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WOMEN AND RELIGIONS

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TO ALASTAIR MCINTOSH

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With apologies for delay
WMMW

Women in the Earliest Islam

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Islam is still in many ways a man's religion, but the position of women was improved at various points by Muhammad and the new religion he proclaimed. To understand the early stages of this improvement it is necessary to know something about the position of women in Arabia before Muhammad's time. For this there is a considerable amount of material in Arabic, but to get the full picture requires further study by competent anthropologists. In my book *Muhammad at Medina*, published in 1956, I did my best, as a non-anthropologist, to deal with this material. So far as I know, no anthropologist has since studied it, and what I present here is a summary of my own findings.

It has often been supposed that the provision of Islamic law by which a Muslim man may have four wives was a restriction of a previously unlimited polygyny. One or two cases are mentioned of men having up to ten wives, but it is not clear within what social system this occurred. The verse of the Qur'ān on which the restriction is based appears to be encouraging men to have more than one wife: "If you are afraid that you cannot act with equity in respect of orphans, then marry those of the women who seem good to you, twos, threes, fours; and if you are afraid that you will not act justly (towards several wives), then one (only), or what your right hands possess (sc. slaves)" (Sura 4.3). To understand this verse it is necessary to attempt to give some account of the relations between the sexes in pre-Islamic Arabia.

The basic fact appears to be that in most parts of Arabia the social system was based almost exclusively on matrilineal kinship, that is, kinship where only descent from mother was

considered. This did not mean matriarchy or rule by women, however. There seem to have been extended families of people related matrilineally, but the control of this family and its property would be in the hands of a uterine brother of the senior woman, and would pass from him to her son. Early Muslim scholars have preserved accounts of the marital arrangements associated with this social system. The two main forms seem to have been what may be called limited and unlimited polyandry. Thus it was a case of a woman having a limited or unlimited number of "husbands" and not of a man having several wives. In the case of limited polyandry, when a woman gave birth to a child, she summoned her male sexual partners (who were less than ten), and in front of them declared that a particular one was father of the child; and the man was not allowed to deny this. The unlimited polyandry seems hardly to have differed from prostitution, but there may have been restraints of which we are not informed. In these cases of polyandry the "marriage" seems to have been uxorilocal, that is, it took place in the house where the woman lived, and the man was said to "visit" her. The men, of course, may well have made such "visits" to several women.

It further appears, however, that in some parts of Arabia, notably in Mecca, the matrilineal system was in process of being replaced by a patrilineal one. This interest in paternity is probably connected with the increasing commercial prosperity in Mecca and the accompanying growth of individualism. Men who were amassing considerable personal wealth wanted to be sure that this would be inherited by their own actual sons and not simply by an extended family of their sisters' sons.

One of the essential changes made by Islam was to insist that a woman should have sexual relations with only one man at a time. Divorce or change of partner was relatively easy, especially for the man, but it was obligatory for a woman, before having another sexual partner, to observe a waiting-period (*'idda*) to ensure that she was not pregnant. It was not easy, of course, to effect such a sweeping change all at once, and for a time a distinction seems to have been made between women who observed the waiting-period and those who did not. Along with this change went a change from uxorilocal to virilocal marriage, that is, it was now the woman who went to a

house provided by the man. Muhammad's wives each had a separate apartment, but these were round a central courtyard in what was essentially his house, though it also served as mosque.

The verse of the Qur'ān quoted above is said to have been revealed after the battle of Uhud in 625 in which many Muslims had been killed, leaving widows to be provided for. In the circumstances of Medina at the time many of these widows could easily have sunk back into the polyandry which had been prevalent there; and it was doubtless for this reason that Muslim men were encouraged to form households in which there were several women partnered only to the head of the household. The Qur'ān also contains various other regulations which seem to be designed to prevent the men in charge of matrilineal households from treating the women under them unfairly.

