

Religious Analysis of Women's Sociological and Cultural Concerns



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ABSTRACT: Islamic law has prioritized addressing women's issues, particularly societal issues, which are crucial as women are the core of society and comprise half of it. Women are not only wives but also mothers, sisters, and daughters, playing a significant role in society. It is essential that they are not left uninformed about their affairs, given the equal importance of their male counterparts. Islamic law emerged to provide clear guidance on its significance and its impact on humanity, society, culture, and the economy.

The first portion examines the inherent and acquired traits of women, as well as their capacity to navigate social and economic circumstances. This includes their resilience in marriage and business, as well as the inherent and acquired advantages that males possess over them.

The second issue pertains to the ethical principles and compassion that are relevant in many aspects of society. This discussion covers several aspects of rights, such as human rights, equality, civil rights and their classifications, as well as women's employment and education.

The third subject of discussion is to the position of women in religious laws and ancient societies. The research technique included a series of definitive findings and deductions that we arrived at via a comprehensive examination and thorough understanding of the subject matter from all angles.

KEYWORDS: ethical principles, ancient societies, navigate social, economic circumstances.

I. INTRODUCTION

Writing research on the legal perspective of women's sociological and cultural concerns is very important, since it addresses a fundamental issue that the righteous forebears used to determine women's equality with men. It also involves gathering their statements and viewpoints.

A. *The significance of research*

Islam places significant emphasis on women, recognizing their roles as mothers, sisters, daughters, spouses, aunts, paternal aunts, and stepdaughters. The reason for this is because the Noble Messenger, may God's blessings and peace be upon him, strongly advocated for the fair treatment of women and emphasized their importance. With the advent of Islam and the teachings of Muhammad, society and religion were closely intertwined, both holding equal importance and influence.

B. *Objectives of the research:*

- Enhancing the position and role of women in Islam and denouncing acts of aggression against them.
- Ensuring fairness and parity in the treatment of women.
- Regarding the accuracy of people's perception of women and the equality between men and women, it is important to note that God did not create women without purpose. God acknowledged the significance of women in their capacity as human beings, stating: "He created you from a single soul and made from it its counterpart, so that He may find tranquility in this union." God created women to embody confidence and stability, with the purpose of working together to restore the environment.

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II. EACH AND EVERY ONE OF A WOMAN'S TRAITS

In this discussion, we will explore the many traits and qualities that define a woman's nature, since these attributes exhibit a wide range of differences and diversity:

- Some of these qualities are inherent, bestowed upon her by God on the day of her creation, resulting in little variation between one woman and another.
- One of the things that is obtained is what is gained. The variation in this aspect is contingent upon the disparity in preparedness and ability, as well as the extent to which each woman obtains knowledge and skills via schooling and upbringing. We shall partition the discourse on this subject into two distinct topics:
 - I- The first prerequisite is the inherent attributes possessed by women.
 - II- The second criterion: acquired attributes of women.

A. *Regarding the inherent characteristics of a woman*

Innate qualities refer to inherent characteristics that a woman is expected to possess. These traits are often forced upon her and she may not have the desire to acquire them. They may be either organically ingrained in her due to her biological makeup or legally mandated by societal laws.

B. *The primary benefit lies in its inherent capabilities and natural features*

The omnipotent deity, God, created both man and woman, endowing them with distinct natural attributes that empower each of them to fulfill their respective life purposes. Each individual is enabled by their inherent purpose and guided towards the ultimate truth determined by the divine power of God. Attempting to refute this is only futile and delusional, and the seeming disparity in skills and abilities between them is simply a result of their inherent and developmental differences. Regardless of what this distinction may be, it does not provide any benefit to either the guy or the woman. These linkages are just complementary, and thus do not indicate a woman's emotional vulnerability. The edifice is both less essential and more essential than the strength of a man, as the strength of a man only yields results when complemented by the vulnerability of a woman. This aligns with Gandhi's statement that "Women and men are like the blades of a scissor, distinct from each other, and they complete one another considering the divergent life objectives of women and men."¹ Women have been endowed by God Almighty with unique traits and qualities that are distinct from those bestowed upon men. The objectives of her existence and her aspirations for the future revolve on procreation, nurturing, and creating a serene domestic environment that fosters a sense of security and stability, a role uniquely fulfilled by the mother. From this perspective, it was expressed in the divine words: "And one of His signs is that He created for you from your own selves." Companions may provide a sense of calm and peace, and God has instilled love and compassion amongst people. Truly, there are indications inside that may be seen by those who engage in thoughtful contemplation through the perspective of a mother, one may experience the comforting and secure feeling that comes from her support and consistency.

Due to the mother's responsibility for pregnancy, the hazards of delivery, and the subsequent physical strain, God has bestowed upon her certain capabilities that a male is incapable of possessing, including:

- I- Her unwavering patience, perseverance, and stamina guarantee the successful execution of her objective.
- II- His capacity to engage in prolonged periods of focused labor, whether in the company of a companion or in solitude, was evident from the beginning.
- III- Women possess a greater capacity to remain awake for extended periods of time compared to men, particularly when they have children who experience the distress of sickness, starvation, or extreme temperatures. The mother diligently attends to her children's needs throughout the night, while carrying out her usual activities during the day, displaying remarkable resilience. Over extended durations.
- IV- Women have a higher pain tolerance compared to males due to their ability to endure the physical challenges associated with menstruation, pregnancy, postpartum, and delivery, all of which include varying degrees of pain and discomfort.

This serves as proof of the imperative nature of utilizing these skills in order to assist the child who requires the aforementioned attributes. It is essential for the woman to possess these qualities and regard the act of caring for the child as a fundamental responsibility. Any deviation from this role is an anomaly and a requirement that must be fully acknowledged. The Almighty God said that it is incumbent upon humans to honor and respect their parents. This includes recognizing the physical

¹ Refer to the following source for further information: "Considerations in Education and Sociology" by Abdul Rahman Al-Bazzaz, first edition, published by Al-Ani Press in Baghdad in 1997. The relevant page is 56.

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and emotional challenges that mothers endure throughout pregnancy and childbirth, as well as the two-year period of breastfeeding. Humans are instructed to express gratitude both to God and to their parents throughout their lives².

C. *The second perk: women's competence*

It is certain that women, since their creation by God, have a strong inclination towards nurturing and educating children, as well as managing the household, before collaborating with their husbands. Empirical evidence has unequivocally shown the aptitude and expertise of women in this particular domain. A guy is incapable of enduring the responsibilities and burdens that a woman carries in terms of parenthood and domestic duties. In addition to such activities, such as engaging in risky endeavors, traversing deserts, and confronting adversaries, are often undertaken by males, since women's physical and mental makeup does not provide them with the necessary support for such undertakings. Nevertheless, the woman is willing to assist her husband with some aspects of his exterior and emotional matters, as seen in the desert.

