

An investigation about women employment in jurisprudence and Law Islamic Republic of IranForouzan Alaeinovin (PH.D)¹, Amir Ahmadi (M.A)², Hamed Kheradranjbar (M.A)³¹ Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, IranE-mail: Forozan.novin@yahoo.com² Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, IranEmail: Amir.ahmadiy91@gmail.com +989372980096³ Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, IranE-mail: kheradhamed@gmail.com

Abstract: Human is a social animal and he/she is inevitable for having relationship with others. nowadays variety of these relationship in different aspects is so big and huge so that can affect human personality and identity formation. so a big number of human talents and capabilities are appeared in the society. Women also in this arena can attend quantitatively and qualitatively and one of the fields for attaining this goal is employment in Islamic societies employment is considered as one of women social rights, they can not only get profit from having a job, but also they can have a share in their society progress. there are some rules and laws about women employment that try to reserve women dignity and virginity when they are employee that we comment about in this article.

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Introduction

Representing the correct picture of Muslim woman epitome and interpreted in of their rights and how to incorporate her in social activities by emphasis on correspondence with religious original instruction are urgent needs of our society. precise knowing of women right and their responsibilities in the society is a bed maker of optimal using potential talent of half of the society population rapid and extensive changes in all aspects like economy and culture has provide the changing attitude about women issues necessity of reading to correspondent approaches with time and place requirements accompanied with keeping fined religious beliefs and values, make a urgency about reanalyze the women rights in rules and laws and one of the indicators for women right is employment of hat always is discussed by the scientific school and related experts in this regard one of the essential duties of legislators, planners and executives is providing good fields for women suitable function and vole playing according to Islamic society goals that in this article we have a look on it.

1-Employment concept

Employment in one sentence can be applying the production agent or applying all present capacities. employment always have a clear and distinctive relationship with the employment we can define this relationship as. Profitable relationship for getting income (money, stuff for services) that itself is a way for achieving some needs (Tavassoli,2001).

2-Relsons of dissenters with women employment**1-2-Referring to verses (holy Quran)**

The most important verses that is presented by the women employment dissenters are:

A) Prophets' wives, sit in your houses and be calm and don't makeup and self presentation like the previous period of ignorance ignorance (Sura Ahzab, verse 33).

B) Men have superiority and patron ship over women and become of that superiority god appoints some on other people (Sura Nesa, verse 34).

here, having the jobs and women social attendance with the absolute suggestion to them to sit in home are not matched and expect for some limited cases that women can go out urgently we can't rely on these verses and permit women to work out side in response to this dissenters it is stated that: in the first verse coming out is prohibited with making up not leaving the house completely and this verse emphasis that has some ethical points is for all women and has no relationship with prohibiting the women employment the second verse shows that man is patron and this responsibility doesn't make any advent age for him. (Javadi Amoli,1993).

2-2- Referring to the comments

The most important comments that this group of people refer are:

A) Imam sadegh (a.s) says: The best mosque for women is houses (Al-hor Ameli,1995).

B) The holy prophet (S.a.w) says: "if any nation assigns all his affairs to a woman (a woman is leader) that nation won't be Salvation and Successful" (Najafi,1991); (Al-tosi, 1998).

In response to these dissenters we should say that: the first comment Tradition implies for saying pray at home for women and second comment also only prohibits women in judgment and none of the above show that women can't work outside.

3-Reason of women employment pros

1-3-Referring to the verses

A lot of verses in holy Quran emphasize on Women activity in society that are that says women like men owner what they earns in this verse earning means profit from whatever the men gets, namely, women is allowed to work that gets (Sura Nesa, verse 32; (Ragheb Esfahani,1993).

there is nothing for human but whatever he tries for that is, human has to try for making money this verse is told generally and includes men and women and there is no that women is not allowed to work (Surah Najm, verse 39); (Makarem Shirazi,1992) and there are some other verses that commends on work and effort that is told absolutely and in eludes everybody.

2-3-Referring to the comments

The holy prophet (s.a.w) says: seeking for Solvent income is obligatory the best over for every Muslim (Majlesi, 1991). He says: god hates idle and lazy person in worlds and the next affair worlds (kulayni,2009).

