

The Glorious Qur'an as a Source of Law with reference to Women's Rights

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ABSTRACT

Islam provides a framework for all aspects of life, ranging from the spiritual to the mundane. It encompasses how one should pray, what food can be eaten, and how business relationships should be organized. Islam is often called a way of life rather than a religion, as it lays out an entire system of laws, with the rights and responsibilities of all people clearly defined. These laws are derived from several sources, which all refer back to the Glorious Qur'an. It is a unique book for all times and at all levels. The objective of the Glorious Qur'an and its method of explanation is that of educating the minds and changing human attitude towards life. In other words, it forms a comprehensive foundation on which sound systems of social justice, politics, economics, legislation, jurisprudence, world order, global responsibilities towards Nature, and so forth, can be constructed. Although many of its verses are general and spiritual in nature, it also contains specific legislation about the rights and duties of human beings. Laws regarding marriage and divorce, punishment of criminal behavior, diet, inheritance, business transactions, and personal etiquette are outlined in details.

The aim of this study is to shed some lights on the Qur'anic law with special reference to women's rights in the society . The study discusses women's rights including such topics as equality, marriage, divorce, inheritance, and dressing.

It is found through this study that Islam honors women, elevates their status and respect in society, and advocates their full and equitable rights. The Glorious Qur'an describes the creation of man and woman as comparable to the creation of night and day. Neither is better than the other because they serve different yet equally important roles. Furthermore The

Exalted Allah devoted a full sura for women called "The Women" which indicates their significance in society and life.

In short, law in Islam exists independently of Man's own existence. The divine law rationalizes a world in which Prophet Muhammad (PBUH) found chaos and conflict. The law provides guidance not only in establishing an ordered society, but also in distinguishing between 'husn' (beauty), hence to be followed, and 'qubh' (ugliness), which should be avoided –or in Western terminology 'distinguishing between the good and evil.

Introduction: The Islamic Concept of Law

The religion of Islam has the character of a jurally order which regulates the life and thoughts of the believer according to an ideal set of revelations communicated to Muhammed (PBUH), the last Prophets. Thus, Islam established its own order of right and wrong, embodying its own justice, as the correct and valid one.

In Islamic legal theory, only God as the source of ultimate authority has knowledge of the perfect law. This divine law originally embodied in a heavenly book, i.e. the Glorious Qur'an. In the same way as natural law was regarded in the west as the ideal legal system consisting of the general maxims of right and justice, so Islamic law is in the eyes of a Muslim the ideal legal system. It is regarded as the perfect, eternal and just law, designed for all times and characterized by universal application to all men. The ideal life is the life of a strict conformity with this law.

Law in Islam exists independently of man's own existence. The norms of the law have been revealed to Allah's Apostle (God's Prophet). The divine law rationalizes a world in which Prophet Muhammad (PBUH) found chaos and conflict. The law provides guidance not only in establishing an ordered society, but also in distinguishing between 'husn', hence to be followed, and 'qubh' (ugliness), which should be avoided –or in Western terminology distinguishing between the good and evil.

The Muslim jurists theologians assert that the basic principle is liberty; but this principle is qualified by another, that human nature is essentially weak and can easily be led astray unless guided by divine wisdom. Three fundamental characteristics of the law may be stated, on which the classical Muslim jurists seem to have agreed :

First, the permanent validity of the law regardless of time and place.

Second, the law takes into consideration primarily the common interests of the community and its ethical standards; the personal interests of the

individual believers are protected only insofar as they conform to the common interests of Islam.

Third, the law must be observed with sincerity and good faith.

The Islamic sources of law are divided into two parts: the original source and additional source.

The Glorious Qur'an is the main source of law .It represents the speech of God which is inspired to Prophet Muhammad (PBUH).It is divided into thirty parts and each part is divided into a number of texts(Surahs) which are (114) texts . Each text is also divided into Ayah. The number of Ayahs is (6236).

