Chapter - IV

The Rights of Women in Islam
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This chapter deals with the Rights of Women guaranteed by Islam. In the Holy Qur'an, the Surah 4, An-Nisaa or "The Women" is so called because it deals largely with Women's rights. The Surah said emphatically, while the decencies of family life should be enforced, women should be held in honour and their rights should be recognized, in marriage, property and inheritance and the principle of goodness should be extended to all beings, great or small.¹

The Rights of Women in Islam can be properly understood only when we know their Rights during Jahiliya². But due to the contradictory evidences available to us, it is difficult to determine the Rights of women in the pre-Islamic Arab society. On the one hand, it appears from the early Arab traditions that the women exercised great influences over the family and the tribe. Their opinion counted a great deal in inter-tribal warfare and inside the tent their authority was supreme⁵. On the other hand, there is an evidence to show that before the advent of Islam, women had no status (position) in society. They were at the mercy of their menfolk and were treated as goods and cattle and as a backward community and were looked upon as an evil and unwanted burden, a source of disgrace and humiliation to the family⁶. The Qur'an says "He hideth himself from the folk because of the evil of that whereof he hath had tidings, (asking himself) : shall he keep it in contempt, or bury it beneath the dust. Verily evil is their judgement"⁷. Thus, the birth of a daughter was regarded as a disgrace and matter of shame by the Arabs during Jahiliya. Hence, they were buried alive as soon as they were born. On the contrary they always welcomed the birth of a son. Why did they practise this custom?. There were reasons for the practice of this custom. If the daughter survived, she had to be given away in marriage to some man and that notion itself was an abhorrent to the Arabs. Giving away of daughters in marriage to someone and being called "Fathers-in-law", and to save themselves from what they regarded as ignominy or disgrace, they killed their daughters as soon as they were born. In that
barbaric period, even the nobles and chieftains considered it to be a disgrace to be called “Fathers-in-law”. Girls cost them as much as boys, without they being a source of strength on the battle field. Indeed, they were a source of embarrassment, if they were even captured by the enemy. The simplest way out was to kill the daughter immediately when she was born, and this was customarily done by burying her alive. Another reason for this custom was the general poverty of the Arabs. As a result, they regarded the girls to be a drain on their meagre resources. Hence, they found that the best way out was to do away with them in their infancy. Thus, it is obvious during Jahiliya woman had no right to life, which is a basic inherent and an inalienable right of a human being.

Apart from the custom of burying their daughters alive, another shameful custom practised by the Arabs during Jahiliya was, a step-son or brother took possession of a dead man's widow or widows along with his goods and chattel against their will. Islam forbade this shameful custom. In connection with this, the Qur’an says, “O ye who believe! you are forbidden forcibly to inherit the women (of your deceased kinsmen), against their will”.

During Jahiliya, men practised polygamy and women practised polyandry, women had several visiting husbands also. Mahr or Dower was paid to the bride’s father, as a price of the bridegroom and not to the bride at the time of marriage. Ibn Abbas, an eminent companion of the Prophet said, that during Jahiliya men had an absolute right over women in matters of divorce. After one or two divorces a man could take back his wife, if he so wished but after the third divorce he had no rights over her. However, Ibnzayad held the opinion that in the pre-Islamic period a man could divorce his wife one hundred times and still take her back. Al-Razi also said, that a man could divorce his wife a thousand times and yet could take her back. A divorcee was given nothing by way of maintenance.
In the pre-Islamic period, it was generally thought and accepted that inheritance was not meant for women and small children and that it was for those who wield weapons and captured booty i.e. for the men only. As for inheritance, according to Muslim historians, a woman was treated like a commodity. She had no right to inherit from either her husband’s or father’s property or any other relative’s property. Instead, she herself was an object of inheritance\(^\text{13}\). Far from being respectable, she was given no better consideration than what was given to animals. They were treated as chattel and mortgaged. If a woman could be mortgaged, surely, she could also be purchased\(^\text{14}\). In short, women were objects of no value.

In contrast, to the information mentioned above regarding the rights of women in Arabia before the advent of Islam, the teachings of the Qur’an the divine commands and the legal acumen of Prophet gave a new life to women by recognizing them as human beings. Islam has discussed in detail the Rights of Muslim women pertaining to Right to life, the basic human right by prohibiting a custom of burying daughters alive, Right to marriage, divorce, inheritance education, entrepreneurism, equality and other rights both in the Qur’an and in the Shariah (Islamic Law).

