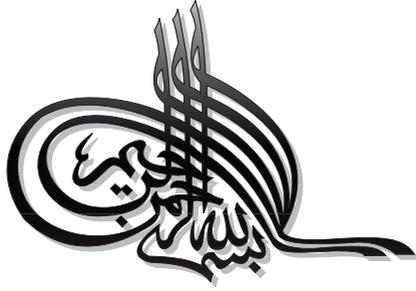


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**Women in Islam
and their Standing in
the Muslim Society**

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Introduction

This study, together with its French and English translations, was first published in one volume in 1992. Since then, the discourse on women in Islam has evolved so much at various levels and the issues concerning women in the Islamic society have been explored from different angles. Moreover, amid an atmosphere filled with lingering doubts and suspicions concerning Islam's honouring of women, the role of women in the edification of the country, and women's function in the civilizational edifice of the Islamic world, there was certainly a necessity to bring conclusive answers to such a controversial matter and to examine in a balanced manner all relevant issues to elucidate truths and refute falsehoods.

From this starting point, I deem it convenient to review this study by elaborating on some of its contents, rewording some of its paragraphs, adding new ideas inspired from my continuous readings on this subject and reflecting them in a new edition translated, as it was the case in the first edition, into English and French.

Talking about women in Islam is sure to lead us to a maze of ramifications. It has so a limitless scope that whenever it is raised, new horizons open up before any researcher attempting to thoroughly cover the aspects of this subject. Indeed, women's issues in Muslim societies have become one of the major issues of our time because they constitute a matter of pressing concern to the society; they are also intimately related to other societal issues having political, economic and cultural aspects. Therefore, women's issues ought to be approached in a fresh fashion in

order to clarify the mission of Islam and the teachings of its magnanimous *Shariah*, and to highlight the rights granted by Almighty Allah to women and the honourable status conferred on them by the *Shariah*, in a complete rupture with the prevailing situation before the advent of Islam.

I have presented in this study a focus on the integrated perception of women in Islam, along with a brief review on women in ancient civilizations and religions based on the most reliable sources. Thus I pointed out Islam's attitude towards women. I also highlighted women's legal rights and reviewed their civil and political rights. I concluded with an overview on the Muslim woman's scholarly contribution over the centuries.

I hope this study would be of great benefit to the readers and serve as a prelude to more elaborated researches.

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Women in ancient civilizations and religions:

A close observation of the status women had in the pre-Islamic civilizations and religions would be a good prelude to highlighting Islam's rather respective view of women. Reviewing examples and textual evidences from the thought of ancient civilizations and religions, and the behavior of their followers, and comparing them to the sound Islamic approach of social thought and behavior, must present anyone who seeks truth with fair findings.

Over the succession of nations, women suffered many an injustice that denied them even the most basic human rights and put them, in most times, in a lower position in terms of training and ranking.

The Sumerian, Assyrian and Babylonian civilizations in Mesopotamia treated women with contempt and held their opinion to be simply irrelevant. The Hammurabi law would blame women for assumed wrongdoings they did not actually commit, and unlike in the case of killing a man, no one may lose his life if he takes a woman's⁽¹⁾.

The Manu law in India considered women as inheritable properties who had no right to education; for women's task was to provide pleasure and lust for men⁽²⁾. Even worse, a woman's life should end with the death of her husband, as habits had that a woman shall be burnt with her dead husband at the stake⁽³⁾.

(1) *The General History of Civilizations*, Volume I, 205, Dar Oweidat, Beirut.

(2) Will Durant, *The Story of Civilization*, Volume I, 178-179, Arabic edition. Translated by Dr. Zaki Najib Mahmoud, Beirut-Tunis, 1988.

(3) Ibid.

As for the Chinese civilization, women were considered a bad omen and a byword for misery, which prevented them from going out of their home or looking to people in the face⁽⁴⁾.

In the Greek mythology, Women were portrayed as stained creatures⁽⁵⁾, described by Hesiod as having “*a dog's mind and a thievish disposition*”⁽⁶⁾.

The Greek orator Demosthenes once said: “*We keep prostitutes for pleasure, we keep mistresses for the day to day needs of the body, we keep wives for the begetting of children and for the faithful guardianship of our homes.*”⁽⁷⁾.

