

Women's Employment and Its Impact on Family Stability: A Legal and Jurisprudential Perspective in Light of Judicial Precedents

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Abstract:

The discourse on women's employment in the context of Islamic jurisprudence and statutory law reveals a contentious yet pivotal field of research. This study delineates the conditions under which women's employment is sanctioned or proscribed within Sharia, juxtaposed with the stipulations of Algerian family law, which explicitly endorses women's employment rights—a stance echoed in broader Arab legislation. However, these legislative frameworks often diverge from Sharia principles, lacking specific legal parameters for such employment, which catalyzes significant familial discord within the Muslim Arab community. This discord is manifested in the burgeoning cases of marital disputes and dissolution presented to family courts. This paper advocates for the stringent formulation of criteria governing women's, particularly wives', employment to fortify family stability. The advancement of legal frameworks and the harmonization of judicial practices are deemed essential for nurturing the welfare of the Muslim family.

Keywords: Women, Wife, Employment, Family Stability, Judicial Practice.

Introduction:

Women are integral to both societal and familial structures, underpinning the latter as its foundational element. The condition of women significantly influences societal and familial well-being. The emerging jurisprudential debate on women's employment underscores its multifaceted implications. Within this discourse, various Islamic scholars support women's work, citing contemporary necessities and societal realities, while others caution against it due to potential detrimental effects that may outweigh its benefits. Still, others conditionally permit it, restricting it to fields congruent with Sharia prescriptions tailored to women's unique physiological and psychological make-up as ordained by Divine wisdom.

This paper also addresses the prevalent nonchalance towards gender-specific vocational roles, reflecting a shift towards gender-neutral employment opportunities. Consequently, exploring the rights, responsibilities, challenges, and impacts of women's employment on family dynamics has become increasingly critical.

The proliferation of women's employment prompts a reevaluation of its origins and implications. Some attribute this trend to a decline in male guardianship, others interpret it as a positive outcome

of feminist movements, and yet others perceive it as a byproduct of Western influence. The ramifications of this shift are significant, particularly within the family unit, which is regarded as the nucleus of society. Researchers examining the dynamics of Muslim families today identify numerous challenges that hinder the family from fulfilling its traditional roles. These challenges are partly attributed to societal changes that have altered living patterns and values. This study seeks to investigate the extent to which women's employment, particularly that of wives, exacerbates these challenges, and whether it can also contribute to the social and economic advancement of families. Furthermore, it examines the role of family law and judicial practices in regulating women's employment to safeguard familial stability.

To address these questions, this study employs a combination of analytical and comparative methodologies, enabling a comprehensive examination of the issue from both legal and Sharia perspectives.

The Evolution of Women's Employment: From Past to Present

The historical landscape regarding women's roles within society have undergone profound transformations. In the pre-Islamic era, societal norms relegated women to a status inferior to human beings¹, denying them the dignity and rights subsequently afforded by Islamic jurisprudence. Traditionally, women's work was perceived as a burden, an imposition rather than a choice, and certainly not a part of conjugal obligations. The husband commanding his wife to work was not seen as a directive she needed to obey² since the work was not considered part of marital harmony but rather a form of economic exploitation. Specifically, tasks like sewing or weaving, even if performed for wages, were not considered part of obedience if the earnings were controlled by the husband for household expenditure.

This paradigm shifted with the advent of Islam, which introduced a dignified approach to the treatment of women. The Prophet Muhammad (peace be upon him) championed respectful engagement of women in work, aligning their contributions with appropriate roles as defined by Islamic jurisprudence. This era marked a significant normative realignment, where women's labor was not only recognized but also framed within the broader dictates of Sharia, which balances rights and duties within familial and societal contexts.

In contemporary discourse, the economic rationale dominates the analysis of women's employment, often viewed as essential for enhancing family income and improving their financial status. However, this participation, when unregulated, poses significant macroeconomic and social challenges. For instance, in Algeria, the indiscriminate integration of women into the workforce has led to substantial economic shifts, influencing male unemployment³ rates and altering familial financial responsibilities, as evidenced by protests in cities like Laghouat, Algeria, where male youths have demanded equitable employment opportunities⁴. Additionally, the Algerian Minister of Solidarity's controversial appeal for women to relinquish their salaries to support the public treasury, underpinned by the notion that financial provisioning is predominantly a male responsibility⁵, highlight the complexities introduced by these economic policies.

