

Gender Equality: In the Light of Quran and Sunnah Volume

Muhammad Fouad Estiti¹

Abstract

Objectives: Given the variety of opinions on issues of gender equality, this paper aims to study Islam's point of view and clarify the mechanism by which Islam dealt with this subject, by differentiating between gender equality and establishing fairness between them. Methodology: This paper relies on the scientific methodology that is based on deduction, description, and analysis, by reviewing and analyzing the Quranic and prophetic texts and opinions of Muslim scholars. In general, it relied on identifying the physical and behavioral differences between the two sexes, which necessarily affect the difference in the functional role of each. Findings: Among the most prominent findings of this paper is that Islam established fairness between the two sexes in matters essential to worldly life, such as human dignity, obligations and penalties, and public rights, and that the differentiation between men and women in formation and abilities leads to a complementary relationship in performing tasks. Recommendations: One of the most prominent recommendations of this paper is the need for international treaties to take into account the different religious specificities of the peoples of the countries concerning the subject of this paper.

Keywords: Equality, Female, Male, Gender Equality

INTRODUCTION

The Reason for Choosing this Topic and its Importance:

The idea of this paper came during preparation for organizing the summer forum between the Faculty of Sharia at the University of Hebron / Palestine and the University of Flensburg in Germany, entitled "The Role of Religion in Family Reform", which was held at Hebron University on 7/24/2022. Over the course of three days, and among its topics was a symposium entitled Gender Equality, and I wanted to participate in this topic. I was introduced to it at the forum, and it took a lot of space in comparison and discussion with other cultures, and it occurred to me after that to develop it in the form of a paper, documenting the most important rules of Islam in dealing with the issue of gender equality due to its importance, and this importance can be attributed to the following reasons:

Variety of opinions on the subject of research.

The impact of understanding this subject on human happiness and ensuring the stability and continuity of the family.

The impact of misunderstanding this subject on the spread of high divorce rates and the weakening of societies.

The importance of differentiating between gender fairness and equality between them.

Research Aims:

Stating the care of Islamic legislation for the family system.

Shedding light on the Quranic verses that stipulate equality between the sexes and fairness between them.

Informing each of the spouses of what is required of him according to his capabilities and willingness to make the family a successful institution.

Showing the effect of formative differences between the sexes on their complementary relationship.

¹ Associate Professor of Islamic Judiciary Dean of the Faculty of Sharia, Hebron University, Hebron, PALESTINE. E-mail: mohannede@hebron.edu, ORCID: 0000-0003-0479-7179, Tel: +970 2 2220840 / Ext. 132

Research Problem:

This paper's problem is defined in several questions, this paper came to answer them, the most important of which are:

What are the aspects of gender equality in Islamic legislation?

What are the manifestations of gender fairness in Islamic legislation?

What are the most important physical and behavioral differences between the sexes?

What is the reason for the difference between the sexes in several legal rulings?

Literature Review:

The ancient Muslim jurists studied this subject in their books, representing the four schools of thought and others, explaining the legal rulings on issues that are specific to men and those that are specific to women, with mentioning evidence from the Qur'an and Sunnah to support their opinions, then some of them discussed the opinions of the opposing schools of thought and their evidence, to show the preponderance of their school concerning, either talk about disputed issues. Nevertheless, discussing the concept of equality between men and women, or fairness between them is rather scarce.

Contemporary researchers' effort was limited to talking about gender equality in Islam through several articles published on the Internet, television seminars, and interviews.

Among the most prominent contemporary scientific studies is a master's degree thesis, entitled: "Issues of Equality between Women and Men" - by researcher Amal Bint Othman Al-Sunaidi - from the Faculty of Sharia at Imam Muhammad bin Saud University - Publisher: Research Center for Women's Studies - Publication year: 1436 AH.

This study consists of three main headings: the first is about issues of equality in the political field, the second is about the financial field, and the third is about the social field.

Research Methodology:

The study was based on the scientific methodology based on induction, description, and analysis, according to the following steps:

Reviewing the texts of the Holy Qur'an, the texts of the Prophet's Sunnah, and the opinions of the jurisprudential schools related to the subject of gender equality.

Referring to the opinions of jurists attributed to their sources.

Analyzing texts and opinions, and authenticating them with legal evidence.

Research Structure:

To achieve the purpose of this study, the structure of the paper consists of an introduction, a preface, three chapters, and a conclusion, as follows:

Introduction:

Reasons for selecting this subject and its importance

Research objectives

Research problem

Literature review

Methodology

Research structure

Preface

Chapter One: Aspects of Gender Equality in Islamic Law

Section One: Equality Between the Sexes in The Human Value

Section Two: Gender Equality in Costs and Penalties

Section Three: Gender Equality in Public Rights

Chapter Two: The Moral Differences Between the Sexes and Their Effects

Section One: Moral Differences Between the Sexes

Section Two: The Effect of The Moral Difference Between the Sexes

Chapter Three: Gender Fairness in Islamic Law

Section One: Images of Differentiation Between the Sexes in Jobs and Tasks

Section Two: Images of Differentiation Between the Sexes in Legal Rulings

Conclusion: it includes the most important findings and recommendations.

Preface:

Human life began with the existence of Adam, peace be upon him, as God Almighty commanded him to succeed the earth and establish human life on earth. Allah said: “Behold, thy Lord said to the angels: "I will create a vicegerent on earth." They said: "Wilt Thou place therein one who will make mischief therein and shed blood?- whilst we do celebrate Thy praises and glorify Thy holy (name)?" He said: "I know what ye know not”” (2:30). Allah, the Most-Exalted, created mankind of two sexes with the aim of acquaintance and cooperation to establish human life on earth; Allah said: “O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)” (49: 13). Both sexes are subject to the doctrine of trials and tribulations in this worldly life, so that reckoning takes place in the day of judgment. Allah said: “He Who created Death and Life, that He may try which of you is best in deed: and He is the Exalted in Might, Oft-Forgiving” (67: 2).

Over the years, man took his right in this world because of his power and influence, while the woman was a weak creature, deprived of rights or freedom, whether among the Greeks, Romans, or other peoples of the earth.

The Arabs before Islam were also pessimistic about the birth of a female; Allah said: “When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief!” (16:58). The Arabs also deprived women of their inheritance, and even Arab men used to inherit women as bequeathed property. Thus, Islam came to establish fairness to women, provide them with complete human dignity, and lift away any oppression targeted towards them.

