Chapter-III

REFORMATIONS BROUGHT BY ISLAM
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Major Reformations introduced:

Islam has introduced many social, religious and political radical changes and reformations including regarding grant of human rights to slaves, prisoners, women and children etc. However, concentration is given here to the reformations concerning to the women only.

Reformations about women:

It is wrong impression created that women are liberated in the Europe and that the women's liberation movement began in the 20th century. Actually, the women's liberation movement was started in the seventh century by the Holy Prophet of Islam.

1. Equality of man and woman

He recognized woman equal to man in all walks of life, including religious, social, matrimonial and political fields. He sanctioned more protection and more safety-guards for her. He puts no barriers in her progress may be of worshipping or moral or social progress.

Quoting Holy Quran:
"O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwaa (Eve)], and from them both, He created many men and women and fear Allaah through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship). Surely, Allaah is Ever an All-Watcher over you." [Holy Quran: Woman: 4:1]

Since men and women both came from the same essence, they are equal in their humanity. Man and Woman are equal for their reward and appreciation. God will reward both sexes equally for the value of their work, though it may not necessarily be the same activity. Quoting Holy Quran:

"Verily, the Muslims men and women, the believers men and women, the men and women who are obedient (to Allaah), the men and women who are truthful (in their speech and deeds), the men and women who are humble (before their Lord), the men and women who give charity, the men and women who observe fasting, the men and women who guard their chastity (from illegal sexual acts), and the men and women who remember Allaah much with their hearts and tongues. Allaah has prepared for them forgiveness and a great reward (i.e. Paradise)." [Holy Quran 33:35]

Women are given few exemptions from some duties:

1. Exemption from Fasting when they are pregnant or nursing or menstruating,
2. Exemption from Praying when menstruating or bleeding after childbirth,
3. Exemption from attending prayers in the mosque on Fridays and Eids.
4. Exemption from compulsory military services. However, they are at liberty to take part.
But under normal circumstances they are allowed to do all the things that men do and menstruating women can take part in most of the actions of the Hajj pilgrimage.

The natural protection is given to the woman during menstruation period. The reference of menstruation is there in Holy Quran:

"They ask thee concerning women’s courses. Say: ‘They are a hurt and a pollution, so keep away from women in their courses, and do not approach (it means sexual intercourse) them until they are clean. But when they have purified themselves, ye may approach (it means sexual intercourse) them as ordained for you by Allah.’" (Holy Quran: verse 2:222)

According to the interpreters of Islamic law, this means only that sexual intercourse is not allowed at such times, but any other form of intimacy is still permissible. To put it briefly, menstruation may be messy and painful but it is not a major disability.

2. Personal liberty and Freedom of Woman guaranteed

a) Option of puberty (Khiyar-ul-blug)

Parents have no right to force young woman to marry against her will after she has reached marriageable age. There is much evidence in the hadith to show that forced marriages are not legal and the wife has the right to have them annulled:

_Ibn Abbas reported that a girl came to the holy Prophet, and she reported that her father had forced her to marry without her consent._
The holy Prophet gave her the choice ... (between accepting the marriage and invalidating it).
(Hadith: Ibn Hanbal)

In another version the girl said,

"Actually, I accept this marriage but I wanted to let women know that parents have no right (to force a husband on them)". (Hadith: Ibn Majah)

b). Consent in marriage required (Ijab and Qubul)

The holy Prophet also advised that couples should see one another before getting married, so there is no Islamic basis for the custom of marrying young couples who have never set eyes on one another. If a woman does find that she cannot bear the man she is married to, even because she finds him ugly, Islamic law makes it possible for a court to give her a divorce from him. It is only necessary to prove that she hates him irrevocably - the court does not need to probe into the reasons for the hatred. The holy Prophet granted divorces to at least two women in such circumstances. One of them was, Jamila, the sister of the hypocrite Abdullah Ibn Ubayy, she had told the holy Prophet about her grievance against her husband namely, Thabit Ibn Qais and the holy Prophet accepted her grievances.

c). She can enter into a contract or can be a witness:

Woman is free and competent to enter into any valid contract with anybody without joining her husband or any other person with her. Likewise, she is a competent witness in the court of law. A Muslim woman's
testimony is valid in legal disputes. In fact, in areas in which women are more familiar, their evidence is conclusive.

