

Women Rights in Islam-A Reflexive Study in the Light of Islamic Injunctions and Teachings

Dr. Muhammad Atif Aslam Raoⁱ

Dr. Mazher Hussainⁱⁱ

Abstract:

The theme under discussion is not new in socio-religious debates but its importance is as novel as it was in the early days of Islam as some individualistic moves of some community members was portrayed and intently connected with the basic teachings of Islam. This issue was both misunderstood and distorted mainly due to the lack of basic knowledge given by the vey injunctions of Quran and Sunnah of the Holy Prophet. Even the very basic principles of sociology depict the fact that conduct of some cannot be generalized as the act of society, and same can be applied to the Muslim Society where misconduct with some women cannot be rendered as the outcome of Islamic teachings. Hence; the hypothesis that women are prey to subjugation, degradation, and oppression will be nullified through this reflexive study in hand as this method of study appeals to varied strata of academy and beyond.

Key words: Islamic Injunctions; Women Rights; Socio-Cultural systems; Freedom of Choice.

Introduction

Islam granted every due right to woman, regardless of region, color or creed. In case of embracing Islam, she got all the rights automatically due to her without any condition or any imposition by the man-made so called rule of law. Her social and economic status was raised and a number of safeguards, both legal and moral were provided in its system for the protection of her rights, with no match with the old, existing or modern socio-economic and socio-cultural systems of the world. This is the basic hypothesis in the reflexive study in hand.

Both enjoy the same status in the eyes of Almighty Allah and they adopt the same worship system for connecting with Him. Hence their connection with their Lord is based on equality and equity and on fairness as for as the judgment of deeds is concerned. The just treatment and reward, in this, connection has been described in the following verses:

ⁱ. Assistant Professor, Department of Islamic Learning, University of Karachi, Karachi, Pakistan

ⁱⁱ. Assistant Professor, Department of History, The Islamia University of Bahawalpur, Bahawalpur, Pakistan

“Allah has promised to the believers, men and women, gardens under which rivers flow, to dwell therein, and beautiful mansions in gardens of everlasting bliss.”¹

And

“Never will I allow the loss of the work of any worker amongst you, male or female; you are of one another.”²

These injunctions fairly approve that the reward depends upon deeds not gender. And this is one of the unique and unprecedented features of Islamic religio-social system.

One of other supporting examples in this connection is the famous incident of Adam and Eve’s exclusion from the Heaven. It is generally alleged that Eve was responsible for this exclusion but Quranic injunctions discard this blame and lay this responsibility on both of them. Both sinned and both repented, and collectively prayed to Allah Almighty for forgiveness which was later granted to them.

These examples show the fair judgment and treatment of humankind instead of ‘mankind’. Hence; women enjoy their rights without any fear and discrimination as per injunctions of Islam. Here is the content and argument which not only approves the hypothesis and provides necessary details and interpretations regarding woman rights:

Right of Education: The True Message of *Iqra*

Quran was revealed for humankind and the societies individually and collectively get benefit from its injunctions regardless of any region and religion. This is the true spirit of the very first revelation in which the emphasis on education has been placed and human beings are bid to reach Allah in the light of knowledge and vision. Hence; education of both genders has been encouraged by Islam on strong footing. Quran and Sunnah equally advocate for the education of women as they have to educate a generation, in turn, providing the base for society building through character building. This is the integral dimension of the social development and Islam lays stress on the education of both women and men for creating a balance in the social functions.

Even women have been emphasized more than those of men for availing the opportunities of getting education and polishing skills for the ultimate betterment of society. Mothers’ education means educating society and educating women means an attainment of a balance economy. Hence; Quran commands all Muslims to tap every opportunity in pursuit of education irrespective of genders. Muslims are continuously encouraged to ponder upon signs of Allah in the nature and thus enhance their vision thereby contemplating and learning through this process.