**Right to Life:**

Referring to the custom of burying the daughters alive the Qur’an questions “When the girl - child that was buried alive is asked, For what Sin she was slain\(^\text{15}\). The first thing, Islam did was to abolish this cruel and inhuman custom. The Qur’an says further, “Slay not your children, fearing a fall to poverty, Allah shall provide for them and for you. Lo! the slaying of them is great sin”\(^\text{16}\). These Quranic verses show that Islam makes no distinction between a boy and a girl. It is quite possible that a boy, whom you are preferring to a girl at present may turn out to be an evil and wicked and the girl whom you consider a source of disgrace bring you honour and serve you better\(^\text{17}\).

Based on the above mentioned Qur’anic verses, the Prophet of Islam said, whoever has a daughter and does not bury her alive, does not ill-treat her will be made
enter into Heaven by God, emphasising this point he said further, whoever does good to girls, and be kind to girls will be prevented from entering into Hell. These rewards and warnings not only improve the status of Muslim women but also dissuade Arabs from burying their infant females alive.

Thus, Islam prohibited the custom of killing of girls at their infancy practised during pre-Islamic period, and safeguarded the “Right to Life” for women.

Infact, Islam dealt with Human rights of women, when there was a talk between 5th and 7th centuries of christian era, whether woman had a soul or not and whether she was human or not or whether she will enter paradise or not. It was at this time that Islam came into being and gave the answer in such an amazing bravery. “O Mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women”.

“He, it is who did create you from a single soul, and there from did make his mate that he might take rest in her.

“O Mankind! Lo! We have created you male and female, and have made you nations and tribes, that ye may know one another.”

These Qur’anic verses give priority of preference to girls so that the importance of women may be known to the world.

Right to Marriage:

In Islam the expression Nikah (marriage), implies a contract and the Qur’an exhorts men to abide by the terms of the contract. The Qur’an says: “How can you take it (back) after one of you hath gone in unto the other, and they have taken a strong pledge from you?” The most impressive verse in the Qur’an about marriage is “And of His signs is this: He created for you helpmates from yourselves that ye might find
rest in them and He ordained between you love and mercy. Lo! herein indeed are portents for folk who reflect.”

Thus, the Qur’an clearly indicates that marriage is a sharing between the two life partners, husband and wife. Its bases are love and mercy.

The new concept on marriage that is contract, puts an end to the looser forms of marriage, prevalent in the pre-Islamic Arabia, especially in matrilineal and matrilocal societies. Polyandry was sternly forbidden by Islam. As marriage is a contract, both parties to it enjoy certain rights and have corresponding obligations. Since man exercises some rights over woman, he also has certain responsibilities towards her. It is for this reason, Prophet had said, “Be kind and good to women in private life” and also said, “He who is good to his wife and children is the best among you.” Thus it was Islam that affirmed that woman deserved to be treated in a fair and just manner.

Prophet Muhammad (PBUH) had said, that a woman whether a maiden or a widow or a ward should not be given away in marriage without obtaining her consent. If the girl has attained the age of puberty, then, of course, she is entitled to have her own say in what concerns her marriage, while the selection of the bridegroom and settlement of the terms of marriage would be done by the guardian in case of minor girls.

There is, however, no doubt, that the guardian cannot give away a woman in marriage without her prior consent and permission, whether she is a maiden or widow. Her consent is absolutely necessary in any case. If the guardian gets her married without her consent then such a marriage will be considered null and void and the girl will have the right to have it cancelled. The same applies to the marriage of those, who are under age, and those, who come of age. They can either acquiesce in it or have it cancelled. Witnesses are essential in the marriage contract as in other contracts. In this connection the Prophet said, “Marriage is not valid without witnesses.”

The first thing linked with the marriage ceremony is Mahr or Dower. In this connection the Qur’an says “And give unto the women (whom ye marry) free gift of
their marriage portions”... Thus, the Qur’an makes the significance of dower clear, that it is meant to be a free gift by the husband to the wife. It is not paid to the bride’s father as the price of the bride as was customary in pre-Islamic days.

