TOPIC:
Study of Universal Woman Rights in Islamic & Western Perception
Chapter-1

Chronological Stages of Antediluvian Penal Law

Overview:
According to the vision of the scholastic narrators of the legal history the expansion and growth of the punitive decree or law, from primordial period up till the current eon, may be premeditated through the ensuing itinerary of imperative events occurred during assorted junctures of time. The judicious and cultured punitive law materialized through the following episodes of occasions and events.

Primitive Period
The first chronological epoch broadens amid 5000 and 4000 B.C and the four major empires subjugated it.

✓ The Sumerian: They gave the most primitive penal legislation, presided over the crown of power and might and approximately up to 2350 BC.

✓ The Akadian: They followed the Sumerian and ran the sway of the rule and gave legislative orders for the ancient chronological period from 2350 to 2230 BC.

✓ The Gutian: Their rule of authority extended approximately between 2230 and to 2130 BC.
The Aurian: The sovereignty of Aurian had long-drawn-out from 2130 B.C. down to 2030 BC and is referred as the coronet and progress of the first chronological episode of penal law development.

DEVELOPMENTAL PERIOD

The developmental phase connects the 2030 and 1830 BC which is historically referred to be ruled and subjugated by the might and culture of the following two empires

✓ Isin
✓ Larsa.

The blending of the reign of Isin and Larsa caused the eminent and established legislative institutions of the Eshnuna and Ashur era.

The Babylonian phase, which by stood the thriving and developing Hamurabi dynasty, is to be found within the extensive outline of this scholastic historical period.

FOCAL PERIOD

The focal historical phase overleaped the time period starting from 1790 BC and ending in the 782 BC.

This was the period of time when the all-famous King, The Hamurabi, got the valor and lawmaking powers between 1790 and 1682 BC. This phase has got amazing and marvelous contribution of causative lawmaking and legal system.
Furthermore, this period also got famous by the rule and authority of the following dynasties

- The Hittite Dynasty
- The Hurian Dynasty
- The Kasite Dynasty
- The Assyrian Dynasty

This period is famous for its warfare and emergence of various cultures, some are famous but many non famous. This the period of time initially witnessed the co-survival and reciprocated interdependence of Assyrians and Babylonians. Later, the recurrence of the Assyrian, as an autonomous and sovereign authority, marked this period. The Assyrian made distinctly patent this period of history for their power and influence from 933 B.C. to 782 BC; through their rule of sovereign they influenced the lawmaking work of that time.

**CAPITAL PERIOD**

This historical period got famous for the rise and fall of many civilizations out of which many were quick ending and few were relatively long lasting societies. The most famous are as under.

- **The new Assyrian Empire**: It got the power and autonomy in about 745 B.C. and survived successfully until the end of 609 BC.
- **The New-Babylonians Kingdom**: Their history of strength, pomp and self-sufficiency distended from 626 to 529 BC.
- **The Persian Empire**: They initially sliced out a province of the Babylonian empire to establish their own culture and civilization.
Later, the entire territory of Babylonia was conquered and annexed by them. Afterwards, this period saw the emergence and flourishing existence of the Egyptian, Jewish, Greek, Christian and Roman Empires.

Finally, this period got its crown and was capped by the all splendid and the most human civilization launched by the religious conviction of Islam.

**THE HAMURABI DYNASTY**

The Dynasty of Hamurabi came into subsistence after the blending of the reigns of Isin and Larsa. The Hamurabi was the sixth and supreme sovereign of the first Amorite dynasty of Babylon. The Hamurabi got crowned sometimes between 1792 and 1800 BC. Some chronologists articulate that he succeeded the throne after the death of the last King of Eshnuna in 1790 B.C and later became the sovereign after defeating the King Rim-Sin of Larsa in 1770 BC. The majority of the legal historians believe that his sovereign extended from 1792 to 1750 BC.

The historian are equivocal that the last decade of his 43-year kingship he ruled over a Kingdom that extended from the Persian Gulf to Mari and Ashur and eastward to the Zagros mountains. This period is marked as the classical age of old Babylonian civilization.

The king Hamurabi wrote letters to his governors, containing detailed instructions for the enforcement of “justice and order”; He composed his “Legal Code” during the last few years of his sovereign and powerful Kingship.
The legal researchers, although, deem the ‘Hamurabi code’ as the most fundamental and vital convention of law but do not consider it the first codification known from ancient Mesopotamia because it staggered on the fragments of Sumerian cryptogram of King Urnamu and policy notes of King Lipit, a legislation enforced before the ‘Hamurabi Law’. These codifications antedate “Hamurabi Law” by 350 and 150 years respectively.

The legal researchers also discovered that there was another legal frame of order given by the King Akadian of Eshnuna, antedating the “Hamurabi Law” for about 50 years.

The legal researchers consider the “Hamurabi law” as the completion of older Sumerian and Akadian law by synchronizing their opposing strands.

The principal source of the code of Hamurabi carved on a stone monument got discovered at Susa in 1901 by the French Assyriologist, Jean Vincent and is preserved in the Louver, Paris.

**HAMURABI PENAL LAW:**

Salient textures of Hamurabi Penal Law are trailed as under:

- Deceitfulness in relationship was regarded a private crime. The punishment for fornication was executed for the victim and not for the state. The felony for adultery was in the shape of fines, whipping or any other physical infliction. The corporal infliction was negotiable
with a reasonable sum of money, subject to the agreement of the

✓ The person who contracted a purchase secretly, without witnesses was
called as the “receiver” of stolen goods.

✓ Punishments were adapted according to the social status and wealth of
the victim and culprit.

✓ The lex-taonis, or “law of retaliation” was the governing trait while
executing the punishment. The retribution of a civil or criminal
offense may be a death penalty, bodily torments, mutilation, flogging,
heavy to moderate fines, caging etc.

✓ To disregard any agreement or pact was considered as disgusted and
was outweighed with the bloody penalties, physical maiming and
sufferings.

✓ The law did not allow the female servants of places of worship, in neo
Babylon called hierodulic (a slave in service in an ancient Greek
temple), to have a matrimonial life. They had to pledge themselves to
be virtuously virgin or were allowed to offer themselves to the
hierarchy priests and monks for the physical pleasure.

✓ The body disfigurement was executed to show the displeasure of the
crown and its delegates. The punishment used to be in proportion to
the nature and gravity of the anguish of the rulers.
✓ The “hand” that hit the father or male guardian or elderly male of the family or society had to be cut off.

✓ The eyes that intrude into secrets of the rulers or crown dignitaries were grooved out.

✓ The capital retribution (death penalty) was granted for the following transgressions
  ➢ Slander or false accusations
  ➢ Extortion or Brigandage
  ➢ Civil mutiny or disorder
  ➢ Defiance or Rebellion
  ➢ Cheating or dodging the state authorities
  ➢ Planned criminal negligence

✓ Specified forms of capital punishment such as gallows, skewer burning of living beings, drowning were inflicted to troublemakers for criminal offences or upon the annoyance of the rulers.

✓ The conception or slogan of “tit for tat” was in exercise and in case of any body part loss the compensation was the same body part removal of the offender.

✓ The un-devoted, spendthrift, defiant wives and children could be imprisoned.