These phenomena are not confined to Algeria. In Europe, the increased unemployment rates are partly attributed to statistical methodologies that do not differentiate the roles men and women traditionally occupy in the workforce. This lack of distinction might suggest that if only the traditional male roles

were considered, the unemployment scenario would present differently⁶, pointing towards a need for policy adjustments that reflect the real dynamics of labor markets under modern economic pressures. Islamic legal principles advocate for a balanced approach to women's employment, emphasizing that while women can work, this should not disrupt the natural familial order nor the financial responsibilities prescribed by Sharia. This includes men's obligations to provide for their families, positioning women primarily as caregivers and educators within the home, roles that are vital for the stability and development of society.

Reflecting on legislative practices, most Arab family laws maintain that a father is responsible for his daughter's financial needs until her marriage, at which point her husband assumes these responsibilities⁷. This framework is designed to support the family structure while allowing for women's contributions outside the traditional roles when appropriate.

Moreover, it is fundamentally incongruent for Muslims to emulate the legal frameworks of nations where, until recently, women were regarded as legally incapacitated, akin to minors or individuals lacking mental capacity. Numerous legislative reforms in these regions have endeavored to enhance women's rights, yet often these reforms have exposed women to different risks by failing to incorporate the principles of Islamic justice. This misalignment is particularly manifest in the widespread commercial exploitation of women's images⁸, which starkly contrasts with the dignified portrayal mandated by Islamic doctrines.

Algeria has implemented a robust policy framework aimed at fostering and augmenting female participation in the workforce. The government has consistently mandated their inclusion through statutory requirements in both competitive and electoral arenas. Additionally, the legislative body has swiftly pursued a trajectory towards gender equality, surpassing even those nations that have championed such initiatives. This advancement includes establishing wage equity across genders for identical roles, contrasting starkly with the prevalent practices in many European nations. For instance, in Germany, which maintains the most robust economy in Europe, the wage disparity persists with women earning 21% less than their male counterparts. Similarly, in France, the wage gap stands at 15%. Despite these inequalities, German women continue to advocate for equal rights, even in a political landscape led by a female Chancellor.⁹

This legislative and regulatory framework in Algeria has notably enhanced female employment statistics. Reports indicate that by 2015, female employment surged to over two million, predominantly in critical sectors such as healthcare, education, the judiciary, and public administration. Women have also ascended to significant ranks within the governmental hierarchy¹⁰. By 2019, the proportion of women in the workforce was officially reported to exceed 20%¹¹, although actual figures may suggest a higher rate.

Second Section: The Jurisprudential Rulings and Regulations on Women's Employment in Islamic Law

Under Islamic jurisprudence, there is a consensus that the primary duty of a man is to seek sustenance and contribute to societal development through labor, a task for which Allah has equipped him. Conversely, the principal role of a woman is to populate the earth through childbirth¹², a duty she is divinely endowed to fulfill. Employment outside the home for women is considered an exception to this principle and, as such, is governed by specific regulations and conditions aimed at ensuring the

anticipated benefits are realized¹³. Islamic jurists have established several guidelines regarding this matter, which can be summarized as follows:

1. Adherence to the Proper Etiquette of Leaving the Home and Avoiding Ikhtilat (Intermixing):

Allah has ordained proper etiquette for every action, including the departure of a woman from her home for work. Essential etiquette includes modest and appropriate dress, which is legislated not to restrict or deprive her but to protect her dignity and shield her from the covetous gazes of others. Additionally, she should avoid ikhtilat (intermixing with men), as this can lead to fitna (temptation) and societal corruption, potentially resulting in the disintegration of families¹⁴.

2. Non-Interference with Her Primary Duties and Compatibility with Her Fitrah (Nature):

It has been established that women are naturally equipped to manage significant responsibilities within the family, particularly in nurturing and educating children. Abbas Mahmoud Al-Aqqad has noted that scientifically, women differ from men in their biological makeup, a fact that aligns with both intuition and empirical evidence. Therefore, roles ascribed to women include nurturing the next generation, a task neither trivial nor demeaning, while men typically engage in broader societal endeavors and governance¹⁵.