Qasim Amin and his followers adopted the perspective of Western materialists regarding the cause of men's dominance and subjugation of women. They argued that this dominance arose from men's long history of engagement in work and intellectual pursuits, which deprived women of the opportunity to develop and exercise their own abilities. Consequently, women were subjected to a state of degradation that varied depending on the circumstances and time periods. The assertion has been refuted by prominent personalities in contemporary Islamic intellectualism, such as Sayyed Jamal al-Din al-Afghani³, and Abbas Mahmoud Al-Aqqad⁴. To summarize, the main points may be condensed as follows:

- I- What hindered a woman from accompanying the guy in his journeys, benefiting from the progress, growth, and advancement that he experienced, although both of them are at an equal level and in the same arrangement?
- II- The objection mentioned above actually supports the idea that men have been dominant over women throughout history. Men would not have been able to subjugate women on a large scale in all societies and time periods if they did not have a clear advantage over them. This advantage, whether it be physical strength or something else, allows men to subject women to subjugation.
- III- The ability to dominate others and exert control does not solely rely on physical strength, as demonstrated by the fact that many rulers who hold power are physically weaker than those who submit to them⁵. Therefore, the distinction between them must be attributed to their physical makeup rather than one party oppressing another based on their own desires.

D. *The third advantage the superior qualities of males compared to women:*

The Holy Qur'an states that males have a position of authority over women, as confirmed by several passages by God Almighty.

- I- God Almighty says: "And for them is the same as those upon them, in a reasonable manner, and for men a degree over them"⁶.
- II- And in His saying, the Almighty: "And do not covet what God has favored some of you over others. Men have a share of what they have earned, and women have a share of what they have earned, and ask God of His bounty. Indeed, God is All-Knowing of all things"⁷.
- III- God Almighty says: "Men are guardians of women because God has favored some of them over others and what they spend of their wealth"⁸.

The issue at hand is: What is this specific favor that God has bestowed upon males but not women? The commentators held divergent views on the foundation of the man's guardianship, following the Qur'an's clarification that both parties have reciprocal rights and responsibilities towards each other. This was in response to the prevailing belief in pre-Islamic societies

² Surah Luqman: Verse: 14

³ Refer to the book "Mohsen Abdel Hamid: p. 154 - 1st edition, Al-Resala Foundation - Beirut 1983" for further information about Dr. Jamal Al-Din Al-Afghani, the reformer who was unjustly criticized.

⁴ Refer to the book "Women in the Qur'an" by Al-Aqqad, specifically page 8 of the first edition published by Dar Al-Hilal in Cairo.

⁵ See: Jamal al-Din al-Afghani, the slandered reformer, by Dr. Mohsen Abdel Hamid: p. 154.

⁶ Surah Al-Baqarah: Verse: 228

⁷ Surat An-Nisa: Verse: 32

⁸ Surat An-Nisa: Verse:34

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that women exclusively possessed the right to assert their husbands' rights. Without having the authority to do so. The issue of guardianship will be further elaborated upon later, since it is a distinct topic in section⁹.

Regarding the superiority of males over women, several critics have argued that it is determined by two factors: inherent qualities and learned abilities¹⁰.

The first aspect to consider is innate virtue, which refers to a person's inherent qualities that make them stronger, more complete, and more aesthetically pleasing. It may seem peculiar to claim that a man is more beautiful than a woman, but Imam Muhammad Abduh argued against this notion by explaining that since the creation system in animals is unified, and humans are a part of this system, we can observe that males in various animal species are often completer and more attractive than their female counterparts. This can be seen in examples such as the rooster and hen, the ram and ewe, and the lion and lioness. Furthermore, the presence of a well-groomed beard and mustache contributes to a man's overall attractiveness. Consequently, he lacks some qualities and is flawed in his character. He wants to cultivate his beard, despite being someone who often shaves it¹¹.

Expanding upon the statements made by Imam Muhammad Abduh, with the assumption that we acknowledge their genuineness: The attractiveness of a guy, as described, is in the qualities of harmony and virility, rather than charm and seduction. Unlike the elegance of femininity, this is the rationale for the occurrence of a guy engaging in flirtatious behavior with a woman, resulting in him resembling her, rather than the opposite scenario. A man's attractiveness is not something he casually engages with, but rather the subject of appreciation, not flirting. While a man's beauty is inherent, a woman's beauty is sometimes enhanced via the use of different adornments such as colors, scents, and dyes. It is important to note that a woman's beauty is often the focus of flirtation rather than pure appreciation.

One inherent advantage that males have over females is their superior insight, intellect, and foresight in several scientific and inventive domains.

Scientific discoveries and rational theories are predominantly made by men, as Professor Abbas Mahmoud Al-Akkad states. He mentions that women are exceptional in this field, citing the example of Mrs. Marie Curie, a Polish woman who conducted research on the radiation of Uranium under the guidance of her husband, Pierre. Based on¹², we may conclude that women themselves acknowledge the inherent superiority of men. This fact is evident to them, as shown by their desire to achieve the same level of excellence as men in areas where men thrive. The strength of males further supports this notion. Women admire physicality. The Holy Qur'an has sent this message to us via the words of Shuaib's daughter, may peace be upon him, when she requested her father to employ our esteemed leader Moses, may peace be upon him. Undoubtedly, the most exceptional individual you employ is the one who has both physical strength and unwavering reliability. The number is¹³.

And God Almighty said: "And do not covet what God has favored some of you over others. Men have a share of what they have earned, and women have a share of what they have earned, and ask God of His bounty"¹⁴.

The verse was revealed when Umm Salamah said: "Men fight but do not fight women, but only half of the inheritance is ours"¹⁵. And in another verse in the same surah, God Almighty establishes the principle of the man's innate heel being higher than the woman, due to the Almighty's saying: "Men are the maintainers of Women because God has favored some of them over others"¹⁶.

Alternative views exist on the significance of a man's status, upon which his moral excellence is founded. One of the aspects included in this is the concept of "degree," which refers to a person's moral excellence in matters such as inheritance, jihad, blood money, command, obedience, and the right to curse if he falsely accuses her¹⁷.

⁹ The fourth topic in the second chapter - from the second chapter: p. 310

¹⁰ See: Muhammad Rashid Reda: Tafsir Al-Manar: vol. 5, p. 59, ed. 2, Dar Al-Ma'rifa, Beirut, Kurdish interpretation of the Holy Qur'an (The Verse of Resurrection), by the scholar Muhammad Jalizadeh: a manuscript preserved in the treasurer of a nephew, the author: Abd al-Majid al-Sheikh Nouri in the Kasbah of Kuysanjaq. In Erbil Governorate.

¹¹ See: Muhammad Rashid Reda: Tafsir Al-Manar: vol. 5, p. 59

¹² See: Women in the Qur'an, Al-Aqqad: pp. 11-12

¹³ Surah Al-Qasas: Verse: 26

¹⁴ Surat An-Nisa: Verse: 32.

¹⁵ See: Al-Jami' li Ahkam Al-Qur'an, Abu Abdullah Al-Qurtubi: vol. 5, p. 162.

¹⁶ Surat An-Nisa: Verse:34

¹⁷ See: Jami' al-Bayan on the interpretation of verses of the Qur'an, Muhammad bin Jarir al-Tabari: vol. 2, p. 454, Mustafa al-Babi al-Halabi Library and Press - Cairo, year of publication: 1954. Al-Jami' li-Ahkam al-Qur'an, Al-Qurtubi: vol. 3, p. 124. Ahkam al-Qur'an, by Al-Jassas: vol. 1, p. 374, illustrated edition: 11th edition, Al-Uthmaniyah, Dar Al-Kitab Al-Arabi - Beirut. Al-Tafsir Al-Kabir: Al-Razi: vol. 6, p. 94, edition 2 - Dar Al-Kutub Al-Ilmiyyah, Tehran.

