

Lesson 2: Woman's Rights

The Difference between the Man and the Woman

When we talked about the woman's value in Islam, we mentioned that the human type is the one which is designed to carry the divine authority and the one who can cover the levels of perfection. This applies to both the man and the woman.

This does not mean that there is no difference between the man and the woman; they, however, differ in the physiological and psychological capabilities. Yet, this difference is not linked to the aspect of deficiency or perfection; it is, however, a matter of equivalence and adequateness. The law of creation aims from this difference at the establishment of a higher adequateness between the man and the woman who are meant for a common life. The bachelorhood life is but a deviation from the law of creation. This concept will be more clarified later on when the forms of difference are going to be analyzed.

The Forms of Difference

Looking for the difference between the man and the woman is not a recent issue. In fact, it goes back in history to more than 2400 years. Plato insisted on the presence of a qualitative difference between the man and the woman. Also, his student Aristotle assured the presence of difference in his saying, "The quality of the woman's capabilities differs from that of the man. Moreover, the duties and responsibilities which are imposed by the law of creation on each of them differ. And the various rights which the law of creation demands for each one of them differ." The scholars and the philosophers who succeeded Aristotle gave his theories preference to those of Plato. [1](#)

As regards our present age with its scientific progress, the difference between the man and the woman has turned to be specific and clear as a result of the reliance on observation, experience, statistics, and field study.

Here we mention the differences which we have collected from what the researchers have said.

From the Physiological Aspect

- 1- The man in general is characterized by a huge body whereas the woman is not so.
- 2- The man is coarser while the woman is softer. The man's voice is huger and coarser while that of the woman is kinder and softer.
- 3- The woman grows up faster than the man does, but the muscular growth of the man is more than that of the growth of the woman's muscles and body.
- 4- The woman reaches the sexual maturity faster than the man does. In addition, the woman turns to be unable to bring children i.e. barren) faster than the man does.)
- 5- The child girl starts to talk faster than the child boy starts to.
- 6- The size of the man's brain is bigger than the size of the woman's brain, taking in consideration the brain's proportion to the whole body.
- 7- The man's lung has a greater capacity for air than the woman's lung has.
- 8- The beats of the woman's heart are faster than those of the man's heart.

From the Psychological Aspect

- 1- The man inclines to the sports and hunting and motive actions than the woman does.
- 2- The man's feelings are opposing and military whereas the woman's feelings are peaceful. The woman keeps from using violence towards the others and towards her own self; as a result, the percentage of the women's suicide declines. Men's suicide is much uglier since they commit suicide by means of shooting themselves or jumping from a very high place. On the other hand, the women commit suicide by means of taking in sleeping pills or narcotic materials.
- 3- The woman is more passive than the man is i.e. she gets under the influence of her feelings more than the man does.
- 4- The woman, on the contrary of the man, is greatly interested in beauty, adornment, and the different fashion styles.
- 5- The woman is more cautious, fearful, and eloquent than the man is.
- 6- The woman's emotions are motherly, and this appears since childhood. Moreover, the woman is more related to the family, and she unconsciously notices the importance of the milieu of the family before the man does.

7– In general, the woman does not reach the level which the man reaches with respect to the evidential sciences and the dry mental issues. Yet, she is equal to him with respect to the fields of literature, art, and all the issues which are related to taste and affection.

8– The man is more capable of keeping a secret and of keeping the disturbing news for himself. As a result, he is more fast afflicted with the illness resulted from keeping the secrets.

From the Aspect of the Exchanged Emotions

The man aims at accompanying the woman and at putting her at his command whereas the woman aims at winning the man's heart and at dominating him through his heart. He, therefore, wants to control her from above while she wants to penetrate into his heart. The woman looks for courage and manliness in the man; on the other hand, the man looks for beauty and affection in the woman.

How to Examine the Rights?

There are two points that must be taken in consideration when we examine the woman's rights. They are:

1–Adequateness Not Equality

On the basis of the already mentioned differences between the man and the woman, it is noticed that what adequates to the woman may not adequate to the man, and vice versa. From here, it is not required that we apply the situation of the woman on that of the man or the situation of the man on that of the woman. What is required is to specify each one of them with what adequates to his/her physiological and psychological characteristics. Adequateness, therefore, and not equality between the man and the woman is what is required.

2–The Comprehensive View of the Rules

The fragmental view may be a major cause for not comprehending the Islamic legislation, for Islam is characterized by the comprehensive legislation. If we want to consider a certain issue, we must consider it within the frame of the whole system of the doctrine and not alone regardless of everything else related to it. Therefore, when we examine these rights about which the questions are raised, we must consider them with respect to the issues related to them.