Any employment that hinders a woman from her primary duties is considered secondary. It is preferable for her and her family that she relinquishes such employment, especially full-time jobs that prevent a mother from caring for her children, which has led many women, under compulsion, to leave their children in daycare for extended periods.

To address this issue, we propose a "Women's Shift System," where women work, for example, two hours a day and dedicate the rest of the day to their families. They would receive a quarter of the salary a man earns for an eight-hour workday. This solution would not only be just compensation for the effort expended but also help reduce female unemployment.

In our contemporary discourse on gender roles within the workforce, it has been observed that the demarcation between professions deemed appropriate for women and those traditionally held by men is increasingly being challenged. This evolution in societal norms presents a significant shift that warrants careful scrutiny within the framework of Islamic jurisprudence. The indiscriminate integration of roles between the genders is a troubling trend that could potentially disrupt the foundational balances established by the natural order and religious principles.

Islamic legislation, deeply rooted in the divine wisdom of the Quran and the Sunnah, does not inherently discriminate between the sexes in matters of employment but rather prescribes roles that align with the innate qualities and capacities bestowed by the Creator. As articulated in the Quran, "Does He who created not know, while He is the Subtle, the Acquainted?" (Quran 67:14).¹⁶ This verse underscores the profound understanding that Allah possesses regarding His creation, affirming that His decrees are informed by an all-encompassing knowledge of human nature.

Empirical and biological studies confirm the existence of significant physiological and psychological differences between males and females. These differences are not merely anecdotal but are scientifically validated, reinforcing the Islamic perspective that certain vocations may not be suited to the natural disposition and physical capabilities of women. Islam's legislative framework is designed to safeguard women from engaging in tasks that could potentially compromise their well-being or contravene their physiological capabilities.¹⁷

3. The Necessity of Employment for the Woman or Society:

It is concerning to see that women today occupy many positions traditionally held by men, often outnumbering them, yet they are conspicuously absent from crucial fields better suited to them¹⁸. The reality of maternity wards in Algerian hospitals, staffed predominantly by male doctors, underscores the urgent need for female professionals in such areas to preserve women's modesty and Islamic integrity. Women's participation in these roles is vital for maintaining their purity, chastity, and adherence to Islamic values¹⁹.

The tragedy for a woman is to abandon her essential responsibilities as a homemaker, including creating a happy home, cooking, sewing, and raising children, in favor of pursuing personal freedoms at the expense of familial duties²⁰.

4. Husband's or Guardian's Consent for Employment:

Islamic jurisprudence mandates that a woman must seek her husband's permission before engaging in employment. In the context of Islamic jurisprudence, the concept of "Ijazah" (permission) encompasses not only the act of permitting but also involves consent and endorsement. Thus, a wife seeks her husband's permission to leave the home as an act of obedience and respect for his guardianship, which aligns with his duties of providing financial support and the mahr (dowry)²¹. This practice is grounded in the Quranic injunction, "And due to the wives is similar to what is expected of them, according to what is reasonable"²² (Quran 2:228).

A woman's departure from home without such consent can lead to her being considered nashiza (disobedient), potentially forfeiting her right to nafaqa (financial maintenance). Some jurists suggest a partial reduction in maintenance, known as taba'idh, since maintenance is contingent upon her availability at home. By leaving without her husband's consent, she partially voids this agreement²³. We argue that the principle of reducing maintenance for a wife who insists on working without her husband's consent is inconsistent with the principles of obedience outlined in the Quran: "And those [wives] whom you fear may be rebellious admonish; [then if they persist], forsake them in the bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand" (Quran 4:34)²⁴. It is difficult to envisage a harmonious marital life continuing under circumstances where one partner does not agree with the other on significant and impactful decisions such as the wife's employment. However, this principle can be applied in cases of divorce, where a reduction in maintenance could be fair to both parties, mitigating the husband's burden of full maintenance while allowing the wife to retain her employment.

