Islam and Protection of Women’s Rights: Refutation of Erroneous Thinking

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ABSTRACT

Islam leads mankind to civilised life and refined culture. Its arrival brings enlightenment and illumination to every believing human. Women are a group who share in the benefits of Islam’s birth. Unfortunately, there are still those who allege that women are in a state of loss due to pressure, frequent oppression, injustice, and submit all kinds of accusations and express dissatisfaction over their inferior position and lack of privileges in Islam. Among the issues raised is the equality between men and women, does Islam permit a husband to physically beat a woman who commits nusyuz or disobedience for the purpose of educating her. Another issue in dispute is the permissibility of polygamy, in addition to criticism of several hadith which negatively reflect on women and so on. This article studies such thoughts and exposes as well as refutes thinking which is opposed to the real intentions of Islamic Shariah, particularly from a Sunnah (Prophet tradition) point of view. Generally, such erroneous thinking and allegations are a consequence of an approach which does not follow legal guidelines, is not based on in-depth study of related issues, has not mastered the rules of understanding the reasoning and sources of Shariah law and does not examine Shariah law with an open heart and sincerity, humility and gratitude for the Grace from Allah SWT. If there is any shortcoming or weakness in the Shariah of Allah SWT as they claim, then Allah SWT would be imperfect and weak, verily Allah the most Holy is free of all deficiencies and weaknesses. Mankind cannot begin to uncover the secrets and wisdom of His laws. Mankind is not able to find the logic of all of His laws. What should be realised is that all shortcomings and weaknesses in the implementation of laws and rules which Allah has laid down, come from shortcomings and weaknesses in mankind’s interpretation and administration of His laws and rules.

Key words: Muslim women, protection by Islam, refutation of erroneous thinking.

Introduction

When Allah SWT created Adam (PBUH) he also created Eve (PBUH) as his companion for the continuity of future generations of mankind. Thus with their creation was man’s origin perfected lasting to this day. Since their creation, human generations have passed through a long period of time experiencing various situations and whims of life in the world. They are created by Allah as diverse ethnicity and race “وَوَقَبَّ إِنَّمَا خَلَقَنَّكُمْ لِيَتَحَذَّرُوا وَقَبَّ ( al-Hujurat 49: 13) for the purpose of recognising each other (Qutb 1980; al-Tabari 1987; Ibn Kathir 1985).

Woman is created by Allah to function as man’s companion, the very purpose for which Eve (PBUH) was created, as explained by the Prophet (PBUH) (al-Tirmidhi 1999). Women are given their role and responsibility in religion just as men are also given their role and responsibility. But their roles and responsibilities differ in kind and function. In this regard, when Allah SWT give women their responsibilities, they are obligated to perform them as men are also obligated to fulfill theirs. It would be sinful for both men and women not to fulfill their responsibilities. This is among what is specified in al-Quran and Sunnah (Prophet tradition).

As Muslims created and given guidance by Allah SWT, women have played an important role in family life, society and nation. It means that they have a stake in the development, mobilization and enhancement of human capital, and at the same time they are themselves the dominant human capital of human life. How good women are will more or less have an impact on human capital development of the future. However it is necessary to assert here that men too play an important role, although in a different capacity “وَهُمُ الْمُؤْمِنُونُ والْمُؤْمِنَاتُ يَهْدُونِ فَاطِمَةٌ بُعْضًا فَإِنَّمَا يَمُتِّبُونَ الْعُلَمَ ( al-Tawbah 9: 71). Simply, how good men are will also have a great impact on development of human capital.

As Muslims created and given guidance by Allah SWT, women and men are not only obligated to comply with the commands of Allah SWT, but also the commands of the Prophet (PBUH) as Apostle of Allah SWT “وَمَا تَلَّكَ عِلْمًا فَاتَّقُوهَا ( al-Hashr 59: 7). Any default or disavowal of the Prophet’s commands is regarded as rejection of Allah’s commands, and obedience to him is obedience to Allah “مِنْ يُطِعُ الرَّسُولَ فَإِنْ أَطَاعَ الله” (al-Nisa’ 4: 80). As Muslims and mukmin (believers), we must constantly be careful with our speech, actions and
intentions, so as not to stray or deviate from the true path of Islam. We are required to constantly improve our knowledge so as to not only enhance and update information, but also to increase and enhance faith and devotion.

