

The Issue of woman-man Equality from the Perspective of American Writer Robert Spencer : A Critical Study^(*)

Under the Supervision of:

Prof. Muhammad Abdul Rahim Al-Bayoumy

Professor of Islamic Creed and Philosophy & Dean of School of Theology,
Zagazig Branch, Al-Azhar University

Dr. Ahmad Al-Saiid Zaki Hemeidah

Assistant Professor, Department of Islamic Studies in Foreign Languages
(English Section), School of Languages and Translation, Al-Azhar University

Hani Naji Al Kahel

School of Languages and Translation

Department of Islamic Studies in Foreign Languages
English Section, Al-Azhar University

Abstract

This study critically examines the concept of gender equality in Islam, specifically addressing the writings and perspectives of the American blogger Robert Spencer. The research aims to counter Spencer's assertions that Islam does not uphold gender equality. Spencer contends that Islam regards women as inferior to men, granting men the authority to control women, inherit more, and suppress them through practices such as polygamy. This study presents compelling arguments highlighting Islam's profound respect for women and their equal rights and responsibilities. Any disparities in obligations are attributed to inherent biological distinctions between men and women. For instance, polygamy is viewed as an exceptional measure applicable in specific circumstances, such as post-war periods with a surplus of widows and orphans, serving as a means of care and protection for them. The division of inheritance is based on principles of kinship, the financial obligations of male heirs, and the position of the inheriting generation. Ultimately, this research underscores

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Islam's perspective of women as equal partners to men in terms of rights and responsibilities, effectively refuting claims that Islam devalues or oppresses women.

Keywords: Equality, Islam, Spencer, women in Islam, polygamy, inheritance, women's testimony, *qiwama* (male guardianship).

الملخص :

يهدف هذا البحث إلى دراسة نقدية لمفهوم المساواة بين الجنسين في الإسلام، معارضاً بذلك كتابات المدون الأمريكي روبرت سبنسر وآرائه في الإسلام. يسعى الباحث إلى مواجهة تأكيدات سبنسر بأن الإسلام لا يدعم المساواة بين الجنسين ويعتبر المرأة أدنى منزلة من الرجل، مما يمنح الرجل سلطة السيطرة عليها ونصيياً أكبر في الإرث ويقمعها من خلال ممارسات مثل تعدد الزوجات. يقدم الباحث حججاً تؤكد على الاحترام العميق للإسلام للمرأة والمساواة في الحقوق والمسؤوليات. تُعزى أي تفاوتات في الالتزامات إلى الفروق البيولوجية المتأصلة بين الرجل والمرأة. يُنظر إلى تعدد الزوجات على أنه إجراء استثنائي قابل للتطبيق في ظروف معينة مثل فترات ما بعد الحرب عندما يكون هناك فائض من الأراذل والأيتام، ومن ثم يكون بمثابة وسيلة لرعايتهم وحمايتهم. توضح الدراسة أن قسمة الميراث في الإسلام تستند إلى مبادئ القرابة، والالتزامات المالية للورثة الذكور، ومكانة الجيل الموروث. يخلص الباحث إلى أن منظور الإسلام للمرأة هو أنها شريكة للرجل تتساوى معه في الحقوق والمسؤوليات، ويدحض الادعاءات التي تقول بأن الإسلام يقلل من قيمة المرأة أو يضطهدها.

الكلمات المفتاحية: المساواة بين الجنسين، الإسلام، روبرت سبنسر، المرأة في الإسلام، تعدد الزوجات، الميراث، شهادة المرأة، القوامة.

Introduction

This study focuses on the equality between woman-man in the writings of Robert Spencer, exploring his views regarding the issue of woman-man equality in Islam. By critically examining Spencer's arguments and analyzing their alignment with Islamic teachings, this research aims to shed light on the topic and provide a comprehensive understanding of gender equality in Islam.

Research Problem:

The research problem addressed in this study revolves around the question of whether Spencer's writings accurately reflect the concept of gender equality in Islam. Spencer claims that Islam inherently promotes male superiority and the subjugation of women, arguing that women are treated as inferior and denied equal rights and opportunities. The research aims to critically evaluate these claims and investigate their validity within the context of Islamic teachings and principles.

