



THE ECONOMIC RIGHTS OF WOMEN IN ISLAM: ISSUES AND PROSPECTS

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ABSTRACT

Islam gave women some certain rights. According to Sharia, Islam recognizes women as having legal rights similar to those of men which include economic rights. Men and women play different roles based on their biological differences which come with similar responsibility. Therefore, each piece of this responsibility should be seen not in isolation but as part of a balanced system taking into account the individual, the family and society. The Muslim women are entitled to inherit from their parents, brothers, sisters, sons, and daughters. The share of the women is normally half of the men. The right of a wife to inherit from her husband is so strong, that if, during the husband's terminal illness, he divorces, his wife in order to deprive her of inheritance, the sharia still upholds her rights to inherit her appointed share. The study tends to show the extent at which Islam emphasises the economic benefits of women and how the benefits are derived.

Keywords: Economy, rights, women, Islam, prospects, issues

Introduction

Muslim women are today subjected to all kinds of speculations, generalizations and stereotyping. Though they represent various cultures, societies, classes, ethnicities and perspectives, they no more form a homogenous group than do Christian women or women of any other communities. The variations between the lives of Muslim women of different classes make any single statement about Muslim women false and misleading. These differences also influence the greater variety of Muslim women's religiously associated activities and discourses which generally represent the different struggles women in their region are undergoing. What underlines many of these gender struggles is their concern to eliminate injustices experienced by women due to social customs as well as to overcome the particular socio-economic difficulties women face. Many Muslim women speak of the conflict they experience today both within their own faith community where they struggle with patriarchal structures and traditions and are accused of being western; and with the western world's growing criticism of Islam (McGarvey, 1968:21). When Islam

came, it restored the woman's freedom, causing her to become a partner to the man, with the same right as he enjoys and the same responsibilities. The two of them are equal both in good times and in bad. This truth is what Allah expressed in the words, "And woman shall have rights similar to the rights against them, according to what is equitable but men have a degree (of advantage) over them (Al- Baqarah 2:228), Yushau (2004).

Women in Pre-Islamic Hausa Society

The period of 1500 to 1700 marked the rise of Islam in many of the Hausa states and King Muhammed Rumfa of Kano (1463-1499) played a critical role which was influenced by Muslim missionaries from North Africa and Medina. Rumfa began incorporating Islamic practices into his government (Callaway and Creevey 1998); Christelow, 2000). During this time, women were prevented from directly participating in government (Nast 1996:54). Callaway and Creevey (1994:12) observe that by the end of the reign of Rumfa, women of high social status were secluded and a very orthodox form of Islam had been firmly established.



This precedent of removing women from many public positions, secluding them and introducing Sharia law marks the beginning of substantial changes in Hausa women's status in many of the Hausa states. During this period, aristocratic women were slowly removed from public positions of power that they had once held. Muslim identity and the seclusion of women began to become associated with positions of wealth and privilege (non-slave-states). Also, as Sharia law became more important in certain regions of Hausa land, it is possible that women of lower classes gained certain rights (e.g. inheritance rights) that they may not have known before. However, women would not have attained equal rights with men concerning these issues (Bergstrom, 2002).

The beginning of the 19th century marked a dramatic change in the nature of government for much of Hausa land, leading up to this period. Islamic scholars in the area had begun to voice disapproval of the Bori spirit possession cult, women's dress and public interaction between the sexes (Callaway and Creevey 1994:12) Shaykh Uthman b. Foduye emerged and led a jihad from 1804 to 1812 throughout most of Hausa land and established the Sokoto Caliphate. When Shehu came to power, his policies brought even more significant changes for women. For instance, it was deemed inappropriate for women to hold public office and they were increasingly secluded in their homes. After the Jihad, women began disappearing from agricultural work, as this type of work was associated with slave states (Callaway and Creevey) 1994:191). Shehu did however endorse education for women, exemplified by the education of his own daughter Nana Asmau. Furthermore, Callaway and Creevey suggest that through the widespread establishment of Sharia law, common women, who may have had no rights in the past, did begin to have more protections (Bergstrom 2002: 11-12).

