

## Debunking Myths About the Khilafah

### Myth Five: “It Oppresses Women!”

*“The Turkish wife has been called a slave and a chattel. She is neither. Indeed, her legal status is preferable to that of the majority of wives in Europe, and until enactments of a comparatively recent date, the English was far more of a chattel than the Turkish wife, who has always had absolute control of her property. The law allows to her the free use and disposal of anything she may possess at the time of her marriage, or that she may inherit afterwards. She may distribute it during her life or she may bequeath it to whom she chooses. In the eyes of the law she is a free agent. She may act independently of her husband, may sue in the courts or may be proceeded against, without regard to him. In these respects, she enjoys greater freedom than her Christian sisters.”* [Z. Duckett Ferriman, Author, writing about the status of women under the Uthmani Khilafah in his book: “Turkey and the Turks” (1911)]

- The Islamic texts enshrined for women the same political, economic, educational and legal rights of citizenship as men, revolutionising the status of women within a society. Hence, the Khilafah which implements the system of Islam, led the world in the rights, privileges and protections afforded to women.

*“Women have the same rights and obligations as men, except for those specified by the Shar’i evidences to be for him or her. Thus, she has the right to practice in trading, farming, and industry, to partake in contracts and transactions, to possess all forms of property, to invest her funds by herself (or by others), and to conduct all of life’s affairs by herself.”* [Article 114, Hizb ut Tahrir’s Draft Constitution for the Khilafah]

- Islam obliges men and society views and treats women with respect and protects their dignity always. Allah (swt) says: **﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا﴾** **“O you who believe! You are forbidden to inherit women against their will; and you should not treat them with harshness, that you may take away part of the Mahr (dowry) you have given them, unless they commit open illegal sexual intercourse; and live with them on a footing of kindness and equity. If you dislike them, it maybe that you dislike a thing and Allah brings through it a great deal of good.”** [TMQ An-Nisa: 19] The Prophet (saw) said: **«أَلَا «تَتَرْتَمُونَ بَعْضُكُمْ فِي بَعْضٍ لَمَّا تَبَىءْتُمْ وَلَسْتَ حَرَّمَ ذَرْعُكُمْ عَلَيْكُمْ إِنْ طَبَقْتُمْ عَلَيْهَا قَدْ أَفْسَدْتُمْ بَنِينَ وَبَنَاتٍ لَكُمْ وَعُقُلًا وَالَّذِينَ يَبْتِغُوا الْبَغْيَ وَيُرْسِلُوا الرِّسَالَ وَيَمْسِكُوا عَلَيْكُمْ كُمُوسَ أَلْسِنَتِهِمْ يَفْضَلُ عَلَيْهِمُ الْمُؤْمِنُونَ وَالَّذِينَ يَبْتَغُوا الْبَغْيَ وَيُرْسِلُوا الرِّسَالَ وَيَمْسِكُوا عَلَيْكُمْ كُمُوسَ أَلْسِنَتِهِمْ يَفْضَلُ عَلَيْهِمُ الْمُؤْمِنُونَ»** **“None of you should flog his wife as he flogs a slave and then have sexual intercourse with her in the last part of the day.”** The Khilafah (Calipahte) will therefore place the protection of women’s dignity and security as a key pillar of state policy, and will deal severely with any form of mistreatment, harm or abuse against them.

**“She (the woman) is an honour (ird) that must be protected.”** [Article 112, Hizb ut Tahrir’s Draft Constitution for the Khilafah]

- De M. D’Ohsson, an Armenian man who worked for many years in the Swedish Embassy in Turkey in the 18th century, wrote regarding the Uthmani Khilafah, *“Anyone who behaves badly towards a woman, regardless of his position or religion, cannot escape punishment, because religion generally commands women to be respected. For this reason, both the police and judges deal very severely with anyone who ill-treats women.”*

- The Khilafah prohibits any sexualisation or exploitation of women in any manner whatsoever. It also prohibits any other action that degrades their status in society. Rafi bin Rifaa (ra) narrated that: **«وَنَهَانَا عَنْ كَسْبِ الْأَمَةِ إِلَّا مَا عَمِلَتْ بِبَيْدِهَا وَقَالَ هَكَذَا بِأَصَابِعِهِ نَحْوَ الْخَبِزِ وَالْغَزْلِ وَالنَّفْسِ»** **“The Prophet (saw) forbade us from the earnings of the slave-girl except that which she earned with her two hands and said ‘in this manner’ with his fingers, such as bread-making, sewing, and inscribing.”**

*“Men and women must not practice any work that poses a danger to the morals or causes corruption in society.”* [Article 119, Hizb ut Tahrir’s Draft Constitution for the Khilafah]

- What female European writers and travellers stated regarding the TRUE status of women under the Uthmani Khilafah:

*“People have been accustomed lately to hear so much evil of the Turks – stories of their fanatical cruelty and unspeakable wickedness...It is not under this aspect that I have known them and wish to speak of them.”* [ ‘Everyday Life in Turkey’ (1897) by Lady Ramsey, British Author and Traveller]