The Dower should be according to the means of husband. It may be in cash or in kind. It can be a “heap of gold” also. A man gives Dower as a present to his bride at the time of marriage or undertakes to give it later. If the husband cannot pay the Mahr at the time of marriage or is unable to pay the whole dower then it can be paid in instalments during his life time. If the husband dies before paying the dower, it would be the first charge on his property and should be paid like any other debt, before his assets are distributed among his heirs.

The Qur’an says ...... “And there is no sin for you in what ye do by mutual agreement after the duty (hath been done)”... According to this Qur’anic verse, if the wife desires, she can forego part of the mahr. The amount paid to the wife can be received back only in 2 cases, either when the woman returns it on her own free will, or she herself seeks divorce. Apart from these two cases, Islam does not permit the return of the paid mahr or its reduction.

Thus, Mahr is the woman’s property. No one else has any right over it. She can spend it as she likes or she can will it away according to her wishes.

**Right to Divorce**:

The Arabic word for divorce is “Talaq”, which carries the literal significance of freeing from the marriage bond. Islam recognises the woman’s right to divorce known as Khul’a i.e. she can free herself from the marriage bond if she so desired. She can stipulate it as a marriage condition (Talaq al-tafwid). She can ask for Khul’a for lack of maintenance or maltreatment by her husband or if the husband refuses to leave her either out of greed or in order to humiliate her or because he had spent too much money to acquire her or if her husband becomes disabled, or if he
disappears for a long period or if he becomes insane. She is also given the right to annul the marriage, if she was married in childhood, on reaching the age of puberty. In the Khula form of divorce the woman had the right to ask for the liberation (literal meaning of Khul’a). The woman seeking a separation from her husband should in the first instance ask him to offer divorce to her on such terms as may be mutually agreed upon and if the husband declines to accede, then she has to approach a Qazi an Islamic law court for that purpose. In this connection Allah says in the Qur’an, 

“And it is not lawful for you that ye take from women aught of that which ye have given them; except (in the case) when both fear that they may not be able to keep within the limits (imposed by) Allah. And if ye fear that they may not be able to keep the limits of Allah, in that case it is no sin for either of them if the woman ransom herself. These are the limits (imposed by) Allah”. 

Widow Remarriage :

Islam permits widow remarriage. In connection with this the Qur’an says:

“Such of you as die and leave behind them wives, they (the wives) shall wait, keeping themselves apart, four months and ten days. And when they reach the term (prescribed for them) then there is no sin for you in aught that they may do with themselves in decency. Allah is informed of what ye do”. Thus, Islam permits widow remarriage in a lawful and decent manner after she reaches the term Iddat, prescribed for them.

Right to Inheritance :

Islam fully acknowledges the woman’s right of an independent ownership in her money, real estate or on any other properties. This right does not undergo any changes whether she is single or married, whether she acquired the property before marriage or after it. She retains her full rights upon her property whether selling or buying it or otherwise. Neither her father, husband, mother or anybody else could make any claim on her share of an inheritance. It is her property only.
The following Qur'anic verses say about the right to inheritance of Muslim women. The Holy Qur'an says: "Allah chargeth you concerning (the provision for) your children: to the male the equivalent of the portion of two females, and if there be women more than two, then theirs is two-thirds of the inheritance, and if there be one (only) then the half." Unto the men (of a family) belongeth a share of that which parents and near kindred leave and unto the women a share of that which parents and near kindred leave whether it be little or much a legal share. "In what your wives leave, your share is a half, if they have no child, But if they leave a child, ye get a fourth; after the payment of legacies and debts." Allah directs, about those who leave no descendents as heirs. If it is a man who dies, leaving a sister but no child, she shall have half the inheritance. Her share of inheritance is according to the numer of sons and daughters, or she is the only child in the family.

Right to Education:

Islam gave, the right to education, to women 1400 years ago. In the Qur'an education is urged as a duty for men and women. The Surah-i-Iqra acknowledges this. It places women on a footing of equality with men in the pursuit of education and knowledge. Prophet Muhammad (PBUH) declared that the pursuit of knowledge is incumbent on every Muslim male and female. As a result of his declaration, it is significant to note that during the hey day of Islam even the Muslim women made enduring contributions in the field of Education. To cite an example Khansa Radhi Allaho Unha was a famous poetess. Ibn Athir writes, "All masters of literature are unanimous in declaring Khansa as the best woman poetess in Arabic. No woman in history has ever written such poetry as Khansa". Hazrat Ayesha, Safia, Hamza and Fatima were known for their knowledge, intelligence, oratory and outstanding memory.

