

# Women rights under islam with a particular focus on sharia law

[Sociology](#), [Women](#)



It was around 610 AD the history of Islam began. Since then, no other religion has been under so much censure than Islam. The most prevalent image of Islam is of fanaticism, brutality, hatred and disorder. Stemming partly from a lack of information and partly from bad press, this is the most dangerously misunderstood religion in the world, especially after the 9/11 mayhem caused by some terrorists on the World Trade Towers. One of the many hackneyed images about Islam also consists of the status of women in Islam.

Many fallacies surround the image of a Muslim woman in Islam, and one of them being their true rights under Islamic laws, regarding their status in society, their clothes, their demeanour and their duties as wife and a daughter. Women and Sharia are inseparable in many ways that they are widely discussed, speculated and face plenty of misinterpretation. The chronicles of the Prophet Mohammed's lifetime show, that Muslim women were not the orthodox, subjugated, downtrodden species subject to oppression.

In fact there are many rights under the ' Sharia' (Muslim Law) that women enjoyed, until they were distorted out of proportions by many self proclaimed keepers of law, like the local Mullahs. Quran, the holy book of Islam says in words of transparent clarity: " As for women are rights over men, similar to those of men over women. " (2: 226) Islam is just a 1400 years old religion and has a history of fastest spreading religion in the world and has many laws that are in fact in favor of Muslim women provided the doctrines are adhered to with honesty and transparency.

The world has seen many stages of civilization where from the oppressive society of medieval period where hearsay and excommunication of women committing any crime was common. The American book 'The Scarlet Letter' by Nathaniel Hawthorne has the issue of legalism, guilt and sin committed by a woman in 17th century. The female protagonist had to wear a badge of shame, the letter 'A' on her bosom to show the world that she is an adulteress. "Mother," said little Pearl. "The sunshine does not love you. It runs away and hides itself, because it is afraid of something on your bosom yet." (Hawthorne, ch. 15)

This quote denotes that Pearl, Hester's daughter is aware that sunshine is literally and figuratively absent in her mother's life. It is mediation on the significance of the scarlet letter and to explain the audience that sin and human nature is interconnected. This example is given to prove the point that there women were treated badly during those period in Western society, and what the Western women enjoy as their rights in 20th century Islamic laws offered them 1400years ago. True that adultery is considered an unforgivable crime in Islam, but there is no differentiation between men and women when it comes to punishment.

They both are ordered to be stoned to death, if they are caught committing adultery. The Quranic law of Islam demonstrated its respect for the sanctity of human life and the well being of the child and women. It is strictly forbidden in Islam to raise hands on women and children. It was part of Islam's war against the Barbaric custom of infanticide among some Arabic tribes in the Pre-Islam days. Even if the child was born out of wedlock, it was

entitled to the care of his mother and society's protection because of the ruling that a child is born innocent, having committed no sin or crime.

When a mother with a suckling baby, on being stricken by her conscience came to the Prophet and confessing her sin asked for punishment, to ease her tormenting soul, she was instructed to wait for few years, feed and take care of her child until her child was grown up; and then seek punishment. In another book , ' Reading Lolita In Tehran' by an iranian author, Azar Nafisi, the account of her memoir flashes back to the early days of revolution, when she had started teaching in a University amongst a cocophany of protests and anger.

She was dismissed from the Tehran University for refusing to wear Hijab - the veil . the book discusses the politics of Iran and Iranian people in general. She describe show her freedom was restricted and why she left Teharn University in 1981, when she refused to wear veil in the class room. She was told that she wore veil when going out to grocery store and while walking down the street. What is the hassle in wearing it inside the class? In her own words: " It seemed I constantly had to remind people that the university was not a grocery store. "

Though she later made a compromise and came back to the university to resume teaching; this book deals mainly with the issue of veiling in the Iranian society. Just as many other fallacies surrounding this faith, one that stands out most is the idea of women's inferiority in Islam, and the proof used to support this notion is the veil, called purdah, or hijab that most Muslim women wear. The hijab is often seen as a sign of suppression by

others. The law regarding the veiling of the Muslim women is a rather complex issue and not easily comprehensible due to its many versions told and foretold by different cultures.

There is only one verse in Quran that refers to the veil, stating that The Prophet's wife must be in Hijab when strange male come calling to house. Since it says, " The Prophet's wife", many modernists claim that this does not apply to women in general. However Islamic law forbids a woman to dress provocatively. There are those who stand out. The African Immigrants wear their turban like scarf. Thousands of progressive, educated Muslim women in America wear Hijab. The Asian Americans stand out due to flowing scarves.

