

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**Women's rights and
responsibilities in an
Islamic system**

(articles)

First conference

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Preface:

In view of the cultural invasion of the western world and the endless plotting of the arrogant governments against the status and place of women in human society which ultimately aims at undermining the family structure, there is a need for identifying these evil plotting and there is a necessity for planning strategies to confront them, thus a consensus of views among the thinkers and researchers of the Islamic world is to be sought based on the progressive perspectives of the all-inclusive and beloved Islamic world with a view to drawing up an international bulletin of the rights and responsibilities of Muslim's women in today's world. This international conference is held with the participation of domestic and foreign organs and organizations that are related to the subject matter so as to

take note of the above-mentioned points and to achieve the objectives below:

1- to elucidate and present the perspectives of the Islamic system with respect to the rights and responsibilities of women in a scholarly manner.

2-to lay the ground for and to create appropriate conditions and space for constant communication among the prominent women of the Islamic world.

3-to consolidate and deepen scientific and socio-political ties among the existing institutions of women in the Islamic world.

4-to form and set up united fronts to confront the plots of the arrogant world in this regard.

5-to procure an all-embracing and progressive legal text within the context of the international bulletin of the rights and responsibilities in the Islamic system which is to be approved of and endorsed by eminent women, thinkers of the Islamic world, and international forums.

**Readings of international
conventions & resolutions of
international conferences**

Efat Al-Jabari

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Member of the board of trustees of international
Muslim women association**

Women in the western thought

Preface:

Western thought is grounded in secular thought which separates religion from state. This thought in various dimensions rests upon its antagonism toward heavenly religion for it considers religion as an impediment to progress and prosperity in life. Yusuf Al-Gardawi¹ explained secularism as defined by encyclopedia Britannia (secularism is a social movement aims at deflecting people's attention from the next world and focusing it on this world alone)

American liberalism is considered an example of secular

1- Yusuf Al-Gardawi: Islam and secularism; face to face, third edition, P. 49

thought; Monir Shafigh believes that this liberal secularism tries to instill new values related to the family, man, and woman with respect to education, punishment, homosexuality, and crime under the pretext of modernization and progress and it is characterized by its rejecting and fighting religion-derived customs and traditions and so the consequences and effects on the community and individuals were dangerous where crime and drug mushroomed and human values and emotions plummeted downhill. Liberalism as seen by Monir Shafigh is characterized by arbitrariness and frivolity and he thinks that its separation from religion and the past won't just lead to negative things but it will produce negative things which are more dangerous, in this regard Rashid Alghanoshi says¹ "economic liberalism has as its God profit and for whose sake it permits everything such as lying, destroying other people's cultures and sucking their blood and it ends up

1- Master's degree thesis by Efat Al-Jabari

impoverishing peoples for the sake of the interests of few families but not for the sake of the people"

In his statement about secularism and its manifestations Fahmi Hiwaidi¹ explained that there is a lot more to secularism than just the separation of religion from the state, he says: "secularism is the separation of all moral, epistemological, and human absolutes from life whereby everything becomes relative"

Women and United Nation Council

The U.N along with its various organizations, has adopted secular thought as its basis for its socio-cultural undertakings and activities despite the fact that basically the U.N was set up to preserve peace, resolve conflicts and provide security for the people.

Aisha Abdulrahman² (Bint Al-shati) says about the convention of human rights which the U.N declared "at the time when this convention was declared the rights of

1 - Fahmi Hiwaidi: secularist extremism in focus, first edition, first edition, P.246

2 - Aisha Abdulrahman: Quran and human issues, first edition, P. 6

Palestinian people were violated, the tragedy of Hiroshima was committed, and wars of annihilation and destruction were set in motion in Asia and Africa."

Today, however we see that the U.N focuses on people's socio-cultural aspects and it tries to set up universal rules to govern human behavior and it tries to set up one model for human beings. Women are accorded great attention on the part of this council because they are the key to opening all doors, for a woman is considered to be one of the gateways to change which is the aim of the U.N led by America. The U.N designated organizations to plan and execute programs related to women and children and the U.N fund for women."

The U.N conducted a number of international conferences such as Mexico city held in Mexico in 1970 the year which was declared as international women day", Copenhagen conference in 1980, Nairobi conference in 1985, the conference on population in Cairo in 1994, and Beijing conference in 1995.

The effect of feminist movements on the U.N and international resolutions:

The term feminism appeared in Christina Hove Somers' book (who stole feminism) which was widely used in America. The term means that women in general are imprisoned within a framework of oppressive regime namely patriarchy which is man-dominated and which dominates women, so the word feminism is equality between men and women. This movement views the situation of women as getting worse and they intend to bring about a qualitative sex revolution. The radicals who call themselves (liberal) started their movement in America.¹

But Hiba Raof Ezat² said: "in a civilized sense feminism means focusing on women and she added that as women's liberation movement as a social movement which is part of the society, aims at defending women's rights in the society, whereas the western's outlook on feminism doesn't consider

1- A draft on a U.N convention from freedom and equality to sameness and homosexuality) prepared by Sabah Abdul-hadi Al-Khashini, international forum for Islamic youth, magazine of Kuwait society, issue 1343

2- Hiba Raof Ezat: women and political work; an Islamic outlook, P. 50

women as part of society as if they were free-floating and independent beings distinct from men and in an existential conflict with them, therefore it attempts to change human language and the natural order of history and human nature with a view to mixing roles."

This movement started in the late nineteenth century and early twentieth century. At first this movement was based on defending women's rights and bringing their cause into focus with respect to the oppression and tyranny inflicted on them. This movement was able to make women's cause an international one beyond all boundaries and it began to demand socio-political and economic rights and it demanded the removal of any obstacle to women's progress. Following world war two the movement gathered momentum where America and Europe competed for demanding rights for women, taking as their point of departure the various intellectual philosophies of liberalism and socialism. Over the years this movement has evolved from and has been greatly influenced by different philosophies and thoughts.

Mohammad Amara¹ said: "the father of the French feminist tendency is the French socialist (Forbie, 1772-1837) who called for liberating women on home, professional, civil, and sexual levels and he said: the family more or less constitutes a barrier to progress.

He added that the philosopher of this tendency is Marquise Herbert 1898-1979 whose literary theory is based on setting free sexual instincts and giving full rein to it in terms of quality or quantity, that's even the freedom of homosexuality and even eulogizing it as a revolution and rebellion against sexual suppression, thus considering the sexual element as complementary and completing the process of social emancipation.

Likewise Fauko Michel (1926-1984) refused to link sexual practice to morality and he said why make sexual behavior a moral issue and very important at that? Mohammad Amara added that the philosopher of this feminist tendency is the existentialist writer Simon de over (1908-1986) who considered marriage as an institution for

1 - Musana Amin Al-kurdistani: feminist movements; from equality to gender; an Islamic critical study, presented by Mohammad Amareh, first edition, P. 5

oppressing women and which should be abolished and dismantled and she denied any natural distinction between men and women and that no one is born a woman but they become this way and that women's behavior isn't bound up with their hormones nor with the make-up of her brain rather it's a by-product of her situation.

This movement was carried to further extreme when it strove for a woman-centered world where she a woman can give rein to the concepts of freedom and equality, Mohammad Amara says: "we see in the movement of western civilization a tendency toward extremism which permeates lots of theories and which takes the form of binary opposition: (rational/irrational, individual/ group, self/other, religion/state, this world/the next world, materiality/spirituality) without any midpoint that includes all the elements of truth and justice from the opposite poles, thus constituting a third position distinct but not totally antithetical to the two poles of the phenomenon. Besides the extremism of the feminist tendency there is also a heritage of extremism which characterizes the movement of the intellectual theories of the paradigm of western civilization

in general, then Mohammad Amara points out that (the contempt for women as in the western civilization triggered a more extreme reaction in the feminist movement which is an extreme to tackle another extreme and a tendency toward shifting the focus on the female to counteract the tendency of contempt for the feminine).

Musana Al-Kurdistani says ¹about the burgeoning feminist extremism (the feminist movement with its ever increasing secularism, permissiveness, egotism and intellectual bungling rapidly led some of its sub-division changed into totalitarian, destructive, radical, and extremist movements which overstepped the boundaries of their jurisdiction and issues to talk about a special ideology for women with a its own epistemology and even a special community for women and they started demanding things which aren't in line with justice, moral values and religion and which lead to anarchy and futility, thus threatening social security, the family and children's rights and will get women into endless labyrinth of confusion"

1- Musana Amin Al-Kurdistani: ibid

Feminist movement and international conferences

The feminist movement has made use of conference as a launching-pad for its plans and it has formed various pressure committees to exercise pressure on the U.N and major countries with a view to achieving its purposes and intentions such as women's committee in the U.N. the American Catherine Baltimore¹ says that the woman who set up this committee was Scandinavian who believed in unrestrained marriage and who rejected the family and considered marriage a constraint and she added that the international conventions and agreements related to women, family, and population are drawn up in agencies and committees dominated by the extremist feminist group "homosexual"

1 - Catherine Baltimore: a lecture at the faculty of law at the university of Bergheim Young in U.S she also took part in several sessions of the U.N and she is cognizant of the content of conventions and agreements such as CEDAW, she is the head of the international center for family policies at the university of Brahma, also she is a mother of six children and she has one grandson. The reference is: symposium on secularism and women's international laws held by Lina production center in Khartoum, Sudan in February 20000

The conference on population and development in Cairo in 1994

The convention of this conference was fraught with dangerous and vague terms such as "childbirth choice" "sexual health" and the united and the bonded. This conference is considered one that is most inconsistent with religions. The title and slogan of this conference which was population and development, was far from what really went on in it. It called for sexual freedom, sexual relation outside wedlock, equality of sexes, homosexuality, permissiveness and child control. Musana Al-Kurdistani says¹ "there is no doubt that this convention and other ones contain a lot of useful things which can be a common ground for humanity to agree on whether they concern women and improving their status or they concern problems of immigrants or the environment or etc... but the problem lies in mixing these good things with some evil things and machineries over which no agreement can be reached, and some of these

1 - Al-Kurdistani: ibid

issues appeared in this convention and it is beyond doubt that it is a reflection of extreme feminist thinking and whoever supports it, such as equality between the two sexes, abolishing all distinction between them which in reality could mean making the two sexes into just one and then logically it follows that laws were made on such basis, but it is impossible to achieve that no matter how much we changed socialization and education process.

This convention describes the role of women in reproducing life, training generations, providing security for the family and the community as traditionally-patterned roles which must be changed.

Musana Al-Kurdistani¹ describes that with respect issues of equality in the fourth chapter there is a mention of equality between the two sexes in terms of the right to ownership which is an invidious hint at the question of equality in inheritance"

As for sexual permissiveness the convention talks of abolishing laws that restrain people from freely practicing

1- Al-Kurdistani: ibid

their sexual activity and it also talks of protecting illegitimate pregnancy because sexual intercourse and childbirth are personal freedom rather than a collective responsibility. The convention states "countries, with the support of the international community, are supposed to support and protect adolescents' rights to training and to have information about sexual health care and to legally protect congenital deviation and vice, and some institutions and organizations participating in the conference demanded that sex be taught at all educational stages and that sex culture be disseminated through mass media.

The convention endorsed termination of pregnancy and encouraged abortion of unwanted baby and it considered it a woman's right and a means for her sexual health. The convention made a distinction between marriage and sex and childbirth which means that it is possible to have sex and a child without marriage and it is possible for a woman to rent or lend her womb as in the case of the British lady who rented her womb to her daughter who couldn't give birth "surrogate or biological mother" which involves

adultery and mixing relations. The convention mentioned different forms for the family such as a family that is made up of same sex bond between two women or two homosexual men, collective families which consist of a group of young male and female who practice a life of sexual orgies in different forms and this is an adultery and fornication which is punished by all religions, overlapping intermarriage families which are made up of women and men who practice and swap sexual pleasure without marriage, contract or document.

This is what was presented in the convention of the conference on population which was held in the Muslim and Arabic capital city of Egypt and which was attended by homosexual and lesbian, the heads of the feminist movement who demonstrated on its streets demanding their homosexual rights.

We can say that this convention which emerged out of the conference on population under the aegis of the U.N has approved of the practice of vice, abortion, homosexuality and having sexual intercourse outside the context of

legitimate marriage. The convention shunned the use of the word "family" except when it talked about family planning and it also tried as much as possible to avoid using the term "married couple" and it opted for "partners" instead. The convention didn't assume a legitimate marriage between a man and a woman and similarly when it spoke about ways to fight AIDS it didn't mention sexual chastity as one of them or refraining from sexual intercourse outside wedlock. Moreover, the convention strongly opposed early legal marriage while it supported early sexual relations outside wedlock.

This attempt and other of its kind are meant to undermine the Muslim family and to strip it of its essence with a view to imposing western family style on our community and doing away with the restraints of traditions, customs, and religions.

Beijing conference

The fourth women's international conference was held in Beijing on 31/8/1995 and it was considered the upshot of several international conferences which preceded it such as

the ones in Mexico City, Copenhagen, and Nairobi. The slogan of the conference was "developing peace and equality". More than 140 thousands women convened in China from all over the world to take part in it and following deliberation and activities, an blueprint was drawn up as an international convention. This blueprint draws attention to twelve areas which need to be decisively dealt with in order to ensure women's progress, these are:

- 1-the burden of increasing poverty on women's shoulder
- 2-inequality of educational and training opportunities of good quality on all levels
- 3-inequality in health care and related services
- 4-inequality in economic and political organs and in all production activities and in having access to resources
- 5-inequality between men and women in sharing power and in decision-making on all levels
- 6-violence against women
- 7-lack of sufficient facilities on all levels to help women improve
- 8-disrespect for women's rights and lack of attention to spreading these rights and protecting them

9-stereotyping women and inequality in giving them access to and participating in all communication means especial in the mass media

10-inequality between the two sexes in running natural resources and environmental protection

11-constant discrimination against the female child and violating her rights

12-the effects of armed struggles and other conflicts on women including those who live under the yoke of outside occupation

The representatives of the countries presented the following statement in Beijing's declaration:

"hereby we, the governments, adopt the following blueprint and pledge to implement it in a way as to ensure taking into account both sexes in our policies and programs: we urge the U.N, the international and regional monetary institutions and other international and regional institutions related to women and men alike and also non-governmental organizations, with all due respect to their independence to collaborate with governments with regard to total commitment to this blueprint and to contribute to its

implementation"¹

On the surface this method and these slogans may delude some into believing that this blueprint makes sense as far as women are concerned but after twelve days of heated meetings between the two conferences of the conservatives and western liberals a big chasm of acute differences reared its head among the various heavenly-revealed religions and the diversity of cultures and tradition prevailing in the world. A hodge-podge of east and west, south and north came together to bring the cause of women into focus but each one had a different take on the issue and how to deal with it but most importantly is who gets to make the final decisions in this conference and what issues took precedence after everything got mixed up, the question of women's rights extended beyond the scope of right and good as Amna Fatanat Miskiyya Bar said² and entered into the realm of exaggeration and nonsense and pushed women away from logic and objectivity...

The surprises which surfaced in this conference such as

1- after Beijing: a news bulletin issued by UNIFAM project, issue No. 3, 1998

2- Amna Fatanat Miskiyya: the reality of the contemporary woman under the umbrella of Islam, first edition, P. 442

the term sexual orientation, implying the freedom to have non-patterned life is a human right as article 226 states, varies depending on the society. The conference stated six family patterns depending on the social milieu and after enormous effort the conservative countries were able to insert the words husband and wife while western countries refused to insert the word "traditionalism" because it means a step backward and a setback to what was achieved in the conference on population in Cairo.

This convention requested countries and communities to take up strategies for change such as changing roles and functions of women and men on the basis of gender between the two sexes and in a brief overview of the concept gender, which first appeared in the conference on population in Cairo and it surfaced in Beijing conference in a way that aroused controversy and attention to its vague meaning and therefore it is a minefield and it was repeated in Beijing conference 254 times. This term sparked off a big controversy among the attending delegates of the conservatives, thus the committee of definition came out without a definition which means that the U.N used her own

definition couched in the convention and which was defined by WHO. This term describes the feature of male and female as socially-constructed which have nothing to do with organic differences "it is interpreted as such" that's being a male or female organically doesn't have anything to do with your choice of sexual practice, based on this a man can carry out the role of a woman and the reverse is equally true including homosexuality"

Fahami Hiwidi¹ explains in this regard" the word gender carries different meanings and dimensions that are totally different from what first comes to our mind. It doesn't denote instincts which are aroused by the relationship between a man and a woman in what is termed as biological sex rather it is closest in meaning to the word "person" who defines himself just as human but it isn't clear whether it is a man or a woman, it is blurring the boundaries of masculinity and femininity and an attempt to redefine sex so as to go beyond the duality of femininity and masculinity, thus it embraces the homosexual. Some people dealt with the term in an innocent way thinking that it means the

1 - Fahami Hiwidi: Jerusalem newspaper 13/12/1995

gender of men and women together whereas others were aware that the term isn't this innocent.

The encyclopedia Britannia defines it as "the way one feels about him/herself as a male or female and for the most part gender identity and organic qualities are in agreement or are one" but there are cases in which the way one feels about him/herself and organic qualities aren't related and there might not be compatibility between organic features and gender identity "that's what one feels about their masculinity or femininity" The encyclopedia Britannia goes on with its definition of gender stating that "another secondary gender identity may take shape because of evolution and which may prevail over the main masculine or feminine gender identity where sexual behavior patterns are acquired later on in life and from the viewpoint of gender society is responsible for determining sex roles and social relations which are apt to change for they aren't biological differences rather they are conditioned by social roles and the society can change them by exclusion and usually this question is posed to gender training for the simple male and female communities concerning their

education and understanding of life and the question is: when was the moment you became aware of being male or female? With the question: when did you first realize your position as male and female where you had to do certain things and not others?

A'aliya Al-Kurdi¹ says: "Beijing convention focused on the issue of family and social role allocation on the basis of difference between the two sexes where the importance of excluding this kind of role allocation pattern is dealt with through the following points "women and poverty", "education and training women", violence against women". Institutional machinery for the advancement of women, human rights of women, and women and the mass media, then she adds that "the items implicit in the above points acknowledge the danger of allocating roles on the basis of difference between the two sexes where these roles are described as fixed, stereotypical and unchangeable, so they must be changed by setting forth new roles and functions based on gender between the two sexes.

1- A'aliya Al-Kurdi: international conventions and change in the reality of family life, conference on the Muslim's family and contemporary challenges 2005

A'aliya Al-Kurdi adds that the convention linked its call for role allocation between the two sexes on the basis of gender and the violence practiced against women especially within the context of home where it sees absolute equality between the two sexes in terms of their family roles and functions as an approach to eliminating violence. The convention is based on the reality of western societies which have failed-despite using various state institutions-in settling family disputes and abuse against its members in order to secure and ensure a family atmosphere imbued with stability and safety through imposing legal solutions and remedies which led to worsening family situation more than ever before.

This convention is considered the most dangerous one because it deals with the minutest details of the family such as marriage, relationship, roles and it strips the concepts of affection and respect dominant among family members of their sacredness. It deals with the family relation pointing out that this relation is one of discrimination and unequal in this regard. Several workshops, backed by international

organizations, were held backed by international organizations with respect to changing some terms which reinforce the inferiority of women such as what is mentioned in one of books of Arabic language in a primary school in Palestine where an objection was raised against this sentence "Ahmed plays while Rabab helps her mother around the house" as if it is offensive and belittling when a girl helps her mother. They want this intimate relation among family members to be one of rivalry and selfishness.

As for the question of equality the convention called for effecting changes in the existing legislations so that women can get equal opportunities with men in family and social economic resources and others and it alluded to inheritance in Islam in this regard.

These demands for granting women equal rights with men with respect to economic resources, health care, political configurations, power-sharing, and decision-making recurred over and over again and they were explained in details and were given interpretations inconsistent with their linguistic meaning in the Islamic

communities.

A'aliya Al-Kurdi¹ says that the convention deals with the most important problem faced by western societies namely men shirking their family responsibilities (especially what comes out of sexual relations and practices in terms of pregnancy and childbirth), in consequence women who want to enjoy family life suffer more. The convention sees this suffering as lying in three issues: women and health, women and decision-making, and women and media, and so the convention calls for adopting strategies to aid in and work toward establishing equal sharing between the two sexes through propaganda campaigns that aim at emphasizing non-stereotypical gender equality and gender roles, that's achieving similitude between the two sexes in terms of rights and duties of men and women inside the family so that women can participate socially, that's driving women out and then working toward empowering them economically".

Then A'aliya Al-Kurdi adds that it is noteworthy that the

1 - A'aliya Al-Kurdi: ibid

items, which imply equal sharing, associate between equal sharing and women getting childbirth health services and enjoying irresponsible sexual relations where the convention accurately reflects western societies to a large extent where there isn't any legal and religious context for sexual practice of the two sexes as a result of a gradual and diminishing percentage of marriage in which marriage shifted to living together without any commitments on the part of men, thus women bear the brunt of whatever comes out of these relations which aren't restrained within a legal framework and so a woman bears and rears a child on her own and it is known that 90% of single-parent families are made up of female families where just the woman supports it, and this phenomenon is borne out by all western social studies. Similarly the state faces the problem of illegitimate children and the resultant exorbitant budget in terms of economic and social burdens.

Whereas the situation of the Islamic communities committed to an organized family life based on religious rules and regulations is different from this bleak image in

the west except what emerges as a result of economic deterioration such as the increase in the proportion of women supporting families which isn't comparable to disintegration of family life in the west.

CEDAW

This agreement is complementary to and an improvement on women's political rights treaty issued by the U.N in 1952. The commission began to prepare this treaty in 1973 and finished it in 1979 and was ratified by the U.N on 18/12/1979 and came into effect on 3/1/1981 after fifty countries had signed it.

The agreement is made up of thirty articles divided into six sections and it deals with issues related to women in terms of political, social, economic, educational, health including sexual and childbirth and the laws of marriage and family and it also includes article which relate to committees and how they embark on their undertakings.

The agreement was couched in legal terms binding on the countries which endorsed it and as per the agreement

countries, which signed it, must abolish legislations and laws that run counter to it. As per article 17 of the agreement a committee was formed to eliminate discrimination against women and its purpose is to monitor the undersigned countries and to prepare a report and recommendations and to evaluate performance. This committee is made up of twenty three members elected from the countries which signed the agreement and which believe in its principles.

Most Islamic countries expressed reservation about several items of the agreement because it contains religious violations. Dr. Soad Al-Fatif "the agreement turns the standards of the society upside down and the U.N along with other European authorities exercise enormous pressure with a view to forcing countries to sign then she adds we won't compromise, make concessions and give up on what God and his messenger said and this agreement abrogates twenty verses of Quran in relation to marriage, alimony, uprightness and child breast-feeding.

However, Catherine Baltimore¹ said: "the agreement contains ambiguous and glib items which can be interpreted by people according to their different views and they sign it thinking that they interpret it in their own ways. The right to homosexuality doesn't exist in international law but it was inserted through interpretation of the ambiguous and glib texts in order to permit it and she adds that the U.N committee for monitoring the implementation of the agreement by the member countries mentioned that there is no room for different interpretations based on different religion and cultures, that's when culture or religion clash with what the committee says religion must step aside and it happens that CEDAW committee in its 1994 report requested the republic of Libby to reinterpret the Quran so as to fit in with the way CEDAW sees things. Catherine adds that one of the recurring issues in the reports of the committee is critiquing motherhood and describing it as static and tyrannizing molds that lack originality and individuality and which are inflicted on women and the

1- Catherine Baltimore: *ibid*

committee constantly requests countries to abolish these static molds which describe motherhood as an honor for women.

A'aliya Al-Kurdi¹ says that the agreement operates gradually that's it moves from one scope to another in a gradual and systematic way, it starts on the level of the constitution to the law, proceedings of national courts and then it moves on to the level of public authority, then to the individuals and it concludes with two complementary levels:

First: amendment of legislation considered by the agreement as discriminatory.

Second: abolishment of all national penalties by considering that the agreement abrogates other legislations and rules, then she adds that the thing which is noticed most about the first section of article 16, A, b, C, D, E, F, G, H is that the purpose behind this section is to achieve sameness between the sexes, that's achieving equality in the sense of complete sameness between the two sexes in terms of their

1 - A'aliya Al-Kurdi: *ibid*

marriage rights whether contract, roles, functions, or responsibilities unrelated to attaining roles and functions of a family of a man and a woman but instead it deals with the two sexes as two individuals whose family life is governed by individuality, conflict and pleasure and the attempt to secularize these bases and its imposition on all nations through this international agreement.

Concerning the fifth article A'aliya Al-Kurdi adds that this article with its two items A and B make certain that the agreement looks at the two sexes as the same without taking any account of biological differences and in order to translate this orientation into a lived reality it imposes changes on all cultures with their different components. Furthermore the agreement especially item B mixes the act of sharing in bringing up the children between the parents, which Islam and other religion demand, with another demand which expresses the agreement's rejection of the biological function of motherhood putting the emphasis on giving the priority to the children themselves which is inconsistent with generalizing the function of motherhood to

the two sexes on the ground that it is a sheer social function.

A'aliya Al-Kurdi says that accepting article 2 means that the agreement interferes with the sovereignty of countries and laws and bases on which their constitution rest, whereas accepting items (O, L) will lead to nullifying all rules, regulations, and norms which distinguish men from women, in addition it requests countries to substitute those laws for others ensures the elimination of these practices, whether they stem from persons, or norms even the ones which are religion-based, thus the agreement aims at achieving sameness between men and women especially with respect to family laws.

The agreement especially items O, L present the agreement as a frame of reference in itself which derives its criteria from itself, that's no objection is to be raised against it from outside and from which objections are to be raised against everything (norms, traditions, religions, cultures, laws)

*as per article 2 all the rules of the Islamic law are rendered null and they mustn't be referred to

*as per article 5, B motherhood is a social function stripped of its biological basis and which can be performed by anyone, man or woman, without taking into account all the studies and researches which prove that a mother's tenderness is innate and which isn't equal to a father's tenderness and her patience isn't the same as his, so article 5, B negates denies that this function is peculiar to a woman and it treats as equal her kindness and tenderness with others.

*as per article 16: complete equality can be obtained by putting women on equal footing with men when it comes to marriage contract and its nullification as well as spending and raising the children which doesn't tie in with the rule of the wife's guardian in marriage contract as well as dowry, men's spending on women for the family, polygamy, prohibiting Muslim women from marrying non-Muslim, divorce rules and three menstruation period after it and after death, and custody of the children.

Musana Al-Kurdistani¹ says "the issues cited in the

1 - Musana Al-Kurdistani: ibid

agreement of CEDAW don't vary much from those of the conference on population but it has more dangerous issues among them are:

1- it is an international agreement which is totally binding on countries that are part of it.

2- there is a permanent committee in the U.N nation to monitor the agreement and this committee makes use of hundreds of experts, feminist activist, and hundreds of civil organizations to monitor the agreement and to put pressure on countries to sign it and to put its items into practice.

3-the items of the agreement are linked to all walks of life, the various projects of the state; political, economic, army, parliament, decision-making institutions, education, employment, training, law...in a way that the organized state must change some of its religion, culture, priorities and programs in order to respond to the demands of the agreement.

4-enjoining on countries to remove all intellectual, cultural, and legal obstacles to implementing the agreement including religion, culture and especial identity and even to

purge educational curricula of any influence of that religion and culture whenever they clash with the agreement. Pakistan and Libya were asked to reconsider their reading and interpretation of Quran so as to fit in with the agreement which means that the agreement is the essence while all religions and cultures are secondary to it and against which they are to be measured where in case something doesn't fit with it, it is to be rejected and pushed aside. China was requested to permit prostitution and provide protection for it from exploitation, trading, risks of diseases because prostitution is part of human rights.

5-unlike international agreement, this agreement is elastic and sweeping and it carries multi-faceted interpretations which might tempt some to sign it on the pretext that it can be locally interpreted. It is so elastic that some additions were affixed nineteen years after some countries had signed it and in this regard (her excellence Farida) the judge at the supreme court in Khartoum "later the right to clone human babies may be incorporated into it so that women can shun childbirth.

6-there could be a little room for expressing reservation over some items that don't tie in with our religion as some Islamic countries and many other non-Islamic countries did with respect to many items of the agreement, but the agreement (article 28) states that expressing reservation about articles considered to be the essence of the agreement isn't allowed and this absolute condition renders the reservations which we, Muslims, need null and void and sooner or later we will be requested to take back these reservations and to give them up and to submit to the agreement and its interpretations.

Conclusions

1-international agreements and conventions stemming from international conferences have been influenced by the extremist feminist thought which in turn derives its thought from secularism based on the separation of religion from state, and this thought adopted by the feminist movement has been carried to further extreme by separating all moral absolutes for the sake of unbridled liberty which wipes out all principles and values.

2-the U.N along with all its organizations and institutions have been manipulated to back up the western feminist movement and this support has assumed the form of conferences, programs, and workshops that are held by associations and institutions in favor of this movement the world over.

3-some Islamic countries signed some of these agreements such as CEDAW while expressing reservation about some of its items but this reservation isn't of any significance when it comes to changing the items of the

agreement.

4-these international agreements and conventions pose a serious and hostile challenge against heavenly religion, despite this danger, the Islamic Arabic world still has paucity of jurisprudence of women and still lacks specialized scientific studies that can tackle problems from a deep, contemporary, comprehensive and civilized Islamic perspective, the way this issue has been dealt with is superficial and reactive.

Recommendations

1-revising the heritage of Islamic thought which is based on inherited erroneous customs and traditions and sifting the right from wrong especially with regard to excluding and marginalizing women and rehabilitating some people to present contemporary issues related to women. Studying the reasons for the retrogression of the Muslim's woman and the reasons for her moving away from her religion and its consequences such as risks and setbacks for women's advancement.

2-setting up specialized research centers for comprehensive intellectual and cultural undertaking for women by drawing up plans and programs based on statistics and data collection.

3-activating women's Islamic associations on the level of the Arabic and Islamic world through conferences and seminars to crystallize a unified view and stance in order to confront the challenges faced by the Muslim's woman.

4-setting up information database center to further the cause of women in the Islamic world which is to be

renovated periodically with exchanging expertise and information.

5-monitoring non-governmental institutions backed by outside forces and which work with the agendas of the western feminist movement and which don't agree with our Islamic religion and civilization and to anticipate its activities and to diffuse them and to confront and respond to them in order to illuminate the truth and to rebut their falsities which are propagated against religion in a civilized and scientific manner.

Translated by: Anas Al-tayeb Abdulrahim

References:

- 1-the glorious Quran
- 2-Yusuf Al-Gardawi: Islam and secularism face to face
- 3- Efat Al-Jabari: master's degree thesis
- 4-Fahmi Hiwidi: secular extremism in focus
- 5-Aisha Abdulrahman: Quran and human issues
- 6-a draft on (a U.N convention from freedom and equality to sameness and homosexuality) prepared by Sabah Abdulhadi Al-Khashini
- 7-Hiba Roaf Ezat: women and political work; an Islamic outlook
- 8-Musana Amin Al-kurdistani: feminist movements; from equality to gender
- 9-Catherine Baltimore: a symposium on secularism/ Khartoum
- 10-after Beijing: a news bulletin issued by UNIFAM project
- 11-Amana Fatanat Miskiyya: the reality of the contemporary woman under the umbrella of Islam
- 12- A'aliya Al-Kurdi: international conventions and change in the reality of family life, a draft.

**The challenges facing Muslim women
in the contemporary communities**

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Preface

Nowadays the Muslim woman faces myriad challenges in the communities in which she lives all over the Islamic countries; the reason for this is westernization and its tyranny over our lives. The west has heralded women's rights and has called for complete equality of women with men, and a lot of our thinkers have moved toward this trend such as Qasim Amin, Taha Hussein, and Mahamud Azemi who have painted to women an alluring picture of the prospect of coming out of the home and of putting aside Hijab, no sooner had women come out in the revolution of 1919 with men or without them than they started to occupy

lots of positions in government administration. The revolution of July in Egypt strongly pushed this trend ahead so much so that women started to get into political life, to be nominated for public positions and to enter legislative councils, the revolution went so far as to appoint her as a minister in the upper states or two ministers in one ministry, not to mention giving them job opportunities including the judiciary, she even secured jobs in corps where it wasn't easy for her to work such as the police corps, and now there isn't any position in the government in which there isn't a woman.

We also notice how laws are directed to serve women's rights and the personal statute laws in our countries are aimed at facilitating work for women, beginning from 1925 when legislations related to personal states were passed and these statutes did not follow any sect per se, and ran counter to Hanafi sect which commonly used in relation to personal states, then similar laws followed which moved in the same direction the last of which a law made in 2003 and which

people called "the law of dethroning" and it is a law that codified one section of the Islamic jurisprudence. This law gives women equal right with men to end a marriage relationship but if the judge decides rather than what a spouse wishes. We can say that there is no difference between men and women when it comes to enjoying all rights and freedoms in most Islamic countries at the present time.¹

Despite this the west has not stopped interfering with our most private affairs, for instance the U.S requests political reform which she expressed as involving three areas: first education, that's reforming education in the Islamic countries with especial focus on religious education which she views as based on hatred of the other and encouraging Jihad on him and which sees in many of the verses of Quran the spirit of Jihad and hatred of the other.

The second area has to do with women who are

1- Many of our cultured and legislators brothers repeated something which could be true, namely that every good comes their way is from Egypt and the same is true about evil and their argument is that any innovation is initiated communicated to them Egypt, such as the law of alms and inheritance and law of ousting, and most of personal statutes. This happened in Lebanon, Jordan and partially in Syria

mistreated in our countries and in turn they take it out on their children and raise them on extremism and terrorism because of the suppression and oppression inflicted on them by our communities.

As for the third area is related to political education, for the political systems in the Islamic countries are despotic where there is no political participation or any form of democracy.

The irony in this theorization on the Islamic condition is that unfortunately it was prepared by thinkers who wrote books on Islam and its history such as: Bernard Lewis, Foukayama and Lewis Huntington who are known for bearing malice and hating Islam, I don't know why? They see that now western civilization has no enemy except Islam and if the Islamic civilization is not weeded out the consequences will be dire, and dealing strong blows to the Islamic regimes is the key to holding western and contemporary American civilization at bay and to get rid of what they call "Islamic terrorism".

In reality America together with its western allies

introduced rehab programs for the Muslim woman as they want and some regimes responded to them especially in the Gulf countries and in many of our countries where some women were sent to the U.S to be trained along American line, not to mention the fact that westernization has seeped through our universities and schools and a degree from the American university has become the highest in our country, likewise hundreds of private schools and universities have opened up in which English is the only language of instruction in our Islamic country.¹

This trend has brought about a change in the challenges and problems faced by the Muslim woman and which unfortunately nearly swept away what were fixed foundations in our communities, we must sound the alarm to

1- This trend is clearly noticed in Gulf countries and Egypt. In Dubai there is the university of Zaid where the medium of teaching is just English and it is a university for girls controlled by Americans and I have seen them by my own eyes. Likewise the elite in power in Egypt are graduate of the American university.

The private universities have adopted the curriculum of the American university in having English as the only medium of teaching, as Egypt allowed the establishment of English, French, German universities and it strongly emphasized the establishment of universities unrelated to these countries on the pretext that their technology.

the state our families and communities got to today. It is an opportunity to get together in Iran because in my view it has become the most important pivotal Islamic country which faces waves of western attacks on our entity and beliefs, therefore I will touch upon the challenges faced by the Muslim women as result of westernization and American hegemony over our Islamic communities. I will deal with the challenges related to the family in the first part and in the second I will talk about work-related challenges.

Section one

Family-related challenges

Islam makes the family the main cell in the Islamic community, which rests on a wife, a husband and children and different kinds of relations among them on religious bases, and where compassion and affection which the glorious Quran talks about, prevails. The exalted God said: "Among His proofs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other, and He placed in your hearts love and care towards your spouses. In this, there are

sufficient proofs for people who think". (Al-Room 21).

Other than affection and compassion the Muslim family has these components:

1-the husband is above the wife and he is the one who governs. It is a prerequisite for running the family that the husband and wife should have supremacy which is a family authority that gives him the right to educate, train and guide the family.

2-the husband is the one who is religiously duty-bound to spend on his wife and family in general. Hence the supremacy is consummated and has basis, the exalted God says: "men are in charge of women because God favored one against the other and because they spend of their property" (Al-Nisa 24)

3-the head of the family has the authority to discipline his wife and family. This disciplining authority is a kind of art of married life, for success in managing the family hinges on a good use of this authority without excess or laxity.

4-the head of the family plays the main role in training, education and improving the family.

5-the children stay close to the family until they are mature and they don't keep apart from it easily.

As for the daughter she stays with the family until her marriage at which point the father prepares her and furbish her house, and of course shares with her when she chooses a spouse, and the relationship between the wife and husband is based on permanency and if problems between the married couple come up, the dispute should be settled through some ways, and relatives can act as mediators. Marriage can be dissolved through divorce which is basically in the hand of the man and also it can be decided on by the judge on the grounds of certain legal reasons which were laid down by the subsequent laws in Egypt, it is decided on by the husband lest marriage relationship falls apart for trivial reasons.

The influence of westernization on the Muslim family has become quite obvious over the last times; perhaps the biggest negative effects which resulted from this *fierce* campaign on Muslim can be summed up as follows:

*working on destabilizing the family by introducing legislations on a constant basis which aims at getting rid of the sacred bond of married life and if you don't object to the reasons for petitioning for divorce through the court for reasons we shall expand on, the system of dethroning in

Egyptian law was made in such a way as to disrupt the family system, and women resort to it for the least reason, it has even become common for a wife to threaten her husband and her family and even her own community by resorting to it.¹

*despite the solidity of the religious base which gives a woman the right to choose a husband, we see lots of cases where a girl disobeys the father and the family, in this way non-official marriage which the father knows nothing about has become common.² When the verdicts for dissolving the

1- A strong view in jurisprudence and dominant among Islamic researches during legal discussion stated that the will of the husband is crucial for divorce to take place in case of separation, based on the fact that the messenger of God (PBUH) in the only case of separation presented to him he asked the wife to return back the garden given to her by her husband and then asked him to divorce her, however ministry of justice opted for giving the right to divorce in case of separation to the judge no matter what the husband wants so that he won't have the right to divorce.

2- There is a case presented to the public in Egypt, namely the case of Hind Al-Hanwi who claims that the son of a famous Egyptian artist married her and that she had a child from him. She together with her family claims that there was an unofficial marriage on a paper stolen by the husband and the husband admitted to having illicit relation between him and the claimant which wasn't a marriage, the court refused to prove that the child is related to him on the ground of the religious rule (the child). The verdict was appealed, and there is a strong orientation calling for the need to prove the relation through DNA diagnosis instead of the known means of proving relation, this is a manifestation of westernization surrounding the Muslim family at the present time.

marriage increased, it is even said that most university students get married by having just their classmates as witnesses for informal contracts which aren't processed and even if they are, it on a simple paper which the husband denies more often than not, in turn this leads to lots of problems.

*Divorce has increased in many Islamic countries including Egypt which I am talking about, on account of westernization and western media which doesn't respect the family and encourages the wife to get liberated from her slavery, plus irresponsibility which has a big effect on that.

*we see that economic independence of women has contributed greatly to the degeneration of the family, because women work and earn, and sometime they earn more than men do, and the concept of supremacy which dominates many men strongly affect them and give women the feeling that they don't need their husbands and in turn this leads to making it easy to dissolve marriage.

One of the most serious challenges faced by the Muslim woman in Egypt and by the state at large is that youth shy

away from marriage and making families. This phenomenon is attributable to myriad reasons the most important of which is financial, for many young people don't have enough income to meet the burdens of marriage and its financial needs. Furthermore, strange habits have mushroomed in the community in terms of marriage cost of parties with which the Messenger of God wouldn't be pleased, coupled with all western inventions. These are reasons related to social disruption where there are high classes and low classes which are irreconcilable, similarly women have entered the arena of work and have become convinced to achieve self-realization with respect to work even if at the cost of her social life, there is no doubt that women suffer from all this and from her loneliness and from the burden the society put on her to support herself where it has become natural to see a woman living alone in a house and we hear of many instances of aggression against such women. It has even become common to find women and sometimes men in the homes of the elderly, they couldn't stand the homes of the families where solidarity is gone,

after that they go to these homes or they are taken there by their next of kin.

The family is an important social fabric but it is receiving blows from all sides, and we are afraid we get afflicted with family breakdown and lose social solidarity and integrity as the west did.

The phenomenon of shying away from marriage in the west has given rise to a scary community, and fertility rate in some European countries has become nil or below nil, and the western communities have grown old because the dominant segments are from the old. Though we haven't got to this point yet, we aren't far from it.

The spread of fornication in our countries has become baffling. The youth won't go for marriage if they see an easy way to satisfy his instincts at a lower cost and without any responsibility which constitutes the very disease that spread in the west and led to the negative consequences we talked about before.

The challenges which I talked about in relation to women and families are challenges faced by the entire Islamic

communities in a degree or another at the present time; the challenge of young people not getting married, the challenge of unity, the challenge of the discontinuity of the family and the need to have the freedom to live without a family or the rapid shirking of family and marriage responsibility through many influences the most important of which are western propaganda and hegemony which every now and then slip to us ideas of the ideal marriage, sexual freedom, abortion, reversal of sex roles between the man and woman through gender, gradual edging away from the institution of marriage and family, and easy separation on the part of the woman and man alike. Unfortunately these are ideas which the United Nation convention promulgates for the populace, and more than one UN commission work on disseminating them and sometimes it even threatens countries that don't comply with it. The purpose of this is to diffuse decay, adultery and corruption, things which the glorious Quran has exhorted us to their perils. The Almighty said: "GOD wishes to redeem you, while those who pursue their lusts wish that you deviate a

great deviation." (Al-Nisa 37)

Section two

Work-related challenges

Women have come out to work in most of our Islamic countries and have demanded and still demanding equal rights mathematically, that's they want rights in return for the rights men enjoy without taking into consideration the differences between men and women. There is no doubt that this has created lots of problems and challenges for women.

Anyhow in the eastern societies women bear the responsibility toward rearing and taking care of the children as well as doing household chores and prepare it for a shared life for themselves, their husbands and their children, it is hard to find men sharing these huge burdens. And now that women work, it has become very difficult to mesh work requirements and needs with those of the home and rearing the children which is a very difficult obstacle to continuing the sound family life. In fact we the legislations which help women in reconciling between the requirements of work and family such as cutting down on work hours for them

and giving paid maternity leave for two years to bear and rear children but this is at the cost of work, for this reason we see that the private sectors don't employ women easily, and what's more government utilities suffer a lot from having women employees in them which is another problem.

Hence, alternative solutions were thought of the easiest of which is for women to return back to the home and give up the idea of work but the inadequate income of the man alone for providing for the family renders this solution very difficult, moreover women come under external pressures and when they reach an advanced stage in their career they find it very difficult to sacrifice their careers, thus rift breaks out in the family in which the children and the home are the victims.

We are in need of a culture for the community which can make men help women with the burden of the home and which can make women choose easy work that doesn't take up most of their time so that they can always reconcile between the needs of the home and the family which take

precedence, and work needs. We wish we could have the kind of work which can be done from the home and they are many such as the industries that require the delicate hands of women in the home. We see it in eastern Asian countries on top of which is china, such as assembling calculators, watches ,ornaments and even food stuff.

The main challenge faced by the Muslim woman in our country is their doing the same tasks in government and other private sectors, thus bothering man and getting molested in every place; public transportation, when she sits next to man in offices and completely mixing with him at work and in every place. A women who works for a long time loses sight of how to cook food for her family which depends on fast food, and the kids don't find anyone to look after them, and the keys to the house are placed on top of the doors for the child who comes first, and nannies play a big role in our homes, they are the ones who bear the burden of rearing the children besides preparing food and tidying up the house, thus the eastern home has lost some of its main constituents in the importance of the creative role of

housewife in rearing and in picking foods and cooking in a way as to please the husband and the family.

This development has brought about a new challenge faced by the community and women, for a woman is no longer that delicate human who appeals to a man and who comforts him, but she always takes stands that make her look like a man, she looks serious and strict in order to do a good job and to keep the sick at a distance from her who are many among us. The fact that the working woman tries to keep up with the necessity for having colleagues at work and the spread of ideas such as having this kind of friendship among colleagues put the community in a serious predicament, hence whole families broke down because the wife fell prey to a fraudulent man who enticed her to leave her husband and her family and to live with him with marriage or without marriage, unfortunately this has become one of the phenomena we live with.

One of the challenges facing women at work is to dress up and make up for others, it is not easy for women to conceal their make-up or submission by talking while

working, especially if it is a simple work that doesn't take long time, to say nothing of the fact having a woman sit next to a man is a seduction to him, it is something for which the family pays a high price and portents ruin, for women and men are predisposed to reciprocal desire which isn't often preempted by setting up flimsy barriers or weak forestalling attempts.

There are more serious challenges facing women at the present time namely globalization which implies the potentiality for buying and selling everything plus the consumption pattern which globalization imposes and which makes every society automatically yields to it on account of publicizing commodities and total submission to advertisement and even women are commodities used *in* advertisement.

A woman's body and her attraction has become a main means for advertisement. It is beyond doubt that the western investor and seller don't mind women's body, for he has permitted drawing naked women without any prudery as has appeared in the paintings of famous western painters and

sculptors, whereas Islam has protected the body and has made it chaste where just the face and the two palms can show...so what can a Muslim woman do about these challenge?

She must reject being offered like a commodity and she must stand up against the way the media uses her in advertisement.

Women face campaigns that bring to mind the era of white slavery where some gangs used to trade with a woman's body, and the Islamic communities must reject all forms of trading with white slavery, or using a woman's body as a means for advertising a commodity.

Conclusion

In this few pages we dealt with some of the challenges and problems facing the family in our society as a result of westernization. The especial status accorded to women in the Islamic societies is based on Islam in a way as to achieve equilibrium between the rights and responsibilities of the man, the woman and the children.

This balance has started to get disrupted through western interference which portrays the Muslim woman as being submissive and mistreated in our Islamic communities and has started to encourage her to revolt against the Islamic pattern, and has made her primary demands in attaining high positions in the state including the presidency, ministries and judiciary. More important than this are the challenges which relate to her life, her family, and performing her main duties.

Striking a balance between the duties of work and the family is difficult and in which women have failed to great extent, and for these reasons family breakdown has become a serious phenomenon in our Islamic community. Also corruption has surfaced in the relationship between men and women, and unofficial marriage has increased where neither the man nor the woman shoulder any responsibility and they just gratify their sexual need through this relationship which in turn has impacted social practices in general and the Muslim family in particular.

When women mix with men at work and in educational

sites, it spawns lots of problems, so the Muslim woman and the Islamic community would be better off without it. Spinsterhood, corruption, sinful relations, divorce and family breakdown have become the most important social phenomenon that close in on the family.

Therefore I am looking forward to recommendations from this conference which contribute to redress the situation in our social life as a result of western hegemony, which says to us through international conventions: permissiveness...do you want more?

Both Alazhar and the church have rejected to acknowledge illegitimate sexual relations outside wedlock, they have also rejected same-sex marriage and abortion without needing a good reason determined by doctors, and our communities need to strongly adhere to social relations and to find solutions for the problem of spinsterhood and unemployment and to imbue the youth with spiritual energies which emanate from heavenly teachings as well as material energies to build a sound life. What is needed are houses that are fit for living and which the youth could

afford and to which both the government and the capable contribute, so as to get rid of these problems.

Our social situations need painstaking studies that can recognize the phenomenon and identify the problem, then offer an appropriate solution for it, if we don't do this, the crises of the age will increasingly close in on us.

The last thing I would like to recommend is rejection of western hegemony which chooses not only military and economic power to destroy our will and religion but also it chooses to interfere with education and socio-political life on the pretext that we need reform, while they are the ones who need it the most following the disruption in their communities and in the pillars of a correct life.

Our last prayer is that we praise the lord of the world.

Translated by: Anas Al-tayeb Abdulrahim

**The responsibility of women towards
buttressing the fabric of the family in
the Islamic system**

Mohammad Aldasoghi

The family and the community

Even though sociologists ascribe to dissimilar schools of thought, they unanimously agree that family is the bedrock of society and life, and that if it rests on sound foundations, society will be stable and his foundations will be consolidated. Whereas if the bases of the family weaken and there is no reason for it to stay strong over its differences, the conditions of the society as well as its balance will be disrupted.

The family is the basic model for shaping the personality; actually it is the engineer which designs this form¹. Because of the importance of the family and its impact on society a great deal of the divine messages has devoted attention to it.

1- See the role of the family as a way for social discipline in the community by Abdul-Majeed Said Ahmed Mansur, P. 111 Riyadh.

the seal of the messages which was sent to the Messenger (PBUH) contained religious legislatures for maintaining the strength of the family and for enabling it to fulfill its mission as it should be so as to be a good cell in the body of society and for a pure structure devoid of any blemishes of weakness in order to keep it away from retrogression and degeneration.

The base of the family:

Legitimate marriage is the base of the family without which it cannot spring up, it is the means which gives the family its legitimate and human expression.

Islam has accorded especial attention to marriage which exceeds its attention to any other human relation and a big proof for this is the marriage contract which has especial position in terms of its content and the necessity to declare it and celebrate it where the gist is the approval.

The subject matter of the marriage contract is human being and since human being is the most honored creatures, the marriage contract is the most honored one because it

represents a legitimate bond between a man and a woman and which Quran calls it a thick covenant. Islam has laid down some preliminaries for it on top of which are a good choice and a mutual desire so that this covenant stays alive and strong expressing a complete cleavage between the spouses because through it they have become one.

The place of women in the family

Women are the backbone of the family or they are like a ship captain in a recalcitrant sea and who is mindful of protecting it from all dangers, and then she won't rest if something happens to her kingdom and she will do her utmost best to shelter her family from anything that threatens its security and happiness, no wonder women should be treated well three times as much as men.

The aphorism that behind every great man there is a woman is true because it is the woman who sets the scene for family life to succeed, prosper, excel and renew and she wards it off from failure, retrogression and imitation.

Therefore, according to the honorable hadith she was a

governor and responsible for the governed and there are two sides to this governance; spiritual and material. the spiritual side consists in preparing the bases of life to all the members of the family such as washing clothes, food and shelter and the spiritual side lies in being a good wife to her husband which is tantamount to Jihad¹ then taking care of the children in a loving and nurturing way, treating her parents very well, being on amicable terms with her relatives and inquiring after them.

This responsibility with its two halves is complete and through which the family bond becomes strong, similarly she plays an important role in social discipline in asserting a relationship of cooperation and solidarity within the atmosphere of the family.

Islam has honored women in the best way possible on account of her responsibility towards the family and has conferred upon her a character and a place, and has snatched her from the abyss which stares at her from the depths of history. Islam has done women a great good and has

1- See Hadith Wafidat Al-Nisa (pioneering woman) in a Muslim-authenticated Hadith

protected them from every evil, it has given her the right to choose her spouse, the right to ownership, the right to express her views and to consult and it has given her a share in inheritance when Arabs did not bequeath only to whoever carried weapons among the men not women and children, not to mention that it has protected her from nudity and submission and has kept her away from whatever smears her chastity.

A woman is a man's sister or half of the society and a shepherd of the other half, that's why her role in the family outstrips that of the man. judging by her strong bond with the children and her long contact with them and judging by her strong influence on their personalities, and her ability to guide them the way she wants and indoctrinate them with her beliefs especially during childhood and as was said in antiquity, the woman who moves a crib with her right hand, she can move the world with her left one.

Preparing women for the protection of society

Since women have such a significant position in the

family which affirms her responsibility towards protecting it from any threat, preparing her to carry out this duty is an Islamic necessity, and this preparation involves restoring the confidence of the Muslim woman in the first place, and to free her from the illusion that if she doesn't work outside the house, then she is inferior to other working women. She should be sure that within the home she performs a noble undertaking which no one else except her can do it, and that if she falls short of her responsibility, she won't only harm the family but also the society at large.

And if women represent the first school where children learn their first lessons about how to deal with life and if the values she inculcates in them during the early years will stay with them throughout their lives no matter how much corruption accumulates over them, then she must arm herself with the fundamental religious culture to act as a guidelines for her in order to teach her children the right Islamic values.

This religious culture doesn't necessarily mean that women should be well-versed in the science of Islamic laws

but it is enough for her to know the most important features of the Islamic notion and to acquire a reasonable knowledge of Quran in terms of memorization and interpretation, and to look back to the righteous predecessors both men and women so as to see the sacrifices they made for Islam and to use them as stories to narrate to her children and as an example to emulate for them. Similarly they should know what's permissible and what's impermissible when it comes to the daily affairs of her children both in the house and the street, to punish them when they misbehave, to explain to them when they make mistakes and to reward them when they behave well. Besides her need for a religious culture, women also need a modicum of knowledge about how to raise and educate in order to aid her in safely getting her kids past the stage of childhood.

This requires of women to be reasonably aware of how to handle the problems of each stage of her children's childhood in order for the intellect and psyche to develop naturally, thus she preempts any danger of psychological complexes and behavioral deviation which might

accompany the child to the end of his life.

Since educational health has become a separate discipline with its own principles and rules, the Muslims woman should know something about nutrition so as to find out what constitutes a complete diet, and the effect of the absence of some nutrients on intact development and she should know how to provide for her house a balanced and complete diet at lowest cost, this way she will contribute to erecting the economic structure for the family, in addition to what a complete diet offers to a healthy body and consequently a healthy mind because the right mind is in the right body.

Besides adhering to the necessary health rules, women should raise their children to respect cleanliness rules in everything, for Islam is a religion of purity and cleanliness, purity of the inside and outside. As a result of this, the good Muslim will always be a shining star for people in whom they see a bright image of spiritual and material cleanliness alike.