It is very interesting and very important to note that the Prophet gave the right to education to the slave girls also. He said, that if a man has a slave girl and he gives her good education and proper training and then marries her then such a man will have a double reward. So he will be doubly rewarded first, for educating the girl and training...
her and secondly, for liberating her from slavery. When Islam offers such high rewards for the training and education of slave girls, then how can it tolerate the denial of these rights to free girls? The Holy Prophet educated and edified his daughter, Hazrat Fatima, to the best of his ability to show that there should be no preference for boys to girls in the matter of education. Thus, in Islam there is nothing to bar women from learning knowledge as far as their aptitude and possibilities may allow. Indeed, there is no difference between boys and girls to make progress in every field of life.

**Muslim Women's Role in the Society and in the Battlefield:**

Islam regarded the woman's role in a society as that of a mother and a wife which is the most essential one in any healthy society and for the progress of the nation because children are the future generations of the country. Their right and proper upbringing is very important for the development of the nation in all fields. A child needs a maternal care more than anything else especially during his/her early infant stage. Hence, it is rightly said that child's first education begins at home.

There is a wise saying that society is the product of what mothers do, mother is the pillar of the family and family is the pillar of society and as long as the girls of today are mothers of tomorrow, how can we ignore their education.

Muslim women's achievements in the battle fields were very significant. During the period of Prophet Muhammad (PBUH) women went to the battle fields for the cause of Islam. Ayesha bint-Abu-Bakar, wife of Prophet Muhammad (PBUH), Hazrat Fatima (Prophet's daughter), Abu Dalha, Al Rabi-u-Bint Mu Awwid and other Muslim women went to the battle of Uhud. Their services on the battle field were, to attend on the wounded soldiers and nursing their wounds, bringing back the dead bodies to Medina, mending and making clothes for the army, preparing food for them, giving them water and other needful services. When the Prophet was wounded his wife Hazrat Ayesha burnt straws and old mats in order to take the ash to heal the wounds of the messenger of Allah. Nusaiba, even took part in the actual fighting to protect the life of
the Prophet. In the battle of Confederates, Rufaida nursed S’ad ibn Mu’az’s wounds and in the Kheybar battle muslim women went out from Madinah for nursing service\textsuperscript{54}. (See also Appendix - III). Muslim women, who fought for their freedom were also taken as war prisoners. They had no weapons with them simply they fought with ordinary poles, sticks and pegs from the tents.

**Right to Enterpreneurship**:

To uplift the economic status of Muslims as well as to make woman self-reliant and independent, Islam has allowed women to undertake legitimate business and work for their living in times of need. During the time of Prophet Muhammad (PBUH) women were allowed to tend for themselves and be the financial support of their families. The examples were, Rabi-u-Bint Mu Awwid bought Attar (scent) from Asma Bint Makruma\textsuperscript{55} and Ummu Sulaim made war weapon during the time of battle of Huneyn\textsuperscript{56}. Zainab Attaare sold perfumes and Prophet was her regular customer\textsuperscript{57}. Zainab daughter of Jahsh was skillful in leather work\textsuperscript{58}.

**Right to Equality**:

Islam recognizes the Right to equality for women in certain matters. “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 remembrance, For them has Allah prepared forgiveness and great reward\textsuperscript{59}” According to this Qur’anic verse women are on par with men in spiritual rights.

