



WOMAN IN MUSLIM SOCIETY

Problems of transformation of social and legal status

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Abstract. In the modern world, more than half a billion women comply with the requirements of traditional Islamic norms, as they live in societies in which religious canons operate. In many Muslim countries, the role of women in family and social life, as well as the state of women's rights in general, is viewed through the mirror of religion. In other words, the context of women's rights is determined on the basis of Sharia, as interpreted by traditionalist Muslim theologians through government legislation. And we must admit that the influence of religious dogma often has serious negative consequences for the social and legal status of women in these countries.

Key words. Islam, religious, shariah, Quran, women`s right, feminism

By spreading the thesis about the need to protect the moral character of society, Muslim jurists justify religious doctrine as a means of serving patriarchal values, and strive to preserve the corresponding structures. However, in reality, many of the restrictions provided for by these laws are not related to Islam, sometimes they even contradict religious doctrine, although they are recognized by society itself as exclusively religious.

The question of the status of women in Islam and in Muslim society is neither new nor completely resolved. Despite numerous studies in Western, Muslim and domestic science, the coverage of many problems related to this topic is not objective. Perhaps no other topic attracts such attention and is not surrounded by so many false ideas, interpretations, and, finally, is not distinguished by such a degree of misunderstanding as the question of the status of women in Islam. In the historical and socio-economic aspects, this topic is so inexhaustible that within the framework of the dissertation research it seems possible to consider only some of the main issues of this complex problem.

In recent years, despite significant scientific interest in the study of various topics in the field of Islamic ideology and practice, the problem of the status of women in Islam has not become the subject of deep scientific research. In our opinion, this is primarily due to the fact that with the increasing role of religion in society, everything connected with it during a certain period did not become the subject of critical



analysis. As a result, religious issues within the framework of Islamic propaganda began to prevail not only in mass publications, but often also in science. However, it is with regret that we have to admit that one-sided approaches to covering this topic have not advanced the horizons of scientific research at all. Therefore, we can only talk about the Soviet period of domestic research in this area, when these problems were studied quite actively and deeply.

In modern conditions, in our opinion, the problem of philosophical, religious and historical analysis of this issue is relevant, since the position of women in Islam is not only a measure of the civilization of a particular society, but also evidence of the potential of its evolutionary development, a kind of barometer that determines future prospects transformations. During the period of rising public consciousness in Dagestan and Russia in general, and growing interest in our country in religious, moral and ethical norms, the study of problems related to the status of women in Islam becomes particularly relevant. This appeal to this topic is caused not only by the relevance of this problem in the context of the dialogue of different civilizations, but also by the need for adequate coverage of key provisions characterizing the status of women in Islam, showing the inconsistency of many myths generated in recent years in the context of increasing public and scientific interest to religion and religious practice.

“The social and legal status of women in the Koran, Sunnah and Islamic law” consists of two paragraphs. In the first paragraph “Key aspects of co-social and legal status of women in the Koran and Sunnah”, the Koranic references concerning the status of women in early Islam are analyzed. In general, they are divided into three conventional categories. The first of these includes verses of the Qur'an, in which the main emphasis is on social aspects; the second category unites poems relating to family and everyday relations, the role and place of women in them; and, finally, the third part of the Quranic texts about women concerns her image within the framework of biblical stories.

Since the early Middle Ages, Muslim women have been in a subordinate position, which was significantly different from their position in pre-Islamic Arabia. In order to trace these changes, the author analyzes the features of Muhammad's preaching activities in Mecca and Medina. As a result, the dissertation author comes to the conclusion that most of the texts of the Koran and Sunna during the Medinan period began to pay less attention to social reforms and talk more about such problems as war, division of spoils, the position of non-Muslims and women. It is characteristic that basically the texts of the Koran and the Sunnah, which deal with discrimination



against women, refer specifically to the Medina period, and not to the Meccan period of preaching. As an obvious example confirming this thesis, the dissertation author cites verse 34 of Surah “Women”, which contains the principle of “kawama”, that is, the provision of superiority in status and right of guardianship of men over women.

