



THE STUDY OF WOMEN'S EMPLOYMENT IN JURISPRUDENCE OF ISLAM RELIGION

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ABSTRACT

The meaning of job, occupation and employment in current use is, the work in public and social areas which is interpreted as "work in out". The main and real question is, whether the women can have economic activities in social areas like men or working in society, and job, the production, trade, business and public services are just specific for men? In replying to this question, different viewpoints and perspectives are presented. This research, based on the jurisprudence principles, concluded that the women working out of home is permissible by itself, and generally there is no prohibition for women employment and occupation, but if there is no damage and hurt to the stability of the family and also the kids will not be subjected to damage; and if it happened by regarding the purity and modesty, and avoiding the mixing with men, and if it will be appropriate with the women dignity and status. Going forward we study and review the doubtful cases about the women occupation and employment and remind that in Islamic jurisprudence, some professions such as, education, and the treatment of certain diseases of women are inevitable necessary, and some others, due to juridical prohibition or because of some expedencies are forbidden for women. Since in Islam the priority is for family and the privacy preservation of this holy organ, and all the Islamic instructions are seeking that the women don't leave the safe environment of family for money without the economic, political and social necessities.

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INTRODUCTION

Islam as a complete and universal religion has stated many religious orders and regulations in order to explain the human tasks in relationship with God and other human beings. These religious orders are as a set of rights and obligations which some of these provisions include the rights and obligations that the family members have. Islam gives great importance to the family and there are many religious orders/laws for the health of family and preventing it from the insecurities. Among the family members, the woman is considered more than the others. The women employment out of the home is one of the challenging issues that, if it hasn't been noticed carefully from different aspects, the stability of the family will be exposed to danger.

The women's occupation is considered in two areas: the first one is in private field and all the activities that the women do indoors at home and in organizing the home affairs. Second one is, the work in public and social areas in which, it is interpreted as "work in out". The "employment" and "occupation" words in the current term include all the activities that the women perform at home.

This research is discussed in relation with the second type of occupation, because today what considered as an issue are, the women's employment and occupation, and their working in manufacturing, service centers and offices in out of home, while all the believers and opponents wrote many articles and books about it.

The Statement Of The Problem

The issue of Muslim women working in out of home is the case which, both Shia and Sunni scholars have disputed about it. Some scholars believe that the first and main task of women is at home, i.e. her husband and the raising of the children, while some others are agree with the women occupation if it doesn't affect the family members rights and if it is appropriate with the dignity and respect of them: the employment and occupation is an altitude that Islam religion does encourage people to it in a way that in Islamic religious narrations, the unemployed people are deprived from the God's attention and his kindness.

Islam high religion, agrees with the active participation of women in society, but away from the offensive contacts

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and relations, and with the jobs and occupations that are compatible and consistent with woman spirit and dignity; economically Islam accepts and approves her own properties and believes in her salary and wages. By looking at Holy Quran, and Hadith and jurisprudence sources we find out that women's employment and occupation, with the incoming meaning in itself doesn't have any prohibition in Islam and it is assumed as reality. At the time of Holy Prophet and Holy Imams, Muslim women were working in various jobs for money and revenue, and except the corrupted occupations and professions, there were no disagreements with the women's employment. However, there is no certain recommendation or encouragement to the employment of women in religious literatures. So the first law of woman occupation in Islam can be permitted as though by considering some specific limitations of other laws and religious orders such as abomination or recommendation, as second laws or orders can be proved for it. This study is based on the Islamic and rational expedients especially the dignity and prestige of woman and by considering the principles and basis of the Islamic jurisprudence, this study believes to the employment and occupation of women in current and modern society and emphasizes that in some cases it is an undeniable necessity. In some professions like the education of girls and women, and treatment of women's certain diseases, nursing women, and Quran and Sunnah that prohibit the employment of women, are included those that conflict with family members rights. Today, women's tendency to outdoors work is gradually moved beyond the economic and has changed to cultural point. Women are as the pillars of the society and family, they who form the half of people in every community. Since the women are the heartbeat of the family life, and the society heart beats in the chest of the family, so the rise and fall of every society attributed to the characteristic and social status of women. Therefore, there is a need to research about the issue that has fundamental effect (positive or negative) on the family.

REVIEW OF THE LITERATURE

After the era of the Prophet and his Ahlul Bait (AS), Muslim scholars due to their primary and main task, extracted the Islamic laws from the religious sources and notified them to people; the different jurisprudence ideas of jurists were reflected, and based on the time conditions moved in its evolutionary path. Most of the jurists' opinion exchanges can be found in "Khalafiyat", "Feghhul Khalaf" and "Elmul Khalaf" where today they are expressed as "Comparative jurisprudence", "Comparable jurisprudence" and "Contemporary jurisprudence".

The issue of women employment and occupation was expressed as an independent subject and also in various jurisprudence subjects has many roles.

Among them we can name the Arabic works as Alkhalaf Book, written by Sheikh Tusi (465AH), and Tazkeratul Alfoghaha by Allameh Helli (726AH), for Shia, and Ekhtelaful Foghaha by Taheri (229AH) and Khalafiyat written by Beihaghi (458AH) for Sunnis'.

The contemporary books are Alfegh ul Almazahebul Arbaa' (Abdul Rahman Aljazayeri) and "Doros fel Feghul Magaren"

by Ayatollah Mohammad Ibrahim Jannati and also the Encycloedia of Contemporary Jurisprudence that has been compiled by Ayatollah Makarem-eh Shirazi.

