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A Fatwa that Stirred Muslims

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Not long ago Darul Ulum, a school of Islamic studies in Deoband, North India, issued a fatwa saying that if a woman works in any government or public office with other men, the income will be *haram* (prohibited) for her family. This fatwa was published prominently in *Times of India*, a leading newspaper. This stirred a hornets' nest and a large number of Muslim women and men, including some Ulama opposed the fatwa and Darul Ulum had to say it never issued such a fatwa and that it had only responded to a question about women working in public offices.

There are two things involved here. One is that Muslims no longer unquestioningly accept whatever our Ulama say in such matters, particularly relating to women and their rights. Even some Ulama questioned the legitimacy of this fatwa. Secondly, and this is a disturbing aspect, our Ulama are totally text-oriented, not problem-oriented. Whatever text was produced by our predecessors under very different conditions has become sacred for them and must be adhered to irrespective of drastic changes in society.

Most of the Ulama who defended the fatwa argue that women can work in what they keep on calling *shar'i hudud* (limits of shari'ah). Firstly, the question arises why apply these *shar'i hudud* only to women? And secondly who will define these limits? For these Ulama any mixing of men and women is an act of *fitna* (mischief). For them a woman's character and integrity has no meaning or significance at all. If she raises her veil from her face in a mixed gathering, she is committing *fitna*.

There are several instances in the Holy Prophet's life when men and women came together and Hazrat A'isha even led the battle of *Jamal* (Camel) and there were hundreds of *sahaba* (companions) around and no one told her not to venture out of home to take part in the battle. Shifa bint-e-Abdullah, a leading lady, was appointed by Hazrat Umar as market inspector and no one protested. What was she doing as a market inspector? Dealing with women alone?

The Qur'an, which is the primary source of shari'ah, does not refer to *hijab* (veil) for ordinary women at all. On the other hand, it advises women not to display her *zeenah* (adornments) publicly (24:31) but refrains from defining what constitutes *zeenah* or adornment. It has been defined by various commentators depending on their cultural environment. Qur'an does not even say whether they should cover their heads, let alone faces. It says, on the other hand "except what appears thereof" leaving space for interpretation. There is near agreement among commentators that face and two hands should remain open. However, it advises women to cover their breasts.

Instead entire responsibility is put on women that they should cover themselves including their faces lest they should become source of *fitna* (mischief). Qur'an has put this responsibility on both men and women to restrain themselves. It is unfortunate that when it comes to women we totally ignore even what can be called *maqasid al-shari'ah* (i.e. intentions of shari'ah) and only woman is held responsible for her behavior.

Throughout the Qur'an men and women have been described as equally responsible for their deeds (*a'mal*) and will be given equal reward or punishment for whatever they do. If one needs any clarity on this let us carefully study the verse 33:35, besides several other verses in the Qur'an. If men and women are equally responsible for all their deeds both men and women will be equally responsible for their sexual conduct. Also men would be equally a source of *fitna*, not women alone as in our *fiqh* today.

In fact what our Ulama call *shar'i hudud* were fixed by men who considered women as secondary to men and unequal in status due to cultural attitudes towards women in the medieval era. The whole *fiqh* has to be thoroughly revised in keeping with the true spirit of Qur'an. Also, one needs to develop proper methodology and frame-work to understand Qur'anic intentions in totality, not in pieces, as our commentators have been doing.

Sticking to medievally understood shar'i hudud, culturally defined instead of religiously defined, will not serve the purpose any more to avoid such fatwas in future.

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