

Women Judgment in Quintet Religious

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Abstract: Between Islamic religions including (Gaphare, Male key, Hanafee, shafee, Hanbalee) in particular of women Judgment, There are three viewpoints: a group believes that being a man is the judgment conditions and they think women cannot be a Judge. Other group also believes that, being a man is not the Judgment conditions. In this area, there is not any difference, between man and woman. Other group attached to the detail which means, where the woman's testimony is acceptable, her Judgment would be dominant too. In this writing, due to the importance of this issue, we accurately intent to review the reasons and different documents each group. From the sum of these arguments and discussions, the citation reasons come out for the first group as they claimed this matter can be a positive prohibition in woman judgment and for this matter their reasons rejected or damage to it. Therefore, the acceptance of this view point that women can be judge as men sounded true.

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1. Introduction

Introduction

One the subjects which presented in the field of Shiite Jurisprudence backed to the time of Tusi (An Islamic scholar) and always Islamic Jurists spoke about its acceptance or rejection. From long years ago, it was represented between Sunni groups specially four religious and tradition in this field and also there was a lot of argument and different ideas. The subject is permits or the lack of permits about women judgment. In the current decade, with regarding to the presence of women substantial in different social activities, the development of communications Knowledge, the representation of equity between man and woman and with increasing Academic graduated women, this matter caused to be reviewed seriously. In General the Opponents and agreed of women judgment, each group, in order to approve their ideas, represented their own rational (verses of Holy Quran) and traditional (consensus and wise,...) documents which for approving or rejecting their ideas we have to consider them accurately.

The consideration of Anecdotal evidences permits or lack of permits for women judgments -Verse

The consideration of Believers viewpoints to the lack of women judgments permits on the verse of gheyomate:

In this field we use scholar's ideas and some verses of holy Quran, According to holy Quran, especially to the 34th verses of Mesa that, it is about women as it said :(34th Verse of Nesa).

With considering this holy verse, we can understand that women cannot be able to judge or appointed for this kind of job.

As **Tabarsee**, (Tabarse, Abu Ali alfazle Ibne Hassan, in the Quran Anagoges, V.2 p.491). The great commentator, quoted on this subject "according to this holy verse, men is responsible to arrange women s' matters because men in thinking and wisdom and also in making decision are better that women whereas men should pay the marriage portion and alimony to women, for the same reason, men is responsible for their Tholeyats."

Ibne Kasir pointed to this holy verse in this comments and continued that men have right for women's custody and they should be their master or governor, for this reason they are better than women and Obviously even God never chose a woman to be a prophet and this mission selected for men.

The consideration of Believers viewpoints to the women judgments permits on the verse of gheyomate

Deceased Gulpaygani quoted "some of great men think that this verse referred to particular dominate of marital. In fact a family counted as a small social unite, which is similar to a big social and the existence of leader should be necessity because the acceptance of mass leadership and responsibility commonly would be for husband and wife in a family and there is no concept for this. Thus, a husband or a wife or one of them should be leader for a family and also an assistance whom under his/ her consideration

would be needed. And in this field, holy Quran says “the Supervision authority should be given to the man...” (Names’ book is Algeha by Muhammad Reza Mosavie Golpayegany, V.1, p.44).

Fakhre Razey (Fakhre Razey the great commentary) quoted as it says in this holy verse:

in his great comments related to this verse, he believed that “the advantages of men on the women have different reasons which including: the first factor is the presence of some real features which there are two reasons behind it 1-knowledge 2-wisdom without knowledge and man’s wisdom is more than woman’s and also their strengths to do hard things is more than women’s.

2- The consideration of Believers viewpoints to the lack of women judgments permits on the verse of Tabaroj

One of the verses argues about the lack of women judgments permits as an important matter in this holy verse as : (The 33th verses of Ahzabe).

Translated: to women, stayed at home and don’t show off out of homes like ignorance era (Golpayegany, Alghaza, v.1, p.47).

In fact, this verse has also been predicated in the book of **algeha** by **Deceased Gulpaygan**. In the Argument to justify this verse, if women become a judge, actually the will committed some kind of actions which have been forbidden by holy legislator and it is similar to participate in assemblies and Parliaments of stranger men and unconsciously, they committed to do sins.

The consideration of Believers viewpoints to the women judgments permits in the field of holy verse of Tabaroj

To justify of this holy verse some people claimed that women cannot be a judge at all and they should not be responsible for this kind of job and if they export a rule, even about women or men would not be accepted. And to justify this matter if they become busy for this kind of job, no doubt the will become mix with the stranger men that all of them have been forbidden by holy legislator. According to kind of justification, we can see that women are not excluded of judgment whereas if a woman wants to do a judgment between a hostile of two women and represent a rule in this background and based on this justification they should not be blinded.

