Chapter One

Rights of Women in Sharia and Ground Realities for French Muslim Women

Indeed it is Islam which has granted numerous rights to women. No other religion, culture or civilization has given such privileges to females. Inheritance in paternal property as well as in husband’s property, Mahar (Dowry given to women at the time of marriage by her husband), her overall expenditures should be abide by her relatives (before marriage by father and after marriage by her husband), education, health care, right to work, run business, own property, self-dependency and dressing and covering in proper way are some of the rights granted to a woman by Islam. Right to property is Rights of Women in European Union constitution and the ground realities for French Muslim women.

One of the right women could get only by nineteenth century in many European countries. In ancient civilizations women were considered equivalent to animals or chattels. In this way while discussing rights of woman in Islam, it seems necessary that one should shed light upon the privileges given by other major Semitic Religions to this half part of humanity. This chapter first briefly throws light upon the conditions of women in ancient societies, the concept of woman in Judaism and Christianity, status of women prior to Islam then discuss some of the major rights provided to women by Islam. This chapter also observes if Muslim women are getting these privileges in one of the most advanced and human/women right protector society of France or they are grilled to attain their rights. It is necessary to mention over here that veiling should be seen from the Muslim women’s point of view. It should be dealt as a right instead of just an Islamic duty/obligation or compulsion. As Izza Leghtas, a researcher on Western Europe for Human Rights Watch, believed the judgment of banning the veil was disappointing.

“Bans like this undermine the rights of women who choose to wear the veil and do little to protect those who are compelled to do so, just
as laws in other countries forcing women to dress in a particular way undermine their rights to freedom of religion and expression.”

It is strange that Islam a religion of equality and voice raiser of wicked and deprived is labelled as oppressor. The only religion firstly granted rights to women is considered as tyrant to women privileges. Furthermore, in a so called feminist and protector of human and women rights society of France, Muslim women are barred the right to wear veil. The French authorities seem rigid while banning veil. This rigidity is totally incompatible with the ideas of moderation, liberalism and freedom. On the name of equality the freedom of religion and religious practices have been challenged. At this point, for getting a much clearer picture, it is time to have a look on the history of women in ancient societies, Semitic Religions, Arab prior to Islam and Women rights in Islam.

1.1 Women in Ancient Societies: In many ancient civilizations women were considered equal to slaves and in many cases like animals. They had no rights and their social status was worsened to that of slaves. According to the Encyclopedia Britannica

“In Athens women’s status had degenerated to that of slaves. Wives ere secluded in their homes, had no education and few rights, and were considered by their husbands no better than chattels…..In ancient Rome, a women’s legal position was one of complete subordination, firs to the power of her father or brother and later to that of her husband, who held paternal power over his wife. In the eyes of the law, women were regarded imbeciles.”

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Ancient Greeks considered woman as the sinner and she was send to the earth with all kinds of miseries and evils. As prominent Islamic Scholar Maulana Wahiduddin Khan observes

“The first is an ancient Greek tale which later gained currency in Europe. It concerns the very first woman, who was created out of earth by Hephaestus at the instance of Zeus, the king of the gods, and sent down into the world with a box containing all kinds of misery and evil. It was the intention of Zeus in so doing to set at naught the blessing of fire which Prometheus had bestowed upon mortals by stealing it from heaven. The story goes that from the moment the box was opened, the world has been plagued with wickedness and sorrow. This woman was given the name Pandora, a Greek word which originally meant “all-giving”, but which came to be synonymous with “giver of all evils”.  

In the city like Athens, women were not allowed to own property. Their condition was worse than of slaves. Because slaves could own property but women could not. Womenfolk were not allowed to get educated. As Greek Boston have an article regarding this condition

“Women were not permitted to become citizens in the Athenian city-state. Since they weren’t able to own their own property, they weren’t able to hold full citizenship rights. Interestingly enough, slaves were able to become citizens if they were freed. Women actually had fewer rights than slaves because they were never allowed their own freedoms. Although they weren’t allowed citizenship status and were not able to own property, they still

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perceived themselves as being civilized. Athenian women were also not allowed an education. Men were the only ones allowed in the schools”.

Even educated and learned people of those ages considered woman as inferior to man. No other than, it was Aristotle, who used to consider woman lesser than man. According to Western scholar Bertrand Russell

“Aristotle maintained that women have fewer teeth than men; although he was twice married, it never occurred to him to verify this statement by examining his wife’s mouths”.