Research Questions:

To effectively address the research problem, the study will focus on the following key questions:

- 1- What are the main arguments and viewpoints put forth by Robert Spencer regarding gender equality in Islam?
- 2- To what extent do Spencer's assertions align with the teachings and principles of Islam regarding the equal status of men and women?
- 3- How do Islamic sources, including the Qur'an and Hadith, interpret and address the issue of gender equality?
- 4- What are the historical and cultural contexts that shape the understanding and interpretation of gender equality in Islam?

Methodology:

This research employs a critical, analytical, and deductive methodology to examine and analyze the writings and opinions of Robert Spencer. The research will also draw upon authentic Islamic sources, such as the Qur'an, Hadith, and scholarly interpretations, to provide a balanced and well-rounded analysis. Additionally, academic studies, debates, and contemporary research on the subject will be considered to enrich the discussion and offer a broader perspective.

Equality between Men and Women

The matter of gender equality stands as a significant concern within the domain of human rights, thus commanding considerable attention in both print and other media outlets, particularly from an Islamic viewpoint (Smith, 2010). Spencer asserts that the status of women in Islam is subservient to that of men, stating that "Women are inferior to men, and must be ruled by them: 'Men have authority over women because God has made the one superior to the other' (Qur'an 4:34)" (Spencer, 2005, p. 67). Spencer also said, "As long as men read and believe the Qur'an, women will be despised, second-class citizens" (Spencer, 2005, p. 77). According to Spencer's understanding of Islam, women have a lower status than men. The following discussion explores the truth about gender equality in Islam.

The Concept of Woman-man Equality in Islam

The notion of gender equality in Islam is rooted in the principle of parity, emphasizing equal respect and dignity for both men and women. This concept is illustrated in the Qur'an through the verse "And We have honored the children of Adam" (Qur'an 17:70), which applies to both genders. This verse underscores the significance of treating all individuals with equal dignity and equality, as seen from the perspective of Allah.

Islam considers both men and women equal in terms of their legal obligations and responsibilities, as both genders are required to fulfill their duties towards God. This principle is rooted in the belief that men and women share a common origin, as stated in the Qur'an: "O mankind! Be dutiful to your Lord, Who created you from a single person (Adam)" (Qur'an 4:1). Prophet Muhammad also emphasized the equal status of men and women, stating that "Women are indeed the twin-halves of men" (Abu Dawud, 236). Women are equal to men in the legislation set by Allah and in the blessings bestowed upon them.

In the religion of Islam, women are granted the same rights as men concerning financial transactions and civil contracts. As stated by Ali bin Hazm, may God have mercy on him, "The Messenger of God, may God's prayers and peace be upon him, was sent to men and women as an equal mission, and the speech of God Almighty and the speech of His Prophet, may God's prayers and peace be upon him, to men and women was one speech" (Ibn Hazm, p. 81). This highlights that women have equal entitlement to financial provisions and assignments as men, emphasizing their equality.

In terms of the afterlife, Islam considers women equal to men regarding reward and punishment. Allah states in the Qur'an, "Whoever works righteousness - whether male or female - while he (or she) is a true believer, verily, to him We will give a good life (in this world with respect, contentment and lawful provision), and We shall pay them certainly a reward in proportion to the best of what they used to do" (Qur'an 16:97). This verse indicates that gender does not play a role in determining one's level of accountability or entitlement to rewards in this life or the Hereafter. Both men and women are equally eligible for rewards based on their righteous deeds and faith.

Moreover, Islamic law treats women and men equally in terms of legal punishments. The Qur'an refers to both men and women in relation to the crime of theft, stating, "And (as for) the male thief and the female

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thief" (Qur'an 5:38). This demonstrates that women are held to the same legal standards as men and are considered equal before the law.

Islam surpasses mere equality between men and women by commanding men to treat women with kindness. As God Almighty declared: "And live with them honorably" (Qur'an 4:19). The Messenger of God, may God's prayers and peace be upon him, instructed: "I command you to take care of the women in a good manner" (Al-Bukhari, 5186). This is a matter for spouses, fathers, brothers, and others to advise women kindly, to treat them well, not to wrong them, and to give them their rights.

