

Women's Economic Security in Iraqi Personal Status Law: A Comparative Explanation of Islamic Thought and Feminism in the Iraqi Kurdistan Region

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Abstract

Women's economic security is a key component of gender equality and sustainable development. In the Kurdistan Region of Iraq (KRI), legal frameworks, particularly the Iraqi Personal Status Law, influence women's financial independence by regulating inheritance and maintenance but fail to explicitly address women's right to work, income distribution, and financial autonomy. This legal gap has led to disputes within families and increased feminist critiques regarding women's economic security, while some Islamic interpretations advocate for financial protections for women. This study explores the impact of the Iraqi Personal Status Law on women's economic security through a comparative analysis of Islamic thought and feminist perspectives. Using qualitative legal analysis, the research examines statutory provisions and amendments in the KRI, alongside Islamic jurisprudential and feminist critiques, to assess their implications for women's financial autonomy. The study tries to provide a nuanced understanding of these legal, religious, and feminist frameworks and offers recommendations for achieving a more equitable approach to women's economic security in the region. This research aims to examine the Iraqi personal status law regarding women's financial matters and emphasize the gaps in safeguarding women's economic rights. While the law generally acknowledges women's financial rights, including inheritance, maintenance, and dowry, it fails to explore the subject of women's employment rights or whether women need to seek their families' approval to work independently. Furthermore, it insufficiently addresses the notion of obedience, which is perceived as a financial obligation for women. Although the law does not clarify this concept, some Islamic scholars and feminists recognize shared labor and advocate for financial remuneration for domestic work.

Keyword: Women's economic security, Iraqi Personal Status Law, Kurdistan Region of Iraq, Islamic thought, feminism, gender equality, inheritance rights, dowry, woman working rights

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1. Introduction

Women's economic security is a crucial factor in achieving gender equality and sustainable development. However, in Iraq, particularly within the Kurdistan Region, legal frameworks continue to shape and, at times, restrict women's financial independence. Although the law has settled the issue of inheritance and livelihood, However, this issue is still the source of some problems between spouses in Kurdish society. However, what is questionable is the issue of women's working from a legal perspective, which is the Iraqi Personal Status Law, and the amendments to this law in the KRI do not address it in detail. Both Islamic thought (Al-Qattan, 2001; Al-Saadi, 2013) Feminism identifies itself as a theory and a movement promoting women's rights (Dumas, 2012; Hinderich, 1995; Kelly, 1984). This aims to offer strategies for empowering women economically, guaranteeing their protection, and helping them attain financial independence.

According to official statistics from the Erbil Governorate Court of Appeal's Planning and Statistics Department, there were 5,645 divorces in 2022, with 326 attributable to economic reasons, representing 5.77%. In 2023, the number of divorces rose to 5,857, of which 190 cases,

or 3.24%, were due to economic factors. In 2024, there were 1,613 divorces, with 68, or 4.21%, occurring for financial reasons (KRSO,2022,2023,2024). Although the data does not specify the exact nature of these economic reasons, they may include factors such as dowry, inheritance, women's employment, and the spending of women's earnings. Women's financial situations are a significant issue that deserves consideration, for example,

1.2 STATEMENT OF THE PROBLEM

The study is trying to analyze whether women may work on their own or if they need their families' consent to do so, which was not specifically covered by the legislation. Additionally, the topic of obedience—which is viewed as a financial resource for women—is not covered in length. The legislation does not state whether a woman is legally considered rebellious if she disobeys her husband and works. In Kurdish society some interpretations advocate for women's financial protection; others uphold patriarchal structures that hinder economic independence. Feminist critiques highlight these inequalities, calling for legal reforms and Islamic interpretations offer a more comprehensive approach to women's economic security to explore whether Islamic thought and feminist perspectives can guide more equitable legal reforms.

1.3 RESEARCH QUESTIONS

This study examines the Iraqi Personal Law and analyses it under the perspectives of Islamic Sharia and feminism. These viewpoints are compared both with each other and with the Iraqi personal status law. The primary question of this study is: **To what degree has the Iraqi Personal Status Law succeeded in guaranteeing the financial stability of women in the Kurdistan Region of Iraq?** In addition, the study seeks to understand how this law relates to Islamic Sharia and feminist perspectives on the issue. Specifically, it also explores: **What are the different perspectives of Islamic thought and feminism on protecting women's economic security?**

1.4 METHODOLOGY

To assess the Iraqi personal status law and investigate the relationship between Islamic thought and feminist viewpoints on women's economic security, this study uses a qualitative comparative analysis. This study uses a qualitative comparative analysis to investigate how feminist viewpoints on women's economic security connect with Islamic theology. The study utilizes the following methods: Legal Analysis: Reviewing the Iraqi Personal Status Law and any specific legal reforms in the Kurdistan Region to identify key provisions affecting women's economic rights, and Comparative Framework: Examining how feminist ideas and Islamic jurisprudential views structure women's financial autonomy.

1.5 AIMS OF THE THESIS

This research aims to conduct an in-depth analysis of the challenges and opportunities for improving women's economic security in the Kurdistan Region of Iraq. By integrating legal, religious, and feminist perspectives, this study seeks to offer a detailed understanding of how various frameworks intersect and influence the effectiveness of the Iraqi Personal Status Law in safeguarding women's economic rights and security. Additionally, it aims to identify legal remedies for the gaps and deficiencies present in the Iraqi Personal Status Law.