Among the examples of Islam’s honoring of women is that Allah has recommended kindness to parents, and singled out the mother with more attention; Allah said: “We have enjoined on man kindness to his parents: In pain did his mother bear him, and in pain did she give him birth. The carrying of the (child) to his weaning is (a period of) thirty months. At length, when he reaches the age of full strength and attains forty years, he says, "O my Lord! Grant me that I may be grateful for Thy favour which Thou has bestowed upon me, and upon both my parents, and that I may work righteousness such as Thou mayest approve; and be gracious to me in my issue. Truly have I turned to Thee and truly do I bow (to Thee) in Islam”” (46:15)

The honoring of the wife came on the tongue of the Messenger of God (may God bless him and grant him peace) when he said: “So fear God regarding women, for you took them with the protection of God, and you were permitted to marry them with the word of God.” (Sahih Muslim, 2/889). Additionally, it is not surprising that the Messenger of God acknowledges the virtue of his two wives, the first, Khadija bint Khuwaylid, who

has great credit for embracing him at the beginning of his messengership and encouraging him to carry the message, just as his wife Aisha had the virtue of transmitting his knowledge and messengership to those who knew of him after his death.

The urging of raising daughters in a good way is affirmed by Prophet Muhammad (peace be upon him), who said: "Whoever takes responsibility of daughters and treats them kindly, they will be a shield for him from the Fire." (Sahih Al-Bukhary: 8/7).

One of Prophet Muhammad's wills (may God bless him and grant him peace), at the end of his life in this world, was: "Treat women well." (Sahih Muslim: 2/1091).

Throughout Islamic history, women played a major role with the participation of men in the success of the family, in cooperation in good treatment, in raising children, and in securing livelihoods, as well as active participation in the wellbeing of society by working in all areas of life, be it advocacy, social, economic and political, in a way that does not contradict the ruling of the Islamic religion.

However, the last two centuries are among the harshest centuries for Islam and Muslims, during which weakness appeared in Muslim countries, in both fields of legislation and sciences, due to the occupation of most Muslim countries, which led to their deprivation, little by little, of their civilization and values, until some held the belief that adherence to Islamic law is a form of backwardness.

However, the vigilance of many scholars made them aware of the danger of this reality, so they did their duty to restore confidence in the validity of Islam for being applied among Muslims, and to strengthen their belief in the necessity of the return of the Islamic nation to the resumption of its Islamic life.

The scholars also had a duty to call to God, by conveying the view of Islam to global issues in which the views of other peoples and countries conflict, and which have a close relationship with the advancement and stability of societies.

Chapter One: Aspects of Gender Equality in Islamic Law

Linguistically, equality is: "an equation that is measured by weight, or other units of measurement" (Al - Zubaidi, M. 38/329), and equity is defined as: "being equal in amount with no addition or omission" (Ibn Manzur, 11/610). It is clear from the two definitions that equality between two things in language indicates absolute similarity in all measurement criteria without the slightest dissimilarity or difference between them.

If we want to search for the extent of equality between the sexes (male and female) in Islam, in the light of the concept of equality in language, we can talk about the issues that follow.

Section One: Equality between the Sexes in the Human Value

Islam treats equally men and women in terms of human value. Allah said: "We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation" (17:70). So, the verse emphasizes honoring the human being without distinction based on gender; because Islam established the unity of the origin of the human race, which is made up of two sexes; Allah said: "And He destroyed the Overthrown Cities (of Sodom and Gomorrah)" (53:45). Thus, there is no difference between the two sexes in the origin of creation and instinct, for all people are of one origin, which is Adam, and the origin of Adam's creation and its formation is soil. Allah said: "The similitude of Jesus before Allah is as that of Adam; He created him from dust, then said to him: "Be". And he was" (3:59). Then, Allah created Eve, the spouse of Adam, so that they live in intimacy and mercy between each other; Allah said: "It is He Who created you from a single person, and made his mate of like nature, in order that he might dwell with her (in love). When they are united, she bears a light burden and carries it about (unnoticed). When she grows heavy, they both pray to Allah their Lord, (saying): "If Thou givest us a goodly child, we vow we shall (ever) be grateful"" (7:189). Then, so that people would be created from both humans, Allah said: "O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you):

for Allah ever watches over you” (4:1); “Among His Signs in this, that He created you from dust; and then,- behold, ye are men scattered (far and wide!)” (30:20), and those people are males and females; Allah said: “The (Prophet's) (mind and) heart in no way falsified that which he saw” (35: 11).

Then, after this origin, all human beings grew up in the same way; Allah said: “Man We did create from a quintessence (of clay); Then We placed him as (a drop of) sperm in a place of rest, firmly fixed; Then We made the sperm into a clot of congealed blood; then of that clot We made a (foetus) lump; then we made out of that lump bones and clothed the bones with flesh; then we developed out of it another creature. So blessed be Allah, the best to create!” (23:12-14). It appears from these verses that men and woman are identical in the formative stages of the two sexes in the mother’s womb, starting with sperm, then a clot, then a lump, then bones, to bones covered with flesh, to a complete fetus, and the same is true after birth: a child infant, to strong and healthy, and finally old and weak, all without distinction between one gender and another; Allah said: “It is He Who has created you from dust then from a sperm-drop, then from a leech-like clot; then does he get you out (into the light) as a child: then lets you (grow and) reach your age of full strength; then lets you become old,- though of you there are some who die before;- and lets you reach a Term appointed; in order that ye may learn wisdom.” (40:67).

In conclusion, the Holy Qur’an established the unity of the origin and upbringing of the man and the woman, as they are of one essence from Adam and Eve, and their origin is from the soil, and they are equal in the stages of human formation. Therefore, Islam equated them with human dignity and denied that one of them has more of the elements of humanity than the other. Hence, we understand the words of Prophet Muhammad: “Women are the sisters of men”. (Ibn Hanbal, A. 2001, 43/265)

Section Two: Equality between the Sexes in Obligations and Penalties

Branch One: Equality in Obligations

Men and women are equally subject to legal obligations, and they are entrusted with servitude to Allah: that is in the general acts of worship, by pronouncing the two testimonies, performing prayers, paying zakat, fasting Ramadan, performing pilgrimage to the Makkah, good treatment among people, and obedience to those in authority who are committed to the commands of Islam.

