



**RESEARCH PAPER**

**Assessing Economic Rights of Pakistani Women: An Islamic Perspective**

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The objective of study is to assess economic rights of women from Islamic perspective. Pakistan is established in the name of Islam, and hence the organisation and administration of country got full inspiration from religion. It has brilliantly presented a comprehensive pattern to protect human rights and to ensure good governance and rule of law. However, there exists a common misconception about Islam that it subjugates economic rights of women. This research finds that limited understanding about the ideology of Islam and orthodox cultural practices in patriarchal Pakistani society can be cited as one of the main reasons behind this. Nevertheless, these popular yet misconstrued readings of Islam and inherited unfair rituals embedded in roots of Pakistan, are threatening the development of women, and of nation subsequently. Moreover, lack of effective implementation of Laws also remains challenging in this regard. Women make almost half of total 207.7 million population of Pakistan (National Population Census, 2017). Hence no adequate progress of nation is possible unless economic development of women is prioritised. This article concludes by forwarding recommendations for active engagement of government, non-government organisations and civil society groups to play their role for improving the circumstances of women.

**Introduction**

Before the advent of Islam women were subject to degrading and inhumane treatment, their basic rights were denied. Women were treated as objects and hence they were not considered to be entitled for any kind of fundamental freedoms. Islam

came as their saviour and in addition to recognising their rights Islam also forwarded a detail mechanism to protect and safeguard their interests. These milestone principles are based on the notion of fairness and justice. In this context, this article analyses economic rights of women. It suggests that due to their vulnerability, economic rights of women may be protected by states.

### **Literature Review**

The idea of women's economic rights and empowerment reached west after it has been unequivocally confirmed by Islam about fourteen hundred years ago. In west women have been given certain social, political and economic rights after the beginning of the industrial revolution (Elius, 2012). Hence in this modern age the idea of socio-economic empowerment of women isn't new, the advocates of modern legal and fiscal system have decades long struggle behind this notion, still women are labelled as "marginalised class of people" across the globe. The developing countries that are already struggling with failing living standards, scant resources and fragile economies are facing the worst plights when it comes to women's rights. In this context the situation of Pakistan is no different, where the dilemmas of women are increasing day by day. The reasons behind this may be contended as but are not limited to ineffective implementation of laws, political instability, socio-legal challenges, lack of effective understanding about Islamic principles, and the conservative cultural practices that Pakistan inherited from its South-Asian neighbours at the time of its creation.

### **The Idea of Socio-economic empowerment of women in Islam; Breaking the Myths**

Economic and social rights can be defined as "the human rights that relate to our ability to live in dignity and participate fully in our society".

The UN defines women's empowerment as "women's sense of self-worth; their right to have and determine choices; their right to have access to opportunities and resources; their right to have the power to control their own lives, both within and outside the home; and their ability to influence the direction of social change to create a more just social and economic order, nationally and internationally" (Fox and Romero, 2017).

It has been mentioned earlier that there exist many delusions regarding the concept of Socio-economic empowerment of women in Islam. According to these highly controversial and mistaken believes, Islam pertains the freedom of men to suppress the liberty of women. However, in reality Islam has forwarded the concept of human rights and dignity in such a balanced way that it left no room for women to complain about their inferiority or for men to claim the privileges of their rights over women. The idea of women's freedoms and protection of their interest in Islam is different in many aspects than that of western world and most of other religions and civilizations and hence lack of adequate learning and understanding about the principles of Islam give raise to misconceptions about status of women in Islam.

Furthermore, like most of other societies across the globe there exist the orthodox patriarchal practices in Islamic Republic of Pakistan as well. These discriminated practices do not reflect the teachings of Islam.

Before the dawn of Islam, horrific and miserable treatment of women was common among Arabs and some other civilization (Patoari, 2019). There was no concept of individual existence or identity of women, their rights, freedoms and dignity were surrendered to men who got the absolute right to manage them as per their will, be it a matter of their personal, social or economic affair. Hence there was either no or very restricted concept of women's rights, the socio-economic empowerment of women was a phrase non-existent in these conservative societies. Islam changed their fate, and along with establishing the highest standards of human rights and freedoms in general Islam paid special consideration to women's rights and has settled exemplary principles to protect and safeguard them. It also encouraged their socio-economic empowerment based on principles of fairness and justice. It recognised their distinctive role in social, cultural, fiscal, developmental, and organisational affairs (Rizwan, 2020). Following section gives thorough description of economic rights of women as enriched in Islam.

