WOMEN IN ISLAM

CHAPTER II

WOMEN IN ISLAM

The status of women in Islam has been a subject of controversy between the progressive and conservative sections of the society. To the former, Islam is not a rigid framework of laws and institutions but a set of principles capable of fresh application in changing social conditions. But to the latter, every single specific injunction of Islam is eternally valid and unchangeable.

'Women in Islam' is concerned about the status of women in society. Islam recognizes that women represent half of society and share with men the burden of building society. They share the duties and responsibilities as well as challenges and opportunities.

As far as the Holy Quran is concerned, it promulgates the doctrine of human equality, including gender equality in a comprehensive verse which negates all inequalities due to sex, race, colour, nationality, caste or tribe.\(^1\)

It is necessary to understand the status of women at the advent of Islam in order to fully appreciate the generosity of Islamic tenets which have freed women from the oppression and ignorance of pre-Islamic paganism. At this

\(^1\) Mohammed Mazheruddin Siddiqi; *Women in Islam, Delhi*, 1987, p.13.
time in history the majority of Arabs led a nomadic life, with nomadic traditions and customs.

Wars and sudden attacks were a part of their lives and they therefore aspired to physical strength which was essential in order to defend their tribes and to protect their lands. In this situation, the male was the symbol of security and strength. So men were held in high esteem and women in low esteem. The fact that tribes were much more in need of boys to defend them had devalued women in this society and led to the preference for male children leading to infanticide.

If the female child was fortunate enough not to be buried alive, she spent the rest of her life being oppressed and persecuted; neglected by her parents and abused by her husband. Nobody came forward to champion her cause. She was denied most human rights.

But Islam has dignified all of mankind regardless of male or female. The God says "Indeed we have honoured the children of Adam, and have provided with good things and have prepared them above many of those whom we have greated with marked preferment."\(^2\)

The above verse proves that God has declared the superiority of mankind over creations. It is clearly indicated that man and woman have

\(^3\) Quoted in *ibid.*, p.48.
been created from soul. They originate from the same race and are equal in terms of humaneness. And the prophet has advised the people to show kindness and courteous towards women as well as patience in dealing with them.

The establishment of the truth will also solve the problem of racial discrimination and social inequalities that humanity has endured throughout the centuries. If this fact had only been understood by mankind, it would have prevented many injustice such as assigning ridiculous attributes to women and cause every misfortune.

Bitter criticism and baseless objections raised by the scholars particularly by non Muslim writers against Islam on account of unequal treatment of women in the matters of inheritance, permission to men of contracting upto four contemporaneous marriages and segregation of women or 'purdah' have all been analysed in the light of translation and interpretation of Quran by scholars of Islam.

The teachings of Islam are particularly exhaustive in laying down the guide lines concerning the relationship of a Muslim particularly with every other human being in the universe. Man being a social being and the object of religion being, laying down a code of conduct for a life worthy of a mass on the earth; as a representative of God, Islam emphasis all aspects of
relationship a Muslims which is likely to come into contact with and provides for the highest excellence in each of them.\textsuperscript{4}

Family, as a basic unit of social organisation is likely to outcast the forces tending to destroy it. A stable life is necessary not only for the interests of the society but also for the happiness and development of future generation. If these facts are admitted, chastity becomes value of the highest social importance to be safeguarded at all cost.

The Holy Quran addresses both men and women to perform their religious, obligations like belief in God and His messenger, prayer, zakat, fasting and pilgrimage. It says "Establish worship and pay the poor due . . ."\textsuperscript{5} Both men and women have been required to perform all these duties and are obligatory on the part of them. So in the matters of religion, both of them are equal and none is superior or inferior to the other.

In the case of crime there is no discrimination and the punishment for one offence is the same for man and woman. Reward for good deeds is the same for males and females. All human beings, therefore, are equal. The Quran does not discriminate between them on the basis of sex, language, colour, places etc.

\textsuperscript{4} Alka-Singh, \textit{Women in Muslim personal Law}, New Delhi, 1992, p.68.
\textsuperscript{5} Mohammed Sharif Choudhary, \textit{Women's Rights in Islam}, Delhi, 1997, p.158.
Those who hold the view that woman is not equal to man produce the following arguments. According to them, they argue that man is permitted to contract marriages with four women at a time, while the woman has not been given the right of contracting multiple marriages. So on the basis of this argument, they argue that woman is inferior to man.

In the law of inheritance, generally, the share of man is double than that of woman, and again man is the care taker and the bread winner of the family. In this case, he was accorded a degree of superiority over woman. As Allah's wisdom cannot be arbitrary, if the social milieu changes and if woman also begins to earn and there is nothing in the Holy Quran or prophetic tradition preventing from earning their sustenance and looking after the family. There will be nothing to prevent them from acquiring their equal status or even a degree of superiority over man.6

If we thoroughly examine and weigh the arguments advanced by both the parties in favour of and against the propositions, it can be concluded that these arguments are not relevant. In most of the matters men and women are equal particularly in the matters of rights and obligations. But in certain other matters, they are unequal because of nature that has ordained different spheres of activities for them.

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Again it can be summed up in the following words. Where the roles assigned to men and women by nature are different the man and woman would be unequal to each other, but if there is no inconsistency between their roles and they are being judged as the members of the same species having similar rights and obligations, they are perfectly equal.

It may however be pointed out that although, woman as a human being occupies equality with men and enjoys equal rights, privileges etc. the fact remains that there are differences between genders, because as a woman, her special function in life is different from that of a man and she is naturally equipped with different physical, biological and even psychological structure.

Islam has recognised natural difference between the genders. So, to talk of absolute equality is nonsense. The general equality as human being is quite natural and reasonable, because men and women are two complementary parts of humanity proceeding from the same parents.

To assign them the similar functions in life is preposterous because it is physically impossible to interchange their function. Islam has therefore; given due allowances to these factors and treated men and women on the basis of equality where such differentiation is in accordance with the nature.

Male jealousy is but one aspect of masculine capricious tendencies which calculated the myth that women by nature suffer from incapacity. Men use that fantasy as an excuse to ban women from active participation in the
broad spectrum of human life and to deprive them of experience and training, thereby many customs were bounded upon where as male arbitrariness is manifested.

