



## Rights of women in Islam

by Dr Zahid Aziz

**1.** The views of Muslim religious and community leaders, in general, about the rights given to women by Islam are based more on the practices and customs of Muslim societies than the teachings of the Quran and Hadith. They hesitate to give Muslim women their legitimate rights as granted by Islam. The proper role of these leaders should be to educate Muslim men and women about the real teachings of Islam.

**2.** According to the Quran, every good moral quality can be attained equally by men and women:

“Surely the men who submit and the women who submit, and the believing men and the believing women, and the obeying men and the obeying women, and the truthful men and the truthful women, and the patient men and the patient women, and the humble men and the humble women, and the charitable men and the charitable women, and the fasting men and the fasting women, and the men who guard their (own) chastity and the women who guard, and the men who remember Allah much and the women who remember — Allah has prepared for them forgiveness and a mighty reward.” (33:35)

The Quran also indicates that men and women have the same level of intelligence to study the working of nature. A group of verses begins as follows:

“In the creation of the heavens and the earth and the alternation of the night and the day, there are surely signs for **those who have understanding**, those who remember Allah, standing and sitting and (lying) on their sides, and **reflect** on the creation of the heavens and the earth: Our Lord, You have not created this in vain!” (3:190–191)

At the end of this group of verses, it is stated that God responds to these possessors of “understanding” in these words:

“So their Lord accepted their prayer, (saying): I will not let the work of any worker among you to be lost, **whether male or female**; each of you is as the other.” (3:195)

The response of their Lord clearly shows that those who are mentioned as possessing “understanding”, i.e., intellectual capability, who are using it to “reflect”, i.e., they think and reason, and are then addressing God, are both males and females.

The Quran also says in many places that males and females are equally rewarded by God in this world and in the Hereafter for their good deeds (4:124, 16:97, 40:40). We must remember here that what God does is a model and example for human beings to follow.

**3.** The Quran explicitly says:

"For men is the benefit of what they earn. And for women is the benefit of what they earn" (4:32).

A little prior to this statement, the Quran allows that a wife, receiving some property from her husband as her right at marriage, can dispose of it entirely according to her own pleasure and will:

"And give women their dowries as a free gift. But if they **of themselves are pleased** to give you a portion from it, consume it with enjoyment and pleasure." (4:4).

The next verse directs Muslims not to allow those persons who do not have mental competence control of their own property, but to maintain them out of it:

"And do not make over your property, which Allah has made a (means of) support for you, to **the weak of understanding**, and maintain them out of it, and clothe them and give them a good education." (4:5)

The verse after this directs that, in case of minors, the guardians must hand them their property when they reach maturity of understanding:

"And test the orphans until they reach the age of marriage. Then if you find in them maturity of intellect, make over to them their property..." (4:6)

A comparison of 4:4, which allows a wife full charge over her property, with the next two verses shows that according to the Quran women in general do possess mental competence and maturity of intellect to be in full control of their property, just like men. For, the control over one's own property, which is not allowed to the "weak of understanding" nor to those who are below "maturity of intellect" in 4:5–6, is allowed to women in 4:4. This applies not only to property matters but also to all decision-making powers to run their own lives.

**4.** The mutual relationship in society of men and women is described in the Quran as follows:

"And **the believers, men and women**, are friends of one another. They enjoin good and forbid evil and keep up prayer and give the due charity, and obey Allah and His Messenger. As for these, Allah will have mercy on them. Surely Allah is Mighty, Wise. Allah has promised to **the believers, men and women**, Gardens (of the after-life), in which rivers flow, to abide in them, and goodly dwellings in Gardens of perpetual abode. And greatest of all is Allah's goodly pleasure. That is the mighty achievement." (9:71–72)

This means that Muslim men and women should work together for the betterment of society.

## **Islamic teachings on marriage**

**5.** What a Muslim man and woman should seek through marriage is stated in the Quran. It tells them that they both are created by God from the same “essence”. This is so that they may find comfort in one another. The Quran says that God “put between you love and compassion” (30:21), that is, between man and woman.