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What Ibn Abbas mentioned about the meaning of degree is that the degree mentioned by God Almighty in this aspect is: a man's forgiveness to his wife of some of what is obligatory upon her. And his turning a blind eye to her, and performing all her obligations to him, and Ibn Abbas referred to this by saying: I do not like to purge all of my rights over her, because God Almighty says: "Men have a degree above them".

E. Earning advantages

It is a man's spending on a woman by providing her with a dowry, as a sign of affection and courtship, then satisfying her with what she needs of food, clothing, housing, necessary protection, and the like. The Almighty said in that virtue, saying: "Men are guardians of women because God has given some of them the favor over Some, and with what they spent of their money"¹⁸. The expression here is in the past tense to indicate: This is something that has been destined in human societies since time immemorial. Men are the breadwinners for women and the family, because earning a living is the business of men¹⁹ and one of the advantages of earning money for men over women is that men are able to excel over women, not in the matters that some claimed were withheld from them by men, and even in the matters in which women have been distinguished for thousands of years, including cooking, sewing, adornment, and crying for the dead, women were called the queen of amusement and humor, in which sarcasm was associated with forced labor among many of the oppressed. As Al-Aqqad said: "A woman does not have the same level of cooking food as a man who devotes himself to it for a few years, as is observed in high-end restaurants. Likewise, in the field of fashion, women prefer tailoring institutes that are run by men over those that are managed by women, and it has no effect." A eulogy about women is similar to that written by men. Even in the field of medicine, treatment or diagnosis, women prefer to see male doctors over female doctors, given the skill they possess"²⁰.

From this, we infer that these notions are not immutable scientific principles that are devoid of exceptions, but rather inferences and conclusions drawn from everyday experiences, which reflect the present reality.

III. EARNING ADVANTAGES

This section discusses two distinct categories of rights: namely, human rights and equality rights.

A. Her humanity

Islam differed greatly from the religions and ideas of ancient peoples and nations in its vision of the humanity of women, and the rights and duties that those visions dictated for them, so that Islam showed a moderate position towards them, and was characterized by stability and unchangeability. Rather, it formed the cornerstone of Islam's thinking towards it. Therefore, Islamic law corrected people's view of women, established the relationship between men and women on the basis of humanity, considered them to be two categories inseparable from each other, and denied the idea that women are a lower sex than men. Their participation in the brotherhood of human lineage, and the unity of human meaning. Then God Almighty said: "O people, we created you from a male and a female and made you into peoples and tribes that you may come to know one another. Indeed, the most honorable of you in the sight of God is the most pious of you"²¹.

With this noble verse, Islam recognized the relative brotherhood between them, when it called them by the word "people," because in the Arabic language it includes all human individuals, men and women, and He created them from one father and mother, each of them being brothers to the other, as evidenced by his saying, peace and blessings be upon him: "And women are only siblings' men"²², and relative brotherhood requires equality in it, as one brother is not more fortunate in his lineage to his parents than the other, as Al-Bahi Al-Khouli says²³, but rather equality between men and women that is without increase or decrease and affirmation. Because of this equality between them, Islam made the share of any one of them with the blessing of the more fortunate and more generous in the sight of God Almighty, dependent on the difference in piety and good deeds, and made that outside the scope of humanity because they are equal in it.

When God created male and female from one soul, the creation of woman was not in vain and without benefit. Rather, God Almighty expressed their human role by saying: "It is He who created you from one soul and made from it its husband so that he

¹⁸Surat An-Nisa: Verse:34

¹⁹See: Al-Tahrir wa Al-Tanweer, Muhammad Al-Tahir Ibn Ashour: vol. 5, p. 39, edition 1, Tunisian Publishing House - 1971 AD.

²⁰See: Women in the Qur'an: Al-Aqqad: p. 9

²¹ Surah Al-Hujurat: Verse: 13.

²² See: Sunan Ad-Darimi, Al-Bayhaqi: vol. 1, p. 165. Sunan al-Tirmidhi, by Imam al-Tirmidhi: vol. 1, p. 190. Al-Fath al-Rabbani for the arrangement of Musnad al-Imam Ahmad ibn Hanbal al-Shaybani, Ahmad al-Banna: vol. 2, p. 116. Sunan Abi Dawud, by Imam Abi Dawud al-Sijistani: Part 1, p. 162

²³ See: Islam and Contemporary Women, Al-Bahi Al-Khouli: p. 20, 3rd edition - Dar Al-Qalam - Kuwait.

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might find peace with her"²⁴, so spiritual tranquility became a goal. One of the goals of this creation is so that they can share with each other to build the earth, and God Almighty said: "And among His signs is that He created for you mates from among yourselves that you may find tranquility in them, and He placed between you affection and mercy. Indeed, in that are signs for people who reflect"²⁵.

One of the branches of participation in these human goals was that the man was called a father and the woman a mother, and it came in the Qur'anic concepts to place them together in divine honor, and the many verses and hadiths that urged kindness to parents were nothing but an effect of this principle that was established by Qur'anic verses regarding the origin of man. And its composition²⁶, and God Almighty said: "And worship God and do not associate anything with Him and be good to parents"²⁷, "And your Lord has decreed that you should not worship Him but to be good to parents"²⁸.

Among the perfection of a woman's humanity is her participation with the man in the punishment of retaliation, as evidenced by the Almighty's saying: "And We prescribed for them therein that a life for a life"²⁹ and the Almighty's saying: "O you who have believed, retaliation for the dead has been prescribed for you"³⁰. Also, the punishment in the afterlife for assaulting a woman's life is similar to the punishment for assaulting a man's life³¹, and in this regard, God Almighty says: "And whoever kills a believer intentionally, his recompense is Hell to abide therein, and the wrath of God is upon him, and his curse is eternal." For him is a great torment"³², and the killing of the male with the female has been proven according to most scholars and there is no going back³³. And because retaliation is the end of what is required in the crime of murder, it is not permissible to force another one along with it³⁴, and it results in the completion of The humanity of women, and their participation in men as well, and the necessity of atonement for killing a Muslim woman by mistake, as evidenced by the Almighty's saying: "And whoever kills a believing man by mistake, then a believing slave will be freed as a blood money and delivered to his family"³⁵.

There is no difference between men and women in this regard, due to the consensus of the majority of jurists, scholars, and commentators on including the formulas mentioned as masculine for females as long as the matter relates to duties, rights, and public works, if there is no specific evidence³⁶.

The role of Muslim women in jihad against polytheism and infidelity is also not hidden, as a caregiver for the sick and wounded, or a cook for soldiers or a cupbearer for them. Islam has granted her the right of safety and reassurance for whomever she sees as fighting enemies. If she secures him, it is not permissible for anyone to assault him. It was mentioned in the hadith, "Umm Hani' came to the Messenger of God, may God bless him and grant him peace, in the year of the conquest, and said: O Messenger of God, may God bless him and grant him peace, my mother's son Ali claimed that he fought a man whom I had rewarded. He is so-and-so Ibn Hubayra, so the Messenger of God, may God's prayers and peace be upon him, said, 'We have rewarded him from I have rewarded you, O happy mother'³⁷. This is evidence of Islam's recognition of humanity.

