

AN ANALYSIS OF THE WOMEN'S RIGHT IN ISLAM FROM THE QUR'ANIC VERSES AND AHADITH

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ABSTRACT: *Allah (SWT) has created both men and women without subordination of one another. Islam has ensured gender equality and women's rights in every sphere of their life. Islam has guaranteed rights of men and women in an equal degree and there is no discrimination between men and women. But due to the prevailing socio-cultural norms and practices in Bangladesh sometimes the guarantee of Islam do not get translated into tangible actions. Islam is the religion which liberated Muslim women by ensuring equal rights to them in comparison to their male fellow.. The prime object of this study is to pick out how rights of women are ensured in Islam. This study concludes with an allusion that women are not subordinate of men and indicate an avenue to identify properly women in the light of Islam. This research is actually qualitative in nature where only secondary data has been used. Analytical method was also used in this research. Data has been collected from various books, journals, Glorious Qur'an and Sunnah (tradition) of the Prophet (peace be upon him). This research finds that Islam does not deprive the women rather ensuring proper rights, dignity and status this research includes only those rights of the women as guaranteed by Islam and it does not include constitutional rights or other rights ensured by the existing laws of the country.*

Keywords: *Glorious Qur'an, Hadith, Women's Rights, Gender Equality, Women's Freedom, Islam*

INTRODUCTION

The restoration of women's rights and dignity lost in the ancient civilization and ignorance is a great contribution of Islam to mankind, where various provisions were made that take care of the needs and aspirations of women folk. This is in addition to a special chapter in the Glorious Qur'an which is all about women named Surah An-Nisah, as well answered many questions asked by cotemporaries.

Islam does not allow the domination of men over women rather it upholds the rights, dignity, honour and status of women by ensuring gender equality and al-so equality of rights for both male and female in every area of human life. In Is-lam a woman is completely self-regulating who has legal personality and who is able to enter into contract or can make bequest in her own name. She has right to perform any profession or business and has authority to dispose her property as like as men. She is entitled for inheritance in different capacity like as mother, as wife, as sister and as daughter. She has full freedom to select her

husband and also allowed to her dower and maintenance. As the command of Islam to the men is to treat with compassion and full respect to their wives, women are respectable and honourable in Islam. A woman as mother has immense respect in Islam than any other person. The holy Quran in many verses commands Muslims to demonstrate respect to their mothers and serve them well even if they left Islam and are still remain as unbelievers. The prophet (peace be upon him) states insistently that the rights of the mother are supreme.¹ In Islam women are most respectable and honourable "if she is a wife, she is life partner, if she is as a mother, the paradise is under the feet of mother, if she is daughter it is blessing of Almighty Allah". The different types of rights of women ensured in Islam are:

Right to Life

Prior to the coming of Islam, the situation in the desert of Arabia, is as a period devoid of Divine Guidance or inspiration to regulate the whole life of humanity. Absence of rules and regulation for proper regulation of social, cultural, political and economic aspect of life is well known. Hence one would be tempted to ask, what the fate of women who are weak was and frail creatures Allah Subhanahu wa ta'ala gave a glimpse at their fate, He says:

When the news is brought to one of them of a 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 news he heard? Shall he retain her on contempt or bury her in the dust? Ah! What an evil they decide on².

He also says in another place in order to disprove those that considered the birth of female as a taboo and element of poverty, and so they killed them:

"Kill not your children for the fear of poverty, We provide for them and your".....³

Kill not your children because of the fear of poverty, We provide sustenance for you and them.⁴

In these verses, it is evident that, the barbaric idea and practice of the Arabs that resulted into burying of female children alive has been made a tale of history, because the instruction were clear that one should on no occasion kill her, for she has the right to life, just

¹ A. R. Doi, *Women in Shari'ah (Islamic Law)* (4th Ed.). Kula Lumpur: A. S. Noor-deen, (1992)., P, 36

² Qur'an, 16:58-9.