The Romans considered the woman as an unclean animal that shall be banned from entering temples, and thus disqualified from entering paradise. They viewed her femininity as one reason for her legal incompetence.⁽⁸⁾

The Torah holds Eve responsible for tempting Adam, as we read in the Genesis, Chapter 3, Adam saying: “*The woman whom thou gavest to be with me, she gave me fruit of the tree, and I ate.*”⁽⁹⁾. The wife was considered as an integral part of her husband's properties, so she shall concede on her human and material rights.

The Children of Israel used to immolate girls to please Molech. In the Book of Jeremiah, Chapter 32, we can read: “*and*

(4) Monique Piettre, *La condition féminine à travers les âges*, France Empire, 1974, translated into Arabic by Henriette Aboudi, Dar Tali'a, Beirut, 1979.

(5) Ibid / 59.

(6) Will Durant, *The Story of Civilization*, Part I, Volume II / 188.

(7) Ibid, Part II, Volume II / 144.

(8) Monique Piettre, op. cit, p. 48.

(9) *The Genesis*, Chapter III.

their daughters to pass through the fire unto Molech which I commanded them not⁽¹⁰⁾.

In pre-Islamic times, the Arabs were ashamed of having female births, and burying girls alive was widespread. God the Exalted says: **“When news is brought to one of them, of the birth of a female child, his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has received! Shall he retain her on sufferance contempt, or bury her in the dust? Ah! what evil choice they decide on?”**⁽¹¹⁾.

Islam's attitude towards women:

The Holy Quran came to redress the aberrations in thinking and behavior of ancient civilizations and religions as concerns women. It reaffirmed women's humane nature: **“O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate”**⁽¹²⁾.

Likewise, the Quran underlines their equality with men in bearing charges and assuming their responsibilities: **“Every soul will be (held) in pledge for its deeds”**⁽¹³⁾, and discharges Eve from seducing Adam, as they were both ordered to keep away from the tree: **“approach not this tree”**⁽¹⁴⁾. Whispering and slipping were from Satan to them both, **“then began Satan to whisper suggestions to them”**⁽¹⁵⁾, **“Then did Satan make them**

(10) *The Book of Jeremiah*, Chapter III.

(11) *The Holy Quran*, Surat an-Nahl, verses 58-59.

(12) *The Holy Quran*, Surat an-Nisa'a, verse 1.

(13) *The Holy Quran*, Surat al-Muddather, verse 38.

(14) *The Holy Quran*, Surat al-Aaraf, verse 19.

(15) *The Holy Quran*, Surat al-Aaraf, verse 20.

slip from the (garden)''⁽¹⁶⁾. Confession and asking for forgiveness were from them both: "They said: "Our Lord! We have wronged our own souls: If thou forgive us not and bestow not upon us Thy Mercy, we shall certainly be lost."⁽¹⁷⁾. The Holy Quran also stresses the likeness of creation for both men and women and, therefore, the likeness of responsibility and retribution. None of them holds a higher position than the other, except through good deeds. Women in the Holy Quran are not considered as dependent upon men, but rather as independent human beings.

In terms of good or bad deeds, God makes no difference between men and women. What is lawful shall be so for both men and women, and what is wrong shall be so for both men and women. Women are no longer seen as the devil's associates or just objects for sensual pleasure. Unless their feminine disposition prevents them to do so, women should assume their responsibilities in everything just as men do.

Women have the right to a decent life, to education, to owning and acting in property, to marriage, to caring of children, to inheritance, to work and to social respect. There is no monasticism in Islam, no breaking away from social life, no difference between the mother and the father in obedience and reverence: **"We have enjoined on man kindness to his parents: In pain did his mother bear him, and in pain did she give him birth. The carrying of the (child) to his weaning is (a period of) thirty months. At length, when he reaches the age of full strength and attains forty years, he says, "O my Lord! Grant me that I may be grateful for Thy favour which Thou has**

(16) *The Holy Quran*, Surat al-Baqrah, verse 36.

(17) *The Holy Quran*, Surat al-Aaraf, verse 23.

bestowed upon me, and upon both my parents”⁽¹⁸⁾, “Thy Lord hath decreed that ye worship none but Him, and that ye be kind to parents.”⁽¹⁹⁾, “Say not to them a word of contempt, nor repel them, but address them in terms of honour”⁽²⁰⁾.

