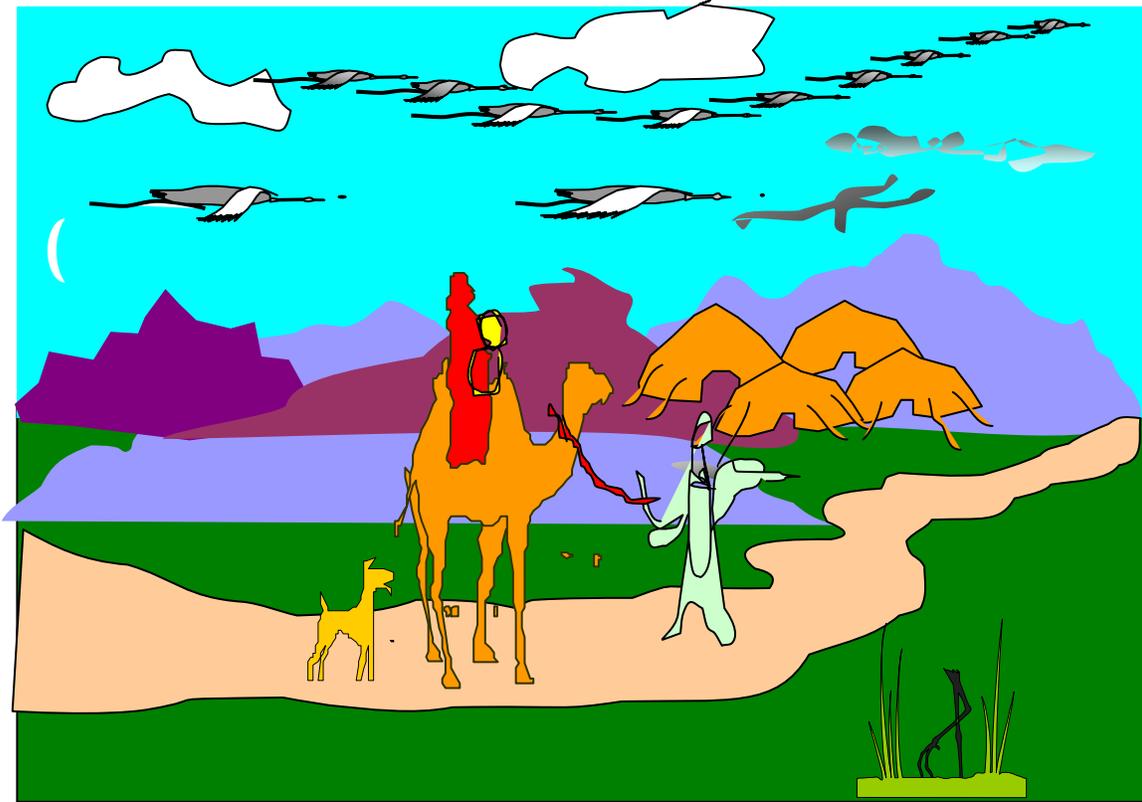


Women's Rights In Islam



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Glossary

Ahadith	Plural of Hadith - Narration of a saying of the Holy Prophet.
Ansar	The Muslims of Madina who extended every help to the Holy Prophet and his companions on their migration to Madina
Daroos	Plural of Dars - Learning to read, a lecture, a lesson.
Deen	A faith in Divine religion prescribing a complete code of life.
Diyyat	The blood money, fine or compensation paid for murder.
Farz	A duty, Divine command and obligation enjoined on all Muslims.
Fidyah	A ransom.
Fiqh	The science of Islamic law and jurisprudence.
Hadd	Punishment for non-observance of restrictive ordinance of God.
Ibadat	Divine worship, adoration, prayers.
Imam	One who leads Muslims, prayers.
Jahez	Dowry and paraphernalia of a bride given by her parents.
Jibriel	An Archangel who brought Divine revelations to the Holy Prophet
Jihad	A supreme effort through deeds for the cause of Islam.
Jirga	A jury or bench of judges in Pahtoon society.
Khateeb	A preacher giving sermons in mosque.
Khilafat	The office or dignity of a caliph.
Khula	The divorce obtained by a wife
Khutbah	A sermon.
Khutbat	Plural of Khutbah.
Mahr	A marriage gift settled upon the wife by her husband.
Majazi Khuda	A false God.
Mohalla	A ward, street, quarter or a part of a town.
Momineen	Plural of Momin - A faithful believer and follower of Islam.
Mujahideen	Plural of Mujahid – those striving for the cause of Islam.
Nafaqa	Maintenance expenses of a wife borne by her husband.
Nikkah	Matrimonial binding of husband and wife.
Pardah	A veil, a cover, secrecy, modesty.
Qazi	A judge, magistrate.
Qisas	The Islamic law that prescribe punishment for murder.
Quraish	A famous tribe of Arabia to which the Holy Prophet belonged.
Radai	A foster mother who suckles the baby of another woman.
Rajei Talaq	Returning, going back of a husband to a divorced wife in accordance with the way as prescribed by Islam.
Sahaba	Plural of Ashab – companions of the Holy Prophet.
Shahadat	Evidence, witness, testimony or martyrdom.
Surah	One of the 114 chapters or divisions of the Holy Qur'an.
Talaq	Divorce.
Ulama	Plural of Aalim – the learned scholar of Islam.
Walwar	A marriage gift settled upon the bridegroom by the parents of his wife.

FOREWORD

Islam recognizes all the basic human, social, economic and political rights of women. The Holy Quran has specified these rights and responsibilities in several verses of *Sarah: Al-Baqara, Al-Maidah, Al-Noor, Al-Ahzab, Al-Muyolida, Al-Mumtakinaand and Al-Tahirm*. However, in *Surah An-Nisaa and Al-Talaq*, precise discussions and elaborations are presented on the subject of women's rights and obligations. Similarly, detailed guidance and insight into this very topic is given in many *Hadith* (sayings of the Holy Prophet Muhammad (PBUH)). In addition, they are supposed to have some more rights in relation to their various roles which they perform as mother, sister, daughter and wives in the society. These rights are closely associated to their responsibilities in an organized manner. These Islamic assertions and specifications about women's rights provides a broader frame work which needs to be utilized for upholding the status of women in Muslim societies.

The history tells us that in ancient times women were given second grade citizen status and mistakenly the scholars of the time had approved their inferior position. This false concept had a negative impact on the status of women as reflected in the literature. For instance, it is believed that the first woman was created from the rib of Adam or she was created for the purpose of pleasing men. Similarly, it is believed that women are the cunning creature and characterized by deceitfulness which is falsely attributed to the Qur'anic verse in *Surah Yusuf*, which refers to the incident that took place between the Prophet Yusuf (PBUH) and Zulekha, the wife of the Aziz of Egypt. The reality, needs deep investigation.

The topic of Women's Rights in Islam is the main focus of the work of the National Research and Development Foundation (NRDF). It intends, first of all, to reveal explicitly the rights Allah has bestowed on women. Secondly, it aims to investigate constraints and conditions, which due to ignorance, negligence, and lack of awareness, have deprived women and wives of these divine rights in the Pakistani society. Thirdly, it wishes to come up with realistic measures and steps to address the discrimination with women's in this part of the word. To this effect it has successfully taken many initiatives under its "Ulama and Development Model" These included the formation of network of moderate religious elements, providing them with technical support and information to raise awareness in the society concerning women rights and social development, arranging a variety of training for female and male religious elements, facilitating them to build linkages with other organizations and lobbying at policy levels for women rights.

The information presented in this booklet were gathered from Ulama, religious scholars, students and teachers of *Madaris* and other female and male professionals from various parts of the NWFP, who took active part in various workshops and meetings under one of its projects on women rights being funded by the Heinrich Boll Foundation. The participants of the workshops shared valuable, interesting views which formed the basis of this booklet. It was initially compiled in Pashto language in 1996, was later on translated into English and Urdu languages and made available on request to many organizations interested individuals.

NRDF is profoundly thankful all those including its staff members and associates who contributed in one or the other way to finalize the booklet. Ustad Najeeb Ullah deserves special mention who sit with me for days and months to put the information in order received from the participants of various events and preparing the first Pahsto version. My appreciation also goes to Dr. Meera Khan and Dr. Iqbal for their genuine help to upgrade this English version of the booklet and to Maulana Izhar Ul-Haq and Dr. Qibla Ayaz for reviewing the Urdu draft. I also owe a special thanks to my family members and friend for the moral support to complete this challenging work. And finally I thank the Swiss Development Cooperation SDC, Pakistan for their support in publishing this updated version of report and thus enabling to disseminate it to a wide range of audience with a hope that it will create a better understanding about women rights in an Islamic society and provide a strong base for upgrading the status of women in society. SDC does not take responsibility of the views and contents of the research published herewith.

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Chapter 1

EQUALITY BETWEEN WOMEN AND MEN

1.1 Equality before God

Islam recognizes all fundamental human rights of women in totality and declares plainly that women, as human being, are equal to men. The equality of women to men was granted in the background of pre-Islamic era when women were considered inferior to men. However, the Holy Qur'an addresses humankind, both men and women, in the same manner i.e. An nas, Al Insan, Al Bashar and Al momin. All these terms are equally applicable to both women and men with out having any distinction on the basis of sex. It is evident from the following verse:

﴿ يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا رُجُوعًا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَ
نِسَاءً ﴾
(النساء-1)

Translation:

O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa (Eve)], and from them both He created many men and women; (An-Nisaa 1).

The Holy Qur'an has disclosed the origin of humankind and has addressed men and women as complementary components of a specie who together are capable of maintaining the survival of human race.

Allah has created men and women equal in origin as human beings with no superiority or inferiority over each other. Indeed superiority or greatness is an attainable phenomenon both for men and women. And, in Islam the one and only virtue that can raise men or women to high degrees of pride and dignity is the righteousness. Allah says in the Holy Qur'an:

﴿ يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ اتَّقِيكُمْ
(الْحُجْرَاتِ-13) ﴾

Translation:

O mankind! We have created you from a male and female, and made you into nations and tribes that you may know one another. Verily, the most honorable of you with Allah is that (believer) who has At-Taqwa [i.e. he is one of the Muttaqun (the pious. (Al-Hujurat 13).

Righteousness or piety is a quality of human life that can be achieved through good conduct, just and right deeds in human society. In Islam each human being, men and women, are accountable to Allah in his/her personal and individual capacity. Thus Islam does not blame one individual (male or female) for the misdeeds of other, nor women are blamed for the misdeeds of men and vice versa. Islam from the very beginning removed the heavy burden and unjustified accusations about the status of women in Arab and non-Arab communities.

It was a common belief in pre-Islamic eras, that women are cursed creatures and a major cause for all the miss deeds of men they commit in their daily lives. Thus, they regarded women as “man’s devil” and blamed her for half of the omissions and sins committed by men including Adams fall from the heaven. The Holy Quran repeatedly refers to both Adams and Eva while narrating the same story in the following words.

