
STATUS OF MUSLIM WOMAN

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Abstract

Fear God in the Matter of Women

They have rights against you

As you have against them

(Prophet)

The test of every civilization is the position of woman in the society for this reason she has always remained an object of intellectual controversy in the history of mankind. Who is superior-man or woman; man should bring home the bread and butter and woman should only spread butter on the bread, are some ancient proverbs. What is the importance of these old adages and sayings from the Islamic point of view? What is the position of Islam regarding woman's place in the society? These are important questions to be answered in order to provide a fair evaluation of what Islam has actually contributed towards the elevation of woman's status in the society.

A Muslim woman is neither a mere chattel or bonded labour or a prisoner or non-person, as misunderstood by the western thinkers, nor is she as free as projected by the so-called progressive scholars for their vested interests. Man and woman are complementary and supplementary to each other and there is no discrimination in the sight of God in terms of their rights and responsibilities. They are two wheels of the vehicle of life and unless both wheels are equal in size and strength, the objectives of life cannot be achieved. Woman completes man as a person and in turn is completed by him. In their full co-operation and harmony lies the purpose of life. As God says :

O mankind! We created you from a single (pair) of a male

and female, and made you into nations and tribes that

you may know each other,

(Quran XLIX : 13, IV : 1)

Unfortunately the role, which has been assigned to woman in the laws of the religion of Islam, is being minimized in practice. The practical subjection of the wife to her husband is almost complete and absolute. The sooner, the fallacy of this attitude is realized, the better.

The Changing Scene : Law in Practice in India

The latter part of the twentieth century is witnessing devastating social changes affecting the status of women in general and Muslim women in particular. The three major social institutions, namely marriage, divorce and maintenance are posing serious challenges, crippling the backbone of Muslim women who are today in distress.

The legal rights, despite the limitations, conferred on Muslim women more than fourteen centuries ago, were far ahead of what women in other societies and religions were entitled to until modern times.

Marriage System

Polygamy is permitted in Islam. To some this has become a privilege and an unquestionable right. Contradictory to expectation, plural marriages prevail among the Muslims of the lower strata. The first wife is often unaware of the efforts of the husband to contract a second marriage. Even the second wife is not aware of the first marriage of her husband. Second marriage generally means negligence and desertion of the first wife and children from her. The husband is not in a position to treat the two wives with perfect equality. Instead of equality, the husband showers cruelty on one of the two.

It is true that marriage in Islam is a civil contract. But to say that it is not sufficiently solemn or sacred is a fallacy. The conditions laid down in Islam for plural marriages are so difficult to comply with that they amount to a virtual prohibition of polygamy.

Desertion and ill treatment of a wife even without contracting the second marriage are also on the increase in the lower sections of Muslim society. For months and sometimes for years the husbands keep away from their wives, causing social, economic and psychological stresses and strains. The Muslim society hardly exercises any pressure over such husbands.

The dowry system has crept into Muslim society. Marriages have become expensive. Dowry deaths are not ruled out today among Muslims.

There are frequent cases of triple Talaq by husband even in the higher classes. "Divorce comes too easily to the lips" – according to a well to do Muslim woman in New Delhi. In the lower classes, there is no pressure of public opinion against the free and easy divorce, which still continues to be the accepted custom.

In the practice of divorce, the difference between the upper and lower classes is largely due to the difference in education and modern contact.

There is a constant repetition of Muslim women lamenting their fate of being already divorced or living under the fear of divorce, which hangs like the sword of Damocles over their heads. The same

cause provoke a divorce which produce polygamy, sterility or the birth of only daughters, which explain probably well over seventy five percent of all the cases of both polygamy and divorce. One can easily understand the significance of the statement of a physician at the Zenana Hospital, Lucknow that "A woman's success in life depends so largely on child bearing". There are also of course other less fundamental causes sufficient sometimes to provoke repudiation such as the disobedience of the wife, or it is said, even her failure to cook according to her husband's taste. Muslim women accept divorce as an ever present possibility, and many seem to be in a state of constant uncertainty and tension.