4-Reasons for women employment in Iran's constitution

The part 28of constitution everybody is allowed to choose a job that isn't against Islam and public interests and others right. government has to create job by keeping the society's need to different jobs for every applicant person condign equal conditions this principle with the adverb of everybody mentions a general order and doesn't make any difference between man and woman and also the second section of part 43that is about providing the economical independence, states that, providing the job's conditions and facilities for everybody in order for reaching to complete employment and putting the job instruments for everybody those who are able to work but they are deprived, in section 4we also have keeping the freedom of job choosing and not to force people to a special job and prohibiting of another one job exploiting..... And in part 7using science and technology and training skillful person in respect to necessity for countries economy progress and development (Iran constitution); In above mentioned text with the word everybody the emphasis put on employment for everybody: according to what is in the constitution. according to bill 38of job law payment should be paid equally to man or woman whom they work in equal working condition any discrimination for determining the wage amount based on age genders race ethnicity and religious or political

beliefs is forbidden. In the working law also there is no discrimination or limitation for woman in job contracts and in the assigned jobs between two gender. According to 9 article of above mentioned law we suppose all job contracts are true, unless related authorities can find a invalidity in it"(Labor Law of the Islamic Republic of Iran).

Constitution of Iran part 21:" Government is obliged to ensure insure women's right in all aspects with keeping the Islamic rules and does the following affairs creating suitable backgrounds for woman personality growth and reviving her spiritual and physical rights..."the general word (women's rights an all aspects) is general and one of its instances is employment rights.

2-4- Civil law

In article 1117 of civil law it has been stated that husband can prevent women from a job or industry that can hurt family dignity and foundation this section enables husband to stop women working in some cases that is, in other cases men can't prevent women from working. It is clear from this section that wife can have a job and in some cases husband can stop her working.

5-Some jobs limiting women employment

1-5: prohibition in being a president of country

"According to section 115of Iran's constitution president should be chosen from religious or political men that are qualified by the following criteria. such as: Iranian, resident, manager and wise, having good reputation faithfulness and having virtue..."

Some believe that the word (men) means any famous religious and political celebrity not necessarily men of religion and politics but, by all these comments, the gender load of (men) can't be ignored (Norouzi,1999).

2-5-prohibition in judgment

Imamieh jurists prohibit women from judgment, as sheikhe toosi, moahegh heli and mohaghegh sabzavary confirmed this point explicitly that, women are not qualified to be judge anymore and a judge should have maturity, wisdom, virtue, justice, being noble, being knowledge able and being male (Al-tosi,1998); (Helli,1989). In past laws (pre Islamic revolution of Iran) women could be judge but after revolution, the laws were revised. after revision some rules about recruitment and employment got modified on 1983 judges should have following criteria..... But also women can work in some sections like consultancy and research and prohibition is just for court managing and giving commends about culprit (Musawi Al-khmoyni,1988).

3-5-Limitation of employment in army forces

In section 32of Iran's Islamic law of army says: army department can use women just in some medical and hospital jobs and section 20of police recruitment

rules say that police can employ women in some needs jobs as clerk or police personnel with keeping Islamic rules.

6-The condition of employment right while marriage contract

Every side of marriage couple can assign a condition for other side and Committed should keep it as in other contracts it should be kept.

The section 1119 of civil law in this regard says that every side of marriage contract can assign a condition that is not against that contract. In marriage contract or contracts may necessary other.

Freedom principle in using social and individual rights enables people to continue any commitment that they made while engagement employment and education can be good examples of that. doing that not only enforces couple to keep the condition and preventing the arguments emerging, but also validate this case and if there is problem court can find the solution easily.

7-Women employment factors and motivation and it's affect

In recent years some issues affected the women employment that we mention some of them as follow:

1-7-Social cultural conditions

In our culture having Islamic culture and has unique features between present cultures and civilizations, the cultural issues necessitates us that employ women in some jobs if we suppose employment and fool for running social wheels, we find that in some jibs women should attend seriously. in some jibs that is related to women, society need women corporation, some matters like education medical affairs, social services and.... Are some matters that have made this serious need, attending women in Social Corporation more basically and serious.