Islam preordained to celebrate females in the same way as their male brothers, with no difference or discrimination. Males are no superior to females. Thanks to the latter the former still exist. Based on this, Islam prescribes the Aqiqah (the animal sacrifice done for a newborn child on the seventh day after the birth) and choosing a name to the female expressing glad tidings of her coming to being. Islam dispraises the pessimism people had been used to on the birth of female babies, as well as burying them alive, as was the case in some ancient habits in China, India and the Arab Peninsula.

Islam compels the Muslim society to provide education for men and women on equal footing. The prophet (PBUH) said: “*Knowledge seeking is prescribed upon each and every Muslim man and woman*”⁽²¹⁾. In the same way Islam obliges parents to honor their material obligations, it induces them to take care of their children's intellectual and moral build up, i.e. primary training, and moral and social education, so as the younger generations could integrate society as soundly as to be able to develop and prosper. Hence, parents are responsible for educating their male and female children, and education includes religious knowledge and the general knowledge that would help people to integrate society to earn their living and preserve their dignity. Education

(18) *The Holy Quran*, Surat al-Ahkaf, verse 15.

(19) *The Holy Quran*, Surat al-Isra'a, verse 23.

(20) Ibid.

(21) *Sahihu Muslim*.

also includes any discipline that would be of use to people and to their societies. Islam cares for women's chastity and protecting them against deviants. This is the reason why Islam obliges women not to display their charms except what (must ordinarily) appear thereof, and forbids *kholwa* (closed meeting between a man and woman) for fear of temptation and seduction, and to preserve women's dignity and social status.

Islam encourages women to acquire knowledge, allows them what it allows men in social and economic dealings, and does not deprive them of enjoying marriage and procreation. Therefore, it has equipped women to be the nucleus of the family and an active member in the progress of societies.

Marriage:

One of the particularities of human beings is that they are creatures who aspire for perpetuity and continuity, fearing extinction and discontinuation. Islam's fulfillment of this deep instinct resides in human beings' affection and mind, since they are responsible in their worldly and hereafter lives. Therefore, human beings are eternal even after their death. As for their continuity, it is embodied in begetting an inheritor of their psychological and physical features, according to the logic of renovation and the law of succession. Their kinship carries their material components and inherits from them the good deeds they contributed to society and humanity, in general. The prophet PBUH said: *“When a person dies, their work is cut off except from three things which remain after death: the endless charity (Sadaqah Jariah), knowledge which benefits people, and the good son who always pray to his parents.”*⁽²²⁾.

(22) *Ibn Majah*.

Islam came to stress that marriage is a legitimate bond between a man and a woman, and to define factual relationships without adopting an idealistic, mythical or emotional standpoint, for Islam is a set of principles and rules prescribed in cases of necessity and of choice, which principles are to be accepted because they seek the wellbeing of the society as a whole and not only the satisfaction of individual desires. Only in cases of extreme necessity can we go against emotions. Marital relationships are solemn covenants which persist only through preserving women's dignity and living with them in kindness **“live with them on a footing of kindness and equity”**⁽²³⁾, **“Annoy them not so as to restrict them”**⁽²⁴⁾. The prophet PBUH said: *“The best amongst you is the best in his behavior with his family”*⁽²⁵⁾. And he goes on: *“The best amongst you is the best in his behavior with his family; and I am the best in my behavior with my family. Only a benign would treat women well, and only a malignant would offend them”*⁽²⁶⁾.

Therefore, Islam does not permit polygamy and divorce unless some specific conditions are met. The main rationale herein is the pursuit of the family interest upon approval and consultation **“If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them”**⁽²⁷⁾. Like in ruling, consultation within the family is the underlying basis for any Islamic arrangement, preventing from injustice and oppression.

(23) *The Holy Quran*, Surat an-Nisa'a, verse 19.

(24) *The Holy Quran*, Surat an-Nisa'a, verse 1.

(25) ad-Darami, *as-Sunan*.

(26) as-Sayouti, *al-Jamii as-Sagheer*.

(27) *The Holy Quran*, Surat al-Baqarah, verse 233.