Qasim Amin, a writer and advocate for women's liberation, likens women in his country to significant capital in the hands of a wealthy man who hoards it without investing, merely enjoying its aesthetic value²⁵. This perspective overlooks the considerable unemployment among men who are primarily responsible for financial provision, a responsibility that, when fulfilled, adds to the dignity and honor of women.

Third Section: The Position of Algerian Legislation on Women's Employment

The Algerian legislature has demonstrated a substantial commitment to the issue of women's employment, as evidenced by numerous legal texts that facilitate women's access to various sectors of the labor market. This commitment is particularly manifest in the recent amendments to the Algerian Constitution²⁶, which underscore women's right to work. Article 68 of the revised constitution mandates the state to promote parity between men and women in the labor market and

encourages the elevation of women to positions of responsibility in public institutions and enterprises. This constitutional amendment also asserts the state's duty to enhance women's political rights by expanding their opportunities for representation in elected assemblies.

Concurrently, the draft amendment to the electoral law, which has been a subject of considerable political discourse, includes provisions for parity on electoral lists—a measure strongly advocated by various feminist organizations.

However, the codification of parity, while seemingly a victory for women's representation, paradoxically may also diminish their perceived value. Women should, and indeed aspire to, secure their professional and representational rights based on merit rather than through legislatively imposed quotas. They do not merely seek parity but, ideally, majority representation, particularly if they prove more competent than men in management roles. However, the imposition of equality or quotas in electoral representation and appointments to various positions is fraught with fallacies and risks. The quota system, as known in the political sphere, has often proved ineffective. It fails to ensure that key positions are filled based on stringent selection or fair elections adhering to criteria completely detached from racial, gender, or other forms of discrimination. The current situation in Algeria exemplifies these complexities.

The Algerian legislature has also affirmed wage equality between men and women, which is laudable if the value of work performed is equivalent. Since this study is connected to the family, it is essential to examine the legislator's stance through the texts of family law. In Family Law No. 84-11, the Algerian legislator did not explicitly state its stance on working women. However, the 2005 amendment under Law No. 05-02²⁷ clarified this position by regulating the stipulation in marriage contracts through the insertion of Article 19. This article allows contracting parties to document necessary conditions in the marriage contract or a subsequent official document, specifically addressing "women's work." It would have been more accurate to use the term "wife," as this condition is intended specifically for wives.

The legislator also deemed the wife's work not to conflict with the provisions of the Family Law, aligning with the predominant views of Islamic jurisprudence, which serve as a primary source for Algerian family legislation²⁸. Amended Article 67 states that custody is terminated by the disruption of one of the conditions stipulated in Article 62, which includes caring for, educating, and raising the child in the father's religion, and ensuring the child's physical and moral well-being. However, the employment of the custodial mother does not constitute grounds for terminating custody rights, reinforcing the acknowledgment of a woman's right to work without affecting her legal right to the custody of her children.

This legislative framework emphasizes that the welfare of the child must be considered paramount in all cases—a stipulation that invites reflection on the legislator's intent regarding the non-termination of child custody due to the mother's employment while highlighting the necessity of considering the child's welfare in all circumstances. The phrasing of these provisions suggests that the child's welfare is paramount, and although a custodial mother's employment generally does not impede her ability to perform custodial duties or affect the child's welfare, there are certain occupations that might hinder the custodian's ability to prioritize the child's best interests in rare cases, necessitating judicial discretion to evaluate and prioritize the child's welfare.

The legislative oversight regarding women's employment in the initial Law 84-11 and its subsequent rectification in the 02-05 amendment reflects the evolving demand for women to work and the associated family disputes concerning this issue in recent times. This legislative evolution has been facilitated by successive government policies and strategies that encourage women's employment across all sectors.

Moreover, the Algerian legislator encourages women, particularly wives, to manage their financial affairs independently as per Article 37, allowing them to separate their financial management from their husbands if they wish or to collaborate with them to determine the proportions attributable to each. This is further evidence of the legislator's endorsement of women's right to seek financial resources, with employment being one of the most significant means available for acquiring it.