*“The Turks in their conduct towards our sex are an example to all other nations...- and I think them (Turkish women) in their manner of living, capable of being the happiest creatures breathing.”* [‘A Journey Through the Crimea to Constantinople’ (1789) by Lady Craven, British traveller]

*“If, as we are all prone to believe, freedom be happiness, then are the Turkish women the happiest, for they are certainly the freest individuals in the Empire. It is the fashion in Europe to pity the women of the East; but it is ignorance of their real position alone which can engender so misplaced an exhibition of sentiment.”* [ ‘The City of the Sultan and Domestic Manners of the Turks in 1836’ by Julia Pardoe, British Poet, Historian, and Traveller]

*“Women are not prisoners in any sense of the word, nor are they pining behind their latticed windows as we are sometimes led to believe...This seclusion does not rest heavily upon Mohammedan woman, and she would be the first to resent the breaking of her seclusion.”* [‘The Harim and Purdah’ (1916) by Elizabeth Cooper, British Author]

- **Care over the needs, honour and rights of women demonstrated by the Khalifahs:**

- Umar ibn Khattab (ra) would take care of a blind elderly woman on the outskirts of Madinah at night. He would make arrangements for her water and take care of her needs. When he would go to see to her needs, he would find that someone had already taken care of it. He wanted to find out who this was, so he set out earlier than usual one evening waiting in anticipation. Suddenly he saw Abu Bakr (ra) who was the Khalifah at the time who was the one would come and take care of this woman.

- The second Khalifah of Islam, Umar bin Al Khattab (ra) would patrol the streets at night to ensure every single one of his citizens had their needs met and was cared for. One night he came across a woman in a tent who was groaning from labour pains. He immediately returned home, bringing his wife to aid her with the delivery of the baby as well as provisions to cook a meal. He cooked the meal with his own hands for the woman and her husband, saying to him, *“Come to me tomorrow and I will see what can be done further to help you.”*

- 9<sup>th</sup> century Abbassid Khalifah, Al-Mu’tassim Billah, mobilized a huge army to Amurriyah in Turkey, the place of the strongest Roman fort, to rescue a single Muslim woman who was abused by a Roman soldier, even though the capital of the Khilafah was in Baghdad at that time.

- Mamooun Ar-Rashid, one of the Abbassid Khalifahs, would specifically set aside Sundays for his public audience to hear their complaints. From early morning till afternoon, everyone – men and women – were free to present to the Khalifah their grievance which was instantly attended to. One day a poor old woman complained that a cruel person had usurped her property. *“Who is that person?”* asked the Khalifah. *“He is sitting beside you,”* replied the old woman, pointing to the Khalifah’s son, Abbas. Abbas tried to defend his action in a hesitant tone while the old woman was getting louder and louder in her arguments. The Khalifah stated that it was the honesty of her case that had made her bold and gave a judgement in her favour.

- Under the Khilafah, women have an active role in politics and public life. The Islamic system gives women the right to elect their representatives and the Khalifah. When Amr bin Al-‘As (ra) was consulting the citizens of the Khilafah as to whom they wished to be their leader after the death of Khalifah Umar bin Al-Khattab (ra), he sought the views of women and men alike.

*“The woman can elect members of the Ummah’s council, and be a member herself, and she can participate in the election of the Head of State and in giving him the pledge of allegiance.”* [Article 115, Hizb ut Tahrir’s Draft Constitution for the Khilafah]

- Under the Khilafah, women can also be members of political parties, raise their views in an independent media, be journalists or establish media outlets. They also have the right to be elected representatives of the Majlis Al-Wilayah or the Majlis Al-Ummah councils which advise and account governors and the Khalifah in all matters of the state.

*“Every citizen of the State has the right to become a member of the Majlis al-Ummah, or the Provincial Council....This applies to Muslim and non-Muslim.” [Article 107, Hizb ut Tahrir’s Draft Constitution for the Khilafah]*

- How the political and legal views of women were valued under the Khilafah:

- The Khalifah Umar bin Al Khattab (ra) would consult a woman called Al-Shifa bint Abdullah on various political matters due to her intelligence and insight. He often gave preference to her opinions over others. As a Khalifah, he also appointed her as the judge of the marketplace due to the sharpness of her intellect. She had the authority to authorise the punishment of those guilty of malpractice in trade or of harming public rights.

- The 9<sup>th</sup> century female scholar Nafisa bint Al-Hassan who lived in Egypt under the Abbassid Khilafah was heavily involved in the politics of her society such that people would go to her to resolve disputes they had with the governor of Egypt, and to get their rights met. The governor started his reign with heavy-handed policies. This angered the people and they raised their complaints to Nafisa to speak against him on their behalf. So one day, she accounted him harshly and reminded him of the punishment for oppression. Her words touched the governor and he immediately began to change the nature of his policies, eager to establish justice for the people.