## **Economic Rights of Women in Islam**

### **Right to Inheritance**

Along with other principles mentioned in Islam for the maintenance of wealth to ensure welfare of individuals and community, the procedure established for inheritance remains of immense importance. In Pre-Islamic Arab civilization, the distribution of wealth under inheritance was biased, unjust and unfavourable toward women. There was no specific system for allocation of share in inheritance and the cultural practices were that the nearest male succeeded entire estate of the departed excluding the females and cognates (Patoari, 2019). Islam specified the share of each heir on the principles of fairness and justice and thus it has fully acknowledged woman's right to inheritance.

It must be mentioned here that some people confuse the law of inheritance in Islam for being prejudicial against women in terms of dividing the share, however it is not so in reality. Lack of in-depth understanding and isolated reading of verses relating to inheritance leads to such confusion (Hoque, Jalal Uddin & Saidul Islam, 2013). According to Islamic Law there exist six classes of people that are highly indemnified in inheritance, based on principle of their ultimate close link with the deceased. The list equally includes three classes of person as male (father, husband and son) and three as female (mother, wife and daughter) (Patoari, 2019). In addition to this among the twelve shares explicitly specified in Quran the number of women count as eight ("wife, mother, daughter, son's daughter, true grandmother, full sister, consanguine sister and uterine sister") while that of men are four (father, husband, true grandfather and uterine brother). Portion of woman's share can vary in different situation based on her relation to deceased and number of other heirs

entitled to share in inheritance, so “in case of right of inheritance of a woman as mother three situations may arise (Hoque, Jalal Uddin & Saidul Islam, 2013). She may entitle either  $1/6$  (if the deceased person has a child or son’s child how low so ever or two or more brothers or sisters) or  $1/3$  (if the deceased person does not have any child or son’s child or not more than one brother and sister) or  $1/3$  of residue (if the deceased person has wife or husband and father) (4:11). As wife two situations may arise and she may entitle either  $1/4$  (if the deceased person has child or son’s child how low so ever) or  $1/8$  (if the deceased person do not have any child or son’s child) of the property of the deceased. (4:12). As daughter, if only one daughter and no son her share is  $1/2$  and if two or more daughters and no son their share is  $2/3$  and if there is son daughter will be residue and each daughter will get half of son. (4:11).”

Besides the above rule of distribution parents have guaranteed the right to distribute wealth equally among their male and female child (Hoque, Jalal Uddin & Saidul Islam, 2013). In addition to the above protection of economic interest of women by way of inheritance, Islam further safeguard them by exempting them from any liability toward financial subsistence of family. Hence men have got the responsibility to provide subsistence to the family and women’s share either by virtue of inheritance, *Mehr*, gift, employment or any other legitimate mean, remains saved for her as capital and she is entitled to invest it in any fair economic activities independently according to the righteous guidance of Islam (Mustafa, 2017).

### The Rights Dower (*Mehr*)

*Mehr* denotes the compulsory benefit (be it in form of cash, jewellery, property, or any other subject of value) that the bridegroom must extend in favour of bride while entering into contract of marriage as provided by Islamic principles. It must be emphasized here that *Mehr* (Surah Nisa Verse 4) is a mandatory requirement in Islamic principles regulating the laws of marriage. The words *Sadaqah* (4:4) and *Ajr* (33:50) are used in Holy Quran to describe *Mehr* which means reward or gift given in good faith, as an act of good deed and generosity (Ahmed, 2012). According to some scholars, *Mehr* remains an obligation on husband even if it is not mentioned in the *Nikahnama*, in this case the law will award it on the wife’s demand (Ahmed, 2012; Muzaffar, et.al. 2018).

The importance of *Mehr* can be ascertain from fact that no one is exempted from paying it. Even the Prophet (PBUH) has been told, “O Prophet! We have Made lawful to thee Thy wives to whom thou Hast paid their dowers....” (33:50) (Surah Ahzab Verse 50). When Hazrat Ali reached Prophet (SAW) to ask for the hand of Bibi Fatima, Prophet (SAW) questioned him as, “Do you have anything to give as *Mehr*?” He replied that he had a horse and a saddle. He sold his saddle for 480 dirhams and brought it to the Prophet. The amount was then utilized to fulfil the immediate needs of the bride and to get some new household (Ahmed, 2012).