﴿ فَغَشَّوْهُمَا بِغُرُورٍ فَلَمَّا ذَاقَا الشَّجَرَةَ بَدَتْ لَهُمَا سَوْآتُهُمَا وَطَبَقَا بِحُفْرَتَيْهِمَا مِنْ وَرَقِ الْجَنَّةِ وَنَادَاهُمَا رَبُّهُمَا لَأَمَّ أَنْتُمَا عَنْ تِلْكَ الشَّجَرَةِ وَأَقْبَل لَكُمَا إِنَّ الشَّيْطَانَ لَكُمْ عَدُوٌّ مُبِينٌ ﴾ (الاعراف: ٢٢)

Translation:

So he misled them with deception. Then when they tasted of the tree, that which was hidden from them of their sham (Private parts) became manifest to them and they began to cover themselves with the leaves of Paradise (in order to cover their shame). And their Lord called out to them (saying): “ Did I not forbid you that tree and tell you: Verily, Shaitan (Satan) is an open enemy unto you?” (Al-A’raf 22).

Islam believes that Adam had equal responsibility in the lapse they both committed and the Holy Quran clarified the position of women in the following words:

﴿ فَأَخْلَاهُمَا الشَّيْطَانُ عَنْهَا فَاخْرَجَهُمَا مِمَّا كَانَا فِيهِ ﴾ (البقرة: ٣٦)

Translation:

Then the Shaitan (Satan) made them slip therefrom (the Paradise), and got them out from that in which they were. (Al-Baqarah 36).

It is nowhere mentioned in the Holy Qur’an that Eve misled Adam. On the contrary, Allah has said that Satan tempted both of them to err as mentioned in the following verse:

﴿ فَوَسْوَسَ لَهُمَا الشَّيْطَانُ لِيُبْدِيَ لَهُمَا مَا وُورِيَ عَنْهُمَا مِنْ سَوْآتِهِمَا ﴾ (الاعراف: ٢٠)

Translation:

Then Shaitan (Satan) whispered suggestions to them both in order to uncover that which was hidden from them of their private parts (before); (Al- A’raf: 20).

At one point the Holy Qur’an, solely referred the mistake to Adam in the following words:

﴿ وَعَصَىٰ آدَمُ رَبَّهُ فَغَوَىٰ ﴾

(طه-١٢١)

Translation:

Thus did Adam disobey his Lord, so he went astray. (Ta-Ha 121).

The Holy Quran states that later on the Adam and Eve repented on their mistake and beg Allah's pardon.

﴿ قَالَا رَبَّنَا ظَلَمْنَا أَنفُسَنَا وَإِن لَّمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ ﴾

(الاعراف-٢٣)

Translation:

They said: "Our Lord! We have wronged ourselves. If you forgive us not, and bestow not upon us Your Mercy, we shall certainly be of the losers." (Al- A'raf 23).

Allah accepted the repentances of Adam and Eve and clarified in the Holy Qur'an that no sons and daughters of Adam and Eve should be held accountable for the misdeed committed by their parents in Heaven. Thus, Islam set a comprehensive principle declaring that every one shall bear the responsibility of his or her own misdeed to Allah, shall it occur. At another point the Holy Quran points to the same direction:

﴿ تِلْكَ أُمَّةٌ قَدْ خَلَتْ لَهَا مَا كَسَبَتْ وَلكُمْ مَا كَسَبْتُمْ وَلَا تُسْأَلُونَ عَمَّا كَانُوا يَعْمَلُونَ ﴾

(البقرة-١٣٤)

Translation:

That was a nation who has passed away. They shall receive the reward of what they earned, and you of what you earn. And you will not be asked of what they used to do. (Al-Baqarah-134).

It is promised in Islam that both men and women are entitled to eternal salvation upon performance of good deeds. To this effect Allah says in the Holy Qur'an:

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

(النحل-٩٤)

Translation:

Whoever works righteousness -- Whether male or female – While he (or she) is a true believer (of Islamic Monotheism) verily, to him we will give a good life (in this world with respect, contentment and lawful provision), and We shall pay them certainly a reward in proportion to the best of what they used to do (i.e. Paradise in the Hereafter). (An-Nahl 97).

In another verse the same concept has been explained in the following words:

﴿ فَاسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّمَّنْ ذَكَرَ أُوأُنثَىٰ بَعْضُكُمْ مِّنْ بَعْضٍ ﴾
 (آل عمران- ١٩٥)

Translation:

So their Lord accepted of them (their supplication and answered them), "Never will I allow to be lost the work of any of you, be he male or female. You are (members) one of another. (Al-i-Imran- 195).

At another place the Holy Quran Says:

﴿ وَمَنْ يُعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يظَلُمُونَ شَيْئًا ﴾
 (النساء- ١٢٤)

Translation:

And whoever does righteous, good deeds, male or female, and is a (true) believer [in the Oneness of Allah (Muslim)], such will enter Paradise and not the least injustice, even to the size of a Naqira (speak on the back of a date stone), will be done to them. (An-Nisaa 124).

The above mentioned verses defines that Islam has granted equal privilege to women to hold fast faith in Allah, be righteous and on the basis of their good deeds they will be bestowed on such reward as entry into the paradise.

1.2 Equality in Status

Islam has granted equal status to both men and women and has made no distinction between them on the basis of sex. The Islamic Sharia places equal value to the blood (life) of woman and men and have defined equal punishment for killer of both the gender. Allah has said:

﴿ وَمَنْ يُقْتُلْ مُؤْمِنًا مَّتَعَدًا فَجَزَاءُ جَهَنَّمَ خَالِدًا فِيهَا ﴾
 (النساء- ٩٣)

Translation:

And whoever kills a believer intentionally, his recompense is Hell, to abide therein; (An-Nisaa-93).

The word “believer” included women as well and the killers are subject to punishment both in this word and in the hereafter.

Similarly, another verse says:

﴿ وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ ﴾ (البقرة-١٧٩)

Translation:

An there is (a saving of) life for you in Al-Qisas (the law of Equality in punishment), O men of understanding, that you may become Al-Muttaqun (the pious See V.2:2). (Al-Baqarah-179).

The above mentioned verses of the Holy Qur'an categorically defines that the punishment for intentional killing of a believer in Allah is very severe in the Islamic Shariat on the day of judgment because the killer has deprived a human being of his or her life. Similarly, the Holy Quran has equally addressed women in men in other matters.

﴿ إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَائِلِينَ وَالْقَائِلَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَائِضِينَ فَرُوحَهُمْ وَالْحَائِضَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا ﴾ (الاحزاب-٣٥)

Translation:

Verily, the Muslims (those who submit to Allah in Islam) men and women. The believers men and women (who believe in Islamic Monotheism), the men and the women who are obedient (to Allah), the men and women who are truthful (in their speech and deeds), the men and the women who are patient (in performing all the duties which Allah has ordered and in abstaining from all that Allah has forbidden), the men and the women who are humble (before their Lord—Allah), the men and the women who give Sadaqat (i.e. Zakat and alms), the men and the women who observe Saum (fast) (the obligatory fasting during the month of Ramadan, and the optional Nawafil fasting), the men and the women who guard their chastity (from illegal sexual acts) and the men and women who remember Allah much with their hearts and tongues, Allah has prepared for them forgiveness and a great reward (i.e. Paradise). (Al-Ahzab 35).

Regardless of so many verses explaining gender equity, it is generally believed in Muslim societies that men are superior to women. The argument which they put forward in support of their views is that the Holy Qur'an Allah has said:

﴿ وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ﴾ (البقرة-٢٢٨)

Translation:

And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them. (Al-Baqarah 228).

This verse was revealed to provide guidance to Muslims in relation to regularize their family matters. Islam considers family as a basic social unit and thus Allah has defined equal rights and obligation for both wife and husband with in the unit. The word “men have a degree over them”, only apply to the marital relation between the two and

exclusively points to men's responsibility to earn for their family. It doesn't aim to give men a license to control, confine and mistreat them as Islam considers them equal human beings. Islam considers husband and wife as a covering, comfort, sense of protection and ease to each other.

1.3 Equality in Punishments

According to the teachings of Islam all human beings are equally accountable to Allah who has introduced a single scale to deal with their good and bad deeds in the society. The rewards and punishments narrated in the Islamic teachings for human beings in relation to their decent and evil acts are the same and no discrimination on the basis of gender exists. The Islamic courts are entitled to award same punishment to either of the gender if found guilty of violation of Islamic laws. The examples included same set of punishments for committing murders, theft, adultery, drinking alcohol etc. These punishments are described in surah *Al-Maidah*, *An-Nur-2* and many *hadiath of the holy prophet*.

In the same fashion the Holy Quran has asked the rulers to do justice between human beings without making any distinction between the two genders. Allah says:

﴿ وَإِذَا حَكَتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ﴾
(النساء-٥٨)

Translation:

And when you judge between men, you judge with justice, Verily how excellent is the teaching, which He (Allah) gives you! (An-nisaa-58).

Chapter 2

PERSONAL AND INDIVIDUAL RIGHTS OF WOMEN

Islam acknowledges women in their individual and personal capacity and has protected their social, educational, legal, political, economic and other rights the way men enjoy them in the society. These rights are summarized under the following headings:

2.1 Right to Dignity

The following verses signify the human dignity which included both women and men. Allah in the holy Quran says that human beings are his best creation and that is the reason he has blessed Adam with enormous respect.

(التين - ٤)

﴿ لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَن تَقْرِيمٍ ﴾

Translation:

“We have indeed created man in the best of mould” (Al-Tin 4).

﴿ وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا ﴾
(بنی اسرائیل - ٤٠)

Translation:

“We have honored the sons of Adam, provided them with transportation facilities on land and sea, given them for sustenance things good and pure, and conferred on them special favors, above a great part of our Creation” (Al-Israel 70).

2.2 Right to Life

The Islamic teachings uphold the sanctity of human life (both for women and men) and advise its followers to respect this right to maximum extent. The Holy Quran perceives the killings of an individual to that of the entire humanity. It only allows Islamic courts as competent authority to give verdict for the killing of someone as punishment. A consensus exist amongst all the famous Islamic jurists scholars to this effect. The Allah says:

(بنی اسرائیل - ٣٣)

﴿ وَلَا تَتْلُوا لَإِنْسَانَ الَّذِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ﴾

Translation

“Not take life which Allah has made sacred– except for a cause (under courts verdict)” (Al-Israel 33)

The Holy Quran has communicated the same message to its followers in Surah Al anam 151, Surah Al Furqan 68 and Surah Al Maidah.

Similarly, Islam condemned the evil practice of the killing of female children in the pre-Islamic era. The Holy Qur'an reminds the perpetrators that they will be questioned for the same heinous crimes on the dooms day. The Holy Quran says:

﴿ وَإِنَّا لَمُرُونَ تَعْتَسِبُونَ بِأَيِّ ذَنْبٍ قُتِلَتْ ﴾ (التكوير ٨-٩)

Translation:

And when the female (infant) buried alive (as the pagan Arabs used to do) is questioned: For what sin was she killed? (At-Takwir 8-9).

The Islam termed the birth of female children as blessing and soon after its advent advised its followers that the birth of female children should not be a sad occasion for the families. The holy verse says:

﴿ وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَرًا وَهُوَ كَظِيمٌ .. يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَكُسِّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ ﴾ (النحل ٥٨-٥٩)

Translation:

And when the news (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief! He hides himself from the people because of the evil of that whereof ha has been informed. Shall he keep her with dishonour or bury her in the earth? Certainly, evil is their decision. (An-Nahl- 58-59)

In another place Allah has said:

﴿ فَتَحْسَبِرُ لَأَذِينَ قَتَلُوا أَوْلَادَهُمْ سَنَهَا بِغَيْرِ عِلْمٍ ﴾ (الانعام ١٤٠)

Translation:

Indeed lost are they who have killed their children, foolishly, without knowledge (Al-Anam-140).