2-7-Education

One of the basic issues in improving women employment, is women education and academic degrees. In recent years know ledge has been granted to women like men that they can help the society. Some factors like increasing the number of universities and academic scientific fields, also creating the safe atmosphere that women can study in its light has cased that women can dominate half of the university. But this matter can be investigated in some aspects in the shah period that families prevented their girls attending in universities, women get academic degrees less, and because of that their employment were more limited and superficial. Another problem is that someone dedicate a big shave of his life to education and it will be miserable if he/she can't use his education for his/her employment. another point that has amplified women employment growth and specially this problem is the problem of

social needs growth and development of societies based on scientific and technological issues in dividing the jobs to various branches has caused to different scientific majors in this situation women attending some jobs seems necessary for example in some jobs like nursery, teacher ship and medicine, the society needs the educated women sharply.

3-7-Provision of fiscal material needs

Another problem that has extended the women employment is the problem of families fiscal need. it seems that this issue is present in our current society more seriously and has caused to the employment growth intentionally or unintentionally. Increasing the living expenses and improving people life style has encouraged a lot of women to go to working market as men and by that provide better life for their families, those family that women work, are family that men is generally office worker and life level is at the medium level. because of that wife tries to find a job or does some jobs which correspond with her academic degree that she can bear a shave of living burden and improve family buying power.

4-7-Obtainning social dignity

Generally speaking. for women employment there is possibility of intervention as a cumulative factor. By working not only women can help to family income, but also they can present their talents and capabilities a playing the familial and economical holes and having success in doing some assigned duties has grown the sense of self confidence among them and enhance their motivations in achieving their commitments society admires those women who get social and occupational success. This dignity can improve the women attitude toward keeping their job positions. It seems that women motivation between two section of fiscal and non fiscal is determined based on society purposes and women social position. The more higher society goals, the more stronger non fiscal rather than fiscal motivation.

5-7-Increasing free leisure, (time)

Decreasing the birth rate and using some simple machines for doing house works let women have more free time. this free time if is dedicated to some recreational, educational or sport activities will need big money. and if family can't afford to pay this money women have to work and if women can find a job this situation shell help to make money in addition to spend her free time.

8-Positive effects of women employment

1-8-Society using of women skill and specialty

Working outside and using women knowledge and skill in different parts, not only leads to use of working force optimally but also it is a suitable response to some people needs. some families prefer to visit a gynecologist for treatment or their children

educational issues, especially in some jobs like that education specialty and service not only is a social need. but Also if can be very needed collective Wajib (kar,1994).

2-8-Improving family cultural level

Employment and social presence of women and communicating with different people in working place and getting experiences has improved her perspective and maximizes the planning power, decision making and administering the family well. this matter will be influential in all family social attitude and deepen their understanding from logical analysis of different issues.

3-8-Improving family welfare

Having provided all family members needs for using present cultural, computational, educational and recreational facilities needs alt of money. in those family that both parents work there be move possibility of those facilitates, which are useful in proving educational and scientific progresses.

4-8-Improving children position

Working women, because of attending activities' have learned how to treat children more and their sensitivity to their children educational and spiritual situation is move than house wives, although they are at homeless children of working parents because of their special situation have learnt that should rely more to education in the school environment rather than home. some studies show that children progress and success is more when they're both parents work.

5-8-Declining fertilization rate

Some statistical tests have proved strong cohesion between women employment, fertilization rate and children number, as about some working women their children is less than house wives children tangibly. in the sociological point of view, women corporation in some economical parts and some affairs out of house has imposed very strong influence in their decision about fertilization and giving birth, that means giving birth and being pregnant have been adjusted with working condition and employment, but it doesn't mean that employment is affected by having children completely (Sheykhi,2001).

6-8-Positive mental affects of women employment

1-6-8-Rescue from depression

One of reason that causes women depression is having a monotonous life and if women is kept from society and is prevented from doing some socio-economical activities, shell get depression surely attending in society and taking the socio economical responsibilities will save her from depression (Moin Al –Islam, without date).

2-6-8-Mental balance

One of the most basic needs of human is self blossoming psychologists believe that if human can meet all his needs another needs will emerge unless he

works and blossom his potential talents. if anyone can blossom his capabilities by working he/she can have mental balance (Moin Al –Islam, without date).

