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Rights of Women in Islamic World: History and Current Trends

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ABSTRACT

The Holy Quran is an epitome of equality of all humans, irrespective of the gender, race, social and economic status. The Qur'an teaches us that Adam and Eve were created from the same soul- both equally guilty, equally responsible and equally valued. Quran changed the disadvantaged and suppressed treatment of women in pre-Islamic Arab. From the very inception of Islam, women have played a fundamental role in its birth to its expansion. The life of Prophet Mohammed S.A.W. is full of incidents how a man has to behave with a woman. Modesty, humility and respect for the women have always been present throughout his life. Unfortunately, the Muslim countries at times also have failed to enshrine the principles of gender equality in practice from the Holy text. Though the Constitutions across the Muslim countries have embodied the right to equality. The social conditions have not evolved to accept the principles. This paper is an attempt to highlight particular Verses from the Quran along with few incidents from the life of the Prophet Mohammed S.A.W. emphasizing gender equality and respect for the women.

Key words: *Gender equality, Holy Quran, Prophet Mohammed S.A.W., women.*

1. Introduction

The two sources of Islam - Quran and the life of Prophet Mohammed SAW always call on their audience to think about the benefit and disadvantage of any action. Islam considers Aiysha , Maryam, Khadija, Fatima as four Noble Women. 'Mothers



of the Believers' refers to the wives of Prophet Muhammad (peace be upon him). They were his wives in this *dunya* and will be his wives in the *akhirah*. Islam as a religion has since beginning treated women equally with respect and rights. It is the misinterpretation of the verses of Quran and propaganda against the religion that Islam is often cited as oppressive towards the women. The paper is a small attempt to discuss some of the important verses from The Quran which affirm the basic rights of women. The paper further discusses how the life of the Prophet is an example for gender equality.

Before Islam, if a man died and left a widow, and he had an heir or other beneficiaries, then the son or the beneficiaries had the rights on the deceased's widow. When the heir is deign to do so, he could lay down with the woman, or marry her to anyone on his behalf without having to ask for a dowry, or to marry her off to men of his choice and take the dowry for himself. In other context, in those days when a man marry a woman, and after they married the husband feel resentment or dislike toward his wife, he is free to confine, boycott, or do anything to make the wife feels extremely uncomfortable; not divorcing her while concomitantly denied to make love to her. The husband will only release and divorce the wife after she paid a ransom which amount had determined by him. Thus, the condition women had to bear in pre-Islam time; afflictions, abjection, humiliation and tyranny were their everyday ordeal. The majority of husbands did not treat their wives with respect; they scolded, yelled, reviled, berated and abused the wife, threw filthy words toward them, even beat or tortured them whenever they pleased.

There was even more ruthlessness and cruelty carried out in this unbelievable culture; that is, if a baby girl was born and her family were deign to it she would be "tolerated" to live, in constant abuse and ructions from the neighbors toward her family; and if the family couldn't bear all the ordeal they were entitled to bury her alive. A girl was considered worthless by the society; because she can't go to war, she is weak, powerless, and so on. These all were the situation of women in Hejaz, or Mecca-Madina and the surroundings. There were also practice of polyandry, plus myriad forms of other "poly". A group in the Kingdom of Farsy (Persia), for instance, like what Imam As Syahrostanti said, that in Persia there was a sect called al Mazkiyah that possessed a different philosophy compared to other sects at that time, and that is the general ownership of women. According to this sect, women are the properties of the society, own and could be exploited by all the men in the society, just like water, fire, land, etc. Women were degraded, subject to non-mutual sex, oppressed, boycotted, tortured and miserable in pre-Islam era.

2. Rights of Women embodied under the Holy Quran

In order to elevate women, glorify them, giving them the full rights on everything, erase their misery and save them from adversity, abjection, ruction and lowness, discrimination, intimidation and all terrible things that had ever happened to them, various verses on the rights of women were revealed from time to time.

2.1 Origin of Species

Since men and women have been created from one origin and one entity, neither of them can claim superiority over each other. They have been created from the same source and so their essence is the same. This is reinforced in the Qur'an many times so as to ensure mankind is aware that both are equal in the eyes of God.

