

Vedas are the oldest, believed to be composed around 1000-500 B.C and transmitted orally. Vedas are the earliest texts composed in Vedic Sanskrit. Rig, Yajur, Sama and Atharva are the four Vedas. During this period, women had respect and opportunities to develop within their domestic spheres. She was the creator, protector, and educator of her children. In the Vedic society women participated in religious ceremonies with her husband. The position of wife was honored and women's position was acknowledged, especially in the performance of religious ceremonies. Without her, husbands could not do any yagna. It was believed that almighty gods were thought not to accept the materials offered by a bachelor. There is no seclusion of women from domestic and social affairs but women were dependent on their male relatives throughout their lives. In Rig Vedic period, young girls had equal power to get educated as boys. The Yajurveda also states that a daughter who has completed her brahmacharya should be married to the boy who is similarly learned. Education was considered as an important qualification for marriage. In Kshatriya society, girls had privilege to choose their husbands in Swayamvara'.

During the Vedic period itself, the birth of the daughter became a source of anxiety. Being the patriarchal family, the birth of a son is bliss incarnate, while that of a daughter is root of family's misery. According to the Aitareya Brahmana, a daughter has been described as a source of misery. The position of women gradually deteriorated as the Vedic ideals of unity and equality began to fade off in the passage of time and a transition from matriarchal to patriarchal order of the society is seen. Daughter's birth became a source of disaster for the father during the post-Vedic phase. Sati became popular during the later Vedic period where the widows either chose for themselves or were forced to jump into the pyre of their husbands so that they may not be spoiled afterward by others. Gradually it became an acceptable custom to safeguard the purity of the tribe.

## **Criticism**

But the honorable position of women existed in ancient India is questioned by many historians and writers. According to them the position of Women in Ancient Indo-Aryan society was very pathetic. Many evils like Child Marriages, Dowry system, female foeticide, Bride-Burning; No rights in their paternal property, Mass Wife-Burning (Jauhar) and Widow-Burning (Sati) have their roots in ancient India.

Hence infanticide arose as a convenient way of getting rid of the burden called daughter due to high demand of dowry from the bridegrooms.

## **Status of woman in Middle Ages**

### **Original sin**

According to the Bible, Eve was created from Adam's rib and, having eaten the forbidden fruit, was responsible for man's expulsion from paradise. In medieval art, the responsibility of women for this 'original sin', is often emphasised by giving a female head to the serpent who tempts Eve to disobey God. The story underlined the belief that women were inferior to men, and that they were morally weaker and likely to tempt men into sin.

### **Women and power**

There were some women who exercised power, providing a challenge to the stereotypical image of medieval women as oppressed and subservient. In the church, women could hold positions of great responsibility as abbesses of convents. Outside monastic walls, women could wield political power, especially as queens and regents who exercised royal authority on behalf of absent husbands or underage sons.

### **Wives and nuns**

Yet however powerful some women were in the Middle Ages, it is important to remember that the overwhelming majority were not. Most women, even those in privileged circumstances, had little control over the direction their lives took. The marriages of young aristocratic women were usually arranged by their families. The two main alternatives for a medieval woman were to marry, or to 'take the veil' and become a nun. Most women, however, were married, usually as teenagers. Afterwards, they were responsible for managing the household, whether this was a great castle or a small peasant hovel.

### **Medieval Views of Marriage and the Family**

One way of accomplishing both of these goals was through a "proper" marriage. Marriage was viewed as a legal arrangement that was not usually accompanied with emotions or celebration. The purpose of marriage was to create a "multi-purpose contract aimed at creating a social union, a reproductive unit, and a production and property-holding unit. Indeed, "polygamy was common among most of the Germanic tribes. Wives were bought and sold.

### **Violence in Medieval:**

Marriage Within a medieval household, a wife was expected to be completely obedient to her husband. Thus, wife beating was socially acceptable as a method of creating order in home. Violence against wives was not restricted to a single class-women in every class, from the poor to the aristocracy were affected.

### **Pre Islamic Arabia:**

Polygamy existed in Arabia before Islam and a man was free to marry any number of wives without any limitation. There is no trace that women had any higher status in their tribes. However, a woman might play an important role in politics as an influential sister, wife or daughter to the tribe's chief or a messenger of peace between disputing tribes. Women were captured during wars. These women were of great importance for Arabs as they could ask a high ransom for hostages or exchange them for their own hostages. Another advantage of women captives was to marry them without a dowry and to get more children thus increasing their numbers and therefore their strength, which would raise their status among other tribes. They were usually treated by the enemy as bondmaids and were held in contempt. While even if kindly treated- by their captors', they were still humiliated, deprived of their own people and homeland. They were kept with the fighter, gifted to relative or a friend or they were sold in a market. Thus, the woman in pre-Islamic society was treated most of the time as if she were an article of merchandise to be sold. Women in urban societies held a higher position than women in Bedouin societies, which gave them some rights. From historical sources, it is known that queens ruled some countries, an example of which was Bilqis the Queen of Saba' in Yaman, at the time of Prophet Sulayman (AS). From the Qur'an, we know that she was not an autocratic queen (Q. 27: 29). She was a strong ruler but she used to consult her wise people about certain matters. It is possible that the ordinary woman in some Arab societies had a fair degree of status. Here we shall sketch the portraits of some women who took the stage and played a role in their societies. For example, Khadijah, the first wife of the Prophet, was a rich widow of Quraysh who was an independent business woman, engaged in trade, and managed her own affairs. It is known too that Hind bint'Utbah, the wife of Abu Sufyan had high status in her own family, and that her father did not give her in marriage without her consent.