2. The Definition of Women's Economic Security:

Women's economic security ensures their right to control and utilize financial assets without interference. Women's economic security provides their unhindered ability to manage and use financial resources. Scholars acknowledge it as financial autonomy, with particular safeguards provided by Islamic Sharia and social stability depends on economic empowerment, according to feminist viewpoints. Scholars have not explicitly defined women's economic security, they generally agree that a woman has full authority over the management and use of her own financial assets (Al-Jassas, 2010, 4/273; Al-Qayrawani, 1999, 5/276; Ishaq bin Mansur, 2002, 8/4323). No one has the right to seize her property. Additionally, Islamic Sharia has outlined various financial resources for women, which we will discuss later. Therefore, based on the financial rights and authority granted to women, as highlighted by scholars, we can conclude that **women's economic security is defined as the protection of their financial rights and the ability to manage and benefit from their assets.**

Economic security includes welfare programs that provide a minimum standard of living and protect individuals from poverty and adversity (Gordon, 2012). According to UN Women, "economic empowerment is a transformative process that ensures women's rights, agency, and fair access to resources to protect them from abuse, conflict, and disasters" (UN Women, 2024). Feminist economists stress the traditionally feminine aspects of economic analysis, such as emotional factors and family economics (Ferber & Nelson, 2003). They argue that non-market activities like childcare and housework are crucial to economic growth, even though neoclassical economics usually overlooks them (Power, 2008). As it can be seen in the KRI that most women are doing the chores without being paid or to be considered. Excluding such labor reinforces gender bias, undervaluing women's contributions (Aslaksen & Koren, 2014). Feminists contend that traditional values like caring and compassion and subsistence living advance social and national security (Mies, 1993). Domestic and international economic oppression molds people's financial circumstances, which in turn affects security and stability (Tickner, 1992).

The next section attempts to explore the sources of women's economic resources, based on four main avenues: inheritance, dowry, women's Labor, and livelihood. These are considered as means through which women can attain economic independence and safeguard their economic security. In reality, various obstacles impede women's economic independence, putting their financial security at risk.

3. SOURCES OF WOMEN'S ECONOMIC SECURITY:

Women's financial stability is shaped by a variety of economic resources that guarantee them security and freedom. These sources serve as the cornerstone for women's economic rights and are acknowledged in both legal and religious contexts. The following section explores key financial sources contributing to women's economic security. And explain the (Iraqi Personal Status Law (188) of 1959 and its Amendments (15) of 2008) then explore feminist and Islamic perspectives about all of them such as inheritance, dowry, livelihood, and women's working rights.

3.1 INHERITANCE (الميراث) :

3.1.1 FROM A LEGAL PERSPECTIVE:

In the Personal Status Law, inheritance refers to property, assets, and wealth that a person bequeaths to their heirs after their death (P3, Article 86, Iraqi Personal Status Law). In terms of the details of the rights and eligibility of inheritance and the share that women are entitled to and given in a general manner under Islamic Shari'ah, which is the same, this is governed by the Personal Status Law (Article 90, Iraqi Personal Status Law). It is clear that in Islamic law, in some cases, women receive half of the inheritance of men. At the same time, the amended law of the Kurdistan Region indicates that the heir can divide his property among his male and female heirs during his lifetime equally between them (P3, Article 24, Amended Personal Status Law of the Region).

What can be seen in paragraph 3 of Article 24 of the amended KRG in some ways refers to a deviation from the general principles of inheritance among them, the inheritance by the female is half the male in some cases (Hamd, 2023, 178). Otherwise, there is no desire to mention this clause, and even if it is not mentioned, the inheritor can still do so, and it is not called an inheritance at this time, Because the definition of inheritance shows that the distribution of the inheritor's property is taken after his death, not during his lifetime.

3.1.2 FROM A SHARI'AH POINT OF VIEW

From the perspective of Islamic legitimacy Inheritance " is the transfer of the property of the deceased to the living after his death for one of the reasons of inheritance" (Al-Bardisi, 1964,13). In general, from the point of view of Shari'ah, a woman inherits from her relatives in different proportions according to the circumstances, such as a daughter inherits from her parents .She inherits from her husband as a wife, from her brothers and sisters as a sister, and from her sons and daughters as a mother (al-Zahili, D.T., 10/7738). There is no need to go into details, and what we need to know here is that inheritance is one of a woman's financial resources, no matter whether she owns this economy before marriage or after marriage ,even with regard to inheritance from a husband, this woman may have been married before and the man may have died. This woman may have inherited from him.

3.1.3 FROM THE FEMINIST PERSPECTIVE:

By keeping women out of inheritance, males commonly maintain their power and uphold political and economic inequalities. Although having a property gives one security, independence, and opportunities for livelihood, gender disparity in resource access still exists (Cummings et al., 2001). Discrimination in land and inheritance rights was brought to light at the Beijing Conference in 1995, which also noted that women frequently labor the land but do not have authority over it. Although equal property rights are required under CEDAW (1979), only 55 out of 160 nations have equal inheritance laws in place (SIGI, 2014). Feminists advocate for economic justice and gender equality while critiquing patriarchal inheritance systems. Liberal feminists oppose laws that allocate women half of their brothers' shares, pushing instead for equal inheritance rights (Nasir, 2002). While they support modern reinterpretations to ensure fairness, religious feminists, including Islamic feminists, are those who advocate for women's rights from an Islamic perspective (Badran, 2015; Grami, 2013; Basarudin, 2005), and recognize that the Quran's inheritance laws were advanced for their time (Wadud, 1999). To secure equal inheritance rights for women, feminists call for changes in legislation (Giovarelli & Scalise, 2020).