There is even one chapter in the Noble Qur'an dedicated to women and named after them- An Nisâ, means Women.¹

2.2 Different strengths of men and women

The Holy Prophet (SAW) also stated – “Treat women well, for they have been created from a rib. The rib is most curved in its upper part, so that if you try to straighten it out, it will break, but if you leave it as it is, it will remain intact. Therefore, follow my advice on giving fair treatment to women”.²

Although men and women have been created on an equal footing, created together to be a source of contentment and peace, Islam does not consider men and women to be the same. Men and women are equal in status, equal as human beings, as individuals in their own right, but they are considered to be fundamentally different from each other, both physically and emotionally, thus in the context of rights and duties they have equal rights but their rights reflect their differing personalities.

2.3 Rights of Women over Property

“O thou who believe! Thou art forbidden to inherit women against their will. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good.”³

2.4 Religious and Social Responsibilities are the same

A woman has an equal right and is indeed bound to observe religious and social obligations as men are. “Every soul will be (held) in pledge for its deeds”.⁴

A woman must pray, fast and give charity as her male counterpart and will be held accountable if she fails in her obligations.

“...So their Lord accepted their prayers, (saying): I will not suffer to be lost the work of any of you whether male or female. You proceed one from another”.⁵

Thus, a woman is seen as an independent individual, with her own personality and traits and thus will be rewarded or punished according to the acts she does. This is important since Islam recognizes a woman as a separate entity from her husband or father or brother, so she too must be educated and be given the opportunity to seek knowledge so she can fulfill her role in society too. She must imbue within her conduct the same moral standards as men and is equally responsible for maintaining peace and contentment within the society around her. The Qur'an states:

“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 Allah's praise, for them has Allah prepared forgiveness and great reward.”⁶

A woman is also under the same ethical obligations as men in respect of her social duties for society. “Whoever works righteousness, man or woman, and has faith, verily to him will we give a new life that is good and pure, and we will bestow on such their reward according to their actions.”⁷

She must play an active role in her community by enjoining what is right and forbidding what is wrong. “The believers, men and women, are "Awliya," (helpers, supporters, friends, protectors) of one another, they enjoin (on the people) Al-Ma`ruf (i.e. Islamic Monotheism and all that Islam orders one to do); and forbid (people) from Al-Munkar (i.e. polytheism and disbelief of all kinds, and all that Islam has forbidden)”⁸

“Whosoever does right, whether male or female, and is a believer, him verily We shall quicken with good life, and We shall pay them recompense according to the best of what they do.”⁹

2.5 After world results for bringing up daughters

Islam sees the birth of a girl as a time to rejoice and in celebration of womanhood, those who treat their daughters kindly with respect and kindness are guaranteed paradise, a privilege mentioned only in the context of females. The Holy Prophet (SAW) said- “Whosoever has a daughter and he does not bury her alive, does not insult her, and does not favor his son over her, God will enter him into Paradise.”¹⁰.

“One who brings up three daughters, teaches them good manners and morals, and arranges their marriages and treats them with fairness, deserves to be ushered into Paradise”.¹¹

3. Examples from Life of Prophet Mohammed SAW vis-à-vis Rights of Women

The Holy Prophet SAW himself led the way by setting the example by giving women their due rights and be treated as equals. On numerous occasions, he acted in a manner solely to elevate women and show to his Companions the dignity of womanhood.

3.1 Revelation of Prophet hood

A notable incident is the role that his wife Sayyidina Khadija (RAD), played in the history of Islam. When the Holy Prophet (SAW) received the first divine revelation from Almighty Allah he was naturally surprised and shocked and returned immediately home to consult his wife. Prophet (SAW) chose to return to his wife and seek her advice when he was visited by Angel Gabriel. She reassured the Holy Prophet (SAW), stating since he had never done a wrong in his life, had always helped the poor and needy, been kind to the orphans and widows and always gave financial help to those in debt, anything that could happen to him could only be the truth and right. She is famous in Islamic history for being the first woman to convert to Islam, but in fact she was the first person, male or female to accept Islam and the Prophethood of Mohammad (SAW).

3.2 Participation in Household activities

Prophet Mohammed SAW commanded others to fulfill women's rights and to honor their individuality and he showed a particular form of respect towards women himself while implementing these principles. The entirety of his life is a display of this truth. "The Most Noble Prophet (peace and blessings be upon him and his family) would sew his own clothes, open the door and milk sheep and camels himself. Whenever his servant would grow weary, he would mill wheat or barley himself. Before going to bed, he would prepare water for his ritual ablution (wudhu') himself. He would cut up meat himself and when his family members were burdened with many things to do, he would provide them with help."¹²

With regards to showing respect towards women the Prophet (peace and blessings be upon him and his family) has said, "Beware, the best of you is he who is the best towards his women, and I am the best among all of you toward my women."¹³

3.3 Marriage to Widows

Except for Aiysha, all wives of the Prophet SAW were widows. He married them to set an example for the society that widow remarriage be encouraged. His first wife - Khadijah and his later wives Sawdah bint Zam'a, Hafsa bint Umar ibn Al-Khattab, Zaynab bint Khuzaymah, Umm Salamah bint Abu Umayyah, Juwayriyah bint al-Haarith, Zaynab bint Jahsh, Umm Habibah bint Abu Sufyan, Safiyyah bint Huyayy ibn Akhtab and Maymunah bint al-Haarith were all widows.

