

Women's Family Rights in Islām: Issues and Solutions

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Abstract:- Islām permits marriage to protect the sex from illegal use and make a sound, happy and peaceful family like a heaven practicing husband's and wife's duties and availing rights. So, Islām requires that the both have to treat each other with respect and love. Allāh refers to the bond of love and affection of a husband and wife in the Qur'ān; *"And of His signs is, that He created for you from yourselves mates that you may find repose in them, and He set between you affection and mercy, verily in this are signs for a people who ponder."*¹ This determines the proper status of the wife in Islām. A husband must treat with his wife honorably, kindly and with mutual respect, behave gently one another, and take decision with mutual discussion. That is the family rights of women in Islām. The author attempts to focus in this paper the family rights of women in Islām and its implementation to our Muslim society and solutions.

Keywords: Formation of family, Woman's status in Islām, Woman's family rights in Islām, the practice in our society, Solutions.

I. INTRODUCTION

The family is the most important primary universal institution in society. It is the most pervasive social institutions. It comes into existence when a man and woman establish mating relation between them with religious marriage. So, woman is an important member of a family. She has some rights to associate the family to do solve any problem. But they cannot utilize their rights in our society. They are neglecting in our family. In the contrary, Islām has given her rights and honour as an important member of a family. Islām does not regard woman in any way inferior to man. It makes both of them equal partners in the business of family life. They are the two wheels of the same carriage and the carriage cannot move forward without either. The Holy Qur'an says;

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً *"O you mankind! fear Allah Who created you of a single soul and He created from it its mate and out of the twain He spread abroad manifold men and women."*² This verse shows that men and women come from the same root. So, they are branches of the same tree. This implies the essential equality of men and women as human beings. Here, the author has tried to attempt to focus the family rights of

woman in Islām and its issues and solutions for consciousness of our Muslim society.

II. FORMATION OF FAMILY

The word 'Family' has been derived over from Latin word 'Famulus' which means a servant. In Roman law the word denoted a group of producers and slaves and other servants as well as members connected by common descent or marriage. Thus, originally, family consisted of a man and woman with a child or children and servants. Eliot and Merrill said, "Family is the biological social unit composed of husband, wife and children".³ So, the family is the essential unit of society. It has been made by man and woman by ties of marriage. Islām recognizes value of sex and advocates getting marriage. It does not believe in celibacy. In that why, the family is a centre for the religious training of the children. For formatting a true family Allah has commanded the Muslims to marry in the Holy Qur'an;

وَأَنْكِحُوا الْأَيَامَى مِنْكُمْ *"And marry those among you who are single..."*⁴ In Islām, marriage is essentially a contract. However, the distinction between sacred and secular was never explicit in Islām. The appropriate designation of marriage could be a 'Divine institution'. It is an institution which provides the mental and the emotional satisfaction and security to its individual members and the most intimate and the dearest relationship for all its members. The institution of marriage sanctions sexual relationship between a man and wife for the propagation of the human species and for the promotion of love and union between the parties. The Prophet (p) has said;

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الدُّنْيَا مَتَاعٌ وَخَيْرُ مَتَاعٍ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ *"The world and all things in it are valuable, but the most valuable thing in the world is a virtuous woman"*⁵ So, the religion established marriage as the only legitimate institution for creating a family wishing the next generation and to establish a life of sound body and mind in common and all the relations permitted between husband and wife. In that, marriage becomes an inviolate bond between husband and wife. It assures a family life that must be made fruitful with tenderness, affection, mercy and responsibility. Both of them have some duties and rights in

¹ Al-Qur'an, Sūrah al-Rūm, 30:21; Daryabadi, Abdul Majid, *TAFSIR-UL-QUR'AN*, Vol.III, (1991), p.397.

² Al-Qur'an, 4:1, Ibid, p.298.

³ Rao, C.N. Shankar, *SOCIOLOGY PRIMARY PRINCIPLES*, p. 349.

⁴ Al-Qur'an, 24:32.

