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Home > An Introduction To The Rights And Duties Of Women In Islam > Section Two: The Rights and Duties of Women in the Form of Questions and Answers > Common Rights of Women and Men > 14.

The Right to Spiritual and Mystical Improvement

Common Rights of Women and Men

• What are the common rights of men and women?

Reply: Islam does not regard women and men any different in their humanness and it considers this principle so obvious that it does not feel the need to openly stress this issue in the Quran or Hadith. Hence, whenever a Quranic verse or Hadith addresses humans, both men and women are intended. At the advent of Islam even in 'civilized' nations there was a controversy as to whether women were human or not or perhaps half-human.

The case of human rights has only become global for about a century. Assuredly, Islam has discussed this topic from the very beginning and has determined and validated various rights. The issues I shall subsequently discuss regarding women's rights are the same that are sometimes discussed as human rights, which are common among women and men. Here I shall itemize several of the most important points:

1. The Right to Live and Exist

As living beings, humans have the right to continue their lives and no one has the right to take this right away from them without religiously and legally legitimate grounds.

2. The Right to Freedom

Every person, man and woman, has been created free and this freedom has been ingrained upon every soul. No one has the right to deprive any person of this freedom unless it causes conflict with the freedom of others or divergence from their own or the society's interests.

3. The Right to Utilize Natural Resources

We live in a world that requires of us various needs: water, air, food, clothing, etc. We must be able to consume food, oxygen, and the like. Resources such as mines, forests, jungles, and seas belong to the people and naturally, humans have the right to utilize them. No one has the right to prevent us unless this right conflicts with the rights of others. It is the same regarding the right of residency.

Because humans require a home, naturally, they have the right to obtain a home for themselves within the boundaries of their country or city, or anywhere else for that matter. Of course, it is established that this must be according to a specific regulative system, which is a necessity for social life and required for providing public interests.

In all of these points, we state that due to our human nature and according to primary principles, we have such rights. Naturally, if our use of these rights entails violation and infringement upon the rights of individuals or the society, they must assuredly be restricted. For example, the right to live of a person who performs acts of aggression against the lives of others or puts the security of the society in danger cannot be said to be respectable and secure. In fact, such persons divest themselves of this right and civil law, whose rank is just after human rights, shall determine what must be done regarding them.

4. The Right to Health Care and Sanitation

In order to protect their lives and health, as humans, women and men have the right to enjoy a healthy and hygienic environment and make use of what they require for treatment and eliminating illness. This is a natural right of all humans and no one can legitimately obstruct them from it.

5. The Right to Employment

A prerequisite for providing living expenses is work. Thus, in order to resolve one's needs, men and women have the right to work and the fruits of every person's toils belong to themselves. Whoever works for another person must receive fair wages. Fair wages means compensation for the amount of work that is done, regardless of whether the employee is man or woman, black or white.

Every person has the right to receive compensation for the work they do. One cannot say to their employee: because you are a woman you must receive lower wages for the same amount of work. Islam is completely against this. According to Islam, if a woman works at home or anywhere else, she must receive the same income that a man receives. In my opinion, women are oppressed in this regard all over the world because usually others take advantage of the needs of women and employ them and instead of a fair income they give them less pay than a man.

Unfortunately, this is also true in the West and women are used as an inexpensive workforce. The concept of just rights is not the same as equal rights. Each person must receive as much pay as the

value of their work. A female worker might work as much as a male worker or even more and she must receive an equivalent amount of pay for the work she does. Gender must not be a criterion—the work, its conditions, and its yield must be the basis for a person's salary.

A Sympathetic Word

In current conditions, we have hundreds of thousands of university graduates in various disciplines, many of which are women who are usually inclined to work. With the pretext of the equality of the rights of men and women, those in charge prefer to employ women rather than unemployed young men because they are content with less pay and are more compliant. With the current high rates of unemployment, the numbers of unemployed young men rises every day.

Women are not willing to marry unemployed men and every day the number of young women and men who cannot marry increases. The age of marriage has skyrocketed and many people are completely deprived of marriage, forming a family, and raising children and must live their whole lives in solitude. Single life is very hard and has many detrimental side effects.

With the current situation, the foundations of family are in great jeopardy. Government officials must find a remedy for this problem. Also, women must not neglect the issue of timely marriage and formation of a family when choosing a university field and job. They must cooperate with men otherwise they will have many regrets.