The concept of *Mehr* honours woman in more than one way. It safeguards her economic interest on one hand, and dignifies her worth on the other hand, thus Islam bounds a man in his role as husband to forward a token of affection and

appreciation in favour of his wife while entering marriage contract, by which he regards the status of a woman as wife and pledges sincerity to her (Wani, 2001).

No higher limit in terms of *Mehr* has been provided and in determining it the social standing of bride's family, personal qualification of bride, financial position of groom and *Mehr* settled upon the female members of the family of the bride's father need to be considered. The ownership of article extended as *Mehr* remains exclusive right of wife. Woman has the sole right to demand *Mehr* at any time after marriage (if not paid earlier) and no explanation can be sought from her in this regard. Similarly, she has unrestricted right to utilize it as per her will according to the guidelines of Islam.

### **Right to Maintenance**

Maintenance (*Nafqa*) is another significant aspect towards fiscal empowerment of women. Under the principles of Islamic law, a woman has no financial responsibility towards her family. Men are responsible to afford the maintenance during all the circumstances, even if wife gets sick a husband can't deny his responsibility (Patoari, 2019). In fulfilling his duty to provide proper subsistence he must not show any disgrace or hurt. Islam has not only made maintenance a man's legal duty but has also fixed highest reward (*ajar*) for him and thus providing the needs of family is duty as well as act of worship (*Ibadat*) for him (Patoari, 2019).

Moreover, irrespective of the fact that wife has own means of finance, she has no duty to provide subsistence however if she wilfully desires to spend her wealth to provide needs of her family she is free to make her choice as per the directions of Islam. Hence maintenance is the legal right of wife and the duty of husband subsequently, the only condition that wife needs to fulfil to entitle herself of maintenance is to remain loyal towards her husband and to obey his commands in line with the teachings and practices of Islam. Here obedience would mean submission to the directions of Divine authority of Allah Almighty firstly and then compliance to just commands of husband according to the principles of religion. The Honourable Court in *Resham Bibi vs. Muhammad Hafi* case has defined "obedience" as "submission to reasonable authority" PLD Azad J & K (1967) 32.

The responsibility of man in terms of maintenance can extend after divorce till the period of *Iddat*, and he can be held liable to bear the expense of his children even after divorce (Chaudhary, 2019).

In a leading judgement of "*Ghulam Rasul v. Collector, Lahore*" the court while safeguarding the wife's right to maintenance under Muslim Family Laws Ordinance held that "the wife is entitled to maintenance not only when she is not living with the husband but whenever it is proved that the husband fails to maintain her adequately or where there are more wives than one, fails to maintain the wife seeking maintenance" (PLD 1974 Lahore 495-99).

## Right to Work and Earn

There exists a major confusion among various disciplines that Islam doesn't permit women to work and earn. This promotes the idea of non-working women about which there is a general presumption that they have limited participation in economic development of country. It thus questions the idea of economic advancement of women and their role in fiscal growth of country. However, according to the teachings, practices, and principles of Islam the truth is other way around. Hence in addition to above mentioned Islamic principles to protect women in terms of their fiscal rights, Islam has also assured the economic empowerment of women and encouraged their role in development of society (Parveen & Rubab, 2013).

Islam is the religion of hard-work and effort and every struggle in this regard is appreciated and rewarded for both men and women as long as it is within the due directions of Islam. Hence Islam doesn't forbid a woman to manage her business or work for gain, in fact it grants and recognise her right to earn, enterprise, and possess independently but in doing so she must not comprise her family wellbeing. According to the principles of Islam man has granted the responsibility to be the breadwinner for family and to fulfil their economic needs and women have no such obligation, she has assigned the task of maintaining the households, upbringing the children and safeguarding husband's assets. Thus, her prime duty is to civilize the environment of her own house which in return would be directly impacting the future of a nation. In addition to this Islam has guaranteed women the right to earn of course according to the principles of religion. So, if a woman desires to participate in economic activities she must keep herself vigilant with requirements and desires of family before making such decision (Parveen & Rubab, 2013).

