

Place of women in light of the primary sources of Islam

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Abstract

Muslim women's status has been a topic of discussion and debate over the past few decades, and with a good reason. Islamic Law (Shari'ah) is considered by many as patriarchal and mostly oppressive to women, yet there are countless who rigorously defend their religion by claiming that Islam is the guarantor par excellence of women's rights. The issue of status of women in Islam has also been most baffling for the non-Muslims particularly of the Western world. In their perception a Muslim woman is a secluded and passive subject, who neither has any say in intellectual streams nor any role in the political and social course of her community. Now the question is: what is the actual position of Islam on the issue of status of women?

This paper aims to highlight the normative teachings of Islam on the subject with reference to its primary sources, the Qur'an and Sunnah, against the legal opinions of scholars on specific issues, which may vary and be influenced by their times, circumstances and cultures. While dealing with the Islamic perspective of the topic, a clear distinction has also been made between the normative teachings of Islam that represents the standard according to which degree of adherence of Muslims can be judged and the diverse cultural practices among Muslims, which may or may not be consistent with them.

Keywords: Muslim women, Islamic Law, Women's rights, Islam, Qur'an, Sunnah

Introduction

The place of women in Islam is unique, novel and unrivalled. Before elaborating the statement one important distinction is to be kept in mind that the rights and responsibilities of women in Islam are equal to those of men but they are not necessarily identical with them. Equality and sameness are quite different things. This distinction between equality and sameness is of paramount importance. With only this distinction in perspective, Islam provides women a unique position and equal status. Throughout the Qur'an, it is repeated over and over that men and women are created as companions on earth to complement and comfort one another. They are both held accountable for their deeds, individually. Both are rewarded or punished equally for their deeds. The present paper aims to highlight the status and position of women in the actual teachings of Islam i.e., with direct reference from its two primary sources-the Qur'an (the Divine revelation) and Hadith (sayings, doings and tacit approvals of Prophet Muhammad, SAW) [1], as opposed to the practices of many Muslim countries and societies.

Creation of Eve (Hawa)

In the episode about the creation of Adam and Eve, as revealed by God in the Qur'an, they were forbidden to eat fruit from a particular tree but both were tempted by Satan to taste it. They both sinned and later regretted it. God repeatedly reprimanded them both. Thus, in no way was Eve and subsequently all women held responsible for the original sin [2] nor was she considered as Satan's way to get to Adam and all his male descendants. That, to start with, breaks the general belief that women are the cause of men's sufferings on earth, that they are Satan's temptation, an evil to be avoided if at all possible [3]. Woman, according to the Qur'an, is therefore not blamed for Adam's first mistake. Both Adam and Eve were tempted; that they both sinned; that God's pardon was granted

to both after their repentance; and that God addressed them jointly [4].

A unique and fresh message

In the dark period of history that engulfed the 6th century world, when nothing but ruin, squalor and desolation remained of what were once great civilizations; when oppression, exploitation of the weak and the right of the might prevailed; when human rights had ceased to be recognised; when superstitions and hedonic cults flourished in many places [5], the divine revelation echoed in the wide desert of Arabia with a fresh, noble, and universal message to humanity:

O Mankind, keep your duty to your Lord who created you from a single soul and from it created its mate (of same kind) and from them twain has spread a multitude of men and women [6].

A scholar while commenting about this verse states: "It is believed that there is no text, old or new, that deals with the humanity of the woman from all aspects with such amazing brevity, eloquence, depth and originality as this divine decree."

Stressing this noble and natural conception, then the Qur'an states:

He (God) it is who did create you from a single soul and there from did create his mate, that he might dwell with her (in love)..... [7]

The Creator of heavens and earth: He has made for you pairs from among yourselves.... [8]

And Allah has given you mates of your own nature, and has given you from your mates, children and grandchildren, and has made provision of good things for you. Is it then in vanity that they believe and in the grace of God that they disbelieve? [9]

A Complete Individual

The Qur'an in unequivocal terms recognise woman as an independent human being acknowledged as equally essential for the survival of humanity as man. 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. The Qur'an states:

Every soul will be (held) in pledge for its deeds ^[10].

It also states:

...So their Lord accepted their prayers, (saying): Never will I suffer to be lost the work of any of you whether male or female. You precede one from another.... ^[11]

Whoever works righteousness, man or woman, and has faith, verily to him will We give a new life that is good and pure, and We will bestow on such their reward according to their actions ^[12].