✓ There was no concept of forced work or unpaid labor in the system.
Fines in the form of pecuniary compensation were often legally approved for restitution and restoration and were paid to the victims and not the state.

A person culpable of homicide was merely fined if he could pledge on oath that the act was inadvertent.

Negligence and slackness were ruthlessly rebuked, for example:

- A surgeon might lose his hands as the penalty for maiming his patient due to negligence while carrying out surgery.

- A veterinary had to repay part of the value of the pet or domesticated animal that died because of his improper or insufficient treatment.

The proprietor of a pet or domesticated animal was responsible for the acts of its animal. The owner had to recompense the damages caused by his animal to anyone.

**EGYPTIAN LAW**

The historical kingdom of Egypt is renowned for donating many legislative credentials, although not very famous, to the world of jurisprudence. In its initial period, spreading from 3400 to 2475 BC, the legal researchers have found about a dozen of legal documents, which were not very popular but helped in establishing a better legal system for their future world.
The middle period of Egyptian kingdom ranging from 2160 to 1788 BC is more famous for contributing the legal work due to the legislation formulated and adopted by the King Diodorus. The king Diodorus is identified to be an imperative lawgiver of this epoch.

New Kingdom extending from the period of 1580 to 712 BC also made some noteworthy offerings in the field of decree and law.

However, due to unexplained and unconventional raison d’êtrem (reason or justification for existence) it is difficult to retrieve niceties and minutiae about Egyptian criminal law. The historical research illustrates that the punishments were very stern and rigorous. It was legal to give the option of suicide to the offenders, subject to the reasonable grounds. The criminals were awarded imprisonment along with corporal infliction and material fines.

**JEWISH LAW**

The Jewish law being an amalgamation of divine and custom law was very massive. Thus got divided into the following two breeds:

(i) Codified law.

(ii) Fashioned or conventional law.

The codified Law was gashed further into the following two creeds by the academic researchers and legal intellectual due to its multiplicity and relevance and usefulness:

(a) Biblical Laws

(b) Talmudic laws
**BIBLICAL LAW**

Biblical law refers to the legal aspects of the Bible, the holy scriptures of Judaism and Christianity. This law was not the creation of kingship but rather its basis and prerequisite were prophetic and predictive. The major constituents of codified Biblical law are referred as follows: -

1. The Decalogue (Exodus XX; 1-17, Deuteronomy V: 6-19)

2. The Covenant Code (Exodus XX: 23, XXIII: 19 and XXXIV: 17-26)

3. The twelve curses of Mount Ebal (Deuteronomy XXVII: 15-26)

4. The Deuteronomy Code (Deuteronomy XII-XXIV)

5. The Holiness Code (Leviticus XVII – XVI)


All that is branded as “Biblical Law” traditionally is the continuation of the legislative book of Deuteronomy in the Kingdom of Judea during the influence of Josiah and the codified laws of the Pentateuch.

**Biblical Penal code**

- During the old time of the common law, in most cases, the entire relationship or folks of kin of the lawbreaker got reprimanded. This code later got annulled and transformed by the codified law of the
Bible through the following reveled Holy guidance from the Lord of the Alamin or the Master of all existence.

“The fathers shall not be put to death for the children, neither shall the children be put to death for the sin of the father” (Deuteronomy XXIV: 16)

✓ The human killing with intention was termed “man slay” while the term “man kill” was meant without intention or for own safety. The “man slay” was subjected to the ‘capital punishment’ while the “man kill” was rebuked through the forced exile or self-émigré to any alien place of salvation. (Exodus XXI: 12:13)

✓ The illegitimate corporal inflictions and body mutations were dealt under the traditional law of Lex talionis (retaliation). If the wounded was temporarily and partially incapable to his vocation then the reprobate had to pay for the loss of his time, medical expenses and potential wages / payments until the indignant healed utterly”. (Exodus XXI, 18-19).

TALMUDIC LAW

The codified Talmudic law contained some passages from another previously pursued legislative collection of supplementary laws, frequently called as the “Baraitot” and “Tosefta”.

The legal researchers encompassed this code into the following two focal segments to study and learn the academic evolution of the earlier common law, namely:
The Mishnah

This codification was divided into six orders. These orders were carved up into tractate and the tractate into chapters. The six orders are listed below:

1. Zeraim (Seeds)
2. Moed (Festivals)
3. Nashim (Women)
4. Nezikin (Damages)
5. Kodashin (Holy things)
6. Toharoth (Purification)

The order of Nezikin (damages) to a certain extent contracted immoral crimes and gave the impression of being component of the criminal law for the execution of justice. It got alienated into ten tractates. The First Tractate is further divided into the following three chapters, termed as gate:

- First gate (Baba Kama)
- Middle gate (Baba Metzia)
- Last gate (Baba Bathra)

These chapters were related to the laws of damages and injuries vis-à-vis theft, robbery, civil unrest, social criminal felonies, personal damages etc.

The Gemara

This part of the Talmud is the rabbinical discussion on Mishnah. It was written by Judah HaNasi in 200 CE. This publication was later more worked by the coming generations of rabbinic in Babylonia and land of Israel.
GREEK LAW

The juristic research studies reveal that in the primeval Greek age there was no centrally formulated and adopted constitution or corpus Jurist comprising of the legislative codifications, rather ancient Greek period is illustrious with assorted legendary autonomous legal arrangements.

These legislative cryptograms were not applied as common legislation for the whole Greek Empire, rather were applicable to the individual city and states. The sovereign source of these legal ciphers of the ancient Greek sphere of influence was a common consented fund of Greek legal ideas congregated from the scattered mass of the then socially existing fragmentary traditions of that time.

Sources of Greek Bylaws

The legal scholars have gathered the information about the ancient Greek bylaws from the following subsequent traditional sources.

✓ Graphic and literary records that include mainly of the judicial speeches of the top legislators.

✓ The prehistoric interpretation on the mythical records found in the old speeches or lexicons (lexis Segue Riana, Pollex, Suidax etc).

✓ The antique fragments pertaining to communal and individual social contracts, popular as ‘Theophrastus’.
The legislative historians in 1884 discovered an accessible legendary caption of the legislative depictions rolling out of the major source called “Code of Gorton”, which was last abridged by ‘Kohler’ and “Ziebarth” in about the 5th century AD.

The revised version of “Draconic Laws” on man slays or homicide, antedating the 5th century A.D. The “Draco” was the first legislator of Athens in Ancient Greece. He replaced then prevailing system of oral law and blood feud (blood feud was a prolonged series of warfare with a cycle of retaliatory violence) by a written code to be enforced only by a court of King.

To the great extent the famous codification made by the Plato titled “Laws of Plato” and to some less significant degree his another legislative efforts forenamed as “Republic”

The legislative decrees and legal orders made up of the following four classes of statute.

(a) Statute applying to the council
(b) Statute for all regime administrators state officials.
(c) Statutes of “nine arches” recounted to the communal social criminal law.
(d) Statutes communicating the management of foreigners, local commerce, industry of mining and slave, man slay etc.

The academic work by Aristotle called “Laws of solon”. 

The legislation of various Greek legislators of the later phase, namely.

