

The Role And Responsibilities Of Women In The Legal And Ritual Tradition Of Muslim Society

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Abstract

The role and responsibilities of women in Muslim society have been deeply embedded in both legal frameworks and ritual traditions derived from Islamic teachings. This exploration sheds light on the dynamic and evolving nature of women's participation in various spheres of life, as guided by religious texts, jurisprudence, and cultural practices. Islamic legal traditions, rooted in the Qur'an and Hadith, have historically emphasized the importance of safeguarding women's rights. Women are granted clear entitlements, including the right to inheritance, property ownership, and financial independence. For example, the Qur'an specifies shares of inheritance for women, reflecting their recognized role in the economic fabric of society. Additionally, women possess the right to enter into and dissolve marriage, underscoring their agency in personal and familial matters. Despite these provisions, the practical application of women's legal rights has often been influenced by cultural interpretations and societal norms. Variations in these practices across different Muslim societies highlight the tension between religious doctrine and local customs. For instance, while some regions have advanced gender-equitable policies in line with Islamic teachings, others have perpetuated restrictive interpretations that limit women's participation in public and private spheres. Women hold a significant place in the ritual practices of Islam, participating in acts of worship such as prayer (Salah), fasting (Sawm), almsgiving (Zakat), and pilgrimage (Hajj). These rituals underscore the spiritual equality of men and women, as articulated in the Qur'an:

“Whoever does righteous deeds, whether male or female, while being a believer—such will enter Paradise”. However, certain ritual responsibilities are uniquely tailored to women, reflecting their specific roles within the family and community. For instance, women’s responsibilities in nurturing children and maintaining familial bonds are often viewed as extensions of their spiritual obligations. The concept of “Jannah lies under the feet of mothers” (Hadith) exemplifies the elevated status of women in fulfilling these duties. Historically, Muslim women have played prominent roles as scholars, leaders, and activists. Figures such as Aisha bint Abu Bakr, a respected Hadith scholar, and Fatima al-Fihri, the founder of the world’s first university, serve as enduring examples of women’s intellectual and social contributions. In contemporary times, debates around women’s roles in Muslim societies continue to evolve. Issues such as education, employment, and political participation are central to these discussions, with many advocating for reforms that align cultural practices with the egalitarian principles of Islam. Initiatives promoting women’s empowerment through Islamic frameworks have gained traction, emphasizing the compatibility of faith and gender equity. The roles and responsibilities of women in the legal and ritual tradition of Muslim society are both profound and complex. While Islamic teachings provide a foundation for women’s rights and spiritual equality, the interpretation and implementation of these principles remain subject to historical and cultural influences. Recognizing and addressing these challenges is essential for fostering a more inclusive understanding of women’s roles in contemporary Muslim societies. By revisiting and reaffirming the core values of justice and equity in Islam, women can continue to play a transformative role in both religious and societal contexts.

Keywords: Responsibilities, Ritual, Variations, Interpretations, Compatibility, Empowerment interpretation, Implementation, Historically

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1. Introduction to Women's Roles in Muslim Society

This section provides an overview of the historical and contemporary significance of women’s roles in Muslim societies. It sets the context for understanding their responsibilities in legal, social, and spiritual domains, grounded in Islamic principles and their interpretation over time.

2. The Legal Foundations of Women's Rights in Islam

Islamic law, derived from the Qur'an and Hadith, outlines a comprehensive framework for women's rights. This includes legal entitlements such as inheritance, financial autonomy, and access to justice. The section explores these foundations and their impact on women's lives.

3. Inheritance and Financial Independence

Women's rights to inheritance and financial independence are explicitly defined in Islamic teachings. This section examines these rights, their implications for women's economic empowerment, and the challenges posed by cultural practices that may limit their application.

4. Marriage and Divorce: Women's Legal Agency

Marriage in Islam is a contractual agreement, granting women the right to accept, negotiate, or dissolve the contract. This section discusses women's legal agency in marital matters, emphasizing their autonomy and protections provided by Islamic law.

5. Education and Knowledge Seeking in Islam

Education is considered a fundamental right and duty for both men and women in Islam. This section explores the emphasis on women's education in Islamic teachings and the role of educated women in fostering a progressive society.

6. Political Participation and Leadership

Historically and in modern contexts, women have played active roles in governance and leadership in Muslim societies. This section examines their contributions and the Islamic perspectives on women's involvement in political decision-making.