Moreover, men and women share the responsibility of the family; Prophet Muhammad said: “Each of you is in charge and responsible for those under his charge, so the imam is in charge of the people, and the man is in charge of his family, and the woman in her husband’s house is in charge of those in the house ...”. (Sahih Al-Bukhari, A. 1422 AH, 3/151)

Both men and women must comply with the command of Prophet Muhammad in educating their children to be worshippers, saying: “Order your children to pray when they are seven years old, and admonish them for missing it when they are ten years old, and separate between them in their beds.” (I-Sijistani, S. 2009, 1/133). Thus, both of them must invite the son and daughter without distinction between them to perform the prayer when they are seven years old, and to discipline them with no harm for not doing so at the age of ten.

Then they must enjoin good and forbid evil; Allah said: “The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise” (9:71).

Both men and women are forbidden from unlawful relationships that are outside the scope of the marital contract. Allah, when speaking about women with whom marriage is permissible, said: “This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time,- when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues if any one rejects faith, fruitless is his work, and in the Hereafter he will be in the ranks of those who have lost (all spiritual good)” (5:5).

Branch Two: Equality in Penalty

Men and women are equal in terms of reward and punishment; Allah said: “Marry those among you who are single, or the virtuous ones among yourselves, male or female: if they are in poverty, Allah will give them means out of His grace: for Allah encompasseth all, and he knoweth all things” (4:32). For a woman, the reward for a good deed is multiplied ten times, similar to men (AL-Qurtubi, M. 1964, 5/164); Allah said: “He that doeth good shall have ten times as much to his credit: He that doeth evil shall only be recompensed according to his evil: no wrong shall be done unto (any of) them” (6:160).

Whoever does well, of both sexes, and obeys Allah’s command, He does not waste his reward; Allah said: “And their Lord hath accepted of them, and answered them: "Never will I suffer to be lost the work of any of you, be he male or female: Ye are members, one of another: Those who have left their homes, or been driven out therefrom, or suffered harm in My Cause, or fought or been slain,- verily, I will blot out from them their iniquities, and admit them into Gardens with rivers flowing beneath;- A reward from the presence of Allah, and from His presence is the best of rewards”” (3:195). And He rewards him with good reward in this world and the Hereafter; Allah said: “Remember thou saidst to the Faithful: "Is it not enough for you that Allah should help you with three thousand angels (Specially) sent down?” (3:124). Allah also said: “Whoever works righteousness, man or woman, and has Faith, verily, to him will We give a new Life, a life that is good and pure and We will bestow on such their reward according to the best of their actions” (16:97), and He said: “He has made subject to you the Night and the Day; the sun and the moon; and the stars are in subjection by His Command: verily in this are Signs for men who are wise” (57:12). The Holy Quran recorded the greatest emphasis on the non-discrimination between the two sexes in explaining the reward of the good doer amongst the two; Allah said: “For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in Charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise,- for them has Allah prepared forgiveness and great reward” (33:35).

The Holy Qur’an asserts that the criterion of preference between the two sexes before Allah is not based on being a male or a female, but rather it is based on the scale of good deeds one of the males or a female does, i.e., the most pious among them; Allah said: “O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)” (49:13).

If one of the sexes fails to fulfill an individual obligation, then he or she will be subject to the prescribed punishment; Allah said: “And those who believe and whose families follow them in Faith,- to them shall We join their families: Nor shall We deprive them (of the fruit) of aught of their works: (Yet) is each individual in pledge for his deeds” (52:21). There is no difference between the sexes in penalties for most serious crimes, as the punishment is the same for both, such as the punishment for murder: Allah said: “In the Law of Equality there is (saving of) Life to you, o ye men of understanding; that ye may restrain yourselves” (2:179), and the punishment of theft: Allah said: “As to the thief, Male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power” (5:38).

Section Three: Gender Equality in Public Rights

Islam treats equally both sexes in all rights, including the following.

Branch One: equality at home. Both the father and the mother must equally treat their children regarding the following matters:

Providing a decent life for children without discrimination between them, in housing, custody, breastfeeding, clothing, food, and treatment. Prophet Muhammad said: “It is enough sin for a person to be careless to those whom he is responsible for feeding” (Al-Sijistani, S. 2009, 2/132).

The right to learn and teach. It was narrated that a woman came to Prophet Muhammad and said: "Allah's Messenger, men receive your instructions; kindly allocate at your convenience a day for us also, on which we would come to you and you would teach us what Allah has taught you. He said: You assemble on such and such a day. They assembled and Allah's Messenger (ﷺ) came to them and taught them what Allah had taught" (Al-Sijistani, S. 2009, 9/101; Sahih Muslim 4/2028). Additionally, the wife of the Prophet, Aisha, may Allah be pleased with her, was knowledgeable about matters of religion, and taught the men amongst the Companions. (Ibn Hajar Al-Haytami, A, 1983).

If one of the parents wants to give one of his or her sons a gift, then he or she must equally give his female daughter the same gift, (Ibn Abidin, M. 1992, 4/444); El- Sherbiny, M. 3/566 1994). The evidence to support this claim is found in the teaching of Prophet Muhammad: a man once came to the Prophet and told him: "I have given my son a slave of mine as a present." The Messenger of Allah said: "Have you given a present to all of your children?" He said: "No." The Messenger of Allah said: "Then take (your present) back" (Al-Bukhari, M. 1422 AH, 3/157,158). Moreover, Imam Ahmad says: "a parent should not favor one of his or her children in food and other things, and it was even said: a parent should treat them justly even in the number of kisses." (Ibn Mufleh, M, 7/413 2003)

Branch Two: Equality in Living in Security and Stability, in Several Matters:

It is not permissible to admonish either of them without sin, and whoever violates and transgresses upon his or her children has wronged. Prophet Muhammad said that Allah has forbidden unfairness upon Himself and made it forbidden among people. (Muslim, M. 4/1994)

The right to bring legal action before the judiciary and be granted justice. Prophet Muhammad PBUH heard Hind bint Utbah when she complained about her husband being miserly about spending on her and her children. She told the Prophet that she was taking money from him without his knowledge. Prophet Muhammad said to her: "Take what suffices you and your child according to what is reasonable" (Al-Bukhari, M. 1422 AH, 7/66).