According to a Hadith of Holy Prophet “a male child is a gift and female is a blessing from Allah”.

2.4 Right to Respect

The Islamic teachings highlight the respect Allah has given to human beings (both women and men) on many accounts. They were blessed with knowledge of good and bad in order to better perform their role as viceroy of God on earth. They were given the guidance to maintain a good working relationship with each other. Allah has said:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَر قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْمُسْتَوْقُ بَعْدَ الْإِيمَانِ وَمَن لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴾
(الْحَجَرَات - ١١)

Translation:

“O you who believe! Let not some men among you laugh at others, it may be that the (latter) are better than the (former). Nor let some women laugh at others; it may be that the (latter) are better than the (former) nor defame nor be sarcastic to each other, nor call each by (offensive) nick names: ill seeming is a name a connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong” (Al-Hujarat 11).

At another place they were advised in the following words:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَب بَّعْضُكُم بَعْضًا . أَيْحِبُّ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ . إِنَّ لِلَّهِ تَرَابٌ رَّجِيمٌ ﴾
(الْحَجَرَات - ١٢)

Translation:

“O you who believe! Avoid suspicion as much (as possible), for suspicion in some cases in a sin: and spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it... but fear Allah: for Allah in oft – Returning, Most Merciful” (Al-Hujarat 12).

2.4 Right to Education

Women make more than half of human population and perform an important role in development of society. This role of women in human society is recognized in Islam. Islam urges both men and woman to become aware and acquire knowledge that they need in life. It has not made any distinction between the two sexes. The Divine commands have made it compulsory duty (*Farz*) of women to learn. In addition, they are also entitled to acquire and learn certain skills that are necessary for them in their personal lives or she is required by the State to perform a specific job come under *Farz-e-Kifayah*. Allah says:

﴿ وَقُلْ رَبِّ زِدْنِي عِلْمًا ﴾
(طه - ١١٤)

Translation:

“My Lord! Increase me in knowledge.” (Ta-Ha-114).

When the revelation of the Holy Qur’an started the first message Angel Hazrat Jibriel brought to the Holy Prophet Muhammad (PBUH) was:

﴿ اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ . خَلَقَ الْإِنْسَانَ مِنْ عَلَقٍ . اقْرَأْ وَرَبُّكَ الْأَكْرَمُ الَّذِي عَلَّمَ بِالْقَلَمِ . عَلَّمَ الْإِنْسَانَ مَا لَمْ يَعْلَمْ ﴾
(العلق-٥)

Translation:

Read! In the name of your Lord Who has created (all that exists). He has created humans from a clot (a piece of thick coagulated blood). Read! And your Lord is the Most Generous. Who has taught (the writing) by the pen. He has taught man that which he knew not. (Al-Alaq 1-5).

It is very much clear from Qur'an as to how much emphasis the Qur'an has attached to the seeking of knowledge and education and that is why it has been made necessary for all human beings to acquire knowledge. The word "man" used in the verse is a symbolic expression of the Holy Quran.

On another occasion Allah says:

﴿ يَرْفَعُ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ تَرْتِيبًا ﴾
(مجادله-١١)

Translation:

And when you are told to rise up [for prayers, or jihad (holy fighting in Allah's Cause), or for any other good deed], rise up. Allah will exalt in degree those of you who believe, and those who have been granted knowledge. (Al-Mujadila-11).

At another place the Holy Qur'an says:

﴿ قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ ﴾
(الزمر-٩)

Translation:

Say: "Are those who know equal to those who know not?" (Az-Zumar-9)

Likewise, Allah has asked the wives of the Holy Prophet:

﴿ وَادْكُرْنَ مَا يُتْلَىٰ فِي بُيُوتِكُنَّ مِنْ آيَاتِ اللَّهِ وَالْحِكْمَةِ ﴾
(الاحزاب-٣٤)

Translation:

And remember (O you the members of the Prophet's family, the Graces of your Lord), that which is recited in your houses of the Verses of Allah and Al-Hikmah (i.e. Prophet's Sunnah—legal ways, so give your thanks to Allah and glorify His praises for this Qur'an and the Sunnah). (Al-Ahzab-34).

In addition to the above mentioned there are a number of other verses and Hadith where education for women and promoting awareness among them have been made one of the prime responsibilities of husbands towards their wives. The Holy Qur'an says:

(التحریم-٦)

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ ﴾

Translation:

O you who believe! Ward off yourselves and your families against Fire (Hell) whose fuel is men and stones, (At-Tahrim-6).

Islam has repeatedly urged the Muslims to try to save their children, wives, and slaves from the fire of hell. They will only be able to do so if they educate them and enable them to choose between good and bad deeds.

Seeking of knowledge is mandatory for women and men. The Holy Quran signifies this importance in the following words.

(الانبیاء-٧)

﴿ فَسْئَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ ﴾

Translation:

And ask from those who have knowledge if you do not have a knowledge (Al Anbia 7).

In addition to the above mentioned verses from the Holy Quran, a good number of Hadith {Saying of Prophet Muhammad (PBUH)} are available in support of female education. Hazrat Anas states that the Holy Prophet (PBUH) has said:

عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: طَلِبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ

Translation:

Acquisition of knowledge is obligatory on all Muslims (Muslim).

In a famous book of Hadith, Sunnan-I-Baihaqie, it is mentioned that the Holy prophet has said:

إِيمَانُ رَجُلٍ كَمَا نَتِ عِنْدَهُ وَلِيَدَهُ فَمَالَعَهَا فَاحْسَنَ تَصْلِيحَهَا وَإِنْ بِهَا فَاحْسَنَ تَأْنِيبَهَا ثُمَّ اعْتَقَهَا وَكَرَّوَجَهَا فَلَهُ أَجْرَانِ
(رواه البيهقي)

Translation:

“The one who properly educate a slave girl, teaches her discipline, good manners, declares her free and then go for marrying her, will have double rewards.”

From this Hadith it is quite evident that the Holy religion of Islam was vary serious about female education and went to the extent to ask his followers to educate their slaves before setting them free. It is because of this encouragement that during that period, women have competed with men in the field of education. According to Sahih Bukhari Sharif (chapter *Kitab-ul-Ilam*), once a number of female Sahaba came to the Prophet in a group and said that:

The Ansar women are better than all. Because they are courageous and do not allow shyness to prevent them from learning the teachings of Islam. They want to know more about every thing.

The Islamic history testifies that Muslim women have made significant contribution to impart knowledge and education. The famous scholars and Ulama of Islam like Imam Bukhari, Imam Shafi, Ibn-i-Khalikan and Ibn-i-Haban all had been used to be the students of female scholars at some stage of their lives.

It can safely be concluded from the above verses that women are equally responsible to become aware, acquire education and the information needed for their well being, fulfill their religious and other obligations in the society and make distinction between good and bad. A consensus among the famous Islamic scholars also exist that all the verses and Hadith concerning acquisition of knowledge address both female and male.

2.5 Right to Health

Islam has termed the saving of a life to the saving of the entire humanity. Thus, it has made it imperative for all the Muslim women and men to go for all those initiatives which may lead to saving of their lives and others. These initiatives may include exercising care to protect one owns health, donating blood, helping the suffering humanity etc. It has also given guidelines to its followers to live a neat and clean life, take care of their food and sleep, avoid taking alcohol and other things which may harm their health. Allah has said:

(البقرة - ٢٢٢)

﴿ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ ﴾

Translation:

“Truly, Allah loves those who turn unto Him in repentance and loves those who purify themselves (by taking a bath and cleaning and washing thoroughly their private parts and bodies for their prayers).” (Al-Baqarah 222)

Advising his prophet the almighty has said in the Holy Quran:

(المزمل - ١-٣)

﴿ يَا أَيُّهَا الْمَرْمَلُ قُمْ اللَّيْلَ إِلَّا قَلِيلًا نَضِّنْهُ أَوْ اتَّقِصْ مِنْهُ قَلِيلًا أَوْ ذِدْ عَلَيَّ ﴾

Translation:

O you folded in garments, stand (to prayer) by night, but not all night. Half of it, or a little less, or a little more; (Al-Muzammil 1-4)

At another place it has addressed the humanity in these words:

(النبا - ٩)

﴿ وَجَعَلْنَا نَوْمَكُمْ سُبَاتًا ﴾

Translation:

And made your sleep for rest. (Al-Naba 9)

(البقرة - ٢٣٤)

﴿ إِنَّ اللَّهَ اصْطَفَاهُ عَلَيْكُمْ وَزَادَهُ بَسْطَةً فِي الْعِلْمِ وَالْجِسْمِ ﴾

The God almighty has laid down certain conditions for those who inspires to rule. The eligibility criteria included that they should be in a good health. The story of narrated in the Holy Quran says that a some people refused to accept Taloot as a ruler because his was poor. Allah addressed them in the following words:

Translation:

He said, "Allah has chosen him above you, and has gifted him abundantly with knowledge and stature (Al-Baqarah 247).

Similarly, God has made it mandatory for mothers to give suck to their children for two years so that pregnancies could be avoided in this period. The husbands has also been advised to take care of the health of their wives and if they are unable to provide the suck to their children then it is his responsibility to arrange for other means. The intent of these verses is to protect the health of women. The details of these verses is available in chapter four of this booklet.

2.6 Right to Justice

The Islamic teachings lay emphasis for the provision of opportunities of equal justice for human beings (women and men). Simultaneously, it asks the rulers to do justice. The following two verses from the Holy Quran are quoted as examples to this effect.

(النساء - ٥٨)

﴿ وَإِذَا حُكِمْتُمْ بَيْنَ لِلنَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ . إِنَّ اللَّهَ بِعَمَلِكُمْ بِهِ ﴾

Translation:

Allah commands you to render back your Trusts to those to whom they are due; and when you judge between people that you judge with justice; verily how excellent is the teaching which He gives you! For Allah is He who hears and sees all things (Al-Nisa 58).

On another occasion the Allah has said:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوَالِدِينَ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ

فَقِيرًا فَلَا تُبْغُوا الْهَوَىٰ إِنْ تَغْلِبُوا وَإِنْ تَلَوَّا أَوْ تَغْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴾

(النساء - ١٣٥)

Translation:

O you who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it is (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts) lest you avoid justice, and if you distort (justice) or decline to do justice, verily Allah is well Acquainted with all that you do (Al-Nisa 135).

2.7 Right to Freedom of Expression and Consultation

Islam considers it essential for women to express their will and views in regards to various matters at home and in the community they live in. Allah considers consultation as the attribute and identity of *Momineen* (those who believe in Allah) and commands all Muslim men and women to practice it. The Holy Qur'an advises its followers in the following words.

(شورى ٣٨)

﴿ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ ﴾

Translation:

Who (conduct) their affairs by mutual consultation; (Ash-Shura 38).