B. Equality

The writer, Dr. Ali Abdel Wahed Wafi, believes in the meaning of equality that: "Equality is looking at the sexes as equal in their human nature, and that neither of them has more human qualities than the other, and that one is better than the other, according to his human element, His first creation is that the comparison between any one of them is based on other matters outside of their nature, such as knowledge, morals, and the like, that is, there is no differentiation except in some circumstances

²⁴ Surah Al-A'raf: Verse: 189

²⁵ Surat Al-Rum: Verse: 21

²⁶ See: Islam is Doctrine and Law, Mahmoud Shaltout: Part 3, pp. 229-230, Dar Al-Qalam Press - Cairo - Egypt - Year of Publication: 1966.

²⁷ Surat An-Nisa: Verse: 36

²⁸ Surah Al-Isra: Verse: 23

²⁹ Surah Al-Ma'idah: Verse: 45

³⁰ Surah Al-Baqarah: Verse: 178

³¹ See: the previous source/ Mahmoud Shaltout

³² Surah An-Nisa: Verse:

³³ That is, saying that he should be killed with it and then give half of his blood money to his or her family

³⁴ See: Al-Tafsir Al-Kabir, Al-Razi: vol. 5, p. 51, edition 2, Dar Al-Kutub Al-Ilmiyya - Tehran.

³⁵ Surat An-Nisa: Verse: 92

³⁶ Women in the Qur'an and Sunnah, Muhammad Azza Darwaza: p. 22, 2nd Edition / Al-Matba'ah Al-Asriyah - Beirut - Sidon, Publication Year: 1927.

³⁷ Sahih Al-Bukhari: vol. 4, p. 67, illustrated edition of the Uthmani edition - Dar Al-Fikr - Beirut. Sunan al-Tirmidhi: vol. 4, p. 142, Cairo edition. Sunan Abi Dawud: vol. 3, p. 193

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related to readiness, knowledge, or responsibility, so when readiness is equal in what was mentioned, and whenever any of that differs The difference was according to him³⁸.

IV. HUMANITARIAN EFFECTS AND EQUALITY OF WOMEN WITH MEN

After we have explained the position of Islamic law on the issue of women's humanity and equality with men, we now explain the consequences that result from this, which ultimately constitute a set of family and societal rights for women, namely: eligibility, work, and their right to choose a partner. We will summarize all of this in a separate application.

- Eligibility: Entitlement and suitability. It is said that so-and-so is qualified to consider the endowment or so-and-so is worthy of generosity: that is, he is worthy of it, that is, he is suitable for it³⁹, and in the terminology of the fundamentalists, it is divided into two parts:

- 1- Competence for obligation: It is a person's ability to have the legitimate rights imposed upon him and upon him⁴⁰.
- 2- Capacity to perform: It is the authority of the taxpayer to have his words and actions considered according to Sharia, such that if a contract or act is issued by him, it is considered according to Sharia and its rulings apply to it⁴¹.

Islamic law, as we have shown, equates them in rights and duties, except for what nature, or the spirit of justice, requires of separation between them. From this standpoint, Islam views women as having an independent personality, and it is not intended for them to share any personality before or after marriage.

Women's eligibility is divided into the following:

- Religious eligibility for women: It becomes clear to us that the legal ruling on a woman's eligibility: is the speech of the Lawgiver that explains the actions of those in charge, whether bad, whether by request, choice, or situation - and this applies to a woman just like a man, with the combination of humanity between them. Therefore, "Islam approved the capacity of a woman, to receive the legal duties from God's address to her directly without There is a need for the mediation of one of the people"⁴². Women have become fully qualified to understand all the pillars of faith and religious beliefs, and to bear all the costs of worship, including physical and financial, or shared between them, just like men, equally. Therefore, we do not find in Islamic law an exemption for women from some religious duties. Rather, women have retained their independent personality. "It is not for nothing that Islam made women their own pledge of allegiance, without the pledge of allegiance to men. Rather, that was an indication of that independence, so that women would enter Islam through a different path." Chapter on her husband, or her father, by dependency."⁴³ Then God Almighty said in that regard: "O Prophet, when believing women come to you, pledging their pledge of allegiance to you that they will not associate anything with God, nor will they steal, nor commit adultery, nor kill their children, nor bring any slander that they invent between their hands and feet, nor If they disobey you in a good deed, then pledge allegiance to them and ask God for forgiveness for them. Indeed, God is Forgiving and Merciful"⁴⁴

Indeed, this was mentioned in the Holy Qur'an, as an emphasis on the meaning of women's religious independence, a verse that abrogates one of the clauses of the Treaty of Hudaibiyyah, as far as it relates to women, and the clause is: "Does not one of us come to you, and if he follows your religion, you will return him to us"⁴⁵

The verse is: "O you who have believed, when believing women come to you as emigrants, examine them. God knows best about their faith. If you know that they are believers, do not return them to the disbelievers, for they are lawful for them, nor are they lawful for them"⁴⁶. The scholar Dr. Ahmed Al-Kubaisi states: "Based on this, Islam prohibits the husband from forcing his Christian wife to convert to Islam, and is satisfied with making the fruit of this marriage the children Muslims"⁴⁷.

³⁸ See: Women in Islam, Dr. Ali Abdel Wahed Wafi: p. 38

³⁹ See: Dictionary of the Language of Jurists, Muhammad Rawas Qalaji: p. 96. Taj Al-Arous from Jawhar Al-Qamoos, Al-Zubaidi: vol. 28, p. 45, definitions, Al-Sharif Al-Jurjani: p. 40.

⁴⁰ See: The book Dictionary of the Language of Jurists, Muhammad Rawas Qalaji: p. 96

⁴¹ See: The Science of the Principles of Jurisprudence, Abdul-Wahhab Khlaf: pp. 135-139, 10th edition, year of publication 1972, Dar Al-Qalam Publications - Kuwait. Al-Wajeez fi Usul al-Fiqh, Dr. Abd al-Karim Zaidan: pp. 71-72, edition/4 - year of publication/1970, Al-Ani Press - Baghdad.