Equality in punishment for committing murder. If a woman kills a man, she will be killed for it, and if she kills a woman, she will be killed for it, too. The same applies to men, if he kills a man, he will be killed for it, and if he kills a woman, he will be killed for it. (Malik, M. 4/561, 1994)

Branch Three: Equality in financial rights, through the following matters:

The right to work and sign contracts. A woman has the right to sell, buy, own, engage in partnership, apply for a mortgage, make a gift, and delegate to others on her behalf before and after her marriage. Prophet Muhammad traded with the wealth of his wife Khadija bint Khuwaylid (Ibn Hazm, p. 7/96; Ibn Hisham, A. 1955, 1/187, 188). The two daughters of Prophet Shuaib worked in herding the sheep of their father. The Qur'an mentions their story with Prophet Moses when he arrived at the water well; Allah said: "And when he arrived at the watering (place) in Madyan, he found there a group of men watering (their flocks), and besides them he found two women who were keeping back (their flocks). He said: "What is the matter with you?" They said: "We cannot water (our flocks) until the shepherds take back (their flocks): And our father is a very old man"" (28:23).

The right to inheritance. Allah said: "From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large,-a determinate share" (4:7). As men inherit their deceased parents, also women do.

Branch Four: The Right to Express an Opinion

The Holy Qur'an referred to Allah hearing the oppressed woman who complained about her husband to Prophet Muhammad. Also, Prophet Muhammad consulted his wife, Umm Salama, during negotiations regarding the Hudaibiyah Treaty, and acted on her opinion (Al-Bukhari, M. 1422 AH, 3/193). Moreover, women have the right to political participation; Prophet Muhammad received the confirmation of women who pledged allegiance to him, and accepted their covenant as he accepted it from men; Allah said: "And if any of your wives deserts you to the Unbelievers, and ye have an accession (by the coming over of a woman from the

other side), then pay to those whose wives have deserted the equivalent of what they had spent (on their dower). And fear Allah, in Whom ye believe” (60:12)

Branch Five: Marital Rights

Each of the spouses has the freedom to choose the other, and the marriage contract is not concluded without their consent. Aisha, may Allah be pleased with her, said that a woman entered into her and said: “my father married me to his nephew to raise his ignominy via me, and I hate that. She said to her: sit until the Prophet comes. So, the Messenger of Allah came, and the woman told him about that, so he sent for her father, and he called him and he referred the matter to her, then she replied: O Messenger of Allah, I approve what my father has decided, but I wanted all women to know that their fathers have no authority in deciding whom their daughters should marry (Ibn Hanbal, A. 2001, 41/492,493).

What is required of the spouses is good treatment, mutual respect, listening to each other, appreciating of the circumstances each goes through, and pardoning in case of default, otherwise they have the right to separate; the husband has the right to separate through a divorce issued by him, and the woman has the right to divorce by seeking annulment of the marriage contract before the competent judge.

Chapter Two: The Physical Differences between the Sexes and their Impact

Notwithstanding all the verses written in the Holy Qur’an confirming equality between men and women in terms of human value, duties, penalties, and public rights, we also find in the Holy Qur’an that Allah said: “When she was delivered, she said: "O my Lord! Behold! I am delivered of a female child!"- and Allah knew best what she brought forth- "And no wise is the male Like the female. I have named her Mary, and I commend her and her offspring to Thy protection from the Evil One, the Rejected”” (3:36), which was a verse revealed in the context of talking about the wife of Imran, who is the mother of Mary, peace be upon her, who vowed her fetus, who was in her womb, to be an endowment for the obedience of God and the service of Jerusalem, and when she gave birth to her, it became clear that it was a female, and she said to her what was quoted in the last verse, meaning that the female cannot observe seclusion in the mosque to serve the place of worship as a male can; Allah said: “Behold! a woman of 'Imran said: "O my Lord! I do dedicate unto Thee what is in my womb for Thy special service: So accept this of me: For Thou hearest and knowest all things. When she was delivered, she said: "O my Lord! Behold! I am delivered of a female child!"- and Allah knew best what she brought forth- "And no wise is the male Like the female. I have named her Mary, and I commend her and her offspring to Thy protection from the Evil One, the Rejected”” (3:35-36).

The disapproval of similarity between the sexes is due to the nature of the creation of each of them, and these differences can be summarized in two main matters: physical differences and behavioral differences. Such behavioral differences are a consequence of mental and psychological differences. As a result, some legal differences between men and women arise, and the details are as follows.

Section One: Physical Differences Between the Sexes

Branch One: The Difference in Physical Matters

The adult female differs in stature from the male, as it is smaller in size than the male in general, and shorter in length (Roser, M. Appel, C. Ritchie, H. 2019. (online). And females are less in weight by 10-15% on average; they differ in the size of the head, neck, chin, chest and length of the limbs, and thus the skeleton of the man is heavier. (Chapter 6: Skeletal system, University of California).

A man's brain is larger, heavier, and more convoluted, so his brain weighs more than a female's brain (Hensley, A. 2009).

Man's respiratory system is more absorbent of oxygen. (LoMauro, A. Aliverti, A. 2018, 14(2), PP.131-140)

Women's muscles are 25% less strong than men's, and men can increase their muscle strength through exercising by 8%, and women's by 4% (Miller, A, MacDougall, J, Tarnopolsky, M., 1993, 66, pp.254–262).

They differ in the composition and characteristics of blood. The numerical concentration of red and white blood cells and hemoglobin in men is greater than that of women, and therefore the weight of the blood in a man's body is heavier (Murphy, W. 2014, 28(2), pp. 7- 41).

The size of the kidneys, stomach, and appendix in women is larger than that of men, while the size of the lungs, heart, and liver is larger in men (Dobson, J. (online).

They differ in the ability to store fat, so the percentage of fat in men is 18% of their weight, and in women, it is 28% of their weight (Karastergiou, K. Smith, S. Greenberg, A. Fried, S. 2012, 3(1), p. 13).

The heart rate in women is faster than that of men (Prabhavathi, K. Selvi, K. Poornima, K. Sarvanan, A. 2014, 8(8), pp 01-4).

Women outperform men in the sense of hearing by about half, and women also excel in the sense of smell and taste, and the sense of touch in women is more sensitive than that of men; men outperform women in the sense of sight during the day, and women excel in that during the night (Ohla, K. Lundström, J. 2013, 7/607).