The Quran says to men about their wives: “They are an apparel for you and you are an apparel for them” (2:187), meaning an attire or clothing for one another. This shows the reciprocal relationship between husband and wife. A person’s clothes are in the closest contact with him or her, and they are a means of protection and adornment. Such should be the relationship between husband and wife.

**6.** The basic teaching of Islam on how a man should treat his wife is given as follows in the Quran:

“And treat them kindly” (4:19).

In case a man takes a dislike to his wife, the same verse goes on to tell him to remember:

“Then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it” (4:19).

The Quran, whenever dealing with divorce, tells husbands to treat their wives with kindness, whether they are going to continue the marriage or to terminate the marriage:

- i. “...then keep (them) with kindness or let (them) go with kindness.” (2:229)
- ii. “...then retain them with kindness or let them go with kindness and do not retain them for injury so that you exceed the limits.” (2:231)
- iii. “...retain them with kindness or part from them with kindness” (65:2).

**7.** Marriage in Islam is a contract between the husband and the wife. It is like any civil contract between two parties. Any legal conditions agreed by the two parties may be stipulated in it. A marriage according to Islam is very much a match made on earth by humans, even though it requires a religious ceremony.

Being a contract, it requires the free consent of both the man and the woman, and before marriage they both must satisfy themselves that each will have a desirable partner for life in the other.

**8.** The Holy Quran lays down expressly, while addressing men: “...marry such women as seem good to you...” (4:3). That is to say, those women whom you like. The same applies to women, and a woman may offer herself in marriage to a man.

Likewise, referring to re-marriage of a man and woman again to one another who had earlier divorced each other, the Quran says:

"...do not prevent them from marrying their husbands if they agree among themselves in a lawful manner" (2:232).

This has been generalized, quite rightly, by some commentators of the Quran to mean that whenever a man and woman agree to marry one another, remaining within the moral and legal boundaries of Islam, then no one has the right or power to prevent them from getting married.

**9.** Both the Quran and Hadith mention that a man may propose to a widow. He may do so even during the widow's period of waiting, but in this period he must mention it to her *only indirectly*. The Quran says about this:

"And there is no blame on you concerning what you speak indirectly in the asking of (such) women in marriage or keep (the proposal) concealed within your minds. ...but do not give them a promise in secret unless you speak in a lawful manner. And do not confirm the marriage tie until the prescribed period reaches its end." (2:235)

In Sahih Bukhari, in explanation of this verse, various early authorities have mentioned examples of words that a man may say to a widow when making an indirect proposal during the widow's period of waiting (hadith number 5124). It is stated that a man may, for example, say to the widow: "I hold all respect for you, and I am interested in you; Allah will bring you much good." It is added:

"She (the widow) may say in reply: 'I am listening to what you say,' but she should not make a promise. Her guardian should not make a promise (to somebody to get her married to him) without her knowledge."

Although this making of marriage proposals refers to widows in particular, it also applies to proposing marriage in general, and a man may propose directly to a woman or through her father or guardian. Examples in which a man proposed marriage directly to a woman are mentioned in Bukhari (Book of *Nikah*, heading of ch. 38).

A woman may also propose marriage to a man. It is mentioned in the Quran that the Prophet may marry:

"... a believing woman if she gives herself to the Prophet, if the Prophet desires to marry her" (33:50).

In Bukhari an incident is narrated in some twelve reports that a certain woman offered herself in marriage to the Holy Prophet.<sup>1</sup> He declined her request but another man present

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<sup>1</sup> One of these reports, which is brief, is as follows: "I was with Anas while his daughter was present with him. Anas said: 'A woman came to the Messenger of Allah and presented herself to him, saying, Messenger of Allah, have you any need for me (i.e., would you like to marry me)?' Thereupon Anas's daughter said: 'What a

at the occasion offered to take her in marriage. One chapter containing such a report has the heading: "A woman can present herself to a righteous man", and by "presenting" here is meant asking him to marry her (Book of *Nikah*, ch. 33; see also ch. 30).