3.2 DOWRY (المهر):

3.2.1 FROM A LEGAL POINT OF VIEW:

Dowry is defined as the money that a man must pay to a woman on the basis of the marriage contract (Al-Asdi, 2021, 197). From the point of view of personal status law, dowry is a valid right for women and this right is protected. That is, a woman's economic security is protected by the amount of dowry she is entitled to, and she is entitled to the full amount of dowry that is contracted with her (P1, A19, Amended Personal Status Law in the Kurdistan Region).

The right and economic security of a woman from dowry is not jeopardized even by divorce or death, but divorce or death does not end the delay in payment of dowry (P2, Article 20, Iraqi Personal Status Law). She can spend whatever she wants, such as giving it away or giving it to her husband in exchange for a divorce. When it goes within the framework of divorce (Khulah) obviously, divorce (Khulah) is a contract, one of the pillars of the contract is consent. That is if the wife does not agree, no amount of her dowry can be reduced in exchange for a divorce. In addition, the Personal Status Law of the Kurdistan Region has amended the issue of divorce

and rules that the amount of compensation paid by a woman to her husband for divorce should not exceed the amount of dowry (Article 21, Amended Personal Status Law of the Kurdistan Region). Similarly, the Court of Appeal ruled that the compensation paid by the wife to her husband for the divorce cannot exceed the amount of dowry received by the wife, and the court is obliged to verify this amount before approving the divorce petition (Rashid, 217, 2020).

3.2.2 FROM THE SHARI'AH POINT OF VIEW:

Dowry is considered one of the financial rights of a woman over her husband and is protected by Islamic law in two ways:

A. In terms of confirmation: The Holy Qur'an and the consensus of scholars consider the right of dowry necessary for women, and it is mentioned in the Holy Qur'an: [وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ] (Al-Nisa: 4), this text commands the payment of dowry to women (Al-Gbri, 2001, 6/380). And also, Allah says [فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً] (Al Nisa: 24), Here the meaning of (أُجُورَهُنَّ) is dowry (Al-Razi, 2000, 10/40), All the scholars of Shari'ah agree on the need for a woman to be paid by her husband (al-Shafi'i, 1983, 5/62; Ibn 'Abdeen, 1966, 3/100) .

B. In terms of protection: There are some specific Shari'ah evidence that emphasize that a man is not allowed to change his wife's dowry without her consent. As Allah say: [فَإِنْ طَبْنَ ... لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا] (Al Nisa: 24), This verse is evidence that it should be modified only with the full consent of the woman (Al-Matridi, 2005, 2/207), and says [وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَآتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُبِينًا] (Al Nisa: 20), This verse indicates that taking a woman's dowry is a great sin, even if the amount of the dowry is large (al-Isfahani, 1999, 3/1154). And He says: [...وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا...] (Al-Baqarah: 229), That is, it is forbidden for her husband to take dowry from a woman (al-Wahdi, 2008, 4/224).

Inheritance and dowry are two stable financial rights of women and do not require effort to obtain them. Thus, she receives this right upon the death of one of the above-mentioned, and the dowry is valid only by the marriage contract even before the transfer This achievement of women from these two sources, whether more or less, as we mentioned earlier, is protected from the legitimate point of view. No one, not even her husband or close relatives, can touch her without his consent.

3.2.3 FROM THE FEMINIST PERSPECTIVE:

Radical feminists oppose **dowry** as an outdated custom that objectifies women (Lazreg, 2018). Islamic feminists perceive dowry as a valid acknowledgment of women's economic value in both marriage and society, challenging conventional norms of female financial dependence by providing concrete economic rights (Abbas, 2021). Some contend that dowry ensures financial stability and empowerment, acting as a protective measure within marriage (Wardah Abbas, 2021). Conversely, other feminist viewpoints criticize dowry for reinforcing patriarchal dynamics by framing men as providers and women as beneficiaries, which restricts the concept of equal partnership. Some advocates call for reform, suggesting that dowry should be updated with financial mechanisms like zakat funds to better assist women, particularly in cases of divorce or widowhood (Okumuş & Gümüş, 2024). Radical feminists reject dowry as an antiquated practice that objectifies women (Lazreg, 2018). In real situations, there are cases where husbands urge their wives to give up or return their Mahr, putting women's financial stability at risk. Moreover, societal expectations can lead to the devaluation of Mahr, which hampers its intended role as a protective measure. Some feminists suggest that non-monetary gifts symbolize modern, romantic marriages founded on equality (Jacobson, 2003). Research conducted in Iran indicated that higher dowry amounts enhanced women's negotiating power in divorce cases, while men were more inclined to seek a divorce when the mahr amount was lower, and a higher promised mahr shifted this likelihood in favor of women. It follows that there exists a positive correlation between mahr and women's relative bargaining power during divorce. They found a notable negative relationship between the mahr low value and the likelihood of men initiating a divorce. (Goodarzi, 2018).

3.3 WOMEN'S LIVELIHOOD (النفقة)

3.3.1 FROM A LEGAL POINT OF VIEW:

Women's livelihood is a financial commitment that a man must give to his wife (Al-Asdi, 2021, 220-221). The components of this subsistence include: (food, clothing, shelter, and other

necessities, as well as customary medical treatment, as well as female servants if they are such women had servants (P2, Article 24, Iraqi Personal Status Law).

