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Status of Women in Islam: A Critical Analysis on a Matter of Equality

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Introduction

The status of women in Islam is one of the crucial topics and dominant themes in the modern era, which theologians have been studying. Islam regards men and women as being of the same essence created from a single soul. A woman has a completely independent personality in Islam. In this paper, I will provide an overview of the status of women in Islam in general and then I will focus on the issue of equality.

One important part of the discussion will be devoted to clarify the conceptual context and the relevant terminology of the subject of inheritance and to explain certain rulings of inheritance in Islamic law that may seem at first glance to be in conflict with the idea of equality.

Status of Woman in Islam

In the Islamic perspective, a woman has an honoured position. She has special respect, love, affection and gentle feeling along with her legal and civil rights.

Is she not the compassionate mother?

Is she not the beloved wife?

Is she not the affectionate daughter?

Actually Islam expresses the best explanation for a woman's true image in the following verses from the Qur'an:

We have enjoined man to be kind to his parents. His mother has carried him in travail, and bore him in travail, and his gestation and weaning take thirty months. When he comes of age and reaches forty years, he says, 'My Lord! Inspire me to give thanks for Your blessing with which You have blessed me and my parents, and that I may do righteous deeds which may please You, and invest my descendants with righteousness. Indeed I have turned to you in penitence, and I am one of the muslims.' (***46:15***)

Your Lord has decreed that you shall not worship anyone except Him, and [***He has enjoined***] ***kindness to parents. Should they reach old age at your side – one of them or both– do not say to them, 'Fie!' And do not chide them, but speak to them noble words. Lower the wing of humility to them, out of mercy, and say, 'My Lord! Have mercy on them, just as they reared me when I was*** [***a***] ***small*** [***child***]***!'*** (***17:23*** **&** ***24***)

Do not covet the advantage which God has given some of you over others. To men belongs a share of what they have earned, and to women a share of what they have earned. And ask God for His grace. (***4:32***)

Similar to the Qur'an, the Prophetic hadiths also emphasize the honour and respect of women within such a frame of love, endearment and affection. This is especially true when the hadiths teach about the mother, the wife and the daughter. For example, the Prophet said:

Observe your duty to God in respect to the women, and recommend them to be well treated.[1]

He also said:

I do not think that a man gets better in faith without loving women better.[2]

The Prophet had a daughter whom he loved very deeply and tenderly. He used to say: "Fatimah is a part of me; whoever wrongs her wrongs me and who pleases her pleases me."[3]

He visited her frequently; and on his return from any journey he called on her first before going to his own home. Whenever she approached, his eyes glowed with joy. He would take her in his arm, kiss her warmly and offer her his own seat. Indeed this kind, tender pattern is an ideal model for mankind.

A man came to the Prophet and asked him, "O messenger of God! Whom should I be more dutiful to?" The Prophet replied: "To your mother." He asked, then to whom. Then he replied: "To your mother." The man again asked, then to whom. Then the Prophet replied: "To your father."[4]

Equality

Islam considers both men and women equally human and grants them equal human rights. Though their tasks and functions may sometimes differ, they both have opportunities for achieving perfection and

closeness to God. The following verses from the Qur'an and sayings of the Prophet support this argument. For example, God says:

O mankind! Indeed We created you from a male and a female, and made you nations and tribes that you may identify with one another. Indeed the noblest of you in the sight of God is the most Godwary among you. Indeed God is All-knowing, All-aware. (***49:13***)

O mankind! Be wary of your Lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. (***4:1***)

Also Prophet Muhammad (S) said:

All people are equal, as the teeth of a comb. There is no claim of merit of an Arab and non-Arab, or a white over a black person, or a male over a female. Only Allah-fearing people merit a preference with God.5

The most important sources in Islamic thought i.e. the Qur'an and Sunnah both confer the great message of universal equality among all mankind. The above texts are just a few examples and there are many more available.

Apart from this, there are hundreds of verses which take the form of address: "O mankind, or "O believer" which refer to both men and women. Both have similar duties to perform; for instance prayer, rituals, fasting, to command to good and to prohibit from evil. Moral virtues such as tolerance, truthfulness, honesty are required from both. According to Islam, personal superiority is only based on piety.

Islam's regard for women is not simply giving her a chance to survive. Muslims, men and women, are told to seek knowledge and education wherever they find it and to use this knowledge to help fellow human beings. This is a duty about which they will be questioned on Judgement Day. History tells us about the immense contribution of Muslim women to the community. One lady i.e. the Lady Khadijah, daughter of Khuwaylid, and one young boy were the first to believe in Islam. Lady Khadijah was a great supporter of Islam and the Prophet.

