

WOMEN ARE LACK IN RELIGION AND MIND: THE MISUNDERSTANDING INTERPRETATION

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ABSTRACT

Women are lack in religion and mind; is an existing controversial issue among Muslim jurists, particularly among the modern scholars nowadays. Although this issue seems to be personal opinion to some people; but it actually a popular discourse debated by feminist movements all over the world. In fact, the gender equality is a standard norm promoted by the United Nations. The on-going debate among the Muslim jurists about the issue has affected Muslims, particularly to those who want to follow Islāmic way. It was originated from some controversial Islāmic texts; particularly the Prophetic tradition in Ṣaḥīḥ al-Bukhārī, no.: 298 which states that women are lack in religion and mind. Analytical study conducted by the researcher found that the lack mentioned in the Prophetic traditions actually is a figurative statement which has its specific implied meaning. This understanding is due to the contradicting practices of the Prophet Muḥammad himself to those gender-bias Islāmic legal texts.

Keywords: Islām, Women, Religion, Mind, Figurative Statement

1.0 INTRODUCTION

In the increasingly Western hegemony nowadays, Islām is generally perceived as sex-constraining religion which gives priority to men over women. There are many Prophetic traditions which literally state that women are lack in religion and mind. The famous one is the one narrated by Abū Sa'īd al-Khudrī, Ṣaḥīḥ al-Bukhārī, ḥadīth no: 298(Al-Bukhārī, 1987) which states that a woman's testimony is half of the testimony of a man; as well as that she does not fast and pray during her menses. From this point of view, many scholars, particularly from the Western civilization often mention that Islāmic understanding of sexuality is incompatible with the modern days(Yip, 2009)(Yip, 2009). In fact, towards the end of the 20th century, many feminist movements have changed their paradigm which was concentrating on nationalist, democratic and human rights discourses to Islāmic feminism: A discourse to gain authority based on Islāmic religious texts(Adam, 2016). One of the academic and popular discourses debated by Islāmic feminism is gender equality, which is a standard norm promoted by the United Nations(Headquarters, 2018).

2.0 PROBLEM STATEMENT

Literal reading of related Prophetic traditions seems to show that Islām states women are lack in religion and mind. Moreover, there is a Qur’anic verse, al-Baqarah, 2: 282 which requires for two men, or one man and two women in testimony: “and call upon two of your men as witnesses; but if two men are not there, then let there be one man and two women as witnesses from among those acceptable to you, so that if one of the two women should fail to remember, the other might remind her...” (‘Alī, 1994). Literature review also shows that many Muslim scholars, particularly the traditional scholars; seem to have the perception that men are better than women in various practices, moreover in leadership positions. However, on the contrary, history proves that the practice of the Prophet Muḥammad himself does not reflect the literal meaning of those related Islāmic legal texts.

3.0 OBJECTIVE OF THE STUDY

This study aims to analyze the reality of the contradicting situation between those gender-bias related Islāmic legal texts with the practice of the Prophet himself.

4.0 METHODOLOGY

This qualitative study analyzes all related Islāmic legal texts and opinions of scholars in the field.

5.0 LITERATURE REVIEW

It generally contended by many traditional Muslim jurists that Islām gives leadership priority to men over women (Ishāq., 1979) (Mansūr Bin Yūnus Bin Idrīs al-Bihutī, 1970) (Ibn al-Qadāmaḥ, 1987) (Rushd, 1997). This kind of interpretation sparks criticism from many modernist scholars who fight for gender equality. Let us look at the so-called gender bias controversial Islāmic legal texts in fully quote, so that they may be properly understood. They are as follows:

a. The famous Prophetic tradition which mention that women are lack in mind and religion is the hadīth narrated by Abū Sa’īd al-Khudrī: “The Messenger of Allāh, peace and blessings of Allāh be upon him, went out to a muṣallā (prayer place) on the day of Eid al-Aḍḥā or Eid al-Fitr. He passed by a group of women and said, ‘O women! Give charity, for I have seen that you form the majority of people of Hell. We (the women) asked: “For what reason O the Messenger of Allāh?” He replied, “You curse frequently and are ungrateful to your husbands”. I have not seen those women who are lack in mind and religion, yet a cautious sensible man could be led astray by some of you”. We asked, ‘O Messenger of Allāh, what is the lack in our religion and mind?’ He said, “Is not the testimony of a woman like half of the testimony of a man?” We said: “Yes” he said: “This is the lack of her mind”. The Prophet explained more: “Is not if she does have menses she does not fast and pray!” we replied: “Yes”. He said: “This is the religion lack of her”, Ṣaḥīḥ al-Bukhārī, ḥadīth no: 298, volume 1, page 116 (Al-Bukhārī, 1987).

