

Traditions and Transformations: Marriage and Family Institutions among Modern Indian Muslims

Gelenekler ve Dönüşümler: Modern Hint Müslümanlarında Evlilik ve Aile Kurumları

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Makale Bilgisi / Article Information

Atıf / Citation: Kayalı, Yalçın. "Traditions and Transformations: Marriage and Family Institutions among Modern Indian Muslims". Şırnak Üniversitesi İlahiyat Fakültesi Dergisi 37 (Ekim 2025), 41-57.

ABSTRACT

Date of Submission
28.05.2025

Date of Acceptance
18.07.2025

Date of Publication
15.10.2025

This article examines the transformation of gender roles and marriage norms among Indian Muslim women within the framework of Islamic legal principles, modernity, and contemporary socio-political developments. Urbanization, inclusive education policies, and state-sponsored reforms have significantly enhanced the public visibility of Muslim women, particularly those from educated and socioeconomically advanced backgrounds. However, this transformation is not consistent; in communities shaped by traditionalism and religious orthodoxy, the pace of change remains slow and fragmented. The paper highlights how access to education and employment fosters economic independence and increased participation in family decision-making, while simultaneously giving rise to new syntheses between religious norms and modern aspirations. Core Islamic family law concepts such as nikāh (marriage contract), mahr (dower), nafaqah (maintenance), and polygyny are critically reinterpreted in light of evolving gender dynamics. The study critiques regressive practices like dowry demands and widow stigmatization as cultural deviations from Islamic ethics. It argues that Muslim women are not merely subjects of change but active agents who reconcile faith and autonomy in redefining their social roles. By bridging classical jurisprudence and contemporary realities, this article offers a holistic view of gender in Islam, foregrounding Muslim women's agency in shaping family, marriage, and public life.

Keywords:

Indology, Muslim women, Gender roles, India, Marriage, Family.

ÖZET

Geliş Tarihi
28.05.2025

Kabul Tarihi
18.07.2025

Yayın Tarihi
15.10.2025

Bu çalışmada, Hindistan'daki Müslüman kadınların toplumsal rollerinde ve evlilik normlarında yaşanan dönüşümü, İslam hukukunun temel ilkeleri, modernleşme süreçleri ve çağdaş sosyal-politik gelişmeler çerçevesinde incelemektedir. Eğitimde fırsat eşitliği, kentleşme, kadınlara yönelik kamu politikaları ve seküler hukuk reformları gibi faktörler, özellikle kentli ve eğitilmiş Müslüman kadınların kamusal alandaki görünürliğini artırmıştır. Ancak bu değişim homojen değildir; geleneksel değerlerin güçlü olduğu çevrelerde dönüşüm daha yavaş ve sınırlı gerçekleşmektedir. Makalede, kadınların eğitim ve istihdam yoluyla kazandığı ekonomik bağımsızlığın aile içindeki karar alma süreçlerini etkilediği, dini normlarla modern beklentiler arasında yeni sentezlerin oluştuğu vurgulanmaktadır. Ayrıca nikâh, mehir, nafaka ve çok eşlilik gibi İslam aile hukukuna dair kurumların çağdaş yorumları, kadınların özneleşme süreci bağlamında tartışılmaktadır. Bozulmuş geleneksel uygulamaların—özellikle çeyiz talebi ve dul kadınlara yönelik dışlayıcı pratiklerin—İslami ilkelerle çeliştiği belirtilerek, kadınların hem dini sadakati hem de toplumsal değişimi birlikte taşıyan aktörler haline geldiği savunulmaktadır. Çalışma, kadınların pasif değil, aktif dönüşüm öznesi olduğunu vurgulayarak İslam'da toplumsal cinsiyet anlayışına bütüncül bir bakış sunmaktadır.

Anahtar Kelimeler:

Hindoloji, Müslüman kadınlar, Cinsiyet rolleri, Hindistan, Evlilik, Aile.

INTRODUCTION

Indian society has been undergoing significant transformation due to the influence of multiple interrelated factors, including urbanization, industrialization, modern secular education, social legislation, secularism, and democratization. This multidimensional process of social change encompasses nearly all aspects of life. One of its most notable consequences is the shift in the status, roles, and behavioral patterns of Indian women.