7. Spiritual Equality in Islamic Ritual Practices

Islam promotes spiritual equality between men and women. This section delves into women's participation in core rituals such as prayer, fasting, charity, and pilgrimage, showcasing their equal spiritual standing and shared responsibilities.

8. Unique Ritual Responsibilities of Women

While spiritual equality is emphasized, certain responsibilities are uniquely assigned to women. This section explores these roles, particularly in the context of family and community life, and their significance in fostering social cohesion.

9. The Role of Mothers in Islamic Teachings

Mothers hold a revered position in Islam, as reflected in the saying, "Paradise lies under the feet of mothers." This section examines the spiritual and societal value of motherhood and its role in shaping future generations.

10. Prominent Historical Figures and Their Contributions

Throughout history, Muslim women have made significant contributions as scholars, leaders, and reformers. This section highlights figures such as Aisha bint Abu Bakr and Fatima al-Fihri, showcasing their impact on Islamic scholarship and society.

11. Economic Roles and Entrepreneurship

Islam encourages women's participation in economic activities. This section discusses historical and modern examples of Muslim women excelling in trade, business, and other economic roles, contributing to societal prosperity.

12. Contemporary Challenges in Women's Rights

Modern Muslim societies face challenges in aligning cultural practices with Islamic principles. This section discusses issues such as education, employment, and political participation, and the efforts being made to address these challenges.

13. The Role of Women in Conflict Resolution

Women in Muslim societies have often played key roles in conflict resolution and peace-building. This section explores examples from history and contemporary society where women's wisdom and leadership have brought about positive change.

14. The Push for Gender Equity within Islamic Frameworks

This section explores initiatives aimed at promoting gender equity within Islamic frameworks. It highlights the compatibility of Islamic teachings with contemporary notions of justice and equality, fostering inclusive progress.

15. Bridging Tradition and Modernity

The concluding section reflects on the balance between tradition and modernity in understanding women's roles in Muslim societies. It emphasizes the need to revisit Islamic teachings in light of contemporary challenges to ensure justice, equity, and empowerment for women.

The Role And Responsibilities Of Women In The Legal And Ritual Tradition Of Muslim Society

Humanity is suffering today from a number of serious social problems related to women and to the interrelations of the two sexes in society. Although these problems may be more pronounced, disturbing, more debilitating for some of us than for others, there are probably few if any regions of the contemporary world whose citizens have not felt in some way the repercussions of these problems. Therefore, there is a pressing need for exploring possible solutions. The problem of women is linked, for the present study, with the Qur'an, and what I have called the "Qur'anic society," out of strong conviction that the Qur'an offers the most viable suggestions for contemporary social reform, which can be found in any model or any literature. Writing Qur'anic Society instead of Muslim Society may puzzle many of you. Let me explain why the expressions "Muslina" and "Islamic" were rejected for this study, and how the use of the rather unusual appellation, "Qur'anic society," is justified.

Many beliefs and practices have been labelled "Muslim" or "Islamic" without warranting those names. There are approximately 40 nations of the world which claim to have a Muslim majority population and therefore to be exemplary of "Muslim" or "Islamic" societies. This of course results in a great deal of confusion as the question is asked: Which of these regions represents most faithfully the true "Islamic" society? Among Muslims that question is

most frequently answered by the claim that their own national or regional society is the truest to the intentions of Allah¹.

Non-Muslims, on the other hand, and especially the Western anthropologists who travel around the world to investigate the customs and mores of its peoples, tend to treat each variation within the Muslim World as equally valid. This results from their adherence to what I call the "zoo theory" of knowledge. Adherents of that theory regard all Muslims-and of course similar treatment of other non-Western people is discernible-as different species within the human zoo. The "zoo theory" protagonists go to the field, record and snap pictures of every strange or exotic practice they see and hear, and for them, this is Islam or Islamic practice. A trip to another part of the Muslim World with the ubiquitous devices for recording and photographing generates a different body of materials documenting superficial variations in customs. But this, too, is Islam or Islamic practice for the "zoo theory" investigator or ethnographer. There is far too little effort spent on understanding Islam as a whole. As a result, the basic premise of skepticism and relativism is confirmed in the mind of the researcher, and he/she returns home convinced that there is not one Islam, but scores of Islam's existent in the world. In like fashion, the researcher reports that there are many definitions or descriptions of the status and role of women in Muslim society. Each one of the resultant definitions or descriptions is dubbed as "Muslim" or "Islamic" even if we as Muslims may hold some of these practices to be distortions or perversions of our principles and beliefs by the misguided or uninformed among us².

