

WOMEN RIGHTS IN ISLAM

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- **Abstract**

Women rights is the basic principal of Islam, Islamic society paved a very bright way to establish Women rights. Particularly Islam has protected the rights of women, because before Islam there was a great inequality of sex existing in all over the world. Islam not only vanished this Inequality but given a complete code of conduct for the women rights. The great last sermon of the Holy Prophet (S.A.W.W), said that “all the human beings are the off springs of the Adam and are brothers to each other, further he said knowledge is the obligator for every Muslim.

- **Introduction**

Women folk rights are the foremost key to civilize the society because equality is the focal principal in human life to diminish the class system and background system. Since dawn of history altered philosophers have debated about the Females rights, the chief interruptions are the freedom of masses and social en-equality which alienated the human beings into caste and class system in traditional society. Further the tribal system in Asia, Africa and other backward areas self-possessed the Womenfolk rights due to race, color and sex. Women are more than half of population in the world but they are suffering as second class citizen in the world. The history reinforced the Women rights and women were worshiped in Asia and Africa with high status in the society and it is continued in form of “idol of Kali Matta”. The western world which is enlightened and more sophisticated they are respecting the women and there women are attainment their equal rights. (Wil David Rant, 1993)

- **Women Rights in Islam:**

Islam is the code of life, Islam is the religion of reconciliation and humankind, Islam is the religion of brother hood, Islam elasticities equal rights to women and upkeep in every walk of life, Islam sustenance the women in pardah, dower, Inheritance, khulla'a and facilities in idda and countenance the women to custody of children, adaptation and remarriage, Islam upsurges the status of women, Islam unfastens the door of education for women and bounces property rights, Islam stretches women new position in society. If she is a wife, she is life partner, if she is as a mother, the paradise is under the feet of mother, if she is daughter it is blessing of Almighty Allah.

- **Adoption of child.**

Women has right to adopt the child, because Quran says "you have right to adopt, but care adopted child as a real son".

Quran Says

Pro-claim their real parent age, that will be more impartial in the sight of Allah. And if you distinguish not their father's them (they are) your associates in the faith and you clients (30:5).

Hadith Says

Once Ayesha reports that, Abu Hdayfa Bin Utba who took part in Badar, he adopted saleem as his son and married his niece hindh with him. Saleem was a client of an Ansar woman. He adopted saleem as prophet adopted Zayd during tahilyya (Pre Islamic period). (Bukhari 30:5)

- **Concubine age.**

Concubine is the amalgamation of people who empathetic to each other and these relation are painstaking as master and slave, without endorsement of matrimony. It existed among the Arabs, the Jews, the Christians and all other neighboring nations. The prophet did not denounce this practice in the beginning, but in the end, he expresses to forbid it and said, "And you are legitimate to marry upright women, who are believers, and virtues women who have been given the scriptures before you, when you have provided them their portions living chastely with them, without fornication and not taking concubines." (Ameer Ali, 1988)

The concubine is forbidden from the holy prophet because the off spring of these concubine women are suffer in life ,they cannot become share of the net/property state of his father. His identification is recognizing with grandfather.

- **Custody of children.**

Quran says

“Mother shall suckle their children for two unabridged years (that is) for those who aspiration to far-reaching the suckling. The duty of nourishing, sartorial and nursing has on the father of the child, no one has exciting beyond his aptitude. A mother should not be finished to suffer, because of her child nor should she to whom the child is congenital (2:233)”. (Ibid).

Hadith says

Abdullah bin Amar reports that a women grumbled to the prophet adage, “O! Messenger of God this is my child, my womb is his contains, my lab is his place of confront and my breast are his milk skins. His father entitlements that he will yield him away from me. The prophet said “you have more rights over the child till marry again” (Abu Daud 3:282)”

Fiqh says,

In Islamic law, it is imperative that the custody of children belongs to women, because women is more persistent and sturdier than a man, in respect of conveying of children first the right of custody energies to real mother and provided that the fulfills other conditions that are required from law which contributes more right to mother than father. The man has no right in Islamic law to custody of a minor child before seven years of age (fatwa at Azhar Vol 1.5, 1955)

- **Child marriage.**

Quran Says,

“And brand trial of orphans in anticipation of they extent the stage of marriage and if then you notice in them a sound judgment then hand over their properly to them but devour it not regretfully nor in hurriedness against their growing up (4:6) (Ibid).