⁵ Sahih Al-Muslim, Vol. VII, Hadith no. 2668, p. 397 (Maktabah al-Shamilah)

their family to make it heaven in the world. The Prophet (p) hassaid, *وَأَتَزَوَّجُ النِّسَاءَ فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي* “And I also marry women. So, he who does not follow my legal ways (Sunnah) in religion, is not from me (not one of my true follower).”⁶ In that why, the marriage is the condition of formatting true family. The family can be small or large. The small family is consisting with husband and wife, one or more children and sometimes with close or distant relatives.⁷ The large family is consisting with three or more generations including at least grandparents, parents and children. Sometimes, other kith and kin such as uncles, aunts, cousins and great grandsons included in it, if they alive. It is called ‘Joint Family’. In Islam, the family is considered the essential unit of society, encouraging a balanced, healthy, happy family life. The religion established marriage as the only legitimate institution for creating a family and for establishing a life in common and all the relations between husband and wife. It has also set up the conditions for forming a family and protecting it from collapse and instability.

III. WOMAN’S STATUS IN ISLĀM

When Islām appeared in Arabia women were very worst treated and were looked down upon as inferior beings. Women in pre-Islamic Arabia, were no better than slaves. They passed from head to head, from father to son and from son to grandson, as property and household articles and they were dealt with chattels.⁸ About the inhuman activities the Holy Qur’ān expresses;

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَاجِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا “And marry not of women whom your fathers have married, except what is past: it was shameful and odious, an abominable custom indeed.”⁹ In that time, a man could marry any number of women at a time. It was one of the reasons that if a daughter was born in a house, the father felt so ashamed that he buried his affectionate daughter alive. The Holy Qur’ān makes memorize the guilty activities as;

وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ يَتَوَارَىٰ مِنَ الْقَوْمِ مِن سُوءِ مَا بُشِّرَ بِهِ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ

“When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! What an evil (choice) they decide on?”¹⁰ These two verses have proved that in the Pagan Arabs, female children used to be buried

alive and the activities of female infanticide is condemned in scorching terms.

Islām has changed above the condition and position of women. It has stopped the practice of burying female children alive and declared that women should be treated with honour and respect. The Holy Qur’ān declares about the position of women; *هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ* “They (women) are a garment for you (men) and you are a garment for them.”¹¹ This verse shows that according to the Qur’anic teachings, women has as much respect and dignity as men, because each is a cover and a shield for the other. The word ‘لباس’ used in the Qur’ān means that men’s honour is defended and safeguarded by women. They are for mutual support, mutual comfort and mutual protection from fraud sex and evil activities. Similarly, the Holy Qur’ān condemns those who think that woman is a sub-human creature and that it is a matter of shame to have a female child born in the family.¹² It is clear that the Holy Qur’ān does not like that women should be regarded as sub-human or treated with disrespect, as if they were inferior beings. The Qur’ān also removes the common misunderstandings of some people that women have no rights over or against men. There is no difference between man and woman in this respect. It has never been a subject of discussion among the Muslims whether woman possessed a soul or not. The Holy Qur’ān declares: *وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مَنْ ذَكَرَ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُكْفِيَنَّكَ الْجَنَّةَ وَلَا يَظْلَمُونَ نَقِيرًا* “And he who works righteous works, male or female and is a believer—these shall enter the Garden and shall not be wronged a speck.”¹³ This verse shows that if a man or a woman does deeds of righteousness he or she has reward to enter Heaven, but without right faith ‘righteous works’ are meaningless. So, who works righteous works with right faith to get reward of Heaven from almighty Allāh. The Holy Qur’ān declares: *لِلرِّجَالِ لِنَصِيبٍ مِّمَّا كَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَسَبْنَ* “To men shall be the portion of what they earn, and to women shall be the portion of what they earn.”¹⁴ This verse shows that men and women are equal in their works. In matters of spiritual grace and in acts leading to moral perfection, there is no disparity at all between the two sexes. In Allah’s sight as responsible moral agents both are equal. The Holy Qur’ān declares more about the equality of both:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ “And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them.”¹⁵ In this verse, the Qur’ān declared in plainer language, women have rights quite similar to those of men. This bold and explicit declaration of the rights of women

⁶ Al-Bukhary, Vol. VII, BabuTargib al-Nikah, Hadith no. 5063, p. 19, (Translated by Dr. Muhammad Muhsi Khan, Maktaba Darussalam, Riyadh, Saudi Arabia:1997).

