary propagandistic tidal waves that amplify anxiety and panic, divesting us of the desirability of correct thought. In the name of following independent and correct thought, these environs have transformed our innate and God-given logic into blind imitation.

Furthermore, in the centuries of illogical teachings, coercion, and despotic and unrestrained methods of the Church in the Middle Ages, multitudes of correct thoughts were massacred and a multitude of humans were undeservedly tortured to death. In order to preserve the power and status of its feeble and baseless institution, it accused Islam –which it identified as its most dangerous and intractable rival– of anything possible and introduced Islam to its followers with any unbecoming belief and method it could. It misrepresented the beautiful truths of this pure religion as the most monstrous of features. The imprudence and bombast of the Church went on until in recent years the West –as a result of the independence of thought they found within themselves along with their industrial revolution– rounded up the power of the Church and fenced it in within the walls of the Vatican. The reaction to the Church’s many centuries of pretentiousness, tyranny, and imposition of beliefs adversely affected the people’s thought to such extent that they no longer consider religious truths as anything but a bunch of superstitions from the Age of Myths and they equate ‘religion’ with ‘blind imitation’. Evidently, if they think of their holy religion in this manner, it is clear after extensive negative propaganda what they would think of other religions including Islam.

Furthermore, with the awe-inspiring power gained through scientific and industrial advancement, European nations used

everything in their power to control the other continents and expand their political and economic hegemony. Their complete success convinced advocates of this system of their theoretical and practical superiority and assured them that non-European life has no value and is nothing except imitation of ignorant and unenlightened ancestral superstitions. They declared that all sensible humans must throw aside their God-given logic and unquestioningly and specifically take up the European lifestyle.

Western propaganda was completely successful in planting the seed of this logic: That which can truly be called the world is the Western world; that which can truly be called human is the Western human; and the life that entails human happiness is European life. As a result of these inculcations, the logic of our intelligentsia –no less– is that our antiquated religious precepts and social laws do not conform to the modern world; we require world-approved laws and the civilized world of today goes by such and such style (in these sentences by ‘world’ we mean the West and Westerners).

In addition, –with utmost grief– we must confess to the truth that due to a thousand years of internal strife and contention and the selfishness and capriciousness of rulers and officials, we completely lost our intellectual independence and converted our free thought and God-given logic into a series of racial prejudices and vain inflexibilities.

A result of the conjunction of these factors was that in the name of achieving freedom of thought and breaking the shackles of imitation, we threw away our God-given logic and wholly imitated Westerners; choosing no path save that of keeping to their words and deeds.

For instance, we looked to them to explain and interpret for us our own truths, spirituality, and teachings. We learned knowledge that belonged specifically to us from them whereas their knowledge of the truths of Islam is limited to their previous acquaintances and unworthy memories from the

Middle Ages and the strange studies of orientalists –after examining the writings of these scholars, because of their extensive mistakes, one must emphatically bless the priests and writers of the Crusades! For example, some orientalists write that Muhammad married Khadījah at the age of seven; that Alī became caliph after ‘Umar; that the eleventh Shia Imam is buried in Kāzimaīn; and many other erroneous accounts.

Based upon the above logic, these more-loving-than-a-mother nannies –no less– identify the social status of women in Islam thus: In Islam women live in captivity and absolute lack of social rights; they are bereft of freedom of will and action; their value in inheritance and testifying is half of a man’s and at that only in name not in practice. Women are imprisoned within their houses and deprived of the blessing of literacy. If a woman leaves house in an emergency, she must wrap herself in a black chador so that her front cannot be distinguished from her back!

In light of this situation and its detriments, our mission and responsibility is made clear. We must rationally and logically refer to Islam’s explications in this regard and other religious issues without probing just anywhere or listening to just anyone. We must discover the interrelations of these rights and their basic foundations as much as possible.

The General Foundations of Islamic Laws

Without doubt, the mark of distinction separating us from animals is our intellect, which generalizes the products of our senses, ordering them and inducing general laws to discover the unknown. Even though humans possess many inner feelings and emotions—which they use greatly in the course of their lives—considering the enduring human distinction, they must all produce their effects under the organization of reason; for all animals possess these same feelings and emotions—in some aspects maybe even stronger than humans.

In many verses, the holy Quran reminds humans of the gift of intellect and holds them responsible for their perceptions and intellect:

﴿قُلْ هُوَ الَّذِي أَنْشَأَكُمْ وَجَعَلَ لَكُمُ السَّمْعَ وَ الْأَبْصَارَ وَ الْأَفْئِدَةَ قَلِيلًا مَّا تَشْكُرُونَ﴾

“Say: ‘It is He that created you and appointed for you ears, eyes, and hearts; how little you give thanks.’”¹

﴿وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَ الْبَصَرَ وَ الْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا﴾

“And adhere not to that which you have no knowledge. Verily, ears, eyes, and hearts are responsible (before Allah).”²

Based on this principle, Islam considers the human society dependent upon reason and devolves social laws to the discernment of the intellect not to the desires of feelings and emotions.

Hence, Islam deems binding only those laws and precepts that reason considers right even if they contradict the inclinations of the majority because, on the path to happiness, humans should choose a destination that their intellects judge as the point of happiness not a destination that their animal urges favor.

﴿...يَهْدِي إِلَى الْحَقِّ وَ إِلَى طَرِيقٍ مُسْتَقِيمٍ﴾

“The Quran guides people towards Truth and a straight path.”³

1- Sūrah Mulk 67:23.

2- Sūrah Isrā' 17:36.

3- Sūrah Aḥqāf 46:30.

﴿وَلَوْ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَاوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ...﴾

“And if Truth had followed their caprices, the heavens and the earth and all in them would surely have been thrown into confusion and corruption.”¹

Islam views humanity as a superior unit, and men and women as equally human. Even though they are different in their femininity and masculinity, they are no different in their humanity since all humans –whether woman or man– come into being by the procreation of two individuals: a woman and a man.

﴿...أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُمْ مِّنْ بَعْضٍ...﴾

“I shall not leave unrewarded the work of any agent among you, whether man or woman; you are all members of the same race.”²

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِّنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُ...﴾

“O people! Surely, I have created you as males and females and have made you into [diverse] races and tribes that you may know one another. Verily, the most noble among you before Allah is the most pious of you.”³

Accordingly, Islam presents women –like men– as complete members of the human society and equally considers each to be joint elements of the community. It has decreed freedom of will and action for women just as it has done for men. However, being a complete member of the society does not necessitate that all members of the society have identical rights and privileges.

1- Sūrah Mu'minūn 23:71.

2- Sūrah Āl-i 'Imrān 3:195.

3- Sūrah Hujurāt 49:13.

When we consider membership in society, we observe differences between individuals and members in social competencies and these entail differences in social function and privilege. To the testimony of history, even though there have been numerous societies throughout the history of humanity where men and women were members, the rank of a scientist was never given to an ignorant person, the responsibilities necessary of an able and experienced person were never given to an inexperienced incompetent person, and an unrestrained persecutor was never given the standing of a just and virtuous person.

It is true that all members of the society must be equal before the law, yet this equality is equality regarding the execution of the law—i.e. benefiting from justice—not equality in social function and resulting rights. How can it be possible for ruler and subject; adult and child; intellectual and ignorant; sage and fool; or oppressor and righteous to be equal in all social privileges bringing about the decline of the community?

Therefore, membership in the human society is one thing and the manner of membership is another and they must not be confused with one another. In order to give the human society its due consideration, social justice must be completely observed among its members and each person must benefit from rights that they merit and are appropriate to them.

The Status of Women in Islam

As was pointed out, before the sun of Islam rose above the azure horizon of this world and brightened the world and its inhabitants with its brilliant radiance, the world was divided into two groups:

The first consists of the civilized nations, such as the Roman Empire, the Persian Empire, and other nations such as Egypt, Abyssinia, India, and China. In these societies, women were like captives – meaning that they were completely deprived of

autonomy and the general privileges of society; they did not receive inheritance; their deeds were not respected; they had no freedom or independence in food, clothing, residence, marriage, divorce, socialization, property, and many other things. Their every breath and every step had to have the approval of men. If they were oppressed, they had to take their case up with men where their litigation, testimony, and words were not heeded.

The other group is comprised of backward tribes and peoples such as tribes in Africa. Among these peoples, women were not even considered human but parasites of the society in rank with exploited animals. They carried loads, fished, served men, trained children, nursed the sick, appeased the lusts of their husbands (or sometimes whoever their husbands chose), and so on.

This was the general situation of the world at the advent of Islam and the specific environment where Islam emerged was the Arabian Peninsula. Its people were generally Bedouin due to its vast deserts. It was surrounded on the outside by the great nations of Rome, Persia, Abyssinia, and Egypt and on the inside the people were associated with the Jews of Yathrib, the Nazarenes of Yemen, and Iraq. The majority religion was Wathanīyat –a type of dualistic worship.¹ Their customs and traditions were an amalgam of the traditions and regulations of the surrounding nations.

Similar to Rome, Persia, and other nations, they deprived women of rights; men kept them under absolute custody; and no social respect was given them.

1- Advocates of Wathanīyat believed in one God as Creator; however, the reason that Wathanīyat is considered a type of idolatry is that its followers deemed beings other than God worthy of veneration. Even so, they did not ascribe divinity to their idols, which were representations of prophets, angels, stars, etc. Extracted from the dictionary of Dehkhoda. [trans.]

Apart from the fact that they fundamentally considered women a cause for shame and loathed daughters, the tribe of Bani Tamīm even buried their daughters alive. Thus, the Quran specifically remonstrates against these two problems:

﴿وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ * يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ﴾

“And when one of them was given the good tidings of the birth of a girl, their face would darken in repressed anger. They would hide from the people because of the bad news they received asking themselves whether they should keep it in disgrace or bury it in the earth. Ah! Evil is that which they judge.”¹

﴿وَإِذَا الْمَوْؤُودَةُ سُئِلَتْ * بِأَيِّ ذَنْبٍ قُتِلَتْ﴾

“And when the infant daughter that was buried alive is asked for what crime she was killed.”²

In the environment that we described, Islam made women true and complete members of the society, released them from their captivity, and granted them autonomy. In Islam, like men, women have a share in the legacy left by the departed and inherit from their father, brother, uncle, spouse, etc. They are free to have any legitimate work and good lifestyle they choose. Their deeds have value and social respect. They can directly approach qualified and legal authorities. If their rights have been encroached upon they can take legal action and also bear witness. In all these phases, whereby the generalities of a woman's life are completely ensured, men have no dominance, charge, or command over women.

1- *Sūrah Nahl* 16:58-9.

2- *Sūrah Takwīr* 81:8-9.

﴿...فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ...﴾

*"The responsibility of what women do within the confines of religious law and custom is not yours and they are free."*¹

﴿...وَاللِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ

نَصِيبًا مَّفْرُوضًا﴾

*"And women have a share in what their parents and family leave; be it slight or considerable."*²

The practice of the holy Prophet (s) is full of fine points in this matter however we cannot give a detailed account in this article.

Comparison and Contrast of the Rights of Women and Men

1. Regarding inheritance, on the whole, women receive half that of men just as the Quran states:

﴿...لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ...﴾

*"To the male an equivalent of the share of two females (must be given)."*³

Even though in this aspect women have a lower position than men, this deficiency has been resolved in another place. That is, the nafaqah –financial support– of women is on the shoulders of men. The Islamic principles behind this law must be examined elsewhere in order to determine its true intention.

Doubtless, a woman's emotional and sentimental disposition dominates that of her intellect. All the states and actions of women are manifestations of various elegant and exquisite

1- Sūrah Baqarah 2:234.

2- Sūrah Nisā' 4:7.

3- Sūrah Nisā' 4:11.

emotions and sentiments whereas men, according to their nature, possess a mentality exactly opposite of this.

As we noted at the start of this discussion, in organizing the affairs of the human society, Islam has given reason superiority over emotions. If we consider the entirety of the human populace, in each age the wealth in the world belongs to the population of that same age. They benefit from their wealth as long as they live and, after they die, they pass it on to their families –the ensuing stratum.

As soon as the current stratum is extinct and the surviving stratum –generally consisting of an equal distribution of men and women– comes into office so to speak, men receive two thirds of the wealth and one third is withheld from them. The two thirds belonging to men is used equally by both men and women therefore, two thirds of the world’s wealth is used by women and one third by men.

﴿...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ...﴾

“The precepts that have been ordained to the advantage of women are equal to those that are against them.”¹

According to this type of division, regarding ownership, administration, and cultivation of property, men control the majority of the world’s wealth. On the other hand, regarding its utilization and benefit, women control and benefit from the majority of wealth. Social justice necessitates that the protection and administration of wealth be in the hands of reason and benefiting from it be in the hands of emotions and sentiments.

2. In connection with respect for deeds and property, Islam gives complete autonomy to women in making use of the

1- *Sūrah Baqarah* 2:228.

products of their deeds. In this case, women possess freedom of will and action without being under the supervision of men.

3. As regards legitimate and correct social interaction, they are not the least different from men. They are free to socialize on the condition that they refrain from showing off their adornments, flaunting themselves, flirting, and inflaming the lusts of men.

﴿...فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ...﴾

*"The responsibility of what women do within the confines of religious law and custom is not yours and they are free."*¹

4. With respect to religious deeds and privileges, the only source of difference between people in their rank is their piety and respect before God. There is no difference between women and men.

﴿...أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُمْ مِّنْ بَعْضٍ...﴾

*".... I shall not leave unrewarded the work of any agent among you, whether man or woman; you are all members of the same race."*²

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِّنْ ذَكَرٍ وَ أُنْثَىٰ وَ جَعَلْنَاكُمْ شُعُوبًا وَ قَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾

*"O people! Surely, I have created you as males and females and have made you into [diverse] races and tribes that you may know one another. Verily, the most noble among you before Allah is the most pious of you. Truly, Allah is All-knowing, All-aware."*³

1- Sūrah Baqarah 2:234.

2- Sūrah Āl-i 'Imrān 3:195.

3- Sūrah Hujurāt 49:13.

In an area where no privilege is given to any class and the only mark of distinction is piousness and Islamic religious service, men and women are no different and one devout woman is more respectable and preferable to one thousand impious men.

5. As regards the issue of marriage, women are free to marry anyone they want. However, considering that the precepts regarding inheritance and marriage are based upon genealogy, a woman can under no circumstances have sexual relations with anyone save the one husband she has chosen. Nevertheless, a man can take more than one wife on the condition that he can behave justly and equitably with all his wives.

It is evident, however, that Islam has not necessitated polygyny rather it has merely given permission for men to marry up to four women and this precept requires background. This means that the situation must be such that social order is not threatened by a shortage of women and congestion of men. One thing that is clear for men is that because the residence and living expenses of women and children are the responsibility of men and in view of the fact that justice and equity are stipulated, taking such action is feasible for a limited number of men, not all. On the other hand, nature and external incidents provide more women fit for marriage than men.

The validity, purposefulness, and reasonability of this precept are made clear by contemplation of the nature of human societies and unexpected incidents. Supposing an equal proportion of men and women in the world –something that is usually statistically valid– if we set a certain year as starting point and separately add up male and female births, in the first year that the young men reach natural maturity or legal age we would be faced with a much greater number of marriageable girls. In the sixteenth year the number of women fit for marriage would be seven times that of ready men. In the twentieth year, the fit women to fit men ratio would be 11:5, and in the 25th year, which is approximately the typical age for marriage, this ratio would be 16:10. In this case, if we assume

the ratio of men that have more than one wife to be one to five, 80% of men would have one wife and 20% would have four and in the thirtieth year, 20% of men would have three wives.