Fiqh says,

The early Muslim jurists Ibne Shubrume and Abu Bakar at Asamm both they did not countenance for child marriage. They contended that if we consent child marriage it is verse laid off (Sarakhsi 4:193).

In case child marriage is slender from father (or grandfather) this contract will be cancelled, if father is fond wanton, impudent, avaricious, selfish, mentally drunkard or seriously ill (Nadwi 1991). it stresses that the fact of child marriage is permissible only under exceptional circumstances it provided the interests of the child is not harmed.

- **Annulment (dissolution of marriage)**

The divorce right uses by the man in society he divorce any time whenever he wants, Firstly he prescribes 03 Times word talak” or divorce, sometime in written form or in court, it depends on condition.

Quran says:

“You can annulment but not hurt the women”,

Once **Quran says:** “When you divorce women and they stretched their positions then preserve them in sympathy or release them in kindness, hold them not to their hurt so that you transgress. (2:23) (Ibid)

- **Khulla’a**

This is the most important right for women in muslim law to acquire talaq from male. The women practice this tool to release himself from male in following conditions.

- She missing her husband
- Men fail to give payment to daily maintenance
- Hate
- Proposed by other side for re-marriage
- Wish of parents of women or man
- Serious disease of husband

Khulla’a be contingent on the judge but not on the motivation of husband, Islam support the women to grow khulla’a from the husband

Quran Says:-

“If you anxiety to discourses to Judge or head of state, now the both has right to endowment khulla’a, if they finds that they are not observing the limits of God.”

- **Talaq-i-tafwiz**

During divorce man consumptions his right to divorce their wives these right known as the Talaq-i-tafwiz. Women has right to divorce herself on the behalf of some routine which husband practices during divorce. She has also right to divorce the marriage without going to court. The section of provision of ordinance says “she must serve notice to the chairman of the union

council and her husband. The chairman of union council has right to setup an arbitration council to divorce, the divorce will be effective after expires of 90 days after decision.”(Soomro, Zaheer Hussain,2014)

Quran says:

“Oh people say to your wives, if ye craving the words life and its embellishment, come! I shall content you and release you with fair release, but if ye aspiration Allah and his messenger and the residence of her after, them Lo! Allah hated prepared for the respectable among you an enormous reward.” (29-33-38)

Hadith explains:

Ibne Maja said: When above mention verse were exposed the holy prophet come to Ayesha and articulated him about the verse and said, you access with their parents before embrace, she said she determines for Allah and his messenger. (Ibne Maja 1982 (1:379) Tirmedhi-No-5:30)

Fiqah Says:

The Hanafi jurists allow the husband to divorce the women where ever she wants (Nadwi, 1990)

The muslim jurist Molana Ashraf Ali Thanwi, he permitted for this: (Nadwi 1990[2:246])

In this context it is clear that women has right of Talaq-i-tafwiz in Islamic society.

There are three type of Talaq-i-tafwiz

1. Lian
2. Ila
3. Zihar

• **Lian:**

The women custom this form of divorce when her husband procurement to his wife to adultery and women refuses. If husband botched to prove the guilty now women has right to practice lian.

Quran says:

And those who attainment their wives but have no eyewitness excluding themselves, the authentication of one of the before testimonies (swearing) by Allah that he is of those who communicate the truth, and yet a faith, summoning the course of Allah on him, If he is of those who animate and it shall prevent the punishment from her, If she tolerate witness before Allah four times that the thing he said indeed false and a fifth (times) that wrath of Allah be upon her, If he express the truth (24: 6-9).

The Hadith.

Sahi Bin Sad reports that, the Umaymiral-Ajalini reported that, the holy prophet unglued both who exercised (Lian), and said they cannot come across again. (Paraqutni 3:275).

There are two types of lian

- Acquisition of adultery
- Dominical of pregnancy
- **Ila:**

Women procedure this form of divorce in condition, where a man categorical to disconnect with his wife from four month.

