

## Protecting Women from Material Harm through the Quran and Sunnah

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### Abstract

This research aims to shed light on the methodology of the Holy Quran and the Prophetic Sunnah in protecting women from harm, whether material or psychological. It also addresses the problem faced by Muslim women who are exposed to various forms of social harm resulting from the incorrect understanding of the teachings of our true religion that guarantees women the right to protection from all types of harm. The research highlights the importance of identifying women's rights to protection from harm, the most common forms of injustice and social harm they face, and the Islamic methodology for protecting them from harm. The research adopted an inductive methodology to collect the subject's vocabulary by referring to the most famous books written by scholars who dealt with the issue of women in general and the specific issue of harm. The research also used a descriptive analytical approach to analyze texts, identify the comprehensive relationships between them, extract rules and regulations formulated by scholars to regulate this issue, and highlight its features. The research concluded several important results, including that Islam guarantees women the right to security in all aspects of life, politically, intellectually, socially, economically, environmentally, physically, psychologically, and beyond. Women's right to a safe life free from all forms of harm, violence, and abuse is an inherent and established right in the Quran, Sunnah, and the consensus of the Muslim community. The research also found that women

are exposed to various forms of social harm, including physical harm such as beating, rape, and harassment, and moral harm such as desertion in bed, in speech, and others. The research recommends the necessity of conducting research and studies that monitor all forms of harm that women face and developing necessary solutions and mechanisms to eliminate them. The research also recommends that all religious and social institutions play their roles in defining women's right to a safe and secure life and warning against any form of harm inflicted upon them.

**Keywords:** Protecting Women; Material Harm; the Quran and Sunnah; inductive approach; references.

### **First Section: The Legitimacy of Women's Right to Protection from Harm.**

Islam has recognized women's rights through its principles and legislation, liberating them from suffering such as murder and enslavement, and providing them with a life of security and safety. One of the most important rights granted to women by Islam is the "right to security and protection from harm." This means their right to live a dignified life in a secure environment where they can ensure the safety of their lives, property, and honor, both at home, in public spaces, workplaces, and markets. Therefore, it is necessary to work diligently to establish social security in all Islamic countries and eradicate phenomena such as harassment, rape, and violence against women completely.

The right of women to security and protection from harm is firmly established in the Qur'an and the Sunnah. From the Qur'an, Allah says, "And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But whoever gives [up his right as] charity, it is an expiation for him. And whoever does not judge by what Allāh has revealed - then it is those who are the wrongdoers" [Surah Al-Ma'idah: 45]

And Allah says, "O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [i.e., the killer] anything, then there should be a suitable follow-up and payment to him [i.e., the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment. [Surah Al-Baqarah: 178]

The evidence in these noble verses indicates that Allah has granted women the right to security for their lives, thus making retaliation obligatory for their killers, whether the killer is a man or a woman. This is the consensus of the scholars.

Mujahid said, "The mention in the verse, 'the free for the free,' refers to a man for a woman, and a woman for a man. Ata said: There is no distinction between them (At-Tabari, 2000)."

Ibn Qudamah said, "The male is to be killed for the female, and the female is to be killed for the male. This is the opinion of the majority of scholars, including Al-Nakha'i, Al-Sha'bi, Al-Zuhri, Umar ibn Abdul Aziz, Malik, the people of Madinah, Al-Shafi'i, Ishaq, Ashabu Arra'iy (Abu Hanifa and his followers), and others (Ibn Qudamah, 1968)".

As for the evidence from the Sunnah, it is narrated by Anas that a young girl went out wearing jewelry, and a Jew attacked her, causing her head to hit a stone and taking her jewelry. She was then brought to the Prophet (pbuh), who asked, "Who killed you?" She replied, "So-and-so." (She said, "No" with her head) He asked again, and she denied it. He continued to ask, naming different people, until he mentioned the Jew, and she confirmed it. Then, he was arrested and confessed, and the Messenger of Allah (pbuh) ordered his head to be crushed between two stones (Al-Bukhari, 1987).