The Persian books are "Women's rights system in Islam" (Motahari) and "Women's rights in Quran and Sunnah" (Ayatollah Sadeghi Ghahramany), "Women's Employment" (The collection of articles and interviews) (Leila Sadate Zafaranchi), "Women's Economic Rights in Islam" (Chaghini) and "Women, Employment and Ownership" (Roshan Far).

MATERIALS AND METHODS

According to the scientific research, in this study the Library-based and Archival Research Method was used. In this method, the main references were the specific reference books in the field of our studying topic, the sets of legal principles, laws and regulations, scientific articles, researches and thesis, scientific and information websites and other published materials in specific journals.

The concepts and literature of the research Woman

It refers to the female gender of human being or she. The term "girl" is usually used for young and immature people, while the term "woman" or Ma'am (respected title) were used for adults. However, the word "woman" is a general term in referring to the female human.

Jurisprudence

In vocabulary it means the understanding and having knowledge (Shia Encyclopedia, Vol 2, p 152) and in jurists' term it is defined with different expressions as: "knowledge of juridical orders originate from their descriptive reasons..." (ibid, p36) is common and popular. It is a branch of religious sciences and it means the knowledge of religious laws and orders through deduction and ijthad.

Employment/occupation

According to the current definition of International Labor Organization (ILO), the person who works 1 to 2 hours in a week is an employed; otherwise s/he is out of work.

In economic encyclopedias, "employment" means, having or doing a job. Based on this definition, any activity by human, whether male or female, at home or out of home is considered to be an employment or occupation. But some economists added the wage and salary categories to this definition and stated that: employment means be busy with a work that there is wages and salaries for it. Due to this definition, the concept of "employment" is more restricted and only includes those tasks and activities that there is wage and salary for them.

Work

In dictionary "work" means the efforts and activities, but in economic term, it is one of the production and manufacturing factors.

In another definition, it can be defined as human physical and mental effort to achieve the purposes other than enjoying from the "effort" itself. Work is one of the main and primary conditions of human life.

Society

It means the gathering of human beings that tied and connected with each other based on the certain systems, traditions, customs and laws, they who live together and form the society.

Islam

In literally Islam means the submission and obedience; the submissive and obedient person is called Muslim. And so the last and the most complete God's religion that our Holy Prophet Mohammad Ibn Abdullah (PBUH) is revealed.

Ijtihad

In dictionary it means the effort and attempt that one can do as much as s/he does: in a way that it is associated with the tolerance of suffers. But in juridical term it means the applying of any attempt and effort to obtain the legal provisions from the related methods and resources.

Religious Jurisprudence

Religious jurisprudence is the expert of religious affairs and in fact the philosophy of our need to religious jurisprudence and jurist is our need philosophy to the human expert in a way that anyone can not refer to him with false and unreal excuses (Islam Wikipedia).

Religion

There are many meanings for the word of religion in dictionaries, like property and kingdom, obedience and submission, domination and coercion, gratuity and penalty, honor and pride, reluctance and kindness, solidarity, humanity, Islam and theism, habits and practices, presidency and obedience.

Religion is a set of beliefs, laws and regulations for the administration of the human society and human breeding.

Woman going out of home and the occupation

About the woman right in going out of home and the right of occupation without her husband's permission, there is no consensus among the Shia religious scholars, the popular and famous religious judgment of Shia religious authorities, especially the traditional religious authorities, is briefly the absolute dignity and sanctity of woman home-leaving without the permission of her husband. In this view the woman home-leaving without the permission of her husband shall be considered as a woman who refuses to fulfill her martial duties (Nashezeh) which causes the privation of the alimony. According to the religious judgment of this group of Shia jurists, the prohibition of woman home-leaving is an absolute condition, and includes all the home-leaving cases without the permission of her husband, under any things and any motives. It is natural that, working out of home is a clear example of home-leaving, and therefore if it will be without the permission of her husband, then it is subjected to the general religious judgment. For this reason, this group of Shia religious authorities, although rarely independently pointed at the dignity and sanctity of woman occupation without the husband permission, but in many occasions and in answering the people's religious questions, they stated that this religious task that the

women couldn't have out of home occupation right without the permission of their husbands.

Jurists' idea about the woman occupation is not founded based on Quran and Sunnah principles, although it must be. The characteristics of previous and past scholars were their satisfaction and similar decision and votes in making of a religious law or order, they considered the data and realities of the community, and their vote was the first and the last ijtihad, sometimes it was right and sometimes it was wrong, but today's scholars in finding a solution in woman's out of home working, haven't the community data, while it is an important issue, and more important is the attribution of our individual ideas to Islam, whether explicitly or implicitly.

The pioneer jurists' views

Imami well-known scholars believe that: the husband's consent is required in leaving home for a woman. Shahid Sa'any writes that: the husband's right on woman is that, without his permission doesn't leave the home whether wants to go to her parent's family or even wanted to visit an ill person or be present at the funeral or condolence ceremonies of her relatives. This interpretation is available in many resources (Najafi, 1995, p 306: Allameh Helli 1413 AH, vol 3 p 95: Mohaghegh Helli, 1409 AH, vol 2, p 558: Khomeini 1409 AH, vol 2, p 305). According to the popular opinion of jurists, woman leaving home without the permission of her husband is a woman who refuses to fulfill her martial duties (Nashezeh). The basis of this theory is some narrations where some of Imami jurists have doubted about the accuracy of these narrations and their claims.