While the legislator obligates the husband to provide for the wife according to Article 74, and establishes the wife's right to request divorce if he fails to do so according to the first paragraph of Article 53, this approach is consistent with most Arab legislations. In Morocco, for instance, the legislator not only does not prevent women from working but actively encourages it, significantly aiding family expenses²⁹.

We have previously explained the Islamic ruling on a woman who goes to work without her husband's consent and its effect on denying her spousal maintenance. However, what is the Algerian legislator's stance on this issue?

Article 55 of the Family Law briefly discusses the issue of nushuz (disobedience), leading to significant ambiguity surrounding the matter. This article merely directs the judge to decree divorce and compensation if one of the spouses is confirmed to be disobedient, without providing clear criteria for the judge to determine the existence of such disobedience.

Fourth Section: Judicial Responses to Women's Employment in Algeria

The issue of a wife's employment has generated significant controversy within marital contexts, as evidenced by the family disputes related to this subject. The Algerian judiciary has consistently addressed these cases, establishing pivotal legal principles regarding the matter:

1. **Employment and Custody Rights:** The jurisprudence of the Supreme Court has established that a woman's employment does not constitute grounds for revoking custody. Any assertion to the contrary is deemed a misapplication of the law, characterized by deficiencies in reasoning and lack of a legal basis, leading to the annulment of such decisions³⁰. Even prior to the amendment of Article 67 of the Family Code by Law No. 05-02, which explicitly supported this position, the judicial stance was clear. However, custody might still be revoked if the employment demonstrably deprives the child of necessary care and attention³¹, an adjudication made to preserve the child's best interests. The challenge lies in the practical difficulty of proving such detrimental impacts, but the judiciary's approach acknowledges a woman's right to work and demonstrates flexibility in these considerations.
2. **Housing Allowance and Maternal Employment:** According to legal stipulations, the rent for the residence where custody is exercised is the responsibility of the father. Judicial rulings have upheld the award of housing allowance to the custodial mother despite her employment, adhering correctly to Article 72 of the Family Code³². Such rulings by the Supreme Court affirm the judiciary's recognition of a woman's employment rights without compromising her legal entitlements.

3. **Employment and Maintenance Rights:** The Supreme Court has ruled that a woman's employment, even in well-compensated roles such as a doctor, does not justify the denial of maintenance during the waiting period (iddah), nor does it negate the maintenance rights of dependents, which remain the father's responsibility if he is financially capable³³. This position is grounded in the explicit provisions of Article 74 and is congruent with the principles of Islamic jurisprudence and the statutory texts recognizing a working woman's right to maintenance irrespective of her financial capacity. However, maintenance can be discontinued for a daughter who is employed and self-sufficient, as the Supreme Court stated that maintenance is obligatory on the father unless the child is financially independent. This principle is succinctly encapsulated in the judicial maxim: "Maintenance for a child is obligatory upon the father unless he lacks financial means, and this duty ceases with the child's attainment of financial independence through earnings."

In a pivotal adjudication, the Court addressed instances where maintenance was decreed for daughters who were gainfully employed and financially self-sufficient. The judicial panel's decision, in this case, contravened the established legal framework. The judges, by mandating financial support for those daughters who legally do not necessitate it due to their earnings, deviated from the normative legal principles.³⁴

4. **Unilateral Employment as Potential Disobedience:** It is established that judicial compensation must be awarded if one spouse is demonstrably disobedient. A mother may be required to contribute to the children's maintenance if financially able and if the father is unable to do so. In a noted case, the refusal of a wife to return from France, opting instead to maintain her employment abroad contrary to her unemployed husband's circumstances, led to a legal challenge. The husband sought exemption from paying child maintenance on these grounds. The failure of the judges to address whether the wife's refusal constituted disobedience or justified the husband's exemption from maintenance obligations exposed their ruling to potential reversal³⁵.

These analyses draw upon the Supreme Court's decisions regarding women's employment issues, highlighting the judiciary's reliance on family law provisions to uphold the rights of working women in matters of custody and maintenance.

Additionally, it is notable that the Kuwaiti Court of Cassation has ruled that if conditions arise where the continuation of a wife's employment conflicts with the family's predominant interests, her employment under such conditions is considered disobedience³⁶. This precedent could serve as a model in Algerian courts to preserve family stability, particularly in cases where some wives prioritize their employment over family cohesion and without their husband's consent.