### **Women Rights in Pre Islamic Arabia:**

But Most of the time, women in Jahiliyyah were degraded, without any rights and regarded as non-entities. Men used to desire some specific features in their bride. Among them were beauty, humility and wit. However\* fathers in Jahiliyyah did not let their daughters be married in an unequal match. This was one of the reasons of burying daughters alive. The qualities sought by a woman in a man are less documented since it was shameless for her to disclose her opinion.

# WOMEN IN ISLAM

1. According to the Oxford Dictionary, 'Women's Rights are "rights that promote a position of legal and social equality of women with men'. According to the Webster's dictionary.

'Women's rights claimed for women equal rights with those of men with respect to suffrage {right to vote}, property etc.

2. According to the Oxford dictionary, 'Modernising' means "to make modern, adapt to modern needs or habits. "Webster dictionary defines 'Modernising' as "to make modern, to give a new or modern character or appearance'. For example, to modernise one's ideas. Therefore, modernising is a process of updating and opting for the betterment of the present status; modernising is not the present status itself.

3. Can we modernise ourselves in time to master our problems and realise a new and satisfying way of life for the whole human race?

I am not too concerned about the so called 'modern' ideas, conclusion, and categorical statements of scientists and inexperienced arm-chair experts on how life should be lived by women. I am more inclined to base my considerations and conclusions on truths which can be proven in experience. Experience and unbiased holistic factual analysis are the only sure test between the gold of truth and the glitter of theory.

Our thinking has to be checked against reality or our mental processes can lead us very much astray. Indeed the best brains of the day in earlier days believed the world to be flat.

4. If you agree with the picture portrayed by the Western media on the status and rights of women in Islam, you have no option but to believe that women's rights in Islam are outdated.

All talk of women's liberation in the West is actually a disguised form of exploitation of her soul.

The Western society while claiming to improve the status of women has actually degraded them to the status of concubines, mistresses and society butterflies, who are employed as mere tools at the hands of pleasure seekers and sex marketers hidden behind the colourful screen of art and culture.

5. Islam's radical revolutionary call gave women their due status and rights in society in times of the "Days of Ignorance" more than 1,4000 years ago.

One of the objectives of Islam was and continues to be of modernising the thinking, living, seeing, hearing and feelings of women and striving for women's upliftment and emancipation in society.

### **Six Important Points to be Noted**

1. Muslims constitute about 5th of the population of the world. Different Muslim societies have different cultures. Some of these cultures may be close to Islam while some others may be far away from Islam.
2. Status of women in Islam should be judged according to authentic sources of the teachings of Islam on the subject and not by observing what individual Muslim do or what any Muslim society does.
3. The authentic sources are: A) The Qur'an which is the word of Almighty God. b) Authentic Hadith or Sunah (tradition) of Prophet Muhammad (Pbuh).
4. The Qur'an will never contradict itself; nor would the authentic Hadiths contradict among themselves nor would the authentic hadith contradict the Qur'an.
5. Scholars differ at time. This difference on many occasions can be removed by analysing the Qur'an as a whole and not be deriving the meaning from one single verse. In cases of ambiguity many a time the clarification is given in some other part of the Qur'an. To support one idea the scholars quote a source and ignore other sources.
6. For a dedicated Muslim, be it a male or a female, the ultimate goal is to seek the pleasure of Allah and to fulfil our duties on earth as his trustees and not to satisfy one's own ego or to gain fame.

Islam believes in equality between men and women. Equality does not mean identity: it means equity. Islam presents the roles of men and women as complementary roles and not contradictory or conflicting roles; the roles of partners with a common set of goals and objectives and not roles that conflict with each other with each of them having the objective of striving for supremacy.

We shall in this publication discuss the rights of women in Islam under six major headings;

***1. Spiritual***

***2. Economical***

***3. Social***

***4. Educational***

***5. Legal***

***6. Political.***

## **I. Spiritual Rights: (Seven basic points)**

The greatest misconception that Westerners have is that paradise in Islam is only for men and not for women. This can be easily disproved from the Qur'an.

### **1. a. Surah Al-Nisa (Chapter 4) verse 124 (4:124)**

“If any do deeds of righteousness be they male or female and have faith, they will enter heaven, and not the least injustice will be done to them”

### **b. Surah Al-Nahl (Chapter 16), verse 97 (16:97)**

“Whosoever performs good deeds whether male or female and is a believer, we shall surely make him live a good life and we will certainly reward them for the best of what they did.”

### **2. a. The Qur'an makes it clear that both men and women have the same spiritual nature; Surah Nisa (Chapter 4), verse 1 (4:1)**

Oh Human kind! Reverence your Guardian-Lord who created you from a single person and created of like nature his mate.”

### **b. In Surah Nahl (Chapter 16), verse 72 (16:72)**

“And Allah has made for you mates (and companions) of your own nature. And made for you out of them sons and daughters and grand children.

### **c. In Surah Araf (Chapter 67), verse 189 (7:189)**

It is He who created you from a single person and made his mate of like nature, in order that he might dwell with her (in love)

### **d. Surah Al-Shoura (Chapter 42) verse no.11 (42:11)**

(He is) the creator of the heavens and the earth. He has made for you pairs from among yourselves.”

3. When Allah created the human he breathed into him something of his spirit.

### **a. Surah Al-Hijr (chapter 15, verse 29 (15:29)**

“When I have fashioned him (undue proportion) and breathed into him of my spirit, fall ye down in obeisance unto him.”