Women differ in the formation of the pelvis and their genitals, as they menstruate, become pregnant, and breastfeeding, and these matters are among the fundamental differences in the biological formation of the sexes. (Lumen, Open SUNY Textbooks). Allah said regarding menstruation: “They ask thee concerning women's courses. Say: They are a hurt and a pollution: So keep away from women in their courses, and do not approach them until they are clean. But when they have purified themselves, ye may approach them in any manner, time, or place ordained for you by Allah. For Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean” (2:222). Also, Allah said about pregnancy and breastfeeding: “And We have enjoined on man (to be good) to his parents: in travail upon travail did his mother bear him, and in years twain was his weaning: (hear the command), "Show gratitude to Me and to thy parents: to Me is (thy final) Goal” (31:14). During menstruation, a woman's body temperature decreases, her pulse slows down, her blood pressure decreases, and she suffers from headaches and lack of concentration (Farage, M. Neill, S. MacLean, A. 2009, 64(1), pp. 58-72).

This made doctors decide to treat women differently from men in terms of medicine and treatment, because of the great difference between them.

Branch Two: the difference in behavioral behaviors

Men are distinguished by the supremacy of reason over emotion, and realism in thinking; women, on the contrary, have the most delicate maternal emotion, so the woman's affection is greater than the men, and she has great tenderness and a softer heart (University of Basel, 2015, online).

Males are generally characterized by roughness, and women are characterized by sensitivity and tenderness of feelings (Fischer, A, Kret, M, Broekens J. 2018, 13(1).

Women are shyer than men, and this is what calls them to withdraw from certain encounters (Ighbariya, p.168, 2010); Allah said about describing the daughter of Prophet Shuaib: “This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time,- when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues if any one rejects faith, fruitless is his work, and in the Hereafter he will be in the ranks of those who have lost (all spiritual good)” (5:5).

Women tend to be more humorous than men, and they cooperate, and are more knowledgeable in communication, while the men are rigorous in nature, compete with each other, meet based on mutual respect, tend to use force, and are interested in science and opinions (Friebel, G. Lalanne, M. Richter, B. Schwardmann, P. Seabright, P. 2021, (186), p.33-45).

Section Two: The Impact of the Physical Difference Between the Sexes

Based on the previous physical and behavioral differences, it appears that men are more capable of enduring more stress than women can bear, especially in facing hardships and horrors. In addition, women are exposed to psychological pressure and subsequent anxiety and vigil over their health and the health of their children during breastfeeding or illness, which increases their vulnerability. Consequently, on these profound differences like the creation of women and the creation of men, there are two notable observations:

First Observation: the need for differentiation between them in the jobs and tasks that suit each of them, according to their respective readiness and capabilities, so that each of them can carry out his or her duties to the fullest.

Second Observation: the need for differentiation between them in some legal rulings, to suit such rulings to how each sex has been created, and per both sexes' nature.

The first observation is related to the difference in strength and leadership capacity, and the second is related to the difference in the number of legal rulings. Ignoring these differences by calling for absolute equality between the sexes causes men and women to violate Islamic law, and the evidence for that is as follows.

The Holy Quran warns of calling for absolute equality between the two sexes; Allah said: "On that account: We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them Our messengers with clear signs, yet, even after that, many of them continued to commit excesses in the land" (4:32). The reason for the revelation of this verse is what was narrated on the authority of the Prophet's wife: Umm Salamah, may Allah be pleased with her. She said: "O Messenger of Allah, men participate in expeditions while we do not, and we do not engage in battles, and as a result, we do not attain martyrdom! Yet, we are entitled to half of the inheritance!" In response, Allah said: "Say: "Obey Allah and His Messenger": But if they turn back, Allah loveth not those who reject Faith" (3:32) (Al-Hakim, 1990, p. 2/335). The holy verse instructs us to pray to Allah by asking for goodness from the abundance of His bounty instead of wishing for what others possess.

Prophet Muhammad forbade the imitation of a man by a woman and vice versa. It was narrated on the authority of Ibn Abbas, may Allah be pleased with them him, that Prophet Muhammad has cursed effeminate men and immature women, and said: "Get them out of your homes" (Al-Bukhari, 1422 AH, 7/159). In another narration on the authority of Ibn Abbas, he said: "The Messenger of Allah has cursed men who imitate women, and women who imitate men" (Al-Bukhari, 1422 AH, 7/159).

Justice necessitates assigning each gender what befits it according to its characteristics so that they are not burdened beyond their capacity; Allah said: "On no soul doth Allah Place a burden greater than it can bear. It gets every good that it earns, and it suffers every ill that it earns. (Pray:) "Our Lord! Condemn us not if we forget or fall into error; our Lord! Lay not on us a burden Like that which Thou didst lay on those before us; Our Lord! Lay not on us a burden greater than we have strength to bear. Blot out our sins, and grant us forgiveness. Have mercy on us. Thou art our Protector; Help us against those who stand against faith"" (2:286). Equality between them in everything is unfair because by doing so Allah will charge each sex with something that does not suit its creation and the nature upon which Allah created it.

Thus, the Holy Qur'an emphasized fairness, which is defined as the opposite of aggression (Al-Azdi, 1988, p.262), and also as "judging by the truth" (Ibn Manzur, 1414 AH, 11/430), and also as "giving a person his or her due, and taking what he or she must offer (Mustafa, I., Al-Zayat, A., Abdel-Qader, H., and Al-Najjar, M., The Intermediate Dictionary, 2/588), because justice is defined as a judgment between those who disagree, and that is by giving everyone who is entitled to a right his or her right. Moreover, the Holy Qur'an asserted the prohibition of absolute equality. Rather, the Qur'an stresses the disapproval of equality between those who are different, because equality between those who are different is unfair. The Qur'anic texts that establish the above are as follows.

First: The Qur'anic Texts Command Fairness.

Allah said: "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you, that ye may receive admonition" (16:90).

Allah said: "If two parties among the Believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies, then make peace between them with justice, and be fair: for Allah loves those who are fair (and just)" (49:9).

Allah said: "'This is what we rehearse unto thee of the Signs and the Message of Wisdom.'" (3:58).

Allah said: "And those who, having done something to be ashamed of, or wronged their own souls, earnestly bring Allah to mind, and ask for forgiveness for their sins,- and who can forgive sins except Allah?- and are never obstinate in persisting knowingly in (the wrong) they have done" (3:135).

Allah said: "Say: "My Lord hath commanded justice; and that ye set your whole selves (to Him) at every time and place of prayer, and call upon Him, making your devotion sincere as in His sight: such as He created you in the beginning, so shall ye return"" (7:29).