b. Allāh says: “Believers! Whenever you contract a debt from one another for a known term, commit it to writing; let a scribe write it down between you justly, and the scribe may not refuse to write it down according to what Allāh has taught him; so let him write, and let the debtor dictate; and let him fear Allāh, his Lord, and curtail no part of it; and if the debtor is weak of mind or body, or incapable of dictating, let his guardian dictate equitably, **and call upon two of your men as witnesses; but if two men are not there, then let there be one man and two women as witnesses from among those acceptable to you, so that if one of the two women should fail to remember, the other might remind her;** let not the witnesses refuse when they are summoned (to give testimony); do not show slackness in writing down the transaction: whether small or large, along with the term of its payment; that is the fairest in the sight of Allāh; it is best for testimony and is more likely to exclude all doubts; if it be a matter of buying and selling on the spot, it is not blameworthy if you do not write it down; but do take witnesses when you settle commercial transactions with one another; and let no harm be done to the scribe or to the witness; it will be sinful if you do so; beware of the wrath of Allāh; He teaches you the right way and He has full knowledge of everything”, al-Qur’ān, al-Baqarah, 2: 282(‘Alī, 1994).

As the consequence of literal understanding, many Muslim jurists have applied their interpretation that Islām gives priority to men over women in various practices, particularly in leadership positions. However, many scholars nowadays(Fadel, 1997)view that the relevant scriptural passages are referring to the condition of the different gender roles and life experiences which only prevailed at the time. Some say that the requirement of two women for testimony does only refer to the custom of the Arabs during the time of the revelation; it should not be implemented in this modern world(Mehregan, 2016)(Webb & Wadud, 2000).

6.0 DISCUSSION

Women are lack in their religion refers to those situations which prohibit women from praying or fasting such as during their menses and delivering birth. This is not a problem since there is no defect in this decrease, but it is actually a privilege for women compared to men. The problem here is the lack of a woman's mind. Even though, many Muslim jurists have applied their interpretation that Islām gives priority to men over women in various practices; on the contrary, there are practices of the Prophet Muḥammad himself which contradict to the literal meaning of those related Islāmic legal texts. The practices are as follows:

a. The mother of believers ‘Āishah had more knowledge than the saḥābah (Prophet’s companions); she memorized what they forgot. In fact, there were many female muhaddithāt (hadīth narrators) among saḥābiyyāt and tābi‘īn, reflecting that the gender of narrators of a Prophetic tradition is not a criterion in evaluating a tradition/hadith (Sayeed, 2009). Moreover, there were cases stated in Islāmic history which have proven that women are more correct than men in their opinion. It was recorded that once the Caliph ‘Umar al-Khattāb tried to limit the marriage dowry of women, but later on retracted his fatwā because of a woman’s argument(Al-Haithimī, 1986). Even al-Qur’ān has stated the story of the Prophet Shu‘aib, al-Qurān, al-Qaṣaṣ, 28: 26(‘Alī, 1994) who accepted her daughter proposal to appoint Moses to take care of their sheep. The

collection of all Qur'ānic chapters and verses in one book was put in the hand of a woman, i.e. Hafsaḥ the daughter of 'Umar. The first person to believe and become a Muslim was the Prophet's wife Khadijah. In fact there were many women who have preceded their husbands in becoming Muslims ('Ārif, 1999). These indicate that the correctness of women's opinion.