#### **b. Surah al-Sajdah (Chapter 32) verse 9 (32:9)**

“But he fashioned him in due proportion and breathed into him something of his spirit”.

In the above two references, breathing of Allah’s spirits into humans does not refer to any sort of incarnation of God or any pantheistic form of concept of God but it refers to the great bounty which Allah has endowed the human race with by giving innate spiritual nature of knowledge about God and yearning for Him. Here the spirit is breathed into both Adam and Eve.

4. Human race has been created to be or to serve as the trustee dignified the human race consisting of both men and women.

#### **a. Surah Al-Isra (Chapter 17) verse 70 (17:70)**

“ We have honoured the children of Adam and conferred on them special favour”.

Here Allah has honoured the children of Adam, both men and women.

5. The Qur’an does not blame Eve for tempting Adam to eat the forbidden fruit or for the downfall of man, as has been done by the Bible and other scriptures.

#### **In Surah Al-Aaraf (Chapter 7) verse 19-27 (7:19-27)**

Here both Adam and Eve are addressed together more than a dozen times and both Adam and Eve are said to have disobeyed Allah and later, both repented and both were forgiven.

There is not a single passage in the Qur’an that only points to Eve. However there is one verse in the Qur’an from Surah Taha chapter 20, verse 121 which specifically puts the blame on Adam (Pbuh).

Christianity puts the complete blame on Eve for the fall of man and for the ‘original sin’. It holds Eve responsible for sin’. It holds Eve responsible for sins of humanity.

According to the Bible in Genesis Chapter 3, Eve tempted Adam to have the forbidden fruit (apple). Genesis Chapter 3, verse 16 states “unto the women he said, I will greatly multiply your conception. In sorrow you shall bring forth children and your desire shall be to your husband and he shall rule over you.”

6. Unlike the Bible, which degrades pregnancy and considers labour pains of the mother during child birth as a punishment for eating the forbidden fruit, the Qur’an does not degrade pregnancies. In fact the Qur’an states that child-birth further uplifts the status of women.

#### **a. Surah Luqman (Chapter 31) verse 14 (31:14)**

“And we have enjoined on a human (to be good) to his parents; in travail upon travail did their mother bear them, and in years twain was their weaning.”

**b. Surah Al-Ahqaf (Chapter 46) verse 15 (46:15)**

“We have enjoined on humans kindness to their parents. In pain did their mother bear them and in pain did she give them birth.”

c. A Hadith mentions that if a mother dies during delivery of her baby she is considered a martyr which in Islam is the highest degree of stature any person can achieve.

7. The only criteria for judging a person in the sight of Allah is the “Taqwa” that is God-consciousness or righteousness.

**a. Surah (Al-Hujurat Chapter 49) verse 13 (49:13)**

O human kind! We created you from a single (pair) of a male and a female, and made you into Nations and tribes, that ye may know each other (Not that ye may despise each other).

Verily the most honoured of you in the sight of Allah is (one who is) the most righteous of you. And Allah has full knowledge and is well-acquainted (with all things).

Sex, race, colour or wealth do not make a person superior than the other. Righteousness is the only criterion before Almighty God for judgement.

8. The spiritual and moral duties for men and women are essentially the same. In fact there are certain concessions given to women. Pregnant ladies and menstruating women need not fast during such days, but later compensate for the same.

The reward and punishment of Allah is in no way connected with the gender.

**a. Surah Al-Imran (Chapter 3,) verse 195 (3:195)**

“Never will I suffer to be lost the work of any of you be it male or female. Ye are members, one of another.”

**b. Surah Al-Ahzab (Chapter 33), verse (33:35)**

“For Muslim 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 guard their chastity, and for men and women who engage much in Allah’s praise. For them has Allah prepared forgiveness and great reward.



### **c. Surah Al-Nisa (Chapter 4,) verse 124 (4:124)**

If any do deeds of righteousness be they male or female and have faith, they will enter heaven, and not the least injustice will be done to them.

## **Economical Rights**

1. More than 1,300 years before the west gave economical rights to women, Islam recognised the rights of adult women. Any adult woman has the right to possess or to own or to dispose any of her own property in any way she feels fit irrespective of whether she is single or married. The first time that rights of married women was recognised in the West whereby she could own and dispose of property without the control, approval or consent of her husband was in 1870s in England under the “Married Women Property Act”. This Act was later amended in 1882 and 1887.

### **Home Maker**

2.a. Woman is considered as a Home maker in Islam and not a housewife because she is not married to a house.

She can also work and is entitled to get equal pay if she does the same job as that of a male. There is no text in the Qur'an or the Sunnah which makes it unlawful for women to work or to do any lawful job or profession (provided it is within the modesty level and within the purview of the Shariah). If she is married she should take the permission of her husband.

b. She cannot take up jobs which are based on exhibiting her beauty and body such as modelling, dancing, acting in films, etc.

c. Many jobs which are forbidden for women are also forbidden for men, for example serving liquor, working in gambling dens, dealing in corruption and dishonest businesses, etc.

d. A true Islamic Society should have some women as professionals such as women physicians (doctors), women nurses, women teachers, etc.

e. Women have no financial obligations in Islam. It is the duty of the man in the family to look after the financial aspects of the family. Therefore under normal conditions a woman need not work and is not required to earn her livelihood or that of her family. However in certain genuine cases due to financial crisis in the family where both ends do not meet, she has the option to work with the permission of her husband. Even in such conditions no one can force her to work and if she takes up a job it is by exercising her own free will.

f. As I mentioned earlier, the job should be within the limits of Islamic Shariah and within modesty levels. Besides the professional jobs I mentioned, they can work in industries and small scale factories which are so made that they exclusively employ ladies or have separate

sections for gents and ladies staff. She can also engage in business and when required, enter into transactions with gents through a Mehram such as her husband, son etc. The best example I can quote is that of Prophet Muhammad's (Pbuh) wife, Bibi Khadija (R) who was a very successful businesswoman. She transacted through her husband Prophet Muhammad (Pbuh). Women can work in their own houses by taking up tailoring, embroidery, pottery, basket-making, etc.