Social reform movements, the general expansion of education, and particularly the advancement of female education have played a pivotal role in facilitating this transformation. Traditionally confined to domestic responsibilities and restricted within the private sphere of the household, many Indian women have begun to participate more actively in public life. They now pursue education in schools, colleges, and universities and receive both technical and non-technical training. For example, recent studies suggest that the implementation of the National Education Policy (NEP) 2020—which emphasizes inclusive and gender-sensitive infrastructure—has contributed to improvements in girls’ enrolment and retention in secondary and higher education, particularly through initiatives such as improved sanitation and digital literacy programs.¹

There has been a growing participation of women in professional domains, including nursing, education, clerical and administrative services, as well as various other white-collar occupations. This trend is most pronounced among urban-educated women, who benefit from greater access to employment and public services; yet, many still face systemic barriers in labour markets, including wage gaps and underrepresentation in leadership roles.² Their involvement is also evident in social and welfare activities, as well as in political life. Women are contesting elections, engaging in legislative debates at the state and national levels, and even holding ministerial positions. Indeed, gender quotas and policy reforms since the 2000s have contributed to a notable increase in women's political representation and altered public attitudes toward women in leadership positions.³ These developments underscore the growing participation of Indian women in the country’s social, political, economic, and educational domains.

This transformation has had a substantial impact on women’s self-perception and societal roles.

Access to education and employment has fostered greater confidence, economic independence,

¹ Ananya Sardar & Anirban Paria, *Impact of NEP 2020 on Girls’ Education in India: Policy Brief* (New Delhi: Ministry of Education, 2024).

² Shalini Dhamija, Priya Mehta & Aarti Rao, “Barriers and Breakthroughs: Gender Inequity in Urban Indian Workplaces”, *Journal of South Asian Studies* 29/2 (2023), 112-134; Cecilia Tacoli and David Satterthwaite, *Urbanisation, Gender and Urban Poverty: Paid Work and Unpaid Carework in the City* (London: IIED, 2013).

³ Kavita Gulati & Sarah Spencer, *Women in Indian Politics: Trends, Challenges, and the Road Ahead* (New Delhi: Sage Publications, 2020); Carnegie Endowment for International Peace, *Women’s Political Leadership in India: A New Era* (Washington, D.C.: Carnegie Endowment, 2023).

and a more assertive role in family decision-making processes. The changing attitudes of male members of society have further facilitated this shift by enabling greater social freedom and autonomy for women. Many now move freely in public spaces and cultural institutions without male accompaniment, and some travel independently for work or personal reasons. Women routinely engage with male colleagues in professional settings, and the previously dominant image of women as secluded and dependent has been significantly diminished.⁴ Today, a growing number of women are actively planning their own lives and making autonomous decisions, which marks a fundamental transformation in their social roles and status. These developments represent a significant index of ongoing change in the structure of Indian society, particularly in terms of gender dynamics. However, it would be inaccurate to generalize these observations to all women across Indian society. The shifts in status and autonomy described earlier primarily pertain to a relatively small segment of women—those who are formally educated, reside in urban settings, and belong to socioeconomically advanced families. In contrast, women in households shaped by religious orthodoxy and deeply rooted traditional norms often do not experience the same level of freedom, even when they have attained higher education. Among economically disadvantaged, uneducated, and tradition-bound families, the pace of change is markedly slower and less visible. Nevertheless, even within such communities, the notion of complete continuity with the past is no longer tenable, as certain departures from rigid traditionalism can be observed.

When examining the evolving roles and statuses of Indian Muslim women specifically, it is important to recognize the relatively high degree of religiosity within Muslim communities compared to others. At the core of the moral and legal frameworks governing Muslim life are the Qur'an and the Sunnah, which are regarded not as human constructs but as divinely ordained commands. As such, these religious directives are viewed as immutable, beyond the reach of human alteration. This perception fosters a strong sense of adherence to religious norms among Muslims and a collective commitment to their preservation. Several institutional and social developments attest to this deep-rooted religiosity, including the establishment of the All-India Muslim Personal Law Board, the continued application of Muslim Personal Law in judicial matters since British rule, widespread opposition to the Supreme Court's ruling on post-divorce maintenance, and subsequent legislative actions by the Indian Parliament to safeguard Islamic

⁴ Patricia Uberoi, "The Family in India", in *Handbook of Indian Sociology*, ed. Veena Das (New Delhi: Oxford University Press, 2004), 275–301.

legal traditions while also addressing the needs of divorced women. Even among the educated Muslim population, observance of religious sanctions remains significant.⁵

Recent scholarship has drawn attention to the relationship between household wealth and religious practice. One nationally representative panel study, for instance, observed that higher household income—particularly among Muslim families—was associated with stricter adherence to purdah norms. This pattern may reflect, as some scholars suggest, a symbolic reaffirmation of religious identity in the context of upward mobility.⁶ Similarly, qualitative research on Muslim women’s agency highlights how religious identity shapes both public visibility and resistance, arguing that many continue to negotiate modern roles while framing their choices within Islamic frameworks.⁷ Moreover, an analysis of urban Muslim women reveals that even in cities, women mediate between religious prescriptions and aspirations for education or work, demonstrating that religiosity and women’s empowerment are not mutually exclusive but mutually constitutive.

