

# Family Problems - Wife's Work - and Its Solution in the Light of Maqasid Shariah

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## Abstract

Study problems revolve around the emergence of social problems resulting from the fact that the wife goes out to work which leads to neglecting certain rights and obligations. Moreover, the cases of domestic violence by beatings and verbal abuse in all its forms increased. Accordingly, the importance of the study lies in building a happy family which is the first core in building a society; it is essential to protect its integrity and foundations, and also the role of maqasid shariah appears to be crucial in solving contemporary family problems. This study aims to highlight the rights and duties between spouses in accordance with Islamic law, and to identify the reasons and motivations that led to the existence of these problems and how to address them from the maqasid shariah perspective. The study adopted inductive and analytical approach by looking into schools of Islamic jurisprudence, and discussing the authorities relied on by the jurists to see the points of agreement and disagreement, and then the analysis of texts and issues in the light of maqasid shariah. The study found that the main reason for having family problems is lack of knowledge of the spouses of rights and duties and abiding by them. And wife's work is permissible by the shariah within certain limits and restrictions and not to contradict maqasid shariah, and a working wife has to balance between her work and the interest of her family.

**Keywords:** problem, violence, family, wife's work, the purpose of the shariah

## 1. Introduction

The rapid change of the contemporary period brought some changes contrary to the past which include competition of women with men in all aspects; whereas in the past women used to specialize in a field specifically for them. In the past, no woman was thinking on competing with men in fields such as agriculture, treatment of the injured in wars, dyeing etc. as it is well known in the history of women companions; but life today completely brought the opposite until some parents stipulate work as a condition before given out their daughters for marriage. Moreover, factories, companies, institutions, public and private business prefer women on men in employment. On many occasions women's CVs were preferred while men's CVs were rejected. After experiencing this preference, women started to compete with men and forgot the great and noble work through which they can attain the happiness of here and after and that is the upbringing of the future generations based on Islamic teachings; this is the work that Allah (swt) naturally entrusted women with which cannot be altered. Thus, I will discuss the issue of wife's work then followed by equality and a difference between men and women is some rulings and conditions for her work:

## 2. Woman's Work in Islam and Its Conditions

There are five provisions on women's work; the work may be permitted, preferable and compulsory. The origin of that is the freedom of the individual to work or to abstain from work. However, an individual may be prevented from working if it is detrimental to other such as monopoly, and since sometimes the reason for work by a woman may be to increase her earning (Zidane, 2000), it is not compulsory for her to work because her expenses is covered by her husband whether rich or poor; or her father if she is single and is poor; or her brother or any other person who has the responsibility to cover her expenses where her father is not alive. A woman with this situation may be allowed to work based on the conditions that would be mentioned later.

If the work is taken as an excuse to neglect her obligations which are managing the home affairs and children and other requirements of marital life of the husband's and children's rights, then working for her is not

permissible because a compulsory act cannot be neglected because of performing a permissible act. Woman's work is not permissible if it will lead to neglecting the rights of the husband and children. If a woman has no house obligations on her for example she is single, staying at home is more peaceful and safer for her because Allah (swt) says: (and stay in your houses). However, where there is a necessity to work outside 'necessities permit prohibitions' and this is a well-established principle in the shariah (Maimunah, 2000). The scholars distinguished between wife's work that neglects husband's right or is detrimental to him and the work that is not detrimental to him; they permitted the latter and prohibited the former. Ibn Abidin from the Hanafi Jurists says: "What is to be relied on is to prevent her (woman) from any work leads to decreasing her right, or harm it, or her going out from his house.

But the work that has no harm, there is no point in preventing her from it; and he shall not stop her from going out if her job is a fard kifayat especially for women such as midwifery" (Sabiq, 1988). A believing woman that stays at her house is rewarded from two aspects:

1. By obeying the command of Allah in staying at home.
2. Not harming the Muslims.

Although staying at home is the best thing for woman, but it is permissible for her to work in medical field generally, either in birth or other, and she may discuss with doctors for what she needs in treating patients, provided she uses proper words and not staying in isolation with a male doctor, and properly covered (Majallat al-Buhuth, 2005). Then he quoted the opinion of Ibn Taymiyah on the issue which says: (The origin is that a man goes out and a woman stays at home except with a necessary reason), the saying of Ibn Taymiyah ended here and Albany continued by saying: (If a woman goes out of her house for a need covered in her jilbab and without using perfume, this is permissible; but if that leads to committing what we mentioned above such as neglecting her obligations, here the Qur'anic text (And stay at your houses) will apply. It is not permissible for her to go out and leave the children to maids; mother knows better the needs of her children from guidance and education. He commented on these fatwas by saying: (A lot of women today exaggerate in the issue of going out on the reason of work and study without considering the limits of the shariah in such a serious issue; as a result the use of maids for nursery became widespread which leads to a lot of moral and social tribulations and corrupt belief to Muslims' children especially where the maid is a non-Muslim and the mother does not give her children adequate care and due process is not applied to the maid. Many thinkers and scholars have written on the harm of using maids for the sake of taking care of the children when the mother goes to work or study or other (Amr, 2008). Islam does not order her to work in general fields for the purpose of material gain, but at the same time does not forbid her from working; thus, the origin of the matter is permissibility provided it is based on the Shariah provisions and the maqasid shariah, and the principle of blocking the evils and attaining the benefits (Sharqawi, 1997).

### **3. Aspects of Equality between Men and Women in Life Affairs**

According to Islam women are equal to men in the public rights; no difference between them in any right except some obligations that are meant specifically for men due to the necessity of life, public interest, family interest, interest of woman herself and the nature of each. Marital life is a social life and each meeting needs a leader because any gathering must have different opinions and desires in some things, and their interest cannot be achieved except if they have a leader to be referred to in case of differences of opinions in order to avoid detrimental act to one another; and man is more entitled to be a leader because he is more capable of control with his power, wealth and mind. Thus, the shariah made man responsible to protect woman be kind and feeds her and she is also required to obey husband on issues that are not against the shariah. It is not permissible for a man to abuse his power and ability on a woman and she is also not permitted to burden her husband with what he is not capable of doing. If this is proven, it is clear that Allah (swt) preferred men to women on certain things and preferred women on men on certain things to achieve justice and equality between them and each one would be a help and complement to another over life affairs. Hence, each one of them will not wish what has been given to other from duties, capabilities, features and virtues. The greatest evidence proving that Islam provides equality between men and women in public rights generally is that Islam mandated them to perform the same act with men in beliefs, worships, transactions, ethics and provided the same reward for both men and women and combined their names (men and women) in many verses (Muhammad Bakar, 1998). In the light of the above, I would mention aspects of equality and differences between men and women in certain things as follows:

### **4. Aspects of Equality between Men and Women**

Islam equaled between men and women in five important ways, namely: civil rights, education right, right to work, liability and penalty and the common value of humanity. The detail is as follows:

#### *4.1 Equality in Civil Rights: Islam Equaled between Men and Women in the Civil Rights of Different Kinds*

Islam gave women civil rights the same given to men; there is no difference in this regard before and after marriage. Before marriage a woman according to Islam has an independent civil right from her father or guardian; if she is an adult she has the right to contract, assume obligations, owns movable property and act in what she owns; her guardian has no right to act on any of her wealth except with her permission or if she appointed him to act on her behalf. Islam also permits her to choose the husband of her choice freely, for example she has the right to require the person must have memorized the Book of Allah; and if she married before (widow, divorced) her satisfaction must be sought explicitly because of her experience. And if she is a virgin any sign of satisfaction such as silence or any hint is enough because a virgin is normally shy which may not allow her to show her choice in marriage. These are some rights related to women before marriage, but after marriage she also has her full civil personality. Marriage in Islam does not change her name and capacity in contract and her right to own property, but a Muslim wife retains her name and her family's name after her marriage and all her religious rights, and rights to contract of sale and purchase, mortgage and gift, will etc. She has her private wealth and financial entity; and in all these she is independent from the personality of her husband, his wealth and entity, and a husband is not allowed to take anything from her wealth small or big. The status of equality that Islam established between men and women in civil rights has a special status and no any man-made law has ever reached and will never reach (Muhammad Bakr, 1998).