The affairs mentioned in the above verse refer to all collective matters. The language of the verse denoting masculine gender does not imply that only men are addressed but the women as well, as in other places and as per the style and manner of expression of Qur'an. On these grounds women have the right to be consulted on all affairs affecting their daily matters of life. The Holy Prophet of Islam himself practiced to consult his wives on various matters and sought their opinion. In the Holy Qur'an it is said.

(الاحزاب ٢١)

﴿ لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ ﴾

Translation:

Indeed in the Messenger of Allah (Muhammad) you have a good example. (Al-Ahزاب-21).

A story of Umm-al-Momineen, Umm-I-Salma (Hind Bint-i-Ummayya) is mentioned in almost all the important books of Sirah and Hadith in support of such consultations. It narrates that a truce was reached in Hudabya and the pact was signed between the Prophet and residents of Makkah. One of the conditions of the pact was that the Prophet and his companion would go back to Madina without performing the pilgrim that year. His companions were not happy over this condition, which the Prophet accepted only to avoid a bloodshed between the two sides. The Holy Prophet then told the Sahaba that before returning to Madina they should slaughter their animals as Qurbani (sacrifice) and shave their hair as demanded by the religious practices during Hajj. No one moved on the instruction of the Holy Prophet. He then repeated his words for two more times. Again no one followed the instructions. He was surprised and leaned towards his wife, Um-i-Salma and shared his displeasure with her about not receiving a response from the companions (Sahaba). Umm-i-Salma replied, "O! the Prophet of Allah, if you really want your instructions to be followed then you needs to move yourself. Leave the scene and talk to no one till you make your sacrifice and shave your hair". The Prophet (PBUH) did what

Um-I-Salma had advised him. When the Sahaba noticed the practical move of the Prophet (PBUH), they too stood up and did what was asked of them.

This was a clear example of women’s participation in Hudabya peace talks as well as woman’s consultation with the Holy Prophet (PBUH) and its acceptance in one of the most sensitive moments of Islamic history. Similarly, examples exists that women were consulted during the election of Hazrat Uthman (RA), the third caliph. Another example cites that Khalifa Hazrat Umar appointed two women as ombudsman (Muhtasib) during his rule (Monthly Bazm-e-Qasim, Karachi, issue December 1998).

2.8 Protection to Woman from False Accusation

Islam has provided protection to women from false accusation and introduced exemplary punishment to protect their honor. The holy Quran has declared that all women are chaste and forbidden its followers not to drag them in dirty issues. In case any woman is charged for committing adultery, the man has to produce four eye righteous witnesses to prove his charges. If he fails to do so will be awarded punishment of 80 stripes. Furthermore, he will be debarred from giving testimony for ever in any case. The holy Quran says:

﴿ وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِسُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الظَّالِمُونَ ﴾
(النور-٤)

Translation:

And those who accuse clean woman and then bring out four eye witnesses, scourge them with eighty and accept not their testimony for ever. And these! They are the transgressors (Al-Noor 4).

Similarly, in another verse the Holy Quran says:

﴿ إِنَّ لَ الَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ الْفَاحِشَاتِ الْمُؤْمِنَاتِ لَجُنُودًا فِي الدُّنْيَا وَالْآخِرَةِ ﴾
(النور- ٢٣)

Translation:

Verily, those who accuse believing chaste women, who never even think of anything touching their chastity and are good believers – are cursed in this life and in the Hereafter. (Al-Noor 23)

2.9 Right of Criticism and Accountability

Islam has awarded full right of criticism and accountability to the women at par with the men. “Hazrat Umar the first Khalifah once in his sermon advised that don’t go for paying big mahar because the Holy Prophet had never paid more than 12 Oqiah of mehar to his wives”. Hearing this a woman stood and confronted Oh Umar, when Allah want to give use why you are depriving us, did Allah has not ordained in the Holy Quran.

﴿ وَأَنْتُمْ إِحْدَهُنَّ قَبَطَارًا أَفَلَا تَأْخُذُوا مِنْهُ شَيْئًا ﴾
(النساء-٢٤)

Translation:

And if you have paid huge money to any one of it, don't take back.

Hearing this Hazrat Umar confessed his mistake.

These narration are sufficient to prove that how full and unrestricted power of criticism and accountability has been give to women by Islam that even they can challenge the one of the most powerful Kalif in public.

2.10 Right to Sustenance

The Islamic teachings tell us that God is the creator and every things belongs to him. He provides the means for livelihood. Thus it is forbidden for the wealthy people to deprive the weak segment of their basic necessities of life. In Islamic Sharia the women has the right to inherit from the property of father and at the same time husbands have been made responsible to take care of this right. The details of these rights are available in the next chapter (right of women within the family).

2.11 Right to Work

Islam permits women to work outside the house. Allah speaks of those two women who were seen by Moses (Hazrat Musa Alaih-Salam) in the following words;

﴿ وَلَمَّا وَرَدَ مَاءَ مَدْيَنَ وَجَدَ عَلَيْهِ أُمَّةً مِّنَ النَّاسِ يَسْتُرُونَ وَوَجَدَ مِنْ تَوْبِهِمُ امْرَأَتَيْنِ تَذُودَانِ قَالَ مَا خَطْبُكُمَا قَالَتَا لَا نَسْتَيْ حَتَّى يُصْدِرَ الرَّاغَا، وَأَبُونَا شَيْخٌ كَبِيرٌ ﴾
(قصص-23)

Translation:

And when he arrived at the water (a well) of Madyan (Midian), he found there a group of men watering (their flocks), and beside them he found two women who were keeping back (their flocks). He said: "What is the matter with you?" They said: "We cannot water (our flocks) until the shepherds take (their flocks). And is our father is a very old man." (Al-Qasas-23)

These two women had gone out of their house in compulsion to water their animals because their father was too old to perform this task in which Hazrat Musa Allaih-Salam helped them. In practical life, it happens at times that due to certain necessities, a woman has to leave the house and work outside house to fulfill her needs. Islam does not forbid them to do so. Allah says in Qur'an:

(المائدة ٢)

﴿ وَتَخَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَخَاوَنُوا عَلَى الْاِثْمِ وَالْخُرُوجِ ﴾

Translation:

Help you one another in Al-Birr and At-Taqwa (virtue, righteousness and piety); but do not help one another in sin and transgression.(Al-Maida-2)

If we look closely at Islamic jurisprudence it will become clear that an adult women can take part in all financial matters e.g. trade, investment, trust etc. In this respect a woman has full authority and capability and her father or husband cannot prevent her from doing so, nor do they have any right on the money earned by her. It means that she has right to work herself and to spend the money she earns the way she likes. The Holy Qur'an invites people to work to earn lawful money.

﴿ فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِن فَضْلِ اللَّهِ وَاذْكُرُوا اللَّهَ كَثِيرًا لَّعَلَّكُمْ تُرْحَمُونَ ﴾

(الجمعة - ١٠)

Translation:

Then when the (Jumu'ah) Salat (prayer) is ended, you may disperse through the land, and seek the bounty of Allah (by working), and remember Allah much, that you may be successful (Al-Juma-10).

This is an indication that Islam requires all the adult Muslims to earn for themselves after fulfilling the responsibilities of Allah, of saying the prayers. It is indeed worshipping Allah.

The Holy Prophet of Islam has said; as written in Bukhari, that:

(البخاري)

وما اكل احد طعاما قط خيرا من ان يأكل من عمل يده

Translation:

The best food is that which one earns by ones own hands (Al-Bukhari).

The Islamic history reveals that women used to participate in Jihad. Bibi Rabia, daughter of Mauoz has quoted that:

عن ربيع بنت معون قالت كنا نغزوا مع رسول الله ﷺ نسقى القوم ونخدمهم وهم وزن القمالي

(رواه البخاري)

والجرحى - الى - المدينة

Translation:

We actively took part in the Holy battles together with the Prophet (PBUH), gave water to Mujahideen and took the wounded and dead ones back to Madina (Al-Bukhari).

If we look at history we find that Hazrat Khadija Bint-I- Khuwailad, the Holy Prophet's (PBUH) first wife, was a famous trader of Quraish and the Holy Prophet Muhammad (PBUH) in his youth used to take her goods to Syria. Hazrat Ayesha has told about Umm-al-Momineen Hazrat Zainab Bint-I-Jahash, that:

كانت زينب امرأة صنّاع اليد فكانت تدبغ وتخرز وتصدق في سبيل الله (البخاري)

Translation:

She used to process leather and then sew different things from it to sell in the market. She spent the money gained in this way for alms giving (Al-Bukhari).

Hazrat Kaiba Bint-i-Saad Al-Aslamia was the first ever female doctor or nurse in Islam. During war a tent was installed for her in the mosque and wounded soldiers were brought to her for treatment.

In a Hadith told by Behaqi it is said:

ان الله يحب ان اعمل احدكم عملا ان يتقنه (البهقي)

Translation:

No doubt Allah makes friendship with that person who fulfills his/her duty with devotion and integrity” (Al-Behaqi).

In another Hadith the holy prophet has said:

الكاسب حبيب الله

Translation:

“A skilled person is the friend of Allah”.

Considering this, women should involve themselves in the type of work they can accomplish properly and easily. In society there are many occupations e.g., medical, teaching, tailoring, handicraft etc, which suit her physical structure and temperament and thus are appropriate for a woman.

2.12 Right of Qisas and Diyyat

Islam has set two different laws for dealing killing of a human being. If the murder is committed intentionally, the law of *Qisas* will apply, and if the murder is committed unintentionally the law of *Diyyat* will apply.

The holy Quran resembles the killing of a single individual to the killing of humanity and has introduced severe punishment of execution for the killers. These punishments equally apply to the murders of women and men when proved in the court of law.

﴿ وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ ﴾

(البقرة - ١٧٩)

Translation:

And there is (a saving of) life for you in Al-Qisas (the Law of Equality in punishment), men of understanding, that you may become Al-Muttaqun (the pious. (Al-Baqarah 179).

Like wise, the law of Diyyat (compensation) applies. If a woman is killed unintentionally or accidentally by another person or if the proofs of intentional murders cannot be forwarded to the court. The amount of Diyat both of men and women are equal. This will be distributed amongst the legal heirs of the deceased as per the terms of Islamic inheritance law. The Islamic courts are entitled to determine the level of compensation while keeping the status of the deceased in the society and the extent of the material loss suffered by his family. The Islamic history shows that 100 camels were given to a family of the deceased person as compensation of a murder during the time of the Holy Prophet. The reason behind not fixing the amount of fine is that such arrangements would have led to block the chances of reconciliation between the opposite parties.

