

Protecting Women from Moral Harm in the Light of the Pure Prophetic Tradition

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Abstract

Women are exposed to various forms of psychological harm, enduring numerous types of psychological pressures to control their thoughts, social behaviors, humanitarian principles, and limit their freedom of thought. This necessitates seeking means to protect them from this. The reason for studying the subject is that the phenomenon of psychological harm against women, despite its antiquity, has not received the study that reveals its causes, monitors its effects, and provides effective solutions, especially from a religious perspective. The research aims to monitor this phenomenon, clarify its forms, and its destructive effects on women's health, psyche, and emotions. It also aims to explain the methodology of the Prophetic tradition in addressing this phenomenon and proposing appropriate solutions for it. Furthermore, it addresses the issue of Muslim women being exposed to various types of harm and social damage due to a misunderstanding of our true religion's teachings, which guarantee women the right to protection from all kinds of harm.

The importance of the research lies in elucidating women's right to protection from harm, highlighting the main forms of psychological harm they endure, warning against this phenomenon as a threat to family security and stability, and explaining the approach of the Prophetic tradition in safeguarding against this harm. The study targets all human rights organizations, especially those focusing on women's rights, educational institutions, and all

stakeholders involved with women. The research methodology includes an inductive approach to gather relevant literature and a descriptive-analytical method to analyze texts and extract regulations by scholars to address this issue. The research concludes several key findings, notably that Islam guarantees women the right to security in all aspects: politically, intellectually, socially, economically, environmentally, physically, mentally, and beyond. Women's right to a safe life free from all forms of harm, violence, and abuse is a fundamental, established right in the Quran, the Sunnah, and the consensus of the Muslim community. Women are exposed to various forms of psychological harm. Such as abandonment in bed, verbal neglect, and others. It recommends conducting further research to identify and eliminate all forms of harm against women and emphasizes the role of religious and social institutions in educating about women's rights to a secure life and warning against causing harm to them in any form.

Keywords: Women's Rights, Women's Protection, Psychological Harm.

Section 1: 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 ﷺ, 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 ﷺ 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)

The second section: Protecting women from Moral harm

This refers to causing harm to women from a psychological perspective, affecting their self-esteem, security, tranquility, dignity, respect, and balance. This form of violence may be a stage leading to the practice of physical violence. It is defined as the use of various forms of

psychological pressure to control a person's thoughts, social behavior, human principles, and limit their freedom of thought (Al-Naba' magazine: 2000).

Among the prominent forms of protection against moral or verbal harm that women may face are the following

1-Protection against "I'dal" (denying marital rights):

"I'dal" is a form of harm that women may face, whether by preventing them from marrying their suitable partners or by subjecting them to harm if they are already married, to the extent that they may seek divorce. Both of these actions are prohibited according to the texts of the Quran and Sunnah.

In Islamic jurisprudence, "I'dal" has two meanings

-The first meaning is to prevent a woman from marrying her suitable partner if she desires and both parties are willing. Ibn Qudamah said, "The meaning of 'I'dal' is preventing a woman from marrying her suitable partner if she desires it, and each of them wants to be with the other" (Ibn Qudamah: 1968).

-The second meaning is to harm the wife. Ibn Qudamah said, "If a husband harms his wife by hitting her, oppressing her, or depriving her of her rights, such as financial support or fair division, and she seeks divorce to protect herself from him, then her request for divorce is invalid, and compensation is due" (same reference as above).

- Ruling on "I'dal" (denying marital rights):

The fundamental principle is that preventing a guardian who has authority from marrying a woman to her suitable partner is prohibited (haram) because it is an act of injustice and harm to the woman by denying her right to marry the person she is pleased with. This is based on the prohibition from Allah Almighty in His statement addressing the guardians, " And when you divorce women and they have fulfilled their term, do not prevent them from remarrying their [former] husbands if they [i.e., all parties] agree among themselves on an acceptable basis" [Al-Baqarah:232].