Moreover, women generally lose the ability to become pregnant at around fifty whereas men typically retain the ability to procreate until the end of their lives. In the case of an equal number of men and women in the society, and the prohibition of men from marrying more than one woman, much potential would be continually wasted.

Apart from this, uncontrollable events such as brutal wars and dangerous occupations cause the deaths of countless men. This leads to an abundant population of marriageable widows and women who –if polygyny was forbidden– would have no course but to give up their chastity bringing illegitimate children into the world.

The two recent world wars proved this fact beyond doubt such that the population of spouseless women in Germany requested that –in accordance with Islamic law– the government permit polygamy and in this way appease the population of single women. Even so, due to the opposition of the Church, their request was denied.

This incident demonstrates that the opposition of women to polygyny is based on habit not the exigency of nature and *fiṭrat*. This was the best answer to the censure of this decree in Islam that: ‘The decree of polygyny has hurt the feelings of women and dispirited them. It has instigated their desire for vengeance and causes many deplorable incidents.’ Because this event and similar ones prove beyond doubt that when there is need and a shortage of eligible men, all these opposing thoughts transform into acquiescence.

In addition, polygamy was practiced for ages before Islam without a limit in the number of wives and in Islam with a specific delimitation, and it never caused disorder or chaos in the society. Women who went to a wedded man as their second,

third, or fourth wife did not grow from the earth or fall from the sky; rather, they were these same women who according to critics, are naturally opposed to polygyny.

Aside from the fact that Islam has not made polygyny obligatory, but has made it permissible on the condition that the man is not afraid of acting unjustly and can behave equitably, there are methods in Islamic jurisprudence whereby a woman may prevent her husband from marrying another man unless he is willing to divorce her first. The same thing also exists in the matter of divorce. Even though the authority for divorce belongs to men in accordance with Sharia, women can resort to methods to separate from their husband or may predict necessary situations and obtain this right so they may enjoy peace of mind and be content.

The existence of divorce in conjugal life and the fact that it has been entrusted to men on the basis of Sharia is a hallmark of the holy religion of Islam. Even so, there are special ways whereby women can indirectly obtain divorce.

Due to a great deal of suffering and lengthy conflict, civilized nations and legitimate governments all over the world were finally forced to sanction divorce. However, since they gave the power of divorce directly to both women and men, the rise of divorce—especially as requested by women—has weakened these governments and they are continually seeking a solution to this problem. The reasons that some women provide as the basis for their divorce that are broadcast in newspapers and mass media especially ratify the correctitude of this Islamic view.

Rule of Reason or Sentiments?

What is understood from preceding discussions is that women are not inferior to men in affairs of life and social privileges. In all conditions they retain their autonomy and are not under the

control of men. However, one thing that is certain is that a woman must obey her husband in matters of intimacy.

The threefold restriction that women, who are purely love and affection, have in Islam is in the domain of rationality which Islam devolves to the reason of men and must be separated from the environment of sentiments and feelings. These three matters are: leadership, judicature, and jihad.

According to the religious statements and practice of the holy Prophet (ﷺ), women cannot hold governance and leadership in the Islamic society; they cannot judge; and they cannot directly participate in jihad and supervise battles.

﴿أَوْ مَنْ يُنشَأُ فِي الْحِلْيَةِ وَهُوَ فِي الْخِصَامِ غَيْرُ مُبِينٍ﴾

“Are then those who have been brought up amid adornments and who naturally cannot show their true aims in times of hostility to be considered daughters of Allah and given governance of affairs of state?”¹

Therefore, men are responsible for these threefold aspects:

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ﴾

“Men are the protectors and supervisors of women.”²

The relationship of these three issues with reason and their corruption by the interference of feelings and sentiments is so clear that there is no need for discussion and research and a decisive trial will leave no room for doubt.

In the years that the so called civilized nations of the world have mostly put women and men in a single file striving with all their might to uniformly systematize and educate men and women, they have produced thousands and millions of female scientists, artists, inventors, and social intellectuals.

1- Sūrah Zukhruf 43:18.

2- Sūrah Nisā' 4:34.

Nonetheless, even now not only has the number of female government leaders and administrators, judges, lawmakers, and army commanders not become equal to their male equivalents, their numbers are not even remotely proportioned with the number of men.

I'll never forget early in the recent World War, when the battle came upon French soil and extreme hostilities continued, while fire fell from the skies and blood seethed on the earth, according to the newspapers a high-ranking female member of the French army general staff designed a beautiful female hat with a scissor mark at the front.

***SECTION SIX :
SHORT TERM MARRIAGE***

Short Term Marriage

In Bahman of 1342 (January/February, 1964), following the opinion of Dr. Russell Lee that humans are part of the group of creatures that naturally cannot content themselves with a single wife, the *Keyhan Newspaper* devoted a column for free debate regarding the issue. It also proclaimed that it would print both favorable and conflicting views.

Naturally, the discussion led to the issue of mut'ah or short-term marriage. Following this, in issue 6169 dated Bahman 24th, 1342, *Keyhan* printed an article written by Mr. Mardūkḥ—who is a Kurdish Sunni scholar. In a section of this article the Shia creed was attacked for permitting mut'ah marriage. The present article was written in answer to Mardūkḥ's article but for various reasons it was not printed in the newspaper.

Mr. Mardūkḥ has cast his words in the form of dialectic. However, unfortunately in a controversy that has continued among scholars of the two great creeds of Shia and Sunni for approximately fourteen centuries, he has based his reasoning on material that Sunni scholars posited at the start of the controversy which have been proved wrong hundreds of times; the proceedings of which have been inscribed in the jurisprudential and dialectic books of both creeds.

The only way I found to justify this performance is to say that this respectable scholar did not adequately research this extensive debate and due to religious zeal he wanted to bestow a gift upon the honorable readers of the newspaper with the few

words that he had heard and accepted on this topic thinking that Shia scholars are ignorant of these matters.

The witness to this is a laughable narration that he cited at the start of his discussion:

متعّتان كانتا على عهد رسول الله حلالاً و أنا أحرمّهما و اعاقب عليهما:
المتعّة و لحم الحمر الانسية.

He took the first part of the narration from an oration by ‘Umar, the second caliph, and the second part from a narration by Amīr al-Mu‘minīn Alī (‘a) regarding the prohibition of mut‘ah cited in Bukhārī and several other books and attributed the comical mixture to Shia scholars!

Translation of the original piece from the second caliph’s oration: There are two types of mut‘ah that were halal [i.e. permissible] at the time of the Prophet of Allah and I make them haram [i.e. forbidden] and will punish their perpetrators. These two mut‘ahs are the mut‘ah of hajj [i.e. tamattu‘ ḥajj] and mut‘ah of women.

Translation of the original piece attributed to Ali (‘a): The Prophet of Allah forbade mut‘ah of women and the meat of domestic donkeys on the day of Khaībar.

Translation of the oration cited by Mr. Mardūkh –the Arabic recorded above is: The second caliph stated, ‘There are two types of mut‘ah that were halal at the time of the Prophet of Allah and I make them haram and will punish their perpetrators. These two mut‘ah are mut‘ah and the meat of domestic donkeys.’

The end result of what would happen for a person who confronting such logic enters into a discussion is quite clear. For the information of those who have not adequately studied this topic, I will succinctly point out several issues in regard to the statements of his eminence. If anyone has anything to say in

this regard or any objections I will welcome their statements with open arms and I am ready for debate and expatiation.

Mr. Mardūkh maintains, “If the act of mut‘ah were not prohibited, the community of Muslims would act in accordance with it and it would not be specific to the Shia branch.”

Indeed, before the interdiction of the second caliph, the community of Muslims including the Sahaba –i.e. Companions of the Prophet– observed mut‘ah. For example, the first caliph gave his daughter Asmā’ in mut‘ah to Zubaīr who was a Sahaba and ‘Abdullāh ibn Zubaīr who was also a Sahaba was the product of this mut‘ah. However, after the prohibition of the second caliph, his partisans renounced mut‘ah while the Shia did not accept the ban.

All the same, after ‘Umar’s interdict some Sahaba such as Ali (‘a); ibn Abbās; ibn Mas‘ūd; Jābir; and ‘Amr ibn Ḥarith; and also some Tābi‘īn¹ scholars such as Mujāhid; Suddī; Sa‘īd ibn Jubaīr; and ibn Juraīḥ regarded mut‘ah permissible.

Mr. Mardūkh asserts, “It seems that this is also one of the influences of the Jew, ‘Abdullāh ibn Saba’...”

It must be noted that this ‘Abdullāh ibn Saba’ is an imaginary person that the Umayyads and their contemporary scholars created to explain away the fitnahs at the dawn of Islam which led to the death of the third caliph, ‘Uthmān. They made this fictional person the hero of these tales and the founder of the Shia creed.

However, recently some scholars –even Sunni scholars such as the late lamented renowned scholar Ṭāhā Ḥusaīn– have

1- Those who did not meet with the Prophet but met with Sahaba and cited narrations through them. [trans.]

historically proved the fictitiousness of the character of ibn Saba'.¹

Mr. Mardūkh asks, "How could 'Umar make a halal haram or a haram halal without license?"

As various recent scholars admit, the second caliph would change religious precepts where he saw fit—even against the clear wording of Allah and the Prophet, as maintained by Aḥmad Amīn, author of *Fajr al-Islām* and *Manār Exegesis*, and is demonstrated in many historical cases. The context of the second caliph's oration, which Shia scholars cite from the books of Sunni scholars, clearly shows that the interdiction of mut'ah was not an enjoinder against wickedness, but a decision that he made by himself in accordance with situational politics.

In his oration, the second caliph states, "There are two types of mut'ah that were halal at the time of the Prophet of Allah and I [my emphasis] make them haram and will punish their perpetrators. These two mut'ahs are the mut'ah of hajj and mut'ah of women."

Any person who understands Arabic realizes that this means: these acts were legitimate [*mashrū'*] at the time of the Prophet and I now ban them. It does not mean, they were haram and the people performed these acts in spite of this while the Prophet and Sahaba stood by and watched and now, in the name of enjoinder against evil, I announce their illegitimacy.

In addition to this, in many citations by the Sunni, the second caliph established stoning to death [*rajm*] as the penalty for offence² and he swore to execute this penalty; whereas there are

1- Refer to Ṭāhā Ḥusayn, *Al-Fitnat al-Kubrā*; Dr. Wardī, *Wu'āz as-Salāṭīn*; Askarī, '*Abdullāh Saba*'; and the yearbook of *Maktab-i Tashayyu'*, issue 3—later republished as *Shī'ah*.

2- For more information, refer to *Tafsīr Al-Mizān*, vol. 4.

no grounds for the penalty of *rajm*. Even Sunni scholars have not dared to proclaim stoning as the penalty for mut'ah. They say, "The second caliph said this as a superficial threat, not in earnest."

Also, that Mr. Mardūkh wrote, "At the pulpit the second caliph said: I will feel grateful to anyone who notifies me of my slips and errors" does nothing in proving his speculations because the caliph never said that he would accept what other's said.

Mr. Mardūkh says, "In *Ṣaḥīḥ Bukhārī*, which is no less than a book of history, it is written that the narrator of the Hadith banning mut'ah is Alī himself." First, *Ṣaḥīḥ Bukhārī* is a book of Hadith and in order to use Hadith one must first determine whether they are authentic or not. One cannot cursorily and unquestionably accept Hadith. This same *Ṣaḥīḥ Bukhārī* asserts that "the Temple of Jerusalem [*Bayt al-Muqaddas*] was built four years after the Ka'ba" whereas it is evident that Abraham was the builder of the Ka'ba and David and Solomon were the builders of Bayt al-Muqaddas and there are thousands of years difference between them.

It is also cited that 'Āyisha said, "On the Night of the Ascension [*mi'rāj*] the Prophet slept in bed next to me the whole night" whereas it is evident that the *mi'rāj* occurred before the Hijra and 'Āyisha came into the Prophet's house after the Hijra. Opposite to what is written in *Ṣaḥīḥ Bukhārī*, *Ṣaḥīḥ Muslim* cites this famous saying from Ali ('a):

لو لا أن عمر نهى عن المتعة ما زنى إلا شقى

If 'Umar had not banned mut'ah, no one would have committed adultery except the wretched.

Mr. Mardūkh says, "According to the Shia, the verse

﴿...فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ...﴾¹

does not address mut‘ah of women, rather it means that if the marriage has been consummated, her *mahr*—i.e. marriage portion—must be paid in full.” This matter is related to Arabic syntax and morphology. I have fully vindicated the matter in the fourth volume of the *Al-Mizān* exegesis under Surah *Nisā’*. I will refrain from a detailed account of the issue. For more details refer to the exegesis.

In short, exegetes from the advent of Islam —such as ibn ‘Abbās, ibn Mas‘ūd, and Ubay who were Sahaba, and Mujāhid, Qatādah, Suddī, and ibn Jubāir who were Tābi‘īn all of which lived in the time of the Prophet and revelation of the Quran, were Arab, and knew Arabic much better than Mr. Mardūkh who was Kurdish and was born fourteen centuries later—understood this verse as referring to normal mut‘ah not consummation. This is why contemporary advocates of the second caliph never claimed that the verse does not refer to mut‘ah; rather they allege that it has been abrogated.

In addition, Mr. Mardūkh holds, “istimtā‘ and tamatu‘² both mean taking pleasure and signify coupling and intercourse” which is an incorrect definition. These two words have different formations and thus two different meanings. Istimtā‘ means seeking pleasure and tamatu‘ means taking pleasure. Therefore, istimtā‘ would never be used to refer to intercourse which is taking pleasure.

Mr. Mardūkh claims, “In Islam, marriage has specific effects; none of which exist in mut‘ah, such as inheritance, nafaqah³,

1- *Sūrah Nisā’* 4:24.

2- These words are derived from the same root as the infinitive, mut‘ah. [trans.]

3- Nafaqah is the financial support of a wife as necessitated by Islam. [trans.]

‘iddah¹, the four wives restriction, etc. Therefore, mut‘ah is not marriage and because it is not and is also not property of the right hand, according to the holy verse

﴿إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ﴾²

Which limits legitimate intercourse to marriage and property of the right hand, it is unlawful and an act of adultery.

This rationale is one of their oldest sophistries. It was concocted around fourteen centuries ago and has probably been answered by the Shia fourteen hundred times but these gentlemen still do not relent and keep on repeating it.

First of all, according to religious law, the effects Mr. Mardūkh enumerates for marriage are for lifelong marriage not marriage itself. He himself accedes that in the time of the Prophet before he banned mut‘ah—according to Mr. Mardūkh—and it was permitted, it did not have these effects and the citations of the Sunni testify also to this fact.

Secondly, the verse that he makes use of indicates that the act of mut‘ah is a type of marriage because if mut‘ah was forbidden in Islam it surely happened after the Hijrah. Their own varying accounts from the battles of Khaibar, ‘Umr al-Qadā, and Aūfās, the conquest of Mecca and the Farewell Hajj [*hajjat al-widā*] testify to this. Also, because *Surah Mu‘minūn* was revealed in Mecca before the Hijra, when mut‘ah was permissible, it was definitely considered a type of marriage.

Mr. Mardūkh maintains, “the act of mut‘ah was adultery and due to the force of circumstance the holy Prophet temporarily gave permission for it and after the need was obviated he proclaimed it haram.”

1- ‘Iddah is the minimum interval a woman is required to observe between the end of her previous marriage (e.g. death of husband, divorce) and remarriage to another man. [trans.]

2- *Sūrah Mu‘minūn* 23:6.