The second source is Sunna of Prophet Muhammad in Islam law is founded upon the revelation of the prophet as recorded in The Quran ,supplement by the sunna (tradition of the Prophet ,his spoken words and action).Al-Ijma (consensus of opinion)and al-Qiyas (reasoning by analogy)are the third and the fourth sources of Islamic law⁸.Despite the differences of Islamic jurists in this connection and whatever the present application of Islamic law may be , one fact is clear .It is that Islam does not only include matters of purely religious flavour that is regulating the relationship of the individual to God ,such as prayers ,fasting ,pilgrimage ,and the like ---but also legal rules for the regulation of human conduct among individuals themselves ,such rules are regulating marriage ,divorce ,inheritance , civil transactions ,crimes ,matters of public law ,such as the doctrine of government and state ,and the principles to be observed in international relations .Thus ,it is ,indeed ,justifiable to designate Islam as being "a religion and a state

1.Women before and after Islam

An issue that's been a point of much debate and misunderstanding is the position of women and women's rights in Islam. Many people see Muslim women as meek and subservient, worthy of pity.

In most ancient cultures — and even some modern ones — women were considered property to be bought, sold, or inherited like animals. They were looked down upon morally, socially, and spiritually and were considered inferior to men in every way. They were blamed for all human misfortune.

The Roman civilization decreed that woman was a slave who belonged to man, and had no rights at all. In Rome a major synod met to discuss the case of woman, and decided that she had no soul, and that therefore she would not inherit life in the Hereafter, and that she was evil. In addition, women were regarded as chattels in Athens; they were bought and sold, and were regarded as the handiwork of the devil. Furthermore, the ancient laws of India state that: disease, death, Hell, snake venom and fire were all better than woman. Her right to life came to an end when her husband's – or master's – life ended. When she saw his body burning she would throw herself into

the flames; if she did not do so, she would be subject to curses. Wieth Kordsten, a Danish writer, explained the view of the Catholic Church towards women. He said: "During the Middle Ages very little care was given to women, following the teaching of the Catholic Church which regarded woman as a second class creation." In France, a council in 586 CE decided to research the case of woman and whether she was to be counted as human or not. They decided that woman was human, after some discussion, but she was created to serve man.

The 217th clause of the French law states the following: "A married woman – even if her marriage is based on the condition of separating what belongs to her and what belongs to her husband – is not permitted to give anything as a gift or to transfer any of her property or use it as collateral, or to take possession of anything whether in return for payment or otherwise, without her husband being a party to the contract or agreeing to it in writing."

On the other hand, in England, Henry VIII forbade the English woman to read the Bible. Until 1850 CE women were not counted as citizens, and until 1882 CE they did not have any personal rights. (Shalaby, 210-213)
What has been happening to the women in the past is nothing but absurdity. As it is mentioned in the Glorious Qur'an:

وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ ﴿٥٨﴾

58. When news is brought to one of them, of (the birth of) a female (child), His face darkens, and He is filled with inward grief!

يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ ۚ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ ۗ أَلَا سَاءَ مَا يَحْكُمُونَ ﴿٥٩﴾

59. With Shame does He hide Himself from His people, because of the bad news He has had! shall He retain it on (sufferance and) contempt, or bury it in the dust? Ah! what an evil (choice) They decide on?

The Glorious Qur'an indicates that both women and men are all creatures of Allah, existing on a level of equal worth and value, although their equal importance does not substantiate a claim for their equivalence or perfect identity.

In Islam, woman has a high status which no past nation ever achieved and no subsequent nation has been able to attain, because Islam gives honour to humanity including men and women equally, as it appears in the verse below:

﴿ وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْوَرْدِ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا ﴾ ﴿٥١﴾

70. We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our creation. [Al-Isra' 17:70],

This indicates that they are equal before the rulings of Allah in this world and they will be equal with regard to His reward and punishment in the Hereafter.

Another example of equality between men and women is:

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً ۖ وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ
مَا كَانُوا يَعْمَلُونَ ﴿٩٧﴾

97. Whoever works righteousness, man or woman, and has Faith, to Him will we give a new life, a life that is good and pure and we will bestow on their reward according to the best of their actions. [Al-Nahl 16:97],

1.1 Religious Equality

This equality of male and female is documentable in the Glorious Qur'an.