⁷ Rao, C.N. Shankar, *SOCIOLOGY PRIMARY PRINCIPLES*, p. 348.

⁸ Ali, A. Yusuf, *The Holy Qur’ān*, (Amana Corp. USA, 1983), footnote 527, p.184; Encyclopaedia of Britannica, Vol.19, p. 909; Aziz, K.K., *Ameer Ali: His Life and Work*, 1968, Part II: Work, p. 99.

⁹ Al-Qur’ān, 4:22, Ibid, p.185.

¹⁰ Al-Qur’ān, 16:58-59, Ibid, pp. 670-71.

¹¹ Al-Qur’ān, 2: 187; Daryabadi, Abdul Majid, *TAFSIR-UL-QUR’AN*, Vol.1,(1991), p.118.

¹² Al-Qur’ān, 16:58-59.

¹³ Al-Qur’ān, 4: 124; Daryabadi, Abdul Majid, *TAFSIR-UL-QUR’AN*, Vol.1,(1991), p. 370.

¹⁴ Al-Qur’ān, 4:32; Ibid, p. 322.

¹⁵ Al-Qur’ān, 2:228; Ibid, pp. 152-54.

permitted the position of women in Islam. Islam grants full dignity to woman as a human being. Woman is not sub-human. The true relation between the sexes is of interdependence. However, we have seen that a difference between male and female in physical or mentalis recognized by the modern sciences of Biology and Psychology alike. The both are complementary and reciprocal. Therefore, it is very much clear that each sex is meant to complement the other. It is generally true that the males are more active, energetic, eager, passionate and variable and the other side the females are more passive, conservative, sluggish and stable. The degree of males over females is a degree for maintenance, because they spend their wealth to fulfill their family needs. The males involve the duties of supporting and ensuring the security of his family. In the argument of modern sociology, the male is a protector or guardian of the family.¹⁶In a result, according to Islam, the duties of men and women towards Allāh and mankind are the same. There is no duty, if is shared by man and woman. When men required to fight in the way of Allāh, and take part in the holy war, then women are required to look after their homes and defend their households. If men are asked to pray to Allāh and observe the fasts, women have also the same duty. Women have to help the poor with their wealth, perform the Hajj and travel to Ka'bah like men. If the duties of two sexes are similar, it would be unjust to make them dissimilar in the matter of rights.

IV. WOMAN'S FAMILY RIGHTS IN ISLAM

Woman is not a handmaid, but a lifelong companion of her husband, his consort. Her function is to be, by her words, acts, or by her mere presence, a source of comfort and solace to him. She must constitute the chief consoling, soothing element of her husband's life. A relation of affection, harmony and mutual happiness and good will ought to subsist between husband and wife. So, she has right to have an honourable and respectable position in her family. Prophet Muḥammad(ṣ) has said, *"The most perfect believers are the best in conduct and best of you are those who are best to their wives in conduct."*¹⁷ He has said more, *"The best of you is the best to his family and I am the best among you to my family"*.¹⁸ And in another more of his sayings, *"The best of you is the best to their wives"*.¹⁹ It means that wife is a real witness of her husband's life style and conduct. It is more scientific to learn and have information about a person from his wife properly and perfectly. Therefore, a husband has to be good in manners towards his wife. In this reason, the conjugal life shall become happy and understandable. From the above discussion it is clearly meant that the status of women in Islām is more modern and scientific. A non-

Muslim scholar says, *"women are more protected in Islām than in Christianity or any other religion. In Al-Qur'ān the laws about women are more just and liberal"*.²⁰In Islam, both spouses have some religious duties in their family:

1. Both of them must be suited for marriage, of sound body and mind.
2. The husband must have the material means for meeting his family's needs; including housing, food, clothing, and all that will assure his children of education, training and well-being.