Both men and women in Islam possess common characteristics; so these cannot be taken as yard sticks in measuring the difference which exist between their rights and duties. Such differences do exist because of their peculiar characteristics.\(^7\)

The Quran has not prohibited the rule of a woman any where. The Quran has not even uttered a single word in disapproving or disfavouring it. Had it been unlawful as the orthodox say, there would have been certainly revealed a verse declaring it so. When the Quran has not over looked even minor issues while laying down the rules and regulations governing the conduct of an individual in the family and society, how it could over look such an important and vital issues like the rule of woman, if it is unlawful and adversely affects the progress and welfare of humanity. The silence of Quran on this crucial issue informs that the Muslim community has been left to decide it according to their best interest.

It has been related with Quran (2:124) that God was pleased with prophet Abraham and appointed him a leader for mankind, in response to the question of the prophet whether there would be leaders from his offspring also

God said that there would be leaders from his offspring but the wrong doers from them would not be appointed leaders. Had the leadership of women been unlawful, God would have certainly commented on it. The women have the rights similar to those of men, why can't a woman aspire for this office?

The Quran provides the foundation of Islamic democracy when it lays down "... and whose affairs are a matter of counsel ..." If this verse is considered along with the verse preceding it and subsequent to it, we can easily understand that the Quran is mentioning the virtues of the believers both male and female. One of these virtues is that they decide their affairs by mutual consultation. History has witnessed many incidents where (PBUH) himself consulted the believers before taking a decision. On some occasions he consulted his wife Umme Salamah and made an important decision.

In this context, the ruler is one of the counsels and conducts the affairs of the state in consultation. The modern scholars and the liberal thinkers infer that a woman can also become a ruler.

There are a group of scholars who argue against the rule of woman. They argue that a woman is not only physically weak, mentally emotional, tender, sensitive and delicate but also under great strain during pregnancy and birth. She is naturally most suited for the job of child bearing, their nursing,

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training and giving education. So Islam has, therefore, advised against entrusting the chief executive post of the leadership of the nation to a woman.

When an examination of the arguments of both parties are done, it can be understood that none of these parties has been able to carry their point. Because the argument of the two parties are by and large indirect. The Quran neither proves nor disproves it. These arguments simply bring home the fact that men and women are equal in some matters and while in some others they are unequal.

Naturally, if Islam is a system of life, it must have its definite social theory and consequently its own specific institutions and organisation that would finally give a shape to the whole system. In the light of these principles, no monarchy or dictatorship is possible.\footnote{Mohammed Muquim, \textit{Research Methodology in Islamic Perspective}, Malaysia, 1999, 45.}

In fact there is no verse or injunction in the Holy Quran which clearly either permits the rule of woman or prohibits her rule. Similarly, there is no Hadith or injunction of the Prophet which can be quoted to establish that the Holy prophet either allows the woman to become head of the state and government or disallows or forbids her to assume such responsibilities. Thus we can safely conclude that the Quran neither permits nor forbids the woman's rule.
The silence of the Quran and Hadith on this very important and vital issue is not without wisdom and sagacity, this deliberate silence indicates that Islam has given full freedom and discretion to the Muslim community to decide this matter according to the ever changing socio-political circumstances.

Since the socio-economic and political environments change with the passage of time, affecting the human needs and necessities, no permanent injunctions laying down any hard and fast rules regarding the choice of the ruler, or his gender, colour, race, language or other qualifications have been communicated by the Quran.

Islam favours the form of government by consultation which is in the form of a democratic government. In this form of Government the people are free to elect anybody who, they feel, and would be able to discharge the responsibilities of the highest office of the Chief Executive or head of state. The ruler in Islam is not a despot, autocrat or dictator. He is to rule in consultation with others. So the ruler may be a man or woman, he or she is to discharge duties of the office with the consultation and advice of the elected representatives of the people.

It is not the gender of the ruler which is important, but in fact the nature and spirit of the rule is significant. Pages of history bear witness to the fact that women became rulers in the Muslim world like Razia Sultana, Chand
Bibi in northern and southern part of India in 16\textsuperscript{th} Century. Their rule was never opposed by any of the contemporary jurists, nor did for leading ulema give a fatwa declaring the rule unlawful. In the light of above justification woman can also become the ruler of the state.

Woman enjoys very high status of respect and honour in Islamic society. As a wife she is the queen and mistress of the house, she manages the house and brings up and trains the children. She enjoys full and complete social, religious cultural, legal and economic rights.

In the position of a mother, women enjoy a unique status of honour and esteem. She is the focus of the attention for all the members of the family. In the house, her opinion carries a lot of weight in all family maters. This is due to the teaching of Islam. The Quran ordains that the obedience to parents is next to obedience to God. When the Quran enjoins upon the believers to obey their parents it especially mentions the services to be rendered by the mother and this indirectly places the position of the mother superior to the father.

Many verses also prove the brotherhood and common parentage of mankind. The woman is therefore the sister of man\textsuperscript{12} since we are all brothers and sisters descend from the same mother and father, nobody should claim superiority over the other on the basis of his or her colour, face, language or country of origin. These should not be the criteria to assess a human being.

\textsuperscript{12} Fatima Umar Nassef, \textit{op.cit.}, p.54.
Therefore a man is not superior to another man because of his colour or race. Nor is a man superior to woman because he is a male.

Having established the humaneness of women, some of the innate difference exists between man and woman. But it does not affect their equality, dignity and eligibility to certain rights. Both sexes have different dispositions, temperaments and different constitutions. These dispositions help them to fulfill their different yet equally, important tasks in life for which they have been created.

Hence women have been endowed with special physical and mental characteristics to fulfill their role in society and to achieve their mission on earth. So Islam, is a set of regulations which form an integral system that should be put into practice as a whole, not to the advantage of women, rather, to the advantage of human kind as such and for the benefit of God's creation in general.\(^\text{13}\)

As far as physical differences are concerned, scientists say that it is a proven scientific fact that women's psychology is different from that of man. This difference is also observed in their cell composition antibodies, chromosomes and genital cells.\(^\text{14}\) As for the cellular tissues and organs; the prominent organs of a woman, her muscles, her bones are greatly different from a man's prominent and hidden organs.


In fact, man has been created in such a way that they are able to go out and to provide for their families. Woman on the other hand are pre-disposed to stay at home and to fulfil their primary mission in life that is bringing up their children. That does not mean that she is not allowed to go for work but she has to perform her primary obligations. The God has strongly condemned those who regard the birth of a female infant as an illomen. Instead, He has encouraged parents to rejoice her birth to look after her and to be responsible for her upbringing.

