

Women's Rights in Islam

By Dr Farida Khanam

According to Oxford dictionary, "Women's Rights are the rights that promote a social and legal equality of women to men". In Islam, a woman enjoys the same status as that of a man, regarding rights and blessings, both in this world and in the hereafter. According to Islamic belief, both men and women are equal partners in life.¹

The Prophet is reported to have said, "Only a man of noble character will honour women, and only a man of base intentions will dishonour them".² He also said, "The most perfect man of religion is one who excels in character. The best among you is he who gives the best treatment to his womenfolk."³

Islam confers on women all the political and social rights which man enjoys. She is entitled to all the privileges that a man also is entitled to. The Qur'an says, "O mankind! Fear your Lord, who created you from a single soul. He created its mate from it and from the two of them spread countless men and women (throughout the earth). Fear God, in whose name you appeal to one another, and be mindful of your obligations in respect of ties of kinship."⁴

From these verses we can see that man and a woman were created from equal parts, and from them both progeny spreads. It also tells mankind to be respectful towards one another and to fear God in this matter.

Another verse of the Qur'an aptly describes the relationship between man and a woman in this manner, "Another of His signs is that He created for you from among yourselves spouses, so that you might find repose in them, and He created between you affection and kindness. Truly there are signs in this for people

¹ Surah 3:195

² Kanz al Ummal. 16/371

³ At Tirmidhi, Sahih, Abwab ar-Rada, 2/1091.

⁴ Surah 4:1

who reflect.”⁵ This verse brings out the need for love and respect of women, as created by God for its specific purpose. It is a duty for the discerning men, to obey God’s command, regarding women.

In this regard, the famous historian and writer William Montgomery Watt says that concerning the historical context of his time, the Prophet Muhammad is seen as a figure that promoted women’s rights and improved the status of women during his time considerably. He also highlighted how the women of those pre-Islamic days had no rights whatsoever, and that after the death of a man, whatever he owned went to his sons, and not to his wife. However, the prophet Muhammad, by instituting rights of property ownership, inheritance, education and divorce, gave women certain basic rights.⁶

Under Islam, marriage was not considered as just a status, but as a contract, where the consent of the woman was imperative. The relationship formed by marriage in Islam is described in the Qur’an as a ‘firm contract’⁷ and is the same as any other contract, where rights and responsibilities bind a man and a woman together in a vital partnership, making them companions for life. The Prophet had said regarding, “Beware, your women have rights over you, and you have rights over your women.”⁸ Even what once used to be ‘bride-price’ then became a nuptial gift that could be retained by the woman as her own.⁹ The

Qur’an says, “And give the women their dowers willingly...”¹⁰ The dower is in no way a payment for conjugal rights. It symbolizes in material form the responsibility that a man has to fulfil in regard to his wife till his last breath.

Annemarie Schimmel writes that compared to pre-Islamic position of women, Islam gave an enormous progress to women

⁵ Surah 30:21

⁶ Maan, Mc Intosh, 1999.

⁷ Surah 4:21

⁸ Ibn Majah, Sunan, Kitan an-Nikah, 1/593.

⁹ Esposito, 2005 p 79/ khadduri, 1978.

¹⁰ Surah 4:4

as she now had the right to own her own property, whether it was given to her by her family, or whether she had earned it.¹¹ A woman could inherit property, whether she is a mother, sister, daughter or wife. In their different capacities they are allowed a share in the properties of their relatives in proportion fixed by the Qur'an and explained in the traditions or legal literature. The Qur'an says, "Concerning your children, God enjoins that a male shall receive a share equivalent to that of two females...." ¹² Women thus enjoyed legal standing as equal and autonomous individuals with rights to manage and dispose off their property as they wished, and their marital status had no bearing on their ability to buy, sell, gift or endow their property.

It is worth mentioning what the famous Historian J.M Roberts had to say regarding this. He writes: "Its coming was in many ways revolutionary. It kept women, for example in an inferior position, but gave them legal rights over property not available to women in European countries until the 19th century."¹³ The same has been said by retired Chief Justice of Delhi Court, Mr Rajindar Sachar: "...Historically, Islam had been very liberal and progressive in granting property Rights to women. It is a fact that there were no property rights given to Hindu women until 1956, when the Hindu Code Bill was passed, whereas Islam had granted these rights to Muslim women over 1400 years ago."¹⁴ What is significant is that, in granting women equal status and their proper rights, Islam set up an important precedent, which in turn had a far reaching effect on the civilization of the times. And this raised up the status of women without any sacrifice of femininity or traditional values, and without creating any perversion in the society.

Islam also pays utmost importance to education. It is clearly evident from the first revealed verse of the Qur'an which says, "Read! In the name of your Lord who created man from a clot.

¹¹ Schimmel, A. 1992. p 65

¹² Surah 4:11-12

¹³ J.M.Roberts, The Pelican History of the World. New York, 1984. p 334.

¹⁴ Statesman (New Delhi) April 26, 1986.

