



QUESTION & ANSWER BUCKET





01

WHY IS A MAN ALLOWED TO HAVE MORE THAN ONE WIFE IN ISLAM? I.E., WHY IS POLYGAMY ALLOWED IN ISLAM?

1 DEFINITION OF POLYGAMY

Polygamy means a system of marriage whereby a person has more than one spouse. Polygamy can be of two types. One is polygyny where a man marries more than one woman, and the other is polyandry, where a woman marries more than one man. In Islam, limited polygyny is permitted; whereas polyandry is completely prohibited.

Now coming to the original question, why is a man allowed to have more than one wife?

2 THE QUR'AN IS THE ONLY RELIGIOUS SCRIPTURE IN THE WORLD THAT SAYS, 'MARRY ONLY ONE'

The Qur'an is the only religious book, on the face of this earth, that contains the phrase 'Marry Only One'. There is no other religious book that instructs men to have only one wife. In none of the other religious scriptures, whether it be the Vedas, the Ramayana, the Mahabharata, the Geeta, the Talmud or the Bible does one find a restriction on the number of wives. According to these scriptures one can marry as many as one wishes. It was only later, that the Hindu priests and the Christian Church restricted the number of wives to one.



Many Hindu religious personalities, according to their scriptures, had multiple wives. King Dashrat, the father of Rama, had more than one wife. Krishna had 16,108 wives. Some Hindus may argue that Krishna did not marry these women for sex but to give them protection. After the battle thousands of women became widows and Krishna, in order to give them protection married them. Then, how come Krishna had 160,000 children from them!

In earlier times, Christian men were permitted as many wives as they wished, since the Bible puts no restriction on the number of wives. It was only a few centuries ago that the Church restricted the number of wives to one.

Polygyny is permitted in Judaism. According to the Talmudic law, Abraham had three wives, and Solomon had seven hundred wives. The practice of polygyny continued till Rabbi Gershom ben Yehudah (960 CE to 1030 CE) issued an edict against it. The Jewish Sephardic communities living in Muslim countries continued the practice till as late as 1950, until an Act of the Chief Rabbinate of Israel extended the ban on marrying more than one wife.



3 HINDUS ARE MORE POLYGYNOUS THAN MUSLIMS

The report of the 'Committee of The Status of Women in Islam', published in 1975 mentions on page numbers 66 and 67 that the percentage of polygamous marriages between the years 1951 and 1961 was 5.06% among the Hindus and only 4.31% among the Muslims. According to Indian law only Muslim men are permitted to have more than one wife. It is illegal for any non-Muslim in India to have more than one wife. Despite it being illegal, Hindus have more multiple wives as compared to Muslims. Earlier, there was no restriction even on Hindu men with respect to the number of wives allowed. It was only in 1954, when the Hindu Marriage Act was passed that it became illegal for a Hindu to have more than one wife. At present it is the Indian Law that restricts a Hindu man from having more than one wife and not the Hindu scriptures.

Let us now analyse why Islam allows a man to have more than one wife.

4 QUR'AN PERMITS LIMITED POLYGYNY

As I mentioned earlier, Qur'an is the only religious book on the face of the earth that says, 'Marry Only One'. The context of this phrase is the following verse from Surah Al Nisaa' of the Glorious Qur'an:



فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلثَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً



“Marry women of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one...”

Al Qur'an 4:3

Before the Qur'an was revealed, there was no upper limit for polygyny and many men had scores of wives, some even hundreds. Islam put an upper limit of four wives. Islam gives a man permission to marry two, three or four women, only on the condition that he deals justly with them.

In the same chapter i.e. Surah An Nisaa' verse 129 says:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا
كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا



“You are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If you come to a friendly understanding, and practise self-restraint, Allah is Oft-forgiving, Most Merciful.”

Al Qur'an 4:129



Therefore, polygyny is not a rule but an exception. Many people are under the misconception that it is compulsory for a Muslim man to have more than one wife.

Broadly, Islam has five categories of Do's and Don'ts:

- A. 'Fard' i.e. compulsory or obligatory
- B. 'Mustahab' i.e. recommended or encouraged
- C. 'Mubah' i.e. permissible or allowed
- D. 'Makruh' i.e. not recommended or discouraged
- E. 'Haraam' i.e. prohibited or forbidden

Polygyny falls in the middle category of things that are permissible. It cannot be said that a Muslim who has two, three or four wives is a better Muslim as compared to a Muslim who has only one wife.