On the basis of these two points, we move to shed light on some terms that are brought up concerning the woman's rights.

Polygamy

It is doubtless that polygamy is permitted in Islam. The Most High God says,

“And if you fear that you shall not be able to deal justly with the orphan girls, then marry women of your choice, two or three, or four, but if you fear that you shall not be able to deal justly [with them], then only one or [the captives and the slaves] that your right hands possess. That is nearer to prevent you from doing injustice.” (The Qur’an, An-Nisa’ 4:3)

In addition to this, there is a long chronicle about the Muslims who performed polygamy without The Prophet (God’s prayers and peace bestowed upon him and his Household) or the Imams (God’s peace bestowed upon them) objecting to that. Even more, The Prophet (God’s prayers and peace bestowed upon him and his Household) and the Imams (God’s peace bestowed upon them) used, in certain conditions, to suffice with one wife but used, in other conditions, to get married to more than one woman. Therefore, doubting Islam’s opinion about polygamy is just an unreasonable contention that has no evidence to support it.

The question set forth in this issue is not related to Islam’s opinion as we have just mentioned; it is related to the wisdom of the permissibility of polygamy. Why did Islam enact such an issue?

It is necessary that polygamy remain permissible in order to effectuate justice among the women on one hand and in order to solve the social problems that may become serious on another hand. This is so because there is a problem that has two faces:

1– The percentage of women is more than that of men. This is so because death attacks men much more than it attacks women, especially in youth as a result of wars which men usually confront and as a result of going out for work, in addition to the other risks to which the man is exposed more than the woman is.

2– Every woman has the right to establish a family on a religious and legal basis. The woman has the right to build her own family. Had the men’s number been equal to the women’s number, we would have been able to say that this right of the woman is reserved even without polygamy. Yet we know, by means of the scientific statistics, that the just opposite is true. The number of the women is much more than that of men, so preventing polygamy will necessarily mean closing the door before many women and depriving them of their right to establish their families. Therefore, calling for the prevention of polygamy is a sort of individual selfishness that the married woman falls in on the account of the other women who will not be able to get married.

The doctrine, on the basis of its balanced look that aims at achieving justice at least on the level of providing all the women with the opportunity to get married, leaves this door open.

The Man's Superintendence over the Woman

The Most High God says in His Glorious Book,

“Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend from their means...” (The Qur'an, An-Nisa', 4:34)

In order to illustrate this term, we must take into consideration that the family is a small social unit which, as is the case with the large society, needs a leader and a person who is in charge of its affairs.

The man's superintendence over the woman is based on two supports:

1–“because Allah has made one of them to excel the other...” This preference is not one of spiritual value but one of practical merit by which the man is distinguished and which makes him eligible for superintendence. This is related to the traits by which the man is characterized and those by which the woman is characterized. The woman, on the contrary of the man, is usually passive due to the agitated affection she has.

2–“and because they spend from their means...” The expense on the house is the duty of the man and not that of the woman. It is natural that the one who carries the responsibility of expense on any enterprise is more entitled to superintend it.

Inheritance

The Most High God says in His Noble Book,

“There is a share for men and a share for women from what is left by parents and those nearest related, whether, the property be small or large – a legal share). (The Qur'an, An-Nisa', 4:7)

Islam legislated the inheritance for the woman as it did for the man and determined a portion for each one of them. But there is a distinguishing feature concerning the inheritance of the children i.e. they do not inherit equal portions, for the male receives double what the female receives. The Most High God says,

“Allah commands you as regards your children's [inheritance]; to the male, a portion equal to that of two females...” (The Qur'an, An-Nisa', 4:11)

Why is there such a difference between them as regards the inheritance?

The cause of this difference is manifested through the consideration of two points:

1– The man is responsible for spending on the family and providing for its materialistic needs; on the other hand, the woman is not responsible for that. Even more, it is the responsibility of the man, whether

being a father or a husband, to provide for the woman's personal needs. Moreover, The Most High God says,

“Allah burdens not a person beyond his scope.” (The Qur'an, Al-Baqarah, 2:286)

As long as the man is responsible for spending on the family, it is natural that this be recognized in the distribution of the finances, so that the distribution will be consistent with the responsibilities which are assigned to each one of them. From here, it is not weird that the man inherits double what the woman inherits.

2- The man is the one who pays the dowry to the woman in the marriage contract. This, in turn, supports the presence of privileges in the distribution of finances, so that there will be harmony between the incomes and the expenses.