The aforementioned texts demonstrate that women are equal to men in terms of the rights established by Sharia, including respect and honor. The difference between the sexes in the Sharia is not intended to prioritize one gender over the other, but instead, it reflects the differences in their characteristics and functions. Ziba Mir Hosseini argues that acknowledging the biological and psychological differences between the sexes is essential for fairness. She posits, "Differences in rights and duties do not mean inequality or injustice; if correctly understood, they are the very essence of justice. This is so because these rulings not only reflect the Shari'a, which they argue is the divine blueprint for society, but they are also in line with 'human nature' (fitra) and take into consideration the biological and psychological differences between the sexes" (Mir-Hosseini, 2012, p. 297). Thus, due to psychological and biological differences between men and women, achieving absolute equality between the two genders is not possible. Hence, it is fair to distribute duties and responsibilities according to the unique creation of men and women by God, in order to attain justice and fairness within society.

Hence, it is evident that Islamic teachings recognize that men and women are equal before God and the law, but they complement each other in social and family life. If Islam recognizes equality between men

and women, what is meant by *qiwama* (male guardianship) mentioned in the verse cited by Spencer ?

Qiwama (Male Guardianship)

Spencer asserts that women are inferior to men and ought to be governed by them. He argues, "Women are inferior to men, and must be ruled by them: 'Men have authority over women because God has made the one superior to the other' (Qur'an 4:34)" (Spencer, 2005, p. 67). Spencer argued for the superiority of men over women through the concept of *qiwama* that Allah has entrusted to men in the Quran. The following is an explanation of the concept and its purpose in the Quran.

The Reality of Qiwama (Male Guardianship)

Ibn Manzūrsaid, "Ibn Bury says, 'Al-qiam' comes in the sense of maintaining and reforming." (Ibn Manzūr, p. 497) Al-Qurtubi interpreted the phrase "men are the ever upright (managers) (of the affairs) of women" in the Qur'an as meaning "that is, they spend on them and defend them" (Al-Qurtubi, 1964, vol. 5, p. 168). Ibn Arabi explained the meaning of a man's *qiwama* in the verse as "a trustworthy person who takes care of her affairs." (Mohammed bin al-Arabi, 2003, vol. 1, p. 530) Muhammad Rashid Rida clarified that *qiwama* is a responsibility assigned by Islam to men and explained the role of men towards women as, "It is within their customary duties [referring to men] to provide women with protection, care, guardianship, and sufficiency. One of the necessary implications of this is that they are obligated to engage in jihad, without women, as it includes protection for them" (Rida, 1990, vol. 5, p. 55). It is evident from the above that *qiwama* encompasses several meanings, including maintaining, reforming, providing, sufficiency, and protection. One of its requirements is that men are obligated to fight enemies without women, not because of any preference of men over women but rather to account for the physical and natural

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differences between men and women, as men are more capable of enduring the hardships of combat.

Upon closer examination of the aforementioned verse, however, one finds no evidence to support the notion of male superiority over women. God Almighty did not declare that men are superior to women and possess authority over them. Rather, God stipulates that "Men are the protectors and maintainers of women" (Q: 4:34). It is important to distinguish between authority and male guardianship, or *qiwama*. Jamal Badawi, therefore, refutes the notion that guardianship implies superiority. He contends: "Nowhere does the Qur'an state that one gender is superior to the other. Some mistakenly translate '*qiwamah*' or responsibility for the family as superiority. The Qur'an makes it clear that the sole basis for the superiority of any person over another is piety and righteousness not gender, color, or nationality" (Badawi, p. 4). This assertion is consistent with God's declaration that "you may know one another. Verily, the most honorable of you with Allāh is that (believer) who has At-Taqwā [i.e. he is one of the Muttaqūn (the pious)]" (Q: 49:13).