The writer of Hadayegh Book has stated about the one of main narrations that

The cited narration about the man's right in preventing his wife in leaving home isn't clear. Ayatollah Khoei also has doubted about the generality of the above point.

It is permissible for wife to leave the home without the permission of her husband, while her home-leaving is incompatible with the obedience right of her husband, also the caution is this that she cannot leave home without the permission of her husband in any way, even if it is incompatible with her obedience right. It is clear that the husband's permission is necessary when the woman home leaving is incompatible with her husband's obedience right. However, beside it, getting the permission is absolutely agreed with caution.

Ayatollah Makarem Shirazi, the Shia religious jurisprudence also considers that woman cannot leave the home without the permission and consent of her husband, then she will be a woman who refuses to fulfill her martial duties (Nashezeh) and consequently her alimony right will be broken and the man cannot pay it.

Seyed Mohammad Kazem Tabatabaee Yazdy's view: "Seyed Yazdy in Orvatul Vosgha and Seyed Hakim in Mostamceek have said: if the woman for serving in a certain period of time rented her ability and commitment and prior the expiration of this period, got married, her rent and commitment wouldn't void, even if her service be incompatible with the martial rights of her husband. In

this religious order, there is no difference in this that the husband during the marriage knows the commitment of woman or not, because there are two rights here: servicing right and her husband right. If the woman can do both, that is fine, but if she couldn't perform both then the commitment of service will be the first, because when the religious rights overlap with each other, then the priority will be with the former. So husband hasn't right to object or terminate the woman's commitment and in this way she wouldn't be a woman who refuses to fulfill her martial duties (Nashezeh). But if after the marriage, she committed to serve while it is incompatible with her husband's right, then without the husband permission, the commitment of service is not correct. If the commitment isn't absolutely incompatible with the husband right, the right and commitment is correct whether her husband let the permission or not, for example the commitment of Quran reading or weaving the shirt with wool or cotton". The sobriety, reasonability and reality of these jurists idea are clear. If they agree with the woman occupation after the marriage by the agreement of her husband, it means the priority of woman presence at home. Without any doubt this jurisprudence is consistent with the social realities of that time.

Imam Khomeini's (rah) view: in asking for a religious or legal opinion (Estefta'a) from Imam Khomeini about the woman occupation out of home as whether the woman can work in revolutionary organizations without her husband's consensus or not, he said: jurists have permitted the women occupation; the principle is, working with the observing of hijab and other legal regulations; but leaving the home must be with the husband's permission.

Can women work in places like hospitals where both male and female doctors work? Answer: no problem: but it should be with hijab and observing other legal regulations. Are teaching the women to men by observing all the Islamic and legal regulations possible or not? Answer; there is no problem with hijab and observing the legal regulations.

I am a girl who is selected as a narrator and announcer in Islamic Republic TV network and I accepted it to assist for Islamic Revolution, Is my occupation based on Islamic orders or not? Answer: principally there is no problem, but you should completely observe your religious tasks, including the mixing and intercourse with other men.

How are the women driving in terms of religious orders? Answer: if they observe their hijab, there is no problem, unless there will be evil in it.

Can women be the member of Islamic Revolution Guard? Answer: if there is necessity in it, and with the consent of authorities and observing the religious tasks, there is no problem.

Contemporary jurists view: Based on some contemporary jurists' replies to some asking for a religious or legal opinion (Estefta'a) about the woman out of home work, show that, they have doubted about the validity of the husband's permission in all the fields. The real Estefta'a and the replies of some religious jurists are cited as:

Question: if the woman occupation isn't incompatible with her husband's rights especially his obedience right, is the man's permission necessary?

- Ayatullah Tabrizi in response had stated: "It is prudent in assuming the question that woman doesn't leave the home without her husband's permission and God knows everything" (The Jurisprudence Order-Juridical Treasure Journal, Question no. 5760).
- Ayatullah Mousavi Ardabili expressed his doubts with the word "apparently" and in replying the above question states: "If the woman occupation is not incompatible and in consistent with the rights and dignity of her husband, apparently her husband's permission is not necessary" (ibid).
- In another case, he stated: " If the occupation is not in consistent with the rights and dignity of her husband then the man's permission and consent is not required and the man couldn't prevent to do so" (ibid, Question no. 9077).

Question

"The woman after the marriage contracts an occupation for work, while her occupation hasn't any conflicts with her husband's rights. Does the man have right to permit her? - Ayatullah Sistani stated: "The man can't prevent her but he can prevent her in going out of home, but if he permitted to leave the home or if her occupation depended on leaving the home, the man cannot prevent her", in his opinion if woman occupation be depend on going out of home, the man cannot forbid her.