#### *4.2 Equality in the Right to Education and Culture*

Islam urged both men and women to seek knowledge (Muhammad Bakr, 1998), because generally they are equal in what they are required to perform by Allah (swt); a woman cannot perform her duties and ask for her right if she is ignorant about them, such as prayer, fasting, zakat and provisions of menstruations etc. The Prophet (saw) used to teach women by providing a special day for them; there were narrators of hadith from the Prophet (saw) amongst women such as Aisha (ra) and others from the women companions; and amongst them there were those who memorized the Holy Qur'an; there were also those who learnt writing and other forms of religious and non-religious knowledge. If we go back to Islamic history, we find that women used to learn different kinds of sciences such as medical sciences, writing and reading, sciences of the Holy Qur'an, Hadith, Fiqh, Arabic language, literature etc.

#### *4.3 Equality between Men and Women in the Right to Work*

As mentioned earlier in the issue of women's work that Islam did not prevent the employment of women at all, but her employment has been restricted by certain conditions and requirements; hence Islam permits a woman to work that is not incompatible with her nature, and this restriction is for the interest of woman and protection of her dignity and worth; it is not like what the westerners believe that Islam oppressed women and deprived them of their rights, but Islam honored women and took care of them tremendously; no religion or legal system has ever gave a woman her right like Islam did. Generally, there are certain employments permitted for women and employments permitted for men; during the period of the Prophet (saw) women used to go out for wars to treat the injured, prepare food, place tents for the Muslim fighters and other works that are not difficult to them. If the aforementioned requirements and those that would be mentioned later are fulfilled, Islam does not prevent woman from going out to a decent work and she cannot be forced to stay at home when there is a necessity for her to go out, for example if she shoulders the responsibility of proving for herself and her children (Muhammad Bakr, 1998).

#### *4.4 Equality in Matters of Liability and Penalty*

Islam equaled between men and women in all matters pertaining to liability and reward here and after; a woman has a complete liability just like men in Islam for protecting her religion and herself, offspring, dignity and mind, just like man is responsible to take care of his house and train his children based on Islamic teachings of virtuous and noble behaviours, as the Prophet (saw) says: (each one of you is a shepherd and is responsible for his flock; a man is a shepherd in his house and is responsible for his flock; a woman is a shepherd in her house and is responsible for her flock (Ulwani, 2006). And the reward of women to work is exactly with that of men as Allah (swt) says: (He who does bad would only be rewarded with same; and who does good amongst men or women...).

#### *4.5 Equality between Them in Human Value*

Islam views men and women as the same without injustice and oppression in their human nature, and no one deserved human treatment more than other, and no basis of discrimination based on race and creature; this means that men and women are the same, no preference between them except with other considerations such education,

ethics, closeness to Allah with frequent worship by performing obligations in a timely manner, performing different voluntary acts such as prayer, fasting, charity, good words, enjoining what is good and forbidding what is bad etc.

### **5. Differences between Men and Women in Some Acts and Provisions**

We understood from the above that men and women are equal, and by contrast there are some certain things where men and women are different, and that is based on their strength in the implementation of things or bearing some obstacles and stands; all these go back to the wisdom of Allah (swt) and his just division. Thus, I would mention the differences in the following points:

### **6. Difference between Men and Women in Religious Responsibilities**

Islam differentiated between men and women in some religious requirements for the sake of easement and protection to women and considering her physical and tolerant condition. For example, women are absolved from prayer which is a pillar from the pillars of Islam during menstruation period, and even after the menstruation a woman is not required to pay back because it is not easy as menstruation comes every month; and no dispute on this differentiation between men and women. Islam also permits a woman not to fast in the month of Ramadhan during her period and after birth and during pregnancy and breastfeeding if her fasting will be detrimental to the baby in the womb or the baby being breastfed; in this case she is required to make up only the days she did not fast. It is worth knowing to observe the wisdom behind the making up the days she did not fast, as the month of Ramadhan comes only once per year and she is capable of making up the days she did not fast before the coming of the next Ramadhan; and no one may say that a man shall break during the day of Ramadhan because of pregnancy, breastfeeding or postpartum; a man may break during day of Ramadhan for other reasons such as travelling and sickness but not for the reasons mentioned for women. Again, women may wear any kind of dress in the pilgrimage but men are different. Moreover, women may combine prayers during istihadha but that is not applicable for men. These are some differences between men and women in the requirements of Islam (Muhammad Bakr, 1998).