Fifth Section: The Impact of Women's Employment on the Family

Allah (SWT) declares in the Holy Quran: "Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore, the righteous women are devoutly obedient, and guard in the husband's absence what Allah orders them to guard..."³⁷ (Quran 4:34). Ibn Kathir interprets this verse to mean that men are the custodians over women, justified by their responsibilities of providing dowries and maintenance as ordained by Allah. This guardianship, or Qawamah, is inherently linked to financial provision³⁸.

In Islamic jurisprudential discourse, the concept of *qawamah*—guardianship or stewardship—relates fundamentally to the financial obligations that men hold over women, as explicitly stated in the Qur'anic verse (4:34). This guardianship is predicated on what Allah has endowed upon men over women in terms of responsibility and the requisite financial provision through *mahr* (dowry) and maintenance. This theological and legal framework is elucidated in the exegeses by scholars like Al-Tabari and Al-Baghawi.

Al-Tabari interprets this divine preference to mean that men are appointed as protectors and maintainers of women due to their role in financial expenditure and dowry provision. He asserts that this confers upon men a directive capacity over women concerning their shared life matters. The guardianship is thus not an arbitrary dominance but a structured and divinely sanctioned leadership rooted in economic provisions³⁹.

Al-Baghawi expands this understanding by describing *qawamah* as encompassing the management of welfare, discipline, and overall familial governance. This guardianship is justified by what he identifies as intrinsic differences sanctioned by divine wisdom—men's increased capacities in intellect, religious observance, and social duties such as testimony, *Jihad*, and leadership roles in congregational settings and prophethood among other things⁴⁰.

The nexus between financial capability and guardianship is further emphasized, wherein an increase in a woman's financial contribution might inversely impact the traditional scope of male guardianship. This dynamic suggests a potential diminution in the man's authoritative role if the woman's economic contribution equals or surpasses his own. However, this shift is contingent upon the adherence to Islamic cultural norms and the wife's volitional deference to her husband's traditional role.⁴¹

A sociological perspective from an Algerian professor underscores that Algerian men may fear the erosion of their traditional role due to reduced personal income, leading them to extend control over their wives' earnings. Such dynamics often lead to familial discord and potentially, divorce⁴², if the wife resists sharing her income. Algerian law acknowledges this tension by ensuring financial independence for both spouses, as per Article 37 of the Family Code.

Financial maintenance (*nafaqa*) is a pivotal element in establishing *Qawamah*. It is stated in the training course book for marital life⁴³ that both men and women have defined responsibilities. The Quran states, "Men are the protectors and maintainers of women because Allah has made one of them to excel the other, and because they spend (to support them) from their means..."⁴⁴ (Quran 4:34). The husband's responsibilities include financial maintenance, management, and care, while the wife is responsible for obeying her husband and safeguarding the home and children. Thus, men's *Qawamah* is linked to their financial obligations and the inherent qualities that Allah has endowed them with⁴⁵. In Islamic jurisprudence, the principle that rights and responsibilities are inextricably linked is vividly captured in the Qur'anic verse "And they (women) have rights similar to those (of men) over them in kindness, and men have a degree (of responsibility) over them"⁴⁶ (Qur'an 2:228). This verse underscores the balanced approach of Islamic legislation where the duties and rights of both genders are harmonized within the framework of marital and familial relations⁴⁷.

Based on this understanding, financial maintenance significantly influences a man's ability to fulfill his family duties, underpinning *Qawamah*. Some jurists argue that failure to provide maintenance nullifies *Qawamah* and grants the wife the right to seek annulment of the marriage⁴⁸, a provision

reflected in Algerian law allowing wives to request divorce due to lack of financial support (Article 53). The obligation of maintenance is reiterated in Articles 74 and 75.

Qawamah, as a man's authority to manage family affairs, is fundamentally rooted in Shura (consultation)⁴⁹. Therefore, financial maintenance is essential for Qawamah, which in turn is crucial for family stability. Conversely, any failure in providing maintenance disrupts Qawamah and destabilizes the family structure.