But in certain matters men are a degree above them. In this connection the Qur’an says...... “And they (women) have rights similar to those (of men) over them in kindness, and men are a degree above them. Allah is Mighty, Wise.”\textsuperscript{60} In principle both enjoy equal rights, but as a practical measure, men are given precedence over women in
certain matters. It is done primarily for the sake of convenience, as when 2 persons travel together or work together one of them is appointed a leader and the other carries out his orders. As for the qualities of the leader, it is stated that he should be superior physically, intellectually and morally. This does not argue that, one is inferior or subordinate to the other. A leader, however, ensures harmonious relations among the different members of a group and co-ordinates their activities. It is a matter of common knowledge that a leaderless group cannot carry out any enterprise successfully, and internal rivalries soon disorganise it.61

The Qur'an says further, "Men are in charge of Women, because Allah hath made one of them to excel the other, and because they spend of their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded...."62

Thus, the wife is enjoined upon to take good care of the home and everyone and everything including the dignity, honour and prestige and good name of the husband. She submits to her husband as the head of the family - not in servile manner but with the delightful maintenance of harmony. She guards the conjugal rights of the husband through abstaining from doing anything that may, in the least measure violate her chastity.

In married life, both man and woman enjoy certain rights. They are also charged with responsibilities. The Qur'an says, ....."But consort with them in kindness." 63

The Qur'an illustrates the relationship of man and woman in a verse that ......“They are raiment for you and ye are raiment for them”......64 So a husband and a wife should be such garment for each other in their married life. An another Quranic verse explains the word raiment “O children of Adam! We have revealed unto you raiment to conceal your shame”65...... Thus, it is clear that man and woman are complementary to each other. Men must hide the weaknesses and mistakes of women and women also must do the same thing.
The special quality of a woman is that she is devoid of the sternness of man and on account of this quality, she is compared to the rib, in a Hadith of the Prophet. So she should be treated with great care and kindness.

Prophet Muhammad (PBUH) attached paramount importance to the kind treatment of a wife. He said, “the most excellent of you is he, who is best in his treatment of his wife.”

Prophet said, emphatically in his last Sermon at Mecca “O ! my people! you have certain rights over your wives and so have your wives over you. They are the trust of Allah in your hands. So you must treat them with great kindness.

Some people argue that because one man’s evidence is regarded as equivalent to the evidence of 2 women, inequality does exist between man and woman. But this is a special case in case of formal accusation, it is ordained that both, man and woman should produce four witnesses and both should be administered the same form of oath. Only in civil disputes, 2 women witnesses are required to be produced against one man. This is because, Woman preoccupied with domestic affairs do not usually pay close attention to business matters and it is possible that they may not remember the exact details of a civil transaction. For this reason, it is laid down that if one male witness is not available 2 female witnesses should be produced so that if one of them forgets the details, the other woman can refresh her memory. In the Holy Qur’an in Surah 2 the very reason is given..... “And call to witness, from among your men, two witnesses. And if two men be not (at hand) then a man and two women, of such as ye approve as witnesses, so that if the one erreth (through forgetfulness) the other will remember”.... But in other matters, neither the Qur’an nor the Jurists have declared that the evidence of a woman is less credible than that of a man.

Thus, according to the Qur’an, the relationship between man and woman is governed by the principle of equality, so far as it is feasible. It is admitted, however,
that they differ in respect of their natural capacities. Hence, admission of labour which is to the advantage of both and of society as well, has been adopted everywhere. Man being physically stronger, is better fixed for earning a living, which involves hardwork. Women is better for domestic work and for taking care of the children. It is only just that, each should be supreme in one’s own sphere of activity. Man, the bread winner has the right to demand that the money he earns is not spent against his wishes. In domestic affairs, on the other hand, the women’s opinion should carry greater weight. These minor adjustments however do not seriously affect the general principle of equality of sexes.72

Other Rights of Muslim Women:

During the days of Prophet Muhammad (PBUH), Women took part in serious discussions and argument with the Prophet on religious and social matters73. The Holy Qur'an says, “Allah has indeed heard (and accepted) the statement of the woman who pleads with thee concerning her husband and carries her complaint (in prayer) to Allah, and Allah (always) hears the arguments between both sides among you : for Allah hears and sees (all things)”74 According to this Qur'anic verse a women has the right to plea or complain for the right cause.

Caliph Umar was once discussing with Muslims in a Mosque (as it is not only a place of worship, but also the parliament, the court, the headquarters of the army and the government) certain problems. A woman corrected him and made him declare before the public : “The woman is Right and Umar is Wrong”. Thus Islam recognizes the women’s right to Advice on decision making.75

Dr. Inamullah said in his articles, the Holy Prophet came to grant woman her rightful place in the society of man, raising her above the position of goods and chattel and granting her a respectful entity and personality to herself. She was considered an independent social and economic unit functioning in her own individual right, if she so desired. For the first time, she was given the right to education, right to hold property
in her own name, the right to inheritance and above all the right to pray, the legal right for a free expression of opinion or choice. Human history fails to give that place of pride which the Holy Prophet gave to woman. Prophet Muhammad (PBUH) words “Paradise lies at the feet of thy mother” are eternal, a sparkling and glowing tribute to the status of woman.