3-6-8-Self confidence

One of the employment advantages is the sense of satisfaction and giving service to the humanity and increasing self confidence caused by employments you feel you are suitable (Tayebi, 2001) in another word women employment increases their wisdom and social awareness and creating self confidence and their mental and thought in dependence (Mohtashami,1999).

4-6-8-Hope fullness in old age

Based on psychological finding, working women in their old age will get less depression compared to housewives and they have better memories than housewives from their younhood age (Tayebi, 2001).

9-Negative effects of women employment

1-9-Mixing the women and men

When men and women mix together, there'll be a lot of problems for them specially for women dignity. with reference to prophet's (s.aw) tradition and jurist's commands jurisprudents Legal Decisions women and men mixing should not be and sometimes is illegal and forbidden (Musawi Al-khmoyni,1988).

2-9-Increasing divorce rate

When we consider the influential patters of family failure before we consider family's disregard toward each other.we face divorce, when we analyze families we can see that women or women fulfill their emotional with others when their emotions to ward euchre fades away. Audiovisual pleasures in working conditions that is accompanied with intimate relationship and respect and there is no commitment between them and decreases spouse emotional needs unconsciously can damage the family foundation further more working fatigue and its consequences can devaluate the house as a simple dorm, which was a shelter for both of them before and this issue will be followed by divorce absolutely) Azerbaijan,2002).

3-9-The disappearance of woman beauty and exhilaration

Women freshness and beauty remaining needs more rest and relaxation if a woman is forced to work like man, she'll lose her pride and she looks like old man earlier than usual. Man wants for his family to be the center of comfort and refreshment. A woman is able to give comfort to place the family circle that the size of a man's of work is not exhausted (Motahari, 2001).

4-9-Reduction associated with family members

Women working, spending house outside and house hold chores decreases the family members contact with each other and limits the pilots for exchanging the ideas about family problems specially if challenge and argument is there among other

problems of family this matter will intensity challenges between family members.

5-9-Children emotional and educational problem

Women attending in markets and giving their children to day care centers will result a lot of problems. bad nutritional, hygienic condition and probably inexperienced trainers of this centers will create some shortages for children, that will be irreversible because mother isn't at home a lot lack of supervision on children educational progress is also one of the consequences and negative influences of mother working.

6-9-Fatigue caused by too much work at home and outside

If one women works out side it doesn't mean she doesn't need to do house hold chores, but after work she has to work at home like housewives, in spite of working outside has to manage household doubtlessly this matter will bring her physical and mental fatigue.

7-9-Husband discontent

We can say that if husband is content with his wife working, this matter will not get worse, but if father is not content with wife working there will be a lot of problem for family and wife it probably will degrade family foundation.

8-The negative mental effects of women employment

1-8-9-being excited

One of the mental problems and issues of working women is being excited psychologist believe that when anyone takes a lot of responsibilities he/she will get kind of role confusion that will bring excitation for them because women can't stand multiple responsibilities (Moin Al -Islam, without date).

Imam Ali (a.s) says: don't but too much burden on women shoulder because she is a rose not a heroine (Shariat Panahi,1993).

2-8-9- Feeling of exhaustion in women

Employment for women is considered as an additional role and every additional role leads to more pressure on his/her time and energy. some researcher believe that sense of corrosion in men is related to their job directly while in women this sense is more because of role pressure and amount of social support the additional burden of role, limits the social life and family or friends relationships and hence she gets depression (Bagheri,2002).

3-8-9-Guilt feeling

Employment especially full time one will create negative physical and psychological consequences like feeling the sense of Guilt toward children because they are at home less time and spend less time with children, then they feel Guilty (Bagheri,2002).

10-Religions codes of women employment –general codes

1-10-Keeping the covering

From Islam point of view, women is a human, with all her special values, but because of an inherent attraction that nature gives her she can attract the man (Modaresi,1981). Islam for keeping woman's personality and dignity necessitates covering for her and doesn't want to consider woman as a profitable instrument as in Western countries. God says to his prophet in holy Quran: prophet, ask your wives to close their eyes from strangers and keep their innocence and don't show their jewelries more than needed and usual and wear their scarves on their breasts to cover their neck and chest and don't show their jewelries but for their husbands family.

2-10-Refrain from look at forbidden

Islam has prohibited men women Muslim from having illegal look this doesn't mean that you should close your eyes, but also it means avoiding from staring and looking without mal intention that in holy Quran it has been implied.

