

Islam and the West on Women

The seventh article of the Cairo Declaration reads:

- I) Women are equal to men in human dignity, and have rights to enjoy as well as duties to perform; a woman has her own civil entity and financial independence, and the right to retain her name and lineage.
- II) The husband is responsible for the support and welfare of the family.

Moreover, as the tenth article states

- I) The family is the foundation of the society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, color or nationality shall prevent them from enjoying this right.
- II) Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare.

On the other hand, the sixteenth article of the UN Declaration reads:

- 1- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2- Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3- The family is the natural and fundamental group unit of the society and is entitled to protection by the society and the State.

As you see, these two points of views have commonalities and differences. We will need to address here two ultra-significant issues before making comparative remarks on these articles:

- I) The fact that "the family is the natural and fundamental group unit of society" is undoubted in the view of ethno-sociology, religion, psychology and other branches of human sciences. But if this fundamental fact of family is documented to human whims and baseless ideas like other human affairs, it shall undergo serious changes in varying situations of human life; today we see that humanity has been reduced to animal lusts and carnal desires due to unrestricted freedoms propagated under the impulse of excessive utilitarianism and overindulgence in sexual desires by some of uncommitted thinkers who are breaking the primordial principles of morality in the

name of liberalism so as to prove themselves competent enough to be awarded prizes.

Due to such deviations from the Divine Law, the foundations of family have been uprooted in the present times. These so-called proponents of liberalism are propagating with utmost impudence such sexual deviations as individual freedoms that one would be ashamed of even mentioning their names.

The hegemony of these devilish views in the West is so clear that no further evidence is needed to explain its ferocity. What is worth mentioning here is the fact that the Universal Declaration of Human Rights with its occidental orientation cannot speak of family as a fundamental unit of society because the prevailing cultural symbols and the semi-scientific works in Western countries seem to undermine the building blocks of family.

- II) The rights that have been stipulated in the UN Declaration about family and women are based on such freedoms that are neither natural nor logical. Firstly, if they were logical, the family in Western countries and westoxficated eastern countries should not have been so disordered in this regrettable form that has resulted in many physical and mental disorders, most grievously self-alienation, which has engulfed these countries. Secondly, the Universal Declaration of Human Rights with occidental orientation has not unfortunately provided a distinction between equity and justice in a clear fashion. It is not logical indeed to divide humanity into two poles of male and female in the name of equality and reduce women to a uterus and menstruation!! If the Western culture, which is the main source of inspiration for the UN Declaration, does not accept the truth that "the justice based on the rule of law and reality is better than baseless equality", and if it had tried to redress the mistakes done in the past, it shall not succeed in providing a defensible logic for justifying its statements on male and female freedoms.

What are the differences between the Islamic and the Western notions of women and family?

The Universal Declaration of Human Rights' understanding of women and family is grounded in freedoms that are neither natural nor logical since:

Firstly, if those freedoms were natural and logical, Western countries and their Eastern imitators should not have had such a tragic state today, grappled with so many physical, mental and social problems.

Secondly, the Western codifiers of the Universal Declaration of Human Rights, who are surely well-versed in human sciences, have regretfully replaced justice with equality. This is not a logical preponderance indeed, as it does not match the realities on the ground. Men and women are neither physiologically nor psychologically alike. Thus, they have their own respective rights and commitments.

Shared Characteristics

- 1- A woman is equal to a man in human dignity, and has rights to enjoy as well as

duties to perform.

- 2- A woman has her civil entity like a man does, and is equally entitled to enjoy all of the necessities of a decent life.
- 3- A woman is independent in her financial obligations, like a man.
In accordance with all Western legal trends, this is also not documented in the UN Declaration.
- 4- Marriage shall be entered into only with the free and full consent of the intending spouses.
- 5- The family is the natural and fundamental unit of society and is entitled to protection by society and the State.

Why can't a Moslem man or woman marry a non-Moslem?

This question has a clear answer. Islam is the religion of primordial nature and whoever has truly chosen it as his religion has fulfilled his primordial nature, and thus can't submit his heart and soul to someone's love whose ideals and nature are not in tune with Islam.

On the other hand, a meaningful life, according to Islam, requires to be founded upon a rightly chosen religion that interprets all aspects of life. Of course, the most important issue in marriage is that of children. Needless to say, Islam sees this world as the hallway to the eternal world; a man needs to flourish his god-given gifts and talents in this world to prepare for the other world that is the locus of eternity. But Western countries see this world as the last destination of human life. This idea is not driven from their religions or philosophies, as we see that the latter discuss eternity and resurrection. Unfortunately, religion and morality in the West have been reduced to library stuffs. In fact, this has caused some shallow minds to speak of the death of religion in the West.