This article discusses Muslims who themselves dispute what is already predetermined by Allah SWT in the sacred Shariah, which was delivered orally by the noble Prophet (PBUH). Likewise, we as Muslims and mukmin have the obligation to try as best as we can to guide our sisters among Muslims to the true path. This article discusses several issues disputed by the group which claim themselves as Sisters in Islam (SIS), regarding women and the protection of women’s rights. The answers to these disputed issues will be commented upon based on reasoning and arguments in the al-Quran and Sunnah (Prophet tradition) as well as opinions of learned scholars in venerated books.

Islam And Protection Of Women’s Rights:

Presently, women have access to education in various fields enabling them to contribute to national development as had happened during the time of the Prophet (PBUH). As a consequence of a broad education, women have become successful with the capacity to contribute greatly to family, society and nation. They have also been entrusted with responsibility for national development in every aspect. Some among them have become leaders with caliber and authority, even as heads of certain agencies (Jawiah 2007). They have enjoyed what was begun by Islamic Shariah since the Prophet’s (PBUH) time. Only women’s contributions then were different from now, due to different roles, situations and needs.

That which should not be overlooked and ignored is the position in which Islam has placed woman as a human being and slave of Allah. In the sight of Allah, women have been given responsibility just as great as that given to men. Indeed, in the sight of Allah, men and women were created to help each other, specifically in upholding Allah’s religion. In other words, they are in the same position, bear equally heavy responsibilities and play complementary roles in the sight of Allah (Jawiah 2007). With this, they are entitled to the same reward for their efforts, as asserted by Allah SWT in many places in al-Quran (Al-Nisa’ 4: 124 & al-Nisa’ 4: 97; Al ‘Imran 3: 195; al-Ahzab 33: 35).

The Prophet (PBUH) asserted that men and women each have their own responsibilities which are obligatory (al-Bukhari 1991). In several Hadith (Prophet tradition), the Prophet (PBUH) upheld the status of women, and recognised their contribution to society. Study the roles of the Prophet’s (PBUH) wives, the daughters of his Companions and other Muslim women in his time. In other words, Islam, through al-Quran and Sunnah (Prophet tradition), recognises the role and function of women in every aspect of life, including in national development. Evidently women during the Prophet’s (PBUH) time played a role in national development, beginning with the family and society. They, jointly with the men, upheld society and the nation, be it in faith, social, economic or other aspects. Side by side with the men, they believed, obeyed and complied with the commands of Allah and the Prophet (PBUH), strived (jihad) and migrated (hijrah) physically and spiritually (Jawiah 2007).

In the economic aspect, women in the Prophet’s (PBUH) time, side by side with men, developed the national economy by venturing in economic activities with the aim of generating the family economy. Examples of such women are Umum-Mukminin Zainab binti Jahsh al-Asadiyyan known as an expert in handicraft, embroidery and tailoring industry, and wife of Abdullah bin Mas'ud who earned income from handicraft. Women of Medina, given the title al-Hawla’, were very skilled in extracting and selling fragrances. In addition, several other women were active in textile weaving and beauty industry (Nur al-Dir 'Itir 1986). These successful women had outstanding personality and credibility appropriate as role models for women of today. Their rights were granted and recognised by Islam, protected and exercised until they emerged as prominent women of their time. They were not only Muslims and devout believers, but also made a great contribution in national development back then (Jawiah 2007).

Women at present also enjoy rights and freedom in every aspect, from education to leadership at national level. Along with men, they develop the family, advance society and promote the nation. Even in the religious field, they achieve their place based on merit. These blessings and grace should be preserved by women from being tainted by claims for something not meant for them, especially on matters already prescribed by Shariah law.

Are Muslim Women An Unfortunate Group?

In the meantime there is an allegation that Muslim women are oppressed, frequently mistreated, humiliated, assaulted and marginalised – in other words, they allege that Muslim women are unfortunate compared to non-Muslim women and Muslim men who are more privileged and are treated like kings in Islamic Shariah. This article will show some of the allegations in two books published by the Sisters in Islam entitled Adakah wanita dan lelaki saksama di sisi Allah? (Are women and men equal in the sight of Allah?) and Islam dan Poligami(
Islam and Polygamy), as well as a list of disputed Hadith (Prophet tradition) based on gender bias, degrading and humiliating women presented by an invited speaker from this group. The writer is of the opinion that there are several issues which need clarification for the purpose of clearing the confusion and erroneous interpretation.

