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Women's Rights in the Qur'an, Sunnah and Heritage of Islam

Nadzrah Ahmad*, Mohd. Haeqal Ishak**, & Mohammed Farid Ali al-Fijawi***

Abstract

Rights are means to spiritual, moral and intellectual wellbeing (*insan sejahtera*) of individuals be it men or women. Depriving one from the rights will lead to otherwise. Women are deprived from certain rights both by religious and non-religious members of a society. Family which was supposed to be the catalyst to secure and encourage the rights for women, became the biggest obstacle in fortifying the rights for the women. This deprivation is often seen as a religiously sound action. To clarify this misconception, this paper briefly presents a number of rights for women which has its roots in Quran, Sunnah and Islamic Heritage. Using literature study and content analysis, relevant verses of the Qur'an, hadith, and practices from the Islamic heritage is surveyed and analysed. The analysis show that Islam has always paid attention to education rights, special spousal rights, right to motherhood, right to possess own property, right to participate in economy and right to hold position in public office.

Keywords: Rights of women, education rights, rights of spouse, rights to ownership, possession rights, public office, family institution.

Introduction

It takes two to tango. Without women, there is no family institution (FI). Both men and women have their designated roles to play in order to maintain this institution. Civilizational excellence is achieved through excellent institutions. Family institution is not only one of the institutions of civilization, but a human resource that produces balanced individuals (*insan sejahtera*) who contribute to rise of civilization. Poor family institution due to its weak pillars—the spouses—will produce

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morally, intellectually and spiritually weak individuals who will eventually lead to fall of civilization. Islam has provided holistic mechanism to maintain the wellbeing of humans both on individual and social levels. This brief paper discloses a number of rights of women, Islam provides for women both as an individual and as pillar of family institution. These rights if secured will enhance the spiritual, moral and intellectual qualities of women. However because of influence of social cultural thoughts that are not in harmony with Islamic worldview, these rights succumb to gender biasness and other unjust thoughts. It is very saddening to see not only non-religious but religious people depriving women of their rights. They justify this deprivation with misinterpretation of primary religious texts and with giving preference to ancestral cultural practices over the Islamic imbued cultures. In order to clarify such misconceptions, this paper provides Qur'an, hadith, and the heritage of Islam as arguments to establish the rights for women. Rights in relation to education, spousal, motherhood, economy and position in public office are presented here accordingly.

Rights for Education

The first revelation of Quran which started with the verse: "Read! In the Name of your Lord, Who has created (all that exists)" proves how Islam valued knowledge and education.¹ Student of knowledge are given special position in Islam, as seeking knowledge is equal as fighting on the path of Allah (swt).² There are many Quranic verses and Prophet's saying that speak on the advantage of the students of knowledge as well as advocating the rights for all Muslim, regardless of men and women, to look and seek knowledge.

Education is important in life thus the Quran always encourage Muslims to read and contemplate on the creations of Allah (swt), using their mind to understand the nature and manage it competently. Prophet Muhammad (pbuh) also announced on the obligation to seek knowledge for all Muslims in his saying "Seeking knowledge is mandatory for every believer."³ Hence, seeking knowledge is a responsibility for every men and woman that will help to improve their worldview, skills, intellect and later benefit their own self and community.

¹ Al-Qur'an 96:1.

² Sunan At-Tirmidhi 2647.

³ Sunan Ibn Majah, 224.

In the time of Prophet Muhammad (pbuh), men and women both came and learnt religion from him. The women of Ansar were praised by the Prophet (pbuh) due to their courage and effort in learning: "How splendid were the women of the Ansar; shame did not prevent them from becoming learned in the faith."⁴ It was reported that after the time of the Prophet, there were many female scholars of Islam.⁵ Moreover, the wives of the Prophet were known to teach and impart knowledge to the companions of the Prophet and his followers. For example, Aisha (ra), who is among the highest reporter and contributor of Prophetic traditions (*aḥ-ādīth*). She taught many companions Islamic jurisprudence and familial law.⁶ It has to be noted that Islam did not restrict women to learn specific kind of knowledge, nevertheless Islam did emphasize the importance of the knowledge of motherhood to complement their social roles.