6. The Right to Possession and Enjoyment of Property

When a person works legitimately, they become the owner of the proceeds of their work. The results of one's work do not belong to anyone else. By way of example, if a woman works and her husband or father takes her income, this is oppression. Of course, if she chooses to spend her wages for her family she may do so.

However, due to the fact that the property belongs to her as a result of legitimate means, whether through work, inheritance, donation, etc., she has the right to enjoy or dispose of her properties in any way she likes and her femaleness does not result in the restriction of her right to possess and utilize assets.

If a woman obtains some goods and chattels and chooses to give it as a gift, start a business, hoard it, or donate it for God, she is free to do so. However, there are some things that neither men nor women may do even with their own money, such as if a person wishes to set fire to their own wealth, utilize it in an illegitimate manner, or make use of it in a way that is harmful to the society. Such usages are forbidden and there is no difference in this whether one is a woman or man.

7. The Right to Security

A person who wishes to live in the society—whether man or woman—needs security. This means that there must be an environment in which their lives, possessions, honor, and standing may be safe and in which no one interferes with their legitimate rights, affairs, and liberties. Security is the greatest and most important desire of every person.

For women this need must be provided for both in her husband's home and in the society. If their security is violated, they have the right to approach righteous courts with their complaint in order to receive their rights. If it does not cause a conflict of interest or disorder in the society, she may directly defend herself and demand her rights. Men and women are no different in this respect.

Women can advance complaints, take necessary legal steps, hire a lawyer, speak in court, defend themselves, and perform any necessary actions their defense might require such as travel or perform any other legitimate action. In addition to the fact that Islam has not denied this natural right, it is also obvious that the way of the women at the advent of Islam was so and the conduct of noble Fatimah ('a) confirms this.

In order to get her rights, Fatimah ('a) made speeches, performed debates and gave logical reasoning. She spoke in the presence of a great gathering of people in the Mosque of the Prophet (S) and interpellated government officials in order to obtain her just rights. These are clear and apparent issues in Islam.

Women must not say that they are embarrassed to speak out for justice and others must not say that it is shameful and indecent for women to demand their own rights! Why is it indecent?! Even others must help in this regard so that women may better and easier rise to obtain their just rights.

8. The Right to Legislation and Living in the Presence of Laws

The existence of laws is one of the indispensable items of human social life. Men and women both have the right to have a part in legislation and naturally, they have the right to live in the presence of laws and benefit from the advantages of such laws. No one has the right to have bias and for example deny the right of women to have a part in legislation or deprive someone of the protection of the law because they are a woman.

9. The Right to Participate and Associate in the Government

It is definite and certain that the society requires government. The prerequisite for enforcing laws is that there be a government that has the responsibility for bringing order to the society. Women and men alike, as citizens who have the right to participate in choosing their futures, can have a part in the government and its determination. Naturally, presence in the prerequisites of this affair is also

everyone's right.

Establishment of unions and political parties, participation in various groups, taking part in elections and other political activities are several of the rights of all people, including women.

Women may form groups and defend the rights of men, women, and their whole country. They must not only think of their own affairs. They must also take the rights of the oppressed into consideration. If they think of these things also, they shall be much more successful. The useless rivalry and separation between men and women must not be provoked. While preserving religious and legal criteria, women must act in the interests of the whole society and all humans.

10. The Right to Choose a Spouse

Just as men have the right to choose who to marry, so also when women arrive at the age of marriage, they have the right to choose a husband for themselves. A woman is free to choose a husband and no one may force her to marry or bar her from marriage. No one has the right to force a woman or maiden to marry a certain person. Fathers, mothers, relatives, nor any other person or persons may force her into an imposed or arranged marriage. Humans are completely free in choosing a legitimate spouse and there may be no coercion or compulsion involved.

11. The Right to Have and Raise Children

Having children is a natural need and right. Humans regard having children as a method of perpetuating their existence. Women and men have the right to have children. If a man tells his wife that he does not want children at all, he can say that but that is only his side of the matter; the rights and desires of women must not be disregarded. Therefore, civil laws must preserve both their rights in some manner. Every man and woman has the right to train their children as they deem fit—in a legitimate manner. This is a natural desire and feeling that exists in all women and men. This issue requires a lengthier and clearer discussion in the area of family rights and I shall end it here.