The Holy Quran verdicts that wise and ignorant cannot be termed 'equal' and only the persons of understanding pay heed to this fact.³ Moreover Allah raises the ranks of those who have faith and knowledge⁴ and stresses for a continuous pray for the enhancement and elevation of existing status of one's knowledge and expertise.⁵

As far as the availability of opportunities is concerned, there is no gender discrimination in Muslim society. Both genders are allowed to get themselves enlightened as per their own choice and need and then they are free to go into any career they want to pursue. There is a cosmopolitan bidding to get education from the laps of mother to the laps of earth.⁶

Early examples show that women were benefitted and enlightened directly from the school of the Holy Prophet however with separate arrangement of schooling. Likewise; the House of Prophet did not make any discrimination of gender while imparting education. With the sanctity of prevailing social morale, Hazrat Ayesha (RA) imparted education to both genders. A number of *Sahaba*, the worthy companions of Holy Prophet (PBUH) have been reported to be enlightened from that great lady of Islam in the fields of Quran, Hadith and Islamic Jurisprudence.

Interestingly; in Islam, education had never been discriminated as the choice of free men and women, the Holy Prophet (PBUH) advised to provide opportunities to the slaves too. A tradition can be presented in this connection in which it has clearly been reported that if a slave-girl is properly educated and enabled to be socially and culturally mainstreamed, Allah would give that person a double reward.⁷

This can further be explained that women although got limited access to the fields of knowledge as they were at learning stage but whenever time demanded they came on the forefront and excelled in almost all the branches of the then prevailing branches of knowledge (the science). Moreover; they were never compelled to choose any field of knowledge against their will and interest. This is also a fact that earlier women intentionally chose those fields of knowledge where their womanhood was not compromised or they felt safe and secure. For example they chose the fields of medicine and teaching, etc.

Islamic injunctions support women in overall personality development which is not possible to attain selective or forced knowledge. Further; it was believed that educated Muslim woman should excel in the extra-home socio-economic and political environment. This element encouraged and labored women to endow themselves in available branches of knowledge. They were further encouraged to attend classes with opposite gender without any hesitation and

reservation and participated in festivities of art and culture and won their appraisal. Historian may find a number of examples from early Islamic History when Muslim women not only competed with men but also excelled, especially in the remarkable field of *Fiqh*. One such prominent example is of Hazrat Ayesha (RA), the great lady of Islam whose dexterity in this was both marvelous and unprecedented. Even early Caliphs of Islam were benefitted by her great knowledge in this field. Hazrat Nafisa (RA), from the lineage of Hazrat Ali was another name of fame in this connection whose command and dexterity over Islamic Jurisprudence greatly Inspired Imam Shafi'i (767-820) and he was reported to attend her lectures and public addresses.⁸

Right of Marriage and Freedom of Choice

In Islam, marriage is one of the social institutions which help in building a positive healthy society. Thus, it is unison of two consenting adults so marriage by force is out of question. They are urged to marry with an objective to refrain from sexual temptation; in order to build a lifelong marital relationship, consent of the two partners becomes essential.⁹This is the real beauty of this social institution.

As far as women are concerned, they enjoy full freedom of choice in choosing their spouses, discouraging the notion of marrying against their wishes. As per teachings of Islam, a widow or a divorced, could decide to remarry and step, in any case could be taken against her decision or will,; nor could she be forced to be married before seeking her willful agreement. It is also encouraged that she may see the person before marrying with him.¹⁰ Moreover; Islam discourages the concept of heavy dowry; rather it is left to the choice of her parents to give some articles of daily usage to their daughters as a petty gift as a sign of showing love, as the Holy Prophet (PBUH) gave some articles of household to His beloved daughter Fatima (RA), without any demand from Hazrat Ali (RA) and his family. This is a golden Sunnah of Holy Prophet (PBUH) to be followed by the Muslims and they cannot demand any dowry from girls' families. It also, in a way, reveals that woman's respect and integrity, independence and individuality is to be recognized and respected. So the marriage contract ensures women's interests and sometimes some conditions are imposed in the favour of women in order to secure their position.¹¹Any forceful marriage is contrary to law and the women have the right to revoke a marriage to which she did not agree to the first place.

There are a number of examples available in Islamic Tradition and one such strong example which lays stress on the full freedom of agreement and refutation extended to women in matrimonial matters is narrated by Hazrat Ayesha (RA), the beloved wife of the Holy Prophet.

Once a young girl approached her and reported that her father was going to marry her with his nephew without her consent. On arrival of the Holy Prophet (PBUH) the incident was brought to His notice. The Holy Prophet sent for her father and upon confirmation of the report, the Holy Prophet (PBUH) told the girl that she had full liberty to choose or otherwise.¹² Another incident of the same nature was the decision of Khaddam, father of Hazrat Khansa who wanted to marry her daughter against her will to a person she did not like and on mediation of the Holy Prophet, her father had to revoke this decision and she was allowed to follow her own choice.¹³

In Islam widowed and divorced can remarry without any hesitation or external pressure. Even during the period of *Idda* (transition), she is allowed for the betrothal in case of a suitable match available and would remarry after the completion of the said period. This is the honor and freedom provided by Islam to the women.