5

AVERAGE LIFE SPAN OF FEMALES IS MORE THAN THAT OF MALES

By nature, males and females are born in approximately the same ratio. A female child has more immunity than a male child. A female child can fight the germs and diseases better than the male child. For this reason, during the paediatric age itself there are more deaths among males as compared to the females.

During wars, there are more men killed as compared to women. More men die due to accidents and diseases than women. The average life span of females is more than that of males, and at any given time one finds more widows in the world than widowers.

**6**

INDIA HAS MORE MALE POPULATION THAN FEMALE DUE TO FEMALE FOETICIDE AND INFANTICIDE

India is one of the few countries, along with the other neighbouring countries, in which the female population is less than the male population. The reason lies in the high rate of female foeticide and female infanticide in India. “Daily around 7000 girls are killed in the womb or immediately after birth in India” – UN Report, Quoted in Al Jazeera, 6th July 2015. If you multiply this figure by 365, the number of days in a year you will get more than 2.5 million females being aborted or killed immediately after birth every year in India. If this evil practice is stopped, then India too will have more females as compared to males.

7

WORLD FEMALE POPULATION IS MORE THAN MALE POPULATION

According to CIA (Central Intelligence Agency) The World Factbook, in July 2020, in the USA, women outnumbered men by 5 million. New York alone has 0.5 million more females as compared to the number of males. Germany has more than 1.63 million more females as compared to males. Bangladesh has more than 2.47 million females as compared to males. Russia has more than 10.6 million females as compared to males. The European Union, which constitutes 28 Countries of Europe, has more than 11.6 million females as compared to males. Closer home, in the South East Asia, there are more than 1.36 million more females as compared to males.



8

RESTRICTING EACH AND EVERY MAN TO HAVE ONLY ONE WIFE IS NOT PRACTICAL

Even if every man got married to one woman, there would still be more than 5 million females in USA who would not be able to get husbands. There would be more than 1.63 million females in Germany, more than 2.47 million females in Bangladesh, more than 10.6 million females in Russia, more than 11.6 million females in the European Union, more than 1.36 million females in the South East Asia, who would not be able to find a husband.

Suppose my sister happens to be one of the unmarried women living in USA, or suppose your sister happens to be one of the unmarried women in USA. The only two options remaining for her are that she either marries a man who already has a wife or becomes a public property. There is no other option. All those who are modest will opt for the first.

In Western society, it is common for a man to have mistresses and/or multiple extra-marital affairs, in which case, the woman leads a disgraceful, unprotected life. The same society, however, cannot accept a man having more than one wife, in which women retain their honourable, dignified position in society and lead a protected life.

Thus, the only two options before a woman who cannot find a husband is to marry a married man or to become public property. Islam prefers giving women the honourable position by permitting the first option and disallowing the second.



6

OTHER REASONS FOR POLYGyny BEING PERMITTED

Excess of women is not the only reason why a man is allowed to marry more than one woman. There are several other reasons besides this:

A

Wife Is sterile: couple has no children

Suppose the wife is sterile or barren and the couple is unable to have children for several years. Islam does not permit legal adoption (for which there are several reasons). But maybe the husband and wife both desire children and the wife does not mind sharing her husband. So, what's the harm in a man having two wives as long as he deals with them justly. Even if the wife may not desire to have a child and the husband wishes to continue his progeny, then the only option remaining for him is to either divorce his first wife and take another wife or keep the first wife and marry a second and treat both the wives with justice and equality.

B

Wife may meet with an accident and become handicapped.

Suppose a young girl within a few months of her marriage meets with an accident and gets handicapped, after which she is unable to perform her duty as a wife. The only option for the young husband is that he either divorces his first wife and takes another wife or keeps the first wife and marries another woman and treats both the wives with justice and equality.



C Wife suffering from severe illness or disease

Suppose a wife suffers from a severe illness or disease, and is unable to look after her young children and satisfy her husband. The first option you can find here is that the husband keeps the first wife and takes the second wife. This wife will act as a help and support to the first wife and her children. Many may argue that you can always keep a full-time nurse or a maidservant for this purpose. I do agree that this full-time nurse or maidservant will surely support the wife and the children, but very soon will also start “supporting” the young husband. Therefore, the only modest option is to keep the first wife and take the second wife and treat them equally with justice. There are several other reasons, why Islam has permitted limited polygyny, but it is mainly to protect the modesty of women.