As there resides people of all three Semitic religions in Europe, it is necessary to discuss the status of women in all these three faiths in brief.

1.2 Status of Woman in Judaism: Women are ill-treated in Judaism. They share unequal right in comparison to man. Also, in Judaism women are described as the major cause of all kinds of hardships, mishappenings and evils. Moreover, they are seen as the cause of death for man.

“The three mifzyot given explicitly to women-hallah, niddah and hadlaka are given a negative connotation because Eve brought death into the world, thereby extinguishing the light (ner) of Adam, who was the dough (hallah) of the world, and by spilling his blood, which left her the obligation in niddah. This attitude denigrates women’s participation in ritual life and limits it to the home. The custom of women avoiding work on the New Moon is considered

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6 Three Semitic Religions are 1. Judaism, 2. Christianity and 3. Islam. All these religion share common history, heritage and line of Prophets to some extent.
a reward of refusal to participate in the idol worship of the golden calf (Pirkei de Rabbi Eliezar 48)."⁷

In Judaism Women are described as unreliable. Learning is not obligatory for them. Their minds are considered as undeveloped. As quoted below from the Jew sources

“This classification of women as being unreliable witness is part of the negative cycle in which women are not obligated to learn (and according to some are forbidden to learn) and therefore do not develop their minds and analytic thinking processes. It is fed by a negative view of women’s intelligence because they are considered to have frivolous minds (mi-penei sheda’atan kalah) in a very similar manner to Hellenistic ideas of education and intellectual development versus the untrained minds of the barbarians, who include women, salves and children.”⁸

The above description clearly state that women are the source of unhappiness, sufferings and hardships for man. They are reason for death for man. If they are barred to education then there is no shame in it. Women do not possess a fertile mind and should be treated subordinate to man. There is no difference between children, slaves and women.

1.3 Status of Woman in Christianity: In Christianity it is believed that God has ordered Adam not to eat the fruit of Knowledge of Good and Evil. It was a woman (Eve) who persuaded him to eat that fruit. Adam did so and the first act of disobeying God happened. It made God annoyed and Adam was sent out of Heaven and was descended to Earth. In the Chapter 3rd of Genesis in Bible

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⁸ Ibid
Now the serpent was more crafty than any of the wild animals the LORD God had made. He said to the woman, “Did God really say, ‘You must not eat from any tree in the garden’?”

The woman said to the serpent, “We may eat fruit from the trees in the garden, but God did say, ‘You must not eat fruit from the tree that is in the middle of the garden, and you must not touch it, or you will die.’ ”

“You will not certainly die,” the serpent said to the woman.

“For God knows that when you eat from it your eyes will be opened, and you will be like God, knowing good and evil.”

When the woman saw that the fruit of the tree was good for food and pleasing to the eye, and also desirable for gaining wisdom, she took some and ate it. She also gave some to her husband, who was with her, and he ate it.

Then the eyes of both of them were opened, and they realized they were naked; so they sewed fig leaves together and made coverings for themselves.

Then the man and his wife heard the sound of the LORD God as he was walking in the garden in the cool of the day, and they hid from the LORD God among the trees of the garden.

But the LORD God called to the man, “Where are you?”

He answered, “I heard you in the garden, and I was afraid because I was naked; so I hid.”

And he said, “Who told you that you were naked? Have you eaten from the tree that I commanded you not to eat from?”

The man said, “The woman you put here with me—she gave me some fruit from the tree, and I ate it.”

Then the LORD God said to the woman, “What is this you have done?” The woman said, “The serpent deceived me, and I ate”.

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Above discussions and quotes proves that woman was considered as the causes of all troubles and sorrows. They had a very low status in their respective societies. They were ill-treated not only because of superstition but also because of the pre-assumptions. As in the case of the thinking of Aristotle about women cannot be considered as superstation but because of the pre-assumptions for women as inferior. Before jumping directly to the rights of women in Islam, it is necessary to get a brief idea about the status of women prior to Islam.

1.4 Women at the Advent of Islam: At the advent of Islam, people of Arabs were living in almost ‘ignorance’ popularly known as ‘jahiliyah’\(^\text{10}\). During the days of ‘jahiliyah’ Woman had virtually no status and standard. In some of the tribes the birth of a girl child was not considered good. People used to feel shameful on the natal of she-infant. The extreme mistreatment with the girl child was the alive-burial. As such incidents described in Quran.

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\text{“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? Unquestionably, evil is what they desire”}. ^{11} \\
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In another verse of Quran the evil tradition of live burial of girl child has been condemned.