As to the origins of humanity the Glorious Qur'an is devoid of the stories found in the Old Testament which denigrate women. There is no hint that the first woman created by God is a creature of lesser worth than the first male, or that she is a kind of appendage formed from one of his ribs. Instead, male and female are created, we read, *min nafs wahidatin* ("from a single soul or self") to complement each other,

يٰۤاَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِّنْ نَّفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا
وَّنِسَاءً ۚ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ ۖ وَالْأَرْحَامَ ۚ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾

1. O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (Like seeds) countless

men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you

[Al-Nisaa' 4: 1]

هُوَ الَّذِي خَلَقَكُمْ مِّنْ نَّفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا ۚ فَلَمَّا تَغَشَّاهَا حَمَلَتْ حَمْلًا
خَفِيفًا فَمَرَّتْ بِهِ ۖ فَلَمَّا أَثْقَلَتْ دَعَوَا اللَّهَ رَبَّهُمَا لَئِنْ آتَيْتَنَا صَالِحًا لَّنُكُونَنَّ مِنَ الشَّاكِرِينَ ﴿١٨٩﴾

189. It is He who created you from a single person, and made His mate of like nature, In order that He might dwell with Her (in love). when They are united, she bears a light burden and carries it about (unnoticed). when she grows heavy, They both pray to Allah their Lord, (Saying): "If Thou givest us a goodly child, we vow we shall (ever) be grateful." [Al-A'raaf 7:189]

Furthermore, the Glorious Qur'an is not less clear in commanding equality for men and women in its directives regarding religious obligations and rewards, as in :

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّيِّمِينَ وَالصَّيِّمَاتِ وَالْحَافِظِينَ وَالْحَافِظَاتِ فَرُوجَهُمْ وَالذَّاكِرِينَ وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا ﴿٣٥﴾

35. For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give In charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much In Allah.s praise,- for them has Allah prepared forgiveness and great reward.[Al-Ahzab33:35]

Moreover, the Glorious Qur'an reveals to mankind the desired equality of the two sexes by establishing the same ethical obligations and rewards for both women and men, as in:

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا ﴿١٢٤﴾

124. If any do deeds of righteousness,- be They male or female - and have Faith, They will enter heaven, and not the least injustice will be done to them. [Al-Nisa' 4:124]

In addition, it is very obvious in the verse below how both men and women are equal ethically:

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهُ حَيٰوةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُم بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ ﴿٩٧﴾

97. Whoever works righteousness, man or woman, and has Faith, to Him will we give a new life, a life that is good and pure and we will bestow on their reward according to the best of their actions. [Al-Nahl 16:97]

1.2 Education

Muslim women are fully entitled to education. The Glorious Qur'an does imply the pursuit of knowledge by all Muslims regardless of their sex. For example, it repeatedly commands all readers to read, recite, think, contemplate, as well as to learn from the

signs (ayat) of Allah in nature. In fact, the very first revelation to Prophet Muhammad (PBUH) was concerned with knowledge. It is the duty of every Muslim and every Muslimah to pursue knowledge throughout life, even if it should lead the seeker to China, i.e. it is obligatory.

Al-Ghazali was always proud of women students of science and who excel in the religious, literary and scientific sciences. He believed in defending her legitimate right to take the science as part of the achievement of the Islamic message. He did not want a Muslim woman to be underdevelopment, he also refused to submit views on the conflict with the provisions of the law, he did not see the basis of the statements of some of the Imams to forbid women from attaching the presidency, the ministry, the embassy and the court. (Al-Ghazali

1.3 Legal Rights

Another evidence in the Glorious Qur'an for the equality of men and women is its specification of legal rights which are guaranteed for every individual from cradle to grave. Unlike the situation in the West, where until the last century it was impossible for a married woman to hold property on her own, to contract with other persons, or to dispose of her property without the consent of her husband, the Qur'an proclaims the right of every woman to buy and sell, to contract and to earn, and to hold and manage her own money and property.