Undoubtedly, one can take into account what the Koran says regarding the status of women in the pre-Islamic era, as well as the attempts of Muslim historians to prove that it was Islam that significantly improved the status of women. However, along with this, it is necessary to recognize the fact that Islam was not able to fully realize these transformations for the simple reason that the same concepts of women's status today still persist in a number of Muslim countries. One of the most important reasons for this phenomenon lies in the pragmatic approach of Muhammad, who even accepted some pre-Islamic traditions in order to support his own religious agenda. Muhammad's ultimate goal was to establish a new culture in Arabian society.

As the dissertation author notes, during the first two decades after its appearance, Islam, like any new order, made concessions to some established norms. This was necessary because it was a new movement and the prevailing social relations had been maintained for the previous centuries. Pre-Islamic social relations, which provided women with relative economic and social freedom, had to be at least partially adapted to the new conditions.

According to. According to the Koran and the provisions of Islamic law, a woman is endowed with personal, civil, property and other rights. In addition, the introduction of legal registration of marriage among Muslim peoples, the settlement on the basis of the Korah, and later Sharia, of some aspects of family relations were a progressive phenomenon for their era. New socio-economic relations and the moral and legal norms that arose on their basis significantly raised the social position of men.

The features of the social doctrine of Islam as a whole were reflected in the formation of the basic views of Muslim ideology on the family and family relationships. The basis of Muslim views on marriage, family and family life is strict adherence to the principles of Muslim dogma, law and ethics, as provided for in the ideological and theoretical sources of Islam, primarily in the Koran. Of course, they did not resolve the entire complex range of family issues, since the prescriptions of the Koran were far from sufficient to regulate family relations even within the Muslim community. Another circumstance is important here. The fact is that the norms of Islam that developed on the basis of these principles had positive consequences for



the further evolution of Islamic theory on marriage and family issues. The injunctions of the Koran were subsequently reflected in Muslim law.

In the second paragraph, “The Status of Women in Islamic Law,” the position of women in Islamic jurisprudence is examined in detail on the basis of specific legal norms. The starting point for the author is the judgment that the Koran and Sunnah, as the main sources of Sharia, provide only general legal principles and rules. Depending on changing circumstances, these principles and rules can be interpreted through *ijtihad*, due to which the latter acts as the most a more important source of Islamic law after the Qur'an and the authentic Sunnah. On the other hand, Islamic law (*fiqh*) is also directly based on Sharia, but its development is possible through human effort. Therefore, as the dissertation author believes, it can be re-examined, and, if necessary, some of its provisions can be re-interpreted. Moreover, at present, some Muslim authors openly talk about the need for new research in these areas of Islamic law.

The main issues that concern the legal status of women and are perceived most controversially lie in the area of witnessing and inheritance issues. Here, in the opinion of the dissertation author, one should proceed from the fact that the difference in the status of men and women in Islam, first of all, concerns their different roles and functions in traditional Muslim society. The rights and responsibilities of men and women are equal, but they are not necessarily identical. Islam takes into account the physical differences between men and women, whereby the responsibility that a woman bears, for example in her reproductive functions, is perceived in the Islamic tradition to be as necessary for society as the economic responsibility for providing for the family that a man bears. In other words, there is a certain compensation of mutual responsibility, interdependence of roles in society. The situation is similar with the issue of unequal inheritance between men and women: us, which is often seen as an example of discrimination against women, although even here the corresponding Quranic text cannot be judged in isolation.

In Muslim family law, the rights of the wife, children and other female dependents are protected in relation to the head of the family, who, of course, is physically stronger than the woman and more independent, since he is physiologically free from bearing the burden and direct care of children. Islamic marriage rules encourage individual responsibility while reinforcing the importance of the family as a unit of society. Islamic law protects the male prerogative on the grounds that men are required to provide economic support for the family, while women receive this protection within the family itself.