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\text{“And when the female child who was buried in the ground will be questioned for what sin was she killed”}. ^{12} \]

\(^{10}\) According to Encyclopedia Britannica Jahiliyah, in Islam, the period preceding the revelation of Quran to the Prophet Mohammad. In Arabic the word means “ignorance” or “barbarism” and indicates a negative Muslim evaluation of pre-Islamic life and culture in Arabia as compared to the teachings and practices of Islam. The term has a positive connotation only in literature; pre-Islamic Arabic poetry is esteemed by Muslims for its precise and rich vocabulary, sophisticated metrical structures, and fully developed systems of rhyme and thematic sequence.

\(^{11}\) Al-Quran 16: 58-59.

\(^{12}\) Al-Quran 81:8-9.
The above verses of Quran shed light upon the state of women at the advent of Islam. Women were not in a good condition before Islam. Their birth was a mark of shame for their father and family. The practice of alive girl child burial was in exercise in Arab society. Women had no status, they were just objects. They would owned by man. A man could bore women as much as he wished. The maximum number of wives for a man was not fixed.

Before the advent of Islam Arabs were divided in big or small clans and tribes. They used to fight for decades on very minor issues or without issues. Their wars caused losses of lives and money. In the century before the rise of Islam, the tribes dissipated all their energies in tribal guerrilla wars all against all.13 The women of defeating parties would face harsh realities. They were made captive by the subjugator and would have to face anguish of all kinds on the hands of males. Their condition used to be even worse than the slaves.

1.5 Women after Islam: First of all, the Islamic Philosophy does not blame Hawwa (Eve) for Adam’s exile from the gardens of Eden as blamed in Christianity. Hawwa is blamed nowhere in Quran for the expulsion of Adam from Heaven. It was Adam and Hawwa to whom Allah has warned not to go near to a specific tree. Both went near it and caused disobedience. They both committed mistake not a single one and no one lured other.

“Then Satan whispered to him, he said, “O Adam, shall I direct you to the tree of eternity and possession that will not deteriorate?”14

In this way it was Adam who was lured by Satan not by Eve. In another verse of Quran it is stated…

“So he made them fall, through deception. And when they tasted of the tree, their private parts became apparent to them, and they

14 Al Quran (20:120).
began to fasten together over themselves from the leaves of Paradise. And their Lord called to them, “Did I not forbid you from that tree and tell you that Satan is to you a clear enemy?”.”\(^{15}\)

From the above verses of Quran it is evident that according to Islam, it was Adam to whom came the Satan first and not the Eve. As in case of two earlier Semitic Religions i.e. Judaism and Christianity, Eve was made responsible for the forbidden tree episode and expulsion of Adam from the Gardens of Eden. In Islam, woman are not blamed for the wrong doings of man at all. Everybody is accountable for his deeds whether it be man or woman. In this way if man commits fault than he is responsible and if woman does a mistake then she is accountable.

“And no bearer of burdens shall bear another’s burden”\(^{16}\)

As stated earlier there prevailed many evil practices before the arrival of Islam. After the advent of Islam, all evil practices of ‘jahiliya’ period were banned. Live burial of child was banned, maximum number of wives a man could have was fixed, women were given equal status to man. Girl child is called a ‘rahmat’ for her family. The Prophet encouraged people to take care of their girl children. Hazrat Mohammad (SAWW) himself delivered special sermons on the status of women in society. He ordered his ‘Sahaba’ to behave in a genuine and respectful way with women. The Prophet advised his male followers to understand the creation of woman which is from their rib. By this Prophet seems to realize his male followers that woman are their integral part and they should feel their pains and sorrows in the same way they feel the pain of their own body, soul and mind.

“O Muslims! I advise you to be gentle with woman, for they are created from a rib, and the most crooked portion of the rib is its upper part. If you try to straighten it, it will break, and if you leave

\(^{15}\) Ibid (7:22)  
\(^{16}\) Ibid (35:18)
it, it will remain crooked; so I urge you to take care of the women”

The Prophet emphasized upon the education of women. He used to teach women in groups. Their issues were listened with due admiration and they were encouraged to ask questions. There are numerous ‘Hadiths’ about the status and rights of woman in Islam. This religion has granted rights to woman in almost all the sort of life. Allah Subhanhu Ta’ala in glorious Quran revealed a specific chapter (Surah) for women known as Surat-un-Nisa. Apart from this chapter, in various sections of Quran rights for women have been discussed. As the following verses of Quran states.