Furthermore women should raise their children to respect

tidiness and to care for having a pretty and well-ordered house, for beauty isn't a science to be taught, but a feeling and culture which is instilled in a person in childhood so as to be part of his character and the Muslim woman is the first person to acquire it and raise her children on it so that they will grow up to love and appreciate beauty, for Allah loves beauty.

Women are as important a school as formal schools which get all the attention in terms of development while the former deserves this attention more, because they are a better guarantee for the success of the path of civilization, and what has been devoted to them with respect to this preparation is not enough for them to achieve their task in the best way which calls for a new overhauling of the educational programs that distinguish between what is offered to females and what is offered to males by taking account of what is within the purview of each of the two sexes,¹ And these programs should be interlaced with what can lead to realizing the potentials of the Islamic thought

1- See Islamic awareness magazine, issue No 69-Kuwait

which resists destructive currents and contaminated ideas.

Paying attention to preparing and arming women to make them fit to fend off the family and create a good and pure generation does not mean that men play a marginal role in the family and that this role lies just in material necessities, men complement women in the two stages of adolescence and youth for both of them are partners in taking care of the family and the role of the man may be more important than that of the woman because he is more able to guide in these two stages, and for this reason the woman has the custody from birth to the threshold of adolescence, after which it goes to the man, then, he needs to be armed with reasonable religious and educational awareness so that he can be an educated guardian to his children and a wise educator, thus he completes what the woman has accomplished at the stage of childhood.

The journey of the family in the sea of life is like a boat sailing across the ocean and both the man and woman hold pedals to steer the boat to the shore of safety. If one of them discards the pedal, the boat will lose its direction and might

sink and drown everyone in it; hence both of them have a shared responsibility towards family life and to protect from the destructive tempests.

The late Sheikh Mohammad Alghazali (May God have mercy on him) said: the edifice of Islam rests on heavy sacrifices made by brave families whose men and women partook of truth and patience.¹ The nation today is more in need of devoted and brave families that grasp its mission and sacrifice for it where everyone cooperate to protect it in order to be a force to support the nation and to make a bright present and a glorious future for it.

The challenges threatening the contemporary family:

The Muslim family in the contemporary society faces serious challenges supported in an organized way by western, crusade and Zionist forces to undermine it, because this force knows that disrupting the structure of the Muslim family is the launch-pad for bringing the downfall of the structure of the society, thus getting rid of the source of

1- See women's issues between stagnant traditions and incoming ones P. 130

fighting the policies of oppression and aggression which were drawn up for a long time to gradually destabilize the Islamic nation in its religion and its original identity, no wonder at the present time the Muslim family has faced challenges and still faces serious challenges which threaten its stability and continuity.

The orientalist Yarndolist says: "the west counts on three factors to effect total changes in the direction of Americanization and modernization the Middle East and these are: Israel, Turkey and women".¹

The west still persists in using women as a main weapon for corrupting a society by spreading permissiveness, mixing, imposing on girls to co-education, promoting western style of dress and make-up, encouraging exhibitionist literature and erotic art and forcing the women out of the home to work which doesn't match with her nature and innate and which gave rise to confusion and disintegration faced by the Islamic family in general and the modest girl in particular.

1- See magazine of the community, issue No. 1359, P. 9

International conferences

Since the Islamic world, after it got rid of the military colonialism, began to live a somewhat independent life and there appeared manifestations of the Islamic revival in this world where the masses of the nation inclined to side with the leaders of this revival and urged them to run their own affairs, the west felt that a violent blow was dealt to it, because it realizes that the only danger which can threaten its interests is Islam and that other beliefs are not be feared or noticed.

The international conferences have been one of the most important means for the new round of the struggle between Islam and the opposite power, because it has assumed an international form, it looks as if it were an international agreement to save humanity from the problems it faces and it is not directed against any belief or religion, this refers to those who oppose these conferences as being inconsistent with the new world order and seek to live within a narrow regional circle and who don't understand the contemporary development of cooperation among countries to ward off the danger.

These conferences started with Mexico conference in 1975, then Colorado conference in 1978 which aimed at converting Muslims to Christianity through infiltrating them from within, then Copenhagen in 1980, Nairobi in 1985, and what came to be known as the earth summit in Rio Janeiro in Brazil in 1992, human rights conference in Vienna in 1992, the international conference on prevention of natural disasters in Yokahama in Japan in 1994, conference on population and development held in Cairo in 1994, international summit conference on social development in Copenhagen in 1995, the fourth international conference on women in Beijing in 1995 and the United Nation conference on human settlements held in Istanbul in 1995.¹

The most recent one is the international conference on the challenges of women studies in the twenty first century which was held in Sana'a in 1999 and attended by 24 countries and most of the participants were known for their secular and anti-Islamic thoughts.²

1- See magazine of Qatar nation, issue Rajab of 1405H, P. 76

2 - See magazine of Islamic awareness, issue No. 405, P. 55 and the preface to the book of convention of the conference on population and development, issue No. 53 of the book of nation, P. 12

These conferences with their diverse proposals and numerous methods aim at inventing new modes of social life that break moral barriers, contradict religious values, diffuse pornography in the name of freedom, and encourage degeneration in the name of liberation where the organizers of these programs for such conferences did not stop at questioning that the family is the basic unit of the society and asking parents to turn a blind eye to the adolescent sexual activity outside marriage and to consider it as personal matter or personal freedom with which no one has the right to interfere, but they also overstepped the boundaries of other religious values and restraints to decide that the concept of the family in the religious sense is very sordid and it constrains personal freedom, because it does not accept other sexual relations among different ages and stipulates that they be between female and male and within legal framework, and because it doesn't allow homosexuals to form families among themselves and it just adheres to the patterned roles of fatherhood and motherhood and marriage relationship within the family, claiming that these are just

forms and roles which people got used to and became inheritable traditions, therefore they have tried to introduce and promote alternative paradigms without taking into account the religious, legal and moral aspects, i.e. same sex marriage, sexual intercourse without marriage, granting everyone equal rights, and laying down supporting policies and laws which take into account the diversity of the forms of families. Not to mention the call for birth control in the name of regulating it and encouraging the use of contraceptives plus facilitating abortion.

It is noteworthy that these conferences have been moved to the capital cities of the Islamic countries such as Cairo, Istanbul, and Sana'a where lots of concepts which seemed outrageous and unacceptable were put forward, but these conferences intend to gradually make their ideas and suggestions normal and acceptable. For them it is a cultural gain just to set forth these ideas, even though they claim that it's not mandatory for countries to participate just to get it passed and gauge reactions, then study these reactions carefully and devise ways to deal with them in order to go

on to the next stage.

Thus, evil marches ahead insidiously and everyday it occupies a place in the targeted Islamic mindset and propagate it through those who are obsessed with western culture and civilization in the Islamic world.

These conferences are a serious threat to the Muslim family, this family represents one of the last Islamic strongholds which has not fallen yet whether on a cultural, social and legal levels, therefore it must be brought down and it must be submerged in philosophies and practices which brought down the family in the western civilization, and then the last fortress can be captured.¹

The family is the main conduit for passing on religion from one generation to another and since women have a distinct role in protecting it, those conferences focused on women, and at first they sought to take her out of her role in the family, then her role as educator and to push her to the work market to turn her attention away from giving birth, thirdly and finally to strip her of any value she might

1 - See presentation of the convention of conference on population and development, P. 13, 14, 17.

embrace through diffusing individual freedom, then taking her out of the religious context by disseminating post-modern feminist values which are: the death of man, the death of history, and the death of the unseen. This means that the target was women which all these conferences have tried to penetrate and this is an act of encroachment on the Muslim family and an act of annihilating its religious values.

Besides the imminent challenges I have pointed out, there are domestic challenges which consist in religious illiteracy, biculturalism, backward educational curriculum, family breakdown and the family press which is intrinsically different from that of the west. Similarly media broadcasting especially the visible one should be directed to anticipate the moves of foreign media.

In a nutshell, all these challenges which threaten the nation are basically aimed at women whether girls, sisters or mothers, because invading her amounts to invading the family and destroying it.

How can women resist the challenges which threaten the family?

Even though these challenges achieved some of its plans in the absence of the immunity of the Islamic community, they haven't achieved all their purposes, the roots of good and the seeds of the good innate still provide the sons of the Islamic world with arms resistance which prevent the spread of the epidemics of the material civilization in the body of the Islamic nation, for our Islamic world still sticks together untouched by AIDS and its social solidarity has not been affected by the risks of permissiveness and the wind of degeneration which has swept through the whole world, has not ripped it apart.

But the threat is still there and is increasing everyday to threaten the Islamic identity and those who are concerned about this problem agree that a way to fight it is to strength faith, because when faith weakens among Muslims, it will be the cause of their retrogression and it will be the reason for the success of those who plot against it.

The remedy for weak faith is the spread of the right

Islamic awareness and the protection of the nation from the viruses of these challenges. Awareness prevents religious illiteracy and its effects and tackles all the internal problems which stand in the way to Islamic education and to elevating human civilization and a solid barrier to all the opposing forces which it cannot penetrate for it is not a material one whose foundations can be shaken rather it is a spiritual barrier which appealed to the heart and mind and upon which feelings and aspirations were pinned, and even if the aggressive and evil forces gang up against it, it will just be doomed to fiasco and defeat.

The external challenges faced by the family focus on women because by corrupting them all the family members will be follow suit and that's why these challenges focused on one purpose, namely inciting Muslim women to wriggle out of their commitment to their values, concepts, and customs in order to adopt foreign ideas and customs with a view to undermining the fortress of the Muslim family which protects the Islamic community from obliterating its identity and its originality, and from the downfall of its entity, therefore diffusing the Islamic awareness of the

family should start with women and this can be done through their rehabilitation as I already mentioned in the section about preparing women to protect the family. Similarly, women jurist leaders who are cognizant of Islam and who are imbued with belonging and commitment should be prepared. These women should be capable of an Islamic presence in every social and intellectual site and we should try to get out of the intellectual tunnel and map imposed on us for more than a century and within which we still operate such as Hijab, polygamy, divorce and etc...even though these issues were resolved so as to bring out the role of women in an Islamic life.¹

With their Islamic culture and a true awareness of the problems of society coupled with a genuine faith in their responsibility towards their families and nation and devotion to carrying out this responsibility, women can overcome all the challenges and especially the ones which threaten moral values giving way to unrestricted individual freedom and which set the innate back, abolish the family,

1- See presentation of the convention of conference on population and development, P.

give rein to sexual desire which western medical conferences have countenanced and call for, also some laws in most European countries have acknowledged and have declared it as a natural phenomenon and a normal social situation that mustn't be resisted or breached.¹

The responsibility of women toward the family goes beyond confronting external challenges and fighting them, it also involves facing the internal ones as well and with their awareness, culture and faith in their mission, Muslim women can stand up to these challenges, thus protecting their children from the farces and mockeries offered by the visible mass media and they can do it in a calm scientific way like by saying to their children: would you like to see your mother or sister with unveiled head in front of men, or they can say: if you eat a decent food from which your body benefits and if you eat bad food which inflicts disease on you and such expressions which can show kids that not everything shown on visible media is good and they should distinguish between what is good and bad, and through monitoring and follow-up kids will develop the ability to

1 - See the magazine of Al-Manar AL-Islam Issue of Dhu-Al-Hija: 1404H P. 68

differentiate between what is useful and what is harmful in what they watch.

Women can also tackle the phenomenon of the dominance of the material attitude and its corollaries which constitute a challenge for the family with respect to wiping out the concept of facilitating marriage, as a consequence people take pride in how much they offer and spend on wedding feasts and the furniture they import and so on and so forth. This makes many young people shy away from marriage because they don't have what is asked of them, and some of them resort to getting married to non-Muslim women or foreigners and this kind of marriage is another challenge to the Muslim women and the Islamic community and which was one of the factors leading to the spread of un-Islamic values and customs among Muslims, likewise it was one of the factors leading to spinsterhood which is another challenge facing the contemporary family.¹

One way for women to deal with this material phenomenon is to instill the values of sacrifice, affection,

1- See the magazine of Al-Manar AL-Islam Issue of Rabie Alawal and Alakhar 1408H: the religion rule of the Muslim's marriage to non-Muslim by Dr. Mohammad Abdulhakim, P. 27

cooperation, and devotion in their children from childhood, then the man plays his complementary role in this, and together they are a good example for children when they sacrifice for them. They should treat them equally because otherwise they would grow up with hatred, selfishness and negativity, and this gives rise to what is termed the secluded islands within the family where every member lives in an emotional isolation away from devotion, faithfulness, love and giving of oneself.

Family breakdown is a contemporary phenomenon which jeopardizes family life because it passes on unrest, anxiety, disintegration and unhealthy development of the children, so with their experiences in handling all challenges women can carry the dove of peace inside the family by not taking notice of some inevitable human oversights so that her relationship with her husband and kids can stay intimate in which the meaning of affection and mercy is fulfilled. In its human sense this relationship guarantees an unblemished atmosphere for the family without fighting, argument and rebellion and where peace, affection, sympathy and affinity

prevail in it. In so doing, the family presents to the community good generation to lead and to give something good of themselves in various walks of life.

In order for the woman to succeed in performing her responsibility towards bolstering the family system, a general climate is needed for the efforts of women to bear fruits and have good effects, but if the climate is not conducive to helping women's struggle in her confronting all kinds of challenges threatening the family, this struggle won't fulfill its entire mission, because when women exert efforts to do good in a corrupted atmosphere and polluted environment with different kinds of diseases, its purpose for reform won't be achieved. The poet says: how a building can be completed.....when you construct and others destruct.

To sum up the challenges facing the family are numerous and confronting them isn't an easy thing which needs constant struggle and diligent work and with their awareness and Islamic culture women can rise up to her role in helping build the family despite the obstacles which hinder the

movement because with their profuse feelings for the family they will keep trying to protect their kingdom from every threat and harm.

The concept of worship

Though women are religiously duty-bound to worship Allah solely, the concept of worship in Islam isn't limited to praying, fast, giving alms and Hajj for the capable. The concept of worship in Islam is comprehensive and includes all human behavior both good and bad as long as the intention to get close to Allah is dominant in it.

Man is the viceroy of Allah on earth and it's his duty to do Allah's command, enforce his rules, spread his words, to worship him, and then all his undertaking will take on a divine quality and whatever he says or does is an act of worshipping the Almighty Allah.¹

Since women are religiously duty-bound bolster the family, it's not just a responsibility they must shoulder but besides this it's a an act of worship and a religious duty in

1- See worship in Islam by Sheikh Yusuf Al-Garadawi, P. 152 Cairo

the general sense of the concept of worship in Islam aside from the fact that the believing men and women are allies in religion, God says:" The believing men and women are allies of one another. They advocate righteousness and forbid evil, they observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and they obey GOD and His messenger. These will be showered by GOD's mercy. GOD is Almighty, Most Wise. "1

This verse shows that governance means victory, affection and solidarity in achieving good and removing evil which is the most important feature of the believing nation, men and women. The verse places emphasis on four features of the believing nation namely; calling on the good, forbidding the bad, praying, and giving alms. These are the features through which Allah has promised the believers to grant them victory and power on earth so that they act on these features in their straight guardianship over humanity.²

By supporting the family edifice women are worshipping Allah and when they believe in this they will double their

1- Al-Toba/71

2 - See in the shadows of Quran by Martyr Said Qotb volume 4, P. 252, Beirut

devotion to this support. They should know that neglecting their responsibility towards the family is a sin and an act of disobedience because it is tantamount to neglecting to do good and forbid the bad, offer advice and guidance, and take care of Muslims' affairs.

What was mentioned previously about women's responsibility prepares them to perform this responsibility in the best way possible. Women can give the family constant support on account of their strong feeling for the family, overwhelming tenderness for all its members, and a sacrifice which has become proverbial in dedication and devotion. This isn't limited to just guidance and care but it might also be financial support if they happen to work or have a fortune in case the economic conditions of the family don't make for a decent life or a proper standard of living. The head of the family may die and then women may have to provide for the children and they don't mind finding a decent job that can earn her an income to cover the expenses of the family. They sacrifice their comfort and may sacrifice their femininity for their children by rejecting remarriage in

order to devote themselves to the children, thus protecting them from homelessness and straying.

Women's responsibility towards supporting the family isn't confined to their own families, but judging by the principle of governance among believers it goes beyond this to include other families in need of help whenever possible.

In conclusion women are religiously responsible towards supporting the family fabric, but in order for women to perform this responsibility they must be comprehensibly and religiously prepared, and the general climate in the nation should be conducive to performing this duty and men should act as props to them instead of rivals in the way of their legitimate activity. This way and no matter what the challenges might be the Muslim family will remain the lynchpin of the community, the base of human life, and a generous source for tenderness to prepare the future generations in such a way as to make them fit and shoulder the trust courageously and conscientiously.

Translated by: Anas Al-tayeb Abdulrahim

**The household from the perspective of an Islamic
law (Sharia'a) Or the happy household with the
happy woman**

Al-Sheikh Dr. Altaib Salama

Preface:

If we say the household we mean the family and if we say the family, naturally we mean the couple or parents and when we refer to parents we also refer to their offspring.

In its etymological sense house refers to the lodge whether it's made of brick, mud, or thatch. Then it extended to include honor so that when people say: Tamim household is in his honor. The word house was also used to describe the spatial relation of the family in which it dwells.

When applied to the family the word family connotes honor, protection and surrounding so that when you say the family of a certain person is not the same as when you say his household. In fact the word house applies to the lodging,

and metaphorically it means honor and it acquires these two meanings when applied to refer to family whereby the household became the honorable family.

And when we say "the perspective of Islamic law on the household" in the title we mean to find out about the notion of Islamic law with regard to the honorable family whose axis is the happy woman and what rules and arrangements has this heavenly and pure law brought forth to ensure a decent life for this family in order to achieve its mission in the community in which it grew.

The family as a social structure beginning with marriage

The family starts with marriage then through reproduction it extends and branches off; hence the family is a social structure or a social synthesis.

To visualize this synthesis we need to talk about the elements of which it is made up in the first place. The family is made up of a married couple before any child is born then following the birth of children the couple

becomes parents or father and mother.

They are called a married couple because the relationship which brings them together is marriage.

So when we know about marriage in Islam we will know about the household, or at least we will get to know one aspect or some aspects of this household.

So what is marriage in the Islamic law?

Marriage is the first relation between a human being and another and out of this relation all the other ties spring up, if Adam hadn't gotten married to Eve and if they had not been bonded by marriage, there would not have been other kinds of ties which humanity has known since time immemorial up to this day.

Marriage is a great sign of God which speaks volumes for his wisdom and the good way he runs this universe.

The verse of marriage in itself contains several verses as it has been explicitly cited "Among His proofs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other, and He placed in your hearts love and care towards your spouses. In

this, there are sufficient proofs for people who think." (Al-Room 21)

The verse of marriage in itself contains several verses as it has been explicitly cited. So marrying men off to women –who were created from them- is a great sign and the fact that this marriage is an accommodation and comfort for the couple is a sign within a sign.

Being a means for affection and mercy between the couple and their relatives is also another great sign of marriage.

One of the verses of marriage states: "And **GOD** made for you spouses from among yourselves, and produced for you from your spouses children and grandchildren, and provided you with good provisions. Should they believe in falsehood, and turn unappreciative of **GOD's** blessings?" (Al-Nahal 72).

Children who are the embellishment of life, are the product of this marriage which the creator has endowed upon his servants and which the servants have sought its attainment as a gift and as a human need. This is how Islam

has clothed the bond of marriage so that people will learn about its truth and will realize its importance in setting up a happy household, hence a happy household cannot be without a happy marriage.

So what is a happy marriage to men?

Is it a marriage in which a man wins a pretty woman, a rich one, or woman with a great job, or a noble woman?

What is a happy marriage to women?

Is it a marriage in which a woman wins a handsome man, a rich one who owns a palace and a flashy car and lots of money, or a man with a great job in the government or the community?

If you expect an answer from me I won't give it because I cannot answer what the Messenger (PBUH) answered what he has taught us all and what Allah taught him for he doesn't talk on a whim, he is a revelation who is revealed to.

The Messenger (PBUH) says to urge the youth who are capable to marry and as for those who are incapable should wait until Allah help them to become capable "O, young

people marry if you are capable... for it protects your sight and stop you from fornication as for whoever is incapable they should fast for it is a like a rein to them"¹

Alhazag interpreted being capable as having the ability to bear the burden of married life and family affairs which encompasses the ability to spend, to good rearing and guidance, to protect the family from every threat without indolence.

The Messenger advised the incapable to resort to observing the fast in order to dull lust and this is exactly what Allah said: "Those who cannot afford to get married shall maintain morality until **GOD** provides for them from His grace". (Al-Noor 33)

Again we see the Messenger setting standards for the right choice so that men will fall for good women who have two-third of the influence on family life and on creating a happy home. The Messenger (PBUH) said "a woman is married for four reasons: her fortune, her noble background,

1- Hadith by Abdullah Bin Masud and others- unanimous

her beauty and her religion, so win the one with religion and you will live in bliss"¹

There is no world for whoever doesn't revive a religion

Religion is the basis for eligibility in women and men alike. The good woman is designated by the Messenger (PUBH) in his saying "let me tell you what a treasure is to a man? The good woman. When he looks at her she pleases him, when he goes away from her she preserves his honor, and when commands her she obeys"² she is the religious woman. Islam has placed woman on the throne of the family because she holds the key to reforming the family and that's why the Messenger (PUBH) says "a woman who died while her husband was satisfied with her she goes to heaven"³

This is not meant to show that men are better than their wives, but to show women's abilities and influence on the household including its head who is the husband. We will

1-Hadith By Abi Horera-narrated by the group except for Al-Termedhi

2-Hadith by Bin Abas-emended by Abu Dawood, Al-Termedhi, and Al-hakim

cite an example to show the effect of women on their husbands:

A wife of a forester was asked: how did you win your husband's heart?

She responded: "I feel the efforts he exerts when cutting wood up in the mountain and I feel his thirst when he lifts the axe and sweats, then I prepare food and a cold drink for him, tidy up the house and wait for him in my best clothes and the moment he walks in I welcome him just like a bride welcoming her groom, then I caress and share with him until he forgets his work and exhaustion". The wife of the forester hit the nail on the head in thinking that she won this place in her husband's hearth as a result of her treating him very well. The enemies of education and morality might consider this as enslaving and humiliating to her personality, and they call this modernity and a support for women in order to elevate them and rid them of men's oppression. They have forgotten the innate nature which God has created in people, and it is by nature that a man carry an axe and climb mountains to collect wood and provide for his

family thereby the woman becomes happy and it is by her nature that a woman tries to look pretty for her husband and to welcome him in the best way so as to make him forget his tiredness and rejuvenate him, and to feel him because she is his complementary half that interacts with the first one.

The danger of women's role which calls for advice and more attention to them

Women's role in the family and community is so dangerous that both the holy book and traditions recommend that they be paid attention to: as for the Quran, Allah exhorted man to perform their responsibility toward women and reminded them of the commitment to women when he says: "You shall treat them nicely. If you dislike them, you may dislike something wherein **GOD** has placed a lot of good". (Al-Nisa 19) and he also says: "How could you take it back, after you have been intimate with each other, and they had taken from you a solemn pledge?" (Al-Nisa 21)

As for the tradition, in the farewell sermon the Messenger

(PBUH) said:

"women are captives who don't own themselves, you take them in God's trust, and marry them in God's word so be pious unto God by doing good unto them, O God, I have notified so witness. Similarly the following exhortation has been cited in the tradition where the Messenger (PBUH) said: "the believers with the most perfect faith are those with the best manners and the best ones are those with the best women"¹ and he said: "the best among you are those who are best for their families. I am your best because of my household"²

Someone said this wise saying: "if you cannot find the reason, ask about the woman" and then you cannot find the reason for the happiness or unhappiness of the household, ask about the woman...

There is no happy household except through the good woman who the Messenger has made the best worldly felicitation when he said: "the world is a felicitation, and its

1- Hadith by Abi Horera-reported by Al-Termedhi

2 - Reported of Aisha by Al-Termedhi and reported of Bin Abas by Bin Maja

best felicitation is a good woman"¹

This is the role of marriage in establishing the happy household in the view of the teachings of our straight religion.

Then if a family were established through a successful marriage based on the piety of Allah and good relationship between the couple plus their understanding of each other's roles and responsibilities, this would still be some of the way, or the beginning of the journey as you like, what comes is more dangerous and more important...so what is left that is more dangerous and more important at the same time?

What comes after marriage?

The answer is: if a farmer plants a tree, this act won't make sense unless he waits for the fruits of this tree, and if he doesn't take care of its products, they won't be the best and most beautiful and tastiest products and looking after the tree needs exerting more efforts and experience than

1- Hadith by Abdullah Bin Amro-narrated by Muslim-niche of light-(Mishkat Al-Masabih): issue 3083

planting it which involves choosing the type and the soil and to repair if necessary...

I think you understood what is meant by the rest which should be done after establishing the family through marriage. We should anticipate the product of this marriage in terms of children and to do our best to raise them in the right way. The ignorant won't be excused for his/her ignorance.

A Muslim works and learns throughout his/her entire life so as to be qualified for the responsibility and to fulfill the trust in the best way possible...

The first environment in which women are pioneers on account of their being mothers

This household which encompasses the parents and children plus some relatives in some situation is what social researchers call "the first environment" and it is called "the first school" by education and training practitioners. This first environment or first school is the sample or specimen which is very revealing of a nation and its level of

awareness, the nation is nothing but these families put together, and the nation is nothing but what these houses conceal behind the roofs.

Therefore no education can be good and no children can be good unless the household is good, the family is good, and the mother who has the biggest influence is good. Nothing can be more eloquent than the saying of the Messenger when he talks about children and how to raise them, this authentic saying states that the Messenger (PBUH) said: "everyone is born with a good innate disposition and their parents make them Judaist, or Christian or Yamsijanho)¹

Hafiz Ibrahim was very articulate about women's role in rearing when he said:

A mother is a school where if you prepare her... you will have set the scene for a good nation, therefore before we prepare families and households we should prepare those who dwell in them (husbands and wives) so as to make these marriages truly successful and not a fake one or a kind

1- Hadith Abi Horera-reported by Malik in Al-Mota, and Ahmed in his referenced and Al-Sahihan and Abu Dawood and Al-Termedhi (Al-Mishka, issue 90)

of success which overtly looks merciful but covertly it is a torment.

Then the family must play the roles of reproduction and constant care for what it has produced.

Children are a precious product beyond estimation; they mustn't be killed or neglected

Islam law ran counter to previous civilization in terms of killing children whether as sacrifices for the deity and nature as in ancient red Indians in Ecuador and Mexican tribes, ancient Egyptians, and Israelites during the era of Achaz the eleventh king and Manasse the thirteenth king who used to throw their children in fire as sacrifices for the idols, as Safar Armia explained.¹ Similarly the Fingiyān, Gartajinyoon and Romans practiced it.² Likewise ancient Chinese killed their children to get rid of them and the Greeks used to get rid of children with weak build or children born to feeble parents or pestilent. Even Plato

1-Al-Is-hah: 32

2- Professor Mohammad Al-toomi, family system in Islam: 18-23

himself urged this act.¹

Islamic law opposed and greatly loathed it where the Messenger (PUBH) called upon Muslim to pledge allegiance to him not to kill their children in the same way as they pledged not to disbelieve in God and such sins. It is reported of Aubadeh Bin Samit (May God be pleased with him) as saying that the Messenger (PBUH) was in the presence of a group of companions when he said: "pledge to me not to disbelieve in God, not to steal and not to commit adultery, not to kill your children and not to engage in calumny , etc..."²

Islam did not stop at preventing the killing of infants but it also legitimate *alaghgha*, which is the act of honoring the newly born whether male or female, and to declare celebration and joy in the household where the baby is born.

The Messenger declared his love, mercy and kindness for children and grandchildren and there are lots of sayings in this regard which are beyond the scope of this article. An example of these sayings is when Aisha Alsiddigha said:"I

1 - Ibid:21 and it is said of Hitler that he adopted the old Chinese way

2- Reported by Al-bukhari: the book of faith (chapter: 11)

have not seen anyone more similar to the Messenger (PBUH) in his features, his manners and his speech than Fatima. Whenever she came to him he would get up, take her hand and kiss it, then he would seat her in his place. And whenever he came to her she would get up, take his hand and kiss it and then she would seat him in her place"¹

And another saying narrated by Abi Hurira in which Abu alagrah is said to have seen the prophet (PBUH) kissing Hussein and the said: I have ten boys but I have never kissed anyone of them, the Messenger (PBUH) said: he who doesn't show compassion won't be shown compassion either"²

And a saying reported of Albara as saying: I saw the prophet (PBUH) with Hassan on his shoulder saying: O, Lord I love him so love him"³

1- Narrated by Abu Dawood, issue 5217

2 - Narrated by Abu Dawood, issue 5218

3- Reported by Al-bukhari in the individual literature (Al-Adab Al-Mofrad)

Islamic upbringing through the good example

Our role in raising our children isn't confined to compassion, care and expenditure because these don't make good offspring, but also we should educate by setting a good example which was what the prophet did and the individual, the family, the nation and the subsequent generation took advantage of and it is the way which Quran exhorts when the exalted God says: " The messenger of **GOD** has set up a good example for those among you who seek **GOD** and the Last Day, and constantly think about **GOD** ". (Al-Ahzab/21)

So, as fathers and mothers we should set a good example for our children if we want to develop a good offspring and in order to be a truly good model, we should live out the book (Quran) and the traditions in every undertaking. Aisha Au almomineen was asked about the prophet's manners and she responded: "Quran was his manners".¹

In this response there is brevity and accuracy, because she

1- Reported by Muslim, Abu Dawood, Alnesai, Imam Ahmed and others and is taken from a long hadith in Muslim "the manners of the prophet of God (PBUH) was based on Quran"

meant that the prophet (PBUH) was a living translation of the spirit of Quran in his manners, and then he became a bright light like Quran that shone on hearts and existence and showed the way to people who took it until they reached guidance.

No wonder people attached themselves to this Messenger who was sent by Allah as a witness, missionary, warning and inviting them to Allah as an illuminating beacon.

Every stage of raising children is worthy of attention and follow-up: childhood in kindergarten or nurseries, second childhood in primary schools, adolescence in high schools and the second adolescence in university after which parents hand the children over to the community and life to interact with and to benefit it and benefit from it, and to be a permanent good deed which God can record in favor of the parents as they raised them in the best way.

Conclusion:

The happy household as Islam sees it and favors it is one which begins with successful marriage and which connects

two good persons who are aware of the dimensions of responsibility in life, thus giving rise to good offspring that have faith and work for their own good and for the good of others.

Can we say: a happy household or a happy family without a good wife who is the good mother after that and who is the good responsible woman as she was described in the saying of the prophet (PBUH) reported by Bin Omer "you are all governors and you are all responsible for your governed: the Emir is a governor, the man governs over his household, the woman governs over her household, her husband, and his children, so you are all governors and you are all responsible for your governed"¹

as for the good woman she was mentioned in several honorable Hadiths and besides the ones which we already cited here are some:

it is reported of Abdullah Bin Amero Bin Aa'as as having heard that the prophet (PBUH) said "the whole world is a

1 - A unanimous hadith. See (Riyadh Al-Saliheen (the chapter on the husband's right to the woman) issue 285.

felicitation and its best one is a good woman"¹

it is reported of Abi Yamamah as having heard the prophet saying: nothing can benefit a believer more -after piety of God- than a good wife who obeys him and who pleases him when he looks at her, and if he swears on her she acquits him and when he goes away from her she exhorts him to herself and her property"²

Women in Islam are a fabric in themselves

In her original household she is a nice beloved girl, a bright rose that exudes light and beauty, chastity and timidity, and overwhelms those around her with her amiability, affection, and her delicate feelings.

Afterwards she is a vivacious girl who takes shelter under the shade of the umbrella of her parents and who seeks knowledge and training as she prepares herself for what the days have in store for her and to get ready for the struggle and responsibility of life and there is no prosperity in any field without arms.

1- Narrated by Muslim-see: Al-Mishkah: issue, 3083

2- Reported by Bin Maja. See Al-Mishkah: issue 3095

She is the wife who is tied to a heavy covenant to someone she fully accepts as a husband and a partner without any coercion from anyone including the father himself as long as his daughter is rational, mature, and discerning and as long as the suitor meets the conditions (religion and morality). The prophet (PBUH) commanded to marry girls to whoever proposes to them provided we accept his religion and manners. This was mentioned in a saying reported by Abi Hurira as having heard the prophet (PBUH) saying: he who proposes to you and you accept his religion and manners then agree to his marriage, if you don't do it, it will be a sedition on earth and a big corruption"¹

The prophet (PBUH) made it up to women to accept who they like. In a saying reported by Abdullah Bin Boridah as having heard Aisha saying: "a girl came to the prophet and said: O. the Messenger of God, my father married me off to his brother's son to boost his assets. He said: it rests with her: she said: I approved of what my father did but I just want to let women know that fathers have nothing to do

1- Narrated by Al-Termedhi. See Al-Mishkah: issue 3090

with it"¹

Quran has called the bond of marriage a (heavy covenant) because it is the main bond out of which every other human relations was born, and it is a distinct bond in which the couple share together and it is peculiar just to human being and not other animal species.

She is the mother who runs and governs over the affairs of the family (her small and dangerous country) and without whom the nation won't have a rising and strong country.

The Muslim woman-pre and post-

Before Islam women had a very strange status where they were exploited, abuse and stripped of their human will as we shall illustrate.

When Islam came women were in this situation and lifted them up from the abyss and recognized her value and humanity just like men with the especial innate predisposition of each one of the two sexes.

The, western civilization of money and instinctual

1 - Reported by Al-Nesai: (on the unmarried girl forced into a marriage by her father) and reported by Ahmed: Nasb Al-Rayah: 192,3, issue 4881

satisfaction emerged in which the Muslim, religious, chaste and timid woman is considered to be reactionary and unfit for life, and warn against following her, and call upon her to progress in bringing out her femininity and to excel in seduction, thus the contemporary woman was thrown back to her earliest image or close to it, and almost looks like women before Islam, below is some illustration:

Women before Islam

When we study what researchers revealed about the life of tribes, clans, and small groups before Islam along with their behavior, manners, social norms, we can detect revealing patterns of women's status:

Some Indians strata: they say about women: "epidemic, death, hell, snake poison, and fire are better than women".

Some ancient Indians: there women engaged in what they called (holy prostitution) in the name of the temple, deity and sacred things, and is considered one of the ways of getting close to the deity and through which heaven's sympathy could be gained. This kind of prostitution was

practiced in Greece in the temple of Aphrodite and ancient Armani as well as ancient Egyptians. And it was practiced until the nineteenth century in some temples in India.

At the time of Buddha: the head of prostitutes was held in esteem in Visali county and Buddha didn't mind sojourning at her house.

Some clans of the Todas: in southern India a woman became automatically the wife of her brothers-in law and her sisters were handed out as wives to them and the babies were handed out in order of age-the first baby went to the eldest brother, the second to the one after him and so on)

Greek civilization: Likorgos who was the legislator of Asbortah allowed benefit copulation in which a man would let his wife to have sexual intercourse with another man of a noble stature with a view to having a child or children with an excellent degree of intelligence and noble features. Likorgos used to urge the clergy in particular to do that in order to procure a pretty and powerful generation to serve the nation.

Babylon civilization: holy prostitution was practiced in

the temples of the Goddess (Myllita) as was narrated by the Greek historian Herodotus. He mentioned that every girl in the country had to go to the temple once in her life to offer herself to a stranger, and if this stranger passed by her and put a coin on her knee and prayed for her to be blessed by the deity (Myllita), she would get up and accompany him, then she would return back home feeling happy because the Goddess blessed her, and her family, relatives and friends would congratulate her and offer her gifts.

African Negroid: the English researcher (Ellis) found the following:

At the coast of the slaves: in every city there was an institute in which pretty teens of ten to twelve years registered to stay for three years during which they would learn a religious dance and how to enchant sacred incantations. Afterward they would be assigned for (holy prostitution) to be property of religious men, but in practice they would not refuse anyone. They were looked upon as the wives of the deity and the product of their prostitution would be (children of the deity).

At the coast of gold: nuns and priestesses practiced (holy prostitution) in a very degrading manner. If they took a shine to someone and craved his coitus, she would invite him to her house and then she would tell him that the deity for whom she put her life on hold to worship, revealed to her to take him as her lover at which point he would become happy because the deity chose him and would remain cooped up with her until she got fed up with him and threw him out.¹

Ancient Hebrews: there used to be groups of women in the temples to practice prostitution and their dominant belief was that they brought good to whoever had intercourse with them and they continued to practice it until the second testament prohibited it.²

Women in western countries

Since antiquity Europe hasn't known the value of women as a human being equal to men and they have remained a commodity for sexual voracity to be traded as financial

1 - The book of the family and the community: 102-103

2- Is-hah 23, paragraph 17

value besides being their sexual value.

Women in the west were supposed to get their share of the progress and change a century ahead after the middle ages, but this is not the case because we see that at the time of Henry the eighth who founded the Anglican sect and who ruled England from 1509 to 1547 issued a law prohibiting women from reciting the holy scripture because they were profane devil and not human as men. This belief was prevalent during the past centuries as was the view arrived at afterward by a residential compound in Paris.

Three centuries elapsed since the death of Henry (the eighth) around 1850 but the situation of women didn't change where we see that the practiced law did not consider women as citizens and this law did not grant them personal and civil laws and they didn't have any money even if they worked for it, she did not even own her clothes. Then Europe advanced industrially and materially and women matched this progress in terms of the art of seduction which became a necessary genre in promoting products and recruiting professionals. Likewise the laws of the

contemporary civilization gave women absolute freedom to practice what they want with whoever they want without any objection if they reach maturity which in the eyes of the law eighteen years in most cases, even if the person who objects is a father or mother let alone others.

The principle of absolute freedom which women have adopted as advanced modernity was used to overstep all boundaries and red lines and to legitimate all kinds of forbidden carnal appetites and pleasures, even if it leads a mother to have sex with her son as a married couple. There are lots of women confessing that their parents coerced them without their consent but it is the currency of the time.

A women is a perfect human being from the Islamic perspective only

When we reflect on women life since the dawn of time, we notice that up to today they have stayed at a remove from their humanity and have continued to be slaves of exploitation in all the societies so much so that the moment they come out of seduction distribution they slip into

prostitution even if it be sacred as decreed by some creeds.

In sum this is the situation of women in the world at the present time and it will remain this way and increase, no one has escaped this except a woman who has taken refuge in Islam and its teachings, so why? Because Islam put her on a par with man and addressed her in the Quran: "O, you who Believe..." in the same way as man. Because it is important that no man reminds himself of his masculine sex, so why don't women forget they are feminine and why don't people who live with them forget it too and they can be human and that's it, and there can be only one exception for this namely the husband, in this case she has the right to remind him of his masculinity and not others, and he alone has the right to remind of her femininity and not others? This is the educational path which Islam wants and through which women can restore their equality with men in their humanity and they can free themselves from exploitation.

A Muslim woman starves but doesn't use her breasts

So, does a Muslim woman need to emulate western

women whether in their pride, indulgence in sexual life and debauchery which are permitted by their civilization and which their laws don't forbid?

Hasn't the Islamic wisdom said to every respectable Muslim woman and every Muslim woman is respectable: "the free woman can go starving rather than live on her body" it has said this as exhortation to the free woman and her shunning the almorawadien.

And hasn't western wisdom said "all women are prostitutes and I exclude my mother out of respect to her" hasn't the person who said this intended to expose the acts of the degenerated western woman. No Muslim woman can act like that unless she jettisons her faith and forgotten the gift of Allah to her and has forgotten to be thankful, and whoever is in a bliss and doesn't thank the lord it will be taken away from him/her.

Conclusion

Women have a great and dangerous role in building a happy and harmonious family and the fabric of great nations

is constructed out of good families.

The good families spring from responsibility and seriousness in choosing a husband for its woman and a wife for its man and the criteria for choosing with Muslims is her noble background. The Messenger (PBUH) said: "a woman is married for four reasons: for her fortune, her beauty, her noble background, and her religion. Whoever wins the one with religion, will triumph"

The family has an arduous and exacting task whose success brings exultation and happiness, namely the fact that a family isn't complete unless it reproduces offspring to carry on the march as has been destined and willed by Allah. There is no greater joy in the world than that of the family (the first environment) after it has succeeded in raising, edifying and educating the children in order to practice the good and the family is the best example and model for the small and big. Quran put it nicely when it said: "The messenger of **GOD** has set up a good example for those among you who seek **GOD** and the Last Day, and constantly think about **GOD**". (Al-Ahzab/21).

Islam brought back to women their humanity through which they became brothers to men and equal to them taking into account the difference in disposition and natural characteristics.

The Muslim woman is unique among women of the world and throughout all civilizations up to this day, the reason for this is very simple, namely a Muslim's woman doesn't practice her femininity except with one man and that is her husband while with others she is a sister in faith and a human being who has her own entity and complementary and supportive role with whoever she shares a life.

If you set out to search for a woman similar to the Muslim woman, you won't find her neither in the past nor now, because other women have acted on their femininity and have renounced their humanity which puts them on a par with men, therefore they have lost all values and become slaves to lust with which they trade their bodies by seducing customers, thus the soul withered away and values were wiped out, so is it acceptable for a Muslim woman

who is the superior to emulate western woman and to set her up as a model while she herself is in the gutters? The answer rest with you, Muslim women.

Praise be to Allah with whose aid the good is accomplished.

Translated by: Anas Al-tayeb Abdulrahim

**Women and political participation &
democracy: a study in the Islamic
jurisprudence and political thought**

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Praise be to the Lord of the world and prayers and blessings be upon our master, beloved and model Mohammad who was sent as a mercy to the world, and upon his prophets and messengers brethren, upon his kind household, upon his good companion and upon whoever follows them in the right way to the end of time.

The issue of women has been one of the most important issues with which the world in general and the Islamic world in particular have been preoccupied for more than a century. It is an issue worthy of this attention because it concerns half of the community where if they lag behind the whole community will follow suit and if they get ahead the whole community will get ahead too.

Despite this the question of women's political

participation has been accorded greater attention and more controversial and people, between the negligent and the excessive and between those who impinge on her right and those who dismantle her moorings have disagreed on. Likewise, there has been a disruption in religious fatwa's between the ones which broaden and the ones which narrow down so much that some fatwa authorities have issued prohibition fatwa's and then have issued permission fatwa's.

Therefore, it was necessary to look into this issue in terms of midpoint which is the way of Islam in dealing with all issues.

On this basis our way of investigating this issue reflects this midpoint method and in this I hope that we have succeeded in accomplishing what we intended.

I ask God to make all our undertakings serve him, and to bring together the Islamic nation around goodness, prosperity, constructive cooperation and the good of both worlds. May God bless the efforts of every sincere one, he is our guardian and he is the best one at that and the best helper.

The meaning of the study title:

Most of the words in the title are unambiguous; just the same we would like to cast some light on some terms in the title, or the ones that relate to the topic, these are:

1-democracy: it is of a Greek origin which denotes (the rule of the people) that's people rather than individual rule. In the modern time the American president Lincoln said: "rule of the people by the people and for the people" the nation according to democracy is the source of authorities and its volition"¹.

Without having to go into the ideological principles of democracy, today by democracy is meant, in our Arabic and Islamic world, its mechanisms and its applicable aspects which consist in making distinction between legislative, executive, and judiciary powers, and in the legitimacy of political plurality, election as a way to put the ruler in power, and equality in rights and public freedoms.

1- For further research about it refer to Dr. Ahmed Raslan: Democracy between the material thought and the socialist thought, Alnahda Al Arabia publication house, 1971, P. 32, and Dr. Mohammad Kamil Leila: political systems; Al fikr Al Arabi publication house 1971, P. 470 and Dr Abdulhameed Al Ansari consultation and its effects on democracy, Salifiya publication in Cairo 1981, P. 335

As for the rule of the people for the people, if the nation were Muslim, it wouldn't want to rule in a way as to run counter with the Islamic tenets, though it has the right, through its scholars, to extract rules based on Islamic sources.

Of interest to our study is the question of equality between men and women with respect to rights and liberties, though this equality between men and women or even between citizens didn't exist in ancient systems such as Romans, Greeks which invented democracy, it emerged in modern age by the universal declaration of human rights in 1948, this equality between men and women includes the following:

1- Equality between men and women in rights and liberties.

2- Equality of women with men in political rights which include the following:

a- women are to be in charge of political positions including the presidency, the parliament, the cabinet, ministers, judges and etc...

b- women's right to run for election and to be candidates

for parliament.

These are the issues which we will bring into focus within the scope of this study. First we will sketch out a historical account of women's political rights and the conflicting fatwa and then we will set out a rigorous methodology for this topic.

2-politics: the word politics in Arabic language connotes a wide range of meaning; to govern the people, to tame horses, to run things, to call people for good and prohibit them from evil, and to chew food...¹

If we look at the linguistic meaning of the word politics and its derivatives we will find that it encompasses all kinds of politics; wise and judicious, oppressive and violent which is based on taming the nations, and like a worm that gnaws at the bones of the governed nation, thus it eats away its strength, its creativity, and its bases.

Caliphate and succession

The word representative or viceroy is repeated in Quran many times. In explaining Adam's mission and function on

1 - Refer to Almuhit dictionary, Lisan Al Arab, Alwasit dictionary, and Almasabih Almunir; item (Sas)

earth God said: "I am placing a representative on earth"¹ that's to be a viceroy on earth in order to accomplish certain goals set down by Quran which are:

A-subservience to the exalted God, he said: "I didn't create the jinni and humans except to worship me alone"².building the universe in light of the way of God which is based on reform rather than corruption, God said: "He initiated you from the earth and then settled you in it"³ the idea of representative in the political jurisprudence is linked to the righteous period in which the four Caliphs ruled, according to a narrated Hadith.

The term representative in this especial sense hasn't been cited in Quran, but the companions named Abubakar Caliph as the representative of the messenger of God (PBUH) then when Omer succeeded him it became difficult to call him the Caliph of the Caliph or successor of the successor.

A brief Historical overview of women's political rights

Women didn't have civil and social rights let along

1 - Sura Al-Baqara/ 30

2 - Sura Al Dhareyat/ 56

3 - Sura Hud

political rights in the civilizations prior to Islam, they didn't even have any status in the Roman law, and some civilizations looked upon them as an inevitable evil, while in pre-Islam age they were buried alive and in most ancient civilizations they were an inheritable property.¹

When Islam came, it looked at women from another perspective and gave them complete dignity and humanity. This principle originates in the fact that they are of the same origin as men "you are of Adam and Adam is of soil",² then "we created the human from a liquid mixture"³ that's it is a mixture of man's sperm which carries 23 chromosomes and a woman's egg which also carries 23 chromosomes. All the verses which especially deal with the dignity of human, reward and punishment, responsibilities and duties include both men and women, despite this the exalted emphasized this: " women have similar rights to those of men above them in kindness and men are a degree above them, Allah is

1 - Refer to Dr. Soad Abdullah Al Nasri: the issue of women, the nation's book, edition 97, P. 35, Dr. Mothana Al kurdistani: women's liberation movement, P. 42

2 - Narrated by Abu Dawood in his traditions No. 0116. Horns (340/5) and Altermazi hadith No 3950 reported and authenticated by Almunziri.

3 - Sura Al-Insan/ 2

Almighty, wise."¹ The degree consists in running the house and the ship of life with compassion, affection, tranquility so as to bring to the shore of safety, the almighty said: "unto men a fortune from that which they have earned and unto women a fortune from that which they have earned"²

Quran has categorically rejected that the first woman (eve) was the reason why Adam was expelled from heaven which resulted in the ordeals of mankind and to put the blame on her as was the case in the previous religions. The verses explain that the command not to approach the tree included both Adam and Eve, God said: "don't approach this one tree, lest you fall in sin"³ and both of them were enticed by the devil, God said: "thus did he lead them on with guile"⁴ and both of them committed the breach, God said: "when they tasted the tree"⁵ and they were together when "their bodied became visible to them and they tried to

1 - Sura Al-Baqara/228

2 - Sura Al-Nisa/32

3 - Al-A'araf/19

4 - Al-A'araf/22

5 - Al-A'araf/22

cover themselves with the leaves of paradise"¹ God was equally angry with them, God said: "did I not forbid you from that tree"² and both of them admitted and repented "they said, Oh lord, we have wronged our souls and unless you forgive us and have mercy on us we will be losers"³ in fact some verses put the blame on Adam, God said: "and Adam disobeyed his lord and so he went astray"⁴

Similarly the Quranic verses indicate the equality between men and women in terms of punishment and reward, God said: " The submitting men, the submitting women, the believing men, the believing women, the obedient men, the obedient women, the truthful men, the truthful women, the steadfast men, the steadfast women, the reverent men, the reverent women, the charitable men, the charitable women, the fasting men, the fasting women, the chaste men, the chaste women, and the men who commemorate **GOD** frequently, and the commemorating

1 - Al-A'araf/22

2 - Al-A'araf/22

3 - Al-A'araf/23

4 - Taha/121

women; **GOD** has prepared for them forgiveness and a great recompense."¹

Islam has abolished all the customs and traditions which don't mesh in with women's dignity and humanity, it is beyond the scope of this study to mention them, and everyone who is fair, has acknowledged that both Muslim men and women and others. A lot of liberal-minded women have acknowledged that Islam is the religion of reform which came to ward off oppression and that's why the role played by Khadija, the first one to embrace Islam, Sumiya and other concubines who embraced Islam, and Asma, the daughter of Abi Bakr Alsiddig the good and revolutionary companion and the political activist, has great implications. Tojan Faisal says: "women's rights in Islam as in its rules have created a socio-political shift that distinguishes Islam from what came before it and in abolishing discrimination to arrive at a sustainable state...this reformist way is what makes Islam valid for every time and every place"²

1 - Al-Ahzab/35

2 - Her article entitled: do women have to become Tarwada's horse, posted on Algazeera net, Sunday 18/8/1425, 3/10/2004

In our current age the advanced countries were behind acknowledging the political rights of women in general. In the united states these political rights were not granted her until 1920, 1928 Britain, and after the second world war in France, even though women constitute the second halve of the society and it is the only second halve which complements human society, and they are half of the human power in every society, and they are the ones who bear the responsibility of building men and rearing children, thus they have the biggest share of troubles, homelessness, poverty, and refuge.

With these duties, women's political role in the world in still much less than their other roles, where statistics reveals that the bulk of women's representation in Arab's parliament ranges from 1% to 4%. In the former Egyptian assembly women participated in it with around 2.2%, even in the advanced western world the bulk of women's representation in the British common house is 18.2% and in the general assembly in France, which is said to be the country of light and liberty, is 6%, in Asian countries it is 19% and in Latin

America is 10%.¹

When it comes to the political side related to the presidency most previous civilizations such as Roman, Greek, and Chinese have failed to present an example of one woman to rule their empire throughout their long history, and there hasn't been any female president in the United States since its establishment to this day.

But women's political rights were put across in the twentieth century through the universal declaration of human rights where the study of the suspended rights and liberties was expanded and laid down in a binding legal manner out of which important conventions emerged directly linked to the status of women's rights, notably in the political sphere such as the special treaty of women's political rights in 1952, the especial treaty of abolishing all forms of discrimination which was drafted in 1979 and put in effect in 1981 which painstakingly delineated the universal domains of these rights due to what two articles of

1 - Akarm Atallah: his article related to Palestinian women political participation, P. 1 and also refer to women and political life, published by the Egyptian center for women's rights, P. 19, and the census center in Palestine, P. 11

this treaty stated about the need to ensure equality between men and women in:

1-voting in every election

2-eligibility for candidature

3-participating in formulating policies and putting them in operation

4-occupying public posts on all governmental levels

5-participating in non-governmental organization and associations

6-representing the government on an international level

7-participating in international organizations

But the most prominent feature that figures in this treaty is its explicit emphasis on the objective which consists in realizing equality de facto along with equality de jure which is reflected in a number of other international conventions and declarations the latest of which is recommendations of the fourth women's universal conference held in Beijing in 1995.¹

1 - Refer to: Awatif Abdulmajeed: a fundamental vision for the treaty to do away with all kinds of discrimination against women, published by women studies center in Sudan.

Big problems that led to unbalanced reactions in some of the contemporary Islamic thought:

There have been big problems with respect to the issue of women that have had impact on both the old and contemporary Islamic thought:

First- mixing traditions and norms with religion regarding women's affairs in a big way where the domination of men played a large part.

Secondly: filling in the gaps which have prevented women from enjoying nine tenth of their rights.

Thirdly: protection of women's rights was initiated by secularists or the so-called enlightened about western civilization.

Fourthly: colonialists attempted and they still do try to use the question of women in order to achieve their plots of corrupting and undermining the socio-political system to make way for hegemony and arrogance.

Fifthly: what the western and secularists have called for totally run counter to the Islamic orientation, because it wanted permissive and sex culture and it wanted to abolish

the family system as it has become clear in the international conference on women in Cairo and Beijing, and as it has become clear in many writings and mass media and I think we could say there has never been such a controversy over any issue like that of women.

Sixthly: the extreme to which feminists have carried the question of women rights so much so that they prefer women to men and they raise antagonistic slogans against men such as war for the sake of men-free world.¹

Seventhly: the connection between some of the circles of women associations and those who defended their rights in the nineteenth and twentieth centuries and colonial circles.

Eighthly: launching an attack on Islam in general and on some women-related Hadiths in particular such as the saying which speaks about the inadequate mentality of women, and that they were created out of crooked rib.