They brazenly accuse the Prophet of this to correct the mistake the Sunni made on day one. From the first days of the advent of Islam, in Meccan Surahs such as Mu'minūn, Isrā', Furqān, and Ma'ārij, God Almighty introduces adultery as an obscene act and has strictly prohibited it.

Furthermore, in some parts of the Quran such as Surah Isrā'il and Mā'idah, God sharply forbids the Prophet from even the least bit of alteration in Quranic precepts. No Muslim should dare to say that the Prophet issued permission for adultery even for a few days and that the Prophet's own Sahaba such as Abūbakr, Zubaīr, Jābir, and ibn Mas'ūd were ahead of everyone else in performing this evil deed! One gave a daughter, one took the daughter, and one came into being by the taking! For instance, the Sahaba 'Abdullāh ibn Zubaīr was born of Asmā' daughter of Abūbakr and mut'ah of Zubaīr. Of course, no Shia would ever cause such disgrace by attributing such law-breaking and disobedience to the holy Prophet.

Apart from what I mentioned until now, if we look at the human world in a general perspective, we will precisely see that sexual relations cannot be restricted to permanent marriage considering all other types of intercourse unlawful. Permanent marriage can never fully satisfy this sexual instinct.

Even though permanent marriage is prevalent all over the world and public opinion condemns adultery and fornication, official governments of civilized and semi-civilized worlds have not been able to prevent the outbreak of short-term sexual relations and in all cities of the world, great and small, there are public or concealed centers for obscene acts.

In this situation, a religion such as Islam, which is global and eternal and wants to restrict intercourse to marriage and completely prevent fornication and adultery, must incorporate short-term marriage with specific conditions that obviate the evil

of fornication –for instance, the woman must not be maḥram¹ to the person she intends to marry, she must not be married, and the duration and mihr must not be determined after separation – in order to adequately answer to the needs of this general instinct.

In the Ṭabarī exegesis and Shia accounts, it is quoted from Ali (‘a) that, “If the second caliph had not prohibited short-term marriage, the only persons who would have committed adultery and fornication would be those who were on the verge of destruction for the extent they had gone astray.”

In conclusion, in answer to Mr. Mardūkh’s mandatory decree that Shia scholars must reconsider their opinion on this and other controversial issues, we say that contrary to Sunni scholars, the Shia consider *Ijtihād* legitimate and without waiting for their decree, we continually reconsider our opinions. However, unfortunately, we cannot change our opinion regarding an issue that is as clear as day.

Reciprocally, we entreat Mr. Mardūkh to observe decency and politeness in his writings. In a very short article, he accuses Shia of unbelief, corrupt lineage, and bastardy. He has extended his foul language to the daughters, sisters, and family of Shia authorities and in no way restrained himself in his adventurism. If he truly supports the cause of unifying Muslims and resolving internal conflict, he must refrain from such profane and unjust language because firstly, they are aspersions cast upon the holy character of the Prophet of Allah and his eminent Sahaba, who were the initial legislators and executors of this matter and, secondly, such words are the main cause of all this rancor and spite between these two creeds. When the public learns of them, these words overturn worlds; otherwise, a

1- Persons who are maḥram (plural maḥārīm) to you are those who are close family such that you may not marry them (e.g. one’s parents and siblings). [trans.]

difference of opinion in a few minor issues would not start such uproar.

A few days after writing the foregoing article, I received a postal package from one of my friends containing a short booklet by Mr. Mardūkh. This booklet was written regarding the interdiction of mut'ah and to some extent to accentuate and reaffirm the article he published in the Keyhan newspaper.

This booklet –as is clear to those who read both article and booklet– contains no significant addition to the published article which would require investigation and debate.

However, due to the fact that said author wanted to take the issue from the temporary form of a newspaper article to the permanent form of a book, he altered the appearance of the debate. Even so, he reused the same groundless logic he had used at the beginning of his article and in no way did he refrain from his bullying, perjury, and calumny of religious authorities –even Sunni ulama and Sahaba. Therefore, I deemed it necessary to indicate several parts of this booklet which are the products of said individual's characteristic logic. I will leave the final judgment to my respected readers.

In this booklet, Mr. Mardūkh says, "All precepts may be abrogated when necessary."

If he had reviewed books of jurisprudence or the discussions of exegetes regarding abrogated verses, he would realize that abrogation of a precept means removal of a precept in accordance with the time not the conditions. A precept's persistence in normal circumstances and its lapse in special circumstances have both been taken into consideration in the Sharia and this has nothing to do with abrogation. For example, in one verse God Almighty states that eating the dead meat of an animal is haram but in need the unlawfulness of this act is

removed; the latter part of the verse *does not abrogate* the former part.

In the first years of Islam, the marriage of an adulteress with a non-adulterous believer and the marriage of an adulterer with a believing woman who was not an adulteress was unlawful. After a while, this precept was *eternally abrogated* and this was not due to necessity or abnormal circumstances. All abrogated precepts in Islam are like this.

Mr. Mardūkh says, “In the terminology of jurists, mut‘ah has two meanings: short-term marriage and mut‘ah of divorce.”

It seems that he has purposefully forgotten that there is also a third meaning and that is mut‘at al-ḥajj. That same ḥajj tamattu‘ that, according to the Quran, had been legislated into the Sharia near the end of the holy Prophet’s life. The Muslims performed it until the reign of the second caliph. Halfway into his caliphate, he banned the mut‘ah of ḥajj and mut‘ah of marriage at the same time.

Mr. Mardūkh holds, “None of the Sunni or Shia books consider a mut‘ah woman a wife.”

This is an accusation against the Shia. In the view of Shia and jurisprudence of the Ahl al-Bayt, there are two types of wives: First, there are lifelong wives, which have specific stipulations. Second, there are temporary wives, which also have specific stipulations such as the fact that a woman may only have a single husband; that she must observe ‘iddah after separation; that the offspring resulting from marriage are attributed to both parents; and so on. By way of illustration, at the time of the Prophet of Allah, ‘Abdullāh ibn Zubaīr, who was brought into the world as a result of the mut‘ah between the daughter of the first caliph and Zubaīr, was attributed to Zubaīr and was not introduced as fatherless.

Mr. Mardūkh states, “In Surah Aḥzāb, which was revealed in Medina, God Almighty says to His Prophet, ‘We have made halal for you, your *wife* and the property of your right hand’. If

mut'ah was halal at that time, it was necessary that He enumerate that also."

As I have mentioned, *wifehood* encompasses both permanent and temporary marriages. In addition, according to the general consensus of all Muslim creeds, understanding and specifying Quranic precepts through sunnah is permissible and effectuated. For example in the Quran, Allah the Exalted only names pigs as essentially unclean [*najis al-'ain*] and through sunnah dogs have also been annexed to pigs. No one has ever said that if dogs were essentially unclean God should have mentioned it! And there are many similar cases.

Mr. Mardūkh says, "In the eighth year of the Hijra, when the army of Islam was stationed in Mecca, young women and widows adorned themselves and exhibited themselves before the solders of Islam. The fires of their lusts flared due to the length of their stay and their extended celibacy. Therefore, by force of circumstance and in line with the rule of eating dead meat, the holy Prophet issued permission for temporary marriage."

One must ask him: Had Zubaīr temporarily married the daughter of the caliph in that period? And was 'Abdullāh ibn Zubaīr, who was born from this marriage and considered one of the Sahaba of the Prophet of Allah, supposedly one year old when the holy Prophet passed away in the tenth year of the Hijra?

Apart from this, was the answer to removing this danger for the holy Prophet to give permission for adultery and fornication? Or should he have prevented the ostentation of adorned woman and their unrestrained socialization –which the Quran clearly states to be forbidden– and in this way carried out a mandatory precept of the Quran?

﴿...وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ...﴾

“Women must not reveal their adornments to men, except their husbands and maḥārīm.”¹

Even besides this, how many years did the conquest of Mecca take that the army of Islam was faced with such arduous celibacy and were thus bound by necessity? Whereas, considering other troubles of the Prophet of Islam (ﷺ) on this journey, such as the battle of Ḥunaīn, the numerous sieges of Tā’if, and additional reformations around Tihāmah, the army of Islam was not in Mecca for more than a few days!

If indeed this short stay brought about necessity, and according to Mr. Mardūkh sanctioned the permissibility of fornication, is not mut’ah, and even fornication, and even adultery with married women and maḥārīm—such as mothers and sisters—and even homosexuality permissible in the modern world which is—in his words—enveloped in bewitching and aphrodisiacal sights; where hundreds of fully adorned women and throngs of half bare girls are seen in the vista of every street and corner; and where various strata of impecunious youths, workers or students, exist who are not able to marry and support the costs of a family? Could such Islamic precepts as said author maintains still subsist and not be obsolete in such asphyxiating conditions? And what is the difference (according to said author who believes that mut’ah is a form of adultery or fornication) between mut’ah and non-mut’ah whereby one is permissible and the other remains forbidden?

Mr. Mardūkh says, “When honorable ‘Umar saw that there is no longer any need for the act of mut’ah and uninformed persons still practice it, he notified the people that the meat of domestic donkeys and mut’ah are haram. And what is the

1- *Sūrah Nūr* 24:31. As previously mentioned, maḥārīm are predetermined close family members such as parents, siblings, and siblings of one’s parents who one may not marry. [trans.]

difference whether the Prophet announced them haram or his caliph?"

First of all, why would an Islamic precept that was legislated so clearly in several Quranic Surahs, such as Mu'mīnūn and Aḥzāb, at the start of the Prophet's appointment and after the Hijra –according to said author– and continually read by Muslims remain obscure in the twenty-three years of the Prophet's life when he engaged in extraordinary promotional activity of religious precepts and after his passing throughout the caliphate of the first caliph and half that of the second until it was clarified by the announcement of the second caliph?

Secondly, the second caliph's statement that said author holds to be an announcement of God's and the Prophet's decree is, "There are two types of mut'ah that were halal at the time of the Prophet of Allah and I make them haram and will punish their perpetrators. These two mut'ahs are the mut'ah of hajj and mut'ah of women." Dear readers, you judge whether this statement is the announcement of God's and the Prophet's decree or an original interdiction by the second caliph himself.

Thirdly, those 'uninformed persons' that he is talking about are incidentally the Sahaba themselves; especially the most prominent of them such as Ali ('a), ibn Mas'ūd, ibn 'Abbās, Zubaīr, and the first caliph whose daughter was the mut'ah of Zubaīr.

Fourthly, the two mut'ah's that the second caliph named are "mut'ah of women and mut'ah of hajj" not "mut'ah of women and the meat of domestic donkeys". The second caliph's dignity is much higher than not knowing his own Arabic language and naming donkey meat mut'ah. Of course this from Mr. Mardūkh is a subtle intentional mistake!

Mr. Mardūkh states, "None of the precepts regarding marriage, such as lineage and 'iddah, pertain to mut'ah."

This is a blatant misrepresentation of the Shia. Regardless, he must be asked whose son ‘Abdullāh ibn Zubaīr was.

Mr. Mardūkh declares, “The meaning of the verse of mut‘ah:

﴿...فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ...﴾¹

is that if ‘you take pleasure of your wife and enter her’ you must pay her mihr in full. And this holy verse has nothing to do with the meaning Shia ulama interpret from it.”

I must advise him to refer to narrations in books of Hadith and exegesis from eminent Sahaba regarding this verse so that he realizes that before Shia ulama, the Sahaba themselves, who were Arabs and spoke the language of the Quran, interpreted this verse the same. If he makes snide remarks, they are directed at them. Also, he should refrain from giving Shia ulama lessons in Arabic; saying in contradiction to Arabs and Arabic lexis that “Istimtā‘ and tamattu‘—i.e. the Arabic paradigms of istif‘āl² and tafa‘ul³—mean the same thing in Arabic lexicology.” For more information it would be good if my dear readers referred to *Tafsīr Ṭabarī*, *Durr al-Manthūr*, and various books of Hadith.

Mr. Mardūkh notes, “Some Shia leaders say: even though the word istimtā‘ means enjoyment and taking pleasure, in the terminology of religious law it refers to the mut‘ah marriage contract. I say that even though in books of jurisprudence or lexis the word istimtā‘ is not defined as the mut‘ah marriage contract, even so, if istimtā‘ meant that, then the verse

1- *Sūrah Nisā’* 4:24.

2- اِسْتِفْعَال

3- تَفَعُّل

﴿وَيَوْمَ يُعْرَضُ الَّذِينَ كَفَرُوا عَلَى النَّارِ أَدْهَبْتُمْ طَيِّبَاتِكُمْ فِي حَيَاتِكُمُ الدُّنْيَا وَاسْتَمْتَعْتُمْ بِهَا فَالْيَوْمَ تُجْزَوْنَ عَذَابَ الْهُونِ﴾¹

means that whoever does not marry pure and good things and mut‘ah’s them instead will be an inhabitant of hell.”

Bravo to this miraculous logic and reasoning that eliminates all relationship between rationale and conclusion! Apparently in his logic if a word means one thing in a certain place, it should mean the same everywhere. For instance, if the word *ajr* means mihr in the verse of mut‘ah, then in the verse

﴿...إِنَّمَا يُؤْفَى الصَّابِرُونَ أَجْرَهُمْ بِغَيْرِ حِسَابٍ﴾²

it should mean the same thing and meaning of the verse would be “to the patient, mihr will be given without reckoning”!

Also, *zauj* and *zaujān* sometimes mean wife and husband. If *zaujān* in the verse

﴿وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ﴾³

means husband and wife, it would mean that even angels have males and females and wives and husbands! Apart from this, no one has said that *istimtā‘* means mut‘ah marriage contract rather it means temporary marriage and there is a great difference between the two.

Mr. Mardūkh holds, “It is even stranger that the Shia believe in performing mut‘ah; however, they eschew letting the women of their family take part in mut‘ah.”

I must say that this is for the same reason that you believe in permanent marriage but would never give your daughter’s hand to a person who you know wants her only for a night’s pleasure

1- *Sūrah Aḥqāf* 46:20.

2- *Sūrah Zumar* 39:10.

3- *Sūrah Dhariyāt* 51:49.

and will then divorce her or for the same reason that you would not marry your young daughter to an old man who has only a short time to live.

Essentially, what does liking or disliking a precept have to do with its ordainment or lack thereof? Almighty God declares:

﴿...وَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ وَعَسَىٰ أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَّكُمْ...﴾

“And how oft you hate something which is good for you and how oft you love something that is bad for you.”¹

﴿كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهٌ لَّكُمْ...﴾

“You have been commanded to jihad which is loathsome to you.”²

﴿وَلَوْ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَاوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ...﴾

“And if Truth had followed their caprices, the heavens and the earth and all in them would surely have been thrown into confusion and corruption...”³

Even a person who cursorily consults the holy Quran would have no doubt that the basis of Islamic precepts is observance of genuine interests and adherence to truth, whether or not this is in accordance with the desires of the people.

Mr. Mardūkh states, “The majority of Muslims believe that mut‘ah is haram and opposing the opinion of the religious and legal majority is forbidden.”

One must ask him this: Which religion that considers the opinion of the majority to be proof is rightful? In His divine

1- *Sūrah Baqarah* 2:216.

2- *Ibid* 2:216.

3- *Sūrah Mu‘minūn* 23:71.

book, Exalted God considers truth, exclusively, to necessitate obedience and berates the majority's opposition to it.

﴿لَقَدْ جِئْنَاكُمْ بِالْحَقِّ وَلَكِنَّ أَكْثَرَكُمْ لِلْحَقِّ كَارِهُونَ﴾

*"Verily We have brought you the truth; however, most of you are adverse to the truth."*¹

If it is required to follow the inclinations of the majority then the Muslim minority should have accepted idolatry and also the pious who consist of a very small minority in relation to the wicked and wrongdoers should throw aside their piety.