“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”.

In this way Islam has guaranteed women a share in property, which earlier had not done by any of the civilization, culture or religion. The religion of Prophet Mohammad (SAWW) gave special attention to the most deprived women of society and they were the widows. Before the arrival of Islam, widows were ill-treated in Arab Society. Male child of diseased person used to marry his wives except their own mothers. All such evil practices were banned by Islam. If the widows were not married by any male then they were treated immorally. No noble man would marry them. Holy Prophet Hazrat Mohammad Mustafa (SAWW) married first time to a two time widow Hazrat Khadija. Hazrat Khadija was a leading business lady of her time. She stood shoulder by shoulder with Prophet (SAWW) in spreading the message of Islam. She offered her wealth in the propagation of Islam and in the survival of life of poor. She proved to be a

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18. Fourth chapter of Quran An-Nisa revealed in Medina, is one of the most important chapter, which deals with the rights and duties of women. In this chapter there are 176 verses in all in which Allah Subhanhu Ta’ala has clearly mentioned the codes and conducts of women and with women to men.
true companion for Prophet Mohammad (SAWW) in the early days of Islam. In the beginning of Islam there were very few companions of Prophet and their issues and problems were countless. Prophet used to discuss important matters with Hazrat Khadija. They were blessed with a girl child named Hazrat Fatima Zehra (SA) who bore the title of ‘Sayyida’. As Prophet (SAWW) had no surviving son, His descendants come from the line of His blessed daughter Hazrat Fatima (SA). In this way Holy Prophet established the example through his practices. He stated numerous Hadith describing the importance of a girl child.

“If anyone has a female child, and does not bury her alive, or slight her, or prefer his male children to her, Allah will bring him into Paradise.”

In Islam women are treated in such a respectful way that the wives of Holy Prophet are granted the title of ‘Ummuhatul Momeneen’ (mother of believers) by no other than but Quran.

“The Prophet is closer to the believers than their own selves and his wives are their (believers) mothers (as regards respect and marriage)”.

As the wives of the Prophet (SAWW) titled ‘Ummahtul Momeneen, Islam has granted women a life full of respect and dignity. During his lifetime Hazrat Mohammad (SAWW) approved numerous rights to women. In Medina he encouraged women to attain knowledge. The Prophet (SAWW) encouraged men

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20 Ahmad Ibn Hanbal, 1957.
and women to acquire the knowledge. He offered them an excellent reward hereafter, the Prophet said.

“Whoever travels a path in search of knowledge, Allah will make easy for him a path to Paradise.”

The above quoted ‘hadith’ does not discriminate among men and women. It does not have any gender biasness. Women along with men are encouraged to acquire knowledge. Islam allowed women work freely, own their business and property. In this way Islam came for the emancipation of women from ignorance and illiteracy. A complete solution for all evils of societies. Because without the liberation of women foundation of an ideal society could never be laid. Women were the integral part of the Muslim ‘ummah’. In Madinah, the Prophet reserved one of the entrance gate of Masjid-un-Nabawi for lady worshipers. He discouraged men to enter freely where women were assembled. Prophet (SAWW) encouraged women to take part in all arenas. During his lifetime women used to take part in educational activities. The Prophet made special arrangements for the training of women. His wives get trained first by Him and then these proficient wives skilled other women and girls of Muslim Ummah. As Ummul Momeneen Hazrat Ayesha used to teach women. A’isha bint Talha (may Allah be well pleased with her), the servant of Aisha at-Saddiqa, reports:

“I stayed with ‘A’isha. People from every city would come to me including the old ones (who would put forward questions) because they knew that I am her servant. And the students who were young would treat me like their sister and would present gifts (to ‘A’isha through me). Many would also write me letters (so that I could reply them back after soliciting answers from ‘A’isha. I would submit: O aunt! Mr so and so has written a letter and there is his present as well. ‘A’isha would say in reply to this: O daughter!

22 Sahih Muslim, 2699.
Answer his query and give him present in exchange as well. If you have nothing to give, let me know, I will give. So she would return.”

In this way Islam treated women in a dignified way. One of the wives of Prophet was a business women of her times and another proved to be a scholar and contributed successfully in their respective fields. At this stage we should move forward and should take some examples from the rights of women Islam has granted to them and should examine whether in the present society of France, women are enjoying them or not.

1.6 Rights of Women in Islam: Islam promises numerous rights to women which should be given to them, but often observed, in practical these privileges are not provided to them.

