

Women and Freedom

Like men, women have been created free and desire to live without the intrusion of others. The inclination for freedom is a natural and legitimate desire. However, can humans truly live independently and unassisted in a community?

Humans have need of their fellow creatures. They must observe the rights and wants of others and must restrict their individual freedoms to the limits of societal laws. Such restrictions are not adverse to humans; they benefit humanity. Additionally, living in complete freedom and unquestionably following one's carnal desires injures humankind. In such cases, restrictions must be endorsed since it is to everyone's true advantage.

Even though Islam respects humanity's right to freedom, it regards absolute freedom neither possible nor compliant with humankind's individual or social good. Hence, by observing the spiritual, material, worldly, otherworldly, individual, and social benefit of humans, Islam has decreed ordinances, laws, and responsibilities and has thus confined the freedom of humans. Some of these limiting rules and injunctions may not be pleasing to some people and they may regard them obtrusive to their personal freedom. However, these assessments are an effect of shortfalls in correctly understanding one's own true interests. If humans were fully aware of their true interests, they would not deem religious restrictions detriments to their freedom and would willingly consent to these limitations.

The freedom of women is also such. Islam respects the freedom of women and observes it in its legislation, provided that it is not contrary to the true interests of the collective human society. Thus, in cases that freedom is at variance with the true interests of women, Islam prefers restrictions to unconditional latitude. Herein several of women's liberties shall be briefly reviewed:

1. Freedom in Work

As previously stated, Islam regards women as one of the two pillars of the society and has given them various responsibilities. Women cannot and must not be crippled members or useless constituents of the society. Islam regards work as an obligation and a superior form of worship and warns its supporters to

avoid idleness, vanity, and retirement from work. There are many Hadith regarding this issue, some of which are mentioned below.

The Messenger of Allah (S) has stated:

«قال رسول الله (ص): «العبادةُ سَبْعُونَ جزءاً أفضلها طَلَبُ الْحَالَالِ»

“Worship has seventy elements; the noblest of which is endeavoring to gain legitimate income.”¹

The noble Musa ibn Ja‘far (‘a) has declared:

«بشير الدهان، قال سمعت اباالحسن موسى (ع) يقول: «انّ الله عزوجلّ يُبغِضُ الْعَبْدَ النَّوَامَ الْفَارِغَ»

“Surely Allah, the Honored, the Glorified, disfavors languid and idle servants.”²

According to Islam, working is not a right but a duty and men and women are no different in this regard. Women must also perform their social duties and they are free in choosing their occupation. However, taking heed of the special physical and spiritual genesis of women, not all lines of work are consistent with their eminence or abilities and other members of the society. Women are exquisite, sensitive, and beautiful beings. Because of this exquisiteness and beauty, they have much allure and influence with men.

Thus, they must endeavor to choose professions that can keep their spiritual and physical beauty impeccable for their husbands. Thus working in onerous and physically taxing jobs is not advisable for women; these include professions such as driving heavy vehicles, overnight jobs, farming, animal husbandry, and working in mines, ironworks, cement and automobile factories, etc. These occupations are usually beyond the normal physical capacities of women and endanger their beauty, exquisiteness, and allure, which is neither to the benefit of women nor to that of their spouses.

Consequently, Islam advises that men not allow women to perform laborious work. Amir al-Mu‘minin³ said to his son Imam Hassan (‘a):

في رسالة أميرالمؤمنين إلى الحسن (ع) قال: «لا تملك المرأة من الأمر ما يجاوز نفسها؛ فإنّ ذلك أنعم بحالها، و أرخى لبالها، و أدوم لجمالها؛ فإنّ المرأة ربحانة و ليست بقهرمانة»

“Do not tolerate that women do things beyond their abilities because this is more suitable for their status, it calms their hearts, and preserves their beauty; surely women are like fragrant flowers and not warriors.”⁴

Another important issue is that the exquisiteness, beauty, and allure of women are as natural as the inability of most men in resisting sexual temptation. Thus, it is in the interests of women and the society in general that they choose professions with less contact with non-kindred men, especially youths and unmarried men, in order to avoid probable harm to their faith and reputation and aid the health and virtue of the society.

We must also bear in mind that women are sentimental and affectionate beings and can be more quickly affected by their emotions than men. Hence, it is not in the interests of women or the society that they take professions that require increased decisiveness or brutality such as judgeship and military and disciplinary professions.

The final issue that women must take in mind in choosing a line of work is observing the rights of their children and preserving the family. If a woman is married and has children, she must be heedful of the fact that she has an even greater responsibility, which is caring for her husband and correctly rearing their children; a charge that the unique genesis of women has put upon them. It is true that women are free in selecting their careers, but they must choose one that does not weaken the benign cornerstones of the family and that does not deprive children of maternal love and affection and correct education and training.

In such cases, the course of action must be determined by mutual agreement and men must abandon inappropriate prejudices, selfishness, egocentricity, and patriarchal habits and must impartially allow women to choose suitable careers in proportion with the interests of the family as a whole.

2. Freedom in Proprietorship

Islam respects the ownership of both women and men. A woman may gain and become owner of properties and wealth through industry, commerce, dower, gifts, working as a staff member, or any other legitimate method. She may gain profit from these methods and no one has the right to appropriate her possessions without her consent, whether they be her father, mother, husband, or children. The Quran declares:

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِّلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبُواْ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَ وَ اسْأَلُوا
اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

“Do not covet that by which Allah has elevated some of you over others. To men is allotted what they earn and to women is allotted what they earn. So ask Allah of His bounty. Surely Allah has absolute knowledge of all things.”⁵

3. Freedom in Marriage

Like men, women are completely free in marriage and choosing their spouse. A mature woman may not be married without her consent and such a marriage is void. No one has the right to force a woman to marry or to choose a specific husband for her, even one's father, mother, sibling, or grandparents. Imam Sadiq ('a) has stated:

«منصور بن حازم، عن أبي عبدالله (ع) قال: «تستأمر البكر و غيرها ولا تنكح إلا بأمرها

“Women must be asked permission for their marriage, virgin or otherwise, and marriage is not correct without the woman's behest.”⁶

Concerning a man who wanted to marry off his sister, Imam Sadiq ('a) stated:

داود بن سرحان، عن أبي عبدالله (ع) في رجل يريد أن يزوج أخته، قال: «يؤامرهما، فإن سكنت فهو إقرارها، و لا تنكح إلا بأمرها».

