

MLU-10.2: Specially awarded Rights of Women in Islam

Introduction

The status of woman in Islam constitutes no problem. The attitude of the Qur'an and the early Muslims bear witness to the fact that woman is, at least, as vital to life as man himself, and that she is not inferior to him nor is she one of the lower species. In order to understand what Islam has established for woman, there is no need to deplore her plight in the pre-Islamic era or in the modern world of today. Islam has given woman rights and privileges which she has never enjoyed under other religious or constitutional systems. The rights and responsibilities of a woman are equal to those of a man but they are not necessarily identical with them. Equality and sameness are two quite different things.

This distinction between equality and sameness is of paramount importance. Equality is desirable, just, fair; but sameness is not. People are not created identical but they are created equals. With this distinction in mind, there is no room to imagine that woman is inferior to man. There is no ground to assume that she is less important than he just because her rights are not identically the same as his. Had her status been identical with his, she would have been simply a duplicate of him, which she is not. The fact that Islam gives her equal rights - but not identical

- shows that it takes her into due consideration, acknowledges her, and recognizes her independent personality.

It is not the tone of Islam that brands woman as the product of the devil or the seed of evil. Unlike other popular beliefs, Islam does not blame Eve alone for the First Sin. The Qur'an makes it very clear that both Hazrat Adam (AS) and Bibi Hawa (AS) were tempted; that they both sinned; that Allah's pardon was granted to both after their repentance; and that Allah (SWT) addressed them jointly. (Quran 2:35-36; 7:19, 27; 20:117-123). In fact, the Qur'an gives the impression that Hazrat Adam was more to blame for that First Sin from which emerged prejudice against woman and suspicion of her deeds. But Islam does not justify such prejudice or suspicion because both Hazrat Adam and Bibi Hawa were equally in error, and if we are to blame Bibi Hawa we should blame Hazrat Adam as much or even more.

A full an and equal partner of man

Woman is recognized by Islam as a full and equal partner of man in the procreation of humankind. He is the father; she is the mother, and both are essential for life. Her role is not less vital than his. By this partnership she has an equal share in every aspect; she is entitled to equal rights; she undertakes equal responsibilities, and in her there are as many qualities and as much humanity as there are in her partner. To this equal partner- ship in the reproduction of human kind Allah (SWT) says:

O mankind! Verily We have created you from a single (pair) of a male and a female and made you into nations and tribes that you may know each other... (Quran, 49:13; 4:1).

Equal in bearing personal and common responsibilities

She is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds. She is acknowledged as an independent personality, in possession of human qualities and worthy of spiritual aspirations. Her human nature is neither inferior to nor deviant from that of man. Both are members of one another. Allah (SWT) says:

So their Lord responded to them: “I will never deny any of you—male or female—the reward of your deeds. Both are equal in reward. Those who migrated or were expelled from their homes, and were persecuted for My sake and fought and ‘some’ were martyred—I will certainly forgive their sins and admit them into Gardens under which rivers flow, as a reward from Allah. And with Allah is the finest reward!” [Quran 3:195]

The believers, both men and women, are allies of one another. They enjoin good, forbid evil, establish Prayer, pay Zakah, and obey Allah and His Messenger. Surely Allah will show mercy to them. Allah is All-Mighty, All-Wise. [Quran 9:71]

Pursuit of knowledge and education

She is equal to man in the pursuit of education and knowledge. When Islam enjoins the seeking of knowledge upon Muslims, it makes no distinction between man and woman. Almost fourteen centuries ago, Muhammad declared that the pursuit of knowledge is incumbent on every Muslim male and female. This declaration was very clear and was implemented by Muslims throughout history.

Freedom of expression

She is entitled to freedom of expression as much as man is. Her sound opinions are taken into consideration and cannot be disregarded just because she happens to belong to the female sex. It is reported in the Qur'an and history that woman not only expressed her opinion freely but also argued and participated in serious discussions with the Prophet (PBUH) himself as well as with other Muslim leaders (Qur'an, 58:1). Besides there were occasions when Muslim women expressed their views on legislative matters of public interest, and stood in opposition to the Caliphs, who then accepted the sound arguments of these women. A specific example took place during the Caliphate of Umar Ibn al-Khattab.