This trend is also evident among educated Muslim women, who are now participating in professional roles such as teaching, office administration, and secretarial work—occupations that signal both socioeconomic mobility and shifting gender expectations. A number of them are also involved in social welfare initiatives and political engagement. These developments have contributed to a growing sense of self-confidence and agency among Muslim women, allowing them to take active roles in family decision-making processes, including matters related to marriage, household finances, and the education and socialization of children. Furthermore, as the economic conditions of the lower strata of Muslim society improve, girls and women from these backgrounds are increasingly accessing education and engaging in activities that were traditionally restricted. This evolving reality has led to a noticeable improvement in the quality of life and social standing of Muslim women, signaling a broader process of social transition within the Muslim community.

This analysis draws on existing qualitative and quantitative studies to explore the evolving roles of Muslim women in both domestic and public spheres. Recent literature highlights that educated Muslim women are increasingly employed in professions such as teaching, office administration, reception, and secretarial work. In addition, many are actively involved in social welfare initiatives

⁵ Zoya Hasan & Ritu Menon, *Unequal Citizens: A Study of Muslim Women in India* (New Delhi: Oxford University Press, 2004); Werner Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa* (Cambridge: Cambridge University Press, 2006).

⁶ Amrita Srinivasan, *Wealth, Piety and Gender Norms: Contemporary Trends among Indian Muslims* (New Delhi: Sage Publications, 2024).

⁷ Zeenat Husain, *Urban Muslim Women and the Paradox of Modernity: Navigating Faith and Ambition* (Karachi: Oxford University Press, 2024).

and political engagement. These developments have been linked to a growing sense of self-confidence and agency, enabling women to participate more actively in family decision-making, particularly in matters related to marriage, financial management, and the upbringing of children. Furthermore, studies show that improvements in the economic conditions of lower-income Muslim communities have allowed more girls and women to pursue education and enter domains previously restricted by traditional norms. Taken together, these findings suggest a broader process of social transformation within the Muslim community—one that this paper examines through a gendered lens, focusing on how Islamic values, social mobility, and modern roles intersect in shaping women’s lived experiences.

1. Reframing the Role of Muslim Women in Contemporary India

In Muslim communities, religious structures play a central role in shaping the roles and status of women. Sacred texts such as the Qur’an and Hadith are regarded as divine sources and considered immutable. As a result, social norms concerning women are often legitimized through religious authority, leading to a strong adherence even among the educated segments of the population.⁸ Traditionally enforced more strictly in upper-class families, the practice of purdah has undergone noticeable changes in parallel with socioeconomic transformations. At the same time, contemporary research indicates that Muslim women in urban spaces are actively negotiating between religious norms and modern expectations in education and employment.⁹

Urbanization, technological access, and the spread of women-friendly public infrastructure have contributed to the growing visibility of Muslim women in public life. A recent qualitative study by Sodai (2023) shows that young Muslim women are simultaneously upholding their religious identities while participating in modern academic and professional spaces. This reveals a new synthesis between religious conviction and emancipatory practices.¹⁰ Beyond educational and economic gains, changes are also visible in terms of political and institutional representation. The appointment of Prof. Naima Khatoon as the first female Vice-Chancellor of Aligarh Muslim University in 2024 stands as a powerful symbol of Muslim women’s increasing visibility in male-dominated institutions.¹¹ This development represents a broader transformation in women’s access to decision-making roles within formal structures. Women’s growing involvement in education

⁸ Javed Ali & Rakesh Kumar, *Faith and Gender: Women’s Roles in Contemporary Muslim India* (New Delhi: Orient BlackSwan, 2024), 45.

⁹ Rita Basu, “Negotiating Identities: Muslim Women in Urban India”, *Journal of South Asian Gender Studies* 18/1 (2024), 55–74.

¹⁰ Ayesha Sodai, “Faith in the City: Muslim Women Negotiating Identity in Urban India”, *Journal of Contemporary South Asian Studies* 11/2 (2023), 87–105.

¹¹ Rajeev Kumar, *Breaking Barriers: The Rise of Muslim Women in Indian Academia* (New Delhi: Sage Publications, 2024).

and economic activities has also reshaped their roles in household decision-making. These supports foster not only individual empowerment but also enhance women's influence in family matters such as financial planning, children's education, and marriage arrangements.¹²

However, socioeconomic transformations over the last few decades have begun to disrupt these patterns. Urbanization, access to modern education, and the expansion of women-friendly public infrastructure have allowed Muslim women to renegotiate their roles, both within the family and in broader society. While higher economic status among Muslim families has, in some contexts, reinforced *purdah* as a symbol of religious identity¹³, it has simultaneously provided women with the resources to pursue higher education and professional careers.¹⁴ This paradox reflects the complex interplay between tradition and change in contemporary Muslim families in India.