Other religious jurists' opinion about the woman leaving home to work

Many of the contemporary Shia religious jurists have religious order about the women leaving home and their occupation, unlike the popular religious order. Of course their opinions are not the same. Among them we can name Sheikh Mohammad Mahdi Shams ul-Din and Seyed Mohammad Hossein Fazlollah, one of Lebanon's popular jurists. Ayatollah Seyed Mohammad Mousavi Bojnourdi who has comprehensive and complete view to family and the man and woman mutual rights, believes that:" Woman can leave home without her husband permission unless it will be inconsistent with the man's and woman's mutual rights, like the time when the man is at home and wants to be with his wife. But when the man himself is out at work, and the woman wants to go out for work which it isn't inconsistent with her husband's right, here the man's permission is not necessary". Ayattollah Janna'ti who is well-known in innovation in the comprehension and documentation of religious orders, has the same idea. He believes that "... the husband's permission is necessary when the woman leaving home is inconsistent with her husband's right". Ayattollah Jana'ati in his complete and documented analysis based on Quran verses and narrations about the woman right in home leaving and her occupation right without the husband's permission says: "In a mutual life which is established between man and woman, both the man and woman is free; neither man is the woman's slave, nor the woman is the man's maid and servant. In a life there is a right for man in relation to woman, and for woman in relation to man... the woman should observe this right and mustn't ban her husband's

right. For example if she wants to go somewhere while it is in conflict with man's right, she should get the permission. In my opinion, saying this that woman without her husband's permission mustn't leave home is not accurate. Scholars in their ijthad debates based on their completed reasons... didn't mention to the husband's permission as a bet in women's occupation, except in cases that woman working out of home infringed the man's right in the family life. Neither man nor woman are higher than each other, the principle is the meritocracy..."?

Ayatollah Tabrizi knows the woman home leaving without her husband's permission as Nashezeh. and her alimony deprivation where it included the "grumps" and "disclaimer" of her husband. In replying to some Estefta'at where asked: "what is the Nashezeh woman ?He replies: "It is when the woman not to obey her husband and in the cases that with grumps and disclaimer states and without her husband's permission she leaves the home".

He says the woman leaving home without her husband's permission and without the grumps and disclaim as precaution to be away based on the popular religious order not based on the ijthad.

Women Judgment

In his Nahayeh Book Sheikh Tusi neither in judgment and nor in ijthad but in related points, stated the conditions and features of a judge and emphasizes that only man can be a judge.

The Judge Ibn Albaraj in Almazhab Book used exactly Sheikh's statement and said: the woman could never be a judge.

The contemporaries like Sheikh Tusi, Abolsaleh the writer of Alkafi fel Feghh and Sheikh Mofid in Meghna'a Book about the judge's features and conditions didn't cite that it should be man and woman and didn't speak about the judgment of woman, they expressed about the characteristics of a judge that: Judge should be: intelligent, perfected scholar of Quran and Sunnah, devout in the world, abstemious from sin and greedy to religious duties).

Ibn Edris in his Sarayer Book as Sheikh Mofid and Abolsaleh mentioned the judge's features and didn't cite clearly about the impossibility of the woman's judgment. But it is so far away that this jurists believe on the judgment of the woman and as we will see later, probably the point of perfection for judgment is warrant the condition of being male not female.

Allameh Helli the writer of Sharayeh Book as expressed that one of the judgment condition is, being male and clearly says although a woman may have all the judgment conditions, she cannot be a Judge.

Normally the jurists after Allameh and Mohaghegh in their jurisprudence books and about the judgment cited that the judge should be a man (male).

Similar interpretations about the women judgment could be found in some popular jurisprudence books like Dorous and Lome'eh by Shahid Aval, Sharheh Lome'eh and Masalekatol Afham by Shahid Sany, Javaherol Kalam by

Sheikh Mohammad Hassan Najafi known as the writer of Javaher va Mostandol Shia' by Molla Ahmad Naraghi and Kashfol Lesam by Fazel Hendi.

The well-known contemporary jurists and scholars have followed the same procedure which as an example we can name Mabani Takmalohol Menhaj by Ayatollah Khoee, Algaza and also Algazae Books taken from Tahrirrol Vasileh by Imam Khomeini. Ayatollah Montazeri in Velayatol Giyah and Allameh Tabatabaee in Tafsirrol Mizan with various reasons and arguments have justified the ban of women's judgment. Among the famous jurists Moghadaseh Ardabili has doubted about this case and questioned the absolute negation of woman judgment and believes reasonably that in affairs that are related to women and will be proved by their testimony, a woman who has the other judgment features can judge but added that if all the decisions are based on this case, he is also submitted.

Reasons for non-permission of women occupation

Cotemporary jurists and writers literatures which are emphasized on returning to Islamic principles in family foundation and in determining man and woman duties, insists that the woman place is in the home and her first and last main task is home, her husband and the training of her kids; each of the jurists have their reasons and implications for their ideas.

Quran verses

A) *Verse 34 Surah Nisa*: "men are the maintainers of women because Allah has made some of them excel others and ..."

Based on this reasoning, there are some replies: the superiority of man is not inconsistent with woman's occupation. According to verse 34 Surah "Nisa" and verse 228 Surah "Bagharah", although there are some degrees of superiority for men in comparison with women, it cannot deny the women occupation. The meaning of "Fazl/grace" in verse 34 Surah "Nisa" and "Darajah/degree" in verse 228 Surah "Bagharah" are the man's superiority in terms of his mental and physical conditions; because men are superior in comparison with women according to their thought and wisdom and based on this, their tasks are different from women's tasks, and hard and powerful thing are for men.

"Fazl/grace" in this sense, is not a barrier to women's employment; because the women's occupation in affairs that do fit with their physical and mental condition, isn't prohibitive and will not cause their superiority on men; since in terms of nature and essence the superiority principle is for men, whether women have work or not.