In Islam, a divorced or widowed woman has the right to remarry without any shame. In fact, the Quran allows the betrothal of a divorced or widowed woman even during her period of transition (*idda*). In surah Baqarah, it has been clearly advised to the Muslims that:

‘It shall be no offence for you openly to propose marriage indirectly to such women or to cherish them in your hearts. Allah knows that you will remember them. Do not arrange to meet them in secret and, if you do, speak to them honorably. But you shall not consummate the marriage before the end of their waiting period; know that Allah has knowledge of all your thoughts. Therefore take heed and bear in mind that Allah is forgiving and merciful’¹⁴

Neither age nor the previous marriage was a hindrance to the new decision for contracting perfect matches and there are several examples which can be cited from the tradition of early Muslim communities when women, widowed or divorced, freely decided to remarry without feeling of any stigma or discredit. For instance, Umme Kalsoom (RA), the daughter of Aqba, who was an early convert and migrated to Medina in defiance of her family where she married to Zaid bin Harith (RA). The latter was martyred in a battle and she contracted a second marriage to Zubair bin al-Awwam. When she felt that Zubair did not take full care of her, she took divorce from him and married to Abdul Rahman bin Auf for the third time and bore two sons to him. After the death of her third husband she was married for the fourth time to Amr bin Al-Aas. This is how Islam takes care of women rights and respects their freedom of choice.

Atika bint e Zaid is another good example. She had managed to contract four marriages during her life time. Her first husband was Abdullah Ibn Abu Bakr, son of the first Caliph Abu Bakr. He died, leaving her a fortune on the condition that she would not re-marry. For a while she was content with idea of living a celibate life, but later she decided to go against his wish and not to spend the rest of her life alone. So she decided to accept Umar Ibn al-Khattab, the second caliph, as her second husband. When Umar was assassinated in 642, she married her third husband Zubayr Ibn Al Awam. After his death in 656, she took her fourth husband Hussain Ibn Ali, son of the Caliph Ali. By this time she was around 45.¹⁵

All these traditions and examples furnish conclusive proof that a woman is as free as a man to choose her partner and repudiate her partner and that the Prophet's insistence on the permission of Wali (protector) before a woman can be married was intended to safeguard her position and rights in a society which was not yet completely free from the dominance of the male gender and in which a lonely woman had a fair chance of being outwitted by clever men and left without the necessary protection.

Right of Divorce

In case of any defiance or unsuccessful marriage, the option of divorce is open for women. They can initiate a divorce and it is quite permissible in Islam. As marriage is a type of a legal contract, it can be dissolved either by mutual consent or by any party of the contract. If the content of the contract bids a woman to divorce her husband, she can divorce him instantly; otherwise she can take this matter to the court for relief, and in case of any indecisiveness, court can dissolve this contract.

Over all, the Quranic legislation concerning divorce allows time for reflection and insists on kind treatment of the women. For example, whilst in pre-Islamic times a woman could easily be repudiated and thrown out by her husband, under the Quranic legislation he is no longer allowed to do so. If divorce takes place, the husband has to pay her back the deferred dowry and a reasonable sum of money as maintenance. He has to support her throughout the *idda* period to determine her pregnancy and in case of pregnancy he was bade to manage all the expenses up till the determined period by court of law.¹⁶

Legal decisions taken by the Holy Prophet (PBUH) provide an ample substance to the law courts in order to consider the cases filed by women against their husbands. One of such famous cases which have been reported by Sahih Bukhari, Sunnan Abi Majah and other authentic sources of Hadith with slight difference of the words is that of Sabit bin Qais whose two wives sought

divorce from him on the grounds of his apparent ugliness. One of them Jamilah bint e Abi Salul who disliked him was later permitted to revoke the marital relationship as any effort of mediation failed in due course of time. On continuum, Habiba bint Sahil, other wife of Sabit bin Qais, as Imam Mailk and Abu Dawud both reported, complained to the Holy Prophet about the bad conduct of her husband and insisted that they could not live together. Upon hearing the both sides, and no possibility of settlement, this marriage ended in dissolution.