2.13 Right to Vote

The women have the right to vote and to be consulted in matters at family, community and other levels. Allah has said:

﴿ إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ. إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴾

(النساء - ٥٨)

Translation:

“Allah commands you to render back your Trusts to those to whom they are due; and when you judge between people that you judge with justice: verily how excellent is the teaching which He gives you! For Allah is He Who hears and sees all things.” (Al-Nisa 58)

﴿ مَنْ يَشْفَعْ شَفَاعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِّنْهَا وَمَنْ يَشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِّنْهَا. وَكَانَ اللَّهُ عَلَىٰ كُلِّ شَيْءٍ مُّتِينًا ﴾

(النساء - ٨٥)

Translation:

“Whoever intercedes in a good cause becomes a partner therein: and whoever recommends and helps an evil cause, shares in it burden, and Allah has power over all things.” Al-Nisa 85)

﴿ يَا أَيُّهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يَبَايِعْنَكَ عَلَىٰ أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ وَلَا يَزْنِينَ وَلَا يَتَّخِذْنَ أَوْلَادَهُنَّ وَلَا يَأْتِينَ بِبُهْتَانٍ يَكْتُمُونَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا يَخْصَيْنَكَ فِي مَخْرُوفٍ قَبَائِحُهُنَّ وَاسْتَغْفِرَنَّ لَهُنَّ اللَّهُ. إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴾
(الممتحنة-١٣)

Translation:

O Prophet! When believing women come to you to give you the Bai'ah (pledge), that they will not associate anything in worship with Allah, that they will not steal, that they will not commit illegal sexual intercourse, that they will not kill their children, that they will not utter slander, intentionally forging falsehood (i.e., by making illegal children belonging to their husbands), and that they will not disobey you in Ma'rif (Islamic Monotheism and all that which Islam ordains), then accept their Bai'ah (pledge), and ask Allah to forgive them. Verily, Allah is Oft-Forgiving, Most Merciful. (Al-Mumtahena-12).

On the day of the fall of Makkah, Hazrat Muhammad (PBUH), took the oath of allegiance from the women of the city and received their verbal pledges that:

Translation:

"All women of Makkah shall consider Allah as the only Allah. Robbery, adultery, killing children, and bringing false accusation against others are absolutely forbidden. And they shall follow the guidance of the Holy Prophet".

Later, the Holy Prophet received similar pledges from the men of Makkah. The fact that the Holy Prophet (PBUH) received separate pledges from the women of Makkah indicate that woman enjoyed equal political rights during the life of the holy Prophet. It is also evident from the fact that Bibi Ayesha, wife of the Holy Prophet Muhammad (PBUH) during the rule of Hazrat Usman and Hazrat Ali actively took part in the affairs of government. In addition, while riding a female camel, she personally led her army in the Jamal battle between Muslims. Some of the prominent and famous associates of the Holy Prophet (*Sahaba*) like Hazrat Zubair-bin-i-Awwam and Hazrat Talha had also joined the army of Hazrat Ayesha in the *Jammal* battle under her leadership.

2.14 Right to Choose a Husband

Muslim women are entitled to make their own independent decision to choose her and decide the terms of marriage agreement with him.

﴿ فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَخْرُوفِ ﴾
(البقرة-٢٣٤)

Translation:

When they have fulfilled their term (attained majority), there is no sin on you if they (the wives) dispose of themselves in a just and honorable manner (i.e. they can marry). (Al-Baqarah 234).

Like wise the Holy Prophet Muhammad (PBUH) has said:

لا تَنْكِحِ الْاَيْمَ حَتَّى تَسْتَأْمَرَ وَلَا تَنْكِحِ الْبِكْرَ حَتَّى تَسْتَأْذِنَ (البخارى)

Translation:

Do not marry a widow woman until she asks herself, and do not marry a virgin woman until she has permitted (Al-Bukhari).

In the above Hadith it is explicitly mentioned that woman are entitled to reject a marriage, which is arranged without her will and consent. In the Holy Prophet's time and afterward the same has been practiced. The following Hadith is a proof in this regard.

ات ابى زوجتى ابنت اخيه ليرفع بى خسيمة فجعل الامر اليها فقالت فقد اجزت ما صنع ابى ولكن اردت ان اعلم النساء ان ليعن للاباء من الامر شيء (البخارى)

Translation:

Once during the life of the Holy Prophet Muhammad, a girl came to him and said that her father wanted to marry her to his nephew. In this regard he wants me to honor his decision. The Holy Prophet told her that she was entitled to make her own decision. She then said that she would permit her father to arrange it. She added that she just wanted to draw women's attention to this fact that in the marriages the girl's permission is important and the authority does not lies with their fathers (Al-Bukhari).

In another Hadith, Hazrat Abbass narrates that a (grownup) girl came to the Holy Prophet Muhammad (PBUH) and told her that her father has engaged her with a man whom she doesn't like. The Holy Prophet allowed her to make her independent decision (Abu-Daud).

Similarly, the Holy Prophet Muhammad (PBUH) had sought the consent of his own daughter Hazrat Bibi Fatima, before her marriage to Hazrat Ali Murtaza (K). The marriage proposal of Bibi Khadija to the Holy Prophet Muhammad (PBUH) is yet another example of woman's right to this effect that how a widowed woman chose her husband.

2.15 Right as a Witness

A just verdict very often depends on verification by witnesses. Islam has given clear guidelines to its followers including both women and men to record their testimony whenever it is required. Allah has said in the holy Quran:

(البقرة - ٢٨٢)

﴿ وَلَا يَأْبُ الشُّهَدَاءُ إِذَا مَا دُعُوا ﴾

Translation:

"The witnesses should not refuse when they are called on (for evidence)." (Al-Baqarah 282)

At another place the holy Quran states:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْلَمُوا. اذْعَبُوا. هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ. إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ ﴾
(المائدة - ٨)

Translation:

“O you who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety, and fear Allah for Allah is well acquainted with all that you do.” (Al-Maida 8)

Similarly in Surah Nisa Allah asks the pious Muslims:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوَالِدِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ فَاقِرًا فَإِنَّهُ أَوْلَىٰ بِهِمَا. فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْلَمُوا وَإِنْ تَلَوُّوا أَوْ تَخَرُّصُوا فَإِنَّ لِلَّهِ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴾
(النساء - ١٣٥)

Translation:

“O you who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it is (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts) lest you swerve and if you distort (justice) or decline to do justice, verily Allah is well Acquainted with all that you do.” (Al-Nisa 135)

The above mentioned verses declare all Muslim women and men equally competent to appear before the court for recording their testimony. This in turn helps the courts to do justice, provide relief to the oppressed while upholding all other Islamic injunctions aiming to address heinous crimes in the society.

In another verse that prove the equal validity of a female and male when a disputes between spouses occurs is: Allah has said:

﴿ وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَاءُ إِلَّا أَنفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ وَالْخَامِسَةَ أَنَّ لَحْدَتِ اللَّهُ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ وَيَدْرَؤُا عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَالْخَامِسَةَ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ ﴾
(النور-٦-٩)

Translation:

And for those who accuse their wives, but have no witness except themselves, let the testimony of one of them be four testimonies (i.e. testifies four times) by Allah that he is one of those who speak the truth. And the fifth (testimony should be) the involving of the Curse of Allah on him if he be of those who tell a lie (against her). But she shall avert the punishment (of stoning to death) from her, if she bears witness four times by Allah, that

he (her husband) is telling a lie. And the fifth (testimony) should be that the Wrath of Allah be upon him/her if he (her husband) speaks the truth. (Al- Noor 6-9)

This verse was revealed in order to provide guidance to resolve disputes between wife and a husband in their personal and family matters. In such case a husband witness is required to testify four times and the fifth time the husband shall say that: “a curse is upon me if I had told a lie”. Against this the wife is also required to testify four times and the fifth time she shall say that “a curse be upon me if had her husband told the truth.” Upon reaching to this point the testimony of wife dominates the testimony of her husband and the Qazi (Judge) is obliged to issue verdicts in favor of women while ordering separation or divorce.

However, some Muslims jurists believe that the witness of the women is not acceptable in Hadood cases until two of them testify together with a male witness. They cite the following verse in support of their arguments:

﴿ فَإِنْ لَمْ يَكُنَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتِي مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَى ﴾
(البقرة: ٢٨٢)

Translation:

And if there are not two men (available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her (Al-Baqarah 282).

The traditional scholars generally interpret the verse in a strict sense and apply it to other matters of life including loan and business matters as discussed in the verse.

The liberal scholars disagree with the interpretation on the following grounds:

- the verse mainly explain a principal that how to regulate business matters
- It is not addressing court
- It can't be applied to other spheres of life particularly where circumstantial evidence is required
- The verse didn't say in any way that the witness of two women's equal to a man rather it say that if one errs the other will remind.

Chapter 3

RIGHTS OF WOMEN WITHIN FAMILY

Woman as a mother, sister, daughter or a wife enjoys special status in Islam. As a mother, she has several rights of motherhood. As a daughter she has certain rights to be extended to her by her father or guardian for her upbringing and well being. As a wife she holds rights, which are to be observed by her husband including *Mahr* (a marriage portion fixed on the bridegroom at the time of marriage), provision of food, protection and good treatment. These rights are reviewed in some details in this part of the report.

3.1 Rights as Mother

Mother's right include, trust, respect, honor, good treatment, fairness, provision of food, cloth, shelter, special old age care and other daily necessities of life. There are numerous verses in the Holy Qur'an about the rights of mother. The Holy Quran says:

﴿ وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا ﴾
(نبي اسرائيل-٢٣)

Translation:

And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. (Bani Israil-23).

In another verse Allah stresses:

﴿ وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ ﴾
(القران ١٤)

Translation:

And We have enjoined on man (to be dutiful and good) to his parents. His mother bore him in weakness and hardship upon weakness. (Luqman-14).

On the very subject Allah has stated in another verse:

﴿ وَوَصَّيْنَا الْإِنْسَانَ بِإِحْسَانٍ إِحْسَانًا حَمَلَتْهُ أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا وَحَمَلُهُ وَوَضَعَتْهُ ثَلَاثِينَ شَهْرًا . . ﴾
(الاحقاف-١٥)

Translation:

And We have enjoined on man to be dutiful and kind to his parents, His mother bears him with hardship, And she brings him forth with hardship, and the bearing of him, and the weaning of him is thirty months (Al-Ahqaf-15).

Islam orders sound and considerate treatment of parents and full observance of their legitimate needs. They should be highly respected. Their considerations and recommendations must be accepted. Most important, after their death, their children must pray for them. To this effect Allah has said:

﴿ وَأَخْضِضْ لَهُمَا جَنَاحَ الذُّلِّ مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيْتَنِي صَغِيرًا ﴾ (نبي اسرائيل- ٢٤)

Translation:

And lower unto them the wing of submission and humility through mercy, and say: " My Lord! Bestow on them Your Mercy as they did bring me up when I was young." (Bani Israil- 24).

In the teachings of the Holy Prophet Muhammad PBUH, there is clear guidance to the rights of mothers. One day a man came to the Holy Prophet and asked:

من احق الناس بصحبتى؟ قال: امك، قال: ثم من؟ قال: امك، قال: ثم من؟ قال: امك، قال: ثم من؟ قال: ابوك (متفق عليه)

Translation:

*Who has the highest right on me?
The Prophet replied "Your mother"
The person asked again "and then?"
The Prophet again replied "Your mother!"
He asked again "and then?"
The Prophet again said "Your mother!"
The person asked again "And then?"
The Prophet said " Your Father!"*

In another Hadith it is quoted from Hazrat Ayesha, wife of the Holy Prophet (PBUH) that one day she asked the Holy Prophet (PBUH):

وعن عائشة رضي الله عنهما: قالت سئلت النبي ﷺ اي الناس اعظم حقا على المرأة؟ قال زوجها، قلت فصلي الرجل؟ قال امه. (رواه ابن ماجه)

Translation:

*Who has more rights on woman?
The Prophet in reply said "Her husband!"
She further asked, "Who has more rights on a man?"
The Prophet said "His Mother!"*

It is mentioned in Tibrani that one day a person came to the Holy Prophet (PBUH) and said:

اريد الجهاد في سبيل الله، فقال له رسول الله ﷺ: هل أمك حية؟ قال: نعم، قال: الزم رجلها فثم الجنة (رواه الطبراني)

Translation:

I would like to go for Jihad! .