Besides, what does a religious discussion have to do with state law? And what influence do the legislated laws of a country have in the enactment or annulment of religious issues? It seems that Mr. Mardūkh thinks that the domain of theology and religious law is that of the senate or parliament!

Mr. Mardūkh says, "Because the authorization of mut'ah is against the Quran, it necessitates unbelief and heresy. Therefore, those who believe in it are unbelievers"!

It is extremely unfortunate for a person to spend his life in religious debates and still not understand that there is no cause for unbelief in the issue of the permissibility or illicitness of mut'ah where one side of the controversy, Shia or Sunni, is surely wrong. Or that he not understand the two things that necessitate unbelief and apostasy which are renunciation of one of the three principles of religion [*uṣūl dīn*]: Tawhīd (i.e. monotheism), prophethood, and resurrection; or basic repudiation of one of the requisites of religion [*ḍarūriyāt dīn*] such as prayer, fasting, and that the Ka'ba must be faced in prayer because denying these necessitates denial of God and the Prophet

1- *Sūrah Zukhruf* 43:78.

On top of that, the issues in dispute among the Sunni and Shia, one of which is mut'ah, are not among the principles of religion, nor the requisites of religion, rather they are religious ancillaries [*furū'āt dīn*] and are theoretical not axiomatic and necessary.

Even so, it is highly unlikely that he never heard that a Muslim that refutes a theoretical religious issue is not considered an unbeliever.

However, it is evident from his present work that he has no motive but to provoke naïve persons and inflame the fires of fitnah which have been burning for centuries –fires which were being extinguished through the cooperation of a number of scholars. For instance, in his very short treatise he repeatedly says that in this matter the Shia have no purpose other than enmity towards 'Umar.

Mr. Mardūkh heaps up ten so-called “evils entailed by mut'ah” such as: the Quran explicitly prohibits mut'ah, the permissibility of mut'ah was caused by necessity, mut'ah is against the rules of lineage, honorable women would never submit to mut'ah, a woman who is made a mut'ah becomes hated, and so on.

Dear readers, put the title “evils entailed by mut'ah” side by side with these professed evils and enmity towards 'Umar and judge yourselves.

Mr. Mardūkh says, “If you do not intend to oppose 'Umar, for the sake of precaution, why do you not instead pronounce the formula of marriage and whenever you decide to separate, do so by divorce?”

It would be well if one asked him, “Keeping in mind the evils enumerated resulting from the temporariness of the marriage, also existing in the marriage you proposed which might last for no longer than an hour, a night, or a week; what is the difference between the two by which you authorize one and

forbid the other? Is not prohibition of mut‘ah in truth a mockery of the law of divorce?

At the conclusion of his treatise, Mr. Mardūkh attacks a scholar who has recently written a book on mut‘ah, saying that he has altered the quotation cited from ‘Umar in Tafsīr Kabīr:

متعّتان كانتا على عهد رسول الله و أنا أنهى عنهما و اعاقب عليهما

And has reproduced it thus:

متعّتان محلّلتان على عهد رسول الله و أنا أحرّمهما و اعاقب عليهما

It would be well if he had taken note of said quote which he cited in his article in the Keyhan newspaper:

متعّتان كانتا على عهد رسول الله و أنا أحرّمهما و اعاقب عليهما لحم
الحرّ الأهلّية و متعة النساء.

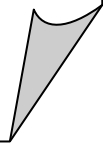
He did not even suffice with this and he repeated his mistake in his treatise.

﴿...وَاللَّهُ الْمُسْتَعَانُ...﴾

“And Allah is He whose help is sought”¹

1- Sūrah Yūsuf 12:18.

***SECTION SEVEN:
FORTY QUESTIONS
AND ANSWERS***



Forty Questions and Answers¹

Q1. Are women and men equal in Islamic law?

Q2. Can women participate in politics and state affairs and be equal with men?

A1 and A2: At the advent of Islam, the human world had two different views regarding women: Some treated women as if they were domestic animals. Among them, women were not members of the society but they could be utilized for matters such as domination and service to the society. The other group, who were more civilized, treated women as defective members of the society. For them women were freeloaders in the society like children or captives. They each possessed rights in accordance with their status which were supervised by men. It was Islam that, for the first time in the human world, declared the complete membership of women in the society and honored their actions.

﴿...أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُمْ مِّنْ بَعْضٍ...﴾

“Verily, I shall not leave unrewarded the work of any agent among you, whether man or woman; you are all members of the same race.”²

1- In AH 1383 in lunar reckoning, an Iranian scholar living in New York presented a series of questions in various Islamic areas to Master ‘Allāmah Ṭabāṭabā’ī. He answered all of them and sent them as a unified paper to the Iranian scholar.

2- *Sūrah Āl-i ‘Imrān* 3:195.

Islam has only prohibited women from participating in three social areas: rule, adjudication, and war (that is killing in battle not the other aspects). The reason for this—as can be gathered from religious documents—is that women are more emotional and sentimental beings as opposed to men, who are primarily intellectual creatures. These three areas of employ are associated with reason not emotion. It is evident that emotional beings must never involve themselves in matters that are one hundred percent analytical and related to thought. In such matters it is natural that they cannot advance. The best witness to this fact is the shared endeavors that the Western world utilizes in the joint training and education of men and women. Nevertheless, they have not yet been able to successfully train a considerable number of women in these three areas. In the lists of the great judges, politicians, and military commanders the ratio of women to men is negligible let alone equal; as opposed to for instance nurses, dancers, movie stars, artists, and musicians.

The Inheritance of Women and Men

Q3. Why is the share of women less than men?

A3: All in all, in Islam women have one share from inheritance and men have two shares. According to narrations, this is because the daily living expenses of women must be paid by men (their husbands). This also stems from the natural emotionality of women and intellectuality of men. In explanation, in every age the world's wealth belongs to the generation that lives at that time and each generation replaces the previous one inheriting its wealth. Since the number of men and women in the world is constantly changing, according to Islam ownership of two-thirds of the public wealth belongs to men and one-third of it belongs to women. Also, since men are responsible for the expenses of women, women fairly share in the consumption of the portion belonging to men. As one-third of the wealth is the direct share of women and they share in the

portion of men, in Islam consumption of two-thirds of the wealth pertains to women and one-third is consumed by men. Therefore, ownership of two-thirds of the wealth belongs to thought and one-third belongs to emotion. Conversely, consumption of two-thirds of the wealth belongs to emotion and one-third belongs to thought. This is the best and most just division possible. In addition, this method has a deep influence on the formation of families as will be discussed in A11.

Men and the Right of Divorce

Q4. Why do men possess the right of divorce?

A4: Religious statements indicate that this matter also relates to the intellectuality of men and emotionality of women. Even so, there are ways in the Islamic sharia whereby women can to some extent limit the authority of men or gain the right of divorce at the time of marriage.

Women and Economy

Q5. Can women be independent in economic and monetary matters?

A5: According to Islam, women are completely autonomous in economic and monetary matters that concern themselves.

Multiplicity of Wives

Q6. Why can men take several wives?

A6: Of course it is clear that Islam has not made polygyny obligatory but only given men permission to marry more than one, up to four, wives and only if they can behave with justice and equality among them. This precept also requires background; that is, it must be such that it does not disturb the order in the society by deficiency of women and accumulation of men. Regarding men it is clear that since the housing and living expenses of women and children is the responsibility of men and since justice is a requisite, very few men can marry

more than one woman. Of course, on the other hand, nature and various external incidents provide more women eligible for marriage than men.

If we set a certain year as starting point and compare the relative births of women and men, on the sixteenth year the number of eligible women is seven times the number of eligible men.¹ On the twentieth year the ratio of eligible women to men would be 11 to 5 and on the twenty-fifth year, which is a fairly common age for marriage, the ratio would be 16 to 5. In this case, if the one-fifth of men have more than one wife, eighty percent of men would have one wife and twenty percent would have four wives and in the thirtieth year twenty percent of men would have three wives.

Besides, the life-span of women is longer than men and the number of widows in the society is greater than widowers. Also, the death rate among men is far greater than the death rate among women. The heavy casualties of important and widespread wars are a sound testimony to this fact. In the past few years I have repeatedly read in newspapers and magazines that a population of German women have requested that the government implement Islam's law of polygyny in Germany and in this manner resolve the needs of the unmarried women. The government, however, did not accept due to the opposition of the Church.

Moreover, the objection of women to polygyny is not due to a natural instinctual feeling since men who marry a second, third, or fourth wife do not do so by force and women who become second, third, or fourth wives do not fall from the sky or grow from the earth. They are normal women. This tradition has been

1- Since on average women become biologically ready for marriage at nine years of age while men become biologically mature at sixteen. Refer to chapter two (Marriage), section three (Polygyny) of this book.

common among many nations and peoples for thousands of years; neither has it necessitated corruption of nature nor has it caused a deficiency in the female sex.

Islam, the Perfect Religion

Q7. Do you accept that Islam has not been able to comprehend the passage of time and that religion must be in accordance with the demands of time and space?

A7: “Islam has not been able to comprehend the passage of time and be a religion congruent with time and space” is a statement that is more similar to poetic thought than philosophic thought. Time and space have not changed in a manner that would necessitate a change in the social laws of humans. Days and nights are the same days and nights and the earth and sky and everything else are the same as they were thousands of years ago. The thing is that the lifestyle of humans has changed with their ongoing advancement and every day the expectations and desires of people are increasing or changing. With the awesome increase in human capabilities, humans dare to consider and desire pleasures –pleasures that the kings of old never thought of, the paupers of today think about and covet.

This intellectual development in the society is exactly like the intellectual developments of a person as a result of various circumstances that prevail in each period of his or her life. People with no means and empty pockets only think of filling their stomachs and forget everything else. When their daily bread is secured, they think of clothing and after attaining that they think of housing and forming a family; after that children and then expansion of their livelihood, increasing their wealth, dignity, formalities, and various pleasures. In this manner, the social laws of today set the desires of the society’s majority as their sponsor and disregard the desires of the minority even if it is in accordance with the true interests of the society. However, Islamic thought differs from this. In its lawmaking, Islam designates the natural human (in the words of the Holy Quran,

the human fitrah) as its sponsor. That is, it takes under consideration the existential composition of humans including the special features with which they are equipped and observes the requirements manifested by this structure and its provisions, legislating laws appropriate to them. As a result, the aim of Islam in these laws is to ensure the true interests of the society, whether it conforms to the desires of the majority or not. It is these laws that Islam names sharia and considers immutable. This is because its backer is the natural genesis of humans which is changeless and, as long as humans are human, their natural needs are fixed. Other than its immutable laws (i.e. sharia) Islam also includes alterable rules which are those that concern developments in living and advancement of civilization. These alterable laws are comparable to the revocable laws of the senate and the laws of sharia are comparable to the inalterable constitution.

Islam gives the religious government the authority to make necessary and appropriate decisions within the confines of the sharia in accordance with current interests after consultation and implement them. These edicts are valid as long as the interests stand, and they become null and void after the interests pass as opposed to the laws of sharia which cannot be annulled. According to the above statements, Islam incorporates two types of laws: one consists of the fixed laws that are backed by the *changeless nature of humanity* and is named sharia, and the other consists of the changeable laws that are backed by *prevailing interests* and evolve with the evolution of interests. For instance, naturally, humans need to travel from one place to another. However, since in the past transportation occurred on foot or by horse or donkey not many laws were necessary. Now that with the development of new means of transportation, land, sea, underground, and air routes, many detailed regulations have become necessary. Here it becomes clear that saying that Islam has not realized the passage of time is extremely baseless.

What an objector can do is to point out and prove the existence of particular Islamic precepts that are believed to be incompatible with the true interests of the age or ask about the interests surrounding those precepts. This discussion has an extensive range and I have pursued it to the extent viable for this paper. Even so, if there is any ambiguity or shortcoming in the discussion, you can point it out so that we may continue it.

The Inherence of Islam

Q8. Do you think many Islamic laws have emerged as a result of prevailing needs in the previous fourteen centuries and now must be changed?

A8: The answer to this question has been made clear in answer to the previous question. The basic support of the ‘sharia’ laws of Islam is the human fitrah and special genesis, not the desires of the majority (half plus one) of the people. God Almighty declares:

﴿فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَلِكَ الدِّينُ الْقَيِّمُ وَ لَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

“So set thy face toward the pure religion; it is in accordance with the nature [fiṭrah] of God upon which He has formed the nature of humankind. There is no alteration in the creation of God. This is the enduring (and true) religion, however most humans do not know.”¹

Noble Zānab (‘a) and Succession

Q9. Do you concur that noble Zānab (‘a) was heir apparent?

Q10. If she was, in addition to the duties she was charged with, does this not show that in Islam women can advance in step with men if they possess the competence?

1- Sūrah Rūm 30:30.

A9 and A10: There is no evidence for this and essentially we have no such thing as heir apparent in Islam. If heir apparent means succession then according to conclusive evidence the third Imam's successor is the fourth Imam, not his noble sister Zānab.

Indeed, narrations indicate that in accordance to the final will of the Lord of Martyrs (a title of the third Imam), noble Zānab possessed weighty responsibilities in the Husaīnī Campaign against the despotic rule of Yazīd and the Umayyad oppressors and that she demonstrated beyond doubt her scientific and practical competence and her extraordinary religious personality. Basically, it should be known that according to Islam, a person's value in the society stems from their knowledge and piety (their religious services for individuals and the society). Qualities that foster distinction and influence in other societies, such as wealth, grandeur, family, citizenship, family nobility, and incumbency in government, magistrate, and military positions, have absolutely no value or credit to be criteria for their honor and make them superior to others. In Islam, no distinction must be made into a measure for influence. Therefore, a Muslim woman may advance in step with men in religious distinctions and surpass all men if she is capable, just as she can participate alongside men in all social occupations except for the areas of rule, adjudication, and war. Almighty God states:

﴿...إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُمْ...﴾

*"Surely the noblest among you before Allah is the most God-fearing."*¹

He also declares:

1- Sūrah Hujurāt 49:13.

﴿...هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ...﴾

“Are they equal those who know and those who know not?”¹

Family in Islam

Q11. What is Islam’s view regarding marriage and formation of family?