1.3.1 Marriage

During the pre-Islamic period, the fathers and, in their absence, the brothers, as natural guardians of the girl, gave her in marriage according to their own will and not according to that of the girl herself. At the same time they regarded her dower as belonging to themselves. They sometimes exchanged their daughters. A man would give his daughter or sister in marriage to another, in consideration of the latter giving his daughter or sister in marriage to the former. In this form of marriage, which was called *Shighar* marriage, neither of the wives would get a dower. Islam abolished this custom. The Prophet (PBUH) has said: "There is no *Shighar* (exchange of daughters or sisters) in Islam".

When a man wants to marry, he should give the woman something as a gift This gift has been called "saduqatihinna nihlatan" which means, a gift which is presented with love, affection, truth and sincerity without seeking any return or recompense. The Glorious Qur'an has not fixed any amount for this gift. However, the payment of this gift is essential and it should be whatever a man can afford, both the rich and the poor should give according to their means .However it may not necessary be in the form of money:

وَإِنْ أَرَدْتُمْ أَنْ تَنْبِذَ الرَّجُلَ زَوْجَ مَكَاتٍ زَوْجٍ وَءَاتَيْتُمْ إِحْدَهُنَّ فِنْطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا
أَتَأْخُذُونَهُ بِهَيْئَتِنَا وَإِنَّمَا مُبِينًا ﴿٦٠﴾

20. But if ye decide to take one wife In place of another, Even if ye had given the latter a whole treasure for dower, take not the least bit of it back: would ye take it by slander and Manifest wrong? [Al-Nisa' 4: 20]

Many passages of the Glorious Qur'an emphasize that the dower exclusively belongs to woman. Besides, the husband has to maintain her and meet her expenses. At the same time, whatever woman earns belongs to her and not to anybody else, not even to her father or husband. It specifies that the dower (mahr) of her marriage should belong to her alone and never be taken by her husband:

وَأَتُوا النِّسَاءَ صَدُقَتِهِنَّ حُلَّةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا ﴿٤﴾

4. And give the women (on marriage) their dower As a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer. [Al-Nisa' 4: 4]

This means that the dower belongs to women exclusively and it is a gift to be paid directly to them. It has nothing to do with their fathers or brothers, unless offered by the women as a free gift

During the pre-Islamic period there existed other customs, which practically deprived the woman of her dower. One of them was the custom of inheriting conjugal rights. If a man died, his son or brother inherited his conjugal rights, in respect of his wife, in the same way as he inherited his property. The son or the brother of the deceased had a right, either to give the widow in marriage to another man or take her dower, or to declare her his own wife against dower already paid to her by the deceased. The Glorious Qur'an did away with this custom:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا ^ط وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُّبَيِّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَجَعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾

19. O ye who believe! ye are forbidden to inherit women against their will. nor should ye treat them with harshness, that ye may take away part of the dower ye have given them, - except where They have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity. if ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great Deal of good. [Al-Nisa' 4: 19]

وَلَا تَنْكِحُوا مَا نَكَحَ ءَابَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ^ع إِنَّهُ كَانَ فَحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا ﴿٢٠﴾

22. And marry not women whom your fathers married,- except what is past: it was shameful and odious,- an abominable custom indeed. [Al-Nisa' 4: 22]

وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَا مَلَكَتْ أَيْمَانُكُمْ مِّنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُم مِّنْ بَعْضٍ فَاَنْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَءَاتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسْفَحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أُحْصِنَّ فَإِنْ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَٰلِكَ لِمَنْ خَشِيَ اللَّهَ لَعَنَتْ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَّكُمْ وَاللَّهُ غَفُورٌ رَّحِيمٌ ﴿٢٢﴾

25. If any of you have not the means wherewith to wed free believing women, They may wed believing girls from among those whom your right hands possess: and Allah hath full knowledge about your Faith. ye are one from another: wed them with the leave of their owners, and give them their dowers, according to what is reasonable: They should be chaste, not lustful, nor taking paramours: when They are taken In wedlock, if They fall into shame, their punishment is half that for free women. This (permission) is for those among you who fear sin; but it is better for you that ye practise self-restraint. and Allah is Oft-forgiving, Most Merciful. [Al-Nisa' 4: 25]