1.6.1 Right to Veiling: Veiling on one hand could be seen as a duty but on the other hand it should be seen as a right of women. It is a right of expression. The way these women wish to express themselves in the public. As they do not wish to show their faces, hair and other body parts to strangers and in order to prevent them from un-necessary staring by males, they wear hijab, then it should be treated as a right of women. As in case of Europe in general and France in particular, many of the Muslim women who wish to veil, are forced to stay at home because they wish to enjoy their right of covering according to their faith. Such situations may forfeit many rights of women such as education, work, business and self-dependency in many cases. They wish to work with men but in proper covering and wish to avoid unnecessary starring. But, once they are forced not to veil then they would prefer to stay at home instead of working or attending co-educational institutions. Hence, just banning veil at public places forfeits their right of freedom of choice of covering, freedom of work, education and many more. As Muslim women are not allowed to veil in public places, they are at one hand forced either to leave their right to covering or stay away from the right to work in public organization/

enterprises, right to own a business (because it demands a person to go outside home), right to use public transports, right to education and the most important right to development. It is strange that such kind of conditions are formed in France, who has given the slogan of ‘Eqity, Fertility, Liberty’, in its world known revolution of 1779, which has brought France from the centuries old dictatorship towards the path of democracy. A state which has promised separation of state and religion in its 1905 law of ‘Laicite’. The misinterpretation of the law of ‘Laicite’ has caused problems and tensions. Such kind of bans clear dis-obedience of ‘Laicite’, because state is interfering in the matters of religion. As Patrik Weil clearly states on this issue….

“The first reason is misinterpretation of the French laïcité and of the 1905 law. Even if religion is taken by French militants of secularism, “to represent the irrationality of tradition” (as argued by Joan Scott), the 1905 law is by no means hostile to religion. It represents a break from preceding antireligious laws or regulations (e.g., the law of July 1, 1901, which required religious congregations or the schools affiliated with them to be authorized by law or by governmental decree) and not their continuity. It was designed by the socialists Aristide Briand, Francis de Pressensé and Jean Jaurès, who were much more open to religious freedom than their radical colleagues in the Parliament, in a negotiating process that involved the right wing minority of the Parliament who did not vote for the law but didn’t disapprove it. It is under that liberal framework that Judaism and Protestantism could develop a new diversity in the first half of the Twentieth century. The French bishops in their majority approved it too. But the new conservative Pope Pius X decided to condemn it hastily, forcing the French Catholic Church to fight the law. For the Catholic Church, its acception occurred in a few different stages (1924-1945) leaving at stake the issue of the subsidies to private religious schools until the 1980s. For legal scholars, laïcité has a clear definition and the
law of 1905 was built around three principles: freedom of conscience, separation of State and Churches and the equal respect of all faiths and beliefs. Yet, these principles have to be understood in its historical context.”

In this way we can say that the law of 1905 ‘laicite’ has been misinterpreted. This delusion has served significant role in banning the veil at public places.

1.6.2 Right to Education: Islam guarantees ‘right to education’ to its followers. Islam encourages Muslims, whether men or women to attain knowledge. Acquiring knowledge is highly recommended in Islam. In the very first revelation to the Holy Prophet Hazrat Mohammad (SAWW), Allah Subhanhu Ta’ala orders him in Surat al-Alaq

“Recite in the name of your Lord who created. Create man from a linging substance. Recite and your Lord is the most Generous. Who taught by the pen. Taught man that which he knew not”

This very first revelation to the Prophet Mohammad (SAWW) focuses upon the importance of knowledge and education in Islam. In another verse surah at-talaq of al-Quran Allah Subhanhu Ta’ala says

“It is Allah who has created seven heavens and of the earth, the like of them. (His) commands descends among them so you may know that Allah is over all things competent and that Allah has encompassed all things in knowledge”

There are numerous examples in Quran which encouraged man and woman equally to acquire knowledge. The Prophet in his teachings always emphasized upon the acquisition

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25 Al Quran (96:1-5)
26 Ibid (65:12).
of knowledge. Acquiring knowledge is made compulsory in Islam for Muslims. In the first war of Islam, known as Badr, Muslims captured some infidels who know reading and writing. Prophet Mohammad (SAWW) put one condition to free them. That very condition was to teach the group of Muslims and get free. This incident clarifies the importance of education and knowledge from the very early period of Islam.