b. The story of Umm Salamah is the most unequivocal argument which states that the lack of mind mentioned is not stupidity or decreases in women's mind or intelligence. Umm Salamah was endowed with sound opinion and an intelligent mind. She had resolved the general disobedience of the Companions to the Prophet in al-Hudaybiyah case. When the Prophet ordered the Companions to make taḥallul (dissolvment of Ḥajj/ 'Umrah), they disobeyed. Then Umm Salamah advised the Prophet to start the taḥallul in front of the Companions, he did what his wife advised him. Hence, the Companions followed him. Al-'Asqalani (Al-'Asqalani, 1959) said that the general disobedience to the Prophet in al-Hudaybiyah case was due to the pain felt by the Companions when they were prevented from reaching the Ka'bah. The Prophet did not follow the suggestion of their Companions to fight against the Quraish for entering the Ka'bah. He instead made an agreement with their enemy to come for the next year. Hence the Prophet also took the opinion of a woman in the most difficult thing.

c. In addition to those arguments, the true meaning of woman's lack of mind certainly does not refer to all women in the world. The researchers hold that it is specifically refers to those women who curse and ungrateful to their husbands. Obviously not all women are such that. This clearly mentioned by the Prophet when he said: "He replied, "You curse frequently and are ungrateful to your husbands". I have not seen those women who are lack in mind and religion, yet a cautious sensible man could be led astray by some of you". In fact, there are many Prophetic traditions which recognize the priority of women, especially the pious/ good ones. He said: "The whole world is a belonging, and the best belonging is a ṣāliḥah (pious/ good) woman", Ṣaḥīḥ Muslim, ḥadīth no: 1467 (Muslim, n.d.). He also said: "Marry to women, surely they will bring to you money", al-Mustadrak, no.: 2679 (Al-Ḥākim, 1990). He also said: "Do you want me to tell you about the best thing that you keep?! The ṣāliḥah woman: (she is the person) when he (the husband) looks at her, she will make him happy. When he is away from her, she guards (herself for) him, and when he asks her she obeys him", Sunan Abī Daud, no.: 1664 (Abū Dāud, n.d.).

d. Meanwhile, for the Qur'anic verse (2:282) which requires for two men, or one man and two women in testimony. The researchers hold that it is only a recommendation which acts as an advice to all Muslims. The recommendation is stated in the case of arguable financial transactions, as well as in other arguable transactions which are not appropriate with the nature of women. By nature, a woman normally stays away from any complicated and controversial arguments, as well as any arguable/ hardship situations or transactions (Al-Sha'rāwī, 2001). There are many researches have proven that women are vulnerable to many things; even from psychological security (Alipour, Alamolhoda, Sarmadi, & Kalleh, 2011). Final say is up to the judge to decide whose testimony will be enough to prove a case. The following verse of al-Qur'ān, al-Baqarah, 2: 283 ('Alī, 1994) also proves that the issue of witnesses' testimony in financial transaction is actually a recommendatory and not an obligatory one. If one entrusts

another in any financial transaction, then the transaction is valid. Allāh says: “and if one of you entrusts another, then let him who is entrusted discharge his trust (faithfully) and let him fear Allāh, his Lord”. In addition to that, Nehaluddin (Ahmad, 2011) also states that only one woman who would actually bear witness, the other woman’s function is only to remind her friend in case she forget. The sentence clearly states this fact: “if one of them should make a mistake, the other could remind her”.

7.0 CONCLUSION

The study which only focuses on the practice of Muslims nowadays may actually do not capture the real religious practice of the true believers due to the ignorance and messy of the Muslims’ live in practice. A study related to any controversial or unclear Islāmīc laws must be conducted and understood in line with the real practice of the earlier three generations. The Prophet (ﷺ) said, “The best people are those who live in my generation, and then those who will follow them, and then those who will follow the latter. Then there will come (a time that) some people who will bear witness before taking oaths, and take oaths before bearing witness”, Ṣaḥīḥ al-Bukhārī, no.: 2652 (Al-Bukhārī, 1987).

Man and woman in Islām are completing each other, each has his or her own strength; there is no such thing to compete against each other as what is being promoted by some movements nowadays. A man normally is stronger in his physical body compared to a woman, even in the world of animals. However, a woman is naturally more eligible than a man to the feelings of others. That is why we find women are more superior than men in those works which related to nursing, educating, health and social work activities. This is a gift that Allāh gives to all women in her nature. Therefore, Islām does not fully in line with the concept of gender equality perceived by the United Nations, nor does reject it. Islām welcomes gender equality in some aspects, but its main idea or concern is about giving responsibility to the right person.

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