The Islamic reaction:

As far as the above is concerned, some Islamists reacted

1 - Hiba Raof Ezat: women and political action, published by international thought center 1995, P. 63

so strongly that went so far as to disparage women and some of them took up defending whatever that was in heritage, but they couldn't justify or account for what happened, some extremist orientations and some schools of thought backed by some countries aided in this process, but we are supposed to or even required to defend what is right and to look at our great heritage from an angle of funneling where we can benefit others and benefit from them and from an angle of trial and selection without sanctification or exclusion, thus returning back to the original fountain of this religion which lie in the beloved book and the purified traditions, then we should benefit from the old good thing and from the new good thing. Wisdom is the companion of the believer and he is worthy of it wherever it is found, and this can be done through an all-inclusive way among all the religious texts, and to look at them in a comprehensive outlook based on the objectives of the religious law and its general principles which established equality between all mankind in terms of their origin (you are all of Adam and Adam is of the soil) and all have been created by God

whether male or female, and all are created to fulfill the purpose of worship and viceroy everyone within his/her own power, as shall become clear later.

A good way to follow this path is not to be influenced by what is said and sparked outside, and not to be affected by what is inherited as long as it isn't a fixed text nor the interpretations and commentaries on texts as long as they aren't text-based, and as long as the texts admit other interpretations.

Women's political rights in Arab's constitutions:

1-countries that don't have constitutions or laws to regulate and to interpret the political rights of citizens which include men and women.

2-countries that issued constitutions but they didn't state rules granting women the right to political participation such as Kuwait and Emirates. Kuwait's constitution was lately amended to grant women this right based on the rules of Islamic law.

3-Arab countries that have constitutions and laws which explicitly state women's right to political participation

(Tunisia, Egypt, Syria, Jordan, Morocco, Lebanon, Yemen, Bahrain, Qatar) and others. Its noteworthy that the way Arab societies deal with the political rights of women in some communities is still predicated on overlapping factors some of which are related to the cultural inheritance and traditions and distorting religious texts.

The most important obstacles to activating women's role in public life are:

1-historical inheritances taken from traditions rather than the pure religion and which restrict women's role to certain roles.

2-the problem of illiteracy which plays a dangerous role and an impediment to women's movement with respect to national and democratic activities. Considering that illiteracy is the antithesis to what Islam has wanted since the revelation of the first Sura of the glorious Quran which says: "read in the name of your lord, who created..."¹. Illiteracy can not be confined to knowing how to read and write or to women's knowledge of their legislative, legal, and political

1 - Al-Alaq/1

rights; all this will be in vain if illiteracy is the basis on which women's activity in the community is regulated and codified.

3-the huge gap between the texts of the constitutions and the laws related to the possible equality between men and women and to put them into reality. In consequence the reality of women put them at a distance from decision-making and weakened their political participation¹

The question of women and colonial and local politics:

The colonial state which sets its heart on the sources of the Islamic countries, has attempted to use the issue of women in a dangerous way. With this in mind it set up women-related associations and seminars and it has tried to infiltrate other ones. It suffices to refer to the fact that when the Egyptian people mounted an insurgence against the British occupation, Huda Alsharwai² who founded women

1 - www.balagh.com/women/index.htm

2 - Huda Alsharwai (1879-1949) alias Nur Alhuda Mohammad Sultan Basha, she related herself to her husband (Ali Basha Alsharwai) as the custom in the west, she is from a family with a big connection to the English occupation and she was unhappy with her husband because he was old when she married him without her

union association in 1923, called for women's liberation before liberation from colonialism, similarly Safiya Zaghawai led a women's demonstration in front of the barracks of English army in 1919 at Tahrir square where they shouted slogans against them and while they were doing this, they took off their headscarves in front of the demonstrators and stepped on them, and other women followed suit and in the process they lost sight of the main issue¹. Doriya Shafiq, who committed suicide in 1975 and who founded Bint Alnil association in 1939, had strong tie with American and British embassies in Egypt and she called for taking the liberated English woman as a model.²

Therefore the reformists and national parties like the Egyptian national party headed by Mostafa Kamil stood up against these calls just because there were colonial hands behind them which aim at distracting the nation from its

consent at the age of twelve, he divorced her and eight years later took her back. Refer to Najala Hamada: the age of women and the stupid memory, women's memory forum 1998, P. 283, and Mohammad Ismail: the return of the veil, P. 106, and Damsi Al Kurdistani: women's liberation movement, P. 205

1 - Mohammad Qotb: the issue of women's liberation, published by Dar Alwatan publication house in Riyadh

2 - Dr. Mohammad Ismail: ibid, P.118

destiny.

On the domestic front the Arab leaders of military coups in the 50s used this issue by adopting the communist ideology or socialism which don't acknowledge such religious issues at all, and call for absolute liberty in order to move religion away from life. The communist demonstrations in Iraq following the coup of Abdulkarim Qasim overtly called for distancing religion from life and rejecting marriage, dowry, conditions and contracts.¹

At this age of new occupation and hegemony the American administration headed by Bush has accorded a great deal of attention to the issue of women and which put as its prime priorities the political, democratic and educational reform according to the official letters of the American president George Bush, thus political pressures have set in within this context.

In Egypt the book on women's liberation by Qasim Amin blew up the issue of women and opened the doors widely and as a result in 1919 Monira Sabit demanded political

1 - We heard it ourselves where they said in colloquial language: after this month there won't be contract or dowry.

rights for women and then Huda Sharwai and Doriya Shafiq jumped in and demanded the women's right to candidature, election and parliament membership then it was supported by the Egyptian women association which cited in its constitution "amendment of election law so that women can participate with men in election right"¹

The Egyptian woman tried even to set up political parties where Fatima Nimat Rashid together with Doriya Shafiq demanded that they set up a political party and Doriya succeeded in establishing one (Bint Alnil)

These women's attempts convinced some writers and parliamentarians to demand this right for them and in 1946 a proposal demanding women's rights to election was presented to the Egyptian senate and a bill of law to that effect was proposed in 1947 and 1948 during which the universal declaration of human rights was proclaimed by the general committee of the UN in its session in Paris on 10/12/1948 and in the women's conference held in Cairo on 19/4/1951 women took an aggressive stand and the voice of

1 - Memoir of Huda Alsharwai, P. 332

the poetess Rohiya Alghalalini rose up warning men saying that:

Before you calm faces but the hearts are set ablaze

No threat will undermine our determination the fire of our hearts is increasing

Women took to the streets in demonstrations demanding equality and freedom in all rights and wages, and these demonstrations occurred again on 12/3/1954¹ and out of which the constitution of 1956 emerged and gave the election right to all Egyptian, male and female alike.

Alongside this call which mixed what is right and what is wrong and focused on nudity and westernization, there were other moderate calls on the part of committed women plus reformist thinkers such as Mohammad Abdu, Rofa'a Altahtawi, and Ali Mobarak. Mohammad Ali Basha himself considered it important to educate girls and for this purpose he set up schools for educating girls in 1832 taking into account Islamic rules and disciplines, for example when the

1 - Dr. Ijlal Khalifa: the feminist movement, P. 174 and Dr. Alsaïd Ahmed Farj: the conspiracy against the Muslim woman, Alwafa publication house in Egypt, P. 106-109.

first girls' school was inaugurated in Cairo (Alsaniya school) the teaching board was strictly female with the exception of the teacher of Arabic language for want of finding a female teacher of Arabic language, despite this only married and old men who were known to be upright were chosen and the girls came to the school in a car covered with curtains and went home in the same car, or the guardian came to escort them.

The conflicting Fatwa's and the role of time in them:

In the last eras (the first three centuries) our scholars didn't stop at explaining just the religious rules for the new developments of their age, they even extrapolated the future by proposing religious solutions for what was going on in their minds about possible future issues. The Iraqi scholars (Hanfites) were famous for these to the extent that they were called (seeing) that's you see if it were this, in other words, extrapolating future possibilities through mental calculations, then they explain the religious rule for every possible case; they said: you see if a woman from east gets

married to a man from west at sunset, and then dies at sunrise, then it turns out that she is pregnant and gives birth six months after this contract? They said: the pregnancy is proved to be his through the bed for the possibility that he sleeps with her at night then dies, and so on and so forth...

In addition to this time played a role in influencing fatwa's so much so that Imam Bin Alghiyem devoted an important chapter of his book of values (stating the two positions for the lord of the world) to the changing Fatwa's with the change of time and place, states, intentions and interests, he said: this is a very significant chapter because of which and out of ignorance a grave error was committed to the Islamic law, and which inflicted embarrassment and trouble that can never be attributed to the bright Islamic law which is above all interests, for the Islamic law is based on rule, interests of the people concerning livelihood and all of it is mercy, interest, wisdom and whatever steps out of justice to oppression, mercy to cruelty, interest to corruption, and seriousness to frivolity isn't of the Islamic law even if it is brought to it through distortion, for the

Islamic law is God's justice among his servants, his mercy among his creatures, his protection on earth, and his wisdom that points to him and to the proof of his Messenger (PBUH) as the best sign and the best proof, it is his light through which the insightful have seen and which guided the righteous and which completely heals every illness and his straight path that can put one on the right path, it is an apple for sore eyes, life of the hearts, pleasure to the souls, it is lifeblood, food, medicine, light, healing, and infallibility and every good thing in existence is derived from it and happens by it, and every imperfection in existence is due to losing it and if it hadn't been for it, the world would have gone to waste, it is also infallibility to people and pillar of the world, and through it God holds heavens and earth together lest they wither, if God intends to destroy the world and to end it, he will take away what is left of it, the Islamic law which was sent to the messenger is the backbone of the world and the polar of prosperity and happiness in the world and the hereafter)¹.

1 - Refer to : The undersigned scholars, Al-Azhariya colleges (3/3-47)

In the same vein we find lots of conflicting Fatwa's, on the surface, from our spiritual scholars where we find them holding various views and various accounts and conflicting statements. Upon entering Egypt, Imam Shafie reconsidered all that he wrote and his disciples said that he rewrote whatever he had written before coming to Egypt except for the (Kitab al- Sidag), so he had new statements versus his old ones.¹

But most scholars of the past ages didn't benefit from this blessed exemplary and as a consequence they came up with hasty Fatwa's in our present time that prohibited girls from primary and high education, then university education and then it became a established reality, Fatwa's were issued to endorse it, whereas Fatwa's were supposed to be issued from the beginning to permit what was permissible and to set the desired religious rules.

We see the same with respect to women's political participation which was met by strong opposition by most jurists from the start, then followed by Fatwa's to approve of

1 - Almajmoa for Al Nawawi (66/1) published by Sharikat Al-Ulama

that.

The Fatwa committee of the honorable Azaher headed by the late Al Sheikh Mohammad Abdulfatah Al A'anani issued a lengthy Fatwa in the Ramadan of 1371, 1952 concerning (the decree of the Islamic law on women's participation in parliament election). It started with a good preface which mentioned: (the nature of the convention dictates difference in opinion and ramification of ideas...) and after a prolix discussion and evidence it concluded that since the parliament is concerned with enacting laws, women are not allowed to participate politically as a member of parliament and to participate in electing a member of it from the general states, based on the authentic and famous Hadith narrated by Albukhari, Ahmed, Alnisayi, and Alturmozi that it is reported of Abi Bakr as saying that: (upon hearing that Pars handed over the monarchy to Caesar's daughter, the Messenger said: (a nation that puts a woman in charge of their affairs won't prosper)¹, the Fatwa stated: (there is no doubt that the negative marker in the

1 - The Hadith is authentic

Hadith prohibits every woman in every age from being in charge...)¹

Then Fatwa's in Alazher and the Islamic world changed and moved in the direction of endorsement where most Muslim scholars and Islamic movements inched toward approving of women's political participation as a member in the parliament or as elected members of parliament with religious rules.

One of the latest political and jurisprudential battles around women's political participation was what happened in Kuwait where the first article of the Law No 35 in 1962 limited election right to male of 21 years old to the exclusion of female, this move was approved by a Fatwa committee affiliated with Kuwait's ministry of religious affairs and endorsed by most Islamists plus the parliament, then in 1999 an edict of Emir was issued granting Kuwaitis women election and candidature right, but the parliament declined with a majority. The battle went on and it occupied

1 - Fatwa of Alzhar committee published in : feminist movements and their link to colonization by Professor Mohammad Atiya Khamis, Alansar publication house 98-127

most of the social arenas until it was settled in the same parliament toward the end of 2005 in favor of women's participation in election and candidature on condition that they abide by the rules of Islamic law and it was approved by fatwa's of jurists within and outside Kuwait.

This obvious contradiction in fatwa's, no matter how hard we try to justify it, indicates that they haven't been studied in depth and that they have been influenced by circumstances and traditions, therefore when they changed, fatwa's changed as well. Likewise they indicate that such fatwa's didn't take the lead rather they just followed whereas it was supposed to be the other way around.

Toward a more rigorous methodology for investigating the topic

If we take a look at human history and experiences we will see that the major problems lie in two extremes, excess and negligence, either the door is opened widely without any restrictions and rules which lead to total chaos or is closed tightly to prevent any air from seeping through even the fresh air, thus corrupting what is inside. On the other

hand excess or negligence occur when they are realized and in most cases due to a lop-sided view of things and being limited to one angle or a set of angles but without any comprehensive outlook which covers the essence of the thing, its reality, purposes, means and its consequences or what is called jurisprudence of reality and the ends and preemptive measures.

In this serious matter we attempt to apply this theory which is based on the comprehensive outlook in light of the following points:

First-women as human being and their human rights as totally equal to men for they are honored just like men (we have honored human)¹ and the word human includes male and female alike, therefore it isn't allowed to belittle them and to discriminate between them and men in terms of dignity, and to preserve their rights before the judge and their intellectual and religious freedom and freedom of worship, they are even cut above men for it's not allowed to kill them in war, and according to Hanafite sect they are to

1 - Al-Isra/70

be held in detention when they apostatize but they are not to be killed as the case with men¹

Similarly they are equal with men in being completely financially capable (eligible) something which legislations and laws didn't arrive at except in the twentieth century² and with some jurists, old and modern; they are even capable of marrying themselves or others off.

In Islam a woman isn't dependent on anyone in her religion, her next of kin, her eligibility and her money and not even on her husband-as is the case in the west-she complements human life, therefore God called her: the pair and the pair is made up of two equal parts, she has complete freedom as men in respect of her thought, her will and her choices.

But freedom in Islam isn't absolute neither for man nor woman, it is a freedom which is regulated by sublime rules and values and virtuous morals.

This is the kind of equality which Islam has granted

¹Refer to the masterpiece of jurists by Al Samarghandi, 529, Qatar (530/3)

² - The principle of consent in contracts, a comparative study between Islamic law and law, Albashayir Alislamiya publication house, 1985 Beirut (294/1)

without demanding it from a women's association or demonstrations at a time when women were looked upon as an inevitable evil or an inheritable property and says: "women have rights similar to those of men"¹ and the Messenger of God (PBUH) in his last exhortation said: (I exhort you to do good unto women...)²

Secondly: is a woman similar to a man in everything?

The natural and realistic answer over which no two persons disagree is that "the male isn't the same as the female" and not the female is the same as the male"³.

This is a fact which no one can deny simply because they aren't the same in terms of mind, dispositions, creation, and functions of physiological organs and it is as follows:

1-man is made up of Y+X while a woman is made up of X+X.

1- Al-Baqara/228

2- In this wording the hadith was narrated by Al-Turmozi No. 1163 and he said: it is an authentic hadith, and Bin Maja's Hadith 1801 and Ahmed (572,73) as for the phrase (treat them well...) is unanimous. See: authentic Albukhari- (261/6,262, 218/9, 219) and it includes hadith No 1468

3 - Al-Imran/36

2-difference in cells, for the sperm has a conical head and a flat cap, it also has a fast-moving tail which tries to get to its target, otherwise it would die, as for the egg¹ it is immobile and it stays put in its place waiting for the happy sperm which is rescued from hundreds of millions of sperms, then each one of the sperms and each egg express features peculiar to their respective owners.²

3-difference in tissues, organs and cells, Dr Albar says: "you can see the difference in the mature man and the mature woman as you see it in the sperm and egg...not only this you can also see it every cell of the woman every cell of the man..., and if we want to reverse the standards-many a standards we have reversed-we will be running counter to the innate nature of human which God has conferred upon us, and we will be running counter to the biological and psychological constitutions which God has created in us"³

1 - Commonly referred to as (egg) and technically (ovum)

2 - Refer to the famous physicist Mohammad Ali Albar: women's work in focus, Saudi publication and distribution house, 1407, P. 55, And Sheikh Abdul Majeed Zendani: women and their political rights in Islam, Almanar Alislamiya library, Kuwait, P. 7&8

3 - Dr. Albar: *ibid*, P. 73-74.

Even with respect to blood, the white blood cells in men range between 4000 and 8000cells/mm and in women between 4000 and 7000 cells/mm¹.

4-difference in hormones and in function of the glands, for instance a man has a testicle which secretes the male hormone (testosterone) while the female has the ovum whose main functions are: forming and laying eggs, secreting female hormone (Estrogens, progesterone, reilaksine).

Estrogens is responsible for increasing and multiplying the tissues as well as concentrating fat in women and in increasing hair on their head and decreasing it on their bodies while testosterone in men concentrates protein in muscles, also the male hormone inclines toward aggressiveness more than the female one.

5-menstruation which lasts from one day to seven days and which has direct bearing on the physical and psychological make-up of women, decreases blood fertility a little as well as red blood cells and a renewed

1 - Dr. Nizar Fowad and Augab Alazam and his colleagues: blood cells, Dar Almostaghal publication and distribution house 1994, P. 113-114

concentration for the blood vessel, however during ovulation, usually between 2-7 days or five days, the general body resistance decreases accompanied by moderate decrease in the number of white cells, and an increase in the speed of blood transmission; some of the effects of this are stress, irascibility, depression, anxiety and some women may get migraine and anemia due to bleeding of the monthly period where they lose about 60m to 240m. Likewise some glands change during menstruation. All of this plays a role in work, thinking and production¹; God couldn't be truer when he said: " They ask you about menstruation: say, "It is harmful; you shall avoid sexual intercourse with the women during menstruation"² therefore God reduces women's prayer during menstruation and accordingly they aren't to pray during menstruation and they don't have to make up for it, also they are to defer observing fast.

1- Refer to Dr. Abdulmajeed Alshayir, Dr. Hossam Kana'an, Dr. Amar Alkhatib, Dr. Abdulgadir Ala'akaila: fundamentals of the science of the functions of the organs, Dar Almustagbal publication house, Jordan, Oman 1993, P. 374

2 - Al-Baqara/222

**The effect of pregnancy, delivery, post-delivery
and breast-feeding**

The pregnant woman suffers from blood deficiency, and the heart of the pregnant woman withstands double of what it withstands prior to pregnancy because it does two complete blood cycles, one for the mother and the other for the fetus where the heart pumps about 6500 liter a day before pregnancy but during pregnancy and especially toward its end this amount reaches up to 15000 liter a day. God has expressed what has been mentioned above and what doctors have said and which is beyond the scope of this study "his mother bore him and the load got heavier and heavier"¹ and truly it's a weakness in every respect.

The same is true about post-delivery period, as for breast-feeding the mother needs to be free to breast-feed and rear the child up to two years at least, for this reason the report of WHO published in 1981 requested the world governments to give women paid leave for breast-feeding and for the home if there isn't anyone to support them.²

1- Loqman/14

2- ibid

There are other differences which concern the quality of thinking and the brain. The American scientific magazine published a research in its edition of May 1994 entitled (the difference in the brain of the couple) by Dr. Dorin Kimora, a professor of psychology and an associate of the royal Canadian society in 1992. She made use of many experiments and the results of many experiments for a number of experts in the same field such as (V.N Watson) at the university of west Ebtaro, (M, Eik) at the university of York, and the study of (A.R Korsky) and his associates at the university of California in Los Angles and others. She arrived at what is considered a stunning discovery, namely (the ability to store information in the brain differs between the male and female. The speech abilities in the boy gather around a spot different from that of the geometric spot and the space between them is in every brain slot of the boy...)¹

The American time magazine on July 1995 on page 39 presented the finding of a scientific study which portrayed the picture of a woman's brain while talking where both

1 - American science magazine, volume 10 of May 1994, P. 76 and on, also refer to Al-Sheikh ALzandani: *ibid*, P. 15.

sides of her brain are engaged completely in the task where they are used to handle the language. The study also presented a picture of a man's brain while talking where he used just one side of it which makes him more specialized and accurate because while talking he can use the other side for remembering whereas with women both sides are involved in talking, and this-God knows-may account for what God said: " if not two men, then a man and two women whose testimony is acceptable to all.* Thus, if one woman becomes biased, the other will remind her"¹

The purpose of this presentation

The purpose is neither to put men above women nor the reverse, it is just to explicate the fact that there are differences in terms of nature, creation, body, hormone, and vital elements and therefore these difference must have their effects on work, succession and construction for which God has created us after worshipping of which neither man nor woman shall fall short, the difference is in role distribution

1- Time magazine in its edition of 31 july 1995, P. 39, also refer to Dr. Albar: women's work in focus, Al-sheikh Alzandani: ibid P. 14-16

with a view to constructing the earth.

It is unacceptable rationally and religiously to overlook these differences when it comes to building the universe which basically is made up of pairs in everything, a kind of pairing that accomplishes equilibrium, God said: " As for the earth, we constructed it, and placed on it stabilizers (mountains), and we grew on it a perfect balance of everything"¹.

So, the answer lies in the middle way which takes account of the principle of equality as well as the above-mentioned differences and it also takes account of marriage and perfection to arrive at a balanced family, thus a balanced community and a balanced nation, then and only then a balanced universe in which everything has been placed in a measure, and in which the bulk of the small and big and the heavy and light have been taken account, and in which everything has been placed in its right place and has been made use of to achieve its great role. And this is what we shall talk about.

1 - Al-baqara/282

The male and female as marriage and perfection and not as split and antithesis

Quran has called a man and a woman as (a couple or pair) which means that they are one project made up of two balanced and equal elements whose name is human. In fact the whole universe is made up of pairs and couple, negative and positive, male and female, God said: "Glory be to the One who created all kinds of plants from the earth, as well as themselves, and other creations that they do not even know"¹.

Everything in the universe is made up of pair and couple and the odd one is God, God said: "by the even and the odd"²

since the positive completes the negative and the reverse is true we cannot say anything except that each one completes the other, take electricity for example, it consists of positive and negative and light, power, and energy cannot be obtained except with the two together, the same goes for human and the family, the community and the nation and

1- Al-Hajar/19

2 - Al-Fajr/3

civilization, construction and succession cannot be achieved except through a man and a woman.

If human being himself-after Adam and Eve-doesn't come into being except through a joint venture split into two halves between a man and a woman where he is made up of a mixture of liquid in which the woman has 23 chromosomes and the man 23 chromosomes, hence how can one of them claim superiority over the other in this shared edifice, thus it is with God for whom the criterion is the good deed and piety. God said: "O people, we created you from the same male and female, and rendered you distinct peoples and tribes, that you may recognize one another. The best among you in the sight of **GOD** is the most righteous. **GOD** is Omniscient, Cognizant"¹ and he also said: "O you who believe, no people shall ridicule other people, for they may be better than they. Nor shall any women ridicule other women, for they may be better than they."²

The compatibility of the Islamic law with the nature of the fetus

In the view of Islam women and men-just like anything

1- Al-Hujra'at/13

2- Al-Hujra'at/11

else in the universe- are creatures of a one creative and omniscient creator "Should He not know what He created? He is the Sublime, Most Cognizant"¹ and if there isn't any contradictions, clashes, and antitheses in this comprehensive world, how is it possible that they are in most of his creation which he created by his own hands and blew his soul into, and made them in the most perfect way and the most beautiful image and conferred on them some of his characteristics, therefore the question of male versus female and negative versus positive is a universal one.

If the inanimate, animal, and plant world, except human and jinn, moves in a perfect order, and everything has been assigned a role where every part of it from the atom to the planet has its intended role, for God has grounded it in inviolate rules and norms "Come into existence, willingly or unwillingly." They said, "We come willingly."² God laid down his rules which culminated in the eternal, comprehensive, and complete Islamic law for human community to run on such rigorous and creative design in which everything is to a certain measure and has its scale so

1- Al-Mulk/14

2- Fussilat/11

that the Muslim human community would be balanced and capable of attaining happiness in this world and the next one and capable of building the universe in light of the path of God. So, based on this we arrive at the following:

1- since the Islamic law accords with the universe and its variables and invariables, it has variables and invariables as well, and the same goes for human in terms of his creation, emotions, thoughts and variability in innovation,¹ likewise it is the case with the rules of the Islamic law in relation to men and women, why shouldn't it be this way? The Islamic law comes from God and so is the universe, the former is his read book while the latter is his open book, " Should He not know what He created? He is the Sublime, Most Cognizant"²

2- a man and a woman are two parts of one design which is human, this pairing, male and female like negative and positive, is everywhere in the universe.

3- to allocate roles to every one of them in order to realize

1- For more information refer to: our Sheikh Algardwai: an approach to Islamic law, wahba publication

2- Al-Mulk/14

perfection by carefully and wisely putting everything in its place.

4- to avoid violating women's rights (negligence)

5-to avoid excess, or to allocate roles to women that don't fit them or allocate roles to men that don't fit them, if this happens, it will be putting things in the wrong place, and it will be an act of turning norms upside down, thus the design will lose its balance.

6- to achieve consonance with innate nature rather than clash with it, and to achieve harmony, perfection, bonding, and marriage between the two sides of the design (human), away from conflict, hostility, and rivalry, the woman is from the man and the man from the woman, and both of them are of the same kind, that's from Adam and Adam from soil in order to attain tranquility, stability, affection, mercy, and happiness God said: " Among His proofs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other, and He placed in your hearts love and care towards your spouses. In this,

there are sufficient proofs for people who think."¹

Islam wants the happy, stable and balanced individual and the happy, balanced, loving and caring family whereas those who take the issue of women's rights to extreme want to wage an all-out war against man especially the activists who demand a fight for a world without men, and some of them demanded to hack men into pieces.² The American writer Dorothy Ro wrote a book entitled (the enemy) that's man in which she says so as to deepen this enmity: "at the beginning of human life women saw men as scary creatures with huge bulk covered with hair and with hefty muscles, with a look of a monster...they got scared, and this is where they made a big mistake which brought torment to all the subsequent women...because this fear made them give in to men, so they started fawning on men to avoid their evil, thus she taught men pride and gave them a sense of power and gave them the chance to control and dominate, and women

1 - Al-Room/21

2 - Refer to Al-Arabi Magazine No. 393 of Jan 2000, P. 65 an article by Ahmed Abu Zaid and Dr. Musana Amin Al-Kurdistani; women's liberation movement; from equality to gender

became dependent on men"¹

The pioneer of the English feminist movement Elisabeth Stanton affirmed that men are cruel, selfish, aggressive and proud and they love evil, violence and destruction.²most western feminist movements tended to blame men for all their suffering, and some male thinkers responded to them by stressing and exaggerating the supremacy of men, thus this issue became controversial , the family has been affected in this battle, i.e. rejecting motherhood and childbirth, and even rejecting the family per se, or its breakdown and permitting abortion and homosexuality, abolishing the role of the father, and so this fight, self-assertion, and domination have become the basis for living instead of compassion, tranquility, and role allocation as in Islam.

The truth is that what the western feminist movements have done over the last two centuries was a reaction to the attitude of inferiority prevalent in the middle ages and afterwards. Zighrid Honka says: "the attitude of the

1 - Magazine of all the family, P. 25 referred to in Dr. Musana: ibid, P. 49

2- ibid

European man toward women was ambivalent, hypocritical, lustful, dominant, and contradictory in terms of concepts and acts"¹ the issue wasn't confined to attitude but it extended into the use of all the problems of physical and psychological violence and sexual abuse. Figures in 1984 in America indicate that 2928 homicide cases were committed inside the family and that more than two third of them were committed by the husband or boyfriend. Also Aurdin and Nesbit state that annually more than two million women in America report cases of cases by their husband to the police or their boyfriends, four women are killed daily on account of too much beating, and 1.5 million women see a physicist for abuses committed by the husband or boyfriend. This is what is reported to the police, and it's expected that there might be a big proportion of unreported cased. In Britain the percentage of the victims of the husband or boyfriend is 50% and a woman is raped in every minute in America.²

1- Dr. Mohammad Rushdi A'abed A'agrawi: commonality, P. 7referred to in Dr. Musana Al-Kurdistani: ibid, P.150

2 - Dr. Shaza Sulaiman: the Muslim woman, P. 96-97, 115, and refer to: Jarodi: America the precursor of decay, translated by Sayah Aljahim and Micheal Khori.

On the other hand, the prevailing philosophy in the west and especially Europe is that of individual egotism, Micaville's means, and utilitarianism based on pleasure which made women look like goods for enjoyment, exhibitionism, and advertisements, and what made things worse is that the European communities have been influenced by the philosophy of conflict and creating contradictions among nations and communities and it's a philosophy which emphasizes this conflict even between God and human, where the Greek myth has it that Bromeith stole the holy fire from the Gods¹. This philosophy of conflict has affected family and social relations and even among nations. Sheikh Said Alnuri said: "the philosophy has gone so far in its aberration that it has assumed the order of conflict a dominant ruler over all beings and it has decided that all life is dialectic and conflict..."²

Atiya publication house, Lebanon 1998, P. 77 and Dr. Musana Al-Kurdistani: ibid 138

1- ibid

2 - Rasail Al-Nur colleges: words, translated by Ihsan Qasim Al-Salihi, Sozlar publication house in Istanbul \ 1992, P. 644

What comes out of this balanced way?

Three things come out of this way whose basis is Islam along with its sound thought grounded in the intermediary, realism, and accuracy as was mentioned before:

Firstly- the chief thing is equality as was indicated by the verses that we mentioned and that was stressed by the messenger of God (PBUH) "women are sisters to men"¹. Secondly: justice is to take account of the constitutional differences between the two sexes which we mentioned and they should be considered as differences for variety and perfection and not for conflict, contradictions and antithesis. Thirdly: to put the right way into practice on the basis of the odd and the even and a harmony which isn't grounded in a lop-sided outlook on texts, and this can be done through role allocation.

First- Equality

Since a man and a woman are from the same origin and have common features and similar attributes, a woman is

1- Narrated by Ahmed and Abu Dawood Alturmazi

like a man in what follows:

1) Equality of rights where both men and women enjoy equal rights in the various walks of life.

2) Equality with respect to whatever is related to the hereafter such as reward, recompense, hell and heaven and belief and rituals which are reduced for women for reasons of menstruation, pregnancy and breast-feeding and so on.

3) Equality of being viceroy on earth. The verses in Quran on representation and construction of the earth don't differentiate between men and women, and women aren't excepted from this great function which is enjoined on human, in fact the earth cannot be built except through the two halves of human being namely the male and female, God said: " O people, we created you from the same male and female, and rendered you distinct peoples and tribes, that you may recognize one another. The best among you in the sight of **GOD** is the most righteous. **GOD** is Omniscient, Cognizant"¹ therefore jurists have agreed that the general way of addressing duties includes male and

1- Al-Hujra'at/13

female even if they used the plural of the male with the exception of a especial text.

Bin Hazam said: "the messenger of God was sent to both men and women equally and the way God and his prophet address men and women is similar without making something especial to men rather than women only through an explicit text, or the use of the plural, because this is making the obvious especial, which isn't permitted)¹

When women demanded that they be addressed as the male at the time of the mission, Quranic verses were revealed in response to this, God said: "**GOD** promises the believing men and the believing women gardens with flowing streams, wherein they abide forever, and magnificent mansions in the gardens of Eden. And **GOD's** blessings and approval are even greater. This is the greatest triumph"² and he said: " Anyone who performs a good deed, male or female, while believing, we will surely grant them a

1- Principles of rules, Alhadith publication house in Cairo 1984 (1/3/337) and refer to: Hiba Raouf Ezat: women and political work, international institute for Islamic thought 1995, P. 56

2- Al-Toba/72

happy life in this world, and we will surely pay them their full recompense (on the Day of Judgment) for their righteous works"¹. And it is in this regard that Quran recounts the story of the queen of Saba in such a way as to hail her wisdom and policy, even ascertaining and eternalizing what she said: " She said, "The kings corrupt any land they invade, and subjugate its dignified people. This is what they usually do"².

I believe that proving this issue of equality in being representative, in principle, will help us a lot in establishing that women can take charge of representation jobs unless there is a text forbidding that.

4) Equality in alliance and governance, no one will argue that alliance which God has enjoined upon Muslims, include male and female, and the same is true about protection, God said: " The believing men and women are allies of one another. They advocate righteousness and forbid evil, they observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and they obey **GOD** and His messenger.

1- Al-Nahl/97

2- Al-Naml/34

These will be showered by **GOD's** mercy. **GOD** is Almighty, Most Wise."¹ It is clear that this governance encompasses every aspect of life on top of which is political one in principle.

5) Equality before the law and judge.

6) Equality in freedom of belief and the call for doing good and forbidding evil, God said: "Anyone who works righteousness, male or female, while believing, we will surely grant them a happy life in this world, and we will surely pay them their full recompense (on the Day of Judgment) for their righteous works"² and he said: " The believing men and women are allies of one another. They advocate righteousness and forbid evil, they observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and they obey **GOD** and His messenger. These will be showered by **GOD's** mercy. **GOD** is Almighty, Most Wise."³ Likewise he said " The submitting men, the submitting women, the believing men, the believing women,

1- Al-Toba/71

2- Al-Nahl/97

3- Al-Toba/71

the obedient men, the obedient women, the truthful men, the truthful women, the steadfast men, the steadfast women, the reverent men, the reverent women, the charitable men, the charitable women, the fasting men, the fasting women, the chaste men, the chaste women, and the men who commemorate **GOD** frequently, and the commemorating women; **GOD** has prepared for them forgiveness and a great recompense"¹.

7) Equality in civil and social rights.

8) Equality in being completely able to perform where a woman has an independent financial leeway in owning and dispensing with and conducting financial contracts and so on.² It is noteworthy that this capability wasn't acknowledged by Roman and western law until recently, for instance the French law acknowledged in 1938.

9) Equality in respect of financial rights where if you look at the duties of men, you will see that the difference in

1- Al-Al-Ahzab/35

2- Refer to Dr. Ali Algora Daghi: the principle of consent in contracts, Dojar Albashayir Alislamiya publication house 1985 Beirut (297/1-315) also refer to Dr. Hani Timat: human rights, Alshuroog Publication house in Jordan 2001, P. 310

inheritance is compensated for by the expenditure and commitments of the man. Furthermore there are instances in which men and women are equal, and in some women get a bigger share than men.

10) Equality in expressing views and in having their views heard. A big proof for this is what went on between AlKhansa Bin Khozam Alansariya and the Prophet (PUBH) where she mentioned that her father married her off to his nephew without her consent, then the prophet referred it to her and when she learnt that she said: I approved of what my father did but I wanted to teach women something and in the narration of Bin Maja and authenticated by Al-Hafiz Al-Haithami she is reported to have said: I just wanted women to know that fathers have nothing to do with it"¹

As far as marriage is concerned, God has commanded that things be conducted with the consent and consultation of the couple. God said: " If the infant's parents mutually agree to part, after due consultation, they commit no error

1- Refer to Sasan Bin Maja: the book of marriage (602/1), the book of marriage (71/6) and Sasan Abi Dawood-with Awen Almabood-(120/6) and Ahemd-referenced hadith (136/6)

by doing so"¹ and there is the story of the woman who defied and opposed Omer about determining a dowry and she said: "what is it to you". Omer said: "why not". Then she said: "God said: "you shall not take back anything you had given her"². Then Omer changed his mind and said: "everyone knows more than Omer does"³

Secondly- inequality in some matters (a difference of variety and not antithetical one:

Women are different in their constitution and hormone from men as was mentioned previously, but it is a difference of variety and not antithetical and intended for role allocation.

This difference lies in some works which don't fit in with women's nature and especially regarding political rights which is our subject matter.

Women's right to be in charge of general governance (the main positions)

The Arabic word Wilaya (governance) means ruling,

1- Al-Baqara/233

2 - Al-Nisa/20

3- Narrated by Albeihaghi in the major traditions, the book of dowry (233/4

supporting, relatives and etc...and according to jurisprudents it has two kinds; first-general governance for which the judge Abu Ya'ali cited four divisions, these are:

1-general governance in public affairs such as caliphate or the presidency of the state under whatever name and the ministries.

2-general governance in private affairs such as ruling a region.

3-private governance in public affairs such as chief judge, commander-in-chief of the army and so on.

4-private governance in private affairs such as the judge of a county or region¹ and some modern men have explained it as encompassing the act carrying out any one of the three powers: legislative, executive, judiciary.²

The second type- private governance in the domain of executing contracts which are defined as enforcing on others,³ and this type isn't intended here and isn't relevant to our subject matter.

1 - Rules of Sultan by Abi Ya'ali, edition of Mustafa Alhalabi 1996 in Cairo, P. 28 and on. Also refer to rules of sultan by Al-Maroodi, Altawafiqiya in Cairo, P.31

2 - Al-Sheikh Abdul Majeed Zandani: ibid, P. 56 and his recent references.

3- Bin A'abdin footnote (25/3)

Jurisprudents are in disagreement as to the eligibility of women for public governance and there are three views:

*absolute prohibition

*absolute permission

*mediatory

*intermediary

We shall expound on the three views with some evidence:

The first view: absolute prohibition which represents the view of the majority of the jurisprudents of the four sects with some exceptions we shall mention in reference to the third view, which is the view of some of the contemporary ones as well.

They based it on the book, the tradition, consensus, analogy and preemption...

First-the book where they refer to a set of verses:

a-God said: "(men are a degree above them)¹ and Tabari said: "it is narrated of Zaid Bin Aslam as saying that : "²men are a degree above them refers to governance", and it was

1 - Al-Baqara/228

2 - ALtabari commentary (275/2)

interpreted as such by a group of commentators.¹

b-God said: "Men are in charge of women because God has put them above one another and because of what they spend of their property (for the support of women)². Some commentators interpreted this as a proof that men are above women and that this is a general supremacy which includes both inside and outside the house.³ Professor Almadawi said: "this text clinches that women aren't entitled to presidential positions in the state or parliament membership"⁴

c-God said: " You shall not covet the qualities bestowed upon each other by **GOD**"⁵ which shows that God has put some (men) above others (women) in respect of some matters such as inheritance and so on.⁶

1- Refer to the major commentary of AL-Razi (81/3) and commentary of Bin Kasir (278/1)

2- Al-Nisa/34

3 - Refer to Al-Kashaf commentary by Al-Zamakhshiri (217/1) and Al-Qortabi commentary (169/5) and Bin Kasir commentary (432/1)

4- Exegesis of Quran for the interpretation of this verse

5- Al-Nisa/32

6- Al-Tabari commentary (30/5)and Almaroodi commentary (477/1)

d-God said: " You shall settle down in your homes"¹ this verse commands women to stay at home which contradicts having women work in public positions.

Secondly-evidence from the pure traditions:

What Albokhari and others narrated of Abu Bakr is considered to be one of the strongest and most explicit evidence when he said: "when the messenger learnt that the people of Pars put the daughter of Caesar in charge he said: "a nation that puts a woman in charge won't prosper"² about this Hadith Alkhatabi said: "women cannot be put in charge of a state or the judiciary..."³ and Alsanai said of this Hadith "it contains evidence that women aren't fit to rule"⁴ this Hadith appeared in different wordings such as" people who leave their affairs to a woman won't prosper"⁵ and in another narration "no and never will people prosper when

1- Al-Ahzab/33

2 - Al-Bukhari authentic, Kitab Al-Maghazi (129-128/8)

3 - Fatch Albari (128/8) and Bin Hajar commented on this generalization

4 - Ways to peace, A'atif library (1496/4)

5- Narrated by Ahmed in his referenced hadiths (47/5)

controlled by a woman."¹

This general meaning is ascertained by the narrator of Hadith Aba Bakra when he was asked to join the battle of Jamal led by Aisha, he said: "God has saved me by a word I heard from the messenger (PUBH) at the time of Al Jamal when I nearly joined them to fight on their sides..."² this was interpreted as implying that women are prohibited from governance be it private or public,³ and they referenced to other Hadiths not relevant to the issue.⁴

Thirdly-consensus:

A consensus was reached as to the ineligibility of women for public governance. Bin Ghadama said: "she is neither fit for great Imamate nor for running countries, for this reason the prophet (PBUH) plus none of his caliphs and the subsequent ones didn't put a woman in charge of judiciary or a state as we have been informed and if he approved of it,

1- Ahmed-referenced (51,50,43,38/5)

2 - Al-Bukhari authentic (126/8)

3 - Refer to Al-Sheikh Al-Zandani: ibid, P. 70-79 and on

4 - ibid

for the most part no one would have deviated from it"¹

Sheikh Mohammad Abulmajid Zandani emphasized this meaning and referred to a saying by the prophet (PBUH) "he who innovates with respect to this issue is an apostate"² however, this Hadith relates to rites of worship whose principle is cessation, as for the principle of habits and transaction is permission.³

Fourthly: analogy

That's making an analogy of absolute governance with self-governance.

Fifthly: interest

The basis of public governance is permanent qualification, power, and ability which are weak in women- as mentioned before-

- Almoghani-the major commentary, scientific books publication house/Beirut (380/11) 1

2 - Narrated by Al-Bukhari in his authentic, the book of peace together with Fatah Al-bari-(317/13, 355/4, 301/5) and by Muslim in his authentic hadith (1343/3)

3 - Refer to the principle of contracts (1159/1 and on)

Sixthly: forestalling pretexts

When women take charge of main positions, it leads to corruption and it leads to committing religious prohibitions in solitary, then fornication and it leads to women neglecting their basic role in rearing.¹

The second view

Those who maintain the position of absolute governance of women like Shabiba outlawed sect who put Ghazala in charge after the death of Shabib who upon entering Kofa he seated her on his podium and she gave a sermon from the altar² and this is the view of some contemporary figures like Abdulhamid Almotawali, Zafir Al Qasimi, and sister Zeinab Alghazali who approved for her the cabinet and not the

1- AL-Sheikh Al-Zandani: ibid 94-96

2- Shabib Bin Yazid the outlaw who became an outlaw during the caliphate of Abdu Malik and his insurgence lasted four years until it was stamped out by Hajaj and Ghazal was a courageous knight and eloquent, and she played a big role along with 100 female outlaws in taking over Kofa, even the army of Hajaj was defeated by them. see the difference between the difference, P. 110-111 and Wafiyat Al-A'ayan(454/2)

presidency of the state¹. They used these references:

First- the book where there are several verses proving governance in general such as:

a-God said: " The believing men and women are allies of one another. They advocate righteousness and forbid evil,"²

b- God said: " Their affairs are decided after due consultation among themselves,"³ Professor Mohammad Abullah Alarabi said "it doesn't specify a particular group to the exclusion of others when it comes to consultation."⁴

c- the story of the queen of Saba which Quran has mentioned to hail the rationality and wisdom of this woman who got rid of the ghost of the calamity and then proudly and with dignity embraced Islam and said: " I now submit with Solomon to **GOD**, Lord of the universe."⁵ But she didn't say for the sake of Solomon...thus putting herself on

1 - Dr. Abdulhameed Motawali: the principles of governance in Islam, P. 443-444, and Zafir Al-Qasami: governance in Islamic law and in history, P. 242 and Zeinab Alghazali: the concerns of Muslim women and the proselytizer, Aletisam publication house in Cairo, P. 242.

2 - Al-Toba/71

3- Al-Shoora/38

4 - Governance in Islam, P. 84

5- Al-Naml/44

equal footing with him.

d- the verses which show the allegiance pledged by women to the messenger (PBUH), as an example God said: " O you prophet, when the believing women (who abandoned the disbelievers) to seek asylum with you pledge to you..."¹ and it is obvious that pledging allegiance is a political participation.

Secondly- from the pure tradition where there are lots of Hadiths indicating that women have the right to governance, among them are:

1- The previously stated Hadith of Alkhansa Alansariya which shows that as whole governance for women is proved.

2- The honorable biography of the prophet which indicates that women did participate in pledging allegiance to the prophet right from the outset of the call all the way to the establishment of the Islamic state, then women pledged the allegiance of Al Augba, Ahmed Basanda reported a Hadith of Jabir as saying: "the messenger of God continued

1- Al-Mumtahana/12

to follow people to their houses on occasions in Mona and others for ten years until God sent us to him from Yathrib and we believed him...he even said: seventy men went to him, and in Hadith Ka'ab seventy three men and two women and we pledged allegiance of Al Augba to him, then we said: "for what we pledge to you? He said: "pledge to obey in activity and indolence, and to spend in difficulty and in easiness, and to call for good and forbid evil, and to support me if I come to you from Yathrib, and to prohibit me from what you prohibit yourselves, spouses, and children, and we will have heaven"¹ Alhafiz Bin Hajar quoted Bin Hisham as saying that the two women pledged allegiance to the Messenger without a handshake² and this pledge of women to the prophet is beyond dispute in Bukhari and Muslim³, and the book of biography stated that Nasiba Bint Ka'ab pledged to the Messenger (PBUH) to Jihad in the second Alaugba, and she fought in the battle of Auhd, Yome

1- Narrated by Ahmed in authentic hadith (322/3) authenticated by Hassan and verified by Al-Hakim

2 - Al-Esaba (379/4)

3 - Albukhari authenticated (265/10)

Alyamama, and the battle of Khabir, and she also pledged allegiance together with the companions to the Messenger (PBUH) till death in Alrodwan.¹ This is a political pledge in every sense of the word and in which women took part which indicates that women have this right, however women pledged allegiance not through a handshake but through words or by stretching out the hand without touching, professor Abu Shagha² said: "the pledge of women to the prophet (PBUH) has a number of implications: the first one is that women have independent personalities and that they are dependent on men, actually she they pledge just as men do. The second implication is that women's pledge to the prophet is grounded in two bases: the first one as the Messenger of God who came to notify and the second as Muslim's Imam and what proves the second consideration is (they don't disobey you in righteousness), and the saying of the Messenger (PBUH) about obeying the Emir (obedience is nothing but

1- The beginning and the end by Bin Kasir, Alma'arif library (34/4, 168/3)

2 - Liberating women at the time of the mission (425/2-426)

righteousness)¹

3- The prophet's consultation with Um Salma-as was mentioned before-

4- His acceptance of Asma Bint Yazid as a representative of women, for she said: "I am a messenger behind whom there is set of Muslim women who say what I say and who are of the same view...etc"² the idea is that a woman represented a group of women which indicate the legitimacy of having their own association to defend their rights before Muslim men.

5- His consultation with women in general. It is reported of Oyon Alakhbar for Bin Ghatiba of Ziyada and said: "it is reported of Hamad Bin Zeid and of Hishad and Hassan as saying: "the prophet consulted even with women and they would advise him and he would act on it"³ this Hadith is supported by an authentic Hadith of Um Salma-as was mentioned before-

6- The same is true about the upright biography where

1- Narrated by Albukhari (233/13) along with Muslim and Al-Nawawi (15/6)

2 - The treasure of workers (411/16) Hadith No. 45157

3 - Eyon Al-Akhbar (82/1)

Abdulrahman Bin Aoof consulted an unmarried girl about Osman and Ali¹.

The third view: the upholders of the intermediary and their evidence:

They disagreed as to the kind of intermediary as follows:

First- both Bin Jarir Altabari and Bin Hazam Alzahiri approve of women being in charge of the judiciary, it is understood that the major Imamate is not allowed for them (to be caliph of Muslims or president of the country).

Second- Hanafites endorsed women taking charge of the judiciary except for ruling in criminal laws.

Third- Zafer and Malikis approved of her judiciary in terms of her testimony.

Fourth- a group of contemporary men such as Sheikh Mohammad Alghazali and Sheikh Ala'ama Mohammad Algardawi inclined toward approving of women taking

1- For more on the jurisprudence of women consultation at the time of the messenger of God and the righteous caliphs refer to Dr. Tawfeeg Alshawi: the jurisprudence of consultation and counseling, Alwafa publication house 1415 and Dr. Mohamad Baltaji: the status of women in Quran and traditions, Actsam publication house in Dar Alsalam, P. 279 and on.

charge of every positions except the great Imamate in case the required religious conditions and rules are in place and provided that it doesn't result in corruption and neglecting the family and so on. They made use of the evidence of both sects but they excepted the great Imamate, and if the evidence is text related to the topic as in the Hadith (no nation will prosper...) then they implied that the Great Imamate is meant here, otherwise they would include other governance.

Discussion of the evidence:

The evidence of those who prohibit can be discussed as follows:

First-God Said: "men are one degree above them"¹ this verse by no means indicates absolute prohibition where women are concerned, but this degree is on account of the fact that divorce and taking it back is in his hands, because the beginning of the verse speaks about divorce and remarriage, for it says: " The divorced women shall wait

1- Al-Baqara/228

three menstruations (before marrying another man). It is not lawful for them to conceal what **GOD** creates in their wombs, if they believe in **GOD** and the Last Day. (In case of pregnancy,) the husband's wishes shall supersede the wife's wishes, if he wants to remarry her. The women have rights, as well as obligations, equitably. Thus, the man's wishes prevail (in case of pregnancy). **GOD** is Almighty, Most Wise"¹. Or the degree of supremacy is in the family and it is interpreted in the verse "The men are made responsible for the women,** and **GOD** has endowed them with certain qualities, and made them the bread earners. The righteous women will cheerfully accept this arrangement, since it is **GOD**'s commandment, and honor their husbands during their absence. If you experience rebellion from the women, you shall first talk to them, then (you may use negative incentives like) deserting them in bed, then you may (as a last alternative) beat them. If they obey you, you are not permitted to transgress against them. **GOD** is Most High, Supreme"² in terms of managing the house,

1- ibid

2- Al-Nisa/34

disciplining and such things as the house needs a head and a leader, all these verses speak about the family, its management and its expenses, and it cannot mean absolute governance, for no man has absolute governance over a woman, this verse doesn't have this meaning in mind, because no foreign man has any governance over a foreign woman. This governance is initiated on the basis that the house is run by the man on account of possessing the required abilities for this mission; similarly he spends on the family. Then the same verse speaks about the righteous wife and the unfit wife...nevertheless this leadership isn't one of domineering and dictatorship rather it is one of consultation, consent, and getting along fine with each other, therefore when a man falls short of his objectives, it is taken away from him.

These two verses speak just about man's governance over woman with respect to running the house and divorce and remarriage are in his hand, in addition the occasion behind the revelation of the verse "Men are in charge of women in virtue of what God has endowed them with...." Points to

this specificity¹, well its true that with the majority of fundamentalists² the example stems from generalizing the term rather than the specificity of the occasion, however their researchers said: generalization is specific to analogies such as parallel, and in the book of Albahr Almohit (the ocean sea) for Alzarkashi: "Sheikh Taghi Al-Din said in explaining coverage: some of the major fundamentalists state that generalization is specific to analogues and he said: it can be evidenced by the way people address each other, where they interrupt some speeches as lacking generalization based on analogues"³ furthermore, generalizing this supremacy in the house remains unaffected and despite this some jurists would approve if the man gave up the right to run the house to his wife and waived the right to divorce to her.⁴

1- Refer to the occasion of the revelation: Al-Razi commentary (88/2)

2- Al-Tahsil (344/1) and commentary of Jamka'a Al-Jawamia (413/1) and Alkokab Al-muncer (136/3)

3 - AlBahr Al-Muheet, Kuwait ministry for religious affairs, second edition 1413H (380/3)

4 - For delegating authority on this matter refer to Hashiya Bin A'abdin (475/2) and Al-Dasoghi along with the major commentary (405/2) and Moghna Almuhtaj

Secondly- regarding what God said: "You shall settle down in your homes..."¹ is responded to as follows:

a-the verse addresses the wives of the prophet (PBUH) because it begins with "O wives of the prophet, you are not the same as any other women, if you observe righteousness. (You have a greater responsibility.) Therefore, you shall not speak too softly, lest those with disease in their hearts may get the wrong ideas; you shall speak only righteousness"². So the verse speaks about the wives of the prophet (PBUH) because they are different from other women, so how come this is generalized to include other women? They have a great status for being the wives of the Messenger and the leader (PBUH) considering the fact that these verses were revealed after the incident of A'raf which shook the Islamic community and paralyzed it for about forty days, therefore it was necessary to set strict limits on them and for this reason the messenger (PBUH) gave them two choices either to stay

(285/3) and Kashaf Al Ghina'a (254/5) and the rules of Quran for Bin Al-Arabi(1505/3)

1- Al-Ahzab/33

2- AL-Ahzab/32

or divorce, and the opted for staying with God and his messenger at which point special rules were revealed for them to commit to, one of which is to stay in the homes with the purpose of protecting the honor of the Messenger (PBUH).

b- Settling doesn't mean not leaving home at all and a proof for this is that some of the prophet's wives went to Hajj, Jihad and visiting relatives.

Thirdly: their biggest proof is the famous Haith: (no nation will prosper...) this Hadith can be discussed as follows:

1- This Hadith is related to the incident of Caesar's daughter taking charge of the empire in which regard the messenger couldn't be truer when he said the nation didn't prosper, they were defeated and the empire fell apart.

It might be said that the lesson is in the generalizability of the term rather than the specificity of the occasion as was said before.

2-the Hadith concerns the great governance as evidenced by the narration of an unchangeable Hadith in which the

phrase "she controls them in two narrations; the first one: (people who are controlled by a woman won't prosper)¹ and the second states (no people who are controlled by women shall prosper)², in addition to two other narrations: (people who put a woman in charge of their affairs shall not prosper)³ and (no people shall prosper when they put a woman in charge of their affairs)⁴

3-the wordings of the Hadith on the basis of which some fundamentalist researchers said it is possible to specify the general in it, clearly indicate that the Hadith was about the great empire which was taken over by Birowan Bint Shirwita bin Caesar, this is affirmed by the fact that the Messenger was angry with them and he prayed against them after Caesar tore his letter and it is narrated in the authentic Hadith of Al Bokhari in which he said that the Messenger called upon them to "tear apart whoever tears"⁵ he also said:

1- Narrated by Ahmed (43/5) and referenced Alshohab (51/2)

2- Narrated by Ahmed (38/5)

3- Narrated by Ahmed (51/1)

4 - Narrated by Ahmed (47/5))

5 - Al-Bukhari-authentic Hadith, Kitab Al-Maghazi (126/8) and on

(if Caesar perishes, there won't be a Caesar after him)¹. So this Hadith concerns Caesar or general Imamate.