#### *6.1 Differentiation between Them (Men and Women) in Economic Burdens*

Islam gives men the responsibility to bear the expenses of women such as feeding, clothing, medical treatment, accommodation etc. Women may help men in discharging the said duties but it is not compulsory on them. The expenses of an unmarried woman is on her father or her relatives depending on the order provided by Islamic jurisprudence on the obligation of the feeding; if she does not have relatives capable of feeding her, the responsibility is on the Bait al-Mal or leader. This is her status in all stages of marriage both in the preparation phase of the marriage and the divorce stage. This is all based on the Islamic view but not western. In Islam married women have complete civil and private wealth entity; she is fully independent from her husband, his wealth and responsibility because she is not required to shoulder any burden of feeding the family no matter how rich she is, but all the responsibilities are on the husband. In this stage, a woman enjoys economic and civil rights provided to her by Islam because only men shoulder all these responsibilities (Muhammad Bakr, 1998). Islam orders men to provide accommodation to divorced women and warned men from harming them during that period, and to feed her if she is pregnant until she delivers, and after delivery it is up to the man to pay her to breastfeed the baby or get another woman to do that if they do not agree on the price. This is the highest degree of honour provided to women before, during and after marriage; no any religion has ever and will never reach what Islam provided for women in their honour, raising their status and protecting them, and considering their situations (Muhammad Bakr, 1998).

#### *6.2 Differentiation between Them in Inheritance*

Allah (swt) gives men double of the women's share in inheritance for a great wisdom, (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, All-wise.)(Qur'an, An-Nisa, 11:4). Some scholars tried to explain the wisdom behind this differentiation by saying because men are those that remain at home after the death of a father and men are those shouldering the burden of feeding the family; in other words feeding the family is compulsory on men but not women; and a woman is married by a man who will take her responsibilities of feeding, clothing, housing, thus a man is the leader of the family who takes care of a woman etc.; thus it is just if the share of men is more than that of women so that he would get

what will help him in discharging this burden and a woman is absolved because of sympathy and mercy on her and to ensure the happiness of families; but Islam stressed on caring for woman by providing her half of the share of a man despite the fact that the burden of the family is all on man (Muhammad Bakr, 1998).

### *6.3 Differentiation between Them in Testimony*

Islam does not admit women's testimony in some serious matters (Bawadi, 2005), such as testimony for punishment for adultery, theft, and other hudud cases. It is fair that Islam admit the testimony of women in women affairs which only they can see, and Islam makes the testimony of two women equivalent to testimony of one man, and the reason is that women have passion and affection and mercy and may affect the testimony.

### *6.4 Differentiation between Them in the Right of Divorce*

Many contemporaries object to the right of divorce that is only given to men and not women in Islam, and they consider that a violence against women as her husband may abuse that right and divorce her without reason and oppress her and destroy her family. It is useful to refer to this subject in the following points:

1. The acceptance of the couple Islamic commitment poses both of them to abide by shariah provisions, which marriage and divorce are amongst them; a woman who is afraid of man's abuse on her may benefit from the rights the shariah gives to her which consist of her right to divorce herself if that has been stipulated in the marriage contract.
2. The fact that Islam limits the right to divorce at the hands of husband is because of many reasons, the most important being known by the predominance of reason over emotion which suited the nature of women as being dominated by emotion; also the first person to be affected by the divorce in financial terms is the person that must pay dowry, feeding the ex-wife and his family throughout the period of iddah and nursery; this makes him to be more restraint than a woman who may not have any responsibility because of the divorce.
3. Even though, divorce is in the hands of man but woman has the right to ask for it in the event of damage on her, the verse (but do not take them back to injure them, (or) to take undue advantage) (Al-Qur'an, Baqarah, 231:2) is a reference to woman's right to request a divorce if her marriage causes harm to her because marital life presupposes kind treatment and if that is missing, then a woman has the right to request a divorce, pursuant to the rule "No harm, no harm".
4. Islam gives a woman the right to leave someone she dislikes and can no longer live with him in any way, even if there is no reason of damage or anything like that. The biggest proof of this is what Bukhari narrated from Ayyub from Ikrimah from Ibn Abbas that the wife of Thabit Ibn Qais came to the Prophet (saw) and said: "O the Messenger of Allah Thabit Ibn Qais does not lack ethics or religion but I can no longer stand him, and the Prophet (saw) said: do you accept his garden and she said yes, then the Prophet (saw) said: accept the garden and divorce her (Ulwani, 2006).