Islam protects all infants whether male or female. Even when the child is still an embryo in its mother's womb, therefore in the case of a divorce; a pregnant wife is eligible for support for the sake of the child she is carrying. After the birth of the child, comes the period of breast feeding. It is his duty to ensure that the mother of his child is able to obtain the healthy and nutritious food required during the period. Islam says, "And if, after that, they give suck to their children, given them their pay and consult together in all reasonableness."\(^{15}\)

The above verse states that after the end of her waiting period (Iddat) a divorcee has the right to either accept or refuse to suckle the child. If she chooses to do so, she will be entitled to a wage paid by the father of the child, her ex-husband. It is the father's responsibility to provide food and clothing.

\(^{15}\) Quoted in *ibid.*, p.74.
for the child for the mothers. This is required because the mother’s milk is an essential nourishment for the child.

So a mother is expected to suckle her child for a period of two years, the father should sustain and cloth her children in a reasonable manner, according to the standards of their family without extravagance nor neglect with moderation and within his means. The physician also recommends it from the nutritional stand point.

Islam also deals with the issue of custody of children in case of separation. It is due to the fact that a young child is awarded to the mother. It further adds that, the child is entrusted to the custody of their mother during the early years when a feminine presence is most needed.

Thus it is comprehended that how much Islam cares for the child as an embryo, an infant, and during her or his early child hood. However God has urged us particularly to sustain the female infant. In this way, Islam has protected women from the vicissitudes of time and oppression of harsh and ignorant parents.

The mercy of Islam towards women is obvious from the above mentioned verses. Islam has provided protection for women throughout their life cycle.
Regarding education, the prophet has emphatically proclaimed that education should be one of the important responsibilities of a father towards his children, both male and female.\footnote{M. Indu Menon, \textit{Status of Women in India}, Delhi, 1981, p.59.}

In Islam, knowledge of the religion is obligatory for every Muslim and woman. Therefore, knowledge in general is respected and highly appreciated in Islam. It is not surprising that scholars are held in high esteem and are praised in many verses.

"Read your Lord, the Most Bountiful are who taught by the pen who taught man what he did not know."\footnote{Fatima Umar Naseef, \textit{op.cit.}, p.80.} The word 'Read' indicates that Reading is the key to knowledge and since writing complements reading, God highlights their act by saying taught by the 'pen' the pen was and still is the best and most useful utensil used in transmitting and preserving knowledge and has left its impact on humanity over the centuries. God has endowed us with intellectual capacities and the six senses which permit us to learn and comprehend information.

Women did not feel shy while learning and acquiring sound knowledge in religion. The women during the prophet's time got education and regularly attended study classes. There, they asked the prophet various questions, some general and some concerning women's issues. The prophet has also said "the
man who has slave girl whom he educates, treats kindly and marries, will get a double reward."

The female companion could also pray with him in congregation even though they knew that it is better for a woman to offer her prayers at home.\textsuperscript{18} They did so because they were so eager to seek knowledge from the prophets own lips.

Ayish\textsuperscript{a}, the prophet's wife's contribution to teaching and preserving of the religion is described in Hadith and the books of History. Her knowledge was vast, she could even memorise the related narrations of the prophet Mohamed. There are books of Hadith which abound with names of female narrates among the companions. The scholars of Hadith did not stipulate that the narrator should be a man. Their criteria were based on the intellectual capabilities of narrator, their accuracy, righteousness and commitment to Islam, So in this context the narration would be authenticated regardless of the gender of the narrator.

For the last few centuries, Muslim women had been prevented from reading, writing and seeking knowledge, consequently illiteracy and ignorance became widespread amongst Muslim women. In fact, scholars have confirmed that prohibiting women from reading and writing was a complete fabrication. It was proved to be invalid.

\textsuperscript{18} Ibid., p.83.
There are two groups in the society. Among them, one restricts her education to religious issues, as well as home management and motherhood skills. They believe that she does not need to learn sciences like Chemistry, Physics, Maths, Architecture. etc. Another group of scholars believe that women's education ought to be comprehensive. All women should seek all types of knowledge without exception. This group includes advocates of the so called women's liberation movement (eg: Qaasim Ameen).

The answer lies here in between two opinions. On the contrary, it gave women the right to seek unrestricted knowledge. It is up to her decision to make correct choice which would suit her inherent instincts and agree with her physical constitution as well as her natural role in society. This choice should not lead her to overlook her most important role as a mother and a wife.

To conclude, if the nation is also in need of female doctors Gynecologists, nurses and teachers to teach in schools then without any hesitation, the Muslim women can seek the knowledge in these fields and do the services to the humanity. Because serving the mankind and other creations are one of the fundamental values of Islam. Thus, the purpose of gaining knowledge is to acquire skills necessary to become a good citizen and a member of the society.
Islam is the religion that rewards labour, assiduity and hard work. Muslims, both male and female are encouraged to work and to undertake lawful jobs. Nevertheless, "Islam has also given women the right to have independent business, to trade, to give in charity . . . etc."\(^{19}\) in cases of necessity or when a collective advantage can be gained, like nursing and treating female patients, midwifery, educating young women and other activities and social services involving women. So any lawful job is better than idleness which leads to humiliation and degradation. Trade and business are also strongly encouraged. Ayisha, the prophet's wife has said recalling prophet's words "the best food is the food you have earned and your children and their wealth are from what you have earned."\(^{20}\) He has urged his companions to work hard and to avoid begging for money or food.

Islam has permitted women to undertake lawful professions and crafts which are not incompatible with their equanimity or abuse their dignity. Islam, has even allowed the widow or the divorcee to work during her 'Iddat' period because if her work is necessary to her family and to the nation in general, she is encouraged to carry on with her profession. But certain conditions are laid in it. Her work must not consume her entire time and energy thus preventing her from fulfilling her more important role as a wife and mother. Her career must not conflict with or remove her from her natural

\(^{19}\) Quoted in *ibid.*, p.102.

function. She should be able to exercise her profession with dignity and modernity, avoiding temptations and situations which might arouse suspicion and distrust.

Prosperity and general welfare can also be achieved by obtaining employment. A woman represents half of the society, and half of the population would be unemployed if women did not go out to work. Employment helps women to understand the realities and facts of the labour force. It helps women to increase their family income or to sustain themselves in the absence of a provider.

In Islam man is not encouraged to lead a life of stoicism and asceticism. On the contrary, he is entitled to revel in material and sensual pleasures as long as such engagements remain within the bounds of the faith and do not direct him or her from the thought of God.21

Islam has restored women's dignity which has given them freedom of choice, established their rights, and most importantly given them the right to choose their husbands. Hence, every woman has been given the right to accept or reject a suitor22. It is a fact that not so long ago, women used to be sold to their husbands as pieces of merchandise. They were neither consulted nor even told that they had been given in marriage.

