

Alexandria Declaration on Women rights in Islam

Introduction

During the International conference, "Women's Rights Issues: Towards a contemporary Islamic Ijtihad¹", participants discussed the importance and significance of issuing a declaration that springs from cognitive and cultural grounds, and asserts legitimate rights of women in Muslim-majority societies.

The Conference - organized by the Bibliotheca Alexandria in collaboration with a number of civil society organizations during the period 10 - 11 March, 2014, maintained that participants produce a declaration that meets women's aspirations for justice and equality, and acknowledges their creeds and cultural diversity.

This Declaration is grounded on the sublime principles of Islamic Shari`ah, along with some genuine Ijtihad-based efforts, the rich sessions of the conference and the additional commentaries issued by a number of senior Shari`ah scholars in the Muslim world. It is also the joint fruit of discussions that took place under the auspices of Al-Azhar Al-Sharif involving number of Egyptian feminists and representatives of civil society institutions concerned with women rights.

Moreover, this Declaration includes fundamental principles and common denominators for social, economic, political and cultural rights in a manner that fits Muslim communities, and allows them to deal with women

¹Ijtihad refers to juristic effort to infer expert legal rulings.

issues according to their different cultures, economic, and political conditions.

The declaration thus embraces the following issues

Premises:

1. Total rejection of the politicization of community issues or the exploitation of women's issues in the political struggle among the various societal powers. Therefore, the document calls for the necessity of addressing women's issues through nations' and communities' genuine needs and authenticated religious and scholarly knowledge, and social field studies.

2. Stressing moderate values that are characteristic Islamic culture and its offshoot familial culture, and that are far from religious and cultural extremism and parochialism, which negatively bears on the set of family relationships, family's social and worldly choices, and hampers development and proper social change.

3. The belief in equality, in terms of human soul, spirit, dignity, and joint responsibility for the universe, is an essential concept in the man-woman relationship in Islam.

4. Ensuring that legislations related to women be of a harmonic and sympathetic societal rather than conflicting nature. This will serve to protect individual rights for the entire community, and on top of it are the individuals within the family, without differentiation. This is to be observed on condition of guarding the interest of the child, being the one having top priority in the development of such legislations.

5. Tending to assert women participation in public fields, and maintain equity between her and men in terms of dignity and human

capacity, and prohibit viewing women in light of her bodily functions only.

Woman's rights and duties

First: Woman's human and social value

- Women status in Islam is based on equity between men and women, in the sense of their human nature, and as members in their communities and nations.

- The relationship between man and woman is built on joint responsibility, where priority and preference are judged against the criterion of the word of truth and justice, since Almighty Allah (Exalted is He) says, *"The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give Zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise"* [At-Tawbah: 71].

- Indeed, the principles of equality and joint responsibility, being the basis for understanding the relationship between the two sexes, and entrenchment of it in the nation are established through clear-cut Qur'anic verses, and therefore it is impermissible to either distort or restrict them.

- The relationship between man and woman in Islam is one of inextricable organic and functional integration, and this is best manifested through the Glorious Qur'an's establishing a fixed and constant term in reference to the two sexes, namely "the two spouses". So, a wife is a spouse, just as a husband is a spouse too. And though it acknowledges diversity, the term - in the meantime - establishes a relationship of integration, and therefore it is sort of diversity that is not liable to dissolution or dissonance. Rather, its basis is correlation and integration. Such organic and functional

integration should not be a means to deprive the child, male or female, of equal opportunities in terms of its upbringing.

- If equality in terms of the human soul, spirit and dignity, and in terms of sharing responsibility for building the universe, represent essential concepts in the man-woman relationship in Islam, then the concept of guardianship [*Qiwamah*] assets wise responsibility. It also denotes "financial commitment towards the family", and means that a husband undertakes providing the wife with her moral and material needs, in a manner that ensures satisfying her needs and providing her with a sense of tranquility and reassurance. This is meant to maintain man-woman shared responsibility, and not to establish an absolute authority of men (either husbands or fathers) for predominance over the wife and the children.

- Woman has the right to life, dignity, free choice and fair treatment. She - as a human being - is also entitled, rather bound - to properly invest the human moral and material capacities bestowed on her by Almighty Allah, knowing that she will be called to account for it on the Judgment Day. Besides, the state - being an embodiment of the nation's will - is required to facilitate that and pave the way for it, for both men and women alike.

- A Muslim woman is a founding agent in the "social contract", according to which the Muslim nation is founded, through what is known as the "Women's Pledge", that was taken at the early stage of Islamic Da`wah. Such pledge was then propagated and turned into the a basis for the common pledge between the Messenger (peace be upon him) and the rest of the Muslims, in line with Almighty Allah's (Exalted is He) saying, "*O Prophet, when the believing women come to you pledging to you that they will not associate anything with Allah, nor will they steal, nor will they commit unlawful sexual intercourse, nor will they kill their children, nor will they*

bring forth a slander they have invented between their arms and legs, nor will they disobey you in what is right - then accept their pledge and ask forgiveness for them of Allah. Indeed, Allah is Forgiving and Merciful" [Al-Mumtahanah: 12].