1. Chardonnays of Catena
2. Salukis of Episephyrian Lucian
3. Liturgics of Sparta
4. Drano and Solon of Athens
5. Heirocles of Syracuse
6. Phaeton of Corinth
7. Phil Laos of Thebes etc.

Five Greek Periods

The ensuing distinguishing five great periods may facilitate the Study of Greek legal tradition.

- Ancient Greek Period, by the time Greece became a Roman province.
- Hellenistic age up to the foundation of the Byzantine Empire
- Byzantine era ending by the fall of Constantinople
- Post Byzantine phase terminating at the Greek revolution or the war of Greek independence in 1821.
- The modern period stretching from the year 1821 down to the present era.

Most of the legal academicians, however, confined their exploration and intellectual study to the early periods in order to have a good understanding of the development of Ancient Greek penal law.

Greek Penal Law
The Greek criminal law was closely footed on the conception of vengeance and reprisal. There was no discrete characteristic trait and demarcation amid the criminal and civil law.

In the developing stage, only the ill-treated person or his close relations were allowed to take any legal retaliation. However later, Solon’s view got famous among the legislators and the public courts, on behalf of the state, were given the power to legally charge and prosecute the criminal to provide relief to the victim. The state was sanctioned rights to persuade justice for the victim in both criminal and civil immoral transgressions.

The competent congress or legislative body of the eleven magistrates was endorsed to administer the judicial retribution to the outlaws on the authority of the crown.

The legal suits were held as either private or public, subject to the nature of matters of crimes and transgression. The individuals were allowed to choose the method of revenge.

In the early ages the prosecution of the manslaughter was the responsibility of immediate family of victim but after gradual growth of society the same became society’s responsibility to seek the justice for the victim. The punishment for willful human murder was death or exile. The human homicide without motivation was also judicially tried and punished but with the less serious considerations.
The dying individual or his family both had the right to exonerate the offender. The consequence of crimes were not limited to the offender rather they used to reach even to close relation of the criminal.

The legal orders were executed while considering the demarcation amid wickedness, evil intent, slackness or tragedy.

Some of the famous sentences or punishments of Greek Penal law were.

1) Penalty of bereavement or death sentence
2) Deprival of personal freedom of criminals through legal enslaving.
3) State fixed monetary fines, which could be rephrased according to the judicial discretion of the official judges of the kingdom.
4) Abstraction and confiscation of the offender’s wealth
5) In few states, flogging was executed in case if the state judiciary imposed fines were not paid by the offender.

There was no conception or perception of maiming and imprisonment or locking up of criminal as reprimand.

The punishment or consequence of criminal conduct varied with personal status of the victim. The execution of 100 stators (legal currency) for the sexual insult of a free individual with recognized social family, 70 for the rape of a free being but not belonging to any of the recognized social creeds and families of the nativity, 50 for insulting a serf or peasant. Contrary, there
was a separate system of punishing the slaves. They were inflicted with double of the penalty awarded to the free individuals.

The burglars, deportees, state defaulters etc were arrested and detained only for that period until they do not confess or legally proven innocent.

The civil criminal acts like subversion, plot to obligate treachery, perfidy or betrayal against the administration of a city; or Crown owned ship or fleet; or throne commissioned armed forces; illicit trade and traffic with the crown enemy; bribery and other alike were regarded as transgression to the authority of the Empire and were given a judicial trial accomplished with grave consequences and castigations, like, fines, confiscation of property, death et cetera.

**ROMAN LAW**

The legal pollster claim that the old Roman law is spread over an unmitigated history that was instituted in the Twelve Tables of the 4\(^{th}\) century BC and went all the way to reach the Justin’s time in the 6\(^{th}\) century AD, then further from Middle ages down to our times.

The juristic canvasser while revealing obtainable resources of Roman law of the classical period opine that although the historical material and the research stuff is sparse and not enough but still helps to infer that the Roman classical law got developed from the then existing private law while the criminal law was in the buds and later got formulated by the succeeding jurists. The following statement of the “Fritz Schulz”, published in “Review
Of classical Roman Law” at page 573, confirms the opinion of the modern jurists by writing:
“Roman public criminal law was far below the standard of civil private law because the revolutionary activities for the two centuries and consequential civil unrest had paralyzed the administrative activity of the civilization and hence had prevented the development of criminal law.”

The modern jurists describe the following salient features of the ancient Roman criminal law which later got developed in successive period.

The act of larceny was called ‘Frustum’ and extortion as ‘Rapine’. These criminal felonies were liable to get punishment under the Twelve Tables. If a free individual was manifestly found culpable of any of these felonies or evasiveness then he was severely beaten and was made slave for life of the person whose possessions he had stolen or extorted.

Conversely, if the crook was a slave then he was trampled with corporal inflictions until his death [Classical Roman Law’ at page 582]

After a while the death sentence for punishing theft was eradicated and surrogated as a result of ‘republic Humanistic movement’.

The famous researcher H. Ali has stated in his book “Outline of Roman Law”, published from Madras in 1935, at page 231 that in case of theft the retribution to the injured party was called “action vi bono rum rapt rum”. This reprisal allowed the claimant to claim four times the value of his
damages; subject, if the stuff was bought within the last one year, otherwise the claim was awarded of the real tangible value.

The modern jurist W.A. Hunter articulate in his book “Roman law”, published from Edinburgh, at page 1061, that to pin down and discourage the sexual infidelity or fornication the death punishment with the sword was granted and the punishment was executed in public view.

If a man without using power corrupts a virgin or a widow, living a respectable and moral life, then penalty was awarded under either of the following state of affairs.

- ✔ If the offender was of respectable eminence then his half of the precious possessions was sequestered and seized on behalf of the dupe party.
- ✔ If the offender was of the lower social class then he was executed with physically reprimand, social expulsion and exile.

It is mentioned in the “Hunter’s Roman Law” at page 1062 that the punishment of the assassination of the blood relations by a person or being a co-conspirator to it, was to sew him in a rucksack with a poisonous pit viper and to be thrown into either the sea or a river. Alternately, he may be confined and locked up at any cramped place with a dog, cock, orangutan and a monstrous beast, without providing any elements to carton for the life. He should not be permitted to see the sky during remaining life and not to be buried in the earth after his death.
The legal consequences of the communal forgery or criminal fraud were death by the sword for the slave and forceful deportation and exile, for the free person, after confiscation of his possessions.

The price of an armed public or private aggression was forceful banishment and exile after forfeiting his belongings while for an unarmed antagonism and resentment was the confiscation of the third part of the possessions of the antagonist. This punishment was for both the actual offender and his collaborator.

To offer and receive the bribery was considered as a criminal act and was predisposed with the cruel punishment, depending the gravity of the offence and communal back lift of the individual involved in the societal crime of bribery.

CLASSIFICATION OF PUNISHMENT:

According to Roman Criminal Law the chastisements were of the following kinds.

✓ Capital castigation
✓ Non-capital retribution
✓ Punishment for violation of absolute duties

The Capital punishments

These prison terms under went many revolutionized transformation up to the period of Constantine. They were awarded in variable forms to the culprits at the discretion of adjudicating authority, namely.
- Crucifixion
- Smoldering on fire.
- Guillotine or behead
- Secrete alive.
- Brawl with feral beasts.
- Life imprisonment.
- The forceful deprivation of the citizenship.

