

Women in Islam (part 1 of 2)

Description: The status of woman and gender equity in Islam.

By Mostafa Malaekah

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Introduction

The issue of gender equity is important, relevant, and current. Debates and writings on the subject are increasing and are diverse in their perspectives. The Islamic perspective on the issue is the least understood and most misrepresented by non-Muslims and some Muslims as well. This article is intended to provide a brief and authentic exposition of what Islam stands for in this regard.



Women in Ancient Civilizations

In order to truly understand the status women have been given through Islam, one must compare it with other systems of law that exist today and that existed in the past.

(1) **The Indian System:** It is stated in the *Encyclopedia Britannica*, 1911: "In India, subjection was a cardinal principle. Day and night must women be held by their protectors in a state of dependence says Manu. The rule of inheritance was agnatic, that is descent traced through males to the exclusion of females." In Hindu scriptures, the description of a good wife is as follows: "a woman whose mind, speech and body are kept in subjection, acquires high renown in this world, and, in the next, the same abode with her husband." (Mace, *Marriage East and West*).

(2) **The Greek System:** In Athens, women were not better off than either the Indian or the Roman women: "Athenian women were always minors, subject to some male - to their father, to their brother, or to some of their male kin." (Allen, E. A., *History of Civilization*). Her consent in marriage was not generally thought to be necessary and "she was obliged to submit to the wishes of her parents, and receive from them her husband and her lord, even though he were stranger to her." (Previous Source)

(3) **The Roman System:** A Roman wife was described by a historian as: "a babe, a minor, a ward, a person incapable of doing or acting anything according to her own individual taste, a person continually under the tutelage and guardianship of her husband." (Previous Source). In

The Encyclopedia Britannica, 1911, we find a summary of the legal status of women in the Roman civilization: "In Roman Law a woman was even in historic times completely dependent. If married she and her property passed into the power of her husband . . . the wife was the purchased property of her husband, and like a slave acquired only for his benefit. A woman could not exercise any civil or public office . . . could not be a witness, surety, tutor, or curator; she could not adopt or be adopted, or make will or contract."

(4) **The Scandinavian System:** Among the Scandinavian races women were: "under perpetual tutelage, whether married or unmarried. As late as the Code of Christian V, at the end of the 17th Century, it was enacted that if a woman married without the consent of her tutor he might have, if he wished, administration and usufruct of her goods during her life." (*The Encyclopedia Britannica*, 1911).

(5) **The British System:** In Britain, the right of married women to own property was not recognized until the late 19th Century, "By a series of acts starting with the Married Women's Property Act in 1870, amended in 1882 and 1887, married women achieved the right to own property and to enter into contracts on a par with spinsters, widows, and divorcees." (*Encyclopedia Britannica*, 1968). In France, it was not until 1938 that the French Law was amended so as to recognize the eligibility of women to contract. A married woman, however, was still required to secure her husband's permission before she could dispense with her private property.

(6) **In the Mosaic (Jewish) Law:** The wife was betrothed. Explaining this concept, the *Encyclopedia Biblica*, 1902, states: "To betroth a wife to oneself meant simply to acquire possession of her by payment of the purchase money; the betrothed is a girl for whom the purchase money has been paid." From the legal point of view, the consent of the girl was not necessary for the validation of her marriage. "The girl's consent is unnecessary and the need for it is nowhere suggested in the Law." (Previous Source). As to the right of divorce, we read in the *Encyclopedia Biblica*: "The woman being man's property, his right to divorce her follows as a matter of course." The right to divorce was held only by man, *The Encyclopedia Britannica*, 1911, states: "In the Mosaic Law divorce was a privilege of the husband only..."