Contrary to widespread believe that Islam restricted women within the walls of the home, women in the Islamic Golden age were actually having similar or better opportunity in education than women in contemporary era. It was common for women at that time to be present in casual intellectual discourse and having public discussion in mosques and *mad-rasas*. Many historians such as Ibn al-Tuwayr and al-Muṣabbiḥī recorded the participation of women in Fatimid Caliphate's "sessions of wisdom" (*majālis al-ḥikmah*).⁷ It is noteworthy to mention that the oldest university in the world, the University of al-Qarawiyyin or al-Karaouine, was also founded by Muslim woman, Fatima al-Fihri in 859 CE.⁸ Muslim women at that time were free to learn, obtain degrees, becoming Islamic educators and establish educational institution. Al-Sakhawi recorded at least 1,000 biographies of female religious scholars between 700 and 1800 CE in his twelve volumes book, *Ḍaw' al-Lāmi'*.⁹ Similarly, Mohammad Akram Nadwi, the Dean of Cambridge Islamic College, also managed to finish his 40 volumes of long biographical dictionary of

⁴ James E. Lindsay, *Daily Life in the Medieval Islamic World* (Greenwood Publishing Group, 2005).

⁵ Muhammad Zubayr Siddiqi, *Hadith Literature: Its Origin, Development and Special Features* (Cambridge: The Islamic Texts Society, 1993), 18–21.

⁶ Asma Sayeed, *Women and the Transmission of Religious Knowledge in Islam* (Cambridge University Press, 2013), 27–29.

⁷ Shafique N. Virani, *The Ismailis in the Middle Ages: A History of Survival, A Search for Salvation* (New York: Oxford University Press, 2007), 159.

⁸ Lindsay, *Daily Life in the Medieval Islamic World*.

⁹ Guity Nashat; and Beck Lois, *Women in Iran from the Rise of Islam to 1800* (University of Illinois Press, 2003), 69.

women scholars of the Prophet's *ḥadīth*.¹⁰ His compilation proved that contrary to general belief, Muslim women actually were given the rights to seek knowledge, as female scholars play important roles in the advancement of the knowledge and education in Islamic civilization.

Rights as a Mother and Wife

Islam considers men and women to be co-partner in family, working together to establish peace and love in the family. Women are given the responsibilities as mother to the children and wife to the husband, and are entitled with many rights and are given significant position in the familial institution. Her position in the family plays a major role for the wellbeing and the sustenance of the *ummah* in the future.¹¹

As a mother, she becomes the co-captain of the family ship, teacher for the children and responsible for their education and upbringing. Likewise, she was given fairly high position in Islam, higher than the position of a father as mentioned in a *ḥadīth*:

A man came to the Prophet 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.¹²

The children are obliged to treat her with kindness, to care and pray for her wellness as the blessing of Almighty Allah (swt) is stipulated with the satisfaction of the parents. The Quran states:

*And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them [so much as], "uff," and do not repel them but speak to them a noble word.*¹³

¹⁰ Mohammad Akram Nadwi, *Al-Muhaddithat: The Women Scholars in Islam* (Oxford: Interface Publications, 2007).

¹¹ Bediuzzaman Said Nursi, "A Conversation with the Women, My Believing Sisters of the Hereafter," in *A Guide for Women* (Risale Press, 2012), 2, <https://play.google.com/books/reader?printsec=frontcover&output=reader&id=YZ7EAgAAQBAJ&pg=GBS.PT2>.

¹² Ṣaḥīḥ Bukhāri 5971 and Ṣaḥīḥ Muslim 7/2.

¹³ Al-Qur'ān 17:23.

It is an obligation for the children to follow the order of the parents as long as it is not oppose the Quran and the Sunnah, to treat them with kindness and mercy. It is among the great sin to disobey our parents in Islam. They are entitled with the prayer of the children even after they passed away. A *ḥadīth* mentions that the paradise is beneath the mother's feet.¹⁴

In another dimension, as a wife, she is entitled with the marriage *mahr* (bridal money) from her husband when the marriage is concluded or consummated. This *mahr*/dowry will be her possession alone. The Quran mentions:

*“And give to the women (whom you marry) their Mahr (obligatory bridal-money given by the husband to his wife at the time of marriage) with a good heart”.*¹⁵

The *mahr* thus is a requirement for the husband to pay to his wife. The authorization of the *mahr* proves the significance and the high-priority of the marriage-covenant, and demonstrates the respect and honour Islam provides to women.

It is also obliged upon the husband to provide his wife with the necessities; food, clothes, and accommodation.¹⁶ He should not marry if he is incapable of providing these three basic things to his wife, as this will be considered oppression. The Prophet (pbuh) said:

Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have rights over them, and that they should not allow anyone to sit on your bed [i.e., not let them into the house] whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner.¹⁷

A husband should provide these three things according to his means and ability, while his wife is entitled by this right even if she is richer than him. It is forbidden for the husband to disturb or take the

¹⁴ Sunan Ibn Majah, *ḥadīth* no. 2771.