To sum up the results of the treatment of marital matters in Muhammad's lifetime I wrote in *Muhammad at Medina*:

In the sphere of marriage and family relations Muhammad effected a profound and far-reaching reorganization of the structure of society. Before his time new individualistic tendencies were certainly present, but their presence was leading more to a breakdown of the old structure than to the building up of a new one. Muhammad's essential work here was to use these individualistic tendencies in the raising of a new structure. The customs and practices of the communal (tribal) stage of society, to vary the metaphor, had suffered shipwreck; Muhammad salvaged what was valuable from them, and carried it over to the new individualistic society. In this way he produced a family structure that in many respects has proved attractive and satisfactory for societies emerging from the communal stage and passing into an individualistic one. Both by European Christian standards and by those of Islam, many of the old practices were immoral, and Muhammad's reorganization was therefore a moral advance (p. 289).

In this restructuring of society there were changes in the

position of women, some for the better, some perhaps for the worse, though of course we do not really know how women fared in the polyandric system. On the whole, however, it would seem that women benefited from the changes and were given greater security, especially since the change from a communal society to a more individualistic one was inevitable.

The Qur'an on marital questions

The following are the main Qur'anic passages dealing with marital matters. The translation is my own, but for the most part it follows the interpretations in the translations of Marmaduke Pickthall and George Sale. The former was himself a Muslim who consulted Egyptian Muslim scholars, while the latter followed closely the interpretations of the standard Muslim commentator, al-Baydawi. It should be noted, however, that the commentators were interested in showing how the Qur'an justified contemporary Muslim practice, and not in understanding what the verses meant to the first Muslims. In sections 4 and 5 I have tried to show what some passages might mean to persons just emerging from a social system based on matriliney, as described in the article. It seemed helpful to transliterate certain key words rather than translate. To the reader it will soon become clear that many passages are obscure and capable of different interpretations, but it is not feasible here to enter into a discussion of such questions. Words in brackets are additions to the Arabic text; in some cases they are implicit in it, as in the gender of pronouns, while in other cases they seemed needed to make the meaning clear.

1. BASIC RULES

If you are afraid that you cannot act with equity in respect of orphans, then marry those of the women who seem good to

you, twos, threes, fours; and if you are afraid that you will not act justly (towards several wives), then one (only), or what your right hands possess (sc. slaves). Give the women (you marry) their marriage portions (*ṣaduqāt*) as a gift; but if they voluntarily remit to you any part of it, enjoy that with satisfaction and advantage. (Sura 4.3,4).

Do not marry polytheistic (women) until they believe. A believing slave-girl is better than a polytheistic (woman), even though (the latter) pleases you. Do not give (your daughters) in marriage to polytheists until (these) believe; a believing slave is better than a polytheist, even though (the latter) pleases you. These invite to Hell, but God invites to Paradise and forgiveness by his grace. He makes his signs (or revelations) to people, so that they may be admonished.

They ask you (Muhammad) about menstruation. Say: It is an uncleanness, so keep apart from women during menstruation, and do not go near them until they are cleansed. When they are cleansed, go in to them in the way God commanded; God loves those turning to him, and he loves the cleanly.

Your wives are a field for you (to cultivate). Go in to your field as you will, but send (good deeds) before you (profitable) to yourselves. Fear God and know that (one day) you will meet him (2.221-3).

Mothers suckle their children for two full years for him (the father) who wants to complete the suckling. (Incumbent on) him to whom the child is born is the feeding and clothing of them (the women) in fairness. No person shall be burdened beyond his ability. A mother shall not be made to suffer for her child, nor he to whom the child is born for his child. Incumbent on the heir (of the father) is the like of that. If the two (parents) decide on weaning by mutual agreement and counsel, it is no sin for the two. If you want a wet-nurse for your children, it is no sin for you provided you pay what you offer (her) in fairness. Fear God and know that God is seeing what you do.

Those of you who die and leave wives, let (the wives) keep a waiting-time (*tarabbuṣ*) apart by themselves for four months and ten (days). When they reach their term (*ajal*, sc. the end of the waiting-period) it is no sin for you whatever they do with themselves in fairness. God is informed of what you do.