3-10-Poise in speaking

There are some verses in holy Quran including Sura Ahzab, verse 32 that says: don't speak in sexually way that can stimulate some ill-minded men and speak in a suitable way. What we infer from this verse and will be an eternal fad is that Muslim women has to be have in a way that should have reputation because of that. In this time no one thinks about her in an evil thinking (Motahari,1991).

4-10- Poise in walking

Women should walk in a way that they don't reveal their jewelries and attract the men's attention to themselves. Holy Quran says: don't push your feet on the ground so that no one can watch your jewelries anklet (Sura Noor, verse 31). At that time women of Arab used some jewelries Anklet on their when they wanted to show everybody they wear on jewelries, they pushed their feet on the ground hardly. And also modesty of the Prophet Shoaib girl speaks during walking, it has meant that when she walked you could see her modesty.

5-10-Avoiding from Grandstanding and self presenting

Holy Quran in some verses related to keep covering used the word "Grandstanding" "self presenting and prohibits women from attending in public places with pride "Grandstanding" and self presenting (Sura Ahzab, verse 33).

The word "Grandstanding" means self presenting and is taken from (posing) that means showing as skyscrapers show off themselves between low building (1995 (Hossein Khosravi,1995). In the Misbah Al-mnyr dictionary" Grandstanding"(Tabaroj) means showing women jewelries to men (Al-moqri Al-qomy, 1928). Islam prohibiting women from showing off, in Face issues the women attending

permission in the society, this permission, requires preventing from evil deeds that allows women attending in society completely.

11-Religious Conditions of women employment -specific codes

1-11-Investigating husband permission when women going out

From that point that women employment requires going out Of the house. different comments in this regard is assessed:

1-1-11-Analyzing the jurist (Jurisprudents) ideas about husband permission

Some Islamic jurists believe that “woman can’t leave home without her has hand permission but for doing some religious rituals like hadj ablation or Obligatory prayer or patients curing” (Al-jabai Al-amoli,1990). Some say that if a woman leaves house that is for her residence without religious permission; is of indication of recalcitrance (Tabatabai, no date).

The reason for this claim is a narration from prophet (s. aw) that he was asked about wife responsibility toward her husband and he says: woman has to leave with her husband permission (Al-hor Ameli,1995). Some consider mans enjoyment as a reason and believe that man can prevent his wife from going out because always he can use of his wife in any condition because woman has to obey her husband (Al-tosi,1971) women shouldn’t disobey husband and it is one of the absolute rights of husband woman should leave the house by her husband permission even for worshipping or pilgrimage or in the mourning party (Musawi Al-khmoyni,1988) but also in jurist comments we face some more balanced ideas. One of the contemporary jurists says: Woman can’t leave the house without her husband permission if doesn’t meet her band physical, spiracle and sexual needs but it is better not to leave the house without permission. and it is said that if women leaves the house for abandoning, She isn’t deserved to alimony (Khoei, without date).

According to it is comment just going to special place needs permission, and if husband is away or has gone to a journey for a long time women can leave. the house.

2-1-11-Investigating the civil law about husband permission In leaving of women from home

In civil law there is no implication for husband permission, but article 1105 of civil law declares: Man is the patron of the family the jurists suppose husband permission of his patron ship and be live that women can have a job on some fields like: sewing painting or pottery, but if these issues requires that she leaves the house heir some private tutors, she has to get permission from her husband (Imami,1991).

But if women employment is before or after marriage, idea will change as they says: if women

while marriage doesn’t have a job and if they have an agreement to not working the wife, the husband can stop her working completely. but in some jobs that are against husband enjoyment even if in the house she should get her husband permission so it is clear that if women doesn’t obey she is considered as recalcitrance but if while marriage the wife has a job husband can’t stop her working (Mohaqq damad,1995).

2-11-Necessity of women’s job matching with familial Interests

1-2-11-Surveying article 1117of civil law

According to article 1117of civil law, husband can stop wife working if it is against familial profit or woman’s dignity herself. but there is no fined rule for determining general rule about of time and place and court should determine it (Safai,1996) according article 15of family supporting rule. husband can stop her working if that job is against familial benefits. and part 16of familial supporting guideline in explaining of sections it says: the boss Natural and legal can, referring to article 156, cut the job contract if husband has a claim to court that her job is against familial to one fits. According to this rule if husband wants to stop her working At first he should go to court and convince the court that women in job is against here her family dignity and if gets this command of court he can stop her working (Safai,1996).

