

## **DID SHARIA LAW GIVE WOMEN ANY RIGHTS?**

### **THE RIGHT TO SEEK KNOWLEDGE:**

- a. Muslim women have the right and duty to seek knowledge. Going to university and getting a degree is a duty as much as it is a right. It is the husband's duty to allow, facilitate, and encourage his wife's education. This is not confined to religious education.
- b. Many Muslim women were in fact teachers of men. A few examples are Aisha Bint Sa'id Ibn Abi Waqqas, who taught the first compiler of Hadith, Malik, and Sayyida Nafisa, granddaughter of Al Hassan, who taught Imam Shafi'i, the founder of one of the main schools of thought (mathahib) in Islam. Much later, Ibn Al-Arabi, the famous Sufi thinker, was taught by a woman who greatly influenced his thought.

### **FINANCIAL RIGHTS:**

- a. The right to own and manage her own independent property, such as land, a house, apartments, a store, or a business. This is a right that women in some Western democracies only attained in the last 100 years or so.
- b. The right to earn her own money through work, a business, or investments.
- c. The right to keep every single penny she earns to herself, and not spend any of it on her family, if she chooses to, even if she is very wealthy. This means that even if she's married, the money she earns could remain hers entirely: She can stack it up in the bank or spend it on clothes and jewelry for herself. Men on the other hand are obliged to spend on their wives and children, as well as their parents and sisters.

Therefore, under Shari'a, a Muslim woman is never responsible to maintain any relations and spend on anyone but herself. This is the man's job in the family, be him the father, brother, son, or husband. Women can do work like men, but they do not have to earn a living.

### **THE RIGHT TO BE RESPECTED AS AN ACTIVE MEMBER OF SOCIETY:**

- a. The right to express her opinion and be heard. An example is Zubaida, the wife of Haroun Al Rashid, who was responsible for many of his decisions. She also built wells across the city and had her own humanitarian organization.
- b. The right to be an active member of society. Muslim women scholars used to teach at the best of mosques, teaching both men and women, and their opinions were taken as facts.
- c. The right to vote. Islam gave women this right 1400 years before many, if not all,

Western democracies.

d. Centuries ago, Ibn Jarir and Al-Tabari said that women can be appointed in judicial positions to adjudicate in all matters.

e. Women have headed Islamic provinces, like Arwa Bint Ahmad, who served as governor of Yemen under the Fatimid Caliphs.

f. The right not to have rumors spread around her that attack her chastity. Anyone who does that is liable to punishment from God and the court.

g. The right to maintain and guard her privacy-dressing modestly and men should lower their gaze.

### **HER RIGHTS IN MARRIAGE:**

The Prophet said: "The most perfect believers are the best in conduct, and the best of you are those who are the best to their wives."

a. The right to propose to the man of her choice.

b. The right to negotiate marriage terms of her choice. She can put conditions, as detailed as she wants, in the marriage contract, as to what she accepts and what she doesn't. This may include things like only she has the right to ask for divorce, or to have a cook (chef) at home.

c. The right to get sexual satisfaction from her husband. Not getting this serves as a legitimate reason for a divorce.

d. The right to reject a prospective spouse on the simple grounds that he does not please her (physically, intellectually, or on any other grounds). This proves how arranged marriage has nothing to do with Islam and is merely a cultural aspect found in some Muslim and non-Muslim cultures alike (the type where someone is 'promised' to another and where the woman does not make the decision).

e. The right to choose a spouse and to get to know him through talking and asking questions and meetings before getting married. There is no Islamic basis for the custom of marrying young couples who have never set eyes on one another.

f. The right for a dowry. This is money that the husband pays her upon marriage. She decides the amount, and she gets to spend it in any way she likes.

g. The right to guard her modesty until marriage. The only thing a husband can see before marrying her are her face and hands. He therefore chooses her on her personality and character, and beauty of the face, as opposed to any other physical aspects.

h. The right to be treated respectfully by her husband during the marriage, and even during and after a divorce.

i. The right to provisions from the husband for all her needs, as stated in the Quran. Once married, a woman has the right to be financially supported by her husband, even

if she is a millionaire, and even if he does not have a lot of money. Most Muslim women, out of piety, would help their husbands if they have the means, but this does not negate the fact that it is her right and if she chooses to, no one can object. The husband has no right to expect her to support herself, let alone the children or himself. If she does contribute to the household income, this is regarded as a charitable deed on her part, but not an obligation.

j. If a woman has not been used to doing housework before getting married, it is the husband's duty to provide domestic help within his means. The prophet himself used to help with housework. A Muslim woman has the right to a maid or housekeeper to help her with the chores if she cannot do them herself.

k. Cooking is not an obligation, but rather a favor that she does for her family. It is the husband's duty to provide cooked food for his wife and children.

l. Islam makes no demand that a Muslim woman should confine herself to household chores. In fact, early and contemporary Muslim women are found in all walks of life. You just don't see them on FOX or CNN.

### **THE RIGHT TO DIVORCE:**

a. The right to divorce her husband, even on the grounds that she simply can't stand him. Although God deeply frowns upon divorce as a solution unless there is hardly any other alternative, it does not mean that men have more right to divorce than women do. She only needs to prove that she hates him irrevocably for the court to grant her a divorce, no questions asked.

b. Custody of children after divorce: Children always stay with the mother until they are old enough to choose. The father has to spend on the children no matter with whom they live. The mother has first claim to custody of young children, followed by other female members of her family, if she remarries or is unable to look after them. The right reverts to the husband's family only if the children reach an age of greater independence, which varies according to the school of law, and then the wishes of the child must be taken into consideration, if the example of the Prophet is to be followed.

c. If the husband willfully fails to maintain his wife, she has the right to divorce him in court.

d. Suckling her own children is not an obligation. If the mother decides to keep the baby after divorce and suckle it herself, the ex-husband must pay her for her trouble.

### **THE RIGHT TO INHERITANCE:**

a. Because of their greater financial responsibilities, some categories of male relations, according to the inheritance laws in the Quran, inherit twice the share of their female equivalents, but other men, whose responsibilities are likely to be less, inherit the same

share as women. The concept of equity is at the core of this wisdom.

b. A woman's share of an inheritance is less than a man's because all what she inherits is hers to keep, whereas a man has to spend on his wife, parents, grandparents, sisters, and children. Critics of Islam neglect the wisdom behind this and use this inequality of inheritance as an argument against Islam. Equity is more important than equality, and at the end of the day, women are the winners.

c. Women inherit from all their relations, in addition to being fully provided for by their husbands or males in their family.