³ Qur'an 17:31

⁴ Qur'an 6:12

as her male counterpart. Hence this practice is abolished and considered a taboo that has once happened in the history of Jahili Arabs.⁵

Moreover, Allah Subhanahu wa ta'ala made provision should in case there will be offenders, that henceforth, whoever kills a male or female, or inflict any injury or harm, same should applied to him or them.⁶

In order to make sure that is the new Divine law is strictly followed, the Prophet Sallahu alaihi wasalam, as reported by Imam Bukhari in his Sahih, applied same for a Jew who crushed the head of girl and killed her.⁷

Therefore women in Islam have the right to life and punishments were provided for whoever tried or abused such right.

Right Equality

The provision of right to life is subject to equality, because even if they were granted such, if it is not accompanied with equality.

Women in Islam are considered equal with their fellow men; Men and women are equal in the sight of Allah. They received equal reward and punishment and they were enjoined to perform same religious duties. Allah in the Glorious Qur'an has summed up the issue of equality in a single verse, which reads:

O mankind! Verily we have created you from single pairs of a male and a female, and made you into nation and tribes that you may know each other⁸

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 all Allah has prepared forgiveness and great reward.⁹

Considering the fact that before the advent of Islam, the pagan Arabs used to bury their female children alive, make women dance naked in the vicinity of the Ka'bah during their annual feast, and treat women as mere chattels and objects of sexual pleasure possessing no rights or position whatsoever. These teachings of the Noble Qur'an in this regard were revolutionary. Unlike other religions, which regarded women as being possessed of inherent

⁵4 M, Halilu, *Women Rights in Christianity and Islam: A Comparative Study*; Unpublished BA Project, Islamic Studies Dept, Usmanu Danfodiyo University, Sokoto, 2007, p. 35

⁶5 Qur'an 5:54

⁷6 M. M. Khan, *The Translation of the meaning of Sahih al-Bukhari*; Maktab Darussalam, Riyadh, 1997, p. 24, Hadith no 6884, 6885.

⁸7 Qur'an 49:13

⁹8 Qur'an 33:35

sin and wickedness, and men as being possessed of inherent virtue and nobility, Islam regards men and women as being of the same essence created from a single soul.¹⁰

Right to Respect, Dignity and Good Treatment

Qur'an and Hadith are very clear, that women have the right to be respected and treated in a good and polite manner, for they are the mothers, sisters, wives and daughters. Islam enjoined Muslims to treat women with respect and dignity. And it went to an extent of declaring that, even if a husband divorces his wife, he should not send her away from his home, and should not take away or collects what he gave her.¹¹

Parents are enjoined to bring-up their daughters in the best care and support them until they got married and move to the husbands' house. They are not force to work at home and not obliged to serve others. If they do something and work at home, it is because of the women feminine nature that calls them to do these duties voluntarily without being forced to do it. Through this dignified treatment, Islam makes women feel that they are true human beings and should be treated as such in the family and society.¹²

Right to Inheritance

The right of a woman to inherit her deceased father, husband or any relatives is one of the refined and established aspects of Islamic Shari'ah championed at a time when societies were traditionally under developed. In the earlier time, inheritance was exclusively confined to the males, and she was not only deprived of her right, but also a property to be inherited.¹³ Islam made her heir acknowledging the inherent human qualities she possesses as a wife, mother, sister and daughter. She is to receive a certain share out of the deceased property, a share which depends on her degree of relationship to him/her and the number of heirs involved whether small or large¹⁴

However, a woman is given half the share of her brother, not because she is worth half a man. This is not unjust treatment of a woman as some people may mistakenly think. This is because Islam enjoined men to support women all their life. They are responsible in providing women with all they need. The father has to support his daughter and the husband has to provide all the needs of his wife and family. Wife can keep her money and properties untouched and she can spend it the way she wants. Men shoulder huge responsibilities which women are not required to bear. They are the ones enjoined by the Shariah to spend for all the members of the family, while the women are not obliged, even to spend for themselves though

¹⁰9 A. I. Doi, *Women in the Qur'an and the Sunnah*; internet source retrieved on 5th July, 2010, from , n.d, np.