The Qur'an, in addressing the believers, often uses the expression, 'believing men and women' to emphasize the equality of men and women, and their individuality. It says:

For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in God's praise, for them has God prepared forgiveness and great reward ^[13].

Enter into Paradise, you and your wives, with delight, says the Qur'an ^[14].

As a child

In spite of the fact that female infanticide had gained social acceptance among some Arab tribes at the advent of Islam, the Qur'an forbade this custom and considered it a crime like any other murder. The Qur'an states:

And when the female (infant) buried alive - is questioned, for what crime she was killed ^[15].

Criticizing the attitudes of such parents who reject their female children, the Qur'an states:

When news is brought to one of them, of (the Birth of) a female (child), his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on (sufferance) and contempt, or bury her in the dust? Ah! What an evil (choice) they decide on? ^[16]

Islam not only commands in strong terms the right to life of a female but also advocates kind, just and compassionate treatment for her. There are many references regarding this in the sayings of the Prophet Muhammad (SAW):

"Whosoever has a daughter and he does not bury her alive, does not insult her, and does not favour his son over her, God will enter him into Paradise" ^[17].

In another Hadith the Prophet (SAW) said, "Anyone who has

three daughters and provides for them, clothes them and shows mercy to them will definitely enter the Garden." A man from the people said, "And two daughters, Messenger of Allah?" He said, "And two." ^[18]

In a similar Hadith the Prophet (SAW) said, "Whoever suffers any mishap due to keeping his girls, but still treats them well, they will be protection for him from the Fire of Hell ^[19]. At another instance he said: "Shall I not point out to you the best of virtues? It is to treat tenderly your daughter when she is returned to you, having been divorced by her husband" ^[20].

Regarding the right of females to seek knowledge Islam does not discriminate here also and recognise their right at par with their male counterparts:

"Seeking knowledge is mandatory for every Muslim male and female" ^[21], said the Prophet (SAW).

As a wife

Islam looks upon marriage as a social institution and a relation based on kindness, equality, love and politeness. It is a decent human companionship, authorized and supervised by God. It is a sign of His blessings and abundant mercy as He says in the Qur'an: *And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your (hearts): Verily in that are signs for those who reflect* ^[22].

In Islam marriage is a contract and in deliberating this contract, consent of both the man and woman is very important. *Do not prevent them (women) from marrying their husbands if they mutually agree on equitable terms*, is the command of the Qur'an. A woman is therefore allowed to have a husband of her own choice and cannot be forced to marry anyone. The Prophet (S) said, "No widow should be married without consulting her and no virgin without consent and consent is her silence". Thus she has right to reject the proposal of a man whom she finds below her level. She has right to cancel the marriage, if it has been forced upon her by the parents or guardians. A Hadith from Abu Dawud says, "Ibn Abbas reported that a virgin grown-up girl came to the Prophet of Allah and said that her father had given her in marriage to a person whom she disliked. The Prophet gave her freedom to cancel the marriage." Another Hadith says, "Khans bint Khejan reported that her father gave her in marriage, after she had become a widow. She disliked it and came to the Prophet. He cancelled the marriage" ^[23].

A woman also has right to acquire a fair knowledge of each other before marriage. A. D. Ajjola in his book *The Concept of Family in Islam* points out that the Prophet insisted in a number of times that a man should look at the figure and face of woman he wants to marry and the jurists agree that the woman has the same right. She also has right to demand a dower (*mahr*) from her aspirant according to her standards. She can forfeit this right and accept him with little or no dower. The injunction of dower on man is to assure the woman that she is wanted, needed, and that man is prepared and willing to undertake her responsibilities. It is duty of husband to make available all the necessities of life. Wife has been exempted from this burden. Even if a wife has any property of her own that will be hers before and after the marriage, and husband will have no claim whatsoever on it. Over and above her basic rights as a wife come the right which is emphasized by the Qur'an and is strongly

recommended by the Prophet (PBUH); kind treatment and companionship.

The Prophet told Muslims: "The best of you is the best to his family and I am the best among you to my family. The most perfect believers are the best in conduct and best of you are those who are best to their wives" [24].

At another place the Prophet of Islam said, "Women are the twin halves of men". The Qur'an emphasizes the essential unity of men and women in a most beautiful simile:

They (your wives) are your garment and you are a garment for them [25].