22 Fatima, Umar Naseef, *op.cit.*, 89.
But despite clear Islamic teachings, many Muslim fathers still force their daughters into marriages. This is not confined to those living in remote villages and rural areas but also occurs in urban areas as well. If the young woman reacts and advocates her natural rights, she is accused of being insolent, disobedient and disrespectful of her culture and tradition. Forcing a woman to marry, without her consent, is a violation of Islamic law and transgresses the teachings of the prophet.

The prophet says, "A matron should not be given in marriage except after consulting her, and a virgin should not be given marriage without taking her permission." A matron is the divorcee or the widow. Consulting her means to ask for her consent and their marriage is not valid otherwise. The virgin is the young woman who has never been married before. Her marriage is not valid without her permission or consent and if she does not speak up and express her consent because of her timidity, and modesty, her silence will be enough. However, the divorcee or the widow should put her consent into words, even if the guardian is her father.

There are clearly two different opinions, regarding the issue of asking the permission of an adult virgin. The first opinion can be summarised as follows.

1. Asking the permission of an adult virgin is recommended.
2. The father can give his virgin daughter in marriage without her permission.

3. Asking her permission is necessary in the absence of the father or guardian.

The second opinion is based on the belief that asking the permission of the virgin is necessary whether the guardian is the father or not. The first group has relied on the absolute sympathy of the father or the grand father and so concluded that asking the permission of the adult virgin is not necessary. Often, fathers and grand fathers are ruled by traditions, personal desires and seek only their own personal interests. It is therefore safer to stipulate that permission of the adult virgin is necessary.

The prophet has provided this right to every woman so that her father or her guardian is not able to control her destiny or cause her distress and misery by forcing her into a marriage solely to serve his own personal interests.

In various narrations it has been shown that if a virgin, a widow or a divorcee is given in marriage without her consent, the contract will be pending until she agrees.23

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23 Ibid.
Since the presumed 'disadvantages' of such marriage motivated the scholars and led them to come out with this interpretative judgment. Since the primary objective of Islamic jurisprudence is to implement justice and to condemn evil, the notion of individual welfare should be reviewed constantly. Indeed what is considered to be a great advantage in one century could be considered to be a minor detail or even disadvantage in the century to follow.

Secondly, the level of righteousness or corruption, of the Muslim world, throughout the centuries should and must be taken into consideration. Therefore due to the existence of corruption many Arab countries such as Syria, Labanun, Egypt, Iran, Jordan, Tunisia and Morocco do not allow guardian to give in marriage a young girl or a young boy before he or she reaches the age of consent. This age varies from one country to another. Some countries have set this age to eighteen for males and sixteen for females.

All societies have rules or shared patterns of behaviour that regulate sexuality, birth and child rearing. Marriage is the institution that encompasses these rules and patterns of behaviour.\(^{24}\)

There are various forms of marriage. Monogamy, polygamy, polyandry, exogamy and endogamy. The institution of marriage has existed

\(^{24}\) Quoted in Mohamed Sharif Chaudhry, op.cit., p.36.
in one form or the other throughout human civilizations and various customs and rituals have come to be associated with marriage.

In many communities of the world a system of arranged marriages exist in which choice of the bride groom and bride does not matter, neither their consent is taken particularly that of the bride. In some cases even the groom and the bride have not seen each other before marriage and they meet each other for the first time at the wedding ceremony.

In almost all societies, marriage has become a publicly celebrated ceremony involving many socio-religious customs, formalities and rituals. Thus rituals, more than often, cost heavily in terms of time and money. Economic burden generally falls more heavily on the family of the bride who provides not only rich feasts to the groom and his party feasts to the groom and his party but also gives a large dowry to the bride which she takes to her husband's house. Thus we see that in most of the rituals, ceremonies and forms of marriage, the females are generally at a disadvantaged position.

For 'Nikah' which is the Arabic word, an equivalent of English word is "Marriage" which means uniting or union. Marriage has been defined in various ways. According to Hedaya, "Marriage is a legal process by which the sexual intercourse and legitimisation of children between man and woman is perfectly lawful and valid". In the words of Ameer Ali, marriage under

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25 Muhammad Sharif Chaudry, op.cit., p.32.
Muhammadan law is essentially a civil contract. Its validity depends on proposal on one side and acceptance on the other.

Mahmood J. observes "Marriage according to Muhammadan Law, is not a sacrament but a civil contract. All the rights and obligations it creates arise immediately, and are not dependent on any condition or preceedent, such as the payment of dower by a husband to wife."

Every adult Muslim of sound mind can enter into marriage contract. The contracting parties must be acting under their free will and consent when consent to a marriage has been obtained by force or fraud, the marriage is invalid unless it is ratified. Luenatics and minors may be validly married through their guardians.26

Marriage in Islam is not indissoluble but a kind of contract in which specific rights and obligations are undertaken besides those already implied in marriage. These rights are justifiable in a court of law. The presence of two witnesses is necessary to make a marriage valid. Prophets insistence on there being a guardian before a woman can be married was intended to safeguard her position and rights in a society. Just as a man can stipulate that his wife shall not go out except by his permission, it is open to the women to insist that she shall not be prevented from going out of her home in suitable occasions or for her economic or social needs.

26 Ibid., p.33.
All these matters come within the scope of the marriage agreement. But some of them are not justiceable. Much depends on the actual relation of the husband and wife after marriage and their mutual understanding. A wife can sue her husband in a law court, if the implied terms of the contract are violated by the husband.27

In order to safeguard the economic position of women after marriage, Islam has made it legally obligatory on the husband to pay her a reasonable amount as "dower" or 'Mahr.'

Payment of 'Mahr' to his wife is obligatory on the husband; It is an essential part of marriage. The Quran says "we have made lawful to thee thy wives to whom those has paid their dowers . . . and there is no blame on you to marry them when you give them their dowries." However the marriage is not valid if dower is not paid or contracted or fixed before marriage.

The amount of 'dower' which the bride groom has to give to his bride has not been fixed by the Quran or sunnah. (Tradition and history of prophet Mohammed). It depends entirely on the agreement of the contracting parties. The Quran says . . . The wealthy, according to his means and the poor according to his means, a gift of a reasonable amount is due from those who wish to do the right things.

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There is no minimum or lower than limit of dower fixed by law, though some jurists opine that it should not be less than ten dirhams. It may be in the form of cash or in kind. According to the well reported Tradition of the prophet, even a handful of barley or dates or even an iron ring may be sufficient, provided the bride agrees to accept it.