Women belonging and having faith in Islam, religion that have always encouraged its followers to attain knowledge, Muslim women are not allowed to use head-scarf/veil, and they are forced to stay away from co-educational institutions. It is not just a veil which is banned in France but many times even Muslim girls in long skirts are forced to go out of the school. As the case of a 15 years old girl named ‘Sarah’. She was returned back home in 2015, next to the Easter holiday. Reason behind the decision of forcing her out of school was her long skirt. School administration anticipated it as a symbol of specific religion, i.e. Islam. Such circumstances discourage Muslim girls to make differences from educational institutions, because, there are numerous girls who wish to cover themselves according to their faith and once they are not allowed to enter their educational institutions (primary, secondary, higher), they prefer to stay at home. Hence in 21st century they are forced to stay at home and have lost the right to education. In an era of education and knowledge and in one of the most advanced society there are girls and women preferring to stay at home instead of attending co-educational institutions without head cover/veil. In this way Muslim women are facing difficulties while exercising the right to education in France.

1.6.3 Right to earn their livelihood: Islam guarantees every individual the right of earning his/her livelihood in a respectful manner. Although earning of livelihood for the family is basically a duty of the man. Islamic society makes the man responsible for providing bread and butter for his wife and children and meeting their expenses. However, there may arise circumstances where the women opt to work for earning livelihood. So the Qur'an does not exclude them from working. This right of earning income through lawful (Halal) means is granted to a woman by the Revealed Book when it says:
"...to men is allotted what they earn, and to women what they earn"\textsuperscript{27} (4:32).

Earning signifies the reward of good deeds in the next world as well as earning of provision for the family in this world.

“And in no wise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others: to men is allotted what they earn, and to women what they earn: But ask Allah of His bounty: For Allah hath full knowledge of all things”\textsuperscript{28}.

The Quran also discusses the working of women with men. In the story of the Prophet Shoeb this narrative has been described. When Prophet Shoeb got old and could not go outside to earn a livelihood his daughters used to tend the sheep and worked for gaizing and watering the flocks. One of his daughters later married Prophet Moosa (Moses).

“And when he arrived at the watering (place) in Madyan. He found there a group of men watering (their flocks), and besides them he found two women who were keeping back (their flocks):He said :"What is the matter with you?" they said: "We cannot water (our flocks) unit] the shepherds take back (their flocks):And our father is a very old man,"\textsuperscript{29}

In this way in the stories of the prophet working of women was a usual practice and women used to enjoy their right of working. During the time of Prophet Mohammad women used to work. His first wife Hazrat Khadija was a leading business lady. She was such a business tycoon that the length of her caravan carrying goods towards Syria or

\textsuperscript{27} Al Quran 4:32
\textsuperscript{28} Ibid
\textsuperscript{29} Al Quran, 28:23.
Yamen used to surpass the rest of the Meccan caravans. Another wife of Prophet Mohammad named Hazrat Saudah was skilled in tanning-the skins of the animals and used to make a considerable amount of earning from this vocation. One of the most notable companions of Holy Prophet Hazrat Abdullah ibn-e- Mas'ud (R.A) was mostly engaged in religious work and had no time to earn for the family. For the survival of the family his wife used to work as artisan to earn livelihood. When the Prophet came to know about it, he assured her reward for this in the hereafter. In this way we can conclude that there lies the practise of working women among the pre Islamic era and after the arrival of Islam during the time of Prophet Mohammad.

Although women are allowed to own and run their business, choose a respectful and legitimate profession and job with the modesty of their dresses, in one of the most modern and women rights liberator country i.e. France, Muslim women are not allowed to work with full covering/hijab/veil. As most of the women prefer to use head scarf and veil, they have to left their jobs and business ventures. It is bizarre that Muslim Women have to face discrimination at working place. There are several authentic reports that have revealed the truth about the discrimination with the Muslim Women at work place. According to Tunisian-British researcher Intisar Kherigi

The Most significant finding of the report is that Islamophobia is a specifically gendered form of discrimination. It does not affect men and women in the same way-Muslim women are far more likely to be the victims of hate crime and speech than Muslim men, especially if they wear a headscarf. They are the primary targets of threats, hate speech, violence, assaults and online hate. In the Netherlands, over 90 percent of the victims of Islamophobic incidents reported to the organisation Meld Islamofobie in 2015 were Muslim women. In France, 81.5 percent of Islamophobic violence recorded by the Collective Against Islamophobia in France in 2014 targeted women, most of them wearing a visible religious symbol.