02

IF A MAN IS ALLOWED TO HAVE MORE THAN ONE WIFE, THEN WHY DOES ISLAM PROHIBIT A WOMAN FROM HAVING MORE THAN ONE HUSBAND?

ANSWER:

A lot of people, including some Muslims, question the logic of allowing Muslim men to have more than one spouse while denying the same 'right' to women. Let me first state emphatically, that the foundation of an Islamic society is justice and equity. Allah has created men and women as equal, but with different capabilities and different responsibilities. Men and women are different, physiologically and psychologically. Their roles and responsibilities are different. Men and women are equal in Islam, but not identical. Surah An Nisaa' Chapter 4 verses 22 to 24 gives the list of women with whom you cannot marry and it is further mentioned in Surah An Nisaa' Chapter 4 verse 24:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ



“Also (prohibited are) women already married.”

Al Qur'an 4:24



The following points enumerate the reasons why polyandry is prohibited in Islam:

- 1** If a man has more than one wife, the parents of the children born of such marriages can easily be identified. The father as well as the mother can easily be identified. In case of a woman marrying more than one husband, only the mother of the children born of such marriages will be identified and not the father. Islam gives tremendous importance to the identification of both parents, mother and father. Psychologists tell us that children who do not know their parents, especially their father undergo severe mental trauma and disturbances. Often, they have an unhappy childhood. It is for this reason that the children of prostitutes do not have a healthy childhood. If a child born of such wedlock is admitted in school, and when the mother is asked the name of the father, she would have to give two or more names! I am aware that recent advances in science have made it possible for both the mother and father to be identified with the help of genetic testing. Even if we agree that the test is 100% accurate, this test was discovered recently, and this is not the only reason for not allowing Polyandry.

- 2** Man is more polygamous by nature as compared to a woman.



3

Biologically, it is easier for a man to perform his duties as a husband despite having several wives. A woman, in a similar position, having several husbands will not find it possible to perform her duties as a wife. A woman undergoes several psychological and behavioural changes due to different phases of the menstrual cycle and also due to the release of sex hormones, oestrogen. The mental state of a woman is not as stable as it is in normal times. According to a report, most crimes committed by women in USA, are done during their menstrual periods.

A woman has more chances of having a quarrel or disagreement with the husband during these periods. Therefore, Islam prohibits a man to give divorce to his wife while she undergoes her menstrual cycle. Thus, in polyandrous marriages, for a woman to have good relations with more than one husband at the same time will be too much of a mental trauma.

4

A woman who has more than one husband will have several sexual partners at the same time and has a high chance of acquiring venereal or sexually transmitted diseases, which can also be transmitted back to her husband even if all of them have no extra-marital sex. This is not the case with a man having more than one wife, and none of them having extramarital sex.

The above reasons are those that one can easily identify. There are probably many more reasons why Allah, in His Infinite Wisdom, has prohibited polyandry.



03

WHY DOES ISLAM DEGRADE WOMEN BY KEEPING THEM BEHIND THE VEIL?

ANSWER:

The status of women in Islam is often the target of attacks in the secular media. The 'Hijaab' or the Islamic dress is cited by many as an example of the 'subjugation' of women under Islamic law. Before we analyse the reasoning behind the religiously mandated 'Hijaab', let us first study the status of women in societies before the revelation of the Qur'an.

1

IN THE PAST WOMEN WERE DEGRADED AND USED AS OBJECTS OF LUST

The following examples from history amply illustrate the fact that the status of women in earlier civilisations was very low to the extent that they were denied basic human dignity.

A

Babylonian civilisation

The women were degraded and were denied all rights under the Babylonian law. If a man murdered a woman, instead of him being punished, his wife was put to death.



B Greek civilisation

Greek civilisation is considered the most glorious of all ancient civilisations. Under this very 'glorious' system, women were deprived of all rights and were looked down upon. In Greek mythology, an 'imaginary woman' called 'Pandora' is the root cause of misfortune of human beings. The Greeks considered women to be subhuman and inferior to men. Though chastity of women was precious, and women were held in high esteem, the Greeks were later overwhelmed by ego and sexual perversions. Prostitution became a regular practice amongst all classes of Greek society.