The Holy Prophet asked him whether his mother was alive

The person replied, “Yes”.

Then the Holy Prophet told him

Go and serve her! Paradise lies beneath the mother’s feet!

3.2 Rights of Foster Mother

Islam has given similar rights to those *Radai* mothers (foster mothers), who breast-feed babies of other mothers. This means any mother who breast-feeds a baby, holds the same respect from the concerned child as his or her real mother. Allah has said:

﴿ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ ﴾ (النساء- ٢٣)

Translation:

Forbidden to you (for marriage) are: your mothers, your daughters, your sisters, your father’s sisters, your brother’s daughters, your sister’s daughters, your foster mothers who suckled you. (An-Nissa-23).

On these grounds all the children of a woman born by her but breast-fed by another woman, become *Radai* (suckling) brothers and sisters as milk brothers and sisters. The husband of *Radai* mother also becomes *Radai* father of the concerned child. Islam goes so deep in this relation by milk or with *Radai* brothers and sisters that it has forbidden their inter-marriage, just like marriage between real brother and sisters are forbidden.

The guidance of Holy Prophet Muhammad (PBUH) has been very keen in reference to the position of *Radai* mothers.

يحرم من الرضاعة ما يحرم من النسب (بحواله تفسير المنذرى ١٠٠٠٤٢)

Translation:

The foster and real (blood) relations are equally forbidden (Haram).

3.3 Rights as Daughter

There are several verses and sayings of the Holy Prophet (PBUH) in connection with the rights of daughters. Some of them are presented here as an example:

(الشورى - ٣٩)

﴿ يَهَبُ لِمَن يَشَاءُ إِنثًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ ﴾

Translation:

He bestows female (offspring) upon whom He wills, and bestows male (offspring) upon whom He wills. (Al-Shura 49)

The Holy prophet has said in a Hadith:

(رواه احمد والطبراني)

﴿ ولا تكرهوا البنات فانهن المؤمنات الغاليات ﴾

Translation:

Don't dislike daughters, no doubt they are (for parents) more caring and loving.

Another Hadith recommends:

من بركة المرأة ابتكارها بالانثى، لان الله قال: يهب لمن يشاء انثى، ويهب لمن يشاء الذكور
(رواه مرنويه وابن عساكر)

Translation:

Those are blessed women who give birth to daughter first.

وعن ابن عباس رضي الله عنهما قال: قال رسول الله ﷺ من كانت له انثى فلم يحد لها
ولم يهونها ولم يؤثر عليها ولده انخله الله الجنة
(رواه البخاري، باب الانب)

Translation:

Ibn-I-Abbass has narrated that the Holy Prophet has said, "The one who has a daughter and if he does not kill her, insult her in any way, and does not favor sons over her, Allah has promised such persons Paradise (Al-Bukhari).

In another Hadith Ans Bin Malik, quotes the Holy Prophet Muhammad (PBUH):

عن ابن عمر بن مالك ان النبي ﷺ قال: من عال جاريتين حتى تبلغاء جاء يوم القيامة
انها وهو كذا
(رواه مسلم)

Translation:

He who up-brings two girls properly to the age of adolescence, that person will be with me side by side in the Heaven (Muslim).

In another Hadith the holy prophet says:

من كان له ثلاث اخوات او بنتان او اختان فأحسن صحبتهن واتقى الله فيهن فله الجنة
(رواه الترمذى وابوداؤد)

Translation:

He who has got three sisters or two daughters or two sisters and he educates them and gives them due their rights, he will be sent to heaven on the day of judgment (Tirmizi, Abu Daud).

3.4 Rights as Wife

A wife has many rights on her husband. Generally, these rights are divided into two categories: One the financial rights like *Nafaqa* (daily food) and secondly, human rights like support, justice, and good treatment. Some of the verses of the Holy Qur'an and teachings of the Holy Prophet Muhammad (PBUH) highlighting these rights are presented here. In the Holy Qur'an, Allah has said:

﴿ هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا ﴾ (الأعراف- 189)

Translation:

It is He Who has created you from a single person (Adam), and (then) He has created from him his wife [Hawwa' (Eve)], in order that he might enjoy the pleasure of living with her. (Al- A'araf 189).

In the above verse Allah has asserted that he created man and woman from one origin so they might live in peace and equally give comfort to each other.

In another verse Allah says:

﴿ وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴾ (الروم- 21)

Translation:

And among His Signs is this that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy, verily in that are signs for a people who reflect (Ar-Rum- 21).

Similarly, In another verse Allah says:

(البقرة-١٨٤)

﴿ هُنَّ لِبَاسٍ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ ﴾

Translation:

They are Libas [i.e. body- cover, or screen, or Sakan (i.e. you enjoy the pleasure of living with them- as in Verse 7:189) Tafsir At-Tabari] for you and you are the same for them. (Al-Baqarah 187).

The above verse means that men and women have been declared a pair and inseparable. Islam has asked all of its followers to treat their wives in a decent manner and maintain sound ethics at home. Allah has said in the Holy Qur'an:

﴿ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَمَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴾
(النساء-١٩)

Translation:

Live with them honorably. If you dislike them, it may be that you dislike a thing through which Allah brings a great deal of good. (An-Nisaa-19).

Wives have many rights over their husbands and likewise husbands have many rights over their wives. Since this discussion deals mainly with women's rights, therefore, the subject of husbands' right is out of context. In this respect the following verse is a guiding principal for us in relation to women rights.

(البقرة-٢٢٨)

﴿ وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ﴾

Translation:

And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them (Al-Baqarah-228).

This verse was revealed to provide guidance to Muslims in relation to regularize their family matters so that the husband and wife should fulfill their rights and obligation in an efficient manner. The word "men have a degree over them", implies to the husband responsibility as bread winner for the family. It doesn't aim to give men a license to control, confine and miss treat them as Islam consider them equal human beings.

Similarly, Hazrat Aiysha relates that the Holy Prophet Muhammad (PBUH) has said:

عن عائشه قالت قال رسول الله ﷺ: خيركم خيركم لاهله وانا خيركم لاهلي
(رواه الترمذى)

Translation:

The best among you are those who are good for their wives and among you I am good for my wives (Termizi).

At another point the Holy Prophet has said:

اكمل المؤمنين ايمانًا احسنهم اخلاقًا والطفهم باهله
(رواه الترمذى)

Translation:

Among the Muslims, a perfect one is that who has good manners and is kind to his family (Termizi).

Similarly, the Holy Prophet Muhammad (PBUH) has said:

خير متاع الدنيا الزوجة صالحة ان نظرت اليها سررتك وان غبت عنها حفظتك
(رواه مسلم وابن ماجه)

Translation:

The best gift in the world is a faithful wife whose sight gives you joy and when you are away, she protects your honor, offspring and belongings.

Aswad Bin Zaid has narrated from Hazrat Aisha that Muhammad (PBUH) helped his wives in the household chores until the time he would leave the house for prayer.

Hazrat Abbas has said:

انني ازين لامراتي كما تزينت لى
(بحواله تفسير قرطبي ١٢٢.٢)

Translation:

I dress and decorate myself for my wife as my wife dress and decorate for me.

Right of Maintenance (to Mahr – Nafaqa)

In Islamic Shariah, *Mahr* is a right of woman and it is the compulsion on every husband to provide it to his wife according to the *Nikkah* agreement. The *Mahr* could be in the form of cash or kind that husband is obliged to pay to his wife upon marriage. Allah says in the Holy Qur'an:

﴿ وَالرَّائِسَاءُ صَنَعْتُهُنَّ بِخُلَّةٍ ﴾

(النساء-٤)

Translation:

And give to the women (whom you marry) their Mahar (obligatory bridal money given by the husband to his wife at the time of marriage) with good heart; (Al-Nissa-4).

Likewise *Nafaqa* includes, provision of food, clothes, medical treatment, shelter and fulfilling other day-to-day needs of wife in life. The *nafaqa* rights is valid till marriage is not terminated and as long as wife is alive. Allah says in the Holy Qur'an:

﴿ وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ﴾

(البقرة-٢٣٣)

Translation:

The mothers should suckle their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling, but the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis. (Al-Baqarah 233).

Muslim reveals that the Holy Prophet Muhammad (PBUH) has said:

روى مسلم ان النبي ﷺ قال اتقوا الله في النساء فانكم اخذتموهن باهانة الله واستحللتم فروجهن بكلمة الله ولهن عليكم رزقهن وكسوتهن بالمعروف
(المسلم، كتاب الحج)

Translation:

Have a fear of Allah in relation to the fulfillment of wives rights because they are honorable creatures of Allah. You are permitted to enjoy conjugal rights. But be aware that it is necessary for you to provide them with food, cloth and other necessities in the best way. (Al-Muslim-Kitab-ul-Haj)

3.5 Polite Guardianship and Better Patronage

Islam has ordained the appointment of a guardian for underage girl who is responsible for her patronage. This order is not limited to certain “Do’s and Don’ts” but the guardian is required to use his/her rights and discretion to look after the inherited property and wealth of the girl, bring her up, and educate her till maturity.

Observance and administration of discipline by parents of female children are certain disciplinary rights of parents, which do not imply the practice of violence and rough treatment against children of a given family. Parent’s discipline in the family is inclined mostly to education and behavioral development of their children. If the parents are not alive, then a guardian from the next close relative will be responsible to bring up the

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 eighth of that which you leave after payment of legacies that you may have bequeathed or debt. If the man or woman whose inheritance is in question has left neither ascendants nor 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 debt, so that no loss is caused (to anyone). This is a commandment from Allah; and Allah is Ever All-Knowing, Most Forbearing. (An-Nisaa11-12).

The verse indicates that women in their different capacities inherit from all male members of the family. So in this context the share of male and female members becomes almost the same particularly in a situation when the maintenance responsibility of the family lies with male members of the same family.

Hazrat Jaber reveals that:

عن جابر قال: جاءت امرأة سعد بن الربيع بابنتيها من سعد الى رسول الله ﷺ فقالت يا رسول الله عيبتن هاتان ابنتا سعد بن الربيع قتل ابوهما معك يوم احد شهيدا وارث عملهما اخذ ما لهما فلم يدع لهما مالا ولا ذكوات الا ولهما مال، قال: يقضى الله في ذالك، فنزلت آيات الممواريث فبعثت رسول الله ﷺ الى عملهما اعط ابنتي سعد الثلثين واعط امهما الثمن وما بقى فهو لك

Translation:

Once the wife of late Saad- bin-i-Rabi came to the Prophet (PBUH) together with her two daughters and complained that after the demise of her husband who was martyred during Jihad, his brother, uncle of two daughters of Saad, has taken their property away and that is why no one marry her daughters for not possessing any property. At this point the Prophet (PBUH) said God will decide about this. Then the verses of inheritance were revealed to the Prophet (PBUH), and he summoned the uncle of the two orphaned girls, and told him:

Saad! You must give 2/3rd of the total property of your brother to his two daughters and give 1/8th of the property to their mother. And then the remaining part will be your lawful property.