In short, the married Muslim woman retains full rights to own and dispose of her own property and earnings, without any interference from her husband or anyone else

1.3.2 Dressing

To preserve chastity, respect and moral values in society, Muslim men and women are required to dress in a manner which is considered modest and dignified. Women are asked to cover their hair and wear loose clothing. Wearing veil is considered obligatory for women as in the verses below:

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَرِهِنَّ وَحَفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلَا يَضْرِبْنَ خُمْرَهُنَّ عَلَى جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنَى إِخْوَانِهِنَّ أَوْ بَنَى أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ غَيْرِ أُولَى الْإِرَبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتَوْبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ ﴿٢٣﴾

31. And say to the believing women that They should lower their gaze and guard their modesty; that They should not display their beauty and ornaments except what (must ordinarily) appear thereof; that They should draw their veils over their bosoms and not

display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small Children who have no sense of the Shame of sex; and that They should not strike their feet In order to draw attention to their hidden ornaments. and O ye believers! turn ye all together towards Allah, that ye may attain bliss.[Al-Nur:24,31]

The details of the veil for women are shown in that the women should put their *KHUMUR* on their *JUYOOB*. The word *KHUMUR* is the plural of *KHIMAAR* which is a noun. The word *KHIMAAR* is used for a particular type of veil that is used to cover head according to the following dictionaries:

- Taj-el-Uroos
- Al-Mufradaat fi Gharib-ul-Quran
- Lisaan-ul-Arab
- Lughat-ul-Quran by G.A. Parvez
- The Dictionary of Quran by Abdul Manan
- Lane's Arabic English Lexicon

There are many different words for veils in Arabic. *HIJAAB* and *NASEEF* both mean veil in general sense. Moreover, *RIDA*, *IZAAR*, *MIQNA*, *MILHAF*, all are different kinds of things used to cover the body or wrap on the body. But Allah has used specifically *KHIMAAR* here. This means that women should spread the veil, with which they cover their heads, on their bosoms [instead of letting the *KHIMAAR* fall on the back of their shoulders].

Jalbab is a loose outer garment/cloth that is worn over one's clothes when going out. *Khimar* and *Jalbab* are mentioned in the Qur'an to be used for the purpose of veil. However, the cut and style of these can be adapted to the social mode as long as it serves fully the purpose of the veil as elucidated in the Glorious Qur'an:

يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلِيبِهِنَّ ذَٰلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَّحِيمًا ﴿٥٩﴾

59. O Prophet! Tell Thy wives and daughters, and the believing women, that They should cast their outer garments over their persons (When abroad): that is Most

convenient, that They should be known (as such) and not molested. and Allah is Oft-forgiving, Most Merciful.[Al-Ahzab 33;59]

1.3.3 Divorce

Marriage is a solemn contract, a strong commitment and a tenacious bond. By virtue of this solemn contract a man and a woman make pledge to accept the rights and obligations laid down by the Glorious Qur'an in respect of their being husband and wife in order to lead a life of companionship. Since this contract was made between two parties, no one of them has the right to revoke it on one's own, whenever one wants, by just saying, "divorce, divorce, divorce". The rights of the other person have also to be safeguarded.

Divorce or *Talaq* means freeing oneself from the contract of *Nikah* (or the bond of holy matrimony). In our age divorce has become a world problem as all grumble and complain about it. Those whose laws prohibit divorce totally complain of the non-existence of a way to escape from unsuccessful and unsuitable marriages. On the other hand, those who have opened the door of divorce, equally for both man and woman, complain about the growing rate of divorce and the instability of domestic life, and its harmful effects. It often happens that, for some reasons, the differences between a husband and a wife reach such a stage that no possibility of reconciliation is left and they practically separate from each other. In such circumstances, the only sensible way is to sever, legally, the relations which have already been practically severed, and to allow both of them to choose new partners-in-life.

From the Islamic point of view, divorce is absolutely detestable. Islam wants the marriage-union to be strong and lasting. It is extremely insulting to a woman that the law should force her to live with a husband who does not like her. The law can force a woman to live with a particular man, but it cannot secure for her the position of a beloved and central figure in the household, which she should have. The law can force a man to support his wife, but it cannot force him to be a devoted husband.