Islam gives freedom of divorce to a man (Bawadi, 2005), and makes the power in his hands because of his interest and the woman's interest; a man can control his emotions more than a woman; if the power of divorce was given to her that would have been unjust to him and her because women get angry very fast and utter something that she will later regret, so if that right has been given to her a lot of divorce will be happening every day; only married men know this reality because they know the secrets of houses wedlock; just because of a minor misunderstanding a woman will say: divorce me if you do not love me, this is something very easy to many women.

In the present era, things have changed in some environments as a woman is more powerful because she owns the house and all the furniture and even ATM card; just because of a minor misunderstanding between her and her husband she expels him from the house; thus, some men became powerless because they cannot order or deny something because of their weakness in the house.

## **7. Guidelines on Women's Work**

After looking into aspects of equality and differences between men and women in matters of life, it appears to us that there is no problem for wife's work, but it must be after husband's permission and other guidelines and legitimate restrictions must be met before a woman can go out to work or to study. This is because the Holy Qur'an commands women to stay at home, and there are guidelines and legitimate restrictions before a woman can go out, and the following are the most important ones: her going out must be for a legitimate necessity, provided she is committed to Islamic ethics and laws while she is out and in her dealings with others. Some of the necessities recognized by Islam for a woman to go out are:

1. The death of spouse and the wife has no one to sponsor her and her children such as a guardian and a relative and no Bait al-Mal to take care of her.
2. If a woman is poor and needs to go out and work in order to take care of herself and for the maintenance of her parents or a husband that cannot work due to disability or handicap.
3. Participating with her husband in agriculture especially in rural areas where there is no sedition for her going out, and to contribute to the provision of her husband.
4. If a woman is an expert in certain fields of work which is needed by the ummah and there is a great benefit for the ummah in her work (Aqlah, 1989). The reason for their going out to bring water is because there is no man to carry out this job instead of them, as their father was old and cannot perform that task; otherwise he would have performed the task on their behalf (Aqlah, 1989).
5. If she goes out to search for food for herself and her children or to help her husband if the husband is unable to provide the necessary needs of the family.

The job must suit the nature of women and their physical ability and psychological readiness because Islam does not allow her to do a difficult work such as work in mines or factories or driving vehicles etc. because these kinds of jobs are normally not for women as women need mercy and compassion (Aqlah, 1989).

The work will benefit her and the Muslim community such as medical doctor or educator etc. and not to involve anything harmful to her religion, for example if she is not allowed to wear proper Islamic dress or she is not allowed to pray; or is harmful to herself such as crime on her by committing immoralities; or in her children, for example if the work leads to neglecting the rights of the children of Islamic education; or marital rights, for example if the work causes neglecting the rights of husband, and this is what is happening now.

Not to work in public places, such as information counters, receptions at hotels, or promoter of goods, and this is famous and acclaimed in our present time, and this is what leads to mixing which is forbidden by Islam. The reason given by two daughters of Shuaib (AS) for not coming close to the well to fill their containers as they said: ("We cannot water (our flocks) until the shepherds take back (their flocks) the meaning is that they refused to come close in order not to mix with men while getting the water.

The woman's shift must be at appropriate times and beneficial to her children, for example her shift must be during day time not at night because a night shift may make her neglect her husband's and children's rights.

She must go out to work modestly, wearing Islamic dress and not to show any part of her body except face and hands and showing any part of her body that Allah commands her to conceal will cause sedition and attracts attention towards her (Ulwani, 2006). And she must wear this dress in the scope of her work even if she only deals with women to manifest and highlight the slogan of Islam and to prevent from falling into a critical situation if she is to welcome a foreign man as a result of something connected to her work (Aqlah, 1989). And Muslim women choose to dress according to Islam because the main aim is to please Allah; it is to be noted that a woman may wear a dress that covered her but at the same time enchanting viewers, either because of carvings on the dress or the quality of the striking colours of the dress or if she uses perfume etc.

To get the permission of parents or guardian if she is a girl based on the principle of honoring one's parent and obeying them, or with the permission of her husband if she is married because that is part of his rights dictated by religion and judiciary (Abu Shamah, 2005).