The cultural differences amongst the same faith followers are more prominent here. American Muslim women enjoy the most freedom and are able to exercise their true Islamic doctrines than in any other country. They face the daunting challenges of Islamic orthodoxy, but they have adapted the America ' can-do, you-go girl' type of attitude. They are busy creating a vibrant Islam, trying to turn an age-old faith into a new high tech age. There are about three million Muslim women in the United States. There can be more, but no one can be sure, as the U. S. census does not ask people their religion.

However, there are many downtrodden Muslim women from Saudi Arabia, Afghanistan, India, Bangladesh, and Iran, and even in Europe, who are not able to enjoy their Islamic rights and assert themselves. In most of the above-mentioned countries they have to shroud themselves into yards of tent like ' chador'. Arranged marriages and domestic abuse are what most of

them face there. Both the doctrines are ' un-Islamic' as Islam gives ample freedom of choice of a life partner to a woman. Despite the message some of the self appointed leaders of Islam are driving home, many Muslim women in America are seeing religion as a liberating force.

After the September 11 terrorist attack, many Muslim women wearing hijab had to face severe harassment. One woman was going up an elevator wearing a Hijab, when someone commented loudly " My God, she's got a bomb". (The Face Behind The Veil, Donna White) The three million Muslim women in the United States are not the archetypal oppressed women confined to home and hearth. They are highly educated professionals, lawyers, University teachers, software developers and Doctors, who have chosen to wear the veil out of their own free will.

These women do face persecution and daily harassment due to their wearing of veil. These Muslim women or Muslimah, as they are called in America, are those defiant women who are forever contesting the prototype image of their breed, and are enforcing the fact that Quran in fact promotes personal freedom and education for women, and emphasizes the importance of being economically secure. They reveal that for the American Muslim women, hijab is a power statement and symbol of modesty; and not of subjugation.

There are women who were harassed with foul language and threats and still stuck to their guns, in this case: hijab. One young hijab wearing American Muslim woman was yelled at on the road by a cab driver, " go home" and she yelled back, " I am home" (The Face Behind The Veil, Donna White) In Islamic belief, the Prophet strongly recommended the virtue of modesty to

men as well as women, in the wake of this Quranic verse: “ Say to the believing men that they should lower their gaze and guard their modesty, that will make of greater purity for them... and say to the believing women that they should lower their gaze and guard their modesty and that they should not display their beauty and ornaments except what (must ordinarily) appear thereof: that they should draw their veils over their bosoms...and they should not stamp their feet in order to draw attention to their hidden ornaments (24: 31). This verse from Quran consists a list of close relatives before whom a certain degree of informality is permissible for Muslim women.

Islam’s Sharia Law respects the privacy of the home and commands a Muslim not to enter another person’s house without taking his permission. ( Quran 33: 33). “ O Prophet, tell your wives, your daughters, and wives of the believers that they shall lengthen their garments. Thus they will be recognized and avoid being insulted. (Quran 35: 59) In Islam a woman is instructed to dress up in a fashion that will make others recognize her modesty and protect her from being insulted.

In regard to Muslim women not being accessible to outsiders and strangers, the Quran says that God made the Muslim women’s life easier by letting them have their quiet private times, and commanding the men to speak to them from a barrier. Some Muslim scholars interpreted this that their wives must stay at home and should not speak to any men other than themselves. According to Sharia the family disputes must be settled in the presence of men and women both.

Both male and female parties presented their case for judgment in the Prophet's mosque, and the matters were decided on merit and disputes were settled in the light of Quranic injunctions. Speaking of rights to Muslim women; Islam gives a much higher status to women in matters of Inheritance, Property, Marriage and Divorce; than any other religion. The right of the bride to get Dower (called, Mehr) from the bridegroom at the time of contracting the marriage is specifically mentioned in the Quran. This dower remains in the Muslim woman's possession, even if she is divorced from her husband.

Says the Quran: " And give women their dower as a free gift " (4: 4) In what from the dower should be - in cash- or in kind, is subject to mutual agreement. The payment of dower (Mehr) by Muslim man to his Christian or Jewish wife is also essential in the context of this Quranic injunction: " And the Chaste form among the believing women and the Chaste from among those who have been given the book before you, when you have given them their dower, take them in marriage". (5: 5). A Quranic verse (4: 20) explicitly says that having given the dower to his wife; the husband cannot take it back.