2-2-11-Investigating of article 18of new rule of family support

Content of article 1117of civil law has been repeated in part 18of family support approved in 1974that says: Man can go to court and stop his wife working any jobs that is against family dignity or women dignity and vice versa. If court can find out that a job is against family dignity, by wife request can stop him working the first article of this rule is quietly similar to that rule approved in 1967by one difference the word Prestige and dignity is changed Prestige and like previous rule, court permission is necessary so we can say the boss him/he self can stop wife working even husband is not happy with wife working unless court allows them.

Then article18 isn’t new rule, but second and third part requires new rules and shows the inclination of new law in more supporting of women right and making equality between couple the second article of this rule allows woman to stop man working it his job is harmful. But because man is patron of the family court can’t stop him working and this is the unique difference between man and woman any way, any job we are talking about is any legal, and any illegal job is rejected naturally like smuggling (Safai, &, Emami, 2005).

3-2-11-Investigating the court comment about preventing women special employment

Because of court enforcement; All women commitment that is related to woman herself and because of her job will be cancelled, But onwards the damage to the a third party must be compensated by a woman. All contracts that woman his signed about her property, even after husband disagreement isn't cancelled, because according article 1118 of civil law, wife has financial independence however a wife goes to business in spite of her husband disagreement and if court prevents her /all her contract which signed will be applicable. This woman is recalcitrance in her relationship with her husband. But toward third person she should be loyal to her contract and even if she couldn't pay her business debts. court can declare her as bankrupted (Katouzian,1996).

3-11-Some issues that husband can't stop woman working

1-3-11-Religious affairs

Wife can do her religious responsibilities without her husband permission and husband should manage each one of the family so they can make their religious duties. In this case, one of the jurists says: if husband is know, ledge able about his religious duties he should teach his wife, otherwise he can't stop woman learning religious duties (Najafi,1991).

2-3-11-National affairs

Everybody has a chain of political duties so, he/she should do them, by his /her own idea and nobody can interfere, him/her.

3-3-11-Trans actions and financial affairs

Wife like husband has independent Legal personality, that won't be limited by marriage and can decide about her property as she want, sign any contract she wants and make a commitment for herself toward others, go to court for her claims, defend her toward others oppression.

Conclusion

After doing some research we concluded that by having a look on Islamic law and principle, women employment in today's society is considered as a righteous issue, and if a book or text isn't for women employment. It is when that employment harms family, man or woman dignity. As we see in section 1117of civil law; Based on Islam point of view, man and women responsibilities in the domain of working especially social presence fields are common. Implications of social presence including cultural, educational, political academics vocational and soon with keeping religious aspects of relationship doesn't belong to specific cluster or gender or race and women not only can, do that but also in very cases it is considered their religious or social assignments, some jobs like: Midwifery nursery, education and like that, all confirm the necessity of woman presence outside the house: Another issue that surveyed was

wife permission while going out of her husband that this issue is discussed explicitly by Imamieh clergyman, narrative texts and even in some scientific articles of (Ayatollahs) and they believed that a women who engaged permanently, shouldn't leave the house without husband permission, that here Islam as a one of the juridical schools with presenting good approaches has been able to support couple right and life strength. One of Islam's solution for getting rights that women lose while marrying is that she uses some conditions while engagement. Conditions while engagement mean a necessity or requirement that will be attached to original promises or commitment of another commitment and complements their limits or conditions of that commitment or revolutionizes them. These conditions should be a part of correct conditions, since some of the conditions are against dominant laws and requires the engagement contract which are subsection of illegal and canceled condition so by referring to the principle (Believers are with their conditions.) and generalization of the verse (Be loyal to your contracts). As keeping the promise or contract is necessary, keeping the contract obligatory is also required too and it is obligatory (Wajib) religious) then if women assigns the embayment right while enjoyment contract, husband should keep his promise all the time, otherwise wife can complain to court and forces him to keep his promises and contract and court can't force the man to keep the contract or promise, wife can abolish her engagement contract

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