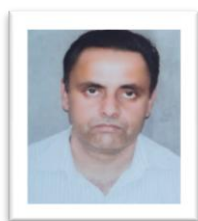


# Islamic Perspective of Gender Equality: An Insight



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## Abstract

Human beings are divided into two genders by Nature and both are given responsibilities and rights which suit them. Discrimination is the practice of granting or denying rights or offers privileges based on the sex. Before the advent of Islam, woman had no position in society. They were at the mercy and caprice of the men folk and were treated as good and chattels. It was Islam that, for the first time, vindicated the rights of woman and gave them a status unknown and even unthought-of of this day. The Holy Prophet (P.B.U.H.) has been reported to have said "Alaikum bil Qawareer" i.e. the women should be taken care of as someone takes care of glass products. Glass is liable to break very easily if it is not care of, so is the delicacy in woman, and men must be careful not to injure her delicacy, because in her delicacy lies her beauty. A number of Quranic verses have make it clear that Muslim women stand on the same level with Muslim men and that they can attain to all those spiritual heights to which men can attain. At several places in the Quran, believing men and believing women are addressed in the same language and are made equally subject to the same commandments and entitled to the same rights and privileges. In this paper an attempt has been made to analyze the status of Muslim woman reflected under Islamic law almost fourteen Century before in the light of gender justice concept which is being debated in the present era. Paper is comprises of its introduction in which Pre-Islamic condition of women has been discussed. Ther after, position of women after advent of Islam and the concept of gender justice in the light of Quranic verses has been discussed in the main body of the papers. At last the paper has been concluded in the light of the literature discussed.

**Keywords:** Gender Justice, Islamic Law, Women, Arabia, God (Allah), Quran, Prophet, Sharia, Hadiths Parents, Male, Female.

## Introduction

Men and woman are two wheels of a same vehicle. When one wheel is damaged the vehicle become useless, similarly society cannot run in absence of any of them. These both are equally important and interdependent. The history of mankind reveals that the women is and has been the foundation stone of a family in particular and the society in general. She is spiritual and direct agent of life forces and if the foundation is not properly maintained, the whole building of the human life is bound to crackdown and dismember.

However, this fact can also not be denied that women have been and will always be what man makes them. Since time immemorial women have remained confined within the four walls of the home and dismissed as the second sex. Though they were considered as the creative source of human life since the early time, but they were considered not only intellectually inferior to men but also a major source of temptation and evil. Even it is believed that Adam was thrown out of the heaven due to the mistake of Eve who had eaten the forbidden fruit. In this backdrop it is an accepted fact that the women have been ill treated in every society for ages. They are deprived of economic resources and are dependent on men for their living. Their works are often confined to domestic spheres; she had to do all house hold works, which are not recognized and unpaid.<sup>1</sup> The most painful devaluation of women is the physical and psychological violence that stalks them cradle to grave.<sup>2</sup>

## Aim of the Study

Gender inequality is a natural phenomenon. Nature discriminates itself. But there is a misunderstanding that the women are discriminated only among Muslims. However under Islam the position of women is better and they are treated equal to the men. In order to clear the doubt on this

point this research paper is being written keeping the following objectives in mind.

1. To analyse the position of women among Muslims in general.
2. To analyse the position of women in pre-islamic period especially in Arabia.
3. To analyse the position and rights of women guaranteed by Islam.
4. To analyse the provisions of equality among men and women as ordained by Almighty in different verses of Quran.