The Quran has not laid down the minimum or maximum amount of dower; it all depends on the paying and earning capacity of the husband, the woman's social status and their mutual agreement. The right of Muslim women to have a share in the family inheritance is sanctified by the Quran and Islam laws. Wives, mothers, grandmothers, sisters, daughters, granddaughters have rights of inheritance under the Sharia law of Islam, and the details of



the exact share to which they are entitled are laid down in the Islamic book of jurisprudence (Fiqha).

Women represent approximately 50 percent of the world's population, and they also provide 60- 80 percent of the world's agricultural labor. Yet the research indicates that they own only less than 5 percent of the world's land. In order to have her saved from poverty, exploitation and abuse, Islam has given a Muslim woman rights to property. It is increasingly made obvious that assets and an independent income result in higher calorie intake and better nutrition for the women and for the household when they are handling the property and money.

By improving a woman's land, property and community rights, her status is increased and also her bargaining powers in the community. Secure rights to inheritance provide women with greater incentives and better financial security. The Quran is addressed to all Muslims, and there is no differentiation between man and woman rights. It says, " Man and women are created of a single soul. " However there are many myths surrounding true teachings of Islam and the role and status of Muslim women all over the world. Anyone who wishes to understand Islam must first separate the religion from the cultural norms.

There are certain countries where Islamic laws are twisted out of proportions and contrived to suit motives and agendas of the society. In certain parts of Africa and Egypt female mutilation is still practiced, but is observed as an incredible horror by a vast majority of Muslims. Forced marriages are still taking place in India, Pakistan, Afghanistan and Bangladesh. Such practices

would not be tolerated by Muslim women of other countries where they have the freedom to exercise their rights clearly specified in Islam.

So, Islam being a universal religion has many sub practices according to the cultural atmosphere of the country or society. According to Islamic law, women in Islam have the right to divorce, to inherit property, to conduct business and to have access to knowledge. While the husband has the right to divorce his wife according to the rules laid down in the Sharia Law, the wife also has the right to seek the annulment of marriage, or its dissolution through the court.

This process of a wife initiating and seeking divorce is called, ' Khula' in Islamic law. In the latter case, a wife has to forfeit her dower in part or full to her husband according to mutual agreement. In Islamic law, marriage is a contract that can be broken with mutual agreement any time one or both the parties feel that they are not suited to each other or have grown certain difficulties after living together. There is no compulsion in Islam. Forced marriages are a sin in the Islamic law, yet it takes place abundantly.

However there is a provision for a Muslim woman in Islamic law to deem such a marriage illegal and take annulment form the Sharia Court. Since women and men have the same rules of conduct in Islam the differences are cited only when it comes to pregnancy, child bearing and bringing up of children, and also clothing because of the modesty factor. Man and women both are expected to dress modestly although some of the commands seem unnatural to the Western Tradition. Does Islam encourage Polygamy? And

what are a Muslim woman's rights when her husband takes more than one wife?

These are allegations purveyed in some Western countries that Islam encourages polygamy and that every Muslim man must have four wives, which is presumably considered as a Muslim woman's subjugation and mental torture. The controversy surrounding it is again warped and out of proportions as happens with many laws of Islam. Islamic History reveals that polygamy was widely practiced in Arabia, and many other countries. In Arab tribes, a man had many wives and concubines. A number of prophets mentioned in the Jewish Torah and the Old Testament had more than one wife.

It was recognized as a man having stronger biological needs and demands and the women's status is lowered by being a concubine for a man with her having no considerable rights or claims over him as a woman. Islam put polygamy into a straight jacket by allowing a man to take more than one wife, provided he is capable of loving all of them equally, with equal rights to his property and her children also sharing equal rights over the inheritance. If he is unable to do so, then he must opt for monogamy.

The Quranic verses says: "...Marry women of your choice, two, three or four; but if you fear you will not be able to deal justly with them, then marry only one." (4: 3) This Qura'nic revelation came to the Prophet not long after the battle of Uhud, in which quite many Muslims were martyred, leaving a number of widows and small children left orphans. This injunction was made in order to do justice to women who were left unescorted and could have

fallen prey to male exploitation and poverty. It was believed that a man marrying such a woman even though he has a wife, would give honor and security to the woman.