It is the society based on Qur'anic principles, which is the goal of all of us, even though we may unknowingly deviate from time to time from those principles. It is the conformance to a Qur'an- based society for which we must all work if the Muslim peoples are to enjoy a felicitous future. It is not an Indonesian, Pakistani, Saudi Arabian, Egyptian or Nigerian version of that society that we should regard as indisputable norm, but one firmly based on the teachings of the Holy Qur'an. Only therein can we find a proper definition of woman's role in society.

As a step in this direction, let us consider what the Qur'an has to teach us about the society towards which we should be striving, and ponder its effect on the position of women. What are the basic characteristics of a Qur'anic society, which particularly affect women?

What is interesting is that Allah, The Most Wise, has not specified any particular role for all men or all women. The Qur'an does not propose or support a singular role or single definition of a set of roles, exclusively, for each gender across every culture.

This thus allows individuals the freedom to decide on their functions and roles best suited to their contexts. This must, of course, be done by maintaining fairness and equality through mutual consultation, mercy, consideration and compassion between those affected by the decision.

Women do have a special and exclusive function; and that is procreation. The Qur'an elevates this special function as follows:

"O mankind! reverence your Guardian-Lord Who created you from a single person created of like nature his mate and from them twain scattered (like seeds) countless men and women; reverence Allah through Whom ye demand your mutual (rights) and (reverence) the wombs (that bore you): for Allah ever watches over you³".

Another aspect that engenders the equal worth of individuals is that the Qur'an does not set value for particular deeds between men and women.

"Never will I suffer to be lost the work of any of you, male or female. You are members, one of another⁴".

In contemporary society this is not so. Much more value is attached to the work that men do. Domestic work is not less of a good deed than going out of the house to work. I believe that there is space in Islam to actually attach monetary value to domestic work done by wives. Indeed, some classical scholars have stated that women should be paid even for breastfeeding their own children! And if the criteria for valuing any function are monetary value then we should insist that all these functions should also have monetary values attached to them.

Let us now take a step back into our history and look at the various roles our sheroes played in the societies they lived in. I admit I will be focusing on and emphasizing the active and assertive roles they played. We have been taught well about what is traditionally considered to be pious about our early Muslim sisters. But what about the other roles they played⁵?

The first wife of the Prophet, mother of all his surviving children, was a businesswoman who hired him as an employee, and proposed marriage to him through a third party; women traded in the marketplace, and the Khalifah Umar, not normally noted for his liberal attitude to women, appointed a woman, Shaffa Bint Abdullah, to supervise the market. Other women, like Laila al- Ghifariah, took part in battles, carrying water and nursing the wounded, some, like Suffiah bint Abdul Muttalib even fought and killed the enemies to protect themselves and the Prophet and like Umm Dhahhak bint Masoud were rewarded with booty in the same way as the men. Ibn Jarir and al-Tabari said that women can be appointed to a judicial position to adjudicate in all matters, although Abu Hanifah excluded them from such weighty decisions as those involving the heavy hadd and qisas punishments, and other jurists said that women could not be judges at all. The Qur'an even speaks favorably of the Queen of Sheba and the way she consulted her advisors, who deferred to her good judgment on how to deal with the threat of invasion by the armies of Solomon. She (the Queen of Sheba) said, "O chiefs, advise me respecting my affair; I never decide an affair until you are in my presence." They said, "We are possessors of strength and possessors of mighty prowess, and the command is thine, so consider what thou wilt command. She said, 'Surely the kings, when they enter a town, ruin it and make the noblest of its

people to be low, and thus they do. And surely I am going to send them a present, and to see what (answer) the messengers bring back⁶".

Instead of using her model as a universal that all leaders should emulate, andocentric interpretation says a woman cannot be a leader.⁷

Women have sometimes headed Islamic provinces, like Arwa bint Ahmad, who served as governor of Yemen under the Fatimid Khalifahs in the late fifth and early sixth century. Women were actively involved in warfare. Umm 'Umara was known for her effectiveness with weapons. The Prophet (pbuh) commented that she was better than many men. Umm 'Umara fought in many battles and she lost her hand in one of them".