Historical Records

Historical records show that women participated in public life with the early Muslims, especially in times of emergencies. Women used to accompany the Muslim armies engaged in battles to nurse the wounded, prepare supplies, serve the warriors, and so on. They were not shut behind iron bars or considered worthless creatures and deprived of souls.

Some critical issues about Women's Rights

Inheritance

Apart from recognition of woman as an independent human being acknowledged as equally essential for the survival of humanity, Islam has given her a share of inheritance. Whether she is a wife or mother, a sister or daughter, she receives a certain share of the deceased kin's property, a share which depends on her degree of relationship to the deceased and the number of heirs. This share is hers, and no one can take it away or disinherit her.

In some instances, man receives two shares whereas woman gets one only. This no sign of giving preference or supremacy to man over woman. The reasons why man gets more in these particular instances may be classified as follows:

First man, is the person solely responsible for the complete maintenance of his wife, his family and any other needy relations. It is his duty by Law to assume all financial responsibilities and maintain his dependents adequately. It is also his duty to contribute financially to all good causes in his society. All financial burdens are borne by him alone.

Secondly, in contrast, woman has no financial responsibilities whatsoever except very little of her personal expenses, the high luxurious things that she likes to have. She is financially secure and provided for. If she is a wife, her husband is the provider; if she is a mother, it is the son; if she is a daughter, it is the father; if she is a sister; it is the brother, and so on. If she has no relations on whom she can depend, then there is no question of inheritance because there is nothing to inherit and there is no one to bequeath anything to her. However, she will not be left to starve, maintenance of such a woman is the responsibility of the society as a whole, the state.

Thirdly, when a woman gets less than a man does, she is not actually deprived of anything that she has worked for. The property inherited is not the result of her earning or her endeavors. It is something coming to them from a neutral source, something additional or extra. It is something that neither man or woman struggled for. It is a sort of aid, and any aid has to be distributed according to the urgent needs and responsibilities especially when the distribution is regulated by the Law of Allah (SWT).

Witness

In some instances of bearing witness to certain civil contracts, two men are required or one man and two women. Again, this is no indication of the woman being inferior to man. It is a measure of securing the rights of the contracting parties, because woman as a rule, is not so experienced in practical life as man. This lack of experience may cause a loss to any party in a given contract. So the Law requires that at least two women should bear witness with one man. If a woman of the witness forgets something, the other one would remind her. Or if she makes an error, due to lack of experience, the other would help to correct her.

Financial Liabilities

Woman enjoys certain privileges of which man is deprived. She is exempt from some religious duties, i.e., prayers and fasting, in her regular periods and at times of confinement. She is exempt from all financial liabilities. As a mother, she enjoys more recognition and higher honor in the sight of Allah (Quran 31:14-15; 46:15). The Prophet (PBUH) acknowledged this honor when he declared that Paradise is under the feet of the mothers. She is entitled to three-fourths of the son's love and kindness with one-fourth left for their father. As a wife she is entitled to demand of her prospective husband a suitable dowry that will be her own. She is entitled to complete provision and total maintenance by the husband. She does not have to work or share with her husband the family expenses. She is free to retain, after marriage, whatever she possessed before it, and the husband has no right whatsoever to any of her belongings. As a daughter or sister she is entitled to security and provision by the father and brother respectively. That is her privilege. If she wishes to work or be self-supporting and participate in handling the family responsibilities, she is quite free to do so, provided her integrity and honor are safeguarded.

Standing behind in Prayers

The standing of woman in prayers behind man does not indicate in any sense that she is inferior to him. Woman, as already mentioned, is exempt from attending congregational prayers which are obligatory on man. But if she does attend she stands in separate lines made up of women exclusively. This is a regulation of discipline in prayers, and not a classification of importance.

Veil

The Muslim woman is always associated with an old tradition known as the "veil". It is Islamic that the woman should beautify herself with the veil of honor, dignity, chastity, purity and integrity. She should refrain from all deeds and gestures that might stir the passions of people other than her legitimate husband or cause evil suspicion of her morality. Islam is most concerned with the integrity of woman, with the safeguarding of her morals and morale and with the protection of her character and personality (Quran, 24:30-31).

By now it is clear that the status of woman in Islam is unprecedentedly high and realistically suitable to her nature. Her rights and duties are equal to those of man but not necessarily or absolutely identical with them.

Reference:

Abdalati, M. (2006). *Islam in focus*. Adam Publishers.