A11: A comprehensive explanation (Islam’s view regarding marriage, formation of family, its general laws, and their documented sources) is beyond the scope of this article. What can be said concisely is that Islam considers marriage and formation of family to be the main factor in the appearance and continuance of human society. That is, in order to establish society among human people, creation equipped humans with female and male reproductive organs and sexual drive so that they become intimate and produce children, which share in the originating matter of the two, and so that, because of the affection they have toward their progeny, they nurture and care for their infant while pregnant and after child birth. Day by day, as a result of the pain mingled pleasure they take, their feelings for the children exponentially increase and therefore, their training activities are heightened as they conduct the infant to maturity. In response to the sentiments of its mother and father, with its fresh emotions the child inclines toward its parents. In this manner, the familial community, the community of relatives, the municipal collective, and finally the national society emerge. It is clear that in this case, in order to preserve the society and keep it from dissolving, natural drives must be limited and men and women must not encroach upon their official spouses and the father of children must be indisputable since women possess a natural guarantor of their motherhood; i.e. childbirth. If this were not so, youths would satisfy their natural urges as much as possible in nonofficial ways and would refuse to endure the hardships in forming a family, and

1- *Sūrah Zumar 39:9.*

fathers and children would not be sure of their genealogical relationship; thus, family affection would decline. Finally, as a result of the inevitable rampancy of adultery –besides the health-related, social, and moral corruptions, termination of bloodlines, and limitless perfidy that are spawned by this depravity– family affection would be completely wiped out. As you can see in countries where there is liberty in sexual relations, day after day family affection is becoming more depleted. Development of this situation definitely threatens the future of humanity. A few years ago I read in newspapers and magazines that every year in America three hundred thousand fatherless children are born as a result of sexual relations between men and women in spontaneous, mutual consent without previous courtship. If it goes on like this, the state of the human society one hundred years from now is clear. For this reason, Islam has completely prohibited sexual relations between women and men outside marriage and put the living expenses of children on the shoulders of fathers, making them responsible for the livelihood of their children. In Islam, marriage between those who are naturally associated in the community of kin is forbidden: a man's marriage to his mother, his parent's siblings, his sisters, and the children of his siblings is prohibited. Also prohibited is marriage to a wife of a man's son, a man's mother-in-law, the daughters of his wife by previous marriages where he has had sexual intercourse with the mother (his wife), his wife's sister as long as he is married to his wife, and married women. In addition, relationship by milk¹ is similar to blood relationships. For women, men are also prohibited in a comparative manner. The documented sources for the aforesaid facts are the Quranic verses in surah

1- Milk relationships occur when a woman, who is not the child's biological mother, breastfeeds an infant giving a specified amount of milk, whereby the infant is considered as her own child in all but name. [trans.]

Nisā’ and narrations from the holy Prophet (ﷺ) and Imams (‘a) that have been recorded in books of Tradition.

Divorce in Islam

Q12. How is divorce in accordance with Islam?

A12: Divorce is one of the prides of the Islamic legislation and the terminator of the unending misery that appears when men and women are incompatible and cannot reconcile. It is due to the dignity of this law that non-Islamic governments gradually accepted it one after the other. A short description of divorce was presented in A4.

Divorce is one of the fundamentals of Islam and requires no evidence. A detailed account of the laws related to divorce and their documented proofs is beyond the scope of this chapter.

Women and Selection of their Spouse

Q13. According to Islam, do women possess the right to choose their spouses as men do?

A13: In Islam, a woman is free to choose her husband.

Men’s Custody of Children

Q14. In the event of a divorce, does custody of the children belong to the father or mother?

A14: Divorced women have the right to keep their children until they are seven years old and during this time the father must pay for the child’s living expenses. For proof of this refer to Islamic jurisprudence.

Training of Children

Q15. Do you concur that noble Ali (‘a) stated that you must train your children for the future?

Q16. If so, does this not mean that Islamic laws must change in accordance with the demands of time and space?

A15 and A16: This is a ‘*mursal*’ Hadith that has been attributed to Imam Ali (‘a) in the *Nahj al-Balāghah*. It means that the training of children must not be based upon prevalent traditions since concretion in traditions of the day keeps humans from advancement in life; such as a person who has become accustomed to and suffices with travel by foot, horse, or mule and never even thinks of inventing the automobile or leveling the unevenness in roads and paving them.

This does not mean that you should not attune your children to the laws of sharia (which are explicitly immutable). If this were truly meant, we would have to reject the Hadith since we have been clearly and unequivocally instructed by the Prophet (ﷺ) and other Imams (‘a) to reject any Hadith that is against the Quran. This is why we must first compare each Hadith with the Quran and then accept it.

Immutability of Islamic Laws

Q17. If this is true, why have religious leaders always postponed this?

Religious leaders do not have the least amount of authority to change divine laws (sharia). Their duty is restricted to educating religious precepts from the prime documents—the Book and Tradition—similar to a lawyer who can only educe legal matters from national and state law and cannot change any legal provisions—especially provisions of the constitution.

Regarding the laws of sharia, not only the ulema but even the holy Prophet (ﷺ)—the person who brought the sharia—and his successors, the Imams who are the preservers and teachers of the sharia, do not have any authority in the least. This type of question and criticism springs from the Western manner of thought possessed by Western sociologists: The prophets who brought sets of sharia laws were social intellectuals and

geniuses who rose up in favor of their communities, inviting the people to the righteous path; thinking up laws in accordance to the interests of the time and teaching them to the people; naming themselves messengers of God; styling their pure thoughts as divine revelation, the words and religion of God, and sharia; and introducing the source of their sincere thoughts to be Gabriel and the Angel of Revelation.

It is clear that in line with this view, the laws of divine religions, especially the sharia of Islam, must have been formulated in compliance with prevailing interests and in this case the criticisms apparent in these forty questions would be proper.

Nevertheless, these theorists have made a mistake in their theory by basing their judgment upon groundless speculation without investigating the claims of the prophets. Even if the validity of other divine books and histories of past prophets is not free of doubt and obscurity, the text of the Holy Quran, the divine book of Islam, the life history of the holy Prophet (s), and the statements at hand that are unquestionably attributed to him and his successors disproves this view.

Right now, I do not wish to advocate Islam or defend its validity but a person who has the least familiarity with documents of this religion and reviews the Holy Quran and the statements of the leaders of this religion, especially the Prophet who brought this book, will see that everything about them contradicts this theory. The Holy Quran expressly states that the holy Prophet has no authority or latitude in the religion of God; he is only the emissary of God's message.

﴿...فَاعْلَمُوا أَنَّمَا عَلَىٰ رَسُولِنَا الْبَلَاغُ الْمُبِينُ﴾

*"Know that it is only for our messenger to deliver the manifest."*¹

1- *Sūrah Mā'idah 5:92.*

It also distinctly states that the religion of God is not something thought up by a human but precepts and laws sent down by the Lord of the Worlds through His Prophet for His servants.

﴿إِنَّهُ لَقَوْلُ رَسُولٍ كَرِيمٍ * وَ مَا هُوَ بِقَوْلِ شَاعِرٍ قَلِيلًا مَا تُؤْمِنُونَ * وَ لَا يَقُولُ كَاهِنٍ قَلِيلًا مَا تَدَّكَّرُونَ * تَنْزِيلٌ مِّن رَّبِّ الْعَالَمِينَ﴾

“Surely it is the speech of a noble messenger. It is not the speech of a poet; little do you believe. And it is not the speech of a seer; little admonition do you receive. It is a revelation from the Lord of the Worlds.”¹

Against those who maintain that the Quran has been formulated by the Prophet, it attributes it to God declaring that the Quran is truly the word of God, not of humans, nor are its ideas fabrications of human minds.

﴿فَقَالَ ... إِنَّ هَذَا إِلَّا قَوْلُ الْبَشَرِ﴾

“Then he said: ... this is nothing but human speech.”²

It also asserts that divine revelation and prophethood is sealed with the holy Prophet and that the precepts of the Quran are irrevocable and valid until the Resurrection.

﴿مَا كَانَ مُحَمَّدٌ أَبَا أَحَدٍ مِّن رِّجَالِكُمْ وَ لَكِن رَّسُولَ اللَّهِ وَ خَاتَمَ النَّبِيِّينَ وَ كَانَ اللَّهُ بِكُلِّ شَيْءٍ عَلِيمًا﴾

“Muhammad is not the father of any one of your men but he is the messenger of Allah and the Seal (the last) of the Prophets. Allah is fully aware of all things.”³

According to what was stated, a person who considers some of the laws of Islam to be incompatible with modern life must first

1- Sūrah Hāqqah 69:40-3.

2- Sūrah Muddaththir 74:25.

3- Sūrah Ahzāb 33:40.

protest the validity of Islam itself, since it has introduced these precepts and laws as eternal, before attempting to change them.

Advanced Religion

Q18. Do you not think that the sin of educated Muslim youths in turning their backs on religion is upon the shoulders of the backward laws that cannot conform to the modern industrial and scientific world?

A18: It would be fitting that you name a few backward Islamic laws instead of this hollow claim so that the discussion could be pursued in a systematic manner. Islam contains no backward laws but there is no end to Muslims uninformed about these laws!

Divine religions, especially Islam, speak of an eternal human life and the universal link of humans to the supernatural. What does this type of discussion have to do with the science and industry of today? The territory of modern science is matter and its qualities. Also, modern industry works on matter. Therefore, neither has the right to opine in any way, whether in rebuttal or acceptance, on the supernatural.

The sin of educated Muslim youths in turning their backs on religion is not the fault of religious laws. The testimony to this is that not only are people averse to religion, but as it is plain to see, they flout human and moral principles: lying, perfidy, cajolery, immodesty, and debauchery are rampant among our educated youths. This shows that they have enmity with all kinds of purity, honesty, and rightness not only with religion. On the other hand, we have a large number of educated youths –albeit at a lesser proportion compared to the others– who are adorned with virtuous behavior, familiar with religious teachings, and protectors and implementers of those same ‘backward’ laws. Islam is never contradictory to their science and industries and in no way do they feel anguish or discomfort in their lives. Therefore in reality, the sin of our educated Muslim youth in their rejection of religion is the fault of their

cultural training and our irresponsible cultural administrators; not religious laws, human virtues, or moral regulations.

Ugliness of Iniquity and Depravity

Q19. Why are women more greatly reproached in matters of licentiousness while men and women are equal associates in the sin?

Q20. If men are better and stronger creatures, is it not true that they must be able to better control their actions and be more sharply rebuked if they do not?

A19 and A20: There is no such precept in Islam.

An Unmerited Statement

Q21. It is said that Prophet Muhammad (s) recommended that if you take someone as a foster-child, you must interact with them exactly like a true child of your own; is this correct or not?

Q22. If this is true, why was he willing to marry a woman that his foster-son had divorced?

A21 and A22: Such a recommendation has never been issued from the noble Prophet (s); rather, this is an accusation that opposers of Islam, especially Western Christians, level at him. The Prophet's (s) marriage to the divorced wife of his foster-son was based upon his intent to annul this unworthy tradition and to announce its invalidity since in most countries of that time it was common that a child of one family was annexed to another and the second family behaved as if the child was truly related to them in the specified manner. There are various verses in surah Ahzāb of the Holy Quran regarding this matter.

The Age of Marriage

Q23. Why did the noble Prophet Muhammad (s), who was a great teacher for training people to attain the lofty status of

humanity and whose deeds must serve as examples to others, marry a nine year old maiden in his (well-nigh) old age?

A23: If there is any problem with the marriage of a young woman to an old man it is that sexual intercourse with an old husband is not pleasurable for a young wife or that due to the great age difference such a husband would die before his wife's old age making his wife a widow in her youth. However, it is clear that the goals for marriage are not limited to these two and thus we do not have any reason for prohibition of this conduct. Much it may happen that goals much more important than the above ones coincide with marriage and originate such a union.

A few years ago, when Eisenhower was the president of America I read in a newspaper that several national newspapers posited a question asking the unmarried women of the country who they liked to marry. Most American women answered Eisenhower who was neither young nor handsome. Someone who is more or less familiar with the history of the Prophet's (ﷺ) life knows that he was not a self-indulgent or pleasure-seeking man and that his deeds were based upon thought not feelings. This act of the Prophet (ﷺ) was to confirm its permissibility and had much influence on the advancement of his invitation.

Mut'ah (Short-term Marriage)

Q24. What is your opinion regarding the contract of mut'ah, which is opposed by Sunnis, and what does it mean?

Q25. Do you not think that it is against human laws and makes of women (which are humans if you accept that) something that increases the comfort of men?

A24 and A25: The accordance of mut'ah marriage with the sharia is confirmed by the Holy Quran, surah Nisā', verse 24. The Shia do not pay heed to the opposition of the Sunni since it has been validated by the Quran and had been common throughout the life of the holy Prophet (ﷺ), the rule of the first

caliph, and a span of the rule of the second caliph after which he prohibited it. It is clear that commandments of the Quran can only be abrogated by the Quran itself and that the Islamic government does not have the right to opine regarding the meritorious laws (i.e. sharia) of Islam.

Mut'ah marriage means short-term marriage and, as I pointed out above, there is no doubt about its permissibility according to Islamic sharia. According to the philosophy of Islamic decrees, the permissibility of divorce shows that marriage can be short-term. If short-term marriage is formulated in such a manner that it does not entail any evil or harm, there is no reason for it to be prohibited.¹ That it is said that this act turns women into something that only increases the comfort of men is an unreasonable statement since women perform this act by their own will not by coercion. Also, the aims in this act that can be supposed for men can also be supposed for women. If it is companionship, if it is pleasure, if it is having children, or if it is other benefits of life, it exists in both parties. Therefore, there is no reason to consider one a plaything of the other. Besides, if you consider the human world in a general and encompassing manner, you will see with your own eyes that the sexual relations of the human world cannot be limited to permanent marriage considering all other intimate relations to be unlawful. The existence of permanent marriage can never completely satisfy this sexual instinct.

No official government in any of the civilized and half-civilized countries of the world has been able to prevent the widespread

1- In fact, in Western societies, this is a tradition. Men and women live together for an impermanent length of time and leave each other when they tire of living together. It is, however, unofficial. Islam has made this both permissible and official in the form of a mut'ah marriage agreement. This agreement is almost identical to the manner in which two unmarried mutually consenting adults live together in the West. [trans.]

presence of short-term sexual relations. In all great cities there are public or secret institutions that address this act. Therefore, a religion that desires to limit sexual relations to marriage and absolutely prevent adultery and fornication has no choice but to incorporate a type of short-term marriage into its law with special conditions that can eliminate the vices of extramarital relations and, in this manner, give a sufficient response to the needs of this general instinct.

Amīr al-Mu'minīn has stated, 'If the second caliph had not prohibited short-term marriage the only people who committed extramarital sex would be those who were on the verge of destruction as a result of their wrongdoing.' Here it becomes clear how far from truth it is to consider this act to be against human laws.

Of course, by human laws I do not mean the laws of antiquity existing before Islam, such as the laws of ancient Rome or the laws of Hammurabi, since these laws dealt with women as animals or captives; rather, I mean Western laws. We consider the human world as the Western world, the human society as the Western society, and humans as Westerners and regardless of what our thoughts are influenced by (realism, imitation, emulation, propaganda, or fallacy) at present this is the only thought that rules unconscionable minds. However, one must see what these prideful humans do outside the marriage environment in their public and mingled interactions in the place of this 'act against human laws'. In civilized countries, especially those that are the most civilized of all, what happens between women and men, boys and girls, and even between men and young boys themselves? How is the shortcoming necessitated by permanent marriage compensated? What do that stunning numbers that are published in this regard relate?

The Degeneration of Muslims

Q26. Westerners believe that Islam is a religion that is only for simple people, farmers, nomads, and those who have not

advanced with today's machine civilization. It is clear that there is not even one Muslim country among the advanced countries of the world and that Islam has not developed in progressive and civilized countries at all. What is the reason for this? Do you think that Islamic laws can be altered or reinterpreted such that it becomes acceptable for educated people and that it becomes compatible with science?

A26: There is no doubt that there are no Islamic countries among the advanced countries of the world. However, it should be asked whether true Islamic laws are implemented in these so-called Islamic countries. More important than whether they are Islamic in name, is whether they benefit from the precepts of Islam. Which of the personal, social, penal, or legal laws of Islam have they kept alive except for an outward fulfillment of several types of Islamic worship such as prayer, fasting, and hajj as an age-old custom? In such conditions, is it not ridiculous to fault Islam for the degeneration of Islamic countries?

One might say that if Islam was a progressive religion and its laws had the ability to correct and administrate the society, it would find a place for itself in the society and would not become abandoned.