## **Women have no Financial Obligations**

3. Islamic law gives more Financial Security to women than to men.

i. A Muslim woman has the option of not working to earn her livelihood. The responsibility of maintaining her falls on the shoulders of her father or brother if she is not married, and on her husband or son if she is married. It is also the duty of the relatives and the state to look after her. She is entitled to full support if she opts not to work. But at the same time she has the right to possess or to own or to dispose of any of her own property in any way she feels fit, without seeking anyone's consent whatsoever and irrespective of whether she is single or married.

ii. During marriage, she is entitled to a marital gift (Meher) from the husband which is entirely hers and she does not have to give this gift to her husband or father and she can do anything lawful with it.

In Surah Nisa Chapter 4, Verse 34 (4:34) **"Give the women (on marriage) the dower as a free gift"**.

This marital gift (Meher) symbolises, love, affection and commitment.

Women do not have to give any dowry to men and men do not have any right to ask or demand dowry from women. The dower given by man to woman during marriage is known as Meher and is a compulsory requirement, but these days Muslims give a small token amount of Meher just for names' sake, maybe Rs.200 to 500. Many Muslims have now-a-days adopted Hindu culture in this issue, they expect or rather demand that the woman's family should get them a refrigerator, TV, Video, furniture, car, etc. The more educated and richer the man, the higher dowry he expects.

In Islam it is just the opposite of what the Hindu Culture ordains in respect of dowry. Islam requires that the man gives dower to the woman according to his economical condition.

iii. If a woman earns any income from investments or works or engages in business during her marital life, the income is entirely hers and she is not entitled to spend a single penny on the household. She can spend it in any legitimate manner as she may desire.

iv. Regardless of the wealth or income of his wife, the responsibility of maintaining her lies on the husband even if he is poorer than her and this responsibility includes providing for her needs pertaining to food, clothing, lodging, boarding, medication, etc., in short everything she needs.

She need not spend anything. She has complete financial security. The husband's responsibility to fulfill her needs and not her unreasonable demands and wants beyond his financial limits.

v. In case of divorce or widowhood there are certain financial guarantees for women like complete and full support during the waiting period and thereafter; if she is pregnant, then till childbirth. If she has any children she is entitled to child support.

# Social Rights

Socially Islam gives women four different status:

1. As a Daughter
2. As a Wife
3. As a Mother
4. As a Sister

## 1. Daughter

i. Islam prohibits infanticide or killing of female infants. This is considered a serious crime of murder.

Surah Al-Takvir Chapter 81, Verses 8 and 9 (81 : 8-9)

**“When the female (infant), buried alive, is questioned, for what crime she was killed.”**  
(17:31), (6:15)

In pre-Islamic Arabia killing of female infants was very common and very often the moment a female was born she was buried alive.

Islam not only prohibits female infanticide, but it forbids all types of infanticide, irrespective of whether the infant is a male or female. It is mentioned in Surah Al-Anam chapter 6, Verse 151 (6:151).

**“Kill not your children on a plea of want. We provide sustenance for you and for them. Come not near shameful deeds, whether open or secret. Take not life which Allah has made sacred.”**

A similar guidance is repeated in Surah Al-Isra Chapter 17, Verse 31 (17:31).

**“Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin.”**

In pre-Islamic Arabia killing of female infants was very common and very often, the moment a female was born, she was buried alive. However, after the spread of Islam in Arabia, *Al*

*hamdulillah*, this evil practice has been discontinued for the last 1,400 years but unfortunately it is yet prevalent in India.

In a BBC documentary film titled “Let her die” shown in the programme “Assignments”, the statistics of female infanticide was given by Emetic Buchanan. It has to be a Britisher who came all the way from Britain to give us the statistics and make a documentary film in a country which has the maximum rate of female infanticide in the world. According to the statistics compiled by them, everyday more than 3,000 fetuses are being aborted in India on being identified that they are female. If you multiply this figure with the number of days in a year (365 days) we understand that more than one million female fetuses are aborted every year in India. It is practised maximum in the state of Tamil Nadu and Rajasthan. There are big bill boards and advertisements saying “Invest Rs.500/- and save Rs.500,000, signifying that you do tests like Amino sentesis or ultra sonography which cost about Rs.500/- and on identifying the gender of the fetus if it is a girl you can always abort her and thus save Rs.5,00,000/- which is usually spent in the upbringing of a girl and giving dowry in her marriage.

According to a report of the Tamil Nadu Government Hospital, out of every 10 female children born, 4 are put to death.

Female infanticide has been present in our country for centuries. No wonder the female population of India is less than the male population.

According to the 1901 census of India, there were 972 females for every 1000 males. According to the 1981 census, there were 934 females for every 1000 males in India and the latest statistics of 1991 tell us that for every 1000 males there are 972 females in India. One can realise from these census reports that the ratio of female population is declining every year. Earlier only female infanticide was being resorted to, but now with the advancement of Science and Medicines to suit this act, there has been added another crime of aborting female fetuses. It is no wonder, therefore, that the urban areas of Bihar and Goa showed 1054 and 1091 females respectively for every 1000 males and according to 1991. tically fallen to 911.

ii. Islam not only prohibits female infanticide but also rebukes the thought of rejoicing on the news of birth of a male child and not rejoicing on the news of the birth of a female child.