The significance of the noble hadith regarding women's right to security in their lives, wealth, honor, and social well-being is clear.

Regarding Zainab, the wife of Abdullah bin Mas'ud (may Allah be pleased with her), she said: "I was in the mosque when I saw the Prophet (peace be upon him) and he said, 'Give charity, even if it is from your jewelry.' Zainab used to spend on Abdullah and the orphans in her care from her charity." She asked Abdullah to inquire from the Messenger of Allah (peace be upon him) if he would consider her spending on him and the orphans as charity. Abdullah said, "You ask, O Messenger of Allah." She went to the Prophet (peace be upon him) and found a woman from the Ansar at the door with a similar request. Then Bilal passed by us, and we said to him, "Ask the Prophet (peace be upon him) if he would consider it charity for me to spend on my husband and the orphans under my care, but do not mention us by name." He entered and asked him, and he inquired He asked, "Who are they?" He replied, "Zainab." He asked, "Which Zainab?" He said, "The wife of Abdullah." He said, "Yes, she will have two rewards: the reward of kinship and the reward of charity." (Muslim, n.d)

In this noble hadith, there is evidence of women's right to security in their wealth. It clarifies that a woman's financial obligations are separate from her husband's, and he has no control over her wealth or the right to dispose of it without her permission. This is a clear indication of a woman's right to security in her wealth, protecting it from loss or unjust seizure.

The Islamic Sharia has also guaranteed women's right to security in themselves, their wealth, honor, and other aspects. It ensures their protection from harm, as Allah Almighty has mentioned in clear verses in His book.

Allah Almighty says: "Indeed, those who abuse Allāh and His Messenger - Allāh has cursed them in this world and the Hereafter and prepared for them a humiliating punishment. And those who harm believing men and believing women for [something] other than what they have earned [i.e., deserved] have certainly borne upon themselves a slander and manifest sin." (Al Ahzab: 57,58)

From the authentic Sunnah, Aisha (may Allah be pleased with her) narrated that a young girl came to the Messenger of Allah (peace be upon him) and said, "O Messenger of Allah, My father married me off to his nephew, who takes advantage of me".

So he left the matter to her, and she said, "I have already accepted what my father did, but I wanted women to know that fathers have no authority in such matters." (Al-Nasa'i, 1986).

The marriage of a woman without her permission and without seeking her advice is a type of harm that befalls her. Islam has granted her the right to repel this harm from herself. This hadith confirms what has been stated, indicating the prohibition of forcing a father to marry off his virgin daughter, and likewise, it is not permissible for other guardians. The Haddawiya and Hanafi schools also reached the same conclusion. Furthermore, the hadith in Sahih Muslim states, "The father seeks the permission of the virgin girl." (Al-San'ani, n.d).

### **Second section: Protecting Women from Material Harm**

It is known that women are exposed to various forms of harm and injury, including those related to their legal rights, financial rights, physical and psychological well-being, ethical rights, and more. Therefore, the types of harm inflicted on women can be divided into two main categories: material and moral harm. Firstly, material harm refers to causing damage to a woman's material existence, whether it is in her body, her rights, her interests, or her security. This category encompasses threats to a woman's right to life (Al-Jarah, 2000). It includes actions such as physical assault, slapping, burning, killing, stabbing, assassination, rape, harassment, deprivation, coercion, and others.

The following is a detailed explanation of some forms of financial harm that women may encounter, along with the position of Islamic law regarding them:

**Protection from Physical Abuse:**

In the absence of Islamic guidance in the lives of Muslims and the spread of misconceptions about the meaning of masculinity and authority, we occasionally hear and read about individuals who physically abuse their wives, for reasons or without reasons. Some even view women as second-class human beings who are not equal to men in any way.

It is important for such individuals to understand that equality among human beings is an established Islamic principle, supported by clear textual evidence from Shariah. This principle includes all human beings, regardless of their status as free or enslaved, male or female. There is no distinction among them except in piety. A strong believer is capable of showing kindness and consideration to those who are weaker than them, rather than resorting to aggression. True strength lies in self-control, not in acting impulsively when angered.