The Iraqi Federal Personal Status Law requires a man to provide expenditures for his wife (Article 23, Iraqi Federal Personal Status Law). In the Kurdistan Region, this article has been amended to leave the need to provide for the man as a basis. At the same time, it has somehow involved women in earning a living by fulfilling two conditions: As says: "A woman's livelihood is necessary for the man, and when the woman herself is rich, the responsibility of providing her own livelihood becomes shared between the man and the woman if the woman herself agrees (A 8, Personal Status Law as amended in the Kurdistan Region). That is, women must be rich and willing to take joint responsibility for providing livelihoods. Otherwise, no matter how rich a woman is, her entire economy can be protected and she cannot spend even a small amount of her own livelihood unless she is willing to share in providing it.

The law gives a woman the right to separate proceedings when her husband prevents her from paying maintenance without a valid reason after giving him sixty days. It gives the same rights to the wife if she is unable to earn a living from her husband. She was sentenced to imprisonment for more than one year for hiding her husband or for his disappearance or disappearance (P7,8,1, Article 43, Iraqi Personal Status Law). So, women's livelihood is guaranteed from a legal point of view, and women are not obliged to spend their livelihoods from their own economy and wealth, even for themselves, but their husbands are obliged to provide their livelihoods. In case of non-compliance, the maintenance becomes an accumulated debt on the husband, it remains to discuss the obedience and work of women related to the issue of marriage:

3.3.1.1 OBEDIENCE (الطاعة)

The amended Personal Status Law in the Kurdistan Region defines obedience in such a way that there is no distinction between men and women. Whenever a man or woman experiences one of the conditions described as a sign of non-obedience, he or she is considered non-obedience. Among the cases mentioned, the subject of each of the Two spouses towards the other in fulfilling their marital duties and neglecting them, in order to harm the other party this considered as non-obedience (P1, Article 10, Amended Personal Status Law in the KRI). This protects a woman's economic security if her husband is non-obedient. At the same time, a

woman is not considered non-obedience, if she does not obey her husband and leaves him for a legitimate reason, such as Non-payment of occupational dowry or non-payment of livelihood (P2, Article 23, Federal Iraqi Personal Status Law), Similarly, the Court of Appeal has made this judgment the basis of one of its decisions (Rashid, 2020, 247).

3.3.1.2 WOMEN'S WORKING RIGHTS:

Women's employment is not explicitly and independently described in the personal status law, only marital duties are dealt with that neither spouse may abuse the other in the fulfillment of marital duties and neglect therein as in Article we have already pointed out, does a woman's work constitute harm or neglect towards her husband? To answer this question, we go back to the first source of this law. According to the Personal Status Law, if the judge does not find a solution to a case at this time, he or she will return to the more appropriate principles of Islamic Sharia With the texts of this law (P2, Article 1, Iraqi Personal Status Law). Therefore, we can find the answer to this question later, which is discussed from the perspective of Islamic Shari'ah.

Similarly, when a woman makes a condition in her marriage contract that she works, is this condition permissible or not? If we say that this is a permissible condition, then a woman has the right to dissolve the marriage contract under Article 6, P3 of the Iraqi Personal Statuse Law. This is even though the law itself does not explain the permissible conditions and does not distinguish them from the non-permissible conditions .Therefore, making it a condition for a woman to work in the marriage contract, we will decide later according to Islamic Shari'ah whether this condition is permissible or not.

Women's work in law is also mentioned as an example in the article of non-obedience, which states: (b) If the man's legitimate marriage house is far from the woman's place of work; So that the woman cannot reconcile her household duties with her employment duties (P2, A23, Iraqi Personal Status Law). With this, a woman not only does not risk her wealth for her own livelihood, but if she is employed, she needs the house that the man provides for her It must be near the woman's place of work without being forced to use any of her wealth for this purpose. Otherwise, the man is considered a non-obedience man and the woman is not forced to live in a house far from her workplace.

3.2 FROM THE SHARI'AH POINT OF VIEW:

Before discussing the ruling on women's livelihood from the perspective of Islamic Shari'ah, we should mention two related points that affect the provision of this livelihood such as women's working rights and obedience:

3.2.1 WOMEN'S WORKING RIGHTS:

This refers to a woman's work in general to earn money, whether outside the home or at home. Scholars differ only about work outside the home, with some believing that women are not allowed to leave the home except in cases of necessity (al-Bazdawi, 1890, 3/12, and al-Kasani, 1911, /275), Others believe that it is permissible for women to leave the house for work, but subject to Shari'ah conditions (Badr al-Din al-Aini, DG, 19/125, and al-Hatab, 1992, 3/405). Both views agree that permission or disapproval depends on compliance with legitimate duties. Some scholars said that basically, work is a woman's right, but provided it does not fall within the framework of abuse of rights (Al-Diri wa al-Rifa'i, 2023, 145 later). So that a woman's work does not prejudice her right to obey her husband; For this purpose, we should discuss the ruling on a woman's obedience to her husband :

3.2.2 WIFELY OBEDIENCE:

The clearest and strongest legitimate evidence about a woman's obedience to her husband is this verse of the Qur'an: [الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ] (An-Nisa': 34), Before we come to the interpretation of this verse, we must define the word (al-qawama). The meaning of the Guardianships is referred to in several commentaries on the Qur'an. Most of them generally mean managing and supervising affairs while striking a balance between interests (Al-Qurtubi, 1964, 5/169 Mohammad Rashid Reza, 1990, 5/560, and Al-Jassas, 1994, 2/236, and Al-Firozabadi, 1996, 4/309). From this standpoint, several jurists referred to these meanings and finally pointed to the meaning of the collector of the Guardianship (Al-Umaria, 2017, 328, Jassim, 2018, 322, Muhammad, 2019, 27, Miada, 2020, 6005, Ghrid, Haider, 2022, 247). It is the man's responsibility to organize, supervise, and manage family affairs on a consultative basis with the aim of achieving common interests.