Permissibility shall not contradict obligation; thus, if the work is for the sake of getting income and obtaining means of livelihoods, but that shall not supersede her obligation because it is stronger than permissible. Since the obligation of women is to carry out home affairs, the rights of husbands and the taking care of her children and upbringing them etc and this is not an easy job because it requires full commitment and focus, thus it is difficult for a woman to work outside and carry out these obligations as required. The origin of women's work outside the home is prevention and interdiction, and all this if there is no necessity as mentioned above (Zidane, 2000).

## **8. Wife's Work Problem and Its Solution in the Light of Maqasid Shariah**

### *8.1 Disadvantages of Women's Work*

Women's work has some disadvantages for both husbands and children; thus, a working woman has to balance between her work and the rights of her husband and children. As it is well known that children have needs such as eating, drinking, psychological security, social respect, play etc, and all these can only be achieved through sound motherhood; and raising families has a great effect which cannot be replaced by other social organizations such as the role of nursery and maids; moreover, children need follow up of their studies and help in revision, and correcting what is been broadcasted by media by showing them what is good and what is bad and what may

benefit them in the future because of their weak thinking. If a woman went out to work, a pressure will increase for her and she will not be able to take the responsibility of her children because an exhausted person do something unusual; thus, if a woman comes back from work exhausted or tired either because of long sitting or standing or both she will not be able to take the responsibility of the children in the house as required of her, and on top of that this may lead to severely beating the children. The wife must take into account that work must not be at the expense of her family both husband and children and must not go against her other obligations. (Abdullah, 2006).

### *8.2 Statistic Results of Women's Work*

Dr. Osman Jumu'ah Dhamiriyyah said in his research with title: "Women's work and mixing and its impact on the spread of divorce" where he mentioned that divorce and social change in Saudi society: field work in Jeddah: the study shows that this issue is contemporary to Saudi women, where men showed their opinion on women's work: 95% rejected women's work, and 44% of couple were at constant disagreement on women's work, and 86% said that their wives do not work.

By discussing this view and its relationship with divorce and the society of the study (Jeddah, Saudi Arabia) shows that women's work without husbands' consent stripes the support of the husbands towards their wives. The study shows that 24% of divorce occurred as a result of women's work without husbands' consent. 11% of women divorcee confirmed that the divorce occurred because their husbands did not consent to their work. This means that 14% of divorce occurred because of lack of husbands' consent for their wives' work. Perhaps women's work without husbands' consent leads to unending disputes which has a big relationship with divorce. The result also showed that 34% of husbands mentioned women's work as reason for divorce, and it was the reason of 21% as stated by women, and that means 23% of the reason of divorce was women's work.

The result further showed that engagement of woman in her work and neglecting her husband is the first reason of divorce, 29% of men who divorced their wives answered, 38% from women divorcee, and 58% from the total of those who said women's work is the reason for divorce that women's attention to her work and neglecting her children lead to divorce.

The study showed as well that 78% of women divorcee that do not work: saw that women's attention to her work leads to divorce, and 68% of working women divorcees said the same. And 65% of women student divorcees mentioned the same. On the contrary, majority of women students rejected this view, where 37% rejected, and the reason might be because they have no working experience, its responsibilities and problems (Majallat al-Buhuth, 2005).

The study also mentioned: social and cultural changes to the phenomenon of divorce, together with field study in Baghdad: the study showed that there is a relationship between occurrence of dispute as a result of women's work and permanent marital life; the short duration of marital life is a result of dispute due to women's work.

The study also showed the extent of relationship between woman's work and her independence and increment in divorce, because women's work result in: lack of concentration to family, neglecting certain rights of husband and children, and there are psychological effects to her work, the most important of which are: her feeling of independence, fraud of her status and this create inferiority complex to man and he tries to overcome it by force and show that he is still in control and this may lead to divorce. Furthermore, a lot of working women maintain their salaries for their needs, or give part of the salary to their families as appreciation for their upbringing by them, and believing that the man is the only one responsible for taking care of the family and home affairs.

In conclusion, it is worth mentioning: despite complain on the rise of divorce in some countries or societies, but it cannot be generalized to all societies, because divorce couple may settle and reconcile and the studies and statistics do not cover these facts; it is not all divorces that lead to demolition of the family as some said.

Furthermore, it should be pointed out that when we mention causes of divorce or the factors that lead to it, that those not mean divorce must happen as a result, but it is just an expression of what is happening, and there is a big difference between explaining what is happening and explaining what is compulsory or what is required (Majallat al-Buhuth, 2005).