Among the lower classes there is an interesting economic connection between polygamy and divorce. The decline of polygamy among them may logically have the effect of increasing divorce. The cost of an extra wife as has been said, makes polygamy difficult. The cost of housing often necessitates living in much closer quarters today than formerly. Separate establishments for wives are too expensive and having two or three living in the same house is difficult to say the least. Hence a divorce offers a simpler and cheaper means of satisfying the desire for more variety in wives. Any decrease in polygamy in the lower classes may thus increase divorce.

Divorce System

The second major problem relates to 'Divorce'. Marriage is regarded as a civil contract and as such can be dissolved. But what I notice today is that divorce has become much easier to practice than plural marriage. Pronouncing Talaq three times often consecutively, stamps the fate of wife. Reasons need not be assigned. It is the pleasure and privilege of the husband. But the wife is flatly denied the right to divorce the husband (Khula) until he gives his consent. Thus the suffering wife is put to greater hardship when the husband can take a second wife, ill treat the first wife, all in gross violation of Islamic injunctions. There are instances where husbands' demands thousands of rupees and exemption from payment of Maher (dower) from the wives in consideration of giving consent to Khula.

Maintenance

The quantum of maintenance amount (alimony) depends upon the status of the husband, but quite often either the alimony is not paid at all or a negligible amount is paid. Even for this, the wife has to move the court. The husband exercises his right to appeal to the highest court of the land.

Property Right

Islamic laws allow a definite share to the woman as a wife, a daughter, a sister and so on. However, in actual practice, attempts are often made to deny the sisters of their legitimate share under one pretext or the other.

Other Handicaps

Besides these problems affecting the status of women, there are also other handicaps curtailing individual freedom and equality of opportunities. Women of the lower strata are often made to confine themselves to the four walls of the house, a stinking kitchen, a polluted environment, all leading to poor health. Pardah and Burkah are rigidly insisted upon without due care for alternatives essential for the fuller development of the human personality. The majority of women patients in hospitals are Muslims.

The noble Islamic laws on talaq and khula are being grotesquely caricatured by the Muslims themselves. And I can go on adding example after example and principle after principle in order to expose the shamelessly wide extent to which most of the superb Shariah laws are being misunderstood and misused in the society. In respect of bigamy, for instance most Muslim husbands think that they have an unbridled birth right in that regard. Muslim girls even though major are being freely given in marriage, against their wishes or without their consent. Contractual freedom in marriage which Islam gave to women as a powerful weapon for their protection against oppression by the husband, is generally unknown in this country. As regards Maher, the Muslim husband finds nothing wrong in keeping it either ridiculously low or unconscionably high. At the same time, instead of actually paying the Maher to the wife the Muslim groom now shamelessly looks for dowry to be paid by her parents – a practice which is wholly repugnant to Islamic Law. There is a social taboo against marrying divorced and widowed women – leading to serious problems regarding their maintenance. Worst of all, the teachings of the Holy Quran and the Prophet in respect of cordial relations between the husband and the wife, based on 'adl, rahmat and mawaddat are being openly flouted by our laymen and godmen alike.

A Caution

The cheap jibe about freak talaqs and the helpless bonded status of Muslim women in wedlock are often attributed to discrimination enshrined in the Holy Quran. But this solely due to ignorance of historical realities. We should have regard to the circumstances that prevailed during the Pre-Islamic period in the Arabic world where sexual promiscuity and social injustice played havoc. Unlimited wives, indiscriminate divorces at the men's pleasure and unquestionable and unbreakable chains for women formed the core of the then social order. It was at this stage that the Holy Prophet, the great messenger of God attempted to plant certain restraints on the unlimited right of male. He showered on women certain rights, though limited and cautious. He introduced an innovative rational and fair system. This attempt of the holy Prophet was to modernize the social status of women.

Thus the great damage done to the Muslim women's status today is not because of the conservative nature of Islamic injunctions, but because of the ignoring of them. The various un-Islamic customs and the muslim personal law the handiwork of the Anglo-Saxon jurists who misinterpreted Islamic injunctions while sitting in Downing Street in London, have brought misery to Muslim Women.

The non-muslims who raise the issue of the status of Muslim women often fail to recognize the values of Islamic injunction, which are relevant to modern times if properly understood and practiced. There is no chauvinism or fundamentalism here. Muslims of today can come to terms with the contemporary world if they go straight back to the Quran and renew their faith and belief by seeking direct inspiration and guidance from it.

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