Similarly, if a husband denies his wife her rights through harming her, mistreating her, or oppressing her to the extent that she seeks a divorce from him, the dowry (mahr) he received from her becomes unlawful. This is because it is an injustice to her by depriving her of her right to a good marital relationship and financial support. Allah Almighty has prohibited spouses from such actions in His statement, " O you who have believed, it is not lawful for you to inherit women by compulsion, And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality [i.e., adultery]. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allāh makes therein much good" [An-Nisā:19].

2-Protecting women from "Dhihar"

Islamic law has called upon men not to do "Dhihar" (Comparing one's wife to a woman who is forbidden to him) . "Dhihar" is one of the most severe forms of harm that can be inflicted upon a woman. Islamic law has clearly stated that it is forbidden (haram) and does not constitute a valid grounds for divorce. Some jurists even consider it among the major sins due to its falsehood and fabrication. This is based on the verse in the Quran, "Those who pronounce *ḡihār* among you [to separate] from their wives - they are not [consequently] their mothers. Their mothers are none but those who gave birth to them. And indeed, they are

saying an objectionable statement and a falsehood. But indeed, Allāh is Pardoning and Forgiving." [Al-Mujādalah:2] (Al-Mawsu'ah Al-Fiqhiyyah: 2006).

There is a narration attributed to Aws ibn As-Samit when he accused his wife Khawla bint Malik ibn Tha'laba of illicit relations, and she came to the Prophet Muhammad (peace be upon him) to complain. As a result, the first chapter of Surah Al-Mujadila was revealed by Allah (Ibn Hibban, 1988).

Thus, Islamic law has protected women from accusations of illicit relations (Dhihar) and its harmful consequences and issues.

3-Protection from Desertion for More than Four Months

This is also a form of harm inflicted upon women that existed during the pre-Islamic era (Jahiliyyah). In Jahiliyyah, if a man became angry with his wife, he would swear not to approach her for one or two years, or never to approach her at all. He would continue with his life without blame or shame. As a result, a woman could spend her entire life in a suspended state where she neither enjoyed the rights of a wife nor had the freedom to marry another man. In this regard, Allah's favor emancipated women from such oppression.

When Islam came, it provided justice to women and introduced regulations to mitigate the harms of desertion. It limited the period of desertion to four months and obligated the husband to either reconcile and resume conjugal relations or issue a divorce (Al-Kharashi: n,d).

A) The wisdom behind the legitimacy of desertion: Deserting the wife can be a means of disciplining her if she neglects her household duties, mistreats her husband, or engages in other behaviors that warrant desertion. It is hoped that such disciplinary action would guide her back to the right path and rectify her situation. In such cases, a man may resort to desertion to strengthen his resolve to refrain from physical intimacy with his wife as a disciplinary measure, and with the intention of reforming her or achieving other legitimate purposes.

Hence, Islamic law did not abolish desertion entirely; rather, it maintained its legitimacy as a recourse when necessary (Kuwaiti Fiqh Encyclopedia, 2006).

B) Insisting on Desertion

Desertion is a form of discipline for disobedient women who transgress against their husbands. It is permitted to the extent of necessity, which is up to four months. Anything beyond that is prohibited, unjust, and oppressive because it involves an oath to neglect a duty.

If the husband insists on refraining from approaching his wife, whom he swore not to approach, his insistence becomes a reason for separation between him and his wife. This withholding causes harm to the wife. To protect her from this harm, she has the right to demand a return to conjugal relations. If he does not return to her until four months have passed, does divorce occur automatically? There are two opinions:

The first opinion: The majority of scholars from the Maliki, Shafi'i, and Hanbali schools of thought believe that divorce does not occur automatically after four months. Instead, it is the right of the wife to bring the matter to a judge. The judge would order the husband to fulfill his oath, meaning to revoke his vow of refraining from physical intimacy. If he refuses to fulfill the oath, the judge would command him to divorce her. If he does not divorce her, the judge would divorce her on his behalf (Shafi'i, 1990).

One of the evidences supporting the majority's opinion from the Qur'an is the verse: " For those who swear not to have sexual relations with their wives is a waiting time of four months, but if they return [to normal relations] - then indeed, Allāh is Forgiving and Merciful. " (Al-Baqarah :226).