In Islam, both sexes are equal before God. Islamic prohibition of the free mixing of adult females with non-family members of the opposite sex is thus aimed at creating a responsible society while preventing the evil or negative consequences of such mixture. The social impact of the seclusion of women in Hausa land is obvious with the seclusion of adult women in Hausa society. For the Hausa Muslim women, the keeping of the rules in purdah and wearing the veil have become symbols of Islamic Identity, a sign of protection and respect rather than of oppression. (Zakari 2001: 110).

Women in Islamic Era

The position of women in the Caliphate as opined by the Shaikh Uthman b. foduye is that women should not be seen as household utensils which after use are to be discarded away. Their integrity, therefore, should be firmly safeguarded and their dignity be fully maintained. One other way of safeguarding the integrity of women in the Sokoto Caliphate, Shaikh Uthman draws attention of all Muslim brothers to prevent their wives from going out indiscriminately without any necessity for that, and this necessity should be the one that is inevitable. The reason for this action according to Shaikh Uthman is the following verse of the Holy Qur'an which says, "And stay quietly in your houses, and make not dazzling display, like that of the former times of ignorance". Based on our experiences of the contemporary shamelessness of committing various evil acts and atrocities, these evils can be singled out as the outcome or result of allowing women to go out for the needs that are not all that necessary (Malami (2006).

In Islam, parents are responsible for providing education and training to their children. Denying this is against sharia, which expects both men and women to be equally educated. When parents today deny their female children the opportunity for education they are repeating the practice that sheikh Uthman b. foduye and his



learned lieutenants fought against. Preventing the girl-child from going to school is against the principle of sharia, which commands all Muslims, irrespective of their sex, to seek for knowledge. It is a well-known fact in the history of Islam that the Prophet (SAW) used to hold special classes for women at their request. Removing the girl-child from school because of marriage is in itself not contrary to sharia provided she is given the opportunity to continue her schooling from the husband's house (Centre for Islamic legal studies, 2004: 9).

Islam as a complete way of life sees the economic roles of women within an Islamic society differently from other ideologies. The prime aim of Islam is to produce women with a balanced role between transcendental and material values. It does not sacrifice spiritual well-being on the altar of mundane values. The unrestricted freedom of movement in economic circles, considered in other areas as liberation of women, does not have a place in Islam. Therefore, the jihad leaders had this concept in mind when they prepared their scheme of reformation. They did not seek to push women into sphere of economic rivalry that can corrupt womanhood. Throughout their struggle against falsehood and innovation, Jihad leaders had never said that women were not capable of acquiring wealth of any kind. On the contrary, they had in many places in their writings and sermon condemned any attempt by men to block the way of women to the realization of material gain. For instance, they vehemently opposed parents and guardians as well as influential scholars who misappropriate the dowry of women. Shaykh Usman categorically made it clear that dowry is free gift to a wife from her husband. Taking it away is considered as depriving women of their right to private ownership. In support of her right, the shaykh said that she must be given that dowry and parents, guardians or scholars have no right to violate the Qur'anic verse on dowry. Shaykh Usman also criticizes the innovation that deprives women of

their share of inheritance. In this situation, a woman is edged out from inheriting anything from her parents. Therefore, the Shaykh fought this innovation and attacked people who encouraged it. He directed that women must be given their share as a matter of right. Similarly, he insisted that a widow must also be given her share on the death of her husband. Shaykh Usman classified depriving of a woman generally from inheriting among the forbidden innovations. This means that whenever a husband dies, his wives, mother and daughters would not be given anything from the property of the deceased. The most baffling aspect of the whole issue is the fact that the sons of nephews and uncles were made lawful heirs even in the presence of the rightful heirs. And the women rightful heirs would not receive a nickel. And among (the innovation) is that (of) inheriting by the sons of uncles and nephews of the heritage despite the presence of rightful heirs, and they would not be given anything (Kaura, 1990: 85-87).