**Prohibition of Hitting Women:**

The texts of Shariah clearly indicate the prohibition of hitting women without a legitimate reason. Our noble Islamic religion emphasizes affection, love, and following the example of the Prophet (peace be upon him) and his noble character. It is evident that the Prophet (peace be upon him) never raised his hand against a slave, child, or woman, whether she was his wife or a stranger. This reflects his call for affection, love, and the rejection of violence. Numerous authentic Hadiths urge us to cultivate gentleness, kindness, and respect for the sanctity of others. One such Hadith reminds us of the Prophet's (peace be upon him) gentleness and mercy in his general conduct. Aisha (may Allah be pleased with her) narrated that the Messenger of Allah (peace be upon him) said, "O Aisha, Allah is gentle and loves gentleness. He grants through gentleness what He does not grant through harshness. He does not grant through anything else what He grants through gentleness." (Muslim, n.d).

Furthermore, another indication of the Prophet's (peace be upon him) non-violence towards women is the narration of Aisha (may Allah be pleased with her), his wife, who said, "The Messenger of Allah (peace be upon him) never struck anything with his hand, neither a woman nor a servant, except when he was fighting in the cause of Allah. He never sought revenge for personal reasons unless something prohibited by Allah was violated, in which case he sought revenge on behalf of Allah, the Mighty and Sublime." (Muslim, n. d).

Indeed, anyone who studies the life of the Prophet (peace be upon him) will find numerous instances where he advises men to treat women well, be gentle with them, and prohibits hitting them. There are many Hadiths on this matter, including:

Abu Huraira (may Allah be pleased with him) reported that the Messenger of Allah (peace be upon him) said: "A believer must not harbor hatred towards his believing wife. If he dislikes one of her traits, he would be pleased with another." (Muslim, n. d).

Mu'awiyah ibn Haydah al-Qushayri said: I asked, "O Messenger of Allah, what rights does a wife have over one of us?" He replied: "That you feed her when you feed yourself, clothe her when you clothe yourself, do not strike her on the face, and do not revile or abandon her except within the confines of the house." Abu Dawud added: "And do not rebuke her by saying, 'May Allah disfigure you.'" (Abu Dawud, n. d).

Abdullah ibn Zam'ah reported that the Prophet (peace be upon him) said: "None of you should flog his wife like a slave and then have sexual intercourse with her at the end of the day." (Al-

Bukhari: 1987). In this Hadith, it is indicated that "hitting women is absolutely forbidden, and it is disliked to the extent of prohibition or condemnation." (Ibn Hajar, 1960).

Another stance of the Prophet (peace be upon him) that reflects his disapproval of hitting women is narrated by Iyas ibn Abdullah ibn Abi Dhubab, who said: The Messenger of Allah (peace be upon him) said: "Do not beat the female slaves of Allah." Then Umar came to the Messenger of Allah (peace be upon him) and said: "The women have become emboldened towards their husbands. Give us permission to beat them." So, the Prophet (peace be upon him) relaxed the rules regarding hitting them. Later, many women from the family of the Prophet (peace be upon him) came and complained about their husbands. The Prophet (peace be upon him) said: "Many women from the family of Muhammad came to me complaining about their husbands. These men are not the best among you." (Abu Dawud, n. d).

The narrations about "hitting" that are attributed to the Prophet (peace be upon him) indicate disapproval and the permissibility of discipline only in cases of necessity, with a strong emphasis on dislike. This clearly demonstrates his stance and how he balanced the necessity of discipline with the prevention of violence.

### **Protection against Rape:**

Rape is one of the most heinous forms of harm that women can experience, and rates of rape have increased and spread recently, necessitating the intervention of all international institutions to confront and eliminate this phenomenon.