Hence, when man's love and attachment cools down the marriage becomes ineffective from the natural point of view. In fact, the success of the domestic life depends on the mutual attachment of both the husband and the wife. If man loves woman and is faithful to her, woman also loves him and remains faithful to him. Woman's faithlessness is definitely a reaction of man's faithlessness.

To show the importance of divorce, the Glorious Qur'an devotes a whole Sura called *al-Talaq* or divorce where Almighty Allah ordered the prophet Muhammad (PBUH) to make the divorce effective:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ ۚ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا تَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُبَيَّنَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ۚ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا ﴿١﴾

1. O Prophet! when ye do divorce women, divorce them at their prescribed periods, and

count (accurately), their prescribed periods: and fear Allah your Lord: and turn them not out of their houses, nor shall They (themselves) leave, except In case They are guilty of some open lewdness, those are limits set by Allah. and any who transgresses the limits of Allah, does Verily wrong His (own) soul: Thou Knowest not if Perchance Allah will bring about thereafter some new situation.[Al-Talaq 65:1]

“Tallaqtum” which is a plural word signifies that the prophet (PBUH) may not be the only one to affect the decisions about divorce. Those who he charged with authority could also make such decisions when and where the prophet (PBUH) would not be present. Here the prophet has been ordered to make the divorce effective, but he never divorced his own wife. This order from Allah is for deciding the divorce cases for believers.

The believers have been commanded by Allah to refer their disputes to Allah and His Messenger:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

59. O ye who believe! obey Allah, and obey the Messenger, and those charged with authority among you. if ye differ In anything among yourselves, refer it to Allah and His Messenger, if ye do believe In Allah and the Last Day: that is best, and Most suitable for final determination.[Al-Nisaa' 4:59]

It is clear that the Islamic Authority i.e. the Islamic Court makes the final decision and the husband and wife cannot do so individually.

Furthermore, a woman has the right to go to the court to complain against her husband as alluded in the verse below:

قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَتَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ خَوَاوِرُكُمْ ؕ إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ ﴿٥٨﴾

1. Allah has indeed heard (and accepted) the statement of the woman who pleads with Thee concerning Her husband and carries Her complaint (in prayer) to Allah. and Allah (always) hears the arguments between both sides among you: for Allah hears and sees (All things).[Al-Mujadaliah 58:1]

The Glorious Qur'an has used the term *Talaaq* (Divorce) both in respect of the husband and the wife.

١.٣.٤ Inheritance

The main reason of the deprivation of woman of inheritance was the prevention of transfer of wealth from one family to another. According to the old belief, the women's role in procreation was insignificant. The mothers served only as receptacles, where the seed of the father developed into a child. On this account, they believed that

the children of a man's son were his own children and a part of his family, but the children of a man's daughter were not a part of his family, for they were a part of the family of their paternal grandfather. Thus, had a daughter received an inheritance that would have meant the transfer of property to her children, who belonged to a family unconnected with that of the deceased.

The Islamic law of inheritance is free from all the short-comings and defects of the past. The only thing, which is objectionable in the eyes of the upholders of equality between man and woman, is that the share of woman is half that of man. According to the Islamic law, a son receives twice as much as a daughter, a brother twice as much as a sister and a husband twice as much as a wife. The case of father and mother is the only exception.

The Glorious Qur'an establishes a society in which men are the main earners and are responsible for providing the means of subsistence, because the duties and responsibilities assigned to the women do not leave them with enough time to earn their own living. In such a society in which the man is responsible for earning livelihood and providing the means of maintenance, he should get a larger portion when making an economic division. That is why, in inheritance, a boy's share has been kept double that of a girl:

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِّلرِّجَالِ نَصِيبٌ مِّمَّا اكْتَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا اكْتَسَبْنَ وَسَأَلُوا اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾

32. And In no wise covet those things In which Allah hath bestowed His gifts more freely on some of you than on others: to men is allotted what They earn, and to women what They earn: but ask Allah of His bounty. for Allah hath full knowledge of all things.[Al-Nisaa' 4:32]