Secondly: Quranic Texts Disapprove of Absolute Equality Between the Two Different Comparators.

Allah said: "Say: "Allah speaketh the Truth: follow the religion of Abraham, the sane in faith; he was not of the Pagans."" (3:95).

Allah said: "O ye who believe! If ye listen to a faction among the People of the Book, they would (indeed) render you apostates after ye have believed!" (3:100).

Allah said: "Nay, thunder repeateth His praises, and so do the angels, with awe: He flingeth the loud-voiced thunder-bolts, and therewith He striketh whomsoever He will, yet these (are the men) who (dare to) dispute about Allah, with the strength of His power (supreme)!" (13:16).

Allah said: "Allah sets forth (another) Parable of two men: one of them dumb, with no power of any sort; a wearisome burden is he to his master; whichever way he directs him, he brings no good: is such a man equal with one who commands Justice, and is on a Straight Way?" (16:76).

Allah said: "Nor are the two bodies of flowing water alike,- the one palatable, sweet, and pleasant to drink, and the other, salt and bitter. Yet from each (kind of water) do ye eat flesh fresh and tender, and ye extract ornaments to wear; and thou seest the ships therein that plough the waves, that ye may seek (thus) of the Bounty of Allah that ye may be grateful" (35:12).

Allah said: "Nor are the two bodies of flowing water alike,- the one palatable, sweet, and pleasant to drink, and the other, salt and bitter. Yet from each (kind of water) do ye eat flesh fresh and tender, and ye extract ornaments to wear; and thou seest the ships therein that plough the waves, that ye may seek (thus) of the Bounty of Allah that ye may be grateful" (35:22).

Allah said: "Is one who worships devoutly during the hour of the night prostrating himself or standing (in adoration), who takes heed of the Hereafter, and who places his hope in the Mercy of his Lord - (like one who does not)? Say: "Are those equal, those who know and those who do not know? It is those who are endued with understanding that receive admonition" (39:9).

Allah said: "Not equal are the blind and those who (clearly) see: Nor are (equal) those who believe and work deeds of righteousness, and those who do evil. Little do ye learn by admonition!" (40:58).

Allah said: "And what cause have ye why ye should not spend in the cause of Allah?- For to Allah belongs the heritage of the heavens and the earth. Not equal among you are those who spent (freely) and fought, before the Victory, (with those who did so later). Those are higher in rank than those who spent (freely) and fought

afterwards. But to all has Allah promised a goodly (reward). And Allah is well acquainted with all that ye do” (57:10).

Allah said: “Not equal are the Companions of the Fire and the Companions of the Garden: it is the Companions of the Garden, that will achieve Felicity” (59:20).

Chapter Three: fairness between the sexes in Islamic law

It has been explained in the previous Chapter the necessity of differentiation between the sexes according to the fundamental differences like the character of women and the character of men in two matters: the first is in the functions and tasks that suit each of them, and the second in some legal rulings that are compatible with the nature of each. The following observations clarify this issue.

Section One: images of differentiation between the sexes in jobs and tasks

First: Allah made prophecy present in men without women; Allah said: “Before thee, also, the messengers We sent were but men, to whom We granted inspiration: If ye realise this not, ask of those who possess the Message” (21:7), because men are more able to bear the hardships of calling to Allah, the message held by the prophets needs to meet people and persuade them, move and travel, and bear the consequences of that. A woman in such a situation may face dangers such as beating, expulsion, emigration, imprisonment, fighting, and torture. Men are more patient with enduring harm compared to women. Allah said: “When there comes to them a sign (from Allah), They say: "We shall not believe until we receive one (exactly) like those received by Allah's messengers." Allah knoweth best where (and how) to carry out His mission. Soon will the wicked be overtaken by humiliation before Allah, and a severe punishment, for all their plots” (6:124).

Second: assuming the position of the caliphate, i.e., the leadership of the Muslims, based on what Prophet Muhammad said when he was informed of the Persians appointing the daughter of Khosrow over them: “A people who appoint a woman as their ruler will never succeed” (Al-Bukhari, 1422 AH, 9/55). The words of Prophet Muhammad do not mean that women will necessarily fail if they assume such a position; rather, the meaning of the hadith is that the Prophet asks women not to assume this position, and thus the jurists unanimously agreed that it is not permissible for a woman to assume the position of the caliphate (Al-Zaylai, 1313AH; Al-Nafrawi, 1995; 1994 El-Sherbiny; Al-Rahibani, 1994), because of the consequences of bearing arduous burdens that are not appropriate to the nature of women, such as checking people’s conditions, traveling, commanding armies, and concluding agreements and treaties in peace and war.

As for the leadership of the state in the contemporary time, it is a topic of discussion among contemporary jurists, the majority of them hold the same opinion as what the ancient jurists said about the caliphate regarding the leadership of the state today, and others believe that the presidency of states in our days is not what the jurists intended in the past, because the caliphate is responsible for the states of Muslims, i.e., a group of states. As for the presidency of a state in our current time, it is an administration of an institution that is part of an international system, regulated by international treaties that govern everyone.

As for positions lower than the presidency of government, such as a ministry, the judiciary, or the management of bodies and institutions, Islamic jurisprudence accepts the claim that it is permissible if the woman is capable and competent while avoiding forbidden meetings between men and women (in seclusion) (1986 Al-Kasani; Ibn Hazm).

Third: Guardianship of the husband over the household; Allah said " To every people is a term appointed: when their term is reached, not an hour can they cause delay, nor (an hour) can they advance (it in anticipation)" (4:34). The meaning of the guardian of the husband, and that the husband is obligated to take care of his wife and protect her to please her (Al-Qalyubi, and Amira, 1995). Guardianship is the husband’s consultation with his wife regarding family affairs, but the last word for a decisive decision is due to the man, because he is the most capable of facing the problems of daily life, and the result of that is honoring the woman by exempting her from bearing the consequences of family responsibility, as it needs this guardianship to feel comfortable, stable and reassured in her husband’s house. Allah said: " And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy

between your (hearts): verily in that are Signs for those who reflect" (30: 21). This guardianship necessitates two requirements:

Leadership: the family needs a leader, and the strongest in leadership is the man, so guardianship is a preference for the ability to lead, not a gender preference.

Spending: the man is charged with the task of spending on the family, because he is more frugal in earning, to protect his wife from extravagance, and protect her from the burdens of living. Even if the husband separates from his wife, he must cover the financial needs of his divorced wife, such as a postponed dowry, alimony for the waiting period after divorce, the maintenance of the children's custody, breastfeeding, housing, and upbringing.