It is only verse 34 Surah "Nisa" that refers to the dominance of man over his wife and it is just limited to the family life. Because firstly the revelation of the verse is in relation to family issues; Secondly the path and style of this verse is related to family life and martial life, and speaking about the man's dominance on his wife is only for activities that he performs for her. Because nourishing on woman by her husband is done for this that she is only the woman and is in family environment; these two is the reasons of dominance in the verse, i.e. "Allah has made some of them to excel other" and "They spend out of their

property". Both of these verses are indicated to the dominance of man, and the generality of this issue which cause the dominance of men on women in all affairs is indecent; because according to the religious orders and laws the men out of the martial circle have dominance only in two things: one is the jurisdiction and the other is the judgment, which none of them prevented the women occupation.

The jurists who believe that the woman should stay at home, have used the verse "and the men are a degree above them" which prior it, is the verse "and they have rights similar to those against them in a just manner" and also verse 43 Surah "Nisa" "and the men have dominance them". They used the Hadiths which encourage women to follow their husband, while the verses and hadiths rationally haven't any purpose except to determine the leader of small country, i.e. the family; the leader that in leading and managing mustn't be cruel and indulgent.

Verse 228 Surah "Bagharah"

"and they haven't right similar to those against them in a just manner, and the men are a degree above them". The words "Fazl/grace" in the first verse and "Darajah/degree" in the second verse play as an absolute virtue and superiority that accorded to men, and the employment is one of the manifestations of this virtue that shows the dominancy of man to woman; therefore, this right is reserved just for men. The reason is that, the superior and better humans, should be in charge of social affairs and different occupations which through this, their superiority to other people be preserved.

The purpose of this virtue is the superiority of male gender on female gender not the all men over the all women. (Rashid Reza (Bita) vol 2, p 189). So if a woman in terms of the science and practice, physical force or power of money be stronger than her husband then man is superior to the woman. Ibn Kasir in Al Quran ul Azim interpretation (vol 1 , p503) and Zemashkhary in Kashshaf (vol1, p 266) and Alousi in RouholMa'ni (vol 1, p 23) believe that: the virtue that is indicated in verse 34 Surah "Nisa", is the formative virtuous of men, and it is the power of reason and prudence in men than in women. Due to this interpretation from the verse, the men are the authority of women. So, the women could not be employed in any way; because, in many cases, its necessity is, having authority and dominance over man or men and the women financial richness, because of the occupation is incompatible with the virtuous and dominance of men.

Verse 33 Surah Ahzab

" ... and stay in your houses and do not display your finery like displaying of the ignorance of yore".

This verse, although apparently, is dedicated just to the wives of the prophet, but because there is no reason to assign a religious order to wives of the prophet, this religious order will be for all the women.

As Quran, Shahid Motahari, knows and determines some rights for men because of their work and efforts, women also have rights for their work and activities. As we read in Quran (men shall have the benefit of what they earn and

women shall have the benefit of what they earn) "Nisa", verse 32.

Allameh Tabatabaee in Tafsirul Mizan about this says: man and woman in Islam view in terms of managing the life affairs in willing and in work are equal; it means that in getting the life needs they are equal. "So woman like man can decide and work independently and she is the owner of her work and efforts results and also the advantages and disadvantages of her job, and in other place he said: woman is accomplice in all the religious orders and social rights with man and she is independent like man in inheritance, business, trade, education and learning, in acquiring and protection of their rights,... except in cases which be incompatible with her nature.

Narrations

First Narration: our prophet (PBUH) said

The group whose king is a woman won't bring the salvation.

When the news reached the Prophet that Kasra's daughter has been the King of Persian, said that: the group whose king is a woman won't bring the salvation.

Women because of the overcoming of emotions on reasoning powers, in managing the affairs and the communities are weak, and their dominance on others causes problems and difficulties in managing the affair, so according to this narration, it causes the non-salvation in the society.

Employment is the issue that in many cases it causes the assigning of men affairs to women and their dominance on men. Therefore, assigning it to women is not permissible according to this narration.

Second Narration: our prophet (PBUH) said

The rise and appearance of women in the society, since their employment causes the disdain and disapproval for men, so they should stay at home.

What is understood from this narration is the rise and appearance of women in the society, since their employment causes the disdain and disapproval for men, so they should stay at home.

Third Narration

Imam Ali (AS) in his testament to Imam Hassan in the letter 31 of Nahjol Balaghe (translated by Feiz ul Islam) suggests a sentence that is attributable to the above remark. He says about women that "Keep them in curtains so that they couldn't see other men".

Because, the woman employment often causes the mixing of woman with other unknown men, so woman is prohibited from working and they need to be inside the home.

The primary analogy

In a narration from Holy Prophet about a man who delayed for gathered praying: Everyone who couldn't come to gathered praying should rosary: since rosary is for men and clap is for women.

When the Holy Prophet forbid women in talking among the men to prevent from deviation, so preventing from the employment is done through the primary analogy, because it includes talking and other things.

The practical principle

The hesitation and doubt in permission or unemployment of women's employment cause to implement of the non-license principle. Therefore, if any of the previous reasons aren't enough in non-permission of employment for women, then the non-license is, based on the practical principle.

The damages of the women's employment

Damages to the security and high position of woman

Another reason is that; woman will be secure from the deceiving and trick of men, and her high and clean position in society remained reserved.

Appearing the corruption in society

Moudodi in his book (*Alhejab*) has a reason that: women going out of home for work is followed by mixing with other men, and so the corruption and because of the availability of the corruption, which is the temptation to looking, speaking, and listening to her sound.