#### **Review of Literature**

In this research paper, researcher has tried to analyse the concept of gender equality exclusively in Islam. As the Quran is the primary source of Islamic law, therefore, the research is based on the different verses of Quran relating to the position of women. In order to understand the different verses of Quran the researcher has also gone through the different other books which contain the commentaries on different Quranic verses. The researcher in order to know the view point of Prophet (P.B.U.H.) relating to gender equality has also gone through the relevant parts of Bukhari (a compilation of Hadith) and also the different research papers regarding this research,

#### **Position of Women in Pre-Islamic Arabia**

In Pre-Islamic Arabia the position of women was very worst and she was considered a thing created for the humble service of the man. The birth of daughter in the family was considered as an evil mostly they are buried alive. Some ancient laws gave the father the right to sell the daughter if he wished; while others allowed him to hand her to another man who would either kill her or own her if the father killed the other man's daughter. In pre- Islamic Arabia women were also deprived of almost every right. They were not considered equal to men and were thus dictated under a strict Patrilineal system. They were considered as objects and were constantly humiliated. Women had a very little control over their marriages and could not inherit property. In the family their purpose was nothing more than bearing the children although they did not have any rights to them. In the pre-Islamic times, the Arabs used to be disheartened and annoyed with the birth of the girls, so that a father, when informed his wife had given birth to female baby, said, "By Allah she is not as blissful as a son; her defense is crying and her care is but stealing!" He meant she could not defend her father and her family except by screaming and crying, not by fighting and carrying arms. She also cannot be good to them and care for them except by taking from her husband's money to give to her family. In this way the fathers commonly became extremely angry and disgraced with the birth of a female child into their family. Some considered it an evil on men and female feticide was very common. Even after birth they used to buried alive their daughters. Allah, the Exalted, describes the father's reception of the news about the birth of a daughter;

*"When the news of the birth of a female is brought to any of them, his face becomes dark, and he is filled with inward grief. He hides himself*

*from the people because of the evil and shame of that which he has been informed. Shall he keep her with dishonor, or bury her in the dirt. Certainly evil is their decision...."*<sup>3</sup>

Women were not even able to practice some of the most natural rights. For instance eating certain types of food was allowed for males only. Allah, the Exalted, records this in the Glorious Quran:

*"And they say: What is in the bellies of such cattle (whether milk or fetus is for the male alone, and forbidden from our females, however, if it was born dead, then all have shares therein..."*<sup>4</sup>

The hatred of female babies prompted Arabs to bury them alive. Allah, the Exalted, states in the Quran with reference to the Day of Requital:

*"And when the female buried alive shall be questioned: for what sin was she killed?"*<sup>5</sup>

Some fathers used to bury their female children alive if the child was leprous, lame or with birth defects. Allah, the Exalted, states in the Quran:

*"And kill not your children for the fear of poverty. We provide for them and you. Surely, the killing of them is a great sin".*<sup>6</sup>

The one honour afforded to women during the pre-Islamic era was the protection of her person, family and tribe, and the revenge against any who humiliated or dishonored her. But this was more for male pride, dignity and tribal honor than a concern for female gender. This situation of women in Arab society led *Umar- Ibn-a- Khatab*, the second Caliph of Muslims to say;

*"By Allah, we didn't use to think that women had anything until Allah revealed about them what He revealed in the Quran and distributed to them what He distributed..."*<sup>7</sup>

As a general practice, men had the freedom to acquire as many wives as they desired with no limitations on number. There was no law which would prevent a man from committing any injustice towards his wives, women had no right to choose, or even consent to being chosen as a partner for marriage, they were simply given away or rather on the choice of the man. Their condition was so worst that on divorce woman was not entitled to remarry. Under such circumstances among others the protection and restoration of position and status of women in the society was a biggest challenge before the Prophet (P.B.U.H.). So the Islam was revealed at a time when a lot of people denied the humanity of the woman.

#### **Position of Women after The Advent of Islam**

The people who generally propagate the theory of women empowerment and gender justice relate these movements to the western world. The western world generally believes that the Islam treats women unfairly and gender Justice is not possible within the Islamic Law which is commonly known as *Shariah*. Those who believed that the women are liberated in the west and that the women's liberation movement began in the 20<sup>th</sup> century are under the

misconception. Actually the women's liberation movement was revealed by Almighty God to His Prophet Mohammad (Peace be upon Him) in the sixth century A.D. The Quran and Traditions of the Prophet guarantee every Muslim woman certain rights and duties. These rights are equal to those of a man but they are not necessarily identical. Just because of the reason that her rights are not identical, it cannot be imagined that a woman is inferior to a man. Had her status been identical with man, she would have been simply a duplicate of him, which she is not. The fact that Islam gives her equal rights, but not identical to men shows that it takes her into consideration, acknowledges her, and recognizes her independent personality and role.