If the goals of the Islamic Law are meant to preserve the religion, the soul, the offspring, the property and the mind, marriage is to preserve the third of these goals, i.e. the offspring. Marriage is not merely a legal bond for procreation; it is also meant for stability and tranquility, love and compassion: “**They are your garments and ye are their garments**”⁽²⁸⁾. The garment here means full harmony and going into each other: “**When ye have gone in unto each other**”⁽²⁹⁾. “Garment” and “going into each other” are the welding and the soldering of the family cell, women being the nucleus of that cell. However, this emotional correlation and the responsibility it entails should not overlook the main purpose behind marriage, i.e. procreation for the continuity of life on Earth. If the husband fails in this, the wife may either accept the situation as it is or ask for divorce; and if the failure is the wife's, the husband has to decide whether to accept the situation, to marry another woman or to divorce his wife. These options offered by the lofty Islamic legislation were not provided for under the previous legislations, nor were they reached by subsequent laws.

Motherhood:

Marriage in Islam is not an end in itself; it is rather a means for building a well-founded family. The family is the first cell in the social structure, thus Islam is keen that this cell should be as immune as strong, and with sound ties. Motherhood is the bond fostering this cell. Motherhood is not procreation; it goes beyond it to cover full care from the start of the semen to the complete grow-up of the baby. Islam regulates all this with pinpoint

(28) *The Holy Quran*, Surat al-Baqarah, verse 187.

(29) *The Holy Quran*, Surat an-Nisa'a, verse 21.

accuracy starting from the choice of the spouse and the conditions for marriage.

Motherhood is women's main task in her life, in the same way that a tree is seen only through its fruits. Motherhood requires breast-feeding, care, rearing and education, as a contribution to the shaping of a sound society.

Considering the holiness of motherhood, Islam grants women a special position in society and attaches as great attention as they need to assume their natural function. It does not force them into laborious outdoor work, and tasks men with guardianship (*qiwama*) over them. *Qiwama* does not mean oppression and authority; it means fulfilling the duty of alimony and care. Since men are in charge of financial matters, their share of legacy should be bigger than women's, to maintain the equilibrium between the family poles in terms of care. Thus, no woman can have an excuse in neglecting her duty to nurture her children and to guide them to the right path, through attending to their upbringing, their behavior and their education. The more a woman takes care of her offspring, the stronger becomes her relationship with them, so as when she accomplishes her duty, she will become worthy of their benefaction, as detailed in the Holy Quran and the Prophet's sayings.

Women cannot convey their eternal message (motherhood) without the support and esteem of society. They should have their rights and their obligations defined as an active member in society. Islam does not omit any of this; rather, it so accurately adjudicated it, focusing on fair foundations that take into account the fineness of women's feelings, the delicacy of their sens, and all that afflicts their body as a result of menstruation, post-delivery and breastfeeding; hence the full harmony of the Islamic teachings with women's psychological and physical nature.

Women's legal rights:

Any woman has the full right to manage her own finances, as well as the right to handle their legal matters on their own, the right to bring a suit against her husband or any other person before the court. The court recognizes her testimony, alone or accompanied, according to the testimony's arrangements. It also accepts her legal opinion, judgment and consultation. Furthermore, it accurately and undisputedly defines her share in legacy.

Islam is at times subjected to smear campaigns disregarding the comprehensiveness of the Islamic way. In some issues related to testimony, for instance, one may find that it is limited to women alone, and that, sometimes, two women are needed, for the validity of testimony, beside one man. The criticisms targeting Islamic rulings in such cases cannot convince any person well versed with the law, *Shariah*, or sociology, since - under the Islamic provisions- the invalidity of woman's testimony in some issues has nothing to do with her gender. The Islamic Law specifies the situations of women's testimony as well as the men's. Therefore, it does not rely in its provisions only upon men's testimony in women-related issues, this law does not allow women to testify alone in the cases related to penalties of the Islamic law (*hudoud*), considering the fineness of their feelings which prevent them from verifying the details of the event and its circumstances, such as in death penalty cases.

Women's civil and political rights:

Muslim women contribute to all the activities of society, and have the right to work in the various jobs they afford to perform, on equal footing with men. What Islam specifically ordains is the preservation of women's chastity and keeping them

away from indecency, caring for their dignity and protecting society against decadence and depravity. The better the Muslim society can provide a field of work specific to women, the closer it becomes from the Islamic pathway, and if it loses the means for that, it should strive to provide female unity as much as possible. Muslims do not build mosques specific for men and others specific for women; rather, they separate men's place from women's within one mosque. This shows a tendency to simplification and facilitation instead of complication and deprivation.