A woman's inheritance is different from a man's, both in quantity and attached obligations According to the Glorious Qur'an, the share of one boy is equal to that of two girls:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبُوَاهُ فَلِلْمُتَّةِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِلْمُتَّةِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ؕ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

11. Allah (thus) directs you As regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-

thirds of the inheritance; if only one, Her share is a half. for parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (the distribution In all cases ('s) after the payment of legacies and debts. ye know not whether your parents or your Children are nearest to you In benefit. these are settled portions ordained by Allah. and Allah is All-knowing, All-wise.[Al-Nisaa' 4:11]

This is only applicable if a person dies without leaving a will, or if his will does not include all his property. The division is only from that property that the deceased did not include in his will, (i.e. the property that is left after the payment of legacies) and/or what is left after the payment of debt, if any. In his will the person could give more shares to the girl than the boy if he deemed appropriate according to the circumstances.

However, Men are fully obliged to financially maintain their household, whereas women are not; it is often said that even if the woman is a millionaire and he is poor, he is still obliged to spend on her. She is not obliged to share her wealth with her husband unless she does so out of kindness.

So, if on one hand a man gets double than a woman from the inheritance, on the other hand, he has the responsibility for providing the means of maintenance to the family. Similarly, if on one hand a woman gets half than a man from the inheritance, she is exempt from any responsibility of earning and providing the means of support to the family. According to the Glorious Qur'an, girls are not responsible for providing the means of maintenance of their own, or of their family. On the contrary, a boy has to bear his own expenses in addition to those expenses of his wife and children. As such, he should be getting the greater share.

Conclusion

It is found through this study that some verses of the Glorious Qur'an establish that women are on an equal footing with men in terms of reward for their good deeds. Qur'anic descriptions of heaven make no differentiation between men's rewards and women's rewards. In many verses of the Glorious Qur'an, "the believers" are addressed as a whole, with no differentiation between men and women. In other verses, men and women are specifically addressed, to emphasize the point that both are blessed by Allah and equal in His eyes.

Another unjustified claim often made about the Glorious Qur'an is that it addresses men solely. Ninety percent of the verses address both sexes. There are also verses that address only men or women. Anyone who seriously reads the Glorious Qur'an will see that it addresses the general public and not a single sex.

Muslim thinkers believe that Islam has certain potentialities which have made it applicable to all times. According to these thinkers, Islamic teachings are in harmony with the progress of time, the expansion of culture and the resulting changes. There are many points, which form the secret of Islam being in harmony with the expansion of knowledge and civilization, and the applicability of its firm and stable laws to the varying circumstances of life.

Islam sees a woman, whether single or married, as an individual in her own right, with the right to own and dispose of her property and earnings without any guardianship over her (whether that be her father, husband, or anyone else). She has the right to buy and sell, give gifts and charity, and may spend her money as she pleases. A marriage dowry is given by the groom to the bride for her own personal use, and she keeps her own family name rather than taking her husband's.

Islam encourages the husband to treat his wife well, as the Prophet Muhammad (PBUH) said: {The best among you are those who are best to their wives.}

The Glorious Qur'an, we believe, is a challenge to intellectual confusions, solution to all problems, and basis of a stable, homogeneous and peaceful social order. It has no contradictory ideas, leading to sectarianism or disunity. It is self-explanatory and its teachings are easy to understand provided it is approached without any mental reservations or pre-conceived ideas.

It is evident that Islam is opposed to divorce and the dissolution of family life. It has taken every moral and social step to save it from the danger of dissolution, but it has not resorted to compulsion and has not used the force of law. It is opposed to the use of legal force for preventing man from divorcing his wife and to constrain woman to continue to live with her husband. Islam considers such steps to be unsuited to the position of woman in the family, for sentiments and emotions are the cornerstone of family life. It is a unique system in the world

which absolves woman from administering the domestic life of man, gives her complete economic independence, and at the same time exempts her from making any contribution to the family budget.