Here we that God has linked the establishment of the Guardianship for men to two conditions: one is the man's ability to lead, and two is the requirement of the family expenses on the man (al-Razi, 2000, 10/70), and for this purpose, we should briefly discuss the ruling on a woman's expenses on a man:

3.2.3 RULING ON A WIFE'S EXPENSES ON HER HUSBAND:

The legitimate evidence in the Qur'an and Hadith indicates the need for a husband to spend on his wife. Here are some of them: One of the most important pieces of evidence is the linkage of expenditure to the issue of guardianship, which we mentioned earlier. We have already mentioned that the man is the guardian of his wife and in return, he is responsible for the expenses of the woman and his family. In addition, Allah says [...] *إِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ* [...] (Al Talaq: 6,7). And [...] *وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَ* [...] (Al Talaq: 6,7). And [...] *وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ* [...] (Al-Baqarah: 233). These two verses indicate the necessity of a divorced woman's expenses on her husband when she is breastfeeding his children (al-Ghabri, 2001, 4/211). If a divorced woman is entitled to maintenance from her husband, a married woman has that right even before the divorce. The Prophet (peace and blessings of Allaah be upon him) said: *... وَلَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ* (Muslim, 2/886, no.: 1218) That is, the food and clothing of women is necessary expenditure by men. According to this legitimate evidence and the opinions of Islamic jurisprudence scholars even if a woman is rich, she must pay for her husband, and if her husband is poor and she is rich, the woman must provide for herself and her husband, However, it becomes a debt that the man must repay whenever he can (Malik, 1994, 2/181, and al-Sarkhsi, DT, 5/223). Therefore, women's economy is fully protected and they own their own economy. She doesn't even have to spend money on herself.

Consequently, if a man fails to fulfill any of the criteria regarding his ability to support and his commitment to covering expenses, He does not possess the right to hold authority over his spouse (al-qawama). In this case, it is the woman's responsibility to decide whether to pursue a divorce or not (Abu al-Hussein, 2000, 11/224; Ibn Maflah, 1997, 7/159, Or working to earn a living, and a man cannot prevent her, Because the man has the right to obey his wife and prevent her from working in exchange for spending on her .If he does not provide for her

expenses, she is allowed to work (al-Khatib al-Sharbini, 1994, 5/181; and Abdul Karim al-Namla, 2005, 4/691; Ibn 'Uthaymeen, 2007, 13/493).

This is in case the man does not provide her the expenses or is unable to provide them, but if the man provides the expenses, he may prevent her from doing anything that would violate his rights or harm him or herself. On the contrary, there is no justification for preventing woman from working, because women's unemployment generally leads them to engage in useless work (Ibn 'Abdeen, 1966, 3/603), especially if working within these points below:

First, the necessity of the work: This refers to the type of work in terms of necessity and unnecessary for the public interest, so that if the type of work of the woman is generally necessary for the public interest - depending on the type of work and the working location changes - and preventing her had a negative impact on the public interest, in which case the man cannot prevent her, because the public interest takes precedence over the private interest (Al-Shatbi, 1997, 1997). 3 /89.(

Second: Conditional work in the marriage contract: The meaning here is that the wife's marriage contract makes it a condition that her husband does not prevent her from working, in general from the perspective of Islamic Shari'ah. It is permissible to impose a condition that does not affect the goals of marriage, according to the Prophet (peace and blessings of Allaah be upon him) {...المُسْلِمُونَ عَلَى شُرُوطِهِمْ، إِلَّا شَرْطًا حَرَّمَ حَلًّا أَوْ أَحَلَّ حَرَامًا} (Al-Tirmidhi, 2009, 3/185, al-Hadith: 1402), that is mean, a Muslim must abide by the conditions, except the condition that the forbidden is lawful. Therefore, any condition that does not have Islamic illegitimate consequences is permissible in the marriage contract. Adherence is required (al-Mawardi, 1999, 9/505; Ibn Qadama, 1997, 14/477), therefore, the wife may make it a condition in the marriage contract that she works outside the home, and if the husband agrees, she must comply with it. (Jinah, 2020, 592). This is if it is explicitly stipulated in the marriage contract. However, if this condition is not mentioned in the marriage contract, can a woman ask to work outside the home? To explain this, we must refer to two rules of jurisprudence:

1. The rule: “No word is attributed to the silent person” (Ibn Najim, 1999, 129). According to this rule, a man's silence about his wife's work does not mean agreeing to work outside the home. 1993, 7/166).

2. The rule: “Silence in necessary is considered an explanation” (Muslihi, 2018, 130).

This rule falls within the framework of a separate case from the first rule, for which scholars have cited several examples. For example, the seller's silence on the right to return the sold

property when the buyer receives the property is considered consent. Several other examples are cited in Islamic jurisprudence sources: Ibn Najim, 1999, 130, and Effendi, 1991, 1/67, and al-Zarqa, 1989). Therefore, according to this rule, if it is a man's right to prevent a woman from working and he knows that her wife is working during the marriage contract and remains silent, it means agreeing on her woman to work. Similarly, a woman who has a servant with her relatives, or other women like her in positions and level, that they have a servant, even if it is not mentioned in the marriage contract, he is obliged to provide her wife with a servant and is responsible for the expenses and wages of the servant also (al-Imrani, 2000, 11/213; Burhan al-Din, 2004, 3/579. al-Imrani, 2000, 11/213; Burhan al-Din, 2004, 3/579). This is also a woman's realistic condition and is imposed without discussion.