Above two cases sufficiently prove that women had the fair right to get divorce even on the plea of mere disgust to their husbands, as an ample ground to dissolve marriage contract. They also reflect if one of the partners had developed hostility against the other, it was a sufficient enough to satisfy the court, which, in turn, could decide in favor of the aggrieved party. Moreover; court needed not to go into minute details as a woman might dislike her husband on several reasons, both complex and complicated one and they might not be discussed openly. There is also a possibility that seemingly the reasons of disgust are not valid enough to satisfy the court but may be sufficient enough to spoil the marital relation. Hence; in any case court has no right to settle the matter on the point whether the grounds of disgust provided by the wife are valid or otherwise. It should only focus on how the relation can sustain on happy and lifelong terms.

Many jurists agree that if separation takes place as a result of the ill-treatment of the husband or his excesses, and such charges are proved during the process of legal inquiry, the court can totally exempt the wife from re-payment of the dower, or it can decide in favour of an amount less than that of the dower, according to the circumstances involved. Not only this; Islam respects all the other possible grounds of divorce on the choice of both woman and other prevailing circumstances. Most prominent factors, in this connection, include refusal of husband to sustain her financially, change of husband's religious beliefs, in case of any serious disease, willful parting of ways, and disappearance of the husband, etc.¹⁷

Women Rights to Participate in Jihad—the Strife in the Way of Allah

Jihad is one of the sacred and highly beneficial activities as Allah bestows great rewards on the Muslims who strive or fight in His way. Muslims women as early history of Islam shows that were never deprived of this sacred activity. During campaigns of Jihad, they were given a number of responsibilities ranging from staying at home to active warfare as per need of the time. History reveals the willful participation of Muslim women in almost all the prominent war expeditions. However; it was the matter of choice, not of forceful participation. On the other hand they were never discouraged and were given the roles as per their capacities and

capabilities. Interestingly; women were part of both wars and public affairs at a time when other nations were arguing whether a woman's soul had been derived from an animal or a devil.¹⁸

There are a number of incidents in which Muslim women actively participated in Jihad side by side with the soldiers. Some of the details are as follows:

1. During the Battle of Uhud, a time came when only a few companions of the Holy Prophet (PBUH) were left and seemingly His life was in danger, Umm-e-Ammarah (RA), a brave lady of Islam stood steadfast at this critical juncture and shield Him with her body and the enemy dared not to make a dent in His armour. She faced a number of wounds in this battle. She was the lady who participated in war expedition against Musailmah-the false claimant of the prophet-hood and lost her arm.¹⁹
2. Umm-i-Atiyya, another brave lady of Islam, took part in seven battles (ghazwat) with a number of varying duties including cooking of food for the soldiers, nursing the wounded and looking after the sick.²⁰
3. Likewise; as Hazrat Anas bin Malik reports, Hazrat Ayesha and Umme Salim played a considerable role during the Battle of Uhud. They brought water-skins on their back and provided water to the wounded and nursed them well. In the same battle, Hazrat Fatima (SA), the beloved daughter of the Holy Prophet was also present.²¹
4. Hazrat Saffiyah, in the Battle of Trenches (*Khandaq*) displayed a brilliant military strategy against the Jewish attack and compelled them to retreat.²²
5. In the Battle of Yarmuk, a number of ladies participated and showed extraordinary valor including Asma bint e Abu Bakr, Umm-e-Abban, Umm-e-Hakeem, Khawlah, Hind, and Hzrat Jawairiyah (the Wife of the Holy Prophet). Hazrat Asma bint Yazid killed nine enemy soldiers in this battle.²³

The Muslim women (companions) usually accompanied the prophet Muhammad (P.B.U.H) on his military expeditions and took part in battles both on land and at sea. Besides taking an active part in the war, there were many other services that the women companions performed like giving medical aid to the soldiers; nursing the wounded on the battle fields and providing food and water to the wounded and thirsty; and standing side by side with the soldiers. They would hand them arrows, nursing the wounded and generally help to keep up the morale of the army. They also helped to carry the martyred and the wounded back to the state capital Medina.²⁴ In today's world, when wars are not won or lost nearly because of the valor and skill or the lack of it in those fighting on the front, but by the effort put in by the entire nation in farms, factories,

offices, shops and in fact in every sphere of life. Helping women in becoming economically productive, training and equipping them for playing due role in shaping the destiny of a nation is a key to a long term progress.²⁵

Women Rights in Politics

In early days of its History, Islam was the only religion which acknowledged the political role of women, thereby encouraging them to be involved in decision making. They were provided every chance to express them, to ague and speak their mind in public. Their political opinion was highly valued. They proved themselves effective members of the society. Their support was sought for the legitimacy of the political system through pledge (*baya'at*), an act or institution which was introduced by the Holy Prophet (PBUH).