It is no sin for you (either) to make public your betrothal of women (? during their waiting-time) or to conceal (that) in yourselves. God knows you will remember them. Make no promises to them privately unless in fair words, and do not decide on making the (actual) marriage until the (period) written has reached its term. Know that God knows what is in yourselves so beware of him; and know that he is forgiving, clement (2.233-5).

O believers, it is not lawful for you to inherit against their will the women (of your deceased kinsmen), nor to hinder them (from marrying others) so that you may take away part of what you have given them (as dowry?), unless they are guilty of open indecency (*fāḥisha*); but associate with them kindly; if you hate them, it may happen that you are hating something in which God has placed much good (4.19).

Say to the believing (women) that they lower their eyes and preserve their private parts, and that they do not display their adornment except what (normally) appears; that they draw their veils over their bosoms, and do not display their adornment except to their husbands or their fathers or their husbands' fathers or their sons or their husbands' sons or their brothers or their brothers' sons or their sisters' sons or their women or what their right hands possess (sc. slaves) or male attendants who lack vigour or children who do not distinguish women's nakedness. Let them not stamp with their feet so that what is concealed of their adornment is revealed. Turn together to God, O believers, so that you may prosper.

Marry those of you who are solitary (or single?), and those of your men and women slaves who are upright; if they are poor, God will enrich them of his abundance. God is of ample means and knowing.

Let those who cannot find a marriage remain chaste until God enriches them of his abundance (24.31-3).

Let them (your wives) dwell where you dwell, according to your means. Do not be hard on them so that you straiten life for them. If they are pregnant, spend on them (what is needful) until they are delivered of their burden. If they suckle (their children) for you, give them their hires (*ujūr*) and consult together fairly. If there are difficulties between you, and another (woman) suckles for him (the father), let him with

plenty spend of his plenty, and let him whose provision is limited spend of what God has given him. After hardship God will give ease (65.6,7).

2. RELATIVES ONE MAY NOT MARRY

Do not marry those women your fathers married, except what has already happened, for this is indecency (*fāḥisha*) and abomination (*maqt*) and an evil way.

Forbidden to you are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your foster-mother, your foster-sisters, your wives' mothers, your step-daughters who are under your care (born) of your wives to whom you have gone in — but if you have not gone in to them, it is no sin for you (to marry their daughters) — and the wives of your sons who are from your loins. (You are also forbidden) to have two sisters together, except what has already happened. God is forgiving, merciful (4.22,23).

3. DIVORCE

(As pointed out in the article, one of the great innovations of Qur'anic law was the insistence that between two husbands a woman must observe a waiting-period (*tarabbus*, *'idda*); the end of this period was the "term" or *ajal*).

For those who forswear their wives (or vow to abstain from them) a waiting-time (*tarabbus*) of four months (is prescribed); but if they change their mind, God is forgiving merciful.

If they decide on divorce, God is hearing, knowing.

The divorced (women) shall observe a waiting-time of three (monthly) courses. It is not lawful for them to conceal what God has created in their wombs (sc. a pregnancy), if they believe in God and the Last Day. Their husbands would do better in that (case) to take them back, if they (the husbands) want a reconciliation. They (the women) have (rights) similar

to those (of men) over them in fairness; but the men have a superior degree to them. God is mighty, wise.

Divorce is (?must be pronounced) twice; then (a woman must be) retained fairly or released in kindness. It is not lawful for you to take back anything of what you gave them, except when both fear that they cannot observe the limits (set by) God. If you fear that the two will not observe the limits (set by) God, there is no sin for the two in (the woman) redeeming herself. These are the limits (set by) God. Do not transgress them, for those who transgress the limits (set by) God, these are the wrongdoers.

If he divorces her (the third time), she shall not be lawful afterwards for him (to marry) until she marries a husband other than he. If he (the other husband) divorces her, it is no sin for the two (the woman and the first husband) to return to each other, if they think they can observe the limits (set by) God. These are the limits (set by) God; he makes them clear to people with knowledge.

When you have divorced women and they have reached their term (*ajal*), retain them fairly or release them fairly; do not retain them to their hurt and so transgress. He who does that wrongs himself...