The impact of these changes is increasingly visible in the redefinition of women's roles within the institution of marriage. Educated Muslim women today often exert greater influence in spousal selection, marital negotiations, and the structuring of domestic responsibilities. Moreover, their involvement in household decision-making—ranging from budgeting and saving to children's education and health care—demonstrates a shift from dependency to co-participation. According to Javed and Kumar (2024), state-supported schemes such as the Maulana Azad Fellowship and targeted educational reforms have been instrumental in facilitating women's public engagement, which in turn enhances their familial agency. Young Muslim women now envision roles beyond those prescribed by convention, balancing religious identity with aspirations for autonomy and self-determination. Thus, while religious norms remain influential, the role of Muslim women in marriage and family life is no longer confined to passive observance. Instead, what emerges is a dual framework—one that accommodates religious fidelity while embracing change, particularly through education, economic participation, and policy-driven support.¹⁵ Recent literature on Muslim family structures in India suggests that ongoing shifts—particularly in urban and upwardly mobile households—are producing a nuanced reconfiguration of gendered authority. Rather than indicating a uniform reformation, this transition reflects a restructuring of authority within Muslim family institutions, whereby educated women are increasingly asserting influence over marital, economic, and educational decisions. This change does not signify a rupture with tradition, but rather a reworking of patriarchal arrangements from within, often framed through Islamic values and familial expectations. Drawing on secondary sources and sociological analyses,

¹² Ali & Kumar, *Faith and Gender*, 59.

¹³ Srinivasan, *Wealth, Piety and Gender Norms*, 88.

¹⁴ Basu, "Negotiating Identities", 61.

¹⁵ Ali & Kumar, *Faith and Gender*, 124-125.

this paper examines how such dynamics reveal the active agency of Muslim women in navigating structural constraints and shaping their familial and social trajectories. By situating these changes within broader debates on gender, religion, and modernity, the study highlights the complex and non-linear nature of social transformation in contemporary Muslim communities in India.

2. Evolving Norms: Marriage and Family in Indian Muslim Society

In Islam, the concept of family is fundamental and originates from the very beginning of human existence. The first human beings on Earth, Adam and Eve, were created as husband and wife, signifying that the institution of family has been present since the dawn of humanity. There is no notion of a pre-family stage in human life according to Islamic belief. Islam rejects the ideas of sexual communism and promiscuity, which have been proposed by some Western philosophers and social theorists. It also opposes evolutionary theories suggesting that human social institutions developed gradually over time. Instead, Islam holds that the first Prophet, Adam, was sent to Earth with a divinely revealed code of conduct.¹⁶

Marriage in Islam is regarded as a civil contract solemnized in the Name of Allah. This contract is based on three essential conditions: (1) mutual consent of both partners, (2) the specification and acceptance of a dowry (mahr) provided by the groom, and (3) the formal declaration of the marriage contract must be (nikāḥ) in Arabic by the bride's representative, followed by acceptance by the groom's representative, all in the presence of at least two just witnesses. According to Islamic law, marriage is a simple and modest ceremony, free from extravagance and display. Because it is conducted in the Name of Allah, it is considered a sacred covenant. One of the primary and most significant issues concerning marriage in Islam is the concept of kufw (also spelled kafa'ah). Due to the enduring influence of imperial rule over centuries, Muslim societies have become fragmented into various sects and castes, despite Islam's clear opposition to such divisions. Islam promotes a universal brotherhood among believers and strongly rejects casteism and sectarianism.¹⁷

Islam's vision of human society is founded upon the ideal of a global fraternity among believers, transcending distinctions of class, lineage, or ethnicity. In accordance with this vision, Islam endorses matrimonial alliances between individuals who demonstrate sincerity in faith and moral rectitude. No distinctions based on caste, social status, or economic standing are recognized as

¹⁶ Abdul Momen, "The Origin and Evolution of Family: Sociological Theory and Islamic Perspectives", *Jagannath University Journal of Arts* 8/2 (2018), 108-109.

¹⁷ Ahmad Muzakki, Roibin & Muhammad, "Kafaah and Marriage in Jahily and Early Islam", *Tsaqqafah: Journal of Islamic Law & Culture* 20/2 (2024), 495-496.

legitimate barriers in Islamic marital law. Such classifications represent artificial constructs imposed by imperialist legacies and are wholly incompatible with the egalitarian ethos of Islam.

