

WOMEN GOING OUT FOR WORK OUTSIDE

It is also established by Traditions that Muslim women were not forbidden to go out of their houses for earning a livelihood whenever it was necessary.

Hazrat Jabir bin Abdullah has said that his aunt was divorced by her husband. Obviously after the divorce she was required to spend at least three months for *iddat* in house. But she was in dire need for money because without that she could not subsist. She had a small field of palm trees. She wanted to go out, cut the trees and sell the wood during the period of *iddat*. One of the companions of the Prophet forbade her to do that. She went to the Prophet and asked him whether she could go out for work. The Prophet replied : "Yes, go out, cut your trees and sell the wood. It is as well possible that out of the sale proceeds you meet your expenses and some money is left out

which you can give in charity and earn the reward of the Hereafter." (Abu Dawood, Kitab ul-Talaq)

BUSINESS

It is very well known that Hazrat Khadijatul Kubra, the first Muslim in the world and one of the four greatest women of the world, was engaged in business. Prior to her marriage with our Prophet, the Prophet himself used to look after the management of her business. And after marriage, she herself managed the business.

There was a woman companion by the name of Qeela. She said to the Prophet: "I am engaged in business and purchase and sell different commodities." Thereafter she requested the Prophet to give her guidance about the business affairs. (Tabaqat Ibn Sa'd, Vol. VIII).

During The Caliphate of Hazrat Umar Farooq there was a lady by the name Asmah bint Makhrama. Her son Abdullah bin Abi Rabia, used to send her perfumes from Yemen and she used to do business by selling them. (Tabaqat Ibn Sa'd, Vol. VIII)

INDUSTRY

The wife of Hazrat Abdullah Ibn Mas'ud was engaged in small scale industry. She went to our Prophet and told him: "I am an artisan. I produce things and sell them to earn livelihood for my family. My husband does not have enough of money to work as an artisan and earn enough money for the maintenance of my family members?" The Prophet said: "Yes, you can do so. God will reward you for that." (Bukhari, Kitab ul-Jum'a)

Similarly, Khaula bint Salba, earned through industrial work and maintained her husband also. (Tabaqat Ibn Sa'd, Vol. VIII).

AGRICULTURE

We have already noted that Hazrat Jabir bin Abdullah's aunt was engaged in agriculture. This was appreciated by the Prophet. Sahal bin Saa'd mentions a woman who was engaged in the cultivation of sugar beat. (Bukhari, Kitab ul-Jum'a)

Hazrat Asmah bint Abu Bakr used to help her husband by cultivating a small field which the Prophet himself had given to her husband as a gift. (Bukhari, Kitab ul-Jum'a)

It has been aptly pointed out by Zeenat Shaukat Ali that it is proved by the Traditions that women were never discouraged to work outside the household.⁴⁴

Whenever weakness crept into the faith, Muslim men tended to treat women oppressively and sought to exploit them. This is natural and amply demonstrated by the fact that most of the rulings of the Holy Qur'an were sent down as restrictions on men with a view to preventing them from transgressing as his natural disposition and actual practice in many societies. Only a few of the Quranic injunctions impose restrictions on women.⁴⁵

There are many Traditions which show that the husbands have been warned against meeting out ill-treatment to women and beating them. Our Prophet has said: "None of you should flog his wife like a donkey and later on, towards the end of day, have intercourse with her." (Bukhari) He once warned the Believing men by saying that, "A large number of women came to me complaining about their husbands. Such husbands are not the best amongst you." (Riad us-Salihin) He has also said, "None but a noble man treats women in an honourable manner, and none but an ignoble man treats women disgracefully." (Al-Tirmizi). The Prophet always encouraged Muslims to care for the upbringing and education of women and for their well-being in general "The best of you", he has added, "is one who is best towards the family; and I am best towards the family." (Al-Tirmizi).

It has been rightly said that "Weak commitment to religion tends to cultivate unjust and hostile treatment of women. For unlike man, a woman is created and brought up to be gentle and delicate. Performance of her natural functions keeps her away from the toughening experience of every-day public life. Man, uncultured by religion, tends to oppress her as is common in many a human society. Men normally purposefully keep women weak, and the jealousy which they entertain in respect of women induces them to multiply the means for restraining and monopolizing them. They like to dominate the property and life of the female with a view to asserting their vanity and arrogance.

"Male jealousy is but one aspect of masculine capricious tendencies which only godly men are immune from and which inculcated the myth that women, by nature, suffer from excessive incapacity. Men use that fantasy as an excuse to ban women from active participation in the broad spectrum of human life and to deprive them of experience and training - thereby devitalizing and debilitating them in fact, and finding reason for further ill-treatment and prejudice. These male tendencies and the appending customs and ways are manifest in many societies where male arbitrariness runs amok with no religious or human limitation."⁴⁷

The problem is magnified because some of the later jurists have qualified the Shariah which suit the entrenched customs and traditions in favour of men as compared to women. Many unauthentic traditions have been brought into prevalent use with a view to minimizing the liberty of women or restricting their general scope to a vanishing point. A tricky approach is to interpret liberally the rulings granting authority to men; but reading illiberally and strictly those that impose limitations on women. This discriminatory attitude is very wide-spread. Some of the injunctions of the Holy Qur'an regarding seclusion were in regard to the Ummahatul Mominin which were meant exclusively for them because of their exalted position. But these were generalized so as to make them applicable to

Muslim women in general. The proper way should be to find a balance between avoiding the risk of temptation and the positive merits of cooperation of men and women for the promotion of the interests and welfare of the Muslim community.⁴⁸

The traditional Muslim society has had a historical decline in which it has become common to pilfer through covetousness the obligations of positive pursuits. It has become unduly conservative on the pretext that freedom of thought and the freedom of women would degenerate into licentiousness. The rights of women have been forgotten and the fairness of the structure of Muslim society as enshrined in the Islamic Shariah have been completely ignored.

The claims of some jurists regarding the seclusion of Muslim women is based on a misinterpretation of the condition of the society at Madinatul Munawwara during the Ministry of the Prophet. The fact is that not all the members were like the rightly guided companions of the Prophet. Some of the elements at that time were hypocrites and newly converted people who were not yet free of Jewish or pre-Islamic Arab influence and manners. Some of the verses of the Holy Qur'an that prescribed proper dress for the ladies, such as Surah XXXIII : 59-60 referred to the presence of the hypocrites and the rumour mongers. Whatever the present character of the society, the proper reform policy would be to reshape it on the example of the society based on *Sunnah* by establishing sound Islamic values and institutions which are not in use at present

It has been rightly pointed out that "The greatest injustice visited upon women, is their segregation and isolation from the general society. Sometimes the slightest aspect of her public appearance would be considered a form of obscene exhibitionism. Even her voice was bracketed in the same category. Her mere presence at a place where men are also present was considered shameful promiscuity. She was confined to her

home in a manner prescribed in Islam only as a penal sanction for an act of adultery. She was so isolated on the pretext that she might devote herself exclusively to the care of her children and the service of her husband. But how could she qualify for attending to domestic affairs or to the rearing of children in a satisfactory manner without being herself versed through education or experience, in the moral and functional culture of the wider society?"⁴⁹

Since most of the societies in which Muslims are living have degenerated as compared to what they should have been according to the real injunctions of the Holy Qur'an and the Traditions, women in these societies are being increasingly influenced by the resurgence of the women's liberation movement in the West. The Western society appears to be very glamorous to most of the women living in the closed traditional societies. Sex relations and conduct in the West, degenerated, at least to a considerable degree, into promiscuity, permissiveness and sexual indulgence. Like power, pleasure and beauty, sex became almost an object of total, uninhibited devotion. "As a consequence women once again began to lose their primacy and autonomy as a human being, to become an object for physical pleasure and commercial promotion. Her purpose in life became more to realize her femininity than to fulfil her humanity. She would take her natural physical aspect by all sorts of artificiality and cosmetic treatment or surgery; and waste her energy, wealth and time simply to maximize her seductiveness in the eyes of men."⁵⁰ On the other hand, men when overcome by the craving for pleasure would relate to women only as males and not as human beings and would affect looks and conduct simply to attract women. Just as economic materialism has spread in the societies, most of the Muslims lost their solid religious ways of life and thereby weakened the ethical norms of social control in life.

Because of the general rise in the standard of living of the people the limited incomes and rise in prices of commodities, women have to step out in order to earn a living and supple-

ment the family income. For this, they have to acquire academic qualifications and training in jobs and trades and new experience to assert their freedom from the vanity and authority of men. This seems like liberation from the old order, a revolt against control and authoritarian model of the past. For a large number of women it resembles the permissive model of the West.

It has been suggested by Hasan Turabi : "... increased urbanization brought more people into a new and impersonal social context with little of the closed community for the norms of the public decency or for family honour, that was a deterrent to acts of indecency and ignominy. The crowded urban conditions brought about much more direct contact and, as a result, many occasions for temptation between men and women. The old time institution of Female privacy was dismantled for practical considerations with no compensating development of personal piety or moral barriers."⁵¹

The present author is inclined to think that even though the effect of Western culture and tradition and the recent tendency of women's liberation have adversely affected the Muslims in the more traditional setting, and the validity of Hasan Turabi's statement cannot be entirely denied, yet the totality of the picture is not so bad as outlined above. Many Muslim women living in urban areas are engaged in gainful employment and yet safeguard their modesty and chastity as enshrined in the Islamic Shariah; and I think in the present day economic conditions in our country the ladies who are qualified to do jobs should be encouraged to do outside work. The proper thing in the big cities and the metropolitan areas would be to provide sound religious education to the children—both boys and girls—who know the fundamentals of Islam so that when they grow up and enter into corporate life they can live according to the tenets of Islam.

We have seen that during the life time of our Prophet and later on during the period of Khulafa-e-Rashidin, Muslim

women could participate in agriculture, business and small scale industry just as they could acquire and disseminate knowledge. Therefore, I believe that during the present time, as it is necessitated because of the economic conditions, they can do outside work for earning, teaching and research in various disciplines like Arts, Social Sciences, Islamic Studies, Law and Medicine etc. They can take up jobs specially suited to ladies in various fields to supplement the income of their families with a view to managing the financial affairs of the households and give the best of training to the children. They should also enter into the fields of business and industry, specially the small scale industries and also get the benefit of various schemes of self employment. It has been rightly pointed out that "our Prophet had inculcated labour as a duty; he had given the impress of piety to industrial pursuits, he had recommended commerce and agriculture as meritorious in the sight of the Lord."⁵²

Most of the Muslims in our country live in the rural areas and a majority of them are poor, or even live below the poverty line. For the benefit of the rural families- both men and women-the Integrated Rural Development Programme was initiated in 1978-79. For this scheme credit from the banking institutions and subsidies from the Government are given to families for self employment and income generation. The Department of Rural Development has suggested that in case of women, poverty alleviation goals for 2000 A.D. should be to: (1) bring all women headed household estimates to be 30-35 per cent above poverty line, and, (2) attain the target of having women constitute 30 per cent of all beneficiaries under IRDP.⁵³

Similarly, there are several schemes for the benefit of women living in semi-urban and urban areas such as the Jawahar Rozgar Yojna, Twenty Point Programmes, and the Prime Minister's Rozgar Yojna. Under the Prime Minister's Rozgar Yojna an amount upto Rs. one lakh is given by Banking Financial Institutions to the educated unemployed women. The Muslim educated unemployed women have better chances

for getting loans from the Banks because they are not only women but also belong to the minority community. From this scheme no repayment is required for a period of three years (which is considered to be the gestation period); and only thereafter capital plus interest has got to be paid in easy instalments.

Again, for the development of the small scale industries money is available to men/women provided that the projects submitted are considered viable. This money is given by the banking institutions and the State Governments.

The organized sector (which consists of the public sector and non-agricultural private sector establishment) in India absorbs less than one-tenth of the actual work force of the country. Of this the share of the women as of 1988 NSS Data was only 12.4 per cent.⁵⁴

Government of India Report adds: "a majority of the women are to be found in the vast rural and urban unorganized sector. According to an estimate by the National Commission on Self Employed Women, 94 per cent of the total female work-force operates within this highly exploited sector. Employment in this sector is characterized by low-pay, long hours of work, low productivity, low skills and lack of job security."⁵⁵

Muslim community being 'backward' will have still less percentage of employed women in the organized sector. The Gopal Singh Commission has observed that the Muslims are not only unemployed, some employment exchanges have even refused to register them. At least 97 per cent of the Muslims have virtually no presence in trade, cottage and small industries. Therefore, it is essential for Muslim women to enter into the field of agriculture, business, self-employment, artisan and small scale industries, apart from taking employment in areas where there is less of free mixing

FINANCE FOR ENTERPRISE

The important issue to be underlined is that for all these things finances are necessary which are available only from the banking and non-banking financial institutions for which interest will have to be paid. In today's world, it is impossible to do so without seeking the assistance of the banking and the non-banking institutions that provide credit for the establishment and the running expenditure of such concerns.

There appear to me to be two views of the Islamic Shariah; one which permits the banking credit and the other which does not do so. The whole controversy between these two Schools centres around the translation and the significance of the word *Riba* which has been strongly condemned in the Holy Qur'an. Says the Holy Qur'an :

Those who devour usury will not stand except as stand one whom the Evil One by his touch hath driven to madness. That is because they say: "Trade is like usury", but God has permitted trade and forbidden usury.

(S.II : 275)

The issue whether Islam permits interest giving and interest taking from the banking and non-banking financial institutions is extremely important as it relates to the problem of creating employment opportunities for the Muslims in general and Muslim women in particular. Their participation in the organized sector is extremely limited. Therefore, it will become necessary, with a view to increasing the scope of their employment under various schemes; and in agriculture, business and small scale industry to ensure the availability of finances for them. But finance can come from the banking and non-banking financial institutions for which interest will have to be paid.

Since there are two views on the meaning and significance of the term 'Riba' as used in the Holy Qur'an, it is proposed to discuss this issue in the Appendix to to this Chapter.

But it must be underlined that the primary duty of women is to look after their household. Our Prophet has said: "Woman is the care-taker of all the members of her husband's family and his children. And for this, she will be questioned on the Day of Judgement." (Bukhari). However, this does not mean that women are not allowed to go out of their houses for outside work. They can, in the first instance, form a social organization for the welfare of the Muslims in general and the upliftment of the women and children in particular. Allama Ibn Ilham Hanafi has said: "The Shariah says that ... the woman can be the manager and trustee of a trust and the guardian of the orphanage."⁵⁶ The main consideration should be that their primary duties assigned to them should not be adversely affected while working for the social organization. In regard to work by women, the Islamic Shariah has implicitly suggested certain limitations. For instance, Allama Ibn Mujam has said: "The husband has the right to prevent his wife from earning of her livelihood because he is duty-bound to provide maintenance to the wife and the children. However, if the husband is unable to provide the necessities of life to her and the children, the wife is permitted to go out and earn money for the maintenance of the family." (Al-Bahar al-Raiq, Vol.IV). Besides, Allama Ibn Abidin says: "There are certain expenses of the wife for which the husband is not bound; hence the wife can work and earn money to meet such expenses. The husband can prevent her from doing extra work which affects her health adversely. It is his duty to keep his wife hale and hearty and beautiful." He further adds, "there is no reason why a husband can prevent his wife from any activity which causes no harm to him." (Al-Durrat Mukhtar).

However, all relations, including those between men and women and husband and wife should be based on the overarching principles of *Taqwa* and justice as given in the Holy Qur'an.

The Islamic Shariah imposes restrictions on the movement of women in their own interest as well as for the welfare of the whole family and every good family contributes and helps in the establishment of a good society and economy