Islam gave women, certain privileges, which the sixth and seventh centuries women did not possess anywhere in the world, nor did they acquire them in the Non-Islamic world till 1918. Women of the west acquired some of these rights after much agitation only in modern times. For instance, while in most other societies marriage was a sacrament and a life long indissolvable bond, the Qur’an revolutionised the entire concept of marriage and made it a civil contract which could be terminated by either party. Civil marriage and divorce courts were introduced in the west more than 1300 years later. In accordance with Qur’anic law a woman inherits and own property, and retains her legal identity and individuality, even after her marriage. In the words of Lord Coke an eminent British Jurist “Man and wife in law are one person. And man is that person Not so in Islam”. Thus, Islam takes the credit of recognising woman as not only a full human being spiritually but also a legal entity worthy of independent rights, including the right to inheritance, right to marriage, right to education and divorce by consent.

In very recent times the question of women’s status has acquired great importance throughout the world and among all communities. The reason is obvious. For thousands of years women were kept in total subjugation in all patriarchal societies, and it so happened that most societies were patriarchal. Thus, for centuries it was a ‘Natural law’ that women were inferior to men and must submit to the latter’s authority for the smooth running of family life.

It should be remembered that even religious scriptures could not altogether escape from adopting such attitudes, because social attitudes are so pervasive that even
progressive scriptural norms became affected and are thus, interpreted in a way that reflects prevailing mental attitudes. Thus, male-dominated societies often harnessed even just and egalitarian norms, laid down for women in divine scriptures to perpetuate their hold. The Qur’an, which is comparatively liberal in its treatment of women, also suffered the same fate.

At present, many of the old social structures are crumbling fast and new social orders, rational and liberal, are emerging on the scene. In the new social structures, it is becoming increasingly difficult to maintain the old attitudes towards women. The scriptures are, therefore, being re-read and re-interpreted, at least among progressive sections of these societies.\(^9\)

The theologians and jurists of the first centuries of Islam - who had acquired great prestige and whose opinions were taken as final - were themselves subject to sociological influences. Their formulations and interpretations must be seen in the sociological perspective of their time, when women were looked upon, as nothing more than instruments of perpetuating one’s progeny, bringing up children and providing pleasure for their husbands. This is how the pronouncement of the Qur’an was misinterpreted.\(^90\)

Islamic society began to be feudalist within a quarter of a century after the death of Prophet and this feudalisation had a telling impact on the concept of the rights of the women in Islam. It is this spirit which still predominates. The new consciousness among women makes it necessary, once again, to go back to the original Qur’anic spirit. The Qur’an not only awards equal status to both the sexes in the normative sense but also concedes a degree of superiority to men in its own social context. However, the theologians ignored the context and made men superior in the absolute sense.\(^81\) Historically speaking there has been male domination in all societies, throughout the ages, except in matriarchal societies, which have been comparatively few women have been considered inferior to men. From this emanated, the doctrine of the inequality of the sexes. Woman cannot match the power and competence of man
and hence, she is considered not equal to him. Man must possess and dominate woman, have mastery over her and determine her future, acting either as father, brother or husband. It is in her interest, the argument goes, that she should submit to the superior sex, confined to home and hearth, she was thought incapable of taking decision outside her domain. There would be absolute disaster, it was said, if she happened to become the ruler of a country.\textsuperscript{82}

We are mainly concerned with the status accorded to women in the Qur'an and how Muslim jurists viewed under different circumstances. At present, women especially western educated women, are demanding equal status with men and they are, as Asghar Ali Engineer says, absolutely right. The question before us is what status did the Qur'an give to women? Is it an equal status or an inferior one? The ulama and jurists maintain categorically that women have been given an inferior status; some modernists among Islamic scholars would like to believe that the Holy book accords equal status to both the sexes.