An analysis of equality

There are four logical characteristics of equality, which are crucial in Qur'anic perspective:

1. Equality in religious matters;

2. Equality in ethical obligations and rewards;

3. Equality in education;

4. Equality in legal rights.

1. Equality in religious matters

The Qur'an commands equality for men and women regarding religious obligations and rewards. We read:

Indeed the muslim** (**or submissive**) **men and the muslim** (**or submissive**) **women, the faithful men and the faithful women, the obedient men and the obedient women, the truthful men and the truthful women, the patient men and the patient women, the humble men and the humble women, the charitable men and the charitable women, the men who fast and the women who fast, the men who guard their private parts and the women who guard, the men who remember God greatly and the women who remember** [**God greatly**]**–God holds in store for them forgiveness and a great reward. (***33:35***)

2. Equality in ethical obligations and rewards

Secondly, the Qur'an reveals to mankind the desired equality of the two sexes by establishing the same ethical obligations and rewards for women and men:

And whoever does righteous deeds, whether male or female, should he or she be faithful –such shall enter paradise and they will not be wronged [***so much as***] ***the speck on a date–stone.*** (***4:124***)

Whoever acts righteously, [***whether***] ***male or female, should he be faithful, –We shall revive him with a good life and pay them their reward by the best of what they used to do.*** (***16:97***)

If God had not deemed the two sexes of equal status and value, such explicit statements of their equality in ethical obligations and rewards would not have been made in the Qur'an.

3. Equality in education

Although the more specific commands for the equal rights of women and men to pursue education can be found in the hadith literature, the Qur'an does at least imply the pursuit of knowledge by all Muslims regardless of their sex. For example, it repeatedly commands all readers to read, to recite, to think, to contemplate, and as well as to learn from the signs (ayat) of God in nature. In fact, the very first revelation to Prophet Muhammad (S) was concerned with the message of knowledge.

In the Qur'anic perspective there can never be a restriction of this knowledge to one sex. It is the duty of every Muslim man and every Muslim woman to pursue knowledge throughout life, even if it should lead the seeker to "China," we are told. The Prophet even commanded that the slave girls be educated, and he asked Shifa' bint 'Abdillah to educate his own wife – Hafsah bint 'Umar.

Audiences of both men and women attended lectures of the Prophet; and by the time of the Prophet's

death, there were many women scholars.[6]

4. Equality in legal rights

A fourth evidence in the Qur'an for the equality of men and women is its specification of legal rights which are guaranteed for every individual from cradle to grave. The Qur'an proclaims the right of both women and men in enjoying full legal rights. She may buy, sell, earn a living and manage her own money and property. In Islam the woman has a legally independent personality and her obligations are independent from those of her father, husband or brother.

Thus, the woman in Islam enjoys all rights and is treated equal to man in this respect.

In addition to these rights, the Qur'an grants the woman a share in the inheritance of the family (4:7–11) and warns against depriving her of that inheritance (4:19), specifies that the dowry (mahr) of her marriage should belong to her alone and never be taken by her husband (2:229; 4:19–21 & 25) unless presented by the woman herself as a free gift (4:44).

As with any privilege, these rights of women carry corresponding responsibilities. If she commits a civil offence, the Qur'an tells us, a woman's penalty is no less or no more than that of a man in a similar case (e.g. 24:2). If she is wronged or harmed, she is entitled to compensation just like a man.

It is clear that the Qur'an not only recommends, but is also insistent upon, the equality of women and men as an essential characteristic in the Qur'anic perspective.

A critical analysis of equality

There are some discussions about a woman's equality in her inheritance, education and social rights. As we have already discussed, the religion of Islam has clearly required that equality has to be exercised regardless of the physical gender. However, there may be a difference between the theory of Islam and the practice of Muslims. In order to understand what Islam has established for woman, there is no need to look at wrong customs that may exist in some Muslim societies.

Objectively, religion means humanity, not cruelty or brutality. However, some cultures may have just a mask of Islam but in reality there are some local cultural problems behind the mask. For example, one writer says:

Men’s energies should be expended in worship, religious activities and in the search of knowledge.

This is to be attained by making women devote themselves to serving their men in the home, preparing food and drink, washing, cleaning and caring for the children and elderly.[7]

However, the above ideas are not related to genuine Islamic perspectives as demonstrated in the Qur'an and Hadith. This writer has just reverted back to pre–Islamic culture. Based upon the above texts from

the Qur'an and Sunnah, these ideas are not plausible. If we were to ask the writer, "where are these characteristics in the Qur'an and Hadiths?" we will be assured of a silence that would speak volumes.

According to Islamic point of view, a woman has no obligation to prepare food and drink, wash and clean for her husband or his family. Of course, husbands and wives who form a family, should share and care to maintain family life with mutual understanding.