Any way, 'Mahr' is a sum of money to be fixed according to the agreement made between the parties, but in any case the object is to strengthen the financial position of his wife, so that she is not prevented due to lack of money from defending her right.

Dower, is of two types, one is called 'prompt dower' (Mahi-Mu'ajjal) which is payable on demand and the other is called 'deferred dower' (Mahar-in-Muvajjal) which is payable on dissolution of marriage by death or divorce.\(^\text{28}\) The jurists have agreed on the point that the wife can refuse to perform her marital obligations unless prompt dower is paid. If the amount of dower is fixed in the marriage contract, the dower is called specified dower.

No women except a Muslim Woman, has absolute rights of getting 'Mahr' or 'dower' from her husband. In none of the communities besides the Islamic Ummah (Community) a husband is under legal obligation to give bridal gift or 'dower' to his wife. But it is only Islam which has conformed absolute rights on the woman to demand as much dower from her husband as

\(^{28}\) Muhammad Sharif Chaudhry, *op.cit.*, p.46.
she desires, to acquire it at her discretion and use and enjoy it according to her wishes.

Thus Islam has established the 'dower' as an exclusive right for women. It is both a legal and financial right that nobody can violate. "And give the women their Mahr with good heart." With these words, the prophet has decreed that Mahar is an obligation upon man towards their wives.

Today, it has become a trend among for the father or the guardian of the bride to take her dower or their house hold purpose, over the new furniture for their house. According to Islamic jurisprudence this is not valid, because, such expenses are the husband's duty and the 'Mahr' should be for the bride exclusively.

It is better if it gets at the time of marriage. If the groom does not give, the bride has the right to claim it from him against his will. If he is not able to fulfill it on account of his difficult financial position, Allah say"... but shall be no offence for you to make any other agreement among yourselves after you have fulfilled your duty"

The prophet did not allow any marriage without a 'Mahr'. Indeed, knowledge is more important and more valuable than money and by teaching his wife, the husband will be compensating for the amount of money he

would have had to pay as 'Mahr' and which his wife might have had as a fee for another teacher.

Islam has made this a condition for the marriage contract to be valid, so that the groom would realise his responsibility towards his bride. The 'Mahr' is also a symbol of the fact that the wife will deserve her husband's devotion, sympathy, care and compassion and that he will assume his responsibilities, support and assist her throughout their marriage. The 'Mahr' also symbolises the husband's willingness and desire to seek this union. This indeed, has a great impact on the bride herself.

Yet some people think that 'Mahr' is the bride's retail price or even an indemnity paid to her father or a transaction by which the woman become lawful for her husband. To refute the above statement, it can better be used to indicate that Allah has said that "treat your wife with kindness". They have been entrusted to you by him. Thus 'Mahr' is consequently a right which honours women and symbolises the husband's commitment to care and look after his wife throughout their marital life.

The divorce is the most hated and unpleasant thing in Islam. Despite that Islam permits divorce when marital relations have been poisoned to a degree which makes a peaceful life impossible. It is allowed normally when all the efforts for reconciliation have been proved abortive and there are no chance left for them to live together amicably. Even arbiters can be
appointed, one from the family of each spouse to resolve differences between the husband and wife.

The method of divorce as propounded by the Quran and sunnah is briefly described in the following lines. If the husband intends to divorce his wife, he can do so by making a single pronouncement of divorce within Tuhr (Tuhr is period of purity between monthly periods) during which he has not had marital relations with her and then leave her to observe 'Iddat'. After expiry of 'Iddat' the divorce would attain finality.

The other method is that the husband would pronounce divorce thrice at an interval of month each. However, it is regrettable that the male-dominated Islamic world has deprived of what was given her by the Holy Scripture of Islam. She is arbitrarily divorced by husband by misusing the provisions of triple talaq (divorce) and thereby her status has been completely downgraded.\(^\text{31}\)

In case of one or two divorces, the husband retains the right of reunion within the period of 'Iddat by resuming marital relations or by verbal retraction. However, after the period of Iddat divorce becomes irrevocable and the husband's right of reunion stands forfeited. Now, the couple has the right to remarry if they desire to live together. When a husband has repudiated his wife by pronouncing three divorcee, he has no right of

revocation, neither the couple can remarry. In this situation the parties can remarry only when the woman marries another husband and the later dies or divorces her after actual consummation of marriage.

It is obvious that the intention of law prescribing three pronouncements of divorce separated by fixed intervals of time, precedent to final separation was to leave open the opportunity of reconciliation. The great authoritative source of Muslim law is the Tradition of the prophet. It is called in Arabic 'Hadith' It is the exact indication of what Mohammed did and what has therefore Divine approval."32 During the 'Iddat' period the wife cannot be expelled from the house and she would be entitled to full maintenance and also to good treatment.

'Iddat' or 'Iddah' is the period of waiting during which a divorced woman or a widow is not permitted to remarry. The primary purpose of this waiting period is two fold. Firstly the ascertainment of possible pregnancy and thus of the parentage of the would be baby, secondly the spouses are given an opportunity to resolve their differences and reconcile.

Similar rights have been given by Islam to female sex. There are two ways in which a woman is allowed to seek separation Firstly through mutual agreement. If the husband and wife by mutual consent agree to dissolve marriage conditionally or unconditionally, the woman would be released.

32 S.M. Zevener, Law of Apostacy in Islam, Delhi, 1975, p.36.
Secondly, through judicial decree by filing a suit against the husband in a law court. Islam has unreservedly condemned men and women, who misuse their legal rights of divorce. They are allowed to use it on legitimate grounds. If he misbehaves with his wife then she can use in the court of law against him. Thus the legal position of woman is secured and her social position as a wife is dignified.33

These warnings and moral exhortations are intended to discourage men and women from disturbing the stability of family life and resorting to separation except in case of unavoidable necessity. Both men and women are required to undergo monetary sacrifice for securing their separation. It has been stated that the husband cannot claim more than he has already given his wife as 'dower'. If separation comes as a result of the mutual agreement of either parties without the intervention of the court, the amount has to be settled by the two parties. If it is brought to the court then the latter has to decide what position of the 'Dower' should be retained by his wife whether the full amount, half or one forth etc.

For divorced women, maintenance should be provided on a reasonable scale. This is a duty on the righteous. "Let the woman live (in Iddat) in the same style as live according to your means, among them not, so as to restrict them. And if they carry then spend on them until they deliver their burden

and if they suckle your offspring give them their recompense, according to what is just and reasonable.\textsuperscript{34}

No scale or standard has been fixed for maintenance by the Quran. However, a lot of guidance has been provided to determine it in the given circumstances. The Quran says; "No one should be charged beyond ones capacity." At another place, the Quran directs "provide for them, the rich according to his means and the poor according to his means and nobody to be charged beyond his capacity."

