

## **WOMEN'S POSITION, ROLE, AND RIGHTS IN ISLAM BY ZIEBA SHORISH-SHAMLEY, Ph. D.**

In this paper I argue that the position of women in Islam in theory, that is, according to the Qur'an and Hadiths (tradition) of the Prophet, differs vastly from Islam in practice. It is not the Islamic ideologies that determine the position of women in the Islamic societies, it is rather the pre-Islamic patriarchal ideologies existing in a particular society, combined with the lack of education and ignorance, that construct the Muslim women's position.

?? **Women's Position in Islam in the Idea of Creation**

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### **Women's Position in Islam in the Idea of Creation**

Islam in theory, has given men and women equal rights in every aspects of life. Islam gives men and women equality in the idea of Creation of human beings. Concerning the idea of Creation the Qur'an in Sura 4, Verse 1 states:

O mankind! reverence your Guardian-Lord Who created you from a single Person, Created, of like nature, His mate, and from them twain Scattered (like seeds) countless men and women-Fear Allah, through whom ye demand your mutual (rights) and (reverence) the wombs (that bore you): For Allah Ever watches over you.

In Sura 7, Verse 189 the Qur'an States:

It is He Who created you from a single person, and made his mate of like nature, in order that he might dwell with her (in love)...

Sura 42, Verse 11 states:

(He is) the Creator of Heaven and the Earth: He has made for you pair from among yourselves...

Sura 49, Verse 13 states:

O mankind! We created you from a single (pair) of male and female, and made you into nations and tribes, that you may know each other ( not that you despise each other)...

And Sura 16, Verse 72 States:

And Allah has made for you mates (and Companions) of your own nature...

### **Women's Spiritual Status in Islam**

Not only in the idea of creation Islam has granted equality to men and women, but also women are given the same spiritual status as men. For example Qur'an Sura 33 Verse 35 states:

For Muslim men and women- For believing men and women. For devoted 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 ( and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah praise- for them has Allah prepared forgiveness and great reward.

In Sura 74, Verse 38 the Qur'an states:  
Every soul will be (held) in pledge for its deeds.

In Sura 16, Verse 97 the Qur'an states:  
Whoever works righteousness, man or woman, and has Faith, Verily, to him will We give new Life, and life that is good pure, and We will bestow on such their reward according to the best of their actions.

In Sura 4, Verse 124 the Qur'an states:  
If any do deeds of righteousness - be they male or female and have faith, they will enter Heaven, and not the least injustice will be done to them.

In the above verses a woman's obligations to the Islamic principles and practices are the same as those of a man. Women are not exempted from any of these obligations because of their gender. However, under special circumstances a woman may not be required to fast, examples would be when she is pregnant, or is nursing a child-- if fasting threatens her life or her child's life. A man or a woman is exempt from fasting if he/she is sick or traveling. But he/she must make up for days he/she has missed in fasting at a more convenient time. A woman may not fast or participate in the performance of prayers during her menstrual periods and after childbirth as long as she is bleeding. But again, she must make up for the days she has missed fasting.

### **Women Rights in Islam Regarding Education**

The Qur'an and Hadiths of the Prophet both obligate Muslim men and women to acquire knowledge and education. It is a duty for every Muslim. For example, concerning knowledge and education the Qur'an Sura 35 Verse 28 states:  
Those truly fear Allah, among His Servants, who have knowledge.

Prophet's Hadiths repeatedly emphasizes the acquirement of education and knowledge for every Muslim male and female. For example, one Hadith states that, " Seeking knowledge is a duty of every Muslim, man or woman." (Ayisha Lemu 1978: 25). Another Hadith states, " Seek knowledge from the cradle to grave." (1978:25). Another Hadith states that, " The Father, if he educates his daughter well, will enter Paradise." (The World Bank Report July 9, 1993: 25). Yet another Hadith states that, " A mother is a school. If she is educated, then a whole people are educated" (1993: 25).

In early of Islamic history there were many women scholars who had very significant roles in the Islamic world. For example Ayisha, the Prophet's wife was one of the most famous Muslim scholars. Not only was she very intelligent, she had an exceptional memory. That is why she was considered one of the most important sources of Hadith. It has been stated in some Islamic reports that the Prophet told the Muslims to go to Ayisha for guidance and learning of religious duties. The Prophet also told the Muslims to trust Ayisha's teaching and guidance( Lemu 1978:: 251).