C Roman civilisation

When Roman civilisation was at the zenith of its 'glory', a man even had the right to take the life of his wife. Prostitution and nudity were common amongst the Romans.

D Egyptian civilisation

The Egyptians considered women evil and as a sign of a devil.

E Pre-Qur'anic Arabia

Before Islam spread in Arabia, the Arabs looked down upon women and very often when a female child was born, she was buried alive.



2

ISLAM UPLIFTS WOMEN AND GIVES THEM EQUALITY AND EXPECTS THEM TO MAINTAIN THEIR STATUS

Islam uplifted the status of women and granted them their just rights 1,400 years ago. Islam expects women to maintain their status.

A Hijaab for men

People usually only discuss ‘Hijaab’ in the context of women. However, in the Glorious Qur’an, Allah (swt) first mentions ‘Hijaab’ for the men before ‘Hijaab’ for the women.

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ



“Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and Allah is well acquainted with all that they do.”

Al Qur’an 24:30

The moment a man looks at a woman and if any brazen or unashamed thought comes to his mind, he should lower his gaze.



B Hijaab for women

وَقُلْ لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ
وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ
مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ
زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ أَبْنَائِهِنَّ...



“And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw veils over their bosoms and not display their beauty except to their husbands, their fathers, their husbands’ fathers, their sons...”

Al Qur’an 24:31

3

SIX CRITERIA FOR HIJAAB

According to Qur’an and Sahih Hadith there are basically six criteria for observing Hijaab:



A Extent:

The first criterion is the extent of the body that should be covered. This is different for men and women. The extent of Hijaab for the male is to cover the body at least from the navel to the knees. For women, the complete body should be covered except the face and the hands upto the wrists. If they wish to, they can cover even these parts of the body. Some scholars of Islam insist that the face and the hands are also part of the obligatory extent of 'Hijaab'.

All the remaining five criteria are the same for men and women:

B The clothes worn should be loose and should not reveal the figure.

C The clothes worn should not be transparent or translucent such that one can see through them.

D The clothes worn should not be so glamorous as to attract the opposite sex.

E The clothes worn should not resemble that of the opposite sex.

F The clothes worn should not resemble that of the unbelievers i.e., they should not wear clothes that are specifically identities or symbols of the unbelievers' religions.



4

HIJAAB INCLUDES CONDUCT AND BEHAVIOUR AMONG OTHER THINGS

Complete 'Hijaab', besides the six criteria of clothing, also includes the moral conduct, behaviour, attitude and intention of the individual. A person only fulfilling the criteria of 'Hijaab' of the clothes is observing 'Hijaab' in a limited sense. 'Hijaab' of the clothes should be accompanied by 'Hijaab' of the eyes, 'Hijaab' of the heart, 'Hijaab' of thought and 'Hijaab' of intention. It also includes the way a person walks, the way a person talks, the way a person behaves, etc.

5

HIJAAB PREVENTS MOLESTATION

The reason why Hijaab is prescribed for women is mentioned in the Qur'an in the following Verse of Surah Al-Ahzaab:

يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزُوجِكُمْ وَبَنَاتِكُمْ وَنِسَاءَ
الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلْبَابٍ ذَلِكُمْ أَذْنَىٰ
أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا



“O Prophet! Tell your wives and daughters, and the believing women that they should cast their outer garments over their persons (when abroad); that is most convenient that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful.”

Al Qur'an 33:59

The Qur'an says that Hijaab has been prescribed for the women so that they are recognised as modest women and this will also prevent them from being molested.

6

EXAMPLE OF TWIN SISTERS

Suppose two sisters who are twins, and who are equally beautiful, walk down the street. One of them is wearing the Islamic Hijaab i.e. the complete body is covered, except for the face and the hands up to the wrists. The other sister is wearing western clothes, a mini-skirt or shorts with a low neckline. Just around the corner there is a hooligan or ruffian who is waiting for a catch, to tease a girl... whom will he tease? The girl wearing the Islamic Hijaab or the girl wearing the skirt or the mini with a low neckline? Naturally he will tease the girl wearing the skirt or the mini with a low neckline. Such dresses which expose more than what they cover is an indirect invitation to the opposite sex for teasing and molestation. The Qur'an rightly says that Hijaab prevents women from being molested.