The above mentioned verses shows that the sustenance responsibility of the family lies with male members and that is why some distinction has been made between male and female in the inheritance laws.

Chapter 4

MARRIAGE, DIVORCE AND POLYGAMY

4.1 Marriage as Institution

Islam attaches great importance to the institutions of marriage and encourage its followers to marry as per their choices. The Muslim men can enter into a Nikkah agreement with free, slave or with Ahl-i-Kitab women (believing in a holy book) upon reaching the age of maturity. However, it is not obligatory for every Muslim to marry if they are not in a position to fulfill the responsibilities marriages carries to them. The following verses signifies the importance of this institution. Allah has said:

﴿ وَالنَّكَحُوا الْأَيَامَىٰ مِنكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ﴾ (النور - ٣٢)

Translation:

And marry those among you who are single (i.e., a man who has no wife and the woman who has no husband) and (also marry) the Salihun (pious, fit and capable ones) of your (male) slaves and maid-servants (female slaves). (An- Noor 32)

﴿ وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ الْمُحْصَنَاتِ لِلْمُؤْمِنَاتِ فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَاتِكُمُ الْمُؤْمِنَاتِ. وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ. بَعْضُكُمْ مِنْ بَعْضٍ. فَأَنْكِحُوهُنَّ بِأَذْنِ أَهْلِهِنَّ وَأَتْوَهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسْبَغَاتٍ وَلَا مُتَّخِذَاتِ لَعْدَانٍ. فَإِذَا أَحْصَيْتُمْ فَلَنْ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ. فَمَنْ خَشِيَ الْعَدَّتْ مِنْكُمْ. وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴾ (النساء - ٣٥)

Translation:

And whoever of you have not the means wherewith to wed free believing women, they may wed believing girls from among those (slaves) whom your right hands possess, and Allah has full knowledge about your Faith: you are one from another. Wed them with the permission of their own folk (guardians, Auliya or masters) and give them their Mahr according to what is reasonable: they (the above said slave girls) should be chaste, not committing illegal sex, nor taking boyfriends. And after they have been taken in wedlock, if they commit illegal sexual intercourse, their punishment is half of that for free (unmarried) women. This is for him among you who is afraid of being harmed in his religion or in his body; but it is better for you that you practice self-restraint, and Allah is Oft-Forgiving, Most Merciful. (Al-Nisa 25)

Another verse says:

﴿وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصَنَاتٍ غَيْرِ مُسَيِّجِينَ وَلَا مُتَّخِذِي لَعْدَانٍ﴾
(المائدة - ٥)

Translation:

(Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time when you have given their due Mahr (bridal-money given by the husband to his wife at the time of marriage), desiring chastity (i.e., taking them in legal wedlock) not committing illegal sexual intercourse, nor taking them as girlfriends. (Al-Maidah 5)

At another place Allah has said:

﴿وَلَيْسَتَخْتَفِ الْأَذِينَ لَا يَجْتُونَ بِنِكَاحٍ حَتَّى يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ﴾
(النور - ٣٣)

Translation:

And let those who find not the financial means for marriage keep themselves chaste, until Allah enriches them of His bounty. (Al-Noor 33)

The above mentioned verses shows that deciding for a marriage is a serious decision and must be taken at an appropriate time. Similarly, the two most famous books of Hadith, Bukhari and Muslim, states that the holy prophet has asked “those young men who are able to support wife should marry because it will keep them away from indulging in immoral acts and those who cant should observe fasting to suppress their sexual desire”

Hazrat Anas reported that the Holy prophet has said “The best thing in the world is good women” (Muslim)

Other verses and Hadith highlighting the importance of the institution of marriage, family and its importance for the society are presented in the previous chapter. All these commands of Islam give weight to marriages as contract between the partners and a big responsibility. It also asks the devoted Muslims to live their lives in a natural way and should not dedicate whole lives to God. Furthermore, guidance has been made available to Muslims to exercise extra care to maintain the institution. According to Ibn Maja and Abu Daud the Holy Prophet Muhammad (PBUH) has said:

ابغض الحلال الذي الله الطلاق.

Translation:

Divorce to Allah, is the worst among the lawful things.

However, if the situation between the wife and husbands reaches to a point where they face to live together Islam ultimately (as last option) gives them the right to terminate the relation and get divorce.

4.2 Right of Khula for Women

The right of a wife to get divorce from her husband is known as the **Khula in Islam**. Any wife can exercise this right of Khula whenever she desire so. She can go to avail the same right on medical, ethical, religious and any other ground, which might evolve after marriage or in a situation when she feels her inability to fulfill the rights of husband. At the time of *Nikkah* a wife can asks for the right of divorce to be given to her. Allah has said:

﴿ فَإِنْ خِفْتُمْ أَلَّا يَتِيَاكُمْ حُكْمَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ ﴾ (البقرة- ٢٢٩)

Translation:

Then if you fear that they would not be able to keep the limits ordained by Allah, then there is no sin on either of them if she gives back (the Mahr or a part of it) for her Al-Khul (divorce) (Al-Baqarah 229).

It is imperative to note that whatever a husband has given to a wife as *Mahr*, should be returned by the wife to get separation but a husband cannot claim more than what he has given to her. It means that he has no right over his wife's property etc. The amount, which a wife has to return for *Khula* depends upon the understanding between husband and wife. If both agree just a portion of the *Mahr* may be returned, which is acceptable in Islam. In other words there is no minimum limit for deciding such cases while the maximum limit is equal to the amount the husband has paid as *Mahr*. In brief, Islam has fixed limit for rights of husband and wife, neither husband has the right to refuse the rights of his wife nor the wife shall connive at the rights of her husband.

Allah has ordained to keep the limits for husbands and wives as stated in the following verse:

﴿ وَلَا يَجِزْ لَكُمْ أَنْ تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئاً إِلَّا أَنْ يُخَافَا أَلَّا يَتِيَاكُمْ حُكْمَ اللَّهِ ﴾ (البقرة- ٢٢٩)

Translation:

And it is not lawful for you (men) to take back (from your wives) any of your Mahr (bridal – money given by the husband to his wife at the time of marriage) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allah (Al-Baqarah-229).

In a Hadith of Bukhari and Nisai, it is written that Sabit-bin Qais's wife came to Holy Prophet Mohammed (PBUH) and said.

ان امرأة ثابت بن قيس جاءت الى النبي ﷺ فقالت: يا رسول الله عديتني ابي فما اعيب عليه في خالص ولا نديت ولمكن اكره الكفر في الاسلام. فقال رسول الله ﷺ ان نديت حديقتي؟ قالت: نعم فقال رسول الله ﷺ اقبل الحديقة وطلقها فطليقة.

(رواه البخاري والنسائي)

Translation:

I have no doubt that Sabit is a pious man but I do not prefer deviation and could not fulfill his rights.

The Holy Prophet asked, "Would you return the garden that he gave you as Mahr for marriage?"

She said, "Yes"

Then the Holy Prophet (PBUH) asked the husband to take his property back and give her divorce.

Islam has stressed on keeping better relations based on love and mutual well being between the husband and wife and the right of *Khula* should not be used unless it is legal and with cogent reasons. The Holy Prophet has said:

ايما امرأة سألت زوجها الطلاق من غير بأس فحرام عليها رائحة الجنة (متفق عليه)

Translation:

A wife who demands divorce from her husband without cogent reasons, the aroma of paradise is Haram on her. (Muttafiq Allaih)

The same message is available in another Hadith of the Holy Prophet:

ايما سراه سألت زوجها الطلاق من غير بأس فحرام عليها رائحة الجنة (ستفق عليه)

Translation:

It is related on the authority of Hazrat Sooban that those wives who ask for divorce, without justified reasons, would be deprived of paradise (Mutafiq-i-Alay).

There is one incident in the history that Rabia Binte Mauoz gave to her husband a string with which she used to tie her hair to get *Khula*.

4.3 Right of Divorce for Men and its Process

The right of men to terminate marriage bond is called **Talaq in Islam**. Allah has allowed it in case no other solution can be found to resolve difference and disputes between married couples. Thus, Islam regularized the practice of divorce that existed before its advent, set a mechanism for divorce so that it shall not be exploited by the married people the way it has become a common practice in some communities today. Islam has proposed stages and processes before a divorce can be commissioned. This process is:

The Islamic teachings emphasizes the responsibility of marriage and has repeatedly asked the couples to fulfill it. To this effect the Holy Prophet has said:

كلكم راع وكلكم مسئول عن رعيته.. والرجل راع في اهله وهو مسئول عن رعيته والمرأة راعية في بيت زوجها ومسئولة عن رعيته. (رواه البخاري)

Translation:

You all are responsible for carrying out some duties and he/she will be asked about those. A man who is the master of his household has certain responsibilities towards his followers. A wife in a husband's house has some responsibilities and is responsible for it (Al-Bukhari).

Islam advises both husband and wife to live in peace and with love together. If a tension between a wife and a husband arises and persists and leads to further aggravation in the family, then Islam recommends patience and tolerance for both the men and the women as second step. Allah says:

﴿ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَمَسِيءٌ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴾

(النساء-19)

Translation:

Live with them honorably. If you dislike them, it may be that you dislike a thing through which Allah brings a great deal of good (An-Nisaa-19).

If no progress is seen towards reconciliation between couples Islam then recommends a third party negotiation within the family structure. A responsible person from the wives relatives and a responsible person from the husband side are recommended to try to make reconciliation and peace between the troubled couple. Allah has said in the Holy Qur'an:

﴿ وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا ﴾

(النساء-35)

Translation:

If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and other from her's; if they both wish for peace, Allah will cause their reconciliation (An-Nisaa-35).

If the relations worsen and go to the extent beyond which the couple cannot live together, then a delegation of elders from both sides should counsel both of them. In case the differences cannot be resolved, then the husband should attempt to go for *Rajei talaq* (a kind of temporary divorce in which the couples can come back to each other with in three months) as first *Talaq*. It which becomes null and void if the husband reconcile. If the status quo remains, then in the second month the same delegation should make another attempt of reconciliation between the two. Again if it not work the, the husband will go for the second *Talaq* (see verse 35 of Surah Al-Nisaa quoted above). After this Qur'an gives an ultimatum to the spouses in the following words (Surah Al-Baqarah – 229):

﴿ الطَّلَاقُ مَرَّتَيْنِ فَإِمْسَاكَ بُخْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ ﴾

(البقرة-229)

Translation:

The divorce is twice, after that either you retain her on reasonable terms or release her with kindness (Surah Al-Baqarah – 229).

The same delegation will make a third and final attempt for reconciliation and make the couple understand that they have still a chance not to spoil the situation further and try to live as husband and wife. But if both of them are unhappy from each other and want separation then divorce takes effect and the relationship of husband and wife is severed permanently.

The process shows that the divorce is not the sole right of the husband but in real sense Islam has involved the will of both the husband and wife to divorce each other. The process does not deprive any of the party (husband or wife) of their rights.