However, this brings up the question that if lack of development in the society attests to the degeneration of Islamic laws, why has not the advanced Western democratic method, which has been accepted by these countries over half a century ago, opened a place for itself and instigated their advancement even minutely? Why has it had no effect other than changes in form? Why cannot Easterners make use of this advanced method like Westerners? After opening a place for itself in the cradle of humanity (i.e. the West) many years ago and circulating in the veins of the population as its lifeblood, why was this human regime (i.e. democracy) not able to extinguish the murmurs of communism until in less than half a century, the communist regime took over more than half the

world's population and even penetrated into the hearts of Europe and America, every day taking more and more strongholds from these advanced humans (i.e. Westerners)? On this pretext can one declare that the communist regime and laws are advanced or that the democratic regime and laws are degenerate and the method of nomads?

Besides, decline and backwardness are not only the lot of Islamic countries to fault Islam for it; rather, other Asian and African countries, among which all religions from Hinduism and Buddhism to Christianity and Islam may be found, face this evil fate. As it happens, the sin of the affluent African and Asian continents is that they are situated before the West and its endless avarice. As long as these wealthy continents are depositories of surface and underground raw materials for Western industries and the limitless markets of Western factories and a birthplace for unquestioning slaves of the needy West, their countries will never be numbered among advanced (i.e. Western) countries and their inhabitants, whether Muslim or non-Muslim, will never join with their masters. As we have seen until now, they shall ride us one day in the name of colonization, one day in the name of acquisition, one day in the name of mutual advantage, and one day in the name of economic aid. A summation of what I have said regarding the question 'Can Islamic laws be altered or reinterpreted such that Islam becomes acceptable for educated people and that it becomes compatible with science?' is that Islamic teachings which are contained in the Book and Tradition, as explicated by the Book and Tradition themselves, are immutable and cannot be reinterpreted. As Islam is the true religion, it does not require the validation of the educated class; rather, this class is in need of truth and realism. God Almighty declares:

﴿لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ...﴾

“There is no compulsion in religion; verily rectitude has been made clear from error.”¹

Again, I have to say that it would be better if you had brought examples to prove the opposition of Islam with science and give support to the discussion instead of sufficing with the empty claim of Islam is contrary to science.

Equality of All before the Law

Q27. Do you accept that the noble Prophet Muhammad (ﷺ) and noble Ali (‘a) both pointed out that the value of a person is dependent on their own deeds not on whose child they are, who their family is, or what color their skin is?

Q28. Therefore, why do the Shia consider the all descendants of noble Ali (‘a) or noble Muhammad (ﷺ) to be better and purer than others?

A27 and A28: According to Islam, everyone is equal before the law and justice. In this aspect, there is no difference between kings, beggars, the wealthy, the poor, the powerful, the weak, women, men, black, white, and even prophets and Imams who are infallible and other people. With exceptions or privileges one cannot seek to wield power against others or deny them their rightful freedom. The main source of honoring the *Sādāt* (i.e. descendants of the Prophet) is a verse in the Holy Quran by which God Almighty instructs the Prophet to request that the people act in friendship toward his kin.

﴿...قُلْ لَا أَسْأَلُكُمْ عَلَيْهِ أَجْرًا إِلَّا الْمَوَدَّةَ فِي الْقُرْبَى...﴾

“(O Prophet!) Say (unto your nation), I do not ask of you a reward for this (invitation) save love for (my) kin (i.e. the Ahl al-Bayt).”¹

1- *Sūrah Baqarah* 2:256.

The reason behind this became clear after the passing of the Prophet. The people dealt with the descendants of the Prophet (ﷺ) in a manner that has never before been seen in history regarding the descendants of any leader. After the Prophet's (ﷺ) passing, the Sādāt lineage had absolutely no security. They were murdered. Their severed heads were taken from city to city as mementoes. They were buried alive. They were embedded in groups inside walls. They were poisoned. They were tortured for years in the depths of pitch-black dungeons. Centuries after the Hijra when the Shia attained moderate religious freedom, in reaction to the oppression of the Sunni people against the descendants of the Prophet (ﷺ) and their friends the Shia strove to honor the Sādāt.

The Philosophy behind the Banning of Pig Meat

Q29. Why is eating pig flesh haram in Islam?

A29: Pig meat is not only haram in Islam. In fact, as is indicated by the Gospel and the Torah, it has also been haram in the divine religions before Islam. The stated reasons behind the prohibition of its meat are health hazards and that pigs eat filth (i.e. najāsāt).

The Philosophy behind the Banning of Intoxicants

Q30. Why are alcoholic drinks haram in Islam?

A30: Islam has based its training and cultivation on thought which is the only mark of human superiority over animals. It is clear that alcoholic drinks and other intoxicants impair this distinction which is the basis of human life and without exception neutralize the educational goals of Islam.

Various crimes, violations, unlawful infractions, and debaucheries that are solely or jointly caused by alcoholic drinks and also the mortalities, spiritual and physical health

hazards, and negative hereditary effects that are daily engendered by alcoholic drinks all over the human world cannot be ignored.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾ * إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ﴾

“O you who believe! Surely wine and gambling and idols and divination arrows are filth of Satan’s doing so eschew them. Haply you may achieve salvation. Satan seeks to precipitate enmity and hatred among you through intoxicants and gambling, and to debar you from remembrance of Allah and from prayer. Will you then forbear?”¹

Legitimate and Illegitimate Relations

Q31. What is the view of Islam regarding love and sexual relations between men and women?

As I have previously pointed out, love relations, whether intercourse or its preliminaries, outside the marriage environment are prohibited in Islam. Essentially, it should be made clear that the reason for this prohibition in Islam is not an issue of the people’s freedom, harassment of others, or violation of their rights. It is not a matter to permit people to act freely by mutual consent without disturbing or infringing upon the rights of others. It is a reckoning that was previously addressed in the discussion on formation of society and identification of fathers and heritors. All types of fornication are the same and must be prohibited. In this reckoning, homosexual relations are similar to fornication.

1- *Sūrah Mā'idah* 5:90-1.

Immutability of Islamic Precepts

Q32. In general, do you believe that Islamic laws cannot be altered?

Q33. Regarding changes, do you believe that religious leaders must be pioneers or that they must compromise?

A32 and A33: As I have pointed out before, the sharia laws (i.e. God's fixed precepts) can under no conditions be changed. Religious leaders have been given no authority in being forerunners or otherwise or to compromise whether temporarily or permanently. Almighty God informs the holy Prophet: Had it not been that We supported you, you would have been inclined to compromise in some cases with the unbelievers to the benefit of Islam. In this case, We would subject you to twice as much affliction in this world and the next.

﴿وَلَوْلَا أَن تَبَيَّنَّاكَ لَقَدْ كِدْتَ تَرْكُنْ إِلَيْهِمْ شَيْئًا قَلِيلًا * إِذَا لَأَذَقْنَاكَ ضَعْفَ الْحَيَاةِ وَ ضَعْفَ الْمَمَاتِ ثُمَّ لَا تَجِدُ لَكَ عَلَيْنَا نَصِيرًا﴾

“And had We not made you steadfast, you would nearly have inclined to them a little. In this case, We would let you taste twice in life and twice in death and you would find no help for yourself against Us.”¹

Acceptance of Islamic Precepts

Q34. Do you personally believe in all these Islamic laws and traditions without question?

A34: Customs and traditions that have appeared among Muslims and are not substantiated by the Book and Tradition have no value. However, the laws of sharia that do possess conclusive evidence in the Book and Tradition must be acknowledged and infringement upon them is unacceptable.

1- Sūrah Isrā' 17:74-5.

A Saying of noble Ali ('a)

Q35. Noble Ali ('a) has declared: Be not Muslim for your fathers and mothers but because you believe in it yourselves and accept only what you can accept with your minds. Taking this into account, do you not think that every free Muslim has the right to accept whichever Islamic laws they want and set aside the ones they cannot reasonably accept?

A35: This statement by the Imam pertains to the doctrinal teachings of Islam which must first be accepted by the intellect, not the applied laws which must be observed in practice. Bias in carrying out the laws is meaningless.

Not only is discrimination unacceptable in Islamic laws but it is also the same in other social laws and bias in such cases can only lead to ruination of the society. For instance, in a country governed by democracy, privileged classes cannot be permitted freedom to reject laws that are not compatible with their reason. If this were not the case, some people would set aside tax laws, others would set aside trade laws, some would disregard penal laws, and others would reject the laws regarding peace and order. It is evident that such a situation would lead to nothing but chaos and dissolution of the society. By accepting the democratic system and choosing legislative representatives, each person accepts all laws and regards all their provisions as immutable.

Similarly in Islam, someone who has intellectually accepted the theoretical teachings of Islam has also incidentally validated prophethood, acknowledged that the Legislator of the laws the holy Prophet (s) has brought and attributed to God is truly God, and agrees that God never commits errors in His precepts and commandments and has no motive in them save preservation of the interests of his servants. Of course, someone who realizes such belief verifies the correctness of each of the laws of Islam and regards them as irrefutable even if they do not know them

all and the interests behind each. Hence, accepting some and putting aside others is unreasonable.

Islam, the Religion of Tawḥīd (i.e. Monotheism)

Q36. Do you not think that this indicates that every human individual is free to accept any religion they want and a Muslim person must respect all religions?

A36. The essence of religion is a series of beliefs regarding humanity and the creation of the world and a series of practical duties that harmonize one's life to those beliefs. Thus, it is not a ceremonial matter that is in the hands of humans such that they can accept any religion they want. It is a truth that humans and their wills must follow; just as for instance 'we use the light of the sun' is a truth and reality that a free human is never free to change their opinion on each day. Humans have no choice but to accept its verity and base their lives upon these truths. Indeed, if a religion said that 'every human is free to accept whichever religion he or she wants' it has admitted to its own ceremoniousness and fictitiousness, drawing an invalidating mark across its name. Almighty God declares:

﴿إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ...﴾

*"Verily the Religion according to God is Islam."*¹

He also states that:

﴿وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ...﴾

*"And whosoever seeks a religion other than Islam it will not be accepted of them."*²

Among religions, Islam has regarded three religions as respectable: Christianity, Judaism, and Magianism. As various

1- Sūrah Āl 'Imrān 3:19.

2- Sūrah Āl 'Imrān 3:85.

Quranic verses indicate, the meaning of this respect is that followers of these three religions may remain with their religion, not that their religions are true.

Islam and the Crescent

Q37. Why is the crescent the sign of Islam?

A37: Islam possesses no sign such as the crescent. However, after the Crusades the ‘star and crescent’ as opposed to the Christian cross, became a characteristic sign of Muslims in Islamic cities and nowadays most Islamic countries include it in their flags.

Travel to the Moon

Q38. What is your opinion regarding travel to the moon (a journey that is expected to be realized for humanity very soon)?

A38: From the aspect of Islam I do not have any opinion regarding travel to the moon or other places. The Quran only speaks of these celestial bodies as divine signs, that with their awesome order they are testimonies to tawhid, and that they have been subjugated for humans.

Arabic and Islam

Q39. Why is the Arabic language one of the necessities of belief in Islam; must the Quran, prayer, and such things be recited in Arabic or is any language acceptable?

A39: In view of the fact that the Holy Quran is a miracle in both word and meaning, its Arabic form must be preserved. Preservation of the Arabic language in prayer is due to the fact that some of the Quran (surah Ḥamd in addition to one other surah) must be recited in each rak‘a (i.e. prayer unit). In addition, the Quran and Traditions, which are the main

documents of the religion, are in Arabic. These are the reasons for the regard of Muslims for the Arabic language.

Jewry

Q40. Some Muslims believe that Jews can never possess a country of their own. Of course Israel, which has become one of the most advanced Asian countries in this short time, repudiates this belief. Do you think that many of the similar Hadith and narrations may be caused by the influence of policies that strove to keep the people of this part of the world in ignorance, strife, and enmity?

A40: Yes, a small part of Palestine is a seaport and military base for the governments of Great Britain, France, and America. A puppet government named Israel rules there. In this short time, they have bolstered and equipped it as much as they could and have put all their forces into keeping Islamic governments from uniting against them. (All these truths were made clear in the events of these past few years).

This false notion (that the Jewish government is autonomous and advanced and that it has developed notwithstanding various Hadith in Islam foretelling that Jews shall never possess an independent government) has been caused by the influence of past and present policies which aim at keeping the people of this part of the world in ignorance, strife, enmity, and suspicion regarding the sacred religion of Islam. This thought is not related to Hadith so we cannot call it a forged Hadith; it is related to the Holy Quran. What is in the Holy Quran is not as was recounted but such that it must be considered one of the Quran's prophecies.

After enumerating the oppressions and crimes of the Jews and their treacheries, adventurisms, and violations of treaties with Islam and Muslims, and after counseling Muslims to be united, preserve religious laws, and refrain from becoming friends with non-Muslims or deferring to them, Almighty God declares: The Jewish people have incurred the wrath of God and abjectness

has been written against them for all time. They shall not be able to do anything substantial against Muslims except as the result of factors brought about by the people and God.¹

﴿ضُرِبَتْ عَلَيْهِمُ الذَّلَّةُ أَيْنَ مَا ثَقَفُوا إِلَّا بِحَبْلٍ مِّنَ اللَّهِ وَ حَبْلٍ مِّنَ النَّاسِ وَ
بَآؤُوا بِغَضَبٍ مِّنَ اللَّهِ وَ ضُرِبَتْ عَلَيْهِمُ الْمَسْكَنَةُ ذَلِكَ بِأَنَّهُمْ كَانُوا يَكْفُرُونَ
بِآيَاتِ اللَّهِ وَ يَقْتُلُونَ الْأَنْبِيَاءَ بِغَيْرِ حَقٍّ ذَلِكَ بِمَا عَصَوْا وَ كَانُوا يَعْتَدُونَ﴾

“Abjectness has been inscribed against them wheresoever they are found save where they grasp a rope from (seek help from) God or a rope from people. They have incurred the wrath of Allah. Indigence has been inscribed against them. This is because they disbelieved in the signs of Allah and slew prophets without right. This, for they sinned and were transgressors.”²

In another verse the factors relating to God and people have been specified: Do not become friends with or devoted to Jews and Christians. Those who do become devoted to them are far from devotion to God and his support. God warns you of His wrath if you violate this mandate.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَ النَّصَارَىٰ أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ
بَعْضٍ وَ مَن يَتَوَلَّهُمْ مِّنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ﴾

“O you who believe! Do not take Jews and Christians as friends; they are friends (only) of one another. Those of you who take them as friends are of them. Surely Allah shall not guide wrongdoing people.”³

1- An abstract of verses of *Sūrah Āl ‘Imrān*.

2- *Sūrah Āl ‘Imrān* 3:112

3- *Sūrah Mā'idah* 5:51.

He also states: Today the disbelievers despaired of crushing your religious independence so no longer fear them. Only fear Me.

﴿...الْيَوْمَ يَئِسَ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ وَاخْشَوْنِ...﴾

“Today, the disbelievers despaired of (harming) your religion; so fear them not, fear Me.”¹

As you can see, God Almighty promises the advancement of Islam and suppression of Jews to Muslims that preserve Islamic laws and maintain their unity, not to countries that enjoy nothing of Islam except for its name. These verses also indicate that Islam shall be exposed to a situation where it can become friends with and devoted to non-Muslims. In this case, God’s bargain will be reversed for them; they shall lose their superiority, and their greatness and supremacy will be apportioned to others.

As for the fact that there may be forged Hadith and narrations, the ulema of Islam know this well and there is no need for such baseless evidence. It is evident that at the advent of Islam some hypocrites and Jews put on the garb of Islam forging and citing false Hadith. Therefore, Islamic scholars do not accept any narrations out of hand. On the contrary, they identify reliable narrations utilizing technical auditing procedures and accept only those. Foreseeing this (and there are many narrations in this regard), the holy Prophet (ﷺ) states: “After me many things will be cited from me. Accept those that are compatible with the Quran and reject those that are discordant.”²

1- *Sūrah Ma’idah* 5:3.