Among the statements which need explanation based on arguments cited from al-Quran and Sunnah (Prophet tradition) as well as scholars’ opinions are as follows:

From the book Adakah wanita dan lelaki saksama di sisi Allah? (Are women and men equal in the sight of Allah?):

1. **Woman’s Creation From A Man’s Rib Is Nonsense?** "…as a consequence of some historical and cultural factors, many Muslims believe that Allah SWT had created woman from a man’s rib. As a result of that assumption of her origin, woman is regarded as an ‘additional issue’ and ‘second creation’; man is regarded as more important and nobler than woman; and women are regarded as things for men’s use. This belief is embedded in the mind of the Muslims, causing indescribable suffering of women throughout time. What’s more important is that this belief is contrary to the true teachings of al-Quran...” (pp. 3-4)

2. **Being Male Is Not A Condition For Prophethood?** "although women can and do bear offspring, there is nothing in al-Quran which specifies something that only men can do. And the role of risalah (prophethood) is not one that is restricted to only men, but it is specific to a group of selected extraordinary people. Verse 21:-7 al-Quran which states that prophets are men is meant to distinguish them from angels….“ (pp. 5-6).

3. **Monogamy?** This verse (4:3) states: “if you are not certain that you can treat them fairly, then (marry) only one”. It is clear that al-Quran does not recommend polygamy. This interpretation is reinforced by verse 4:129 which states that “ You will never be able to be fair towards your wives, even though it is what you truly intend.” When al-Quran clearly stresses on the requirement to be fair to women, and a husband is required to be fair to his wives, it must be realized how impossible it is for these conditions to be completely or properly satisfied (4:129). Hence, it can be interpreted that al-Quran really intends to advocate monogamy as the ideal marriage in Islam (4:3).

4. **Female Witness Equal To Male?** In verse 2:282 Allah SWT states that witnesses comprise of two males or one male and two females. This group (SIS) is of the opinion that the traditional scholars regarded the situation as universal making it a law which equates two female witnesses to one male as the law of nature or the norm. This group is of the opinion that justice must be done because conditions have changed, many women are now highly educated and involved in business and finance, thus the rule needs to be re-interpreted (pp. 9-10).

5. **Verse "Qawwamu 'Ala Al-Nisa' " Requires Reinterpretation?:** Verse Ayat 4:34 is frequently mentioned as the basis to subjugate women in Islam. How should this verse be properly interpreted? This verse has been wrongly interpreted to mean that a) men have authority over women, and b) all men have a higher position over all women (pp. 11-14).

From the book Islam dan Poligami (Islam and Polygamy):

1. **Polygamy Is Not A Right?** This group is of the opinion that polygamy is not a right for men, but a responsibility and a restriction to ensure justice for orphans (p. 3). They argue that this verse advocates monogamy as the best and the ideal in Islam. Polygamy was only allowed in the past (p. 3) as practised in Sunnah (Prophet tradition). This group (SIS) also submits some reasons and arguments from al-Quran through independent interpretation or reasoning.

From the list of Hadith ((Prophet tradition) which alleges gender bias, degrading and humiliating women:

1. Hadith (Prophet tradition) concerning woman’s creation from the rib of a man (Adam a.s) (al-Bukhari, hadith no. 3084).
2. Hadith (Prophet tradition) concerning women being not qualified to be leaders after the Persian King Khsroau of Kisra gave up his power to his daughter (al-Bukhari, hadith no. 4073).
3. Hadith (Prophet tradition) concerning a curse on women who refuse to have sexual relations with their husbands (al-Bukhari, Hadith no. 2998).
4. Hadith (Prophet tradition) concerning angels who curse women who refuse to have sexual relations with their husbands (al-Bukhari, Hadith no. 4795).
5. Hadith (Prophet tradition) concerning angels would be angry until sunrise with any woman who reject sexual relations with her husband (Muslim, hadith no. 2595).
6. Hadith (Prophet tradition) concerning women who are prohibited from sunnah (optional) fasting without permission from their husbands (al-Bukhari, hadith no. 4793).
General Reply And Refutation:

Not all that are expressed by this group are wrong and not all are right and acceptable. After studying the allegations, arguments and opinions presented by them on the issues raised, the writer attempts to give a general explanation, comments and reply, though not specifically replying to the issues raised, and within the limits of knowledge she possesses. As the issues raised relate to knowledge of *tafsir* (Quranic Exegesis or interpretation) and Hadith (Prophet tradition), so is the brief and general explanation given here as follows:

Lack of in-depth study:

From one aspect, the writer feels that this group loves to make studies to strengthen their beliefs, but not to earnestly seek the truth. Credit may be given for identifying arguments from al-Quran, even though from superficial study, whether express or implied. Likewise, they deserve credit for possessing information on Hadith (Prophet tradition) which support the issues raised. However, it is a pity that their study lacks depth and is not sufficiently extensive to reach the objective of determining how the verse functions as a basis for law, and how the Hadith (Prophet tradition) functions as the explanation, clarification and support for al-Quran. Had there been slightly more effort, it is possible that they may arrive at true knowledge which can give perfect guidance.

Take for example, the issue of whether Eve was created from the rib of Adam (peace be upon them). This issue needs reference to al-Quran and Hadith (Prophet tradition), and interpretation of related verses. As al-Fakhr al-Razi (1985) states and commented: "...that there are two opinions about Eve’s creation from Prophet Adam (peace be upon them). The first, by consensus of scholars, is that when Allah SWT first created Adam, he then made him sleep and created Eve out of his left rib. They argue by a Hadith (Prophet tradition) narrated by Muslim: "Verily woman (Eve) was created out of the curved rib". Second is the opinion of Abu Muslim al-Asfahani as in the words of Allah SWT (al-Nisa':1): "...and that which was created from Adam is his mate (his wife)" and the words of Allah SWT (al-Nahl:72) "... and Allah created for you a mate from your own self" as well as His words (Al 'Imran: 164) "... after He sent among them a prophet from their own people". The first opinion is stronger and arguments support it".

Lack of wisdom or ignorance of the legal sources, arguments and issuance of law procedure:

The main sources of Shariah are al-Quran and al-Sunnah (Prophet tradition), followed by *ijma' ulama* (scholars’ consensus) and *qiyas* (analogies). Each issue to be considered must revert to the said sources. It is not disputed that the present differs from the past, the time of the old prophets (peace be upon them) and the time of the Prophet (PBUH), even from the time of the *mujtahid muktabar* (reputable interpreters) and *fuqaha* (jurists) as well as *sahib al-mazahib* (founders of the schools of law). However, the basis of law does not change. If al-Quran specifies that a male witness is equal to two female witnesses, then the basis of it does not change. Likewise with the example of requiring *wuduk* (ablution) before prayer, only there was no piped water in the past while today piped water is regarded as most relevant even though it does not fall within the seven categories of pure water permissible for ablution!

Thus, if a person wishes to argue based on verses in al-Quran and interprets them, he must first fulfill the conditions of being an interpreter as a precaution against making mistakes and erroneous interpretation. In this regard the writer would like to quote from the book *Adakah wanita dan lelaki saksama di sisi Allah?* (Are women and men equal in the sight of Allah? p. 8):

"it is very important that Muslims read and understand everything stated in al-Quran concerning a certain matter. A Quranic expression or verse cannot be quoted from isolation from the whole of the context or separately, because al-Quran is a book which is integrated and comprehensive in its contents."

For the writer, this is the general rule for a person who endeavours to understand al-Quran and even to interpret it. However, it is a pity that this statement was not put into practice by the group of writers above, in understanding and interpreting al-Quran. For example, to understand and interpret the word *al-rijal* in al-Quran 21:7, when arguing whether the role of *risalah* (prophethood) is not reserved only for men (pp. 5-6). Implied in this statement is that women may also be prophets, because women may become leaders, such as Queen Balqis! Further, they explain that the intention of this verse is to show that prophets are from among men not angels. In my view, this group lacks understanding and needs to study the intention of the verse within its context as they themselves suggest. In Al-Quran 21:7 the word *الرجال* (rijalan) means men, and excludes women (see Ibn Kathir 1985; al-Tabari 1987). For information, the word *'damir’* meaning men in al-Quran does not always include women, and this applies even more so to the word *rijalan* or *rajulun*. If it does include women, what would be the meaning of the verse: الرجال قولون على النساء? Certainly here *al-rijal* means men and *al-nisa’* means women. Abd al-Rahman Hanbakah (1966) in his book *al-'Aqidah Islamiyyah wa Ususuha* states that
based on the verse 21:7, among the compulsory conditions of prophethood is being male. Thus so, we must appreciate and deepen research before making assumptions, what more when making conclusions on Shariah law which has many offshoots and implications.