Fourth: The woman's maintenance is obligatory for the man, whether she is a wife, daughter, mother, or sister, and the expenses are not shared between the sexes. Islam exempted the woman from the obligation to bear financial burdens. If she is living at her father's place, then her father must spend on her, and if there is no father then the husband must do so, and if the husband is absent then her brothers must do so, too. The evidence for the obligation of spending on women by men from the Qur'an and Sunnah are as follows.

Allah said: "The mothers shall give such to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child. Nor father on account of his child, an heir shall be chargeable in the same way. If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If ye decide on a foster-mother for your offspring, there is no blame on you, provided ye pay (the mother) what ye offered, on equitable terms. But fear Allah and know that Allah sees well what ye do" (2:233). Accordingly, the husband, who is the father of the children, is obliged to provide for the wife for the sake of the children, so he is a priori obliged to spend on the children (Al-Zaylai, 131344).

Allah said: "Let the women live (in 'iddat) in the same style as ye live, according to your means: Annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if ye find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf" (65: 6). Obligation of wages for breastfeeding children a priori necessitates the obligation for providing for the wife (Ibn Hajar Al-Haytami, 1983).

Allah said: "Thy Lord hath decreed that ye worship none but Him, and that ye be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honour" (17:23); it is an act of goodness to spend on them when they need them (Ibn Qudamah, 1968).

Prophet Muhammad said to Hind bint Utbah: "Take what suffices you [from your husband's money] and your child in a reasonable manner" (Al-Bukhari, 1422 AH, 7/65), i.e. take from your husband (Ibn Qudamah, 1968).

It was narrated that a Bedouin came to the Prophet and said: Messenger of Allah, I have property and children, and my father finishes my property. He replied; You and your property belong to your father; your children come from the pleasantest of what you earn; so, enjoy from the earnings of your children. (Ibn Hanbal, 2001, 31/154).

The obligation of alimony for a woman is justified by the fact that she is part of a man's kinship, to protect her from estrangement, her obligation is emphasized, and it must be well-treated, thus it is forbidden to abandon her, and sisters are a primary example of such kinship. (1986 Al-Kasani)

The consensus of the Companions and jurists on the necessity and obligation of the man's spending on the woman whom he sponsors (Ibn Hajar Al-Haytami, 1983; Ibn Qudamah, 1968)

Fifth: The lineage of the children in the legal relationship is for the man and not for the woman. Allah said: "And Mary the daughter of 'Imran, who guarded her chastity; and We breathed into (her body) of Our spirit; and she testified to the truth of the words of her Lord and of His Revelations, and was one of the devout

(servants)" (66:12). The reason for that is to preserve honor by preserving lineages, unlike his attribution to the mother, which opens the door to the accusation, just as the father is in charge of the son or daughter, by protecting him, defending him, and providing for him (Ibn Qayyim al-Jawziyya, 1991).

The Holy Qur'an did not attribute the son to the mother unless the father did not exist, like Prophet Jesus, peace be upon him. Allah said: " Behold! the angels said: "O Mary! Allah giveth thee glad tidings of a Word from Him: his name will be Christ Jesus, the son of Mary, held in honour in this world and the Hereafter and of (the company of) those nearest to Allah" (3: 45).

Sixth: Paying the blood money for murder. It is an obligation on the man only; so the one who pays the blood money in the case of accidental killing is the 'Aqilah, that is, the family of the killer, and its amount is 100 camels or its equivalent in gold or silver, and the officer who participates in paying the blood money for the dead person is the male relatives of the killer only. (El-Sherbiny, 1994), because it is customary in Islam that a woman does not have financial obligations, but if she likes to participate and help the family, then she will be rewarded by Allah.

Seventh: Custody of children and their upbringing until the age of puberty is for the female and not for the male, and that is because of the perfection of compassion and sympathy in the female compared to the male. This task is the primary task of a woman and no man can compete with her in that matter: "A woman said: Messenger of Allah, my womb is a vessel to this son of mine, my breasts, a water skin for him, and my lap a guard for him, yet his father has divorced me and wants to take him away from me. The Messenger of Allah (ﷺ) said: You have more right to him as long as you do not marry" (Al-Sijistani,2009,2/283). That is, as long as you do not marry another man, then you are more entitled to his custody. Imam Al-Shafi'i says in his book Al-Umm: "If the parents separate while they are in one village, then the mother has the right to have custody of her child as long as she does not marry and they are young, and if one of them reaches puberty, and he is sensible, then he must be asked to choose whom to stay with, and if he stays with his mother then his financial needs must be covered by his father, and his father is not prohibited from educating him as the former pleases. (Al-Shafei, 1990, 5/99).

Section Two: Examples of Differentiation between the Sexes in Legal Rulings

First: Prioritizing the mother's pleasure and honor over that of the father. Prophet Muhammad said when a man came to him asking him: "O Messenger of Allah, who is the most deserving of my good companionship among people?" He said: "Your mother, then your mother, then your mother, then your father, then the closest to you." This is an indication that the right of the mother is three times that of the father, and the reason for the mother's superiority over all human beings is due to her excellence in encountering the difficulties she faced during pregnancy, childbirth, and breastfeeding. (1994 El-Sherbiny, Ibn Qudamah, 1968; Al-Sanaani:1968)

Second: The women's body parts that must be concealed differ from that of a man, as she must cover all of her body except for the face and palms in front of marriageable men. Allah said: " And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! turn ye all together towards Allah, that ye may attain Bliss" (24:31) because the woman is a greater temptation than the man. Thus, it was just for her to cover up more of her body than the man. Allah said: ""There has already been for you a Sign in the two armies that met (in combat): One was fighting in the cause of Allah, the other resisting Allah; these saw with their own eyes Twice their number. But Allah doth support with His aid whom He pleaseth. In this is a warning for such as have eyes to see"" (3:14). In comparison, before non-marriageable men, it is permissible for a woman to show her head, hands, and feet. Allah said: "And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they

should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! turn ye all together towards Allah, that ye may attain Bliss" (24:31)

Third: Islam made obligatory a group of acts of worship for men that are not obligatory for women, including: Islamic law mandated men to perform jihad, not women, because men are the most capable of that. It was narrated that Aisha, may Allah be pleased with her, said: "O Messenger of Allah, we see jihad as the best deed, so shall we not strive for it? He said: "No, but the best jihad for women is an accepted pilgrimage" (Al-Bukhari, 1422 AH, 2/133).