2- *Majma‘ al-Bayān fī Tafsīr al-Qur’ān*, vol. 1, p. 13.

Exegetic Analysis of Several Quranic Verses Regarding Women

The current discussion is a short examination of a paper entitled “Exegetic Analysis of Several Quranic Verses Regarding Women” written by an Iranian graduate of an American university.

As an introduction the author writes:

Today the Islamic movement abroad is developing. Not only are religious youths active in this movement but many youths who were not very familiar with Islam, and therefore were not interested in it, due to familial or societal conditions became acquainted with true Islam outside our country and became passionately active in Islamic endeavors. In the past three years the number of youths that take part in Islamic seminars has increased fifteen times over. This Islamic development outside our country is truly promising and eye-opening. Naturally, such activity and development must be curbed in some manner since this type of movement incites revolution. For this reason, at present, serious measures are only indirectly taken including publication of books and articles that are Islamic in appearance but are distorted at heart, institution of government administrated Islamic centers, and finally distorting and publishing of Islamic principles and laws in a warped and misleading manner; for example, extraction of various Quranic verses such as those pertaining to beating women, polygamy, testimony of women, etc. and using them against the passionate Muslim youths living abroad.

As a result, because these youths do not possess any reference to answer their questions—or better said, the attacks upon Islam—they resort to existing exegeses of the Quran. These exegeses have caused some university students, especially young women, to put Islam aside after reading them since available exegeses not only do not present any rational logic regarding the Quranic statements under investigation (verses

regarding women), but in some cases they even deviate from the acceptable meaning of the verse itself and extract an illogical meaning from the verse.

Other youths with greater faith and who are more familiar with Islam save themselves from weak faith only by repudiating these exegeses. They say: The Islam that we know and the God we worship cannot have such a view regarding women. Such interpretations of Quranic verses are contradictory to the soul of Islam and therefore we must accept that the meaning of these verses has not yet been found and minds are unable to understand their concepts. On the other hand, if we accept exegeses that indicate women are lesser than men in their existential value and status and therefore must be chastised by men (fathers, guardians, or husbands) and even physically punished we will be forced to put Islam aside.”

The author goes on to cite several examples of Farsi exegeses such as *Tafsīr Novīn*, *Tafsīr Nemunah*, and *Tafsīr al-Mīzān*. At the end of the paper he asks help from the Islamic clergy:

If our genuine clergy do not take measures in this area very soon and do not revise their exegetic views (especially in the current circumstances, interpretation of verses regarding women) sooner or later the Islamic movement will fall under the influence of evil intentions and even if it does not decline, it surely will no longer rise as it does now.

This was the introduction and finale of the paper written by said author. In short it, the paper, says that the practical laws of religion must be acceptable to the society and must correlate with rational logic and that the exegeses presented for Quranic verses regarding women are not acceptable and cannot be correlated with rational logic. For this reason, it is concluded that the meanings of Quranic verses regarding women have not yet been discovered and that the clergy must revise their views regarding these verses and find acceptable meanings for them.

As it happens, the point that the author strives to prove is totally inconsistent with rational logic because:

First, precept verses in the Quran are among the Muhkamāt. Therefore, their signification of the intentions and meanings signified through literal manifestation similar to normal speech, which can be understood by persons of intelligence, cannot be contested. This is the literal manifestation that, according to intelligent humans, is the only guide to what is in the mind of the speaker. Billions of Muslims have lived in the fourteen centuries after the Hijra and their application of the literal meanings of these verses verifies what I have said.

In addition, Almighty God has declared in the following verses and others that the statements of the holy Prophet (ﷺ) are like the statements of the Quran in that they are conclusive. In addition, in the extensively multi-sourced [*mutawātir*] Hadith of *Thaqalaīn* and others, the holy Prophet (ﷺ) declared that the statements of his Ahl al-Bayt are as his own and conclusive. Thus, from the interpretive and exegetical statements of the holy Prophet (ﷺ) and the Ahl al-Bayt (‘a) regarding women it is evident that the signified purport of these verses is what is superficially understood from them and there are countless Hadith whose validation leaves no room for doubt regarding the face value of these verses.

﴿...وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ...﴾

“And We have sent down to you the Remembrance (i.e. Quran) so that you clarify for the people that which has been sent down to them.”¹

1- *Sūrah Naḥl* 16:44.

﴿وَمَا أَنزَلْنَا عَلَيْكَ الْكِتَابَ إِلَّا لِتُبَيِّنَ لَهُمُ الَّذِي اخْتَلَفُوا فِيهِ...﴾

“And We have not sent down to you the Book save that you clarify for them that in which they are at variance.”¹

Also, it cannot be denied that in Islam women possess special precepts such as the method of inheritance, testimony, marriage, divorce, ‘iddah,² polygamy, and so on. Almighty God also states:

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ﴾

“And it is not for any believer, man or woman, when God and His Messenger have decreed a matter, to have a choice in the affair.”³

Indeed, according to the mentioned author’s view, all the reasons and evidence become null and void and since other verses and narrations are no different in their literal manifestation than the verses and narrations regarding women, all become invalid and according to the logic called rational logic by the author, it must be said that Islam is an invitation that what it says and wants is not clear.

Second, that the author cites from and somewhat approves of youths who reject exegeses to preserve their faith, saying: “Since the face value of these verses is contradictory to the spirit of Islam we must accept that the meaning of these verses has not yet been discovered” is a view that is plainly contradictory to the spirit of Islam. It is clear that the obscurity and impenetrability of the true meaning of these verses (if such

1- Ibid 16:64.

2- ‘Iddah is the period after divorce within which a woman may not remarry any other man.

3- *Sūrah Aḥzāb* 33:36.

a thing is true) is not something that happened to them in this day and age; rather, from the day these verses were revealed the face value of these verses was not intended and their true meanings were undisclosed. As a result, women who have acted upon the literal meanings of these verses for so long have been ignorant of the laws regarding themselves which are the true meanings of these verses. They have been bound by a series of incorrect behaviors.

The divine book of Islam explicitly introduces Islam as a universal religion pertaining to all men and women:

﴿...لَأُنذِرَكُمْ بِهِ وَمَنْ بَلَغَ...﴾

*"...That I may warn you and whoever it (the message) reaches..."*¹

﴿قُلْ يَا أَيُّهَا النَّاسُ إِنِّي رَسُولُ اللَّهِ إِلَيْكُمْ جَمِيعًا...﴾

*"Say: O people! Verily, I am the Messenger of Allah to you all."*²

However, Islam is much greater than to encompass and involve all women and men and then to keep half the human population (i.e. women) misled and in confusion for fourteen centuries until God decides otherwise and to present to them in the form of religious laws, laws other than true religious laws; baseless laws that according to this youth, even the God they worship cannot have set forth such views regarding women (may God protect me for mentioning such). Is the Islam that these youths know such a misleading religion that it occupies half the human population who are women with false and hollow laws for centuries and makes the other half of the human population, who are men, oppressors of women through precepts apparently

1- *Sūrah An'ām* 6:19.

2- *Sūrah A'rāf* 7:158.

specific to women? The God who states the following regarding the equality of the acceptance of deeds of men and women could surely have required equality in performance of all religious laws; however, this would not have been in accordance with the natures He created them with.

﴿...أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُمْ مِّنْ بَعْضٍ...﴾

“I shall not leave unrewarded the work of any agent among you, whether man or woman; you are all members of the same race.”¹

Third, at the end of the paper the author warned the genuine clergy of danger and requested that they reconsider the meanings of the verses regarding women mentioned in various exegeses in view of current conditions.

It is clear that with this request from the clergy the author wants an exegesis for the verses regarding women that is exactly opposite to exegeses at hand; such that it becomes compatible with prevailing circumstances and becomes acceptable for youth, especially female university students. That is, the author is asking that the apparent meanings of the verses be invalidated and that men and women be made identical so that this issue becomes acceptable for the society and Islam may continue its growth.

It is evident that the main source of this request is the view that religion must be a function of the day and age and change with the changing eras; meaning that the society must be builder of religion as opposed to religion being the builder of the society.

Thus, the religion that this group desires and the Islam that they comprehend is this. In this case, the question comes up regarding where these people have become acquainted with this flavor of Islam? If it were through understanding of the Book and Tradition which are the statements of God and the

1- *Sūrah Āl ‘Imrān* 3:195.

declarations of the Prophet (ﷺ) and the Ahl al-Bayt (‘a), these are devoid of such meanings; in fact, their literal meanings consist of the exact opposite. Almighty God states:

﴿...وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ...﴾

“...and We have sent down upon you the Book explaining all things...”¹

﴿وَمَنْ يَتَّبِعْ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ...﴾

“And whosoever seeks a religion other than Islam (surrender to Allah) it will not be accepted of them.”²

﴿...وَإِنَّهُ لَكِتَابٌ عَزِيزٌ * لَا يَأْتِيهِ الْبَاطِلُ مِنْ بَيْنِ يَدَيْهِ وَلَا مِنْ خَلْفِهِ...﴾

“And most assuredly it is a sublime book. Falsehood approaches it not from before it nor from behind it.”³

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

“So set thy face toward the pure religion; it is in accordance with the nature [fiṭrah] of God upon which He has formed the nature of humankind. There is no alteration in the creation of God. This is the enduring (and true) religion, however most humans do not know.”⁴

1- Sūrah Nahl 16:89.

2- Sūrah Āl ‘Imrān 3:85.

3- Sūrah Fuṣilat 41:41-2.

4- Sūrah Rūm 30:30.

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ﴾

“And it is not for any believer, man or woman, when God and His Messenger have decreed a matter, to have a choice in the affair.”¹

﴿وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا أَحَاطَ بِهِمْ سُرَادِقُهَا وَإِنْ يَسْتَغِيثُوا يُغَاثُوا بِمَاءٍ كَالْمُهْلِ يَشْوِي الْوُجُوهَ بِئْسَ الشَّرَابُ وَ سَاءَتْ مُرْتَقَقًا﴾

“And say: This is the truth from your Lord so whosoever wills, let him believe and whosoever wills, let him disbelieve. Verily We have prepared for evildoers a fire whose tent encompasses them. And if they call for succor they will be succored with water like molten copper which will burn their faces. How evil a drink and how evil a resting place!”²

Many other verses indicate that the laws that are required for individual and social happiness in human life are comprised in the Islamic invitation. These laws are a divine and Godly sharia and may never be altered; whoever wants to can accept and whoever does not can refuse but no one is free before the commands and injunctions of God. There are innumerable Hadith from the holy Prophet (s) and the Ahl al-Bayt (‘a) comprising the meanings of these verses.

﴿...إِنَّ الْحُكْمَ إِلَّا لِلَّهِ...﴾

“Rule belongs specifically to Allah.”³

1- Sūrah Aḥzāb 33:36.

2- Sūrah Kahf 18:29.

3- Sūrah Yūsuf 12:40.

After the cited introduction, with his ‘rational logic’ the author makes several criticisms of Farsi exegeses and included among them are sections of the *Al-Mīzān Exegesis*. He writes:

“Regarding surah Nisā’ 4:34,

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ﴾

the *Al-Mīzān Exegesis* writes: ‘*Faḍḍal allāh*’ signifies the distinction and superiority men naturally have over women; that is, the prominence of their intellects...”

In a subsequent paragraph he writes: “Through generalization and development of the cause for the dominance of men it is clear that this dominance is not limited to the area of husbands and wives but it encompasses all men and women and all aspects that link their lives to each other including management of public affairs such as rule, adjudication, and defense since these things are directly related to the intellect, which men possess a greater share than women.”

He then says: “Observe that according to the *Al-Mīzān Exegesis* God states: ‘Women are weaker than men in intellect and they have need of a guardian.’ Do you expect freethinking young women to hear such a view of Islam and not put it aside? Such utterances from an exegete are inexcusable.”

Said author writes later on: “According to the *Al-Mīzān Exegesis* women are in reality underdeveloped (intellectually) beings that require guardianship.”

The statements that said author cites from the *Al-Mīzān Exegesis* regarding the meaning of verse 34 of surah Nisā’ clearly state that “in the human society those responsible for managing public affairs such as rule and similar matters must be men, not women”. What does this have to do with the assertion that “women require guardians like immature orphans and insane persons and every woman must have a male guardian” which said author understood from the statements

within *Al-Mizān* and has protested on the basis of his mislead logic which he calls rational logic whereas this statement from the book does not signify such a meaning in the least. Neither has any exegete proposed such a probability, nor has any jurisprudent given any such fatwa, nor has such a behavior been common among Muslims throughout history.

Even more strange is that he later writes with great bombast: “Do you expect freethinking young women to hear such a view of Islam and not put it aside?” It is clear that the author has based his reasoning on the case that religion must change with the passage of the ages and that the society must build religion not the other way around; it seems that God is obliged to refrain from legislating things that the freethinkers of humanity, especially freethinking youths, do not favor or approve. The same God who declares:

﴿إِنْ تَكْفُرُوا أَنْتُمْ وَمَنْ فِي الْأَرْضِ جَمِيعًا فَإِنَّ اللَّهَ لَغَنِيٌّ حَمِيدٌ﴾

“If you and whosoever that is on the Earth altogether disbelieve, surely Allah is All-sufficient, All-laudable.”¹

Afterwards he writes: “How can it be claimed that half the human generation enjoys more of the most distinguished human quality than the other half?”

Yes, in a most clear manner it can be claimed that half the human generation (women) do not benefit from intellect as much as the other half (men); just as half the human generation (men) do not benefit from emotions as much as the other half (women). God Almighty states:

﴿...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ﴾

“The cases that have been ordained to the advantage of women are equal to those that are against them in a just manner.”¹

1- *Sūrah Ibrāhīm* 14:8.

The need of the human race for emotions and sentiments is no less than their need for intellect.

Women naturally possess a greater liking than men for beauty, gracefulness, coquetry, demureness, tenderheartedness, and delicate and affectionate activities. They have more patience and forbearance in emotional pursuits such as nursing the sick, childcare, and training children. In contrast, men possess greater ability and tolerance than women for heavy work, exertion, and horrific scenes.

This clarifies the invalidity of the author's subsequent statements regarding the equality of men's and women's intellect.

He states: "That it is claimed that on average humans enjoy a similar extent of intellect but that each sex is better able than the other to use their intellect in their specific areas is an undeniable truth."

As I have previously said, no one has claimed that women have no intellect, no one has claimed that the intellect of women is not similar to that of men and that it is something else altogether, no one has claimed that these two groups are not more able in their own specific areas. We are saying that if we imagine one man and one woman and give one infant to each to manage and train them, there is no doubt that the man will tire sooner than the woman in taking care of the child and training it. Is this difference not an effect of the strength of the emotions of women and the weakness of the emotions of men? Moreover, if we consider two judges, one a woman and the other a man, and give each a disturbing criminal case, will the woman get upset sooner from reading the case files or the man? Is not the dispassionateness of the man an effect of the power of his intellect? These examples and similar ones clearly show

that men are stronger in intellect and women in emotions and sentiments.

A few paragraphs after the foregoing statement, said author writes: “In women, intellect and emotions are exactly proportionate to the responsibilities that nature has naturally put upon their shoulders and the same is true for men.”

The duties of men and women are a series of voluntary acts that they perform in order to continue their lives; these acts are real-world movements prompted by various human feelings and regulated and made ready for action by the human intellect. Therefore, these duties are subsidiary to feelings and intellect. Feeling and intellect are faculties with which humans are equipped.