In the case of inheritance, the question of equality is fully applicable. In principle, both man and woman are equally entitled to inherit the property of the deceased relation but the portions they get may vary. In some instances man receives two shares whereas woman gets only one. This is no sign of giving preference or supremacy to man over woman. The reasons why a man gets more in these particular instances may be classified as follows:

First, a man is solely responsible for the complete maintenance of his wife, his family and any other needy relations. It is his duty by Law to assume all financial responsibilities and maintain his dependents adequately. It is also his duty to contribute financially to all good causes in his society. All financial burdens are borne by him alone.

In contrast, a woman has no financial responsibilities whatsoever except very little of her personal expenses, e.g. the high luxurious things that she likes to have. She is financially secure and provided for.

If she is a wife, her husband is the provider; if she is a mother, it is the son; if she is a daughter, it is the father; if she is a sister; it is the brother, and so on. If she has no relations on whom she can depend, then there is no question of inheritance because there is nothing to inherit and there is no one to bequeath anything to her.

Even if she has no one to look after she will not be left to starve; maintenance of such a woman is the responsibility of the society as a whole and the state. She must be given aid or a job to earn her living, and whatever money she makes will be hers. So, in the hardest situation a woman's financial responsibility is limited, while a man's financial responsibility is unlimited.

Secondly, she is not actually deprived of anything that she has worked for. The property inherited is not the result of her earning or her endeavours. It is something coming from an external source, something additional or extra. It is something that neither man nor woman has struggled for. It is a sort of aid, and any aid has to be distributed according to the urgent needs and responsibilities especially when the Law regulates the distribution.

Equalities or similarities

This argument is based on the ground that human dignity being common to man and woman, they both must enjoy the same rights. In this connection, the point worth considering is whether on the basis of

human dignity they both should have equal rights without any discrimination, or they both should have the same rights irrespective of their different roles in life. No doubt, human dignity being common to them, they both should have equal rights.

But what about the similarity of their rights?

If we think deeply and consider very carefully, the first question, which comes to mind, is whether equality of rights really means their similarity also. In fact, they are two different concepts. Equality means a condition of being equal in degree and value, whereas similarity means uniformity. It is possible that a father may distribute his wealth among his three children equally, but not uniformly. Suppose his wealth consists of several items such as a commercial store, some agricultural land and some property, which has been leased out.

Taking into consideration their respective tastes and aptitudes, he gives the store to one, the agricultural land to another and the leased property to the third. He takes care that what he gives to each of them should be of fair value and at the same time should suit their aptitude. Thus he distributes his wealth equally, but not uniformly.

Quantity is different from quality, and equality is different from uniformity.

Islam does not believe in uniformity between man and woman. But at the same time it does not give preferential treatment to men, in the matter of rights. It has observed the principle of equality between man and woman, but it is opposed to the uniformity of their rights.

No doubt, Islam has not in all cases accorded similar rights to man and woman. But it has not also prescribed similar duties and similar punishments for the two sexes. However, the total value of the rights accorded to women is not less than that of the rights accorded to men. We propose to prove this point.

Here the question arises as to "What is the reason behind certain cases of dissimilar rights? Would it not have been better, had their rights been similar, as well as equal"? There are two points and two reasons that their rights are not similar to each other's.

First: The Islamic view of the position of woman from the angle of her nature.

Second: The effect of the physical disparity between man and woman.

One may argue that physical disparity as a reason to make them dissimilar in the matter of rights does not seem plausible, because physical disparity has no concern with the matter of rights. From the Islamic point of view they are both human beings and, as such, enjoy equal rights. The point which is worth considering is that man and woman are dissimilar in many respects. Their very nature does not want them to be similar.

This position demands that they should not be similar in respect to many rights, obligations, duties and retributions. For instance an attempt is being made at present to make their rights and obligations uniform, but how can we ignore their natural and innate differences.

Throughout history and all over the world there are clear examples of injustice to woman. We must say that it is essential that the position of woman should be reviewed, and the abundant rights, which Islam has granted her, should be understood and implemented. Rights throughout history which have been denied to her should be restored to her. What we claim is that non-similarity of rights between man and woman, within such limits as are required by the disparity between their natures, is more in keeping with justice. It meets the requirement of natural rights better, ensures domestic happiness better and pushes society forward on the path of progress better.