Islam strongly prohibits oppression or cruelty to any individual, group or living thing in the universe. Islam as a religion introduced the most humane rules before other religions or faiths could do it. In the Islamic world view, justice denotes placing things in their rightful place. It also means giving others equal treatment. In Islam justice is also a moral virtue and an attribute to human personality. Justice is close to equality in the sense that it creates a state of equilibrium in the distribution of rights and duties, but they are not identical. Sometimes justice is achieved through inequality, like in unequal distribution of wealth. The Almighty enjoins good conduct towards women from birth to death. Verbal, psychological, emotional, sexual and physical violence are forbidden, as are false allegations against women's chastity and honor. Men are reminded by Quran;

*"Do not annoy women as to make their lives miserable."*<sup>8</sup>

In the Holy Quran Allah frequently addresses both the man and the women. The equality in moral and spiritual obligations also reflects in the message of God reveals on Prophet (P.B.U.H.). In one passage Allah reveals:

*"For Muslim men and women, for believing men and women, for devout men and women, for true men and women, who are patient, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise- for them all has Allah prepared forgiveness and great reward."*<sup>9</sup>

Hadith literature also present instances where the Prophet Mohammad (P.B.U.H.) Himself advocated of the respect for women. He said, "Only honorable men treat women with honour and integrity. And only a mean, deceitful and dishonest man humiliates and insults women." With reference to the physical abuse, he added; "never hit your wives, they are your partners and sincere helpers." He exemplified this by never, ever, hitting a women or child. The Prophet (PBUH) guaranteed protection of the life, honor and property of women. By the revelation of God send to Him through angle Gibrail he educated the people even to fight for the cause of

God which includes the protection and rescue of weaker including the women from the oppressors.

*"And why should you not fight in the cause of God and on behalf of those, who being weak, are ill treated and oppressed, men, women and children whose cry is, 'Our Lord! Rescue us from these oppressors, and raise for us, from you, one who will protect and help.'"*<sup>10</sup>

The term 'gender justice' implies a concept of justice pertaining to the social and juridical relations that prevail between the sexes. Gender equality concerns each and every member of the society and forms the very basis of a just society. Islam as a religion of peace and equality always considered the man and women equal. Since God is the absolute and the sole master of the universe, and since He has given each human being a dignity and honor, and breathed into him of His own spirit, it follows that human being are essentially the same. In fact, the only differences between them are such artificial ones as nationality, color, race or sex. Thus, all human beings are equal and form one universal community that is united in its submission and obedience to God. And at the center of this universal brotherhood is the Islamic confession of the oneness of God that, by extension, includes the oneness and brotherhood of humanity. An Islamic state may be established on geographical limitations, the human rights and privileges granted to humanity by God are not limited. The Qur'an states that these are universal and fundamental, and that all individuals are to enjoy and observe them under all circumstances-including war-regardless of whether he is living in the geographical confines of an Islamic state or not. Quran says:

*"O believers, thy you securers of justice, witness for God. Let not detestation for a people move you not to be equitable; be equitable-that is nearer to God-fearing."*<sup>11</sup>

Human blood is sacred in any case and cannot be spilled without justification. Violating this rule is equivalent to killing all of humanity according to this Hadith of Prophet (P.B.U.H.).

*"Whose slays a soul not to retaliate for a soul slain, nor for corruption done in the land, should be as if he had slain mankind altogether"*.