Economic Rights of Women in Islam: Issues and Prospects

Judaism, Christianity and Islam, the last is the only one that through its legal system, otherwise known as Sharia, provided a well-defined and articulate defence of woman's rights on every issue, be it social, political, economic or religious. Sharia or Islamic law defends women at every level, as mothers, sisters, daughters and wives. The deep concern and keen interest is women's rights expressed by Islam is evident in the fact that a very whole chapter in the Holy Qur'an, an-Nisa, the women, is set aside on issues concerning women's rights and duties. Another chapter al-Talaq, the divorce, is also in the Qur'an to check certain ill treatments and injustices against women in the name of divorce and to create or establish rights and privileges for women. In addition to these two chapters, numerous verses in several chapters of the Qur'an are to be found which address one woman's issue or the other. The

concern and the importance Islam in general and the Sharia in particular attached to the rights of women, can also be seen in that the Prophet (SAW) did fight to raise the issues even in the last days of his life. He gave a very lengthy sermon during his last pilgrimage. In it, he addressed several social, economic, religious and political issues. He dwelt on women's rights and duties. He said, amongst other things, that women occupied a very unenviable social position in the days of Jahiliya. When they were lucky to escape being buried alive, they would certainly live to face a life full of social denials, ill treatment and abuses. Taking men and women as prisoners of war was so fundamental in attacks and raids carried out successfully. It was natural that women were prone to fall prisoner of war more than men. The weak position of women in that condition of perpetual wars, on the Arabian Peninsula, rendered them always the victim (Isma'il: 2004).

Shehu Uthman worked so well that female education among the Muslims in Northern Nigeria became a matter of pride. His Jihad was followed by literacy resurgence. Shehu's two daughters (Nana Asma'u and Maryam) were highly educated and their literary contributions have come down to us as a specimen of learning among Muslim women in Islam in West Africa. The elder daughter of Shehu Uthman used to give religious instructions and lessons on Islamic studies, law and jurisprudence. The effect of this teaching continues till today in the field of female education. In the Traditional madaris, both boys and girls sit together but as the girls grow in age, they withdraw. (Doi ;1984)

Yushau (2004:7-8) posits that similarly, Al-Hagheel referred to Roger Cardet where cardet argued that.

According to the Qur'an the woman has the right to dispose of what she owns, which is a right that most western laws did not grant her and those of France in particular, until 19th century. With regard to inheritance, it is true that the female inherits half the share inherited by the male, however, this is compensated for by the fact

that all financial obligation especially the burden attached in the family's assistance of others, fall on the male's shoulders, while the woman is exempted from such responsibilities. The Qur'an also gives the woman the right to ask for divorce, a right which the woman did not obtain in the west until thirteen centuries later. (Al-Hagheel, 2001).

Rights of woman has become the yardstick which is used by the western world to measure the prevalence or otherwise of liberty and freedom in all societies. This liberty and freedom is however, in accordance with their worldview and secular concept of life. The west fired by their technological advancement, enormous wealth and sensate culture have become so arrogant and blinded that they see no good in any other culture except their own. Even though the west has known Islam for over three centuries, it has generally known it in very antagonistic terms as an enemy and a threat. Islam has been portrayed as a hostile, tyrannical, violent and conservative religion and the Islamic values have been painted in dark and dismal colours of backwardness and as oppressive. The fact that Muslims accept Islam as a complete way of life and not as a "Religion" in western terms and the fact that Islam is based on transcendental values and not secular values are bound to produce different outlooks on the Issues relating to individual and collective rights. Right from the medieval ages, nothing about Islam has perplexed the West after reading translated Islamic texts on women and their struggles and contribution in all spheres of life throughout Islamic history, the attitude is beginning to change. The narration of the Qur'an about great women, the works of jurists relating to the rights of Muslim wife, Mother, Sister and daughter, the history of Muslim women political leaders, scholars and sufis, all added the reason for the change in the attitude of not only the west but the western oriented Muslims (Sada: 2008).

Women's right in general are not unreciprocated burdens placed on society, or

gratuitous favours done to them, but compensatory gestures arising from an equitable distribution of claims and burdens within the society. An Example which clearly highlights this principle of reciprocity is the husband- wife relationship, the Underlying principles of which are described in the Qur'an in terms of mutual respect, security and compassion, all demonstrate of Allah's signs understood only by those who reflect (Qur'an, 30:21; 2:184). Islamic laws assign rights and duties to both the husband and the wife: that is to say the rights of the wife are the husband's duties, and her corresponding obligations are his rights in relation to her. The Qur'an says women have rights even as they have obligations according to what is equitable (Qur'an: 2:228). Among the obligations of the wife which the Qur'an mentions are devout obedience, and conscientious guarding of her chastity (Qur'an 4:32). Her main obligation is to contribute to the success of the marriage, taking care of the comfort and well-being of the husband, avoiding conduct that may offend him. The husband is required to discharge the reciprocal obligations of loving and caring for his wife, treating her well and providing for her needs such as food, clothing and shelter. When a Woman is married her personality does not dissolve into that of the husband. She retains her personality and identity and is deemed to own privately and exclusively whatever she acquired before marriage or after it. The holy Qur'an says for men there is reward for what they have earned; (likewise) for women there is reward for what they have earned (4:32). The husband may participate in the use or control of her wealth only where the wife gives her express consent (Sada :2004).