Islamic Sharia law has been proactive in this regard, guaranteeing women the right to protection against rape. The concern of Sharia law to achieve this is manifested in the following:

a) Prohibition of rape and considering it a heinous crime prohibited in all religions, by all rational people, and in all earthly systems and laws. This act is condemned and carries the harshest punishments, as its ruling is equivalent to that of adultery.

b) Intensification of the punishment for rape:

1- Scholars unanimously agree that the punishment for a rapist is the punishment for adultery, which is stoning to death if the rapist is married and one hundred lashes and banishment for a year if he is unmarried. This is if rape is not accompanied by kidnapping or threat with a weapon, among other circumstances. Ibn Abd al-Barr stated, "Scholars have unanimously agreed that if there is clear evidence or a confession by the rapist, the prescribed punishment is applied. Otherwise, the rapist is punished, and no punishment is imposed on the victim if it is established that she was coerced and overwhelmed, which can be known from her screaming, seeking help, and resistance" (Abu Omar, 2000).

2- If rape is accompanied by the threat of a weapon, its ruling is the ruling of armed aggression.

The punishment for rape being equivalent to that of adultery applies only if the rape was not committed through the threat of a weapon. If a weapon was involved, it is considered an act of aggression, and the punishment mentioned in the following verse applies: " Indeed, the penalty for those who wage war against Allāh and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment,t" [Al-Mā'idah:33].

It is the duty of the ruler to select from these four mentioned punishments in the noble verse what he deems appropriate, ensuring the interests of society, including maintaining security and safety and suppressing the aggressors.

3-Some scholars state that the rapist must pay the dowry (mahr) to the woman.

This is the opinion of the Shafi'i, Maliki, and Hanbali schools of thought.

Al-Shafi'i stated, "In the case where a woman or slave is coerced by a man, she is entitled to an equal dowry. There is no prescribed punishment or retribution for either of them. However, if the woman is free, the man must pay her dowry. If she is a slave, the amount is deducted from her value" (Al-Shafi'i, 1990).

Imam Malik stated, "According to our school of thought, if a man rapes a woman, whether she is a virgin or not, he is obliged to pay a dowry equal to that of a free woman. If she is a slave, he must pay what is deducted from her value. The punishment falls on the rapist, and there is no punishment for the victim in all of this" (Malik, 1985).

Ibn Qudamah stated, "If a woman is forced into adultery, the punishment applies to the offender and not to her because she is considered excused. The dowry goes to her if she is free, or to her owner if she is a slave, This is the opinion of Malik and Shafi'i" (Ibn Qudamah, 1968).

#### **Protection from Sexual Harassment:**

**Linguistic definition of harassment:** Roughness, provocation, and assault. It is said: "He harassed him" meaning he scratched him, and "he harassed the animal" meaning he hit its back with a stick or the like to make it move faster. "He caused mischief among them" means he corrupted their relationship, and "he harassed him" means he approached him to provoke him (Al-Zayat, n.d).

In technical terms, sexual harassment refers to offering humiliating, unwanted, derogatory sexual advances, as well as discriminatory remarks (Omar, 2008).

From these linguistic meanings, it becomes clear that the term harassment combines both speech and action, and it carries the meaning of roughness, provocation, or mild assault.

#### **Ruling on Sexual Harassment:**

Sexual harassment against women is prohibited, just like any doubtful or suspicious act that occurs between an unmarried man and woman. However, if the woman objects and is not satisfied with it, then coercion absolves her of sin.

#### **Punishment for Sexual Harassment:**

There is no prescribed legal punishment specifically for harassment. Rather, the punishment is discretionary and is determined by the judge based on the nature of the act committed by the harasser.

Imam Al-Shirazi stated: "Whoever commits a sin for which there is no prescribed punishment or expiation, such as engaging in extramarital sexual relations without penetration, stealing an amount below the prescribed threshold, theft without prior safeguarding, false accusation of illicit sexual relations, or crimes for which there is no retaliation, and similar sins, the punishment is determined according to the judgment of the ruler" (Al-Shirazi, n.d.).

#### **Forms of harassment faced by women:**

Women in our societies are subjected to various forms and manifestations of harassment, and among the most prominent ones are:

Verbal harassment: This includes using vulgar and indecent language, making explicit comments, and may be accompanied by sexually suggestive gestures.