¹¹11 Qur'an 4:19-20, 65:1

¹²12 J. A. Badawi, (1980), *The Status of Women in Islam*; journal, *Al-Ittihad*, Vol. 8, No. 2, 1971, p. 6 (obtained from the reprinted copy by Anis Ahmad MSA USA

¹³13 P. K. Hitti, *History of the Arabs*; Macmillan and co, London, 1970, p.84

¹⁴14. Qur'an 4:7

they might have wealth. They can however donate or volunteer and use their money and properties for the good of her family and the community.¹⁵

Right to choose a marriage spouse and Divorce

Islam is so unique and different from any other religion, because it accorded women the right to choose whom they want as their husbands, and when they feel uncomfortable with the marriage, they can seek for divorce.

The Prophet said that a previously married woman must not be married without her approval and a virgin or damsel must not be married without her consent. When asked that, a virgin fell shy and hence cannot express verbal approval, he replied saying her silence means so;¹⁶ he also gave a choice to Khamsa bint Khudan Al-ansariyyah who was given in marriage by her father. She did not like her husband chosen by her father to repeal or confirm that marriage.¹⁷

Furthermore, marriage in Islam is a sanctified bond that should not be broken except for compelling reasons. Couples were instructed to pursue all possible remedies whenever their marriage is in danger. Divorce is not to be resort to, except when there is no other way out. In that case Islam recognizes divorce, and yet discourages it by all means. Islam grants women the right to dissolve marriage through what is known as Khul'u.¹⁸ If she however decided to do so, she may return the marriage mahar (dowry) or its equivalent to the husband, which is a fair compensation for him in case he wants to keep her, while she chose to leave him.

Right to Privacy

Islam forbids exposure of women's secrets outside by her husband or any other person. A worthy of mention here is the incidence where the Prophet asked his companions on the possibility of having someone who will reveal the secret of his wife after having an affair with her in the night. The companions kept quiet, meaning there is none. But Asma'u bint Yazid replied saying there is, she even mentioned their names. Hence the Prophet said they should desist from such an act.¹⁹ And in another place he (Prophet) said such a man is wicked.²⁰

Right to free expression, fair hearing and conscience

Islam teaches that, women just like man have the right to express their feelings/views, fair hearing and conscience, and must be considered without any prejudice or disregard. It is

¹⁵15 B. C. D. Abubakar; *The Rights of Women in Islam; A Paper presented at the MA in Conflict and Reconciliation studies, University of St. La Salle, Bacolod City on November 11, 2006, retrieved online on 5th July, 2010. from pp. 5-6*

¹⁶16. M. M Khan *Op cit* Hadith No 5136, 5137

¹⁷17. *Ibid* Hadith No 5138

¹⁸18. S. A. Azeem, *Women in Islam Versus women in Judea-Christian Tradition: The Myth and The reality; World Assembly of Muslim youth; London, 1995, n.p retrieved on 6 Nov. 2006 from , and*

¹⁹19. M. M Khan *Op cit* Hadith No. 893

²⁰20. *Ibid* no. 3369

record that women not only express their opinion freely, but also participated in a serious debate/discussions on a sensitive issue with the Prophet and other caliphs²¹ The Glorious Qur'an records the incident involved the Prophet and a woman named Khaula bint Tha'alabah, whose husband Aus ibn Assamit pronounce out of anger "you are to as back of my mother" a statement which prevent her from being his wife and marrying again. After she felt miserable went straight to the Prophet to plead her case, and asking for remedy.²² As a result of which Allah revealed a chapter name after the incident.²³

Likewise during the incidence of treaty of Hudaibiyyah, when Makkan Arabs refused entrance of the Prophet and his companions into the city of Makkah to performed Umrah²⁴ where he consulted his wife Ummu Salmah, who advised him on what do²⁵ So also during the Caliphate of Umar ibn Khattab the 2nd caliph, when he decided to regulate the excess demand of dowry by the Muslim women, has to redress when a woman stood up in the gathering to questioned his action, saying it is out of his right.²⁶ So also if a man accuses his wife of unchastely or something, he is required by the Qur'an to prove his accusation, while she on the other hand will be allowed to depend herself.²⁷

This is just to show the least of how Islam granted women right to free expression and fair hearing.