## **9. Problem of Wife's Work and Its Solution in the Light of Maqasid Shariah**

### *9.1 Problem of Wife's Work Outside House with Raising the Children*

Family has the natural responsibility to protect and grow generations physically, mentally and spiritually, which develop love, compassion and solidarity through life, this is because a child needs his parent for a proper and sound upbringing. Scientific experience shows that nothing can replace family in the upbringing of a child, and

anything else brings harm and damage in making a child and his upbringing, especially group nursery adopted by some systems. It is very surprising that there are a lot of philosophies in the modern era that urge women's work and leaving home for long time leaving her children either for nurseries or maids, with the claim of increasing the family's income or building her personality etc (Rayyan, 1999), as it is known childhood needs special care, and mother's role in educating children comes first because she spends longer time with her children.

### *9.2 Appropriate Solutions to the Problem of Wife's Work and Raising Children in the Light of Maqasid Shariah*

As we know that raising children is part of maqasid shariah of protection of lineage, whereas wife's work is considered part of maqasid shariah of protection of wealth.

For example, if there is a conflict between wife's work and raising children, if the family is financially sound then raising children would be preferred on work, but if the family is not in good financial situation, then work would be preferred, and she shall try to balance between the two because necessity must only be assessed and answered proportionately (Abdu, 2002). And other issue is when wife's work clashes with raising her children on Islamic teaching, which one should be preferred?

The interest of production is to increase monthly income and supply of the family, and this is the aim of wealth protection, and the encouragement for work and production and quest for sustenance and mutual and necessary benefits to the stability of life and its growth (Alkhadimi, 2005), in this issue if a woman has no children she only has the rights of the husband to take care of, and I think she does not have much problem; but if a woman that has children, she has the responsibility of education and Islamic upbringing of her children which is part of protection of religion (Alkhadimi, 2005).

If protection of wealth clashes with protection of religion, then the latter shall be preferred. This is because protection of religion is first due to the fact that it brings eternal happiness which is more important than protection of soul, mind, wealth etc (Ar-Raysuni, 1997). Dr. Raisuni said: there is a consensus between the scholars that the most important amongst the maqasid is the protection of religion followed by soul, as they also agreed that the least importance is the protection of wealth; there is no disagreement in this regard between scholars from jurists and others (Ar-Raysuni, 1997). The rise of wife for taking the responsibility of her husband and upbringing her children reaches the level of necessities in the interest of the community, this is because a good family is the most essential element in getting a good society; thus, if a family spoiled other scientific and cultural activities followed by other economic powers and savings cannot replace the family in establishing a good society. Therefore, a mother must concentrate on taking care of the children and the family (Buti, 1996).

### **10. Problem of Wife's Work outside the Home with Her Husband**

The cause of the problem of wife's work includes the following:

1. Weak religious morals and Islamic education between the spouses.
2. Non-cooperation in home affairs, and neglecting the right of husband and children by the wife.
3. Wife's work has impact on family planning because woman feels that pregnancy, birth and breastfeeding obstruct her work, and threatens her stability in it.
4. When there is a misunderstanding between them on salary, and the wife is asked to shoulder a part of feeding responsibility because of her salary and she refuses, or when the husband asks a part of her salary due to the responsibility he shoulders and her obligations that are not performed appropriately because of her preoccupation with work, all these may be reasons for divorce.

Undoubtedly, man is responsible for the family with feeding and other efforts in taking care of the family, thus, a woman is responsible for taking care of the house such as upbringing of children and managing family life; enjoyment in life is not confined to getting modern items and living in a convenient house and living in a certain level, but beauty of life is in the peace of mind, enjoying health and faith. Life is not purely materialistic where wealth, life, and power is being worshipped, but life is virtue, ethics, chastity and purity (Othman, 1996).

We have the best guide in the judgment of the Prophet (saw) between Ali and Fatima peace be upon them, as He gave Fatima the responsibility of administrating the house and Ali work outside the house, and strives in the way of Allah, and struggling for the sake of his family. There is nothing wrong for a woman to work outside house during a necessity provided she abides by religious provision, but she has to protect her husband's right of obedience and taking care of his affairs. We have mentioned the rights of husband on his wife in section two; she has to abide by those compulsory rights and mutual rights between them, and if the wife neglects those rights, this may lead to problems between them.