The Qur'an explains again that there is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large – a legal share" (Qur'an 4:7). Allah commands you as regards your children's (inheritance) to the male, a portion equal to that of two females if (there are)

only daughters, two or more, their share is two-third of the inheritance., if only one, her share is half, for parents, a sixth share of 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 is) after the payment of legacies he may have bequeathed or debts, you know not which of them, whether your parents or your children are nearest to you in benefits; (these fixed shares) are ordained by Allah and Allah is Ever-All-Knowing, All wise. In that which your wives leave, your share is a half if they have no child, but if they leave a child, you get a fourth of that which they leave after payment of legacies that you may have bequeathed or debts. In that which you leave their (your wives) share is a fourth. If you leave no child; but if you leave a child, they get an eight of that which you leave after payment of legacies that you may have bequeathed or debts. If that man or woman whose inheritance is in question has left neither ascendants or descendants, but has left a brother or a sister, each one of the two gets a sixth, but if more than two, they share in a third, after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a commandment from Allah, and Allah is Ever All-knowing, most forbearing. These are the limits (set by) Allah (or ordinances as regards laws of inheritance) and whoever obeys Allah and his messenger (Muhammad SAW) will be admitted to Gardens under which rivers flow (in paradise), to abide therein, and that will be the great success, (Qur'an 4:11-13).

When women engage in other income-generating activities, all their income is their own. Interference with any share of inheritance is not common except in landed property. Problems arise, however, where the property to be inherited includes land and there is need for subdivision. For the simple reason that female inheritors are always married and living outside of the family house, co-inheritors who are male

often take decisions on joint inherited landed property that are contrary to the interest of the female. Some brothers deal with this class of joint property without the notification or permission of their sisters, and without sharing the proceeds in accordance with the already mandated share. Often, it is too late before the sisters realize the damage done to their interest, although some of these cases do end up in the court. Brothers are the perpetrators of this practice which results in denial of entitlement for their sisters. This practice is completely against the teachings of Sharia, which emphasizes that Muslims must not devour each other's property except based on mutual consent and for beneficial reasons. 'Oh you who believe eat up not your property among yourselves unjustly except it be a trade among you by mutual consent'' (Qur'an 4: 29), (Centre for Islamic legal studies, 2004).

The practice which in various circumstances entitles women to specific shares following the death of their relatives or husbands is an example of the economic empowerment efforts on behalf of women. When they inherit from their husbands, women may choose to stay or leave their husband's family, and remarry with no effect on their entitlements. Sharia does not require men and women to shoulder equal financial and social responsibilities, which might have informed the differential in the specific shares of men and women. Nonetheless, women are guaranteed specific shares from the estate. Non-contentious issues of distribution of the estate of the deceased are handled by Imams and scholars in the area either alone or, in the case of influential or wealthy people, in conjunction with traditional leaders. Where there are internal disagreements with regard to the value of the estate or the entitled share, the court is always the final arbiter. However, very few cases of estate distribution go to the courts. Sharia entitles everyone, both men and women, to own property, including land (Qur'an 4:7). Islam prescribes the same rights for both men and

women in respects of ownership, acquisition, management, administration, enjoyment and disposition of lands (Centre for Islamic legal studies, 2004).

Conclusion

The issue of Islamic rights of women has been discussed over and over again by both the Islamic and western states and this has been demonstrated over and over again that women hold a special place in Islam. A whole surah in the Qur'an has been dedicated to them. The economic rights of women in Islam have gone a long way in liberating the Muslim women in terms of inheritance and legal rights. It has given her that confidence that she needs in terms of financial strength. With the coming of Islam, women are relieved from the bondage of Cultural ignorance and have been liberated in their social, economic and even political activities.

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