#### **Gender Justice in Islam**

The term 'gender justice' implies a concept of justice pertaining to the social and juridical relations that prevail between the sexes. It is not easily defined, chiefly because it bears a number of different meanings that have changed over time. Gender justice encompasses various conceptions of justice, ranging from simple equality to concepts of differentiated equality, the latter signifying respect for difference but with two important caveats: that equality remains a fundamental principle of justice, and that in the letter and practice of law, all are treated as moral equals.

In literal sense Gender Justice means equal treatment and equitable value of the sexes. Therefore,

gender equality in present day is considered as a fundamental human rights that is guaranteed in international and regional treaties, conventions and national legislations. Gender equality, in present world is generally believed that the men and women are able to share equally in the distribution of Powers and knowledge and have equal opportunities, rights and obligations both in their private and public lives.

Before the advent of Islam, women had no position in the society. They were at the mercy and caprice of the menfolk and were treated as good and chattels. It was Islam that, for the first time, vindicated the rights of women and gave them a status unknown and even unthought of this day. They are granted all the fundamental rights. Islam infact, is unique religion in this respect to endow the women with equal rights and to put them at the same level with men. The Holy Quran emphasizes that God in His perfect wisdom has created all species; as is said,

*"O mankind, be mindful of your duty to your Lord, who created you from a single soul and from it created its mate and from the two spread many men and women."*<sup>12</sup>

*"He it is who has created you from a single soul and made there from its mate, so that the male might incline towards the female and find comfort in her."*<sup>13</sup>

*"Of his sings it is that He has created mates for you of your own kind that you may find peace of mind through them, and he has put love and tenderness between you. In that surely are signs for a people who reflect."*<sup>14</sup>

These verses show that the holy Quran has given women the same status which has been given to the men. Hadith literature also presents instances where the principle of complete equality has been supposed. The Prophet Mohammed is reported to have said: All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a non-Arab or of a white over a black person: Only God-fearing people merit a preference with God. Thus men and women are equal.<sup>15</sup> In the Quran, Adam and Eve are held jointly responsible for the transgression and consequent expulsion from paradise. On the ethico-religious level the position of men and women is on an equal standing, both as to their religious obligations toward God and their peers as well as their consequent reward or punishment. The teachings of Islam remove all artificial differences between men and women and place them all on equal footing. This is one of the essential teachings of Islam. Allah stated in the Quran;

*"The believers, men and women, are helpers, supporters, friends and protectors of one another; they enjoin (on the people) Islamic Monotheism and all that Islam or ders one to do; and they forbid (people) from all forms of evil (i.e. polytheism and disbelief of all kinds, and all that Islam has*

*forbidden); they offer their prayers perfectly, and give their charity and obey Allah and His Messenger. Allah will shower His Mercy upon them. Surely Allah is All-Mighty, All-Wise."*<sup>16</sup>

Quran says;

*.. So their Lord accepted (their supplications and answered them), Never will I allow to be lost the work of any one of you, be he male or female. You are (members) one of another."*<sup>17</sup>

Allah in the Quran further elaborates;

*"There is a share for men and a share for women from what is left by parents and those closely related, whether the property be small or large, a legal share."*<sup>18</sup>

Islam designates certain duties and obligations that necessarily go hand in hand with the rights. Islam is a divine religion revealed by the Beneficent and Omniscient, as opposed to man-made laws that dictate artificial boundaries, privileges, and monopolies. Islam is everlasting and universal, for the whole of mankind, male and female, rich and poor, the ruler and ruled, and strong and weak, whether white, black, red or yellow. They are all equal in the Sight of their Creator, Allah who knows best what is of benefit in both this world and the hereafter.

Women worldwide demand equal rights. There is not a system of law that preserves, maintains and protects what are truly women's rights, as much as Islamic law does, whether in the past or in modern times.