## 11. Appropriate Solutions to the Problem of Woman's Work with Her Husband in the Light of Maqasid Shariah

The cure to the problem of wife's work and performing of the rights of the husband will be in the light of maqasid shariah:

1. Fear of Allah in secret and public; the wife should know that no matter how Islamic law regulates slaves with its principles and texts in order to preserve the interests of here and after and to block any harm on them, but nothing could be achieved without the fear of Allah (Siba'i, 1983), as if a slave fears Allah (swt) problems would be solved and happiness would be attained; if piety leads to real slavery to Allah (swt) then fear of Allah is good and interest, and this means that the shariah aims at the interest so that slaves will reach to Allah (swt) without hardship and difficulty (Abdu, 2002).

2. The wife has to protect her dignity and keeps away from suspicious matters; Islam is very concern on blocking evils and attaining benefits and closing any door that leads to evils, this is an established principle because the Shariah came to ensure the interest of slave, it is for the wife to avoid staying in seclusion with men and mixing with men in work field, and must cover whenever she goes out for work or something else, women must cover all their body except face and palms, and a woman must avoiding speaking with a soft voice because Allah (swt) said: (be not too complacent of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech (that is) just.) (Qur'an, Ahzab, 32).

Prof. A'rif Qara Dagi said: "Islam has put public regulations on women's work and they are virtues that are prescribed by Islam to protect ethics and dignity without obstructing life; some of these common virtues between men and women are: glazing sight and avoiding being alone with the opposite sex and keeping away from suspicious places and avoiding apparent and invisible sin. There are also other virtues specifically for women in clothe, seriousness in communication and avoiding soft voice in speaking and avoiding perfume; all these in order for the society to remain healthy and enjoys immunity to safeguard it from deviation (Qara, Dagi, 2011).

3. The principle of cooperation between spouses as the aim of the shariah is to spread the spirit of cooperation and tolerance, Allah (swt) said: [Help one another in righteousness and piety], it is very important for the spouse to agree on defining tasks and functions and shall distribute the responsibilities between them in order to help each other to discharge their roles to the fullest, as openness is the key to a peaceful coexistence in marital relationship; thus, they must be frank on economic situation and emergent problems in the family. The husband must also help his wife in the house work, and the Messenger of Allah (saw) is our role model in house service as in the hadith reported by Aswad bin Yazid where he said I asked Aisha (ra) what the Prophet (saw) used to do at home? Ans she said: (He used to serve his family and when he hears azan she goes out) (Sharqawi, 1997).

4. As a result of damage arising from woman's work, the husband has the right to prevent his wife from working if there is evil and harm behind it, for example if he is aware and confident that the officials at her work place do command her to travel and do not allow her to wear proper Islamic dress; thus, applying the *maxim* "blocking evils is given preference on attaining benefits" the husband must stop her from going out for work because the aim of the shariah is to protect the entity of the family from demolition and falling into the underworld, and a jealous husband is the one who avoids harm to his family, Allah (swt) said: (O you who believe Protect yourself and your families against the hellfire).

5. The husband should not prevent his wife to work in the fields of medicine and education because it is a legitimate necessity especially if she is the only one in that field, and by this the aim of shariah of protection of soul would be achieved. Moreover, an intellectual wife should be allowed to carry out the work of da'awah in the ranks of women because women have been neglected in this regard for a long time despite the fact that women have great readiness for good, and experience in the past and modern proves this assertion; conversion to Islam by ladies is very clear which put intellectuals in front of their obligations (Sibag, 1985), and that is considered a noble job because education and da'awah are part of the aim of shariah of protection of religion.

6. If there is a problem of clash between wife's work and performing her obligations of the house and marital life such as service to the husband and family, she has to concentrate on the husband and the family, because work for women is permissible whereas performing husbands rights is compulsory, and thus the latter shall be preferred if they clash.

## 12. Conclusion

This study shows that wife's work is permitted by the shariah with certain limits and conditions as mentioned; and there are aspects of equality and differences between men and women in matters of life; thus, a working wife must balance between her work and her husband's and children's rights and each right should be considered and

given to the right person accordingly because understanding, dialogue and cooperation between the couple on the principle of love and sincerity, taking into account the aims of shariah in building a family will bring them a happy life in their marriage.

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