### **Surah Al-Nahl (Chapter 16), Verses 58 and 59 (16:58-59)**

“When news is brought to one of them of (the birth of) a female (child), his face darkness, 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 it on (sufferance) the choice they decide on?”

iii. In Islam the girl child is entitled to support, and upbringing and good treatment.

According to an authentic hadith related in Ahmed, Prophet Muhammad (Pbuh) said, *“Anyone who brings up two daughters properly they will be very close to me on the day of Judgment.”*

According to another hadith whoever brings up two daughters properly and treats them kindly and justly shall enter paradise.

iv. There should be no partiality in bringing up of sons and daughters.

Prophet Muhammad (Pbuh) always spoke about justice and kindness towards a child whether it be a daughter or a son. Once a person in the presence of Prophet Muhammad (Pbuh) kissed his son and put him on his lap and did not do the same for his daughter who was with him. The Prophet (Pbuh) objected and told the man that he was being unjust and that he should have also kissed his daughter and placed her on the other lap. The Prophet (Pbuh) not only preached about equal justice to sons and daughters but also practised it himself.

## **2. Wife**

i.a. Islam does not consider “Woman as an instrument of the devil” as considered by the Bible. But rather the Qur’an calls her “Mohsana” - a fortress against Satan, because a good woman by marrying a man helps him keep a straight path in life.

b. Prophet Muhammad (Pbuh) declared that there is no Monasticism in Islam. He further ordained, *“Oh you young men - whoever is able to marry should marry for this will help him to lower his gaze and guard his modesty”* (Al-Bukhari). c. It is narrated by Anas that the messenger of Allah (Pbuh) said, *“when a man marries he has completed one half of his religion!”*

Once during a question and answer session somebody asked me does this imply that if I marry twice I will complete my full religion? The Prophet (Pbuh) considered marriage for a Muslim as half of his religion because it shields him from promiscuity, fornication, homosexuality, etc, which add to half the evil in society.

Secondly, only after you marry do you have an opportunity to become a husband or wife, a father or a mother and thus perform your duties as either as a husband or as a wife; as a father or as a mother. Whether you marry once or twice you are yet fulfilling only half your *deen*.

ii. a. According to Islam marriage is a blessing and bounty on both men and women.

### **In Surah Al-Rum Chapter 30, Verse 21 (30:21)**

“And among His signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts)”.

### **b. In Surah Nisa Chapter 4, Verse 21 (4:21)**

The Qur'an refers to marriage as a "*Misq*" that is a sacred covenant or agreement between husband and wife.

### **iii. a. In Surah Nisa Chapter 4, Verse 19 (4: 19)**

"Oh! You who believe, you are forbidden to inherit women against their will!"

b. Islamic law requires the consent of both the parties before marriage. In matters related to marriage a woman cannot be forced by anyone including her father. Parents can help and advise the daughter on marriage but cannot impose or force his will. There have been cases where Prophet Muhammad (Pbuh) had given the choice of continuing or invalidating certain marriages where the consent of the daughter was not taken (Ibn Hambal No.2469).

c. Ibn Abbas reported that a girl came to the messenger of God, Prophet Muhammad (Pbuh) and she reported that her father had forced her to marry without her consent. The Messenger of God gave her the choice (between accepting the marriage or invalidating it \_ Ibn Hanbal No.2469).

In another version, the girl said : "*Actually I accept this marriage but I wanted to let women know that parents have no right (to force a husband on them)*" (Ibn-Maja, No.1873).

iv. Woman in Islam is considered to be a home-maker and not a housewife because she is not married to the house. v. In Islam, when a woman is married to a man it is not that she is married to a master so that she should be treated like a slave but she is married to her equal and should be treated like a partner with love and dignity.

The Prophet (Pbuh) said the most perfect believers are those that are best in character and behaviour and those that are best to their families (that is to their wives) (Ibn Hambal No.7396).

vi. a. The rights of husband and wife are equal in all respects except in the aspect of leadership in the family.

### **In Surah Al-Baqarah Surah 2, Verse 228 (2: 2228)**

"And women shall have rights similar to the rights against them, according to what is equitable but men have a degree of advantage over them."

Here a degree higher does not mean in superiority but refers to responsibility. The Qur'an has stated in **Surah Al-Nisa Chapter 4, Verse 34 (4 :34)**.

"Men are the protectors and maintainers of women because Allah has given one more (strength) than the other because they support them from their means."

The Arabic word used is “*Qawwam*” which many a time is mistaken for superiority but is actually derived from “*Iqama*” meaning to “stand up for” in the same fashion as *Iqama* is given before prayers that is “standing up for prayers.”

Therefore men are not one degree higher in superiority or dictatorship but one degree higher in standing up for responsibility.

b. According to the commentary of Al Tabari the word ‘*Qawwam*’ means a degree higher in responsibility and service and not superiority. Therefore it is the duty of the man to see that he provides security and maintenance to women and this should be carried out with mutual consent.

vii. Even if there is lack of affection or liking between husband and wife this is not a justification to be unjust and not compassionate.