When above these conditions are met, marriage become an inviolate bond between husband and wife, assuring a family life that will be completed with tenderness, affection and mercy. The Holy Qur'an declares; *"And of His signs is that He created for you from yourselves mates that you may find repose in them, and He set between you affection and mercy."*²¹ It determines the proper status of the wife in Islam. She is a lifelong companion of her husband, his consort. The relation of affection, harmony and mutual happiness and goodwill ought to subsist between husband and wife. Islam requires that each spouse treats the other with respect. The Prophet (ṣ) said, *"To take care of the women in a good manner"* (al-Bukhārī, 1987: 4787).²² In a Muslim family, the daughters and sisters have full freedom to choose their husband. Without their opinion, the marriage is not completed. In Islam, the guardian marries his daughters or sisters with their opinion and two witnesses will have there. The guardian cannot compel them to marry to his own choice only.²³ Moreover, the wife has to take part in discussion of family matter, to take care of children, husband and his house. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا *"The Prophet (ṣ) said,*

عَنْ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ كَلَّكُمْ رَاعٍ وَكَلَّكُمْ مَسْنُونٌ عَنْ رَعِيَّتِهِ وَالْأَمِيرُ رَاعٍ وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ زَوْجِهَا وَوَلَدِهِ فَكَلَّكُمْ رَاعٍ وَكَلَّكُمْ مَسْنُونٌ عَنْ رَعِيَّتِهِ

*All of you are guardian and are responsible for your wards. The ruler is a guardian and the man is a guardian of his family; the lady is a guardian and is responsible for her husband's house and his off spring; and so all of you are guardians and are responsible for your wards."*²⁴

From this Hadith, we have learnt that every Muslim (male or female) is responsible in his/her own position and duty. As wife, as daughter, as mother and as sister, everyone has responsibility to their own position and in own family.

²⁰Besant, Dr. Annie, *The Life and Teaching of Muhammad*, (Madras, June 1922), p. 25;

²¹Al-Qur'an, 30:21; Daryabadi, Abdul Majid, *TAFSIR-UL-QUR'AN*, Vol.111,(1991), p. 397.

²²Al-Bukhari, Kitab al-Nikah:5186; فاستوصوا بالنساء خيراً Vol.7, Translated by Dr. Muhammad Mohsin Khan, (Darussalam:1997 Riyadh- KSA), p.81.

²³Tirmithi, Imam, *Jami' al-Tirmithi*, Matba'a Ash al-Matabi, Kitab al-Nikah, 1985.

²⁴Al-Bukhari, Kitab al-Nikah: 5200; Vol.7, Translated by Dr. Muhammad Mohsin Khan,(Darussalam:1997Riyadh- KSA), p.94.

¹⁶Al-Qur'an, 4:34; Ibid, p. 325.

¹⁷Jami'utTirmidhi, No. 1082. أَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَخَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ خُلُقًا

¹⁸Ibn Mājah, KitābunNikāh,vol.6,No.1967, p. 119. خَيْرُكُمْ خَيْرُكُمْ لِأَهْلِهِ وَأَنَا خَيْرُكُمْ لِأَهْلِي

¹⁹Ibn Mājah, KitābunNikāh,vol.6,No.1968, p. 120. خَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ

Narrated Abdullah Ibn 'Umar (رضى الله تعالى عنهما), "The Prophet(p) said, *The world and all things in it are precious, and the most precious thing in the world is a virtuous woman*".²⁵