**10.** Forced marriage, which means marriage without seeking consent of each one of the two persons who are getting married, is disallowed in Islam. The Prophet Muhammad acted as the 'Forced Marriage Prevention Unit' of his time, and women could appeal to him if they had been forced to marry. It is recorded:

"A girl came to the Prophet and said: My father married me to his brother's son so that he might raise his status thereby. The Prophet gave her the choice (to end the marriage), and she said: I approve of what my father did, but I wanted women to know that their fathers have no right to do that." (Ibn Majah, hadith 1947)

In Bukhari there is a chapter with the heading:

"When a man gives his daughter in marriage and she dislikes it, the marriage shall be repudiated" (Book of *Nikah*, ch. 43).

In this chapter there is a hadith showing that the Holy Prophet repudiated such a marriage (hadith number 5138). Although, in the instance quoted, it was a woman who had been married before, i.e., she was either a widow or divorced from a former marriage, the chapter heading shows that the same right is given to a woman being married for the first time.

**11.** Childhood marriages and betrothals, and promising your child to be married in a certain family when he or she has grown up, are not valid practices according to the Quran. In fact, the Quran mentions an age of marriage which is the age of majority:

"And test the orphans until they reach the age of marriage (*nikah*). Then if you find in them maturity of intellect, make over to them their property, and do not consume it extravagantly and hastily against their growing up." (4:6)

Here the *age of marriage* and the *age of maturity of intellect* are identified with the *age of growing up*.

As marriage is a contract, it is made with the assent of the couple who are getting married. This means that both of them must be of an age at which they are capable of understanding that contract and agreeing to it.

**12.** It may be pointed out that Muslim marriages are taking place in Western countries only by means of conducting a *nikah*, without formally registering the marriage in the law of the country. In many such cases, wives are given the impression that the *nikah* is sufficient, since in Islam it legitimises marital relations between the man and the woman. Husbands are using it as a ruse to deprive their wives of their rights under the law of the country.

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shameless lady she was! Shame! Shame!" Anas said: 'She was better than you; she had a liking for the Prophet so she presented herself for marriage to him'." (Bukhari, Book of *Nikah*, ch. 33, h. 5120)

## Divorce in Islam

**13.** Regarding the divorce procedure in Islam, it is a common misconception that the husband, by saying to the wife three times “I divorce you”, can end the marriage at his whim in an arbitrary manner, and the wife has no right to initiate divorce. The procedure for divorce is clearly laid down in the Quran. The first step is:

“And if you fear a breach between the two (meaning between the husband and the wife), appoint an arbiter from his people and an arbiter from her people. If they both desire agreement, Allah will effect harmony between them” (4:35).

The case must first be referred to two arbiters and their decision is binding. There are other details of the divorce procedure in Islam, and rules and regulations to be followed, which cannot be covered in this article. Suffice it to say that the practice of pronouncing three divorces on one and the same occasion, and calling it a permanently irrevocable divorce, is contrary to the clear teachings of the Quran.

**14.** Most importantly, the Quran requires that during divorce husbands are kind and considerate to their wives. Some verses from the Quran in this connection have already been quoted above (“...retain them with kindness or part from them with kindness”). To these verses, the following must be added:

- i. “And for divorced women, provision (must be made) in kindness. This is incumbent on those who have regard for duty.” (2:241)
- ii. “Lodge them where you live according to your means, and do not injure them in order to impose hardship upon them. ... Let him who has abundant means spend out of his abundance, and whoever has his means of subsistence restricted for him, let him spend out of what Allah has given him.” (65:6–7)

## Violence in the family

**15.** So-called honour killings, or other lesser violence, are sparked by two kinds of behaviour which is regarded as impermissible and bringing shame upon the family.

One kind is the committing of some action which, while allowed in Islam, is against the social codes of society. For example, a boy or a girl rejecting an arranged marriage or marrying by their own choice against the family’s wishes. As the action of the boy and the girl is allowed in Islam, the family’s reaction to it is not due to any teaching of Islam and the use of any force by the family is *absolutely against Islam*.

**16.** The other kind of such behaviour is the committing of some immorality which is against the teachings of Islam but is not illegal in a country’s law.

Here for guidance we may refer to Hadith reports which show that the Prophet Muhammad strictly forbade any husband from inflicting his own punishment on a man if he caught his wife with him in an intimate act. He instructed that the husband must produce

witnesses and follow the due process of law. He warned those who would take the law into their own hands that they themselves would be punished.

