



Women in Islamic Law (Shariah)

What is Shariah/Islamic Law?

- ◉ "centre piece and backbone of the religion of Islam."
- ◉ Based on Qur'an and Sunnah
- ◉ Qur'an - revealed Book of God
- ◉ Sunnah - way of the Prophet Muhammad (pbuh)
- ◉ It prescribes Muslim behaviour in every aspect of life from private matters between the individual and God to relationships with others from the family or the widest community

- ◉ The Shari'ah contains categories and subjects of Islamic law called the branches of *fiqh*.
- ◉ They include Islamic worship, Family relations, Inheritance, Commerce, Property law, Civil (tort) law, Criminal law, Administration, Taxation, Constitution, International Relations, War and Ethics, and other categories.

What are a Muslim jurist's qualifications and authority?

- ◉ *Fuqaha* are the class of Muslim scholars who dealt in theoretical Islamic law, or *fiqh*
- ◉ A judge (*qadi*) serves in a court for practicing or implementing the law
- ◉ *mufti* gives legal responses (*fatwa*) to people's questions.

- In order to be qualified to interpret the sources of law, a jurist has to:
 - Know the Qur'an (Abrogated verses, Makkan, Madinah verses etc)
 - Know hadith (Authentic and false)
 - Know how to interpret these sources
 - Have thorough knowledge of the Arabic language and its grammar from the time of the Prophet.
 - Know poetry of the Arabs

- Know the history of the law and the schools of law, their differences and legal precedents
- Know specialized areas like commerce or international relations (might be important in deciding specific cases)
- Other disciplines such as logic, history and general knowledge
- Culture of the communities

How does a jurist reach a decision?

- ◉ careful process of reasoning
- ◉ spectrum ranging from forbidden to obligatory

JUDGMENT	forbidden	discouraged	permitted
EXAMPLE	murder	wasting resources	surfing the internet

JUDGEMENT	encouraged	obligatory
EXAMPLE	giving charity	praying five times daily

Women and the Shariah

- ⦿ This is a topic of great misunderstanding and distortion
- ⦿ Due partly to a lack of understanding, but also partly due to misbehaviour of some Muslims which has been taken to represent the teachings of Islam

PRECONCEPTIONS



© Original Artist
Reproduction rights obtainable from
www.CartoonStock.com

Devoted

Oppressed

S2
PHOTOGRAPHY



Respected



Terrorized

PRE - ISLAMIC ARABIA

- ◉ In pre-Islamic days, the women had NO RIGHTS
- ◉ they could not own property
- ◉ they were bought and sold like property
- ◉ they had no right to education let alone get involved with politics or have any leadership role
- ◉ Daughters were buried alive!

Let's look at the Spiritual,
economic, social
and political stand point
of women in Islamic Law

MEN AND WOMEN EQUAL IN SIGHT OF GOD

- "...So their Lord accepted their prayers, (saying): I will not suffer to be lost the work of any of you whether male or female. You proceed one from another..." [Quran 3:195]
- "Whoever works righteousness, man or woman, and has faith, verily to him will We give a new life that is good and pure, and We will bestow on such their reward according to their actions." [Quran 16:97, see also 4:124]

ISLAM LIBERATED WOMEN

- ◉ Status of Mother recognised and Condemnation of burying daughters alive in Qur'an
- ◉ Islam decreed a right of which woman was deprived both before Islam and after, the right of independent ownership.
- ◉ According to Islamic Law, woman's right to her money, real estate, or other properties is fully acknowledged

- ◉ Women in UK only started to get this right in the late 19th Century
- ◉ By a series of acts starting with the Married women's Property Act in 1870, amended in 1882 and 1887, married women achieved the right to own property and to enter contracts on a par with spinsters, widows, and divorcees.

- Man in Islam is fully responsible for the maintenance of his wife and his children
- This responsibility is neither waived nor reduced because of his wife's wealth or because of her access to any personal income gained from work, rent, profit, or any other legal means.

- ◉ Women, on the other hand, are far more secure financially and are far less burdened with any claims on their possessions.
- ◉ Her possessions before marriage do not transfer to her husband and she even keeps her maiden name.
- ◉ She has no obligation to spend on her family out of such properties or out of her income after marriage.