Islam obligated men to perform the Friday prayer in the mosque and desired them to perform the congregational prayer in the mosque for each prayer. For women, it was not required to do so. It was narrated that Prophet Muhammad said: "It is more excellent for a woman to pray in her house than in her courtyard, and more excellent for her to pray in her private chamber than in her house. " (Muslim, 1/204). Thus, if her prayer inside the house is better than outside the house, then, by inference, it is more important for her to pray inside the house than outside of it.

Prayer is waived for women during menstruation and postpartum bleeding, and they are not obliged to make up for it, out of mercy for them during this period in which they become weak; Prophet Muhammad said: "no prayer is accepted without being in a state of (physical and ritual) purity" (Muslim: 1/204). In comparison, during Ramadan, women having the same previous conditions must not fast, yet they have to make up for the days they miss because fasting is not as frequent as prayers: fasting is due one month a year but prayers are due five times a day (Ibn Qayyim al-Jawziyya,1991). This ruling does not apply to men, who are never waived of the obligation to perform prayers and fast.

Fourth: Polygamy is lawful for men; Allah said: " If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice" (4:3). It is inferred from the text of the verse that men are allowed to have more than one wife as long as they fulfill their duties to their wives. While for women, this is prohibited; Allah said: " Prohibited to you (For marriage) are:- Your mothers, daughters, sisters; father's sisters, Mother's sisters; brother's daughters, sister's daughters; foster-mothers (Who gave you suck), foster-sisters; your wives' mothers; your step-daughters under your guardianship, born of your wives to whom ye have gone in,- no prohibition if ye have not gone in;- (Those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same time, except for what is past; for Allah is Oft-forgiving, Most Merciful;- Also (prohibited are) women already married, except those whom your right hands possess: Thus hath Allah ordained (Prohibitions) against you: Except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property,- desiring chastity, not lust, seeing that ye derive benefit from them, give them their dowers (at least) as prescribed; but if, after a dower is prescribed, agree Mutually (to vary it), there is no blame on you, and Allah is All-knowing, All-wise" (4:23-24). Women that are forbidden from getting married to a man are those who are already married, which means that a woman cannot have more than one husband. Thus, absolute equality in the marriage system between the man and the woman is unfair, because the woman has one womb, and bears one child from one man in one year, and it is not the same concerning the man, so he can have several children from several wives, and he bears responsibility for all of them, and the lineage is known to be his.

In contrast, polyandry has the following problems:

It messes with the lineage, and the matter becomes confused as to who bears the responsibility of the wife and the children of these men.

The woman's inability to carry out the interests of several children with their fathers in several homes.

An increase in spinsterhood is also one of the problems in this matter, given that several men become reliant on one woman.

Men commit adultery crimes when one wife is preoccupied with pregnancy and childbirth.

The result is that polyandry has no benefit for society, unlike polygamy if there is a justification for it, such as the wife's illness, or her lack of children.

Fifth: Women's testimony is not accepted in felonies, (Al-Sarakhsi, 1993; Malik, 1994; Al-Shafei, 1990; Ibn Qudamah, 1968), because she is more likely to be forgettable than men, so the assurance is less, and serious crimes are not proven by the presence of this lack of assurance, to ensure the fairness of the judicial ruling; Allah said: "O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you" (4:1); that is four men, and it cannot be said that the status of women's rights here is violated, because this is a matter of obligations not a matter of rights.

Sixth: The jurists unanimously agreed that the blood money of a woman is half the blood money of a man, (1986, Al-Kasani; 1994, El-Sherbiny; Al-Mawwaq, 1994; 2003 Ibn Mufleh). Blood money is due in case a man deliberately kills a woman, then her family pardons him and decides to take the blood money from him instead of killing him, or that the killing was wrong. The reason is that the blood money is a financial compensation, and the financial compensation varies according to the loss, and the loss of the family for the man who earns money for them is greater than the loss of the woman he spends on.

Seventh: The sons' share of inheritance is twice as much as that of the daughters. Allah said: "Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased Left brothers (or sisters) the mother has a sixth. (The distribution in all cases (s) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, Al-wise" (4:11). This distribution is exclusive to sons and daughters concerning the inherited (dead) father or mother. This does not mean that the men always take the double amount due to women, this is justified by the fact that men are responsible for the costs of marriage, housing in the cases of the wife and children, their treatment and education, and the woman is not responsible. In Islam, it is established that whoever gets preferred in inheritance is the one who is more indeed compared to other inheritors. (Al-Bakhitan and Al-Ali, 2005).

Conclusion: It Contains the Most Important Findings and Recommendations.

First: Results:

Islam affirmed the unity of the origin of the human race, and the unity of upbringing in the stages of human formation of man and woman, and that they are of one essence from Adam and Eve, and their origin is from the soil.

Islam treated equally both sexes concerning human dignity, obligations and penalties, and public rights.

Islam forbade absolute equality between the sexes; Allah said: "And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things" (4:32), and trying to blindly treat both as identical is against their very nature.

The divine doctrine is the differentiation between the two sexes (male and female) in a way that is consistent with each sex's instinct and the nature of its creation so that no one will be wronged at the expense of the other, or prevent the other from fully performing its role in society. For this reason, Islam singled out women with

some rulings about men, whether they are more or less, to alleviate difficulties women would encounter and appreciate their circumstances.

The differentiation between men and women in creation and abilities leads to an integral relationship in performing tasks and thus establishing healthy societies.

Allah made the female, with her special characteristics, fit to participate in establishing human society, in matters that no one else is suitable for, such as pregnancy and childbirth, breastfeeding and raising children, and taking care of their affairs, and these services are no less than serving the man by earning.

Second: Recommendations

More scientific studies must be conducted on the subject of the paper, whether through refereed research, university theses, or scientific conferences and seminars, with the participation of jurists, and benefit from their experiences, whether in the religious, medical, and social aspects and from different religions and beliefs.

More importance must be given to international support for all available forms of activities to contribute to the promotion of women's empowerment of their legitimate rights based on the principle of equality and in a way that does not contradict their nature and instinct, whether in the social, economic, and political fields.

More consideration must be given to the legal legislation and international treaties that regulate women's rights to ensure the achievement of two things: preserving the dignity of women, and accounting for religious particularity.

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