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ПРАВОВОЕ ПОЛОЖЕНИЕ ЖЕНЩИНЫ В ИСЛАМЕ

Многие исследователи неверно понимают положение женщины в исламском обществе. Эта одна из основных тем не только в мусульманском праве, но и в международном праве вообще.

До недавнего времени положение женщины в исламе оценивалось как приниженное, с ущемлением прав, свободы слова и мнения. Считалось, что поведение женщины-мусульманки сохраняет средневековые пережитки и к современным условиям мало подходит. Все эти представления были связаны с недостаточной изученностью и пониманием сущности морально-правового положения женщины в исламе. Однако сегодня, когда появился наибольший доступ к первоисточникам этой религии, к трудам мусульманских ученых, становится ясно, что, действительно, отстало не религиозно-этическое учение ислама, а наше представление о нем, и, в частности, наше представление о женщине в исламе, природа и сущность которой остается неизменной.

История показывает, что до возникновения ислама за женщиной в различных обществах не признавалось должного права, и ее положение оставляло желать лучшего. Например, в Японии им не разрешалось молиться и участвовать в любых религиозных отправлениях. В Китае им было запрещено входить в храмы. В Египте женщин часто и самым варварским обычаем приносили в жертву на берегах Нила. По законам Рима женщина была полностью зависима от мужа, не обладала имуществом и не могла считаться свидетелем. Договоры или завещания ее не считались действительными. В Индии она была лишена права читать священные тексты, считалась собственностью мужа, имуществом.

На женщину смотрели как на низшее существо. Ее можно было продавать, дарить. После смерти мужа женщина передавалась по наследству родственнику супруга. О существовании такого обычая упомянул сам пророк Мухаммед: «Когда мужчина умирал, его наследники брали в жены женщину своего родственника и могли не отпускать ее. Родственники мужа имели больше прав над ней, чем ее родственники»¹.

Арабы до ислама нередко даже закапывали в землю живыми новорожденных дочерей, боясь нищеты. Знать общества полагала добродетелью убивать девочек в младенчестве, пока они не навлекли позора на семью.

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RJ Shavelson



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