Asghar Ali Engineer opined that it is difficult to give a categorical answer to this question. Firstly, the Qur'an refers to it in both the normative and contextual sense. Normatively speaking, the Qur'an appears to be in favour of equal status for both the sexes, contextually speaking, it does grant a slight edge to men over women. But ignoring the context, Islamic jurists tried to give a superior status to men in the normative sense. Secondly, interpretation of the Qur'anic verses, as in the case of other scriptures, depends very much on one's own point of view. Ultimately, it is one's a prior position which determines the meaning of a scripture for the reader or the interpreter. The same verse is understood differently by different people depending on their predilection and proclivities.

Thirdly, and this is equally important to remember the meaning of Qur'anic verses unfolds with time what the verses meant to an Islamic scholar in the medieval period may be quite different from the meaning conveyed to a scholar living in modern conditions.
Religious scriptures often use symbolic language which makes them pregnant with several levels of meaning all of which may not unfold at any given time. It, therefore, becomes necessary to interpret symbolic language to fit in with our own experiential context. Time and experiences are always influx and so is our understanding.\textsuperscript{83}

Now the question is what is concretely implied by equality of status of the sexes? Firstly, in its generalised sense this means acceptance of the dignity of the sexes in equal measure. Secondly, one has to see both men and women enjoying equal rights: socio, economic and political. Both should have equal rights to contract a marriage or to dissolve it; both should have the right to own or dispose of property without interference from the other, both should be free to choose their own profession or way of life; both should be equal in responsibility as much as in freedom.

First let us take what the Holy Qur’an has to say about the equality of the sexes in the generalised sense of enjoying equal dignity.\textsuperscript{84} The Qur’an says, “O! mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of, men and women”.\textsuperscript{85} Here, the verse clearly says, that all men and women have been created from one nafs,\textsuperscript{86} hence, both are equal in status.

To conclude, Islam recognizes women as human beings and by virtue of that they are entitled to have the basic human right - the Right to life and economic, social, religious and cultural rights. Hence, they are not inferior to men. But, after the death of Prophet Muhammad (PBUH), there was a change in the concept of the rights of woman in Islam, that woman cannot match the power and competence of man, so she must be inferior and submit to the authority of man. However, we are mainly concerned with the rights of women according to Qur’an and the sayings of the Prophet. The Qur’an says that men and women are created from one single soul so there is no distinction between boys and girls and the latter should not be deprived of the right to education. It is very essential, that women’s education should be devised to enable her to play an effective role in the formation of the society for National building.
References


4. The Muslims called the centuries preceeded the mission of Prophet Muhammad (PBUH) and the Coming of Islam the “Time of Ignorance” (al-Jahiliya). They had coined this term to distinguish the period when the Unity of Allah was proclaimed and Islam revealed from the age when the Arabs were ignorant of this great idea and steeped in error and religious darkness. Western orientalists and historians of less than a hundred years ago followed the lead of the Muslims and it became customary to dismiss the pre-Islamic history of Central Arabia, almost contemptuously as its “dark ages” devoid of Civilization. Its society in the epoch before Muhammad (PBUH) was described as unorganized, a “Community without a Magistrate”, as Julius Well Hausen, the renowned German orientalist once called it. - Ilse Lichtenstadter, Islam and the Modern Age: An Analysis and an Appraisal, Muslim Academy, Delhi, 1982, pp. 35-36.


6. All India Muslim Women’s Education Conference, Souvenir, sponsored by The Seethakathi Trust and The All India Islamic Foundation, Chennai, 22 December, 1996, p. 143.


26. Matrilinear structure - In such structure the women had no real power, though they had greater prestige and dignity. They could not own property since it belonged collectively to the tribe and was firmly under the control of uncles and brothers. Amaury De Rien Court, *Op. cit.*, p. 188.


40. **Holy Qur'an**, Surah 2, Ayat 229. (See also Appendix - II).


54. *Book Bukhari* and *Muslim*.

55. *Book Dabakathe Ibnu Saad* 8/230.

56. *Book Thailami*.


60. **Holy Qur'an**, Surah 2, Ayat 228.

63. **Holy Qur'an**, Surah 4, Ayat 19.
77. Abul Husain Muslim Ibnu Hajjaj, *Book Muslim*, Darussalaam, Riyadh, Saudi Arabia.