3- The consideration of Believers viewpoints to the lack of women judgments permits on the verse of degree(228 th of Baghareh).

To the divorced women if they believe in God and the judgment day you have to be patient for 2 or 3 months and there is forbidden if they deny whatever created by God in their matrixes and their husbands

are more deserve than anyone else to back them again otherwise if both of them really want to modify and for women similar men competence assigned responsibilities and rights but men have a better rights than women in this field and God is the most Powerful.

In this kind of verse, man and woman both have a separate responsible and as presented a bout it again men encountered higher rights than women and currently if women accepted this kind of duty as judgment the essence of this responsibility, made them being higher than men since Holy Quran said that women’s ranks is lower than men, so due to this matter, men are higher than women, and they have right to be as a judge and women are excluded for judgments (Golpayegany, Alghaza, v. 1, p.46).

The consideration of Believers viewpoints to women judgment permits in associated with holy verse as darageh (degree):

Deceased siyeed Ghotbe Razey represented: the divorced women in this situation have rights like men because after divorcing the women committed to be patient and they should not deny whatever hold it in their matrixes of course against this commitment if a husband is going to be back for his wife (with positive objective with no aim to hurt his wife) he must pay her alimony. **Deceased siyeed Ghotbe Razey**, presented In comparing, here, this is a good situation for men to women which shown that after divorcing, both should be patient and it is not reasonable that men divorce women but women have right to get back them. Thus, this rank and provided degree, related to men and their rights in divorcing (siyeed Ghotbe Razey Zalalol Quran, v.1, p246).

4- The consideration of Believers viewpoints to the lack of women judgment permits in associated with holy verse as Chesham

Other verse which jurists accurately considered it, related to the lack of women judgment that represented as below:(18 th verses of zokharf)

This verse represented that women cannot be able to judgment and also they cannot be as a judge and present rules and according to this kind of verse also women are a group of people who grown up between adornment, for this reason, during argument they cannot express their (Haeree, Alghaza in Islamic alfeghat, pp.68-89) ideas.

The consideration of Believers viewpoints to the women judgment permits in associated with holy verse as Chesham

With referring to holy Quran we can understand that this holy verse is associated with Heathens whom used to call the angles as God’s daughters. Thus, Holy God used their same imaginations to answer these groups of people and called them with this holy verse

as: every thing that you have it in your mind is not equal with everything that brings it in your tongue. One side, you never respect to your daughters and you hate them. When enunciated to you that you are the Owner of a daughter you become upset and angry. Your faces turn black but now how you call the angels as God's daughters. In continuing, the holy Quran says the same Heathens people "you have chosen daughters for Holy God but women are a kind of creature who grown up between adornment and during argument they would not be able to express their ideas and defend of themselves. Also Holy Quran pointed to some characteristics of women, of course, these characteristics usually found in some no all of them (<http://www.sid.iran>). The article on women judgement in Quran and narration and sohrabe Morovate and AbdulJabar zargoosh Nasabe, p.10).

5- The consideration of Believers viewpoints to the lack of women judgment permits in associated with Ababkreh narration:

Nabavey narration

People who a alienate, their authorities to a woman the wont obtain deliverance (Sharebeney Khatibe, Moghna almohtage, v.4, p.375).

Jurist's view points: there is a narration which related to this matter and has been considered by traditions and Sunnis jurists, Sharbeney believed in same narration quoted of Holy prophet about woman: in each tribal that a woman is responsible for its leadership, will not be succeed. For this matter a woman cannot be responsible to judgment.

Sananey Cahlaney: also pointed to this narration "each government authority or responsibility would be forbidden to women. For this kind of reason, our holy prophet said "in each tribal that a woman is responsible for its leadership, will not be succeed."

Deceased siyeed Ali Tabatabayee:

In Reyazol Masael (s siyeed Ali Tabatabayee) and Deceased Naraghee in Mostandol(Deceased Naraghee in Mostandol, Mostanade shuiite, v.2, Algeza book) Shiite who both were Immameyeh jurists, believed that one of the reason should be rejected, was based on this narration which it says.

The consideration of Believers viewpoints to the women judgment permits in associated with Ababkreh narration

Iben Hazme Zaherey: this narration related to leadership and government but is not included to judgment and as he mentioned this narration in different parts of his book, the announcement of orders would not be forbidden by women(Ibne Hezame Zaherey, almahaley, V.8 p,527-528-442).