**The Non-capital Punishments**

They were espoused in the following character and profile to discipline the society and castigate the offender.

- Relegation or extradition to an island or any distant remote site, for remaining life or relatively lesser period.
- Corporal infliction, like whipping or beating with sticks
- Confinement or captivity for an explicit time.
- Financial and pecuniary Fines.
- Dilapidation of rank or social status.
- Suspension from the professional practice.

**Chastisement for violation of absolute duties**

There were some crimes called “violation of absolute duties.” Explicitly.

- Offences against the state external security were awarded with capital punishment or banishment, depending on the gravity of offence.
- Treachery and treason and were punished with death or exile.
- Conspiracy or transgressions against public harmony was punished sternly both physically and monetarily.
Evolution of Islamic Judicial System

OVERVIEW:

Islamic legal system has Divine wisdom as its origin. It is evolution of philosophical principles. Maintenance and administration of justice is logical necessity of any human society. The prevalence of “Justice” is the ultimate natural desire of every human being on this earth and accordingly an agency or institution or authority to administer justice in a society is thus an essential requirement. The institution and administration of justice, in a Muslim society, is known as ‘Qada’\(^{(1)}\). The institution and administration of justice, the “Qada”, in Islam is a religious duty and it is next to piety for Muslims. The term used for “justice” in the Holy Quran is ‘Adl’ \(^{(2)}\) and dispensation of ‘Adl’ is the exercise of ‘Al-Qada’ which is sufficiency duty or fard al-kifāya \(^{(3)}\). The word fard al-Kifaya may be defined as the duty which is imposed on the whole community of believers (i.e. Muslims) and it is not mandatory for an individual to perform it as long as a sufficient number of Muslims fulfill it.

MAINTENANCE & ADMINISTRATION OF JUSTICE (AL-QADA):

Al-Qada literally may be defined as “To finish, to state entirely, to decide, to finalize etc”.
In the legal terminology the word “justice” connotes to finalize and decide the controversies and disputes between the parties. In the Holy Quran there are definite advices to maintain justice. It is mentioned in the Holy Quran on multiple places that:

“Who believe, stand out firmly for justice, as of witnesses for Allah, even though it be against yourselves, or your parents or your kin, whether is rich or poor. Allah is better protector (than you). So follow not the lusts (of your hearts) lest you avoid justice, and if you distort witness or refuse to give it, verily Allah is ever well-Acquainted with what you do.” [AL NISA / V-135]

“Among men, judge with Justice” [AL NISA / V-58]

There are many places in the Holy Quran where Muslims are urged to do justice and while administrating Justice an absolute equality is considered independent of status of parties in the society. The Prophet (peace be on him) maintained an ideal standard of justice and laid down rules to that effect. He said at one place that;

“The previous nations got destroyed because their strong people were not punished on crimes while the weak were harshly dealt if they commit even small offenses….. By Allah if Fatimah the daughter of the Muhammad (Peace on Him) had commit theft her hand must had been chopped off”

[Sahih Bukhari volume111, #1691 @ page 622]

Thus the Holy Prophet (Peace be upon him) established the constitutional principle that Head of any Islamic state could be sued as a private individual in respect of his public acts. In an Islamic state any ruler has the same vulnerability like a common man when it is the matter of justice administration and accordingly, as needed, he must appear before the Qazi for trial.
It is a universal principle, for all ages, that the government administers justice in the name of the ruler or King who is ultimately responsible to assure the process of justice administration but in an Islamic society the entire Muslim community is responsible for the administration of justice and justice is administered in the name of Allah. (4)

The Holy Quran is the final and great legislative code of Islam which is enacted through the actions and commandments of the Holy Prophet (Peace on him). Sir William Muir reveals in his book “The life of Muhammad”.

“…… the Quran is the true mirror of Muhammad’s character…his sayings become proverbial and must to follow ….. His character is the Quran…….”

THE JUDGE (QAZI):

The Prophet (Peace be upon him) himself was also performing functions of ‘Qazi’ and his decisions were remarkable for their fairness, simplicity and equanimity but still he never claimed infallibility (the dogma that states that by action of the God the religious leaders are preserved from even the possibility of error). He acknowledged at numerous occasions that he decides cases on available evidence and may be liable to err in forming his judgment like other human beings. He laid down the rule that the burden of proof laid upon the asserting party while the defendant has to deny the claim of plaintiff on oath.

A Qazi is bound to decide cases strictly in accordance with the teachings of Quran and he has no choice to deviate from Islamic principles. The Sunnah
being elucidation and interpretation of those principles is the major source of Islamic legislation.

The Prophet (peace be upon him) himself was performing the functions of ‘Qada’ but simultaneously he trained some of his companions for this job and sent them to various places to exercise Qada. He sent Ali bin Abu Talib, Mu’az bin Jabal and Aaba Musa Asha’ari [R.A] to Yemen to act as Qazis. He appointed Al-Allah-Bin Al-Hadharvi as Qazi of Bahrain and issued a letter to the people of Bahrain to introduce him as Qazi of their area. He asked Ma-aqa bin Yaser and Uqba bin Aamer to decide cases of the people in his presence. He appointed Amr Bin Alaas and Attab bin Assed as governors and Qazi. He also appointed Rahiatul Kalbi, Hazifa ibnul Ymana, Ubai ibne Ka’ab, Zaid bin Thabit and Abdullah bin Masood as Qazis to decide cases among people of different areas. The prophet also appointed Hazrat Umer as Qazi and he retained his office, even, during the period of caliphate of Hazrat Abu Bakr. [Alfikrum – sami by Alhujawi]

According to Al Mawardi (5) following are the seven requisite qualifications of a Qazi:

(i) He should be adult male. Women or a minor cannot be appointed as Qazi. But according to the opinion of Abu Hanifa for the matters in which evidence of woman is admissible, they can also work as Qazi.

(ii) He should be intelligent and a man of understanding.

(iii) He should not be a salve.

(iv) He should be a Muslim, Quran expresses:
“And God has given no authority to non-Muslims over Muslims.” [Quran 4: V141]

According to Abu Hanifa, a non-Muslim can be appointed as Qazi for the matter of non-Muslims alone even in an Islamic State.

(v) He should be upright trustworthy, patient, firm and his actions should be in accordance with the Divine guidance.

(vi) He should not be blind or incapacitated of hearing. However, according to Imam Malik, a blind man can be a Qazi.

(vii) He should have knowledge of Quran, Sunnah, Ijma and Qiyas and should be a Mujtahid.

However, about the last condition there is lack of unanimity on the question as to whether he should also be learned in Fiqh and procedure. According to Abu Hanifa it is not necessary because he can decide the matters after obtaining guidance, instructions and advice of the learned persons in this field. The most important condition is about character and understanding of the person appointed as Qazi. And when you select a man of high integrity and untarnished character, with knowledge of law, and possessed of understanding and wit, and you keep him in the circumstances that he is in a position to live at an unapproachable level, there would be no necessity to fetter him by shackles of procedure. Nor will there be any requirement of a series of appeals and a hierarchy of appellate courts.