Just as a garment hides our nakedness, so do husband and wife, by entering into the relationship of marriage, secure each other's chastity. The garment gives comfort to the body; so does the husband find comfort in his wife's company and she in his. "The garment is the grace, the beauty, the embellishment of the body, so too are wives to their husbands as their husbands are to them."

The Prophet, peace be upon him, was most emphatic in enjoining upon Muslims to be kind to their women when he delivered his famous sermon known in history as the *Khutba Hajjat al-Wada* (Farewell Sermon). He said: "Fear God regarding women. Verily you have married them with the trust of God, and made their bodies lawful with the word of God. You have got (rights) over them, and they have got (rights) over you in respect of their food and clothing according to your means." [26].

As Islam recognises the woman's right to decide about her marriage, so does Islam give woman a right to seek or give divorce. The Qur'an says, *If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they disagree and must part, God will provide abundance for all from His All-reaching bounty* [27]. The holy Prophet gave many decisions of divorce in favour of women which shows that the woman has freedom to get a divorce and her rights in this matter are no less or different from that of man. Thabit bin Qais (a Companion of Prophet Muhammad, peace be upon him) had two wives. One of his wives Jamila bint Abu Salt, complained that her husband was very ugly. She came to the Prophet and said: "by God I do not dislike his morals or behaviour, but I cannot bear his ugliness". The Prophet then ordered Thabit to divorce her [28].

It is pertinent to mention that the permission to divorce has been granted with great reluctance. The holy Prophet (S) once remarked, "With Allah, the most detestable of all things permitted is divorce" [29]. So Islam permits divorce as a last option when there are serious obstacles in the way and a situation which cannot be prevailed over by reconciliation.

As a mother

Amongst the clearest examples of Islam's honouring women is the great status of the mother. Islam commands kindness, respect and obedience to parents and specifically emphasizes and gives preference to the mother.

At the outset Islam considers kindness to parents next to the worship of God, as the mention of servitude to parents follows immediately after servitude to God:

Your Lord has decreed that you worship none but Him and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of

contempt, nor repel them, but address them in terms of honour. And out of kindness, lower to them the wing of humility and say, "My Lord! Bestow on them Your Mercy even as they cherished me in childhood" [30].

After mentioning about the obedience to parents, the Qur'an then specifically emphasises the good treatment of mothers and highlights the great struggles the mother goes through for her child:

And we have enjoined upon man (to be good) to his parents: In travail upon travail did his mother bear him and his weaning was over two years.... [31].

The Qur'an repeats its mention of the struggles of the mother in another verse:

And we have enjoined upon man, to his parents, good treatment. His mother carried him with hardship and gave birth to him with hardship, and his gestation and weaning [period] is thirty months. [He grows] until, when he reaches maturity and reaches [the age of] forty years, he says, "My Lord, enable me to be grateful for Your favour which You have bestowed upon me and upon my parents and to work righteousness of which You will approve and make righteous for me my offspring. Indeed, I have repented to you, and indeed, I am of the Muslims" [32].

Commenting on this verse, the late Grand Mufti of Pakistan, Shaykh Muhammad Shafi (d. 1976) concluded, "Mother has more rights than father".

The Prophet Muhammad (peace be upon him) also gave more rights to the mother than anybody else. According to a Hadith a man came to Prophet asking:

"O Messenger of God, who among the people is the most worthy of my good company and kindness? The Prophet (SAW) said, "Your mother". The man said then who else: The Prophet (SAW) said, "Your mother". The man asked, then who else? The Prophet (SAW) again replied, "Your mother". Then who else, only then did the Prophet (SAW) said, "Your father" [33].

A famous saying of the Prophet is "Paradise is at the feet of mothers" [34].

Right to inheritance

One of the important rights of women in Islam is the right of inheritance. In the pre-Qur'anic times she was not only deprived of that right but was herself considered a property to be inherited by men. Islamic Law on the other hand gives women an independent legal status so far as material possessions are concerned. Women receive certain share whether she is a daughter or sister, a wife or a mother. She cannot be deprived of her share even if the deceased makes a will. The law permits her to make use of her property as she likes. She can give its mandate to any person. The Qur'an says: *From what is left by parents and those nearest related, there is share for men, and a share for women, whether the property be small or large, a determinate share* [35]. The amount of her share depends on the number of heirs and degree of relationship with the deceased.