⁴² The Philosophy of the Family System in Islam, Dr. Ahmed Al-Kubaisi: p. 100

⁴³ Previous source

⁴⁴ Surah Al-Mumtahana: Verse: 12

⁴⁵ See: Al-Jami' li-Ahkam Al-Qur'an, by Imam Al-Qurtubi: vol. 18, p. 61

⁴⁶ Surah Al-Mumtahana: Verse: 10

⁴⁷ See: The philosophy of the family system in Islam: p. 101

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- Women's economic eligibility: Islamic law came to emphasize the role of women in economic development processes, giving them full economic eligibility and recognizing their economic maturity, saying: Islam, since its appearance, has been a mercy for women, as it freed them from many of the restrictions and shackles that they had suffered under, and women were considered... Like lost property, which is sold, given away, inherited, and transferred from the possession of one person to another... but it has no money, and where did it get it from? According to the pre-Islamic custom, she does not inherit, and she is not able to invade like men, as she can plunder and plunder, but Islamic law has been fair to her by making her like men, in owning, disposing of, donating, and trading. God Almighty said regarding their inheritance: "Women have a share of what their parents and relatives leave behind, of what little or little of it there is." Increase your share"⁴⁸. God Almighty also said regarding their dowries: "And give the women their alms as a free gift, and if they give you a soul for any of it, then eat it as good and harmless"⁴⁹. Therefore, women have the right to all jobs that are permissible for men, in Islamic law, such as owning movable and immovable property, etc., and engaging in trade, or any other legitimate earning. It has the right to transfer, guarantee, gift, will, agency, dispute in the judiciary, and other financial issues and contracts detailed in jurisprudential books.
- III-Social eligibility of women: Since women have played a major role in the renaissance of ancient and modern societies and have proven their ability to bring about actual and positive change in those societies, their presence in various aspects of life and their commitment to standing by men and supporting them are the best evidence that they are an effective element in bringing about the process of change in human societies, and they are part From a united and compassionate Islamic society, which resembles a structure that is tightly packed together, it is necessary for her to look at what is appropriate for her in terms of status, ability, and fitness, and in terms of what is most appropriate for society on her part in general and her family in particular. How beautiful is what the Holy Qur'an says in the Almighty's saying: "And the believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong, and establish prayer, and pay zakat, and obey God and His Messenger. Those will have mercy on God. Indeed, God is Mighty, Wise"⁵⁰.

Dr. Mustafa Al-Sibai⁵¹ said about this verse to the effect that: And in light of this principle expressed in the aforementioned verse: "A society arose in this world for the first time in which women were respected, as full-fledged human beings, and they received appropriate respect from society." With her, as a wife and mother, she created heroes and great people, and her reputation was protected from confusion and bad gossip, by not mixing suspiciously with men, except in places of worship, gatherings of knowledge, and liberation battles, and in these places, she had her own gatherings, her modest dress, and her religious dignity. Eyes did not cling to her, nor did souls look to her. Rather, when she passed, they lowered their eyes out of shyness, and when she sat, faces turned away from her out of respect, and when she fought, hearts would beat for her in reverence and appreciation"⁵².

The wives of the Prophet, may the best prayers and peace be upon him, were like teachers and educators for Muslim women, especially Mrs. Aisha, may God be pleased with her, who memorized much of the Sunnah of the Prophet, and had corrections on the Companions⁵³.

One of the most dangerous deeds that a Muslim woman has the right to be proud of, as a matter of social eligibility, is what the Noble Messenger, may God's prayers and peace be upon him, made of the acknowledgment of security given to Umm Hani bint Abi Talib, as "it was mentioned in the conquest of Mecca that she hired a man from the polytheists." He refused but to kill him, so she hurried to the Messenger of God, may God's prayers and peace be upon him, and said: O Messenger of God, Ali bin Abi Talib claimed that he killed a man whom I had rewarded, so the Messenger of God, may God's prayers and peace be upon him, said: We have rewarded whomever you have rewarded, O Umm Hani"⁵⁴.

⁴⁸ Surat An-Nisa: Verse: 7

⁴⁹ Surat An-Nisa: Verse: 4

⁵⁰ Surat Al-Tawbah: Verse: 71

⁵¹ See: Women between jurisprudence and law, Dr. Mustafa Al-Sibai: p. 46

⁵² Al-Muhalla, by Imam Ibn Hazm Al-Andalusi: vol. 9, p. 25429, 2nd edition - illustrated - Dar Al-Fikr, Beirut.

⁵³ Badr al-Din al-Zarkashi collected: pp. 745-794, her reconciliations in a book called: What Aisha rectified about the Companions, verified - verified by Saeed al-Afghani, - Damascus - The Hashemite Press, year of publication / 1939.

⁵⁴ See: Sahih Al-Bukhari: vol. 4, p. 67. Muslim with the explanation of Imam Al-Nawawi: vol. 4, p. 28, Al-Tirmidhi: vol. 5, p. 8. Sunan al-Nasa'i: vol. 1, p. 126, Sunan Abi Dawud: vol. 3, p. 194. Sunan al-Darimi: vol. 1, p. 339

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C. woman's job

Islamic law does not prohibit women from working and trading, especially professional jobs in various fields of life, as they are jobs that are new to Eastern people in general, and Islamic people in particular, and they must be among the general texts mentioned regarding work, which are mentioned in the male form, taking into account the aspect of dominance as well. It is the method followed in the Qur'an and Sunnah. Therefore, we can say: If a woman engages in a job by which she can earn a livelihood for herself or her family, Islam has nothing but a general, comprehensive rule for women and men alike, as Dr. Muhammad Saeed Al-Bouti says⁵⁵, who said: It is permissibility not as absolute as it is for men, as evidenced by: The maintenance of a woman, whether she is a daughter or a wife, is borne by the man - whether he is a father or a husband. God Almighty said: "Men are guardians of women because God has favored some of them over others and what they spend of their wealth"⁵⁶.

D. Women's education

Since education is an important obligation and obligatory for every Muslim, male and female, as evidenced by his saying, may God bless him and grant him peace, "Seeking knowledge is an obligation for every Muslim"⁵⁷. It is known that whoever reads the Qur'an and the Sunnah of the Prophet will find that there is strong evidence of Islam's demand for learning various sciences, as well as various types of knowledge.

As God Almighty says in praising knowledge and scholars: "Are those who know equal to those who do not know"⁵⁸, and also His Almighty saying: "It is only those of His servants who fear the scholars"⁵⁹, and His Almighty saying: "God exalts those who believe." Among you and those who have been given knowledge are degrees"⁶⁰. Rather, the first verse that was revealed to the Prophet, may God's prayers and peace be upon him, emphasizes the veneration of knowledge, and one of the evidences of His ability, Glory be to Him, is "Read, and your Lord is Most Generous, who taught with the pen, taught man what he did not know"⁶¹.

This evidence includes both males and females. This is because the address to God Almighty in the form of a reminder is inclusive of women, except by a specific exception that excludes them from a text or consensus, or by necessity, because women are men's equals in obligation⁶².

The Noble Prophet, may God's prayers and peace be upon him, designated a specific day for teaching and admonishing women, based on their request to do so from him⁶³. The Messenger, may God's prayers and peace be upon him, even said about a man's slave girl: "Any man who has a female child, teaches her well, and takes her to life." So, he disciplined her well, then freed her and married her, and he will have two rewards"⁶⁴. If this is one of Islam's directives to the nation, then what about the free woman?

Modern Islamic thinkers disagreed about how to educate women, the study curricula, and the sciences that should be taught to them, and they divided among themselves into two groups:

- Some of them called for early education for girls, and teaching women, like men, the types of sciences and knowledge to carry out life's burdensome tasks and prepare for work in the future. The flag of this idea was carried for the first time by Rifa' al-Tahtawi, influenced by what he had witnessed of the affairs of European women, especially French women, as mentioned in his book: "Talees al-Ibriz fi Talikhs Barez"⁶⁵. He also wrote a book in the year 1872. He called it: (The Faithful Guide for Girls and Boys) in which he collected evidence and evidence on the necessity of educating women and the extent of its benefit⁶⁶. Then he followed what Qasim Amin did some 30 years later and wrote the two books mentioned previously, and among other things he said: "You must learn All that a man should learn is at least primary education, so

⁵⁵ See: To Every Girl Who Believes in God, Dr. Al-Bouti: p. 52, 4th edition, Damascus, 1975, Farabi Library.