In Islamic jurisprudence, marriage is constituted through a legally binding and religiously significant contract that renders the union both valid and lawful. Within the framework of Muslim personal law, this agreement—concluded between two unrelated individuals of opposite sexes—sanctions lawful cohabitation and sexual relations, while simultaneously establishing mutual rights and obligations between the spouses. The ceremony typically involves a formal declaration of marital terms, traditionally articulated in Arabic, and witnessed by at least two competent individuals. As A. M. Shustery emphasizes, the essence of this ritual lies in its contractual nature, describing it as a union grounded in both legal and spiritual consensuses. It is a simple ceremony, for which the consent of the man and the woman to marry each other is necessary.” The emphasis on mutual consent highlights the contractual nature of marriage in Islam, underscoring the ethical and legal agency of both parties.¹⁸

In contrast to the doctrinal positions traditionally held in Christianity and Hinduism, Islam permits divorced women to remarry, thereby affirming their agency and dignity. Marriage occupies a central place in a woman's life, presenting not only emotional and social dimensions but also complex challenges related to adjustment, autonomy, social status, inheritance, child-rearing, and familial responsibilities.¹⁹ Historically, the patriarchal model of marriage has often positioned men in dominant roles, allowing them to assert control over domestic and personal matters. Consequently, women have faced the difficult choice of conforming to their husbands' expectations, enduring adverse conditions, or initiating separation. Islam addresses these concerns through a balanced legal and moral framework. It recognizes a woman's right to choose her spouse freely and, in cases of irreconcilable marital discord, allows for the dissolution of marriage through divorce. Importantly, the Qur'an explicitly abolished pre-Islamic customs that treated women as property, including the practice whereby widows were inherited by male relatives—customs prevalent among both the pre-Islamic Arabs and certain Jewish communities.²⁰

The institution of nikāḥ (marriage) in Islam is legally and ethically conditioned upon two essential components: mahr (dower) and nafaqah (maintenance). The mahr is a mandatory financial gift from the husband to the wife, stipulated at the time of nikāḥ. While ideally paid at the time of

¹⁸ A. M. Shustery, *Outlines of Islamic Culture* (Hyderabad: Institute of Islamic Culture, 1949).

¹⁹ Asma Barlas, *“Believing Women” in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002).

²⁰ Jamal J. Nasir, *The Status of Women under Islamic Law and Modern Islamic Legislation* (Leiden: Brill, 2009); Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992).

marriage, if deferred, it remains a binding financial obligation on the husband a “debt on demand” (dayn mu‘ajjal), which the wife may claim at any time during the marriage or even after the husband’s death, recoverable from his estate or heirs. Similarly, nafaqah, or maintenance, constitutes an inalienable right of the wife, entitling her to financial support from her husband throughout the marriage. This right is legally enforceable, and failure to provide such support may be grounds for judicial recourse. Moreover, in the case of non-payment of mahr at the time of nikāḥ, the wife is within her rights to withhold cohabitation until the obligation is fulfilled.²¹ This provision reflects the broader Islamic commitment to ensuring fairness, mutual responsibility, and the dignified treatment of women within the marital relationship.

Marriage, within the Islamic tradition, is not only a religious obligation but also a significant socio-cultural responsibility of the family, particularly the parents. In the Indian subcontinent, this sense of duty has historically manifested in the exchange of gifts during weddings, a practice that over time became institutionalized, particularly among affluent and aristocratic families. Traditionally, these gifts often comprising cash, ornaments, or other tokens of affection were given after the marriage ceremony as voluntary gestures of love and goodwill. Importantly, such offerings were not initially conceptualized as dowry in the modern sense, and as long as they remained voluntary, they did not constitute a financial burden. However, beginning in the medieval period and becoming increasingly prevalent by the late 19th century, the practice of dowry evolved into a socially enforced custom, extending beyond elite circles into various caste groups. Dowry gradually became not only a financial burden but also a marker of social prestige. In the post-independence period, particularly following the abolition of the zamindari system, dowry demands also infiltrated segments of Muslim society, despite the fact that the dowry system finds no basis in Islamic jurisprudence (sharī‘ah) or Prophetic tradition (sunnah). This transformation of dowry from a voluntary gesture to a coercive expectation represents a departure from Islamic values. The dowry system has, in many cases, become an impediment to marriage, particularly among economically disadvantaged families. It is frequently exploited as a means for the groom’s family to enhance their social and economic standing, a trend that is both socially regressive and religiously unjustifiable.²² Islam unequivocally prohibits all forms of exploitation, and the demand for dowry contravenes the ethical framework established by the Prophet Muhammad (peace be upon him).

²¹ Nasir, *The Status of Women*, 112.

