

**Problems Facing Muslim Women
and
Their Solution**

**MUSLIM PERSONAL LAW
AWARENESS CAMPAIGN**

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In the Name of Allah, the Compassionate, the Merciful!

Islam is a complete way of life which deals with all the problems of life and presents proper solution thereto, for its teachings are not given by any man but rather by Allah who is Creator of the entire universe. He created man and woman, and revealed in Divine Books all the laws pertaining to the way of life and sent Prophets to present before people a role model by putting those laws into practice, as these laws provide bases for perfection and progress of human nature.

With marriage (*Nikah*) between a man and a woman, a sacred relationship of husband and wife comes into existence and thus begins a family. Coming together of many families makes a society. A question comes to the fore as to which rules and regulations this society should lead life that there be a balance between rights and duties of individuals. These rules and regulations are called Islamic Family System. The primary objective of this system is to ensure complete development of man and woman, establishment of a sacred society and creation of an exemplary human civilization.

Objections Raised by Anti-Islam Forces

A majority of population in our country know little about Islam. They consider the family laws of Islam oppressive to women. Some of those who raise objections to the teachings of Islam do so out of ignorance or misapprehension while some others do so quite willingly.

Time and again they target the family laws of Islam. Nowadays a section of media is spreading all over the country misapprehensions about triple talaq, polygyny and nikah-e-halala and efforts are being made to propagate that Muslim women do not enjoy equal rights. On the other hand, few Muslim women who are irresponsible and ignorant of Islamic teachings have moved the court to get polygyny and triple talaq banned, for to them they are oppressive to women.

The Rot of Muslim Society

The important cause for objections raised on the family laws of Islam is the rot in the Muslim society. The indifference of Muslims towards the Dīn and their ignorance has caused many a rot. For example, instead of making Nikah easy, it has been made difficult by indulging in extravagance and practising un-Islamic customs. Even minor causes give way to bitterness in the matrimonial life so much so that a man pronounces three talaqs in one go, as a result of which within no time a prosperous family stands ruined and a division between children and parents takes place.

When there is no way out left for the former couple to get united once again, they resort to what they call *halala*. In case of polygyny the demands of justice are not maintained between the wives. One more rot prevalent in the Muslim society is that women are deprived of inheritance and they are not given any portion of inheritance whatsoever from their parents and other close relations while it is their right given by the Qur'ān.

Islamic Family

The family laws of Islam are a blessing for humanity. It begins with the family wherein every individual fulfils

his/her responsibility in a befitting manner, the rights of one another are honoured and equal opportunities for development are available to all. In view of the number of persons in a family and their lifestyle, the family is small or big, i.e. nuclear or joint. In a nuclear family, a man lives with his wife and children; in some cases parents and certain close relations also form part of it. While in a joint family, parents live together with their sons and their spouses and children.

As per Islamic teachings, man is the head of the family. While woman is the supervisor of her husband's home and children and she will be accounted for that. That is, woman is the manager of the home. If something is going in her home in disobedience of Allah and His Messenger, it is her responsibility to make efforts to stop it. This is possible only when she is a true, practising Muslimah. The un-Islamic customs and traditions prevalent in society today are due only to the women unaware of the Dīn. If a Muslim woman determines that everything in her home will be done in strict accordance with the teachings of Islam, she can make the home an exemplary family.

Easy Nikah

Islam enjoins us, while marrying off our daughter, to see to it that her would-be groom is a practising Muslim, that he has good manners and etiquette, and that he is adventurous and broadminded rather than simply considering his financial status and higher education, so that he might face the ups and down of life with patience and pleasure and make the home environment blissful.

Likewise, while finding a suitable bride, the same criteria should be kept in view: her character and manners, habits and behaviours and her religious commitment ought to be preferred to her wealth, beauty and post, if any.

Allah's Messenger (peace and blessings of Allah be to him) said: "A woman may be married for four things: her wealth, her lineage, her beauty and her religious commitment. Seek the one who is religiously-committed." (*Bukhari & Muslim*) He said so because today's wise decision guarantees a bright future. Noble and talented children are a source of contentment for their parents and prove continuous reward for parents and other members of the family.