Although in principle both man and woman are equal, their share is different. In some instances man receives two shares whereas woman gets only one. The Qur'an states, *God thus*

directs you as regards your children's (Inheritance). To the male a portion equal to that of two females^[36]. Certain critics have raised objection to this Qur'anic injunction. It may, however, be pointed out that a woman is in no way a loser in this bargain. This variation in inheritance rights is only consistent with the variations in financial responsibilities of man and woman according to the Islamic Law. She gets her part of property from these different sources i.e., father, husband and son, and this make her share almost equal to man. The other reason for a woman getting less share than a man is that all the financial burdens are to be borne by men only. He is responsible for the maintenance of his wife, has to give dower (*mahr*); and to look after other members of the family. On the other hand no financial responsibility has been put on the woman.

Islam gives women a right to make a will in the same way men have been given. The condition for that is same as that of men, i.e., not more than one-third of the property shall be bequeathed.

Independent ownership

Historically, many scholars maintain that women in Muslim societies had more property rights than in many other parts of the world^[37]. The rights of women in the Qur'an are based around the marriage contract. A woman, according to Islamic tradition, does not have to give her pre-marriage possessions to her husband and receives a *mahr* (dower) which she is allowed to keep^[38]. Furthermore, any earnings that a woman receives through employment or business is hers to keep and need not be contributed towards family expenses. This is due to the fact that the financial responsibility for reasonable housing, food and other household expenses for the family, including the spouse, fall entirely on the husband. According to Islamic Law, woman's right to her money, real estate, or other properties is fully acknowledged. This right undergoes no change whether she is single or married. She retains her full rights to buy, sell, mortgage or lease any or all her properties. To borrow the words of Dr. J. A. Badawi "Islam decreed a right of which woman was deprived throughout history, the right of independent ownership."

Employment

With regard to the woman's right to seek employment it should be stated first that Islam regards her role in society as a mother and a wife as the most sacred and essential one. Neither maids nor baby-sitters can possibly take the mother's place as the educator of an upright, complex free, and carefully-reared children. Such a noble and vital role, which largely shapes the future of nations, cannot be regarded as "idleness"^[39].

However, Women are allowed to work in Islam, subject to certain conditions, such as if a woman is in financial need and her employment does not cause her to neglect her important role as a mother and wife^[40]. There is no decree in Islam which forbids woman from seeking employment especially in positions which fit her nature and in which society needs her most. Examples of these professions are nursing, teaching (especially for children), and medicine.

Superiority of women over men

Islam gives women certain privileges and concessions which men are deprived of. In such cases women have superiority

over men. Such privileges are:

- (i) She is exempt from some religious duties like prayers (*salah*) and fasting (*saum*), in her regular periods, at the time of confinement (pregnancy) and forty days after childbirth;
- (ii) She is exempt from attending the obligatory Friday prayers. Attendance to the Friday congregational prayers is optional for them while it is mandatory for men.
- (iii) She is exempt from all financial liabilities;
- (iv) As a mother, she enjoys more recognition and higher honour in the sight of Allah;
- (v) As a wife she is entitled to demand of her prospective husband a suitable dower that will be her own.

Conclusion

While discussing the status and position of woman emphasis in this paper is placed on the original and authentic sources of Islam. This represents the standard according to which degree of adherence of Muslims can be judged. It is also a fact that during the decline of Islamic Civilization, such teachings were not strictly adhered to by many people who profess to be Muslims. Even in such state and the present morbid condition of the Muslims it is impossible for anyone to justify any mistreatment of woman by any decree of rule embodied in the Islamic Law, nor could anyone dare to cancel, reduce, or distort the clear-cut legal rights of women given in Islamic Law.

It is pertinent to mention that "these rights were conferred as an integral part of Divine legislation without being demanded; that is to say, there is no evidence that they were the result of any struggle on the part of Arab women"^[41].

If this indicates anything, it would demonstrate the divine origin of the Qur'an and the truthfulness of the message of Islam. It was a message which established such humane principles as neither grew obsolete during the course of time and after these many centuries, nor can become obsolete in the future. After all, this is the message of the All-Wise and All-Knowing God whose wisdom and knowledge are far beyond the ultimate in human thought and progress.

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