QUASI JUDICIAL-DUTIES OF A QAZI®

Following are some important quasi-judicial duties of a Qazi:

- He may look after and protect the Trust (waqf) property.
- He may be appointed as the custodian of the property and guardian of the minors, Lunatics, insane and missing persons.
- He has the power to appoint an administrator of the deceased.
- He must appoint ideal person for his assistance

**REMOVAL OF QAZI**

A Qazi may be removed from his office on the following grounds but not limited to these:

- If he becomes insane
- If he gives decision against the law
- If he involves in corruption

**THE REFERRALS AND ANALOGY (QIYAS):**

The Qazi, in Islam, appointed to administer justice is allowed to decide cases in the light of Quran and Sunnah with the addition of Qiyas (Applying the shari’a law or extending precedent to existing similar situations by analogy). The use of Qiyas was also allowed by the Prophet Muhammad (Peace on him) during his life time which is reflected in the following dialogue of the Holy Prophet Muhammad (Peace on him) with Hazrat Mu’az bin Jabal:

“.....Prophet (Peace on Him) asked Mu’az as to how he would decide cases brought before him. He replied, by the Quran. The Prophet asked, if you do not find any solution in the Book of Allah. Mu’az replied then in accordance with the traditions of the Prophet. The Prophet (Peace on Him) said and if you do not find any thing in the Tradition. Mu’az replied then I will decide to my best judgment and will not slacken efforts. Listening to this Prophet (Peace on him) said all praises to Allah who made the messenger of the Prophet of Allah to agree with what the messenger of Allah likes.” [Abudaud, Tirmizi]
His successor caliphs followed same Principles of administration of justice that is how use of Ijma and Ijtehad was introduced.

**LEGISLATION & DISPENSE OF JUSTICE:**

The peculiar phenomenon about Islamic system is that it is based on divine message and injunctions whereas all other systems have their legislative structures on the laws that are creation of human brain. Another distinctive feature is that all evolution and interpretation of Islamic laws has come from the institutions and men of learning while in the modern democracies laws are made, explained and interpreted by those whose interest and abilities lie in preventing, confounding and eluding them (8).

The Islamic judicial system completely trust and rely on the appointments which are responsible to equate the task of administering justice; unlike the prevailing system in our country which is based on complete lack of such confidence and creating the present multistage judicial process which is too mechanized and technical in its implementation. In our present judicial system as the process of selection of a “Judge” is not flawless so the “Judge” is fettered with the technicalities of the prescribed procedure to assure that the justice done is seen and recognized by the masses. Whereas in Islamic system all emphasis is laid on requirements of selection of a Qazi who is expected to be upright, trustworthy, patient, firm and a man of understanding. In Islamic system the knowledge of Quran, Sunnah and Fiqh is although necessary but character of the man is the matter of first importance.
Unlike that the actual object, in the present judicial system is mere disposal of the cases through perfect judgments free from all technical defect of procedure \(^9\). Merit of judge in this system is assessed on the basis of the number of cases he disposes of and the quality of judgments he writes. The system is not sensitive about justice itself. The theory is that if all the required technicalities of procedure are fulfilled the act of justice is supposed to be done irrespective of justice in nature itself.

The pattern and organization of Darul Qaza or judiciary in a modern Islamic state would be such that there shall be court of original jurisdiction to decide the matters both civil as well as criminal with Qazi having above-mentioned qualifications. These Qazi may be appointed by the Head of State himself or through Governors or the Chief Judge or the Qazi ul Qaza.

If there would be a concept of appeal in Islamic Judicial System then undoubtedly the Prophet (P.B.U.H) had seated himself as the supreme appellate authority instead of listening himself the criminal and civil disputes of ordinary Muslims at the first instance. A Judge in the Islamic System is called ‘Qazi’, and this word itself means one who finalizes and finishes up a matter or dispute. There is, thus no concept of appeal in the Islamic Judicial system.

The provision of appeal is a necessity of the prevalent judicial system that is based on lack of trust. The capability of junior Judges in this system is assumed to be frail but at senior stage they are presumed to be perfect and there ends the hierarchy of appellate mechanism. If a series of courts of
appeal is accepted, there would be no logical point to stop at, because even the men at the highest stage can not be perfect.

The systems of more than one stage of appeals have proved that they have rendered justice to an improbability if not impossibility. The delay in this process has defeated justice. It seems that in the present system subordinate courts have been created just out of psychological reasons. It is because if there is no subordinate judiciary in existence there would be no justification for use of the terminology of “superior judiciary” for the higher courts. Otherwise the subordinate judiciary is not deciding the matters and disputes finally with the exception of the cases where the parties do not prefer appeals for their personal reasons. At least the lowest courts in the hierarchy have no justification for their existence. Their decisions are never final. The fact that first appeal has been made, in all circumstances, a right of the party against whom an order is passed, does not suggest aught but that the court of the lowest grade is always wrong in its decision. If that is a reality, it is merely a hoax to maintain courts of that grade.

There can be no logical reason why one should not be allowed to approach the court, in the first instance, which is capable of deciding the matter correctly and finally? Why should one waste time and money in litigation in lower courts just for an academic purpose?

**SEPARATION OF EXECUTIVES AND JUDICIARY:**

The Montesquieu considering the state as sole authority of power developed the theory of separation of powers in order to make the state power mild. The Islamic society from the beginning has always demarcated the necessary
separation between judicial and executive powers. [By Ameer Ali, A History of Saracens (the Arab nomads)]

Second Caliph Hazrat Umer (R.A) separated judicial office from executive and made it independent from other offices of the State. He appointed Abu Dardah, Abu Musa Al-Ashari and Qazi Shurayah as Qazis in Madina, Kufa and Basra and gave them suitable and sufficient allowances and prohibited them from taking part in any business. He also issued letters to them narrating the guiding principles. He appointed such judicious and capable persons as Qazi that they were universally respected throughout the Muslim world. He did not create separate civil and criminal courts. However, the department of Police known as “Ahdas” always took the initiative in criminal cases. This sort of organization continued till Umayyad dynasty however the Abbasside first instituted separate criminal courts for the first time. In past the Muslim judicial system used to have no regular court of appeal, but sometimes sovereign used to perform the functions of court of appeal. During the Prophetic era, the Holy Prophet (Peace be upon him), orthodox caliphs and all other appointed Qazi, used to decide the cases on original side. Qazi-ul-Quza or the chief Judge, whenever appointed also used to entertain and decide the matters on original side as his ordinary routine.

In his capacity of ‘Qazi-ul-Qaza’ or the Chief Judge, he used to have administrative control over other ‘Qazi’. In Islamic Judicial system the object was the justice itself, and therefore men of high integrity, strong character and quick understanding used to be appointed as Qazi, and with certain guiding principles of procedure, such as
Matters should be decided in accordance with Quran, Sunnah and Qiyas,
The hearing to be done in presence of both the parties,
The burden of proof to be on plaintiff and defendant has to deny the claim on oath
The judges or Qazi to be left free to decide cases and to do justice among the parties while settling dispute.

This set up was in consonance with natural requirements of human beings and therefore, the performance of administering justice very successful.

**THOUGH COLLECTIONS:**

For the practical purposes an unfortunate aspect of the myth is that the true Islamic judicial system does not suit to present profession of advocacy. If the procedure is simplified, by leaving much of it at the discretion of Qazi, the interest of advocates shall be jeopardized. Their interest lies in more complicated and lengthier procedure and this complicated and lengthy procedure is the main cause for the delay that defeats justice.