Given the increasing rates of family disintegration, it is pertinent to question the current state of Qawamah in Algerian families and whether it has been compromised, contributing to familial imbalance?

Researchers and the public alike recognize that men's Qawamah has been undermined on various occasions under numerous justifications, including the equalization of roles within the family⁵⁰, encouragement of women's employment, and the resultant economic independence of women, which often surpasses that of men in many fields.

Some scholars argue that women's employment significantly alters power dynamics within the family, particularly in economically disadvantaged households where the wife's income becomes a primary source of livelihood. This shift enhances her decision-making power and presence in the household, thereby reinforcing family security and cooperation. However, this perspective, inspired by Western thought, is often at odds with traditional Islamic views on family roles, emphasizing that Qawamah is fundamentally about consultation with the final decision resting with the husband as the family head.

Recent developments, such as the introduction of unemployment benefits and labor market integration programs, despite their positive aspects⁵¹, have also created new familial conflicts. Many wives classified as unemployed job seekers may not actually be seeking employment but are pressured by economic incentives. This has led to significant disputes when women are called to work, often against their husbands' wishes, resulting in intense conflicts and sometimes divorce. Thus, the criteria for these benefits need careful revision to prevent exacerbating familial issues.

To mitigate the negative impacts of women's employment, a proposed solution involves adopting a flexible employment model for women, particularly wives and mothers. This model would limit their daily working hours to two or three hours, with rotating shifts, ensuring they receive compensation commensurate with their work hours and personal needs. This approach allows women to fulfill their familial duties while maintaining their husband's Qawamah, preserving family stability.

Persisting with the current approach risks deepening deviations from the natural order, where men traditionally work outside the home while women manage household responsibilities. The increasing prevalence of women as primary earners in families, often due to male unemployment, disrupts this balance and leads to familial conflicts⁵². Societies that prioritize child-rearing, such as Japan, demonstrate the importance of nurturing future generations, with many women ceasing employment post-childbirth to focus on their children's upbringing⁵³.

In Islamic jurisprudence, financial maintenance is mandated for the husband, even if the wife is employed or wealthy, underscoring the importance of Qawamah for men⁵⁴ and allowing women to focus on their primary roles.

Certain Western scholars have acknowledged the intrinsic value of domestic labor performed by women, positing that cessation of such activities would precipitate societal chaos. They envisage

scenarios where children roam unsupervised, infants suffer due to neglect, and essential household functions collapse. Studies conducted in the United States have corroborated these assertions, indicating that the departure of wives from their domestic roles to augment family income has been a significant factor in familial crises and a rise in societal crime rates. These studies suggest that the increase in household income from women's employment coincides with a decline in moral standards, necessitating an urgent call for mothers to return to their primary roles at home to restore ethical values⁵⁵.

Parallel research within the Arab context indicates that female employment is often correlated with marital discord⁵⁶. These studies reveal that sustained employment among women can diminish their attention towards familial duties⁵⁷, leading to conflicts, especially when opposed by the husband or his family⁵⁸.

Algerian law specifically addresses women's employment in Article 19 of the Family Code, advising prospective spouses to clarify their stance on the matter during the marriage contract. The law also prohibits using the custodial mother's employment as grounds for revoking custody, aiming to preempt disputes by clearly defining the issue⁵⁹.

An article in the "Al-Arab" newspaper highlighted that working women in Algeria often face a choice between surrendering their entire salary or part of it to avoid divorce, describing this as "financial harassment."⁶⁰ In 2018, Algeria's Minister of Solidarity reported nearly 66,000 divorce cases,⁶¹ many driven by women seeking financial independence from husbands who demand a share of their earnings⁶².