From the Sunnah, there is a narration in the Sunan of Ad-Daraqutni that Suhail ibn Abi Salih reported from his father: "I asked twelve men among the Companions of the Prophet about a man who refrains from approaching his wife. They said: There is nothing upon him until four months have passed. Then, he should either reconcile with her, and if not, then he should divorce her" (Ad-Daraqutni, 1966).

The second opinion: The Hanafi jurists believe that divorce occurs automatically after four months without the need to bring the matter to a judge, and there is no ruling of divorce against the husband. This is a consequence for the husband's harm caused by denying the wife her rightful entitlement (Al-Kasani, 1986).

J) The wisdom behind granting the husband a four-month period

It aims to preserve the marital relationship and address its continuity in a manner that aligns with human nature. The distance from the wife during this time creates anticipation and longing in the husband, which motivates him to appreciate their relationship sincerely. If the husband's feelings are not affected by the separation and he does not value her, it becomes easy for him to part ways with her. However, if he returns to her after the period, regretting his mistreatment and committing to improve their relationship, it is beneficial.

Similarly, for the woman, desertion serves as a means of disciplining her. It may lead to the husband turning away from her due to her negligence in maintaining her appearance or mistreating him in a manner that warrants aversion. If she is deserted for this period, it serves as a deterrent for her from excessive behavior (Kuwaiti Fiqh Encyclopedia, 2006).

4-Protecting her from false accusations

One of the protective measures established by Islam is to prohibit the false accusation of chaste women. This is because falsely accusing a chaste man or woman is forbidden, and it is considered a major sin. The basis for its prohibition is derived from the Quran and the Sunnah. As for the evidence from the Quran, Allah says: "And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient," (An-Noor:4)

He also says: " Indeed, those who [falsely] accuse chaste, unaware and believing women are cursed in this world and the Hereafter; and they will have a great punishment." (An-Noor:23) Regarding the evidence from the Sunnah, the Prophet (pbuh) said: "Avoid the seven destructive sins." They asked, "O Messenger of Allah, what are they?" He said: "Associating partners with Allah, magic, killing a soul that Allah has forbidden except by right, consuming usury, consuming the wealth of the orphan, fleeing from the battlefield, and falsely accusing chaste, unaware, and believing women" (Sahih Bukhari:1987)

The prescribed punishment for false accusation

Islamic law has defined the punishment for false accusation as eighty lashes for a free person, based on the verse mentioned earlier: " And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient,." (An-Noor:4) Justice is found for the servant in the collective (majority)." (Al-Sarakhsi:n,d)

This punishment applies to both men and women. It is a consensus among scholars that the accused must be an adult, sane, and not coerced, as these conditions are applicable to all punishments. Scholars agree that the prescribed punishment must be implemented on a slave who falsely accuses a free person as well. The punishment is also forty lashes, according to the majority of scholars (Ibn Qudamah:1968).

5-Protection from severing ties in speech:

There is no disagreement among jurists that it is prohibited for a Muslim to sever ties with their Muslim brother for more than three nights, as it was narrated from Abu Ayyub Al-Ansari that the Messenger of Allah (pbuh) said, "It is not permissible for a Muslim to boycott his brother for more than three nights, and they meet and turn away from each other. The better of the two is the one who initiates the greeting of peace" (Muslim: n,d).

Al-Nawawi said, "Scholars have agreed that severing ties between Muslims is prohibited for more than three nights according to the explicit text, and it is allowed within the three nights based on the implied meaning. This prohibition was exempted because humans are prone to anger, so a certain limit is pardoned to allow for reconciliation and remove the animosity" (Ibn Hajar: 1960).

Some scholars considered severing ties between Muslim brothers for more than three nights to be among major sins, and they cited the hadith of Fudalah ibn 'Ubaid that the Messenger of Allah (pbuh) said, "Whoever boycotts his brother for more than three (nights), he is in the Fire, unless Allah brings them back together through His grace" (Al-Tabarani: 1983).

