

Available online at <http://www.ijims.com>

ISSN - (Print): 2519 – 7908 ; ISSN - (Electronic): 2348 – 0343

IF:4.335; Index Copernicus (IC) Value: 60.59; UGC Recognized -UGC Journal No.: 47192

Economic Rights of Women in Islam: Some Reflections

Asma Kounsar

Shah-i-Hamadan Institute of Islamic Studies

University of Kashmir, Srinagar J& K, India

Abstract

Many motivated misconceptions about Islam have been perverted and given currency in modern times. One of these relates to the position of women in Islam. It is affirmed from the rooftops that Islam does not admit equality of gender and consequently the woman is denied her due in matters of human rights and role in society. But in points of fact nothing can be farther from truth. Islam was the first to raise its voice against the oppression and exploitation of woman and accorded her a place of dignity and honour in the society. Islam decreed a right of which woman was deprived both before Islam and after it (even as late as this century), the right of independent ownership. According to Islamic Law, woman's right to her money, real estate, or other properties is fully acknowledged. This right undergoes no change whether she is single or married. She retains her full rights to buy, sell, mortgage or lease any or all her properties. It is nowhere suggested in the Law that a woman is a minor simply because she is a female. It is also noteworthy that such right applies to her properties before marriage as well as to whatever she acquires thereafter. Islam believes in equality between men and women. Islam presents the roles of men and women as complimentary roles and not contradictory or conflicting roles; the roles of partners with a common set of goals and objectives and not roles that conflict with each other with each of them having the objective of striving for supremacy. This paper is intended to provide a brief and authentic exposition of what Islam stands for economic rights of Women. It will also delineate into the different dimensions of the economic rights with respect to the Muslim Civilization as an alternative for solving a problem faced by the women in the competing narratives of the modern world.

Keywords: Economic rights, women, Islam

Introduction

Islam deals with women in a comprehensive way in the context of her relationship with Allah, her Creator and Lord, with herself as a part of humanity, and with man, her partner and natural spouse in the family. While keeping in mind the rights that other societies grant them in comparison to the rights to which Islam has entitled women. It is noteworthy that Islamic teachings are attentive to the needs and rights of the weaker gender throughout her life: as a daughter, sister, wife, mother, and as a member of the Islamic society. Islam's radical revolutionary call gave women their due status and rights in society in times of the "Days of Ignorance" more than 1,400 years ago. One of the objectives of Islam was and continues to be of modernising the thinking, living, seeing, hearing and feelings of women and striving for women's upliftment and emancipation in society. Islam believes in equality between men and women. Equality does not mean to be identical: it means equity. Islam presents the roles of men and women as complimentary roles and not contradictory or conflicting roles; the roles of partners with a common set of goals and objectives and not roles that conflict with each other with each of them having the objective of striving for supremacy. Status of women in Islam should be judged according to authentic sources of the teachings of Islam on the subject and not by observing what individual Muslim do or what any Muslim society does. The authentic sources are the Qur'an which is the word of Almighty God and Authentic *Hadith* or *Sunnah* (tradition) of Prophet Muhammad (SAAS). As Allah says:

And of everything We have created pairs, that you may remember (the Grace of Allah).¹

O Mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you in the Sight of Allah is the believer who has Taqwa (piety and righteousness). Verily, Allah is All-Knowing, All-Aware.²

O people Be conscious of your Lord, who has created you out of one living entity, and out of it created its mate, and out of the two spread abroad a multitude of men and women. And remain conscious of God, in whose name you demand (your rights) from one another, and these ties of kinship. Verily, God is ever watchful over you³.

The Prophet of Allah also said that:

Verily, women are the twin halves of men.⁴

Islam does not consider women a mere shadow or an extension of a man, always following him. She has her full individual freedom and responsibility to the belief in the message of God and in practicing its obligations:

Now whenever God and his Apostle have decided a matter, it is not for a believing man or a believing woman except to obey in so far they themselves are concerned.⁵

And thus does their Lord answer their prayer: I shall not lose sight of the work of any of you who works (in my way) be it man or women: You are members, one of another.⁶

Islam has a very clear notion towards the status of women in the society. The attitude of Qur'an and Hadith bear witness to the fact that women is, at least, as vital to the life and society as man himself, and is not inferior to him.

Economy in General

Oxford dictionary defines economy as:

1. Control and management of the money, goods and other resources of a community, society or household.
2. System for management and use of resources.
3. Avoidance of waste money, strength or anything else of value.

Economics has been defined by different writers in different ways, because they believe that science of economics has grown so wide and vast that it is extremely difficult to put it in a nutshell of a definition.