12. The Right to Think and Have Opinions and Beliefs

Women are sapient and so are men. Having reason and thought is a characteristic of both. When God gives someone a blessing, they have the right to make use of it. It goes without saying that as a consequence of thought, people arrive at an opinion or belief. This belief may be about issues spiritual and otherworldly or social and worldly. In any event, a person's belief is respectable, regardless of the way they are achieved.

True, others may give them advice and ask that they revise their beliefs. They may debate and refute their beliefs, but they cannot force them to change their views. For example, a person believes in God and someone tells them not to. Or a person has not yet apprehended the existence of God. No one may

put others under pressure and condemn and imprison them because they could not accept their beliefs!

So, they could not accept them, so what? They can bring them logical reasons, guide them, and encourage them to think in a certain manner in order to rectify their beliefs. However, if ultimately the person says, 'I do not agree with what you are telling me', one cannot punish the person because they do not accept our views or are uncertain regarding them.

I must declare that some people protest Islam's decree regarding apostates [murtad] and maintain that it conflicts with freedom of belief as one of the natural rights of humans. They say: If a Muslim becomes skeptical regarding the righteousness of their religion or one of its pillars and cannot accept it, why do you deny their right to live?

In short, I must say that this issue does not concern a natural right; rather, it goes back to the social and political rights of humans. Just as individuals have rights, the society also has rights that must be preserved. For example, at the advent of Islam some unbelievers would instruct their friends to accept Islam and then renounce and repudiate it after they were known as Muslims. This was a conspiracy for weakening the faith of the people and harming the society of Muslims. This is one of the motives for this decree.

The beliefs of people must be respected. Men and women are the same. However, if it goes beyond just believing and grows into expression of belief—meaning if a person intends to harm the beliefs of others, whose beliefs are also respectable, by promoting their own individual beliefs—civil rights and laws must determine the boundaries of freedom and naturally, special restrictions and regulations are necessary.

All human rights are such that when they attain social manifestation, like it or not, they are faced with conflicts. These conflicts prevent them from being realized in their pure forms; rather, they require special molds and channels. The spirit of these principles must be introduced in the form of constitutional laws and civil rights so that all people may benefit from the highest amount of rights and freedom possible and so that nobody's freedom debars the freedom of others.

One of the necessities of freedom in belief is that if someone must perform specific rites and ceremonies as a result of their belief, it is their right and no one may obstruct them from or interfere with it.

13. The Right to Seek Knowledge

Liberty in seeking knowledge is a human right which has been extensively discussed previously. In short, women are as free as men in acquiring knowledge and there is no need to repeat the discussion.

14. The Right to Spiritual and Mystical Improvement

Humans have the capacity and ability for spiritual improvement and intellectual advancement. Thus, women and men have the right to strive for lofty spiritual ranks and attain spiritual perfection and

transcendent refinement and no one has the right to bar anyone from this path.

This was a summary of the rights woman have as humans. All people are obligated to accept these rights. Not only must everyone refrain from subverting these rights, they must also struggle to help defend them. The government and others are responsible for the fulfillment of these rights and must provide the instruments for the attainment of women's rights.

• What is the meaning of 'natural rights' and 'acquired rights'?

Reply: Two types of rights can be conceived for humans: natural rights and acquired rights. Natural rights are rights whose source and provenance is the special genesis of humans. Such rights do not require laws or conventions. Every "natural capacity" is a basis for a "natural right". The reason that these rights are equal or equivalent for all humans is that no human is born superior, dominant, or subservient to others and the social systems of human life are not natural (inborn) or fatalistic. Jobs, posts, and responsibilities are not distributed by nature. Therefore, these rights belong to everyone and every human individual benefits from them according to nature. As these rights do not need to be formulated, no one can take them away and obstruct others from these rights. Regarding these rights, color, race, femaleness, maleness, or other differences or advantages are unimportant and no one is different. For example, the rights to learn or marry are rights that have been chronicled by the genesis of humanity and nature itself. Someone who attempts to prove such rights have nothing new to say. They can only recite obvious and definite truths. Correspondingly, those who attempt to deny such rights are in conflict with logic, nature, and the human genesis.

It is of primal importance to observe and honor the natural rights of others. Thus, constitutional and civil laws must be legislated based on natural and inherent rights and under no condition must they violate or conflict with such rights.