Spiritual erosion of women in employment

In all human societies, labor workforces consist of both men and women. Women's employment out of home has both positive and negative consequences. Usually the cultural, economic, social and psychological factors are such that are involved in women's employment and their spiritual and physical erosion.

Escalation of men's unemployment

Now in our country hundreds of thousands jobs are occupied by women, the jobs that should be for out of work men to put up a family. The number of educated boys and girls who are seeking jobs are rising and since the girls are satisfied with any salary and wages, and obedient and submissive than men, so they have more chances to find a job, and in reality the women and girls who are seeking jobs, are one of the main factors in unemployment of men and boys.

Unrelated educational courses with community needs and capabilities

The percentage of girls' entrance to colleges and universities is much more than boys and the girls can almost educate in all the university courses, the courses that have no relation and are incompatible with the woman's abilities, mood, and culture, national and cultural beliefs. Are these cases honorable for our Islamic society?

Violence in the family obligations

Transferring the job tiredness to home and the lack of physical and psychological fitness in psychological and emotional needs for family based on the "Dams" studies show that, in the days when the mothers have undesirable social relations with others have shown undesirable behavior with their kids too. Also the studies of "Repty" and "Wood" indicated that, job stress, affects the family

interaction patterns. Mothers who have much job and interpersonal stress have more symptoms of behavior and excitement detachment.

Impairing in the training obligations

There are many unsuitable consequences of mother's employment on physical and psychological growth of the kids, she as a family member has direct contact with children. In fact the child's life begins with biological relationship with his/her mother. This relationship, not only meets the needs of children, but also affects his/her psychological and emotional states. Basically the normal and mental development of the kids primarily is dependent to mother and, for a long time she plays the most important role in life. It is clear that employed mothers like housewives couldn't train their kids.

Low desire to have kids

Having little desire to childbearing or having few kids show that the employed women comparing with housewives have more prominent role in determining the number of births. "Akhavi Rod and Hatami" in a study concluded that the majority of people, verify the effect of woman work on pregnancy rates because of the lack of time for treating the children. As clearly seen in the society in families where both the husband and wife are employed, most often have one or two kids, and sometimes there is a large gap between childbearing which it has its own damages too.

Evidence that permitted the women employment

Quran verses

Women rights on their property ownership

One of the verses that invokes on it in women employment is verse 32, Surah "Nisa".

"And don't covet that by which Allah has made some of you excel others; men shall have the benefit of what they earn and women shall have the benefit of what they earn; and ask Allah of his grace; surely Allah knows all things". From Quran verses it can be deduced that, the business - in all - is allowable for women and not prohibited religiously. The generality and inclusion and necessity implications of these verses lead us to women's employment permission. Yes, women's ownership is respectful like men. And considering this that one of the ways to earn money is, having a job, we realize Islam's support of women's employment, provided that work does not interfere with woman's personal and social interests. The job that doesn't undermine the basic fundamentals of family and preserve the woman from the social damages and be suited with her psychological conditions and physical delicacy, Islam approves and admits it, even for women the jobs such as obstetrics, gynecology and educating of Muslim girls and women is a sufficient-necessity. And if according to the above remarks, the scope of employment is restricted for women or the exempt to achieve some officials, it mustn't be considered as narrow-minded or far from reality culture, and mustn't accept it with any corruption and freedom as the feminism of recent century.

The word "earn" is taken from "gain/business" means "seeking food" (Johary, 1420 AH vol 1, p 212) and "gain advantage" (Ragheb Isfahani AH 1404 p 430). "Acquisition" has the same meaning too. With this difference that the acquisition is to obtain the benefits that human himself/herself use it. Therefore, the meaning of earn is more general than acquisition. Interpretators disagree about the concept of above verse. There are three possibilities in this field:

- A) The meaning of "portion" in above verse is the rewarding or punishment of the last word; i.e. men and women are rewarded for their good things and are punished for their sins. b) The meaning of "portion" is the legacy of the testator's death, and then the property passes to his heirs and every of the heirs have their own share. c) The meaning of "portion" is the benefits and interests that everyone earns because of his/her incomes from agriculture, commerce and so on.
- B) Men and women encouragement to economic activity
The other verse that by referring itself implies the permission of women employment is verse 10 Surah Jummah (but when the prayer is ended, then disperse abroad in the land and seek of Allah's grace, and remember Allah much, that you may be successful). This verse implies the women employment permission. Because although the sentence " And seek of Allah's grace or other similar phrases in Quran, may be often mean business and gaining money, but clearly its meaning and concept is very wide and business is one of its example. The order of disperse abroad in the land, is not obligatory, but -in idiom- it is the order after prohibition and implies on permission. So, the addressee of the verse is public and includes men and women.

Approving the women's employment

- a) God in Ghesas Surah mentions to the Prophet Shoaib's (AS) daughters that they have engaged in shepherding. Due to their father's oldness, they were in place of their father to keep and feed sheep; they always waited until the other shepherds did their work and then watered and feed their sheep. We cannot water until the shepherds take away (their sheep) from water". Prophet Shoaib's (AS) daughters due to their modesty waited for watering their sheep until the Prophet Mousa had watered their sheep.
- b) In another verse: (there is no blame on you for what they do for themselves in a lawful manner). Verse 234, Bagharah Surah.