3. The woman who has earned a job by herself: This refers to a woman who has learned a profession through her own efforts or has acquired a special talent, experience, or a certificate of skill to work, there are two cases: **first**, if the woman was working before marriage and then married and the man explicitly agreed or remained silent .This is within the framework of the previous cases where we have mentioned the ruling. **Second**, if the woman was not employed until after marriage ,but after marriage, she got a job because of one of her skills .Can her husband stop her from working outside the home? Women's right to work in this case falls within the framework of two documents:

1- Custom: it is customary for anyone to try to obtain any skill or certificate or any profession that aims to get a job, so this case falls within the jurisprudence: "What is known as tradition is like a condition" (Muslihi, 2018, 76), According to this rule, if a man marries a woman with a degree or any work skills without mentioning work, it is considered a condition between them of the working woman outside home.

2 -Protecting the woman's interests: The woman has earned this certificate or skill with great effort and expense, Therefore, her husband cannot prevent her without any excuse. Because here the issue falls between two interests :The woman's interest in work prepared for in advance is undoubtedly achieved, Or the man's interest in preventing her, Therefore, in this case, a comparison should be made between the two interests. According to the Shariah rule: "If two interests are confused and it is difficult to meet if it is known that one of them is more important, it is given priority" (Izz al-Din ibn Abdul Salam, 1991, 1/60).

The decision in this situation varies according to the type of interest of the man and woman. If the woman is granted the right to work for any of the above reasons, she must be within the framework of compliance with general legitimate duties. The woman's work must not cause any legitimate violation. Because in that case, even if the man allows her to work, it is not permissible from the point of view of Shari'ah, and vice versa. Therefore, the provision of women's work falls within the framework of permissible rights in the weakest case. Preventing her without a legitimate justification is considered an infringement of rights (Al-Diri and al-Rifa'i, 2023, 174). But what is relevant here with the economic security of women is What is the ruling on this income that a woman earns from her work? To answer this question, we need to consider two cases:

1. The woman's expenses are obligatory on her husband. The scholars have two opinions on this matter :A. When a woman is busy with her own interests, her husband is responsible for her expenses. Because of Expenses related to continuing the marriage and not violating marital obligations. al-Bujermi, 1995, 3/4. B. The woman's expenses are on her own because she is busy with her own work and interests. Ibn Qadama, 1997, 11/400. The preferred opinion is that the woman's expenditure is still to be by her husband because she works with his permission exercises her right to work and has not disobeyed her husband's orders. This is the view that a group of researchers has adopted after presenting the opinions and evidence and discussing them (al-Rifa'i, 2009, 733, Wanda, 2019 41, and al-Barl, 2022, 940, and al-Saadi, The Islamic Jurisprudence Society has decided on it (Al Majmah Fiqhi, No. 144 (16/2), 2005).

2- Ruling on spending the income from working for the household: In the previous paragraph, we came to the conclusion that although a woman works for herself, the expenses are on her husband, and the wife may also spend her wealth as she wishes. 1999, 5/276, Ibn Qadama, 1997, 6/604, and al-Qaduri, 2006, 9/4248), and the scholars have relied on several legitimate evidences for this purpose, which is here due to lack of scope and to avoid repetition We cannot mention them (Al-Barl, et al, 2022, 949). However, concerning the wife's participation in household expenses, it is necessary if both spouses have agreed that the husband allows her to work and in return, the wife contributes part or all of her income to the family fund They must both comply with this condition. As we have already mentioned about making women's work conditional, we do not need to repeat it. But if there are no such conditions, what is the ruling? Previous scholars generally have two views:

a) The expenses of the household and children must be borne by the man without indicating that the woman earns income from work or any other source (Al-Jawaini, 2007, 15/517, Al-Kasani, 1911, 4/32, Al-Hatab, 1992, 4/211), Based on several legitimate evidence that we mentioned earlier in the discussion of the need for a husband to give expenditure for his wife.

b) If the man is poor and the woman is rich ,the woman must provide for the husband and the family. Based on this verse of the Qur'an: [وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا [وَسَعَهَا لَا تَضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ] (Al-Baqarah: 233), This verse indicates that if the father is unable to provide the expenses for any reason - including poverty - the expenses are obligatory on the heir, and the wife is the heir and therefore she has to pay the expenses (Ibn Hazm, 1988, 9/254, Ibn Qadama, 1997, 11/373, Wal-Kasani, 1911, 4/33). However, there are two opinions: First, if the man becomes rich later, the cost of the previous expenses will not be recovered to the wife (Ibn Hazm, 1988, 9/254; Ibn Qadama, 1997, 11/373). Second, if the man becomes wealthy later, he will recover the cost of the previous expenses to his wife if he has spent it by order of the judge (Al-Kasani, 1911, 4/33)

These two views of the previous scholars do not refer to women's work. Therefore, in order to reach a final opinion on this issue, they refer to the opinions and fatwas of contemporary scholars and researchers that they have reached in the light of discussion of the evidence and opinions of previous scholars, : (Al Majmah Fiqhi No. 144 (16/2), 2005, and al-Kilani, 2007, 556, Al-Rifa'i, 2009, 736, Wanda, 2019 44 later, Albert, 2022, 967 and later, Al-Saadi, 2022, 246, Walburg, 2024, 40), We do not want to repeat their efforts, so we summarize our understanding of the results of these studies in the following points:

A. Helping women with household expenses, in normal circumstances, falls within the framework of good deeds and cooperation between spouses and is rewarded. The Prophet (peace and blessings of Allaah be upon him) said to Zainab, the wife of 'Abdullah, that when you help your husband and children, you have two rewards (al-Bukhaari, 1993, 2/533).