AbdolKarime Zeydan also mentioned **Ibne Hazme's idea** in his hand written and even he attempted to

defend it in some parts of his book and as he pointed that Islam forbidden women from leadership and great Imam but about annoucement of rules and judgment by women said nothing and they are not forbidden and if our holy Prophet has said "it was about leadership and governing (Zeydan, Alofaste in orders as amreat and albyte elmoslem in Islam reilaigion).

6- The consideration of Believers viewpoints to the lack of women judgment permits in associated with our prophet will

as our holy Prophet said in this field " dear Ali, women are not responsible for leadership of mass paring so that telling Azan and also they are not responsible to visiting sick person or performing funeral and they are forbidden to shave their hair in Hajj ceremony and they are not responsible to judgment or to be advisor(consulter) unless for sacrificing time and which that situation it is not said Talbih loudly and they should not stand up beside grave and they should not listen to the sermon of Friday prating. They have no responsible of their marriage and they have no right to step out of home without husband's permission. Also in this field it is said that woman cannot responsible to judgment because as it used in narration of Faghareh, it indicates that being responsible for judgment is Prohibited for women by holy legislator, therefore announcing rules by them is not permitted.

The consideration of Believers viewpoints to the women judgment permits in associated with our holy prophet's will

Mohaghegh khoei: he has study about some people who are really related to chain of this narration, thus he understood that these presented documents continually, are not reliable (Sadogh, man la yahzaroon alfaghyeh, v. 4 p,325).

Great Martyrs Ostad Morteza Motaharee:as he pointed to this background that the standards of narrationlogy sciences and formulations which all under wise men of Imameyeh scientists consideration, are not accommodated on this narration, thus the considered narrations from Great Martyrs Ostad Morteza Motaharee 's idea is not confirmed because he believed in its unreliability(Quoted from woman massage first Yeat No.5 p23,1994, Mordad).

7- The consideration of Believers viewpoints to the lack of women judgment permits in associated with Abu khadejeh narration

Abu khadejeh salem menMokarm Jamal presented

Holy Imam Shadegg said "some of you should be avoided of some people that send you for judgment by an ingrate judge. But from between of you i.e. a someone who found our knowledge should be as a judge and I have to confirm him as judge for you. Then between you judgment, he must be put between

you and his judgment (Sadogh man la yahzaroon alfaqhyeh, v.3, p3).

Sahebe Jewelry presented his reasons in the field of Adhesion of zecorat condition as he recalled that putting a judge in absence of Imam Zaman (Mahdi Almightily) should be allocated to men and also he continues that in some reasons specially the word of (Man) has been pointed in the field of issue(Nagafee, Javaher alkalam, v.40,p.14).

Deceased khoeyee: the condition of Zecorat is necessary and in order to be confirmed of his ideas, he bring some examples and he presented salemebneh Mokaram Jamal's Saheheye as his witness(Khoyee, mabaney takmeleh almenhaj, v.1, p10).

The consideration of Believers viewpoints to the women judgment permits in associated with Abu khadejeh narration

The application of man in mentioned narration first can be found some concepts for it but we have to pay attention that there is no any argument behind this word and when it is related to a rule of issue, no circumscription can be understood of it (Mosavie snglakhey, sayied Muhammad Yagoobe, women judgment from shuiie jurisprudence, p101).

On the other hand we can point it in to different areas as:

The Consideration of wisdom reasons by opponents and agreed about women judgment

1-The consideration of Believers viewpoints to the lack of women judgment permits in associated to Consensus

Some of jurists prefer the lack of women judgment permits. One of the related documents in the field of Consensus has been put on the jurists' ideas but Deceased Faze Kashaney counted as other jurists who he believed in the lack of women judgment permits (Faze Khasaneyee, Mafatehole alshare, v.3, p246). In this background Shaeraney presented that a judge is holy absent Imam's Deputy therefore the condition of being a man counted for Consensus (Sheranei, great Kobra,v.2,p 189).

Replying to Believers viewpoints to the lack of women judgment permits in associated to principles

Moghadas Ardebilly: this respectful jurist in his effect called **Gransangey** mentioned that he has a doubt to prohibition of women judgment and also he has a doubt in Consensus(Moghadase Ardebilly, Ahmadebne Muhammad and Magmaolphayedeh and alboran in description of alershad alzahan, v.12, p15).Azame Ansayee said that although with the presence of Zcorat condition, some of jurists claimed the lack of Caliphate in this between he continued that if the lack of Caliphate was real, the women judgment was not forbidden.

Result: the subject of **Consensus** in this rank

including, first: is not stable or obvious. Because such this consensus not seen between great jurists' arguments and second: the subject of mentioned consensus is based on documentary consensus. Of course not documentary consensus and intentionl consensus but both are not proof (Mosavie sanglakhee, sayied Muhammed Yaghoobe about women judgement from shuiie jurisprudence, p187).