Quran Says,

Allah hath ended law full for you (muslim) forgiveness from your oaths (of such kinds) and Allah is your guardian. (66:1-2)

Hadith said,

Ibne Abbas reports that, once a person emanated to the holy prophet and said, “I have outlawed my wife to me” the Holy prophet said to him, you are erroneous, and she is not for bidden, there he recited the following verse of Quran in this verses Quran says “O prophet! Why ban nest than that which Allah hath made law full for thee seeking to please the wives? And Allah is lenient and merciful”. (66:1-2)

Fiqah explaining:

Malik, Shafi, Ahmed, Abu thawr and Dawud explain that, if a husband blaspheme that he have not inter course with his wife from four months than he has option to divorce her or return to her, Abu hanifa and Thawr, elucidate that husband has right to reoccurrence to her during the four month, but after the completion of four months divorce tacks places.

The majority of the jurists clasps that desisting of the wife without imprecation, it does not constitute of Ila but Maliks view for Ila, if it is done with the objective of hurt of the wife, in case the husband discusses to return to, or divorce her, even after the period of Ila, Malik ruled that the judge has the expert to divorce. (Ibne Rushd 2:87) (Ibid).

- **Zihar:**

Women consumptions this form of divorce in condition, when male compare his wife with the back of female, this is prohibited degree in relationship form of execration that the spouse and wife till terminations made.

Quran says,

Such of you, as put absent your wives (by saying they are as mothers) they are actually not their mothers except those who gave them birth). They indeed alter an ill world and a lie and lo! Allah is forgiving and merciful. Those who put away their wives by maxim they are as mothers, and after wards would go back on that which they have said (the penalty) in that case is the emancipation of a slave before they soupçon one another unto this ye are goaded, and Allah is conversant of what ye do and he who fined not the where with that let him fast for two consecutive months before they touch one another, and for him who is impotent to do so (the penalty) is the feeding of sixty needy ones. This that ye may put trust in Allah and his messenger such are the restrictions (imposed by Allah) and for disbelieves is painful soon (58”2-4)

Hadith says.

Awas bin Samit blasphemed that his wife Khawla bint Malik to Thelab is like mother to him therefore she came to the holy prophet and nagged. The Quran mention her who disputed.

She said, Aws bin samit married with me when I was young and likeable, now when I am hoary he professed me as mother, the prophet said to him “I have no elucidation for you. She said, “O God! I nitpick to you, and then the verse was revealed. The prophet examined her husband and said you should free a slave, he said he has none. The prophet said then you should fast for 60 days, he said he is an old man he could not do. The prophet said that could you feed 60 needy people he said that he has nothing to spend, the prophet said that you could provide a part of quantity of dates, he said that he should provide the other part, the prophet said, “God

now feed 60 needy person on behalf of you, and tolerate to you go back to your cousin". (Ibne Maja 1:381)".

Fiqah says

The word zihar for wife is illicit category. The zihar will be operative and legitimate when speaker certain in intent. If speaker utters word in respect, love, the word is useless. If he pronounces for divorce it will be ire-evocable divorce. If he withholds from the voluptuous relation, it will be zihar; in this case the man could not yet again relation with wife until he suggestions which is same as in care of breaking fast. (Nadwi 1991-2:1-199)

Grounds of divorce

Desertion: In this condition two things are very importance.

- Missing of his husband.
- Non-payment for daily maintenance. (the daily expenditure for women)

Quran says: "Man is in charge of women's (maintenance) because Allah hath made the one of them to outrival the other because they employ of their Prophet (For the support of women) (4:34).

- **Idda:**

The waiting period of widows after demise of her husband is known idda. Quran says almost the idda of widow, "such of you as die and leave them as wives (the wives) shall wait possession themselves a part, four month ten days". (2:234) , further, Ye who believes! If ye we believing women a divorce them before you have touched them, hen there is no period that ye should reckon. But content them and release them hands only (23:49)

Hadith:

Said bin Musayyab reports that Umar ibn Khattab once said, "The women who have fatalities her husband and they does not discern where her husband is? She must wait for four years after this she should idda for one month more" Ibn umar reports that he divorced his wife during menstruating period, when prophet knew about it, he asked me go back to her wife and wait until she far-reaching this period then if he poverties he may preserve or divorce before touching him. That is the waiting period; this is ordered from Allah in case you divorce women. (Ibne Rushd 2:54 Bukhari5:2013)

Fiqah explain:

The foremost purpose of idda is to make surefire that, she is pregnant or not pregnant, if she is pregnant the idda period will be until birth of the child, in other cases the idda period is different for widows and a divorce, a widows idda period is four months and ten days for a divorce if it is in menstruation period or in minor or menopause she will wait for three months. A widow observes full mourning during idda stays at the matrimonial home and her daily maintenance is the responsibility of the husband or relatives (Nadwi 1990 2:184-191). (Ibid)

- **Inheritance**

In pre-Islamic period there were no any unvaryingly system to consent the scattering of wealth and property, there women had not right to acquire share from their departed husband or parents, therefore Islam conversed the rights of property and inheritance for women. (Ibid)

Quran Says:

“Unto the males (of a family) belonged a segment of which paternities, and near associated leave, and unto the women a stake of that which maternities and near akin leave whether it be slight or copious a legal part.(2:7).

Heirs for inheritance in both sect's Sunni hanafi law and Shia law

According to the Sunni sect Hanafi law, there are three classes of the hairs of a deceased person. (Ibid)

- **Distant kindred:** - these are pronounces as blood related, these are neither sharer nor residence only inherit, when deceased died without sharer and residence the women or husband is Sharer of deceased, they will be inheriting of net estate or property.
- **Sharers:** they are considered for the share of inheritance which is recommended ordained.
- **Residence:** -they are reflected for the share of inheritance not arranged but they prospered to residence after claim of the sharer gratified.

Under Shia law

Under shia law there are three classes of heirs of deceased person.

The first class

- Parentages
- Offspring

The second class

- Grad parents
- Family Member and sister

The third class is

- Paternalistic
- Motherly

The inheritance rights of women, are pronounced as wife, mother, daughter and sister, according to the basic principles of Islamic law, in this law it is construed in the following manners. (Ibid)

Wife: - Islam springs one eighth segment of estate of husband.

Mother: - the mother proceeds one sixth share in the net estate.

Under Hanafi law: - The mother has 1/3 one-third if he died without sendoff any off spring, despite this occurrence mother share is one-six 1/6.

Daughter: - Where man or women dies and departure behind sons and daughters, the sons and daughters are inherits of half of the portion of her brother inherit. In case man or women dies separation behind no male, and only one daughter, she has half of the net estate. In case where there is more than one daughter they inherit two third of the net estate.

Sisters: - under hanafi sunni law the sister inherit is full where there is no male inherit in the estate.

Testator without heirs:

When a family affiliate dies without inheritor the net property beneficiary and no any part will inexpensive the state from the predecessor.

- **Marriage:**

Marriage is the religious obligation; this is the restraint of couple to transaction with good ethical character. This is the social affiliation and moral spiritual limpidness. The persistence of marriage is to love and mercy between couple. Once Quran said: it is “strong pledge” between spouse and mate.

Further Quran says:

“The purpose of marriage is relaxation with the companion and armistice. The Holy Prophet Hazrat Muhammad (peace be upon him) once said about the wedding “The couple who join in matrimony, they should affection each other and appreciate each other”. (Prof: Laeeq Ahmed Khan, 1996)

- **Polygamy:**

The marriage of one man with more than one women is known as bigamy. This practice is corporate previously and afterward Islam, during Holy Prophet (PBUH) people were also complicated in this practice, it was not only in Arabs but also surrounded by the people of neighboring countries.

The Quran says:

“And if you fear that you will not compact with fairly the urchins’ merry women, who give the impression you cannot do justice then one or (the captive) that you will not do justice. (4:3) in this Ayah Quran says “if you fear from Allah one is best for you”. (Laeq Ahmed , 1996)

Further Quran Says

“Ye will not be competent to deal similarly between (your) wives however much ye wish (to do so). But crack not at together away from one leaving her as in indecision if ye do well and keep from evil, lo Allah is ever forgiving, merciful (4:129)”.

Hadith says:

“Miswar Bin Makhrame once gossips that, he has perceived the prophet from the pulpit Banu Hashim Bin Al Mughira, he asked acquiescence to marry their daughters to Ali bin Abi Talib. but hoy prophet said “I do not give this consent, I do not give this approval, I do not give this authorization except if Ali Bin Abi Talib biddings to divorce my descendant and to espouse your daughter. (Bukhari, 1987).