(7) **The Christian Church:** the position of the Christian Church until recent centuries seems to have been influenced by both the Mosaic Law and by the streams of thought that were dominant in its contemporary cultures. In their book, *Marriage East and West*, David and Vera Mace wrote: "Let no one suppose, either, that our Christian heritage is free of such slighting judgments. It would be hard to find anywhere a collection of more degrading references to the female sex than the early Church Fathers provide. Lecky, the famous historian, speaks of 'these fierce incentives which form so conspicuous and so grotesque a portion of the writing of the Fathers . . . woman was represented as the door of hell, as the mother of all human ills. She should be ashamed at the very thought that she is a woman. She should live in continual penance on account of the curses she has brought upon the world. She should be ashamed of her dress, for it is the memorial of her fall. She should be especially ashamed of her beauty, for it is the most potent instrument of the devil.' One of the most scathing of these attacks on woman is that of Tertullian: 'Do you know that you are each an Eve? The sentence of God on this sex of yours lives in this age; the guilt must of necessity live too. You are the devil's gateway; you are the unsealer of that forbidden tree; you are the first deserters of the divine law; you are she who persuades him whom the devil was not valiant enough to attack.' Not only did the church affirm the inferior

status of woman, it deprived her of legal rights she had previously enjoyed."

Foundations of Spiritual and Human Equity in Islam

In the midst of the darkness that engulfed the world, the divine revelation echoed in the wide desert of Arabia in the seventh Century with a fresh, noble, and universal message to humanity, described below.

(1) According to the Holy Quran, men and women have the same human spiritual nature:

"O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women..." (Quran 4:1, see also 7:189, 42:11, 16:72, 32:9, and 15:29)

(2) God has invested both genders with inherent dignity and has made men and women, collectively the trustees of God on earth (see the Quran 17:70 and 2:30).

(3) The Quran does not blame woman for the "fall of man," nor does it view pregnancy and childbirth as punishments for "eating from the forbidden tree." On the contrary, the Quran depicts Adam and Eve as equally responsible for their sin in the Garden, never singling out Eve for blame. Both repented, and both were forgiven (see the Quran 2:36-37 and 7:19-27). In fact, in one verse (Quran 20:121) Adam specifically was blamed. The Quran also esteems pregnancy and childbirth as sufficient reasons for the love and respect due to mothers from their children (Quran 31:14 and 46:15).

(4) Men and women have the same religious and moral duties and responsibilities. Each human being shall face the consequences of his or her deeds:

"And their Lord responded to them (saying): Never will I allow to be lost the work of (any) worker among you, whether male or female; you are of one another..." (Quran 3:195, see also 74:38, 16:97, 4:124, 33:35, and 57:12)

(5) The Quran is quite clear about the issue of the claimed superiority or inferiority of any human, male or female. The sole basis for superiority of any person over another is piety and righteousness not gender, color, or nationality (see the Quran 49:13).

The Economic Aspect of Women in Islam

(1) The Right to Possess Personal Property: Islam decreed a right of which woman was deprived both before Islam and after it (even as late as this century), the right of independent ownership. The Islamic Law recognizes the full property rights of women before and after marriage. They may buy, sell, or lease any or all of their properties at will. For this reason, Muslim women may keep (and in fact they have traditionally kept) their maiden names after marriage, an indication of their independent property rights as legal entities.

(2) Financial Security and Inheritance Laws: Financial security is assured for women. They are

entitled to receive marital gifts without limit and to keep present and future properties and income for their own security, even after marriage. No married woman is required to spend any amount at all from her property and income on the household. The woman is entitled also to full financial support during marriage and during the "waiting period" (iddah) in case of divorce or widowhood. Some jurists require, in addition, one year's support for divorce and widowhood (or until they remarry, if remarriage takes place before the year is over). A woman who bears a child in marriage is entitled to child support from the child's father. Generally, a Muslim woman is guaranteed support in all stages of her life, as a daughter, wife, mother, or sister. The financial advantages accorded to women and not to men in marriage and in family have a social counterpart in the provisions that the Quran lays down in the laws of inheritance, which afford the male, in most cases, twice the inheritance of a female. Males do not always inherit more; at times a woman inherits more than a man. In instances where the men inherit more they ultimately are financially responsible for their female relatives: their wives, daughters, mothers, and sisters. Females inherit less but retain their share for investment and financial security, without any legal obligation to spend any part of it, even for their own sustenance (food, clothing, housing, medication, etc). It should be noted that before Islam, women themselves were sometimes objects of inheritance (see the Quran 4:19). In some western countries, even after the advent of Islam, the whole estate of the deceased was given to his/her eldest son. The Quran, however, made it clear that both men and women are entitled to a specified share of the estate of their deceased parents or close relatives. God has said:

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much, an obligatory share." (Quran 4:7)

(3) Employment: With regard to the woman's right to seek employment, it should be stated first that Islam regards her role in society as a mother and a wife as her most sacred and essential one. Neither maids nor baby sitters can possibly take the mother's place as the educator of an upright, complex-free, and carefully-reared child. Such a noble and vital role, which largely shapes the future of nations, cannot be regarded as idleness. However, there is no decree in Islam that forbids women from seeking employment whenever there is a necessity for it, especially in positions which fit her nature best and in which society needs her most. Examples of these professions are nursing, teaching (especially children), medicine, and social and charitable work.