4.4 Approach towards Divorced Women

The Islam ask its followers to do justice with their wives, be patient with them and do not abandon them. The right of divorce have only been allowed to them when it becomes inevitable. Allah has said in the Holy Qur'an to this effect:

﴿ وَلَنْ تَسْتَطِيعُوا أَنْ تَدْخُلُوا بَيْنَ الْبَنَاتِ، وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ فَتَدْرُوهَا كَالْمُحَلَّقَةِ ﴾

(النساء - ١٢٩)

Translation:

You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision). So as to leave the other hanging (i.e., neither divorced nor married) (An-Nisaa-129)

4.5 Polygamy and Islam

The practice of polygamy was rampant before the advent of Islam. Men were used to have a good number of wives in addition to having marital relations with slave women. Islam put restrictions on the practice and forbidden the Muslim to go for more than four wives and that too under exceptional circumstances and with tough conditions. All the Islamic injunctions concerning polygamy were revealed in this very context.

Islam has asked husbands to treat wives justly, especially if they have more than one wife. In case they are unable to do equal justice among them it is better for them to restrict to one. Allah has said to this effect:

﴿ فَإِنْ خِفْتُمْ أَلَّا تَدْلُوا فَرَاغِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَخْنَىٰ أَلَّا تَجْرُلُوا ﴾

(النساء - ٣)

Translation:

But if you fear that you shall not be able to deal justly (with them), then only one, or (slaves) that your right hands possess. That is nearer to prevent you from doing injustice. (Al-Nisaa 3)

If a husband cannot maintain justice among his wives then certainly cruelty and unkindness to one or more of his wives will take place and cruelty is prohibited in Islam. Justice among wives means that husbands should equally be fair to all of them in relation to giving them love, time, food, clothes, shelter and other amenities of life. He should not go for preferences between widow, young, old, pretty, tall and short. Allah has said in the Holy Qur'an to this effect:

﴿ وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ، وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُحَلَقَةِ ﴾

(النساء - ١٢٩)

Translation:

You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision). So as to leave the other hanging (i.e., neither divorced nor married) (An-Nisaa-129)

A Hadith, which Hazrat Abu-Huraira has related says that:

عن أبي هريره قال قال رسول الله ﷺ: من كان له امرأتان ۚ يميل لأحد هما على الأخرى جاء يوم القياسته يجزأ أحد شقيه ساقطاً أو سائلاً -
 نبيل الأوطار

Translation:

If someone has two wives, and he is inclined only to one, he will be brought in front of Allah on the day of judgment in a way that half of his body will be either paralyzed or it will be bended to one side.

The above verses and Hadith of Holy Prophet persuaded the faithful to have a single wife because it is impossible for them to maintain justice (Adal) between them.

A further inquiry into the Islamic injunctions concerning polygamy indicates that it was permitted in a situation when a good number of women and children were left behind as widows and orphans after battles in *Badar* and *Uhad*. Moreover, many women from other places turned to Islam and came to Madina for living. It was an emergency like situation where men were urged to provide honorable living to the new Muslim women as well as the widows of martyrs. The male Muslims were required to protect the honor and dignity of these helpless by marrying them and providing them shelter in their houses. This act of men to marry the deprived women, however, was not unconditional, the men were asked to be in good manners with their wives and do justice amongst them, with a warning that doing full justice (with more than one wife) is not an easy rather impossible task to accomplish.

Chapter 5

ISLAMIC INJUNCTIONS AND SITUATION OF WOMEN IN PRESENT DAY SOCIETY

In theory, Islam has protected all the basic rights of women in their capacity as human being and in relation to their various role and responsibilities in the society. However, a look into the practical aspects concerning the implementation of these rights in the present day Pakistani society suggests that these rights are grossly violated on many accounts. There are people who knowingly or unknowingly deviate in this regard from the commandments and guidance of Islam. Following are some examples to the effect:

Female Education: Islam commands for woman education, but this right is crushed in many families even today. Despite the fact that many institutions and organization are working for the promotion of education the literacy ratio for girls is still far below than boys. The reason is that a good number of families still forbid women and girls to go to mosques and schools to get religious education.

Health: Islam has advised to parents, husbands to support women to maintain sound health and physique and must enjoy the comforts and facilities as enjoyed by the male members at home. However, such facilities are available only to a limited number of women in the society. There is even discrimination between sons and daughters, brothers and sisters in quality and quantity of food, education and other life necessities such as health care etc. A good number of women dies on daily basis due to lack of medical facilities for them.

Decision Making and Consultation: Islamic teachings support and advocate women involvement in the decision making at home, community and other levels. However, women in the present day society has yet to access this right particularly in matters having negative impact on their social status. They are not consulted in decision concerning the number of children even if they are not in a sound health. At times their role is just to produce as many children their husband and other family member's desires.

Right to Choose Husband: As reviewed earlier, Islam has granted the right and freedom to woman to choose her husband. In actual practice, usually the fathers, brothers or guardians take decision in this crucial matter keeping in view considerations other than the will of the girls to be married and thus deprive them of the right given by God.

Right of Mahr: Islamic Shariat has granted the right of Mahr in cash and/or kind (jewelry and property), to be paid to the bride at the time of *Nikkah* or during the marriage ceremony. However, often the women are deprived of this right. On the contrary, in substitution of Mahr, parents in some communities sell women like animals.

Marriage of Women in Compensation of Murder: In some places examples exist that women were made scapegoat whenever a deal between two rival families is made. In such cases, women are married to the people belonging to the enemy families as compensation for a murder. She lives there for the rest of her life facing pain, hatred and humiliation. At times they are not even allowed to see their parents and other relatives for the rest of their. In short, on one hand they are denied the right of Mahr and on the other they live a miserable life in the house of their husbands.

Custom of Dowry and Walwar: In the cities women are expected to give a lot of property in the name of *Jahez* (dowry) to the husband family as per custom of Hindu origin. Due to this custom, many women remain unmarried for the life. A similar custom called Walwar (in some communities a large amount of cash must be paid by the bridegroom to the father of the bride) has prevented women from getting married in the village communities.

Wife's Subordination to Husband: The marriage in Islam is like a social contract between the two partners under which both are obligated to fulfill certain responsibilities in an amicable manner. However, in reality the husband assume the status of *Majazi Khuda* (illusive god) and the whole society admits his status as such. At times it is perceived that the fate of wives to enter in paradise or hell is tied up with the husbands. This status of man in real Islamic sense accounts for infidelity, which is absolutely cruelty and injustice.

Marriage of Minor Girls: Marriage of minor girls is another prevailing menace in the society. This very often leads to many complications between the wife and husbands and the two respective families.

Share in Inheritance: Islam has given a predetermined ratio of share in the inherited property to women as their legitimate right, but in practice women are deprived of these rights in most parts of our society. Even the financially sound and comfortable families do not care for this right. Sometimes, a woman is denied the right of marriage so as to save transfer of her legal share in ancestors' property to her husband. In some places, the share of female members of the families is distributed amongst the male family members as forsaken property.

Exploitation of Women as Laborer: There are many girls and women belonging to the peasant and poor classes who work in the house of their landlords and masters as servants without receiving any wage. This is sheer exploitation of the poor women by the powerful. In addition, Islam has prohibited hard labor for women especially for weak, pregnant and suckling woman. However, a good number of women are suffering today in various poor communities especially in the refugee camps to earn their living through hard labor.

Honor Killing: Islam condemn the killing of human beings in the stickiest sense. Yet a good number of women are killed on the pre-text of "honor" and after leveling false accusation against them. They are not even allowed to get a fair chance to prove their innocence in the court of law as per the Islamic rule.

Polygamy : Islam permits men to marry more than one woman (maximum four) under some specified conditions. This provision is grossly exploited and that too by men who even dare care for the religion. At times second marriages are made against the consent of first wife. Similarly, Islam allow divorce in unavoidable circumstances with advice that it should be made in a decent manner and after fulfilling certain conditions. On the contrary, husband exercise or sometime threat to exercise this right only to punish his wife. At times the decision is unilateral. In addition, the legal and social process of separation has been made so complicated that taking the decree of divorce by a wife has become very difficult.

The future of children of a divorced couple is to be decided by mutual consultation of the separated spouses as per injunction of Islam. In actual practice the divorced women are denied to keep minor children with her, which is brutality and injustice with the mother and her children.

Purdha: Islamic teachings prescribe privacy and modesty for women. To achieve this purpose women are asked to observe *Pardah* (veil) in a defined manner. On the contrast, this is exploited to confined women within the house yard under the guise of *Pardah* through misinterpretation of the Holy Qur'an. Similarly, hardly a distinction is made between Islamic and cultural *Pardah*. In most cases a tradition is given the name of religion.

Miscellaneous

Gender discrimination is a major constraint in the way of development of the women in the society. At times, they are not only deprived of their basic rights but sometimes victimized just for being women. Reasons are generally invented to doubt their right to equal witness. At times their *Diyat* is considered half of a man. Their *Ibadat* (worship, prayers) is regarded inferior to that of a man only to keep them to a subservient role in the society.

Chapter 6

CONCLUSIONS and RECOMMENDATIONS

6.1 Conclusion

Islam ensures protection of life, honor, dignity and equality of women and men and balanced mode in all aspects of life. Its commands and prohibitions are aimed to facilitate actions to develop a just society and has explicitly defined the rights and obligations of both the genders in their individual, family and communal life. A glance over the rights of women in a Muslim society indicates that Islam does not discriminate male and female on the basis of gender. It also leads to compare the theoretical aspects of these rights to the prevailing situation in the society with a view that how the Islamic teachings can be utilized to upgrade the status of women.

6.2 Recommendations

In the foregoing discussion, an attempt was made to highlight the already established women's rights in the light of Islamic injunctions. The outcome is not something that is new from the research point of view rather it is an additional effort to strengthen the already existing knowledge on the subject. Therefore, this effort will bring fruit only when steps are taken to raise awareness about the subject in society while utilizing the religious text for the purpose to complement other ongoing efforts.

The task of endowing women with their due rights is the task of the society as a whole, nevertheless, continuous efforts are needed at different level by individuals, families, public, private and non-governmental organizations in synergetic manner to achieve the desired results. It is recommended that:

1. At the individual level every person in the family should understand the mutual rights and obligations of men and women as ordained by Islam.
2. At the family level the parents, especially the father and husband should pay heed to the rights of the female family members and provide them the rights bestowed upon them (females) by the Almighty Allah.
3. The Imam and Khateeb of mosques should raise awareness among the communities about the rights of women as portrayed in the true Islamic injunctions through their sermons and Friday Khutbat.
4. At the *Mohalla* and community level, where *Daroods* for women are held, the topic of women's rights should be included to raise awareness amongst the women of their rights.

5. Local Government Councilors, both male and female, should facilitate the workers of the groups, organizations and individual activists who undertake promotion of women in development in their respective areas.
6. Scholars and writers should highlight the women's rights in paper and electronic media as well as at various fora including meetings, seminars, symposia and conferences.
7. Various NGOs working for the cause of women in development and advocacy for women's rights should extend their activities to the rural areas and utilized the text of this document to strengthen their efforts.
8. Human Rights organizations at local level should include the Islamic injunctions on women's rights together with the charter of Universal Declaration of Human Rights, especially in rural areas where women and men are more influenced by the religious teachings as compared to others.

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