7

CAPITAL PUNISHMENT FOR THE RAPISTS

Under the Islamic Shari'ah, a man convicted of having raped a woman, is given capital punishment. Many are astonished at this 'harsh' sentence. Some non-Muslims may say that 'Capital punishment in this age of science and technology! Islam is a ruthless, barbaric religion!' I have asked a simple question to hundreds of non-Muslim men. Suppose, God forbid, someone rapes your wife, your mother or your sister. You are made the judge and the rapist is brought in front of you. What punishment would you give him? All of them said they would put him to death. Some went to the extent of saying they would torture him to death. To them I ask, if someone rapes your wife or your mother you want to put him to death. But if the same crime is committed on somebody else's wife or daughter, you say capital punishment is barbaric. Why should there be double standards?

8

WESTERN SOCIETY FALSELY CLAIMS TO HAVE UPLIFTED WOMEN

Western talk of women's liberalisation is nothing but a disguised form of exploitation of her body, degradation of her soul, and deprivation of her honour. Western society claims to have 'uplifted' women. On the contrary it has actually degraded them to the status of concubines, mistresses and society butterflies who are mere tools in the hands of pleasure seekers and sex marketeers, hidden behind the colourful screen of 'art' and 'culture'.



9

USA HAS ONE OF THE HIGHEST RATES OF RAPE

Department of Justice, in the year 2014, every day on an average 2318 cases of rape were committed in USA alone. 5 years later according to the U.S. Department of Justice, in the year 2019 on an average everyday 3712 cases of rape were committed in USA. Maybe the Americans got 'bolder' in 5 years. Every 23 seconds one rape is being committed in USA.

Consider a scenario where the Islamic Shari'ah is implemented in America. Whenever a man looks at a woman and any brazen or unashamed thought comes to his mind, he lowers his gaze. Every woman wears the Islamic Hijaab that is the complete body is covered except the face and the hands upto the wrists. After this if any man commits rape, he is given capital punishment. I ask you, in such a scenario, will the rate of rape in America increase, will it remain the same, or will it decrease?

10

IMPLEMENTATION OF ISLAMIC SHAR'IAH WILL REDUCE THE RATE OF RAPES

Naturally as soon as Islamic Shar'iah is implemented positive results will be inevitable. If Islamic Shar'iah is implemented in any part of the world, whether it is America, Europe or India, society will breathe easier. Hijaab does not degrade a woman but uplifts a woman and protects her modesty and chastity.



04

WHY ARE TWO WITNESSES WHO ARE WOMEN, EQUIVALENT TO ONLY ONE WITNESS WHO IS A MAN?

ANSWER:

1

TWO FEMALE WITNESSES ARE EQUAL TO ONE MALE WITNESS ONLY IN FINANCIAL TRANSACTION

It is not true that two female witnesses are always considered as equal to only one male witness. It is true only in certain cases. There are no less than eight verses in the Qur'an that mention witnesses, without specifying male or female. There is only one verse in the Qur'an that says two female witnesses are equal to one male witness. This verse is in Surah Al Baqarah, Chapter 2 Verse 282. This is the longest verse in the Qur'an and deals with financial transactions. It says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ
وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْبَ كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ
اللَّهُ فَلْيَكْتُبْ وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسَ مِنْهُ
شَيْئًا فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ
أَنْ يُمْلََّ هُوَ فَلْيُمْلِلْ وَلِيَّهُ بِالْعَدْلِ وَأَسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ
فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّن تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ
إِحْدَاهُمَا فَتُذَكَّرَ إِحْدَاهُمَا الْأُخْرَىٰ



“O you who believe! When you deal with each other, in transactions involving future obligation in a fixed period of time, reduce them to writing... and get two witnesses out of your own men and if there are not two men, then a man and two women, such as you choose for witnesses, so that if one of them errs, the other can remind her...”

Al Qur'an 2:282

This verse of the Qur'an deals only with financial transactions. In such cases, it is advised to make an agreement in writing between the parties and take two witnesses, preferably both of which should be men only. In case you cannot find two men, then one man and two women would suffice. For instance, suppose a person wants to undergo an operation for a particular ailment. To confirm the treatment, he would prefer taking references from two qualified surgeons. In case he is unable to find two surgeons, his second option would be one surgeon and two general practitioners who are plain MBBS doctors.

Similarly, in financial transactions, two men are preferred. Since financial responsibility is shouldered by men; they are expected to be well more versed in financial transactions as compared to women. As a second option, the witness can be one man and two women, so that if one of the women errs the other can remind her. The Arabic word used in the Qur'an is 'Tazil' which means 'to get confused' or 'to err'. Many have wrongly translated this word as 'to forget'. Thus, financial transaction is the only case in the Qur'an in which two female witnesses are equal to one male witness.