- Amrah bint Abd al-Rahman, was one of the early jurists of Islam who lived under the Khilafah. She once intervened in a court case presided over by the Qadi of Madinah who was to implement the hudud punishment upon a thief who had stolen some iron rings. Amrah reminded the judge that such a punishment could only be applied upon the one who had stolen something worth a quarter of a dinar or more. Consequently, the qadi reversed his decision and released the defendant for he had no argument against the authority of the hadith she cited.

- Although women are not permitted to be a ruler in the Khilafah according to Islamic texts, they can however be an official or representative of the state in a non-ruling position, such as the head of a department or spokeswoman. ***“Any citizen of the state, male or female, Muslim or not, who is suitably competent may be appointed as head or a civil servant of any administration, directorate or department.”*** [Article 98, Hizb ut Tahrir’s Draft Constitution for the Khilafah]

***“It is permitted for a woman to be appointed in civil service and positions in the judiciary apart from the Court of Injustices.”*** [Article 115, Hizb ut Tahrir’s Draft Constitution for the Khilafah]

- Legally under the Khilafah, women are given the right to independently raise their marital, financial or other grievances to a judge or ruler. These God-given rights of women were taken seriously by the Khilafah in the past. The judicial records of the Uthmani Khilafah for example, show that women regularly used the courts for any violation of their rights or to resolve marital, financial and other disputes and that they often won their case. In fact, a study of 17<sup>th</sup> and 18<sup>th</sup> century Ottoman records, entitled “State, Society and Law in Ottoman Law in Comparative Study” published in 1994, found that women won 77% of the legal cases involving women verses men. Such was the level of justice that women received through the Khilafah’s judicial system, that non-Muslim women in the Ottoman state, frequently preferred to use the Qadi courts to seek recourse for their grievances rather than according to their own religious proceedings. [Colin Imber, ‘The Ottoman Empire, 1300-1650: The Structure of Power’]

***“Despite distance and great hazards, women came from as far as Egypt to petition, showing that the myth of ‘royal justice’ was widespread and strong enough, to convince many, even those from the farthest corners of the Empire, to undertake a laborious journey to Istanbul to present their grievances in person.”*** [Dr. Fariba Zarinebaf, Professor of Middle Eastern and Islamic Studies and Author of ‘Crime and Punishment in Istanbul, 1700-1800]

• The Khilafah’s high regard for female education explains why the history of the Islamic civilization is filled with thousands of examples of female scholars and experts in all fields of life. Scholars such as Umm Darda in the 7<sup>th</sup> century CE lectured in hadith and fiqh at the Great Umayyad Mosque in Damascus, the capital of the Khilafah at the time. One of her students was the Khalifah of the State, Abd al-Malik ibn Marwan. And scholars such as Sitt al-Wuzara bint Umar in the 12<sup>th</sup> century CE was popular for teaching al Bukhari’s Sahih hadith and taught in the Great Mosque in Cairo. Her lessons were attended by the scholars and other notables of the city – male and female.

*“Mohammed Akram (an Indian modern day Islamic scholar) embarked eight years ago on a single-volume biographical dictionary of female hadith scholars, a project that took him trawling through biographical dictionaries, classical texts, madrasa chronicles and letters for relevant citations. ‘I thought I’d find maybe 20 or 30 women,’ he says. To date, he has found 8,000 of them, dating back 1,400 years, and his dictionary now fills 40 volumes...”* [Extract from **“A Secret History”** by Carla Power published in New York Times Magazine, February 25<sup>th</sup>, 2007]

• These female scholars reached high ranking in all spheres of knowledge of the Deen and became famous jurists, issuing Islamic verdicts, interpreting Qur’an, transmitting and critiquing hadith, and even challenging the rulings of judges. Many wrote books on various fields within Islamic sciences, sometimes consisting of 10 or more volumes. They also routinely taught in houses, schools, and the main mosques and colleges of their cities – to both male and female students. Some colleges such as the Saqlatuniya Madrasa in Cairo were funded and staffed entirely by women [**‘Islam and Gender Justice’** by V. A. Mohamad Ashrof].

• Under Islamic rule, women also excelled in other fields of study. Labana of Cordoba for example, was an expert in mathematics and literature in the 10<sup>th</sup> century (CE). She was able to solve the most complex geometrical and algebraic problems and her vast knowledge of general literature obtained her employment as a secretary to the Khalifah, al-Hakem II. Lubna of Andalus was a poetess who also lived in the 10<sup>th</sup> century (CE). She excelled in grammar, mathematics and calligraphy. She was one of the chief scribes of the state and was entrusted with official correspondence. And women from the Banu Zuhr family were physicians who served the 12<sup>th</sup> century (CE) Khalifah Abu Yusuf Yaqub al-Mansur. It is also known that the first degree-granting university in the world – the University of Qarawiyyin in Fes, Morocco was established in 859 CE by a woman under the Khilafah – Fatima Al-Fihri.

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