If the husband is poor and the wife supports the family, she is entitled to recover the amount expended by her from husband when he is in easy circumstances.

The importance of women's welfare in Islam is reflected by their eligibility for maintenance. This was a revolution in women's rights at that time, since the pagan Arabs and many ancient nations did not allow women to inherit. Inheritance was exclusively for men who, as they said... carried the swords, defended the tribe and protected the land. The misery of women extended even beyond that because instead of inheriting from their relatives, women were inherited by their relatives. A woman was considered part of the deceased's estate to be inherited like any other object.\textsuperscript{35} The closest man in relation to the deceased would inherit his wife. With the revelation of Quran

\textsuperscript{34} Quoted in Muhammad Sharif Chaudhry, \textit{op.cit.}, p.65.
\textsuperscript{35} Fatima Umar Naseef, \textit{op.cit.}, p.176.
must humiliation was eliminated. Islam abolished this pagan practice, restored women's dignity, established their humanness and strengthened their social position by granting them the right to inheritance, instead of being inherited and humiliated as they were before. Women have a legal share in the estate to be inherited and their share is stated clearly in the Quran.

There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large - a legal share. The pagan Arabs used to bequeath their property to adult men only. They did not allow for women and children to inherit. Therefore, Allah has revealed this verse which indicates that in principle, we are all equal in the eyes of Almighty God and therefore eligible for inheritance, eventhough there are some differences in the shares allocated to different members of the family.36

According to the general principle of equality, women in Islam have been granted the right to inheritance and the rights of young children have been secured. The pagan Arabs used to assess each individual according to his or her financial capacity and his or her ability in the battle field. Islam however, with its divine principle, has looked at individuals as human being and assessed them according to their humanness which is an intrinsic property that doesnot desert any individual. As a second stage, Islam has

36 Ibid., p.176.
taken into account the practical obligations of each individual of this family in particular and his society in general.

The verses below explain and specify women's shares of inheritance in different situations. Almighty Allah has revealed the people a fair and legal distribution of property among their children and relatives.

The Quran says "as regards your children's inheritance to the male, a portion equal to that of two females, if there are only daughters, two or more, their share is two thirds of the inheritance, if only one, her share is half., for parents a sixth share of inheritance to each if the deceased left children, if no children and the parents are the only heirs, the mother has a third, if the deceased left brothers or sisters, the mother has a sixth. The distribution inn all cases is after the payment of legacies he may have bequathed or debts. "you know not which of them whether your parents or your children, are nearest to you in benefit." These fixed shares are prescribed by the God. Thus Allah secures the womens right by prescribing a set of shares for each conditions of her life as a daughter a sister, a mother, or a wife. No distinction is made by Islam between movable and immovable property. The whole including both kinds is distributed to the heirs in then fixed proportions.

37 Ibid., p.176.
It may be said that by giving the daughter half the share of a son, Islam has let down the position of women. But it should not be forgotten that a women may receive 'dower' and property from her husband in which her inequality is more than compensated for.

Thus Islam sees a woman, whether single or married as an individual in her own right with the right to own and dispose of her property and earnings without any guardianship over her, whether that be her father, husband or any one else. She has the right to buy and sell, give gifts and charity and may spend her money as she pleases.

Much harsh criticisms have been levelled against Islam for having permitted polygamy. The General interpretation is that limited polygamy is permitted. It must be borne in mind that Arabs of pre-Islamic days had very lax matrimonial laws and the rules regarding a maximum of four wives was a restraining piece of legislation. Polygamy is a provision and not a compulsion. Its intention was to provide help for the helpless woman and save them from falling into destitution.

Islam set rules and regulations regarding polygamy and made it clear that for a man to be able to marry more than one wife, must be able to teat them equally "if you fear that you shall be able to deal justly with the orphan

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38 P.T. Thomas, *Indian Woman Through the Ages, Bombay*, 1964, p.244.
girls than marry women of year choice, two or three or four, but if you fear that you shall not be able to deal Justly, then only one or that your right hand posses. That is nearer to prevent you from doing injustice."

There may be so many factors on account of which it would be difficult for the husband to deal equally between them. For example, difference in temperament, appearance, education, family background, age, ability to look after the house hold affairs etc. may cause the husband to prefer one above the other. However, the husband must try his best to keep balance and accord them equal treatment in the things on which he has no control like love and affection, even these he should not display by his outward behaviour that he loves one wife and bates the other one.40

Some people try to establish that monogamy is the only form of marriage which is lawful since polygamy is permitted with the condition of justice and in that verse, Quran says maintaining justice between wives is impossible. However, this assumption is not correct when we look at the second sentence of the verse which reads "But turn not altogether away (from one) leaving her as in suspense."

There is almost consensus of opinion among all the scholars of the Quran and doctors of Islamic law that Quran permits polygamy. However, the injunction is not in the nature of order or command. It is voluntary

provided he does justice to all the four wives. It is reasonable to understand that the choice of wives for plural marriages must be from among widows or orphan girls. "give unto orphans their wealth." So it is obvious that the Quran is exhorting its followers to do justice with the orphans who are undercare. It is in this background that polygamy has been permitted, so that they may be able to do justice with them and treat them fairly by marrying the mothers or the sisters of the orphans and thus becoming their close relations. In that way, they would feel and develop love affection and tenderness towards the orphans and would treat them kindly as if the orphans were their own children.

The Quran did not introduce polygamy that existed in pre-Islamic Arabia and also in the neighbouring communities. The Quran actually limited the number of wives, which could be any among the pagans to four and also subjected polygamy to a very straight condition of doing justice between the wives. Traditions of the prophet of Islam also supports this interpretation. It is reported that Umar Gailanbin Saleema embraced Islam while he had ten wives and the prophet told him "Select four of them."41

The commentators and the scholars of the Quran through centuries have laboured hard and collected a valuable treasure of information regarding

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41 Fatima Umar Naseef, p.40.
the permission given by Islam for polygamy. They have also discussed the exceptional and extraordinary circumstances that justifies polygamy.

First exception is war. In case of war men are generally killed in large numbers. Thus the number of men were decreased while the number of females increased especially helpless widows and orphans. If polygamy is not permitted to support the widows and the orphans and also to bring the unmarried women into marriage bond, it would lead not only to economic misery of many families but also to immoral practices like prostitution, adultery, etc. such a social disintegration can be averted only if a man is permitted by law to have polygamy.42

Secondly, the wife may be sterile and the natural progeny may lead the husband to contract another marriage, who does not want to divorce the first wife but at the same time wants to have children.