Among other things, this pledge demanded from the Muslims that they must show their loyalty to their leader or commander and the later was expected to uphold Islamic principle to respect their allegiance or loyalty. The Prophet of Islam (PBUH), in reverence to their allegiance, always placed them equal in both commitment and responsibility and also regarded their domains and dexterities. The Prophet of Islam (PBUH) normally demanded two types of *baya'at*. First; *the baya'at-i-ainiya*, a pledge to support the state and obey him in implementing the good and in forbidding the evil and second; he asked for *bya'at-i-kiffaya* from some prominent Muslim women. This type of pledge is mandatory for women and men of special talents only and others can find relaxation but History showed women of Islam obeyed it as it were mandatory. Nusaiba bint-e-Ka'ab can be quoted as a suitable example who presented herself as fighter and her feelings were duly regarded as part of her *baya'at* so participated in a number of battles with full zeal and showed her talents.²⁶ These facts also show that women were made part of allegiance, decision-making and mutual consultation (*shura*).²⁷

Muslim women turned them into religious scholars and jurists during the golden period of Islam. Even the Caliphs of Islam sought their advice in different matters and made it part of their policies. The Holy Prophet was great admirer of Asma bint Yazid al-Ansari due to her power of argument and outspokenness. His wives Umm-e-Salma (RA) and Ayesha (RA) enjoyed full liberty of questioning and argument. Once He had to rely upon the opinion of Umm-e-Salma (RA) in a situation when any other solution led to the division of the community.

Hazrat Aisha (RA) was direct disciple of the Holy Prophet and her training was at such a marvelous level that Holy Prophet (PBUH) encouraged Muslims to get benefit of her vision and wisdom.

By the time the Prophet left this world, she had proved her integrity as a great Islamic scholar and jurist of the first rank.

Once, her father Hazrat Umar (RA) had to consult her on a very critical issue of the time limit for a husband to be away from her wife in the situation of business trips or other expeditions. Moreover; this great lady of Islam also persuaded her brother Abdullah to be part of different meetings regarding, first, the peaceful transition and transfer of power after the assassination of Hazrat Umar (RA) and second; during the time of arbitration between Hazrat Ali (RA) and Hazrat Muawiyah (RA).²⁸

There are a number of other examples when even the opposition of women was respected by the state authorities and even in a case their decision of providing shelter and guarantee to the enemy was supported. Women publically opposed a decision of the Second Caliph of Islam about dowry restriction and he was repealed it after admitting his mistake.²⁹ secondly; as reported by Abu Dawud, Umm-e-Hani, the sister of Hazrat Ali gave refuge to an enemy disbeliever and the Holy Prophet stood by her decision of providing sanctuary and safety to the enemy. This is the beauty of Islam that the Imam or leader has to stand by the guarantee offered by the woman.³⁰

Above-mentioned details can be further affirmed through the writings on the theme by a Moroccan writer Fatema Mernissi (1940-2015), famous feminist and sociologist who presented a number of examples of Muslim women excelling, especially in Spain and Iraq, and other Muslim centers of power through the aegis of History.³¹ One of his quotable works in this connection is “Forgotten Queens of Islam, in which she overviewed fifteen centuries of scholarship and proved that Islam encouraged women even to be the head of the Islamic State.³²

Conclusion

Islam fully recognized the rights of woman as compared to old and ancient traditions and this fact is a major area of both religious and academic scholarship. Women enjoyed the rights of education, willful marriage, property and political participation. Even; their right of divorce was respected and extended to considerable limits. Islam also terminated all the bad practices against woman. Interestingly; in the face of all the media war launched against Islam, the fair mind is respecting and appreciating the role of Islam in real freedom of modern day woman.

Hence; the fair side of the media should be invited to analyze the situation on realistic grounds and they would definitely conclude that Islam has provided justifiable rights to the modern day woman as compared to any code of law or religion.

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