Comment

Women in Islam (part 2 of 2)

Description: The social, legal and political aspect of women in Islam.

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The Social Aspect of Women in Islam

A) As a Daughter:

(1) The Quran ended the cruel practice of female infanticide, which was before Islam. God has said:

"And when the girl (who was) buried alive is asked, for what sin she was killed." (Quran 81:8-9)

(2) The Quran went further to rebuke the unwelcoming attitude of some parents upon hearing the news of the birth of a baby girl, instead of a baby boy. God has said:

"And when one of them is informed of (the birth of) a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Certainly, evil is what they decide." (Quran 16:58-59)

(3) Parents are duty-bound to support and show kindness and justice to their daughters. The Prophet Muhammad, may the mercy and blessings of God be upon him, said: **"Whoever supports two daughters until they mature, he and I will come on the Day of Judgment as this (and he pointed with his fingers held together)."**

(4) A crucial aspect in the upbringing of daughters that greatly influences their future is education. Education is not only a right but a responsibility for all males and females. The Prophet Muhammad said: **"Seeking knowledge is mandatory for every Muslim."** The word "Muslim" here is inclusive of both males and females.

(5) Islam neither requires nor encourages female circumcision. And while it is maybe practiced by some Muslims in certain parts of Africa, it is also practiced by other peoples, including Christians, in those places, a reflection merely of the local customs and practices there.

B) As a Wife:

(1) Marriage in Islam is based on mutual peace, love, and compassion, and not just the mere satisfying of human sexual desire. Among the most impressive verses in the Quran about marriage is the following:

"And of His signs is: that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought." (Quran 30:21, see also 42:11 and 2:228)

(2) The female has the right to accept or reject marriage proposals. According to the Islamic Law, women cannot be forced to marry anyone without their consent.

(3) The husband is responsible for the maintenance, protection, and overall leadership of the family, within the framework of consultation (see the Quran 2:233) and kindness (see the Quran 4:19). The mutuality and complementary nature of the role of husband and wife does not mean subservience by either party to the other. The Prophet Muhammad instructed Muslims regarding women: **"I commend you to be good to women."** And **"The best among you are those who are best to their wives."** The Quran urges husbands to be kind and considerate to their wives, even if a wife falls out of favor with her husband or disinclination for her arises within him:

"...And live with them in kindness. For if you dislike them, perhaps you dislike a thing and God makes therein much good." (Quran 4:19)

It also outlawed the Arabian practice before Islam whereby the stepson of the deceased father was allowed to take possession of his father's widow(s) (inherit them) as if they were part of the estate of the deceased (see the Quran 4:19).

(4) Should marital disputes arise, the Quran encourages couples to resolve them privately in a spirit of fairness and goodness. Indeed, the Quran outlines an enlightened step and wise approach for the husband and wife to resolve persistent conflict in their marital life. In the event that dispute cannot be resolved equitably between husband and wife, the Quran prescribes mediation between the parties through family intervention on behalf of both spouses (see the Quran 4:35).

(5) Divorce is a last resort, permissible but not encouraged, for the Quran esteems the preservation of faith and the individual's right -male and female alike- to felicity. Forms of marriage dissolution include an enactment based upon mutual agreement, the husband's initiative, the wife's initiative (if part of her marital contract), the court's decision on a wife's initiative (for a legitimate reason), and the wife's initiative without a cause, provided that she returns her marital gift to her husband. When the continuation of the marriage relationship is impossible for any reason, men are still taught to seek a gracious end for it. The Quran states about such cases:

"And when you divorce women and they have fulfilled their term (i.e. waiting period), either keep them in kindness or release them in kindness, and do not keep them, intending harm, to transgress (against them)." (Quran 2:231, see also 2:229 and 33:49)

(6) Associating polygyny with Islam, as if it was introduced by it or is the norm according to its teachings, is one of the most persistent myths perpetuated in Western literature and media. Polygyny existed in almost all nations and was even sanctioned by Judaism and Christianity until recent centuries. Islam did not outlaw polygyny, as did many peoples and religious communities; rather, it regulated and restricted it. It is not required but simply permitted with conditions (see the Quran 4:3). Spirit of law, including timing of revelation, is to deal with individual and collective contingencies that may arise from time to time (e.g. imbalances between the number of males and females created by wars) and to provide a moral, practical, and humane solution for the problems of widows and orphans.