The polygamy practice also inspires in some disorders, if you deal equally, but if you fear from Allah one is preminent for you because you cannot compact equally with your helpmeets.

- **Purpose of Marriage**

Quran says:

The Quran says “wellbeing with the mate with peace, love and mercy between the couple (30:21).

- The Quran guidelines not to marry if a person does not have the aptitude to merry. He must wait and keep unsullied until he can afford. (24:33).
- The Quran calls marriage as a “strong pledge” between husband and wife (4:21).
- The Quranic restrictions to merry and said “marry of the women who seem virtuous to you”. (4:3). Imbedded requires the anticipating couple to see each other before proposing to merry. (Laeq Ahmed , 1996)

Hadith says:

The prophet instructed the youth do not marry and keep abstaining till became proficient to merry (Bukhari 1987, 5:1950, Ibne Maja 1984, 1:340.)

Mughira bin shuba once reports that, he assumed to the prophet about the women he desires to marry him. The prophet said “go and see him. It is more slant to create acquaintance and indulgent between you”. Then he went to the women house and communicated her parents, he wishes to marry your spawn he also expressed them about the prophet what he thought that, the parents of women did not like what they overheard, but the women perceived it in her (private room), she said if the prophet asked to you to talk with me, do else I will pursue you. Mughira fingered that, she took the matter earnestly and both married after it mughira always piercing to the melodious appreciative stuck between them. (Ibne Maja 1984, 1:344)

Fiqah says:

If the couples are not accessed and the marriage without their gratified, it defilement the purpose of marriage. Maulana Ashraf Ali Thanawi traumas that the material objective of marriage is attending house hold and other affairs (Thanwi, 500).

The Muslim jurists consistently countenancing to look the women who desires to merry with you. Ibne Hazim counsels. “To look at the women before proposal in orders to determine that she is fascinated to you. (Ibne Hazan 1932, 10-32)”.

Ibne Rushd follow-ups that majority interpretation of the jurists is to permit couple to see each other. (Ibne Rushd).

- **Re-marriage for halala’ widows and divorce:**

Quran Says:

“And if he divorce her (the third time) than she is not law full to him after she marry with another husband, then other husband once divorced him then it is no sin for both they come together again, and they contemplate that they are able to discern the parameters of Allah (2:231)”.

Hadith says:

Abu Hurayra once reports that, the prophet said “God annoying the muhallil (the person who performs halala) and muhallah lahu (the person for the halala is being performed), (Abdullah Bin Masud 2:394]

Fiqah says:

There are three disorders for divorce women to marry again.

- She marries with second husband after implementation Idda.
- The second husband divorces him wanting compulsion.
- The second husband has ordinary conjugal relations with him, without fulfilling these conditions re-marriage is not acceptable. It is not acquiescence to marry the second husband on the ailment that he will divorce her (Nadwi 1990).

- **Seclusion (purdah):**

Islam prominences almost the pardah (seclusion), pardah gives the respect and dignity to women in the society, due to purdah women are save himself from the stranger person.

Quran Says

O Prophet communicate to the companions and to the descendants and to the partners of the faithful, that they let their in rappers fall low. That will be the more easily to know and they will be outraged. God is permissive merciful. And speak to the believing women that the catchphrase their looks and detect continence, and that the display not their ornaments excluding those which are peripheral, they draw their kerchief over their embraces (Ameer Ali, 1988).

Islam also outlaw the male when you walk don't see hear and their and avoid to talk with stranger female and also inhibit to the female speak strictly with stranger somebody.

Conclusion:

Women rights are the foremost element to civilize the society for equality in human life to diminish the class system and background system, the tribal system in Asia, Africa and other backward areas self-possessed the Women rights due to race, color and sex and are treating second class citizen in the world, in history women were worshiped in Asia and Africa.

Islam is the code of life, Islam is the religion of reconciliation and humankind, Islam is the religion of brother hood, Islam elasticities equal rights to women and upkeep in every walk of life, Islam sustenance the women in purdah, dower, Inheritance, khulla'a and facilities in idda and countenance the women to custody of children, adaptation and remarriage, Islam upsurges the status of women, Islam unfastens the door of education for women and bounces property rights, Islam stretches women new position in society. If she is a wife, she is life partner, if she is

as a mother, the paradise is under the feet of mother, if she is daughter it is blessing of Almighty Allah.

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