There are various examples from the noble conduct of Holy Prophet (PBUH) where he (SAW) acknowledged women working in different capacities and contributing to the prosperity of family and society, the incidents include the narration of Hazrat Abu Humaid As-Sa'idi (RA), that he along with the other companions of beloved Prophet (SAW) while going for battle (*Ghazwa*) of Tabuk, arrived at *Wadi Al-Qura*, where there was a woman in a garden. The Prophet (SAW) asked companions to estimate the amount of product (fruit) in garden and he (SAW) himself estimated it as ten *Awsuq*. Allah's Messenger than asked lady to "check what garden will yield." On his (SAW) return back from *Ghazwa*, when he (SAW) arrived at same place and inquired the lady about her product yield. It was exact "Ten *Awsuq*,". That is what Prophet (SAW) has estimated. This narration shows both admissibility and encouragement of woman's right to work within the boundaries prescribed by Islam (Parveen & Rubab, 2013).

Similarly, another occasion narrated by Jabir bin Abdullah (RA) follows that his maternal aunt got divorced, she wanted to harvest her date palms. She approached Prophet (SAW) and inquired him (SAW) regarding her intention to harvest and going out during the period of *Iddah*. Prophet (SAW) said: 'go and harvest your date palms, for perhaps you will give charity or do an act of kindness.'

This shows that women's participation in economic activities and to utilize the income for her wellbeing and benefit of society in line with the directions of religion are encouraged (Parveen & Rubab, 2013).

Hazrat Umar (RA) appointed Hazrat Shifa (RA) as market controller, she was assigned the task to impose the rules and regulations of the market, and to assure that transactions are coherent to Islamic principles (Azid & Wards-Batts, 2020).

Zaynab bint Abi Mu'awiya (RA) was wife of Abdullah bin Masood (RA), a very famous companion of the Prophet (SAW). She was a businesswoman and she possessed sufficient income to manage the subsistence of family, in Islam the responsibility to meet needs of family lies on husband, but Abdullah bin Masood was unable to do so, Hazrat Zaynab bint Abi Mu'awiya (RA) asked the Messenger of Allah if she can give *zakat* to her husband and other family members to support them, and he (SAW) maintained that this is permitted. This conveys that where wife has means to earn and she wills to provide for family, wife's monetary support for family is not contrary to Islamic practices.

### **Right to Proprietorship**

A female has full right to acquire, use and dispose of her property in any lawful manner she wants. Her husband, parents, siblings, children etc have no right to influence in this regard. Furthermore, she is not duty bound for fiscal support of family as this responsibility lies on man. If she has enough means of earning or resources she can wilfully support her family, or her husband can request her for loan in which case she will get all the rights of creditor against him (Patoari, 2019).

### **Conclusion**

Nonation can progress without active participation of women. Hence the effective development of state requires dynamic economic empowerment of women and Islam has forwarded the best mechanism to achieve this ideal. Pakistan is a Muslim state, consequently its administration got full inspiration from Islam, however the contemporary practices followed in Pakistan with respect to women's rights bears very little reflection of Islamic principles. Fragile implementation of law, patriarchal setup and orthodox cultural practices can be classified as main reason behind escalating plight of women in every sphere of life. This alarming situation of women calls for immediate action by the government to take more operative steps to ensure effective implementation of existing laws and policies, and to brainstorm strategies to redress the dilemmas of women. Moreover, the role of Muslim Scholars civil society groups, non-governmental organisations (NGOs), media and other stakeholder must be devised to develop better understanding on role of women in Islamic society, to safeguard rights and interests of women and to provide and create opportunities for them to play their role for betterment of society at large. Awareness programs to aware females about their fundamental freedoms should be brainstormed. Media groups and NGOs should enhance their role in

highlighting and reporting the dilemmas of women. Additionally, more budget should be fixed to tackle the issue of gender discrimination, and turmoil of females.

### **Recommendations**

The concerned Governments are encouraged to combat gender-related discrimination against women in all types and sectors of work and strengthen monitoring and sanctioning mechanisms to bridge existing gaps between laws and practices. The Governments may enact regulations and/or provide incentives for employers to support part-time employment, remote working and flexible hours for both genders in order to help reconcile working hours and family life. The Governments may guarantee women a safe environment at and on their way to work by ensuring strict enforcement of harassment regulations. The Government may implement laws in letter and spirit economic growth and development of the Country.



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