Regretfully, the Universal Declaration of Human Rights has been established upon the ideals of worldly life and is intended to reduce individual and social conflicts in the public sphere. Codified this way, it is not concerned with value and obligation, while Islam sees this world as a meaningful passageway in which human beings must prepare themselves for an eternal life.

It is needless to argue that this self-discipline and spiritual enlightenment requires particular beliefs and practices ignored in the Universal Declaration of Human Rights. This is the most significant difference between these two legal systems. Of course, there are other differences that need to be discussed in other places. When a man and a woman are not from the same religion, the child's upbringing becomes difficult. Moreover, the child finds himself in a paradoxical situation that can eventually cost the child his future. This is why Islam insists that the parents must come from the same

religious background.¹

Differences

1- In Islam, men and women are both equally obliged to observe the condition of religion in their marriage in the sense that they are not allowed to marry non-Muslim women or men. The reason for this injunction is very clear, since Islam is a primordial religion and everyone who has chosen it as faith to follow has decided to flourish their primordial nature; thus, such a person cannot share love with someone who does not believe in Islam.

On the other hand, since Islam regards religious life as the only *lebenform* that could be meaningfully interpreted, thus the irreligious life in its view is not basically logical at all. Children are an indispensable part of marriage. There is no doubt that Islam sees this world as the passageway that brings us to the eternal life, the locus of perfection, and peace shall not allow its believers to live an animal-like unrestricted and purposeless life and after a while to disappear in nothingness; thus, it strongly orders the believers to rear their children according to an orthodox set of beliefs for a human and divine life. Now, if one of the parents is not a Muslim, it shall result in many insoluble difficulties in child-rearing. This kind of marriage usually causes the children to live without religion and, as we know, an irreligious life has no identity. Moreover, since parents are not able to reach a viable consensus on this matter, they always prefer pass this vital issue in silence.

2- Whereas "men and women are entitled to equal rights as to marriage, during marriage and at its dissolution", a man is therefore not obliged to pay alimony or a dowry to his wife, according to the UN Declaration; on the other hand, Islam has assigned it to the woman – of course, not compulsorily – to manage the internal affairs of the family by her treasury of purely human affections. It is to this very reason that Islam has obliged the man to pay his wife alimony and an intelligible amount of dowry.

3- Whereas the UN Declaration has stipulated that "men and women are entitled to equal rights during marriage and at its dissolution," it becomes clear that it takes men and women equally entitled to the right to divorce.

Islam does not approach this issue with such simple-mindedness that the Universal Declaration of Human Rights with occidental orientation demonstrates. On the other hand, women are more sensitive toward marital problems due to their emotional nature and often apply for divorce without any strong reasons and must be protected of the loss. We shall suffice here to statistics printed in one of daily newspapers that reads:

1- Due to the significance of the issue of the difference among religions when it comes to marriage and wedlock, we have included the details here from Allameh Ja'fari's *Human Universal Rights: A Comparative Research between Islam and the West*.

Up to 90% of petitions for divorce in France in the year 1890 have been filed by women.¹

Furthermore, children need to be reared right from their suckling period under their mothers, as hiring a babysitter or sending them to baby farms or nurseries could deprive them of human emotions and affections and cause them to be involved in nihilism and nothingness in their youth. In fact, as it has been claimed by some thinkers in the West, "These youths are only good for the army, not for human purposes".

Precisely speaking, this is the very point that has already been stipulated in the second clause of Article 25 of the UN Declaration, which reads "motherhood and childhood are entitled to special care and assistance." Islam assigns it firstly to the man to provide the needs and take care of the mother and her baby; only when the father is disabled or the mother and baby are deprived of family care for some reason, in that case the society and the state are obliged to perform their duties. Therefore, the Universal Declaration of Human Rights with occidental orientation has to accept that human beings need to be protected in some ways beyond their social and individual rights.

- 4- There is an extremely significant issue that is always neglected by the West in cultural and legal debates, and that is the fact that young people, regardless of their higher education, do not still understand many colossal truths of life and cannot distinguish between committed and uncommitted lives. The dominance of sexual desires in this season of human life even further worsens the situation.