As for severing ties between Muslim brothers for a period of three nights, the majority of jurists allow it based on the concept of disagreement, relying on the evidence of the hadith. They said, "It was pardoned within the three nights because humans are prone to anger and similar emotions, so the severing of ties was pardoned within these three nights to remove that condition" (Ibn Hajar: 1960).

Al-Khattabi said, "As for severing ties for a longer period than that, it only applies to a person severing ties with their brother out of anger or due to a serious offense, or if there is prophethood from which they are born. In such cases, they are allowed a period of three nights due to its brevity, and what comes after that is prohibited" (Al-Khattabi: 1932).

A) Severing ties with the wife in speech

As for severing ties with one's wife, it is prohibited without a valid reason. The Prophet (pbuh) forbade cutting off ties, harboring animosity, and boycotting. Anas ibn Malik narrated that the Messenger of Allah (pbuh) said, "Do not boycott one another, do not envy one another, and do not harbor hatred towards one another. Be servants of Allah, brothers. It is not permissible for a Muslim to boycott his brother for more than three nights" (Al-Bukhari: 1987).

The Shafi'i and Hanbali schools of thought hold that it is prohibited for a husband to sever ties with his wife through speech for more than three days, except for a valid and acceptable excuse.

Al-Ramli said, "Severing ties with one's wife through speech for more than three days is prohibited for each of them unless the intention is to guide her away from sin and rectify her religion, not for personal benefit or for matters that are apparent. Boycotting is permissible for a valid religious excuse, such as if the one being boycotted is a sinner or an innovator, or for the sake of rectifying one's own religion or the religion of the boycotted. However, if it is

known that boycotting would lead to increased corruption, it is recommended to refrain from boycotting" (Al-Bujairmi: 1995).

Ibn Qudamah said, "As for severing ties in speech, it is not permissible for more than three days, as Abu Hurairah narrated that the Prophet (pbuh) said, 'It is not permissible for a Muslim to boycott his brother for more than three days'" (Al-Bukhari: 1987)

B) Prolonged severing of ties in speech with the wife guarantees her right to seek divorce:

Scholars have considered unjustified severing of ties in speech to be harmful to the wife, and she has the right to seek divorce if the period of severance becomes prolonged.

In the Sharh Mukhtasar Khalil by Al-Kharshi, it states: "She has the right to seek divorce due to harm... and harm includes cutting off communication with her, turning away from her, and inflicting painful physical abuse upon her" (Al-Kharshi: n,d).

6-Protection from preventing her from communicating with her parents

One of the means prescribed by Islam to protect women from harm is to not deprive them of communication with their parents, visiting them, maintaining contact, and fulfilling the obligations of kindness towards parents and maintaining family ties.

These measures, along with others, ensure that women are protected from various forms of harm and dangers as guaranteed by Sharia law.

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:

- 1- Islam guarantees the woman the right to security in all aspects: politically, intellectually, socially, economically, environmentally, health-wise, psychologically, and more.
- 2- The woman's right to a safe life free from all forms of harm, violence, and injury is an inherent and established right in the Quran, Sunnah (traditions of the Prophet), and the consensus of the Muslim community.
- 3- Women are exposed to various forms of social harm, including physical forms such as assault, rape, and harassment, as well as verbal and moral forms such as neglect in marital relations, verbal abandonment, and others.
- 4- God has prohibited any action that would cause harm to women, whether it relates to their physical, legal, financial, or moral rights. Islamic principles and regulations have been set to ensure these protections.
- 5- Islam has been just to women, and established regulations for the husband's abstention from conjugal relations with his wife, with mitigated consequences. It specifies a waiting period of four months and obligates the husband to either resume conjugal relations or issue a divorce.
- 6- Islamic law calls on men and urges them not to do "Dhihar". It considers "Dhihar" as one of the most severe forms of harm that can befall a woman. It emphasizes that such an act is forbidden and does not constitute a valid divorce.
- 7- 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

- 8- 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.

This; the research recommends the necessity of conducting studies that monitor all forms of harm inflicted on women, and proposing solutions and mechanisms necessary to eliminate it. It also recommends the imperative role of all religious and social institutions in promoting awareness of women's right to a safe and secure life and warning against causing harm to them in any form.

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