When you have divorced women and they have reached their terms, do not hinder them from marrying their (new) husbands, if they agree between them fairly. This is in admonition to him of you who believes in God and the Last Day. This is more righteous for you and purer. God knows and you do not know (2.226-32).

It is no sin for you to divorce the women when you have not yet touched them and have not appointed a dowry (*farīda*) for them. Provide for them fairly, the rich according to his means and the straitened according to his means. (This is) a duty for the *muḥṣinīn* (men observing strict marriage rules).

If you divorce them before touching them, but have appointed for them a dowry, then (give) half of what you appointed, unless (the women) forego (it) or he in whose hand is the marriage contract foregoes (it). To forego (? the whole) is nearer to piety. Forget not liberality among yourselves; God is the seer of what you do (2.236, 237).

If you want to replace one wife by (another) wife and (if)

you have given one of them a (large) sum of money, take nothing from it; would you take it by slandering (her) and openly wronging (her)?

How can you take it, since one of you has gone into the other, and they (the women) have received from you a firm pledge? (4.20, 21).

O you who believe, when you marry believing women and then divorce them before touching them, there is no waiting-period (*'idda*) for you to fulfil towards them; but provide for them and dismiss them handsomely (33.48).

O prophet, when you (men) divorce women, divorce them at their *'idda*, and reckon the *'idda* (exactly). Fear God, your Lord. Do not expel them from their houses and do not let them go away unless they have committed a manifest indecency (*fahisha*). These are the statutes of God, and he who transgresses God's statutes has wronged himself. You do not know whether God will bring about some new thing after this.

When they have reached their term (*ajal*) (either), retain them fairly or part from them fairly. Call to witness two just men among you, and bear witness (as) before God. This is an admonition for him who believes in God and the Last Day. For him who fears God, God will appoint a way out (or a happy issue), and will give him provision from where he did not expect (it). He who trusts in God — (God) is his sufficiency. God is attaining his purpose (*amr*). God has fixed for everything its period.

For those of your wives who despair of their courses, if you are in doubt, their *'idda* is three months, as it is for those who have not had their courses. For pregnant women their term (*ajal*) is when they are delivered of their burden. To him who fears God (God) will make his command easy (65.1-4).

4. TRANSITIONAL ARRANGEMENTS

(It would clearly have been impossible to change within the space of a year or two from the earlier systems of polyandry to one in which all women observed the waiting-period. In the following verses *tahassun* is almost certainly a technical term for observing the waiting-period; for the men

who do so the corresponding participial term is *muḥṣinīn* and for the women either *muḥṣināt* or *muḥṣanāt*, where the latter, being passive, would indicate that they were made to do it. The participial forms for those following the old customs and not observing the waiting-period are *musāfihīn* and *musāfihāt*, while the *akhdān* are the marital partners of such women).

Also (forbidden to you are) women who are *muḥṣanāt*, except what your right hands shall possess (sc. slaves); (this is) an ordinance for you from God. Lawful for you is what is beyond that, to seek with your wealth, but *muḥṣinīn*, not *musāfihīn*. For what you enjoy from them (the women) give them their hires (*ujūr*) dutifully. There is no sin in what you agree upon mutually after what is due. God is knowing, wise.

Whoever of you cannot afford to marry believing *muḥṣanāt*, (let him marry) what your right hands possess of your believing *fatayāt*; God well knows your faith. (You are) one from the other; so marry them with the consent of their people (*ahl*), and give them their hires (*ujūr*) fairly (they being), *muḥṣanāt*, not *musāfihāt*, and not taking *akhdān*. If when they observe the waiting-period they commit indecency (*fāḥisha*), they are liable for half the punishment of the *muḥṣanāt*. This (permission) is for him of you who fears sinning; but if you are patient (and do not marry), that is better for you. God is forgiving, merciful (4.24, 25).

Today there are made lawful for you the good things; and the food of those (before you) given the scripture is lawful for you, and your food is lawful for them. (Also lawful for you) are the *muḥṣanāt* of the believing (sc. Muslim) women and the *muḥṣanāt* of those given the scripture before you, provided you give them their hires (*ujūr*) (and you are) *muḥṣinīn*, not *musāfihīn*, and not taking *akhdān* (5.5).