C) As a Mother:

(1) The Quran elevates kindness to parents (especially mothers) to a status second to the

worship of God:

"Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one of them or both of them reach old age with you, do not say to them a word of disrespect, or scold them, but say a generous word to them. And act humbly to them in mercy, and say, 'My Lord, have mercy on them, since they cared for me when I was small.'" (Quran 17:23-24, see also 31:14, 46:15, and 29:8)

(2) Naturally, the Prophet Muhammad specified this behavior for his followers, rendering to mothers an unequalled status in human relationships. A man came to the Prophet Muhammad and said, "O Messenger of God! Who among the people is the most worthy of my good companionship?" The Prophet said: **"Your mother."** The man said, "Then who?" The Prophet said: **"Then your mother."** The man further asked, "Then who?" The Prophet said: **"Then your mother."** The man asked again, "Then who?" The Prophet said: **"Then your father."**

D) As a Sister in Faith (In General):

(1) According to the Prophet Muhammad's sayings: **"women are but shaqa'iq (twin halves or sisters) of men."** This saying is a profound statement that directly relates to the issue of human equality between the genders. If the first meaning of the Arabic word shaqa'iq, "twin halves," is adopted, it means that the male is worth one half (of society), while the female is worth the other half. If the second meaning, "sisters," is adopted, it implies the same.

(2) The Prophet Muhammad taught kindness, care, and respect toward women in general: **"I commend you to be good to women."** It is significant that such instruction of the Prophet was among his final instructions and reminders in the farewell pilgrimage address given shortly before his passing away.

(3) Modesty and social interaction: The parameters of proper modesty for males and females (dress and behavior) are based on revelatory sources (the Quran and prophetic sayings) and, as such, are regarded by believing men and women as divinely-based guidelines with legitimate aims and divine wisdom behind them. They are not male-imposed or socially imposed restrictions. It is interesting to know that even the Bible encourages women to cover their head: "If a woman does not cover her head, she should have her hair cut off; and if it is a disgrace for a woman to have her hair cut or shaved off, she should cover her head." (1 Corinthians 11:6).

The Legal and Political Aspect of Women in Islam

(1) Equality before the Law: Both genders are entitled to equality before the Law and courts of Law. Justice is genderless (see the Quran 5:38, 24:2, and 5:45). Women do possess an independent legal entity in financial and other matters.

(2) Participation in Social and Political Life: The general rule in social and political life is participation and collaboration of males and females in public affairs (see the Quran 9:71). There is sufficient historical evidence of participation by Muslim women in the choice of rulers, in public issues, in Law making, in administrative positions, in scholarship and teaching, and even

in the battlefield. Such involvement in social and political affairs was conducted without the participants' losing sight of the complementary priorities of both genders and without violating Islamic guidelines of modesty and virtue.

Conclusion

The status which non-Muslim women reached during the present era was not achieved due to the kindness of men or due to natural progress. It was rather achieved through a long struggle and sacrifice on woman's part and only when society needed her contribution and work, more especially during the two world wars, and due to the escalation of technological change. While in Islam such compassionate and dignified status was decreed, not because it reflects the environment of the seventh century, nor under the threat or pressure of women and their organizations, but rather because of its intrinsic truthfulness.

If this indicates anything, it would demonstrate the Divine origin of the Quran and the truthfulness of the message of Islam, which, unlike human philosophies and ideologies, was far from proceeding from its human environment; a message which established such humane principles that neither grew obsolete during the course of time, nor can become obsolete in the future. After all, this is the message of the All-Wise and All-Knowing God whose wisdom and knowledge are far beyond the ultimate in human thought and progress.

Comment

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