B. men and women can agree on how to work and how to spend the income earned by women. This goes within the framework of compliance with the terms and conditions.

C. if women's work caused additional expenses, such as childcare, transportation, a woman's outer clothing, and anything else, the woman must bear the cost of these.

D. we mentioned earlier that we rely on customs to enforce the right of women with degrees to work .Therefore, if the customs of the time and region were that women should help men with expenses, she should abide by them.

E. If a woman is not given the right to work for one of the above reasons ,she may agree with her husband to pay her part of her income in exchange for allowing her to work .And this goes within the framework of reconciliation between men and women, which the Qur'an refers to [وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا] (Al-Nisa': 128) That is, if a woman is afraid that her husband will rebel against her or leave her, they can make peace (Ibn Qadama, 1997, 10/263)

F. If a woman obtains the right to work for one of the above reasons ,Her husband can not demand a part of her salary in exchange for being allowed to work. Because in this case it deprives the right holder of her rights, and falls within the framework of abuse of rights, For example, a wife cannot pay her husband not to divorce him (al-Shafi'i, 1983, 5/210, and al-Kasani, 1911, 2/333).

3.3 FROM THE FEMINIST PERSPECTIVE:

3.3.1 WIFELY OBEDIENCE:

Numerous feminist perspectives on wifely obedience relate it to women's financial security, arguing that financial reliance reinforces male authority in the marriage. Women who are less educated and have less financial independence are more likely to see obedience as a survival strategy, using it to preserve social approval or get little liberties like working outside the home (Rinaldo, 2017). Religious feminists, on the other hand, contend that obedience relates to roles of decision-making rather than control, emphasizing the value of shared responsibilities and respect for one another, which can strengthen women's economic agency (Prime, 2024). According to critics like Fareen Ali, wifely obedience is a cultural construct rather than a religious mandate, depriving women of their autonomy, stifling their voices, and causing psychological distress—all of which are barriers that prevent them from becoming financially independent (Ali, 2024). Women's self-fulfillment, including economic empowerment, is crucial for dismantling inequities based on submission, according to feminists advocating choice-based equality (Snyder-Hall, 2008).

Because certain interpretations encourage patience and obedience, deterring women from leaving because of financial hardship and social humiliation, Muslim women activists draw attention to how economic dependency keeps women in abusive marriages (Evans, 2023). In order to change the power dynamics in marriage and provide women the autonomy to make

their own decisions, women's economic security must be strengthened through education, work, and inheritance rights. Since women's freedom guarantees their economic independence, feminist theory typically views obedience as a type of violence that jeopardizes women's financial stability and that supports no women should be subjugated.

3.3.2 WOMEN'S WORKING RIGHTS:

CEDAW (1979) affirms that the right to work cannot be taken away, but numerous women encounter economic abuse, including restrictions on their income, limitations on job opportunities, and coerced labor in family-owned enterprises (BWSS, 2014). Feminists point out these issues as systemic obstacles to achieving economic equality. They stress that financial independence is crucial for women's empowerment and gender equality. According to Liberal feminists, equal employment rights are essential, challenging male dominance over women's career decisions. They underscore the importance of personal autonomy and equal partnership in decision-making (Tong, 2009). Friedan's *The Feminine Mystique* (1963) criticized the expectation that women remain in domestic roles, arguing that economic independence is essential for fulfillment and empowerment. While, Radical feminist's economic dependence on patriarchal oppression, reinforces women's subjugation. They argue that restricting a wife's employment maintains male dominance (MacKinnon, 1989). Some, like Dworkin (1983), even critique marriage as an institution designed to ensure women's subservience. But Feminists within religious traditions argue that faith and gender equality can coexist. Islamic feminists emphasize that the Quran promotes mutual respect in marriage, rather than male authority (Wadud, 1999). Christian feminists similarly challenge patriarchal misinterpretations of scripture that restrict women's employment (Ruether, 1983). at the Kurdistan Region, the unemployment rate of women in the Kurdistan Region is 29.6% (KRSO, 2021). And woman's participation between 2014 to 2017 was about %14.8. which recorded a low rate, and one of the reasons Social norms and cultural beliefs had an impact on women's working (Sen, et al., 2022). According to feminist activists, one of the reasons for women's underemployment is social and cultural factors that prevent women from working, especially the family decision-makers themselves, who are men, contrary to what we mentioned about women's work from a legitimate perspective

3.3.3 UNPAID DOMESTIC LABOR AS AN ECONOMIC THREAT TO WOMEN

Unpaid domestic labor, including childcare and household chores, is a form of economic exploitation that sustains gender inequality, as argued by socialist and Marxist feminists. This labor supports capitalism and upholds patriarchal structures by making women financially dependent on men (Engels, 1884; Federici, 2004). Moreover, Gilman pointed out that housekeeping highlights women's financial disadvantage rather than advocating for economic parity (Siegel, 1993-1994). Feminists argue that unpaid labor limits women's economic stability, putting them at a financial disadvantage. Besides their paid jobs, women spend three to six hours per day on household responsibilities such as cooking, cleaning, and childcare, resulting in a dual burden. This challenge is intensified by their community responsibilities, leading to a triple burden that keeps women in poverty (OXFAM, 2019).