Do not compel your *fatayāt* to *bighā'* if they want *taḥaṣṣun*, in order that you may seek the advantage of this present life. If anyone compels them, God is forgiving and merciful (to such women) after their being compelled (24.33 pert).

5. INDECENCY AND ADULTERY

(It is difficult to know what precisely is meant by “indecentcy” or *fāḥisha*. It might have been relapse into some of the old practices after observance of the waiting-period had been generally accepted, or it might have been something else; *bighā* (in 24.33 above) is also obscure. Again it is difficult to know what precisely is meant by “adulteress” and “adulterer” (*zāniya*, *zānī*) against the background of polyandry, but the fault appears to be more serious than a mere return to old customs).

(For) those of your women who are guilty of indecentcy (*fāḥisha*), call four of you to witness against them; if they witness (to the truth of the allegation), then confine the women in the houses until death comes to them, or until God provides a way (of escape).

If two of you are guilty of that, punish them both; but if they repent and do well, let them alone; God is relenting and merciful.

Forgiveness is only (incumbent) on God towards those who do evil ignorantly and then repent speedily; to these God relents, and God is knowing, wise (4.15-17).

The adulteress and the adulterer (*zāniya*, *zānī*) — scourge each of them with a hundred stripes. Let not pity for the two keep you from (executing) God’s judgement, if you believe in God and the Last Day. Let a group of the believers witness the punishment.

The adulterer shall not marry other than an adulteress or a polytheistic (woman), and the adulteress none shall marry other than an adulterer or a polytheist. That (form of marriage) is forbidden to the believers (24.2,3).

6. REFUGEES

(In the treaty of al-Hudaybiya between Muhammad and the Meccans in 628 he is said to have agreed to send back to Mecca any individuals who came to him in Medina professing Islam. This was probably intended to apply to junior members of clans and clients. The following verse exempts believing

women from being sent back and makes alternative arrangements).

O you who believe, when believing women come to you as emigrants, examine them; God knows best their faith. If you know them (to be genuine) believers, do not send them back to the unbelievers. They are not lawful for them (the unbelievers) and (the unbelievers) are not lawful for (these women); but give (the unbelievers) what they have spent. It is no sin for you to marry (these women) if you give them their hires (*ujūr*). Do not retain the ties of unbelieving women (? prevent them leaving you), but demand what you have spent, and let them (? unbelieving men) demand what they have spent. That is the judgement of God judging between you. God is knowing, wise.

If any of your wives escapes from you to the unbelievers, and then you have your turn (? of triumph), give to those whose wives have gone away the like of what they have spent. Fear God in whom you are believers (60.10,11).

7. MUHAMMAD'S PRIVILEGES

(The following verses, indicating Muhammad's special marital privileges, have given rise to much discussion of the precise meaning of some phrases, but it is here presented as it stands. There are several other passages dealing with relations between Muhammad and his wives).

O Prophet, we have made lawful for you your wives to whom you have given their hires (*ujūr*), and what your right hand possesses of what God has given you as war-booty, and the daughters of your paternal uncle, the daughters of your paternal aunts, the daughters of your maternal uncle and the daughters of your maternal aunts, who have migrated with you, and a believing woman if she gives herself to the Prophet and the Prophet wants to seek her in marriage, something specially for you and not for the believers. We know what we have prescribed for them in respect of their wives and what their right hands possess, so that you (Muhammad) may be free from blame (in respect of special privileges). God is forgiving, merciful.

Postpone (? the turn) of whom you will of them (O Prophet) or take to yourself whom you will of them. Whoever you desire of those you have set aside, it is no sin for you (to receive). That is better, so that they may be comforted and not grieve, and may all be content with what you have given them. God knows what is in (all) your hearts. God is knowing, clement.

Women are not premitted to you after (this), nor may you exchange them for (other) women, even though their beauty pleases you, apart from what your right hand possesses. God is watchful over everything (33.50-2).