Islam also enjoins us to solemnise Nikah in a simple manner. But it is seen that people, rich or poor, spend extravagantly while Allah's Messenger (peace and blessings of Allah be to him) said: "A blissful Nikah is one which incurs minimum expenditure." (*Baihaqi*)

But today the best Nikah is one which is performed extravagantly with a sense of pride, pomp and show and which also incurs wastage of time. Nikah has been taken as the mere fulfilment of indecorous wishes and aspirations, and customs of sorts like mangni, salami, marriage card, manja, shoe snatching and unveiling of the face, etc. have been devised for this occasion. Baraat has been also taken as an important part of Nikah. Sometimes the groom's family sticks to come with Baraat and forces the other party to entertain all the guests 'suitably' while some other times the bride's family invites Baraat just out of pomp and show. This custom is un-Islamic out and out. This is tantamount to devouring other's wealth in a wrong way. Allah the Exalted says: "And do not consume one another's wealth unjustly." (Surah Al-Baqarah: 188)

One more heinous custom is dowry. When a girl is born in a family, the parents busy themselves ever since to arrange the dowry to save their honour as well as to protect their daughter from some untoward happening. Dowry has claimed the lives of umpteen girls. It is women who generally press for the demand of dowry. Less dowry or lack thereof makes the life of the girl troublesome. She is

subjected to mental torture day in and day out. Contrary to it, laxity is practised in payment of Mehr while it is mandatory to pay it. Allah the Exalted says: “And give the women [upon marriage] their [bridal] gifts graciously.” (Surah Al-Nisa: 4)

In our society details of dowry are decided with utmost seriousness but Mehr is fixed somehow. Therefore, the amount of Mehr is fixed either meagre or too much. In some cases, very high amount of Mehr is fixed just to assert false status and exhibit greatness, without any intention of ever making its payment, rather to seek excuse from it.

Mehr Muajjal (instant payment of Mehr) is considered excellent. But if a man wants to make instant payment of Mehr, his intention is regarded with suspicion that he intends to desert his wife or enter second marriage.

Family Disputes and Causes Thereof

When a girl, after marriage, comes to her new home, she has to deal with other members as well as her husband, e.g. mother-in-law, father-in-law, husband's sister, wife of husband's elder brother, wife of husband's younger brother, etc. The most delicate and important of these relations is one between mother-in-law and daughter-in-law, which falls prey to conflict since the very first day. If analysed deeply, it comes to light that the basic cause for this dispute is close relationship of both with one single person, who is the centre of hopes and aspirations for both. On the one hand, there is mother who loves him deeply and naturally while on the other there is wife who having left behind the house and environ of her parents enters new environ and hopes that husband would give preference to her pleasure. Second cause for the dispute is the subconscious memory of the days the mother-in-law had spent as daughter-in-law in the past; in every matter she

compares her past with that of daughter-in-law's present. Third cause is that of power and authority. Mother-in-law wants daughter-in-law to be at her (the former's) beck and call, so much so that she (the latter) should seek her permission even in matters like where to go, what to eat and what to wear and what not; and daughter-in-law takes ill of mother-in-law's interference in her life. One more cause is misapprehension, untrustworthiness and an unknown sort of fear on the part of mother-in-law that daughter-in-law might get closer with her son and thus might isolate her from him. All this gives way to conflict and clash. Mother-in-law also nurtures a sort of suspicion that her daughter-in-law might send the earnings of her son and household items to her parental home or elsewhere. Therefore, she looks at her with suspicion.

Old-fangled mother-in-law proves a big problem to highly educated daughters-in-law. Most often illiteracy or being not-so-educated also causes disputes. In some cases, one of the two – mother-in-law and the daughter-in-law – is victim of superiority complex owing to her wealth and social status, beauty and complexion, lineage and higher education; so she applies trickeries of sorts to bring the other low.

Distinction between daughter-in-law and daughter, and preferential treatment with daughter is an important cause for dispute. Giving preference to one daughter-in-law from among many daughters-in-law and not doing justice to them is also a cause for dispute. It also happens that some daughter-in-law is ill-mannered; she takes pride in tormenting mother-in-law and husband's sister, in bullying husband's sister pointlessly and in taking man as her husband and father of her children. She forgets that her husband is also son of someone and brother of someone. In this regard, husband is also equally responsible. His love and affection is centred on his wife and children, and the importance of weak and old parents does not hold water in

his eyes as much as it had been. Mother-in-law and daughter-in-law disputes generally give way to evils like pride, telling lies, tale-bearing, backbiting, blaming others, prying, jealousy, malice, animosity, injustice and inequality, etc., which eventually prove cause of insult and disgrace for the members of the family.

If mother-in-law having looked back in her past analyses this situation and opts for the constructive way, and daughter-in-law wins the heart of in-laws with her decent manners and excellent behaviour, and the son fulfils his responsibilities towards parents as well as wife with a sense of justice, the home will become the cradle of peace and happiness.

One more cause for family disputes is joint family system. In some cases, due to living together with extended family members, commission of excess takes place. And inopportune interference by certain members of the family in the matrimonial life goes to such an extent that the man having fallen prey to sentimentalism pronounces three talaqs.