The Sharia has always been concerned with maintaining order in all aspects of life, particularly within the Muslim family. Consequently, it is imperative that there be a leader responsible for managing the affairs of the household, and likewise in the state and within any society, as the absence of such a leader can result in societal chaos. The Messenger of God, peace and prayers be upon him, declared: "When three people go out on a journey they should put one of them in charge of them" (Abu Dawud, 2608), indicating that leadership need not necessarily be held by the best, but rather by the most capable to shoulder the responsibilities. Thus, when Islam entrusted the guardianship to men, it was not because they are superior, but because they are the most capable. It should be noted that male guardianship, known as '*qiwama*' does not signify that men and women are not equal, but rather, the Qur'an stipulates their

equality. As Allah stated, addressing men and women equally: “Verily, the Muslims (those who submit to Al āh in Islām) men and women, the believers men and women (who believe in Islāmic Monotheism), the men and the women who are obedient (to Allāh), the men and women who are truthful (in their speech and deeds), the men and the women who are patient (in performing all the duties which Allāh has ordered and in abstaining from all that Allāh has forbidden), the men and the women who are humble (before their Lord - All āh), the men and the women who give Sadaqāt (i.e. Zakāt, and alms)... Allāh has prepared for them forgiveness and a great reward (i.e. Paradise)” (Q: 33:35). The Quran addresses women just as it addresses men, without discrimination or preference for one over the other.

Islam has established justice between men and women by granting each their rights and imposing duties that are compatible and considerate of their inherent differences. Sayyed Hassan Nasr highlighted that Islamic justice in terms of rights and duties is based on complementarity. He stated, "In this complementarity of functions, the man is seen as the protector and provider of his family and its religious leader. The woman is the true mistress of the household, where the husband is like a guest. Her primary duty is to raise and educate the children, and she serves as the foundational support of the family" (Nasr, 2002, p. 191).

According to Helen Watson, Muslim women perceive seclusion positively as it relieves them from financial burdens and unsatisfying work. She explains that "local women's positive view of seclusion is dominated by the idea of liberation from financial problems and hard unfulfilling work" (Watson, 1992, p. 6-7). The obligation of men to provide for the financial needs of their families is considered part of the responsibilities assigned to them in the Quranic concept of "qiwama." This perspective does not diminish the status of women in any way; rather, it honors and frees them from the toil and hardships of work.

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Qiwama, which refers to male guardianship, is not considered a privilege but rather a responsibility entrusted to men by Islam. The Messenger of God stated, "Every one of you is a guardian and is responsible for his charges. The ruler who has authority over people is a guardian and is responsible for them, and a man is a guardian of his family and is responsible for them" (Al-Bukhari, 2554). This means that men assume leadership within the family, similar to how a president assumes leadership of a state. Abd al-Mun'im Sayyid Hasan emphasizes the significance of having a leader within the family who is dedicated to the care and protection of his family. He clarifies that "Guardianship is not about favoring men over women, but rather a responsibility that men bear to protect women and the family. Sharia informs us that men are equipped with the qualities entrusted to them by God, making them more capable of shouldering the burdens and responsibilities of the family and earning a living than women" (Hassan, 1985, p. 164). It is important to understand that a man's assumption of leadership in the family does not imply superiority over women, just as a person assuming the presidency of a state does not indicate that they are better than the rest of the citizens.

In light of the above, *qiwama* does not imply the preference of men or dominance over women. Rather, it is a responsibility and a burden that obligates men to provide women with appropriate support in terms of maintenance, protection, care, and guidance toward what is beneficial for them in this world and the hereafter.

Polygamy

Spencer has criticized the polygamy system in Islam, arguing that it undermines women's rights and detracts from their status in favor of men. He believes that polygamy is an obstacle to achieving equality between men and women. He stated, "The idea that a man can have as many as four wives, as well as enjoy sexual access to those his "right hand possesses," signifies that in Islam, women are worth less than men

as human beings. A woman may not have four husbands and slave men, but from the standpoint of Islamic law, her husband is free to seek alternative female companionship” (Spencer, 2014, pp. 194-195). Additionally, he argues that polygamy devalues women and reduces them to commodities. He said, "Polygamy devalues women, reducing them to the status of commodities, and stands as an affront to their equality with men as human being” (Spencer, 2005, p. 232).