d). She can claim divorce:

Women is equally entitled to claim divorce from her husband on the grounds recognized by the law (discussed in foregoing chapters)

e). freedom of faith and expression:

In Islam, a woman has basic freedom of choice and expression based on recognition of her individual personality. A non-Muslim wife (from the people of the Divine Book, like Christian, Jews etc. called 'kitabi') is free to maintain her own religion even after marriage with a Muslim person. Quoting Holy Quran:

"There is no compulsion in religion. Verily, the Right path has been made distinct from wrong path." [Quran 2:256]

Women are ever encouraged by holy Prophet to contribute their opinions and ideas. There are many incidents in traditions of the Prophet, which indicate women were allowed to put her questions directly to him and offer their opinions concerning religion, economics and social matters.

3. Right to education granted to woman

The Holy Prophet has given full and equal 'right of education' to women. Quoting him:
"Seeking knowledge is equally mandatory for every Muslim male and female." [Hadis: Ibn Maajah]

Therefore, present policy of Modern govt. of compulsory education and reservation of women is mating to the aforesaid guidelines given as long as 1431 years back.

4. Principle of 'division of work' applied

Islam recognizes the natural differences between men and women despite of their equality. According to physical ability, there is preferably division of work. Some types of work are more suitable for men while other types for women. This, in no way may be considered as de-recognition of status of woman.

Generally, Islam upholds that women are entrusted with the nurturing role, and men, with the guardian role. Therefore, women are given the right of protection, honor and maintenance. Quoting Holy Quran:

"Men are the protectors and maintainers of women, because Allaah has made one of them to excel the other, and because they spend (to support them) from their means..." [Quran 4:34]

5. Right to hold separate property :

The Muslim woman has the privilege to earn money, the right to own property, to enter into legal contracts and to manage all of her assets in any way she pleases. She can own and possess property and can earn a lot that too any claim on her earnings including of her husband. Quoting Holy Quran:
"And wish not for the things in which Allaah has made some of you to excel others. For men there is reward for what they have earned, (and likewise) for women there is reward for what they have earned, and ask Allaah of His bounty. Surely, Allaah is Ever All-Knower of everything." [Holy Quran 4:32]

6. Right to inherit:

Furthermore, a woman inherits from her relatives. Quoting Holy Quran:

"There is a share for men and a share for women from what is left by parents and those nearest related, whether, the property be small or large - a legal share." [Holy Quran 4:7]

Marriage is therefore not just a physical or emotional necessity, but in fact it is a relationship of mutual rights and obligations based on divine guidance. God created men and women with complimentary natures, and in the Quran, He laid out a system of laws to support harmonious interaction between the sexes. God Says: "...They are your garments and you are their garments." [Holy Quran 2:187] Clothing provides physical protection and covers the beauty and faults of the body. Likewise, a spouse is viewed this way. Each protects the other and hides the faults and compliments the characteristics of the spouse.

7. Right to claim and recover Mehr:

It is a novel practice of giving Mehr (dower) to the woman in marriage as a mark of token of love and affection and honor. It must be paid either at the time of marriage or after words. It must be movable or immovable property of some pecuniary value. It may be specified or
unspecified, prompt or deferred. It is a personal and exclusive property of woman, with no control of her husband. It is a recoverable preferential debt of wife on the property of husband till not paid. Now, by the Act of Protection of Muslim Women (on divorce) Act, 1986, it can be recovered by way of attachment of property of husband and in case of default, husband can be sent to imprisonment of jail for the period of one year.

8. Right to claim and recover Maintenance:

The right of maintenance is available to a minor daughter, major unmarried or widowed daughter from her parents and nearer relatives, while married women is to be maintained by her husband during the subsisting of marital ties and further till completion of her *Iddat* period. In India, Muslim women can claim and recover maintenance either under Sec. 125 of Cr. P. C. or under Protection of Muslim Women (on divorce) Act, 1986, from Criminal Courts. She may also approach to Civil Courts also in this regard.