**Physical harassment:** Some individuals with weak and disturbed personalities engage in this behavior, which involves physical contact with women, taking advantage of narrow passages, crowded spaces, and even places of worship. There have been cases of physical harassment reported even in the holy sites, and it can escalate to sexual assault.

**Sexual assault:** This is one of the violent forms of physical harassment against women, which includes attempts at exposing and removing clothing, and may even involve rape.

**Harassment through sending explicit messages on mobile phones:** Some individuals send and exchange explicit images and sexual videos using Bluetooth, which is a feature available in modern mobile phones.

**Harassment through phone calls and various types of stalking:** The methods of stalking and harassment have evolved over the years. Previously, phone numbers were written on small papers and thrown onto family cars, or the number was written on a card and thrown into women's bags and shopping bags in markets and other places.

### **Harassment damages:**

Harming the reputation of the harassed person and their family:

Harassment of females includes damaging their reputation, ruining their life if they are married, reducing the desire to marry them if they are unmarried. It also causes harm to her family and offspring, and brings disrepute to the society in which this behavior occurs. Moreover, it violates the moral values that Muslims should uphold, and it undermines the modesty of those who witness such behavior within the community. All of this represents harm to women and those associated with them, as well as harm to their spouses and children, and even to the entire society. The Islamic teachings prohibit causing harm to others. It has been narrated that Ibn Abbas, may Allah be pleased with him, reported that the Messenger of Allah (pbuh) said, "There should be no harming or reciprocating harm." (Ibn Majah, 2009). It is also established in Islamic law that "Harm must be removed," and the only way to eliminate the harm inflicted on women, their families, and the society as a whole is by taking all measures to prevent harassment.

### **Disrupting the security of Muslims:**

Harassment of women includes disrupting the security of Muslims in their paths, marketplaces, gatherings, and other places, and all of this is forbidden. It is narrated that Abdullah ibn Abi Layla said: The Companions of the Messenger of Allah (pbuh) were traveling with him, and one of them fell asleep. Some of them went to a "quiver"(arrows container) and took it. When the man woke up, he was startled, and the people laughed. He asked, "What makes you laugh?" They replied, "Nothing, except that we took your arrows container." Upon hearing this, the Messenger of Allah (pbuh) said, "It is not permissible for a Muslim to frighten another Muslim." (Shaybani, 1995).

### **Protecting women from being deprived of inheritance:**

Depriving women of their right to inheritance is a manifestation of the harm inflicted upon them in our Islamic societies. It is forbidden according to Islamic law and considered one of the gravest injustices and violations of the Quran and the Sunnah of the Prophet Muhammad (peace be upon him). Allah Almighty says, "For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share"(An-Nisā:7).

**Depriving women of inheritance is a practice from the pre-Islamic era:**

Depriving women of their inheritance was a practice from the pre-Islamic era, which Islam came to fight against and eliminate. In the pre-Islamic period, women were deprived of their right to inheritance, as males were the only inheritors, and if there were no male children, the inheritance would go to uncles.

Narrated by Jabir ibn Abdullah, a woman came to the Messenger of Allah (peace be upon him) with her two daughters, whose father had been martyred in the Battle of Uhud. She said, "O Messenger of Allah, these are the daughters of Sa'd ibn al-Rabi'a. Their father was martyred with you on the Day of Uhud, and their uncle has taken their wealth, leaving nothing for them. They cannot marry unless they have wealth." The Prophet (peace be upon him) said, "Allah will decide in this matter." Then, the verse of inheritance was revealed, and the Messenger of Allah (peace be upon him) sent for their uncle and said, "Give the two daughters of Sa'd two-thirds, and their mother one-eighth, and what remains is for you." (Tirmidhi, 1975).