¹⁵ Al-Qur'ān 4:4.

¹⁶ Yūsuf al-Qaradāwī, *The Status of Women in Islam*, trans. Muhammad Mustafa Geme'ah (The Online Books Page, 1998), 35.

¹⁷ Ṣaḥīḥ Muslim 1218.

earning and the properties of the wife without her consent, while she has the all rights to disagree to spend even one penny from her own money, even if it is for the household. The Quran states: "...upon the father is the mothers' provision and their clothing according to what is acceptable..."¹⁸ Nevertheless, as an institution that are based on love and compassion, husband and wife should always cooperate and tolerate each other's weaknesses for happiness and wellbeing.

In a polygamous marriage, wives are entitled fair treatment from the husband. They must be treated equally in terms of the night spent, clothing and spending.¹⁹ Women could initiate divorce (*fasakh* and *khuluq*) with the approval from the judge, if she is proven to be maltreated by his husband. Divorced women are entitled with the spending bestowment from her husband while she is in the waiting period (*'iddah*).

Islam is against despotism thus encouraged husband and wife to consult each other for any problems they face in the family. As Muslim, they should follow the Prophetic traditions in handling the household. Husband must treat his wife with kindness and present good attitude towards her as Prophet (pbuh) mentions: "the best of you are those who are the best to their wives, and I am the best of you to my wives".²⁰ Conversely, women should treat her husband with respect and obedience. She has to be loyal and present her adornment only to him. Consequently, this will build trust between the husband and wife thus realizing the tranquility (*sakinah*), mutual love (*mawaddah*) and mercy (*rahmah*) in the family.²¹

Rights to Participate in Economy

Muslim women are allowed to work and own full authority on the money they earn. Muslim scholars consider the story of the two sisters in the Quran (28:23) as the clear indication that women generally are allowed to work.²² Moreover, Khadijah (ra), the first wife of Muhammad

¹⁸ Al-Qur'ān 2:233.

¹⁹ Khairuddin Haiyon, "Bicara Poligami Siri 2," *Jabatan Agama Islam Selangor (JAIS)*, 2017, <http://www.jais.gov.my/article/bicara-poligami-siri-2>.

²⁰ Sunan Ibnu Majah, Vol. 3, Book 9, *ḥadīth* 1977.

²¹ Al-Qurān 30:21.

²² Yusuf al-Qaradawi, "The Woman as Member of the Society: When Is a Woman Allowed to Work?," in *The Status Of Women In Islam*, trans. Mohammed Gemeah (Century Association, 2016), http://www.centuryassociation.org/download/marriage_2016/books/The_Status_of_Women_in_Islam_by_Yusuf_al_Qaradawi.pdf.

(pbuh) was also a successful businesswoman. She used her wealth for the cause of Allah (swt) and utilized it all for the survival of Islam in the early days.

Nevertheless, married women, according to majority of the traditional scholars had to receive her husband's permission first in leaving for work. Some scholars such as Grand Mufti 'Alī Juma'ah and Grand Ayatollah Mohammad Ebrahim Jannaati disagree on this aspect and contend that women do not require her husband's permission to leave for work.²³²⁴ Nonetheless, the financial responsibility in the family falls on the shoulder of the husband thus normally there is no need for the wife to work. But, she still could help to elevate the economy of her family with the consideration from her husband.

In general Islam does not stop the participation of women in the economy, as long as the Islamic guidelines are followed. They should preserve their modesty and does not participate in any illegal and forbidden jobs such as job related to making, serving or selling alcohols. It is important to mention that handling the family should be their first priority and by working, it should not make them neglect their duty as wife and mother. It is the responsibility of the Muslim authorities to present suitable environment for Muslim women to work which complies with the dictates of the *Shari'ah*.

Rights to Participate in Public Office

Public office according to online Oxford dictionary defines as "A position of authority or service involving responsibility to the public, especially within the government."²⁵ From the definition, we could understand that working in public office are the jobs related to judiciary, parliamentary and administrating the nation. When it comes to affair concerning the people, Islam reflected on the public interest as priorities over personal individual benefits. The position of authority will be given to those with qualification regardless of gender or race. This condition for the qualification was derived from the understanding of the Quranic verse as follows: "One of the women said, "O my father, hire him. In-

²³ "Does the Woman Have the Right to Work?," *Dar Al-Ifta Al-Missriyyah*, accessed October 20, 2017, <http://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=6810>.