Spencer also asserts that polygamy is supported by certain Qur'anic passages, which reflect a pervasive assumption that women are inferior to men and exist for men's pleasure. He wrote, “These two Qur’anic passages [means ”(33:50), (33:37)] are just two elements of a pervasive assumption that women are not entitled to equality of dignity with men as human beings, but are objects to be awarded to men and used by them. Polygamy, of course, is a foundation of this assumption, and is moving westward with Islam” (Spencer, 2005, p. 73).

To address Spencer's claims, the research explores the conditions for the permissibility of polygamy, the wisdom of this practice, and the historical view of this issue.

Polygamy from a Historical Perspective

The polygamy system was not invented by Islam, as it was already present and widely practiced in various societies prior to Islam's emergence. The Brahmin Indians (Westermarck, 1894, p. 439), Zoroastrian Iranians (Jum‘a, 2007, pp. 29-30), Slavic peoples like Russians, Lithuanians, Estonians, Yugoslavians, and certain Saxon and Germanic peoples like Germans, English, Swedish, Danish, Belgians, Swiss, Dutch, and Austrians all practiced polygamy (‘Alā ‘Abd al-Wāḥid Wāfī, 1960, pp. 97-98). On the other hand, Kawthar Kāmel affirmed the existence of polygamy without limitations or restrictions in Judaism, stating that "The Jewish religion allows polygamy without limitations or restrictions, so the Torah did not prohibit polygamy or limit the number

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of wives allowed, but rather what is mentioned in it indicates polygamy for the prophets and non-prophets" (Kawthar Kāmel, p. 16).

Similarly, Abdel Wahid emphasizes that the Christian religion does not prohibit polygamy, as there is no explicit text in the Bible that indicates such prohibition. As he states, "The Christian religion has nothing to do with the prohibition of polygamy" (Wāfi, 1960, p. 98). Edward Westermarck notes that polygamy is present in various cultures, such as among the Chinese, Indians, peoples of Central and North Asia, and the peoples of Africa (Westermarck, 1894, pp. 439-450).

Before Islam, there were no known limits or controls on polygamy among Arabs, as evidenced by Ibn Omar's statement that Ghailan bin Salama Al-Thaqafi embraced Islam while having ten wives, to which the Prophet, peace be upon him, said, "Choose four from them" (Al-Tirmidhi, 1128). Will Durant notes that polygamy was not brought by Islam but was prevalent before its emergence. He explains in his book *The History of Civilization*: "Medieval theologians thought that Mohammed had invented polygamy, but it antedated Islam by some years, being the prevailing mode of marriage in the primitive world" (Durant, 1942, p. 39).

Islam did not promote the polygamous system, but rather sought to regulate and restrict it in a way that benefits women and society. Jamal Badawi clarifies: "Islam did not outlaw polygamy but regulated it and restricted it. It is neither required nor encouraged, but simply permitted and not outlawed" (Badawi, n.d., pp. 8-9). Sheikh Ali Jum'a similarly explains that Islam aimed to "limit polygamy" rather than introduce it, citing the hadith of Ghaylan bin Salama al-Thaqafi ('Ali Jum'a, 2007, p. 29).

Therefore, it is evident that polygamy was a known and accepted practice in previous nations, and Islam did not initiate or mandate it. Instead, Islam introduced limitations to the practice and sought to rectify the disorder caused by unrestricted polygamy. It is surprising that those

who oppose the polygamous system in Islam accept the practice of having multiple mistresses without any limit or restriction, depriving them of their rights. According to Sheikh Ali Jum‘a, allowing this kind of polygamy without granting rights leads to crimes such as abortion, denying the child's right to know its father, and neglecting the responsibility of providing for and taking care of the child. He added: "This polygamy [having multiple mistresses] does not guarantee the woman or her child any rights" ('Ali Jum'a, 2007, pp. 29-30). In this, there is evidence of the supremacy of Islamic legislation.