4- the word affairs indicate the public, or perfection which cannot be attained except within the great governance (Wilayate) and there is an abundance of evidence for this, and he is in a better position to abrogate one of them.

Fourthly-the call for consensus is valid only within the great Imamate, other than this it is a mooted point among both old and modern jurists as was said before.

Fifthly-the analogy governance over divorce and governance over marriage isn't right for the following reasons:

1- if the husbands delegates the authority of divorce to his wife, then it is correct on consensus as was said before, though those who maintain governance prohibition do not approve of it neither at the beginning nor by men delegating it to women.

2- The authority of women to marry themselves off or others is a disputed point where it is approved by the

libid

Hanafite¹, therefore the point of analogy is too controversial to be binding.

Sixthly- as far as the question of interest, corruption and forestalling pretexts they can be dealt with by religious rules and restriction which prevent that, not to mention the fact that it is circumstantial evidence that is disputed by the jurists.

On the strength of this discussion it becomes clear the evidence of those who oppose doesn't provide an argument for prohibiting absolute governance for women; it just proves prohibiting women from being in charge of the great governance.

We can discuss the evidence of those who approve absolute governance for women that all the evidence doesn't prove absolute approval, it just proves approving the principle of political participation, and even if it proves it, it just concerns the Hadith: "no people shall prosper..." which is a text in prohibiting governance.

1- Refer to the principle of consent in contracts (303/1) for more details

Some responses to some statements:

The act of banning women from political participation sparked off some statements such as:

First-if women participate, it will lead to forbidden mixing and committing the prohibited. We respond to this as follows:

1)whoever approves of it will be committed to the religious rules; in case they are not in place, then participation won't be allowed.

2)there isn't any connection between the two.

3)this prohibition isn't just limited to women, it includes men as well because they are commanded to abide by God's rules when dealing with women.

Secondly- political participation needs courage and boldness which may not be found in women.

The answer is this isn't true and the same can be said about men in ancient or modern times. Many a woman had courage that lots of men didn't have. Lots of female companion and followers expressed their opinions courageously even before the Messenger (PBUH), and the

righteous caliphs. A woman stood up to Omer in opposition to his forbidding an increase in dowry as was mentioned before, similarly Safiyia was more courageous than Hassa'an in the incident we reported before, and the stance of Asma before Alhajaj was more courageous than the stance of any man.

Thirdly-women are predisposed toward emotionality rather than rationality where the verses of Ahzab show how women, even the prophet's wives aspire to pleasures of this world as in verse 29 of Al-Ahzab and verse 4 of Altahrim which mentions how some of the prophet's wives were in cahoots against him.

In response to this the eminent scholar sheikh Yusuf Algardawi said: (the query didn't mention : when they were given the choice all of them chose God, his Messenger (PBUH), and the hereafter and the two who were mentioned in Sura Altahrim repented to God, as for the fact that they crave for the pleasures of this world just like any other women and women of great women in particular, doesn't prove inadequacy in their mentalities, nor their being unfit

to think about public affairs, but it is a craving based on the human innate and women's nature which no sooner cleared than the verse of choice (Altakheer) was revealed.

Were men completely innocent from such stances in which they remained riveted to the world, and then woke up where the revelation warned them of their error and heedlessness?

Didn't Quran say about the companions when addressing the honorable messenger: "When some of them come across a business deal, or some entertainment, they rush to it and leave you standing! Say, "What **GOD** possesses is far better than the entertainment or the business. **GOD** is the best Provider."¹

Didn't God revealed a verse reprimanding the companions of his Messenger-the best of human generation-when they disobeyed him and left their spots to get down for the spoils following the battle of Auhad? God said: "**GOD** has fulfilled His promise to you, and you defeated them by His leave. But then you wavered, disputed among

1- Al-Juma'a/11

yourselves, and disobeyed after He had shown you (the victory) you had longed for. But then, some of you became distracted by the spoils of this world, while others were rightly concerned with the Hereafter."¹ Bin Masud said: "I didn't know some of us wanted this world until after this verse was revealed."

Can we take these stances which weaken the best of men when their needs overcome their intellect and say that men are not fit for big tasks?

In the battle of Badr Quran lists some stances of believers before and after the battle, God said: "When your Lord willed that you leave your home, to fulfill a specific plan, some believers became exposed as reluctant believers. They argued with you against the truth, even after everything was explained to them. They acted as if they were being driven to certain death. Recall that **GOD** promised you victory over a certain group, but you still wanted to face the weaker group. It was **GOD's** plan to establish the truth with His words, and to defeat the disbelievers."²

1 - AL-Imran/152

2 - Al-Anfal/5-7

Following the battle he said about their attitude toward the captives: "You people are seeking the materials of this world, while **GOD** advocates the Hereafter. **GOD** is Almighty, Most Wise. If it were not for a predetermined decree from **GOD**, you would have suffered, on account of what you took, a terrible retribution."¹

Human weakness engulfs both men and women alike, and the lesson is the end.

We can mention here the consultation of Um Salma with the prophet (PBUH) on the day of Hudaiba, and out of which good things came.

Why don't we mention what Quran mentioned about the woman who ruled her people by the intellect, wisdom and led them in critical times and brought good things for them in this world and the next? Namely the queen of Saba.²

Despite this we can say that every woman is fit to govern and the same is equally true about men, for governance has conditioning, and perhaps some other conditions may be added to any woman who wants to exercise one of these

1 - Al-Anfal 67-68

2- Islam Owen Line on 17/11/2005

rights; Sheikh Algardawi said: "not every woman is fit to perform the task of deputy, for a woman who is busy with the needs of motherhood won't get involved in running as a candidate for these missions, and if she did it, men and women would tell her that her kids need you more.

But the childless woman who has time, strength, knowledge and intelligence and around fifty or close to and is no longer prone to the previously mentioned natural symptoms and her sons and daughters have married and is mature with free time to engage in a public task, what can prevent her from running for representative assembly, if she meets the other conditions which every candidate, woman or man, must fulfill?

On the other hand a successful political participation today isn't like before because it relies on institutions, public opinion so that the president or the minister (male or female) cannot rule alone and the party, parliament and others participate.

What appears preferable to me is that the main thing is integrity through allocating roles between men and women

without feeling that one's role is less than the other, for human survival hinges on a woman's role in pregnancy, childbirth, and taking care of the family which is one of the greatest roles in the world and the hereafter, it is the role whereby men are raised and generations are built. It isn't permissible to put this role on hold and to prefer something else to it, or to underestimate it, for it is the role which brings us happiness in this world and the next. Western and eastern thinkers envy us our familial solidarity, Gorbatchov, after a lengthy exposition to what happened to women in the Soviet Union, ended up by saying: (there is a need to make easy for women to go back to their pure women's mission in order to achieve a good atmosphere in the family and to do away with problems in the behavior of kids and adolescents, and to prevent family relations from deteriorating)¹

Besides maintaining this great and blessed role, women have the right to political participation and to occupy leading positions- with the exception of the great Imamate-if

1- Micheal Gorbatachov and Prister, P. 132

she fulfills the following conditions:

1)to provide an appropriate religious atmosphere which can prevent corruption and religious prohibitions in privacy and look and so on.

2)a woman who wants to govern must abide by the religious rules, Islamic values and morals and dress, etc...

3) her political participation and public governance shouldn't be at the cost of her children and family, in other words the most important form of governance for a woman is to build generation, raise and train men and heroes and to provide tranquility and security for her husband, herself, and her family. If her political participation clashes with this basic role, then in my view she must be banned from it.

In my view with these religious conditions women can be allowed to participate politically, and to hold leadership positions compatible with her nature. As matter of fact women can be more qualified than men with respect to training and educational jobs as well as being judges in settling disputes related to women and marriage problems.

In addition, women have the right to political

participation on the basis of the following rules and conditions:

1-the right to vote in political elections and others, because this is concerned with consensus-related testimony and in cooperating to bring whoever is fit to power, parliament, or other assemblies, it is also a part of entitling women to do it in the same way as entitling someone to get to the parliament in order to perform duties and to call for good deeds and so on.

2-the right to nominate herself for membership in the parliament because most of the work of the parliament lies in enacting laws (in the Islamic community it doesn't fit in with the rules) this are innovated ruled based on Islamic sources in which both men and women take part through consensus, Aisha caught up with some major companions in her knowledge of the traditions and jurisprudence.¹

When the task of the parliament consists in monitoring through cross-examinations, it is considered part of calling for righteousness and prohibiting evil and this is a common

1- Al-Zorkashi collected these hadiths in a book he called: the response to what Eisha perceived while the companions didn't

duty for both men and women.

3-participation in political demonstrations, strike and every legitimate means to ensure the interests of the people, or in toppling an oppressive ruler without committing a graver corruption.

4-participation in public police and security related to women, or imprisoning women and searching them etc...or in administration work that fits in with her nature and her structure on the basis of the three conditions mentioned above.

5-participation in Jihad when the infidels occupy a Muslim country through killing and whatever she is capable of. Safiyya Um Al-Muminiyyin took part in Jihad when she killed a Jew on the day of Alkhandagh (the tunnel), similarly other female companions participated in Jihad through bandaging, treating and so on. Imam Albukhari wrote a special chapter called (chapter on women's invasion and their fight) in which he narrated several Hadiths among them is that the Messenger (PBUH) is reported to have invaded it together with Um Salim and other partisan women,

where they helped with bringing drinking water to and treating the injured¹ . he also mentioned in his authentic book five other chapters on women's jihad, women's invasion in sea, women carrying water to people in invasion, treating the injured, and turning back injured women during invasion.²

Muslim Basanda reported that: "Um Salim took a dagger on the day of Hanin and carried with her...then the Messenger (PBUH) asked her: "what is this dagger? She said: "I took it to stab a nonbeliever if he approaches, then the Messenger (PBUH) broke out laughing..."³ that's he encouraged her.

Albukhari reported that when most people were defeated Aisha and Um Salim kept carrying water on their back then emptying them on their mouths of the people then returned back...)⁴

6-the right to participate in forming associations,

1- Narrated by Al-Hakim in Almustadrak (56/4)

2- Al-Bukhari authenticated, the book of Jihad(65/6)

3 - Al-Bukhari authenticated, (62/6-80)

4- Authenticated by Muslim (1442/3)

women's syndicate, and all the other institutions of the civil society, actually she takes precedence over men in some of them.

The truth is that the Muslim woman played a great role in natural function in building generations, training men, achieve tranquility and family solidarity, on top of this she played her civilized and scientific role in building schools, universities and hospitals and her role in jihad, in social life and calling for good deed, forbidding evil and in work.¹

Abu Shagha dedicated an independent chapter of his special study on authentic Hadiths related to liberation of women to events of women's participation in political activity at the time of the mission. He mentioned the role of women in strengthening the prophet's heart and that she was the first to embrace the new religion and that she preceded her father, husband, and all her people, and that she was patient and steadfast in standing up to the oppression of the nonbelievers, and that she immigrated to Abyssinia as men did then to Medina and that she used to call upon her clan

1- Authenticated by Al-Bukhari-the book of Jihad (66/6)

who listened to her and embraced Islam because of her, and that she pledged to the Muslims' Imam to listen and obey and to perform good deed just like men, and that she participated in jihad with men to defend Islam.¹

What is worth drawing attention to is that the Muslim woman at the time of the Messenger (PBUH) responded to the call of the Messenger (PBUH) for jihad and etc...Um Salma was listening to the messenger's sermon on the day of mobilization to Bin Guriyada when she responded² and in another occasion she heard the prophet (PBUH) say: (Oh people) whereupon she said to her hairdresser to lay off her hands and the hairdresser said: he called men and not women and in response she said (I am one of the people...)³

Fatima Bint Gais did the same when she heard the messenger of God's call for congregation prayer and rushed off to hear what was required of her.

1- For further details refer to Abdulhaleem Abu-Shagha: liberating women at the time of the mission. A comprehensive study which includes quranic texts and hadiths authenticated by Bukhari and Muslim, Alghlam publication house in Kuwait (171/2-338)

2- Ibid (413/2-429)

3- Authenticated by Albukhari (441/7) and authenticated by Muslim together with Al-Nawawi (144/7)

We said before that Um Salma advised the messenger of God who took it and it was the best consultation¹ and we see Um salim consulting the messenger of God (PBUH) on the day of Haneen² and we see how Hafza consulted with her brother Abdullah when he stabbed Omer³ and on the day of arbitrating between Ali and Moawiya where she insisted that he join⁴, not to mention the role of Asma Bint Abi Bakr in taking a firm stance before the tyrant Alhajaj when she said:" the messenger of God (PBUH) told us that there would be a liar and a destroyer in Saghif, we have seen the liar as for the destroyer it is no one else except your brother and when Alhajaj heard her words⁵ he got up and left and he couldn't reply despite his oppression and awe.⁶

At last the story of the queen of Saba who is praised for her wisdom, level-headedness, counseling, strength, determination in the Quran is the best proof that women

1- Authenticated by Albukhari (257/6) the book of conditions

2- Muslim and Al-Nawawi (196/5)

3 - Muslim and Al-Nawawi

4- Muslim and Al-Nawawi (5/6)

5- Albukhari (406/8)

6- Abu Shagha: ibid (436/2)

shouldn't be deprived of political participation if they meet the above-mentioned three conditions.

God knows what is right

Our last prayers is praise be to God, the lord of the world

And prayer be upon our master Mohammad and upon his household and all his companions.

Translated by: Anas Al-tayeb Abdulrahim

**Women's rights and economic
responsibilities toward the
family and the community**

Ahmad bin soaud alsayabi

Praise be to God and peace be upon our master Mohammad, the messenger of God (PBUH), his household, his companions, his followers and whoever adopts his way and is guided by it.

This article, which is entitled women's rights and economic responsibilities toward the family and the community, is submitted to the international conference on women's rights and responsibilities in the Islamic system due to be held, if God willing, in Tehran the capital city of Iran.

The article tackles three topics:

Women's rights in Islam, it discusses how Islam honored women and gave them all rights and eligibility.

Women's economic responsibilities toward the family which includes three points:

Women's right to alms

Women's right to inheritance

Cooperation between the couple in the home

Women's economic responsibility toward the community

which contains three topics:

Women's right to ownership

Women's right to manage

Women's work

Women's rights in Islam:

Women's right is subsumed under human rights in general based on the glorious verse in Sura Isra (70) in which God says "We have honored the children of Adam, and provided them with rides on land and in the sea. We provided for them good provisions, and we gave them greater advantages than many of our creatures".

Scholars have explained several forms of the divine honor where human are concerned, among them are:

*being God's representative on earth, God says "Recall that your Lord said to the angels, "I am placing a representative (a temporary god) on Earth." Albaqara (20)

*being created in the best image where God says "He

designed you, and designed you well. He is the One who provides you with good provisions." Ghafir (64)

*upright stature where God says "we created man in the best image" At tin (4)

*being created in the best way where God says when he speaks about the stages of creation from the beginning of creation to its consummation "We created the human being from a certain kind of mud. Subsequently, we reproduced him from a tiny drop, that is placed into a well protected repository. Then we developed the drop into a hanging (embryo), then developed the hanging (embryo) into a bite-size (fetus), then created the bite-size (fetus) into bones, then covered the bones with flesh. We thus produce a new creature. Most blessed is **GOD**, the best Creator."Al-muminun, (12, 13, 14)

reading and writing "Read, in the name of your Lord, who created" Al-Alaq (1), and "NuN, the pen, and what they (the people) write" Al-Qalam (1).

*sound logic "The Most Gracious. Teacher of the Quran. Creator of the human beings. He taught them how to

discern. "Alrahmaan, (1, 2, 3, 4,)

Human have these features in common, male or female and the verse of equality encompasses all in which God says" O people, we created you from the same male and female, and rendered you distinct peoples and tribes, that you may recognize one another. The best among you in the sight of **GOD** is the most righteous. **GOD** is Omniscient, Cognizant" Alhujarat (13). Likewise, Islamic justice gives everyone their due rights, men and women "I was commanded to judge among you equitably." Alshoora (15). "**GOD** advocates justice, charity, and regarding the relatives. And He forbids evil, vice, and transgression. He enlightens you, that you may take heed." Al-nahl (90). All these Islamic antecedents included women and men and women's rights have as their frame of reference these great and blessed antecedents of justice, honor and equality.

If we take a look at the status of women before Islam, we will see how crushed her rights were, robbed of any will and movement, and helpless. Two outlooks contributed to putting women in that position; the religious and worship

outlook and a national or racial one.

The religious outlook is represented by women in Judaism, Christianity, Buddhism and other religions whereas the national or racial one is represented in Arabs and other nations, which is clear without needing any details.

Islam came and honored women by elevating and giving them all rights, thus giving them the right niche which fits them. Islam honored women as mothers; God says when advising man on his parents "We enjoined the human being to honor his parents. His mother bore him arduously, gave birth to him arduously," AL-Ahqaf (15), He mentions human by his mother in view of what she suffered when she carried him in her womb so that he will have a soft spot for his mother more than his father. Our honorable Messenger urged the man who queried about the place of his parents and he responded by saying "your mother three times, then in the fourth time he said your father."¹

In honoring her God scolded those who felt disgusted

1- Abu Alhassan Al-Nadwi, the biographical narration of the prophet, P.300

when they had a female baby, God says: " Once those who transgressed see the retribution, it will be too late; it will not be commuted for them, nor will they be respited "AL-Nahl (85). Similarly Islam honored a woman as a sister and the honorable Messenger (PBUH) honored ALshima Alsa'adia, his foster sister, who was the daughter of Halima Alsa'adia, his foster mother, when she was a captive of Hozan which was captured by Muslim in the battle of Hanineen. When Muslims offered her in the market she told that she was their companion's foster sister but they didn't believe her, so they took her to the Messenger of God (PBUH) and when they reached him she said: "O, Messenger of God I am your foster sister. He said: how can you prove it. She said: I have a scar on my back where you bit me when I was sitting on your lap and when the Messenger of God (PBUH) identified the scar he spread his clothe on sat her on it and then he gave her the choice saying that: if you wish to stay, you would be respected and loved and if you wish I supply you to return back to your people, I would do it, she opted for the second and so the messenger of God (PBUH) supplied

her and returned her back to her people, whereupon she embraced Islam and he gave her slaves, a concubine and cattle."¹

Islam's respect and honor for a woman is manifested in the humane way the messenger of God (PBUH) treated his wives and which is beyond description beginning with his loyal and great wife Khadija the daughter of Khowilid to the mother of his son, Maria the Coptic. From Islamic point of view women are sisters to men and the Arabic word for sister is Shaghiga which means halve. The messenger of God (PBUH) says: "women are sisters to men"² which represents half of the community.

Islam put women on totally equal footing with men on all levels "Say, " Their Lord responded to them: "I never fail to reward any worker among you for any work you do, be you male or female - you are equal to one another "Ali-Imiran" (195)

If we find Islam giving men more tasks than women it is just an act of increasing men's duties and honoring women

1 - Narrated by Abu Dawood

2 - Narrated by Malik in Almota

as a token of understanding their feminine feelings and respect for their physical nature.

The above-mentioned antecedents and other Islamic ones which we didn't mention and which are indubitably many have enabled women to take on the responsibility of the family and the community as well.

Women's economic responsibility toward the family Dowry

Islam enacted marriage and made it a bond and a heavy covenant between a couple and since man gains sexual pleasure from a woman, in return for it Islam enacted dowry which is the money a man offers to a woman, therefore this money which is the dowry is a woman's exclusive right where no one shares with her. It's God's command, God says: " You shall give the women their due dowries, equitably "Sura Al-Nisa (4)" and "All other categories are permitted for you in marriage, so long as you pay them their due dowries."Sura Al-Nisa (24). The Quranic expression in Sura Al-Nahl involves several meanings; it is a dowry willingly paid to a wife by her husband, it is also a

command of God enjoined on a husband toward his wife as an act of religion and worship. Likewise there are Hadiths by the prophet stressing the necessity for a husband and his duty to pay his wife a dowry; otherwise he would be doomed to perish.

As it is the custom in some cases or in many cases that a man or a fiancé offers a woman or hi betrothed a present before the intended marriage and in general people usually find it nice to receive presents, it is a means of affection among people as some Hadiths express this fact "exchange presents to exchange love"¹ similarly that present is a wife's right to do whatever she wants with it and without having it taken away by someone else. Jurisprudential rules have discussed this present and here let me quote Al Sheikh Atafish in the book (Sharah Al nil) in which he says: " whoever gets engaged to a woman and gives her a present then breaks up with her, he doesn't have the right to take it

1- Atafish Mohammad Bin Yusuf, commentary by Alnabil, volume 6, P. 80. it is one of the most important source of jurisprudence in Alabadhi.

back because it is for her to keep"¹ and if it ends in a consummated marriage and the couple lives in happiness then the wife may give her beloved husband some of her dowry as a reward for being a good companion and for getting along with her and in order for the husband not to feel embarrassed and not to suspect anything, Islam permits her to give some of her dowry to the husband in the same way as it permits the husband to take it from her and to eat it in broad daylight without any suspicion or mortification " If they willingly forfeit anything, then you may accept it; it is rightfully yours.

"Al-Nisa (4), which proves her complete ownership of her dowry and to use it as per that ownership.

Inheritance

Inheritance is the property a deceased leaves and it means the remains of something as in the words of the prayer

1 - Alsalami, commentary of Jamia Al sahih, volume 3, P. 439. it is a commentary of Jamia Alsahih referenced to Imam Rabia Bin Habib Al Farhadi.

"make that whoever inherits from us", but how did inheritance get to women? Or how did they obtain it? And did women before Islam get inheritance from next of kin?

The occasions behind revealing inheritance-related verses and the accompanying narrations indicate that Arabs didn't let a woman inherit anything from the property of her next of kin -and we don't think the other nations did - on the basis of the argument that she didn't ride horses and carry weapons to fight the enemy which implies her weakness when it came to defending her people and her tribe, and as they said only men performed it and therefore in their view she didn't deserve to inherit anything. Some Arabs even granted the right to inheritance to old men rather than young ones, why is that? They said because they could not carry weapons to fend off the enemy when attacking their homes by which they mean these young ones were too small and protected by the old and in their view property is dependent on protection and so the protector stood in need of it.

As far as the occasions of revealing these verses are

concerned, there are some narration to the effect that the widow of Aus Thabit along with his other three girls didn't inherit anything from the property of their father and that it has his cousins, Swede and Ajrafa who got everything, whereupon the widow together with her three daughters came to the messenger of God (PBUH) to tell him and to complain about this matter.

Similarly the wife of Sa'ad Bin Rabiea came with her daughters came to the messenger of God (PBUH) to complain that their uncle, that's the uncle of Sa'ad bin Rabiea's daughters-took hold of the whole property and didn't give them anything. These two events- we don't rule out other similar events which weren't mentioned in the narrations-occasioned the revelation of the verse of inheritance. At first this verse was revealed " The men get a share of what the parents and the relatives leave behind. The women too shall get a share of what the parents and relatives leave behind. Whether it is a small or a large inheritance, (the women must get) a definite share. "Sura

AL-Nisa (7), then the other verses followed " decrees a will for the benefit of your children; the male gets twice the share of the female.* If the inheritors are only women, more than two, they get two-thirds of what is bequeathed. "Sura Al-Nisa, (11,12,13,14,).

The messenger of God (PBUH) commanded that everyone be given their dues which wasn't easy for Arabs' psychic make-up to accept at the time and made them wonder, but it hadn't been for the strength of their faith, they wouldn't have accepted it and put it in operation, thus the share of a woman according to her closeness to the deceased is as follows:

1-girls:

*a girl gets half of what her brother gets from the property "the male gets twice the share of the female."AL-Nisa (7)

*if she is alone she gets a half "If only one daughter is left, she gets one-half "Al-Nisa

*if they are two or more then they get two-third " If the inheritors are only women, more than two, they get two-thirds of what is bequeathed "AL-Nisa

2-the mother:

*one-six if her son has a boy child "If he has siblings, then the mother gets one-sixth." AL-Nisa and again if he has brothers she gets one-six.

*one-third if her son doesn't have children " If he left no children, and his parents are the only inheritors, the mother gets one-third"

3-the wife:

*one fourth if her husband didn't have children " They get one-fourth of what you leave behind, if you had no children"

*one-eighth if he had children " If you had children, they get one-eighth of what you bequeath"

4-the sister:

*there are several possibilities ranging from one-sixth to sharing in one-third and sometimes they may be a bunch of girls.

Thus, Islam granted women the right of ownership and the right to use the way they see fit. No other justice gave women this right except Islam.

Cooperation around the house:

Islam elevated the status of marriage and enveloped it with a holy bond and surrounded it with a strong fence of precautionary measures to ensure its continuity so that this heavy covenant which the wife has over the husband will remain and continue. It is beyond doubt that cooperation between the couple helps preserve this bond and strengthens it, therefore cooperation is considered one of the most crucial factors in the stability of the family which is in obedience to God's command "(Al-Ma'edah 2) You shall cooperate in matters of righteousness and piety; do not cooperate in matters that are sinful and evil." This is God's

command to all the believers including men, women, and wife and husband.

If a man finds the righteous wife who will make the house an oasis of comfort, tranquility and assurance, he will attain stability provided that the man works toward paving the way for it by providing what the house needs in terms of expenses, furniture, clothes and anything that can help the righteous wife to set up the happy house and to set the tone for a comfortable atmosphere around the house. If this cooperation or this positive interaction is in place between the couple, then affection and compassion which God made as a fruit of the happy marriage where the wife's heart will be at ease and the husband will find comfort in, will be realized. God says: "Among His proofs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other" (Al-Room 21)

It is my belief that running the house is the mainstay of economic responsibility for a woman, it is here that her economic sense shines through and where her running the affairs of the house shows, for the house is the woman's

kingdom in which she roams round cleaning up this mess or tidying up or washing that, thus she should provide a house free from untidiness, noise and negligence and she should keep it spotless and economically-tidy as well, why not? Didn't the messenger of God (PBUH) said "a woman is a governor in her husband's house"¹ however we maintain that for such a radiant, cheerful, affectionate and happy home to be realized, the couple should cooperate and they should help each other, for our master and beloved leader Mohammad (PBUH) used to help his wives with the affairs of the house and he used to mend his own clothe and shoes and milk his camel,² and his great companions and caliphs followed in his footsteps. If we study books of Islamic jurisprudence we will find a detailed description of the rights of the couple where it has been mentioned that the husband is duty-bound to provide lodging, food, clothes whereas the wife is duty-bound to maintain her husband in his money and to spend on what is sufficient without extravagance, for the righteous woman maintains her

1 - Narrated by Abdulrazagh in Almosanf

2 - Narrated by Abdulrazagh in Almosanf and Altabarani in Alwasat

husband in his money and honor is he happens to be away as was narrated in the Hadith.¹ But if the husband is stingy the wife can take what is enough for her and her children from his money. In this regard the prophet (PBUH) gave Hind the daughter of Ataba, the spouse of Abi Sufiyan Bin Harb the permission to take from her husband's money when she complained to him about Abi Sufiyan's stinginess "take what is sufficient for you and your children."²

Jurisprudents have expressed disagreement as to the duties of the wife, what is her duty? Is it her duty to serve her husband? Or this is not hers? Or it is up to her to serve him on a voluntary basis.

There are three views in this regard:

*the first view states that it isn't her duty to serve her husband rather it is out of volunteering if she wants to.

*the second view holds that it is her duty to serve her husband

*the third view says that she must her the same status as

1 - Atafish, commentary of Alnabil, volume 16, P. 416.

2 - Gohar Alnizam, a concise booklet on order and it is a compendium on Alabadi's jurisprudence.

she had in her father's house, if she served there then she must served in her husband's house.

Even though the jurists have disagreed as to the duties of the wife in the house, they have concurred as to the need for cooperation between the couple based on the command to cooperate in matters of piety and righteousness "you shall cooperate in matters of righteousness and piety"

Therefore the couple should share in running the house in terms of service, tidying, maintaining and in choosing such things as furniture etc...

Imam Nur Aldin Al salami Alomani in his book (the essence of order) put it nicely when he said on the chapter of treating spouse:

It is said it isn't her duty to serve him but it is up to her.

If we look at the biography of the predecessors you will see it is a duty.

Gone are the days when both of the couple worked.

Religion urged each one to cooperate.

It didn't distinguish what is required of them to serve in the house and what isn't required.

It didn't say it is his duty to serve her or to cook for her in order to respect her.

In the book it is a command for cooperation in righteousness and piety.

We gathered from all that it described that it was assumed as duty.

For this cooperation and togetherness to happen, there should be ways for achieving them, the most important of which is consultation and understanding because God commanded the community of believers to consult among themselves "they consult among themselves" (Alshura 38) the verse is expressed in the imperative which indicates that it is for the community including the couple. Similarly it is known that consultation, understanding and coordination resolve the causes of conflict. Being complicated and sensitive, marriage life needs understanding and consultation between the couple whether they are tied by the bond of marriage or its accompaniments of expenditure and breast-feeding; therefore God entitled the divorced couple to sit together around the negotiation table and to reach an

agreement as to continue breast-feeding their newly born with its consequences of spending " If the infant's parents mutually agree to part, after due consultation, they commit no error by doing so "Al-Baqara(233) if the wise God decided this for the separated couple, it is more appropriate to assume that he wants this for the permanent couple.

Women's economic responsibility toward the community

The right to ownership

Since ever God revealed his blessed verse "the men enjoy certain qualities, and the women enjoy certain qualities. You may implore **GOD** to shower you with His grace. **GOD** is fully aware of all things. "Al-Nisa (32), women have become worthy, recognized and independent in their right to ownership and to use it when her femininity was a reason for her being unworthy as was the case before Islam in other nations and religions. In his Book and in the words of his prophet (PBUH) God gave her a share in inheritance and property until she could inherit from her father, her brother, her son and other next of kin based on how close she is to

the deceased and she was able to possess various kinds of properties through all the right to ownership, likewise she practiced trading in selling and buying and she could give and deny her property to whoever she chooses. Sheikh Mohammad Abdu says: "God has elevated women to a degree no other previous religion or law ever did and no nation before Islam or after it ever reached it. Even the European civilization which went to extreme in honoring and respecting women by training and educating them skills and sciences is still below this degree to which Islam has elevated women, and the some of its laws still don't entitle women to spend her money without her husband's permission and other similar rights which the Islamic law has accorded women since the last thirteen and half century. Fifty years ago women in Europe were like slaves in everything as was the case in pre-Islam with the Arabs or even worse than that...these foreigners whose civilization fell short of our Islam law with respect to elevating the status of women boast to us and accuse of mistreating our women and the ignorant among them claim that the way we

are is the effect of our religion.¹ Women's right to ownership didn't exclude them from complete ownership, a thing that is borne out by real events and which bears historical evidence. In the Islam law a woman owns what is offered to her as a dowry and what she inherits and what is given to her as presents plus what she earns from business, trade and agriculture without any interference from the close and the distant alike.

Women's right to dispense with their property

If women have complete right to what she owns, is she allowed to dispense with it? Because there are some who owns a thing without having the right to dispense with it or use it such as underage, ineligible or immature, so are women unfit to dispense with it as well?

The Islamic law states that a woman is like a man in the two rights; the right to ownership and the right to dispense with it, whether the act relates to the next world and what comes as a result of it or relates to this world and its

1 - Al Bahi Alkholi, Islam and the contemporary woman, P. 25

consequences such as earning or a material right " Their Lord responded to them: "I never fail to reward any worker among you for any work you do, be you male or female - you are equal to one another " Ali-Imiran (195)

Islam has enjoined her to give alms from her money. In several instances the prophet urged women to give alms "Oh believing women give your neighbor anything even if it is a burnt hoof of a sheep"¹

Once when Zeinab, the wife of Abdullah Bin Masud heard him commanding them to give alms she asked where to put her alms because her husband and her son say they deserve it more than others for being poor and needy. The prophet (PBUH) said to her to give alms to her husband and his son.² We surmise that a woman has a right to give alms and charity and this proves her complete eligibility for ownership and for dispensing with it.

Women's work

God created this world and everything in it with his

1 - Narrated by Rabia Habib in his referenced book

2 - Said Sabigh, jurisprudence of Sunni, volume one, P. 343

omnipotence and wisdom and he also created everything in pairs for achieving complementariness, co-existence and harmony and he swore by femininity and masculinity in his creation in general and in human being in particular "And Him who created the male and the female." Sura Al leil (3) the reason why he swore by them is just to draw attention to the features of each one of them where a man has especial features and so is a woman.

For this complementariness between male and female or between a man and a woman, a woman and a man shared work inside and outside the house and this cooperation outside the house is manifested in the rural woman or let's say rural life where a woman could be seen beside men whether a husband, father, or brother in the garden, in the field, and in other fields of life and sometimes you see them in group rather than in pair when the need arises for a group of men and women to perform a task, however it is beyond doubt that this is done within a context of modesty and respect away from degeneration and vulgarity. We have experienced this rural life in Oman which is a conservative

Islamic community and I witnessed the presence of men and woman together and their presence in group while at work in farms and olive gardens or other works which necessitates cooperation among the inhabitants of the neighborhood, the locality or the village.

The question which is posed is whether the issue raised in our present era about women's work is related to rural life? Of course not, what is meant by woman's work nowadays is her leaving the house to work outside whether in the public sector as in governmental institutions and circles or the private sector as in companies, corporations and individuals.

Views regarding this issue have diverged, that's woman's work outside the house and there are three views:

-the first one supports it and even asks for more saying that a woman's work broadens her horizon and brings out the best in her and develops her personality and that her work brings about glory to the nation, because a nation's glory is in its number of man power, consequently through her work a woman can help whoever supports her or can support others.

-the second view doesn't approve of her work saying that it is at the cost of her motherhood and her feminine features or at the cost of being a mother and being a wife, likewise it isn't possible to make house work, her duty toward her husband and her raising the children mesh with her work outside the home which results in neglecting the home, husband and the children.

-the third view approves of her work taking into consideration that work per se isn't forbidden as long as it isn't sinful and as long as it isn't time-consuming, enervating and conscience-eating which can drive her away from her characteristics and the requirements of her natural mission, so she can engage in any work as long as she dresses and behaves well and she must avoid being alone with a man.¹

As far as these three views are concerned we are inclined toward the third one because it fits in with a woman's status, dignity and chastity, for the main thing is for a woman to stay and work around the house and her work outside is just

1 - Islam and the contemporary woman, see Mohammad Hussein Fadullah, Islamic reflections on women, P. 38.

a secondary thing and therefore the main shouldn't be subordinated to the secondary. When Ali Bin Abi Talib talked to the prophet (PBUH) about Fatim's work outside, he decreed for Ali to work outside and for Fatima to work inside the home.

However life has developed dramatically which brought about works outside the home that require women for performing them and for this reason women had to work outside. May be it is appropriate to conclude with the nice way the English thinker and playwright Bernard Shaw put it when he said "the kind of work which women can not do without and which can not be substituted is bearing fetus, giving birth to them, breast-feeding them and running the home for their sake. But they aren't paid for it in cash which makes some idiots forget that it is a work and so when they talk of work they mention man as being hard-working for sustenance and diligent seekers for livelihood and such descriptions which they hurl at him out of ignorance and mendacity. A woman works at home and since time immemorial her work at home has been necessary and vital for the existence and survival of the community. Whereas

millions of men engage in and waste their ages trivial works and may be the only reason men have for doing these jobs is that they support their wives who they cannot do without, despite this men are proud and they don't want to understand.¹

Conclusion

A woman's right is part of general human rights for she is in man's protection and his sister and for each one of them every right whether it is a worldly right or a right related to the next world and Islam honored a woman as a mother, sister, wife and honored her within the wide fabric of the community since she is half of it.

Islam gave women the right to ownership and the right to dispense with what she owns, she owns what is offered to her as a dowry for her marriage and she inherits from her next of kin based on how close she is to the deceased while she didn't inherit anything with the Arabs and others.

As for cooperation around the house or running the home, though it is her duty to do the household chores, the man

1- Islam and the contemporary woman, quoted from the Egyptian Alhila magazine, edition of March 1965

must help around with the responsibility of the house and must serve so as to bring about stability between the married couple, as the messenger of God (PBUH) did with his wives in his house. Furthermore, it is the duty of the husband to provide for whatever the home needs so that she in her turn can be in a position to carry out her duties toward running the home and all this should be accompanied by consultation, understanding and coordination between the married couple.

Besides giving her the right to complete ownership and the right to being worthy of it, Islam gave her the right to dispense with it, for she gives alms, Zakat and charity.

As for her work outside the home she is entitled to that based on the view we have chosen as long as it doesn't lead to committing sin and provided that work doesn't take up much of her time, energy, thought and conscience in a way as to be at the cost of her innate feminine and motherhood characteristics and it shouldn't distract her from carrying out her duty toward her husband, house work, and raising the children.

Translated by Al Tayeb Abdul Rahim

**Islam and
Development
The Role of Muslim
woman**

Alsheikh Mohammad Ali Al Taskhiri

Islam and Development

The Role of Muslim woman

In the name of God the beneficent, the compassionate
(Whoever does good whether male or female and they are believers, we shall bestow upon them a good life and we shall reward with something better than the good they did)

If we were to define social development in a general sense, we would say by social development is meant (an organized and conscious social movement towards human perfection on material and spiritual levels alike)

This definition contains such elements as:

1- The human aim as distinct from animalistic aims of blind instincts, however, the movement assumes this purpose when it is compatible with the aspirations of the human innate and its dimensions.

2-the movement of the will towards this human aim which is also distinct from the animalistic movement because the former is a movement grounded in consciousness, human will and rationality.

3-symmetry, organization and harmony which exist amidst all the spiritual and material aspects of this movement.

This is a primary condition, for any development which glosses over the element of harmony will have unnatural growth in one aspect or aspects with the stagnation of other aspects something which will result in disequilibrium in the social movement-and then-disintegration or extremism.

4-socialness in movement, that's each and every component part of the society should contribute to this movement and develop through it, meaning that the effects of this movement should be reflected in all the various elements and social constituents.

If we extend our scope to include the Islamic world, these dimensions will extend in proportion to the extension of the

Islamic world and its vast natural, human and economic potentialities etc...

Following this preface I will focus on four issues:

First: Islam and movement

Second: the role of women in the process of social development.

Third: the conventions and conferences of the United Nations with respect to the issue in question and our stance towards it.

Fourth: the role of non-governmental organizations concerning the issue in question.

1-development from the perspective of Islam

Development in myriad domains and as asserted by Islam is that which qualifies the Islamic nation as an arbiter and set it up as an example for civilization and to be worthy of the epithet (the best nation brought forth for mankind). It's noteworthy that this duty towards civilization entails exerting the utmost efforts in order to be achieved and it is

considered to be an inclusive duty whose achievement is the responsibility of the entire nation if some don't take it upon themselves to carry it out and this is a very important legislative fact.

Production development might be the only point of agreement among all the sects and the aim which should be achieved through means acceptable rather than unacceptable to Islam.

We can see this principle in the way it is implemented in Islam and its teachings whose best example is the book of Imam Ali by Mohammad Ibin Abi Bakr as it has been cited in the expectations of AlSheikh Altoosi. In this book it is mentioned that:

"O, servants of Allah, the pious have enjoyed the good now and later, they have shared the people of the world their mundane world whereas the people of the world haven't shared them their next world...they have lived this world in the best way possible and they have savored its best food, they have partaken of the best food and the best drink with

the people of the world... "1

This aim is couched in a religious context as the exalted God says:

"O you who believe don't prohibit good things that are made lawful by God and don't aggress, God doesn't like the aggressors."2

The means of production development in Islam

A-intellectual tools

Islam has encouraged development and has linked human dignity to it whereby work has become worship and he who works for his livelihood is better than the worshipper. The Messenger (PBUH) raised the hand of a poor worker and kissed it, and then he said: "seeking lawful sustenance is a duty of every Muslim man and woman"³. Islam has fought against the idea of incapacitating some of the resources of

1-Nahj Al Balagha: Sobhi Alsalih's commentary, P.383 and Alamali, volume one, P. 25

2-Al Maedeh: 87

3 -Asad Algaba, volume two, P.269; Bihar Alanwar, volume 103, P. 9

nature, Allah said: (God didn't prohibit livestock that begets certain kind of combinations of males and females, nor livestock liberated by an oath, nor livestock that begets two males in a row, nor the bull that fathers ten, it is the disbelievers that who invented such lies about God. Most of them don't understand."¹ And he said: (he is the one who put the earth at your service. Roam its corners, and eat from his provisions. To him is the final summoning)²

Islam has favored productive expenditure over consumptive one and there are lots of texts which prohibit selling real state and houses and frittering away on consumption.

B-legislative tools which consists in some Islamic rules regarding the issue in question.³

1-The land must be confiscated if it remains unused until it is ruined.

1-Al Maedeh: 103

2-Al-Mulk: 15

3-Wasayil Al Shia volume 12, P. 44

2-Islam prohibits monopoly

3-the individuals who undertake a task should not stop otherwise they would be deprived of it.

4-a guardian isn't allowed to allot to a person more than what he is capable of investing in.¹

5-earning without work is forbidden such as renting at a particular price and leasing at a much higher one.²

6-usuary is forbidden and this brings two gains to production namely:

a- it eliminates the bitter rivalry between the interests of commerce and industry. Usurers usually wait for the opportunity when businessmen are in need of money to raise the interest rate and vice versa, therefore if usury is abolished, capitalists will turn to industry and sharing based on profits.

b-this money will be used in big long-term projects. If the system of interest is legitimated, any capitalist will prefer to

1-The jurists' Memo, volume 2, P. 404

2-The essence of speech, volume 27, P. 222

invest his money in usury and will shun granting long-term loans lest he misses an increase in the rate of interest, whereas the borrowers will be compelled to invest in short-term projects in order to pay off their debts. What's more they will not engage in a project unless they make certain that they will profit from it and these are obstacles to development which lead to crises and instability of the economy. However, if the usurer turns into a merchant, he will see an interest in a project even if it has less profit and he will also realize that it is in his interest to invest the profit in business projects and in this way the economy will flourish.

7-Islam prohibits gambling and magic.

8-Islam prohibits amassing money through levying a tax on whoever amasses gold and silver and this was the basis on which the Islamic government was run (Alzakat) and which is repeated every year where one tenth of the money is taken and it goes on like this until only twenty Dinars are left, thus all money is directed for economic activity. In so

doing Islam was able to solve the problems of capitalism which stem from the aberrant capitalistic role with regard to money.

To elaborate on this we could say that money is inherently meant to be circulated because the problems of bartering which resulted from the direct exchange of products, for instance one could swap wool for wheat. This process involves problems such as providing each other with what they have, one of the product costs more than the other and evaluating the objects and that's why money emerged to constitute the general measure of value and to be general tool for circulation, but afterwards it was distorted and amassed. with the advent of money the process of exchanging wheat for wool changed into two acts of reciprocity which enabled the owner of the wool to put off buying the wool and save up the money. capitalism has encouraged saving by legitimating interest and in turn this disrupted the disequilibrium between the total demand and the total supply of commodities and consumption, whereas

this balance was in place at the age of bartering because a producer just produced what he consumed or exchanged for a commodity he would consume, in contrast to the age of money in which a producer produces to sell and save which makes for supply without demand, thus the balance is disrupted and it gets more disrupted as the desire for saving increases and it becomes a static part of the wealth. Capitalism did not realize this relationship between problems and amassing in line with the theory of disposition which states that a person who sells a commodity is not so much interested in the money per se as in selling the commodity to get another one to satisfy his need, thus the balance between demand and supply is maintained. However, this premise is related to the age of bartering rather than money, and this is the difference between Islam and capitalism, for Islam combats savings by levying high tax while capitalism encourages it by legitimating interest. Having dealt with the most important problem, Islam realized that the Islamic community does not need amassing

money to develop production and it does that through major projects by collecting major capitals from individuals-as the case in the capitalist societies-because Islam can rely on the domains of public ownership and state ownership in this regard.

9-Islam forbids frivolity which affects the serious personality negatively and prevents it from work.

10-it tries to prevent wealth concentration (thus it will not remain monopolized by the wealthy among you)¹. though this prevention is directly related to distribution, it relates to production indirectly, because when wealth is concentrated in the hands of a few, misery permeates and the masses will be incapable of consuming what satisfies their needs and products accumulate without having any outlet, thus recession prevails and production diminishes.

11-limiting business maneuvers².

12-Islam gives the ownership of money to relatives

1-Al-Hashr 7

2-Means, (Al-Wasayil) volume 12, P. 327

following the demise of the owner and this is the positive side to inheritance which is considered to be an incentive for work and it is an essential factor towards the end of one's life.

13-Islam has laid down social security which plays a role in the private sector because it gives one a sense of courage and motivates him in various production fields and creativity and without which a lot of activity would not have been possible.

14-Islam deprives the able from economic insurance and prohibits them from begging¹.

15-Islam enjoins upon all Muslims to pick up art and crafts which regulate life.

17-Islam enjoins upon Muslims to gain as much experience as possible in different spheres (prepare for them as much power as you can) and it includes everyone in charge of enabling the nation to lead the world.

18-it has enabled the state to lead all production sectors,

1-Means, (Al-Wasayil) volume 6, P. 159

because with its ownership and capability the state constitutes a guiding example for other fields.¹

19-Islam has given the state the ability to collect a big number of man power from the redundancy of the private sector and in this way every energy contributes to production movement.²

20-finally the state is entitled to oversee production and to plan for it in a centralized way so as to avoid chaos.³

The role of women in social development

Sometimes we look upon a woman as an active human being in the development process, and other times we focus on her unique features as a mother, sister, and wife and in this sense she has an advantage over men on account of the special emotional potentialities which she embraces and influential constitutional capabilities, and also on account of

1-Noon, Meem, volume 6, P. 370

2-Jawahir Alkalam, volume 27, P. 204

3-Alausol by Al-Kafi, volume one, P. 405

the unique social duties she shoulders.

If we look at her as an active human in the development process and take into account that human being is the orbit around which development revolves and if we take into account the statement that sustained development is that which brings about balanced harmony among the sum total of the elements of development plus the basic underpinnings of spiritual culture around which it orbits and realize that the constituents of the human innate are the most important and most profound in the existence of human being without which he loses his identity and turns into something whose rights, social development, fair movement and morality or even his civilized survival we can't talk about, and if we add another fact to this, namely that religion whose principles are derived from innate sources, is the most perfect form which the creator put in man in order for him to achieve his harmonious material and spiritual perfection and that religion alone can give this movement stability in its identity and its character, a sense of security, a gushing hope

for the future and it can solve the major social problems such as resolve the constant conflict between self-love and working for the good of the society which entails sacrificing the self, and resolve the contradiction between the directions of atheism and extreme faith with respect to matters of relativity or the so-called disbelief), if we take into account all of these major facts, we will realize that woman is the orbit around which development revolves and she is its lynchpin. any development process cannot be true to itself and its claims unless it develops the human and innate sense in women, give them their natural and human status, eliminates all distinction between man and woman on a human level and grant them the equal human role in this context, then it falls back on this good human potential for the good of all and in the best way.

We should not forget to refer to the fact that when stability is firmly established in a woman and she has a sense of security coupled with hope for the future in her existence, she will lend a great force to the entire social

movement and she will furbish it with all the constituents of a good movement.

Woman and her role with respect to her features:

If we focus on the features of women which make them distinct from men, we will realize that their features don't detract from their human value; on the contrary they render them more valuable. Women leave professional imprint in the home, that's there is natural division decreed by the providential mercy between the duty of women and men in the process of social as well as individual development.

There is no doubt that women as wives and mothers have different roles from men as husbands and fathers, it is just that these two roles complement each other in such a way that life can not make do without these two roles anymore than it is possible to replace one with the other.

Having said this we can say that women have a big effect on the development process as well and no matter how many causes of development there are and it includes

(proactive and teleological causes, form-oriented causes and material causes), the manifestations of the role of women remains pronounced in this sphere.

We can cite some examples of the enormous effects which women have such as:

1-providing a sound familial environment and in doing so-if it succeeds in it- it can lay the cornerstone for a wholesome, robust and courageous human society which aspires for the future.

Without this the society will remain emotionally torn, morally shaky where crime and indolence mushroom and which gradually loses its creative quality.

The good wife and the good mother are the bedrock on which the good family life rests and in turn this acts as a foundation for the good society as the Islamic texts assert.

2-providing the right atmosphere for raising a strong active generation.

We said that the good man is the crux of development and he is in constant need of education which can help him

realize his potentials and bring out the elements of his self, and these two don't happen in a vacuum and randomly but they need education and an appropriate educational environment.

It is beyond doubt that women greatly influence the human elements and behind every great man there is a woman-as they say-actually our long history abounds with great women.

3-setting the stage for an environment in which passionate devotees can develop through women natural disposition, to fill the necessary human need on one hand and to provide him with the necessary condition for devotion with a view to overcoming obstacles and creating sustained social development on the other.

A society which is devoid of this emotional and devotional state is stagnant and any immobile environment may make progress in some materialistic domains but it will lack the necessary human purity, and then it will lose the ability to create balanced development.

Hence it becomes clear that women have a big role in providing a decent family environment. The family with its configurations in the classical sense and its recognition by all societies and religions constitutes a cornerstone for the development process.

Similarly it becomes clear any blow dealt to the role of women in the above-mentioned family edifice and any depreciation of the importance of the sacred family bond or attempting to set forth new concepts and claiming modern evidence for it, or finding an ostensible alternative for it, these attempts have grave negative effects on the future of humanity at large, and deprives it of the desired development movement, in fact it is an obvious conspiracy against all human existence even if it is camouflaged as an international service for the development process.

In this regard we see that Islam engaged women in the development process to a great extent.

The Muslim woman and global challenges

Today we witness an unrelenting movement, scientific

conferences and symposiums, and comprehensive studies conducted here and there. All these challenges to face the twenty first century and its various challenges.

Countries together with their numerous institutions, international organizations and even private corporations and business and media projects are today engaged in evaluating their situation in the twentieth in order to set out for the coming century, and may the whole thing goes beyond the centennial state to reach to the millennium and right now we are at the threshold of the third millennium and if states don't appraise their progress in terms of millennium, certainly humanity should evaluate its millennium course in terms of civilization.

It is rather unfortunate that humanity isn't at the level of millennium evaluation and no study has been conducted to discuss the features of the second millennium and its events so as to move on to the challenges of the third millennium and how to face them. And the U.N hasn't thought about this task as if humanity and its united nations found itself

incapable of carrying out this enormous task on account of the rapidity of change and its diversity and the turning of standards and concepts upside down. Even human growth which too 123 years to move from the first milliard to the second, took just 11 years to move from the fifth to sixth milliard and figures with their known finitude aren't enough to calculate the extent of financial transformations, for instance figures talk about exchange of hard currencies and their speculation at the level of one thousand five hundred dollars a day, something which lays bare the economies of countries to the greed even if it were the like of the powerful Asian tigers, and even the advanced technology of computer which regulates the movement of airplanes, missiles, industries and commerce has been exposed to manipulation through the power of viruses that wipe away all the power of computer and play with its abilities. Hence, the world stands helpless in the face of evaluating its second millennium let alone its ability to plan to face the third millennium and to step into it wisely and firmly and with a far-sighted view.

The stance of the glorious Quran

The truth which becomes clearer everyday is the weakness and helplessness of human no matter how powerful he/she gets before his great creator for whom millenniums are diminished into days.

"verily a day for your lord is like a thousand years by your reckoning"¹

"in a day which was tantamount to fifty thousand years"²

All human age turns into one hour at noon

"When they see what they were promised as if they didn't last one hour at noon"³

Thus, human feels the need for a cosmic outlook that goes beyond millenniums of history.

Quran analyses history in terms of two lines:

The line of human representative : "then he made of you

1-Al-Hajj:22

2-Al-Mearaj: 70

3 -Al-Ehgag: 46

representatives on earth" and the line of providential interference to guide human and this is the line of testimony "thus we made of you an intermediary nation so as to bear testimony to people and so that the messenger shall bear testimony to you" the messenger bears testimony to the Islamic nation and the Islamic nation bears testimony to the course of human civilization with a view to meeting the requirements of representing God. Quran attribute the ordeals of history to two things:

Atheism or disbelief in any value, infidelity which is a belief in fallacious Gods that changed from relatives into absolutes ""You do not worship beside Him except innovations that you have made up, you and your parents; **GOD** has never authorized such idols"¹ and therein lies the role of the prophets to resolve these two problems. God says: "we sent a prophet from each nation to worship God and avoid the devil", thus eliminating the two problems. Therefore, as Muslims we must go back to our glorious

1-Yusuf: 40

Quran if we are to evaluate the movement in such a way as to be able to assimilate history and to get ready for a movement capable of assimilating the subsequent millenniums.

Now let's turn to the challenges faced the Muslim woman today and which can be categorized as follows:

1-social and family challenges

Needless to prove today we see a universal plot to do away with women's family role through the call for emancipation, progress and the need to redefine the family and its social role, and to change the kind of relationship between a man and a woman within the context of the family into what they perceive it to be equality in everything and on the basis of the mathematical and material standard irrespective of other consideration as if equality is the most supreme value with which no other value clashes...even when we proposed to set fair limits to it in international conferences, the conspirators would reject it out of hand and they would see it as a pretext for oppressing women in the name of justice.