*"For Muslim men and Muslim women, for believing men and believing women, for devout men and devout women, for true men and true women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give charity, for men and women who guard their chastity, and for men and women who engage in God's praise, for them has God prepared forgiveness and great reward."*<sup>19</sup> *Whoever doeth right, whether male or female, and is a believer, him verily. We shall quicken with good life."*<sup>20</sup>

So Islam confers on women all the political and social rights, which the men enjoy. They are entitled to all the privileges bestowed upon men. Beside worldly matters, women are also equal to men in the spiritual sense. As it says they are from the same origin as are men, and due to this fact they should not be dealt with harshly and roughly, rather men should deal with them in a very mild and soft manner. The Prophet of Islam (P.B.U.H.) has been reported to have said *Alaikum bil Qawareer*. The women should be taken care of as someone takes care of glass products. Glass is liable to break very easily if it is not care of, so is the delicacy in women, and men must be careful not to injure their delicacy, because in their delicacy lies their beauty.

Islam views human life as a sacred gift from God. The Quran repeatedly stresses the sanctity of life (*hurma al hayat*). The life of every single individual regardless of gender, age nationality or religion is worthy of respect. In verses referring to the sanctity of life, the term used is '*nafs*' i.e. soul or life and there is no distinction made in that soul being young or old, male or female, Muslims or non-Muslim.<sup>21</sup> Quranic teachings encompass every aspect of life, hence it does not limit the definition of life to the physical body only, but includes the mental, emotional and spiritual aspects as well. There are about 150 verses that define the term '*nafs*' in various ways making it clear that the concept of 'life' is not limited to mere physical existence.

Historically Islam has addressed serious issues openly and sought to correct actions that constitutes harm or '*zulm*' i.e. cruelty and abuse to the dignity of human kind. Human life and respect for it has been stressed unstintingly, regardless of age or gender. As a general rule, Islam forbids all '*zulm*', be it physical, mental, emotional or spiritual.

*"Abandon all harm 'zulm' whether committed openly or in secret."*<sup>22</sup>

Quran points out categorically that emotionally abusive language and behavior is not acceptable. *"O People who believe! Men must not ridicule other men be that the ridiculed are better than the mockers, nor must the women ridicule other women for the ridiculed women may be better than the mockers; and do not insult one another, nor assign evil nicknames; how base it is to be called a sinner after being a Muslim! And whoever does not repent – then it is they who are unjust."*<sup>23</sup>

In the last Sermon addressed by the Prophet (P.B.U.H.), it was stressed "your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection.... Regard the life and property of every Muslim as a sacred trust... Hurt no one so that no one may hurt you.... You will neither inflict nor suffer any inequity." Here the Prophet (P.B.U.H.) one side prohibited the unlawful encroachment of one another's life and property, and on the other side stressed for honor and respect for the same.

According to Islam, a woman has to be respected under all circumstances, whether she belongs to your own nation or to the nation of an enemy, whether she follows your religion or belongs to some other religion. The Quran has, in various ways and in different contexts; impressed on men that they must observe the limits set by the God<sup>24</sup> in respect to women and must not encroach upon their rights in either marriage, or divorce. In all situations it is the men who are reminded, corrected and reprimanded, over and over again to be generous to women and to be kind, compassionate, fair and just in their dealings with women. Even in divorce, when the chances of anger and vindictiveness are high, it is stressed that men are to separate with grace, equity and generosity.

Right to self respect and dignity is a fundamental principle of Islam. Quran states;

*"Now, indeed we have conferred dignity on the children of Adam".*<sup>25</sup> Human beings are deemed worthy of esteem because of all creation they alone chose to accept the "trust" of freedom of the will.<sup>26</sup> They can exercise the freedom of the will because they possess the rational faculty, which is what distinguishes them from all other creatures.<sup>27</sup> Though human beings can become "*the lowest of the low*", the Quran declares that they have been made "*in the best of moulds*"<sup>28</sup>, having the ability to think, to have knowledge of right and wrong, to do the good and to avoid the evil