In the Islamic world, at the beginning of Islam, there were no restrictions or prohibitions toward women to seek knowledge and education. There were many women scholars in the fields of religion, literature, music, education, and medicine. For example, a woman named Nafisa who was related to Ali, the fourth Khalif, had a vast knowledge of and was an expert on the Hadiths of the Prophet. Many famous Muslim scholars of the time, such as Imam Shafi-ai would participate in Nafisa's scholarly discourse and learn from her (1978: 251-253).

### **Women's Social Position in Islam**

In the pre-Islamic era, in the Arab societies, the women were deprived of the most basic human rights that are required for human existence. The practice of female infanticide was widely practiced among some of the Arab tribes. The first and foremost contribution that Islam made to

elevate the social status of the Arab women was to give them the right to live. Islam forbade this inhuman practice and was highly critical of the attitudes allowing parents to reject their female children. Islam viewed the practice as a crime and murder.

Concerning the birth of a girl child and the patriarchal Arab society's attitudes toward it, the Qur'an Sura 16, verse 58 states:

when news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief!

The issue is continued in the Verse 59 in the same Sura,

With shame does he hide himself from his people, because of the bad news he had! On (sufferance and) contempt, or bury it in dust? Ah! what an evil (choice) they decide on? In Sura 81 Verses 8 and 9 the Qur'an states:

When the female (infant) buried alive, is questioned- For what crime she was killed;

Thus, the Qur'an viewed both the attitude of contempt and shame concerning the birth of a female child and the act of infanticide as equally evil. Along with saving the lives of women, Islam made sure they were treated with respect, kindness and justice.

### **Women's Rights Concerning Marriage**

The equality of men and women is recognized by Islam in marriage. The Qur'an views the marriage of a man and a woman as sharing of the two halves of society. The objective of marriage, aside from human reproduction, is love, mercy, mutual respect, justice, emotional well being and spiritual harmony. Concerning this subject, the Qur'an Sura 30, Verse 21 states:

Among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): Verily in that are Signs for those who reflect.

This verse is central because it defines the relationship between the husband and the wife. Their relation is not just sexual, but also it involves love, mutual care, consideration and respect.

The Qur'an strongly emphasizes regulations governing behavior, conduct and human relation, for the purpose of preserving the family. The woman's role within the family is a crucial one, because it is in the family that the next generation of Muslims are raised. The woman as the mother has the crucial role as the early socializer and educators of the children. This role has a long lasting effect on the behavior, character and attitudes of the future generation of Muslims.

Islamic Law forbids the marriage of a woman by force. The girl's and the boy's consent is necessary. Although the parents play a major role in deciding a girl's or a boy's choice of mates, the final decision is up to the girl and the boy. For example, according to Ibn Abbas, a girl came to the Prophet and said that her father had forced her into marriage without her consent. The prophet gave her the choice of either continuing the marriage, or invalidating it (Badawi 1976: 139).

There are verses in the Qur'an concerning men and women that are controversial and have been the topic of discussion by various scholars through out the Islamic history. Different individuals have used these verses in order to discredit Islam. For example, in Sura 2 Verse 228 the Qur'an states:

And women shall have rights similar to rights against them, according to what is equitable. But men have a degree (of advantage) over them. And Allah is Exalted in Power, Wise.

This verse has been interpreted in different ways. Some see it as a degree in intelligence, other view it as a degree in superiority. However, many Muslim scholars argue that the degree is related to qiwama, that is, maintenance of the family. A man is legally obligated for this responsibility. Therefore, this "degree above them" has an economic base and has nothing to do with intelligence or superiority of men over women (1976 138-139).

Another controversial verse deals with the marriage of a man to two, three or four women. In Sura 4 Verse 3 the Qur'an states:

If ye fear that ye shall not be able to deal justly with orphans, marry women of your choice, two, or three, or four; But ye fear that ye shall not be able to deal justly (with them), Then only one...

This verse first sets the conditional clause of the orphans that introduces the rules for marriage. This verse comes after the war of Uhud when the Muslim community had to deal with many orphans and widows. The Qur'an allows marriage of a man to up to four women, so that the war widows and their children are protected from destitution. The Qur'an also orders the Muslims to treat the orphans and widows with justice and equality (Qur'an note 508, page: 184).

However, in Sura 4, Verse 129 the Qur'an states:

Ye are never able to be fair and just as between women, even if it is your ardent desire: but turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If ye come to a friendly understanding, and practice self-restraint, Allah is Oft Forgiving, Most Merciful.

Although the Qur'an allows a man to marry up to four women, it also sets conditions to this rule, that is, the husband must treat his wives with equality and justice in every aspect, that is, love, maintenance and so on. Moreover, in the verse 129 that the Qur'an states that a man is never capable of treating all his wives equally and justly in every aspect of life. Thus in truth, Islam encourages marriage with only one woman.