- Finally, women have economic and political rights equal to that of men, given that the development of economic and political fields, functions, systems and roles mostly occur within the circle of *Maslahah Mursalah*,² that is neither approved nor abolished in the Shari`ah. Then, judgment of controversial issues in this regard is based on *Ijtihad* by established scholars, in terms of interpretation, illustration and inference of respective rulings. Such a constant historical and cultural process, in which the woman has the right to participate whenever she has respective competence and capacity.

Second: Women legal personality

- Women are entitled to full legal capacity, and have their own independent financial and legal accountability, and the right to full independent disposition of what they possess.

- Women have undisputed legal right to inheritance, and the state is bound to ensure woman's acquisition of their due share. Besides, scholars, wise men in the nation and opinion leaders should exert efforts to put an end to unjust mores and traditions that hamper the implementation of legal texts regarding woman's share in inheritance, which is described by Almighty Allah (Exalted is He) as "an obligatory share", and to develop legal guarantees that ensure it.

- The controversy stirred over women's share in inheritance, and the attempt to draw on it as evidence to women's inferiority in Islam is one

² Unrestricted public interest

fabricated by opponents and supporters alike, due to two points. The first is that it is impermissible to infer generalizations relating to woman's personality and status through particular rulings, like inheritance-related ones, especially that the Law-Giver (Glorified and Exalted is He) has settled the issue of women's status and of equality between men and women, through other uncontroversial, clear-cut texts. The second issue is that the wisdom behind legislation is not based on rights alone, but on the total set of rights and duties. Accordingly, this set grounded on giving a man double the share of the woman in certain cases of inheritance, is intertwined with the supposition of man's binding responsibility to fully provide for the entire family and needy kindred. On the other hand, the woman's lesser share is coupled with her being discharged from any responsibility for supporting other family members financially. All this is an embodiment of the two values of justice and equality. For, equality does not necessarily mean similarity or uniformity in terms of particularities and details. Rather, it means balance in terms of rights and duties, as is known in legal principles.

- A woman is competent to bear witness, though - regarding the details relating to its respective rulings - it is incorrect to claim that her testimony is judged as weighing half of the man's, because such would represent an arbitrariness in perpetration of and inference from the Glorious Qur'an. Indeed, the wisdom and default ruling regarding testimonies in general, is to maintain multiplicity, which guarantees integrity and wards off collusion, bias or error - i.e. forgetfulness -, that corrupt testimonies. Therefore, testimonies in cases of crimes are more binding on individuals than they are due rights and a judge may draw on the testimony of a woman or a child in family-related issues.

Third: Woman and the family

- The family is the foundation and core of the community and it is a contractual, moral and material entity, which the state and the community should maintain all due measures and facilities that support and protect it.

- The family is a contractual entity since it is a volitional relationship established through agreement. In this regard, the man and the woman have the free will to build or put an end to the family. Hence, it is founded according to established rulings in the Shari`ah, as expressed in clear-cut Qur'anic verses, and to the provision stipulated in the contract, the primary pillar of which is mutual consent and agreement. Here, documentation is meant to protect both parties' rights and women rights in particular.

- The family is founded on participation, consultation, justice, and mutual affection and mercy. And Almighty Allah (Exalted is He) has ordained that the man provide for the family as an obligation, given the woman's playing her natural role in giving birth to and caring for the children. So, spending on the woman and the child is a due right for them and an obligation on the man. This, however, does not mean confining the man and the woman to such enacted roles only, since each of them has several other roles to play.

- The family is "also" a moral entity sanctified by Almighty Allah (Glorified and Exalted is He), as He described the bond between the two spouses as a "solemn covenant". Hence, preservation of the entity of a family is among the grave tasks that should be maintained and guaranteed by the two spouses and their kindred, the community, religious and cultural scholars, and the media and all community and state institutions.

- Still, family legislation in Muslim communities require more efforts for assimilation of sound Islamic family-related concepts and values. For, it

has become urgent, due to current circumstances, to reassert it through legislations and through means of education and instruction. On top of such concepts are **affection and mercy**, as a basis for the institution and persistence of the family.

- Almighty Allah (Exalted is He) has legalized divorce, *Khul*³ and other forms separation as means for dissolution of marriage in case it becomes impossible to maintain the conjugal relationship, based on the legal rule that dictates, "*But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself*" [Al-Baqarah: 229]. Such ordinance is grounded on mutual agreement and understanding between the two spouses to terminate the conjugal relationship. Here, it is impermissible for the husbands to abuse their right to divorce, or to encroach upon the woman's legally established rights.

- Indeed, moral and material care for the children is among the primary responsibilities of the family, and it is both a right and a duty for the parents as well as for the entire community. It is also a joint responsibility for both parents, which they should never cede or neglect. This right is legally regulated in line with the Shari`ah rules, on top of which comes the child interest, ahead of any other consideration.