But the Quranic truth affirms the following:

First: the family edifice as is commonly perceived by religions and communities is the lynchpin of social structure and it isn't possible to conceive of establishing a human society without thinking of the mainstay of the family with which human movement was set in motion and through which it will keep going and on the basis of which social legislations and an organized system emerge, thus the society must maintain it and develop it and to meet every instinctual satisfaction through it:

" He is the One who created from water a human being, then made him reproduce through marriage and mating. Your Lord is Omnipotent."¹

"Among His proofs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other"²

Secondly: a woman constitutes a cornerstone of the

1-Al-Forgan:54

2-Al-Room: 54

family structure. Heaven lies under the feet of women and they must play the biggest emotional part in raising the children and to turn the home into a heaven for her husband and children; a heaven of compassion, tranquility and purity.

Thirdly: responsibilities must be allotted to family members based on human justice and the human role must be assigned in accordance with religious vision and values in line with the totality of the Islamic social theory. These responsibilities are sometimes economic and education at other times and thirdly a leadership one. Therefore, the Muslim woman must always and at every age restore and develop family values and must put them before any other value so that she can lay the ground for sustained human development.

Cultural challenges

In view of the comprehensive definition of culture which denotes scientific, moral and intellectual refining and by

observing the feminine nature of a woman and her potential in the human realm, a woman as a human being is capable of achieving perfection along the line of nature and filling the social atmosphere with the emotion of faith, piety and chastity, it is even transferred to the conscience through mental faith and to the entire human existence thus fulfilling what God says " Is it not time for those who believed to open up their hearts for **GOD's** message, and the truth that is revealed herein? They should not be like the followers of previous scriptures whose hearts became hardened with time and, consequently, many of them turned wicked"¹ women have great influence on the cultural domain.

On the other hand, a woman has this other power to deviate from the line of nature and to lead the society astray from the path of nature and into the line of corruption and disintegration.

For this reasons the greedy enemies of the nation put her in their minds to rob her of her steadfast personality and to

¹-Al-Hadid: 57

use her for achieving their evil intentions, as we have clearly seen it in the present century. Therefore, the Muslim woman must get ready for her scientific, intellectual and moral perfection whereby she can positively influence all social movement so as to set it up as an example to be followed (God has cited for the believers the example of Pharos's wife who said: Oh Lord build me a house in heaven and save me from Pharos and his deed" thus by melting in divine love and by getting rid of the being of Pharos and seeking providential protection, this pure woman set herself up as an example for believers throughout history.

Also we see how Quran emphasizes the equality of the two sexes in the process of perfection, in many instances God says:

"I shall not lose sight of your deeds whether a male or female"¹

"he who does righteous whether a male or female while

1-Al-Emiran: 3

they are believing, shall enter heaven"¹

" The day will come when you see the believing men and women with their lights radiating ahead of them and to their right"²

" The submitting men, the submitting women, the believing men, the believing women, the obedient men, the obedient women, the truthful men, the truthful women, the steadfast men, the steadfast women, the reverent men, the reverent women, the charitable men, the charitable women, the fasting men, the fasting women, the chaste men, the chaste women, and the men who commemorate **GOD** frequently, and the commemorating women; **GOD** has prepared for them forgiveness and a great recompense."³

This kind of insistence and repetition is an act of acknowledging the fact of equality through the path of human perfection and is an act of abolishing any human

1-Al-Nesa: 4

2-Al-Hadid:57

3-Al-Ahzab

discrimination between men and women and is also an emphasis on their shared roles in the development process. The Muslim woman is called upon to take on her appropriate cultural role and to enrich the Islamic thought to make fit to build a rising nation.

3-social, political and economic challenges:

Despite the abilities possessed by women throughout history with respect to political and economic fields-Quran tells us of some of them explaining their lessons- women until a recent time have remained on a global level deprived of human social rights on account of especial circumstances and unfortunately they have remained deprived even within the Islamic domination even though Islam has given them their complete economic rights and has entrusted them as it has entrusted men with mutual authority.

"The believing men and the believing women support each other", "their affairs are a matter of consultation among them"

And women together with their brothers men have

shouldered the responsibility of being human representative since the beginning of Adam and Eve, but women didn't get involved with political decisions due to some inherited conditions and probably due to imperfect reasoning in our opinion.

Today she must make use of her natural right to participate in building the society politically and economically provided this doesn't clash with her other social functions and it doesn't bruise social chastity.

Today the Islamic nation is deprived of lots of women potentials which can build a fantastic future, therefore women must face the challenge of political and economic exclusion and to fully and actively get involved so as to should their responsibility before they can claim their legitimate rights.

What prevents the intellectual Muslim woman from contributing to the process of decision-making, and what prevents her from shaping the economic market and from pushing production forward?

Our Islamic history is fraught with women who made history and it is enough pride for women that they contributed to providing the right environment for the mission to take off from Mecca and if it hadn't been for women, the seed of Islam wouldn't have grown and developed.

Quran tells us about Bilghis, the queen of Saba, and her wisdom, her consolation and her wise decision. And women played a pioneering role in bringing about a great political change in Iran, so the Muslim woman must contribute to building the social, political, and economic edifice of the society side by side with their brethren men and to bear the burden of mutual authority to achieve the purpose of being human representative.

The global challenge

Global responsibility is a necessity and the glorious Quran has paid attention to poor and oppressed since its great start and has shifted the focus of Muslims to the earth

even when Muslims were very weak and it has considered its mission international "make certain that the unbelievers shall look askance at when they hear Quran and they shall be demented while it's a Quran for the world" it addresses human as someone responsible for the entire human fabric.

However, the creation of international institutions is recent and perhaps it was dictated by a colonial necessity to maintain the balance of power or to trade in global opinion or even to deprive the poor of wealth as is shown by the terms which justify the international declaration of human rights.

We still witness how the superpowers take advantage of international conventions to impose their own wills on nations and to derive their legitimacy from them and to raise their glittering slogans.

What concerns us in this issue is that they have started to take advantage of women's stolen rights and the oppression against them in order to impose their loose concepts and low morality on all nations and especially the nations of the third

world believing that they are enforcing international resolutions which are made by the use of their economic powers and international clout with a view to achieving many of their anti-human goals such as changing the definition of the family and giving way to what is called sexual freedom, and to generalize what is termed youth sexual rights, similarly to open the door for permissive sexual education and so on and so forth.

Herein the Muslim woman, through her personal or organized efforts in the form of civil non-governmental, regional, or international organizations, is called upon to stand up to this devastating movement and to use it in a positive way for defending women's rights and for declaring their status to bring about the appropriate environment for their activities in building civilization movement.

Thus, the Muslim woman has a human responsibility towards standing in the face of their exploitation and towards channeling international efforts in the direction of building a civilized social human edifice.

3-the international attempts in the field of social development:

It is unquestionable that the process of development has been greatly influenced by the activities of the United Nations and especially over the last years, and international conferences have been held on different levels with respect to it such as the conference of Bucharest in 1974, the conference of Mexico City in 1984, Cairo conference in 1994, Copenhagen in 1995 and other international conventions, notably the ones held on studying women's rights, particularly Nairobi and Beijing conferences. The focus was on the role of family in the development process which is noticed in all international societies.

However, we notice that all the proposed drafts have been organized in such a way as to push it away from balanced movement, and make it forget the role of religion in life, and overlook the spiritual elements in this regard. In fact it paves the way for its being used as a commodity and a game to undermine the society and disintegrate family bonds and

to give way to the fatal abortion processes.

Cairo proposed draft to the conference on population and development was the huge bomb which brought the situation to the fore. The faithful saw in it an obvious colonial plot against all sacred human values, because it sought to disintegrate family ties and put forward various concepts of family and pave the way for relationship outside the context of the family. I attended this conference as the head of the Islamic Iranian delegation in the hope of having a positive influence on the draft and we did it, despite the lack of any coordination among the stances adopted by the Islamic countries some of which boycotted the conference and despite the pressure exercised by the antagonistic power of the west to Islam, we were able to form a powerful Islamic group which collaborated with the religious Christian group and together we were able to change tenth of the terms and stances in the draft such as eliminating terms like (sexual right) and (non-marital relations) and eliminating the element of coercion in the draft, similarly

amending the article which allows abortion and so on and so forth. Also I gave a speech to the international community in which I emphasized the following facts:

Firstly: if we are to regulate the population movement within the context of the desired development, before anything else we need to view man in terms of all his material and spiritual dimensions in order for our plan to be consistent with the human innate and his place in the cosmos. In this respect we believe that this social problem does not lie in the fact that the natural resources don't keep up with and respond to population growth, actually it results from lack of good investment of these potentials and the unfair patterns of its distribution. After enumerating the abundant divine bounties, the glorious Quran says: (God gave you whatever you asked of him and you cannot count the bounties of God for they are countless, human being is ingrate)¹

Secondly: when we observe the human reality throughout

1-Ibrahim/38

history and look at what has been dictated by the divine rules in its social theories we realize that they emphasize the fact that the entity of the family makes up the cornerstone of the social edifice, and that any movement which undermines its solid foundations or sets forth an alternative for it, will be dealing a big blow to the original human movement. But certainly this doesn't mean that we don't resort to regulating this entity through legitimate means, for this is part of his wisdom and guidance.

Thirdly: since women make up half of the human community, they play a fundamental role in molding the socio-political edifice and definitely she should play her part in full confidence without degrading her dignity or belittling her human capabilities.

Fourthly: any realistic plan for sustainable development cannot ignore the role of religious and moral values in setting up solid bases for development and balanced gratification of human needs because human is the crux of development. Therefore, emphasis should be placed on

these values so as to be bolstered and to jettison whatever is against them.

Fifthly: the principle of equality in making use of the natural bounties which are gift from God calls upon all of us to work towards bridging the gap among standards of living and on a high level. This puts an enormous burden on the rich countries in order for this great goal to be achieved and from which they cannot shirk if they want to attain the desired human camaraderie.

Sixthly: human rights as laid down in the international conventions and other ones such as the Islamic convention should be carefully abided by. However, it should be emphasized that no country or group is entitled to impose its understanding of human rights on other countries and to try to make mockery of cultural and religious elements of other countries on the pretext of its own understanding. Acceptable and common definitions should be arrived at and through which truth can be determined without any imposition, and the conventions should be grounded in

insight and rigor to prevent its easy manipulation.

As for the fourth Beijing conference for women, though it declared its aim as empowering women and engaging her in the development process by raising the slogan of (equality, development and peace), it consummated the destructive message of Cairo conference, and actually it did away with the reforms we proposed there, and once more it emphasized what it termed sexual rights which in fact is just an attempt to destroy family ties and to eliminate the development process.

The positive side

The emphasis on the necessity for paying attention to women and the need for having intact pregnancy is in itself a good thing and should be attended to in light of the fact that every year:

- 585.000 women die of side effects of pregnancy
- 200.000 women die of wrong use of contraceptives.
- 120 to 150 million women don't get these contraceptives

if they want to.

- 75 million women carry an unwanted pregnancy

- 45 million out of every 175 million pregnant women abort.

- 70.000 women suffer from risky abortion and a number of unknown side effects of abortion.

- one million women die of inflammation of sex organs.

- 333 million cases of contagious diseases as a result of VD and in many countries there are around 60% of women who carry communicable venereal diseases and who are prone to susceptible to different diseases.

- in 1996 three million were afflicted with AIDS and the number rose to 40 million.

- According to statistics 60 million girls were neglected as a result of preferring male to female.

- every year two million girls are sold to the prostitution market.

- 600 million women suffer from illiteracy while 320 million men suffer from it.

Such figures¹ show the urgency of paying especial attention to this issue. In fact securing this aspect means respecting the right to life which Islam has greatly emphasizes and now we take a look at what appeared in Cairo convention: article four:

"Strengthening equality and sex justice, empowering women, eliminating patterns of violence against their rights and their enjoying the right to regulate their pregnancy are elementary bases for development and population control and we consider this to be a completely positive and right thing".

The Islamic republic has attempted to implement the positive sides of it; furthermore it previously took steps to empowering women to get back their natural rights and to actively contribute to building socio-political and economic edifice and so on.

Below are some of the programs which it implemented to

1-Refer to the article of Dr. Malik Afdali in the Iranian magazine (family health), issue No.14, fourth year.

enhance the family and the health of women and children:

1-health care for delivery and the implementation of various health programs as a result mortality rate dropped from 90 thousands in 1978 to 28 thousands.

2-carrying out non-compulsory social programs to organize reproduction in order change the growth rate of the population from 2.3% to 1.4% in ten years.

3-incorporating family planning services into the country's health care.

4-encouraging the nation to embrace illiteracy and learning so that 70% of 15-year olds and above can take advantage of reading and writing.

In 1998 the United Nation awarded the Islamic republic of Iran a prize for family planning¹. not to mention the program for empowering women to participate in different media, political, social, parliamentary and civil domains etc...

1-Ibid issue No. 13

4-the role of popular organization in achieving the international objectives:

Humanity has made long strides in creating an all-inclusive international organization so as to solve its problems and bring about understanding among its members and to try to arrive at international proposals which have positive effects on an international level.

Thus, the United Nation was founded as the largest international organization in terms of its sub-organization in different fields such as cultural, economic, health, commercial and etc...

And on a smaller scale the nonalignment movement was established, and Islamic conference organization was set up within the context of the Islamic world.

There are other major international conventions and organizations which play a big part in the movement. However, most international organizations have grave negative points which militate against achieving their human objectives and we can refer to the following:

1-the resolutions of these organizations at best attain the interests of governments and their orientations while there is no guarantee that they achieve the goals of the masses. Actually they just attain the interests of power which controls the organizations, if we don't say that they just achieve the interests of the uni-polar power which controls them today.

2-the status quo of these organization that more often than not they come under the influence of orientations hostile to humanity such as Zionism, material atheism and etc...something which plays havoc with the movement of humanity.

3-when we reflect on the resolutions of these organizations we realize that sometimes these organizations are based on false gratification of the aspirations of the masses and that these are just empty slogans. We can observe this in resolutions such as human rights, fighting racism, defending women's rights, planning social development and etc...in this regard we find that they have

numerous standards depending on what the shallow interests dictate while the real resolutions remain just on paper unless they fit in with the interests of the superpower and such contradictions.

Here we can find big room for establishing non-governmental organizations to participate in international conventions with a view to exercising pressure on the concerned authority to adopt resolution more in line with the desired goals.

The participation of these organizations can have positive impact in a number of ways such as:

1-since these organizations are closely in touch with the reality of the social problems, they better understand the necessary solutions on the level of the masses. Consequently, they can bring the resolutions closer to these objectives. Similarly it can reach out to all the strata of the civil society.

2-since these non-governmental organizations have leeway in terms of their analysis and they are unfettered by

official restrictions, they can arrive at a realistic solution which they can present it before international conventions.

3-the presence of these organizations constitute a good link with the masses and may constitute an international public opinion against which authorities can do nothing except responding to their demands, thus this gives them public spirit and make them take more realistic measures in terms of realizing social justice, fair distribution and respect for the environment.

4-these organizations contribute to organizing the relation between development and the state, for they homogenize potentials and complete activities in relation to health, charity, recreation, profession and etc, then they are intermediary social structures¹.

5-they also secure an organized environment for the non-profitable and voluntary human work at very little cost.

6-they develop hand in hand with their counterparts in different countries to form an international current for discussing different issues.

1- Globalization and the state (Gasam Monir, Akram Mohammad) P. 196

Conclusion

In light of what has been mentioned we conclude the following facts:

1-social development is a human process unbounded by limits of sex, geography or material ones, and women in the Islamic concept is an essential element in this movement without whom the process will remain stunted and passive.

2-the world has belatedly realized this fact whereas Islam has preceded it in this matter by ten centuries when it considered women on equal footing with men with respect to social governance and granted her everything that enabled her to participate in the political, economic and social decisions.

3-governments and authorities have a big role in achieving these modes of participation but in itself this won't obtain the desired result unless the popular organizations take their place in pushing this process forward.

4-the Islamic conference organizations fell short of its

expectations in not fitting with the Islamic concept of women, and it did not accord her the basic desired role, thus, unfortunately they haven't lived up to the Islamic pioneering nature, and therefore, they ought to catch up with this harmony.

In fact the resolution of the eighth summit in Tehran constitutes a new experience in this regard. But I think it still does not cope with the international development in this field.

Here I would say that we shouldn't forget the challenges we face at the turn of the twenty first century on political, economic and social levels plus the challenges of globalizations, cultural hegemony, the small village in terms of media, the high-sounding slogans behind which the enemies of the sound human relations hide and down to the challenges of our secondary rules in order to be developed in accordance with their purposes.

Hence, we should be creative in all fields, for instance sports, we cannot let women stay physically lazy and

unhealthy, and so we should come up with the right ways which are characterized by chastity and the delicate Islamic manner to be presented as an alternative to the internationally recognized ways which contradict our values and customs. This is just one example of the necessity for development and change in all spheres. Similarly on the political level we shouldn't forget the active role played by women in the political decision-making process, something which is lacking in some of our Islamic region, in fact we find that some bigoted segments force women to stay cooped up in the house and away from education instead of participating in the economic life and this attitude is based on superficial rules and changeable texts that are alien to the spirit of Islam.

Certainly we feel the need not for writing our cultural strategies for all the fields and not for agreeing with a official regulation of human right according to the notion of Islam and not for propaganda or social strategy for our Islamic world, for all of them have been written down after

long deliberation, actually are almost clear to whoever is aware of the Islamic directives, but we do feel the need for a well-integrated and well-organized work on the level of the Islamic world and based on the agreed strategies whether at international Islamic conferences such as the sixth summit in Dakar or the eighteenth conferences of foreign ministers in Cairo and etc...

It is rather unfortunate to say that the Islamic world on the level of the Islamic conference organization hasn't agreed yet on the practical form of the implementation even though there is an implementation plan here or there.

I assert that the Islamic nation has especial features which determine its identity and delineate its Quranic hallmarks such as: the divine quality and the fact of belonging to Allah both in belief and in religion, also the moral and human quality which exudes all traits of the Islamic morality and which is devoid of all immoral and corrupt patterns in which the human instincts play their role to dwarf it. This nation can not be proud of ascribing to Islam unless it implements

the sublime Islamic image and bases its relations on Islamic standards and protects its masses through the necessary awareness and actually instills it including women in women who constitute a big percentage and instills great motivations for confronting the above challenge.

The Islamic revival is our destiny otherwise these challenges would overwhelm us and eliminate our traits.

This is where the scholars fit to play the role of the heirs of the prophets.

In conclusion I would like to reiterate that we are compelled to admit that the Muslim woman doesn't play her necessary role in the development process on the realistic and practical level therefore we need a comprehensive plan based on the following:

First: to raise an all-inclusive awareness among Muslims women and men of women's rights and their role in the development process.

Secondly: to provide fair and reasonable equality between men and women with respect to development opportunities

such as job opportunity, planning, management, wealth management, administrative, political and cultural participation and so on and so forth.

Thirdly: to focus on education and professional promotion among women.

Fourthly: to create non-governmental women's organizations and to strongly support them.

Fifthly: to solve the problem of domestic foreign immigration by tackling its causes and by understanding its effects because the majority of the immigrants are women of course for different reasons.

Sixthly: to provide constructive solutions for social problems from which women suffer and to work on changing the social attitude toward women.

Seventhly: to work on strengthening the physical health of women and to rid her of weakness and diseases and to encourage the appropriate physical education without manipulation and degeneration.

**Unifying the Islamic stance towards
(Convention on the elimination of all forms of
discrimination against women)**

Preface

This convention, which was signed by the U.N on the third of September 1979, is one of the most controversial international conventions. Perhaps, it is considered an act of crowning the feminist movement which was set in motion in late nineteenth century and early twentieth century in the west with the purpose of restoring women's rights.

The truth is that since the beginning of what is called renaissance (from the middle of 17th century the 18th century) and since the spread of scientific rational spirit western man/woman has tried to keep a distance from religion and the physical orientations of philosophers like Francis Beckin, Thomas Hobos, John Locke, David Hume, and George Berkley, and the rational orientations of philosophers like Reine, Deckard, Spinoza, and Winston

played a role in this change. These two orientations, imperialism and rationalism, focused on humanism and rejected the divine notion and so western man indulged in self-glorification. And when he got hold of industrial power he gradually began to think of himself as master of the universe and started to export his culture to the entire earth in order to take control of it believing this to be the source of human happiness, and slogans evolved until the idea of new world order and the global village was put forward and international organizations were set up and totalitarian laws were made in various dimensions. Some tasks were delegated to these organizations while keeping western security blanket on them.

These organizations were given international legitimacy in order to be able to interfere with different affairs such as social affairs.

We can see this convention as a glaring example of imposing western cultural hegemony on other cultures, though we don't deny its advantages.

Overview of the convention

The convention is made up of a relatively detailed preamble dealing with the faith of the United Nations' convention in basic human rights among which are equality between men and women in status and value and it deals with the fact that the universal declaration of human rights rejects any discrimination between them and it expresses its concern over the continuity of discrimination which prevents women from contributing to the development process in various fields and it also prevents happiness of the society and family from being attained. It also expresses its concern over the fact that women, who live in poverty, don't have the lowest standard of nutrition, health, treatment, education, job opportunities and other things. It affirms that the new world order which is based on justice and fairness plays a significant role in achieving equality between them and this depends on elimination of discrimination (Apartheid), colonization in all its forms, violence, occupation, and interference with domestic affairs.

Likewise it affirms that the rule of global peace, elimination of tension, cooperation among countries regardless of their systems, and total disarmament of weapons especially nuclear will contribute to achieving the goal and it points out the essential role of women in attaining social welfare and development whose dimensions are still unknown, and the importance of motherhood and the role of the parents in the family and in raising the children and in sharing the responsibility.

Following this preamble thirty articles are mentioned in six sections which in sum emphasize the following:

1-defining discrimination as the elimination of any distinction on the basis of sex

2-condemning all countries for discrimination in all its forms, incorporating this into their constitutions and secondary laws, punishing it, protecting women's right against discrimination and avoiding any discriminatory act and such things.

3-countries must pledge to let women enjoy all human

rights.

4-reforming social patterns of the behavior of the two sexes which are based on the superiority of the one over the other, and the confidence in sound family education that understands the role of motherhood as a social duty and that recognizes the shared social responsibility towards raising the children and fulfilling their interests.

5-involving women in political life such as election, referendum, appointments and drawing policies and participating in social institutions and international activities

6-granting women the right to citizenship, changing their nationality, choosing spouse as well as children

7-granting women equal rights with men in education on all its levels and encouraging co-education and the right to equally benefit from scholarships, post-graduate programs, and physical education and so on.

8-granting women equal job opportunities in all its kinds.

9-granting women the chance for medical protection and especially during pregnancy, childbirth, breast-feeding and

the subsequent stages

10-granting women equal rights in all social affairs such as benefiting from pension rights, social loans, and recreational, sport, and cultural activities

11-focusing on rural women and solving their problems

12-granting women their family rights in marriage contract, choice of spouse, divorce, number of children, custody, adoption and in choosing family name, specialization, work, ownership, earning, management, and preventing the children from getting married

14-setting up a committee for the implementation of the convention

The convention's clash points with Islamic law and the stance towards joining it

The studies conducted about this convention range from the narrow to the broad according to the usage of terms and their interpretations. In consequence the stances towards joining it vary among the sum total of the Islamic countries

and even non-Islamic ones.

The three stances below are the most important:

First: not to join the convention and not to take part in its international conventions at all

Second: to join it without reservation

Third: to join it with some reservation about whatever that isn't in line with Islam and to try to change it in order to fit the Islamic vision

The first theory was accused of isolationism and of not making use of the advantages and standing against international convention while the overwhelming majority joined the convention with the exception of few hesitant countries.

The second was rightly accused of flagrant submission to achieve crooked goals.

The third was accused of deceiving itself, and that it won't be able to get what it wants in the face of this international gathering and that the convention itself rejects an reservation inconsistent with its spirit.

Then we need to explain the stance in an objective spirit;
so we say:

The perceived points of clash are summed up as follows:

1-article 1 and 15 clash with Islamic Hijab (veil)

2-article 10 is incompatible with the rules of looking at
anyone who isn't a near relative.

3-article 1 and 15 clash with rules of testimony, blood
money, and the permission of the father for marriage,
Islamic penalties, inheritance rules, governance and
spending of the husband.

4-article 1 and 16 are in discord with the rules of difference
between the boy and the girl in terms of puberty, marriage
of a Muslim woman to a non-Muslim and the permission of
the father.

5-article 16 doesn't accord with the rules of marrying the
near relatives and sister-in law, adultery rules, divorce,
wife's duties, polygamy, nullification defects, menstruation
periods after divorce, custody, abortion and such things.

Again we say that some of these points of clash stem

from the generality of terms and we may disagree with some of the mentioned clashes but the indisputable truth remains that there is a discord between the basis of the idea and the generalization of some articles and even some texts and the rules of the Islamic law.

But we cannot deny the positive ideas in it and which undoubtedly will have positive consequences as far as the status of women in our Islamic world is concerned.

The chosen stance

In light of what has been mentioned above we believe that the third stance is the closest to the right one, though in the Islamic republic we haven't decided that yet. There is a wide-ranging opposition to the convention on the part of scholars, women's associations and other. We prefer to actively and positively join the convention while expressing the following reservation:

First: we express reservation about article 1 as follows:

A-in view of the fact that there is a natural difference between men and women and which naturally leads to

difference in social responsibilities, then the proportionate difference in addition to that doesn't count as rejected one.

b-when trying to study rights in every system we should observe the general proportion between these rights and duties within the context of the social theory of that system.

c-the above two points should be generalized to all the convention.

Article seven (item b): we don't see the need to abide by the issue of judiciary verdict on the part of a woman even if she has the right to work in other judicial affairs.

Article nine: we express reservation about it because it contravenes domestic laws.

Articles 15 and 16: we express reservation about them in details

Article 29: reservation is expressed with respect to item A which relates to adjudication.

In conclusion we think:

First: Islam has made the family a lynchpin of the Islamic society and many of its rules are based on this foundation.

Secondly: the present status of women in our Islamic

community is greatly influenced by some western habits on one hand and traditions which are foreign to Islam on the other.

Thirdly: we should plan more harmonious relationships between men and women far from any excess or inattention.

Fourthly: we should correct the way the west looks at the Muslim woman through comprehensive awareness-raising propaganda and through giving the Muslim woman her legitimate rights.

Fifthly: we approve of interacting with the above-mentioned convention in a positive way without isolationism or submission

Sixthly: we call for exchanging experiences among Islamic countries in order to arrive at better solutions to woman's status, as for the topic of detailed rights and duties needs another scope.

Translated by: Anas Al-tayeb Abdulrahim

**Multidimensional
Personality of Hazrat
Fatima Zahra (sa) – A
Model for Women to fulfill
responsibilities in an Islamic
Society**

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Women can play many roles in a society. In an Islamic Society, women can fulfill several individual and collective responsibilities in different spheres and under different conditions. However, many of these roles and responsibilities are not set mandatory by the teachings of Islam and these often reflect personal effort, attributes and talent on the part of a woman. Setting this as a prelude, one can investigate and analyze different roles played by Muslim women during various periods of history after the advent of Islam. Today's modern technology with all its sophisticated tools available for the acquisition of knowledge, making the life easier and high speed

communication cannot be compared with the life and times of Prophet of Islam (a) and those who lived with him at that time with harsh physical and socio-political environment in Arabia. One can easily appreciate that performing various intellectual pursuits such as seeking knowledge, imparting education and training, communication, even living a normal life was in no way comparable with today. Added to this was the time of conflict prevalent in the Arabia due to the advent of Islam with wars and social upheaval resulting from the opposition of the *mushrikin*, the Jews and the opponents of Islam. In such a society, where women were considered lower than males or rather even not considered as human and with the beginning of Islam as a new socio-religico-political order or rather as a new overall system struggling to give back to women, their divinely ordained status of womanhood and their rights, Muslim women in that time were additionally over burdened and overwhelmed by the old pagan (*jahiliyyah*) thinking prevalent among the minds. They were, at that time under enormous

additional confrontation and psychological pressure to perform their model Islamic role. The hostile environment then, with all its aggressiveness is in no way comparable to any other time in the history after *sadr-e Islam*. Thus, women who really stood for the Islamic values and performed their role and responsibilities in the time of beginning of Islam or *sadr-e-Islam*, can be considered as the role model for the women that came later, even today. This is not an assumption; rather, it is based on observation of the historic phenomenon of Islam in the society of Arabia with all the opposition, aggression, oppression, misery, migration and battles that resulted in the time of Prophet of Islam (s). The Muslims, in particular women, were under a lot of physical, mental and psychological pressure.

At this point, let us briefly overview the difference between male and female from various aspects in the light of modern medical research. Females are physically weaker and more vulnerable to physical, mental, psychological and emotional stress than males. Females suffer additional pain,

distress and long duration of physical hardship due to their role as mother. Females are more emotionally bound to their offspring and their loved ones than their male counterparts. All these facts and several other similar findings put females in a special position with regards to performance of their roles in a society, both individually and collectively.

With this introduction, I would like to now talk about the role played by Hazrat Fatima Zahra (sa) during her life in the Arabian society and the harsh times of *sadr-e Islam*. One can then compare her role with other Muslim women of her time and appreciate the excellences of Hazrat Fatima Zahra (sa).

Traditions from the Prophet of Islam (s) and verses of the Holy Quran are sufficient as proof to the par excellence personality of Hazrat Zahra (sa). However, I will not bring forth these as a support for my argument. Rather, let us imagine for a while the real life of Hazrat Fatima (sa) with the conditions of the personalities whom she was related to by family, conditions of the followers of Islam she was

religico-socially associated with and the condition of the hostile environment she was in due to her being a Muslim, then analyze and envisage and appreciate, that how difficult it is for us living under modern times, to even imagine different roles that she performed during her relatively short life.

Individual Role and responsibilities

Her role and responsibilities due to her family ties

Her role as a daughter can be seen in her fulfillment of duties towards her father in different and very harsh times. The incidence of *kuffar* (infidels) throwing filth on Prophet (s) in the house of God and her bravely coming and removing it in the midst of enemies is an example. The respect Prophet (s) showed towards her by giving her his own seat is another poof of Hazrat Fatimah Zahra (sa) as a role model for daughters. Her role as a wife can be seen in her excellent management of home and support for her husband, Imam Ali (as), who more than any other

companion of Prophet (s) was involved in the defence of Islam and Muslims and was away from the house during battles and other missions he was sent by the Prophet (s). She was a close and sincere friend to her husband and a partner in performing her duties not only towards him but also towards needy Muslims. Incidence of her and Imam Ali (a) sleeping hungry while feeding a Muslim passenger is an example. Her role as a mother can be seen in the light of her upbringing of her children, Imam Hassan and Hussain (as) and Hazrat Zainab (sa). These children were brought up in such a manner by her that reflected high level moral, intellectual and spiritual indoctrination. Lives of these personalities and their brilliant and par excellence role in the most adverse moments of the history of Islam is a litmus proof to the best upbringing they received from their mother. Truly, Hazrat Fatima (sa) was a great mentor of her children.

Her role as a teacher and mentor

Her role as a very talented teacher can be seen in her

training of Imam Hassan and Hussain (as) and Hazrat Zeinab (sa). Lives of these great personalities need no words of introduction. The incidence of Imam Hassan and Hussain (as) teaching *wudhu* (minor ablution) to an elderly companion of Prophet (s) in manner that didn't hurt his self-respect highlights many aspects of her mastery of teaching not only Islamic *fiqh* and upbringing but also as an expert of practical ethics. One can imagine high level of depth, observation, and behavioral indoctrination she imparted to her children in the area of ethical conduct.

Her role as master of her maid-servant, Fizzah

Her role as master to the maid-servant bestowed to her by Prophet of Islam (s) is yet another example of her multidimensional role she played as an active and compassionate Muslim woman. Not going into details, we cannot find a single instance in the history of Islam, whereby a house master would take turns every other day with her maid-servant in house hold work. So one day

Hazrat Fatima (sa) will do the household work while her maid servant Fizzah would take rest !. This unique routine is in the midst of hardships in the life of Muslims in Medina where in ten years, where Prophet (s) was present in 27 battles and Imam Ali (as) was present in many more, being away from house. How could a house master allow this alternate day house chores under such dynamically adverse life style of her husband and father except that she had a strong sense of human values and human rights to its utmost level.

Collective or Communal Responsibilities

Her role and responsibilities due to her affiliation towards the members of society she lived in

One can easily appreciate from the historical records as to how she performed different duties towards the members of the society she was living in at that time. She was seen giving away her own marriage dress, jewelry, food and

other material possessions to the needy Muslims whenever required. Not only towards Muslims but she also performed her similar role as a helper and supporter, whenever required towards the followers of other religions. She fulfilled her social responsibilities to the utmost level of self-sacrifice, and not seeking any thanks or returns only as a duty toward God and His religion. These social duties and responsibilities were fulfilled by her in such a manner that her own life and of her immediate family members were risked due to lack of food and other necessities. Can we find in history a woman who would give away her and her children's food for three days to needy only for the sake of love of God ? This highly unique style of fulfilling social responsibilities was not limited to giving away in the way of God, even when she would pray whole night to God the well-being of others, she would give preference to the members of the Muslim society over her own family members. Such high level of uniformity in thinking and action and sense of responsibility is unfounded in Muslim history.

Her role as a voluntary social worker

Her role as a voluntary social worker in the way of Islam can be seen her helping the Muslim army, performing role as a nurse, consoling the families that had lost their dear ones, helping needy and orphans irrespective of her needs and difficult situation. The door of her house was always open towards any one seeking remedy of his or her needs.

Her role as a manager for the distribution of wealth obtained from Fadak and other properties gifted to her by the Prophet of Islam

Hazrat Fatima Zahra (sa) performed role of a distribution manager for the wealth obtained from the land of Fadak and other properties gifted to her by the Prophet (s). This wealth was distributed by her according to the principles taught to her by the Prophet (s) to needy Muslims and families of the orphans and widows who were martyred in the battles. Her this role is yet another bright aspect of her personality as a manager of revenues and its distribution to the needy according to the principles of Islam.

Her role in preservation of modesty and promotion of modest Islamic dress, Hijab

Hazrat Zahra (sa) on several occasions performed her role to emphasize women's modesty and her preservation of Islamic modest dress, the *Hijab*. History has recorded instances of her peculiar behavior and sayings emphasizing the necessity of modesty and modest dress for Muslim women. The point worth pondering here is that women can perform their social activities and play their role actively in society while behaving modestly towards *na mahrum* (males towards which contact is forbidden) and keeping Islamic dress code. Personality of Hazrat Fatima Zahra (sa) is certainly a model in this regard.

There several other roles performed by this noble personality that are beyond the time and space allotted for this presentation.

A thought provoking question

Before I conclude my talk, let us ask a question to ourselves: How could Hazrat Fatima Zahra (sa) have

performed all these different multidimensional roles often at the same time during her life, that are recorded in history books? Moreover, certainly, these roles and responsibilities are just a glimpse of her multidimensional life. Her whole life was certainly not engaged in the history books. How a Muslim woman in that society under harsh desert of Arabia could perform so many different tasks during her lifetime with apparently the conditions of a lot of stress, psychological pressure, mental and physical hardships? How was it all possible? How was it possible for her to endure all the hostilities, may it be from enemies within and without, harsh environmental conditions, lack of necessities of life, wars, social isolation, physical migration and other unforeseen hardships? The only answer that I can think of is her strong relationship with God, and his Prophet (s), Her total submission to, and merger in Islam and its divine values, her intimate and strong relationship with God and her nearness to Him. This particular relationship of Hazrat Fatima Zahra (sa) with God is partly reflected in her *Dua al-Noor* and her elegant sayings on various Islamic topics

recorded in history books and instances and special circumstances of her *ibadat* recorded in history.

Her relationship with Her father, the Prophet of Islam was not merely a physical and emotional relationship of father and daughter, rather it was a strong spiritual relationship. Father was as a divinely ordained prophet and recognition of his being divine Prophet by her was the strongest bond between her and her Father.

Conclusion

The multidimensional personality of Hazrat Fatima (sa) is an illuminated example for today Muslim women living in not only Islamic Society. A woman can be at the same time a good mother, daughter, wife, teacher and mentor of her children, a voluntary social worker, a distributor of wealth and property among destitute and needy of the society, a compassionate house master, a model of self-sacrifice to give away any possession in the way of God, a promoter of Islamic modest dress and modesty for women, a *mujahida*

in the time of war and supporter of Muslim army, an *'abida* (worshipper) praying to God in night and much more. Setting Hazrat Fatima Zahra (sa) as a role model, a woman can perform all these roles under different circumstances, whether the society is at peace or at war, whether there is economic or material hardship or whether members of society are hostile or whether support from creatures is lost, and when the only hope is with God the Almighty. Life of Hazrat Fatima (sa) is certainly a bright guiding star under all circumstances for a Muslim woman.

**The role of woman
and the status in
creation**

Ikballa Berisha Huduti

Theologian

**THE ROLE OF WOMAN AND THE STATUS IN
CREATION:**

**Similarities and differences within males and females
in creation and supplement roles**

Allahumme sal-li ala Muhamed ve alihi Muhammed
May Peace and Blessings be Upon Prophet Muhammed
s.a.a. and his family

The Messages, our thoughts and our suggestions that will be opened, will be useful for moral, spiritual and intellectual stoutness of all readers relying on Islamic principles, which with preciseness are being practiced by devoted people.

Its worth of organizing such thematic, cultural, scientific activities in a wide and conspicuous Islamic network as this conference is, for achieving our main aim through the title we choose.

The role of female and the status in creation: similarities and differences with males and females in creation and supplement roles

I - THE ROLE OF FEMALE

The role of female gender includes a very wide field in whole society, where female's activities, if they are based in Islamic jurisprudence, will bring to the society a global perspective and progress. Allah swt has graduated the role of female in this world by teaching and guiding us through Quranic arguments.

In the other side with her passivity and reluctance for the future of new generations and society in general, she have been locked in the road of advancement and slowly she made up a rioter gangway for its descendents.

After all hardships for a better life and higher role of

female in society, female by her self prepared a destructive or rioter road which road after some time will take its impetuosity through violence, exploitation, brake of female rights, different abuses, they are avoided from theirs rights, ignorance prominences etc.

The role of female in general, since long time ago in different places of the world mostly reflects a very frightful and sad situation for her nature and creation. With a brief presentation were going to talk about the status of the female in ancient times in different places of the world and after were going to see the results of a brief effective study and analyses about the role and the statues of female as a divined creature and after that were going to specify the role of females in XX century and the XXI Century were living now.

As long as we pursue the history that much were going to find evidences

of conditions and terrified status of female in different existent civilizations.

WOMAN ON ANCIENT GREECE

- there was no usual marriage.
- if there was no tutor she was dependant from the king,
- her husband treated her as a slave and she was enforced to call him "Mister" and not at all with his name.
- during her periodical menses she was considered as dirty, she was locked and was given food through a small hole.

WOMAN IN AUSTRALIA

- Was considered as a domestic animal,
- An engine for passion fulfillment and population growth,
- When the hungry was dominant the woman was killed and her meat was eaten,
- She has no rights to eat together with her husband but she should wait and eat the rest of the food.

- She would die with no medical treatments and with no care of her relatives,
- If she would live long life she would be killed by being kept on her throat or being halted from food,
- Love for parents was that kind, when she would reach her 40ys and is she would be sick she would be buried alive,
- In New Zealand women were used for hauling huge weights.

WOMAN IN AFRIKA:

- The meat of women was considered less than in Australia,
- All rural works, seeding and irrigate were women works.
- Women were hairdresser, coolies, and surgeons, meanwhile male were clothiers, and sometimes they deals with metal
- The weaponry and male hats were *saint and* shouldn't be touch by women.

- On the Marques Islands, the meat, chicken, coconut fruits and walnuts were only male's food.

WOMAN IN SOUTH AMERIKA

- Women were taking care of food whereas males were having fun.
- Males killed old women which has no power to work
- Women were guarding where there was a risk of any attack.

WOMAN IN ARABIA

- Known families buried alive females when they were born
- The husband was a brutal being wilder than animals; he has no mercy for children and his own wife.
- The females were soled and bought just like animals

So after we gave these analyses about females role in ancient times, now where're going to make a short comparison with the past and the today's position of female in society and well notice a lot of huge differences which doubtlessly they converted her in an object which is exploited despitefully.

a) THE ROLE OF WOMAN ON THE TIME OF THE PROPHET S.A.A.

Based on the texts that we used for analyses of this subject there is certified the involvement of women in all life fields on the time of the Prophet s.a.a.. The biggest part of the texts, also verifies the fact that women that participate in society were of different ages, even there were some of unmarried, young and not old. All gatherings and contributions that were done by males and females in Islamic environments hadn't had any problem that leads on isolation from each other.

Also there we have verses/ayahs which were revealed before and after the verse of covering/hijab and there are

texts that are related to the Prophets s.a.a. wives. These texts can tell us about other women meetings the Prophet s.a.a. or in the presence of the other as'habas or the women that meets one man or more men, or one group of women in a meeting with a group of men.

In the case of the verse that says: *Stay at home, its better for you* if this verse would be considered as an order for all the worshipers, then we would apply an advice that pertains to only the Prophets wives and would private to our selves applying of a lot of other advices, as learning, contribution and help to the others, jihad, etc.

Those women that say that *staying at home I feel better* are against the life and the life concept and this would bring other social difficulties, consequences and problems.

The Prophet s.a.a was a perfect example of simplicity and normality for everything. He was equilibrated due to Islamic morality and education and before the verse of covering was revealed, meanwhile in his house came a lot of men and women; the Prophet s.a.a. at women saw a responsible human with equal rights before Allah swt.

Medina was a town where Islam was dominating and some could think that time that woman was safe, but lets not forget that in Medina there came out some traitors or there could be some persons who accepted Islam but in their hearts there was still something didn't changed, however this wasn't the cause of locking women at home, on the contrary they went in the mosque and attended the different activities organized there, lets accentuate here that the mosque was the center of all activities.

Gatherings within women and men for which were going to discuss are gatherings of Muslims who prays five times a day, gatherings that go according to the Islamic education. But, although today the conditions for gathering can lead us to something forbidden this doesn't mean that is forbidden any of this kind of gatherings but we only should pay more attention.

The practice has a big strength at the human, disserver adaptation with a closed life can lead us to concupiscence stimulation within two genders, and this is not just a thought but a reality that testifies that they come

exactly from an closed life where they strained self-control that much where in some moments they cant refrain at all.

Did the Prophet s.a.a was against pure heart and easement for Muslims that allowed meetings within men and women, and if the isolation from each other would be better then the Prophet s.a.a. in his time would make division among two genders starting in the mosque, or the talks he did he would do in the isolated way.

b) THE ROLE OF FEMALE IN Today's SOCIETY

Whereas today in European society where lives also the Muslim Albanian woman is the opposite and the role of female in the frame of society is almost degrading! Why we say this? Because it's impossible that one woman who works out of the house isn't risked in every step she makes, from nonbelievers behaviors and happens she isn't supported neither from a number of believers, because based on theirs unknowledgeable they would rather lock her at home with a motto that they are protecting her and she remains a slave of the houses regulations and has no

possibility to bring in life her creative capabilities and her contribution that she should give to this society.

We know that the woman is mostly in permanent risk, but even though she is educated she isn't being appreciated for her moral values but only for her outside values, like the beauty and her body, whereas in the time of the Prophet s.a.a. the woman has the equal right as the men did, meanwhile today we face the opposite. Today woman is being exploited in the worst nonhuman ways making her work at the night clubs as a waitress and as a model walking almost naked.

Therefore I say: Involvement of the woman in today's society is indispensable. The knowledge research is from Islam fards so the woman should be educated so to understand the religion and to contribute and its dissemination.

The life today is modernized that much that can't be lives individually but certainly you should cooperate with different people who could be also men.

Today the inferiority of the society has brought

serious problems to which we as Muslims are facing also today, so it's necessary for all of us to be more active so we could avoid these problems.

Actual situation is very difficult and problematic, so what were going to do, to give our selves up and stay locked at the house to survive?!

Also the worlds today is boiling from different problems, as the war toward Muslims etc, and today isn't the time to stay at home beautifying ones self and wait for the husband.

We should clarify that in the time of as'haba there were also negative examples, hypocrites with a weak belief etc. which could create a problem for women being outside to house, but again the life was lived naturally with all its headways and the Prophet s.a.a. didn't stopped women to participate in all life fields.

II THE STATUS IN CREATION

It's being affirmed that Hava a.s. was created from a rib of Adam a.s.

“A Rib” is a very poor interpretation. In Hebraic and Arabic language its right meaning is “Nature”.

For this reason Hava a.s. (the woman) is created from the nature of Adam a.s. (viz. –the same source where Adam was created from) and not from his rib”

Our creation by God has one reason and shows that He is All-powerfully and active with his own desire. Our creation by God from a single human being and then he made up his mate as has been showed in Quran in surah An-Nisa, first verse:

“In the Name of Allah, the Most Beneficent, the Most Merciful! O Mankind! Be careful of your duty to your Lord who created you from a single soul and from it created its mare and from them twain hath spread abroad a multitude of men and women. Be careful of your duty toward Allah in whom ye claim (your rights) of one another, and toward the wombs (that bare you). Lo! Allah hath been a Watcher over you”

Really the creation of more than billion people from a single man and with different faces and colors: white,

black, blue, yellow, red, beautiful and not beautiful shows clearly that The Creator is the Most Sovereignty and active with his own desire, so we also should do our duties and to obey our God completely for the sake of creation. Just as Allah argues in the noble Quran:

SURAH: Az-Zariyat:56

“I created the jinn and humankind only that they might worship me.”

The human was created as a creature with a divined soul bestowed from a spark of God. The human was given to some high qualities who accepted to be a faithful to Allah swt that Most Merciful in this world. Also the creation of human is a huge phenomenon taking into consideration that the human accepted an obligation that couldn't accept neither the skies neither the earth nor mountains.

The Surah Ahzab:72

“Lo! We offered the trust unto the heavens and the earth and the hills but they shrank from bearing it and were afraid of it. And man assumed it. Lo! He hath proved a tyrant and a fool”

From the over mentioned ayah we see that if we make a comparison of the human with other creatures of God well see that the human same as male and female has desire for power. He is the only who can act against his own instinct, needs and nature, no animal or plan has this power to act like this.

Allah swt the owner or the absolute desire gave this capability to the humankind. From all this we understand that the human has a spark from God's spirit and that the source is the divined soul, so the human can act in the similar but not same way as Allah swt.

The exalted Creator, who created both genders in the same time and same place and with a same composition, from clay and soul, Creatures has the same inheritance in all aspects, are from the same sort and are just like children of the same parents.

The human has the power of extremity in his content. He with his talent discovery started to know himself and that as Imam Ali a.s said:

Who he knows himself, knows the God swt.

In the moment when you start to know Allah swt immobilizing at his soul Allah's swt attributes, he understands that the distinctions and differences, genders and physiognomies doesn't play an important role at theirs existence

III - SIMILARITIES AND DISTINCTIONS

The woman in Islamic system has the same rights and responsibilities as the husband do, she is a partner. Regarding the spiritual upswings she is partner to her husband in prayers, in fast, in zakat, in pilgrimage; in hums etc...the woman has the right to call out for the good deeds, to avert from bad actions.

These were some activities regarding the similarities in worshipping, meantime were going to mention similarities in reciprocal activities which are enough starting from that that female is capable to be a successful merchant, parliament participant, good doctor, good adviser, after all the woman is the creature that Allah graduated with the highest grade trusting her the birth and growth and

education of a new generation.

Islam religion, same as the husband, obligates the wife to learn, to be equipped with all possible knowledge that Allah swt teaches us in Quran:

"By the night enshrouding. And the day resplendent. And him who hath created male and female" (Al-Lail,1,2,3.)

But there are some things that make differences within female and male and male from female, as Allah swt obligated male to work and keep the family, the female isn't obligated to go out of the house for keeping her family. Here we can see the difference which is very reasonable based on the nature of creation.

When Allah swt. Created two genders He hath given different roles to both of them which can't be changed ever, this is that female has the possibility of bearing the embryo, this is what male doesn't have and will never ever have.

IV SUPPLEMENT ROLE

Allah swt just how He created the life that flows with the day and night, that way created male and female to

fulfill each other. As though the life can't be supplemented except with the day and night, that way supplements male and female with each other. Allah swt says: " And all things We have created by pairs, that haply ye may reflect." (Az-Zariyat :49).

The Muslim woman never can be against or an enemy of her husband. For this Allah swt said: "And their Lord heard them (and He saith): Lo! I suffer not the work of any worker, male or female, to be lost" (Ali Imran, 195).

This means that husband is for wife and wife is for husband. The life wouldn't have any meaning without each other.

When Allah swt created Adam a.s. and placed him in Jannah/Paradise, and because living in Paradise has no meaning Allah swt made a mate to him to live together (Hava a.s.)

"O Adam! Dwell thou and thy wife in the Garden" (Al-Baqarah 35).

Meantime in the surah Al-Araf:189, says: "He(Allah)it is who did create you from a single soul, and

there from did make his mate that he might take rest in her" near her, aiming to living close..

The husband is for wife and otherwise. The wife isn't allowed to have the main aim contradiction at her husband. So the Muslim woman of tomorrow shall not be against her husband and to ask working the same job as her husband do or to dress what her husband wear.

Unfortunately in this century, where we're living, the role and characters are mixed of both genders of these creatures of the Powerful God. The woman more and more wishes to become a man, whereas teens is being characterized with female behaviors and that makes you think that he wants to become a type of female.

The Prophet s.a.a, didn't allow male being dressed like woman and otherwise. He cursed the male who looked like female and female who looked like male. He had done this with the reason that both of them should save its own qualities how Allah swt bestowed on them.

I think that, Muslim woman, Muslim woman of tomorrow will protect her gender with all power she has.

She won't imitate male's manhood, but will help him, will be involved in those works that her nature fits in; will work as a teacher, medical nurse and will treat medically her sisters in Islam before that could be done by a non Muslim doctor, even to work on markets of lingerie's.

So, Muslims are obligated to find the roads of getting united and closeness with each other. We are those who should think and help this unification in that way that Islam should bloom and where the position of woman will be respected and evaluated much more and with the contribution she would give, the Muslim society would be a good example for how should be respected the freedom and rights of female.

Used literature: Translation of Noble Quran from Mr. Feti Mehdiu, Murteza Mutahari- Rights of women in Islam

**The Muslim woman's
individual rights and
responsibilities in the
multicultural Australian
society**

Fousiya Bismi

The progress of mankind and its very existence depends upon this important function and almost all its responsibilities are with the woman.

The fundamental institution of the human society is the family unit. It involves the making of a new generation - a generation that itself will move and influence a society. It is with this responsibility in mind that the question of raising a family in any society and in any age should arise. The family is essentially the original source of development, property and strength of a society.

Islam maintains that with the adherence to the Holy Quran and the practices of the Holy Prophet and his Holy Household, the family becomes a stronger entity thus leading to a better society.

Islam does not allow a loose and disjointed family system. Therefore it has set up a social order protecting the family unit. Each member of the family is given a role and Islam recognizes who is the best person to undertake which responsibility. Under the family structure the man given responsibility to maintain the household. And the woman has her responsibilities to fulfil with regard to the training of the children.

It is for this reason that Islam lays down laws to correct behavior. The Holy Prophet (S) said: "train your children in three things: The love of your Prophet, The love of His Ahlul-Bayt (A) and the recitation of the Holy Quran".

Muslim Woman in multicultural Australian society

Living in a multicultural society such as that in Australia where people from various cultures speaking different languages and following various codes of religion where one third of marriages end in divorce more than fifty percent of children born will spend part of their childhood in single parent homes. Living amongst such social condition that

tends to affect even muslim families, the need to maintain a strong family unit has never been greater.

Combination of Primitive Culture and Influence of western culture

Muslims have brought with them to Australia their cultures. It is necessary to distinguish between woman's status in Islamic countries and her status according to Islamic laws, principles and values. Unfortunately it continues to be a struggle, on one hand, between the primitive culture of certain social customs and traditions left behind by backward conditions across the ages.

On the other hand, there is the immoral and unrestrained sexual behaviour that has crept in along-with western cultural and educational intrusion on our communities. These notions about woman and how she is valued as an individual in the home and society has nothing to do with what Islam and its honorable values and ideals. It is unjust to hold Islam responsible for the backwardness of the muslims.(Al-Balagh).

The issue of hijab

Modesty and chastity are the hallmark of a muslim. The purpose of modesty is to maintain the dignity of both men and women when they interact. Her hijab covers her from strange eyes and earns her respect. It does not prevent her from interacting with men for the purpose of study, work, performing good deeds. In fact when hijab is mutually observed such interactions take place with sincerity of purpose and devoid of impropriety. (READ).

In the current climate the minority muslim community faces a great deal of strain, fear and pressure arising from international and national events. This has led to muslims especially muslim women facing racism and discrimination at various levels. One of the reasons is because a muslim woman wearing the Islamic dress is recognised in public.

In recent times in Australia the issue of hijab has been raised by certain politicians towards passing legislation to ban the wearing of it the same way, as did France. There appears to be deep antagonism toward it and the media has encouraged the view the hijab implies oppression of women by male members of their families and muslim

communities. Muslim women wearing hijab on the street going about their work have been spat upon and called names. Some even had their headcovers pulled off their heads.

These have been terrifying incidents for the women and girls involved. (Shifa).

Muslim women especially those who observe the modest Islamic dress face likely discrimination in the workplace and difficulty in finding employment in the general workforce.

As a result of various incidents affecting muslims in Australia, Muslim organisations representing various communities around the country have begun to realise that it is necessary to raise the profile of Islam. In this way they try to convey the message to the public that the Islamic modest dress does not socially suffocate women by denying them free and necessary movement, expression of opinion, education health care and other human rights. Several have taken proactive steps by taking part in interfaith dialogue and cross-cultural training. (Al-Zahra).

As a teacher of humanity

As a teacher and trainer, she can only teach others in the best manner if she herself is familiar with the relevant knowledge and skills. Therefore she is duty-bound to acquire knowledge with the aim of self-building and improving her capabilities. This is the only path to becoming a beneficial and constructive member of the community.