Our jurists know, although they might not admit it in express term that the structure of Islamic judicial system cannot be erected on the foundations of present judicial system. It will have to have its own foundation. Repairs of any scale will not serve the purpose. It will be a new structure on an altogether different foundation.

To conclude, I can say that it is a general rule that in Islamic state “justice” and “dispensation of justice” is given a very high place on both state as well
as individual levels; as they both determine the morality; attributes and ultimate destiny of any society.

Chapter-3

Theology of Western Law

Over View:
Any illicit or illegal wrong done to any individual or society is the argument and crux of criminal Law, which forms an autonomous twig of law as intact.

If a critical view is taken through the foundation of Western legal arrangement and academic workings of the Western intellectuals, it can easily be comprehend, that even the characterization and dogma of Law have not still been collectively established by them.

An incredible assortment subsists among the Western Scholars on the definition of “Law”. Every jurist has given a separate clarity, which diverges from others as regards its derivation, endorsement and character.

Definitions:
The history of the definition of law originates in the 13\textsuperscript{th} century, with the declaration made by St. Thomas Aquinas:

\textit{“It is the establishment of common good by the best caring people of the society” [I.ii.90.4]}\textsuperscript{(1)}
It was initially the St. Thomas who predisposed the Catholic belief that is manifested from an authoritative Catholic vocation that recently issued a recurrence of his analysis through the following expression.

“The law is the discipline of the chiefs of the community to establish common good for the society without Bias and prejudice in constituting and implementing it” (2)

According to this observation, the authority of law is based on rationale motive, but it instigates from the domination of the head of humanity.

The same authority establishes that the “laws” are not just the fritters or iron chains rather they are the social caucus which need to be executed to keep good practices and moral values in any self-leading society or culture.

According to this definition the bases of validity of law are integrity, it gets endorsement from human conscience, and from where does it derived, has not declared explicitly.

To Richard Hooker (1554-1600) the law appeared as under.

“It is the motive through which all species of good can be identified and well being may be done to the humanity.”

This definition is very much palpable but still needs some more rationalization and elucidation of good and motive mentioned therein.

The Law is defined by Immanuel Kant (1724-1804) as down under:

“The law is the whole of the state of affairs under which the personal needs of one man can be submissive with the personal wishes of another man, in accordance with a general law of liberty”.

This definition is again sheer academically rational, without any levelheaded gist.

**Savigny**, the grand chronological jurist of the 19\textsuperscript{th} century identifies the Law ut infra.

"The rule whereby the invisible borderline is fixed within which the individuals and their activity obtains a protected and liberated legroom."

Both Kant & Savigny have mentioned the occupation and aim of the law instead of defining it. They have ruined and botched to sustain the peculiarity between the entity of law and the ‘law’ itself.

The supporters of Savigny have advocated the Sociological perception of Law. Enger Ehlrich is one of the modern promoters of this view.

According to the supporters of Savigny, the law is the communal sense of right and wrong of the Society. While stressing the social mores and ethnicity, they have again futile to categorize in linking the font or endorsement of law and the “Law” itself.

Blackstone, one of the topical and contemporary English jurists, articulates as follows

"The Law in its most universal and widespread intellect imply a canon of accomplishment, need to be applied indiscriminately and erratically to all sorts of deeds, whether living or lifeless, balanced or absurd."
Additionally while characterizing and defining the law in its stern methodological sense, he pronounce that

“The Law is a decree of action which is set by some higher-ups for the benefits of society and which the mediocre or masses are bound to abide by.”

This concept of law is a comprehensive denial of the perception cherished by Kant and Savigny.

The views of John Austin about the law are given down under.

“It is the decree set down for the guidance of an intellectual human being by another intelligent being having power over him”.

In other words he believes that the law is the standard of achievements prepared by a sovereign for his populace.

Holland, opines the law as follows.

“The law is the proportionate command of action along with nonparticipation from certain classes of action, disobedience to which is followed by some sort of penalty or inconvenience.”

Sidney Holland, at another place, slightly opposing from Austinian view, articulates that

“The law is actually a formulated and fortified strong public opinion or the authoritative and controlling opinion of the ruling class.”

Sir Fredrick Pollock defines the law as under:

“Law is a rule of conduct or binding on members of a commonwealth as such.”
The clarity given by Holland and Pollock do not submit to the source and endorsement of law, consequently they are curtailed, flawed and incoherent also with some of the impressions given by other intellectuals.

Sidney Hartland says in this context as stated down under, 
“Law is a set of rules imposed and enforced by a society for the conduct of social and political relations.”

On the foundation of this explanation, we cannot hold the test of approval as adequate, and we are driven back upon that of appreciation. Therefore, this definition again provides a dissimilar view from the conceptions given by Austin and Holland.

Professor G.C Lee says, “Law is that body of customs, enforced by the community, by means of which man’s gross passions are controlled and his conduct toward his fellow creatures, regulated.”

He has solely concentrated on ethnicity and leave out the account of the formal ratification and states the foundation that are fixed and predetermined. This seems to have been the crucial gist of legislation and its comparable in other lingo and vernaculars. This notion is again inadequate and incoherent with the conception given by many other Western Scholars.

According to Salmond the law can be defined as follows. 
“It is the body of principles recognized and applied by the state in the administration of Justice.”
If institution and formulation of the law is absolutely based on the recognition and submission by the State, that is, the ruling party, as stated by Salmond, Then the unmerited and concealed motives of the ruling class should also be conceded as “the law”.

These are a few specimens taken from a vast legal literature, which suffice to exemplify the arduous hard works that have been made through the era to answer the question concerning theology, definition and clarity of the law.

Chapter-4

**Historical Perspective**

**DEFINITION OF RIGHTS:**

The term “Right” generally may be defined as “The title, claim, entitlement which is legal, prescriptive or moral in accordance with what is good, proper and just to perform certain actions; it also identifies certain actions that others are not to perform in any civilized and cultured society”\(^{(1)}\).

In legal terms it is defined as “something that is morally just right from wrong; something to which one has a just claim as power and privilege; a condition of existence to which one has a natural claim of enjoyment or possession; enjoyment of an absolute power, privilege, immunity or capacity which is secured to a person by law; a legally enforceable claim against another that the other will do or will not do under the guarantee of law”\(^{(2)}\).

To be simple the Rights are permissible individual actions and are established through judicious practices and institutions. They are the base of working system of any society and its functionaries.\(^{(3)}\)
SYMPOSY OF RIGHTS: (4)

Rights could be of many categories and belongs to life, selection; existence; vote, work, calling off work, claim, equal treatment before law, punishment, defense, making legitimate relationships, privacy etc.

The rights are classified according to the human behavior to individuals and the society. The general classification could be:

a) Those who are allowed to claim; Children, animal, workers, state, subjects etc

b) The actions or conditions rights belong to; free expression, pass judgment; privacy, remain silent; property, corporeal.

c) The reason of the rights; Moral obligations, legal liabilities; customary conventions

d) The actions to implement the rights; right to life, right to exercise freedom, right to make and establish promises or guarantees.

e) The sub categories of rights; natural rights are the derivation of moral rights; political and spiritual rights are the development from freedom of speech. (5)

THE JURISPRUDENTIAL ANALYSIS OF RIGHTS (6)

The defining of rights and their implementation is very critical as it needs to have a clear understanding between the actions of every individual and community. The rights are not only interchangeable but inter dependable as well.