A great percentage of what the man inherits will go back to the woman as a daughter or a wife whom he has to spend on. On the other hand, the money which the woman inherits remains completely for her with nobody having the right to share it with her.

Therefore, when we consider the inheritance as one of the financial incomes, we must consider it with respect to the system of incomes and expenses in the Islamic law, so that a kind of equivalence between them will be procured.

Summary

There are differences between the man and the woman with respect to the physiological and psychological capabilities. Yet this difference is not linked to the aspect of deficiency or perfection; it is, however, a matter of equivalence and adequateness. The law of creation aims from this difference at the establishment of a higher adequateness between the man and the woman who are meant for a common life.

Looking for the difference between the man and the woman is not a recent issue; in fact, it goes back in history to more than 2400 years.

The fragmental view may be a major cause for not comprehending the Islamic legislation, for Islam is characterized by the comprehensive legislation. We must consider the issue of the man and the woman within the frame of the whole doctrine and not alone regardless of everything else related to it.

Preferring the man to the woman in the Saying of The Most High God,

“... because Allah has made one of them to excel the other...” (The Qur'an, An-Nisa', 4:34)

is not one of spiritual value but of practical merit by which the man is distinguished and which makes him eligible for superintendence. This is related to the traits by which the man is characterized and to those

by which the woman is characterized.

There is a distinguishing feature concerning the inheritance of the children i.e. they do not inherit equal portions, for the male receives double what the female receives. This difference has many causes, among which is the following: the man is responsible for spending on the family and for providing for its materialistic needs whereas the woman is not responsible for this. A great percentage of what the man inherits will go back to the woman as a daughter or a wife whom he has to spend on. On the other hand, the money which the woman inherits remains completely for her with nobody having the right to share it with her.

Comprehension Questions

- 1– Mention some physiological differences between the man and the woman.
- 2– Mention some psychological differences between the man and the woman.
- 3– What is the wisdom implied in the permissibility of polygamy?
- 4– Why does the male inherit double what the female inherits?
- 5– What is meant by the following noble verse: “... because Allah has made one of them to excel the other...?”

For Reading: Umm Kulthum

Sayyida Umm Kulthum is the daughter of Imam Ali ibn Abi Taleb (God’s peace bestowed upon him) and Sayyida Fatima Al-Zahraa (God’s peace bestowed upon her). She is a woman who struggled for God’s sake by means of words and deeds. She is next to Sayyida Zeinab (God’s peace bestowed upon her) in age and honor, and she is her partner in carrying the burden which Sayyida Zeinab (God’s peace bestowed upon her) carried after the martyrdom of Imam Al-Husayn (God’s peace bestowed upon him) in Karbalaa.

Sayyida Umm Kulthum entered Al-Kufa during the regime of her father The Prince of the Believers (God’s peace bestowed upon him) after he had declared it as a capital for his state. She lived in his modest house and learnt from him the loftiest morals.

Yet when she entered Al-Kufa for the second time, she entered it as a captive with the captives of Karbalaa. She entered it with the heads of her brother Imam Al-Husayn (God’s peace bestowed upon him) and the martyrs raised over the spears and with the people watching them. She was greatly affected with what she saw, with the people’s pity on them, and with the people’s offering of bread and dates for the children. She used to take away the alms from the children’s mouths and hands while saying, “O People of Al-Kufa, giving alms to us is [religiously] forbidden.”

Then, she addressed them with a speech from which we mention the following: “O People of Al-Kufa! Shame on you. What is the matter with you? You disappointed Al-Husayn and killed him. You robbed his money and inherited him. And you took his women as captives and distressed him. Woe to you and away with you! Do you know what an evil you did?”

Her speeches, along the path of captivity, uncovered the evil policies which were conspiring against Islam and its prominent characters. Moreover, she spread among the people a poetry in which she aroused the emotions, so that the nation would wake up from its slumber to face the oppression of the Omawweet. From that poetry is the following:

We are the lost with no guardian
And we are lamenting on our brother
We are riding on mounts
Carried on the camels of the detesters
We are the daughters of Ya'seen and Ta'ha²
And we are weeping on our father
Oh our grandfather! They killed Husayn
And did not consider God in us
Oh our grandfather! Our enemies attained
Their wishes and avenged themselves from us.

This is Umm Kulthum, the woman who teaches the women how to struggle for God's sake by means of the word and the attitude.

¹. Refer to Nezam Houkouk Al-Mar'aa Fi Al-Islam [The System of Woman's Rights in Islam], The Martyr Murtadha Al-Moutahhari, p.159 and the following pages.

². Other names for God's prophet Muhammad ibn Abdullah (God's prayers and peace bestowed upon him and his Household)