Part of Prophet Mohammed SAW legacy was to end infanticide and establish explicit rights for women.

4. Latest Position regarding Rights of Women across World

Various reports discussed below highlight the position of women rights in the world-

4.1 World Economic Forum's Gender Gap Report, 2020

Iceland is once again the most gender-equal country in the world for the 11th time in a row. It has closed almost 88% of its overall gender gap, further improving since last year. Iceland is followed by Norway (2nd, 84.2%), Finland (3rd, 83.2%) and Sweden (4th, 82.0%). Other economies in the top 10 include Nicaragua (5th, 80.4%), New Zealand (6th, 79.9%), Ireland (7th, 79.8%), Spain (8th, 79.5%), Rwanda (9th, 79.1%) and Germany (10th, 78.7%).

4.2 World Bank's Report- Women, Business and Law, 2020

Since 2017, 40 economies have enacted 62 reforms enhancing gender equality. The economies that improved the most are Saudi Arabia, the United Arab Emirates, Nepal, South Sudan, São Tomé and Príncipe, Bahrain, the Democratic Republic of Congo, Djibouti, Jordan, and Tunisia. On average, women have just three-fourths of the legal rights afforded to men. Seven countries score 100 on the index- Belgium, Denmark, France, Iceland, Latvia, Luxembourg, and Sweden. The Report indicates that Saudi Arabia, UAE etc. have exhibited progress in rights relating to marriage and parenthood since 2017.

5. Current Trends vis-à-vis Rights of Women in Islamic countries

This part shall discuss the latest positive developments regarding legal recognition of the rights of women in some of the Islamic countries:

5.1 Saudi Arabia

In 2017, it announced that girls can have physical education in state schools and women will be able to enter stadiums as spectators. It has reserved 20% of seats for women in national shura. In 2018, Saudi Arabia criminalized sexual harassment in public and private sector employment. In late July, 2019, Saudi Arabia's Council of Ministers promulgated landmark amendments to the three laws that will begin to dismantle the country's discriminatory male guardianship system. The changes to the Travel Documents Law permit "anyone holding Saudi nationality" to obtain a Saudi passport, allowing women over 21 to obtain their own passports without their male guardian's permission for the first time. In mid-August, 2019 Saudi authorities announced further changes to regulations allowing women over 21 to travel abroad freely without permission from their male guardian. The reforms also included important advances for women on civil status issues, whereby a woman can now register her children's births with the civil status office, which was previously restricted to fathers or paternal relatives, as well as inform the office of a death, marriage, or divorce. The changes allow women, along with their husbands, to be considered a "head of household" with respect to their children, which should improve Saudi women's ability to conduct government business on their children's behalf. The changes to the Labor Law clarified that a "worker" can be female as well as male and introduced a new protection against discrimination in employment on the basis of sex, disability, or age. This major advance should make it illegal for private employers to demand that potential female employees obtain approval of their male guardian to work.

5.2 Pakistan

In August, 2019 in an important enforcement of laws to prosecute so-called "honor killings," the parents of Qandeel Baloch, a Pakistani social media celebrity who was murdered by her brothers.

In July, 2019 the Supreme Court of Pakistan held that in cases of acid attacks, a mercy petition filed by the victim forgiving the perpetrator cannot be allowed because it constitutes "extreme cruelty."

The Sindh provincial cabinet approved a new law in August providing the right of women agricultural workers to have a written contract, minimum wage, welfare benefits, and gender parity in wages. The law marked the first time that Pakistan recognized the right of women agricultural workers to unionize.

5.3 Indonesia

In September, 2019 parliament revised the 1974 marriage law, raising the minimum age of marriage for girls and boys with parental consent from 16 to 19, but retaining a clause that allows courts to authorize marriages of girls below 19, with no minimum age restriction. Around 14 percent of girls in Indonesia are married before age 18, and 1 percent marry before age 15.