However, some of the definitions of economics are given below:

According to the Adam Smith, "Economics is the science of wealth." Abdul Manan says that "Economics is a study of mankind in the ordinary business of life."⁷ Professor Robbins is of the view that "Economics is a science which studies human behaviour as a relationship between ends and scarce means which have alternative uses."⁸ Marshall describes that "Economics is on the one side of wealth and on the other and more important side, a part of the study of man".⁹

Thus from the above mentioned definitions we came to know that the study of economics is related to the

1. The available productive resources being fully utilized.
2. The production of goods and its quality and quantity.
3. The method of production.
4. The distribution of production and surplus to satisfy the human needs.

Economy is central in the contemporary epoch. The countries magnificence is measured upon its economy. It plays an imperative role in the life of individual, community and country. The protagonists of the social contract theory of state, Hobbes, Locke and Rousseau also describe the importance of property. The significance of economics lies in the fact that it enables us to solve the problem of poverty and to give everyone at least the necessities of the life if not the means of comfort. As Maulana Abul 'Ala Maududi, states:

The economic problem which occupies in these days the centre of our intellectual life and never before come to so much prominence or assumed the importance, it does today. The word used prominence as a matter of fact the importance which economics naturally has for the life of mankind has always in every age impelled under individuals, communities, nations, countries and indeed all men to pay due attention to it. Because this problem has come to be regarded as the sole problem of life¹⁰

Islamic Economy

The basis of Islamic economy is enshrined in the spiritual norms of Islam. Islamic economy is based on a paradigm which has socio economic justice as its primary objective (Qur'an, 57:25). Unlike the modern economic systems which are based on mundane philosophy, the Islamic economic system is directly guided by Allah Almighty Himself. As Islamic economic system was passing through its early stages of development, the Qur'an guided the Holy Prophet (SAAS) with regard to its effective enforcement. Since this system is a Divinely guided, it is spiritual. Additionally all significant aspects of Islamic economic system and the applicable norms are thoroughly discussed in the Holy Qur'an. Whether it is production, consumption, distribution or the financial system. They all have been discussed in this divine book sufficiently. Qur'an itself declares that Almighty created the human being as his viceroy on this Earth, and as such he created all needed provisions so that they may consume them and may satisfy their wants. He declares:

O! You human beings worship your Lord (the Nourisher) who created you and those before you (i.e. the Genies) so that you may fear Him. It is He who made this earth as a bed for you and the sky as the canopy for you, and He causeth the rain and created types of fruits and corns from it, so that you may consume them (as your provision). Hence, do not make any co-partner with Him, and you know it better

.¹¹

Qur'anic teachings have both contextual as well as transcendental relevance. Islam originated in the commercial milieu of Mecca and hence, in this socio-economic context, it emphasized the virtues of commerce (*tijarah*) and put the honest merchant next prophets and martyrs in the way of God. At the same time, it severely condemned those traders and merchants who resort to dishonest practices and try to earn wealth unjustly. The Qur'an says:

Woe unto the defrauders: Those who, when they the measure from mankind, demand it full. But if they measure unto them, or weigh for them, they cause them less. Do such (men) not consider that they will be raised again, unto an awful Day, the day when (all) mankind stands before the Lord of the Worlds?¹²

Thus we see that the Qur'an demands a rigorous honesty in dealing with others and condemns short-weighting as this involves exploitation of others. The Qur'an gives us the concept of a just society free of exploitation of others. From this comes the transcendental aspect of Islamic teachings as far as economic principles are concerned. Any transaction relating either to production or commerce should be just and free of exploitation. Like *'ilm and hikma*, the key words in economic matters are *al-'adl wal-ihsan* (justice and benevolence). Whatever the mode of production or commerce, the concept of justice and benevolence remain operative and go a long way in reducing social tensions, and hence these teachings remain transcendent.¹³

In Islam following sources of income has been rigorously prohibited:

- a. Bribery (Al-Baqarah: 188)
- b. Usurping others property (Al-Baqarah: 188)
- c. Fraud (Al-Imran: 161)
- d. Stealing and Robbery (Al-Maida: 38)
- e. Income from sources of Vulgarity (Al-Noor: 19)
- f. Gambling (Al-Maida: 90)

g. Wine and its business (Al-Maida: 90)

h. Interest (Al-Baqarah: 275).

Economic Rights of Women in Islam

Islam has a very clear notion towards the status of women in the society. The attitude of Qur'an and *Hadith* bear witness to the fact that women is, at least, as vital to the life and society as man himself, and is not inferior to him. Islam has given women the rights and privileges. The question of status of women in Islam cannot be properly understood without taking social situation into account. As Islam had its roots and beginnings in the folk society of the Arabs, thus it is necessary to find out the position of women in Arabia, just before the advent of Islam.¹⁴ Before the advent of Islam, women were treated extremely harshly. It was acceptable for female babies to be buried alive and women were treated more as chattels and objects of sexual pleasure. Islam changed all this, and taught equality of both genders. It also granted women the right of inheritance and accordingly they received their due share as prescribed by sharpie law (Islamic law).