Women's views were listened to, respected, and usually supported, by the Prophet as we have seen. Another example is when the Makkans who made an agreement with him that he and the Muslims could return the following year stopped the Prophet's pilgrimage to Makkah. He told the people to shave their heads and offer their sacrifices where they were, but they did not obey, so he asked his wife Umm Salamah, and she advised him to lead them by doing so himself. He took her advice, and it worked.⁸

Women of the first Muslim community attended the mosque, took part in religious services on feast days, and listened LO Muhammad's (pbuh) discourses. They were not just passive listeners and docile followers, but actively participated in discussion and questioned, confronted and challenged⁹. This practice continued even in 'Umar's time when he was caliph. It is reported that when once Umar thought that people had unnecessarily raised the amount of mahr (dower) and, while addressing to those gathered in the mosque, he told them to keep the amount of dower low. One old woman stood up and interrupted Umar and told him that he had no right to fix the dower of women when Allah Himself says:

But if ye decide to take one wife in place of another even if ye had given the latter a whole treasure for dower take not the least bit of it back: would ye take it by slander and a manifest wrong? And how could ye take it when ye have gone in unto each other and they have taken from you a solemn covenant¹⁰...?

This shows, she argued, that there is no limit to mahr¹¹.

Umar conceded and made the historical remark:

"A woman scored right and a leader erred." Everyone is a better faqih than Umar, even the women¹²".

Talking about the mighty 'Umar, strong-headed and strong-willed...

He never forbade his own wife to attend the mosque because he knew that this was a betrayal of the Prophet's teaching. In fact, he tried some dubious means to discourage her. He once hid in an alley and frightened her to illustrate the danger of women being harassed by the hypocrites while they were going to mosque. He was not successful; his wife continued on her way to the mosque! When the Muslims recaptured Makkah (Fath Makkah) many woman came to

give their allegiance to Islam. They refused to offer their allegiance to 'Umar and insisted that they wanted to give it to the Prophet (pbuh) himself. The Prophet conceded and this was at a public assembly of men and women¹³.

Women like Asma bint Abu Bakr were active in the workforce. She shared the responsibility of supporting her family with her husband by working away from her home¹⁴.

Women were given the responsibility of running the affairs of the State.

A woman Shifa bint 'abd Allah was appointed controller of the market of Madinah by the Prophet. She was reappointed by 'Umar when he became caliph¹⁵".

The Prophet left it in the hands of his wife Umm Salamah to advise the Muslims to forgo the hajj and to rather sign the treaty of Hudaibiyya.

Aisha, the prophet's wife, was a reporter of many of the Prophet's traditions. She also addressed the congregation at the mosque and led an army in battle¹⁶.

In the private domain women also exercised their rights. They enjoyed the freedom of stipulating their demands in their marriage contract.

An illustrious example is the story of Sukayna, the great grand daughter of the Prophet, daughter of Husayn. In her marriage contract she stipulated that she would not obey her husband and denied her husbands had the right to practice polygamy. She brought a case against one of her husbands who had violated her rule of monogamy. The judge was obliged to hear her case¹⁷.

Yet when we attempt to assert ourselves as Muslim women we are accused of being influenced by the West, and attempting to cause divisions and putting Muslims and Islam to disrepute".

Muslim women can walk into the modern world with pride, knowing that the quest for dignity, democracy, and human rights, for full participation in the political and social affairs of our country, stems from no imported Western values, but is a true part of Muslim tradition¹⁸.

"Women fled aristocratic tribal Mecca by the thousands to enter Medina, the Prophet's city in the 7th century, because Islam promised equality and dignity for all, for men and women, masters and servants. Every woman who came to Medina when the Prophet was the political leader of the Muslims could gain access to full citizenship, the status of sahabi, and companion of the Prophet. Muslims can take pride that in their language they have the feminine of that word, sahabiyyat, women who enjoyed the right to enter into the councils of the Muslim Umma, to speak freely to its Prophet-leader, to dispute with men, to fight for their happiness, and to be involved in the management of military and political affairs. The evidence is there in the works of religious history, in the biographical details of sahabiyyat by the thousands who built Muslim society side by side with their male counterparts¹⁹".

Islam assigns a Muslim woman a due role to play in discharging collective responsibilities, which preserve the essence of the religious society in general. She must, therefore, assiduously apply herself to fulfill her part; for if all Muslims neglect to discharge these collective responsibilities, she would have

to answer for that default like every man. Some special obligations like maintenance of the family, attendance of group prayers, and the levy or mass general conscription for war are too onerous for the ordinary female. Islam has relieved women from attending to these as a matter of original, personal responsibility, if Muslim men can sufficiently attend to them. That does not mean that a woman is barred from doing any of these things. She may very well participate in all such activities even when there is no dearth of men to do them. However if men are not fulfilling their due obligations in this regard, it would be her duty to compensate their default or complement their effort.²⁰