According to the Islamic perspective, it is proven that equity demands that in each case the law should have a particular form. That very form will be the legal form irrespective of any other argument to the contrary, for according to the basic teachings of Islam the law must, in no case, infringe natural justice and basic rights. The Muslim scholars, by expounding the principle of equity, laid the foundation of the philosophy of rights, though due to some unhappy historical events they could not continue the good work started by them. In this regard, Ayatollah Mutahhari says:

It was the Muslims who, for the first time, paid attention to the question of human rights and the principle of equity, and set them forth as original and self-existing principles unaffected by any contractual law. The Muslims were the pioneers in the field of the inherent natural rights. But it was so destined that they could not continue their work and ultimately, after eight centuries, it was further developed by European intellectuals and philosophers, who appropriated the credit for it. The Europeans brought social, political and economic philosophies into existence, and acquainted the individuals, societies and nations with the value of life and human rights.[8]

Also, apart from historical reasons, there was a psychological and regional reason which prevented the Muslims in Eastern countries from pursuing the question of inherent rights. In reality they did not pay attention to rights in general, and in particular, to the inherent rights.

The East is enamoured of morals and the West of rights. It is one of the differences between the spirit of the East and the spirit of the West. The man of the East is more sentimental and believes that he should be forgiving, chivalrous and philanthropic. But the man of the West thinks that as a human being he should know and defend his rights and must not allow others to violate them.

Humanity needs morals as well as rights. Neither of them, on its own, can be the criterion of high human qualities.

Islam has had, and still has, the significant distinction of simultaneously paying attention to both morals and rights. In Islam sincerity, forgiveness and virtue are sacred moral qualities. At the same time consciousness of one's rights and the preparedness to defend them, are also equally sacred and

human.

Nevertheless, the Eastern spirit has been dominant with the Muslims, and consequently, though in the beginning both morals and rights engaged their attention, gradually the field of their activity became confined to morals.

Conclusion

Islam attaches great importance to equality, liberty and human dignity and respects human rights. Every human being is a member of the same family. The rights and responsibilities of a woman are equal to those of a man but they are not necessarily identical with them. Equality and similarity are two quite different things. This difference is understandable because man and woman are not identical but they are created equals. With this distinction in mind, there is no problem. It is almost impossible to find even two identical men or women.

● Islam recognises a woman as a full and equal partner of a man in the procreation of humankind. He is the father; she is the mother, and both are essential for life. Her role is no less vital than his.

● She is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds. She is acknowledged as an independent personality, in possession of human qualities and worthy of spiritual aspirations.

● She is equal to man in the pursuit of education and knowledge. When Islam enjoins the seeking of knowledge upon Muslims, it makes no distinction between man and woman.

● Islam grants woman equal rights to sign contracts, and to earn and possess independently. Her life, her property, her honour are as sacred as those of man. If she commits any offence, her penalty is no less or more than of man in a similar case. If she is wronged or harmed, she gets due compensation equal to what a man in her position would get (the Qur'an 2:178; 4:45, 92 & 93).

● Apart from recognition of woman as an independent human being acknowledged as equally essential for the survival of humanity, Islam has given her a share of inheritance.

● Woman enjoys certain privileges of which man is deprived. She is exempt from some religious duties i.e. prayers and fasting, in her regular periods and at times of confinement. She is exempt from all financial liabilities. As a mother, she enjoys more recognition and higher honour in the sight of God (31:14–15; 46:15).

The Prophet acknowledged this honour when he declared that Paradise is under the feet of the mother. She is entitled to three-fourths of the son's love and kindness with one-fourth left for his father. As a wife she is entitled to demand of her prospective husband a suitable dowry that will be her own. She is entitled to complete provision and total maintenance by the husband. She does not have to work or

share with her husband the family expenses.

She is free to retain, after marriage, whatever she possessed before it, and the husband has no right whatsoever to any of her belongings. As a daughter or sister, she is entitled to security and provision by the father and brother respectively. That is her privilege. If she wishes to work or be self-supporting and participate in handling the family responsibilities, she is quite free to do so, provided her integrity and honour are safeguarded.

1. Al-Harrani, Tuhaf al-'Uqul 'an Aali al-Rasul, p. 30.
2. Al- Kulayni, Al-Kafi, vol. 2, p.159.
3. See e.g. Ibn Majah, Sunan, vol. 1, p.644. This hadith can be found in many others sources.
4. Al- Kulayni, Al-Kafi, vol. 2, p.159. Ibn Majah, Sunan, vol. 11, p.1207.
5. Ahmad b. Hanbal, Al-Musnad, vol. 6, p. 411.
6. Lois Lamya' al-F'aruqi, "Women in Qur'anic Society" in Al- Tawhid, vol. 1. This article can also be found in the book: Status of Women in Islam, (1984: Sepehr), Ch. 3, p. 51.
7. Nawal Saadawi, The Hidden Face of Eve: Love and Sex in the Life of the Arad, Ch. 16, p. 144.
8. Murtadha, Mutahhari, Woman and Her Rights, Chapter: "Woman in the Qur'an," (Qum: Ansarian Publications)

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