²² Nasir, *The Status of Women*, 77-78; Mohammad Khalid Masud, “The Obligation of Mahr and the Question of Dowry in South Asian Muslim Societies”, in *Islam and the Family: Texts, Law and Practice*, eds. Ziba Mir-Hosseini etc. (London: I.B. Tauris, 2006), 117-136.

The Prophetic model offers a profound counterexample. When marrying his daughter Fatimah to ‘Alī ibn Abī Ṭālib, the Prophet provided her with only the most modest of items: a palm-leaf mattress, an earthen jug (lota), a hand-operated flour mill (chakki), and a simple leather sheet. Despite being the de facto leader of the Arabian Peninsula at the time, the Prophet deliberately refrained from ostentation, thereby setting a precedent that even the poorest members of his community could emulate. Had status or material wealth been his concern, his companions (aṣḥāb) would have been willing and able to furnish Fatimah with a dowry of extraordinary value. Yet the Prophet, ever conscious of the moral and social implications of his actions, intentionally avoided establishing a harmful precedent. For those who claim to follow the Prophet, it is therefore incumbent to renounce dowry demands. To solicit or require a dowry from the bride's family is not only exploitative but also fundamentally un-Islamic. Within Islamic marriage law, the financial obligation lies with the groom, who is required to provide mahr (dower) and ongoing maintenance for his wife and children. Additionally, the obligation of hosting the wedding feast (walimah) rests with the groom, not the bride's family.²³ This allocation of responsibilities is both equitable and rational: the bride's father is relinquishing a beloved daughter to another household, yet it is the groom who bears the financial responsibilities associated with marital life. The modern dowry system, particularly in contexts of economic hardship where over 80% of the population lives below subsistence level, represents a cruel and unjust practice. It has become so entrenched that the Government of India was compelled to intervene through legislative means, enacting the Dowry Prohibition Act to curtail this harmful custom. Nonetheless, the true solution lies not merely in legal reform but in the revival of Islamic principles that uphold dignity, fairness, and mutual responsibility in marital relations.²⁴

Following purdah (the Islamic concept of modesty and gender separation), the institution of polygyny is arguably one of the most misunderstood and vigorously criticized aspects of Islamic marital law, often mistakenly conflated with polygamy. It is important to distinguish between the two: as defined in *The Dictionary of Sociology* by Henry Pratt Fairchild and others, polygyny refers specifically to a marital arrangement in which a man is permitted to have more than one legally recognized wife simultaneously. In contrast, polygamy is a broader term encompassing

²³ Nasir, *The Status of Women*, 75; Masud, "The Obligation of Mahr", 124-125.

²⁴ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (New Delhi: Oxford University Press, 1999).

both polygyny and polyandry—the latter referring to a woman having multiple husbands, a distinction that is often overlooked or misrepresented in public discourse.²⁵

Divorce constitutes a natural corollary to the institution of marriage and serves as a necessary legal provision within Islamic family law. While many species in the animal kingdom demonstrate instinctive harmony and fidelity in pair bonding, human beings, endowed with rationality, emotional complexity, and individual autonomy, are subject to greater variability in temperament, values, and life goals. These differences can, at times, create irreconcilable discord within the marital relationship, severely impacting the emotional stability and social harmony of the family unit. In such cases, Islam permits divorce (ṭalāq) as a lawful, though undesirable, solution to an untenable situation. The Qur'an and the Sunnah recognize that despite the high regard Islam places on marital unity, circumstances may arise where separation becomes the lesser of two evils. Islamic jurisprudence classifies divorce as mubāḥ, permissible but discouraged. It is intended as a last resort, to be exercised with caution and after all avenues for reconciliation have been exhausted.

It is important to approach discussions of gender roles and behavioral tendencies with care and nuance. While classical literature has often ascribed certain temperamental traits to men and women, such as emotional restraint and social pride to men, or empathy and adaptability to women, contemporary scholarship cautions against essentialist generalizations. Both men and women are susceptible to virtues and vices, and Islamic law aims to establish justice and compassion regardless of gender. Ultimately, the provision for divorce in Islam should not be interpreted as a weakening of marital commitment, but rather as a humane and pragmatic acknowledgment of human fallibility. By allowing both parties a dignified means of exit, Islam seeks to prevent prolonged suffering, exploitation, and emotional harm, prioritizing peace, justice, and the moral well-being of the family and society at large.