2 TWO FEMALE WITNESSES EQUAL TO ONE MALE WITNESS EVEN IN THE CASE OF MURDER

However, some scholars are of the opinion that the feminine attitude can also have an effect on the witness in a murder case. In such circumstances a woman is more terrified as compared to a man. Due to her emotional condition she can get confused. Therefore, according to some jurists, even in cases of murder, two female witnesses are equivalent to one male witness. In all other cases, one female witness is equivalent to one male witness.

3 TWO FEMALE WITNESSES NOT ALWAYS CONSIDERED EQUAL TO ONE MALE

There are no less than eight verses in the Qur'an, which speak about witnesses without specifying man or woman.

A While making a will of inheritance, two just persons are required as witnesses



“O you who believe! When death approaches any of you, (take) witnesses among yourself when making bequests, two just persons of your own (brotherhood) or other from outside if you are journeying through the earth and the chance of death befalls you...”

Al Qur'an 5:106



B Two persons ended with justice in case of Talaq (Divorce)

وَأَشْهِدُوا ذَوَىٰ عَدْلٍ مِّنكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ



“...And take for witness two persons from among you, ended with justice, and establish the evidence (As) before Allah...”

Al Qur'an 65:2

C Four witnesses are required in case of charge against chaste women

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ
تَمْنِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَٰئِكَ هُمُ الْفَاسِقُونَ



“And those who launch a charge against chaste women, and produce not four witnesses (To support their allegations), flog them with eighty lashes: and reject their evidence ever after: for such men are wicked transgressors.”

Al Qur'an 24:4



D Other Qur'anic Verses which talk about witnesses without specifying man or woman

It is also mentioned in Surah An Nisaa' Chapter No. 4, Verse No. 6, Surah An Nisaa' Chapter No. 4, Verse No. 15, Surah An Noor, Chapter No. 24, Verse No. 8, as well as Surah An Noor, Chapter No. 24, Verse No. 13, which all speak about witnesses without specifying man or woman.

4

QUR'AN CLEARLY SPECIFIES THAT ONE FEMALE WITNESS IS EQUAL TO ONE MALE WITNESS

There are some scholars who are of the opinion that the rule of two female witnesses equal to one male witness should be applied to all the cases. This cannot be agreed upon because one particular verse of the Qur'an from Surah An Noor Chapter 24, Verse 6 clearly equates one female witness and one male witness:

وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ



“And those who launch a charge against their spouses, and have (in support) no evidence but their own – their solitary evidence can be received.”

Al Qur'an 24:6



5

SOLITARY WITNESS OF AYESHA (RA) IS SUFFICIENT FOR HADITH TO BE ACCEPTED

Ayesha (ra) the wife of the beloved Prophet (pbuh) has narrated no less than 2220 Ahadith, which are considered authentic only on her solitary evidence. This is a sufficient proof that one witness of a woman can also be accepted. Many jurists agree that even one witness of a woman is sufficient for the sighting of the new moon. Imagine one woman witness is sufficient for one of the pillars of Islam, i.e. fasting and the whole Muslim community agree and accept her witness! Some jurists say that one witness is required at the beginning of Ramadhān and two witnesses at the end of Ramadhān. It makes no difference whether the witnesses are men or women.

6

FEMALE WITNESSES ARE PREFERRED IN SOME CASES

Some incidents require only female witness and that of a male cannot be accepted. For instance, in dealing with the problems of women, while giving the burial bath to a woman, the witness has to be a woman.



05

UNDER ISLAMIC LAW, WHY DOES A WOMAN INHERIT ONLY HALF THE WEALTH AS COMPARED TO THE MAN?