“She must be asked permission; if she is reticent, her silence is permission. However, marriage is not correct without the woman's behest.”⁷

Hence, in order for a marriage to be correct, the acquiescence of the woman is necessary regardless of whether she is a virgin or not. Here, the question arises that: in order for a marriage to be correct, in addition to the woman's consent, is her father or grandfather's consent also a requirement?

The answer of this question has been expounded thus: If the woman is not a virgin (hence previously married), the consent of her father or grandfather is not necessary and she may decide to remarry independently. Various Hadith have emphasized this fact. Regarding the marriage of a non-virgin woman, Imam Sadiq ('a) has stated:

حليبي عن أبي عبدالله (ع) قال: في المرأة الثيب تخطب إلى نفسها، قال: «هي أملك بنفسها، تولي أمرها من شاءت». إذا كان كفواً بعد أن تكون قد نكحت رجلاً قبله».

“She has more authority over herself than any other person. If she has had a previous marriage, she can choose her desired spouse for remarriage if he is good for her.”⁸

Imam Sadiq ('a) has also stated:

«عن أبي عبدالله (ع) قال: «لا بأس أن تزوج المرأة نفسها إذا كانت ثيباً بغير إذن أبيها إذا كان لا بأس بما صنعت

“There is no problem with a non–virgin (previously married) woman getting married without the consent of her father if she has no defects.”⁹

However, if a woman is a virgin (and previously unmarried), almost all religious jurists [*faqih*] regard the permission of the father or grandfather necessary for her marriage and have substantiated this claim with various Hadith. Imam Sadiq (‘a) has declared:

«أبو مريم، عن أبي عبدالله (ع) قال: «الجارية البكر التي لها أبٌ لا تتزوج إلا بإذن أبيها»

“A virgin woman who has a father must not marry without her father’s consent.”¹⁰

The freedom of virgin women in choosing a husband has only been restricted in this case to the permission of their fathers or grandfathers. Even so, this restriction is not only not harmful to the woman, it is primarily in her good interests. Because virgin women have not married before, they have no experience in this matter and cannot completely investigate their suitor due to their modesty. In this case, they need a compassionate, loving, and experienced advisor who can give them guidance. Hence, a father or grandfather is the best person for aiding the woman in this important and fateful issue.

Consultation with and permission of the father has an additional benefit. It is a type of respect towards the father, seeking his approval and cooperating with him. Doubtless, this will have a great part in improvement of family relations, the future life of the married couple, and the solving of potential problems.

However, it must be stated that there are two exceptions to this rule: First, when the woman’s father or grandfather is not available for obtaining permission. Second, when it is time for the woman to marry and she has a fitting suitor but her father brings undue excuses and refuses everyone. In these two cases, religious jurists can give the woman permission to marry a desired and worthy suitor in lieu of her father’s permission.

4. Freedom in Seeking Knowledge

Unmarried women may freely endeavor to acquire knowledge and no one has the right to prevent them from learning. However, a married woman must observe the rights of her spouse and children and must confer with her husband on this issue in order to reach a consensus.

The conditions surrounding this issue are similar to those of freedom in work. Of course, this refers to studying outside the home at educational facilities such as a university; studying at home in one’s leisure time is not detrimental to familial life.

5. Freedom in Residence Selection

Single women are at liberty to choose a home for themselves, though wedded women must adhere to their husband's place of residence. Providing a house is up to men and it is their prerogative.

Naturally, the home must be within the dignity of the family, consistent with the husband's capital, and such that the peace and welfare of the family is assured. If they are living in a shared home (with other relatives) and the woman requests a private home, if it is in his power the man must acquiesce. In addition, if their house is small or if they are under pressure for some reason and the woman asks for a new residence the man must accept if he is able. These are examples of kind association [*mu'ashirat bi ma'ruf*] that God enjoins in the Quran:

...وَ عَاشِرُوهُنَّ بِالْمَعْرُوفِ...

“And consort with your wives in kindness.”¹¹

It is also stated in the Quran as follows:

...وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ...

“And harass them not, so as to straiten life for them.”¹²

Even though choosing a home is the man's prerogative, the woman may stipulate as an annex to the marriage contract that she select a dwelling place or request that she be given dwelling rights. If the man accepts the annex, he must abide by his wife's desires in this matter and if he violates her request, he is a sinner.

¹ – Kafi, vol. 5, p. 78.

² – Ibid, p. 84.

³ – Amir al-Mu'minin (meaning: Commander of the Faithful) is the title of Imam 'Ali ibn Abi Talib ('a). [trans.]

⁴ – Wasa'il ush-Shi'ah, vol. 20, p. 168.

⁵ – Surah Nisa' 4:32.

⁶ – Wasa'il ush-Shi'ah, vol. 20, p. 284.

⁷ – Ibid, p. 274.

⁸ – Ibid, vol. 2, p. 269.

⁹ – Ibid, p. 272.

¹⁰ – Ibid, p. 270.

¹¹ – Surah Nisa' 4:19.

¹² – Surah Talaq 65:6.

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