Inheritance

Apart from the recognition of women as an independent human being, acknowledgement is equally essential for the survival of humanity, Islam has given her a share of inheritance. A women is entitled to individual ownership of property as a mother, as a wife, as a daughter, and as a sister- right that were granted to women in England hundreds of years later. Allah, the Exalted, stated in the Glorious Qur'an:

*Allah commands you as regards to your children's (inheritance); to the male, a portion equal to that of two females.*¹⁵

Those who misunderstand Islam claim that Islam does injustice to women in terms of inheritance. They opine that it is unfair to grant the male a double to that of the female even though they are children of the same parents. Allah, the Exalted, offered a full and detailed method of women's inheritance in the Qur'an and *Sunnah*, and if an unbiased student of knowledge reflects on the details, he or she will discover the fault of this opinion. To begin with, Allah has determined all the shares of all the relatives in respect to their relationship to the deceased. As He the Most Wise said:

*There is a share for men and a share for women from what is left by parents and those nearest related, whether the property is small or large, an obligatory share.*¹⁶

Allah has stated three types of shares for a woman's inheritance as follows:

- a. A woman will have an equal share as that of the man.
- b. A woman will have an equal share to that of the man, or a little less.
- c. A woman will have half the share of a man.

This means that the minimum of her shares is half, and considering that a female has no continual financial responsibilities as a child, sister, wife or mother, and these responsibilities are always on the men of the family, this is very generous indeed.¹⁷ It is mentioned in the Qur'an at various places that a woman has a right to inherit and it has been fixed by God Almighty Himself.

Maintenance

i. Maintenance of Female

Maintenance is the translation of the Arabic word "*Nafaqah*" literally means which a man spends over his children (and dependents); in law it means food, clothing and lodging, in common use it signifies food.¹⁸

There are various Qur'anic provisions and traditions regarding the economic security of women, few of them are mentioned below:

*Money /property is the basic need of life; get that protected.*¹⁹

*Give the kinsman his/her due.*²⁰

In this verse the new born babies are also given their due. And it is the duty of all Muslims to maintain their minor child. There is no discrimination on the ground of sex. In the *jahiliyah* days people were involved in the female infanticide which Allah has forbidden in the following verse:

*And that ye slay not your children because of penury*²¹

And also Prophet Muhammad (SAAS) in many traditions congratulated those who don't discriminate in female child, and said:

One who is tested through the female born and treats them well; would be saved from hell (by those female child)

After the babyhood, the female would be married even at that time Islam has protected her rights relating to property and the first thing which comes into her hand is the dower money as gift from her husband.

ii. Dower (Mahr)

On marriage, women is entitled to a marital gift which is called "*Mahr*" from the husband which is entirely hers and she does not have to give this gift to her husband or father and she can do anything lawful with it. This marital gift (*Mahr*) symbolises, love, affection and commitment. Qur'an says:

*Give the women (on marriage) the dower as a free gift.*²²

Thus dower is necessary part of marriage. If anyone marries without dower, he has to give it any time after marriage, this is called proper dower. However, some jurists are of the opinion that marriage without dower is void. But Abu Hanifa and his school is of the opinion that marriage would not be void but '*Mahr al-Misl*' is to be paid.²³ Dower shows love, respect and sacrifice because it is observed in our daily life that anybody who meets to his beloved tries to present something, to which prophet (SAAS) made it clear that, 'when you go to your home after long time you take something for your householders. If nothing is available then the beautiful stones may be taken.' Dower is regarded as the symbol of truth as the Allah says in the following verse:

And give them the symbol of truth with pleasure.

Dower is also a gift because the women doesn't give anything in return to the man. Thus in *Tafsir-i-Kabir* it has been written that Allah has made the procreation of children as to them. But the commandment shows that in the beginning a gift must be given. So Holy Qur'an termed it as "*Nihla*".²⁴

iii. Maintenance of Wife

Regardless of the wealth or income of his wife, the responsibility of maintaining her lies on the husband even if he is poorer than her and this responsibility includes providing for her needs pertaining to food, clothing, lodging, medication, etc., in short everything she needs. She need not spend anything. She has complete financial security. Prophet Muhammad (SAAS) is reported to have said:

*Wives are having the rights upon them, so provide them lodging and food in better way*²⁵

Abdullah ibn Umar (RA) narrates that the Prophet said it is enough to sin that a person is not maintaining whom he must maintain.²⁶

Thus it is clear that woman has been given reasonable economic rights during the continuance of marriage.