ANSWER:

1

INHERITANCE IN THE QUR'AN

The Qur'anic verses that contain guidance regarding inheritance are:

- * Surah Al Baqarah 2:180
- * Surah Al Baqarah 2:240
- * Surah Al Nisaa' 4:7-9
- * Surah Al Nisaa' 4:19
- * Surah Al Nisaa' 4:33 and
- * Surah Al Maa'idah 5:106-108

2

SPECIFIC SHARES OF INHERITANCE FOR THE RELATIVES

There are three verses in the Qur'an that broadly describe the share of close relatives i.e. Surah Al Nisaa', Chapter 4, Verses 11, 12 and 176. The verses are as follows:



يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ
أُنثَيَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ
وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ
وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ
وَصِيَّةِ يُوَصِّى بِهَا أَوْ دَيْنٍ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ
لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ
وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةِ يُوَصِّينَ بِهَا أَوْ دَيْنٍ وَلَهُنَّ
الرُّبْعُ مِمَّا تَرَكَتُمُ إِن لَّمْ يَكُنْ لَكُمْ وَلَدٌ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ
مِمَّا تَرَكَتُمُ مِنْ بَعْدِ وَصِيَّةِ تُوَصُّونَ بِهَا أَوْ دَيْنٍ وَإِن كَانَ رَجُلٌ يُورَثُ
كَلَالَةً أَوْ امْرَأَةً وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا
أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةِ يُوَصِّى بِهَا
أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ



“Allah (thus) directs you as regards your children’s (inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases) after the payment of legacies and debts. You know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-Knowing, All-Wise.”



“In what your wives leave, your share is a half, if they leave no child; but if they leave a child, you get a fourth; after payment of legacies and debts. In what you leave, their share is a fourth, if you leave no child; but if you leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-Knowing, Most Forbearing.”

Al Qur’an 4:11&12



يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ
إِنْ أَمْرُو هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ
مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتْ أُثْتَيْنِ فَلَهُمَا
الثُّلُثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ
حَظِّ الْأُنثِيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ



“They ask you for a legal decision. Say: Allah directs (them) about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance. If (such a deceased was) a woman who left no child, her brother takes her inheritance. If there are two sisters, they shall have two thirds of the inheritance (between them). If there are brothers and sisters, (they share), the male having twice the share of the female. Thus, does Allah makes clear to you (His law), lest you err. And Allah has knowledge of all things.”

Al Qur'an 4:176



2 FEMALE SOMETIMES INHERITS SAME OR MORE THAN THE MALE COUNTERPART

In most of the cases, a woman inherits half of what her male counterpart inherits. However, this is not always the case. In case the deceased has left no ascendant or descendent but has left the uterine brother and sister, each of the two inherits one sixth. If the deceased has left children, both the parents (that is the mother and the father) get an equal share and inherit one sixth each. In certain cases, a woman can also inherit a share that is double that of the male. If the deceased is a woman who has left no children, brothers or sisters and is survived only by her husband, mother and father, the husband inherits half the property while the mother inherits one third and the father the remaining one sixth. In this particular case, the mother inherits a share that is double that of the father.

3 TWO FEMALE WITNESSES NOT ALWAYS CONSIDERED EQUAL TO ONE MALE

It is true that as a general rule, in most cases, the female inherits a share that is half that of the male. For instance, in the following cases:

A Daughter inherits half of what the son inherits.



- B** Wife inherits 1/4th and husband 1/2 if the deceased has no children.
- C** Wife inherits 1/8th and husband 1/4th if the deceased has children.
- D** If the deceased has no ascendant or descendent, the sister inherits a share that is half that of the brother.

5

MALE INHERITS DOUBLE THAN THE FEMALE BECAUSE HE FINANCIALLY SUPPORTS THE FAMILY

In Islam, a woman has no financial obligation and the economical responsibility lies on the shoulders of the man. Before a woman is married it is the duty of the father or brother to look after the lodging, boarding, clothing and other financial requirements of the woman. After she is married it is the duty of the husband or the son. Since the financial burden to look after the family is put on the men, in order to do justice to this responsibility they get double the share of inheritance.


For example, if a man dies leaving about One Hundred and Fifty Thousand Dollars for the children (i.e one son and one daughter), the son inherits One Hundred Thousand Dollars and the daughter only Fifty Thousand Dollars. Out of the One Hundred Thousand Dollars which the son inherits, as his duty towards his family, he may have to




spend on them almost the entire amount or say about Eighty Thousand Dollars and thus he has a small percentage of inheritance, say about Twenty Thousand Dollars, left for himself. On the other hand, the daughter, who inherits Fifty Thousand Dollars, is not bound to spend a single penny on anybody. She can keep the entire amount for herself. Would you prefer inheriting One Hundred Thousand Dollars and spending Eighty Thousand Dollars from it, or inheriting Fifty Thousand Dollars and having the entire amount for yourself?

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