Despite of any property she possesses, her husband is bound to provide her not only food, shelter and clothing but all other facilities which she was availing at her parent’s home prior to her marriage subject to the economical condition of husband. Her rights also extend beyond material needs, as she has the right to kind treatment.

9) Special Privileges to women:
The Holy Prophet observed: "...The best of you are those who are best (in treatment) to their wives." [Tirmidi, Ibn Maajah and Al-Bayhaqi]

Islamic law makes no demand that women should confine themselves to household duties. In fact the early Muslim women were found in all walks of life. The first wife of the holy Prophet, (Haz. Khuteja, r.a.), was a business woman. The second Khalifah Haz. Umar (r.a.), appointed a woman, namely Shaffa Bint Abdullah, to supervise the market. Haz. Laila al-Ghifariah, Suffiah bint Abdul Muttalib, Umm Dhahhak bint Masoud, (r.a.) took part in battles, carrying water and nursing the wounded and even fought in war. Haz. Ibn Jarir and al-Tabari siad that women can be appointed to a judicial position to adjudicate in all matters. A Muslim woman Arwa bint Ahmad, served as a governor of Yemen under the Fatimid Khalifahs in the late fifth and early sixth century. The holy Qur'an even speaks favourably of the Queen of Sheba and the way she consulted her advisors, who deferred to her good judgment on how to deal with the threat of invasion by the armies of Solomon (Suleman):

"She (the Queen of Sheba) said, 'O chiefs, advise me respecting my affair; I never decide an affair until you are in my presence.' They said, 'We are possessors of strength and possessors of mighty prowess, and the command is thine, so consider what thou wilt command.' She said, 'Surely the kings, when they enter a town, ruin it and make the noblest of its people to be low, and thus they do. And surely I am going to send them a present, and to see what (answer) the messengers bring back.'" (Holi Qur'an 27:32-35)

In short, women can do work like men, but they do not have to do it to earn a living. They are allowed and encouraged to take the duties of
marriage and motherhood seriously and are provided with the means to stay at home and do it properly.

The husband has the duty to support and maintain the wife, and this is held to be so even if she is rich in her own right. Husband has no right to expect that she should financially earn or support him and children. If she does contribute to the household income this is regarded as a charitable deed on her part but not a duty.

Because of their greater financial responsibilities, some categories of male relations, according to the inheritance laws in the Qur'an, inherit twice the share of their female equivalents, but others, whose responsibilities are likely to be less, inherit the same share - mothers and fathers, for instance are each entitled to one sixth of the estate of their children, after bequests (up to one third of the estate) and payment of debts:

“For parents a sixth share of the inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth…” (Holy Qur’an 4:11)

Concluding, women are guaranteed,

1. personal respect
2. respectable married status
3. right of maintenance for herself and for her children
4. the right to negotiate marriage terms of their choice
5. to refuse any marriage that does not please them
6. the right to obtain divorce from their husbands, even on the grounds that they can't stand them
7. custody of their children after divorce  
8. independent property of their own  
9. the right and duty to obtain education  
10. the right to work if they need or want it  
11. equality of reward for equal deeds  
12. the right to participate fully in public life and have their voices heard by those in power and many other privileges.

Last but not least, Islamic Council of Europe at the International Islamic Conference held in Paris on September 1981, declared the following rights of married women, based on the Holy Quran and Sunna and has been compiled by the eminent Muslim scholars, jurists and representatives of Islamic movements of the world;

"Every married woman is entitled to:

(a) Live in the house in which her husband lives;  
(b) Receive the means necessary for maintaining a standard of living which is not inferior to her spouse, and, in the event of divorce, receive during the statutory period of waiting (Iddah) means of maintenance commensurate with her husband's resources, for herself as well as for the children she nurses or keeps, irrespective of her own financial status, earnings or property that she may hold in her own right;  
(c) Seek and obtain dissolution of marriage (Khula) in accordance with the terms of the law. This right is in addition to seek divorce through the courts.  
(d) Inherit from her husband, her parents, her children and other relatives according to law;  
(e) Strict confidentiality from her spouse, or ex-spouse, if divorced, with regard to any information that he may have obtained about her, the discloser of which could have detrimental to her interests. A similar responsibility rests upon her in respect of her spouse or ex-spouse."

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