Islam frees her from being concerned about earning an income for maintaining the household and urges her to learn knowledge in all fields. The Muslim woman can earn for herself, save and add to her wealth but is in no manner responsible for maintaining the household. These things should not put a strain on her and should not take away her beauty, pride and honour which are always associated with her peace of mind and tranquility. (Mutahhari).

As a wife

The following hadith from the Holy Prophet (SAW) when he said to his daughter Lady Fatima Zahra (AS) is an excellent abstract of the responsibilities of a wife towards her husband:

“ O Fatima, it is incumbent upon woman that she should not bring before her husband, what he does not like; should guard herself as his trust; should be sincere to him in his presence as well in absence; should cur (the injury of) her tongue (from him); should look after him when he needs looking after; should fulfill his requirements and should look after his condition; because her looking towards her husband is an act of worship; and she should not invite anyone to his food except with his permission; and she should remain content with the sustenance given her by Allah; and she should leave her husband, and if she left him, then neither her prayer, fast or charity will be accepted (by Allah) until her husband forgives her.”

The success of domestic life depends on the mutual attachment of both husband and wife. However since there is a difference in the mentality of a man and a woman, Allah

has placed the key of their mutual love within the control of the man.

The Holy Quran says that man and women were created for each other. In Sura 2 verse 187 Allah says: " They are a garment for you (man) and you are a garment for them". This is because man is in need of the body of a woman and woman is in need of the heart of a man. The Holy Quran makes a special mention of the fact that woman is a blessing for man and is a source of solace and comfort for his heart.

The real spirit of marital life is understanding and mutual respect. If the woman is obliged to obey her husband, the man has also been told to exercise privileges towards the welfare of the family and to treat the wife with love and sweetness. According to an eminent psychologist, motherly affection that a woman shows her children is greatly influenced by the love her husband shows her. This shows why Islam uses all its efforts to keep the feelings of tenderness and love between the husband and wife so that in turn it is the children who benefit from this harmony.

An educated mother

A mother is the most influential person in a child's life. As Imam Khomeini (R) said: "The bosom of women is the cradle of raising great men and women." The role of the Australian muslim mother is to raise spiritually, emotionally and physically healthy children who mix in the larger Australian society without compromising their faith. For this reason she must herself be well educated not only in the conventional school education and foremost in both the Holy Quran and the teachings of the Holy Prophet (S) and his Ahlul Bayt.

As mothers we have to be both physically and mentally present for our children. We need to be there, physically present cooking their meals, washing and ironing their clothes, to helping them with their school homework. But most importantly teaching them about Islam, its history, its values, the establishing and maintaining prayers, recitation and learning from the Holy Quran, instilling the love of Allah (SWT) and the Messenger and his Holy Household

and reciting narrations about the Prophets (A) and the Imams (A).?

Problems faced by first generation migrant families

The majority of first and second generation of migrant Muslim women do not speak English as their first language. Even if they were educated and trained to work in their home countries, the Australia workplace laws require that they be retrained and acquire Australian work experience. In such circumstances they experience difficulty in interacting effectively amongst the rest of the larger English speaking community and obtaining employment.

Further, muslim women who speak limited English encounter problems with their children's schools. They may find it difficult helping their children with their homework. The work may be at a more difficult level than that studied by the parents or even it is taught in a different method. They find that the school information is not clear for parents on various avenues available. There is a lack of homework help for disadvantaged children from muslim families.

In new migrant families both parents may be earning an income and working long hours both weekdays and weekends trying to make ends meet. Most families struggle under the huge burden of paying of large bank loans for home mortgages and car loans, which take decades to pay off at the high interest rates charged by the banks. This results in less time to spend with their children. Unfortunately in reality it is the Islamic education that gets neglected by parents who find there is little time to include this in their busy lives.

Islamic schools

The Australian government provides grants to communities for the establishment of ethnic schools. There are only a few Islamic schools and centers offering Islamic teachings across the various states and the travel distance between such centers is considerable. Not everyone can avail themselves of these facilities. Parents have to make a real effort to send their children to learn Arabic, to read and recite the Holy Quran by enrolling them in weekend classes

run by individuals in their homes or weekend Islamic schools. To this end, both parents must be willing and prepared to invest time and energy for the Islamic education of their children. Otherwise our future generations will be forever lost to us.

The greatest danger

Growing up in the western society, our children are under the influence of a different culture from their parents', which has very different expectations of them. This represents the greatest danger. The destructive environment and real pressures that our children have to deal with today is incredible.

As young adults they want to be grown up, yet are not mature enough to make the correct decisions. They bend to peer pressure (pressure from their friends and age-mates in the groups they move in), because they want to be accepted into their friends' groups. The loose mixing of sexes, clothing styles, hair styles, the culture, fashion, drugs, the 'cool' language, the television programs, movies, music etc.

Their world is more difficult compared to what most of us grew up in because it is so easy to go the other way and away from Islam.

Living in a society that allows liberal expression of views in such a way that today's children are able to challenge the authorities such as their teachers, parents, and elders much more easily than they can challenge their friends. There is a lot that our children have to be able to withstand at such young ages and disassociate from. They have to steadfastly remain with what we teach them at home. We need to be constantly on the alert, keep in close contact with our children by regularly asking them about what is happening at school, with their friends and listening to what they have to say. We need to be good role models as parents to pass the correct messages to our next generation

Divorce rates amongst Muslims

It is unfortunate that there are also a high number of muslim women using the courts for divorce cases and settlement of property. The reason for this perhaps the

combined physical mental and economic pressures involved in settling and establishing in a new society especially for first generation migrants. Certainly the influence of the more liberal society that we live in brings with it the effect of loose morals, mixing of the sexes, drugs and other vices bring about causes for lack of commitment towards the responsibilities involved for each member of the family.

There are government welfare support programs, mediation centers and family counseling for separated families. There are government agencies for administering, collecting and enforcing child support maintenance where couples with children have divorced or separated. It is easy to get police and legal protection for domestic violence and therefore even muslim women seek these services readily without ever resorting to consultation with any religious scholar or leaders of their respective communities. This results in separation of the children from one or both parents and break-up of the lives of all involved.

Services that cater for the need of muslims

The Australian government has a Community Settlement Services Scheme, which provides community education to target groups. There are a handful of non-profit organisations that have been established by a few muslim associations to cater for the settlement needs of muslim women especially youth, new immigrants from war-torn countries and refugees from different cultural backgrounds.

The services these associations provide cover educational, vocational, religious, cultural, welfare and recreational needs of muslim women. It aims to improve access for muslim women to mainstream health and recreational services through participating in programs for a healthier lifestyle. This scheme also addresses access and equity issues faced by muslim women in their participation in education, employment, training services and activities. (Al Zahra).

In the global village that we live in, the problems faced by muslim women in Australia is similar to those faced by countless women in minority communities all over the

world. The Divine reward for a woman promised if she discharges her duties is nothing short of heaven. Paradise itself is the soil under her feet.

Bibliography

1. Quarterly report of the Al-Zahra Muslim Women's Association, Read Magazine, 2005 Safar Ed. 1426H.
2. The Rights of Women in Islam, Murtada Mutahhari, Worlds Organisation for Islamic Services, Tehran, Iran 1st Ed., 1981.
3. The Muslim Family, Al-Balagh Foundation, 2nd Ed., 1988.
4. The Family Life of Islam, Sayyid Saeed Akhtar Rizvi, Rev ed. 1980.
5. An Emblem of Oppression, Shifa Mustafa, Queensland Muslim Times, Australia, 2005.

**Women in Judaism,
Christianity and Islam:
A Comparative
Perspective**

By Liyaghat Takim

The Jewish Tradition

This paper will compare and contrast the treatment of women in the three monotheistic traditions, Judaism, Christianity and Islam. It will also discuss the current discourse on reformation in some Muslim circles.

A study of Jewish texts and traditions reveals a profound suspicion of women and their sexuality, resulting in restrictive rules and disparaging pronouncements. The uterus is the place of rot, we are told.¹ Under Jewish law, men have been the rule

1- Robert S. Ellewood and Barbara McGraw (ed.s), *Many Peoples Many Faiths: Women and Men in the World religions*, (seventh ed.), (New Jersey: Prentice Hall, 2002), 284.

makers and keepers of traditions. This has led to an androcentric perspective of women. Due to this, many Jewish rules reflect a concern only of places in which women's lives intersect with men—marriage, divorce, sexual birth of offspring. Other than this, women, in effect, are invisible in Jewish texts.

However, some texts also mention women in more favorable terms. The Hebrew Scriptures provide accounts of women who have been significant participants in the unfolding of Jewish history in different ways. For example, the Book of Judges tells us of Deborah, who, in addition to being a wife, was the judge of Israel at the time of the account (that is, one of a succession of prophets and charismatics who guided the people of Israel). In later lore there are a series of clever, saintly, and wise women.

Despite this, most of the traditions regarding women revolve around their role in the home. In particular, a Jewish woman's fertility was fundamental to her worth. While the birth of children was a blessing, it was believed that barrenness meant

that God had judged a woman harshly, and the failure to bear children was grounds for divorce.¹

Jewish sacred literature emphasizes the birth of a male, while the birth of a daughter is not even mentioned in the Hebrew Scriptures and is lamented in the Talmud, which includes in a traditional blessing: "Bless thee with sons, and keep thee away from daughters because they need careful guarding."² Perhaps most telling of this attitude is the daily prayer said by traditional Jewish men: "Blessed art thou, O Lord, our God! King of the Universe who hath not made me a heathen. who hath not made me a slave. ... who hath not made me a woman."

Such attitudes have resulted in the secondary status of women in Jewish texts. The laws given by the Jewish God Yahweh to Moses at Sinai (Genesis 20 and 21), and the story of the Levite's concubine (Judges 19) indicate that in ancient Judaism women were considered men's property rather than

1- Ibid.

2- Ibid., 285.

persons in their own right.

This inferior status is further indicated in the Jewish tradition where the marriage of a woman to her husband is the transfer of the father's rights of the woman to the husband.¹ The Talmud is also replete with suspicions and superstitions regarding women. One example is the belief that women are prone to sorcery. Women, it is believed, are dangerous if permitted to function as independent persons. Therefore, women are deemed holy or sanctified when married and potentially "unholy" or "impure" when not.²

Significantly, the Talmud provides 613 obligations for men, including the requirement to appear at temple and to study the Torah. Yet, only three obligations apply to women: lighting the candles for the Sabbath celebration, breaking of the Sabbath bread, and observing the niddah (rules regarding menstruation). Thus, women are not required to attend temple services nor to study the Torah because these

1- Ibid., 285.

2- Ibid., 286.

things are thought to interfere with a woman's first obligation to her duties as wife. The result of this has been a tendency to exclude women from study and limit their participation and attendance in the temple. As the Talmud states: "A woman may not read from the Torah because of the honor of the congregation." And even when women were included in temple worship, they could not be counted in the minyan (the quorum of ten required for public worship). Stated differently, their presence in the congregation could not be counted. Given these constraints, women were not considered for leadership roles in the synagogues nor ordained as rabbis.

In the Jewish tradition, while the woman's consent was required for marriage, divorce has been allowed only upon the husband's action (although under certain circumstances the wife's consent is required). Grounds for divorce included such things as the woman's adultery (traditionally the wife could not accuse the husband of adultery), childlessness, indiscretion, or immodesty. Only the husband could prepare and deliver the get (bill of divorce).

The wife's only recourse should she want a divorce was to persuade her husband to divorce her. When a wife had good grounds for wanting divorce (for example, the husband's impotence, his refusing sex or staying away from home too much, and severe illness, such as leprosy), the rabbi would persuade the husband to divorce his wife, and sometimes the Jewish courts would be involved in the process.¹

Once divorced, the man and woman were permitted to remarry others. These traditions are still the practice in Conservative communities today and are enforced by Orthodox religious courts in Israel.

A very difficult situation for a woman is to become an *agunah*—a woman who is not free to remarry either because her husband refuses to provide the divorce or he disappears. This has been a considerable problem for Orthodox women whose husband have not been accounted for after wars and, more recently, after the Holocaust. Unless a wife can find two witnesses (who must both be men, because women are

¹-Ibid., 287.

not permitted to appear as witnesses in court), she is never free to remarry.

As is evident, Jewish texts and traditions look down upon women who are frequently not given equal rights. It is only in reform Judaism that more rights have been bestowed upon Jewish women.

Like Jewish texts, Christian texts are replete with disparaging remarks regarding women. There are many passages in the New Testament indicating that women should be subordinated to men. First Corinthians is a case in point. There, the author admonishes women to be silent in church and to remain subordinate to their husbands. Titus 2:3-6 expressly directs women be submissive to their husbands. Other passages state clearly that women are not to hold positions of authority in the church, but are to remain committed their husbands and the duties of the home.

Corinthians 1 sets up a hierarchy—God as head of Christ, Christ as head of men, husbands as head of women; (11:3),

it also acknowledges that women "pray and prophesy" in the church which is contrary to the Corinthians passage referred to above that demand their silence.¹ Such passages are intrinsic to the New Testament.

By the fourth century, when the church was officially recognized by the Roman Empire and the church patriarchy was well established, women's role was as confined as in Judaism. A woman's place was in the home; she was to be subservient to her husband; she was to remain chaste; her main function was to produce children, particularly sons, to continue her husband's family line; and she was to keep silent.²

In the later period, the two most influential Christian theologians who provided the foundations of much of Christian theology and, therefore, attitudes about women, were Augustine (354-430) and Thomas Aquinas (1224-1274). Both developed views that influenced both Catholic and Protestant church attitudes toward women.

1- Ibid., 352.

2- Ibid., 353.

Augustine's famous treatise, the *City of God*, espoused the view that there are realms of existence—the *City of God* and the *City of Man*. The *City of God* is the realm in which the faithful are in tune with God's will and are not sinful. The *City of Man* is the realm of human beings' defective will that resulted from the original sin of Adam and Eve, who had failed to obey God when they ate the forbidden fruit of the tree of the knowledge of good and evil. The natural desire for the pleasure of sex was equated with sin; and women, being associated by men with sex, were, from their point of view, a primary temptation to sin.¹

At the time there were many in the church who believed that bringing more children into the world depleted the spiritual realm; therefore, women were unnecessary to, or even counter to the good.

At this point in Christianity's history, women were not even valued for their place in the home. Because celibacy was promoted as the highest ideal, women were seen as

1- Ibid.

temptresses who were the cause of conflicts in men between the life of the spirit and the world of flesh.

Thomas Aquinas, adopting for the most part the views of women that been held by the famous Greek philosopher Aristotle, believed that women were inherently inferior to men and that men represent the full expression of humanity while women are lesser beings—"misbegotten males"—who should be subordinate to men. Accordingly, women's roles in the church were severely limited secondary creatures, they could not appropriately hold any position of authority. The only reason for a woman's existence, it was thought, was for procreation. He also taught that the operation of the soul in a woman was weakened by her inferior body. As a result, she exhibited a defective mind and will.

Aquinas argued that, although women were lesser beings, they nevertheless contributed to the completeness of the world and, like men, were created by God and not by angels, as others had contended. Women, who has always have been associated with sex and childbirth, have been associated with sin

particularly because they have been deemed to be inferior to men.

Whereas many in the press blame Muslim scriptures for the negative views regarding women, it is clear from above that both early Judaism and Christianity had very negative views regarding women and her role in society. Such attitudes fostered contempt and even hatred for women. How does Islam fare?

Women in Islam: A Comparative Perspective

The section of the article will initially examine the role of Muslim women in society, the factors that precipitated the rise of the four legal schools in Islam, the various methodologies the schools utilized in the derivation of juridical rulings and the cultural factors that influenced the rulings they issued. These were important considerations in the issuance of rulings on women in Islamic jurisprudence. Based on the rulings stated in various juridical tracts, I will also compare and contrast the treatment of women in these schools.

The Position of Women in Islam

With the establishment of the Umayyad dynasty in the eighth century, Muslims were living under rulers who were not regarded by many as the proper authority to create the Qur'anic ideal of a just social order. It was at this time that the office of a definitive group of scholars interested in recording traditions took shape. Many successors (tabi'un) to the Prophet are also mentioned as having acumen in juridical matters. These experts in the legal field tried to define and expound Islamic legal doctrine especially on issues that pertained to rituals, inheritance, marriage, divorce etc. The early scholars in the legal field formed the provenance of the fuqaha' - a group of scholarly elite who specialized in the study of Islamic legal science, the shari'a.

Initially, the jurists were private individuals who were keen to discern God's intent on a particular ruling. The goal of the jurists' endeavor was to reach an understanding (fiqh) of the shari'a i.e., to comprehend in precise terms the law of God. Guided by a corpus of precepts and laws and their own

independent reasoning, the jurists, especially in the 'Abbasid period, attempted to construct a legal edifice by developing and elaborating a system of shari'a law binding on all Muslims. They began to interpret and develop Islamic law, invoking various hermeneutical principles like *maslaha* (derivation and application of a juridical ruling that is in the public interest), *qiyas* (analogy), *ijtihad* (independent reasoning), *istihsan* (preference of a ruling which a jurist deems most appropriate under the circumstances) and other innovative interpretive principles to respond to the needs of the times and to go beyond the rulings stated in the revealed texts while at the same time paying respect to the very texts that had empowered them.

Increased legal activities by the *fuqaha'* led to the development of ancient schools of law in different parts of the Islamic world. Initially, the schools of law did not imply a definite organization or strict uniformity of teachings within a school. Gradually, the jurists constructed a program for private and public living centered on the shari'a. The

shari'a, as articulated by these jurists, became a structured normative praxis and a comprehensive system that governed personal and public demeanor. The schools were named after their founders or prominent jurists in the area.¹

The Qur'an and hadith literature on women

Against the background of a tribal society in seventh century Arabia, the Qur'an ameliorated the situation of women considerably. It put a stop to female infanticide and prohibited men from inheriting the wives of their fathers (4:19). It also granted women rights of inheritance and permitted them to possess property. Reflecting the patriarchal society of seventh century Arabia, the Qur'an also required that men be responsible for the maintenance of women. Men were required to give women a dower as a free gift (4:4) and men were not to treat women harshly (4:19). Unlike the other scriptures, the Qur'an did not restrict or

1- See also Liyakat Takim, *The Heirs of the Prophet: Charisma and Religious Authority in Shi 'ite Islam* (Albany; SUNY, 2006), chapter one.

limit women's participation and involvement in society. The Prophet Muhammad was asked to accept the pledge of allegiance from women and they were not prevented from participating in the public square.

Many female figures are praised in the Qur'an. Mary (Mariam) is lauded for her piety and is seen as an example for all righteous people (66:12). Angels visited her and God cast His spirit into Mary. Similarly the Qur'an has words of praise for the wife of the Pharaoh for protecting and rearing Moses and commends the Queen of Sheba for her wisdom in accepting Solomon's invitation to submit to God (27:43). Given what I have stated regarding the Jewish and Christian scriptures, it is clear that the position and treatment of women in Muslim scriptures is much better.

In the Quran itself, the reader finds no inherent value placed on male or female gender. There is no clear definition of each gender's role so as to preclude the possibility of change. In addition, most commentators agree that the Quran's intent is to demonstrate that both men and

women share an equal partnership in what Allah has promised and repeatedly affirms the equality of their human essence and faith.

Unfortunately, the pro-female tone of the Qur'an is not replicated in the hadith literature. Many traditions incorporated in hadith literature that was compiled in the ninth and tenth centuries denigrated the position of women. The negative cultural evaluation and status of a woman was thus transmitted in some of the hadith reports. Some traditions maintain that women have been created from a crooked rib whereas others claim that a woman passing in front of a man who is praying invalidates his prayer. The derogatory tone on women in the hadith literature is also evident in traditions that indicate that most of the inhabitants of hell are women, that women are deficient in intellect and that a wife's salvation is contingent on keeping her husband happy. A community that is led by women, some traditions assert, cannot prosper. Women are also portrayed as the source of fitna or seduction and therefore

must be excluded from public participation. Women were therefore encouraged to pray at homes rather than in the mosques.¹

Women in Islamic History

Historically, Muslim women have played prominent and diverse roles in Muslim states. For example, in 1236 sultana Radiyya came to power in Delhi and 14 years later Shajarat al-Durr would mount the throne in Cairo. On Radiyya's coins were stamped the following words:

Pillar of women, queen of the times

sultana Radiyya bint shams al-din iltutmish

for Shajarat al-Durr in Cairo the khutab was:

May Allah protect the beneficent one

Queen of the Muslims, the blessed of the earthly world
and of the faith

1- Liyakat Takim, *Encyclopedia of Women and Islamic Cultures*, ed. Suad Joseph. Koninklijke: Brill, 2004. S.v. "Women, Gender and Islamic Law."

The 37th Abassid caliph refused to acknowledge her. Addressing the Mamluks of Egypt he implied that if there were a shortage of men in Cairo, a few could be dispatched from Baghdad.

Two sultanas ruled the Yemen as part of a Shi'a dynasty from 1087-1138. Mother-in-law, Asma bint Shihab al-Sulyahiya, passed power to daughter-in-law, Arwa bint Ahmed al-Sulayhiya. Both bore the title al-Sayyida al-Hura (the free lady).

Other women ruled informally as concubines throughout Abassid period and well beyond. One was non-Muslim: Aurora, a prisoner of war who went on to marry al-Hakam al-Mustansir (d. 976) and to become known as Sabiha or Subh.

b. In the Economy: research has emerged on the amount of wealth accumulated by Muslim business women. Especially in the middle ages, women owned much property which they got from their dowry or as endowments from their husbands.

- In the Arts and education the women of the nobility were great sponsors of charitable endowments supporting mosques, hospitals, the arts in general and, most importantly madrasses (schools) for both girls and boys.

c. In Education: Girls generally were not educated beyond elementary level. But, it can be taken for granted that elite women were well educated in Damascus, Cairo, Istanbul, Isfahan, or Delhi. This may have been because of their need to compete with palace concubines who were often highly educated.

d. In Sufism: the names of women saints are found throughout the world of Islam. Anatolia can boast a large number of small shrines where more or less historical women are buried – simple village girls, or noble virgins whose very names often suggest sad or romantic stories. The same is true in Iran, North Africa and Muslim India. One of the first sufi saint was a woman, Rabi'a al-Adawaiya.

e. In the military.

- In the Moghul Indian histories there is more than one reference to women guards. Of Giyath Shah's harem (15th century) it is written: He had five hundred Abyssinian slave girls dressed in male attire and arming them with swords and shields gave them the name of the habiwash band. He also called five hundred Turkish slave girls in the turkish dress as the Mughal band. Such anecdotes are important for our understanding of the significant socio-political roles that Muslim women have played throughout history.

Shi'i Law and Women

This section discusses how women are treated in the twelver Shi'i (Ja'fari school of law) and the factors that shaped the issuance of juridical rulings on women in Shi'ism.

During the period when the imams were with them, the Shi'is accepted their pronouncements as the only valid source of law after the Qur'an and the sunna of the Prophet.

The imam was believed to be the final enunciator of the law, occupying the same position as the Prophet himself did. Since the imam is also believed in Shi'ism to have inherited the comprehensive authority of the Prophet, the sunna of the imam is seen to be as binding as the sunna of the Prophet himself. As Shi'i theology posited the imam to be divinely appointed (nass), endowed with divinely inspired knowledge ('ilm) and infallible (ma'sum), the authority of the imam supersedes the authority of local practice or speculative reasoning. The emergence of a distinct Shi'i school of law should thus be viewed as the result of the Shi'is' self-understanding of the nature of religious leadership and their confinement of juristic authority to the imams.

Apart from the imams, some of their deputies in places like Kufa reportedly acted as jurists in their communities. In particular, Jabir al-Ju'fi (d. 127/745), Burayd b. Mu'awiya (d. 150/767), Zurara b. A'yan (d. 150/767), and Muhammad b. Muslim al-Thaqafi (d. 150/767) are mentioned as some of

the fuqaha' (jurists) of the Shi'i community. Disciples like Aban b. Taghlib (d. 142/759) were reportedly authorized by the imams to issue juridical edicts (fatawa) and to respond to legal questions in Medina.

Women in Shi'i Literature

Generally speaking, due to the pivotal roles played by Shi'i women like Fatima, the daughter of the Prophet, and Zaynab, his grand-daughter, women have received better treatment in Shi'i hadith and legal literature. Both Fatima and Zaynab are portrayed as role models and revered in Shi'i circles because they resisted injustice and oppression. After the establishment of Shi'ism in Iran in the sixteenth century, women received higher religious education and were even certified to exercise *ijtihad*, (independent legal judgment) although, until recently, most Shi'i jurists have barred women from occupying the position of judges. In places like Iran and Iraq women religious leaders have held a position closer to that of male religious leaders than in

most Sunni countries. In recent times, special religious seminaries have been established and female religious scholars preside over women's religious ceremonies.¹

Although Shi'i law has its own distinctive character on some points of law, there are many instances where it agrees with one or more of the Sunni schools. For the sake of brevity, I will focus on the following women's issues that are discussed in Shi'i legal manuals - marriage, divorce, and the rights of inheritance.

Marital laws in Shi'ism

Shi'i law also empowers the woman by allowing her to stipulate conditions in a marriage contract which will grant her the right to initiate divorce proceedings should the husband violate the terms of the agreement. She can stipulate, for example, that if her husband abuses her, she has the right to dissolve the marriage. In this way, she can

1- Liyakat Takim, Encyclopedia of Women and Islamic Cultures, Women, Gender and Islamic Law – Additional Schools."

circumvent the judicial process and the cumbersome khul' talaq (divorce) and can, instead, recite her own talaq. The Shi'is predicate this ruling on the principle of maslaha, i.e., invoking a law that is conducive to the welfare of the parties concerned.

Divorce in Shi'ism

Shi'i laws on divorce treat women more favorably than their Sunni counterpart. This is because the Shi'is do not accept the triple talaq that the Sunnis adopted as a valid form of divorce. The Shi'is dismiss the triple talaq as an innovation that was introduced by 'Umar. Shi'i rejection of this form of divorce is favorable to women since the triple talaq allows the husband the right to unilaterally pronounce the divorce in one meeting. The talaq bars any further contact between the couple until she is married to another person and then terminates the second marriage after consummating it.

Shi'i law is also stricter than Sunni law with regard

to divorce. It considers as invalid any repudiation during a menstrual period, or when the woman is pure but cohabitation has taken place since her last period. In addition, Shi'i law also requires the presence of two male Muslim witnesses during the divorce and allows the man to take back his wife during the waiting period ('idda). Even after the waiting period ends, the couple can get back together by solemnizing a second marriage.

Traditions from the Shi'i imams stipulate much stricter conditions for divorce. According to Sunni law, any word indicating repudiation may be used and witnesses are not required for its validity. Shi'i law confines the husband's power of repudiation to defined limits. It insists on a specific formula and a correct pronouncement of talaq is necessary. It is required that the husband states "you are divorced" or "she is divorced" so that the words recited indicate a clear and unambiguous intention to dissolve the marriage. Any divorce undertaken under duress, in anger or jest is not deemed to be valid. The net result of the stricter

conditions and the rejection of the triple talaq has been a lower divorce rate in many Shi'i countries.

Since divorce proceedings are normally initiated by the husband, women's rights to seek divorce are more circumscribed. Shi'i law allows a woman to seek divorce under the khul' (at the instigation of the wife) form of divorce. Khul' can be finalized with the husband's consent. For it to be valid, the wife has to petition for divorce and is also required to offer some form of compensation to the husband (like the return of the dowry). Khul' operates as a single, irrevocable divorce with an 'idda incumbent on the wife.

The wife can also nullify the marriage under certain circumstances without obtaining a formal divorce. Nullification is possible if the husband has no sexual organ, is impotent or insane, or if he has leprosy or leucoderma.

The wife can also obtain divorce if the husband is missing. The ruling on a missing husband is contingent on his financial state. If he has assets from which the wife can

be maintained then it is not permissible for her to re-marry under any circumstance until she is certain of his death or of his divorcing her. If he does not have enough assets to maintain her then she can obtain a divorce through the judicial process.

Like the ruling of the Maliki school, the Shi'i position is more favorable to women in this instance. The judge is required to order a waiting period during which time he will initiate a search for the husband. At the end of the period, the judge will pronounce the divorce by using the authority granted to him as the deputed agent of the occult imam. After this divorce the wife will observe an 'iddah for four months and ten days, after which she may remarry.

Inheritance laws

The Shi'is refused to recognize any customary law that was not explicitly endorsed by the Qur'an. Since the Qur'an does not recognize the eminence of the male agnate relatives, the Shi'i law of inheritance rejects the privileged

position that Sunni inheritance rules accord to male blood relatives, the agnates (or 'asaba) of the deceased. Due to this, the Shi'i law of inheritance is more favorable to women.

Shi'i law states that, regardless of their gender, the closest relatives (qaraba) will inherit after the division of Qur'anic shares. This is in contrast to Sunni law which accords distant agnates the remains of the shares after the distribution of heirs that were stipulated by the Qur'an. The Shi'is quote Ja'far al-Sadiq as saying, "Dust in the jaws of the 'asaba" to justify this exclusion.

The ramifications of the Shi'i position on female heirs in inheritance become evident from the fact that under Sunni law, a single surviving daughter was limited to a maximum of half of the inheritance no matter how distant the next eligible male-line relative was. By excluding the agnates, Shi'i law gave the same daughter the whole inheritance. The inclusion of distant male relatives indicates that the Sunnis uphold the concept of the extended family, whereas by

giving more rights to parents and lineal descendants Shi'i law stresses the nuclear family.

In constructing a typology of male and female relatives based on their relationship with the deceased, Shi'i law treats male and female relatives equally. It stipulates that any descendant, male or female, in the first category will always exclude the collateral, i.e., the second tier (the brothers and sisters of a deceased). Hence the daughter of the deceased will exclude the brother. If she is the only survivor, she will even exclude the distant male agnate such as a cousin from succession. Furthermore, the presence of a son's or daughter's daughter will also exclude the siblings of the deceased because a daughter or her offspring belong to the first category of heirs whereas brothers and sisters belong to the second.

Through this principle, female and cognate relatives are integrated within the Shi'i classes of heirs. Thus the presence of any other relatives in Shi'i law - child, grandchild or the mother - precludes the brothers and

paternal grandparents from any rights of succession. Reflecting the patriarchal nature of Arab society where men were responsible for the maintenance of women, the Qur'anic principle that the male relative receives double the share of the female is also enforced in Shi'i law.

The Shi'is believe that their laws accurately represent the Qur'anic spirit. Their rejection of the triple talaq and the rights of agnate relatives is premised on the view that these have no Qur'anic basis. For the Shi'is, customary laws could only be incorporated if they were explicitly endorsed in the Qur'an. For the Sunnis, they could only be repudiated if the Qur'an explicitly rejected them. This was one major reason for the differences between the Shi'i and Sunni legal systems.

Ijtihad and Reformation

The preceding discussion suggests that Islamic law developed in a particular milieu and that Muslim jurists developed different stratagems in order to respond to the

juristic challenges of their times. The discussion also suggests that there is a need for the laws to be reexamined and reformulated so as to respond to the needs of contemporary times. It is within the framework of Islamic jurisprudence that the discussion of reformation in Islam and the role of *ijtihad* in the reformation process are predicated.

Ijtihad is a rational process that attempts to extrapolate juridical injunctions from the revelatory sources. In his discourse on *ijtihad*, the late Imam Khumayni urges the theological centers to promote *fiqh* (jurisprudence) in a better form. He states that the seminaries should bear in mind that domestic and foreign problems will not be resolved by sufficing with a presentation of impractical theories and an expression of impractical generalities and views.

By stressing that *ijtihad* should be optimally pursued in the theological centers by the *fuqaha'* and religious scholars, Imam Khumayni hints at the deficiencies of the *ijtihad*

prevalent in the theological centers and at its inadequacy to meet the different and complex needs of human communities in the contemporary era. Thus, it is correct to state that he advocated a kind of dynamic, revisionist *ijtihad*. He further states that the modern jurist should always hold the pulse of the community's future reflections and requirements with profound foresight and insight.¹ As Ayatullah Mutahhari poignantly asks, "if a living mujtahid does not respond to modern problems, what is the difference between following a living and a dead [religious authority]?"²

If some issues were not discussed in the past or did not have applicability, Imam Khomeini states that the *fuqaha'* should now make provisions for them. Thus, he continues, "If, in the past, some issues were not set forth or were

1- The discussion is based on an email received. The lectures of Imam Khomeini were translated by al-Sayyid Muhammad al-Hijazi.

2- Hamid Dabashi, *Theology of Discontent: The Ideological Foundation of the Islamic Revolution in Iran* (London: New York Press, 1993), 164.

irrelevant, the fuqaha' should now speculate about them."¹

According to the contemporary jurist Ayatullah Mohagheg Damad, since civil rules are variable, Islamic laws must change accordingly. Thus, in our own times, Islamic legal rulings must be reinterpreted based on the principle of harm and benefits² and other principles established in *usul al-fiqh* (the science of inferring juridical rulings from textual and rational sources). Stated differently, there is a need to enact laws that are conducive to the welfare of the community even though such laws are not found in earlier texts. Due to such principles, Islamic sacred sources have to be read in different ways. Thus, for example, based on the principle of *la darar wa la dirar* (there is neither harm nor injury in Islam), an Islamic government can override private ownership. He suggests the need to enact wide-ranging reforms based on the needs of the time.²

1- The discussion is based on an email I received.

2- Ayatullah Muhaghegh-Damad, "The Role of Time and Social Welfare in the Modification of Legal Rulings," in *Shi'ite Heritage: Essays on Classical and Modern Traditions*, edited by Lynda Clarke (Binghamton: Global, 2001), 218.

As an example of the possible re-interpretation of the law, Mohagheg Damad states that in the Qur'an we encounter the phrase addressed to men concerning their marital life: "Live with them in accordance with that which is recognized as good (al-ma'ruf)" (4:19). The Qur'an indicates that cohabitation in what is perceived as "good" is the foundation of Islamic family law and the foundation of individual laws pertaining to the rights of married women. In the past, when social and economic lives were much different and women were confined at home without economic responsibility or the need to earn a living, this Qur'anic phrase had a particular meaning. Damad asks, "Does cohabitation in accordance with that which is recognized as good have the same connotation today?" In the past, maintenance (nafaqa) that was payable to the wife if she was divorced was calculated by the jurists at a very low rate." This rate is contingent on the needs of the time.¹

Mohagheg Damad continues, "If, for instance, one of the imams had been asked a thousand years ago about the

1- Ibid.,

maintenance due to a woman after divorce, he might have mentioned clothes, a dwelling, or food, basing that on the standard of living at that time. Maintenance consisted of something like the fixed payment mentioned above. Neither the education of women nor means of transportation was as important as it is today. Thus, maintenance is an external and not an objective standard. On the other hand, "marriage in accordance with that which is recognized as good" is a general legal rule (hukm) of the shari'a, and since times always change and social and economic conditions evolve, the Qur'an here lays down a standard whose criteria are subject to change."¹

Stated differently, the maintenance of divorced woman must now include not only food and shelter, it must also award the wife back pay for housework she has done and other benefits that she had to forgo so as to look after the children. In addition, due to the different roles of women today, the costs of transportation and education must also be taken into account.

1- Ibid., 219.

Reforms in Women's Issues

Other jurists in Iran have also come up with reinterpretation of tradition laws. In 1999, a senior cleric, Ayatollah Yusuf Sanei, said there should be nothing to stop a woman from becoming the supreme leader or president. He also said it was wrong not to allow women to become judges or to accept them as full witnesses in courts. In recent years they have been brought back to the judiciary in an advisory capacity.

According to Ayatollah Sanei, “..since the subject [women's situation] has changed, the framework of civil laws must change too. Our current laws are in line with the traditional society of the past, whereas these civil laws should be in line with contemporary realities and relations in our own society.”¹ Sanei states that, even without a marriage contract, a woman can unilaterally annul a marriage if she feels she cannot live with a man. She can

1- Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Modern Iran*, Princeton: Princeton University Press, 1999), 160.

simply annul the marriage without the need for a formal divorce although it is better for her if the talaq is recited. "Islam does not say that a woman must stay and put up with her marriage if it is causing her harm – never." The problem, according to Sanei, is that the laws are still in the process of evolution.¹

According to Sanei, in response to a question posed, Imam Khumayni stated that a husband should be persuaded to grant a divorce if his wife seeks it. If he refuses that request, then the divorce can be effected with the permission of a judge.²

Such concepts clearly represent a major break from the current understanding in the laws of divorce among many jurists. Indeed, Sanei is forced to admit that there are petrified fossilized devout ignoramuses³ who prevent such reforms in the law to take place.

1- Ibid., 162

2- Ibid., 165

3- Ibid., 160.

Conclusion

The validity of Islam at all times is a familiar slogan among Muslims. However, the concept of the universality of Islam encourages rather than restricts its capacity to encompass different societal orders. Had this not been the case, Islam could not have spread so far and survived the vicissitudes of different milieus. Hence, it is imperative that Muslims review and revise the law in keeping with the dictates of their changing circumstances.

The challenge for Muslims in contemporary times is to recover the tolerance and means for peaceful coexistence through the Qur'an rather than the juridical and exegetical understanding which were formulated to assert the subjugation of the "other" in a particular historical context. As they engage in a re-examination of traditional exegesis, the point of departure for Muslims has to be the Qur'an itself rather than the multi-faceted and multi-layered scholarly discourse that has accumulated since the eighth century.

Muslims need to also differentiate more clearly between the sacred scripture and its later exegesis that is imbedded in many sacred texts. Scholars need to explain to the Muslim community that much of the exegetical literature was formulated in a particular context. Thus, there is a need to reformulate or reinterpret the traditional exegesis. This exercise is contingent on recognizing that Muslims are not bound to erstwhile juridical or exegetical hermeneutics. Hence, there is a need for Muslims to separate the voice of God from the voice of human beings, and to differentiate between the Qur'anic vision and the socio-political context in which that vision was interpreted and articulated by classical and medieval exegetes.

Muslims are also confronted with the challenge of contextual hermeneutics in dealing with the pronouncements of the Qur'an on specific legal issues like warfare, slavery, and gender issues. Verses must be understood taking into account the particular conditions in which they were revealed. Returning to the Qur'an and

prophetic traditions in their proper historical context is often circumvented by the juridical interpretations that promoted the hegemonic interests of the Islamic state ignoring, in the name of Islam, the ecumenical and universal message of the Qur'an.

Stated differently, Muslims need to go beyond the classical formulations. Furthermore, Muslims must articulate a comprehensive legal system that will incorporate notions of dignity, freedom of conscience, rights of minorities, and gender equality based on the notion of universal moral values.

**The Islamic notion of
women's self-esteem and
its contribution to better
and deeper awareness
of their rights**

**Mohammad Saed Omer Ismail
A practicing psychologist**

The purpose of this humble article is to give a brief definition of self-esteem and then move on to examine various belief systems with a view to arriving at a conclusion as to which one might be more conducive to developing a healthy sense of self-worth and ultimately which one can contribute to a wholesome awareness of women's rights.

Self-esteem is a by-product of right/sound thoughts or beliefs and right actions... it is not an entity in itself, it does not exist in a vacuum. The 'feeling good' associated with self-esteem is a result of these thoughts and actions. Most people misunderstand self-esteem as a feeling and do not associate it with their thoughts and actions... they want to

feel good without evaluating how they achieve it. Generally, such a sense of self-esteem does not last for long, because if it is not grounded in a positive belief system and accompanied actions, hence it has no lasting effect and rings hollow.

Throughout history, women have been greatly oppressed in almost every civilization. In fact, even the term "woman" is derogatory. It is actually two smaller words, woe and man, put together to signify that woman brought woe (misery, grief, sorrow, etc) to man, since according to Biblical teachings, Eve seduced Adam into eating the fruit from the "Forbidden Tree" and thus caused his and all of mankind's subsequent downfall. The Romans felt women were no better than slaves, while the early Christians were not even sure if women could be called human beings. The Greek Orthodox Church denied that a woman had a soul and at the Council of Macon, a Bishop vehemently asserted that a woman did not belong to the human species. (Westermarck, p.663).

In Asia, women were not treated any better. Hinduism, which is the one of the oldest religions of the world, described women as such: "In childhood a female must be subjected to her father, in youth to her husband, when her husband is dead, to her sons; a woman must never be independent" (Manu, V 140). Unfortunately, many women were forced to sacrifice themselves by jumping onto their husband's burning funeral pyre, because they were taught that a life without their husband was meaningless and futile. And even in western Europe and North America, until these past few decades, women could not own property, make a contract, inherit property, or vote. Great female British writers, such as Jane Austen and Fanny Burney, produced many examples in their novels of rich heiresses who were defrauded of all of their wealth by their husbands who would either gamble their property away or spend it lavishly.

In *Cecilia: The Memoirs of a Heiress* by Burney, she discusses how Cecilia can not marry the man of her choice,

because her dowry is not high enough to gain the approval of his aristocratic family. For in England, as well as France and other countries, all of a wife's property and money became her husband's upon marriage. The law supported this, because women were considered the property of men, which is why they were forced to take their husband's name after marriage and give up all their wealth to them. In Jane Austen's *Sense and Sensibility*, a widow and her three daughters are forced to leave their home upon the death of their father and be greatly reduced in their finances, because their father's estate was entailed to their older brother and his family. When the youngest daughter exclaims against the cruelty of this situation, her older sister replies "In England, houses go from father to son dear, not from father to daughter. That is the law."

The principles of Islam advocate and nurture the development of a positive self-esteem as it corrects our thoughts, feelings and actions; teaching us to elevate our self from the 'lowest of low' to developing a sense of

discernment and inclining toward the most 'ihsan' (beautiful) way of being. By delineating a guiding ideal that is possible, practical, and attainable Islam decreases the discrepancy between the ideal and the perceived self. The goal of tazkîyah (self-purification) is to make one be and do the right thing in the best of ways and to strive for excellence, with the belief that one is doing it for the pleasure of God. It encourages one to realize one's potential of becoming the representative of God, toward which aim mankind was created. This belief is powerful enough to make one develop a positive self-esteem. Just the idea that the creation of mankind is for a higher goal should make us choose a healthier, higher life.

The Qur'ân tells us that mankind has been created with dignity, honor and with the potential ability of being the 'highest of highs':

Sûrah al Isrâ 17.70

"Now, indeed, We have conferred dignity/honor on the children of Adam."

Sûrah at Tîn 95.4

We have indeed created man in the best of moulds

It is interesting to contrast the Islamic notion of self-esteem with that of the west. In the west Women are not judged by their inner worth but rather by their physical appearance. In turn this lay women bare to all forms of exploitation by the fashion industry. more than 33 billion dollars are spent yearly on cosmetics and weight loss programs alone, not to mention another 11 billion dollars spent on perfume. Astounding, isn't it? Well, these numbers are for the West alone. With such a billion-dollar makeup and fashion industry, it really is no wonder that women have indeed become slaves to this all-consuming industry. Many women spend most of their income on cosmetics, creams, and lotions to become more beautiful. Of course, there are millions of women who go even further extreme by having cosmetic surgery done. According to the American Society for Aesthetic Plastic Surgery (ASAPS), there were over 5.7 million cosmetic surgical procedures

done in the year 2000. There was a 25% increase in procedures between 1999 and 2000, and 173% increase between 1997 and 2000. 2.5% of total procedures were people under age of 18. In 2002, there were 6.9 million procedures done, an increase in 228% since 1997. It's a real tragedy that women feel they need to have an operation and go through all that pain and turmoil just to become "more beautiful" or more "acceptable".

The Islamic dress code ensures the development of a sense of self-esteem grounded in a genuine respect for women. I will take hijab and explain how it can foster a healthier and deeper sense of beauty. Hijab is an Arabic word, which literally means to cover or conceal and is now used to describe the dress code of a Muslim woman. Many feel that Hijab is degrading and oppressive towards women, but that's only because they do not properly understand it. Hijab is actually a beautiful gift given to women to protect themselves from the ills that haunt society today. When a woman leaves her tight, fashionable clothes and dons the

modest clothing and headgear that characterize most Muslim women, they feel a rejuvenated sense of freedom. Why? Because they no longer worry about how others judge their appearance.

When woman is dressed in Hijab, she can expect that when people look at her they don't view her as a sex symbol, but rather as a woman who has decided that her body is not public material for the world to see. When she needs to leave the house to run an errand, she doesn't have to waste half an hour in her closet deciding what to wear that will make her most attractive. Nor does she spend another hour fixing her hair and makeup so she looks her best, because she really doesn't care how others view her appearance and more importantly, she doesn't want to be judged by her exterior. She doesn't have to worry on finding the right outfit that will be most flattering to her figure, or that exact shade of lipstick, which will be most complimentary to her skin tones. Thus, she frees up a lot of time

In Islam women's self-esteem is achieved by rejecting to worship everything except the Creator, for only the Creator is worthy of our devotion, nothing else. This is the basic creed of Islam, and what Muslims believe. When a person fully understands the meaning of this creed, they will be liberated from all kinds of slavery. They reject to become the slave of anyone or anything, and that includes idolizing actors or singers, worshipping money, or becoming enslaved to the fashion industry, etc. etc.

It is my belief that when it comes to raising awareness of women's rights Muslim women with their positive self-esteem based on a spiritual rather than a material understanding of inner worth, can have a profound understanding and awareness of their rights because it is an awareness derived from their spiritual growth. Since women are vitally important in all aspects of society, having the right and sound self-esteem can have a positive effect on what constitutes their responsibility toward themselves, others and society at large. In order to achieve this task,

Muslim women need to raise their awareness of what it means to have a true sense of self-esteem something which is becoming increasingly challenging when we consider the pitfalls of the so-called modern or even post-modern conditions which trivialize and deform beyond recognition. Therefore, Muslim women should be very wary of falling victim to buying into the western concept of self-esteem which in the long run can play havoc with the conception of their rights in an Islamic community. One way to do this is for Muslim women to reasonably familiarize themselves of their true religion in all its aspects and especially in relation to their status because this can cultivate the much needed inner worth, thus pushing the Islamic society ahead.

**Women's role and
status in creation**

K. M. DOSSA

Human beings have a series of natural and inborn rights and freedoms which are absolutely inalienable (that cant be given away or taken away) and un-transferable and cannot be renounced. The basis of all natural rights is nature itself. If man has special rights, which a horse, sheep, bird and fish do not have, that is due to his nature and the way he has been created. If all human beings were equal in matter of natural rights and thus all must live a free life, that is because that order is a part of their very making. In the light of scientific research and biological and psychological discoveries, it has been proved that significant differences exist between the two sexes. Women and men as human beings are born free, each with certain peculiarities, characters and mentality. This difference is not the result of

geographical, historical or social factors but lies in the very making of them. Nature has purposely made them different and any action taken against the intention of nature would produce a disastrous result. As we have taken inspiration from nature, with regard to the liberty and equality of human beings, in the same way, we should seek guidance from the nature itself to decide whether the rights of man and woman are of the same kind or of two different kinds and whether domestic society is or is not, at least a seem-natural society. It is at least, a point worth considering that whether the bisexuality of animals, including human beings is accidental or a part of their creative design i.e. whether the sex differences are superficial and organic or as Alexis Carell has pointed out, every cell of human body is stamped with sex, whether male and female have, or have not, separate missions to perform and whether rights are monosexual and bisexual. The same question may be asked about moral education, punishments, responsibilities and missions.

By nature, women have a less productive capacity while their consumption of wealth is more than men's. Their periods, pregnancy's, pains of childbirth and nursing of children place them in a position in which they require men's protection. This position is not peculiar to human beings but also applies to all animals living in pairs. In the case of all such animals, the male instinctively protects its female partner.

Due attention to the natural position of man and woman and to their equality and common rights as human beings, places woman in such a comfortable position that neither is her person injured nor her personality affected.

Men are physically stronger than women.

Man and women are two stars with their distinct orbits within which they should move.

Their happiness as well as the happiness of the whole human society, depends on the condition that they move in their respective orbits. Liberty & equality can be useful only if both sexes follow their natural courses.

When we say that the question of women's society should be reevaluated & should not be remain limited to previous valuations, we mean that we should be guided by nature and should take into consideration all the bitter and sweet experiences of the past.

The holy Qur'an at the time of its revelation took a long step towards emeliorating the conditions of women and restoring their human rights. The Qur'an revived the rights of women as a human being and man's partner in humanity and human rights but did not overlook her woman hood or his manhood. That is why complete harmony exists between the dictates of nature and the dictates of Qur'an. The woman in the Qur'an is the same as the woman in nature.

The first difference concerns the psychology of men and women. Islam made women aware of their rights and gave them a personality, freedom and independence; it did not instigate them to revolt and harbour malice against the male sex.

DIFFERENCES BETWEEN MAN & WOMAN

MAN	WOMAN
Generally more generous than women.	Generally more miserly compared to man.
They are physically bigger hence stronger. They are coarser.	They are physically smaller hence weaker. They are finer.
Their voice is rough and heavy.	Have a delicate and delightful voice.
Their body growth is slower. Male foetus grows slower.	Their body growth is faster. Female foetus growth is also faster.
Have larger brain size and lung capacity.	Have smaller brain size and lung capacity.
They speak later.	They speak faster.

Reaches puberty later.	Reaches puberty earlier.
Don't lose the capability of reproduction.	Loses the capability of reproduction earlier.
Their heartbeat is less rapid.	They have a more rapid heartbeat.
They are less good looking than women.	They are better looking.
More logical oriented.	More emotional oriented.
Have less nursing power.	Have better nursing power.
Less patient with children.	More patient with children.
They are less strong in bearing pains.	They are stronger in bearing pains e.g. childbirth.
They are less social.	They are more social.

Less influential in the family or society.	More influential in the family and society.
They give more priority to sex.	They give more priority to love.
They have the instinct of alluring.	Instinct of credulity.
Man is over powered by his desires.	They have greater capacity of controlling and concealing their desires.
They are a symbol of wisdom.	They are a symbol of love and emotions.
Their feelings are challenging and bellicose.	Women have a peaceful disposition.
They are aggressive hence more inclined towards suicide.	Women are calm and quiet hence less inclined towards suicide.

They are cool minded.	They are more emotional and easily excited.
Not as interested in ornaments, cosmetics and fashion.	More interested in cosmetics, ornaments and fashion.
They are generally stable.	Their feelings are not as stable. They are fickle minded.
They are less talkative, and less ceremonious.	They are more talkative, fearful and more ceremonious.
Develop feelings of fatherhood.	Have in -born instincts of motherhood.
They have greater power of concealing secrets and can keep unhappy happenings to himself hence are more	They express their feelings more openly hence less afflicted with diseases of introversion.

often afflicted with diseases of introversion.	
Less sensitive and soft hearted.	More sensitive and soft hearted.
Rarely weep.	Can easily resort to weeping and sometimes to unconsciousness.
Better at deductive sciences and dry intellectual subjects.	Better in literature arts like paintings.
Men love the women they like.	Women love the men who realize their value and proclaim his love to her.
Men want to own their women.	Women want to dominate men's heart.
Men want to overpower women.	Women want to penetrate into man's heart.

Men want to capture women.	Women want to be captured.
Man wants women to be beautiful and charming.	Women want men to be courageous and gallant.
Men are slaves of their desires.	Women can control their desires.
Man's sexual urge is active and aggressive.	Women's urge is passive and excitable.
Men want to be the same.	Women want to get up every morning with a fresh look.
A man's best sentence is 'my dear, I love you.'	A woman's best sentence is 'I am proud of you'.
Good luck to a man means securing a respectable position in the society.	Good luck to a woman means to captivated the heart of a man and keep it safe through

	out her life.
Men have been created to dominate the world	Women has been created to dominate men.
Men are better organizers, judges and directors.	They prefer to work under supervision and like to work as a subordinate rather than a boss.
Men's train of thought is practical.	They are afraid of taking risks.
Men speak for individual interest.	Women speak for collective interest.
Their function is to serve for their wife and children.	Their function is to serve the cause of the survival of the species.
Bolder in facing the risky and critical jobs of life.	Afraid of taking risks.

Men are impatient in dealing with minor issues of daily life.	Women are more endurant and can deal with minor issues of life better.
Men's clothes are usable as long as they don't run out.	Women need more endurant and can deal with minor issues of life better.
Men's clothes are usable as long as they don't run out.	Women need more money for self-beautification and self decoration and wear a dress as long as it gives a new look.
They have to depend on women for moral and spiritual needs.	They have to depend on men for material and financial needs.

**Women in the state
Reconstruction:
Once upon a Time
in Central Asia
from Welfare to Ill-fare**

Carine Barbara

Introduction

Ten years ago, gender issues were inexistent in most, if not all, political science textbooks. Today it is becoming more and more difficult to avoid such analysis and comparisons between all societies. After all, women are part of all societies, nations, states. There are many theories on women's status in the society, their role in different groups and these status and roles are also objects of many comparisons.

One of the questions which are interesting to raise is why gender issues have become only recently subjects of studies? One could see a time coincidence between the definition, or the re-definition, of different forms of states

and the re-definition of the role of women. The re-birth of democratic states in the wake of the Soviet collapse, the rise of an European political centre, the enlargement of the European Union, the development of issues of globalisation such as democratisation and civil society, the erosion and modification of boundaries, the crisis of welfare states, destabilisation of states expressed in "ethnic cleansing", all this has increased the interest to analyse the role of all social actors. These analyses divide and regroup the social actors according to pre-defined categories: gender, religion, age, ethnicity, marital status, etc.

Central Asia is one of the modern cases where the questions related to the elements of state construction were raised: transition towards democracy, market economy and law-based state, as it has been mentioned in their legal frameworks. It has been, indeed, their *leitmotiv* since 1991, independence year for all the Central Asian states. And as usual in the construction of states, besides the question of the crisis of the notion of state, some recognised that all the

social actors have a role to play in it. The main arguments to refuse the role women could play in the state reconstruction are based on the social, economic and political constraints.