Basic Elements:
The basic components of rights are:

1. the privilege
2. the claim
3. the power and
4. the immunity

These basic elements are also called the rules and the particular actions required to be performed by the people or to be refrained from performing any action as a Right

The following table of “Conflicts” and “Relationships” got developed by researchers for the reasonable analysis of “Rights”:

<table>
<thead>
<tr>
<th>Conflicts</th>
<th>Relationships</th>
</tr>
</thead>
<tbody>
<tr>
<td>If A has Right</td>
<td>If A has Right</td>
</tr>
<tr>
<td>then A likely not to have Duty</td>
<td>then B likely to have Duty</td>
</tr>
<tr>
<td>Power</td>
<td>Power</td>
</tr>
<tr>
<td>Weakness</td>
<td>Weakness</td>
</tr>
<tr>
<td>Advantage</td>
<td>Advantage</td>
</tr>
<tr>
<td>Disadvantage</td>
<td>Disadvantage</td>
</tr>
<tr>
<td>Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>Subservience</td>
<td>Subservience</td>
</tr>
</tbody>
</table>

Active and Passive Rights (7)

The term “active right” seems to be invented to describe the control systems that allow its owner to exert reasonable control over interconnected events of life such as; citizenship, award of educational certificates; ownership of piece of land; entrepreneurship etc.

The Passive rights are those which depend on active rights for their incorporation like; right of abode, right to vote, right of work, right of choosing a vocation etc.

The “Authority” and “Power” would be the “active rights” because are related to the own actions of the bearer; nonetheless the “Duty” and the “Subservience” likely to be the “passive rights” because they regulate the action of others.

A Pilot in command has active authoritative-right to command inside the cockpit and an active power-right to control the smooth activity of the crew working aboard. A batsman paying cricket has a passive
advantageous-right that the fielders do not divert his attention while playing the stroke and a car driver while driving has passive duty-right that the traffic warden assures that the all traffic is safely flowing.

**Negative and Positive Rights** (8)

The moderate scholars delineate between negative and positive rights by calling those rights as negative rights in which the right holder is permitted of non-interference and those rights as positive rights in which the right holder qualifies the right to enjoy goods or services. The classic example of negative right is right not to be discriminated and subsequently the positive rights are the right of abode of any individual at a particular place or area.

According to “John E. Roemer (December 14, 2005)” in his book "Roemer on equality of opportunity" mentions that the political and civil rights are the “negative rights”; accordingly freedom to express; habeas corpus, holding of assets and land; impartial legal “for and against” proceedings; liberty from bondage labor etc would all be these rights.

In 1979 the Czech jurist Karel Vasak suggested that “positive rights” are a good combination of political; civil; social and cultural rights such as protection from the inhuman treatment of law enforcing agencies; right to have access to food, primary health facilities, basic education, nationality, right to have legal occupation; necessary means of living etc will all will be these rights. He also asserted that Positive rights confer duties.

To summarize; the “right” is actually an authorization to carry out any legal action or work and a privilege to enjoy any particular service or handling. In general most of the rights are positive rights. Nevertheless those rights where lack of action or complete non-intervention exists or is appropriate such rights are labeled as negative rights.

In some developed countries like Australia; New Zealand etc it is compulsory to cast electoral vote otherwise the eligible citizens could be fined; thus their citizens have a positive right to vote while the negative right of “not” to vote does not exist for them. Contrary in Pakistan; India; US etc electoral voting being not compulsory makes
their citizens to claim not to vote as their positive right resulting people choose to stay home and watch television instead, if they desire.

The Stanford University Encyclopedia of Philosophy printed on July 9, 2007 mention all those rights as positive rights where permission to do some action is allowed while those rights where permission not to do things is allowed are the negative rights.

However there are some rights which are not either positive or negative; in some cases privileges, immunities; power etc can neither be classified as positive or negative. The (privilege) right to trespass and getting into or out from the legal contract (power) would not be negative or positive.

In comparison to the positive rights the negative rights are considerably easy to serve and fulfill as they can be served simply just by avoiding from interfering with the affairs of others however.

Contrary while enforcing rights this difference diminishes as to enforce negative right of citizens’ against discrimination needs more financial and other resources in contrast to establish the citizens’ positive right of education system. (9)

Moreover there are many scholars who do not consider useful making distinction between negative-positive rights.

**BURDEN OF RIGHTS:**
There are many scholars who belong to the school of thought of Plato and Aristotle, the famous natural law philosophers, who consider that burden of rights, is the duty of the “decision maker” who they call “moral agent”. In other words the decision maker being able to identify right and wrong is the responsible person. (10)

Since pre-determined acts constitute moral responsibility so the moral agents must be capable to act sensibly, they require having enough intellect and information to work out plans, appraise substitute strategy and choose between proper and improper actions. Moral agents ought to have adequate awareness and aptitude to apply ethical values and to decide their actions. A moral agent also needs memory and self
assessment to be able to retain information and calculate available choices.

The moral agent must be capable to act persistently to meet crucial ends. He must have inherent values as well as analytical skills.

Altogether any moral agent would be a person who value the ethics, culture and people while adopting his actions and making decisions; the following are the basic criteria for a moral agent: \(^{(11)}\)

1. Can do reasoning, retain information and knows own personality
2. Can figure out the common understanding of the people and values
3. Can work out while considering the moral principles and ethics
4. Can comprehend those natural and acquired values which may conflict with his values and likings
5. Can do things independently
6. Can be allured or threatened
7. Can live with others in a society where resources are limited
8. can choose to be just or unjust and can take responsibility of his actions

If someone has majority of these qualities then he can be called and considered as a moral agent.

**Is Human A Moral Agent?**

Based on the above discussion and identifying the wide-ranging nature of moral agents it will be now easy to identify, in particular, whether the human beings can be graded as natural moral agents and be held morally responsible for their actions. The scholars who believe that \(^{(12)}\) human beings are moral agent advocate that only they have those moral qualities which many other creations lack such as:

1. Targets
2. Humanity
3. Intellect
4. Earning ability
5. Highly developed languages through which individuals sense and communicate morality

Out of many creations in this universe the Humans are the one that has a moral sense and ascribed moral ideology. When humans do right they
know that what they are doing is right. Morality is an end in itself for those who can sense it.

**Basic Rights**: (13)

These rights are the prerogative of all the moral agents. They are general rights in contrast to explicit rights that relate only to an individual or to a particular faction. These rights institute the set of laws for attaining individual's classified rights. The basic rights are developed through effective reasoning and analysis of perceptions of justice found in moral groups without mentioning the incident of history or personal circumstances.

**Criteria for Basic Rights:**

1. **Absoluteness**: All basic rights to be granted to all moral agents apart from time; geography; diversity or differences in ability, skills or situation that might be different amid moral agents due to multiple factors. The basic rights should not be dependent upon or assume any conventions peculiar to any faith, ethnic group or background. The basic rights must be stated in easily comprehending terms so that they are understood to all moral agents regardless of gender, race or even species.

