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Plight of Widows

Because of the fact that the Old Testament recognized no inheritance rights to them, widows were among the most vulnerable of the Jewish population. The male relatives who inherited all of a woman's deceased husband's estate were to provide for her from that estate. However, widows had no way to ensure this provision was carried out, and lived on the mercy of others. Therefore, widows were among the lowest classes in ancient Israel and widowhood was considered a symbol of great degradation (Isaiah 54:4).

But the plight of a widow in the Biblical tradition extended even beyond her exclusion from her husband's property. According to Genesis 38, a childless widow must marry her husband's brother, even if he is already married, so that he can produce offspring for his dead brother, thus ensuring his brother's name will not die out.

"Then Judah said to Onan, 'Lie with your brother's wife and fulfill your duty to her as a brother-in-law to produce offspring for your brother.'"(*Genesis 38:8*)

The widow's consent to this marriage is not required. The widow is treated as part of her deceased husband's property whose main function is to ensure her husband's posterity. This Biblical law is still practiced in today's Israel.[1]

A childless widow in Israel is bequeathed to her husband's brother. If the brother is too young to marry, she has to wait until he comes of age. Should the deceased husband's brother refuse to marry her, she is set free and can then marry any man of her choice. It is not an uncommon phenomenon in Israel that widows are subjected to blackmail by their brothers-in-law in order to gain their freedom.

The pagan Arabs before Islam had similar practices. A widow was considered a part of her husband's property to be inherited by his male heirs and she was, usually, given in marriage to the deceased man's eldest son from another wife. The Qur'an scathingly attacked and abolished this degrading custom:

"And marry not women whom your fathers married--Except what is past-- it was shameful, odious, and

abominable custom indeed."(*4:22*)

Widows and divorced women were so looked down upon in the Biblical tradition that the high priest could not marry a widow, a divorced woman, or a prostitute:

"The woman he (*the high priest*) *marries must be a virgin. He must not marry a widow, a divorced woman, or a woman defiled by prostitution, but only a virgin from his own people, so he will not defile his offspring among his people."*(*Lev. 21:13–15*)

In Israel today, a descendant of the Cohen caste (the high priests of the days of the Temple) cannot marry a divorcee, a widow, or a prostitute.2

In the Jewish legislation, a woman who has been widowed three times with all the three husbands dying of natural causes is considered 'fatal' and forbidden to marry again.3

The Qur'an, on the other hand, recognizes neither castes nor fatal persons. Widows and divorcees have the freedom to marry whomever they choose. There is no stigma attached to divorce or widowhood in the Qur'an:

"When you divorce women and they fulfil their terms [***three menstruation periods***] ***either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them or to take undue advantage, if anyone does that, he wrongs his own soul. Do not treat Allah's signs as a jest."***(***2:231***)

"If any of you die and leave widows behind, they shall wait four months and ten days. When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just manner."(***2:234***)

"Those of you who die and leave widows should bequeath for their widows a year's maintenance and residence. But if they [***the widows***] ***leave*** (***the residence***) ***there is no blame on you for what they justly do with themselves."***(***2:240***)

1. Hazleton, op. cit., pp. 45–46.
2. Ibid., p. 47.
3. Ibid., p. 49.

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