Sometimes the relation of the two spouses becomes strained to such extent that it is impossible to live together, so under the Islamic law there is a provision of separation which is called as "*Talaq*" or Divorce. But this remedy is the last remedy in the sense that the Prophet (SAAS) has termed '*talaq*' as the most detestable among permitted things. In this case a woman has also been conferred the economic rights.²⁷

iv. Maintenance of Divorcee

In case of divorce there are certain financial guaranties for women like complete and full support during the waiting period and thereafter; if she is pregnant, then till childbirth. If she has any children she is entitled to child support. The amount of maintenance would be the same which was being given or spent during the continuance of marriage. But there is controversy in case of irrevocable divorce. Some jurist's say that she will get up to waiting period (*idat*) while others are of the opinion that in case irrevocable divorce she will get nothing.

v. Economic Activities of Muslim Women

Usually women engage themselves within the four walls of the house to control the economic activities but in Islam they are free to go outside and engage themselves in various economic activities like business, agriculture, industrial and productive activities. It is very well known that Lady Khadijah, the first woman to accept Islam, was engaged in business, prior to her marriage with the Prophet (SAAS), the Prophet himself used to look after the management of her business. And after marriage she herself managed the business. In the caliphate of Umar, Abdullah bin Rabiya used to supply perfumes to his mother Asma bint Makhrama from Yemen as she was doing business of perfumes.²⁸ Thus it is clear that in Islam women are free to engage themselves in business activities. Abdullah ibn Masood (RA) who was very close to the Prophet, did not oppose the production work of his wife. She approached to the Prophet and said that she was an artisan and her crafts were paying much to her. Whether she could spent upon her family out of her earnings (as the family was poor). Replying her affirmative Prophet (SAAS) said that she would get the reward from Allah over that.²⁹

Woman is not only free to engage herself in the above mentioned fields. But she is also given the right to achieve knowledge of different sciences like medicine, nursing etc, as it is the tradition of Prophet (SAAS) that "seeking knowledge is obligatory for every Muslim". A true Islamic society should have women as professionals such as women physicians (doctors), women nurses, women teachers, etc. Thus from the above description it became clear that in Islam women is given the stipulation in every condition. Not only in the rights of maintenance, inheritance and dower but also in the field of business, agriculture, industry and production. She has also given the right to achieve knowledge in different fields.

Conclusion

In Islam men and women are considered as equivalent in position. Women's economic rights in Islam are stronger than the women of other religions. Islam gave economic rights to the women 1400 years before the West. Islam is not against women's working in such areas which are suitable for them. She can earn money and own property just as man can do and therefore she may, if she feels the need, follow any profession. A true Islamic society requires women to take up profession such as doctors, nurses etc. A woman in Islam has been given more financial security as compared to the man. Islam honored and dignified the Muslim woman and guaranteed economic security for her when it obliged the man to provide for her. Women have the right to property, profession and earning money, and her right to property is esteemed in Islam and by the same virtue, they can have any kind of interference in their property.

References

¹Al-Qur'an, 51:49

²Ibid, 49:13

³Ibid, 4:1

⁴Abu Dawood 234, Tirmidhi 113.

⁵Al-Qur'an, 33:36

⁶Ibid, 3:195.

⁷Badr, Alam Khan, Economic Rights of Women under Islamic Law and Hindu Law, Adam Publishers and Distributors, New Delhi, 2009, p.10.

⁸Ibid.

⁹Ibid.

¹⁰Maududi, Abul Ala, The Economic Problem of Man and its Islamic Solution, Markazi Maktaba Islami, New Delhi, 1941, p. 3.

¹¹ Al-Qur'an 2:21,22

¹²Al-Qur'an, 83:1-6.

¹³ S. Behzad and T. Kurnan, Theory of Islamic Economics Tradition and Transformation, Global Vision Publishing House, New Delhi,2006, p. 310.

¹⁴Mondal, S. R. Rural Muslim Women: Role and Status, Northern Book Centre, New Delhi, 2005, p. 18.

¹⁵Al-Qur'an, 4:11.

¹⁶ Al-Qur'an, 4:7.

¹⁷Al Sheha, Abdul Rahman, Women in Islam and Refutation of Some Common Misconceptions, p. 89.

¹⁸Badr Alam Khan, op.cit., p. 34.

¹⁹Al-Qur'an, 4:5

²⁰Ibid, 7:26.

²¹Ibid, 6:151

²²Ibid, 4:34.

²³Mu'allimus Sunan cited by Jalal ud Din Umari, p. 33.

²⁴Badr Alam Khan, op.cit, p. 38-39.

²⁵Bulug al-Maram, MaktabaThanvi-Deoband, p. 333.

²⁶Nasai al-Nafaqa.

²⁷Badr Alam Khan, op.cit p. 41.

²⁸Ibn Sad, Tabaqat, Vol. 8, p. 220.

²⁹Ibid, p. 212.