Right to Education

Education is the most essential ingredient of life. Having been accorded the right to equality, what about education? Do they have such a right? The answer is in the affirmative. Women were given the right to education. The Prophet in many places has emphasized the necessity of granting them such. He even showed example when they complained that, men have benefited from his teachings, he should devote part of his time for them. So that they too can do the same. In response to their plea and knowing it importance as well as their right, he allocated days for them, and in some cases he sent one of his companions to them.²⁸ Therefore, educating wives, daughters, mothers and sisters is a upon the parents, brothers, those in whose hands authority is entrusted and spouse, for it's a Divine obligation.

Economic Right of Women

A Muslim woman is allowed to involve herself in economic activities following some rules. The women who are highly talented and have the opportunity to acquire higher degree

²¹21. J. A Badawi, *Op cit*

²²22. Qur'an 58:1-4

²³23 Suratul Mujadalah, meaning the argument that issued between the Prophet and Asma'u

²⁴24. Lesser Hajj

²⁵25. A. Rahim, *History Of Islam; Islamic publications bureau, Lagos, 2001, pp. 34-35*

²⁶26. H. Abbati, *Islam in Focus; Islamic trust, Zaria, 2000, p. 210.*

²⁷27. Qur'an 24:6-11

²⁸28. M. M. Khan, *Op cit, Hadith no 419, 115, 116*

can render services for the betterment of the society, particularly in the teaching profession. But here too, a strict Islamic code of conduct has to be observed in the classroom. As for medical profession, women doctors are badly needed in the field of gynaecology and obstetrics. Usually women feel shy and even forbidden by Islam from consulting male doctor as per as possible in their ante-natal and post-natal treatment but if it is a question of life and death then in special circumstances it is permitted. In Islam women are encourages in medical profession. Women can involve in welfare institutions of the society. With her Allah-given touch of loving and affection she can handle juvenile delinquents, drop-outs from schools frustrated youths. Even she has right to work in a factory if it is run by women²⁹.

Woman is not forbidden to go out of her home for necessity. In the time of the Prophet (peace be upon him), women went out to the market or their farms. The prophet (peace be upon him) did not stop a woman in her iddat from going out of her house in case of necessity. Jabir ibn Abdullah says husband of my aunt divorced her and when she was spending her iddat in the house she wanted to go outside of the house to get some of her date palms harvested and sold. Someone halted her, saying that you are not allowed to go out of the house during iddat. She went to the Prophet (peace be upon him) to whether she could go outside of the house or not and the Prophet (peace be upon him) said, "You go out and get the date trees harvested (and sold) so that you may be able to do some other good work." (Abu Da'ud).

CONCLUSION

Islam is the complete and comprehensive code of life which covers all aspects of human life from cradle to grave. Allah has created both male and female for worship and thralldom and to play distinct roles in the society but there is no superiority between them except on the ground of morality. Islam has guaranteed the rights of women in every sphere of life like men. It is only the religious which does not discriminate between men and women. It also does not allow the domination of men over women. In the Dark Age, when women were treated as material things and who had no rights and if the husband of a woman died during her lifetime, then she had to burn herself alive when the dead body was cremated and then Islam not only protected the women but also gave them right, dignity and honour. Islam does not impose any financial liability on the women rather ensuring her right of dower, maintenance and inheritance. Islam does not treat women "an instrument of the Devil". In Islam, she has freedom to involve herself in any social and economic activities and even in politics.

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²⁹ A. Rahim, *History Of Islam; Islamic publications bureau, Lagos, 2001, pp. 34-35*

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