One cause for conflict in the matrimonial life is anger. If husband gets exasperated with certain behaviour of his wife, in such a situation the wife should not be impudent; she should keep silence for some time and when the husband cools down, she should talk to him. And the husband should be mild and forgiving; and when the wife gets angry, he should keep patience and fortitude. Improper interference of the wife's parents and the wife's bid to inform her parents about the inappropriate behaviour of in-laws instead of bearing it also give way to disputes.

One more cause for family disputes is financial responsibility. The responsibility of running the home rests with husband. But some families prefer earning daughters-in-law and husbands claim their right on their wives' earnings; wives cannot spend their earnings on their own. In certain

families, highly educated daughters-in-law want to join job but it is not acceptable to husbands, which creates conflicts.

Some women bear the domestic violence by their husbands and in-laws while some other women having misused the law of the land terrify their husbands and in-laws. In certain families, daughter-in-law is considered maidservant and the burden of all domestic chores is thrown on her while in certain other families daughters-in-law consider it disgraceful to do domestic chores.

All these inconsistencies in family life are the result of not acting upon the teachings of Islam. In some cases wives and in other cases husbands fall victim of oppression and excesses. If husband and wife both fulfil each other's rights and responsibilities in a balanced manner, they can keep from family disputes. In the Muslim society, there is willingness and enthusiasm to fulfil the rights of Allah but the rights of fellow beings are almost neglected, while in the family life members have deep relationship with one another. In this regard, the way of kindness and obligation has been emphasised.

How to Solve Family Disputes

There are ups and downs in the life of husband and wife; there may be complaints against each other; and there may be some sort of suffering. If husband feels offended with some act of the wife, he should keep patience and fortitude, and make efforts towards reform. Allah the Exalted says:

“Treat them with kindness even if you dislike them; it is quite possible that you dislike something in which Allah has placed much good.” (Al-Nisa: 19)

That is, it is not desirable that man makes haste in bringing his matrimonial life to an end; rather he should appease her and make her understand. If even this does not

work, he should separate his bed and reprimand her lightly to the extent of feasibility. If the dispute between the two is not solved with their individual efforts, the relations of both should try to effect compromise between the two and bring their life to normalcy. If even this does not solve the dispute and hatred between husband and wife continues, Islam gives man the right to divorce his wife. Likewise, the woman too has the right to effect separation by means of *khula*, *fasq-e-nikah*, *mubaraat* and *tafweez-e-talaq*. But Allah's Messenger (peace and blessings of Allah be to him) has warned: "If any woman asks her husband for divorce without some strong reason, (even) the odour of Paradise will be forbidden to her!" (*Abu-Dawood*)

Improper Way of Divorce and Its Consequences

To effect separation between husband and wife only one talaq is enough. To pronounce three talaqs in one go is a great sin and violates the method of divorce prescribed by the Qur'ān. One who does so is a sinner and earns the displeasure of Allah and His Messenger. By following un-Islamic method of divorce, the man loses his right to remarry his once-divorced wife.

When Allah's Messenger (peace and blessings of Allah be to him) was informed that a man had divorced his wife thrice in one go, he stood up angrily and said, "Does he play with the book of Allah while I am present among you?" (*Nasai*) That is, pronouncing three talaqs in one go is playing with and a mockery of the Qur'ān, for the method of talaq and rulings about it have been presented therein in great detail.

To pronounce talaq on trifles or while one is angry is not appropriate. It should be remembered that as at the time of Nikah a strange man and a strange woman enter the strong relationship of marriage by uttering only a few

words of proposal and consent; likewise this relationship comes to an end by pronouncing talaq.

Talaq does not affect one person, nor does it ruin the lives of two persons; rather it breaks the unit of family, and the hatred and animosity it yields goes to the two families; the basis of the new generation gets shaken and eventually the entire society stands shattered.

If we glance at the society, we find that as a result of three talaqs, the aggrieved woman stands more affected; her shelter is ruined all of a sudden. If her parents are there, they take her with them, otherwise she is compelled to leave her home. If parents or father are not alive, difficulties are intensified. A divorcee is not taken well in the society; she is looked down upon and taunted. Her second marriage is very difficult. If she has kids, they want to be with mother; and motherliness also does not allow her to keep them away. As per Islamic teachings, the divorcee does not get maintenance after Iddah. However, the maintenance of children rests with Father; but practically very little or no amount is paid for this purpose.

This is the situation prevailing in the middle class Muslim society. Much worse is the situation confronting the women living in slums. They earn a little money by working hard for the whole day; but their husbands who are often drunkard and gambler beat them and snatch the little money they have. Due to deprivation from basic needs, lack of education, drunkenness of husbands and other bad habits, these women fall victim to beating and violence.