If laws do not conflict with foundational rules and principles—some of which have been enumerated—their differences and temporal development must be considered a result of prevailing conditions and changes in circumstances. For instance, in a society it may be necessary to designate various restrictions and regulations for facilitating administration so that everyone may equally enjoy their natural rights, such as restrictions in familial marriage, birth control, conditions and manners of marriage and other contracts, labor laws, property laws, etc. These laws may differ from country to country. Even so, in similar circumstances, all humans who are subject to these laws have an equal right to benefit from them and the law itself determines exceptions, if any.

Another aspect that is usually regarded in the legislation of laws is that they must clarify what is to be done when rights are in conflict. For example, suppose some have a specific contagious disease in which case the law might bar them from marriage until they are cured. This deprivation of a natural right is because their enjoyment of their own right equals the divestment of others of some of their rights. Thus, the preference is that, in order to preserve the legitimate rights of the majority and to prevent their

loss, the rights and liberties of a minority are restricted. The law must determine these limitations. It must secure the rights of the society while also respecting individual rights and liberties and attempting to further them.

To state matters differently, secondary and specific laws incorporate the factor of objective truths and adhere to securing and providing the natural rights of all citizens with respect to specific temporal and physical conditions. Here, the question exists as to whether, apart from humanity's natural needs and attributes and also the necessities of social life, there are any other factors involved in the formulation of laws?

In answer we must say: God, the Wise, the Glorified, has created humans for a specific purpose. He has ingrained some of the prerequisites for this objective in the nature and constitution of humanity. As an example, for the perpetuation of the human race, it is part of an individual's being to feel the need to marry and have affection for their children. When determining laws, we do not have the right to oppose this plan and ideal in a way that jeopardizes the continuance of humankind. This is one reason that the formation of a 'family' by two members of the same sex cannot be sanctioned.

In addition, each person must choose and pursue various objectives based on their own principles and values. The development and success of individuals and societies alike depend upon this. In addition to not deterring or impeding the journey towards advancement and salvation, laws must make such paths smother, easier to cross, and brighter. Of course, as a result of the limits in humanity's knowledge and differences in opinion among people, laws that human beings legislate differ from each other and sometimes even conflict.

Some people state that this discussion has a close and interlaced relationship with "the relationship of truth and ideology", or in different terms "the relationship of truths and requisites". Can it be said that requisites (legislated laws) are completely derived from and based on realities?

This is a basic issue which the late 'Allamah Tabataba'i, Shahid Mutahari, and some others have discussed at length. Other authorities do not agree with their logic. I believe that requisites are based on realities. Humans have capacities and needs and as a result, they must fulfill them. As I have stated before, legislative rights and matters are a response to humanity's genetic needs and circumstances which cannot be denied or opposed. However, one point must be kept in mind: any "requisite" cannot be derived from any "fact".

If, for instance, science comes to the conclusion that such and such race is superior to another race in some abilities and features, we may conclude that each must develop their own greater points of capacity and their acquired rights must be determined based on their success and efficiency. We cannot conclude racial bias from such differences because racism is a formula that is based on an essential difference between races. If we regard the races different in their humanity, then we can differentiate their natural rights and merits.

However, because all are identical in their humanity, their natural rights are absolutely equal. Everyone has the right to freedom, self-determination, education, political activeness, health, hygiene, etc. and they must all have complete benefit of the facilities and rights that are the entitlement of all human beings. Then, if varying results are achieved after this equal benefit, each person must take their suitable place in the society and play a role that is most appropriate to their abilities.

Some assert that there exists equality among all humans in regard to natural rights. Racial and individual differences have no effect on these rights. However, because acquired rights are based on the capacities, endeavors, and circumstances of people, naturally they will not be equal or similar. Now that there is equality in this matter, is there a specific rule that can be considered the basis and criterion for acquired rights?

In answer I must say that one criterion is the manifestation of capacities. If a person works hard and attains competence in knowledge and science, management and leadership, or physical prowess, that person must be situated in his or her appropriate place in life so that their individual skills are wasted and impeded to the least extent possible.

Another criterion is that benefiting from individual rights must not cause damage or loss to others or violation of their rights. They must not even induce detriment in the persons themselves. Also, they must not cause disorder in or harm to the social system and must not conflict and cause discord with other human standards and criteria. The corpus of these criteria may be summarized in the word justice; meaning that no right may be inharmonious with the principles of justice.

If the use of a right entails injustice, it becomes unjust and loses its status as a right. It is not permissible or lawful for any woman or man to violate the rights of others with the pretext of benefiting from their own rights. This is forbidden on grounds of rights abuse.

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