To state the matter differently, the young people who decide to marry are naturally overwhelmed with their sexual instinct, which overshadows other issues of life. Moreover, as time goes by, the sexual desires leave the scene and the overshadowed issues begin to show themselves. It is due to this very reason that Islam insists on the permission of parents of the maiden as the precondition of marriage, since girls are not conscious of life affairs as much as boys are due to their gender differences and religious considerations. Thus, they are vulnerable and need to consult with their parents (or anyone who functions as her guardian) on the biggest decision of their lives. Nevertheless, the guardian must be a competent person; otherwise, it is incumbent upon the society and the state to decide on this extremely significant issue.²

1- *Keyhan Newspaper*, No. 6627, Sep 6, 1965.

2- We know that such issues as the necessity of the guardian's permission for the marriage of a maiden are not understandable for most Westerners. Likewise, many of the social and cultural phenomena that are seen as regular in the West are not fathomable for us as Muslims, such as: ⇨

Explication: Many irrational attacks have been conducted against Islamic jurisprudence by uninformed persons under the plea why Islam has not declared the genders equal. As a general answer to this objection, we need to mention that the legal differences between a man and a woman originate in the physical and psychological differences existing between the two genders. According to the findings of scientific research done by distinguished researchers such as Professor Rigue on the physical and psychological differences between these two sexes, the belief in the equality of the man and the woman is either for the pursuit of fame or due to ignorance toward the existential coordinates of these human beings. These physical and psychological differences existing between these two genders are observed in more than one hundred occasions.¹ We need here to address a highly significant issue that could serve as the thread of Ariadne in solving other intricate issues around the male/female dilemma. It is the very issue that shows itself in the law of retaliation that states that if the murderer is a woman who has killed a man, then she shall be retaliated on the condition that the avenger of the blood would not accept the blood money and forgive the murderer. However, if a man has murdered a woman, his retaliation shall be conditioned upon paying half of the murderer's blood money by the avengers of the blood. It has been said that this is an explicitly unjust discrimination between the two genders. This objection has a clear answer as the necessity of paying half of the murderer's blood money is essentially an economic issue and does not have anything to do with the

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- I) The relationship between a man and a woman, which is one of the most sensitive and significant of human relationships, has to be within a legal framework, not like animals whose relationships are only conditioned upon blind desires.
 - II) In Islam, the human self has a divine aspect which is counted as the source of human inherent dignity. Therefore, for evolving this divine aspect, we humans need not to overindulge with sexual desires in an unrestricted fashion.
 - III) Islam does not see the woman as the means of pleasure for the man – although pleasure is naturally a necessary item in a successful sexual relationship – since in Islam the man and the woman are equally entitled to the right to inherent dignity, and thus no one is allowed to trespass this divine ordinance and describe the woman as a means of pleasure for the man.
 - IV) Islam does not take it necessary to arouse sexual consciousness in the society with explicit materials and pornography as it is done now in the West. In fact, it proclaims that we need to cultivate the spirits of human individuals and make them ready for an intelligible and meaningful life. The aggressive hunters of power do not want to confess that many brilliant minds, like Avicenna, Averroes, Razi, Al-Biruni, Rumi and Mulla Sadra, have been cultured in the past without sexual teachings. These aggressive hunters of power seem to claim that, "We have solved all of the problems and there is no pain which needs to be redressed, and we humans have read our lessons of the book of existence!!" The reason for such claims could be sought for in such books as Alexis Carrel's *Man the Unknown* (1935).

1- See for instance Mutahhari, Murteza, *Women's Rights in Islam*.

inherent dignity and gender discrimination.

It is needless to say that the major burden of earning a living for the family is on the shoulders of the man, thus the absence of a man in a family could expose it to the bitterness of poverty, while the absence of the woman in a family, in spite of being a dear emotional loss, does not have such grievous economic repercussions. This is to say, this jurisprudential judgment is not an insult or discrimination about a woman's inherent dignity as a human being, but it shows that justice is the building block of Islamic jurisprudence.

The objection that "Today, women are participating in major economic activities shoulder to shoulder with men" and this jurisprudential judgment does not have occasion anymore, and despite the fact that it is seemingly attractive, it is not logical with regard to the grievous implications that have been brought upon families due to the participation of women in economic activities. Generally speaking, we need to either leave off the idea of fundamentality of family in the human society believing that man must gratify his sexual instinct at any price or accept this as an indispensable reality that women should return to their homes and revive the lost warmth of their households. It is needless to say that this shall cause the man and the woman to have different rights and obligations without losing their inherent dignities, since human primordial dignity is one thing and the principles governing the natural course of life is another.¹

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1- See Ja'fari, M. T. (2014): *Human Universal Rights: A Comparative Research in Islam and the West*. This book has also been translated into English by Allameh Jafari's Institute. (2015).