From this, we draw the more general conclusion that no person is allowed in Islam to kill or attack another person by accusing him or her of an illicit sexual act, even if he claims to have seen it taking place himself. Instead, the procedure of the law must be followed.

**17.** A man accused his wife of having sexual intercourse with another man and brought the case before the Prophet Muhammad. It is reported:

“The Prophet said (to him): Either you bring forth a proof or you will receive the legal punishment on your back (for slandering the wife). He said: O Messenger of Allah, if anyone of us saw a man with his wife, would he go to seek after witnesses? But the Prophet kept on repeating: Either you bring forth proof or you will receive the legal punishment on your back.” (Bukhari, hadith number 4747)

When it was reported to the Holy Prophet that a man had said: “If I found a man with my wife, I would kill him”, the Prophet said:

“Do you wonder at his sense of honour? I have a greater sense of honour than him and Allah has a greater sense of honour than I have.” (Bukhari, hadith 6846)

The Holy Prophet meant that since Allah and His Messenger, who are the greatest guardians of honour, decency and morality, do not teach the action the man wants to take, how can it be moral for him to do so?

**18.** A verse of the Quran is used to justify a husband “beating” his wife, albeit lightly or symbolically. The verse in question (4:34) says that in case of disloyalty and immoral behaviour by wives, their husbands should:

“...admonish them, and leave them alone in the beds and *iqbribū-hunna*”.

These three actions are advised according to the severity of the breach of marital faithfulness. These are: cautioning, breaking off sexual relations, and finally the action of *darb*.

This action is generally translated as “beating”, “hitting”, “striking” and “punishing”. However, the action of *darb* is frequently mentioned in the Quran with a large variety of meanings. Translators of the Quran into English are now increasingly translating these words of this verse (*iqbribū-hunna*) as follows:

- “go away from them” (Laleh Bakhtiar)
- “depart away from them” (Safi Kaskas and David Hungerford)
- “strike a temporary parting” (Tahir-ul-Qadri)
- “bring forward to them [the suggestion for dissolution of marriage]” (Kamal Omar)
- “separate from them” (Bilal Muhammad).

The writer of this article (Zahid Aziz), in updating Maulana Muhammad Ali's famous English translation of the Quran, has expressed this as "turn them away", and explained it in a footnote as meaning either "turn them away from wrong-doing" or "turn them away from yourselves by divorce".<sup>2</sup>

It is not merely a technical matter of translating the action of *darb* in a different way than "beating". To beat or strike the wife is clearly contrary to the general exhortations given in the Quran on how a husband should treat his wife. I have already quoted some verses on this point.

**19. Enacting new laws for women's rights:** An incident is recorded in the Quran that a woman appealed to the Prophet Muhammad against her husband because he separated her from him through an old Arab custom of calling her as his mother. Under this unjust custom, she ceased to hold the status of wife but she was not divorced and therefore not free to marry elsewhere. And the husband could take her back whenever he wanted. The Prophet replied that he could not intervene as he had received no revelation about this custom. Then a revelation came to him beginning with the words:

"Allah indeed has heard the plea of her who pleads with you (O Prophet) about her husband and complains to Allah; and Allah hears the contentions of both of you." (58:1)

Allah here says that He heard **both** sides: an ordinary woman on the one hand and the Prophet Muhammad on the other. The revelation then went on to denounce that custom in the strongest terms and prescribed that those husbands who then wanted to take back their wives must first repent by performing some act of general charity as penance (58:2–5).

The voice of an ordinary woman was thus heard by God Himself and He sent His ruling to His Prophet to redress her complaint. This example shows that it is allowed in Islam for a government to make laws to abolish unjust social customs which are oppressive to women. Many Muslim religious leaders believe that governments of Muslim countries are not entitled by Islam to make laws to improve the status of women. But their view is not correct.

— *This article was written in July–September 2016.*

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<sup>2</sup> At the time when I made this revision in the translation of 4:34, I was unaware of any of the translations which I have cited here. So various translators have independently reached the conclusion that *darb* in this verse does not mean beating the wife.