Seventy-five percent of global unpaid caregiving is performed by women, significantly contributing to the world's economy (UN Women, 2024). In lower-middle-income nations, women represent 92% of the informal economy's workforce, which accounts for 61% of global employment. This situation limits their access to resources and financial autonomy (Karimli et al., 2018). A clear illustration of this issue can be seen in Iraq, where women's earnings are seven times lower than men's, the female labor force participation rate is just 13%, and the country ranks 152nd in terms of the gender gap (KRSO, 2021). Redistributing unpaid labor is advocated by feminists as a means to reduce financial disparities. Encouraging men to share domestic responsibilities allows women to participate more in the economy and promotes gender equality (Chant, 2008). Equal sharing of caregiving and household tasks can foster a more stable and just economic environment for everyone.

3.3.4 FEMINIST PERSPECTIVES ON FAMILY SPENDING

When analyzing family expenditures, feminists take financial independence, economic power dynamics, and gender roles into account. They contend that traditional financial decision-making, which men often dominate, restricts women's economic autonomy and perpetuates gender inequality (Folbre, 1994). Women advocates highlight that when women have more control over household finances, the family's well-being tends to improve, as they often prioritize education, healthcare, and the needs of children compared to men (Duflo, 2012),

while men are more likely to spend on personal expenses or investments (Phipps & Burton, 1998). Liberal feminists assert that financial decision-making should be a collaborative effort rather than a male-controlled process (Tong, 2009). Marxist and socialist feminists highlight how women's unpaid domestic labor contributes to family expenditure without direct financial recognition. Women's unpaid work—childcare, housework, and elder care—subsidizes the household economy, allowing men to engage in paid employment (Federici, 2004). Research indicates This gendered spending pattern reinforces the feminist argument that economic resources should be equally distributed within households, ensuring that financial decisions reflect the needs of all family members (Folbre, 1994). Policies that support financial independence, such as paid parental leave, equal pay, and shared property rights, are supported by feminists. Financial decision-making can become more balanced if males are encouraged to participate equally in unpaid domestic work (Oxfam, 2019). Research indicates that economic results for families and communities increase when women control a larger portion of household income (Duflo, 2012). Feminists contend that home expenditure is not simply a private problem but a reflection of greater gender inequality. Achieving economic equality inside and outside of the family requires addressing financial decision-making authority, acknowledging unpaid labor, and preventing economic abuse.

4. CONCLUSION AND RECOMMENDATIONS

4.1 CONCLUSION

1. This research aims to examine the Iraqi personal status law regarding women's financial matters and to emphasize the gaps in safeguarding women's economic security. While the law broadly acknowledges women's financial rights, including inheritance, maintenance, and dowry, it fails to explore in depth the topic of women's employment rights or whether women are required to seek their families' consent to work independently. Furthermore, it does not adequately address the matter of obedience, which is perceived as a financial obligation for women. Although the law draws upon Islamic principles to grant the right to work based on obedience, it does not clarify if a woman would be considered legally disobedient for working without her husband's consent. Although Islamic law indicates this is not disobedience, from a

feminist viewpoint, a woman's autonomy to work freely is a fundamental right that should not be subject to male interference.

2. In terms of a woman's financial situation, even if she possesses wealth, Islamic law states that her expenses are the responsibility of her husband, and her income is solely hers. The Iraqi Statutes law considers a woman's sustenance to be reliant on her husband, regardless of her financial status. However, it does not clarify whether a woman working without her husband's consent violates her marital obligations. Furthermore, it remains uncertain whether such a lack of permission could be seen as disobedience, leading to the woman losing the financial support from her husband. While feminists, particularly those with liberal views, argue that both men and women should have ownership of their respective incomes and the right to use them, within a family context, they believe that household expenses should be collectively shared. Conversely, Islamic feminists uphold the same Islamic principle that grants a woman ownership of both her own income and that of her husband, while asserting that her husband has ownership of only his income.

3. The article leads us to another conclusion: feminists criticize domestic work because it is viewed as non-economic labor, and in return for their time spent at home, women provide free labor that does not earn any income. Although the law does not define this, certain Islamic scholars and feminists acknowledge shared labor and advocate for financial compensation for domestic tasks.

4. On the issue of inheritance, The Personal Status Law observes justice as Islamic law. Although the amended law of the Kurdistan Region states that a person can divide his or her property equally among their relatives or heirs during his lifetime, in reality, this is not an inheritance because the inheritance is inherited after death. Feminists argue that since men and women are equal, they should inherit equally. Unlike Islamic feminists, who believe that Islamic principles serve women better.

5. Regarding dowry, both legal frameworks and Islamic law grant women this entitlement and view it as a set right. However, some feminists, particularly radical ones, oppose this practice and consider it a factor in the oppression and objectification of women. In contrast, Islamic feminists perceive dowry as a means of financial security. Nevertheless, there are challenges related to legal enforcement within Kurdish society, where laws are frequently not implemented. Additionally, societal norms often hinder the payment of dowry to women post-divorce, citing the husband's financial difficulties or avoidance

4.2 RECOMMENDATIONS:

1. Acknowledge Domestic Labor as Economic Contribution – Establish guidelines to recognize and compensate for unpaid domestic work, especially during divorce proceedings.
2. Clarifying Women's Employment & Noncompliance – Specify the legal perspective on women's employment and its association with noncompliance (nushuz), along with its effects on the financial responsibilities of spouses to inform judicial outcomes.
3. Upholding Dowry Rights – Ensure the legal enforcement of dowry payments, particularly in divorce situations, and address societal challenges that hinder women from asserting their rights.
4. Increasing Awareness & Enhancing Support – Provide education to women regarding their financial rights and offer legal assistance and financial advisory services.
5. Connecting Law with Practice – Strengthen the enforcement of financial protections for women and incorporate Islamic feminist viewpoints into legal reforms.

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