²⁴ Aozma Jannaati, "Selected Rulings," accessed October 20, 2017, <http://www.jannaati.com/eng/?page=6>.

²⁵ "Public Office," *Oxford Online Dictionary*, accessed October 20, 2017, https://en.oxforddictionaries.com/definition/public_office.

deed, the best one you can hire is the strong and the trustworthy.”²⁶ Nonetheless, there are some positions allocated only for men such as prayer leader and the supreme commanders of the armed force.²⁷

Some scholars such as Ibn Kathīr, al-Baydāwī and al-Qurtubī disagree on women to take any position in authority.²⁸ They take the general meaning of a *ḥadīth* which reported by Abu Bakrah:

Allah provided me with considerable benefit during the battle of the camel with one word (or one statement). When news reached the Prophet (peace be upon him) that the Persians had appointed Chosroe's daughter as their ruler, he said: “A nation which placed its affairs in the hands of a woman shall never prosper!”²⁹

Nevertheless, there are no actual consensus among the past and the present scholars on this issue. Al-Ṭabarī and Mālik bin Anas for example, as mentioned by Ibn Ḥajar in *Fatḥḥ Bārī*, allowed women to take the position in leadership. He mentioned:

Ibn Jarīr al-Ṭabarī disagreed with those who did not allow women to be judges and he said it is permissible for her to judge in matters in which her testimony is acceptable and some of the Maliki scholars gave them unrestricted permission to do so.³⁰

Those who supported, believe that the *ḥadīth* have special meaning and should be understood through contextual understanding. They believe that the *ḥadīth* is limited only to the commanding of the armed forces or foretold the collapse of the Persian Empire.³¹ Similarly, Umar ibn al-Khattab, the second Caliph after Prophet Muhammad (pbuh) did

²⁶ Al-Qur'ān 28:26.

²⁷ Murtada Gusau, “Islamic Rulings Pertaining To Women Taking Positions of Leadership and Authority,” *Premium Times*, November 20, 2015, <https://opinion.premiumtimesng.com/2015/11/20/islamic-rulings-pertaining-to-women-taking-positions-of-leadership-and-authority-by-murtada-gusau/>.

²⁸ Muhammad Karolia, “Female Leadership in Islam,” *Madrasah Arabia Islamiah* (Azaadville), accessed October 20, 2017, http://www.beautifulislam.net/women/female_leadership_islam.htm.

²⁹ Al-Bukhārī, *Al-Jamī' al-Ṣaḥīḥ*, *ḥadīth* no. 4425.

³⁰ Ibn Ḥajar al-'Asqalānī, *Fatḥḥ al-Bārī fī Sharḥ̣ Ṣaḥīḥ̣ al-Bukhārī*, vol. 13 (Beirut: Dar al-Makrifah, 1959), 13/56.

³¹ Wael Shehab, “Can Women Be Rulers in Islam?,” *About Islam*, March 8, 2017, <http://aboutislam.net/counseling/ask-about-islam/can-women-be-rulers-in-islam/>.

appoint Samra Bint Nuhayk al-Asadiyya as overseer of the market in Mecca and Ash-Shifa bint Abdullah as an administrator in Medina.³² Ash-Shifa later became the head of Health and Safety in Basra, Iraq. Aisha RA, the wife of the Prophet, one of the leading scholars of prophetic traditions was considered as an authority by the companions of the Prophet. The *fatwa* from Dar al-Ifta al-Misriyyah, an Islamic body that counsels the Egypt's ministry of justice, had announced that it is permissible for women to become rulers and judges in an Islamic state.³³ Thus, it is permissible for them to take position in public office.

Conclusion

The rights for women this paper briefly presented is supposed to be secured through family institution. Unfortunately family members due to non-Islamic cultural influences becomes the very obstacle to provide these rights to women. This paper is work in progress. The existing rights discussed in this paper has to be further explored in the light of Quran, Sunnah and Islamic heritage. Other rights of women have to be added to with the similar approach. Questions such as how these rights contribute to the betterment of the family institution and how family institution can become a catalyst to secure these rights for women are to be answered in the fully developed version of this brief paper.

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³² Ahmad ibn Hajar al-Asqalani. *Al-Isaba fi Tamyiz al-Sahaba* vol. 7 #11373.

³³ “Social Issues,” *Dar Al-Ifta Al-Misriyyah*, February 15, 2015, <http://eng.dar-alifta.org/foreign/f.aspx?ID=882435>.

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