Historical records show that women participated in early public life, accompanying Muslim armies into battle to nurse the wounded, prepare supplies, and serve the warriors, and so on. Civil, political and economic rights of women were given due recognition during the life time of the Prophet (P.B.U.H). Recognizing the individuality of a woman Islam grants her freedom of choice and expression. We are encouraged to contribute opinions and ideas. Women would pose questions directly to Prophet (P.B.U.H) and to other Muslim leaders and offers their opinions concerning religion, economics and social matters.<sup>29</sup>

It is an accepted fact that the focus on women's rights and question of gender equality are being raised at this time when crime against women is crossing its limit. One of the reasons among the Indian societies for violence against women is their dresses which provoke the men to cross the limit against the opposite sex and commit the crimes like rape or outrage their modesty. The western culture or style of life cannot be introduced in the Indian society and perhaps this can also be the other reason where the Indian society in general and Muslim in particularly considered as the male dominated society. In such a situation it is pertinent to mention that Islam about 1400 years ago had recognized that the modest dress would protect a woman from rape or other sexual abuses. Islam recommends a dress code for men and women which in agreement with modesty. It is submitted that wearing of veil under Islam is not discrimination or a mark of identification towards women but it is a right granted to them for their self respect. The Quran is quite clear that the veil is essential for modesty. The Holy Quran says;

*"O Prophet, tell your wives and daughters and the believing women that they should cast their outer garments over their bodies (when abroad) so that they should be known and not molested."*<sup>30</sup>

In this way modesty is prescribed to protect women from molestation or simply modesty is protection. The Islamic veil, unlike the veil of the Islamic tradition, is not a sign of man's authority over woman nor is it a sign of woman's subjection to man. It is also not a sign of luxury and distinction of some noble married women as is among the Jews. Islamic veil is only a sign of modesty with the purpose of protecting women. Basically, Islam believe on the philosophy that it is always better to be safe than sorry. Quran is so concerned with protecting women's

bodies and women's reputation that a man who dares to falsely accuse a woman of unchastity will be severely punished; "And those who launch a charge against chaste women, and produced not four witnesses (to support their allegations) - Flog them with eighty stripes; and reject their evidence ever after; for such men are wicked transgressors".<sup>31</sup>

#### Conclusion

The real intent of Islam underlying all the rulings, restrictions, procedures and commands for women is their own protection. Islam aims at preserving their honor, and holding their dignity. Women by nature are weak in comparison with men. Women are bound to have menses, after birth confinement, child nursing and pregnancy. They are also easily vulnerable to deception, as they usually follow their emotions, which may be at time, misleading. They are commonly passionate and easily influenced by the environment. A woman needs some kind of protection against evil people also. Generally, a woman may not be able to defend herself physically against others due to her very nature. She also needs someone to care for her properly and take care of her needs. That is why, Islam requires a *Mahram*, the immediate relative of the woman to take care of all her needs and provide her the best security and safety he could. Islam requires this from a *Mahram*, in order to suffice women any need for a stranger.

The equality of man and woman in the sight of God is unequivocally stated in the Quran which addresses both without discrimination. The Quran has assigned the duty of "enjoining the doing of what is right and the forbidding the doing of what is wrong" (*al-amr bil-maruf wal nahy an al-munkar*) to both men and women. It has affirmed that the piety, Righteousness and good deeds of both men and women will be equally recognized and rewarded by God. It has also made clear that in the case of punishment for wrong-doing as in the case reward for good deeds man and women will be treated equally.

To summarize, a Muslim woman enjoys equal status with men. The object of her creation, her duty to God and her duty to fellow human beings are the same. A wife's rights are at equal with the husband and as parent her status is higher than that

of the father. The Prophet Mohammad (P.B.U.H.) said that man's primary duty is towards his mother and that paradise lies at the feet of the mother. This is the real gender justice and the sloganeers of this concept must know that the position to the women given by Islam fourteen years back is yet to be given by them in their respective society.

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