Women are entitled to have access to various occupations, except for the supreme religious leadership (*Imama*) and judgeship, according to the consensus of Muslim scholars. The exception concerning judgeship has been open to debate among scholars such as al-Tabari, Ibn al-Kassim or Ibn hazm. Similarly, the Imama and judgeship are still open to debate among a group of contemporary scholars; which requires jurisprudence over the whole matter, in line with the supreme interests of the Ummah.

Aspects of women's scientific contribution:

Muslim women have made a rich contribution to the scientific, intellectual and literary movement, within the circle of the Islamic civilization. Throughout the different stages of Islamic history, thousands of distinguished and brilliant learned women excelled in the areas of science, the branches of knowledge and the fields of the Arab-Islamic culture. In his book "*Al-Isaba Fi Tamyiz Al-Sahaba*", al-Hafid Ibn Hajr writes about the life of one thousand five hundred forty three women, among them scholars, preachers and women of letters, and so does Imam al-Nawawi in "*Tahthibu Al Asamae Wa Al-lughat*", al-Khatib al-Baghdadi in his "*Tarikhu Baghdad*", as-Sakhawi in "*Addawu Al-lamü Li Ahli Al Qarni Attasü*", Omar Reda Kahala

in “*Muâjamu Aâlamî Al-Nisae*”, and many others who wrote biographies of learned women in religious jurisprudence, literature and poetry.

Since the time of the Prophet (PBUH), Muslim women were fond of seeking knowledge and excelling in it. The Mother of the Faithful, Aisha, may Allah be pleased with her, was one of the most versed women in Quran, religious obligations, poetry and Arabs' history. Hisham Ibn Orwa quoted his father saying: “*I have not seen any one who is more knowledgeable in theology, in medicine and in poetry than Aisha*”. The dignified learned woman Lady Fatimah bint al-Hussein Ibn Ali was the most genius knowledgeable and pious among the women of her time, as both Ibn Is'haq and Ibou Hisham based their recording of the Prophet's tradition on her narrations. Known for her knowledge and piety, Lady Nafissa bint al-Hassan Ibn Zaid bnou al-Hassan Ibn Ali used to attend lectures by Imam Malik in al-Madina al-Monawara. After moving to Egypt she started giving religious lectures that were attended by the most prominent scholars of the time, including Imam Ashafii who, during his lifetime, used to visit her to discuss with her matters related to jurisprudence and the essentials of religion. Zainab bint Abbass al-Baghdadia was a woman of jurisprudence and knowledge, and she used to attend religious lectures by the outstanding Muslim scholar Ibn Taimya. Shahda bint al-Abari al-Katib was preeminent in the field of Prophet's sayings; her students included Ibn al-Jawzi and Ibn Qadama al-Maqdissi, among many others. Um Habiba al-Asbahania taught al-Hafid al-Mundiri, who stated he had obtained a license from her. Fatimah bint Mohammad bin Ahmad Assamarqandi was a dignified scholar who acquired knowledge from many a scholar, and devoted herself to teaching knowledge. She wrote several books in jurisprudence and the Prophet's sayings,

and she used to draw the attention of her husband, Sheikh Ala'a al-Kassani to his errors whenever he committed one.

Fatimah bint Ahmed bin Yahia was a knowledgeable scholar deducing legal rulings, and her husband, Imam al-Motahhar, used to consult her about the difficulties he ever encounter in some issues and about the lessons he prepares for his students.

In the Islamic Maghreb, Fatimah al-Fihria built al-Qarawyeen Mosque in Fes, in the third century Hegira. Shortly after that, the mosque became the first Islamic university in the world. She was a virtuous generous scholar, and so was her sister, Maryam, who built al-Andalus mosque in Fes, too. One of the most famous transmitters of the Prophet's tradition (*Mouhaddiths*) in Andalusia was Um al-Hassan bint Soulaïman, who narrated after the Andalusia Mouhaddith Baqy Ibn Mukhallad, through listening and reading. She went to pilgrimage and met al-Hijaz scholars taking from them jurisprudence and knowledge of the Prophet's sayings. She went back to Andalusia before she observed pilgrimage for a second time, and died in Makkah-al-Mukarramah.