V. PRACTICE IN OUR SOCIETY

In our society, that means in our Muslims society, the family rights of women are mostly ignored and neglected. Nowadays, some individualists and permissive people view the family institution as a restriction on individual freedom. The family institution binds both partners with certain mutual obligations restricting the absolute freedom. The family saves individuals from the loss, which they suffer as a consequence of sexual or other forms of absolute freedom. One does not need only a temporary and physical partner in a bed, but also a full and permanent partner in the whole life. Women, that means wives, daughters, sisters and mothers, the rights of them, given by Islām, are not implemented in their family. It is a matter of great malpractice in our Muslim society, to disrespect women, because of insufficient Islamic knowledge. Most of the Muslims in our society do not know the life of the Prophet(p), he how to treat his wives. We know that after signing the treaty of Hudaibia the prophet Muhammad (p) came out from the tent and made slaughter and shaved his head and took off the cloth of pilgrimage to reanimate the companions with the advice of Ummu Salamah (رضى الله عنها), a wife of the Prophet(p).²⁶ The society, it provides respect and greatness to women flourishes with excellence and prosperity. At present, in many of our Muslim society, the family rights of women in many countries in the world, where the women are respected. In reality, the both of them are as mutually complements.

VI. SOLUTIONS

We, the Muslims, have to make our society conscious in teaching of Islam about the rights of women in our family. We have to know that how to treat the Prophet (p) with his wives and make awareness the Muslim society to make the family as like as heaven with respecting the rights of women. We have to take step to change our thinking, attitudes and approaches largely over the centuries. If we set in our mind, the women are human being and they are assisting her husband's family. Therefore, we should not neglect them, but encourage them to do their duty sincerely and live with security mentally and physically and to lead a respectful life. The Holy Qur'an says:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ "And live with them honourably."²⁷ This is the basic principle, in Islam, of men's relation with their wives to make the family harmonious. If the Muslim follow the instructions of the Holy Qur'an and the Sunnah, we should

make the family then the society as well as the family in the era of the Prophet(p), then the era of our four caliphs. We can make our family as well as our society peaceful and lead an honorable harmonious life.

VII. CONCLUSION

The painful picture of man-woman relations in contemporary Muslim societies, which contradicts the teaching of Islām, is a concrete fact that cannot be denied. However, another positive fact that exists side by side is that an awareness of the essential and constructive role of women in the society to fulfill their Islamic responsibilities is increasingly appreciated among Muslim men and women. The divine guidance in the Quran and Sunna, and many positives in our intellectual and practical heritage, have increasingly inspired and generated new works that advocate the rights of Muslim women.

Day by day, Muslims are becoming more and more aware of the due distinction between the permanent teachings of the divine sources of Islām and the accumulated human ideas and practices that were influenced by the cultural and social circumstances in the Muslim societies, in the past and the present. Conceptual and behavioral progress is apparent now in Muslim societies. That seems more keen to observe the divine teachings and abandon the human deviated customs in man-woman relations in the family and the society. Women's education and work in different fields have developed their personality, self-confidence and initiatives. An awareness of their Islamic rights and responsibilities has inspired many of them to be committed to the Islamic message of justice, peace and prosperity. With the teachings of Islām the rights of women in our Muslim society will be preserved honourably and lovely. The issue of women in Islām has been the subject of all kinds of controversies, misunderstandings and especially misinterpretation. I hope that this paper will help to remove some of the misunderstandings, prejudiced opinions and misconceptions, which establish the women's family rights, and duties in Islām in the Muslim family then the society.

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²⁵Sahih al-Muslim: 2668; Musnad Ahmad: 6279, عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الدُّنْيَا مَتَاعٌ وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ

²⁶Sahih al-Bukhari, Vol. I, p.380; Al-Tabari, Ibn Jarir, Tarikh al-Tabari, (Egypt: Darul Ma'arif, 1967), Vol. II, pp.620-44.

²⁷Al-Qur'an, 4:19; Daryabadi, Abdul Majid, *TAFSIR-UL-QUR'AN*, Vol. I, (1991), p. 312.

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