This verse refers to the public and job taking; i.e. if women want, regardless of the others rights, during their life, engaged in social and economic activities, there is no problem, but it should be based on Quran "lawful", i.e. according to rational and humanity norms and society principle. For example, job that isn't incompatible with the dignity and duties of martial life.

Narrations

In studying the narrations about the women's presence in community we are faced with two groups of narrations:

The first group is the narrations that directly prohibit women's employment: " Abi Abdullah (AS) in Amir-ul-Momenin (AS) Resalah to Imam Hassan (AS): Don't assign much more work for woman out of her ability, and this is better for her and her life; because she is a flower not a hero".

This narration is guided the prohibition, and indicates to the women's psychological and physical conditions and it states that they should have the duties that be appropriate with their physical and emotional conditions and don't disturb their health and comfort. So, today if they lose many of hard and difficult jobs because of using science and technology in a way that the physically disabled people can do the different tasks and activities, so the women also can increase their scientific and practical capabilities to perform the different jobs by educating the knowledge. Because today many of professions and occupations aren't the instances of "more than her ability" and do not conflict with her physical and psychological modesty.

Another narration from our Holy Prophet (PBUH) has been saying: " The groups that women are their authority, never is successful".

It can be said that this narration apart from the weakness of its documentation, doesn't accept the women's government and management at large level of society and has no implication on the prohibition of women employment and management in other things.

In the second group of narrations, there is no direct prohibition on their social and economic activities, but they mostly observe and look to the way of women's presence in the society, for example, keeping them away from mixing with other men.

In our Imams' narrations we have no narration that generally ban the women's employment; but they mostly spoke about the way of women's presence in community, her job and her activity. There is a narration from Imam Ali (AS) that: "Don't assign much more work for woman out of her ability, and this is better for her and her life; because she is a flower not a hero".

Another narration: Earning/gaining accurate money is necessary for all men and women, and also we have in a hadith that our Holy Prophet let women go out of their homes in Eid al-Fetr and Eid al-Adha celebrations and set up things to sell and gaining money.

In general, this group of narrations recommends the observance of the lines and limitations, so if women's employment does not lead to corruption, with chastity and morality hasn't any problem.

Prophet Mohammad (PBUH) method

History shows that, in the period of our Holy Prophet, many women had economic and social activities and our prophet not only did not forbid them, but also in some cases guided them.

Taslit Rule

The general rule "all the people whether man or women have dominance on their property" is known as "Taslit" rule, and it has been accepted by many of Shia jurists and there are many citations of it.

The content of this rule is that all people whether man and woman have dominance on their property and there is no exception in the case that woman or wife can't access to her properties, based on this reasoning the man can't interfere in woman's property.

Wisdom

When we have the moral purpose for a person and the legal purpose for society and wanted them to try fulfilling their purposes, naturally in the achievement of their purposes, they will use some tools. Using the physical and spiritual powers and different talents by a person in achieving to the highest moral purpose, is completely legal and permitted. Some groups of rights are in a way that human wisdom independently accepts them, i.e. they will be understood well if human be deprived from them, the purpose of Almighty God creations does not fulfill; like, eating, drinking, clothing, housing, work and so on. In such cases, the wisdom without referring to other resources recognizes the relationship between the action and purpose and by discovering this relationship reaches to the right proving which in this case it called "the intellectual independence", where in law course it is called "intellectual rights" or "innate rights". So like other primary requirements without the occupation and work, human can't reach the social and moral objectives, and therefore, the right to work, is an innate and independent intellectual right for both man and woman and if people be deprived from it, the purpose of Almighty God creations does not fulfill.

The extension of human and society

If development goes beyond the mere economic sense, it means as general development of human in all different domains of culture, policy and economic, we will see that the development is not the quantity case but the harmonious quantity and quality development of a society in all various dimensions and it is a purpose that humans in a society based on the God's world view reach to this moral and human highest levels, and with this definition, woman as a half of potential workforces of society and by playing their roles as training the human beings in family and society are the master key of quantities and qualitative dimension of this development.

Time circumstances

Current scholars in their opinion and decision about the prohibition of women employment are narrow-minded and lack of reality; unlike the past scholars that prevented the women employment based on their beliefs and thoughts from Quran and Sunnah. Both groups motivation was the society's data and nature. In the past, women married and divorced easily. So always there was a person who can get her again and supports her, even women forgot the interval of death and divorce to marry soon. Mavardi who lived in the fifth century, in his book "AlAhkamul Soltaniyeh", knows one of the judge's tasks keeping and

obeying the necessity of death and divorce interval. But now easy marriage and divorce aren't available for a long time and woman wants to work and provide her own needs by herself.

Employment and priorities

Due to the permission of women employment in Islamic country and its inherent non-prohibition for them, the point is this whether employment is necessary or other priorities should be considered along with the employment.

The woman is not responsible for family economy; although she may have much income and revenue. Her main responsibility is, keeping good relations in family. In this regard, there has been great emphasis on their roles as mother and wife.

After all, if women want to do economic activities and create wealth, by observing and obeying of Islamic principles, i.e. the reduction of sexual mixing and the priority of their mother and wife roles, so there is no prohibition.

Fundamental points***Consistent with the nature***

Although Islam recognizes women's right to work and along with emphasizes on her financial autonomy and fair wages, but by paying attention to the necessity of family foundation preserve, the importance of women's work at home and harmony of nature and biological characteristics of women with it, Islam in work division, prefers that women do the housework and raising the children, and in preferring between women work out of home and fundamental affairs, the main affairs are in priority. Islam wants woman be the life-builder and an artist, the cause of peace and calm, and also has had the heaven under her feet. The first one can be done by treatment of her husband and the second one by training the generation.