According to Ibn Abbas, wealth used to belong to the children, and the will belonged to the parents. Allah then abrogated some of that and made it as He preferred. He made the male equivalent to the share of two females, and He made for each parent a sixth of what he/she leaves, and He made for the woman an eighth and a fourth for the husband. (Bukhari, 1987). When the verse of inheritance was revealed, which specified what Allah has ordained regarding inheritance, some people disliked it or found it difficult to accept. They suggested giving women a quarter or an eighth, and giving daughters half, and giving young boys, who didn't participate in battles or acquire booty, more than others. Ibn Abi Hatim narrated, "When the verse of inheritance was revealed, some people disliked it or found it difficult to accept. They said, 'We will give women a quarter or an eighth, and we will give daughters half, And we give the young boy, although none of them fights in battles or acquires booty. They used to do that in the pre-Islamic era, giving inheritance only to those who fought in battles, and they would give it to the eldest, as he is the eldest' (Al-Raze, n.d).

When Islam came, it abolished the practices of the pre-Islamic era and established a mandatory share for women in inheritance. Allah, the Exalted, took charge of distributing it Himself.

**And protection against unjust abandonment in bed without a valid excuse:**

Abandoning one's wife in bed without a valid reason is a form of harm inflicted upon women. Islamic law guarantees the protection of women from this wrongdoing and clearly states that a husband is not allowed to abandon his wife without a valid excuse. If the wife is obedient to her husband and fulfills her marital obligations, he is not allowed to abandon her without cause. This is based on two reasons:

Firstly, it is incumbent upon the husband to fulfill his wife's sexual needs according to her legitimate needs and his ability. Sheikh al-Islam Ibn Taymiyyah was asked about a man who refrains from having sexual relations with his wife for one or two months. Is he committing a sin or not? Should the wife demand it from him?.

He answered, 'It is obligatory for a man to have sexual relations with his wife in a kind manner, as it is one of her rights upon him. It is greater than providing her with food. Sexual relations are obligatory at least once every four months, according to one opinion. Another opinion states that it should be according to her legitimate needs and his ability, just as he provides her with food according to her needs and his ability. This is the more correct of the two opinions'. (Al- Harani, 1995).

Secondly, if a husband refrains from having sexual relations with his wife (excluding cases of defiance) for four months, he falls under the authority of the ruler. The ruler will order him to fulfill his marital obligations or grant a divorce. If he refuses to divorce, the judge will issue a divorce on his behalf, as has been mentioned in the matter of "ila" (a specific form of separation). The Hanbali school of thought holds that if signs of defiance appear in the wife's behavior and she is advised but then returns to obedience and good conduct, the husband is prohibited from abandonment and physical punishment, as the justifications for them have ceased. However, if she persists in abandonment in bed, he may do so as he pleases. If she persists in abandonment in speech, he may leave her for three days. If she continues her defiance even after abandonment, he has the right to physically discipline her after the period of abandonment in bed and refrain from speaking to her for three days "(Al-Rahibani, 1994).

### **Conclusion:**

Praise be to Allah, and may peace and blessings be upon His chosen Messenger, his family, and his companions. After careful research, the following are the important findings and recommendations summarized as follows:

Women face various forms of harm, including physical harm such as assault, rape, and harassment, as well as verbal and emotional harm such as marital neglect and emotional abuse.

Islam prohibits the beating of women, as it calls for justice, equality, compassion, and mercy among all people.

Allah has allowed disciplining one's wife through mild physical reprimand, but with specific conditions and limitations, avoiding excess and tyranny.

Rape is a forbidden crime in all religions, legal systems, and earthly laws. It is one of the most heinous crimes against women.

Sexual harassment is one of the most dangerous forms of harm that women face in our Islamic societies, and it is a prohibited crime that Islam seeks to eliminate and prevent.

It is not permissible for a husband to neglect his wife in the marital bed or sever ties in speech, nor is it permissible to prevent her from communicating with her parents without a valid Islamic reason, as it leads to rupture between spouses and the loss of rights.

Hindering a woman's marriage based on her competence or subjecting her to hardships and abuse to make her give up her rights is forbidden in Islam, as it involves injustice and encroachment upon the rights guaranteed to her by Allah.

Allah has forbidden any action that causes harm to women, whether it pertains to their physical, legal, financial, or moral rights. He has laid down foundations and guidelines to ensure their protection.

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