#### **In Surah Al-Nisa Chapter 4, Verse 19 (4:19)**

“Live with them (wives) on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing Allah brings about through a great deal of good.”

viii. There is a system of divorce in Islam which is to be applied only in extreme cases where the problem between the husband and wife is too grave to be solved and the continuation of married life would be counterproductive. The method of divorce is clearly spelt out in the Qur’an in Surah -Al-Talaq in Chapter 65 and in Surah Al-Baqrah Verses 227 to 242.

According to Prophet Muhammad (Pbuh), among the permissible things in Islam, the most hated in the sight of Allah is divorce. It is as though the heavens shatter (metaphorically).

There is a great deal of misconception and myth about the system of divorce in Islam, not only among the non-Muslims but also amongst the Muslims, who think that men have the exclusive right to give divorce.

Following are the ways of dissolution of marriage in Islam.

- a. By the unilateral will of the husband.
- b. By the unilateral will of the wife (if the marriage contract so specifies).
- c. By the judgment of a Muslim judge (Kazi). After a reasonable complaint lodged by a wife against her husband on grounds such as ill treatment, lack of support, etc., or any other legitimate and satisfactory reason.
- d. ‘*Khula*’ where even if the husband is not at fault and if the wife does not like staying with the husband. She need not specify the reason for seeking a ‘*Khula*’. An incident of *Khula* had taken place during the time of Prophet (Pbuh) where he commanded the husband to give divorce.
- e. Many westerners have the misconception that Polygamy is compulsory in Islam and that Islam ordains that all Muslim men should marry four wives.

The true fact is that monogamy is what is preferred in Islam. The Holy Qur'an is the only religious book on the face of the earth which has the following phrase in its directives to men, "marry only one".

### III. Mother

1. In Islam, obedience, respect and love for parents is next to the worship of Allah. It is mentioned in several places in the Qur'an that one should be kind to one's parents.

#### **In Surah Al-Isra Chapter 17, Verse 23 and 24 (17 : 23-24)**

"Thy Lord hath decreed that ye worship none but Him, And that ye be kind to parents. When one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honour (17 :23).

And out of kindness, lower to them the wing of humility, and say : **"My Lord! bestow on them Thy Mercy even as they cherished me in childhood"** (17 :24).

#### **In Surah Al-Anam Chapter 6, Verse 151 (6:151)**

"Be good to your parents" **In Surah Al-Ankabut Chapter 29, Verse 8 (29 :8)** and in **Surah Al-Luqman Chapter 31, Verse 14 (31 :14)** and in

**Al-Ahqaf Chapter 46, Verse 15 (46 :15)** It is stated, **"We have enjoined on human beings kindness to their parents."**

In the last two quotations the mention of the word "mother" is specially referred to after the word "parents".

In Surah Al-Nisa Chapter 4, Verse 1 (4:1). It is stated, **"Respect the Womb that bore you."**

2. According to several authentic hadith including the one narrated in Ahmed and Ibn-e-Majah, "Paradise lies at the feet of the mother". It does not mean literally, for example that if a mother walks on the road and steps on filth and dirt, it becomes paradise. It means if you respect your mother, obey her, love her and take good care of her, you will Insha Allah enter paradise.

3. According to another hadith narrated in Bukhari and Muslim by Abu Huraira, the Prophet was once asked who amongst all the people was the most worthy of his respect and compassion . *The Prophet (Pbuh) replied "your mother"; the man wanted to know who should be next, the Prophet (Pbuh) said "your mother". The man enquired, who next?, the Prophet (Pbuh) replied for the third time "your mother", again the man asked who next? The Prophet (Pbuh) replied "your father".* This means that 75% of love and respect goes to the mother and 25% to the father; that the better 3/4th goes to the mother and the remaining 1/4th to the father; or to put it in another way the gold medal goes to the mother and the father gets a consolation prize.



## IV. Sister

### 1. In Surah Al-Tambah Chapter 9, Verse 71 (9:71)

“The believing men and believing women are protectors, one of other”. Here the Arabic word used is “Auliya” which does not mean friend but supporters or helpers or protectors; this means that all believing men and women are protectors of one another like brothers and sisters unless otherwise stated.

The Prophet (Pbuh) said women are “shakaat” of men. Shakaat has two meanings, sisters or halves. Therefore women are sisters of men or women are halves of men, that is society is made of two halves, one half women and the other half men.

“I recommend you to be kind to your women”

Men and Women are overall equal.

## Educational Rights

The first guidance given to the mankind in the Qur'an was “Iqra” i.e. to read, recite or proclaim.

Surah Iqra and Surah Alaq Chapter 96, Verse 1-5.

**“Read! Recite! Proclaim! in the name of thy Lord and cherisher who created - created the human, out of a congealed clot of blood (a leach-like substance). Read and thy Lord is Most Bountiful. He who taught (the use of) the Pen- taught man that which he knew not (96 : 1-5).**

The first instruction in the Qur'an was, not to pray or fast or to give Zakkat, but to read. This instruction was to both male and female. Islam gives a great deal of importance to education.

According to Prophet Muhammad (Pbuh) **“It is obligatory for every Muslim, male or female, to acquire knowledge (Al-Bayhaqi).**

The holy Prophet (Pbuh) made it a point of duty to every father and mother to make sure that the daughters were not ignorant of the teachings of Islam.

A woman has her right to religious education from her husband so that either her husband should teach her or allow her to go elsewhere to acquire it. If this matter is taken before a judge, he must compel the husband to fulfil her demands in the same way that he would in worldly matters.

According to Sahih Al-Bukhari, the women at the time of the Prophet (Pbuh) had become so keen to acquire more knowledge that they came to the Prophet (Pbuh) with the following

proposal, *“You are always surrounded by men for imparting knowledge so appoint a day for us.”* The Prophet (Pbuh) promised to do so and went to them and taught them. He also sent representatives with messages to enlighten the Muslim women.