Considering the purpose of life

Imam Khomeini (Rah) completely believes to woman occupation but constantly reminds that the purpose of every man and woman activities is achieving the perfection and reaching God. So it is necessary that the method of women presence in economic, cultural and social activities be in a way that they could gain perfection. "Of course, jobs for women, accurate jobs, have no problem. But not in a way they (Pahlavi Regime) wanted it. They didn't want the woman could find a job. They wanted that the women, like men, corrupted from their humanity level, and do not allow the natural growth to woman and also to man".

Wife as the trainer of society

But despite this, Imam Khomeini defines a great role for woman as a trainer in growth and perfection of humans and believes that they can make the prosperity or non-prosperity of society by their training, and this is a main perfection issue that God assigned for women because of their prophetic creation and ability. "Woman is the trainer of society. Humans are born by them. The first stage of good man and woman is the woman herself. Humans trainer is the women, countries prosperity are dependent to

women. By accurate training she builds humans and by accurate training builds her country. The source of all the prosperities is the woman".

Social participation

Our leader Khamanei, not only believes on active participation of woman in all social, economic and political fields, but also knows that women as a half members of society should have serious participation. "The second field is the social activities field, including the economic, political and social activities and in specific meaning, scientific activity, teaching, trying out for God and all fields of endeavor in life. Here in permission for various activities in all fields there is no difference between man and woman according to Islam. If someone says man can educate, but woman cannot, man can have economic activity, but woman can't, man can have political activity but woman cannot, s/he didn't understand Islam and speaks against of Islam.

The family and the necessity of role separation

The modern definition of woman employment which is accomplished with the separation of life and work places of woman is a violation from the nature law and is a change in the course of history about the separation of man and woman roles in family and in society. For this, the different groups of society have attempted for decades for women's right in approving the necessity of woman employment individually and socially; but today especially in religious and family-based societies still looking to woman employment is in hesitated way and following this hesitation, creating the requirements and removing the obstacles of women's employment isn't prioritized.

The correct position

The cultural issues of social presence of women in Islamic society are very important. In such a society, the use of "feminism attractiveness" as a marketing tool and revenue is unacceptable and the prevention from increasing such a phenomenon needs the necessary infrastructures to monitor and to deal with offenders. On the other hand, training and preparing the future generation of a society in pursuing its goals depends on determining the proper role of women in society.

The necessity of employment

One of the particular positions for women according to the Islam emphasis in economic fields is the special jobs like nursing, doctoring and teaching. The ideal state in an Islamic society is that daughters should be serviced by the nurses and doctors in the same gender. Although this condition isn't directly related with the financial needs of women, but is a state of emergency for women employment in Islamic society. In this regard, in years after Islamic revolution, women obstetricians and gynecologists are accepted only from female doctors in all hospitals. Also in girl's schools and in all the levels, women constitute a major educational force; even in military forces women have main and extended roles. Some of these professions, such as nursing, require the constant presence of women in the work place from 24 hours to 48.

The economic activities of women throughout the history were necessary and even vital for many families, especially in rural societies and communities; and the basic reason of this requirement can be the production-based and self-described economic ways of family; but today's economy in Iranian families is faced with major changes.

Another condition in the necessity of women's employment is the disproportion of man's income with family expenses in the specific economic conditions of the country. In some periods, men are not capable to provide all the expenses of family in a moderate level alone and in these circumstances; inevitably woman actively participates in family economy. In fact using woman as a work force in this condition for solving the economic problems of family and society is necessary.

Other groups of women that necessarily enter to the economic fields live in bad or orphaned families. In these families, because of the death or irresponsibility of man, women face with many economic challenges. In these conditions, women are exposed to an external force of this kind of family and put all the responsibilities on her shoulders.

RESULTS

This study by using Islamic instructions aims to explore the set of strategic policies, governing on women occupation in accordance with their innate and developmental characteristics, and demonstrates that by observing these strategic policies, women occupation out of home will not confront with some damages for society, training their kids, family and... or the damages will be less. Islam insists on the stability of the family and never wants its destruction and doesn't satisfy in losing or conversion and replacement of it in any way and believes that it is not good for individuals and society. Family is a principle in Islam.

Woman is a pole in family and child has tens material and spiritual needs that they meet primarily by mother. The woman role, due to the characteristics of the wife and also for being mother in family foundation is central. She is the cornerstone of family and based on the experience and scientific findings it has proved that nobody can be replaced with her. For this, in Islamic Republic Constitution, government is obliged to support mothers particularly during the pregnancy and child custody.

In Islam view, the value of women work at home is even equal with jihad fighters.

Paying attention to the necessity of family foundation preservation, the importance of women's work at home and its compatibility with their biological nature and characteristics, Islam formally recognizes their right of employment and in addition to, prefers that in work division, women work at home and take the charge of their kids training, and if they have work in out of home and in inside the home, the priority is with the main and major affairs and generally in cases that the presence of groups of women in social and cultural fields is necessary, the determiner of the necessity in priority of affairs will be themselves. As an example, the society needs to female teachers, doctors, nurses and polices. The implementation of many of Islamic religious

order also requires the women presence in some areas. But sometimes without any necessity, their presence in market place, causes the collapse of family and or impairs the dignity of woman.

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