
GENDER JUSTICE AND QURAN: PSYCHOLOGICAL PERSPECTIVE

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Abstract: Equality between men and women or gender equality has been an eighteenth century's phenomenon which is a fruit of early modern reformations that demands the equal status of women as that of men in society on the basis of having same value as being the unit of society. It led many changes in the status of women than before in all sphere like economy, socially, educationally etc. Psychologically complete equality between two commodities is not as simple as it sounds. For, equality means 'uniform, even and level etc. As per its definition, Equality is possible between such things those have same property in same proportion. If in other case the parity is done, it would be unjust for both of them because are not in same proportion. Justice with something is not to make it equal to another. This paper is about that Quran has done justice with women rather than to equal them as opposite gender.

Keywords: Equality, Justice, Psychology, Women

Introduction: Women have been denied complete justice throughout history under the sun. As a member of opposite sex they have been exploited and abused by male dominancy. It is also believed on the account of Islam that they have no right and treated unjustly. They have been maltreated and given less value comparing to men in terms of a unit of a society and have not been considered equal to men thorough the Islamic history. Nevertheless, the fact is something else. Psychologically equality between men and women is impossible and if we try to equal them, it is not justice with both of them. Although, if someone is getting something on a particular account that may be good for him/her. Yet, it is not necessary that the same is good for all. Quran keeps this fact and do emphasis on justice than equality between anything else. This paper is about the status of women in Quran and Islam and what they say about the gender justice with the slight sketch of their historical status.

Historical Perspective: In their book '*East and West*' David and Vera Mace wrote, "Let no one suppose, either, that out Christian slighting judgements. It would be hard to find anywhere a collection of more degrading references to the female sex than early church fathers provide. Lechy stated that woman was represented as the door of hell, as the mother of all human ills. She should be ashamed at the very thought that she is a woman. She should live in continual penance on account of the curse she has brought upon the world. she should be especially ashamed of her beauty, for it is the most potent instrument of the devil. One of the most scathing attacks on a woman is that of Tertullian: Do you know that you are each an eve? The sentence of God on this sex of your lives in this age; the guilt must of necessity live too. You are the devil's gateway; you are the un-sealer of that forbidden tree; you are the first deserters of divine law; you are she who persuades him whom the devil was not valiant enough to attach. You destroyed so easily God's image, man. On

account of your desert - that is death - even the Sop of God had to die). Not only did the church affirm the inferior status of woman, it deprived her of legal rights she had previously enjoyed." Claudia Zaher in '*A Research Guide on the Common Law Doctrine of Coverture*' stated as follow:

"Under ancient Roman law, women were generally under the wing of their husbands. As the common-law tradition developed in England, incorporating and intermingling the legal traditions of the Romans and the Normans with the canon law of the Catholic Church and the Anglo-Saxon traditions, married women were generally considered to be under the protection and cover of their husbands. From property she brought into the marriage was controlled by her husband, and if she earned wages outside the home, those wages belonged to him. A man who killed his wife was guilty of murder and could be punished by death or imprisonment, but a woman who killed her husband was guilty of treason against her lord and could be punished by being drawn and burnt alive."²

Demosthenes writes, "We keep hetaerae for the sake of pleasure, female slaves for our daily care and wives to give us legitimate children and to be the guardians of our households." (Demosthenes, Apollodorus against Neaera, III, 122)

In his essay *The Subjection of Women*, John Stuart Mill wrote:

"*Before Christianity, Mill says, a husband had the power of life and death over his wife; and for many years in England things weren't much better. For example, a woman who killed her husband was guilty of 'treason' and was burned to death.*"³

"*The Church was faithful to a better morality in that it required a formal 'yes' from the woman at the marriage ceremony; but there was nothing to show that the consent was freely given, and it was practically impossible for the girl to refuse if the father persisted,*

except perhaps when she could get the protection of religion by becoming a nun."⁴

Only by the late 19th century the "married women's property act" which came out in 1870 C.E. and was amended in 1882 C.E. and 1887 C.E. gave married women the right to own property and to enter contracts on a par with spinsters, widows and divorcees.⁵

John Stuart Mill further wrote:

"She can do no act whatever without his at least tacit permission. She can acquire no property for herself: the instant something becomes hers, even if by inheritance, it automatically becomes his." Further, he says, *"All women are brought up from their earliest years to believe that their ideal of character is the very opposite to that of men: not self-will and government by self-control, but submission and accepting control by someone else. All the moralities tell them that it is their duty, and all the current ideas about feelings tell them that it is their nature, to live for others—to set aside their own wishes and interests and have no life but in their affections. And by 'their affections' are meant the only ones they are allowed to have—those to the men with whom they are connected, or to the children who constitute an additional and unbreakable tie between them and a man."*⁶

Describing the status of women in Gupta dynasty *History of Civilizations of Central Asia* states:

*"Although women were idealized in literature and art, in practice they had a distinctly subordinate social position. Education of a limited kind was permitted to upper-class women but they were not allowed to participate in public life. Early marriage was advocated and strict celibacy was recommended for widows. The attitude of the contemporary Smritis towards women was one of contempt. Women were described as almost a consumer commodity, exclusively owned by their husbands."*⁷

Furthermore, they were not allowed to use the Sanskrit language. For, Sanskrit is the language of Vedas since she spoke Prakrit as lower orders did.

*"Another notable feature is that the characters of high social status speak Sanskrit while women and the 'lower orders' speak Prakrit."*⁸

In *'Institutes of Hindu Law'* Kenealy describes the status and rights given to women that indicate indeed in Indian law the subjection of women was the cardinal principle. In Hindu scriptures, the description of a good wife is as follows:

*"Yes; by this course of life it is, that a woman, whose mind, speech, and body are kept in subjection, acquires high renown in this world, and, in the next, the same abode with her husband."*⁹

Before moving on to the Quranic decrees concerning the status of woman, a few Biblical decrees may shed more light on the subject, thus providing a better

basis for an impartial evaluation. In ancient Israel, the wife was betrothed. The article by Benzinger on Hebrew marriage in the *Encyclopaedia Biblica* (1902) serves as an example. He begins as *"to betroth a wife to oneself, meant simply to acquire possession of her by payment of the purchase-money. And the purchase money is seen going at first to the girl's father as bride-price"*.¹⁰

As to the right of divorce, we read in the *Encyclopaedia Biblical*, "The woman being man's property, his right to divorce her follows as a matter of course."¹¹ The right to divorce was held only by man. "In the Mosaic Law divorce was a privilege of the husband only... In the eighteenth and early nineteenth century, it was possible to get a divorce granted by Act of Parliament, but such an option was only open to the rich. The Matrimonial Causes Act 1857 was the first divorce law of general application."¹² In Arab before Islam women was not treated well. The newborn girls were buried alive. They were not given to right to property, right to divorce even they could not marry with their own will but they force by guardian to marry. In Arabia they were fully exploited. They have no status. There were no limit how much a man would have wives and he divorced when he willed and then remarried again. Some men did just to tease women

The noble Quran, at an eve, when women had been treated as a least creation and were being degraded, proclaimed that each of you men and women are created out of each other. One was created out of another. Quran says:

*"O Mankind, keep your duty to your Lord who created you from a single soul and from it created its mate (of same kind) and from them twain has spread a multitude of men and women."*¹³

Quran asserted that both are applicable of same dignity and respect because one created out of another. This proclamation has been made several times in the Quran like 7:189, 42:11, 16:72. Quran places no discrimination on the basis of creation. In Quran the women is entitled to have a right to have a right to be respected and dignified as human being like man. Moreover, Quran treats them psychologically as that if a man think of a women degraded and least creation, then he should think of himself the same as she is created out of him.

Spiritual Aspect: Quran states clear out statement that on the basis of spiritual aspect both are equal and will be treated justly. Quran states that good is good for man and women alike and bad is bad for both in same degree. There is no separate criterion of ethics and right or wrong based on gender. None will be punished upon another's account. Quran states, *"Every soul will be (held) in pledge for its deeds."*¹⁴

It also states:

"So their Lord accepted their prayers, (saying): I will not suffer to be lost the work of any of you whether male or female. You proceed one from another."¹⁵

The highly accepted concept of inherent moral degradation of human being is believe the cause of Eve mistake as she got tempted by Satan. Quran states that both were equally responsible for the mistake both repented and were forgiven (2:36, 7:20-24). Notwithstanding in one verse specially Adam was blamed.¹⁶