In addition, one who wishes to argue or practise Hadith (Prophet tradition), must seriously delve into it and be clear on the best way to understand and practise al-Sunnah, more so in the case of issuing a law or edict from it. Al-Qaradawi (1990) has highlighted several rules on how to understand and practise Hadis (Prophet tradition). Among them are:

1. To understand the Hadith (Prophet tradition) according to the basic requirements of al-Quran.
2. To conduct research before claiming a certain Hadith (Prophet tradition) is contradictory to al-Quran.
3. To collect all Hadith (Prophet tradition) related to one topic, so that all of them may be understood in the same correct context.
4. To conduct reconciliation: tawfiq (coordinating and combining) or tarjih (outweighing) of Hadith (Prophet tradition) which appear to contradict each other.
5. To understand the Hadith (Prophet tradition) through its permanent reason and purpose.
6. To distinguish between the wasilah (possible means) which vary from the fixed purpose.
7. To distinguish between reality/fact and majaz (metaphor/imagery).
8. To distinguish between matters of the unseen and the apparent.
9. To identify nasikh (the abrogating) and mansuh (the abrogated) of Hadith (Prophet tradition).

Nur al-din 'Itir (1992) has outlined several basic knowledge sciences which qualify a person to criticise a hadith (Prophet tradition), whether for its matan (contents) or for its sanad (narrators), among them are:

1. Knowledge of ulum al-ruwat (science of transmitters)
2. Knowledge of riwayat al-hadith (hadith narration)
3. Knowledge of Hadith (Prophet tradition) in terms of al-qabul (acceptance) or al-radd (rejection)
4. Knowledge of 'ulum al-matn (science of text or contents)
5. Knowledge of ulum al-sanad (science of narrators) – al-ittisal wa al-inqita' (continuity and discontinuity of transmission/narrators).
6. Knowledge of ulum al-mushtarikah bayn al-sanad wa al-matn (common science between narrators and contents/text).

Thus, in issues of law, da'if (weak) or da'if jiddan (very weak) hadith (Prophet tradition), what more false hadith (Prophet tradition), may not be used as argument. The express and implied meanings of the Hadith (Prophet tradition) listed as gender-biased, and also those grouped under the heading misogyny should be carefully researched.

Reference to an expert in Shariah law:

So as to avoid mistakes and deviation or perversion of meaning, we are required to refer a problem or issue to a true expert, in the same way a cancer patient would refer to a cancer expert. And there are many types of cancer experts. A wrong referral would spoil a case and may endanger a patient’s life. The same can be said of knowledge related to law which requires us to refer to an expert so as to get approval, what more in resolving issues which had never cropped up during the time of the Prophet (PBUH), of the Sahabah (Companions) and the Tabiin (Companions of the Companions). The sources and arguments of reputable and competent parties should be carefully examined.

Avoid being emotional and egoistic:

When faced with a problem or issue, the Muslim ummah is urged to exercise utmost patience, avoid being emotional and egoistic, much less to act in pursuance to personal desires and personal or group interest. Speak and accept the truth no matter how bitter it is to swallow. Allah SWT disapproves of people who indulge in their desires, putting self-interest before others, putting other rights above the rights of Allah SWT. In this matter, slightly more effort in exercising more patience, heeding advice and seeking knowledge from competent teachers, will pave a fresh path to truth. Sincerely working and accepting all truth from the teachings of Allah SWT is a steady solution to us becoming "khaira ummah" (the best ummah).

In addition, know and understand the whole of Islamic teachings, not in slivers. We should properly understand the verses of Allah SWT through a sound and accurate method, and understand the Prophet’s (PBUH) Sunnah (Prophet tradition) in full compliance without groaning. Learning from experience makes us calm and positive humans in the quest for truth.
Conclusion:

Islam has liberated and empowered woman, placing her in a position of honour and respect. It is our responsibility and obligation as Muslims to uphold Islamic teachings and keep the grace and blessings bestowed on us. The protection of women’s rights by Islam is the pride of the ummah. And this protection should appropriately be enjoyed by the ummah, particularly women, with gratitude and pride of being Muslims. This pride and gratitude should appropriately be manifested by understanding, good intention and straight and true practice. Any form of deviation, perversion or modification which strays from the true requirements will make women regress and revert to a modern form of jahiliyyah (ignorance).

References

Al-Quran al-Karim.