



2009 WISE Conference “Change through Interpretation”

Pakistani Marriage Contract: Filling in the Salient Clauses and Teaching Girls their Rights

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Objectives/Background:

To raise awareness amongst girls and women in Pakistan on the marriage contract and the possibilities for inserting terms more favorable towards women.

In Pakistan, women are frequently left trapped in a marriage, with no recourse to divorce or financial compensation in the *mahr*. This is largely the result of ignorance regarding the marriage contract and the possibilities for inserting clauses that will grant them greater rights. The Pakistani marriage contract is typically given to the engaged couple for their signatures at the moment of their wedding ceremony and reception. In fact, despite the contract's enormous impact on their future lives, especially in cases of divorce and the terms and conditions evoked, these most affected parties are rarely familiar with its details. In fact, the families of the engaged couple seldom discuss the contract prior to its signing; instead, a few elder men handle the entire process, neglecting to inform the boy and girl what they are signing for and what is omitted. They are told to simply fill out the columns of the contract (including dower, maintenance, right of divorce, monthly pocket money, conditions on the arbitrary exercise of divorce from the husband, etc.), in many cases forgoing their legitimate rights within the Qur'an and Pakistani law.

Strategies for Change

I visit women's homes, speaking to both individual engaged couples and large-groups. At their homes, I distribute copies of marriage contracts (as well as divorce deeds). We then read aloud each clause and explain it in further detail, especially those clauses that affect the marriage and the conditions for a future divorce. In doing so, I demonstrate the lack of contradiction between Pakistani marriage law and the Qur'an, encouraging the women to know their both know their marriage rights and increase these rights by inserting legitimate clauses into the contract. At the end of the lecture, I always hold a question and answer session, in order to ensure that the participants have understood and benefited from the discussion. With certain engaged couples, I work with them and their families to fill in the clauses in a manner that benefits the bride and ultimately, the marriage.

Challenges & Successes

The cultural obstacles to this work are great. The women in my sessions frequently discuss the numerous challenges they face in seeking to review the contract and insert clauses that will benefit them. They recognize that they must solicit the help of an elder brother, married sister (who can talk to their husbands), or uncle to speak with the family elders about the contract. The mothers recognize that they are of little help, since they have never seen their own marriage contract. Furthermore, direct approach from the girls will result in failure and simply cause agitation. The greatest challenge is always to act within the culture yet also strike a change. Our methodology, therefore, is critical, as we must demonstrate that what these girls are demanding is fully within their rights as Pakistani citizens, Muslim women, and human beings. As I work in my community, I am witnessing more and more girls (and their families) accepting that these God-given (and Pakistani law affirmed) rights can become part of the marriage contract.