- Indeed, asserting and highlighting the moral and ethical dimension in family formation, through both culture and legislations, guarantees bringing the community gradually closer to the collective objectives of the Shari`ah, since Almighty Allah (Glorified and Exalted is He) has enveloped such moral dimensions and denotations with a tight fence of preservation, describing it more than once in His Glorious Book as the limits of Allah.

³Divorce at the request of the wife in return for compensation to the husband.

- The social importance of motherhood and the motherhood-fatherhood integration in bringing up the children and in caring for the family is asserted. This is coupled by affirming that the role of the woman in giving birth to children should not be a reason for social discrimination, and that bringing up the child in a balanced manner requires sharing responsibility by both the mother and the father.

Fourth: Woman and education

- Education is a genuine right for women that has been both confirmed by holy texts and established by practice throughout different eras. Therefore, claims that Islam obliges women to enroll in certain fields of education that match their feminine nature or go along with their motherhood, stand invalid. Similarly, no proof that Islam prohibits women from enrollment in certain studies; hence, it is more of traditional thing than a religious teaching.
- Education is one of women's rights, and the state should strive to provide and maintain woman's opportunity in education, without discrimination, and girls should be guaranteed necessary education that refines them both morally and materially without the family discriminating between boys and girls in this regards.
- Islamic Institutes have a great role in stating correct Islamic teaching concerning women education, and acting against restrictive traditions.

Also, they hold the responsibility of bridging the gap between men and women in the field of Islamic studies especially Fiqh and Qur'an interpretation, through adopting special informative projects to prepare qualified women in these fields.

Fifth: Woman and labor

- Indeed, contemporary reality - in terms of its economic requirements, and as a result of education, - has compelled women to access employment. Here, joining work is an honest means of earning living, which is acknowledged in the religion, when it suits the conditions of the spouses and their children, as long as it is coupled with preservation of Islamic obligations and proprieties.

- Indeed, woman's joining work, in this sense, entails a set of commitments for the community and the state; the first of these commitments is that work is based on the rule of justice and equality of opportunities, especially for poor, needy, and breadwinning women. This is to be observed by operation of the principle of care and easement, and not just for the sheer purpose of equality, to protect families from collapse. Second, work rules should be facilitated for working women, familial harmony should be maintained regarding cooperation and collaboration in shouldering material and immaterial burdens, such as caring for parents and children.

- It is the duty of the state towards the woman and the child, just as it is towards the man, when the means to earning living are blocked and in cases of unemployment or disability, to provide the sufficient levels of education, housing, and decent living; being an equal duty and a necessity grounded on the logic citizenship rights, not relief.

Sixth: Woman and personal security

- Islam embraces an integrated vision for the human body (an all its organs), as a trust and responsibility - for which one is called to account - before Almighty Allah (Glorified and Exalted is He). Unfortunately, exploitation and aggression, in all its forms - including harassment and all forms of sexual abuse - against women, was and still is one of the major tragedies and plagues for humanity throughout history. And if the responsibility for protection of the human body from obscenities lies on the shoulders of the individual, it is - on the other hand - the responsibility of the community, too, especially under the new circumstances. Rather, it is one of the legal necessities (preservation of life, faith, honor, intellect and property), especially when transgression is coupled with the use of force or any of other strict circumstances. It is also one of the fundamental functions of the state (preservation of human sanctities).

- Surely, the state should play its important role through legal legislations that are backed by the cultural system. It should also incriminate all forms of physical and sexual abuse of woman, from verbal harassment, through rape, to sex and child trafficking, in all its forms. Moreover, it should find out effective means to achieve this on ground and to feel secure for herself, in residence and travel. For, such is her human, religious and national right.

Seventh: Woman and public action

- Women have the right to assume public offices, whenever they have the qualifications required for such posts, and the state should maintain equal opportunities for both men and women. Here, it is well-known that qualified

women had held public offices during the early Islamic state, in educational and health fields, etc.

- Women, also, have the right to join voluntary and service work, as well as public work, in a manner that fit their own conditions, potentials, talents and personal motives. For, voluntary work and public work are both rights and duties for men and women alike, to be achieved through one's wealth, knowledge and efforts. For, it is a collective obligation⁴ for the entire community.

Finally, women have an inherent right in the community, and they are entitled to the right - duty - of offering advice, consultation and fair guardianship. Moreover, they are burdened with the Trust, and are assigned as a vicegerent on earth, just like men. All this compels women to participate in public action, as voters and candidates, so that they can communicate whatever they deem sound and proper, in terms of opinions, rights and public interests, to decision makers in the national community, as it should be consensual.

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⁴ Collective obligation [*Fard Kifayah*] is an act that is [obligatory](#) for the Muslim community collectively - if it is sufficiently carried out by some members of the Muslim community, then other Muslims do not have to perform it; but if nobody takes it upon himself or herself to perform the act on behalf of the community, then all Muslims have failed (and will be punished).