⁵⁶ Surat An-Nisa: Verse: 34

⁵⁷ See: Sunan Ibn Majah: vol. 1, p. 81. : Al-Jami' al-Saghir, by Imam al-Suyuti: vol. 2, p. 131, new edition 1981 - Dar Al-Fikr

⁵⁸ Surat Al-Zumar: Verse: 9

⁵⁹ Surah Fatir: Verse: 28.

⁶⁰ Surah Al-Mujadila: Verse: 11.

⁶¹ Surah Al-Alaq: Verses: 3-4

⁶² See: The Call of the Fair Sex, Muhammad Rashid Reda: p. 10. Athar Ibn Badi, Ammar Al-Talbi: Part 2, p. 201

⁶³ See: Sahih Al-Bukhari: vol. 1, p. 34

⁶⁴ See: The same source: Sahih Al-Bukhari: vol. 6, p. 120

⁶⁵ See: Dr. Fahmi Jadaan: previous source, p. 459

⁶⁶ See: Al-Tahtawi: The Faithful Guide - printed among the complete works collected by Dr. Muhammad Amara - 2/393, and Jamal al-Din al-Shayyal: Rifa'ah al-Tahtawi, p. 51 (Nawabigh Al-Arab series)

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that she can be familiar with the principles of science and then be allowed to choose what suits her taste and master it by working in it whenever she wants"⁶⁷.

Mental evidence in addition to the aforementioned transfer evidence in this regard:

- 1- Education is beneficial for women to manage their wealth and manage their family affairs.
- 2- Many women may be forced to give their money to a relative or a foreigner who will work with it for himself, thus becoming rich and remaining empty-handed.
- 3- The illiteracy of some women has led them to deprive one of them of her rights through evil and deception. If she had been educated, such fraud would not have occurred.
- 4- Knowledge has become an honorable goal sought by every person who wants economic and social happiness, and it is a necessary need of human life⁶⁸.
- 5- He said in response to those who said that educating women contradicts their chastity and corrupts them: He said: "And if it happened that a woman who knew how to read and write strayed from the straight path, then it happened that thousands of ignorant women defiled their honor, and the Messenger was between them and their companion, a male or female servant." Or an indication. Moreover, an educated woman fears the consequences of things more than an ignorant woman does"⁶⁹.

E. Weighting

It becomes clear to us that the difference in roles between women and men is a recognized fact, based on the difference between them in the basis of character and the basis of innate tendencies. It appears from the necessity of this fact and its real implications that there be a precise separation and thoughtful classification of what makes it easier for both women and men to perform their duties. It helps him to carry out his role that his gender assigns to him and his role requires of him. In order for the efforts not to be in vain and for education to come to nothing, we say to all of this: the soundness of the position of the second party, the necessity of working according to it, and giving priority to it over the position of the first party, because it is not in the interest of society to be confused about developing common curricula. The lack of interest in the basic aspects of women's lives and their innate function in me. Rather, feminist education in the aforementioned form suggests that its goal is to increase blackness, and to pay attention only to quantity and whatever it is, without quality, at a time when the new world is moving towards specialization and precision in everything except in the field of taming. Women are responsible for the tasks that nature has entrusted them to perform, and their institutes. A portion of these scholars were influenced by what they saw or dictated to them the ideas dictated to them, and among them was women's work outside the home and earning it. When these scholars returned to their Islamic homelands, they began to preach what They were influenced by it, which included: women's work.

The first person to call for this was Rifa'a al-Tahtawi⁷⁰, then Qasim Amin⁷¹, and if what Dr. Muhammad Amara⁷² said is true, then Sheikh Muhammad Abdo took over writing chapters of (Editing the Mirror) By Qasim Amin, which includes what was mentioned in the aforementioned book⁷³, as other writers have said, Sheikh Muhammad Abduh, in turn, is also one of the first Islamic thinkers to say: the necessity of women's work and the legitimacy of their earning.

V. THE STATUS OF WOMEN ACCORDING TO PREVIOUS LAWS, CIVILIZATIONS, AND ISLAM

Islam grants women rights and duties that do not become apparent except after taking a look, even if it is a cursory one, at the conditions that women lived in before Islam, in the various ancient religions and civilizations, from the social and economic aspects. Therefore, we will summarize this briefly.

- 1- In ancient Egyptian civilization: In ancient Egyptian civilization, women were equal to men in everything except profession. The man was the caretaker of the family and also headed the state's authority. While women managed family affairs and contributed to preserving the country's stability by working as skilled workers. Briefly, it seems that women in the common class did not have any significant role outside the family in social activity or influence and influence, while others from the ruling or prestigious families had to learn reading, poetry, get close to the gods (idols),

⁶⁷ See: Qasim Amin: Women's Liberation, p. 18.

⁶⁸ Previous source.

⁶⁹ Previous source, p. 50

⁷⁰ See: The Faithful Guide to Girls and Boys (among the complete works collected by Muhammad Amara), Al-Tahtawi: Vol. 2, p. 393.

⁷¹ See: Women's Liberation, Qasim Amin: p. 19. The New Woman: p. 9

⁷² See: The Complete Works of Imam Muhammad Abduh, Muhammad Amara: Part 2, p. 10

⁷³ Women's Liberation: pp. 119-118

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perform rituals around them, and make sacrifices. To it, until some of them attained the rank of priestess, and from there to the helm of government between the eleventh and seventh centuries BC⁷⁴. The relationship between men and women was absolute, chaotic and barbaric. Rather, it was the woman who proposed the proposal. As for polygamy, it was almost a privilege for the Pharaohs to have many children, but despite its presence in the homes of the Pharaohs, there was only one woman who held the title of "Great Royal Wife," and the rest were secondary wives who only enjoyed some of the luxury of life. A woman's infertility was a permissible reason for her divorce. As for the economic aspect, she had the right to dispose of her money by buying and selling⁷⁵.