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France in 2014 targeted women, most of them wearing a visible religious symbol.”

1.6.4 Right to dignity: Islam grants right to dignity to all human beings. But, the situation Muslims especially Muslim women are facing goes against their dignity. The way they are harassed at work and public places is against their self-esteem. The case of Burkini ban at the beach of Nice is terrible. Below is the image of a Muslim women at the beach of Nice forced to remove her upper-garments.

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Authorities in several French towns have implemented bans on the garment that covers the head, arms and legs of women on the beach, over concerns the clothing could incite public disorder while running contrary to the French constitutional principle of secularism. The incident was too against sombreness that United Nation needed to make a statement and the same was made public on the SABC News.

“The United Nations has called for the dignity of individuals to be respected. The remarks were made as images have gone viral of a Muslim woman on a beach in Nice, France being forced by several male police officers to remove her long sleeved garments, otherwise known as a Burkini.…

She was resting quietly on the shoreline, and was then approached by several male officers and a moment later is seen removing clothing in full view of the other beach goers and the hovering police.

“We’ve seen the reports, we have seen the photos. I think it’s important that the dignity of individuals be respected. I’m not sure in this particular case, the case that we saw with the photos, it was respected. I know our colleagues at the Office of the High Commissioner for Human Rights are also concerned about these blanket bans, and positions having to do with clothing,” says UN Secretary General’s spokesperson Stephane Dujarric.”

On this issue the United Nation was too concern that its spokesperson again and again spoke about the dignity of Muslim Women.

“‘I don’t want to speculate on the impact these images might have. I think it’s about respecting the dignity of people; it’s about respecting the dignity of women. And as I said from what we’ve seen in the photos, it doesn’t look like that was the case in this particular incident,” says Dujarric”.  

Many a times whenever there is a terrorist attack, Muslims especially women have to face inhumane behaviour of some of their fellow citizens. Not only women but men of other faiths also start abusing and miss-behaving with them. They are called “terrorist”, “backward”, “Gypsy” and most often they are abused on public places. In an interview given to media, Hassen Firdousi the President of the Union of Muslim Associations of Seine-Saint-Denis,

“But it’s the rest of us who are paying the bill — that’s the problem now, and we fear it will be a problem in the future,” he said. “The Muslim community is very afraid.” Already, Mr. Farsadou said, he has received more than a hundred calls from average Muslims, mostly women, reporting attacks and insults hurled at them in the streets”.  

The above descriptions clarify that Muslim community as a whole and women in particular have to face harsh realities and accusation at the hands of authorities and civilians in France. Their dignity is at stake.

**1.6.5 Right to Inheritance in Paternal Property: Around** 1400 years ago when people in Arabia used to bury their daughters alive, this practice was not only made forbidden but women were granted right to share in paternal property. Islam gives one third portion to women in their fatherly assets. But, in the lack of Islamic institutions in France, and in

33 Ibid.

the absence of provisions in French legal framework, most of the French Muslim women do not enjoy this privilege. At one hand French authority and media of this country labelled the Muslims as patricidal societies and on the other side they have made no provisions for the women belonging to this society to secure their rights. If they are not given the right of property by their parents/family member, French Muslim women have no door to knock to avail their rights. As bounded by the laws, French authorities do not interfere in the matters of religion. In such circumstances, there arises an anxiety among women about their right to property. The situations make French Muslim women completely abandoned. On one hand they are denied the right to property by their relatives and at the other hand they cannot go to the authorities to protect their right.

1.6.6 Right to Dowry at the time of Marriage from Husband and Share in Property: Islam has empowered women at all stages. Among various rights Islam has promised to women is ‘Mahar’. It is a dowry given to women/girls by their grooms at the time and sometimes after marriage. ‘Mahar’ is a kind of obligation upon groom, which should be paid to the bride’s father or directly to her. As in the Quran it is quoted as below

“And give the women their dowries with a good heart”.

Even taking back the dowry from is not permissible in Islam. If a man wishes to remarry with another women and wants to divorce his first wife then he should not take back the gifts he has given his first wife earlier in the marriage.