The Glorious Qur'an is not merely a collection of laws. It is not a body of dry rules and laws with no explanation of their ultimate aims. It contains laws, as well as history, religious exhortations, an explanation of the meaning of Creation, and thousands of other things. At certain places it sets forth a course of action in legal form, and at others it explains the meaning of existence. It unravels the mysteries of the earth, the heavens, the

plants, the animals and the human beings. It gives out the secrets of life and death, honour and disgrace, rise and fall, wealth and poverty.

Furthermore, the Glorious Qur'an is not a book of philosophy, but it has expounded, in very definite terms, its views on the three basic subjects of philosophy: the world, man and society. It does not teach its followers law alone, and does not indulge in mere exhortation and admonition, but, also by its interpretation of Creation, gives its followers a special outlook and a peculiar way of thinking. The basis of the Islamic regulations regarding social matters like ownership, government, family rights etc. are its very interpretation of Creation and various things

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عنوان البحث : القرآن الكريم كمصدر تشريعي وفيما يتعلق بحقوق المرأة

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المستخلص

يوفر الإسلام إطاراً لجميع جوانب الحياة، بدءاً من الروحية إلى الدنيوية. إذ أنه يشمل كيف ينبغي لأحد أن يصلي، وما نوع الغذاء الذي يمكن أن يؤكل، وكيف ينبغي تنظيم علاقات العمل. وغالباً ما يسمى الإسلام طريقاً للحياة وليس مجرد دين، وكذلك فإنه يحدد نظاماً كاملاً من القوانين، مع تعريف الحقوق والمسؤوليات لجميع الناس بصورة واضحة المعالم. وتستمد هذه القوانين من عدة مصادر، والتي تستند إلى القرآن الكريم. وهو كتاب فريد من نوعه لجميع الأوقات، وعلى جميع المستويات. الهدف من القرآن الكريم ومنهجه في التفسير هو تنقيف العقول وتغيير موقف الإنسان تجاه الحياة. وبعبارة أخرى، فإنه يشكل أساساً شاملاً بنيته عليه جميع الأنظمة الصحيحة للعدالة الاجتماعية والسياسة والاقتصاد والتشريع والفقه، النظام العالمي والمسؤوليات العالمية نحو الطبيعة، وما إلى ذلك. على الرغم من أن العديد من آياته عامة وروحية في طبيعتها، فإنه يحتوي على تشريعات محددة حول حقوق وواجبات البشر. وتم شرح القوانين المتعلقة بالزواج والطلاق، معاقبة السلوك الإجرامي، النظام الغذائي، الميراث، المعاملات التجارية، والآداب الشخصية بالتفصيل. إن الهدف من هذه الدراسة هو إلقاء الضوء على التشريع القرآني مع إشارة خاصة إلى حقوق المرأة في المجتمع. إذ تناقش حقوق المرأة بما في ذلك المساواة، والزواج، والطلاق، والميراث، وطريقة ارتداء الملابس. تم التوصل من خلال هذه الدراسة إلى أن الإسلام يكرم المرأة ويرفع من شأنها واحترامها في المجتمع، ويدعو إلى حقوقها الكاملة والمنصفة. ويصف القرآن الكريم خلق الرجل والمرأة بالمقارنة مع خلق الليل والنهار. حيث لا أحد أفضل من الآخر لأنهم يؤدون أدواراً رغم اختلافها ولكنها بنفس القدر من الأهمية. وعلاوة على ذلك فإن الله سبحانه وتعالى خصص سورة كاملة في القرآن الكريم للمرأة تدعى بسورة "النساء" مما يدل على أهميتها في المجتمع والحياة.

وباختصار، فإن القانون في الإسلام موجود بشكل مستقل عن وجود الإنسان نفسه. حيث يرشد القانون الإلهي العالم إذ وجد النبي محمد (عليه الصلاة والسلام) في هذا العالم الفوضي والصراع. لذلك استخدم هذا القانون ليس فقط في إقامة مجتمع منظم، ولكن أيضاً في التمييز بين "الحسن" (الجمال) أو العمل الصالح، والواجب إتباعها، و (القبح) أو العمل السيئ، والتي ينبغي تجنبها أو في المصطلحات الغربية "التمييز بين الخير والشر".