- 2- Women among the Sumerians: It seems that the Sumerians found some rights for women, such as the right to engage in trade or any other disposal of their money, and she had the right, in the event of her infertility, to buy a slave girl for her husband so that she could give birth to children for him⁷⁶. During the Assyrian period, Sumerian women became obligated to wear the burqa and full veil when leaving their home. The slave girl did not have the right to wear the veil or veil unless her master announced that she had become his legal wife in front of four or five witnesses, then he would put the veil on her⁷⁷. Polygamy for one woman was permissible, until the Sumerian prince forbade it. (Orcagna 2378 - 2371 BC)⁷⁸.
- 3- Women in Babylonian civilization: For the Babylonians, women were like chattel, bought and sold in many cases. Sexual communism was completely prevalent, and the places of their worshipers were not spared from sexual chaos. Rather, prostitution was sacred and practiced in Babylon, until Constantine abolished it around 325 BC⁷⁹. Even the Code of Hammurabi, which is famous for its legislative precision and fairness, allowed a man to sell his wife or mortgage her, as evidenced by Article 117 of the Code of Hammurabi⁸⁰. Which states: "If a man becomes subject to arrest because of a debt he owes and sells his wife, son, or daughter, or places them under the slavery of (his creditor), then they must work in the house of the person who bought them for a period of three years, and in the fourth year their freedom will be restored to them." Likewise, the system Inheritance in the law of Hammurabi was unjust as it differentiated between the children of a free wife and the children of a slave woman, as he gave the first two and their mother all the inheritance while depriving the others of it.
- 4- Women in Assyrian civilization: The condition of the Assyrian woman differed from that of the Babylonian woman. The woman's ability to dispose of her property was also recognized, and there was regular marriage alongside temporary marriage for the Assyrian merchant outside the borders of his kingdom. The man had the right to sell his wife and children, or place them in the slavery of a creditor. Hijab and modesty are among the things obligatory for Assyrian women. Hijab is considered a sign of chastity and preserving honour, while if a slave girl or adulteress wears the veil, their punishment will be the amputation of their ears and the confiscation of their clothes. As for the one who sees that she or one of them is veiling and remains silent, his punishment will be tying the slave girl or adulteress with a rope. Behind his head, he took his clothes, beat him with fifty lashes, and put him to work in the king's service for 30 days.
- 5- Women among the Persians: Persian women were not happier and more fortunate than their sisters in other ancient civilizations. Rather, they were worse and more miserable, and sexual promiscuity was the prominent feature in men's relationships with women. Mazdak called for the communism of women in the Persian Empire⁸¹, and polygamy was permissible without restrictions or limits. One of the most heinous marriages was the marriage of a man to his mahrams (mother, daughter, and sister). It was lawful for them, and women's conditions improved somewhat in the days of Zoroaster in terms of Respect and recognition of some of their financial rights, then declined again after the death of Zoroaster, and among them were: "Men do not pray to God to grant them daughters, and the angels do not count them among the blessings He has bestowed upon the sons of man"⁸².

⁷⁴See: Women Throughout History - Translated by Harriet Aboudi Monique Peter, p. 41, published by Dar Al-Tali'ah - Beirut, 1979 AD.

⁷⁵ See: The previous source: The Story of Civilization, by Durant, Part 1, pp. 96-98, publishing Cultural Administration in the League of Arab States.

⁷⁶ See: "Women's Role and Status in Mesopotamian Civilization, Thelma Aqrabi: pp. 22-23, 1st Edition - Al-Hurriya Printing House - Baghdad 1978 AD."

⁷⁷ See: The first tablet of the Assyrian law, Articles: 42 - Previous source: p. 219.

⁷⁸ See: The previous source: Thelma Aqrabi

⁷⁹ See: The Story of Civilization, William Durant: Part 1, pp. 229-234.

⁸⁰ See: The previous source, Thelma Aqrabi: pp. 297-298.

⁸¹ See: Islamic Thought in Contemporary Society, Dr. Muhammad Al-Bahi: p. 303, 2nd edition, Dar Al-Fikr - Beirut, 1971 AD.

⁸² See: The Story of Civilization, by Durant: Part 1, pp. 438-444

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- 6- Women according to the Greeks: Among the Greeks, marriage was concluded by purchase. They viewed women with indifference and inadequacy. Gustave Le Bon⁸³ says: The Greeks considered women to be degenerate creatures who were of no use other than maintaining the offspring and managing the house, so if the woman gave birth to a bloody child, they eliminated her. They also treated their women like animals, as they would exchange their wives with men other than their husbands, and (Ciotro Blong) says in this regard: "A fertile woman was taken from her husband naked in order to give birth to children for the homeland by a man, and she did not gain favor from the Greek women." Greece) The role of the prosperity of Greek civilization except for the prostitutes." This position was not limited to ordinary people, but this was the opinion of their thinkers as well, as Aristotle Thales⁸⁴ is narrated as saying: "Human nature reaches its peak of perfection in men, but women are a form of deficiency." Nature is, by nature, inferior to man in value and dignity." Likewise his saying: "Man was created for the noblest deeds, for intellectual work, while women were created to secure offspring".
- 7- Women in Roman civilization: The Romans hated giving birth to a girl, as they allowed her to be killed like the Greeks, and the father was the tyrannical ruler who disposed of her wherever he wanted. To the point that they had the first vote in appointing politicians, and the Roman state did not remain in this state, until it was ruined at the hands of women, due to men's fascination with them⁸⁵.
- 8- Women among the Jews: The Jews did not differ from the rest of the ancient nations and peoples in terms of their contempt for women and the deprivation of their rights. Men had the right to dispose of all their dowry and property. Judaism has permitted the insolvent father to sell his daughters as slaves to solve his economic crisis⁸⁶, and in the field of judiciary, one of the Jewish rabbis says⁸⁷ that the testimony of a hundred women is equal to the testimony of one man. And that the Jews do not bequeath inheritance to women except in the event that there is no descendant of a male heir to the deceased (the son or his son's son)⁸⁸, and just as Jewish law forbade women from entering the priesthood and participating in religious associations, under the pretext of fear of defilement⁸⁹.
- 9- Women among Christians: "The Christian religion went to extremes in belittling the status of women, when they came up with words they uttered on certain occasions, which later became comparable to the weight of the sacred law regarding women, including: What (Christom) said: "Women are a necessary evil and a natural temptation." And a desirable disaster, a domestic danger, a deadly temptation, and a secret painted on it"⁹⁰, including: What one of the monks said about marriage: "If every field or path were paper. If all wood were a feather, and if everyone who is good at it enlisted." I wrote for this mission, as we were able, despite all the evil and shame in women"⁹¹.
- 10- Women among the Arabs: The Arab woman was deprived of her rights, as it was the prevailing law at that time. War was a dispute, invasion and plunder were at their most intense, the conflict over sources of water and food was constant, and arbitration was only by the sword, and whoever was not good at using it would not live in peace, so this society had nothing to do with it. Every person with a right would be given his due, except to the extent of his strength, and because the woman was weak in this area, she would not own or inherit. Rather, she would be inherited along with her father's or husband's money, like any property left behind by a dead person. The Arabs, like other nations, were pessimistic about the birth of a girl. Indeed, some of the tribes of Tamim and Asad⁹² buried their bellies in the dirt for fear of shame or poverty. God Almighty said in describing this pessimism: "And when one of them was given the good news of a female, his face would remain black while he was Kadhim hides from the people because of "the evil that he has been

⁸³ See: Arab Civilization: Translated by Adel Zuaier, Gustave Le Bon: p. 406, edition / 4-1964, Issa Al-Babi Press, Cairo-Egypt.

⁸⁴ See: Women Throughout History, translated by Henriette Aboudi, Monique Peter: p. 146

⁸⁵ See: the previous source

⁸⁶ See: "The Jews and Judaism, paragraphs 7-12 of The Book of Exodus. Dr. Ali Abd al-Wahid Wafi: p. 127, Cairo, Gharib Library, year 1970. See: Muhammad Ahmad Jad al-Mawla, Muhammad al-Mathal al-Kamil: p. 241, edition 6-1968. - Muhammad Ali Sobeih Press Library, Cairo

⁸⁷ See: The Story of Civilization, by Durant: Vol. 13, p. 35

⁸⁸ See: The ruling on inheritance in Islamic law, Dr. Abu Al-Yaqzan Al-Jubouri: p. 15, edition 1-1969 - Dar Al-Nazir for Printing and Publishing, Baghdad - Iraq.

⁸⁹ See: Women Throughout History, Monique Peter: pp. 33-34

⁹⁰ See: The Story of Civilization, Will Durant: 19/187

⁹¹ See: Women Throughout History, Monique Peter: p. 145

⁹² See: History of Islamic Nations, Muhammad Khudari: Part 1, p. 18/19 edition/1-1969, Grand Commercial Library - Cairo.