5.4 United Arab Emirates

In 2005, authorities established the Gender Balance Council, a federal agency responsible for implementing initiatives to enhance women's representation in the country's private and public sectors. Recognizing that women's equal participation in the economy is central to achieving sustainable growth, the council developed the *Gender Balance Guide*, which offers organizations instructions on how to create a better working environment for women. The council works closely with international organizations to implement recommended gender policies, including protection from discrimination, gender-responsive budgeting, and parental leave. On 29 August 2019, the President of the United Arab Emirates issued Federal Law No. (10) of the Year 2019 concerning Protection Against Domestic Violence. It will come into effect from the date to be determined by the U.A.E. Council of Ministers' decision. The provisions of the Law shall apply to domestic violence crimes committed by a family member against another member of his family, whether he is from the immediate or branch or relatives by lineage or marriage to the fourth degree, or from persons covered by alternative family custody. This Law has been issued to protect the family and deter all harmful practices against the family that affects the physical state, integrity and mental health of the family, women, and children.

5.5 Mauritania

In early 2020, the government backed proposed legislation to "remove prejudice and discriminatory attitudes towards women and girls." The draft law's main aim is to better protect women from violence and provide a legal avenue to bring charges against perpetrators, oftentimes family members such as husbands or fathers. It specifically designates violence against women as a crime.

5.6 Jordan

In 2017, Jordan repealed a controversial penal code article that allowed people who commit sexual assault to avoid punishment if they marry their victims. Recently, Jordan lifted restrictions on women's ability to work at night. A legislation that mandates equal remuneration for work of equal value has been enacted.

5.7 Egypt

In 2015, it introduced a quota requiring local Councils to reserve 25% for women. In June, 2020, 25% quota by an amendment to the Constitution was reserved for women in the Parliament.

5.8 Bahrain

Bahrain reportedly made progress with its Supreme Council for Women recently adopting a second National Plan for the Advancement of Bahraini Women for 2013-22, which focuses on supporting women's entrepreneurship and enhancing their physical and psychological wellbeing and protection from domestic violence. Bahrain also adopted provisions regarding sexual harassment in employment, including criminal penalties for perpetrators.

6. Conclusion

The Quran describes the dark times of history when women were treated as property. The condition of women changed drastically after advent of Islam. The myths and lack of information as to how the Holy Quran treats women need to be tackled. Rather than treating restrictions upon women as a burden, they need to be seen as a mark of respect. Islam also recognizes the indispensable nature of men and woman. They complement each other, working for the ultimate goal of seeking the pleasure of Almighty Allah and His Prophet (SAW) in life and so cannot do without each other. The laws and practices put in place by Prophet Muhammad were, and still are, revolutionary. He brought recognition to their rights in both the private and public spheres. The dissemination regarding the life of the Prophet has to be attributed to his beloved wife Ayisha through her narrations. The Muslims would have lacked the immense knowledge about the life of the Prophet in the absence of these narrations.

The study shows how various Islamic countries in the past few years have introduced legislative reforms regarding rights of women. Saudi Arabia made the biggest improvement globally, enacting reforms in six out of eight areas measured including in women's mobility, sexual harassment, retirement age and economic activity as per the World Bank's report. Significant improvements have made in other countries such as UAE, Bahrain, Indonesia, etc.

An apostle asked the Prophet PBUH: "O Messenger of God, among all mankind who is it that I am much obliged to glorify?" The Prophet answered, "Your mother." "And then who else?" again the man ask. "Your mother," again the Prophet answered. "And then who else?" the man ask for the third time. "Your mother, still answered the Prophet. "And then who else?" asked the man for the fourth time. "Your father," at last the Prophet said. It can be concluded that rather than looking at Islam from a narrow perspective, it is the right to interpret its sources in true sense, understanding their context and objective.

References

¹ See Quran Chapter 4, Verse 34 and Chapter 4, Verses 127-130.

² Sahih Bukhari, Kitab An-Nikah.

³ Quran, Chapter 4, Verse 19.

⁴ Quran, Chapter 74, Verse 38.

⁵ Quran, Chapter 3, Verse 195.

⁶ Quran, Chapter 33, Verse 35.

⁷ Quran, Chapter 16, Verse 97.

⁸ Quran, Chapter 9, Verse 71.

⁹ Quran, Chapter 4, Verse 124.

¹⁰ Ibn Hanbal, No. 1957.

¹¹ Sunan Abu-Dawud, Kitab-al-Adab.

¹² Sunan an-Nabi, p. 73.

¹³ Muhajjah al-Baydha', Vol 3, p. 98.