Women, who till only a few years before the advent of Islam, were looked down upon as mere chattels unfit for education, became among the most learned figures of their time and started offering guidance to others in educational matters.

### **Several Examples of Great Muslim Women Scholars can be given**

#### **1. Aisha Bent Abu Baks**

a. The first and foremost example is that of Aisha, the wife of the Prophet, who lived long after her husband's death and provided great guidance to the first Muslim Community, even to the renowned sahabah and the Khalifah Rashidun. Her pupil, Urwah Ibn Azzubayr, testifies, “I did not see a greater scholar than Aishah in the learning of the Qur'an, obligatory duties, lawful and unlawful matters, poetry and literature, Arab history and genealogy.”

b. She had profound knowledge of medicine. Whenever foreign delegations came to the Prophet (Pbuh) and discussed various remedies for illnesses, she used to remember them. She was so wellversed in mathematics that important Sahabah used to consult her on the problems concerning “mirath” (inheritance) and the calculation of shares.

c. Aisha even guided Sahabah who sought her advice on different matters. They included the khalif “Umar” Abdullah Ibn Umar and Abu Hurairah. She was among the great huffaz (memorisers) of Ahadith. She narrated 2210 Ahadith in all.

d. Abu Musa Al-Ash'ari, himself a famous jurist and learned scholar, says “whenever we, companions of the Prophet Muhammad (Pbuh), encountered any difficulty in the matter of any Hadith we referred it to Aishah and found that she had definite knowledge about it.

e. 88 great scholars learnt from her and there were a large number of others. In short she was the scholar of scholars.

#### **2. Saffiyah, wife of the Prophet (Pbuh)**

Saifyyah, the wife of the Prophet (Pbuh), was also very learned in Fiqh. Imam an Nawawi says, **“She was the most intellectual among learned women”.**

#### **3. Umm Salamah :Wife of the Prophet (Pbuh)**

She too was a great scholar. The scholar, Ibn Hajar has given the names of at least 32 scholars who learnt Ahadith from her.

#### **4. Fatimah Bint Qays:**

Fatimah bint Qays was also a scholarly lady in the early days of Islam. Her learning was so deep that she discussed a juristic point with Umar and Aishah for a long time and they could not change or challenge her views. Imam an Nawwawi says, “She was one of those who emigrated in the early days and possessed great intellect and excellence.”

#### **5. Umm Salim : Mother of Anas:**

Umma Salim, the mother of the famous Sahabi Anas, was herself a highly respected Sahabiyah. Hafiz Ibn Hajar praises her, saying, “Her laudable qualities are too many to mention and she was very famous. Imam an-Nawawi calls her *“an excellent scholar among the sahabiyah.”*

The list of learned women of the early days of Islam shows that women were not kept illiterate and ignorant, but rather were fully encouraged to participate in the process of learning and scholarship. They also knew their rights and responsibilities very well. There were instances to show that some women even challenged great scholars of their times if they said something which was against the rights granted to women by the Qur'an the Sunnah.

#### **6. Sayyida Nafisa : Grand daughter of Hussein**

She was a great scholar. A large number of pupils came to her from different places to learn from her. Imam Shafii, founder of the Shafii school of Islamic law, was one of her illustrious pupils. One of the illustrious pupils of A'ishah was Umrah bint Abdur Rahman who was described by Ahmad Ibn Hambal in the following words.

“An eminent theologian and a great scholar. She was the most learned of all pupils in the Ahadith of Aishah.”

#### **7. Umm Ad-Darda : Wife of Abu'd -Darda:**

Umm-ad-Darda, the wife of the famous Sahabi Abu-ad-Darda, was so learned in the science of Hadith that Imam Al-Bukhari, one of the compilers of the Sihah as Sittah (the six canonical collections of Hadith) referred to her as an authority in his Sahih al sukhar.

#### **8. Aisha Bint Sa'd Ibn Abi Waqqar:**

She was the daughter of a great Sahabi, Sa'd Ibn Abi Waqqar. She was very learned in Islamic Sciences, to such an extent that Imam Malik, the famous jurist and scholar of Hadith, was her pupil.

## **Legal Rights**

## **Men and Women are treated equally in Islamic law.**

1. The Shariah protects the life and safety of both men and women.

a.i. If any man murders a woman, the “Hadd” punishment of Qisas will be applied to him and he will be put to death as a punishment for his crime. Likewise a woman murderer will also be put to death. This law of equality is mentioned in Surah Baqarah Chapter 2, Verses 178 and 179 (2:178 -179)

In the days of the Prophet (Pbuh) a Jew killed a girl by crushing her head. The messenger of Allah ordered him to be killed in the same way. The second Khalifa of Islam, Hazrat Umar (R), put to death a number of persons who were accomplices to the murder of a women.

ii. In the matter of Qisas there is no difference between a man and woman. In the matter of injuries to a woman’s eyes, ears or any other kinds of wounds the Qisas operates in the same way as in the case of man.

If a man kills a woman, he is to be killed. Similarly if a woman forgives the murderer of her husband by accepting “Diyah” nobody is entitled to reject her decision. If the guardians of the murdered person differ in accepting diyah and forgiving the murderer, the other relatives are prevented from taking his life. It is immaterial if the person forgiving happens to be a man or a woman.

### **b. In Surah Maidah Chapter 5, Verse 38 (5: 38)**

"As to the thief, male or female, cut off his or her hand as punishment by way of example from Allah for their crime."