It may be noted that all legal schools of Islam have given unilateral privileges to the husband in divorce because in a divorce initiated by a woman, the husband's economic independence will suffer. Relying on these rules, the husband could divorce his wife almost at his own request, when the wife, if she wanted to leave her husband, had to present serious reasons for this. The main legal obstacle facing a man in a divorce essentially lay in the financial side of the marriage contract between equal parties: in the event of a divorce without good reason, he would have to pay his wife part of the remaining mahr.

At the same time, the equality of women in Islamic law is also contained in its very important component - financial independence. A Muslim woman may have property that her male relatives, including her husband himself, who is obliged to support her at his own expense, cannot claim. In addition, the woman has personal status, which allows her to start her own business. However, this potential female independence is neutralized, first of all, by social and cultural traditions, when marriages within extended families did not allow the transfer of property through the female line.

Until the 12th century. Sharia underwent conceptual changes, becoming static and rigid over time, while ijthihad began to gradually lose its significance after the end of the Abbasid era. Sharia, ultimately, began to be perceived as an unchangeable category, its provisions had to be accepted as indisputable. Consequently, the formulations of Shariah were heavily influenced by the patriarchal values of the time, and were seen as part of the Islamic legal value system.

As a result of this, even today Sharia norms are regarded as indisputable as the Koranic provisions. The Quranic instructions themselves, depending on the place and time, were only slightly interpreted by the four major schools of Islamic law. This circumstance could not but change the significance of various norms of Muslim family law. The Islamic revival has generated debate in Muslim societies as to whether a deeper understanding of Islam and family law, which has historically developed in Muslim countries, is even possible. In particular, Iran was a scene for paradoxes in this matter. The combination of Sharia law with the apparatus of the modern nation-state forced Iranian clerics to re-examine the law in order to deal with new social facts.

However, in traditional societies, gender differentiation and the social division of roles between men and women persists. As Fatima Mernissi, a modern Moroccan researcher of the problems of feminism in the Muslim world, writes, if women's rights are considered as a problem in some Muslim countries, this does not stem from the



provisions of the Koran, the Sunnah and the Islamic tradition in general. The simple fact is that these rights came into “conflict with the interests of male elites.” Sacred texts, she believes, have always not only been commented on and interpreted by them, but have been “the object of their skillful manipulation.” At the same time, it is precisely this practice that is most characteristic of the ruling elite of Muslim societies.

A typical example of a speculative interpretation of the provisions of the Koran and Sunnah and, at the same time, transformation of views on established norms of law can be the problem of family planning. Family planning programs often provoke negative religious opposition from religious leaders. Therefore, some countries have initiated educational programs that explain the need to manage population growth and protect women's health. Efforts are being made to persuade religious leaders to make public statements supporting family planning.

In this regard, the author of the dissertation emphasizes that the refusal to exercise certain rights does not mean that it is Islam that limits a woman's reproductive choice. Indeed, Islam has a powerful ideological influence on a woman's choice of wife, but legally does not limit her in this way. This circumstance has led some women's rights advocates, such as Rifaat Hassan and Fatima Mernissi, to develop a strategy aimed at reinterpreting religious texts within the framework and categories of a feminist perspective and human rights advocacy. They argue that the relevant texts tended to legitimize the subordination of women, but their meaning cannot be relied upon outside the historical context.

In general, feminism in the development of women's self-awareness is considered by the dissertation not as a reaction or consequence of the influence of Western ideas, but as an autonomous phenomenon. If we analyze cultural factors in the context of fourteen centuries of Islamic tradition, we can note the presence in the Muslim world of a positive perception of modern trends in Islamic feminism. It is characteristic that one of the forms of evolution in the perception of the status of women in the Muslim world can be considered a trend when the presence of a feminist movement in a particular country is presented by Muslim ideologists and leaders of the political elite as a progressive phenomenon.

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