PART 1

ISLAMIC REFORMS AND THE EVOLUTION OF ISLAMIC LAW
CHAPTER 1

The Position of Women in Pre- and Post-Islamic Arabia

This chapter provides an understanding of the status and role of women in Arab society before the rise of Islam and what reforms Islam introduced for lifting up the status of women. The question of ‘how’ or the ‘methodology’ of the Koranic reformation process is looked at carefully. By analysing Koranic reformation and its methodology, an effort is made to discover the ‘intention’ of the Koran regarding women: whether the Koran perceived them as inferior beings with a subordinate role in society or wished to raise their status from subordination.

1.1 CONFLICTING VIEWS OF WOMEN’S STATUS IN PRE-ISLAMIC ARABIA

The position of women in pre-Islamic Arab society is open to dispute. The majority of scholars of Islam maintain that women were held in subjection and that Islam raised their status (Mansfield, 1990).

The position of woman at the time of Prophet Muhammad was no better than that of animals: they had no legal rights; in youth they were the goods and chattels of the father; after marriage the husband became their lord and master. Polygamy was universal, divorce was easy and female infanticide was common (Fyzee, 1999:5).

Women were treated as ‘objects of sale’; they were fully exploited by their fathers, and could be sold in marriage to the highest bidder. The husband was entitled to terminate the contract of marriage on any occasion and on any whim (Pearl, 1979). Another group of Islamic scholars think that Islam robbed the Arabian woman of her ancient liberty. They relied on the poetry and proverbs of the days of *jahiliya* [Age of Ignorance] to show that an ideal Arab woman was an embodiment of modesty, fortitude, virtue and beauty and that men honoured and respected her (Fyzee, 1999).