Islamic law categorically prohibits the marriage of a believing Muslim woman (mu'mina) to a non-believing man, and likewise forbids the marriage of a believing Muslim man (mu'min) to a polytheist or non-believing woman. If either spouse renounces monotheism and embraces disbelief (kufr) or idolatry after the marriage contract (nikāḥ), the marriage is rendered null and void by virtue of apostasy, and the marital bond is considered automatically dissolved, without the need for a formal divorce. In such cases, all spousal rights and obligations are terminated in accordance with Qur'anic injunctions. The principal distinction between Islamic divorce

²⁵ Henry Pratt Fairchild, *Dictionary of Sociology* (New York: Philosophical Library, 1955); John L. Esposito, *Women in Muslim Family Law* (Syracuse, NY: Syracuse University Press, 2001).

jurisprudence and that of many Christian traditions lies in both the scope and the procedure. Classical Christian doctrine—particularly within Catholicism—traditionally recognized only a single legitimate ground for divorce: sexual infidelity. Moreover, the process is typically a formal, often public legal proceeding. In contrast, Islamic law encourages private conciliation and arbitration as a prerequisite to any formal separation and permits divorce on a range of moral, behavioral, and relational grounds. The evolving practices in various Christian-majority societies illustrate a growing recognition of the limitations of a singular ground for divorce. As noted by early commentators, “In Christian Russia, which is more Christian than any other Christian country, there are now allowed thirty-five reasons for granting divorce.”²⁶ Similarly, in the United States, divorce has become increasingly accessible, reflecting a broader shift toward individual autonomy. In the United Kingdom, public discourse has advocated for the expansion of permissible grounds beyond infidelity. Thus, while Islamic divorce law is often critiqued for its distinctiveness, it is in fact a nuanced legal system that seeks to balance individual rights, moral accountability, and social stability, offering greater procedural flexibility than classical Christian legal traditions, yet with deeper ethical guardrails than modern secular systems.²⁷ In contemporary Western societies, where personal freedoms have expanded significantly in comparison to earlier eras, the increasing prevalence of divorce has posed substantial challenges to the stability of the family unit and the broader social order. In countries such as England, despite the existence of legal safeguards and formal procedures governing divorce, many couples continue to endure deeply strained and unfulfilling relationships. A considerable number of individuals live in forced separation, with women, in particular, often bearing the emotional and legal burden of losing custody of their children. The liberalization of divorce in many Western nations has been accompanied by social fragmentation and a weakening of traditional familial bonds.

Islamic inheritance law grants widows clear and legally protected rights. A widow inherits from both her natal and marital families. If her deceased husband has no children, she is entitled to one-fourth of his estate; if there are children, her share is reduced to one-eighth. In instances where she is the sole surviving heir, she may inherit the entirety of the estate. She retains full authority over her own property—whether inherited, gifted, earned, or saved—and enjoys all the legal rights of a wife if she remarries. Following the death of her husband, a widow is required to observe a

²⁶ Stephanie Coontz, *Marriage, a History: How Love Conquered Marriage* (New York: Viking, 2005); Andrew J. Cherlin, *The Marriage-Go-Round: The State of Marriage and the Family in America Today* (New York: Knopf, 2009).

²⁷ Talat Ara, Ashrafi, *Muslim Women in Changing Perspective*, 63; Tahir Mahmood, *Muslim Law in India and Abroad* (New Delhi: Universal Law Publishing, 2012); Ali Mohammad, *Status of Women in Islam* (New Delhi: Anmol Publications, 1994).

waiting period ('iddah) of four months and ten days, during which remarriage is prohibited. Ideally, she is to remain in her late husband's residence. The primary purpose of this waiting period is to determine whether she is pregnant, in which case 'iddah extends until childbirth. This precaution protects the clarity of lineage and safeguards inheritance rights. 'Iddah also allows the widow time for emotional adjustment and to assess the attitudes of her in-laws and support network, helping her make informed decisions about her future. If she has children, the widow assumes dual roles—those of both mother and guardian. She is responsible for the preservation and administration of her children's inheritance until they reach maturity. Even after remarriage, her responsibilities toward her children from the previous marriage remain intact. From a religious standpoint, a widow is fully equal in virtue and legal capacity to any other morally upright woman. Islam does not attach any negative spiritual or social stigma to widowhood. She remains entitled to full participation in legal, religious, and social life, enjoying the same rights and responsibilities as any other member of society.