Sheikh Ali Jum‘a confirmed that polygamy was not mentioned in the Qur‘an independently of its reasons, which is the existence of orphans and widows (Jum‘a, 2007, p. 29). According to this view, monogamy is what is in accordance with the spirit of Islam, and polygamy is an exception to a social necessity.

Furthermore, the Islamic faith does not impose the practice of polygamy on women. Should a woman choose to marry a married man, she is free to do so. Similarly, Islam allows the wife and her family to have the autonomy to accept or reject the husband's request for another marriage. (Kāmel, 2006). For instance, the Prophet Muhammad was approached by the sons of Hisham bin al-Mughira, who wanted to arrange the marriage of Abu Jahl's daughter to Ali bin Abi Talib. However, the Prophet did not give his approval. He stated, "Banu Hisham bin al-Mughira have requested me to allow them to marry their daughter to 'All bin AbI Talib, but I don't give permission, and will not give permission unless 'Ali bin Abi Talib divorces my daughter in order to marry their daughter" (al-Bukhari, 5230). This is evidence that if a woman experiences distress due to her husband's desire to take another wife, she is within her rights to seek a divorce, and Islam does not coerce her into accepting polygamy.

The original form of marriage in Islam can be said to be monogamy, with polygamy permitted as an exceptional solution to social

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problems or for the benefit of the spouses or one of them. The fact that the majority of Muslims practice monogamy and consider polygamy as the exception is indicative of this, as Westermarck (1914) stated, "More than ninety-five percent, of Mohammedans, are at the present moment, either by conviction or necessity, monogamists" (Westermarck, 1894, 439). Limited polygamy, as a realistic need in certain circumstances, is preferable to multiple casual relationships without responsibility, which is permitted in Western societies. For example, Article 147 of French law stipulates that "No one may contract a second marriage before the dissolution of the first" (French Civil Code, 2014). Thereby prohibiting polygamy even with the consent of the first wife and requiring the annulment of the first marriage so that the man can marry another wife. However, it does not prohibit consensual sexual relationships between a man and several women, a curious paradox that invites contemplation.

The Qur'an clearly indicates that monogamy is the norm, and polygamy is only allowed in exceptional circumstances. However, it should be noted that Islamic law seeks to address and solve social problems in all circumstances, conditions, and times, and in all countries of the world, which is why it does not prohibit polygamy altogether.

Women's Testimony

In his argument, Spencer asserts that Islamic law has diminished the status of women by restricting the validity of their testimony. He states, "Islamic law restricts the validity of a woman's testimony...Says the Qur'an: 'Call in two male witnesses from among you, but if two men cannot be found, then one man and two women whom you judge fit to act as witnesses; so that if either of them commit an error, the other will remember' (2:282)" (Spencer, 68). According to this verse, Spencer explained, "Her testimony is worth only half of his" (Spencer, 2017, p. 43). In order to address this issue objectively, it is necessary to examine the interpretation and context of the verse to gain a correct understanding of Islamic law.

The issue of Equality between Men and Women in Giving Testimony in Islam

In Islam, the issue of giving testimony does not differentiate between men and women but is instead a regulated issue in which both men and women are assigned roles according to their abilities. Sheikh Ali Jum'a emphasizes that "testimony is an assignment and a responsibility, and when God eases a woman's burden of witnessing, this is an honor for her, not the other way around" (Jum'a, 2007, p. 22). Therefore, Islam has honored women by easing their burden of bearing witness in situations that may be challenging for them.

One significant indicator that Islam does not prioritize men over women in the matter of testimony is that scholars have accepted the testimony of a single woman in the hadith of the Prophet, peace be upon him. Sheikh Ali Jum'a confirms that "the narration of one woman was accepted - and still is - in every matter, even in the hadith. The hadith of the Prophet, which was narrated to us by a woman on the authority of the Messenger of God - may God's prayers and peace be upon him - has the same authority as the hadith narrated by a man. No one has rejected a woman's testimony merely because she is a woman. The act of transferring religion and its legislation is more dangerous than testifying in a judicial ruling" (Jum'a, 2007, p. 25). In fact, women have been given precedence over men in the validity of narration. Imam Al-Dhahabi reports, "I did not know of women who were accused or who left them" (al-Dhahabi, Vol. 7, p. 465). This point is also confirmed by Al-Hafiz Ibn Hajar, who states, "I do not know of women who were accused or left" (Ibn Hajar, vol. 7, p. 522). The hadith scholars have not only treated women with equal respect but have also accepted their testimony without any objections from the hadith narrators.