Thirdly, the wife may be chronically disabled and unable to perform marital obligations, a second marriage in such situations may become necessity.

Dr. Hamidullah offers yet another interesting situation which justifies Islam's permission of polygamy. He says "supposing there is a case in which a woman has young children, and falls chronically ill, becoming incapable of doing the house hold work the husband has no means of employing a maid-

42 Muhammad Sharif Chaudhry, op.cit., p.87.
servant for the purpose, and the sick woman gives her consent to her husband
to take a second wife, he can have a second marriage, but a western law
would rather permit immorality than a legal marriage to bring happiness to
this afflict ed home.43 It is also said that prostitution can be controlled by the
introduction of polygamy.

Some scholars hold that the general rule is monogamy while polygamy
is an exception limited to the above mentioned circumstances. In order to
prove the general rule Maulana Umar Qamani refers to the meaning of 'Zauj'
which means a pair or couple, husband or wife, an individual consorting with
another. The word 'Zauj' is used in Arabic for the husband as well as the wife
and not of one man and several wives. According to the Quran mankind was
created from a single soil and from it created its mate and frame them spread
multitude of men and women. Thus Adam is proved to have only one wife.

On the question why Islam permits polygamy and why not polyandry.
Muhammad Azad says that on condition that plural marriages are allowed.
Still, one might ask why the same latitude has not been given to women as
well, but the answer is simple. Notwithstanding the spiritual factor of love
which influences the relations between man and woman, the determinant
biological reason for the sexual urge in both sexes is procreation and where as
a woman can at one time conceive a child from one man only and has to carry

43 Ibid., p.88.
it for nine months before she can conceive another, a man beget a child every
time he cohabits with a woman. Thus while nature would have been merely
wasteful if it had produced a polygamous instinct in woman. Man's
polygamons inclination is biologically justified. So biological factor is the
basis factor to decide the institution of marriage.

In the words of Dr. Annie Beasant, "There is pretended monogamy in
the west but there is really a polygamy without responsibility." Dr. Wester
Marck gives another reason in support of polygamy. He remarks that the
ground for polygamy is the strong and innate polygamous instinct of men as
compared to women, who are monogamous by nature.

"Although monogamy is the most prevalent form of marriage, studies
have shown that it is not considered the ideal or the preferred type. In a
sample of 565 of world's societies, 75% favoured polygamy, slightly less than
25% favoured monogamy and less than 1% preferred polyandry. Nevertheless
most of the marriages in these societies are monogamous. 45

Among the Hindus in India, polygamy prevailed from the earliest
times. There was apparently no restriction as to the number of wives as a man
might have. There are many instances in the Rigveda and other Hindu
Scriptures mentioning the multiple wives of Hindu Kings and heroes, Medes,

44 Quoted in Ibid., p.94.
45 Ibid., p.95.
Assyrians, Babylonians, Persians, Athenians and Phoenicians also practised polygamy.

So far as polygamy is concerned it existed in the world from the times immemorial and most often in its worst forms. It is Islam which restricted the practice by limiting to four and linking the permission with the equality of treatment and justice between the wives.

But the western sceptical minds are not convinced by some of the explanations of the Quran. In some accounts, Ayisha was only nine when her marriage to the prophet was consummated. Although the Quran insists that a man should treat all his wives equally, the prophet admitted that he had a favourite, wife Ayisha. So they state that when one reads the life history of the prophet, they may get confused as to why he had chosen such a young girl as his partner when he was quite old..

Whatever may be the criticisms, it can be concluded that the prophet of course, lived at a time when continual warfare produced a large number of widows who were left with little or no provisions for themselves and their children. In these circumstances, polygamy was encouraged as an act of charity. Again, they were not necessarily sexy young women but usually mothers of many children, who came as a part of the deal. It is also clarified that the prophet himself was a monogamist for the greater part of his married
life from the age of twenty five when he married Khadija until he was fifty when she . . . died. 46

So, polygamy cannot be a common practice for various reasons. When "Wives need to be treated fairly and equally, it is a difficult requirements even for a rich man. And above all, the hardest thing for a woman to accept in the Quranic tradition is polygamy. Hence as far as the majority women are concerned, monogamy is the unique and exclusive form of marriage.

Some people may wonder how the lawful 'Hijab' (the covering of the whole body) can be considered to be an ethical right for women. For many 'HiJab' appears to represent oppression and suppression. In Islam woman covers to protect herself from any potential threat to her honour and dignity. Islam teaches that prevention is better than cure.

Both men and women should behave in a modest way. Women should not make a display of their elegance or behave in such a way to draw attention of men towards them. 47 If chastity is of any real and lasting social value there is no doubt such restrictions are justified as they prevent men and women of various dispositions falling into temptation. Both men and women should cast down their looks and should not display their elegance.

47 Muhammed Mazheruddin Siddique, op. cit., p.86.
It is permissible for a woman to have her hands and face uncovered, without uncovering these, it would be impossible for women to take part in any business. The holy Quran which regards charity as one of the basic moral and social values, has directed the faithful against those ultra modern forms of dress which are meant more to reveal than to conceal.

The Quranic verses say that women should stay at home and not to wander about displaying their beauty and finery. But this does not mean that they should never go out and remain in perpetual confirement.

The purdha system among Muslims has been a subject of controversy between the old conservative school of thought and new enlightened section of Muslims brought under the influence of Western education and culture. It has come in much for abuse and mudsling by the Muslim critics. Whatever may be their arguments the truth as in other cases lies somewhere in the midway.