Read! Your Lord is the most Bountiful One who taught by the pen, taught man what he did not know.”¹⁵

This shows the importance of reading and learning to read, according to the Qur’an. The first command of the Qur’an was not to pray or fast, but to read and to learn to read. We can see the examples of the Prophet’s wives Khadija and Aisha, who made a name for themselves. Khadija was a successful business woman, while Aisha was a renowned Hadith scholar and leader after the passing away of the Prophet. About 2210 traditions of the Prophet were related by her, and she passed it on to about a 100 of the Prophet’s companions and their close associates. She was also a jurist of high calibre and used to explain the wisdom and background of each tradition that she described.¹⁶ According to a Hadith of the Prophet, the Prophet Muhammad praised the women of Medina for their desire for religious knowledge.¹⁷ We can also see the case of Imam Bukhari, whose al-Jami’as-Sahih is by far the most authentic source of Hadith learning. He had set off at the young age of 14 to acquire knowledge in distant lands. But his education had started from his mother and sister at home, who gave him a sound educational background.¹⁸

The Qur’an advices mankind to pray thus: “Exalted is God, the True King. Do not be impatient with the Qur’an before its revelation is completed and say, ‘My Lord, increase my knowledge’.”¹⁹

According to a saying of the prophet, it is obligatory for every Muslim, male or female, to acquire knowledge.²⁰

A woman can seek employment and work, if she wishes to work. There is no text in the Qur’an or the Hadith which prevents a woman from working outside the house, as long as it is not unlawful, and within the preview of the Islamic Shariah, and as

¹⁵ Surah 96:1-5

¹⁶ Maulana Wahiduddin Khan ‘Women between Islam and Western Society’ p 160.

¹⁷ Lindsay, James E. 2005. Daily Life in the Medieval Islamic World. Greenwood Pub Group. P 196

¹⁸ Maulana Wahiduddin Khan p155 ‘Woman Between Islam and Western Society.’

¹⁹ Surah 20:114.

²⁰ Al Bayhaqi

long as she maintains her dignity and safeguards her honour. The 12th century famous Islamic philosopher and Qadi Ibn Rushd (Averros) said that women were equal to men in all aspects, and thus had the capacity to excel in times of trouble like war etc, or during times of peace. ²¹Professor T.W. Arnold has written in this regard: “It is interesting to note that the propagation of Islam has not been the work of men only, but that Muslim women have also taken their part in this pious task.”²²

And it is important to note that no one can force her to work, if she does not want to. She has the freedom to decide to work outside the home, or decide not to.

Women in religious life: in Islam, there is no difference between men and women regarding their relationship with God. They would both receive identical rewards and punishments for their conduct. As the Qur’an says, “To whoever does good deeds, man or woman, and is a believer, We shall assuredly give a good life; and we will bestow upon them their reward according to the best of their works.” ²³ A tradition of the Prophet says, “Everything in this world is a piece of property or a possession. The best possession in the world is a pious woman.”²⁴ The early days of Islam showed prominence of female religious scholars. Women took part in national activities, acted as advisors and while they were efficient managers of the household, joined the congregational prayers in the mosque too. ²⁵ Mohammad Akram Nadwi, a religious scholar has compiled biographies of 8000 female jurists. And the famous Orientalist Ignaz Goldziher has said that 15% of medieval Hadith scholars were women.²⁶ He has also said that the number dwindled over the years. But this was

²¹ Jamil Ahmed 1994. Ibn Rushd. Monthly Renaissance IV. Retrieved 2008-10-14.

²² T.W. Arnold, The Preachings of Islam.(1976), p 415.

²³ Surah 16:97.

²⁴ An-Nasa’I, Sunan, Kitan an Nikah, 6/69.

²⁵ Bukhari 10:162,164.

²⁶ Power, Carla. ‘A Secret History’. New York Times, Feb 2007.

more due to the fact that cultural barriers posed hindrances to women seeking to pursue such kind of vocation.²⁷

We can thus see how no other religion or society provides such considerate laws for the welfare of women as Islam does. And we can also see how women enjoy equal status. At the United Nation's 4th World Conference on Women in Beijing, in 1994, 189 governments signed a document which called for equality between men and women. This was acknowledged by the international community as a guiding principle towards the promotion of Women's Rights. But this was rejected by many Muslim countries. The reason behind this rejection was that, they already had a Shariah which was a Divine Law, and which cannot be questioned. And most importantly, the Shariah has made women as equal to men as they should be!²⁸

In the light of the above movement, it is possible to assert that the universal principle of equality between men and women, which is a significant movement in the contemporary world, is also an Islamic vision. Thus, as according to the Shariah, it is obligatory for Muslim states and societies to promote women's rights in the family and society. The Qur'an in these verses aptly reflects the unity of all believers and their identical moral and spiritual obligations in these lines:

“Surely, for men and women who have surrendered to God

Believing men and believing women

Obedient men and obedient women

Patient men and patient women

Humble men and humble women

Charitable men and charitable women

Fasting men and fasting women

²⁷ Khalid Abou El fadl 'In Recognition of Women'. Published in The Minaret July/Aug 1991 and reprinted in Voices Vol 1, No 2 Dec/Jan 1992.

²⁸ Mayer,A.N. "Rhetorical Strategies and Official Policies on Women's Rights." The Merits and Drawbacks of the New World Hypocrisy. P 107.

Men and women who guard their chastity

Men and women who are ever mindful of God

God is ready with forgiveness and an immense reward”²⁹

In Islam, there is thus no difference between a man and a woman regarding their duties, rights and blessings both in this world and in the hereafter. Both are equal participants in the carrying out of their daily living. The biological division of human beings into male and female is the result of purposeful planning on the part of the Creator, and they are not duplicates of one another, but complementary to each other. At the same time, the more a woman increases her knowledge, skills, alertness and awareness, the more effective will she be in the part she plays in all the activities of daily living. And one who is thus intellectually aroused will be able to play a role of any significance.

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²⁹ Surah 33:35.

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