

The Use of History for Facilitating or for Disrupting Mutual Understanding ... – Annex

Erik Sandewall

This annex contains a list of quotes from Ahmad's essay, in particular those that purport to describe the situation of women before Mohammad as well as in those parts of the world that did not adopt his teachings. The major claim in this book is:

Before the advent of the Holy Prophet, ... women in all countries were bound to enslavement and servitude. ... Until then no religion or people accorded a woman such freedoms which recognised her intrinsic rights.

A number of concrete examples are given in support of this general claim, and the present text will show that these examples are invalid, in the sense that they are contradicted by old Swedish laws, so they do not apply "for all countries". Actually, the old laws in the other Scandinavian countries were fairly similar, so the same objection can be made with respect to them.

One may object that these examples date from around the year 1300 and onwards, which means that they do not reflect a situation "before the advent of the Holy Prophet". However, one of the key claims in Ahmad's essay is that the world (or at least the non-Muslim world) has rejected Muhammad's teachings until recently. He wrote:

For 1300 years the world blindly ridiculed the precepts which the Holy Prophet ... had taught for the betterment of humankind.

He must be saying, therefore, that his description of women as being bound to enslavement and servitude has applied until the 20th century. Accordingly, most of his examples of progress refer to around 1920, ie to the time when he wrote this essay. The counterexamples in the following list refer to the time from around 1300 to around 1750, so they must be considered as valid arguments against his claims.

Several of his examples concern matters that were addressed in a concise way in the Swedish Law of 1736, in its section called Giftermåls-Balk, 14 Kap. and 15

Notes:

Kap, so this part of the law will be described by way of introduction. Its 14 Kap. defines the conditions where a court shall decide on the separation of the spouses. The case where the husband has abandoned the home is one of those conditions. Thereafter, in 15. Kap., the law says, in my translation: "If husband and wife have been legally separated, and the husband is the guilty one, then the wife shall remain in the household and the property [without him.] If they have children in common then the wife shall have them with her. ... If there are no other means for the household than the proceeds for the husband's estate and from his work, then the wife with the children shall have two thirds thereof, and the husband one third for food and basic needs." ...

The specific quotations will follow in their order of appearance in Ahmad's essay, and with references to the page numbers for ease of reference. Quotations are shown in italic script, and they are disproved by my comments in roman script.

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Prior to his [Momammad's] advent a woman was not the owner of her property, but her husband would be considered the owner.

See the section on the social context in the main article [1] for a refutation.

She would not receive a share from the wealth of her father.

See the Uppland law, Ärvdabalken (Inheritance law), 11 section for proof of the contrary.

Once a woman was married to a man, she was declared his forever, and in no circumstance could she part from him, but her husband had the right to divorce her.

See the section on misleading explanations in the main article for a refutation .

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If a husband deserted his wife and paid no attention to her, or ran away from her, there was no law in place to safeguard her rights.

This case was covered in the introduction .

When displeased it was considered the right of a husband to physically discipline his wife at which she could not raise a voice of complaint.

This case was covered in the introduction .

Women had no rights over their children, either in their role as a wife or when

separated from their husbands.

See the law of 1350, Ärvdabalken, XVI for a proof of the contrary.

They did not have any say in domestic affairs.

See the section on the social context in the main article for a refutation.

Even in religious matters they were thought to hold no status. They were, it was opined, to have no share in everlasting blessings.

The Uppland law, Kyrkobalken, 11 flocken specifies that if a newborn child is in a life-threatening condition and there is no time to bring it to a church or a priest, then any man that is present can legally baptize the child, and if no man is present then any woman that is present (including the child's mother) can baptize it legally .

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Women were deprived from the wealth of their parents.

See the law of 1350, Ärvdabalken, XVI for a proof of the contrary .

Similarly, women were kept deprived of their husbands' wealth despite the complete nature of their union.

See the law of 1350, Ärvdabalken, X for a proof of the contrary in the case where the couple did not have any children.

See also Giftobalken XV and XVI which specify that if the spouses have children together then the wife obtains 1/3 of the shared household assets and the children split the other 2/3 of the household assets (boet). In addition, of course, the wife retains the property that she owns herself.

No matter how much a husband oppressed his wife, she could not free herself from him. Even in those societies which permitted separation with harsh conditions that most dignified woman would prefer death than this separation. For example, the condition for separation was to prove the misconduct by either party, along with proving their cruelty.

This was refuted in the introduction, above, where it was shown that the wife was given a fair treatment by the court in such situations .

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A further injustice was that when a woman found it impossible to live with her husband, instead of fully allowing her to separate from her husband, she was per-

mitted only to live away from her spouse which was in itself a form of punishment as she was compelled to endure an aimless existence.

This case was also covered in the introduction .

If the husband abandoned her and lost all contact with her even then she would be forced to spend the remainder of her life waiting for him, she had no choice to live a life for the benefit of her country and society.

Also covered in the introduction .

Women were often beaten and considered as a lawful right of their husbands.

Also covered in the introduction .

When their husbands died they were compelled to marry their kith and kin or otherwise sold for a price to another individual.

The Uppland law, Ärvdabalken, 2: "A widow has the power to decide herself about [whether and whom to] marry" .

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Mothers were not consulted about their children regarding education or upbringing; their rights over their children were unrecognised. In cases where husbands and wives separated, the fathers were given the custody of the children.

This case was also covered in the introduction .

Women had no authority over their households both in the lifetime of their husband and after.

See the section on the social context in the main article for a refutation.

A husband could expel his wife from her home whenever he pleased, making her derelict for her to wander aimlessly.

The part of the law that was described in the introduction above specifies explicitly that if the husband expels his wife from the household, or the wife the husband, and uses their common goods and estate, the the court shall decide on the separation of the spouses, with the conditions that were described above .

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Women are being granted the right to vote and are being provided a platform to raise their voice in matters of national concern. Yet all these changes have arrived 1300 years after the Holy Prophet, peace and blessings of Allah be upon

him, gave the world his teaching. There is still much work to be done. In many countries women still do not have inheritance rights over their husbands' or parents' wealth. Similarly, in several other matters the world could learn much from the guidance which Islam gives. A future in which all the teachings of the Holy Prophet, peace and blessings of Allah be upon him, are accepted as the norm is not too distant and the struggle which the Holy Prophetsaw launched for the rights of women will soon bring forth its fruit.

This paragraph would merit a discussion of its own.

References

[1] Erik Sandewall: *The Use of History for Facilitating or for Disrupting Mutual Understanding between Groups.*

<https://www.argumentochfakta.se/artiklar/254/facilitating-understanding.pdf>

[2] Gerhard Hafström: *Den svenska familjerättens historia.* Studentlitteratur, Lund, 1974.