By this it becomes clear that religion has given humans duties through intellect and feelings. The above statement cited is confused and the correct version would be to say: The duties that nature has given women are exactly proportionate to their intellects and feelings, and the same is true for men.

Nevertheless, this does not prove the equality of women and men in intellect nor does it imply their difference.

The author later writes: “According to the *Al-Mīzān Exegesis*, women are in truth underdeveloped creatures (intellectually) who require guardianship. By legislating the necessity of guardianship over women and requiring them to obey men and conceal secrets, Almighty God has protected the rights of men. The main duty of women in life is giving men pleasure in return for wages since under that verse’s exegesis in *Al-Mīzān* it is written: ‘...since in return for their enjoyment of women, men give them property; in return wives must be obedient to their husbands in matters of their pleasure (sex) and protect their secrets.’ This exegesis indicates that the reason women must not betray men is not to protect the generation and bloodline but that because men give them wages, women must not betray them. Now if a woman is wealthy and provides the

living expenses of herself and her husband it is obvious that according to this exegesis she surely has the right to be disloyal since she does not receive wages to be loyal in return for the benefits she offers him. The exegesis of the aforementioned verse is suffused with similar points that will drive away Muslims that are not deeply knowledgeable about true Islam from this religion and cast them into the arms of materialist ideologies.”

Regarding the first part of the discussion the author attributes to the *Al-Mizān Exegesis* that women require guardians due to their flawed intellect, I have previously pointed out that it is an unworthy attribution and that there is no such allegation in Quran exegeses; rather, the exact opposite exists in exegeses. Said author has omitted a part of the exegesis he has cited. The exact wording of the exegesis is as follows:

“As the guardianship of men over women in the society is related to public affairs shared by women and men involving intellect (rule, adjudication, and war) without violation of the independence and basic rights of women and interference of men in their volition (except in regard to evil acts) and women are free to perform any honest deed they wish, in a similar manner, the guardianship of a man over his wife is not such that exertion of her will over her property is negated or such that she is excluded from her autonomy, individual and social rights, and her right to defend them. What this means is that since in return for their enjoyment of women, men...” (and the rest has been cited above). Consider what effect deletion of this part of the cited paragraph had on its meaning and the author’s statement.

As for his protest, regarding women’s obedience to and preservation of the secrets of men and that their compliance is in return for the mahr paid by men:

First, said author would do well to carefully consider the entire holy verse 34 of surah Nisā’ especially:

﴿...أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَاتِنَاتٌ حَافِظَاتٌ لِّلْغَيْبِ...﴾

He would then realize that the following is a clause:

﴿...فَالصَّالِحَاتُ...﴾

Second, regarding this matter the author should have referred to narrations that clarify the intentions of the Holy Quran since even though the Holy Quran is comprehensive of all Islamic objectives, they have been stated in the Quran in a concise manner and elaboration of the Quran's message is the duty of the holy Prophet (s) and the Imams (‘a) and this is reflected in Hadith that have been cited from them. It seems that the true Islam that these people speak of has nothing to do with the Book and Tradition, that the intentions of Quranic verses are not what is apparent, which the intellects of these people cannot accept, that their true meanings have yet to be discovered, and that there is no need of Tradition.

Third, said author has set no difference between the philosophy and the cause of religious precepts and commandments and has confused them with each other. The cause of a decree, which is the criterion and interest behind the decree, is sometimes permanent. In this case the existence and nonexistence of the decree revolves around that cause; that is, with actualization of the cause, the decree is in force and with nonexistence of the cause, the decree is inapplicable. This cause is terminologically called reason. For instance, the intoxicative quality of a liquid causes its proscription and the decree of proscription revolves around the liquid's intoxication. Moreover, sometimes the cause of a decree is predominant but is negated at times. Even so, the decree is general and even when its cause is negated the decree stands. This cause is terminologically called philosophy. For instance, avoidance of the mingling of sperms is the criterion for the compulsoriness of ‘iddah; in some cases this reason is not applicable, even so, the decree is general. (This division is also common in civil laws formulated by humans

and in force in civilized countries). From this explanation, the error of said author becomes clear, where he wrote: "If the cause that women must obey their husbands and protect their secrets is the fact that the men give their wives mahr (i.e. marriage portion) not protection of generations and bloodlines or anything else then if a wife is wealthy and she provides her own and her husband's living expenses, disloyalty must be permissible for her since she has received nothing from her husband for which to be loyal." The error of this assertion is that giving the marriage portion is the philosophy behind the necessity of obedience and protecting secrets not its reason; thus, the decree is general even if various cases exist where this philosophy is void. Moreover, preserving the generations and bloodlines which the author seemed to think of as the reason for protecting secrets is also its philosophy: In cases where a woman is disloyal but the safety of the bloodline is secured using medical or practical prevention methods, the prohibition still stands and the decree is general.

As is understood from the aforementioned Quranic verse (4:34) and indicated by jurisprudential evidence in the Quran and Traditions, the women's obedience of men is in cases where a husband asks for sexual gratification; of course, this obedience is for situations where the wife does not have a lawful excuse (e.g. menstruation). Beyond this, women are autonomous and independent; for instance managing household affairs, housecleaning, cooking, and even nursing their infants are voluntary.

Regarding the obligation of women to obey their husbands in matters of pleasure, said author writes: "Are women tools that they must accept whenever men desire sex? Is the mental and physical readiness of women not a factor in this matter at all? It seems that women are just objects without souls and feelings. In short, it seems they are just tools." According to this author's claim, with all their human qualities and merits, if women only have to obey men in matters of gratification and pleasure—a

commitment they make when they enter into a marriage agreement—they shall become merely a tool devoid of all human qualities and merits and a dependant being, an object lacking soul and feeling. And this was another verdict of this author’s rational logic.

﴿...فَاعْتَبِرُوا يَا أُولِيَ الْأَبْصَارِ﴾

“So take heed, O you with eyes!”¹

If women are tools as a result of this obedience and protection of secrets, they are the tool that closes the way to corruption, debauchery, evil, and disruption of humaneness in the human society. They are influential agents in improvement of public life. This is one of the best and most valuable dignities of women. Also, that he writes: “Is the mental and physical readiness of women not a factor in this matter at all?” the Book and Tradition’s reply to this is that obedience is wajib only when a woman does not have a lawful excuse; such as if she is in her menstrual cycle or if she has some other more important religious duty to perform.

Another of this author’s protests to the *Al-Mizān Exegesis* is as follows: “Throughout the exegesis of verses related to polygyny, various reasons have been given for the necessity of this precept including reasons such as the greater numbers of men than women, the greater lust of men than women, and so on. Then on page 14 the exegete writes: ‘Paying the expenses of four wives and their children, observing justness in all relationships and other necessary matters, is only possible for a small number of wealthy persons.’ It seems that even with all the reasons the exegete has brought for the necessity of polygyny, God has formulated this law only for the wealthy and debaucher class who have the money for it and all other men must do without more than one wife since this law does not pertain to them.”

1- *Sūrah Hashr 59:2.*

These are undeserving allegations that said author has made against this exegesis. He says *Al-Mizān* has given various reasons for the necessity of polygyny whereas the reasons that have been given in this exegesis are reasons for the permissibility of polygyny in Islam not its necessity and until now no one has understood such a thing from religious documents (i.e. the Quran and Traditions).

That he alleges that in this exegesis it is written that there are more men than women in the human society is incorrect and there is no such thing in the exegesis.

That he alleges that the lust of men is greater than that of women, this issue in the exegesis has been said from the aspect of the religious training of women in Islam which is based upon modesty and chastity and it is not a comparison of the nature of women and men.

That he cites that paying the expenses of four wives and their children is not feasible for all men and only a small number of wealthy men can do it, this is in answer to the criticism that the number of men and women in the human society is almost equal. Therefore, in accordance to the Islamic sharia, if every man takes four wives, three-fourths of the men in the world will have no one to marry; and this is something in opposition to what nature shows.

In the exegesis I have answered the criticism that polygyny has been legislated as permissible not obligatory and in practice also, considering the aforesaid conditions, it is not feasible for all persons. Therefore, prevalence of this act will not cause a dearth of women.

﴿وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا...﴾

“And if a woman fears rebelliousness or disregard of her husband there is no fault in them making peace with one another.”¹

Regarding nushūz (disobedience) in the above verse, said author writes:

“In regard to this verse the *Al-Mīzān Exegesis* writes: ‘This verse regards the fear of nushūz and avoidance as valid not the realization of these two....The context of the verse indicates that making peace means a woman might overlook some or all her marriage rights to attract the friendship, affection, and approval of her husband to prevent divorce and that if they should make peace in this manner it is better.’ Pay attention! In this verse God expressly states that the two (i.e. the wife and husband) must make peace with each other; meaning that each must make concessions so that there can be peace between them. However, the exegete of *Al-Mīzān* clearly expresses that women must cede some or all the rights of marriage so that she can attract the friendship, affection, and approval of her husband.”

Said author did not want to cite the rest of the paragraph which is as follows: “In such cases, there is no problem with a wife and husband making peace with each other by, one or both, relinquishing some of their rights.”

The reason that at first only the concessions of women have been mentioned is that the subject of the verse is women.

Stranger still is that at the beginning of the paper said author firmly insists that the meanings of the Quranic verses regarding women have not yet been discovered while here he writes that:

1- *Sūrah Nisā’* 4:128.

“In this verse God expressly states that...” I wish he had said how a verse whose meaning is obscure and unintelligible can be so express in its intentions.

What passed were criticisms of said author regarding the *Al-Mizān Exegesis*. He has also cited some so-called distortions of the Quran from other Farsi exegeses. I shall summarily cite one of them as an example of the author’s thought.

﴿وَأِنْ خِفْتُمْ أَلَّا تُفْسِدُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ...﴾

“And if you fear that you will not act justly toward orphans, marry such women as seem good to you.”¹

Regarding the above verse, said author writes: “In the exegesis of the above verse, the exegete writes: ‘If you cannot combine marriage to orphans with the principals of justice, it is best that you forgo it and look for women who are not orphaned.’

“This understanding of the verse means that instead of encouraging Muslims to marry orphans or young mothers with orphans and support them, God declares: ‘Abandon orphans for fear that you may oppress them and go seek women who are not orphans.’ More clearly, according to this type of exegesis, God accepts oppression as a natural phenomenon among Muslims and warns them of marrying orphans (which would entail oppressing them) whereas we know that for Muslims, oppression is an unnatural phenomenon which must be avoided. In reality, God must encourage all Muslims without exception to marry orphans and support them (as he has in this verse). On principal, Muslims do not oppress and if a Muslim does oppress they must be prevented from oppression, not from performing good deeds (marriage and support of orphans).” This consists of said author’s claims.

1- *Sūrah Nisā’* 4:3.

The conclusion of said author regarding the meaning of the verse, is that considering that in marriage to orphaned women there is a possibility of oppression and wrongful appropriation of their property which must be feared, one must not marry such women but marry non-orphaned women. Therefore, orphaned women will remain unwedded and only non-orphaned women will be eligible for marriage whereas the implication of this verse and related verses is the exact opposite.

In explanation, the verse before this declares:

﴿وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَيْرَ بِالْطَّيِّبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ خُوبًا كَبِيرًا﴾

“Give the orphans their property and do not exchange bad property for good and do not absorb their property into your own for surely this is a great crime.”¹

And another verse states:

﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَ سَيَصْلُونَ سَعِيرًا﴾

“Verily, those who unjustly consume the properties of orphans are in fact devouring fire in their bellies and shall soon burn in flames.”²

These verses and others that have been revealed regarding orphans indicate the absolute and lawful inviolability of the property of orphans. Anyone who is more or less familiar with the Arabic language and reads the third verse of surah Nisā’ which is in the same context as the second verse of surah Nisā’ (both have been cited above), will have no doubt that this decree is a moral instruction—not an official injunction—like

1- Ibid 4:2.

2- Ibid 4:10.

many other moral instructions that have been included throughout the Holy Quran¹ and that its significance is that those who fear they will not act justly with an orphan if they marry her (and are not sure of themselves), in view of the fact that such behavior is dangerous and destructive, must marry non-orphans. This moral instruction and guidance does not necessitate that orphaned women stay unmarried and abandoned in the society since it will never come to pass for all the men of a society to have this fear without exception; rather, there always exist pious people who do not fear and are righteous just as there are always a number of people in the Islamic society who do not have confidence in their own fortitude and fear such actions. These are the people who make use of this type of guidance. Thus, the myth that this meaning implies that orphaned women remain unwedded, that God accepts oppression among Muslims as a natural phenomenon, and that God must encourage marriage to and support of orphans instead of prohibiting and warning of marriage to them is just a baseless criticism. Droller still is that this author has annexed young widows with orphaned children to the category of orphans whereas there is no such thing in this verse.

After the previous statements I have cited, said author writes: "Here a matter comes up that is much more important. That is, the inability of the law to prevent oppression. This exegesis indicates that since the law is unable to punish violation of the rights of every orphan, God advises probable oppressors to refrain from marriage to orphans and women with orphans since the law is unable to prevent oppression to them..."

After several paragraphs he writes: "Another point is that in the opinion of this exegete, apparently women do not possess an innate personality and their personality is dependent upon the master of the house. They should always have a father or

1- Such as اطيعوا الله, اتقوا الله, and so on.

family status to defend their rights since they do not have the ability to defend their own rights and it seems that the laws of Islamic government also possess this incompetence. From this exegesis it is deduced that as a rule whenever a man's father-in-law dies and his wife becomes an orphan, if he fears that he may take the property of his wife for himself, it is better that he divorces her so that he does not oppress her."

If these statements are the import of this guiding verse, they prevent Muslims from performing what they greatly fear and accuse Islam of legal inability and incompetence.

Law is a series of individual and social rights that impel the human society towards a happy life. Therefore, inability and incompetence of a law is either that there are no regulations regarding some actions or that wrongful recompense is given for various good or bad acts –such as determining scant rewards for exceptional services or insignificant punishments for great crimes– or that the persons that the law introduces as enforcers be indolent or incompetent.

These are the causes for inability and incompetence of the law. However, if a law possesses decisive rulings and sufficient regulations then advises responsible persons in order to prepare them for their duties, warn them of disobeying the law, and in this way consolidate legal regulations, the human conscience will never tolerate considering this sort of public spirit a reason and sign of legal weakness and incompetence.

Here, the groundlessness of said author's allegations, that the import of the third verse of surah Nisā' (if it is advice) is a reason for the legal incompetence of Islam, becomes clear. According to his view, wherever in the Holy Quran there is a guiding or advising statement, such as *ittaqu allāh* and *aṭī'ū allāh*, it must be said that it is an independent confession to the weakness of Islamic law. Most strange of all is his extension of the verse's charge to divorcement of a woman who lives in her husband's house and her father dies and he husband fears that he may wrongly take her property for himself whereas the verse

pertains to *selection* of a wife not divorce of a wife after establishment of their union. In addition, a woman who enters her husband's house and performs her matrimonial duties then her father dies leaving her some inheritance is usually a mature woman of legal age. Such a woman has control of her own property and it is not in the hands of another. The orphaned women spoken of in Quranic verses, the properties of whom are advised about, are orphaned girls that are not mature and of legal age. In the sixth verse of surah Nisā' Almighty God declares:

﴿وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا...﴾

“And test orphans until they reach the age of marriage (the Islamic legal age). Then, if you perceive in them maturity release their property to them. Do not devour it in waste or haste.”¹

Muḥammad Husayn Ṭabāṭabā'ī

**Qum, Jumada al-Awwal,
1397 AH**

1- *Sūrah Nisā'* 4:6.