Among the learned women specialized in the Prophet's sayings, there was also Asmae bint Assad bni al-Furat, who was taught by her father, the companion of the great religious leaders Abu Hanifa an-Nu'aman and Malik Ibn Anass. She was famous for narrating the Prophet's sayings and jurisprudence following the Abu Hanifa Islamic school of thought.

Khadija bint Imam Sahnoun “*was sagacious, knowledgeable and pious. Women would ask for her opinion in religious matters and follow her model when dealing with difficult issues*”, said Imam al-Qadi Iyad in his book “*Tartibu Al-Madariki wa Taqribu Al-masaliki Limaârifati Aâlamî Madhabi Maliken*”. In his

famous book “*the Ring of the Dove in the Art of Love*”, (*Tawq al-Hamamah*), which was translated into several languages, Ibn Hazm states that women in Andalusia used to work in different jobs, including medicine, auction, teaching, and handicraft, such as spinning and textile. He mentions that they taught him in his childhood.

Tamima, daughter of the Moroccan Sultan Yusuf Ibn Tashafeen, was brilliant in science. Um Amru Ibn Zahr, sister of the famous physician Abu Bakr Ibn Zahr, was skillful in theoretical and practical medicine.

Among the prominent learned women in the Islamic Maghreb, there was Bayram bint Ahmad ad-Dayroutia who was distinguished in reading sciences. She accompanied her father to al-Aqsa Mosque and read in front of the scholars present there the many books she had memorized.

In modern times, and until the beginning of the ninth century, there lived in the city of Fes Lady Alia daughter of the great scholar at-Tayeb bin Kiran. She taught logic in al-Andalus Mosque in Fes. She gave special classes to men and others to women. Such classes were staged in other regions in the Muslim world, such as in Egypt, Damascus, Mesopotamia, Persia, Turkey, Transoxiana, and in India. Abu al-Hassan Ali an-Nadawi stated that he was taught by some women among his relatives who were brilliant in religious and literary disciplines. His sisters had made a remarkable contribution to literature and poetry.

In contemporary times, Muslim women excelled in the fields of science, literature, law, medicine, administration, etc. Some of them reached a high degree of scientific brilliance in their specialty fields. In fact, universities across the Muslim world are witnessing the phenomenon of female excellence in various

disciplines, as well as the emergence of some brilliant names in the fields of scientific research, all over the Muslim world.

The Islamic history records the excellence and distinguished contribution of Muslim women in the fields of science and knowledge in many Muslim countries, at a time when women in other societies had no contribution, what so ever, to any of the fields of intellectual activity.

These historical facts make us proud of the input of Muslim women in the shaping of the Arab-Muslim civilization. They motivate us to enable contemporary Muslim women to make their way into and excel in all the fields of science and knowledge, to devote their capabilities and skills to supporting comprehensive development in our Muslim societies, within the tolerant values of Islam, and in response to the requirements of social and economic development of today's world. This will help the renewal of the scientific contribution of Muslim women that marked the Arab-Muslim civilization throughout history.

This is probably one of the most important challenges we are facing today. The Muslim world is seeking a comprehensive scientific renaissance involving all Muslims, men and women alike, while upholding the constants and opening onto the future, under an enlightened jurisprudence for dealing with the mutations, so as they bear fruit and bring about progress and prosperity for Muslim societies in the future.

This very brief presentation is intended to give a general overview of the status of women in Islam. The real situation of women may differ from one Muslim country to another or from one city to another. This difference is due to the weight of customs and traditions, as well as the conditions prevailing in such and such society. What interests us more is to explain

Islam's vision of women and their position in Muslim society through the legislative texts and the enlightened scientific clarifications of these texts and sound practical models from the history of Muslims.

It is a clear fact that Islam has throughout its history encompassed peoples and nations resisting any sort of change of their habits and traditions. Many regions in the Muslim world were subjected to foreign assaults, intellectual invasion and colonial occupation. Other regions witnessed periods of backhandedness and civilizational recession. Therefore, many of the practices of Muslims today, including the position of women in their societies, are influenced by this multifaceted heritage.