RIGHT TO EDUCATION & WORK

- ◉ The right of females to seek knowledge is not different from that of males. Prophet Muhammad (peace and blessings be upon him) said:
- ◉ "Seeking knowledge is mandatory for every Muslim". [Al-Bayhaqi]

Women have the right to work and keep their earnings.



NO FORCED MARRIAGES IN ISLAM

- ◉ Ibn 'Abbas reported that a girl came to the Messenger of God, Muhammad (peace and blessings be upon him), and she reported that her father had forced her to marry without her consent. The Messenger of God gave her the choice... (between accepting the marriage or invalidating it). [Ibn Hanbal No. 2469]
- ◉ In another version, the girl said: "Actually I accept this marriage but I wanted to let women know that parents have no right (to force a husband on them)" [Ibn Majah, No. 1873]

Hijab

- ◉ Quran and the sayings of the Prophet did not say women must adopt a particular dress of a particular country
- ◉ It only gives basic boundaries (garments which are not so tight they reveal shape of the body, not transparent and cover body leaving hands, face and feet)
- ◉ In some schools of thought, women also cover their face
- ◉ Not to restrict woman, but to provide a virtuous society where sexual attraction is not the main obsession of everyone

Political Involvement

- ◉ 'Umar made a proposal of a certain regulation concerning marriage
- ◉ A woman in the mosque stood up and said, "'Umar, you can't do that."
- ◉ 'Umar did not tell her, "Shut up, you are a woman, you have nothing to do with politics, etc." He asked, "Why?"
- ◉ She made her argument on the basis of Quran. In front of everybody, he stood up and said, "The woman is right and 'Umar is wrong," and he withdrew his proposal. That was the spirit in the early days of Islam.

GREAT MUSLIM WOMEN

- ◉ Hadhrat A'isha Bint Abu Bakr, Wife of the Holy Prophet (peace be upon him)
- ◉ provided great guidance to the first Muslim community, even to the renowned companions and Caliphs
- ◉ Hadhrat Ibn Hajar RA names 88 great scholars who learned from her and then says that there were a large number of others.

- ◉ Hadhrat Shafah bint Abdullah RA was head of the trader's organization during period of second Caliph.
- ◉ She was given the responsibility of being in charge of the Accountability Court for the area and was also given the duty of Market Administrator

- ◉ Hadhrat Umm Kalthoom bint Ali (RA) appointed as ambassador to third Caliph and she went on two diplomatic missions to visit the Queen of Rome representing the Islamic Caliphate. (Tabrani)
- ◉ Umm Darda was a female scholar who taught at the great Ummayyad mosque in Damascus as well as in Jerusalem; one of her students was Caliph Abdul Malik ibn Marwan himself.

- ◉ Queen Zubayda, wife of 9th century Caliph Harun Ar-Rasheed in the Abbasid dynasty, made huge contributions to public works such as building wells and guest houses on the major routes that pilgrims took to Mecca, as well as building wells and reservoirs.
- ◉ In addition, Queen Zubayda was an intellectual who expressed her political thoughts in public besides supporting poets and writers, regardless of their religion.

- ◉ 9th century's Fatima al Fihriyya in Fez, Morocco founded al-Qarawwiyyin mosque which became one of the oldest Islamic schools and colleges operating until the present time.
- ◉ Banafshaa' ar-Rumiyya of the 11th century who restored schools, bridges, public housing for homeless women in Baghdad, besides having her own school endowment.
- ◉ Moreover, Fatima of Cordoba was a 10th century librarian who oversaw 70 public libraries containing 400,000 books

- ◉ Arwa al-Sulayhi, an 11th century Yemini who ruled for 71 years and was known as the Noble Lady.
- ◉ Sultana Shajarat al-Durr took control over Egypt after her husband's death in the 13th century.
- ◉ Sultana Razia, on the other hand, was the only female to sit on India's throne in Delhi for four years in the 13th century.

- In central India and closer to our contemporary world, a family of women rulers ruled over the principality of Bhopal from 1819 to 1924, the last of whom was Begum Kaikhursau Jahan.
- This family was famous for building railways, water works, and a postal system.
- The list goes on...

- ◉ Unfortunately in the last century men have misinterpreted Quranic verses and teachings of the Prophet (pbuh) to oppress women
- ◉ This is part of culture and not religion itself
- ◉ Media is not helping!
- ◉ New generation seeking knowledge from it's source - Qur'an and Sunnah.
- ◉ Hope for the future!

Thank you.
Any questions?