Although Islamic law has historically and consistently affirmed the legitimacy of widow remarriage, cultural practices have often deviated from these ideals. In many parts of the Muslim world—particularly in the Indian subcontinent—widows are subjected to social stigmatization. They are frequently perceived as inauspicious, not readily accepted into new marital relationships, and sometimes excluded from ceremonial roles. Among certain communities, such as the Bohras, cultural norms discourage widows from participating in symbolic rites, such as breaking a coconut during celebratory events.²⁸ These practices reflect the influence of non-Islamic customs, particularly Hindu social traditions, and represent a distortion of the egalitarian ethos embedded in Islamic teachings. Islamic family law is structured upon a system of mutual rights and obligations designed to maintain cohesion, harmony, and dignity within the family. It does not endorse unrestricted individual freedom in the Western liberal sense, whether for men or women. Instead, every right in Islam is accompanied by a corresponding duty. Dignity and respect are reciprocated through responsibility and ethical behavior.²⁹ Islam strictly forbids slander, verbal abuse, or any form of social or moral transgression against individuals, prescribing both spiritual accountability and legal consequences. No one may violate or usurp the rights of another, nor shirk familial obligations. In this framework, the dignity of every individual—regardless of gender, age, or marital status—is safeguarded under divine and legal authority. Islamic family law, when viewed through its foundational principles, places strong emphasis on justice ('adl),

²⁸ Tahir Mahmood, *Muslim Personal Law: Role of the State in the Subcontinent* (New Delhi: Vikas Publishing, 1983).

²⁹ Rehana Ghadially, *Women in Indian Society* (New Delhi: Sage Publications, 1988).

mutual consent, and the equitable distribution of responsibilities. Contemporary gender-sensitive interpretations further highlight that such protections are not inherently patriarchal, but are capable of evolving to ensure that both men and women enjoy reciprocal rights within the family structure. For example, while the husband's duty to provide (*nafāqah*) is clearly delineated, the wife's right to consent in marriage, pursue education, or seek divorce (*khul'*) has also been affirmed by modern scholars as essential components of her agency. Thus, the legal framework not only upholds personal dignity but can also serve as a dynamic space for negotiating gender roles in light of contemporary social realities.

Conclusion

The transformation of gender roles and marriage norms among Indian Muslim women reveals a complex interplay between religious tradition, modern aspirations, and socio-economic realities. This study has demonstrated that while Islamic law provides a framework that upholds women's dignity, rights, and contractual agency, particularly in matters of marriage, divorce, maintenance, and inheritance, cultural practices and colonial legacies have often distorted or overridden these egalitarian principles. The rise in education, employment, and state-supported initiatives has enabled many Muslim women, particularly those from urban and educated backgrounds, to engage more actively in public life and family decision-making. Yet, this empowerment is not a linear or uniform process. The persistence of patriarchal norms, class stratification, and religious orthodoxy still imposes significant constraints on many women, especially in rural or economically marginalized communities.

Nonetheless, the growing visibility of Muslim women in academia, governance, and civil society reflects a significant shift in both agency and identity formation. Rather than being confined to the private sphere or positioned as passive recipients of reform, they are now increasingly engaging with two overlapping yet distinct normative frameworks: one grounded in Islamic ethical principles—such as modesty, duty, and family responsibility—and the other shaped by modern rights-based discourses emphasizing individual autonomy, legal equality, and public participation. Through this dual engagement, Muslim women are not merely adapting to external changes, but actively negotiating and redefining their roles within both religious and secular domains.

In light of these findings, it becomes imperative to distinguish between Islamic doctrine and culturally embedded patriarchal interpretations. Promoting a gender-just society requires not only legal and policy reform but also a renewed hermeneutical engagement with Islamic texts that

centers women's voices and lived experiences. The ongoing transformation within Indian Muslim communities signals a broader shift in Muslim family institutions, where women actively participate in shaping the moral, legal, and social landscapes of contemporary life. This study contributes to the growing scholarship that challenges essentialist and monolithic readings of Islam—such as those critiqued by Ziba Mir-Hosseini (2006) and Ayesha Chaudhry (2014)—by illustrating how gender roles are not static, but negotiated and reinterpreted in diverse socio-religious contexts. By foregrounding women's agency within both Islamic and modern rights-based frameworks, it helps address a notable gap in studies on Muslim personal law and gender in South Asia. In doing so, it also resonates with Saba Mahmood's (2005) call to reconceptualize agency not merely as resistance, but as the capacity to inhabit and reshape normative religious structures. Future research could expand on these insights by exploring intergenerational transformations, regional variations within Muslim communities, and the role of digital platforms in mediating contemporary Islamic gender discourses.

Article Type / Makale Türü

Research Article / Araştırma Makalesi

Peer-Review / Değerlendirme

Double anonymized – At Least Two External / Çift Taraflı Körleme - En Az İki Dış Hakem

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The author(s) has no conflict of interest to declare. / Çıkar çatışması beyan edilmemiştir.

Complaints / Etik Beyan Adresi

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Grant Support / Finansman

The author(s) acknowledge that they received no external funding in support of this research. / Bu araştırmayı desteklemek için dış fon kullanılmamıştır.

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