The critics argue that purdha system as it exists, has nothing Islamic about it. It is purely a non-religious social custom. Women in early Islam were not confined to their homes. They came out on occasions under the stress of economic, social and religious necessity. When they came out, they dressed and moved in a particular way which did not make them objects of attraction, unnecessary intermixture of the sexes was never approved of by Islam and runs counter to the whole spirit of its teachings.
The defenders of Purdha system argue that Islam means to keep women closely and completely confined to their homes. This is a wrong interpretation. When the Quran says that women should stay in their homes and make no display of their charms, it is referring to the life of the pre-Islamic Arabia. Despite the heavy social and legal disabilities from which they suffered, the women truly and frequently moved about and indulged in enormous talks with strangers or mixed with them freely. This is a kind of life which Islam wanted to replace by a life of decency and responsibility. If the Quran has intended totally to prohibit the movement of women outside their houses there was no necessity of laying down these restrictions on dressing and movement.48

But this does not solve the question whether women coming out of their homes are permitted to uncover their hands, feet, faces and whether a veil is necessary. It is clear that the vast majority of Muslim scholars jurists and religious authorities agree on these points that a veil which totally covers the face of a woman is not necessary. It was a cultural practice of some post Islamic societies. The actual practice in the days of prophet Mohamed evidenced by history and tradition confirms the view that Muslim women came out of their homes frequently for49 satisfying their economic intellectual

48 Ibid., p.109.
and religious needs without putting a veil, but always dressed in wearing loose garments.

The need for modesty is the same in both men and women. But on account of the differentiation of the sexes in nature, temperaments and social life, a greater amount of privacy is required for women than for men, especially in the matters of dress. Women shall not show their adornment except what is naturally visible.

The prophet directed that excepting face and hands no other part of a woman's body should be exhibited. Ayisha reported that Asma, the daughter of Abu Baker came to the prophet wearing a dress made of a thin cloth. He approached her and said to her when a girl matures; it is not appropriate to expose her body except face and palms.

Women are expected to cover themselves and to hide their adornments as well as their natural beauty. Islam orders women to draw their headcovers over their chests and women should turn their eyes away from what has been made unlawful for them. Consequently many scholars believe that women should do so whether they are looking with or without desire.

Another group of scholars believe that it is permissible for a woman and a man if there is no evil intention. The prophet used to let Ayisha watch the Ethiopian men playing with their spears on the day of Eid. She narrated

\[50\] Fatima Umer Naseef, *op.cit.*, p.108.
that "The prophet was screening me with his garment while I was looking at the Ethiopitans who were playing in the courtyard of the mosque until I had watched enough."\textsuperscript{51}

However, since what are normally displayed while praying and performing pilgrimage are the face and hands. The wisdom behind their divine order is to protect the individual as well society from temptation and adultery. The prophet also said that every unlawful gaze is sinful and every woman who perfumes herself and passes by the people so that they smell her scent is sinning.\textsuperscript{52} All these above mentioned facts reveal the importance of such modesty to prevent (temptation). Therefore, a woman who does not abide by the above rules of modesty is committing a great sin indeed.

The prophet has clearly and strongly forbidden women from attending the mosque using perfume "Any woman who perfumes herself should not pray "Isha (evening prayer) with us."\textsuperscript{53}

It is said that in the pre-Islamic period women used to walk around with silent ankles but stamp their feet in walking to inform men of their presence. Islam has forbidden from following their examples and from intentionally revealing or their hidden adornments as well as applying performed oil before leaving the house.

\textsuperscript{51} Quoted in \textit{ibid.}, p.109.
\textsuperscript{52} \textit{Ibid.}, p.111.
\textsuperscript{53} \textit{Ibid.}
In conclusion, it is to be noted that the 'Hijab' (veil) is an obligation upon every Muslim Woman. All true believers should abide by the rules of Islam. However Islam does not prescribe a specific" Islamic out fit." A Muslim woman has the right to select any 'out fit' as long as it fulfills some of the above mentioned condition which underlines the significance of the chastity and modesty. Hence it does not admit any tight 'Hijab'.

Indeed, time has proved that adornment, free mixing of men and women and disobedience to divine wisdom can only lead to general corruption and dissoluteness. The rules regarding the 'hijab' are there to protect the individual as well as the society falling from moral degeneration.

We know, demands by women for equal rights and equal status with men to decide their own careers and life patterns have been made in western society for at least the last two hundred years. The American Revolution of 1776 and French revolution of 1789 and perhaps provided the philosophical basis to the western women for their own insurrections.

From 1876 onwards, the women's suffrage societies and other feminist organization had to launch a lot of struggle through demonstration, agitations, and violence to achieve their rights. It would also be noted that efforts have been made by the limited nations for the liberation, and emancipation of women for securing them many of the socio-political rights in the modern world.
The U.N. Charter of 1945 was the first accepted international document that clearly defines equal rights for woman. In 1948 the Universal Declaration of Human rights was adopted by the United Nations. In 1952, U.N. General Assumbly adopted convention on the political rights of women. It provides that women shall be entitled to vote in all elections and be eligible for election to all elected offices. The united Nations declared 1975 to be an international women's year.

The rights of Muslim women are granted by Islam and they cannot be altered or replaced. Women have gained these rights without a feminist rebellion. These rights were conferred on her fourteen hundred years ago when the contemporary civilizations were not even prepared to consider her as a human being. It is natural and is simply demonstrated by the fact that most of the principles regarding women were sent down as restrictions on men with a view to preventing them from transgressing against women. For example, "when you divorce women, they fulfill the term of their Iddat, then retain them in kindness." But do not retain them to prejudice them or to take undus advantage.

The weak commitment to religion tends to cultivate unjust and hostile treatment of women. For an unlike man, a woman is created and brought up gentle and delicate. Performance of her natural functions keeps her away from the toughening experience of every day public life. Uncultured men
tend to oppress in many a human society. Men normally and purposefully keep women weak and jealousy, which they entertain in respect of women, induces them to multiply the means for restraining and monopolising them.

It should be said that if one goes by those verses of the Quran which belong to the normative category or which are of the nature of laying down principles and values, men and women should enjoy equal rights in every respect. It would be necessary to re-read and re-interpret many verses which were used for centuries to subjugate women in Muslim societies. This subjugation was more cultural and patriarchal than Islamic or Quranic.54

Unfortunately, the patriarchal hold was too strong to be severed irrevocably and soon after the prophet's death, women started losing whatever rights they had during the life time of the prophet. The rational understanding of women in the Quranic interpretation would help inculcating self-consciousness to understand the social revolution effected into the society by prophet Mohammed instead, of falling into social degradation. Indeed, the prophet has brought a social change within the society.

The examination of the status of women in Islam is attempted here in the context of high lighting the position of Muslim women in Malabar. This chapter on Islamic position concerning women (Chapter 2), it is hoped would shed light on Muslim women in Malabar, their position in Muslim society of

Malabar, the problems faced by them vis-a-vis men in the Muslim community in Malabar especially in relation to the rights of Muslim women accorded under Shariat and the Mohammedan law of India. In next pages of the thesis social cultural change brought about by social reform efforts of the community and social action on the part of the government (Chapter 3), is analysed and thereafter in the fourth chapter. Specific issues concerning Muslim women of Malabar are examined where in the real picture of problems of Muslim women is furnished.