From the Islamic point of view, all family decisions should be done with mutual agreement of husband and wife, even if it is only weaning of a child from nursing.. For example, in Sura 2 Verse 233 the Qur'an states:

... If they [husband and wife] both decide on weaning, by mutual consent, and after due consultation, there is no blame on them.

The Qur'an and Hadiths both emphasize the treatment of women with respect, justice and kindness. For example, one Hadith states "Fear God and respect women," another states " the best person amongst you is the one who has the best attitude toward women".

In pre-Islamic Arab societies, women were bought and sold as commodity. Islam by giving women the right to decide whom to marry, and have a part in the marriage contract, elevated her status from that of a commodity to that of an equal partner in the marriage institution.

The Qur'an also gave women the right to own her own mahr. The mahr is a payment that the husband makes to the wife, and is an important part of the marriage contract. It provides a woman with some kind of economic means in case of divorce and it also gives the woman the means of controlling the man's power of divorce (Esposito 1982: 17, 24-26).

Islam also recognizes the rights of women concerning divorce. Women have the same rights as those of men. However, due to the importance placed on the family in Islam, for its protection and maintenance, both men and women must follow certain procedures. For example, after the divorce both a man and a woman must wait a period of three months, called iddah . During this period of time the husband is responsible for the wife's maintenance. This waiting period has two functions: (1) to clarify whether the woman is pregnant or not. If she is pregnant, the husband is responsible for the wife's maintenance until the child is born. Furthermore, if the woman who is divorced has a young child, she can nurse the child for up to two years and the father must maintain both the woman and her child. (2) Iddah also function as a cooling-off period during which the relatives and the community will try to help reconcile the couple ( Lemu 1978: 257-258).

### **The Economic and Political Position of Women in Islam**

Islam has given women the rights to work, to own property and to have wealth. Women can seek employment and work in profession such as medical care, teaching, civil and justice professions. These rights remain the same before and after marriage.

Regarding the right to work, the Qur'an Sura 4 Verse 32 states:

And in nowise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others: to men is allotted what they earn, and to women what they earn: But ask Allah of his bounty. For Allah hath full knowledge of all things.

In the Islamic history there were no restrictions in women's full participation in the economic, political and social spheres of their society. For example, Khadija, the Prophet's first wife was one of the most important merchants of the time, and the Prophet himself was her employee. Ayisha, the Prophet's other wife was one of his most important advisers and consultants. In the early Islamic history women not only participated in various aspects of their society's public sphere, they also had the right to be elected to political offices. For example, Omar the second Khalif appointed a woman to oversee the affairs of the marketplace. The women also participated in wars and fought in the battles.

Islam gives women the right to inheritance. Neither her father nor her husband can lay any claim to her share of inheritance. Regarding this issue the Qur'an, Sura 4 Verse 7 states:  
From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large-a determinate share.

In Sura 4 Verse 11 the Qur'an states:

Allah (thus) directs you as regard your children's (inheritance): to the male, a portion equal to that of two females...

This Verse also has been the center of controversy. Many individuals believe that this decision does not benefit women economically. Others argue that the decision is fair because a man is legally obligated to maintain his wife, children, parents and other relatives who are in need of assistance. Whereas a woman is exempt from these legal obligations. Her share is hers alone, she does not have to contribute to the family's maintenance if she does not want to do so.

The above brief discussion shows the equal status of men and women in Islam. However, in practice, these rights have been violated and the position of Muslim women has undergone dramatic changes for the worst since early Islamic era. Upon the death of the Prophet, the restriction of women's rights began to increase with the course of history. The pre-Islamic societies of Arab, Persian, Indians and others were patriarchal societies. They had their own cultures, customs, and belief systems.

The rapid expansion of Islam did not leave the new converts enough time to obtain sufficient Islamic education. This led to disagreements between the new converts and the process of Islamization, that is, Islamic education and acculturation. These factors, in conjunction with growing wealth, leisure activities, sensuality combined with the corrupt morality of royal that influenced the upper class, stirred fear in all classes of urban groups for the chastity of their women. The socio-historical causes, which led to the deterioration in the position, status, and role of Muslim women, are many. The effect of these causes on the position of women was grave and led to their severe oppression. Her social, economic and political rights were violated. To make it even worse, her face, public presence, and voice became *Aurah*, that is, the subject of concealment (Alyamoni unpublished Dissertation, University of Illinois at Urbana-Champaign 1985: 48-50)