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given good tidings of. Should he keep it in light or trample it in the dirt? Is it worse that they judge⁹³, and in another verse: "And do not kill your children for fear of poverty. We will provide for them and for you"⁹⁴.

As for Arab marriage, it has taken many forms? The hadith of Urwa bin Al-Zubayr on the authority of Aisha⁹⁵ collected four types of them. Urwa said: Aisha told him: Marriage in pre-Islamic times took place in four parts:

- 1- Marriage with people today: A man proposes to another man, his guardian or his daughter, and he believes her and then marries her.
- 2- And the intercourse with another: (Istibadaa) The man used to say: To his wife, if she is pure from her menstruation, send to so-and-so and perform Istibadaa⁹⁶ from him, and her husband will leave her and never touch her until it becomes clear that she is pregnant from that man from whom she is undergoing Istibadaa. Then if it becomes clear that she is pregnant, her husband may have sex with her if he loves. Rather, he does this out of a desire to have a child, so this marriage is a marriage of subjugation.
- 3- Another marriage (the group marriage) is where the group of less than ten people gather, and they enter upon the woman, all of them having sex with her. Then, when she becomes pregnant and gives birth, and several nights pass after she gives birth, she sends messages to them, but none of them can abstain until they gather with her, and she says to them: You have learned what was of your command. She gave birth, and he is your son. So-and-so, she names the one she loves by his name, and her child follows him, and a man cannot abstain from him.
- 4- And the fourth marriage (prostitution) is that many people gather and enter upon the woman, without preventing those who come to her and from the prostitutes. They set up banners at their doors to serve as a flag for whoever wants them to enter upon them. So, when one of them becomes pregnant and gives birth, they gather for her and call for a group of them⁹⁷ and then join them. He gave birth to her with what they saw, so he⁹⁸ was intimate with him, and he called his son, and he would not meet with that. So, when Muhammad (may God bless him and grant him peace) was sent with the truth, he destroyed all pre-Islamic marriages, except for the marriages of people today. Narrated by Al-Bukhari.
- 5- Nikah al-Shighar: This is the marriage of a woman to a woman, based on a dowry between them, such as when two men agree that each one of them will marry his friend to his daughter or sister, and then the share of each of them is in exchange for the share of the other, and there is no dowry between them⁹⁹.
- 6- Temporary marriage: It is a temporary marriage for a specified period, but when it expires, separation occurs¹⁰⁰.
- 7- Marriage of intimate partners and friendship: The Arabs in pre-Islamic times used to say: "Whatever is concealed is okay, and what is revealed is blame".
- 8- "Marriage of a cohabitant or a cohabitant: which is for a man to marry his father's wife if he divorces her or dies from her, and the one who marries is called a cohabitant, and Aws bin Hajj said in condemning this type of marriage, and the Persian language about them is not objectionable, for they are all for his father's cohabitation¹⁰¹, God Almighty said in condemnation of this type of marriage. This type of marriage: "And do not marry any of the women your fathers married, except those that have already occurred, for they were immoral, detestable, and evil in their ways"¹⁰².
- 9- Substitute marriage: which is when a man says to another man: "Give up for me on behalf of your wife, and I will give you away on behalf of my wife, and I will give you more"¹⁰³.
- 10- Seizure or rape marriage: It is when a man forcibly seizes a woman by any means, whether captivity, invasion or kidnapping. After this method, some Arab tribes used this method as a legitimate means of having intercourse with the

⁹³ Surah An-Nahl: Verse: 58

⁹⁴ Surah Al-Isra: Verse: 51

⁹⁵ See: Fath al-Bari by al-Asqalani and Sahih al-Bukhari: 9/158, edition/2, offset from the old Bulaq edition in the year 1300 AH - Dar Al-Ma'rifa - Beirut.

⁹⁶ That is, the woman asking the man for intercourse, which means intercourse. See: Fath al-Bari, Ibn Hajar al-Asqalani: vol. 9, p. 158.

⁹⁷ Qafa is the plural of qaif with qaaf, then fa: and he is the one who identifies the resemblance of the child to the father with slight traces. See: the previous source.

⁹⁸ In the narration of Al-Kashmahi'i: The ta' is without a dual form, meaning he attached it to it, and the origin of the mutt is with a fatḥa al-lamām that is attached to it. See: Al-Asqalani: the previous source.

⁹⁹ See: Fath al-Bari al-Asqalani Sahih al-Bukhari with explanation: vol. 9, p. 139

¹⁰⁰ See: Previous source: Part 9, p. 143, Islamic Thought and Contemporary Society, Dr. Muhammad Al-Bahi: p. 178.

¹⁰¹ See: Lisan al-Arab: Ibn Manzur: vol. 3, p. 511, edition: 1 - Dar Lisan al-Arab, Beirut.

¹⁰² Surat An-Nisa: Verse: 22.

¹⁰³ See: Fath al-Bari, Ibn Hajar al-Asqalani: vol. 9, p. 158. Sunan al-Daraqutni: 8/3, Al-Mutanabbi Library - Cairo

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raped woman as husbands. Hatem Al-Ta'i referred to this type, saying¹⁰⁴: But we engaged her by force, but they did not marry us, obeying their daughters. This method is similar to what was lawful among the Indians, in the law of Manu for the men of the Kasharites (war)¹⁰⁵. As for polygamy, it was not restricted to a limited number, and what was mentioned in that is that Ghaylan al-Thaqafi converted to Islam and had ten wives under him, and there were those who had eight or five¹⁰⁶. Likewise, divorce did not have a limited number, but rather people used it arbitrarily. With the intention of harming the woman, the man used to divorce his wife as many times as he wanted, and if she was about to divorce him, he would take her back as many times as he wanted."

VI. CONCLUSIONS

- 1- The woman in ancient civilizations was like a slave girl and a maid, and she did not inherit anything from her parents' inheritance, and also if her infertility was one of the reasons for her divorce, and she was also bought and sold in the markets, and she was like a maid... etc.
- 2- Women among the Arabs before Islam were also deprived of their rights.
- 3- The woman in Islam has acquired a great and great status, as God Almighty created her from the rib of our master Adam, peace be upon him, and enjoined upon her good relations with our honorable Messenger Muhammad, may God bless him and grant him peace.
- 4- Whereas women are known for their modesty more than men, and they have an inherent modesty.
- 5- It is permissible for her to work, teach, and dispose of the wealth she owns.
- 6- Women have full legal capacity like men.
- 7- A woman is the one who manages food, cleans, raises children, and other household matters.
- 8- Women have a major role in economic development processes, so he gave them full economic eligibility and also recognized their economic maturity.
- 9- Islam views a woman as having an independent personality, and it is not intended for her to share any personality before or after marriage.

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¹⁰⁴ See: History of Islamic Nations, Muhammad Al-Khudari: 1/18-19

¹⁰⁵ See: The Holy Books in Religions that Preceded Islam, Ali Abdul Wahed Wafi: p. 161

¹⁰⁶ See: Al-Jami' li-Ahkam Al-Qur'an, Abu Abdullah Al-Qurtubi: 5/17, illustrated edition published by the Egyptian House of Books, 1967.

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