In Islam the punishment for committing a robbery is the same for men and women: that is cutting off the hands.

### **c. In Surah Noor Chapter 24, Verse 2 (24:2)**

"The woman and man guilty of fornication, flog each of them with 100 stripes."

Once again the punishment for fornication is the same for both the man and woman guilty of this heinous deed.

2.a. In Islamic law woman is accepted as a witness. This right was given to a woman 1,400 years back by Islam at a time when most of the societies rejected the evidence of a woman.

Even till as late as 1980s Jewish rabbi were debating whether to allow women as witnesses or not.

### **b. In Surah Noor Chapter 24 Verse 4 (24:4)**

"And those who launch a charge against chaste women and produce not four witnesses to support the allegation, flog them with 80 stripes and reject their evidence ever after for such men are wicked transgressors."

Islam takes utmost care as regards chastity and modesty. For a minor crime two witnesses are sufficient. But if anyone accuses a woman as regards her chastity he should produce at least four witnesses to support the allegation. In most of the societies we find men abusing women in public and calling them obscene names such as prostitutes.

In Islamic law, if a person accuses a woman and cannot produce four witnesses or after he produces four witnesses if any of them falters, all of them excluding the person who has produced the false charge will receive 80 lashes each.

3. In the western society a woman adopts her husband's surname after her marriage. In Islam a woman after her marriage has an option of either adopting her husband's surname or continuing with her maiden surname and you can find several examples in Muslim Countries where women continue with their maiden name and surnames.

## Political Rights

1. Both men and women are allowed and should participate in public affairs in the interest of society.

In Surah Al-Taubah Chapter 9 Verse 71 (9:71)

"The believing men and women are protectors of one another."

They are protectors and supporters to each other not only in social affairs but also in public affairs.

2. In Surah Al-Mumtahinah Chapter 60 Verse 12 (60 :12)

Oh! Prophet (Pbuh) when believing women come to take the oath of fealty to thee..

The Arabic word is "Baiaan" which is not equivalent to modern election but is much more than that.

The Prophet (Pbuh) was not only the messenger of Allah but also the head of state and the women confirmed the allegiance to him which is equivalent to choosing him as the head of state.

3. Women participated in law-making.

Once Hazrat Umar was discussing about regulation of Mehr in the Mosque. They were considering putting restrictions on the Mehr as some people discouraged young Muslim men from getting married. A lady from the back-seat of the Mosque objected, giving Qur'anic reference. She said none has the right to introduce this. " When Allah has not put restrictions on the Mehr then who are you to put restrictions to it." Hazrat Umar humbly replied that the woman was right and Umar wrong. In Political terminology, the women's objection will be called objection to the breaking of the law of the constitution as Qur'an is the constitution for the Muslims.

4. If the need arises, women may participate in the battle field: Muslim women took part in battle fields. There is a whole chapter in Sahih Bukhari regarding participation of women in battle field.

a. Many Muslim women helped in the battlefield by providing water and giving first aid to the soldiers.

b. During the battle of Uhud, a lady by the name Nasiba was among the people who protected the Prophet (Pbuh) and while doing so she received several wounds and injuries for which the Prophet (Pbuh) appreciated and praised her.

## Conclusion

A. As I mentioned earlier equality does not mean identicality. In Islam Women are over all equal but not identical in each and every aspect.

I would like to conclude my talk by giving an example:

In an examination, two students "A" and "B" both obtain the first rank by scoring 80 out of 100. The question paper contained 10 questions each carrying 10 marks.

In question No. 1 Student "A" obtained 9/10 and student "B" obtained 7/10.

Student "A" gets higher marks and is better off than student "B" in question No.1.

In Question No.2 Student "A" scores 7/10 and student "B" scores 9/10.

Therefore in question 2 student "B" gets higher marks and is better off than student "A".

In question 3 both "A" and "B" obtained 8/10 i.e. in Q.3. both are equal.

When you add up the grand total of all the ten questions, both obtained 80/100. Therefore both the students "A" and "B" are overall equal. In some questions "A" has higher marks than "B" and in some questions "B" has higher marks than "A", while in other questions both are equal.

To take the analogy to practical terms, Allah has made man physically stronger than woman. Suppose a robber enters your house, will you talk about women's right and say men and women are identical and equal and hence tell your mother, wife, sister or daughter to go and fight the thief? It is but natural that your answer is "no"! Concerning physical strength, men are at an advantage as compared to women and it is their duty to tackle such problems first. If required, in some circumstances, the womenfolk too can help.

On the other hand, as I mentioned earlier, in Islam, a child gives three times more love and respect to his mother as compared to what he gives his father. Here, when it comes to children giving love and respect to their parents, women have more advantage as compared to men.

In the same fashion men and women in Islam are over all equal, but in some aspects men have a degree of advantage (and the related responsibility) and in some aspects women have a degree of advantage (and the related responsibility), while in other aspects both are equal.

B. This, in brief highlights Women's Rights in Islam as based on the Qur'an and Sunnah.

However, in respect to these, whether Muslim societies in different parts of the world now and in the past have behaved or misbehaved is a different story. Many Muslim societies did not give woman the complete rights because of wrong interpretations of the Qur'an and Sunnah.

Western Society has done so much harm to women that some Muslim societies have become over-cautious, and deviated from the Qur'an and Sunnah by going to the other extreme; yet others have blindly imitated, copied and followed the western society without analysing the rights given to women in Islam.

If they had analysed and understood the Qur'an and the Sunnah they would have realised that women's rights are modern and not outdated.