According to Spencer, Islam diminishes the status of women by making their testimony worth half that of a man's, citing the verse: "And get two witnesses out of your own men. And if there are not two men

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(available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her" (Q: 2:282). In fact, Spencer inferred a verse out of its context. Sheikh Ali Jum'a clarified that this verse does not imply that women's testimony is inferior to that of men's, and it is not directed towards judges ruling in disputes, but rather directed towards the owner of a debt. He added that there is a distinction between the "testimony" that the judiciary relies on to reach the truth and the "attestation" that the owner of a debt tells them to ensure the preservation of his debt. He said, "It is advice that guides the owner of the debt with specific specifications and circumstances, and it is not legislation addressed to the ruling judge in disputes" (Jum'a, 2007, p. 25). Hence, this verse talks about "testimony in a specific debt" and not about testimony in general.

Sheikh Muhammad 'Abd Allāh pointed out that the reason for the Quran's recommendation to mention a man and two women in matters of financial transactions is not to belittle women. Rather, he attributed it to the fact that women at that time were distant from the fields of trade and financial transactions. He stated, "The correct reason is that it is not within the woman's competence to engage in financial transactions and similar exchanges. Therefore, her memory is weak in this regard, but not in domestic matters that are her responsibility" (Abduh, vol. 4, p. 732). Sheikh 'Ali Jum'a commented on this opinion by saying, "It is a historical reality that is subject to development and change, and not a nature or a constant feature in the female gender throughout the ages." (Jum'a, 2007, p. 26-27). This indicates that forgetfulness and neglect are not inherent in women, but rather were feared at that time due to their lack of practice in financial transactions. The Quran provides a rationale for requiring two women instead of one man in financial transactions: "so that if one of them (two women) errs, the other can remind her" (Q: 2:282). This indicates a fear of mistakes or forgetfulness by one of them, and the other being able to remind her of the truth.

The intended meaning of the verse is not that the testimony of a woman is worth half that of a man, nor that the testimony of a single woman is not acceptable. Sheikh Shaltūt explained, "The verse guides us to the best types of authentication that reassure the parties involved in their rights. This does not mean that the testimony of a single woman or of women without a man cannot establish the truth or be used by a judge" (Shaltūt, 1980, pp. 239-241). This indicates that the issue of testimony does not rely on the principle of discrimination between men and women.

Ibn 'Arabi explains that this is the essence of equality between men and women. Just as there are situations where a woman's testimony is equivalent to that of two men, there are also situations where the testimony of two women is equivalent to that of one man. He said, "In some cases, a woman's testimony is equivalent to that of two men, as the judge does not make a ruling without the testimony of two men. In some cases, a woman's testimony is equivalent to that of two men, and this is when the judge accepts her testimony regarding menstruation, the waiting period, accepting a husband's claim that a child is his, and other similar matters. In these situations, she is equivalent to two just witnesses, just as a man is equivalent to two women when giving testimony on matters of debt. This leads to a fair judgment, and many injustices have been avoided" (Ibn al-'Arabi, vol. 3, p. 89). Femininity or masculinity are not determining factor here, but rather the fact that men are better suited to handle material matters while women excel in dealing with women's affairs, which men cannot handle and cannot understand.

Women's Inheritance

The issue of equality in inheritance between men and women is a matter of great importance, especially in the era of international organizations that recognize human rights. Robert Spencer claimed that Islam is a threat to women because it diminishes their right to inheritance. Spencer stated : "Islam is a threat to women, because Islamic teachings allow... the downgrading of a woman's testimony and

inheritance rights” (Spencer, 2017, p. 29). Spencer also says, "It rules that a son's inheritance should be twice the size of that of a daughter: 'Allah directs you as regards your children's inheritance: to the male, a portion equal to that of two females' (4:11)" (Spencer, 2017, p. 43). Spencer asserts that Islam has reduced the share of daughters in favor of their male siblings. The following discussion aims to clarify the Islamic stance regarding inheritance rights between men and women, especially the son and daughter.