Most often women do not know the solution to these problems. Owing to ignorance or unawareness, they turn to police or courts or contact some NGO, where they do not receive proper guidance. Cases are filed and they have to face many difficulties. Advocates charge huge amount as fees. Date after date, cases linger. To strengthen their side of the case, both parties resort to lies. When the details of

the case are made public, anti-Islam forces get a chance to point fingers against Islam; and media gives it wide coverage and declares the family law of Islam as oppressive to women.

Muslim society does not have any Shari'ah system to solve such problems. The need of the hour is to make a survey of mohallas to know the matrimonial and social condition. Counselling Centres, Shari'ah Panchayats and Darul Qadas should be established everywhere, so that this situation may be overcome and Muslims may get acquainted with the teachings of Islam and solve their problems in the light of the Qur'ān and Sunnah.

Polygyny

The family laws of Islam are compatible with human nature and thus a source of blessings for society. Polygyny is part of these laws. Allah the Exalted has given permission for it, not made it mandatory. And for this justice has been made essential; when justice is feared to be violated, man has been enjoined to be content with only one wife. One aspect of the permission for polygyny is to redress the grievances of divorcees, widows and hapless women present in society, so that they may fulfil their natural urges within lawful perimeters and do not pollute the society with any unlawful step.

The permission for polygyny does not provide a man with an opportunity to indulge in voluptuousness; but rather it adds a lot to his responsibilities in the sense that he now has to shoulder the responsibility of doing justice and giving equal treatment and good mannerly behaviour to many wives besides bearing the maintenance of all wives and their children. Having married a woman, a man thinks about earning livelihood for his wife and children as well as about behaving with them and also about their physical and

spiritual advancement. Contrary to it, it is easier for one who dies for voluptuousness to develop illicit relations with various women outside marriage; thereby he will not have to provide food, clothes, housing, etc. for anyone, nor will he have to think about anyone's health and education.

Woman's Right to Inheritance

Islam has fixed share in inheritance for woman too. In some conditions, this share is equal to man's and in some other conditions it is half thereto. In the conditions woman gets half of man's share, the wisdom is that she has no responsibility of expenditure of any sort. While, contrary to it, man has to shoulder financial responsibilities of sort; at the time of marriage he has to give Mehr and has to provide maintenance for his wife, children, sisters and parents.

In our society women are not given their share in inheritance. The argument is that their share of inheritance is given in form of dowry at the time of her marriage. The need is that on the one hand efforts should be made to bring the heinous custom of dowry to an end while on the other the share of inheritance as prescribed by Shari'ah as their right should be given to women.

The Things to Do

1. The first and foremost is academic and ideological preparation. Muslims should study the Qur'ān and Hadīth with an effort to understand them. And they should get themselves acquainted with the family laws of Islam and try to promote cordial relationships accordingly.
2. Another task is training (*tarbiyah*) of children. Pay attention to their spiritual training as well as physical upbringing. Inculcate in the mind of your children the

sense of Allah's Omnipresence and of Accountability in Akhirah (Day of Judgement). And when they reach the marriageable age, acquaint them with family laws of Islam.

3. Popularise easy Nikah and abstain from un-Islamic customs and traditions.
4. Establish counselling centres, Shari'ah Panchayats or Darul Qadas in your localities. If any family dispute appears in your family, relations, friends or mohallas, get it solved in a counselling centre, Shari'ah Panchayat or Darul Qada.
5. Keep an eye on the events taking place around; and rebut argumentatively the misconceptions against Islamic teachings being spread in print and electronic media.
6. Allah's Messenger (peace and blessings of Allah be to him) said: One who has the knowledge of Dīn should teach his neighbours who do not know Dīn. And it is the responsibility of those who do not know Dīn to learn the knowledge of Dīn from one who knows it. (*Tabarani*)

This hadīth enjoins those who have the knowledge of Dīn to get their neighbours acquainted with the teachings of Islam. If some religious gathering is held in the mohalla or neighbourhood, people should attend it; if not, they should make such an arrangement.

7. Enjoy life in congregation, for Allah's Messenger (peace and blessings of Allah be to him) has enjoined us to lead a congregational life instead of living individually.
8. Make a survey of the slum areas in your vicinity, town or village. Take stock of the condition of matrimonial

life, social issues, health, cleanliness, employment and economic problems and make efforts to solve them.

9. Make efforts in a planned way to disseminate family laws of Islam among the highly educated, middle class and illiterate sections of society.
10. If women want to visit their mohalla mosque, draw the attention of the functionaries of Masjid Committee with regard to arranging facility for women, so that women may perform prayers there, get themselves acquainted with Islamic teachings and contact Ulema about their problems and issues.



Name of the Book

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