2- The consideration of Believers viewpoints to the women judgment permits in associated with principles

Since, the judgment counted as a government therefore, no order except God's order effects on others and same thing would be true in judgment on the other phrase, the judgment is like an Islamic Rules and the person's competence and the effect of his judgment needed to some kind of logical reasons if for each section there is no reason the lack of person's judgment would be enough (Marashee, sayied Muhammad Hassam, new viewpoints in Islamic punishment rights, v.2, p 186).

Replying to Believers to the women judgment permits in associated to principles

If we want to distinguish between jurisconsult women with scholars women here or separate them from all of Shiite an important reasons will be needed because from different aspects, we should not any flaw to it at all so according to this subject, there is nowhere for referring to the principle and in this between men judgment permits placed in these narrations and also the women judgment permits placed in this background as well. On the other hand, under this situation, we can interpreter the holy **Imam sadeegh** expressions(Marashee, sayied Muhammad Hassam, new viewpoints in Islamic punishment rights, v. 2, p 186).

This mentioned reason is from specific accuser because majority of women never let their feelings affected on them and with practicing hard and Apprenticeship as continuously in the field of judgments they act so strong, and also they can express their ideas in different matter like men(Marashee, sayied Muhammad Hassam, new viewpoints in Islamic punishment rights volume 2 p 186).

3- The consideration of Believers viewpoints to the lack of women judgment permits in associated to the women testimony

- The opponent reasons, in the field of women judgment: the women testimony for judgment and laburnum is unaccepted and their testimony in financial matter is half value of men testimony. It is indicated the lack of women than men(Kashfole alsam, phazel Hundi, v.2, p.322).

Zaheyle in Alfetnate Islamy and Adelat believed: holy God pointed to men about the matter of women who has been forgotten and in this background Holy God says: if in the argument of testimony one a women forgot another should remember her (Zahilee, alfeghatole Islamy and adelat, p5937).

Replying to Believers to the women judgment permits in associated to women testimony

In adultery, the testimony of two women pulse a man would be accepted by judge and also their testimonies in the field would be accepted as well. In addition, the condition of being something in testimony as hegemony doesn't implies to the condition of being it in judgment. A man testimony doesn't depend on other testimony by a someone else (i.e. another man) and also it does not depend on the number of judges and here the priority is on the lack of argument and the lack of influence judgment by female implies in the field of punishment and again absolutely it does not imply on rejection of their authorities in mention cases (Pheghatol ghaza, sayied Abdole Karime Mosavie Ardebilly, v.1, p98).

4- The consideration of Believers viewpoints to the lack of women judgment permits in associated with reviewing the influence relationship with stranger's men in women judgment

Some of jurists represented that if women sit on the judgment chairs, they have to encounter with litigants and call witnesses in the court. The litigants and witnesses in most cases related to men. On the Other hand the essence of this kind of judgment would encounter with strange men and speaking with them but in Islam this matter has been rejected and it is forbidden for a woman. In fact this prohibited subject by holy legislator represents the lack of their judgment permits and in order to prevent of communication with men and corruption the subject of judgment has been taken away from them.

The consideration of Believers viewpoints and reviewing the influence relationship with stranger's men in women judgment

Of course hearing to lady's voice never caused any corruption but today we can observe in the visible an Jurists and clerics and Emulation Women in visual media are engaged for different activities which same thing reflected on this subject that these jurists including Sharbeney (Sharbeney Khatibe, Moghney almohtage, v.4 p375), Khatibe, Naraghee (Naraghe Mostanade alsheyeh, v.17 pp35,36) and etc... believed that listening or hearing to women's voices is without difficulty (Phazel lankarane, Muhammad, jameol masael, v. page484.483) and many jurists have expressed some reasons of banned women judgment but in the field of our argument did not point to anything.

Of course in this background there are other reasons which can be pointed.

Conclusion

As long as this mention category has an important rank in community and with regarding to the presence of women in different social activities, developing knowledge and communication, representing the equity rule between man and woman, this matter has been considered as an important matte as well.

In this current study, opponents ideas has been considered as well and in this field they have answered to some questions of course their answers is not based on verses of Holy Quran or wisdom or tradition or Consensus with all of them thus we say that women can be responsible for judgment.

In general, there are two judgment systems and if our tendency is toward Ijtihady systems it is sounded that women under second orders they can be judge and this is the greatest condition which is called Ijtihad. But if our tendency is toward the legal judgment systems (and the Islamic republic of Iran is based on it) being man or woman is not the main criterion but in this between the only reason for the lack of women judgment is consensus which it was represented but this consensus is unaccepted because this consensus is documentary not intentionally, therefore the women judgment would be possible in two conditions.

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