Social aspect: Men and women play an important role in social affairs for building healthy society. They together are responsible in uplift of society and its welfare. The skills of both are needed to be used for this purpose. It states: *The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give Zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise.*¹⁷ In Islam woman is considered as boon for her parents as prophet Mohammad (p.b.u.h.) said: *"The one who has three daughters born to him, and he is patient over them, and clothes them well according to his means, they will become a means of rescue for him from Hell."*¹⁸

Quran states that human being is dignified and honoured. It is nowhere mentioned in Quran that one of them is honoured more by The Almighty Allah, *And We have certainly honoured the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.*¹⁹ As related by Anas bin Malik: A sahabi named Anjeshe was leading the camels that were carrying the Prophet's wives on the way back from the last pilgrimage. He was making the camels run with the rhythmic songs he sang with his beautiful voice. The Prophet told him: *"O Anjeshe, ride slowly, do not break the crystals."*²⁰

Here the Prophet (PBUH) used a very delicate and gentle term for women. He stressed that his wives are pure and precious like a crystal and at the same time they are very delicate. They can be easily broken.

In Arabia, prevailing tradition of female infanticide is condemned and regarded as a crime like murder. Quran states: *And when the girl [who was] buried alive is asked, For what sin she was killed.*²¹ At another place Quran states: *"When news is brought to one of them, of (the Birth of) a female (child), his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on (sufferance) and contempt, or bury her in the dust? Ah! What an evil (choice) they decide on?"*²²

It describes the condition of people who they reacted upon the news of child when it was a girl. They face became darken, felt ashamed and criticized their women. Quran condemns that cruel act and states that they also have right to live as opposite gender has.

Economic Aspect: The more common myth prevails among Muslims and non-Muslims as well, is that Islam does not insure the economic justice of women. They have no economic right in Islam. Quran sheds all doubts and states that they have same share as men have but much more than men saying: *"Unto men (of the family) belongs a share of that which Parents and near kindred leave, and unto women a share of that which parents and near kindred leave, whether it be a little or much a determinate share."*²³

As per Quranic injunctions, husband is made "Qawwam" over his wife that assures that he is only responsible to take care of his wife's and children's financial needs and emotions as well. The more striking feature of this economic right is that whatever women has either in heritage or she earns she has no obligation upon her to spent it over her family if she does not want to do that unlike man. In a recent book, "Silent No More", Paul Findley, a member of Congress states that, stated that *"The Quran's dictates on women's legal status, were quite advanced for their time and Islamic Law gives women's some rights more liberating than those found in western legal codes...the Quran and Hadith [the sayings of the prophet Muhammad] lay down rules ensuring for women the respectable and dignified status that had been denied (in pre-Islamic society and emphasize the ability of the family)."*²⁴

Encyclopaedia of women and Islamic culture states about the justice for women as male has:

*"Many female converts feel that personal freedom in the West is exaggerated, particularly sexual freedom. Islamic rules, if applied properly, contribute to clarity and stability in familial and marital life. In addition, some women converts feel that in Islam they are perceived less as sex objects than in the West. With regard to the construction of gender, converts are convinced of the equality of men and women in Islam."*²⁵

Right to Education: In Islam, the right of women to seek knowledge is not different form that of men. Quran, wherever asks people to ponder over and think of something, addresses both man and woman not given emphasis on one of them. It appeals to look for the secrets hidden in life and laws govern this universe alike. In hadith, it is an obligation to seek knowledge: "seeking knowledge is mandatory for every Muslims. (Al-Bayhaqi) Muslim as used here including both males and females.

Marriage: Quran states that the objectivity of marriage is not only the perpetuity of human life but

it is emotional well-being and spiritual harmony. Marriage is the contribution between two halves of society in societal and spiritual development. Quran states: *And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.*²⁶ At another place it states, *"It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are clothing for you and you are clothing for them. Allah knows that you used to deceive yourselves, so He accepted your repentance and forgave you. So now, have relations with them and seek that which Allah has decreed for you. And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the sunset. And do not have relations with them as long as you are staying for worship in the mosques. These are the limits [set by] Allah, so do not approach them. Thus does Allah make clear His ordinances to the people that they may become righteous."*²⁷

No women in Islam can't be force to marry anyone without her consort according to Islamic Law. Ibn 'Abbas reported that *"a girl came to the Messenger of God, Muhammad (peace and blessings be upon him), and she reported that her father had forced her to marry without her consent. The Messenger of God gave her the choice... (between accepting the marriage or invalidating it)."*²⁸

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