2. **Rational Stability**: Basic rights to be rational and dependable. They should not cause contradictions and or disparities when they are widely applied among the moral agents. This eliminate distracting concepts and hypothesis like; "Everyone has the right to always bat fourth."

3. **Affinity with the character of Moral Agents**: They must be well-matched with the fundamental characteristics of moral agents; accordingly they need to be consistent with the intelligence, action, non-moral values in addition to moral values; choice of right and wrong, understanding of limited resources; social and geographical adaptability of the moral agents. The basic rights enable the moral agents to select the path and course of action they want to pursue.
4. **Transparency**: Basic rights must be transparent and unambiguous. These rights should give a clear understanding to the moral agents about their “Do” and “Not to Do” things and action. The basic rights of others should be unambiguous so that conflicts do not occur while claiming or dispensing these rights. It is important because the moral agent need to be aware the thin boundaries of his own and others basic rights so that he can act with confidence that what he is doing is right and needed from him.

Basic rights to be considered as most vital and crucial part of life and must be dispensed without any intimidation or exceptions thereof. However based on social and geographical values some universal and logically consistent limits may be defined in application of these rights under a common consensus; so that rights do not create unwarranted conflicts or unrest among its holders.

If under any specific conditions any lawful basic rights conflicts with any legitimate social value or characteristic then the basic right determines the just course of action instead of the destiny and does not regulate the fate of the action.

**GLOBAL HUMAN RIGHTS:**

**Origin:**
In the version of King James of the Holy Bible the explicit Moral Code, which is referred to the Holy Christ (Jesus) is, "**all things whatsoever ye would that men should do to you, do ye even so to them**" (Matthew 7:12).

Likewise in “Torah” the same was pointed, around 1400 B.C, that: "**To care the neighbor as oneself**” (Leviticus 19:18).

Moreover in his last mass address at the time of “Haj-ul-Vida” the Holy Prophet Hazrat Muhammad (Peace on Him) said that: "**Hurt no one so that no one may hurt you.**"

This Moral Code gives rise to the following “**Core Right**” which leads to the most apt definition of **Universal Human Rights**:
“Everyone has the right to treat others as he would like to have them treat him; which we also call Empathy”

Here both word “everyone” and “others” are used for the moral agents and match every individual moral agent’s duty as follows:

“Allows everyone to exercise their Core Right”.

Development:
The most recognized basic rights and liberties include but are not limited to the sensitivities like life, liberty, free expression, equal treatment by law. The “Human Rights” are the collection of various rights and liberties bestowed to men.

The Human Rights are the rights which are commonly applicable to all human beings without any prejudice or bias and are treated as undeniable primary rights to which every human is entitled since birth without making any claims or efforts thereof. (14) In other words the Human rights are universally same for everyone and are recognized as natural rights and legal liberties in almost all countries around the world. (15)

After the World War II and the carnage of Holocaust the western world decided to adopt a universal theme on “Human Rights” for all the nations of the global village ad accordingly through the platform of the UNO, at Paris, in 1948 the UN General Assembly adopted the “Universal Declaration of Human Rights”.

Although before adoption of this charter the basic rights were also duly recognized globally but were dispensed according to the local culture and society norms around the world. (16) The adoption of this declaration structured systems of duties completely reliant to Human Rights and compatible with the perception of Justice, political authority, human prosperity etc to comprehend human pride and welfare. (17)

The contemporary impression of human rights is the combination of scientific developments; emancipation of faiths from the chains of orthodox religious convictions and as well as the western secularization of Judeo-Christian ethics. (18)
The precursor of human rights movements and declaration were two major factors apart from multiple supporting regional forces. The most critical factor was the political & economical unrest which was highly affecting Western Europe due to uprising of American, French and other regional revolutionary movements. The other critical factor was the change of approach of the European liberal and prominent philosophers like John Locke, Francis Hutcheson, Jean-Jacques Burlamaqui etc towards human handling. Consequent to multiple factors the world subsequently decided to adopt a Global charter describing the rights and duties for the human beings in concurrence with natural rights and medieval ordinary Law customs.

The development of the modern concepts of “Human Rights” is because of the provoking economic and political issues and continuous efforts of reformist movements hailing from various corners and society segments to develop human interactions into people benevolence and benefits to the mankind. The more political awareness and social activism around the world due to scientific developments and constriction of world into global village have made the concept of Human Rights more acceptable and adaptable. Nevertheless the socio political awareness put it high on the world agenda in every global or regional forum starting from social debates to the court of laws. (19)

The “Universal Declaration of Human Rights [UDHR]” consistently reminds member countries to uphold human dignity by strengthening the rights of their citizens pertaining to civil, economic, social, political liberties. This declaration promotes the respect of Human Rights by asserting them as basis of sovereignty, justice and peace among the mankind. The purpose of this declaration was to legalize the global efforts to assure the state role in propping up the life standards of their citizens in accordance to the rights versus duty twofold models.

“...to ascertain human dignity through equal and inalienable rights of all human family is the basis of freedom, justice and peace in the world”.

— The part of the Universal Declaration of Human Rights, 1948

This declaration has two chief pledges encompassing the political; civil rights with those of social, cultural and economical rights. Both pledges
focus on the rights of people to freewill and control over their natural assets. (20)

**UNIVERSAL DECLARATION OF HUMAN RIGHTS:**

The Universal declaration of Human Rights” despite being tagged as “universal” is originally developed from the roots of the western world trends and philosophy which got evolved in the last three centuries. Raimundo Panikkar in his book called ‘ Is the Notion of Human Rights a Western Concept” rightly writes that (21):

“At the Universal declaration is not universal as it emerges from the philosophy of west and its inhabitants…”

This declaration was developed based on the concept that all people have common natural instincts; basic needs; human dignity and democratic social order if they act differently it is because of their habitat and skills which they gain for their survival. (22)

This charter establishes that the inborn human self-esteem; human equality and basic rights of all human beings come from equality, liberty and harmony in the humanity. It emphasizes to promote the affable relationships between nations; promotes no gender oriented discrimination; requires assurance from all nations to enhance life of all people; advocates full freedom. This declaration also asserts legally protect human rights in all countries without any prejudice, whatsoever.

The “Universal Declaration of Human Rights may be summarized as”:

1. All people are born free and deserve same dignified handling
2. People not to be discriminated on the basis of skin color, sex, religion, language etc
3. All people have Right to live with freedom and safety
4. Slavery is neither desirable nor acceptable
5. Zero tolerance to physical, emotional and spiritual tortures
6. All are equal before the law
7. Non prejudice approach at the time of dispensing justice
8. Opportunity to seek legal remedy when needed
9. Right of abode, nationality and “No” to forced exile
10. Opportunity of fair and public trial to all.
11. No one can be condemned unheard
12. People to be considered innocent until proven otherwise
13. Freedom to travel legally around the world
14. Freedom to migrate for legitimate reasons including social migration and self protection against illegal threats
15. Right to change or have more than one legal nationality
16. Right to marry or live together under legal contract
17. Right to have and foster children and family
18. Right to have property; assets and currency deposits in accordance with the country laws
19. Freedom to follow; adopt or renegade the religion
20. Freedom to access to Information
21. Freedom of Expression
22. Freedom of assembly and union
23. