

HADITH ON WOMEN IN MARRIAGE

INTRODUCTION

This booklet is written to provide the reader with an understanding of the Hadith and its complex history and methodology in determining its authenticity. Sisters in Islam hopes that with this understanding, Muslims are better able to evaluate and question the authenticity of Hadiths that are degrading to women which are popularly used in the media, publications and in talks on women in Islam.

The booklet is made up of two parts:

- **Part I** introduces the Qur'an, Sunnah and Hadith, as well as the relationship between the three sources of Islamic law. This part will also introduce the concept of the authenticity of Hadith. The objective is to provide readers with a better understanding of the history of Sunnah and Hadith, along with their intricacies and complexities. This part of the booklet also discusses how certain factors such as politics, traditional outlook and misogyny have shaped the Hadith and provided support for popularising some Hadith while suppressing others.
- **Part II** focuses on some of the actual dilemmas and questions faced by Muslim women and attempts to analyse whether a certain religious rule or command is supported by any reliable sources, either from the Qur'an or an authentic Sunnah or Hadith (that is not in conflict with the Qur'an). Many Muslim women, wives in particular, are at times confused by being told in one hand, that women hold an honourable status in Islam, whereas at the same time are often told that they have to submit completely to their husbands. Some women bow down to the pressures of being constantly told about their duty of unquestioning obedience to their husbands, in order to comply with what they regard as the demands of their religion.

Part I

GENERAL QUESTIONS AND ANSWERS ON THE QUR'AN, SUNNAH AND HADITH

1. Most Muslim scholars believe that in order to understand the Qur'anic verses, one must refer to the Sunnah and Hadith. What are the Sunnah and Hadith and what is their relation to the Qur'an?

Sunnah in the Arabic language means "a way, course, rule, mode or manner, of acting or conduct of life". In the Qur'an, the word *sunnah* and its plural *sunan* have been used sixteen times, in all instances it is used to refer to an established course of rule, mode of life, and line of conduct. In the early days of Islam, the term Sunnah was not restricted to the Sunnah of the Prophet (s.a.w.) or of his Companions, (i.e. the Muslim men and women who lived during the Prophet's lifetime and who had met the Prophet (s.a.w.)). It was however Imam Shafi'e (150-204H/767-820AD) who introduced this restriction. Sometimes the Arabic definite article "al" was affixed to the word Sunnah to denote reference to the Sunnah of the Prophet (s.a.w.). The general use of the word Sunnah however, gradually reduced and at the end of the second century of Islam, it began to be used almost exclusively in the legal books to mean the norms set by the Prophet (s.a.w.), or norms deduced from the Prophet.¹

The Hadith literature refers to the literature narrating the life of the Prophet (s.a.w.) and the things he approved of. However, the term has sometimes also been used in a much broader sense to cover narrations about the Companions and Successors (i.e. the next generation) as well. While there were some scholars who used other words like *khobar* and *athar* synonymously, others are of the opinion that each term carries a different connotation: *khobar* applies to every narrative regarding the Prophet (s.a.w.), *athar* is restricted to the sayings and decisions of the Companions² and the Hadith is taken to mean a narration quoting the Prophet (s.a.w.) himself.

Next to the Qur'an, the Sunnah is the second source of Islamic law. The Sunnah refers to the Prophet Muhammad's (s.a.w.) expressed opinions, exemplary practices, deeds and tacit approvals, and is captured in Hadith as well as *sirah* (biography). It is generally believed that an understanding of Sunnah and Hadith is necessary in Qur'anic exegesis or interpretation.

2. What is the difference between Sunnah and Hadith?

As Sunnah means the mode of life, the Sunnah of the Prophet (s.a.w.) means the mode of life of the Prophet (s.a.w.), and Hadith means the narrations of the life of the Prophet (s.a.w.), the two terms came to be used almost interchangeably, in spite

¹ A'zami, Studies in Hadith Methodology, pp. 7-8.

² A'zami, p. 6.

of the slight difference between them.³ There have been however differences of opinion on this.

For Imam Malik (93–179 AH)/ (c.713-795), Sunnah was the normative pattern of life established by the Prophet (s.a.w.), put into practice by the Companions, and then inherited as *‘amal* (practice) by the Successors and the Successors of the Successors down to his own time. Since Sunnah was part of *‘amal*, although Sunnah and Hadith often overlapped, Sunnah may or may not be recorded by Hadith, and Hadith may or may not be reflective of the normative practice of Sunnah.

From the time of Imam Shafi’i however, this distinction has largely been ignored. The ancient schools, particularly the Madinah school (i.e. Imam Malik’s school), differentiated between Sunnah and Hadith and rejected certain irregular Hadith (*shahdh*), not because they were considered spurious, (although this would of course be a reason for rejecting them), but because they did not reflect what was considered to be the normative Sunnah of the Prophet (s.a.w.) and thus of his Companions. Identifying the Sunnah with authentic Hadith from the Prophet (s.a.w.) began with the Iraqi school’s (Imam Abu Hanifah d.150/767C.E.) rejection of the *‘amal* of Madinah as a source of Sunnah in favour of generally accepted reports from either the Prophet (s.a.w.) or a senior Companion. This culminated in Imam Shafi’i’s insistence that Sunnah can only be established by valid Hadith that went back to the Prophet (s.a.w.).⁴

3. Was Hadith recorded at the same time as the Qur’an?

Unlike the Qur’an, which was taken down in writing during the lifetime of the Prophet (s.a.w.), most of the Hadith was recorded after the death of the Prophet (s.a.w.). Therefore, while the authenticity of the whole Qur’an is unquestionable, the authenticity and authority of a substantial amount of hadith has been open to dispute and debate among various scholars.

It is generally known that the Prophet (s.a.w.) discouraged the documentation of his sayings and Sunnah in the early stages of his mission, in order to prevent the possibility of confusion between the Qur’an and his Sunnah. Even the Caliph ‘Umar al-Khattab who had considered documenting the Sunnah, expressed his apprehension after a month of deliberation, that this might distract the people’s attention from the Book of God, i.e. the Qur’an.

Among the Successors, the Umayyad Caliph ‘Umar ‘Abd ‘Aziz (63-99AH/682-719C.E) was the first to begin the effort for the documentation of Hadith.⁵ Therefore, the collecting of Hadiths only began in the second century of Islam. By then, the Muslim territories had spread widely, and Hadith collectors traveled to various parts of the Muslim world in search of those who had information on the sayings and deeds of the Prophet (s.a.w.).

³ A’zami, p.8.

⁴ Yasin Dutton, *The Origins of Islamic Law*, pp. 168-170.

⁵ Hashim Kamali, *Hadith Methodology*, pp. 31, 40.

The narrations, traditions and stories recorded in the Hadith collections are reproduced through *isnad*, which refers to the transmission of Hadith through a chain of narrators. It is important to note that the authenticity of a Hadith depends on the reliability of its reporters and the linkage or transmission among them, i.e. the *isnad*.

4. What are the different books containing compilations of Hadith and which of these books is regarded as the official compilation which should be followed by Muslims?

There are six works on Hadith compiled in the third century of Islam that are recognized as authoritative by an overwhelming majority of Muslims:

- *Sahih al-Bukhari* (Bukhari collected about 600,000 Hadith and accepted only 7,275 as authentic) (d. 256H / 870CE)
- *Sahih Muslim* (Muslim collected about 300,000 Hadith and accepted only 4,000 as authentic) (d. 261H / 875CE)
- *Sunan Abu Dawud* (d.275H / 888CE)
- *Sunan at-Tirmidhi* (d. 279H / 892CE)
- *Sunan Ibn Majah* (d. 273H / 886CE)
- *Sunan an-Nasa'i* (d. 303H / 915CE)

In general, Sahih Bukhari and Sahih Muslim are believed as authentic, even though some scholars have noticed the conflicting nature of certain hadiths even in those two collections. As for the other 4 collections, although highly esteemed, it is recognized that some of the Hadiths recorded in these books are suspect. Abu Dawud and Tirmidhi are known to have recorded weak (da'if) Hadith, but they usually mention this fact in their reports. However, Ibn Majah does not mention in his report whether the Hadith in question is in fact weak.

In addition to the Six Collections, Malik ibn Anas (d.179H / 795CE), the founder of the Maliki school of law, collected about 500 Hadith in his famous book, al-Muwatta, and Ahmad ibn Hanbal (d.241H / 855CE), the founder of the Hanbali school of law, collected about 40,000 Hadith in his famous Musnad.

It must also be remembered that records in general over-represent the unusual, and Hadith are no exception to this rule. What is usual will often be taken for granted, whereas what is unusual may attract undue attention. One must therefore approach Hadith literature with a certain amount of circumspection as to how accurately it represents the normative Sunnah, as well as bearing in mind that although the jurists (*fuqaha*) were concerned with recording the main norms, they were often more concerned with defining the finer details and recording a large proportion of unusual cases.⁶

⁶ Dutton, pp. 173, 174.

5. Why and how did falsification and forgery of Hadith occur?

All the Islamic authorities agree that an enormous amount of forgery was committed in the Hadith literature. Imam Ahmad ibn Hanbal said that Hadith and *tafsir* (Qur'anic exegesis or commentaries) have been affected by forgery far more than any other branch of literature. The very existence of a copious literature on *mawdu'at* (forged traditions) reminds us of this reality.⁷

Extensive forgery in Hadith is believed to have begun following the turmoil over the murder of the third Caliph Uthman, which dealt a heavy blow to the unity of the *ummah*. This momentous event is held responsible for the emergence of various political differences and partisan groups which eventually led to the collapse of the early caliphate barely forty years after its inception, as well as the onset of forgery in Hadith.⁸

It has been observed that some people are always trying to forge valuable things such as diamonds, jewels or works of art, and for Muslims, there was and is nothing, except the Qur'an, that is more precious than the Sunnah of the Prophet (s.a.w.). Therefore, for different reasons, different kinds of people fabricated a variety of *ahadith*. Forged traditions are however conventionally attributed to four groups of people:

- (i) The heretics (*zanadiqa*): They wrought havoc by willfully forging thousands of traditions but proved unable to do much damage, as they were known and recognized as anti-Islamic;
- (ii) The factional and sectarian preachers: These preachers who were located at different ends of the political spectrum, as well as seekers of political favour from the ruling caliphs proved to be more dangerous than the outright heretics;
- (iii) The storytellers (*qussas*): Their main business at first was to relate moral stories to encourage people to do good deeds, but they allowed themselves to degenerate into fable mongers, and invented thousands of amusing anecdotes that might appeal to the masses, attributed them to the Prophet (s.a.w.) and related them publicly;
- (iv) Certain misguided pious Muslims: This group was perhaps the most dangerous type of Hadith forgers as they came from the ranks of the devout traditionists themselves, whose sincerity and love for the traditions of Islam cannot be doubted. This group of well-intentioned and outwardly pious Muslims held that it was permissible to forge traditions in order to attract people to do good deeds and warn them against evil. Some of these false Hadith are quoted in sermons and declaimed from the mosques even today.⁹ Al-Hakim (d. 405 H), who is said to be the first to write a systematic work on the science of Tradition, *Al-Madkhal ila Ma'rifat al-Iklil*, quoted a report from a saying of Yahya ibn Sa'ad al-Qattan, a second century scholar, that "I have

⁷ Siddiqi, *Hadith Literature*, pp. 31, 32.

⁸ Mohammad Hashim Kamali, *Hadith Methodology*, p. 93.

⁹ Siddiqi, pp. 33-36.

not seen more falsehood in anyone than in those who have a reputation for goodness.”¹⁰

The attribution of false statements to the Prophet (s.a.w.) may be divided into two categories:

- Intentional fabrication of Hadith (*hadith mawdu'*); and
- Unintentional attribution of a false Hadith to the Prophet (s.a.w.) by mistake or due to carelessness (*hadith batil*).¹¹

6. Since all this forgery and falsification occurred, what did the scholars do to classify and distinguish between reliable and unreliable Hadith?

Moved by the desire to safeguard the Sunnah of the Prophet (s.a.w.), against falsification and error, the 'ulama have undertaken painstaking efforts to verify the authenticity of Hadith, and a separate discipline, called *usul al-hadith*, was developed. There was no pressing need for any elaborate methodology concerning the Qur'an, due to the undisputed authenticity of the text of the Qur'an. Had there been an accurate documentation of Hadith, as there was of the Qur'an, there would have been little reason for the development of the discipline of *usul al-hadith*.¹²

The verification of the authenticity of a Hadith is done with reference to several aspects, including the number of reporters involved at each stage of the *isnad*, as well as the reliability and memory of the reporters involved.

a) Chain of Transmission

A Hadith is considered *mutawatir* when it is reported, at each stage of the *isnad*, by such a large number of people that they cannot, all of them together, be expected to agree upon a lie. However, *mutawatir* Hadith are very few in number and they usually refer to rituals or *ibadat*.

Most of the Hadith are classified as *ahad* or isolated, which can be further classified into:

- *Mash'hur* (well-known) which refers to Hadith reported by more than two reporters at each stage of the *isnad*;
- *Aziz* (strong) which means at any stage of the *isnad*, only two reporters are found to narrate the Hadith;
- *Gharib* (strange) where at any stage of the *isnad*, only one reporter is found narrating it.

¹⁰ Robson, 1953, pp. 29, 38; A'zami, 1977, pp. 93-94.

¹¹ A'zami, 1977, p. 91.

¹² Kamali, pp. 3-5.

b) Reliability of reporters

A branch of *'ilm al-hadith* known as *asma' ar-rijal* was developed to evaluate the credibility of the reporters, including making assessments and giving opinions as to their:

- Piety and integrity: This is in order to assess their honesty and to safeguard the Hadith from any intentional forgery,
- Memory and intelligence: This is in order to assess whether a reporter may be likely to commit mistakes due to forgetfulness, carelessness, or a misunderstanding. Thus, to safeguard against unintentional falsification.

Based on the above, the quality or degree of acceptability of a Hadith may be classified as follows:

- i. *Sahih* (sound): For a Hadith that is not *mutawatir* to be accepted as *sahih*, Imam al-Shafi'i states that "each reporter should be trustworthy in his religion, he should be known to be truthful in his narrating, to understand what he narrates, to know how a different expression can alter the meaning, and to report the wording of a Hadith verbatim, not only its meaning";
- ii. *Hasan* (fairly good): This means that although its reporters are known for truthfulness, they have not attained the highest degree of reliability. *Hasan* may also be divided into:
 - *Hasan Aziz* (fairly good and strong) and
 - *Hasan Gharib* (fairly good but strange);
- iii. *Da'if* (weak): Usually the weakness is due to either the discontinuity in the *isnad*, or the unreliable character of certain reporters as a result of making excessive mistakes, or ambiguity as to the identity of certain reporters. *Daif* may also be further divided into:
 - *Da'if Jiddan* (very weak).
- iv. *Maudu'* (fabricated or forged): A Hadith is considered *maudu'* when its reporters include a liar or its text goes against the Prophet's (s.a.w.) established norms.

7. Does the reliability of a Hadith depend on its *isnad* only?

No. The reliability of a Hadith depends on two parts:

- (i) its chain of narrators or transmission i.e. the *isnad* (explained in Question 6 above), and
- (ii) its substantive contents or internal text, called *matn*.

Matn or substantive analysis is not a novelty in Islamic history. According to the science of Hadith, particularly in the field of *'illal* (defects), a report with an impeccable chain of transmission may be rejected because the text of the Hadith is not considered sound due to grammatical or historical errors, contradictions with the Qur'an, the laws of nature, common human experience or the dictates of reason – *'illal qadiha fi'l-matn* (effective defect in the content). However, *matn* analysis

remained undeveloped and under-utilized¹³, resulting in a certain imbalance in the kind of attention that Hadith scholars have paid to matters of transmission and *isnad* as opposed to substantive content or *matn* of Hadith. Hadith experts clearly paid attention to the former, at the expense, to some extent, of the latter.¹⁴

A description of general rules for detecting signs of forgery in the text of Hadith includes the following¹⁵:

- Speech of a particularly crude variety and style is taken as a sign of forgery, as the Prophetic language is characteristically known for its eloquence and style;
- Statements that stand in clear opposition to the Qur'an in such a way that no reasonable compromise and interpretation can be attempted are usually rejected. For example, the so-called Hadith that "The offspring of *zina* shall not enter paradise down to seven generations" was rejected by the Prophet's widow, Aishah (r.a.), as it violated the clear text of the Qur'an that "*no soul shall carry the burden of another soul*" (Surah al-An'am, 6: 164);
- Statements that contradict a well-known Sunnah;
- A report may be historically inaccurate, i.e. it is in conflict with established historical facts;
- When a report shows a fanatical attachment to a particular group, or prejudice regarding a particular race or country or certain people;
- When a statement of the Prophet (s.a.w.) was supposed to have been known to a vast number of people, and yet only one person has reported it;
- When a Hadith promises a disproportionate reward or an exceedingly severe punishment for a minor act that does not warrant either such exaggerated reward or excessive punishment.

8. Since there appears to be deliberate forgery as well as unintentional fabrication in the recording of Hadith, should we simply reject the Hadith as a whole and depend only on the Qur'an?

No. While there is a small minority group that apparently wishes to reject all Hadith and rely only on the Qur'an, however, most groups which desire reform seek fresh revisions of the Hadiths and appeal to discard the Hadiths that are not in tandem with the spirit and principles of the Qur'an.

Hadith is still seen to be relevant for if the Hadith is cast away as a whole, the historical background of the Qur'an is removed with one stroke. It is therefore emphasized that the need for new vitality and fresh interpretation should not be suppressed, and that a candid and responsible investigation into the development of Hadith by Muslims is greatly desired.¹⁶ A fundamental difficulty that one will encounter in this field of work is the existence of two contrasting but equally extreme attitudes. On the one hand, there is the naïve and credulous historian with unquestioning acceptance, and on the other hand, there is the excessively skeptical

¹³ El Fadl, 1997.

¹⁴ Kamali, 2002, pp. 288 & 311.

¹⁵ Kamali, 2002, pp. 108-110; A'zami, 1977, pp. 93, 95, 96.

¹⁶ Rahman, 1979, pp. 66-67.

mind. Therefore, on the whole, a healthy caution rather than outright skepticism is likely to lead to reliable and constructive results.¹⁷

9. Some Hadith appear to be degrading to women. How is this possible?

Many misogynist, anti-women Hadith were introduced into the “official corpus” (which refers to the compilations of Hadiths regarded as most authoritative) in the fifth century Hijrah (11th century C.E), a full hundred years after its alleged closure. Many ideas and customs, which were associated with Arab and Mediterranean culture as well as with Judaism and Christianity, embodied a deep-seated misogyny that became part of the Islamic discourse on women. Ironically, it is the legacy of the Prophet (s.a.w.), a man renowned for his gentleness to women, which was evoked by the *Ahl al-Sunnah* or those who claimed to follow him closely, to introduce these themes which in actual fact they cannot be inferred either from the Qur’anic teachings, nor from the Prophet’s treatment of women.

The few misogynist Hadiths that exist are regularly used and popularized in arguments against sexual equality¹⁸, while the many Hadith in favour of women – including those counseling husbands to deal kindly and justly with their wives, confirming the right of women to acquire knowledge, and elevating mothers over fathers - are perversely ignored.¹⁹ Even when favourable Hadith are referred to as illustrations of the “honourable” position of women in Islam, rarely has any attempt been made to promote a discourse on sexual equality based on them.

Moreover, when there are conflicting Hadiths on a certain issue, it is usually the anti-woman Hadith that is popularized. For instance, in Sunan Abu Dawud, it is reported that the Prophet (s.a.w.) appointed Umm Waraqah to be the *imam* to lead the prayers of her household, while the *muezzin* (the person who announces the call to prayers) was an elderly man. This Hadith is said to have a stronger *isnad* (chain of transmission) than another contradictory Hadith, reported in Sunan ibn Majah, that a woman cannot be *imam* when there are men in the congregation.²⁰ However, it is the Hadith in Sunan Ibn Majah that is well known to Muslims today.

Another popular Hadith is the one reported by Abu Hurayrah and documented in Sahih Bukhari vol. 7, Hadith no. 114 that says:

From Abu Hurayrah: the Prophet (s.a.w.) said, “ *Whoever believes in Allah and the Last Day should not hurt (trouble) his neighbour. And I advise you to take care of women, for they are created from a rib and the most crooked portion of the rib is its upper part.*”

This claim is not supported by the Qur’an for God says:

¹⁷ Rahman, 1979, pp. 48-49.

¹⁸ Barlas, 2002.

¹⁹ Barlas, 2002, pp. 45-46.

²⁰ Discussed in KH. Hussein Muhammad, **Fiqh Perempuan**, pp.29-38.

O Mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women. Be careful of your duty toward Allah in Whom you claim (your rights) of one another, and towards the wombs (that bore you). Lo! Allah hath been a Watcher over you. [Surah an-Nisa', 4:1]

It may however be due to the influence of Christianity as the similarity in references can be noted below:

"..and the rib which the LORD God had taken from the man he made into a woman and brought her to the man. Then the man said, "This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man." [Genesis 2:21-23]

Part II
QUESTIONS ON HADITH RELATING TO MARRIAGE AND MARITAL RELATIONS

1. I heard that if the Prophet (s.a.w.) could have his way, he would have asked wives to prostrate to their husbands and that if there is an ulcer excreting pus from a man's feet to the top of his head, and his wife were to lick them, she would still not be able to fulfill his rights as a husband. Is it possible that Islam degrades women to this level?

It is believed that these claims are derived from Hadiths such as:

"No human may prostrate to another, and if it were permissible for a human to prostrate to another, I would have ordered a wife to prostrate to her husband because of the enormity of his rights over her. By God, if there is an ulcer excreting pus from his feet to the top of his head, and she licked it for him she would not fulfill his rights."

Or:

"It is not lawful for anyone to prostrate to anyone. But if I would have ordered any person to prostrate to another, I would have commanded wives to prostrate to their husbands because of the enormity of the rights of husbands to their wives."

This Hadith is narrated in a variety of forms by Abu Dawud, al-Tirmidhi, Ibn Majah, Ahmad ibn Hanbal in his Musnad, al-Nisa'i and Ibn Hibban. According to scholars of Hadith, the authenticity of these Hadiths ranges from *da'if* to *hasan gharib*. None however reach the level of *sahih* (considered authentic). All of them are *ahadi hadith* (singular transmissions) and do not reach the level of *tawatur* (several transmissions).

The version of the above Hadith narrated by Abu Hurayrah is considered *hasan gharib*. One of the narrators was Muhammad bin 'Amr who has been subjected to criticism by a number of scholars. Al-Nasā'i, ibn 'Adī and 'Abd Allah Ibn Mubārak considered him unreliable (they used the term *la ba'sa bih*), and Ibn Hibban even alleged that he was prone to making mistakes.

The prostrating Hadith has serious social and moral implications; therefore, the Hadith must be approached with great caution. While the physical act of prostrating to the husband is not permitted, the implication of such Hadith is that a wife owes her husband the utmost degree of respect; that she lives as his humble servant; she is to submit sexually on the back of a camel and lick his pus-filled ulcers if need be²¹. This, if true, would have grave theological, moral and social consequences.

²¹ Mohd Tahir, Reviewing Some Traditions of the Prophet Concerning a Women's Obedience to her Husband.

According to the reports of this Hadith, the Prophet (s.a.w.) when asked whether it is permissible to prostrate to him, is supposed to have answered “*No! But if a human could prostrate to a human it would be the wife to a husband*” – a fundamentally revolutionary view expressed out of context before an audience of men, a casual way of delivering advice that will have profound social and theological implications upon women. An unjustifiable connection is created between the status of the Prophet (s.a.w.) and the status of husbands.²²

There are at least four historical backgrounds for the single event where the Prophet (s.a.w.) was quoted to utter the above Hadith.

- One is that a camel prostrated to the Prophet (s.a.w.),
- The second is that Qays b. Sa’d came from Hira saying that the people there prostrated to their leaders,
- Third is that Mu`adh b. Jabal came from Sham or Yaman and narrated that the Christians were prostrating to their priests, and
- The last occasion was quoted solely by Qays who reported that a Bedouin came to the Prophet (s.a.w.) and asked for permission to prostrate towards the Prophet (s.a.w.).

The Hadith of the camel prostrating to the Prophet (s.a.w.) is said to be reported by `A`ishah which is not the same as the other versions. The Hadith of Mu`adh is reported in three versions: one by Abd Allah bin Awfa having different versions and another is reported by Abi Zabyān. The former reported that Mu`adh returned from Shām and the latter mentioned that Mu`adh arrived from Yemen.²³

In addition to the different historical backgrounds, the Hadith has several additional but variant concluding phrases. One of them says that the wife should accept her husband demands while she is on the back of a camel, or around a baking oven, or that she should carry things on command of her husband from far distances, or that the rights of husbands have priority over the rights of Allah, and she could not fulfill her obligation to her husband even if she had to lick his pus.

The context and structure of the Hadiths also makes them suspect. In most reports, it is expressed out of context and in a rather casual way. Basically, according to these reports, the Prophet (s.a.w.) volunteers this injunction although that is not what is being asked. In most versions, the one doing the asking is a man and the response is given to a man or men, although the traditions have a profound impact upon women. If a Hadith has serious moral and social implications, it should meet a heavy burden of proof before it can be relied upon. If a Hadith is suspect because of a contextual or structural defect, there should be a presumption against its authenticity.

²² El Fadl, 2001, p. 212.

²³ Mohd Tahir, Reviewing Some Traditions of The Prophet Concerning Woman’s Obedience to Her Husband (pp. 20,36 and 38).

The evidence suggests that the prostration Hadiths cannot be relied upon. Considering the way the Prophet (s.a.w.) treated his wives, it is not possible that he would make such a problematic theological association in this casual manner for there are reports in Bukhari about the Prophet's wives arguing with him. The *sirah* reveals that the Prophet (s.a.w.) was not a dictator within his family.²⁴

The Qur'an does not emphasize on wives to subject themselves to their husbands. In fact, the Qur'an states that:

"They are like garments unto you as you are like garments unto them" [Surah al-Baqarah 2:187],

"...women who are virtuous are obedient to God and guard the hidden as God has guarded it" [Surah an-Nisa' 4:34].

One can see a conflict between the foundational principles set by the Qur'an and the above Hadiths. The Qur'an talks of love, compassion, friendship and virtuous women who are obedient to Allah. The Qur'anic conception of marriage is not based on servitude but on compassion and cooperation. The Qur'anic conception of virtue is not conditional on the pleasure of another human being but on piety and obedience to Allah.²⁵

2. Sometimes I feel too tired to have sexual relations with my husband after a hard day's work of looking after the children, cleaning up the house, washing the clothes, cooking, going to the market so on and so forth. But because I don't want to end up in hell, I force myself to fulfill my husband's needs.

Such views are derived from the following traditions which are related to the prostrating traditions in Question 1 above. A narration from Azhar ibn Marwan was added to the end of the prostrating traditions that the Prophet (s.a.w.) said, when Mu'adh returned from Sham:

"By God, a woman cannot fulfill her obligations to God until she fulfills her obligations to her husband and if he asks for her (i.e. for sex) while she is on a camel's back, she cannot deny him (his pleasure)."

Another tradition has Mu'adh returning from Yemen, not Sham, when the Prophet (s.a.w.) is alleged to have said:

"...a woman cannot fulfill her obligations towards God unless she fulfills her obligations towards her husband. (In fact), if he desires her while she sits on a saddle (or an upright seat for birthing), she should submit."

²⁴ El Fadl, 2001, pp. 213-215.

²⁵ El Fadl, 1997, p. 48.

In this report it is added that a woman could not fulfill her obligation to Allah unless she discharges her duties towards her husband. These kinds of Hadiths are part of the Hadiths that are mentioned in Question 1 above i.e. they are *ahadi* Hadith. These narrations are related to the prostrating Hadith and are said to be supportive of it. Among its narrators however is al-Qāsim al-Shaybānī or Qāsim ibn ‘Awf who is criticized by several scholars. According to Sha‘bah bin al-Hajjāj, and al-Nasā‘ī, al-Shaybānī’s narration is weak (*da‘īf*) and in the opinion of Abī al-Hātim al-Rāzī and al-Dhahabi, his reports are disordered (*mudtarib al-hadīth*) and of controversial status. Furthermore, another narrator Ibn Abī Laylā, is considered by Abu Hātim al-Rāzī as unreliable. Two narrators, being of weak authority, would make the report suspect and of an unauthenticated nature where suspicion of the projection of this saying to the Prophet (s.a.w.) is higher than it actually having been spoken by the Prophet (s.a.w.) himself. Moreover, the report added two more issues, that is, the seriousness of husband’s rights and the urgency of demand to have sexual intercourse with one’s wife. Both additional issues are found only in this version and the narrator being weak in authority, according to the *‘ulama* of Hadith, it should be disregarded.²⁶

In addition the phrase that *‘if the husband desires sexual intercourse on the hump of camel she must accept his demand’* is contradicting a Hadith similar in authority which requires Muslims to have sexual intercourse hidden from people and not to act like animals.²⁷ In another report the Prophet (s.a.w.) named such persons as *Shaytan* and *Shaytanah* (devils).²⁸ The evidence in the *ahadith* of the Prophet (s.a.w.) indicates that sexual intercourse should be where one could not hear their moaning.²⁹ It is therefore doubtful to think that the Prophet (s.a.w.) would have said otherwise.

In respect of the Islamic dogma of Tawhid, the Qur'an is rather vigilant in asserting the unshared, undivided and non-contingent supremacy of Allah. This assertion formed the basis for the Islamic dogma maintaining that submission to God means non-submission to anyone else. Consequently, any tradition that draws an association between the status of the Prophet (s.a.w.), or the pleasure of God, and the status or pleasure of a human being is inherently suspect. It is reasonable to claim that if a tradition has serious theological, moral and social implications, it should meet a heavy burden of proof before it can be relied upon. Even more, if a tradition is suspect because of a contextual or structural defect, then there should be a presumption against its authenticity, unless the evidence supporting its authenticity is conclusive. In the case of the above traditions, the evidence suggests that they cannot be relied upon because we cannot conclusively assert that the Prophet (s.a.w.) played the primary role in the authorial enterprise that produced those traditions. For one, they contradict the theological notion of the undivided

²⁶ Luknawi, Zafar al-Amanī, p. 361, referred to in Tahir, Reviewing Some Traditions of the Prophet Concerning Woman’s Obedience to her Husband (p. 17, 36 and 38).

²⁷ See Bayhaqī, al-Sunan al-Kubra, Kitab al-Nikah, Bab al-Istitar fi hal al-Wat’ and the succeeding bab for this and similar hadith, cited in M.Tahir.

²⁸ See al-Sunan al-Kubra, Kitab al-Nikah, Bab ma yukrih min dhikr al-rajul isabtah ahlah, cited in M. Tahir.

²⁹ Ibid.

supremacy of God and God's Will. In addition, they are inconsistent with the Qur'anic discourse on marriage.³⁰

The Qur'an states:

"Among God's signs is that He created for you spouses from among yourselves, that you may dwell in tranquility with them, and has ordained love and compassion between you. Lo, herein indeed are portents for people who reflect" [Surah ar-Rum 30:21].

3. I've been told from childhood that Islam is indeed just and fair; it's just that men and women are different in nature, thus the different roles – men is the breadwinner of the family and hence women should look after the household and take care of the children. Even if a husband allows the wife to work, the household work is still regarded as the wife's duty. Is this true?

It is reported that a man once came to 'Umar, the second Caliph, with the intention of bringing to his notice certain complaints he had against his wife. When he reached the door of 'Umar's house, he heard the Caliph's wife railing against him. Hearing this he turned to go away and decided that there was no point in putting his complaint before the Caliph, as the Caliph himself was in the same predicament and could therefore hardly be expected to set matters right for him. 'Umar coming out of his house saw the man and called him back to inquire as to the purpose, which had brought him to his house. He said that he had come to him with some complaints against his wife, but turned away on finding that the Caliph himself was subject to the same treatment from his wife. 'Umar said to him that he patiently bore the excess of his wife because she had certain rights over him.

*"Is it not true that she cooks my food, washes my clothes and suckles my children, thus relieving me of the necessity of employing a cook, a washerwoman and a nurse, **although she is not in the slightest degree responsible for this?** Not only that, I enjoy peace of mind on account of her and I am protected from committing the sin of adultery. In view of these advantages, I put up with her excesses. You should also do the same."*

The above narration is related by al-Dzahabi in *Kitab al-Kaba'ir*, and al-Haytami in *Kitab al-Zawajir*. The narration illustrates that a marriage built on a foundation of mutual love and understanding is not easily shaken.³¹ There is mutual cooperation and patience between the couple in putting up with the shortcomings or imperfections of one's spouse. There is consideration for the benefits voluntarily given by one spouse for their mutual advantage. It is not the wife's obligation to perform the household work. Ideally, therefore, there should be mutual cooperation in performing the household tasks and looking after the children, especially in cases where both spouses also hold jobs outside the home. The *sirah* of the Prophet

³⁰ El Fadl, 2001, p. 214.

³¹ Forum Kajian Kitab Kuning (FK3), 2001, p. 22.

(s.a.w.) shows that he himself assisted his wives in housework, although he was also the head of state as well as the Messenger of God.

In the Hadith of 'Āishah, for instance, if the husband orders his wife to carry (something) from red mountain to the black mountain and from the black to the red, she is obliged to do so. It is true that the Prophet (s.a.w.) did not prohibit it but it is reported that the brother-in-law of the Prophet (s.a.w.), Zubayr felt ashamed when he realized that the Prophet (s.a.w.) had learned that Asmā' (the daughter of Abu Bakar Sadiq) carries things to his house from a far distance.³² This indicates that the Prophet (s.a.w.) could not have imposed such an obligation, otherwise the husband of Asma would not have felt ashamed for this. It is for this reason, perhaps, jurists did not make it obligatory that a wife shall serve her husband.

In Malaysian society however, it is usually the wife who has to bear the burden of the housework. Nevertheless, it is on the basis that it is not the wife's obligation to perform the housework that our Islamic Family Law Act and the Syariah Court of Appeal³³ has recognized that a wife who has made no financial contribution to her husband's acquisition of property is also entitled to a share of the property, based on her non-financial contribution in looking after the home and family.

4. I want to do volunteer work but my husband does not allow me to be involved. He says that the reward for women who serve their husbands and look after the household is great, because any woman who dies while the husband is pleased with her enters heaven. Therefore, according to him, there is no need for women to go out of the house to look for rewards, and moreover, a woman should not go out of the house without her husband's consent, even if it is to visit her sick parents.

A tradition narrated by Abu Dawud, al-Tirmidhi, Ibn Majah, Ibn Hibban and al-Hakim claims that Umm Salamah, the Prophet's wife, reported that the Prophet (s.a.w.) said

"Any woman who dies while the husband is pleased with her enters heaven".

This tradition however, carries the same degree of authenticity as the Hadiths on prostration in Question 1 above.

Since the general wording of this narration leaves open the possibility that a woman, however impious, will go to heaven as long as the husband is pleased with her, commentators say that this means only if the woman is pious. This condition, as to piety, is read by implication although the literal text does not say so. But what if the husband is impious? Then we are forced to read a further implication to this Hadith, that this only applies if the husband is also pious. But what if the wife is more pious than the husband? Yet God's pleasure would be contingent on the husband's pleasure – a revolutionary concept with profound theological and social implications,

³² Kitab al-Qasm wa al-Nashuz, bab ma yastahib laha ri'āyat li haqqi zawjiha, cited in M. Tahir.

³³ e.g. in Rokiah v. M. Idris, (1989) Malayan Law Journal, ix.

especially in view of the Islamic dogma on the absolute supremacy of God alone, explained under Question 2. Before this Hadith can be recognized as setting a theological foundational principle, it must be of the highest degree of authenticity, which it is not.³⁴

The view that a woman cannot go out of the house without the husband's consent is derived from a tradition where according to the report, a husband lived with his wife in a two-story house -- the wife's father lived on the first floor of the same house while the couple lived on the second. Before leaving on a business trip, the husband ordered the wife not to leave the second floor of their home. After the husband left, the wife's father fell seriously ill. According to the husband's instructions, the wife could not visit her father on the first floor, or anyone else for that matter. The wife wanted to see her father before he died, but she did not wish to disobey her husband. She sent a message to the Prophet (s.a.w.) asking him if she may visit her father. The Prophet (s.a.w.) replied that she may not do so because she must obey her husband's commands. The father soon died, and the woman again sent a message to the Prophet (s.a.w.) to ask if she may leave the second floor before her father's burial. However, she again received the same response commanding her to obey her husband. After the father was buried, without the presence of his daughter, the Prophet (s.a.w.) informed the woman that God has forgiven her father's sins because she faithfully obeyed her husband.

According to al-'Iraqi, in *Kitab al-Mughni*, the above tradition is related by al-Tabarani in *Kitab al-Mu'jam al-Awsath* from Anas with a weak (*da'if*) *sanad*, and without the words "*God has forgiven her father's sins*".³⁵

In addition to the weakness of the *isnad*, the *matn* of the Hadith also clearly contradicts the specific injunctions in the Qur'an regarding the relationship between parents and children. Enjoining goodness to parents comes next to worshipping the One God is noted in several verses of the Qur'an. For instance, Surah al-Isra' 17:23-24 states:

Thy Lord has decreed that you worship none but Him and that you be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them. But address them in terms of honour ... and say "My Lord! Bestow on them Thy Mercy even as they cherished me in childhood."

Taking care of one's mother is especially stressed as:

"his mother bore him by bearing strain upon strain." (Surah Luqman 31:14).

Kindness to parents is enjoined even if the parents are non-Muslims as Surah Luqman 31:15 states to the effect that:

³⁴ El Fadl, 2001, p. 219.

³⁵ FK3, 2001, p. 127.

“(Revere thy parents) yet should they endeavour to make thee ascribe divinity, side by side with Me, to something which thy mind cannot accept (as divine), obey them not; but (even then) bear them company in this world’s life with kindness ...”

If the above tradition is to be accepted, it would mean that a woman loses all her personal rights upon her marriage. Such a violation of human rights could not be part of the teachings of the religion that has been brought by the Prophet (s.a.w.) as *rahmatun lil 'alamin* (a mercy to all the worlds).³⁶ Although most classical jurists have dismissed the tradition as unreliable, it exemplifies the immoral and absurd logic that is inherent in the principle of blind obedience to any human being.³⁷ Moreover, it is very strange that a tradition that has been dismissed by most classical jurists is now being popularized in our present day society to emphasize the wife's submission to her husband.

5. It is said that it is obvious that men are superior to women, since whenever they perform prayers together (*jamaah*), either in the mosque or at home, men stand in front of women, and only men can be the *imam* to lead prayers, as long as there is a man in the congregation.

In general, the *'ulama fiqh* (jurists) of the Hanafi, Maliki, Syafi'i and Hanbali schools of law are unanimously of the opinion that women are not allowed to be *imam* for prayers when there are men in the congregation. However, there are also the dissenting views of Abu Thaur (240H/854M) who was acknowledged as a *mujtahid*, Ibn Jarir al-Tabari (310H/923M) and Imam al-Muzanni, a pupil of Imam al-Syafi'i.

The general view that women cannot be the *imam* for men is based on a Hadith reported by Ibn Majah from Jabir that:

“women cannot be imam for men, the A'raby cannot be imam for the Muhajir, and the Fajir cannot be imam for the Mu'min”.

The dissenting view that women can be *imam* even when there are men, is based on a Hadith reported by Abu Dawud from Abdul Rahman ibn Khallad that:

“the Prophet went to her house, and gave her a muezzin, and appointed her (Umm Waraqah), as the imam for her household. Abdul Rahman said: ‘I saw that her muezzin was an elderly man.’”

There is therefore a conflict between the Hadith reported by Jabir by Ibn Majah which forms the basis for the general opinion on this issue, and the Hadith reported by Abu Dawud which forms the basis for the dissenting opinion.

In an evaluation of these conflicting Hadiths, it is found that among the narrators of the Hadith reported from Jabir by Ibn Majah was Abdullah ibn Muhammad al-Adawi.

³⁶ FK3, 2001, p. 128.

³⁷ El Fadl, 1997, p. 47.

According to scholars of Hadith such as al-Bukhari and Abu Hatim al-Razi, a narration from al-Adawi is *munkar* (unacceptable). Abu Hatim stated that al-Adawi was an unknown person (*syaikhul majhul*). Ibn Abdul Thaur stated that al-Adawi was regarded as a liar. Therefore, the *isnad* for this Hadith is weak (*da'if*).

As for the Hadith reported by Abu Dawud, among its narrators was al-Walid ibn Abdullah ibn Jumaiyyi al-Zuhri al-Maliki. Besides Abu Dawud, other scholars of Hadith such as Ahmad and Abu Zu'rah also found that there was no problem with him (*laisa bihi bas*). Ibn Hibban even included him among those considered trustworthy persons (*al-thiqat*). Furthermore, regarding the narrator Abdul Rahman al-Khalad, Ibn Hibban also included him among the *al-thiqat*.

It may be concluded that the appointment of Umm Waraqah as *imam* illustrates the equality of men and women before God. It should be recognized that women's eligibility to be *imam* existed during the time of the Prophet (s.a.w.). It should be acknowledged that a woman is not automatically disqualified from leading the prayers, including in certain circumstances when there are males in the congregation.³⁸ At the very least, the practice of mothers leading the prayers with their sons and daughters should be encouraged.

6. My husband beats me, and he tells me in Islam I cannot tell anyone what happens between a husband and his wife. Besides, he says a husband can discipline his wife if she disobeys his wishes because she has committed nusyuz.

Actually, it is very clear from many authentic Traditions that the Prophet (s.a.w.) strongly disapproved the idea of beating one's wife. For instance, on more than one occasion, it is reported that he said:

"Could anyone of you beat his wife as if she is a slave, and then lie down with her in the evening?" (Bukhari and Muslim)

"Never beat God's handmaidens." (Abu Dawud, Ibn Majah, Ahmad ibn Hanbal and Hakim, on the authority of Iyas ibn 'Abd Allah; Ibn Hibban, on the authority of 'Abd Allah ibn 'Abbas; and Bayhaqi, on the authority of Umm Kalthum)

The problem of violence or abuse comes from the term "*idribuhunna*" (in Surah an-Nisa' 4:34) which is usually translated as "*beat them with a single strike*". The root of this word is "*Daraba*" which carries many different meanings. If one were to consult an Arabic dictionary, one would find one of the longest lists of meanings in the whole Arabic dictionary ascribed to this word! In the Qur'an, depending on the context, *daraba* can mean to travel, to strike, to set up, to give (examples), to take away, to ignore, to condemn, to cover, or to explain. When encountering a word with multiple meanings, it is important to use common sense to identify the proper meaning according to the context and form within which it is being used.

³⁸ see Panduan Pengajaran Fiqh Perempuan di Pesantren, Chap. 4.

In the pre-Islamic period known as *Jahiliyah* (the Age of Ignorance), there were gross practices of physical and emotional abuse of females. Even if the usual translation of “*daraba*” as “a single strike” is to be accepted, seen within this context, the single strike would be a restriction on the pre-existing practice, and not a recommendation. Later, as Muslim society in Madinah developed towards an ideal state, the final verse in the Qur’an on male – female relationships (9:71) regard women and men as being each other’s protecting friends and guardians (*‘awliyya*) which emphasizes the cooperation between the two in living together as partners.

As for *nusyuz*, the Quranic discussion of *nusyuz* is used for both women (Surah an-Nisa’ 4:34) and men (4:128). Thus, *nusyuz* cannot actually mean a woman’s disobedience to her husband, as is often assumed.³⁹

As for not telling everyone about what happens between a husband and a wife, a distinction has to be made as to the context. It is certainly improper for either a wife or a husband to tell others about their spouse’s personal failings by way of gossip and backbiting. However, when actual harm is involved, it is necessary and proper to file a complaint in order to get legal recourse.

Neither the Qur’an nor the Traditions justify a husband beating his wife for merely disobeying his personal wishes. In fact, all the early Muslim authorities stress that the “beating” – if resorted to at all – should be only if the wife is guilty of gross immoral conduct, and should not cause pain but be more or less merely symbolic, such as with a toothbrush or a handkerchief, while some great Muslim scholars e.g. Imam Shafi’i are of the opinion that it is just barely permissible, and should be avoided.⁴⁰

While Muslims in earlier centuries were more enlightened when compared with their non-Muslim counterparts⁴¹ in those periods, it is most tragic that some Muslims in the 20th and 21st centuries have fallen so far backwards that their views on the treatment of women appear more akin to that of the *Jahiliyah* period than to that of the Prophet (s.a.w.).

The fact that authentic and strong Traditions of the Prophet (s.a.w.) expressing his disapproval of the wife-beating are not being popularized is another instance of the attitude of misogyny – undisputed Traditions in favour of women are frequently neglected, while Traditions of dubious authenticity discriminating against women are frequently highlighted.

7. My husband wants to marry a second wife. He says that as a Muslim wife I have no right to object to his desire to marry another, as polygamy is a male right

³⁹ For further details, re *Are Muslim Men Allowed to Beat Their Wives?* (SIS, 1991)

⁴⁰ Asad, 1980, commentary in note 45 to Surah 4:34

⁴¹ In fact, even in 18th century England, it was considered permissible for a husband to use a stick to beat his wife as long as the stick he used was no thicker than his thumb – re *Blackstone’s Commentaries on the Laws of England*.

granted by the Qur'an and the Sunnah of the Prophet (s.a.w.). Do I have the right to refuse my consent?

In pre-Islamic Jahiliyah society, a man could have any number of wives that he pleased, and it was the Qur'anic revelation which introduced reforms by restricting the maximum number of wives to four, as well as by commanding monogamy if there is fear of injustice to the women.⁴²

Those who refer to the Sunnah of the Prophet (s.a.w.) in support of polygamy are probably ignorant of, or deliberately ignore, the fact that the Prophet (s.a.w.) was monogamous for more than 25 years, i.e. throughout the lifetime of his first wife Siti Khadijah (r.a.), and his polygamous marriages after her death were to widowed or divorced women for political and tribal reasons. The only single woman he married was his second wife, Aishah (r.a.). There is also a sound Hadith reported in Sahih Bukhari, and elaborated in Sunan Ibn Majah that the Prophet (s.a.w.) forbade his son-in-law, Ali ibn Abi Talib (r.a.) from marrying another woman "unless and until Ali ibn Abi Talib divorces my daughter (Fatimah), for surely she is part of me and what troubles and agitates her, troubles and agitates me too".

To those who put forward the argument that the reason for the Prophet's objection against Ali's proposed marriage was that the woman in question was the daughter of his enemy Abu Jahal, it should be noted that a great-granddaughter of the Prophet (s.a.w.), Sakinah binti Hussein, a granddaughter of Ali and Fatimah, put various conditions in her marriage contract, including the condition that her husband would have no right to take another wife during their marriage.

Many men who wish to practice polygamy claim to follow the Sunnah of the Prophet (s.a.w.) although the Qur'an itself, in relation to the Prophet's marriages, refers to the privilege granted to the Prophet (s.a.w.) alone, which is 'not granted to any other believing men.' (Surah Ahzab 33:50).

As we have frequently observed, many statements in Qur'an or Hadith in favour of women are often interpreted as mere 'advice' even if they appear to be clear and commanding, while those in favour of men are often interpreted as 'commands' even if there is ambiguity.

8. I dare not ask my husband for a divorce because I heard that there is a Hadith that says if a woman asks for a divorce, she would be burned in hellfire, even though she fasts in the day and prays in the night forever.

The Hadith you have heard is considered mawdu' (fabricated) and it is not mentioned in any of the authoritative compilations of Hadith.⁴³ Furthermore, the hadith that claims to prevent women from asking for a divorce appears to be in conflict with the following Hadith in Sahih Bukhari which forms the basis for divorce by *khul'*:

⁴² For further details, re *Islam and Polygamy* (SIS, 2003)

⁴³ FK3, 2001, pp. 82-83

Ibn Abbas narrated: *The wife of Thabit ibn Qais came to the Messenger of Allah and said: "O Messenger of Allah, I do not blame Thabit for any defects in his character or his religion but I dislike to behave in an unIslamic manner" [in another narration it reads: "but I cannot endure to live with him."] On that Allah's Messenger said to her: "Will you give back the garden which you husband has given you?" She said: "Yes." Then the Prophet turned to Thabit: "O Thabit! Accept the garden and divorce her".*

In another Hadith, in Sunan Ibn Majah, it is reported that:

Habiba binti Sohl was the wife of Thabit ibn Qais ibn Shamas and he was a short stature and ugly man. She said: "O Messenger of Allah, by God, if I did not fear God, I would have spat at his face when he comes to me." The Messenger of Allah said: "Will you return his garden to him?" She said: "Yes." So, she returned his garden to him and the Prophet of Allah separated them.

From the above narrations, it is clear that the wife of Thabit had no complaint regarding his character but could not endure to live with him because of his ugly looks. Therefore, she was allowed to obtain a divorce through *khul'* i.e. by returning the property that her husband had given her. If she had a valid complaint, she could have obtained a divorce through *fasakh*, and there would have been no need for her to return the property to him.

Of course, divorce should not be the first resort when any differences between couples emerge. In Sunan Abu Dawud, the Prophet was reported to have said "Of all lawful acts, the most detestable to God is divorce." However, divorce may be sometimes unavoidable, and in cases of extreme incompatibility, Islam does not force couples to continue living together in a "holy dead-lock". The husband is given the right to divorce his wife through *talaq*, and when he has no valid complaint against his wife, he would be obliged to pay *mut'ah* or compensation to her. Similarly, the wife is given the right to obtain a divorce through *khul'* when she has no valid complaint against her husband, in which case she would have to return or make restitution for the property or dower (*mahr*) that he had given to her. It has been observed that the warning both to man and woman against arbitrary or hasty divorce is on the moral rather than the legal plane and is not destructive of their legal rights⁴⁴.

The Qur'an, in Surah an-Nisa' 4:35, grants equal rights to the husband and wife in the arbitration process, for it provides that:

If you fear a breach between a married couple appoint (two) arbiters, one from among his people, and the other from among her people.

⁴⁴ The Pakistan Supreme Court in *Khurshid Bibi v. Muhammad Amin*, Pakistan Legal Decisions, 1967, Supreme Court, 97.

Even if a divorce is unavoidable, it should, if possible, take place in an amicable manner, as Surah al-Baqarah 2: 229 states to the effect that:

The parties should either hold together on equitable terms (ma'ruf), or separate with kindness (ihsan).

In any case, forbidding women from asking for divorce contradicts not only the strong Hadith on the wife of Thabit but verses in the Qur'an itself.

9. Why are some misogynist Hadiths popularized while many Hadiths in favour of women are ignored? Are there cases where Hadiths are rejected if it is found to be against the spirit of the Qur'an?

It might be of interest to notice that historically, there had also been racist Hadiths, but the majority of the jurists have rejected such racist Hadiths as outright fabrications. Such racist reports claim that 'Aishah, Ibn Abbas, Ibn Umar, Abu Hurayrah or Anas heard the Prophet (s.a.w.) say something derogatory towards blacks. For instance, one such report claims that the Prophet (s.a.w.) said:

"Choose suitable (marriage partners) for your children, but avoid (marrying) blacks for they are a deformed race."

Furthermore, Ibn Hanbal in his Musnad narrated a report that in effect states that God created the white race (dhurriyyah bayda') from Adam's right shoulder, and created the black race (dhurriyyah sawda') from Adam's left shoulder, then decreed that those on the right (Adam's right shoulder) will enter heaven, and those on the left will enter hell. Although notable Hadith scholars such as Abu 'Abd Allah Muhammad ibn 'Abd Allah al-Hakim (d. 405/1014), Ibn Hibban and Ahmad ibn Hanbal considered some of the racist traditions authentic, the overwhelming majority refused to defer to their judgment. Like the traditions demeaning of women, the racist traditions do not go unopposed, for they are contradicted by other reports asserting that the Prophet (s.a.w.) said that all people are equal regardless of their skin colour, and that the only true distinction is that of piety⁴⁵.

Among the traditions that degrade women is the well-known report in Sahih Bukhari which indicates that only a minority of the dwellers of paradise are women since the Prophet (s.a.w.) saw that the majority of the dwellers of hell are women. On the other hand, there is another report by Bayhaqi that the Prophet (s.a.w.) saw that the majority of the dwellers of paradise are women. Although the prevailing methodology of the *ulama* of Hadith is that when there is a conflict between the reports in Bukhari or Muslim and other collections of Hadith, the Hadith found in the Bukhari and Muslim should be preferred respectively, it is however noted that Bukhari and Muslim are not the only collections of authentic Hadiths and Bayhaqi is also ranked among the reliable reporters.⁴⁶

⁴⁵ El Fadl, 2001, pp. 24-249.

⁴⁶ Mohd Tahir, Reviewing Some Traditions of the Prophet Concerning a Woman's Obedience to her Husband (pp. 17, 20 and 38).

It can be seen that both the sexist and racist traditions are contradicted by other traditions that empower women and blacks against demeaning attitudes that were prevalent in Arab society in those days.⁴⁷

CONCLUSION

It is hoped that with rising awareness and knowledge, these demeaning and degrading Hadiths which have been proven to be weak or of dubious authenticity will not be used any longer to discriminate against Muslim women and that such sexist traditions will be rejected in the same manner that most earlier scholars have already rejected racist traditions.

⁴⁷ El Fadl, 2001, pp. 248-249.

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