In order to better understand their role in the Central Asian societies, the comparison of the structure of the society during the Soviet times could highlight some consequences. First it is important to understand the political context in Central Asia. With the fall down, some analysis are dedicated to the notion of reconstruction or state building of the five new states of Central Asia. These different theses, related to the reconstruction or state building, have an impact on the role of women. It includes the integration and the involvement of women in the society. The point is to focus on the new sphere of action compared to the one they had before and during the Soviet times.

I – The Reconstruction of Central Asian states: Some Elements

In 1991, at the independence, the construction of an ideal

state as described in the Republic of Plato was not the main concern. This is why the discussion about the notion of state *per se* in this context is limited to the classical elements of the state (territory, government and population¹). The fact that other elements (e.g. psychological element, recognition by UN²...) could be taken into account will not be discussed here. Our analysis is focused on one aspect: the role of the actors (the population) in the construction of states and more precisely the role for women.

a) state-building or Reconstruction?

Stein Rokkan³ – one of the most important contributors to comparative historical sociology – defined four stages

1-The legal criteria for statehood are generally accepted to be those set out in Article of the Montevideo Convention in the Rights and Duties of states. This treaty was signed at Montevideo on 26 December 1933. The principles have been generally recognised as an accurate statement of customary international law.

2 -Brownlie, I (2003), *Principles of Public International Law*, (6th Ed.), Oxford: Oxford University Press; Oppenheim (1996), *International Law*, London: Longmans, Vol. I, pp. 428-434 and pp. 581-582.

3-Eisenstadt S., Rokkan S. (1973), *Building states and Nations*, London: Sage, T. II; Rokkan, S. (1999), *state Formation, Nation-Building, and Mass Politics in Europe* (Eds. by Kuhnle S., Flora P., Urwin D.), Oxford: OUP.

towards state-building: (1) the formation of a political centre through military and legal penetration of a specific territory; (2) the cultural standardisation of the population; (3) the extension of political citizenship and participation; (4) the development of distributional welfare policies.

Carl Bildt – the former Swedish prime minister who acted as the international community’s first administrator in Bosnia-Herzegovina – assesses the difficulties facing the US-led coalition in rebuilding Iraq.¹ He proposed to consider seven elements defining the state-building. This definition focuses mainly on the idea that state-building is the process of a post-conflict situation. These elements are: (1) construction of a secure environment; (2) the central challenge is not reconstruction, but state-building (reconstruction means physical scars); (3) to build a state, you need to know what state to build, thus requiring some sort of a peace agreement or constitution; (4) there must be an early focus on the preconditions for long-term economic

1-Carl Bildt, BBC News, January 18, 2004.

growth: reconstruction of the physical scars of war is certainly important... but building a political infrastructure that unites competing forces and ensures some sort of order must always be the focus. There must be an early focus on issues like currency, customs, taxation systems, commercial law, banking, and debt restructuring and cleaning any legal obstacles to accessing international capital markets. Job creation, and bringing back a vibrant middle class, is the key to long-term stability. Without them, despair and resentment will soon disrupt even the most ambitious efforts at state-building; (5) there has to be a benevolent regional environment cooperation with the neighbours; (6) the greater the international support, the easier the process; (7) nation-building¹ takes a long-time, and requires more resources, than most initially believe.

Bildt's definition highlights the difference between the notions of state-building and state reconstruction. state

¹ -The link between state-building and nation-building are worthy of analysis, but it is not our topic here.

reconstruction can be defined as the process by which the state that declared its independence is fully recognized as a member of the international community.¹ For instance, the former USSR countries entered in a process of state reconstruction when, after their accession to independence and their admission to the UN, they created between themselves a new set of relations – international relations – the Commonwealth of Independent states. Whereas state-building generally refers to a process that takes place after a conflict situation. Therefore the notion of state reconstruction is not an element of state-building.

With the collapse of the Soviet Union, all the five new states of Central Asia took the opportunity to build their own path, follow their own pace. Among them, Uzbekistan appears to be one of the most reluctant to integrate all the elements coming from the past. Instead of facing all the

¹ -RYDER J. & WILKOSZEWSKA K. (Eds.). (2004). *Deconstruction and Reconstruction*, The Central European Pragmatist Forum, Amsterdam/New York: NY, Vol. II.

(radical) various changes and integrate them in its constitution, all these parts have been considered as negative parts of the past and therefore were erased of the patrimony. This includes also all the parts of its history and its culture.¹

Uzbekistan's neighbours considered that the past cannot be wiped out and that Central Asian countries should be examples of the integration of the past into the future.² But Uzbekistan seems to be very reluctant and opted for instance to burn, throw out and sell (in the very few bookshops and for nothing) a huge majority of Soviet books. Uzbekistan chose as well to keep Uzbek as the only

1-They changed their alphabet from Cyrillic to Latin. In one century, Uzbeks had successively different alphabets or language as official language: Uzbek language in Arabic and then Cyrillic alphabets, Russian language, and, in 1991, it has changed to be Uzbek in Latin alphabet. Among the other former countries of the Soviet Union, Azerbaijan, followed a similar path: one of the first laws passed in Parliament, December 25, 1991, was the adoption of a modified Latin script as the national alphabet. See Talibzade K. (Spring 2000), Learning to Read All Over Again Alphabet Changes, Azerbaijan Throughout the Century An Eyewitness Account, *Azerbaijan International*, n° 8.1.

2-The analysis of Turkmenistan is not integrated because of the lack of information.

official language. The immediate consequence of that is the marginalisation of a large majority of the population who had learnt exclusively Russian. And of course women are undergoing this radical and quick change. These adjustments create, as it was the same during the Soviet times, heavy limitation on parts of their cultures, traditions and religions.

b) Time and Reconstruction

Time is quite an essential element of the reconstruction of the state. Mutation, transition, emergence of new states requires to analyse the role, or the absence of the role, of this particular notion. There are many spheres where states have some implications: social, political, economic ... this is why there are also many "times". These times are the expression of different dynamics and contradictions, especially when they are coupled with the notion of space. In the case of the new post-communist states, different steps have been identified towards the creation of and adaptation to the new states.

A first step in state reconstruction for the Soviet Union countries could have been the establishment among themselves of a confederation. Although this seemed logic, it was quickly abandoned. It could have been the first way towards independence and then be the way of accession to democracy. Time is punctuated by rhythms which are conducting transitions. Confederation could have been one of the rhythms. Other rhythms towards independence could have been federation of states, economic union, trade union, etc.

The time dimension is needed in order to express how to take into consideration the actors' limits in the process of state reconstruction. The very short lapse of time between accession to independence and the constitutionalisation of the new states means that the actors in the reconstruction of states in Central Asia didn't let time to be rhythmised. Taking into consideration the time dimension is the condition for a successful transition and it can be defined

outside, beyond or even beside the states¹.

In the former Soviet Union, the transition has been decided and managed by the very same old actors. This probably explains why transition occurred so rapidly without respecting the need to adopt rhythms. If there had been a vacancy of power around the period of transition, one could wonder whether this would have allowed rhythms to take place.

It's in the state and by the state that all main changes can be done and can determine the conduct of all other dimensions like the institution of the rule of law. This has been really instituting the notion of "state" as a real basis of the new society which is the continued value of the transition. With the absence of time and its necessary rhythms, states in this context have been re-structured rather than democratised. The process of democratisation in

¹ See Massias J.-P. (1999), *Droit constitutionnel dans les États d'Europe Centrale (Constitutional Law in the Eastern European states)*, Paris: Presses Universitaires de France, pp. 1-18.

Central Asia is limited. It has started with the reluctance of the conservators, manifestations of the opposition and the obvious incompatibility of the Soviet system with real liberalisation. All the elements for the creation of democracy and rule of law have been reunited but there had been no time to let them be organised, as their constitutions mentioned it, in the shape of democracies. All the constitutions remain written documents rather than practice. This is why constitutional law should be the central element of any transition, which was not the case in Central Asia.

Post-communist countries are going through various transitional dimensions. One of these is the transition towards a new state structure. Transition is the movement in which all actions are linked – positively and negatively – to the past and to the future; passage from one state to another.

Transition in Soviet countries are threefold: (1) challenge socialist fundamentals – this starts as the new power being favourable to reforms and organisation of multi-pluralist elections; (2) transition *per se* – the new assembly adopts a

non-socialist constitution; (3) consolidation of democratisation – new rules are applicable. The functioning of the institutions, respect for the legal norms and the guarantees of public liberties offer some dedication to the controlled expression of conflicts and social antagonisms. They are indicators of the degree of consolidation of democratisation.

The key beside time is the social dynamic included in the constitution. The transition generates a new system of law which is expressed through socio-political reality. The witnesses and actors of the transition put into effects the constitutional jurisdictions which are concrete signs of the way towards the rule of law. All these new states have a common past but a different history. Tajiks and Uzbeks are sedentary whereas the other ethnic groups from Central Asia are nomads. All these people have been integrated in the modern states according to the Soviet policy of nationality.¹

1-See Roy O. (2000), *The New Central Asia: The Creation of Nations*, London: I. B. Tauris.

Nevertheless before the Soviet integration, one can highlight how the role and the history of women was completely different from one country to another. In Kyrgyzstan, women were fighters and rulers: they had authority to sign treaties and even to lead military operations; in Kazakhstan, they can preside associations; in Uzbekistan and in Tajikistan, they were mullahs. It is commonly recognised that in all these republics they had an important role as healers.

II – Images of Women: from Wife to Goddess

a) Images of Women Prior to Sovietization: Between Legend and Reality

In Kazakhstan and Kyrgyzstan women are the central part of the family. This can be explained by the nomad way of life. The family needs women to survive as well as women need to be brave and fight for preserving their family. In Kyrgyzstan, women are perceived as the element of the foundation of the nation, based on the legend that the

meaning of the word «Kyr - gyz» is «Forty - Girls»¹. The legend states that a long time ago there lived a *Padusha*² who had only one daughter. Her daughter felt lonely, this is why he decided to give her forty personal girl-servants and built a palace just for them. One day as the girls were walking near one lake they saw some foam in the water and decided to go swimming. Later on, one discovered that all the girls were pregnant. The *Padusha* ordered them to be taken to the distant mountains and left there. The Kyrgyz

1-The word "Uzbek" is derived from two Uzbek words, 'uz' meaning self, and 'bek' meaning master. So the literal translation is 'master of oneself'; the word "Kazakh", meaning 'independent', 'free', 'wanderer' depicted their nomadic existence long before it became an ethnic connotation. The word "Turk" is used as synonym to the word "Turkic" of the international literary. The word "Men" means 'I'. Figuratively it refers to the braveness. Accordingly the word "Turkmen" can be explained as: 'I am a Turkish man' or 'We are Turkish brave men'. The word "Tajik" is said to have derived from the Arabian tribe, called 'Tayy', the original form was *Tazik* or *Tezik*, which came to be used simply for the Arabs in Central Asia. Later on, it was used for the Persian subjects of the Arabs. According to the popular belief, the Tajiks are originally Iranians, with mixture of Mongol and Turkish blood. The word "Tajik" could also be equivalent to "Aryan", which means 'of noble descent'. In the modern Tajik language the word "Tajik" means 'crowned, of noble kind'. Like the name "Tajik" itself, the Tajik language has a rich and colourful history.

2-*Padusha* means King.

people originated from these girls.¹ Besides the importance of women in the genesis of the country, they are also part of the cult. Thus, in Turkmenistan, the cult of goddesses such as Anahit, Umai, Mamake,² respectively goddesses of fruitfulness, water, hearth, earth and house are well known. The particularity of Umai Ene is to be considered as equal as the god Tengri who is the highest god in the Turk cosmogony.³

Some figures of women have real representations coming

1-Akaev A. (2003), *Kyrgyz statehood and the National Epos Manas*, Bishkek: GSP.And.also.http://open-site.org/Regional/Asia/Kyrgyzstan/Society_and_Culture/History (accessed on April 2004).

2 -*The research group of the Report on the Status of Women of Turkmenistan*. (2000). *Status of Women in Turkmenistan*, Ashgabat: UNDP.

3 -Umai Ene protects mothers and their children against "bad luck". See Poujol C. (2001), *Dictionnaire de l'Asie Centrale (Dictionary of Central Asia)*, Paris: Ellipses, p. 201: Tengir means "sky-God" or "Supreme Divinity" in turko-mongol. "The Child-Birth Cult ("Umai Ene")", *Altai Republic Russian Federation Official Website*: <http://www.altai-republic.com> (Russian Federation), *Myths and Legends*, 2004, p. 4 (in Russian and accessed on May 2004); <http://topkyrgyz.vov.ru/legenda.htm>; <http://www.pr.kg/articles/n0146/12-meer.htm>, article by Mariam Akaeva mentioning Umai Ene – the woman-bird (accessed on May 2004).

from history. Some lead tribes like the famous Kanykei¹ the third wife of Manas², fatherland. She is perceived as a clever wife, skilled sewer, ideal wife (even enemies praised her), generous and hospitable. Epos is telling the history of Kyrgyz people,³ the part related to Kanykei is even compulsory in the curricula of primary schools:

Kanykei

Her waist is like young of camel's

The eye browns are curved like chi⁴

she has a large forehead, black eyes

Her speech is sweet.

1-About Kanykei see Wasilewska E. (1997), *The past and the present: The power of heroic epics and oral tradition, Manas 1000, Central Asian Survey*, London, Carfax, Vol. 16, n° 1, p. 89; about another female personality Zouourakan Kainazarova, see Kuehnast K. (December 1998), *From pioneers to entrepreneurs: Young Women, consumerism, and the world picture in Kyrgyzstan, Central Asian Survey*, Vol. 17, n° 4, p. 641.

2 -The epos "Manas" consists of three parts. It is named after the main Kyrgyz hero, batyr-khan Manas, who was the leader of his people in their struggle against foreign invaders. Manas was the husband of Sanrabiga, who was well-known as Kanykei.

3-<http://freenet.bishkek.su/kyrgyzstan/epos/epos5.html>: This parts of Manas poem are studied especially in the 10-12 grades (accessed on April 2004).

4 -*Chi* means steppe grass.

Her back is sloping, her bosom is
like wild ram's,
She is white faced, her eyes are
like young of camel's.
Her rosy face shines
Her slender waist sways.

Manas' getting married to Kanykei

The girl Sanrabiga,
the Khan's daughter,
married Manas-
the khan of the Kara Kyrgyz.
The people knew, that
She became related with
the Khan family.
Slow-witted Kyrgyz could not
perceive her name correctly
later on therefore
She was given a new
name Kanykei.

In the 16th century, Khan Jougil Moursar has also incarnated the image of strong women as the author of many victories against local khans. But the most well-known, because of the proximity with the history of Kyrgyz people, is Khan Kurmanjan Datka who is part of the construction of the national and women identity of today's Kyrgyz. At the end of the 19th and beginning of the 20th centuries, Kurmanjan Datka¹ was well-known for her strong temperament. She started then to be an example for Kyrgyz women. The Tsarina of Alai was born in 1811 in one of the nomad tribes from the east of the Fergana Valley. Early at 18 years old she refused to abide by the Islamic and custom traditions. As it is the tradition in many countries as in Central Asia, she discovers her husband for the first time the first day of her wedding and refuses to live with him. This has been explained by the fact that she refuses to follow someone she didn't know and she didn't like. She got married with him during two years but they lived separately.

¹-*Tsarina of the Mountains, Kurmanjan, & Her Times* (2002), Bishkek: A. Kakeev & V. Ploskik.

In the region, a well-known man appeared to become a big figure by the name of Alymbek. By his authority, he released the young woman from her marriage and took her away with him. In 1832, the Lord of Alai, Alymbek Datka, married her after his repudiation by the consented first husband. At the time of the death of her husband, Kurmanjan kept control of Alay strongly in her hands. Kokand rulers, despite their inherent (from the Orient) bias in relation to women, found it necessary to agree to name Kurmanjan the main ruler of Alay with the title Datka. Known for his arrogance, Kokand's supreme ruler Khydayar-khan was compelled to meet Kurmanjan Datka, as she was a most notable person. In the 1870s Russia came with troops to the territory of Kokand khanate. At first, Kurmanjan Datka resisted the armies of the "White Tsar" in the region.¹ Before her death, she has been awarded by the Tsar for her action.

1-For the role of women in Kyrgyzstan, Gauzère D. (Juillet-Décembre 2002), *La femme en Kirghizie (Woman in Kyrgyzia)*, *Cahiers d'études sur la Méditerranée orientale et le monde turco-iranien*, n° 34, pp. 260-293.

b) The Soviet Period: the Lost Myths

The Soviet system strongly modified the role and the status of women in Central Asia. The main images representing women were ones of mothers, cooks, cleaners and wives. Besides these widespread images, specific groups had developed a wider range of women representations but limited in the Soviet system. The collapse stopped again some evolutions.

One of the dimensions that the Soviets changed relates to the “visual” image of women: becoming Soviet they had to renounce to their traditional clothes and traditions. During the Stalin period, women’s movement “Hudjum”¹ was one of the consequences of the Soviet fight against old Central Asian traditions. This movement was meant to take out the female ritual dress - Parandja and to unveil women’s faces

¹-*Hudjum* means “attack or offensive”, it is the 1927-1929 Soviet campaign in Central Asia to take off all the traditional clothes such as veils and burkas; see Hogan B., *Soviet History Provides Lessons - Good And Bad - For Women*, 10 October 2003 (RFE/RL). See also B. P. Pal’vanova (1982), «Emansipatsiya Musul’manki» (*Emancipation of Muslim woman*), “Nauka”, Moscow, p. 163.

in Central Asia in order to send them to collective work. For the first time in 1925 women participated in a public event: a parade where men and women, still wearing their veil, were together. On 21 March 1927, in the celebration of the New Year Eve "Navruz", the first unveiled women appeared in public.

This phenomenon appeared some years before the creation of the Soviet Union. Thus, in Uzbekistan, in 1916, the first women decided to take off their colourful national clothes, before even the creation of the Soviet Union. Their names and their history remain completely unknown even if they are the ones that started to break definitively with the past. In order to understand truly the meaning of such an impudent act and the progress it represents, we have to take into account that only four years earlier, in 1921 in Bukhara, a small group of women leaded by the well-known feminist activist Otmar-Shtane was arrested for going out during a Muslim religious holiday. By this they violated the old and powerful rule, in accordance to which Muslim women were

not allowed to participate in such events: they could observe public activities only from the roof of their house.

It is really since 1922, when USSR was officially established, that women had to cope with multicultural and multilingual identities: it was no longer sufficient for a Karakalpak woman to educate their children in the Karakalpak language and culture, she had also to integrate the Russian language and culture, work in the kolkhoz and learn to divorce her husband; her Karakalpak identity had suddenly become a nationality, to which she had to add a Soviet citizenship. The arrival of the Soviet culture and tradition created homogeneity among the various identities of the Soviet nations.

Moreover, the Soviets imposed on all their citizens a strict equality between men and women. Thus women were working, receiving the same salary as men and the same social benefits; they had the same civil rights and were considered as equal to men under the law. That was the case for everybody in the Soviet republics. This uniformity of

treatment for everybody comes from the ideal of the *homo-sovieticus*¹ created in the '20s. The implementation of this idea allowed control against discrimination, which was one of the propaganda of the Communist Party of Soviet Union.² As it was mentioned in 1927 in the report of Communist Party of Uzbekistan "the wide-scaled women's activity with intensive involvement of women into social life spreads all over the Central Asian region, and beginning in the fall of the same year (1927) it receives the constantly planning character."³ In fact, the new images imposed by the Soviets were not so new if one compares with the images of women that existed prior to the Soviet era.

1-See Zinoviev A. & Janson C. (1985), *Homo Sovieticus*, London: V. Gollancz.

2-See Browning G. (1987), *Women and Politics in the USSR*, London: Wheatsheaf Book Ltd, pp. 65-74.

3-See Ismagilova N. R., *Women's movements in Central Asia: The history of Feminism and its development during transition*, paper given at the Women History Network (WHN) 11th Annual Conference, September 2002. See as well Ismagilova N. R., *Women in Mind: Educational Needs of Women in Central Asia – General Recommendations and Strategies for Development*, (Khujand, Tajikistan) available at: <http://www.mtnforum.org/resources/library/isman02a.htm> (accessed on April 2004)

In fact the Soviets simply made these images part of the legal compulsory system and contributed to disseminate them. The Marxism-Leninism views Central Asia women as slaves to ancient and barbaric traditions – Islamic and customary – slaves to men, to the family, to the tribes which have all the power upon her. This is why for replacing these traditions, it was made compulsory for all to read and understand Russian. During Soviet Union, 97% of women learnt to read and to write. The participation of women into the new Soviet style was fixed by quotas which were compulsory for each profession. Therefore, the only way to escape Sovietization was home. However with the fall down of the USSR, nce again a new reconstruction has started for each new independent states of Central Asia.

III - After the Collapse of the Soviet Union: The Aftermath

a) Role in the Society: Guardians of Traditions

In the meantime traditions and culture never disappeared completely in the Soviet Union whereas all the Soviet

women disappeared with the fall down of the USSR. As a matter of fact, they turned back to religious and social organisations which were created besides the states' structures. All these women share the same religion, Islam, and it is recognised that Islam is a community-based religion. In that respect it is close to communism, a community-based political system. The communist party encouraged all forms of women's meetings like women's clubs and associations where women could seek help and support. Today Islam provides them the opportunity to meet altogether in groups, associations, meetings and share the private and every day life preoccupations. They can meet in *giap*¹ or in all the religious celebrations (Eid, Navruz,

1-*Giap* (means discussion): game between groups of friends or members of the family. One person of the group invite to eat all of them. In exchange he will receive a pre-defined amount of money from all the other members. Each month someone different invites the others. The amount of the participation depends of the financial means of the members but all of them have to provide the same amount. Women organise their *giap* also. This is a way to express their problems and to find some kind of supports (financial, ...); this is why sometimes husbands don't agree. It is commonly perceived as a substitute to the credit, which was non-existing in Soviet Union.

weddings ...).¹ Nowadays, women are involved in all celebrations: birth, wedding, circumcision, funerals ..., which are often organised in the way of popular Islam. This means that women are in charge to transmit part of the traditions and culture.

Although the Central Asian states recognised Islam as their official state religion, they have limited the expression of the Islamic traditions. The length of celebrations is limited to a few days when they were lasting a week before, amount to be spent for wedding is regulated, etc. Women express their dissatisfaction about that and tend to dissociate themselves from the official state religion. For them, these celebrations are important as they constitute rhythms in their life. These events also develop opportunities for re-enforcing these women's links with the Turk-Iranian Islamised world and their role in the transmission of culture

¹-*Eid-i-Ramazon*: Commemorates end of Ramadan and *Eid-i-Karbon* occurs 70 days after the end of Ramadan. *Navruz*: Persian New Year, March 20-22. These celebrations are the opportunity for women to visit especially the new brides and their relatives (aunts, sisters...).

and value. Despite the fact that the new states were created without integrating their women citizens, the Central Asian women have a strong influence on their societies through their religious activities. The cultural and religious manifestations are the basis of the social cohesion. The relations women build in this context are producing social links exactly like other celebrations such as *giaps*.

Since the *perestroika*¹, family links have changed. Marriage rate decreased whereas divorce rate increased. In Central Asia, the average age for wedding is 20 years old for women and 24 for men, which is younger than during Soviet Union time.² Polygamy has been prohibited during the Soviet times and remains only traditional. It is often explained as a mean to increase the resources of the family or as traditional practice for rich people. In Central Asia the

1-*Perestroika* (means re-building or re-construction): It has been decided during the XXVII Congress of party in 1986 (and being in force 'till 1989) some political and economical reforms has been taken in order to transform the system into a market economy and to create different forms of properties.

2 -Women and Men in Uzbekistan, Governmental Department of Statistics, Tashkent, 2002 (published by UNDP and Asian Development Bank).

role of women decreased with the collapse of Soviet Union and more often their role is limited to house tasks or agricultural work as the collect of cotton. Women's roles and their participation in the reconstruction are different in all five Central Asian countries. In Kazakhstan, women are organised on the basis of religious associations, the only country where it is organised as such. Women leadership is difficult to compare among the republics of Central Asia. They have common history but different approach on re-Islamisation and participation in the construction of the society. In Tajikistan and in Uzbekistan this is unofficially done in the districts (*mahalla*)¹. The general meeting of citizens within the *mahalla* is the "supreme body of self-government of citizens", with the power to make decisions on behalf of the *mahalla*.² For women, the objectives remain

1-District in Uzbekistan and in Tajikistan is special entity where individuals live in the collectivist rhythm.

2-The basis for regulation of *mahalla* committees or "self-governing bodies" is mentioned at the Article 105 of the Uzbek constitution. It states that the procedure for elections, organization of the work, and the powers of self-governing bodies shall be specified by law. The word mahalla, a collective noun of Arabic origin,

the same: create autonomous spheres in order to create chains in the Islamic society. If Islam traditions and culture survived despite the Soviet times, it is also because women themselves acted as guardian of religious life even if practicing was difficult (and still remains difficult in Uzbekistan and Turkmenistan).

Family life for women is integrated to community structures. Their wedding is organised in and by their family. Private life is still something which is shared within the *mahalla*. They share all together these moments which give rhythm to the society. In each *mahalla* there are two important women: an *Otin*¹ and a healer. The *otin-oyi*, or female religious leader, initiates the religious education to

means "city neighborhood" in Uzbek, but when used in its adjectival form it simply means "local".

1-See Fathi H. (March 1997), The Otin, The Unknown Muslim Women Clerics of Central Asian Islam, *Central Asia Survey*, Oxford, 16 (1), pp. 27-43; Kamp M. (November 4 -10, 2001), Everyday Islamic Practices in Central Asia, *Religion Today* (1988-2004); Muminov A., Traditional and Modern religious – Theological Schools in Central Asia, Central Asia and the Caucasus, *Center for Social and Political Studies*.

the family, which includes women, children and the neighbourhood. They act also as counsellors for private affairs. They have authority to intervene in private life in order to solve personal and familial troubles. In case of serious disputes the *Otin* has authority to advice the husband and even to recommend that he leaved the family.

In the Soviet times, district committees were managing all the district matters. Today, these committees have been replaced by the *mahalla* general meetings. The collective life in these districts is more or less controlled. Sub-committees can be set up on such topics as weddings and funerals. The deputy chair is always a woman who heads a sub-committee on women and families. In counterpart they receive protection. Women are using this kind of social organisation to protect their traditions, although sometimes it has to be done clandestinely. For instance, in Uzbekistan they used their mission to build a new social identity in order to participate in the reconstruction of their society.

In Kazakhstan and Kyrgyzstan women succeeded in

preserving all the freedom heritage from Siberian traditions. Islam and collectivisation didn't extinct these traditions, on the contrary these tribal and family structures had been reinforced by these system which are based on community. Moreover, ancient traditions remain present in the current societies. For instance, "Lady problem-remover" and "Lady Tuesday" are invisible beings and considered as guardians of the family. This cult is linked with the mystic figure of Bahâud-dîn Naqshband¹ (1371-1389), creator of Naqshbandiyya Sufism. His tomb is near Bukhara, in Uzbekistan, and well known by all the Muslims of Central Asia. Women who perform this cult are often considered as saints and are as having the power to do miracles. But all

1-The word Naqsh means design, symbol or pattern and Band means making or doing. The term Naqshbandi is translated as meaning to imprint the design of God on ones heart. Unlike most Muslims who pray out loud the Naqshbandi Sufis practise what is called Huffia Zikr (silent prayer). This may have been what saved the Naqshbandi order from extinction during Soviet times when the Communists implemented devastating Religious purges amongst their own people as well as the other Nationalities who fell under their rule during this period. spread through the minority areas as well as the Russian parts of Asia were exacted by the communist party.

these traditions contribute to install mechanisms to re-structure the community rather than strategies for re-Islamisation. In fact, the lack of state obligations or its weaknesses have as consequences its replacement by religious and traditional structures. This is coupled to the prohibition on expression of their fate, which has to be concealed (this is especially the case in Uzbekistan and in Turkmenistan).

b) Role on the hand: Spouses versus Workers.

After 1991, collective work, welfare economy and extremely centralized politics have been dropped out as the Soviet Union. Some stigmata remain: work of general interest for free (in the cotton fields) and *Subbotnik*¹, in which women are still participating intensively. In the same time, the status of women has changed in all the countries of the Soviet Union. The most direct consequences of the

¹ -*Subbotnik* Means small Saturday in Russian. With the Russian Revolution, Communist workers encouraged people to General Interest work on Saturdays in order to paint, clean gardens and parks of the country. Nowadays it remains one saturday by month.

collapse were mainly born by women. Because of the bad economic conjunctures women are first targeted. In 1997 in Central Asia the unemployment rate was allegedly between 70% and 80%¹, thus it was said that women should devote themselves only to their husband and family in order not to occupy a man's job.

Official associations of women have been created during the Soviet times.² As a part of women's strikes for social justice, these committees and departments succeeded in the constant struggle against polygamy and bride-napping; they contributed to awareness raising about the rights of divorced women and widows as well as to the reduction of illiteracy. The presidents of Islamic associations bring also some

1-Fathi H. (April 2002), *Le Retour de l'Islam en Asie Centrale: Le Rôle des Femmes (The Return of Islam in Central Asia: the Role of Women)*, *Le Courier des Pays de l'Est*, n°1024, p. 62.

2-The precursors of these associations are Ch. A. Ross, the first head of Women's department of Communist Party in Turkmenistan, L. A. Otmar-Shtane, the head of Women's Department in Bukhara then in Samarkand District, S. T. Lyubimova, the first head of Women's Department of Central Committee of Communist Party in Turkestan, and others.

support today. All the new presidents of associations grew up in between two systems and try to conciliate them. Their goal is to minimise the impact of social and economics changes, which induce all kinds of violations of women rights: discrimination, lack of information about women rights, unemployment, physical and domestic violence.

The role of women in the political sphere is in continued evolution. Some women have been nominated in the high ranking of Kyrgyz political function as Rosa Isakovna Otounbaeva ex-minister of foreign affairs, Cholpon Tursunovna Baekova president of the Supreme Court and Tokon Asanovna Chailieva who represents the Democratic Party of women in Kyrgyzstan at the parliament. This political party for women was founded with the purpose to denounce the degradation of women's way of life and the precariousness of their status in the society since the independence.

They have less position for them since the collapse of the Soviet Union, probably the direct consequence of the

abandon of quotas.¹ The figures of women as ruler remain object of personal interest. In Uzbekistan, the two daughters of President Karimov studied in Moscow in order to be prepared to replace their father. The first lady of Kyrgyzstan, Mariam Akaeva, is the representative of many charities: Chairman of the "Meerim" International Charity Fund for the Support of Childhood and Maternity formed by her in 1993, President of International Fund "SOS Children's Villages - Kyrgyzstan" and President of an Association of schools and clubs of UNESCO in the Kyrgyz Republic. Ironically, the large absence of women in the public sphere is also in a way "compensated" by the fact that some statues of Lenin, Stalin and Marx have been

1-Women and Men in Uzbekistan, Governmental Department of Statistics, Tashkent, 2002 (published by UNDP and Asian Development Bank) : 30,5% of women in the judicial body, compared with 8% in 1995; 30% of parliamentarians were women and only 4% in 1995. Women parliamentarians were 8% in Uzbekistan in 1998, 16% in Turkmenistan in 1997 and 11% in Kazakhstan. For the statistics see also Gauzère D. (Juillet-Décembre 2002), *La femme en Kirghizie (Woman in Kyrgyzia)*, *Cahiers d'études sur la Méditerranée orientale et le monde turco-iranien*, n° 34, pp. 275-76.

replaced by female figures. In the same time, political leaders recalled the importance of women by many little attentions. 1999 was defined as the year of Women¹ and in the scheme of weak picture of women, the celebration of Women Day remains a big event for everybody in all the countries of the former Soviet Union. On 8th of March we can see men with flowers all over the streets. Flowers are for women of the family but also and it's really important for the colleagues at work.

Moscow was promoting a policy of gender equality across all the Republics of the former Soviet Union. Women were encouraged to study and work. Since the collapse even if all the Central Asian states continue to support the same policy by programs and celebrations, the economic system has changed completely. In fact, in 2001, in Uzbekistan, 62% of women were unemployed (whereas men were

1 -Okhrana i zashchita zhenshchin ot naciliya (*Defence and protection of women against violence*), Gosudarstvennaya programma Uzbekistana (*Governmental programme of Uzbekistan*), 2003.

37%)¹. In order to escape from the growing exclusion they had to organise different kind of actions. To survive, they are trying to avoid the laws on business, which impose many constraints, by making business with their closest neighbours mainly Russia, China, India and Turkey. They are buying goods and products such as cosmetics and clothes in order to sell them individually in their country in time of celebrations and *giaps*. In Uzbekistan, to avoid this illegal business the authorities often close completely all the borders. So with the complicity of the customers and their husbands, they are passing with their necessary goods bought in the closest republics against a little amount of money or products. It appears once again that using women can be a real advantage to facilitate some of the illegal and unpaid business. They are less searched and questioned. Near the borders, one can hear all the stories about the best hidden ways for goods such as TV or chickens. Because of

1-Women and Men in Uzbekistan, Governmental Department of Statistics, Tashkent, 2002 (published by UNDP and Asian Development Bank).

the increasing unemployment¹, they find a way to participate to the family subsistence. But the future appears to be morose due to the limited tools and means being necessary to integrate them more efficiently.

During the Soviet time, education was a tool for propaganda. Therefore the access to education was facilitated and all the schools were quite well furnished in teachers and books. All the commodities were provided by Moscow. One of the results of the collapse and the failure by the “new” governments to maintain this policy is the discrimination against girls. According to a UN report discrimination against girls in access to schooling has been growing phenomenon in some part of Central Asia since the collapse of the USSR.² Gulnoz Ahmadova, student in Dushanbe, explains: “A lot of parents think and are concerned about they are going to find [the] huge amount of

1-Because of the implementation of communism economy, unemployment didn't exist in Soviet time.

2-UNESCO - EFA Global Monitoring Report 2003/4, available at: www.efareport.unesco.org (accessed on 1 July 2004).

money [required] to provide girls and boys with education. Some parents think it is better that – instead of spending money for girls who are likely to become wives – it is better to invest in boys because boys will have to support their family and parents.”¹ Therefore, besides the increasing rate of illiterate women from the beginning of the ‘90s, the proportion of women has decreased at all different level including Ph.D.² A 1997 research indicates that the number of women enrolling in higher education is diminishing: for example, women’s enrolment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and therefore the need for families to fund a higher percentage of education costs leave many families in the position of being able to fund the education of only one child, either a son or a daughter. The report states that

1-Radio Free Europe/Radio Liberty (RFE/RL), November 7, 2003 for general comments.

2-Women and Men in Uzbekistan, Governmental Department of Statistics, Tashkent, 2002 (published by UNDP and Asian Development Bank).

university faculty “steer” women into occupations traditionally performed by females and suggests that administrators may practice a policy of deliberately barring entrance to women in some fields.¹

The widest gap in education between boys and girls are emerging in Uzbekistan and Tajikistan. At the university in Uzbekistan women are 30 percent and in Tajikistan women represent ¼. In Uzbekistan, families are reluctant to send their daughters for studying, especially because they can earn money directly and faster in the neighbourhood; they are also afraid to lose control on their family members. In other way, the situation encourages family in this way. Especially in Uzbekistan, public universities are closing one after another whereas private foreign universities are opening. As UNESCO Director-General Koichiro Matsuura concludes: “Gender parity in education is a priority not only because inequality is a major infringement of fundamental

1-<http://wrc.lingnet.org/uzbekist.htm> (accessed on May 2004).

human rights but because it represents an important obstacle to social and economic development.”¹ We can explain now why the number of marrying underage girls is increasing in some republics of Central Asia.² According to the law of Uzbekistan, only people reaching 17 years old can officially marry. But parents accept to marry their daughters as soon as possible in order to solve at least two problems: pay for the fees of the university, finding a job after school. But it happens also that parents arrange marriage because of poverty and unemployment. One can explain then why the practice of “Kalym”³, well known as “money against milk”, is coming back. This is probably why also traditions remain and are re-enforced in reaction of these increasing problem.

1-UNESCO - EFA Global Monitoring Report 2003/4, available at: www.efareport.unesco.org (accessed on 1 July 2004).

2-Zerkalo XXI (mirror), June 5, 2003.

3 -Exchange of a young fiancée to get money. More precisely, marriage between two exogamous clans was preceded by a great deal of matchmaking. The groom's family is expected to pay a bride's price (*kalym*). It is often described as a “kidnapping” with the agreement of the family.

Conclusion

The freedom of association, the number of NGOs and their activities could be read as a barometer of the level of democratisation. They are also the symbol of the illness of the welfare state. In Central Asian states, NGOs and freedom of association are very limited. The place where it is easiest to create association is in Kyrgyzstan and in that way they can only reveal the decreasing role of women.

It is still unknown that the reinforced and increased role of women in the rebuilding society could have as consequences to increase the level of industrialisation and development of the five countries. Since the collapse, women's involvement in the state affairs has sharply decreased. The doctrine developed during the Soviet time, women's image and role being strictly equal to men's, has no application in time of the Central Asian states reconstruction. Of course, practice was not always in conformity with the dogma. But one cannot deny that women were offered a wide range of opportunities linked to

their “socialist” duties (education, participation to political life, etc.) and compared to the last decade, the level of education and participation in the construction of the public life is every day more limited.

Women’s roles and images are very different from one country to another. Of course the introduction of the Soviet regime, and the doctrine of equality of men and women, was felt differently in Kyrgyzstan and in Uzbekistan, for example. But the collapse of the Soviet Union nevertheless had the same consequence for women all over Central Asia: less access to education, employment, justice ... The collapse of the USSR has a continued impact on all the parts of the population but resulted in more uncertainty for women than for men. In this regard, the Soviet doctrine did not manage in 67 years to overcome the ancient traditions systematically privileging men over women, assigning to men specific roles that are denied to women, especially in those circumstances – another reconstruction.

Women in creation

Nazneen Karim
Ahlul Bayt (a.s) Islamic Sisters Network

O Mankind! We created you from a single pair of male and female, and made you into Nations and tribes that you may know each other, Not that you may despise each other. Verily the most honoured of you in the sight of Allah is he who is most righteous of you. And Allah has full knowledge and is well acquainted with all things. (Surah Al Hujurat verse 13)

Women and men have been created equally but differently and neither inferior nor superior than the other. I would like to quote from a book "Woman and her rights in Islam by Ustad Shahid Murtada Mutahhari "In fact, the wonderful scientific progress of the 20th century has clearly proved the existence of disparities between man and woman. Their existence is not a malicious misrepresentation but a scientific truth, based on observation and experiment.

The law of creation has ordained them simply to make the bond of conjugal relations firmer and to lay the foundation of the union between husband and wife deeper and better. Nature wanted to distribute family rights and obligations between them with its own hands. The law of creation has made the differences between man and women similar to the differences between the various organs of the body."

As we can see clearly, man and woman are complimentary to each other and each has a duty to fulfil in life. However, as the ayat of the above Surah says that each person (male or female) has a duty to strive and become righteous. To learn about the creations of Allah (s.w.t) and to get to know HIM is a duty of all of us. Therefore, it is very important that man and woman go for further education and not only man. However, today, what do we mean by education? Is it merely going to college or university and get many degrees on paper? What is the aim and right of man and woman when it comes to education? If I could turn back the clocks, I would love to have gone to a college that offered religious education as well as my

diploma course to help me grow spiritually and academically.

Another verse from the Quran: "For Muslim men and women-for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in God's praise-for them God has prepared forgiveness and great reward."Surah Al Ahzab: verse 35

Man and women are mentioned in every line, which states clearly the equal responsibilities and rewards for Muslim men and women. Women just like men can attain ten angelic spiritual positions and attain Gods forgiveness and reward in the Hereafter ,which are; 1- Islam (submission to God); 2-Faith; 3-Obedience; 4-truthfulness;5-Patience and perseverance;6-Humbleness and fear of Gods Glory and Punishment;7-Benevolence and

charity;8-Fasting; 9-Self-control of carnal desires;10-Rememberence of God.

Wherever a man has a right, the woman has a similar right. Certain things are forbidden to man because they may cause harm and corruption; in a similar manner, certain things are also forbidden to women as well to protect them. Islam wants to preserve the dignity of men and women. Both are free to educate themselves, they are free to vote and both can be elected for positions.

Due to negative propaganda, our enemies use the media to show that Muslim women are oppressed and denied their rights. These allegations are false and we are responsible to defend in the coming years. Both men and women have their respective rights and differences according to their nature. Men and women must develop themselves to a certain level of perfection to seek the pleasure of our creator. Remember He the All Knowing does not need our worship. We need Him.

Islam looks at a woman with special regard. Islam appeared in the Arab peninsula at a time when women had

lost their prestige. Islam restored it to them and gave them back their honour an identity. The Human Declaration of human rights is a contradiction in itself, as it tries to protect women and children under certain conditions. This law is trying to protect women by giving them equal rights as men.

Instead of looking at the differences between the two and seeing what is best for both in certain circumstances, they are trying to make sure there will be discord between men and women.

This is what they say-"Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and special agencies designed to eliminate all forms of discrimination and to promote EQUAL RIGHTS for men and women.

Considering that, it is necessary to ensure the universal recognition in law and in fact of the principle equality of men and women. All appropriate measures shall be taken to abolish existing laws, customs, regulations and practices, which are discriminatory against women, and to establish

adequate legal protection for equal rights of men and women"

It is extremely worrying, as Muslims who live in non-Islamic countries will have to follow their rules and laws. Already parents are suffering in the west, as they do not have the right to punish their children!

Right behaviour is a learned habit. Children need to be guided in the fields' of knowledge, behaviour and self-discipline to lead a happy and productive life.

The belief that children can figure out for themselves how to act and that adults have no right to impose any sort of behavioural standard is in-fact impeding their ability to learn in every area. In protecting the so-called rights of children and let them behave as they will, the education system is destroying the very 'right' that is to protect-the children's right to learn!

In most European countries, a teacher is not allowed to hug and kiss even small children as this could lead to assault! Our Muslim brothers and sisters must know what is happening in these laws.

We know that Islam has given laws regarding the complete way of life so there is nothing wrong in guiding a child by being firm when the need arises. How else do you discipline a child?

Unfortunately, even women who are seeking divorce are now going straight to their respective governments to claim property and financial help.

There are many flaws, as their law wants to control your whole life and interfere with spouses and their children. People from certain cultures and religions normally do sort out their own issues, but sometimes due to greed and pride, the cases are taken up with the respective countries government, where normally a girl will get what she wants without Islamic consultations. Some of these rights are disguised in words such as freedom of life and democracy. There are certain things a man can do, yet a woman can not do, but with the onset of equal rights the woman will make sure she gets what she wants even if it is harmful for her. Long working hours and trying to compete with men is

definitely not an Islamic principle. Our family structure is in danger.

Women have a right to be spiritually educated and be able to carry on with other duties such as raising morally upright children and looking after their husbands (if married). A woman tries to create harmony in the house and she has the role of a guide, a trainer a nurse, a councillor and a teacher! She is the 'homemaker 'and supports her children and husband. She should not forget her duties at home just because she has graduated and become a doctor or lawyer etc... She has to make time for social activities and is co-operative and friendly with those around her. With the entire busy schedule that she has, she still has time for spiritual development and prayer.

If our sisters in the future want to protect and maintain their dignity, it is extremely important that they choose the right college or university. Islamic studies are taken for granted in Muslim countries, but now the non- Muslim countries are realising that madressas alone cannot help a person to grow spiritually. Due to globalisation, our boys

and girls are struggling to maintain their identity. In many countries, schools are denying our girls to wear hijab. These girls have stood up and taken the schools to court. Surely as Muslims, we can form a board to help such cases. Examples of these are in England and France.

Today women are responsible for heavily marketing every product that the western countries produce. It is a sad fact that although women are fighting for equal rights and opportunities as men, the fact that the women's bodies sell products does not affect them at all. These types of women belong to everyone yet no one, they feel superior as they are idolised by young and old.

Advertising has become one of the biggest industries here in Kenya. Every day the consumer sees nearly naked women for just about every product, yet women still do not seem to see the direct link between advertising and abuse of women and children. It is sad reality that here in Kenya charity organisations are targeting young Muslim women to take off their veil and parade in Beauty contests to raise money for various activities. They say that in the name of

charity it is okay to go on the catwalk and parade your body in front of hundreds of people!

About three years ago, a Muslim Disabled woman was crowned Miss Disability. During the crowning ceremony, the photographers asked her to remove her veil as it was for them only. The next day her photos appeared in all newspapers without her veil. She was upset for a while but it made her famous and glamorous so she forgot all about it. Her family were not happy and some Muslims were very angry. Who was there to protect her? Two years ago, Kenya had the highest entry of Muslim sisters from all different communities taking part in beauty shows.

As the Western media is swiftly taking over the minds of everyone, the rate of abusing women and rapes continue to increase. Sadly girls as young as 18 months have been raped, yet the government does not understand why all this happening.

They are now busy thinking of a bill to protect the woman, yet Islam has had this protection 1400 years ago! It is the veil! (Hijab). Although here in Kenya and in many

other countries, women in hijab are looked upon as oppressed and not educated because we do not take active roles in positions outside the family life.

The Sex Bill that is still on debate states that a husband can be punished if he rapes his wife. In most cases, marital differences are sorted out between councillors and community members so this type of law is alien to most countries. It can actually create more problems between spouses instead of solving them! Those who live in marriages should testify that couples do not agree on everything all the time and have built avenues of tolerance, forgiveness and reconciliation. Law cannot govern these ideals. In the western world marriage is no longer a respectable institution and divorce is common and so is promiscuity, homosexuality and lesbianism.

Are we going to sit and let these ideologies grow into our future generation?

Recently the role of a mother has been highlighted in the west. The Mother is an extremely important part of the family structure, something Islam had highlighted 1400

years ago! .The question most people ask to a full time mother is "do you work?" really infuriates me! She is the best teacher they can have until they go to school and during these times, she should try to be active in various programmes that will make her a better wife, parent and person. In many countries, it is a sad fact that both parents are busy working and the child grows up in the hands of an unqualified house help.

It is a pity but if were to employ a 'mum 'and pay for her services, I am sure she would be the richest person around! Yet she does all this with her sincere love for ALLAH (S.W.T) and her family. .Why is it then so difficult in many Muslim societies to take parenthood as a very serious role.

I admire Iran as a role model for dedicating days to remember the mother, the father, a girl who starts to wear hijab and having even a family day! These days should be included in Islamic calendars all over the world!

A mother, who has painfully raised her children, is wiser and therefore more mature to give back her talents and time to her soceity, but then society has to provide for her proper

facilities with the aim of helping herself and others with spiritual guidance as well empowering her.

Women make many powerful decisions; those who have had the chance are very fortunate. Women should be recognised more seriously for qualities other than her appearance! There is a saying "behind every successful man there is a woman!" Many presidents have had great support and assistance from the first ladies!

Women's position in a family I would think is more important as she is the one at home to raise the children from birth. The father's role is also extremely important, as he must be ready to support the mother, but if the mother is educated in all fields, she will raise better children. As parents, Allah (s.w.t) has entrusted us to raise good children

The Arabic word 'Um' which means mother is extensively used in the Quran and the traditions essentially means root and source. This is because a child is in the womb for six to nine months and extracts his/her physical and spiritual needs from the mother's body. Infact a mother is the root or source of the existence of a child, and therefore a child is a

reflection of the mother's physical and spiritual existence. The duration of stay of the child in the father's loins is very short, but the duration of his/her, stay in the mother's womb is nearly 270 days. For this reason the child is mostly affected by the mother and hence Islam gives special consideration to mother.

A woman may study her Islamic duties and rights before she gets married, so she can be in a better position to know what to expect in case a dispute arises. Today, it is unfortunate that young girls and boys enter a marriage with completely different expectations. The western countries have seen the highest rate of divorces (between Muslims) in the last four years. (This is what they want).

Sometimes there is lack of spiritual and general consultation from a person or a clergy so it is better to seek guidance during the engagement period. We need to remind our youth the concept of marriage in Islam and its benefits.

Choosing the right spouse these days has become more difficult than going to the moon! Because the boys and girls demands are so high and different that parents are saying it

is better not to get them married at all! Marriage is highly recommended in Islam and is half our faith. However, due to 'globalisation' we want our spouse to be the richest, the best looking and just about good at everything! These are the effects of the media. "We now want to live with our future spouse to see if we will get along" is what our youth are saying. It is a misconception of Mutah!

The other famous line amongst our youth is "I can take care of myself, why should I get married and have the burden of looking after someone else?"

All these are whisperings of Satan, and all Muslims are responsible to erase, if we are to protect our youth and family structure. Although it becomes more difficult for a woman to get married, as she gets older, finding a suitable person for her is the duty of the community leaders.

A Muslim woman who is divorced should not take the entire blame. Some marriages do fail, but sadly, our communities really show disgust and disrespect to the girl as the man gets on with his life! A Muslim sister who is divorced does not lose her right to get married again.

After marriage, many women sadly tend to loose all form of independence.

No one has the right to make another his slave, imprisoning that individual to serve his own needs.

To deprive others of freedom and free will is a mortal sin.

A woman who was once educated and was able support herself, will automatically give up her job accordingly so that she can look after her husband and family. As the husband is free to pursue his ambitions the woman feels worthless and becomes totally dependant on her spouse. If she is very lucky, she might marry a man who understands her rights and will support and help her with chores in the house and help her to raise good children!

However, unfortunately in many countries that is not the case as both parties are not aware of their rights. Therefore, women can be encouraged to seek careers that will help them in raising a better family. Some of these that are beneficial in developing countries are nursing, counselling, sociology, physiology, and teaching. We should ask companies to recruit mothers and married women who can

work part-time so they can have to balance their household duties. Nursing mothers should be given facilities as well. Any little income that a woman will get will boost her confidence, and make her glad as well.

A woman has a right to earn keep the investments, and if she is married, her husband has to provide for her and his children. A woman has a right to own properties.

Moreover, a woman can put a condition to the effect that if a husband appeared to have a corrupt morality, or if he mistreats his wife, she would have the right to divorce, as Islam has given her such a right.

If Islam imposes certain limitations on men and women, it is for their own interest. Just as Islam has given to the man the right to divorce, the woman is also given the right at the time of concluding the marriage contract, to stipulate the condition that "if you did so and so to me. I would have the right to divorce." If the man accepted, then he would not have the right to undo it. Although divorce is not recommended in Islam, it is better to seek proper

consultation before getting it, if things are unbearable for both parties.

A woman can never be happy if her mind is stressed and worrisome all the time. She needs other outside activities to help her to become physically and mentally fit.

A woman has a right to maintain her body and beautify it for her husband. By taking part in outside activities, which are in accordance Islamic Sharia she will become more mature and ready to deal with difficult situations wherever they arise. They will also make new friends and learn about each other.

A woman has a right to educate herself and then she can share that knowledge with others. She can be a good scientist, artist, designer, doctor, or whatever Almighty wanted her to become. However, she must maintain the Islamic values in whatever she does, and not divert to non-Islamic values when she finds a better job or moves to a more western environment. One way to promote their talents is to have Muslim women's exhibitions all over the world. Each country can take turns to host different events

every year. We have to recognise our Muslim sisters and learn from each other.

An older woman who is pious and respectful can become a role model for a younger girl. Our role model is Syeda Fatema (s.a) who was the exemplary woman. She carried out all her household duties without a complaint and even distributed her house duties fairly between herself and her housemaids.

If a young girl sees successful happy Muslim woman surely she can look up to her! Therefore, we as women are responsible for the younger generation. By observing hijab and maintaining our dignity through our Islamic identity, we are showing the rest of the world that we feel secure and safe with what our religion has taught us and we are not afraid of preserving this identity. We must stress the importance of hijab to our young girls.

The rights of parents is that they give their children a good name and bring them up as good Muslims, so that when they grow up they will benefit the society. The Prophet (p.b.u.h) has said 'A female child is a blessing.'

The parents must ensure that their daughter grows up in a safe and spiritual environment. She must be encouraged to pursue the right type of education. In addition, when she is choosing a career or spouse she must be guided gently. The parents should respect her, honour her and respect her rights.

A mother should breastfeed her daughter at least for 21 months, as it is her right. Parents should give unconditional love and not burden them with difficult tasks.

As for the children, I quote verse from holy Quran: "Your Lord has decreed, that you worship none save Him, and that you show kindness to parents. If one or both of them were towards attaining old age with you, say not Fie! Unto them nor repulse them, but speak unto them a gracious word. And lower unto them the wing of submission through mercy, and say My Lord! Have mercy on them both as they did care for me when I was little." (Al Isra Verses 23 and 24)

Children must try to obey their parents, support them and give their wealth in charity after parent's death.

A person is responsible for his health, and although Almighty Allah (s.w.t) has given this gift, it is up to us to look after ourselves by taking proper halal foods and some exercise. Women should read more about the problems they will face during the different stages of their lives. Many hormonal changes take place during a woman's life (also in man!), but due to ignorance women and men do not know how to deal with the problems.

Another major disease that is affecting everyone is HIV and AIDS. There was a myth that Muslim women and men could never get Aids. How wrong they are! Due to poverty and unemployment, everyday many of our sisters are dying of this disease silently

Women should also go for frequent medical checkups, so if there is an ailment, it is detected early. In most villages, the few lucky ones get help from the church.

A Muslim woman has a right to ask if a woman physician can see her .We need to stress that if she visits a hospital she must have that right. Better still, we encourage more of our women to go into the medical profession that treat women

only! Women who are sick here avoid going for proper medical treatment due to the high costs. Most husbands deny them extra money to go get x-rays and medications due to the high bills incurred.

Just because a woman is not financially stable, she should not be denied the right to medical treatment.