Conclusion:

In synthesizing the outcomes from our exploration, the results can be encapsulated as follows:

1. **Jurisprudential Permissibility of Women's Employment:** According to the consensus of jurists, women's work is permissible provided it adheres to established Islamic controls designed to ensure both individual and familial well-being.
2. **Indisputable Necessity for Women's Employment:** The requirement for women to engage in various professional fields is an incontrovertible reality that must be acknowledged.
3. **Supremacy of Domestic Roles:** The roles women play within the confines of their homes and families transcend all other professional engagements, as these roles are foundational to societal stability.
4. **Competitive Participation in the Workforce:** Women are capable of competing effectively in the majority of professions, provided these roles are appropriately suited to their inherent capabilities.
5. **Islamic View of Women as Valuable Entities:** In Islam, women are deemed invaluable, with their roles in the family being crucial. It is imperative to protect them from burdens that may mar their dignity.
6. **Partnership in Matrimonial Life:** Contrary to the assertions of radical liberationists, women are not dependents but are partners and complements to men in the familial structure, deserving of honor and meticulous care.
7. **Beneficial Outcomes of Sharia-compliant Employment:** When women's work aligns with Sharia principles, it enhances financial stability, fulfills legitimate professional aspirations, and delivers communal benefits.

8. **Adverse Consequences of Non-Compliant Practices:** Neglecting Islamic prescriptions in women's employment can lead to deleterious effects, such as familial disintegration and the erosion of communal moral and educational standards.
9. **Employment Opportunities and Men's Financial Duties:** Unregulated female employment can diminish men's employment opportunities and financial abilities to provide, which may in turn affect women's marital prospects and lead to societal imbalances.
10. **Challenges in Balancing Work and Family Duties:** Many women strive to balance professional and family responsibilities; however, societal observations indicate a prevailing failure in this regard, highlighting a decline in communal ethical standards.
11. **Preferential Right of Men to External Employment:** Men are generally more obligated to external employment due to their responsibilities for providing dowries and sustaining financial maintenance post-marriage.
12. **Sharia's Tailored Roles for Women:** Islamic law prudently assigns roles to women that honor their nature and societal importance, emphasizing their pivotal role in nurturing future generations.

Proposed Solutions Based on Sharia and Legal Frameworks:

In light of the detailed analysis, several recommendations and corrective strategies are proposed to address the issues surrounding women's employment, adhering to both Islamic jurisprudence and legal norms:

1. **Reassessment of Legislative Texts:** There is a compelling need to reevaluate legal texts that equate inherently different roles of men and women. Abandoning the quota system, or the "quota" regime, in professional competitions and elections is essential, favoring a system grounded in meritocracy and competency. This ensures equity as mandated by law, preventing discriminatory practices that might disadvantage men under the guise of forced parity.
2. **Reform of Wage Legislation in Algeria:** Amendments to the current wage legislation are imperative to enhance the financial empowerment of workers, thus allowing women within families to abstain from engaging in unsuitable external work. This approach would align with their inherent familial and societal roles.
3. **Facilitation of Part-Time Employment for Women:** Legal provisions should facilitate part-time work for women with adequate compensation, ensuring that their primary familial responsibilities are not neglected. A proposed solution involves adopting a new employment model, particularly for wives and mothers, by reducing their daily working hours to a maximum of two or three hours with rotational shifts. This "Rotational Women's System" would allow each woman to work for two hours daily and then focus on her family, receiving a quarter of the salary that a man earns for eight hours of work. This approach ensures fairness and justice for the effort expended and allows women to fulfill their essential family roles, while men maintain their role as primary providers.
4. **Revision of Employment Parity Principles:** The Algerian legislature should reconsider its stance on employment parity between genders in the workplace. A focus on reducing unemployment should not inadvertently enforce parity at the cost of disregarding merit and suitability.

5. Specification of Suitable Employment Fields for Women: It is advisable to designate specific fields that are congruent with women's nature and societal roles, as prescribed by Islamic jurisprudence. Women should not be compelled into professions that conflict with their physiological and psychological makeup, preserving their dignity and societal function.
6. Critical Review of Unemployment Benefits and Job Integration Schemes: Despite the intended benefits of these programs, their implementation has often led to familial strife. A meticulous review of these programs is necessary to prevent them from becoming catalysts for familial discord. This review should aim to adjust the criteria for program eligibility to prevent conflicts, particularly in households where the work mandate contradicts familial consensus.

These amendments and suggestions are put forth to improve the state of the Muslim family, fortify it against external pressures, and ensure its integrity and cohesion as envisioned by Islamic principles.

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