“If you wish to marry another wife, in place of your present wife, and you had given any of them a great deal, you shall not take back anything you had given her. Would you take it fraudulently, maliciously, and sinfully? How could you take it back, after you

\[35\] Al-Quran (4:4).
have been intimate with each other, and they had taken from you a solemn pledge?"36

But, often observed in Muslim societies in general and in European Muslim societies in particular, groom commonly do not pay ‘Mahar’ neither to the father of bride nor to the spouse directly. As, there is no provision in French law or European Union constitution about the protection of this particular right, Muslim women find themselves totally helpless. In cases of divorce they have to bag for their right of dowry. In the absence of any provision in the law for rights of Muslim women and in the lack of policies for their rights, they find no place suitable for them. In a society, promising rights of women, Muslim womenfolk have no aid.

Although French Muslim women are denied this right from their husbands on one side, they are labelled as “backward” by their Co-Citizens in France. In this situation Muslim women feel totally deserted. Muslim women can’t complain to anyone about the protection and restoration of their rights promised by Islam. Instead of helping these women and making them a part of main stream, they are barred from availing these rights and French society, authorities could be declare responsible for their fate.

1.6.7 Freedom of Choice: Freedom of choice could be one of the most important privileges guaranteed to women by Islam. This freedom of choice could be stated as 1. Choosing a life partner of her choice, 2. Free opinion and 3. Freedom of work. This is the freedom of choice in Islam which allows a girl to choose a husband from Muslim ‘Ummah’. Her consent is seek before ‘nikah’. Holy Prophet himself seek consent before marriage of his own daughter Hazrat Fatima. As there were several proposals of marriage for the beloved daughter of Prophet, she replied through negative signs. When Hazrat Ali (AS) showed his desire and send a proposal to the Prophet. Hazrat Fatima showed her consent to Prophet by shyness and the marriage finally took place.37

36 Ibid (4:20-21)
The Holy Prophet dislike the marriages took place without or against the consent of girls. Once a girl approached the Prophet and complaint about her marriage, which was going to take place against her will. At this Hazrat Mohammad (SAWW) asked her father to marry to a Muslim male of her choice.

“If you do not like him that is an end to the matter. You have full authority. Go and make the choice of man whom you would like to marry”.

“By Chance”, the girl finally admitted, “very much like my cousin and do not like any other person but because my father did this thing without asking my consent, I have purposely come to put questions on this matter and to get your relies and hear this decision from you, and so inform all women that henceforth fathers have no right to take a decision on their own and give their daughter in marriage to anyone they like”.

The above incident from the very life of Prophet Mohammad (SAWW) is perhaps one of the most remarkable declarations of the Freedom of Choice for woman in Islam. All the Muslim ‘Ummah’ especially French Muslims should take lessons from such instances. As, French Muslims are labelled oppressor to woman should try to follow the Sunnah in proper way so that they could not be treated the present way. If one really wants to liberate the woman then French authorities should acknowledge the Freedom of Choice in practice, because in one of the most advanced societies this “Freedom of Choice” is challenged by the French Laws. At one hand the French authorities declare Freedom of Choice as one of the most important right of every citizen. Whenever Freedom of Choice is discussed, European Union has always guaranteed this right to every citizen of member states, but the reality for French Muslim women is something different. These Muslim women have to loose “Freedom of Choice”. Because, there is a ban on veil in the public, ‘burkini’ is not allowed at the beaches, how “Freedom of Choice” could be claimed?

We can conclude that Islam has granted numerous rights to women. When the status of

women was even worse than of slaves, Islam declared them ‘half-humanity’. Whether it be Greeks or Romans, the state of woman was not good. After observing the condition of women in Judaism and Christianity one can easily conclude that it is Islam which has given them the appropriate status. In Arabia, before Islam women were in poor conditions. After the arrival of Islam women could get the dignified status in society. They were free to choose the husband of their choice and were treated like human beings and not as an object.

Europe is the continent, before 19th CE never recognized the rights of woman. The European societies were hostile to female. Women were considered ‘inferior sex’. On the other hand Muslims have always faced numerous challenges in this continent. Muslim women have to face majority of these challenges and they become the easy target. Whenever there is a terrorist attack in the West, Muslim Women are harassed and victimized. Although in Western Europe, France is the country with the highest Muslim population, still hostile for them. One of the founder and most important member state of European Union, France is antagonistic for its Muslim population. As not only veil, long skirts are also labelled ‘not allowed’ in the school, although there lies no provision in laws for such bans. Now, it is the responsibility of the Muslim ‘Ummah’ to spread the true message of Islam through their actions and wisdom. French Muslims should treat Women with due respect as stated in ‘Quran’ and ‘Sunnah’. By doing this, Muslims could prove the people of other faiths or of no faiths that women hold a respectful position in Islam and could recognize their rights to some extent.