An inexpensive medical insurance scheme should be set up all over the world. (Especially for MUSLIM WOMEN) Moreover, with that we provide women with data they need in case they are away from their home. Most women spend 40% of their lives-visiting doctors. Yet most of these diseases are stress related. In fact, here even a disabled woman has a right to go to special clinics where women can treat her only. It is a fact that people look after their pets and cars more than they take care of themselves!

It is a proven fact that exercises, even walking can reduce so many ailments, but in most countries unfortunately sports and health is not an important issue. However, if one were to see the long-term benefits, one would be pleasantly surprised!

We spend so much money on trying to be fit and healthy and on trying to loose weight. Yet if we maintain healthy diet and exercise, we are investing in a healthy body free for the rest of our lives Inshallah!

The lack of sports stadiums and facilities for ' women only' is very disheartening. I played sports all my life in England but when I started to put on hijab, my sporting life ended here in Kenya. I played competitive sports after 18 years during the Ladies Sports festival in Mombasa KENYA. A sport has so many benefits that it would take too long to write down all. We learn to accept defeat, which teaches us that not everything always goes our way all the time, it teaches us discipline, and to respect your opposition. These are but a few! Women only sports have been ignored in many countries, yet again Iran leads the way in their facilities for women!

Muslim women have not been actively involved in politics (apart from Iran and few other countries). Due to heavy responsibilities, they shy away from political work. We need to identify places where Muslim women have

made a big difference in conferences, and then make sure the rest of the world hears about it. Today's generation sees the naked, glamorous woman as her role model; so let us start showing them what women in veils have achieved.

Magazines such as Mahjubah and other religious publications do give very good reports. These should also be seen by non- Muslims. We need to promote magazines which can also be read by Muslims and non Muslims which extract Islamic values from Quran, our Prophet (p.b.u.h)and Imams(a.s).Because Islamic magazines have to be treated with due respect, we should come up with a way that verses from Quran are not written directly. Issues such as health, aids awareness and drug abuse can be introduced.

So many un-Islamic magazines are published every month; these are messing up our boys and girls. We get magazines from abroad here in Kenya that are not censored.

Our magazines and books should be in simple English so that anyone can read them. A special women's magazine for all should printed for readers from all over the world. Women can have a database for easy references.

Unfortunately, women do not take extra time and effort to know what is happening around the world.

We should follow the news very closely as everything effects our Muslim sisters and brothers. We need to highlight those women who are suffering due to the illegal wars that are taking place all over the world! There are widows and young orphans. In addition, Muslim women in captivity should not be forgotten. We can still visit them and ask for their basic rights as Muslims.

Many refugees are left without an identity as they have lost everything due to the unnecessary civil wars! These women cannot find employment, as they do not have identity cards. The women change their Muslim names, and hence become prostitutes.

Sisters should keep in touch through emails as well and let each other know the situation of their country and their fellow Muslim sisters.

If we are to grow globally we must have a good communication system .Our biggest weakness today is not learning many languages, but I think that is about to change.

If sisters are encouraged to take part in small seminars, they will gain more confidence and experience to go further to go one more step ahead.

News updates should be posted to local places to let the women know of what is happening outside their own community. Some years back a big article appeared in the newspapers to state that circumcision (female genital mutilation) was a sunnah of the Prophet (p.b.u.h).

After writing to the editor and requesting the writer to make a correction, as this was an insult to Islam, women and the Prophet. (P.b.u.h), they wrote another article to say it is a tribal thing done in many parts of Africa. Nevertheless, the media works very fast and many people kept asking if it was true, as they had interviewed so many Muslim women from Somalia including photographs of them. If such things happen again, there should be a petition from all!

Muslim women are generally becoming very confused with their identity. As they try very hard to emulate their non-Muslim sisters from the west who appear to be very

smart and rich. In the west, the cultural measure of a woman's value is her sex appeal. As she tries harder and harder to keep herself thin and beautiful for the public, she slowly loses herself to destruction. What a contrast to a Muslim woman!

We need seminars and regular lectures to give back the Muslim woman her identity. She should be proud of her background and as she slowly learns from these gatherings, which can answer all her questions, she can encourage others to join in. We are all very scared of things we do not know, but we have to seek knowledge from the cradle to the grave! Islam is a complete way of life and so we are very lucky indeed to be guided in both religious and ethical values through the Holy Quran!

We need to start to create adult classes for those who never had a chance to learn much due to various reasons.

Adults should not be ashamed of learning, as Almighty recognises every step taken to learn something new everyday. If women are to advance, they must be confident

and have faith in what they are doing. I am still trying to learn to recite the Quran properly in Arabic at my age!

Many countries encourage adults to go and seek further education. We as Muslims should encourage our sisters to do so as well.

As women grow with their families they should strive to bring up in their laps individuals who are so blessed that they can guide their society and even other societies. This will give firm foundation and bring back humanistic values.

A child needs a mother right from the beginning. As the west is slowly corrupting, the minds of young mothers by telling them send your children to school when they are little so they can bring our children up according to their values and not Islamic values.

This trend is rising, as our material needs are ever increasing, and so both parents have to work to keep the flow of money coming in! The young child in playgroup hears a different thing from what his mother and teachers will tell him.

Therefore, it is important that the mother is educated and guided herself. We definitely need more schools that are run by Muslim Shia.

As a child grows up, the psychological changes that take place within his or her mind are truly amazing! For the mother to be able to take care of many different children of different ages she must take short courses, which are prepared to her requirements. Our Prophet (p.b.u.h) has already guided us on how to train and raise them at different levels 1400 years ago! Are we implementing it?

If both parents were encouraged to go for these short courses, it would help our society tremendously.

We can include courses that help our women to open small shops or start a business from home. Women can also take advantage of small loans and grants to help to get started. This is working extremely well in all Christian organisations. We have so many talented women sitting at home doing nothing but passing time watching movies, we need to change this. Women have the right to vote in most countries, but unfortunately, they never take full advantage

of this right. This year we were fortunate that with heavy advertising and seeking women's help. Kenyan women especially Muslim women are starting to vote.

As a citizen of any country, you are responsible for the way your country runs its affairs. The changes that we require may not be instant but at least we have laid a platform for our future generation. When the Prophet (p.b.u.h) wanted to proclaim Islam, it was one great woman, Khadija tul Kubra who stood by him. Her noble and financial contributions helped the Prophet (p.b.u.h) to spread the Word. This can never be forgotten. What we learn is that faith and perseverance has its rewards! From one great man and one great woman we have a wonderful progeny and Islam keeps its banner flying!

We have so many great women who were upfront during the times wars and tribulations, just think of Lady Zainab in Moharram and Syeda Fatema (s.a) when she was denied her land (Fadak). These great women used their knowledge of politics and religion to get where did.

To preserve a right of any human being, there needs to be a central body, which will help to give laws and rights. For any woman who needs guidance there should be Islamic offices with highly qualified staff to help and guide women. When there is a marital or inheritance dispute, or even a divorce case, she should be guided by Islamic Sharia and none other. We should start training these people from now. Recently in Kenya, they wanted to discard the Khahdis Courts (Sunni Muslim Law) from the main court law. They did not succeed.

Muslim women are facing several challenges in the advanced countries because when she is in hijab it means she is oppressed and uneducated. For her to be able to find a suitable job is subsequently difficult. She has to worry about where she will say her prayers, the time of prayers .She has to worry about the food that she eats, the days that she would require to take off to commemorate the Birth and Death Anniversaries of our Imams and of our Holy Prophet (p.b.u.h).

The list can be endless. If there were no discriminations against women, then why did so many working women in America and Britain remove their veil.

Because they were under intense pressure to do so. The media is the biggest culprit to show the unconstructive side of Islam. They never show anything positive, so it is our duty as Muslims to break the negative attention Islam and women get. For a woman to be able to work outside the home she has to take into consideration the type of environment she will be working in, the sort of citizens who will be with her.

A simple yet ignored fact is that Muslim men and women are not supposed to shake hands with Na mahram, but this causes so much embarrassment as no one has heard of it in a non-Muslim country! Nowadays if a woman wants to visit a certain country or re-new passports, she is now required to remove any thing that covers her ears and hair! This condition is for the visa and new passport. This is a total violation of ones right!

When there are a few Muslim women in any country, it is important that they be in constant contact with an Islamic organisation. If the woman is familiar with her rights she can teach others, but they should all be governed by one or two other organisations. We take so many things for granted, so if we have to move as fast as globalisation is going we have to have our rights put into place immediately.

Islam wants the personality of a woman to be preserved so that she is not treated like a doll, but seen as a serious and effective member of the society. Women have not been created merely to be something for men and for men's pleasure. If the man and woman from all backgrounds realise that spiritual upliftment and empowerment go together no matter where you are, then any external influences will not affect your thoughts and values. The need for women to seek education is more important now as they are loosing our identity. Women are trying to compete with men instead of being complimentary to them.

The material aspects of life are more important than the spiritual part of life.

A woman or man can no longer learn by just sitting and listening in the Masjid. There are many questions being asked by our brothers and sisters, so this method is becoming outdated now.

Also due to a heavy work schedule, most women are exhausted in advanced countries to go to learn anything at night!

Daytime and perhaps weekend classes must be arranged.

Imam Khomeini (r.a) has said that theological schools in Qum must continue to teach and increase the number of students who will be expert in guiding the people.

Islamic jurisprudents and scholars are to be in high demand and they must go all over the world and set up centres that will preserve Islam. To understand and follow a Muslim clergy is our divine and religious duty. If we are to preserve our true Muslim identity, then we must avoid mixing cultural issues in many areas of worship. We need

women and men Muslim clergy to guide us and show us our rights.

Islam will need such Scholars until the end.

It is shameful to say that disabled people whether male or female are not considered part of a society in many countries. Many people forget that these are human beings with feelings just as any normal person would have and the disability should not make them less human. The community must recognise them.

We need to educate the public how disabled people should be taken care of .In Kenya many disabled girls from all backgrounds are sexually abused and mistreated. These poor girls are unable to look after them selves so they keep quiet.

Special schools should be built with proper teachers who now exactly what to do.

Our Islamic centres should provide for them .If they are blind or deaf they should be able to use Braille to read Quran and listen with tape recorders if deaf.

Those who wish to continue their tabligh work with disabled people should learn sign language.

Women who suffer from physical and mental disability should have better treatment. She has the right to inherit and study according to her ability. If her disability allows it, she should be able to take part in many activities, including sports. If her arms are okay, she can play certain ball games with a wheel chair, paint and write. She should be encouraged to work with crafts and even learn how to use a computer. Although all this is available to many developed nations, third world countries have not implemented needs for disabled people due to lack of resources and trained personnel.

If the disability involves her hands then she should be encouraged to use her legs. Disabled people have a right to go out and we should make sure there are facilities for them. Even a shopping trip can become a nightmare if conditions are not right. If a disabled person can talk, she can take part in radio shows and encourage others to follow. They should have the right to the correct medication along with

physiotherapy, and education according to their level of disability.

In response to the Beijing conference and other similar conferences, the public opinion was that this Bill was necessary for the 'liberation and protection of women'. I would like to stress here that at the advent of Islam, Muslim women were given so many rights and were at the same time 'liberated' from the clutches of ogres who used them as sex objects and denied them basic rights. Islam protected women from abuse and ill treatment by their own society.

What was happening during the Beijing conference was an extreme form of feminism. Women want to start some kind of a movement to protect them from something that is unknown to them. That is, the dangers of the very society that they live in. If they are after gender equality then perhaps these women should start to advocate to ban the use of women's bodies in advertising to sell just about everything. Moreover, prostitution, which is such a common practise, (mainly blamed on poverty on unemployment)

should be an issue, yet prostitution is increasing all over the world and being legalised in some countries! Is this Bill going to stop prostitution as it affects women and children as well?

Doesn't a woman have a right to protect her own body from misuse?

Discriminating against someone and at the same time giving them equal rights is in itself a contradiction! We can take a lesson from Iran where women are the most important part of the country since the Islamic Revolution. Many of them are in the parliament and reach out to their people to solve their issues. Women in a veil are sheltered to protect themselves and at the same time have a good education. Women need to value themselves first in the eyes of God, only then will people around her really appreciate her as a member of the society.

Today all daily newspapers and television channels concentrate on countries whereby same sex marriage has been legalised. The latest country unfortunately is England; the next is going to be South Africa.

Not only do the media "proudly" announce this un-Islamic act but they also started to show where couples can get the best same sex wedding! Organisers of such unions have found a way of making money yet again!

It is so sad that our children are going to be witness to all these perverse ideas.

Muslims and Non- Muslims from all over the world must form a body and condemn the promotion of same sex partners. The union should not be recognised. We must stop this from becoming legal in many more countries because the West wants to destroy the family structure and the future generation they will stop at nothing .To give rights to gay people is especially absurd.

The saddest part now is that even Hollywood is no longer ashamed in making movies that show actors in gay relationships as 'normal'. With our biggest enemy (television), what are we going to do?

As Holy Quran has already reminded us of the dangers of this illegal union, we cannot and must not sit back. We have the right to voice our opinion. Can one imagine the children who live with such couples? Those Children who are raised

with two men or two women will suffer from severe psychological problems as he tries to grow up in the society.

We need to use medical, scientific and religious research, to prove that these relationships are not natural and are a danger for the future generation. We have to use leaflets and the media to get the message across.

The Quran gives guidance in matters of marriage, inheritance and burial to Muslim women and men. Therefore, discrimination is different from giving someone his or her rights.

When you have denied someone the right to be treated just and fairly in all matters, whether you are male or female, black or white ,Muslim or non Muslim, you have taken away his or her right.

All of us deserve the right to civil and fair treatment wherever we come from or whoever we are. What we need is equity not equality.

With the onset of gender equality, our men will be demanding the right to be able to have babies and be able to breastfeed just as women want the right to abort them.

There is another point to mention here. Islam is against abortions, but if in a western country, a Muslim woman can claim it is her right! A woman can choose to abort her baby as she argues it is her body, but when men use her she calls that freedom of choice. Due to confusion, she will 'choose' those rights that will suit her in the circumstances!

Can one even imagine the catastrophe this will cause?

In relation to sports, there will be no need for men and women events; just let the whole lot compete with each other. In hospitals, men and women will be treated equally; a woman can lose the right to be seen by a female consultant. This also means that there should be no difference between a man and a woman, and as women start to act like men and vice versa, there will be an increase in same sex partners. This is so prevalent already.

Men and women were fashioned equally but differently so that there is harmony in the world. A woman's mind thinks differently, it does not take a scientist to prove that, so when a woman starts to behave like a man (gender equality) chaos is created in the society. Her body is also different! We are reminded in Quran Surah Nisa verse 34;

Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means.

The very first education a child gets is from his/her mother, so if the married woman who has children wants to be the breadwinner where will her children go? They will be left to be taken care of by the society to mould them the way they want and then our children will be given back to us (as strangers). A child needs a mother it is his right. Unless a situation arises where the mother cannot raise the child or leave him/her home, then she must look for a good nursery or nanny to replace her.

How is a child going to differentiate between her mother and father if everybody starts to behave the same? There is an argument that many women are not aware of their rights I wonder which rights they are fighting for during all these different conferences.

If women can be educated in the fields that can help to alleviate poverty, then there is nothing to stop a woman from achieving her goals within the boundaries of her society and religion. If the so called 'developed

nations' really want to help the third world countries, then why are they sitting quietly when it comes to raising good moral societies. Instead, they are bombarding us with their culture!

In England, the government is insisting that mothers should stay at home for as long as they can to look after their children and return to work only if necessary. Strange we are trying to do the exactly the opposite in third world countries. That is why men are generally to be 'bread winners' as emotionally they can handle stress at work better than a woman can. She will normally take out her anger on her family and children.

If a woman must work outside, she should leave her children in the care of a good-trained Muslim househelp who is familiar with the Islamic values and laws. In the olden days, our parents would help us in raising them (extended families) so the cultural values were not lost. Now a days young couple tend to move away and live alone.

Many couples both work outside the home, and have managed to balance their lives perfectly; they are

the few lucky ones. It's a bit like a horse and carriage situation. A carriage needs a horse to pull it and a plane needs a pilot to fly it, both are in harmony with each other. We could have two planes and no pilot -who will fly it?

Its strange isn't it that instead of creating an awareness that men and women can live in harmony if both are educated in raising a good moral family this U.N conference is conveniently taking a different approach to ruin peoples lives. So many conflicts and wars have disrupted people and their properties, yet all these conferences ignore them. Who is speaking on their behalf? Consensus among speakers and participants was that it was impossible to have a democratic society without gender equality. Is there anyone living in a democratic society at present? Which non-Islamic country is I ask? Are we not all prisoners of a government that dictates to us how we think and live?

Another point I would like to raise is that a Muslim woman can request to remove her covering, as a man does not wear it! (Gender equality). We need gatherings whereby living in harmony with each other are promoted and to help each other when in trouble .It is the duty of

the respective governments to provide basic needs to a nation to stop the destruction of the people. Ignorance is the main downfall of any nation. I think if I can put, as simply as possible this Bill is a way of removing family and spiritual values that are essential if a country has to grow morally and bring out good youth for the future. The Bill is like a person who is wearing a mask; you cannot see what is actually behind it. Women should stop fighting to be equal to men because we already are equal in the eyes of our Creator, It's just we are different.

Equality means to be the same; equity means to be dealt with justly and fairly.

Which one do we want for all Mankind? (Or Womankind)!

In conclusion, we have to unite and research into each other's problems, needs through Internet, email and media. We need to promote Islamic movies and cartoons for women and children, and have regular visits of various centres in the world. Every country has different needs so we need see each country and work consequently. Our

youth should be encouraged to get married at a young age and it is our duty to find them good suitable spouses. Once married they can both pursue their studies together. As parents, we should support and help them during the early moments of marriage. We must promote the concept of Hijab and recognise Muslim women and their work from Iran and the rest of the world.

Believers should cultivate refined respect in social and spiritual life. The mothers of the faithful have to uphold their dignity, so should all women protect their honour and uphold their dignity. The hour will come when all evil will be punished. Fear Allah, and always speak the word that leads to right.

Let man but strive in Faith, and fulfil Allah's Trust-by the grace and mercy of Him.

I pray to Almighty to help us in uniting all Muslims to help each other in overcoming our problems. I pray for Imam Mahdi (a.s) to hasten his appearance.

**Convention on the Elimination of
All Forms of Discrimination
against Women :**

**A study of the essence and crux of the
convention**

Dr.Toba Kermani

**(Convention on the Elimination of All Forms of
Discrimination against Women)**

**A study of the essence and crux of the convention
and its elements which are at odds with natural and
cultural values of different societies**

Dr.Toba Kermani

Abstract:

The Convention on the Elimination of All Forms of Discrimination against Women, which is considered to be the most important international convention, drew upon the tenets and vision of feminism and the principle of equality of men and women.

The first article of the convention considers any

difference, exception, and discrimination existing in a legal system, teachings, and behavior as a proof for discrimination against women. Western culture lays emphasis on the principle that men and women are human being but it doesn't take into consideration the truth of human and the purpose behind his/her creation. on the other hand this convention which is derived from the tenets of western culture, that's the principle of individuality, freedom and individual rights, doesn't take into account the fact that human life is limited by and committed to human ethics and social interests. Based on this it calls upon all societies to defend rights and freedoms regardless of sex and it opposes any sex-based role as limiting to women. In light of this reality, in this article first I present an overview of history of this convention and its rules and then I will investigate the consequences of joining it and implementing its provisions.

Key terms: convention, discrimination, equality, sameness, discord, family.

Historical overview: up until early twentieth century the various western systems didn't pay any attention to women's rights but by 1918 women in England and by 1920 women in America were able to obtain the right to vote and to participate in election and in 1948 and for the first time the universal declaration of human rights stated the equality of rights between men and women. Finally on November 1967 the high commission of the U.N ratified the declaration of the convention on elimination of all forms of discrimination against women in a preamble and 11 articles.

It is necessary here to explain two terms in brief: "convention and discrimination". Convention denotes an international agreement signed between two or more countries. The topic of the agreement doesn't do beyond two cases: either it deals with general rules about international rights or it deals with especial issues related to international relations. The words "accord or agreement, conventions are used to denote the meaning of convention. The denotative meaning of the term discrimination as it is

used in the convention doesn't only emphasize elimination of discrimination and blatant inequality but also it emphasizes total equality in dealing with women and men in all fields and it is stated in such a way as to deny any difference or natural and biological distinction between men and women or it doesn't see such differences and distinctions as influencing the social roles, duties and rights of men and women. The definition which the article one of the convention presents clearly indicates this meaning.

Discrimination in this convention carries a broader meaning than in similar and previous conventions, for at the same time it includes equality of opportunities (officially and legally, also equality of accomplishments (in practice and in actuality). In reality the kind of equality presented in the convention means sameness in the rights of men and women in everything thing.

The first international conference on women in Mexico in 1975 urged and stressed the setting up of women's status committee as well as requested from the U.N to compel the

world to accept and implement the convention which was at the stage of preparation and drafting.

In 1977 Women's status committee submitted a draft of the convention to the general commission of the U.N, thus the project of CEDAW passed the stage of being endorsed by the U.N on December 1979 and came into effect on 3 September 1981. Over the last twenty five years five international conferences on defending women's rights have been held by the U.N with a view to delineating appropriate international policies and strategies for implementing "CEDAW". Mexico City conference (1975)-Copenhagen conference (1980)- Nairobi conference (1985)- Beijing conference (1994)- and New York conference (2000).

Though it isn't prohibited to join convention on certain terms, the second item of article 28 of the convention states: A reservation incompatible with the object and purpose of the present Convention shall not be permitted", therefore in practice no country is entitled to think of the essence of the convention as being incompatible with its national and

cultural values and by specifying conditions and limitations. Up to now the following countries have joined the convention including several European and American countries and others.

- Fourteen African Muslim countries out of seventeen
- Five Asian Muslim countries out of 12
- Nine Arab countries out of 21

Based on the studies conducted at the Islamic research center of Radio and T.V Corporation in Iran this convention is incompatible with religious rules in more than forty points and it is at odds with Iranian domestic rules in seventy points.

A report of the a committee of the Iranian government indicates that the convention is at odds with a lot more points than these figures and that just article one of the convention contains ninety points of difference with the Islamic constitution and penal law and other laws.

The explicit Fatwa's of the governing leader and jurist Imam Khamini and religious authorities prohibit joining this

convention.

Even though there are lots of reasons for joining the convention presented by those who approve of it, the main reason for their approval is to lessen international pressure and to avoid international accusations and allegations.

It's noteworthy that at the present time many intellectual and learned western women have picked holes in this convention and have expressed their dissatisfaction with the unwholesome way of dealing with the different problems of women.

The second point is a translation of an article for non-governmental society of American women called "American mothers organization" which was posted on its website www.americanmothers.org /CEDAW.htm, here we present part of their objections:

"American should know that the attack on motherhood, religion, and national sovereignty has come close to home" I will state the main reasons cited by the opponents of this convention and then I will present excerpts of the reports of

the convention committee as evidence and reasons for those who refused to join.

1-political experts consider it a kind of international participation in governing the undersigned countries. Countries usually avoid joining the convention unless they see a clear interest in doing so.

2-the convention didn't take account of regional, cultural, and religious differences and it tried to impose its guiding philosophy on other cultures by presenting one paradigm. In other words, not only the content of the convention represent a universal consensus but it can be said that the convention reflects an attitude that is receding namely feminist attitude (the second generation of feminism) and which at the present time is under serious criticism by the proponents of feminism itself.

3-reforming women social rights within the context of this convention will lead to marginalizing local expectations and mores and putting them on the margin of the objectives and aspirations of the convention, as an example we cite: "if

it is a priority of a country to strengthen the institution of the family, it can be claimed that this priority conflicts with the ruling spirit of the convention which consists in elimination sex roles.

4-there are many contradictions in the conventions for which no machinery has been mentioned to eliminate them, for instance: laying emphasis on the importance of the family on one hand and abolishing legal rights between the couple on the other hand which is a clear example of contradiction.

5-one of the most important objectives of the convention is to eliminate sex-based roles and symbols and when we apply this to rights and laws of different countries ambiguities arise, for example: it isn't clear whether giving alimony to the wife or giving the dowry is a proof of the continuity of sex roles or not?

In response to this question it can be said that the dominant spirit of the convention is eliminating discrimination against women which isn't incompatible with

giving especial privileges to women. As a response to this it can be said:

First: granting especial privileges without shouldering a especial responsibility in return disrupts the equilibrium of social institutions.

Secondly: a serious question will be raised as to: what are the things that constitute discrimination and what are the things that don't constitute discrimination? Because it can be said that if on the surface women's rights were respected compared to men's rights with regard to some laws, in return this would involve taking away other rights as positive discrimination (alimony) and again by taking away some responsibilities the balance between the two sexes would be maintained.

6-one of the objectives of the convention is to eliminate sexual symbols and this objective has its root in distinguishing between sex and gender illustrating that sex has a biological meaning while gender is a set of socially-constructed features and behavior of men and women. The

differences which stem from gender can be changed and oppression and discrimination have their origin in these features and behaviors which are dinned into the community of women.

In general the second generation of feminism makes the following claims:

First: distinguishing between sex and gender

Second: emphasizing the fact that they are not connected

But when the question of breaking down sex and gender and the fact that they aren't connected is raised, it can not be accepted that there isn't any connection between the nature of women and their social work.

7-one of the most important feature of the convention is that it's predominantly rights-centered and it gives more attention to the question of rights while it overlooks religious, moral and cultural elements. This feature is related to western society at the stage of modernity. For instance, the convention doesn't take any stand with respect to prostitution and homosexuality.

8- an overall view on the convention will reveal that many of the provisions overlook the relation between right and duty in the legal system and it gives right precedence over duty, and this is a conspiracy to lead the Islamic communities and the third world astray, otherwise what does it mean when even in western societies right takes precedence over duty.

9- secularism and liberal freedom are one of the theoretical bases of the convention and for this reason it doesn't mind illicit and same-sex relations, homosexuality, prostitution (with the consent of the woman) and the commercial exploitation of women in the field of advertisement and publicity...whereas it condemns and refutes issues such as the prohibition of getting married to someone who isn't of the same religion, prohibition of abortion and relating a woman to her husband when obtaining citizenship.

10- aside from the criticisms leveled against and the problems of its theoretical foundations, many of the

provisions of the conventions are not in line with the domestic laws of Iran which is something worth contemplating when considering joining it.

11-the Islamic republic of Iran can join the convention in two ways:

A-expressing a general reservation based on the fact that the articles of the convention can be implemented as long as they don't run counter to the holy religion.

B-joining the convention while expressing certain reservations, this way there will be a lot of reservations or conditions due to the fact that there is a lot of incompatibility.

At any rate even with these conditions the following problems will emerge:

First: based on article 28 the above two conditions are incompatible with the guiding principle of the convention.

Secondly: the supervisory committee of CEDAW is currently engaged in looking into the proposal of abolishing all conditions.

Thirdly: even though the supervisory committee hasn't yet abolished all conditions, some member countries raise objection as to many of the conditions especially the above two ones and they condemn any country that expresses such reservation and sets such conditions.

12-the claims of the convention lack any credibility. today, twenty years after the first country joined the convention can it be claimed that there isn't any discrimination against women in the undersigned countries? or can't be claimed that in a country such as America which didn't join the convention saying that American laws are better and more progressive, women enjoy a good and proper status?

13-the Islamic pattern is compatibility of rights whereas the pattern ruling over the convention is sameness of rights. This pattern which in practice leads to undermining the structure of the family, late marriage and early illicit relations by ignoring the role of motherhood and wife.

14-something that is worth reflecting on about this

convention is that it is one of the most contentious international conventions in that hardly any country can agree with all its provisions and article.

Anyhow this raises a question: why efforts are made to impose this convention which cannot be implemented in all countries, on the world as a universal convention? And how is it possible to claim that very soon this convention will become a binding rule and a universal norm?

15-one of the features of this convention is that like some international conventions it contains basic terms such as discrimination, sexual roles and etc...these words haven't been explained on the conceptual level and signing any convention that contains ambiguous points, is an act of ignorance.

Of course it can be claimed that these notions have conceptual explanations in the international conventions and norms of western societies, but the interpretations aren't correct which are put forward by some proponents to justify this convention and to broaden its scope as if there is a conceptual ambiguity in the convention itself.

Documents

-even though the universal declaration of human rights (1948) explicitly defends the institution of the family and motherhood (article 15-section three), the committee of the mentioned convention reprimanded many member countries:

-in a letter to "Belarusian" the committee expressed its concern over the continuity of sex-based marriage in institutions such as mother day and mother prize which is conceived as encouraging the traditional role of women on the part of the U.N.

-in a letter to the republic of Czech the committee expressed concern over the increase in measures that encourage pregnancy and motherhood.-

-the universal declaration of human rights (1948), the U.N convention (1945) and the international convention of civil and political rights (1976) contain an explicit stance against religious discrimination "the basic rights are a given to all regardless of race, sex, language or religion" (article 1-

3, the U.N convention)

"Every one is entitled to freedom of thought, conscience and religion" (the Universal declaration of human rights-article 20)

"Respect for the freedom of the parents in ensuring religious and moral education in line with their beliefs" (international convention of civil and political rights-article 4-18)

"The pivotal role of religion, spirituality and belief in the lives of millions of men and women is officially recognized" (Beijing/ 5-1998)

The attack carried out by the convention of 1981 on the role of religion is as follows

"The decisive language of the convention can impact the patriarchic institutions such as religion"

"Taking all necessary measures to eliminate discrimination against women by any person or any institution" (the convention-article 20, item d)

"Taking all necessary measures such as laying down laws to amend or abolish laws, customs and practices which involve discrimination against women" (the convention- article 2, item 5)

-in a letter to the government of Norway "the committee voices its concern over excluding some religious groups from the laws of equal rights...the committee requests the government of Norway to amend its laws to ensure equality of rights in order to eliminate exclusion based on religion" (the convention 1995-98)

-in a letter to the government of Peru: "the committee voices its concern about some girls under twenty not being able to obtain sufficient amount of contraceptives" (the convention 1995-98)

-the U.N convention of 1945 defends national sovereignty stating: "the U.N organization is based on the principle of equal sovereignty of all its members" (the convention, article one and two, and article two, section seven)

The convention's attack on the national sovereignty of countries (1999-2000)

-a letter to the government of Ireland requesting it to stay committed to sexual education not just as an indispensable part of the curriculum of faculties of law but a part of continuous education for legal experts and judges.

-a letter to the government of Germany: "the committee expresses its concern about the fact that even though prostitutes are forced to pay taxes, they don't enjoy legal protection and social care. The committee enjoins on the government to reconsider its laws, policies and educational books with a view to eliminate symbols and expressions of sexual discrimination so as to encourage women and girls' media within this context"

In order to put into effect the recommendations of the convention on the part of developing countries which haven't implemented some of the provisions of the convention, a pressure should be exercised on these countries by preventing them from taking loans from the

World Bank, and of late the international tribunal which has been set up recently has been a cause of apprehensions with respect to national sovereignty.

It is noted that endorsing and joining the convention opens the doors for the U.S to legitimately initiate legal claims and others about national sovereignty and cultures of other countries considering that the undersigned countries or the countries which joined the convention have to submit a report every four years in which they explain how they have implemented the rules of the convention and the committee holds these countries accountable and it requests them to put into practice its recommendations because this convention represents an agreement among countries which can increase the fear that the said committee may interfere with personal and cultural issues and it may put more pressure in this regard. A bigger apprehension is the very existence of an international institution which imposes itself and views on domestic, cultural and political affairs of different countries. for further information on this topic and for the

latest debates of this committee you can visit the following website:

www.unrehrchtbsldoc.net

You can also read the table of content of the convention which includes:

Prostitution-motherhood-abortion-protecting against
conscience-driven discord-compulsory sex education and
contraceptives-against pregnancy-children education-
propagation of feminist demands-encouraging liaisons
outside wedlock-interference with family affairs-changing
constitutions and national laws-exercising pressure to do
away with reservations or conditions-cutting down on
support and care for pregnant women.

When we look at the above-mentioned points and when we consider that every country that wants to join this international convention must ratify it through the right legal authorities, then it will be binding on it to act on its rules just like other international conventions and this country cannot change or reform this convention and when

we take item two of article 28, the right to lay down condition isn't allowed, thus countries run into a state of natural and cultural clash between their lifestyles, traditions and customs, religion, family relations, national sovereignty and the content of this convention and above all this by considering the purpose and object of the convention isn't it the right of one billion Muslim in the world to have their own convention and their own bulletin.

**The suggested
Declaration of
Women's Rights
and Responsibilities**

In the Name of Allah the Compassionate the Merciful

The suggested Declaration of Women's Rights and Responsibilities

Some points referring to the declaration:

1-The word right in this declaration denotes ability, privilege, immunity, responsibility and those duties towards others which women shoulder.

2-In cases where members of the society have obligations, the observance of which will be advantageous for women, that obligation has been mentioned as women's right and directly stating "others' responsibilities towards women" is avoided.

3-Since according to the Islamic rules, everyone is accountable before Allah, themselves, their communities

and the universe at large, the declaration attempts to refer to women's responsibilities with respect to the above spheres. It goes without saying that if the general prerequisites for performing responsibilities (sound mind, maturity, and free will) are not met, women will be exempted their duties. By using the word 'right' or 'responsibility' the way women are related with the issue in question has been defined.

4-This declaration attempted to refer to all women's responsibilities whether inclusive of those shared between the two genders, or those exclusively meant for the women. The reasons for having done so are as follows:

A-Research and debate in the international community over women's rights are controversial with many circles seeking to prove that the Western perspective of Human Rights are fit to be implemented around the globe. In view of the fact that there are various countries with various traditions and perspectives regarding women's rights based on their different cultures, it is necessary to mention the human rights shared by women and men and rights

exclusively for women in this declaration which reflect our standpoint, thus clarifying women's rights and responsibilities.

B-According to Islamic thought, women and men generally share the same human rights; however, since there may be some distinction in the observation and implementation of these rights, this set of rights has also been stipulated as women's rights for more emphasis.

C-Since this declaration solely intends to outline women's rights, it does not refer to the rights of other groups of the society, however in practice, keeping in mind that other laws and policies are to be implemented simultaneously, the right of the others, will also be dully observed.

D-This declaration does not intend to explain the way to put these rights into practice, therefore it is essential by giving due consideration to the structure of laws to guarantee their implementation.

5-Since the declaration does not refer to only to laws but focuses on building culture, therefore some ethical standards

must be enforced that are also included amongst the women's rights and responsibilities.

6-There are no particular examples mentioned; only general and essential rights and responsibilities. However, some examples of rights and responsibilities, needing more clarification and emphasis in international conflicts or domestic culture, have been specifically stated.

7-The structure of the declaration has been divided into women's rights and responsibilities as follows:

a. Individual rights, b. family rights, and c. social rights (social rights have been classified in terms health, cultural, economic, political, and judiciary rights.)

8-As far as women's issues are concerned, this declaration can be considered as a point of departure for dialogue among the Islamic countries and serves as a vital step in drafting and ratification of another more comprehensive document on the issue, relying on the thoughts and cooperation of various Islamic nations.

9-Although values in Islamic jurisprudence govern over

the entire articles of this declaration, in cases where abiding by certain Islamic laws are necessary in order to respect a certain right, or to shoulder a certain responsibility, this factor has been included where it needs to be emphasized.

10-Since the purpose of the declaration is solely to declare women's rights and responsibilities, the names of the individuals, or institutions in charge of implementing the related laws, or shouldering such responsibilities are not mentioned. It is yet quite obvious that the document is the foundation stone for policy making, planning, and lawmaking on women's affairs in all the concerned institutions.

Principles and fundamentals

The principles and fundamentals of this declaration on women's rights and responsibilities are derived with the comprehensive and balanced religion of Islam as its foundation in order to pave the way for coordination and harmony for advancing women's material and spiritual

dimensions in individual and social life, taking note of women's freedom along with responsibility, human dignity and a balance between rights and responsibilities.

In its formulation, this declaration relies on knowledge of the exalted Allah and a belief in Him as the first origin of the universe, the Creator of all beings, and as Originator of laws and the need to submit to His will. It also relies on benefiting from the glorious Quran and the honorable tradition of the Prophet and his family, rationality, belief in those factor's fundamental role in drawing conclusions and extracting rules and regulations out of divine sources based on the requirements of time and place. Avoidance of thoughts contrary to Islam, backwardness, superstitions and cultural alienation has also been taken into account.

This declaration is founded on the basis of the fact that woman and man in Islam in the sight of God are equal regarding nature¹, purpose of creation², potential in

1. Room 30

2. Zariyat 56, Mulk 2

benefiting from talents¹, acquiring values², excelling in values³, reward and punishment for deeds regardless of gender⁴, superiority over the other in achievement only on the basis of knowledge⁵, piety⁶, and competence⁷ in the society. Woman and man are different in terms of physical and psychological characteristics; the differences based on Divine Wisdom are the secret of continuity of human life, with man and woman complementing each other. These natural differences based on the justice of Almighty God have become a basis for difference in rights so that woman would not be led to degradation or unjust discrimination in relation to man⁸.

Woman and man in the Islamic legal system enjoy equal rights and responsibilities in most instances due to their

3.a. Jathiah 13

b. Nahl 78, Shams 7-8, Alaq 5

c. Maidah 20, Ibrahim 1

2. Ahzab 35, Nahl 97

3. Tahrim 1-12, Furqan 74

4. Zalzalah 7-8

5. Zumar 9

6. Hujurat 13

7. Nisaa 95

8. Nahl 90

similarity in terms of human nature. Certainly, difference in rights and responsibilities does not indicate preference of a gender to the other; rather mainly pointing to distinct legal titles to which each woman and man is entitled proportionate to the specific roles that are not interchangeable, in the family. These differences are to promote the material prosperity and spiritual uplifting of the family which functions as the basic unit of the society being the real place where humans are originate and are nurtured.

Section 1: Women's individual rights and responsibilities

1-The right to live prosperously, enjoy physical health and the responsibility to protect women's health from diseases or accidents or aggression.

2-The right to dignity and their responsibility towards respecting others.

3-The right to freedom of thought and immunity from violation of the security of one's belief.

4-The individual right and responsibility to enjoy faith and piety and to maintain it and the right to spiritual perfection in beliefs and deeds.

5-The right to protect their life, property, and dignity from any illegal aggression.

6-The right to benefit from social justice the implementation of the law without consideration to gender.

7-The right to own a name and keep or change it, the same is true about a family name.

8-The right to practice religious ceremonies and teachings in accordance with their religion and within the confines of the law if they happen to belong to religious minorities.

9-The right to wear hijab, to speak their own language and to practice their local customs and norms in a way that is not contrary to decent morality and Islamic traditions.

10-The right to be protected from material and spiritual harm that may result from others when they exercise their rights.

11-The right to keep her different temperamental features

when compared with men.

12-The right to enjoy a healthy environment and the responsibility for its protection.

Section 2: Women's rights and responsibilities in the family

Chapter 1: Girls' rights and responsibilities in the family

13-The right to suitable parental guardianship.

14-The right to having their expenses met including accommodation, clothing, adequate nutrition and health facilities to secure their physical and psychological health.

15-The right to education and to preparing the ground for development of their potentials and creativity.

16-The right to have their emotional and psychological needs met and to enjoy loving treatment from their parents, and to protection against domestic violence.

17-The right to enjoy whatever the family offers without any gender discrimination.

18-Girls who have been deprived of their fathers, have unqualified guardians or are under the guardianship of relatives or volunteers have the right to have their interests

protected through governmental supervision.

19-The responsibility to respect parents, to obey their legitimate orders, and to treat the other members of the family respectfully.

Chapter 2: Women's rights and responsibilities towards forming a family and protecting it

20-The right and responsibility toward strengthening the structure of the family and the right to facilities and legal support in order to prevent disagreement and diminish divorce cases.

21-The right to take advantage of cultural, economic and social facilities in order to facilitate marriage at the appropriate time and their responsibility to abstain and act modestly until marriage is due.

22-The right to be informed of the rights and obligations of spouses and the rules of married life and to enjoy the required facilities in this regard as well.

23-The right to know the proper criteria for choosing a

spouse, and the right to get to know him.

24-The right and responsibility to know the religious and legal regulations related to marriage, such as equality of the spouses in the fundamentals of belief and religion.

25-The right to set conditions at the time of signing the marriage documents, within the framework of religiously permitted demands, with conditions that if such demands were not met, the other party would be fined a clear punishment.

26-The right to have marriage and divorce documents registered at official and legal organizations.

27-The right to enjoy financial rights during the period of conjugality.

28-The right to being provided with a private, hygienic, sound sexual relationship with her legitimate husband and the right to file complaints in case of violations.

29-The right and the responsibility of living at the same residential unit with the spouse, to be treated humanely, to psychological security in relations with the spouse, and to

file complaints in case of husband's inhumane conduct.

30-the right to achieve scientific, spiritual, and ethical growth in collaboration with and relying on the support of family members.

31-The right and responsibility toward being on good terms with relatives and next of kin.

32-The right to get pregnant, to spend the period of pregnancy in tranquility, or to observe birth control methods and benefit from the appropriate related training and facilities.

33-The right to material and spiritual protection during the period of pregnancy and breast-feeding.

34-The responsibility to respect the rights of the fetus along with its protection and proper growth.

35-The right and responsibility to nurture children, providing for their psychological and emotional security, and for their proper religious and ethical training.

36-The right to benefit from the support and participation of the spouse in rearing, training, and nurturing of the

children.

37-The mother's right to benefit from financial and spiritual security, particularly during old age and when they cannot take proper care of themselves.

38-The right and responsibility to provide a living for and care for her needy parents according to her ability as long as the husband's rights are not violated.

Chapter 3: Women's rights and responsibilities in case of divorce

39-The right to divorce from the spouse if making up with him is proved to be impossible or hazardous after referring to court, presenting reasonable proof and heeding the responsibilities mentioned in divorce laws.

40-The right of annulment of the marriage if it is proven that he had pretended to have qualities other than reality (being dishonest), as listed in deficiencies mentioned under this category in laws and the right to receive compensation thereof.

41-The right to enjoy financial support during the course of the dissolution of the marriage and to expect good treatment from her husband at the moment of separation.

42-The right and responsibility of child custody and the necessity for financial support of the father and rights to visitation of the child in case of expiry or the waiving of custody.

43-The right to benefit from the rights entitled to married women during the three menstruation periods following divorce.

44-The right to file complaints at courts of justice against the second marriage of the husband if he is incapable of guaranteeing their expenses, not able to observe justice, or unable to observe other related rights.

45-Parents' social responsibility to take appropriate care of their children and criminal punishment for not observing it, and their accountability when they try to prevent the children from meeting them.

Section 3: Women's rights and their social responsibilities

Chapter 1: Women's rights and responsibilities toward physical and psychological health

46-The right to enjoy physical and psychological health in individual, social, and family life considering women's characteristics in the different stages of life and their responsibility toward preserving it.

47-The right to benefit from healthy and sanitarily fit environments (at work, the home, etc.) and right of benefiting from the related required training.

48-The right to participate in the process of policymaking, lawmaking, management, executive affairs and supervision in the field of health and rehabilitation processes, particularly in fields exclusively related to women.

49-The right to enjoy appropriate health-treatment plans and facilities for women for the prevention of disease and for the treatment of physical diseases and psychological

disorders of women.

50-The right to choose doctors and health service centers on the basis of Islamic rules and medical scientific standards and to benefit from the appropriate and adequate information to make informed and better choices.

51-The right to be informed and play a part in decision making relevant to fertilization and family planning.

52-The right to have comprehensive access to sports complexes and facilities, athletic training and appropriate recreational activities based on justice.

53-The right to develop their athletic talents and to have a presence in sport fields both at the national and international levels in a way as to conform to Islamic standards.

54-The right to benefit from the right of fertilization, pregnancy and delivery as well as post partum health care through benefiting from women specialists and to prevention from common diseases among women, venereal diseases and sterility.

55-The right to benefit from counseling services and

medical tests to ensure that the husband enjoys full health at the time of getting married, and that he has no problem regarding married life.

56-The right of girls without guardians, divorcees, widows, the elderly to benefit from public insurance relief services and private insurance particularly in the medical and rehabilitation fields.

57-The right of women who are physically, mentally or psychologically disabled or abused to benefit from support and proper rehabilitation.

58-It is a Muslim woman's right to benefit from proper nutrition especially during the time of pregnancy and breast-feeding in order to take care of the infant and to adequate food when breast-feeding.

Chapter 2: Women's cultural and spiritual rights and responsibilities

A-General Culture

59-The right and responsibility to acquire and increase

knowledge in terms of her own personality, rights, and role in different arenas of life in accordance with the sacred standards of Islam.

60-The right to be immune from the verbal and behavioral abuse of others and the responsibility of treating members of society with respect.

61-The right and responsibility to observe the Islamic codes of dress and responsibility to observe modesty in the society.

62-The right to raise the level of religious and human awareness and to work toward removing cultural and moral degeneration.

63-The right to take part in cultural, political and religious gatherings.

64-The right to produce beneficial cultural goods and programs according to Islamic standards, and to be benefited from such goods and programs.

65-The right to set up cultural and artistic institutions and to benefit from them in order to educate the modest woman

and who is dedicated to developing her cultural activities.

66-The right to exchange information and take part in constructive cultural communications at the national and global levels within Islamic goals.

67-The right and responsibility toward spreading Islamic culture and knowledge and toward presenting a model of the Muslim woman at the national and global levels.

68-The right and responsibility toward creating moral and religious solidarity with regard to women's issues around the world.

69-The right to participate in policy making, lawmaking, supervision, and executive phases of the cultural affairs related to women.

70-The right and responsibility to be informed of, and to acquire the required skills related to home and family management, child rearing, and effective confrontation against cultural and social harms.

71-The right to continual supervision over the cultural activities relevant to women in order to safeguard woman's

personality, honor and human dignity in production of cultural materials.

72-The right to take advantage of cultural centers that are exclusively for women while observing Islamic rules, taking into account their spiritual and physical uniqueness. Deprived parts of the country have priority for establishment of such centers.

73-The right for socially disturbed and vulnerable women to benefit from the appropriate support aimed at improving their personal and their society's cultural status.

74-Women are responsible for maintaining their cultural independence, their Islamic identity and national solidarity in cultural and educational activities.

B-Education and Training

75-The right to public education, to have their standard of education raised and to enjoy educational and training facilities.

76-The right to higher education up to the highest

possible levels.

77-The right to master expertise in special fields up to highest levels, both qualitatively and quantitatively.

78-The right of women and girls from the impoverished areas to benefit from special support in education.

79-The right to design school and educational programs.

80-The right to enjoy a proper status in harmony with their role, stature, and place.

81-The right to participate in policymaking, decision making, and management of academic and scientific centers, as well as active participation at cultural and scientific gatherings at the national and global level with due consideration to Islamic principles.

82-The right to recognize, support, and benefit from the capabilities of women with outstanding talents and their responsibility to help meet their country's needs.

83-The right to enjoy the necessary support in the field of education, access to higher education, and technical and vocational training for women with physical and mental

disabilities proportionate to their talents and extent of disability.

C-Research

84-The right to conduct research, author, translate, and publish books, articles and general and private publications while observing authenticity, honesty and the interests of the community.

85-The right to enjoy the necessary support regarding sources and facilities for research on women's issues and the right to have access to information and research findings in different fields.

86-The right to benefit from support for scientific and research work and to the expansion of research centers under women's management.

87-The responsibility of women researcher's to present their viewpoints to the society and to present the outcome of their positive religious and national achievements on issues related to women to the nation and the world.

Chapter 3: Women's economic rights and responsibilities

A-Economic rights and responsibilities in the family

88- The right to receive alimony in permanent marriage from the husband proportionate to the woman's prestige, and from the father, or child if the woman is in need and if they are financially capable

89-The right to benefit from the estate of a deceased and financial bequests according to the Islamic rulings.

90-The right of endowment, receiving and verification of endowment.

91-The right of accepting the power of attorney or being a legal representative in economic affairs.

92-The right to determine the dowry, to acquire it and to do whatever she wishes with it.

93-The right to receive her father's, husband's or children's pension in case of death according to the law.

94- The right to benefit from the retirement pension of a deceased woman employee for her legal heirs.

95-The right to accept financial guardianship of the children and responsibility to heed the children's financial rights.

96-Women and daughters' right to benefit from the required support in case of poverty, divorce, disability, lack of guardian, an inappropriate guardian, and to have access to the required facilities for rehabilitation and self-sufficiency.

97-The right to get wages for doing household chores upon their request and to protection as a result of their effects on the family economy and national revenue.

**B-Women's rights and responsibilities toward
employment and economic participation**

98-The right to own capital and private property and to benefit from them in accordance with legal and religious regulations.

99-The right to sign contracts and unilateral treaties.

100-The right to work after they reach legal age for

employment and the freedom to choose a job and to use personal capital along with their responsibility toward respecting the Islamic laws in earning and spending.

101-The right to have access to information, training, and appropriate expertise aimed at acquiring qualifications for appropriate employment and the right to be supported in such fields for female single-parents, or women without providers.

102-The right to benefit from job counseling and recruitment by women.

103-The right to benefit from wages and equal privileges with men under equal work conditions.

104-The right to benefit from job security, ethical respect, and an immune atmosphere from social hazards at work and the responsibility to observe modesty.

105-The right to be relieved of compulsory, difficult, and dangerous work.

106-The right to have facilities, rules and laws consistent with the responsibilities of the family taking into account

that she is spouse and mother during recruiting, employment, promotions and retirement.

107-The right to social security and economic facilities.

108-The right to participate in the course of economic policymaking, as well as establishment and management of economic institutions or membership in them.

109-The right and responsibility to receive and pay blood money along with collateral damages in accordance with the related laws.

110-The right to benefit from appropriate and effective legal support in order to prevent the exploitation, trafficking, and employment of women and girls in illegal and illegitimate occupations.

Chapter 4: Women's political rights and responsibilities

A-Women's rights and responsibilities in domestic politics

111-The right and responsibility to have access to

information, partake and play a role in determining the fate of the nation and strengthen the Islamic system.

112-The right and responsibility to participate in and supervise over social affairs in order to lead society towards spirituality and moral virtues ridding it of moral and behavioral harms.

113-The right to the freedom of the press, speech and association while observing regulations.

114-The right to form political parties and other political bodies together with their activities while safeguarding the independence of the country along with its national unity and the interests of the Islamic system.

115- The right to take part in elections and the right to be elected as members of the parliament as well as city and other councils, participation in the government planning process, the media and the right to hold high ranking administrative posts in accordance with related rules and regulations.

B-Women's rights and responsibilities in international politics

116-The right and responsibility to be informed of political developments domestically and globally with special focus on the Islamic world.

117-The right to develop and expand communication and to exchange constructive information while respecting national interests and legal regulations.

118-The right and responsibility to active and effective participation at Islamic regional and international conventions, particularly those related to women's affairs, observing the legal regulations.

119-The responsibility to do their utmost best in strengthening solidarity among Muslim women and to protect the rights of deprived and oppressed women and children in the world.

120-The right to seek refuge, security, good health and the possibility of returning to their homeland.

121-The right to government support for taking care of

female refugees of other countries within the limits of organizations and treaties.

122-The right to legal support with respect to marriage and establishing a family with nationals of other countries while observing related laws and regulations.

C-Women's rights and responsibilities in defense and security affairs

123-The right and responsibility to take part in legitimate defensive activities to safeguard their faith, country, lives, property and that of others.

124-The right and responsibility toward participating in establishing world peace based on justice and to ensure and strengthen it.

125-The right to have the necessary support in order to maintain their physical security and to prevent them from falling prey to aggressors during the time of war, captivity, and military occupation.

126-The right of immunity of the home and family from

military attacks.

127-The right for the families of martyrs, the war disabled, and war veterans to benefit from government support.

128-The mother's right and responsibility to raise and nurture the children and her priority in shouldering the guardianship of the children if her spouse is martyred, taken prisoner of war, or is missing in action.

129-The right to security training and to hold security posts.

Chapter 5: Women's judicial rights and responsibilities

130-The right to acquire legal information and training.

131-The right to legal measures and judicial protection for the prevention and elimination of crime, and oppression against women in the family and society.

132-The right to special family courts in order to safeguard the privacy of the family aimed at reconciliation

and to resolution of conflict in the family.

133-The right to have access to a female police force and disciplinary forces in case of aggressive behavior, being charged or crime.

134-The right to hold legal and judiciary posts in accordance with the law.

135-the right to take legal action in the court of justice and with other legal authorities.

136-The right to benefit from an attorney and legal consultant in the court or other judiciary centers.

137-The right to comprehensive judiciary support against factors which lead to crime against women or to crimes committed by women.

138-The right of women who have been charged with a crime to be protected from having her honor abused, from defamation and from being socially and individually punished in a way so as to exceed the legal punishment.

139-The right to be exempted from punishment when there are factors which can remove the penal responsibility.

140-The right to have their reputation restored for defamation due to a judge's inaccurate judgment or mistake in relation to the accused or in issuing the verdict and to compensation for spiritual and material damages.

141-The right to have their sentence reduced or to be pardoned in case of contrition and in the presence of proof that the repentance is authentic on the part of female delinquents, as well as at the time of pregnancy and breast-feeding or illness.

142-The right to see parents, children and husband while in prison in accordance to the country's laws.

143-The right to benefit from appropriate hygienic, cultural, and educational services aimed at rehabilitation and a return to a healthy social life.

144-The right of girls to be imprisoned at special youth centers where appropriate special facilities for their rehabilitation and expert social workers would be at their disposal.

145-The right to file complaints against inappropriate

government regulations at certain institutes, or against government or judiciary officials.

146-The right and responsibility toward testifying in courts in accordance with legal and religious standards.

147-The right to benefit from judiciary support, applied by the Prosecutor General against a legal guardian, or provider, and other violators of her legitimate rights.