The Criteria for the Division of Inheritance in Islam

In the subsequent discussion, the rebuttal to the accusation of Islamic oppression of women in matters of inheritance becomes evident with a brief consideration and knowledge of the Islamic legal system. Islam did not disadvantage women in inheritance or privilege men over them, but it is evident that the variance in inheritance portions in Islamic jurisprudence is not contingent on the gender of the inheritor. Instead, the distinctions in the share are determined by the following criteria :

Firstly, the closeness of kinship : The proximity of the relationship between the heir and the deceased affects the share of the inheritance for both male and female inheritors. For instance, a daughter inherits half of her mother's estate, while the husband of the deceased inherits a quarter, thus illustrating that the inheritance of the daughter (who is female) increases because she is a closer relative to the mother than her husband (who is male).

Secondly, the heir's generation: The inheritance share is typically higher for a younger heir since they are expected to have a longer period of need than an older heir. For instance, both the mother and daughter are female, but the daughter inherits more than the mother.

Thirdly, financial burden : In cases where the heirs have an equivalent generational position and degree of kinship, male and female heirs receive different shares of inheritance based on the financial burden,

rather than any difference in gender shares. The financial obligation determines the share of the inheritance (Jum‘a, 2007, pp. 13-14).

In Islam, the difference between the shares of male and female heirs is limited only in cases where the heirs are equal in terms of generation and degree of kinship. The reason for this is that in Islam, the man is responsible for all financial obligations, including the comprehensive maintenance of his children and wife, which encompasses housing, clothing, and food. Imam Al-Razi, an Islamic scholar, argued that the rationale behind the unequal distribution of inheritance between men and women is based on the increase in financial obligations assigned to men, not on gender differences. He stated, “God commanded the men to give them the dowry and ask them to support them financially, so the increase from one side was matched by the increase from the other side” (al-Razi, p. 70). This means that the increase in men's share of inheritance compensates for the financial burdens they bear to provide for their families. On the other hand, women are not required to spend any of their inheritance on their families and are entitled to full alimony from their husbands.

Furthermore, Islam grants women an inheritance that aims to compensate for their perceived vulnerability and protect them against the risks of life. Sheikh Ali Jum‘a pointed out that despite women receiving a smaller share of inheritance compared to a man of equal kinship degree and inheritance position, they enjoy a privileged. He states, "she is more fortunate and privileged than him in terms of inheritance, because her inheritance - while exempting her from obligatory spending - is pure financial trust and savings, to redress female vulnerability, and to secure her life against risks and fluctuations" (Jum‘a, p.14). Islam honored women and exempted them from all financial responsibilities. Moreover, Islam gave women their share of inheritance, which is a surplus that they can save for themselves and use to secure their lives against the fluctuations of this life.

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In fact, the accusation of Islam that the woman has reduced her share in the inheritance is an accusation that has no basis in truth, as gender is not considered a reason for preference. A woman may inherit more than a man, and she may inherit the same amount, and she may inherit, but the man does not inherit. In the situation that she takes half the share of the son, it is because he bears the financial burdens, not because he is a male and she is a female. Hence, Islam gave her a share in the inheritance and did not charge her with any financial burdens, and that is all according to fair divine rules.

Conclusion

This study provides a critique of Spencer's views on gender equality in Islam. The findings clearly demonstrate that his claims lack accuracy and substantial evidence. On the contrary, Islam upholds the principle of equality between men and women, treating them as equal partners in terms of rights and responsibilities, while respecting their dignity and recognizing their significant role in society.

The research underscores that the distinctions present in Islamic law concerning men and women are grounded in their inherent biological and social differences. It elucidates that Islam values and acknowledges the unique capabilities and contributions of each gender, thereby assigning responsibilities and rights in accordance with these differences.

Moreover, the study emphasizes the deficiency in Spencer's understanding of Islamic teachings regarding the attainment of gender equality.

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