One can't help but wonder, if Islam is so good for women, how come what we see in countries with Muslim majorities is utterly different? If it makes things any easier to understand, without justifying them, the same applies to all other religions. Muslims, like people of other beliefs have done a super job of twisting their religion to suit the needs of the more powerful in their society by generalizing specific rules on the one hand and limiting general rules on the other as they find convenient. Add this to innovations added onto the religion to suit the local cultures and you get something that may or may not represent the original. If on top of that you have a media that is either too ignorant or too hostile then the end product that reaches the average unbiased non-Muslim definitely has nothing to do with the real teachings of Islam. The only hope lies in people realizing that before one judges anything, one has to separate fact from fiction, opinions from actual happenings, etc. The true image of a true Muslim woman in a true Muslim society may not be as fascinating as what we see in the movies. However, if given a choice between this image and any other alternative available to date, I doubt it will be a hard choice. Lastly, let us look at some of the challenges facing us as we aspire towards the realization of our goals of justice and a better society²¹.

Major problem areas that need to be addressed include the following:

- * Family laws pertaining to marriage and divorce that reinforce the image of relationships based on a hierarchy with the rights of the husband superceding those of the wife and that prevent women from being in control of their lives.
- * Violence against women, which occurs in the home, community, and as a consequence of warfare which is claimed by some to be allowed by Islam when it is not.
- * Abuse of certain Islamic practices that affect woman negatively, such as polygamy and temporary marriage, when applied out of context and without abiding by Islamic restrictions.
- * Excluding women from religious activities such as attendance in the mosque, which has clearly been established as the Muslim woman's right.
- * Failure to promote the importance of a woman's contribution to society beyond childbearing.

- * Failure to enable women to take advantage of rights of property ownership and inheritance outlined by Islam.
- * Focusing on the behavior of women as a marker for morality in society and subjecting them to harassment, intimidation or discrimination.
- * Lack of awareness of the important role of men in contributing significantly in sharing household responsibilities and child rearing as exemplified by Prophet Muhammad²².

Until recently, because of a pervasive sexist and oppressive presentation of women in Islam, Muslim women often felt the only way to be liberated intellectually, socially, politically and economically was by abandoning Islam. There appears to be a growing movement of Islamist women who are demanding that the rights guaranteed by Islam must be applied in their communities. In addition, women are joining the ranks of Islamic scholars, thus providing alternative points of view to what has heretofore been addressed by men. Reviewing Islamic history from an egalitarian perspective, recalling contributions of Muslim women over the centuries, exploring current practices and laws and criticizing them from an Islamic point of view, examining texts as they pertain to women specifically are a few examples of some areas addressed by women scholars today²³.

However, the current desire for change on the part of Muslim women is perhaps more borne out of the fervent belief in the image of the Muslim woman as communicated by God in the Qur'an of a liberated, vital human being who can work in cooperation with men on many levels to contribute to the betterment of society. They seek to expose this concept, which has been buried by the persistence of attitudes that focus on competition and subsequent subjugation of one sex over the other in direct conflict with the spirit of the Qur'anic verse²⁴:

And their Lord hath accepted of them and answered them: "Never will I suffer to be lost the work of any of you be he male or female: ye are members one of another; those who have left their homes or been driven out there from or suffered harm in My cause or fought or been slain verily I will blot out from them their iniquities and admit them into gardens with rivers flowing beneath; a reward from the presence of Allah and from his presence is the best of rewards."²⁵

Conclusion

This study explores the multifaceted roles and responsibilities of women in Muslim societies as defined by Islamic legal and ritual traditions. Women are granted rights and duties within a framework guided by the Qur'an and Hadith, emphasizing their spiritual equality and active participation in family, community, and public life.

Legal rights include inheritance, financial independence, and marital agency, allowing women to own property, make contractual agreements, and dissolve marriages. Education is highlighted as a fundamental duty for women, fostering societal progress. Historically, Muslim women have contributed as

scholars, leaders, and entrepreneurs, with figures like Aisha bint Abu Bakr and Fatima al-Fihri exemplifying this legacy. In religious practices, women share equal spiritual responsibilities, including prayer, fasting, and charity. Unique roles, such as motherhood, are celebrated for their societal and spiritual significance. Challenges persist in aligning cultural practices with Islamic principles, particularly regarding gender equity, education, and political participation. The discourse emphasizes the compatibility of Islamic teachings with contemporary justice and equality ideals, advocating for revisiting traditions to empower women while respecting core Islamic values. Balancing tradition and modernity remains central to achieving inclusivity and progress.



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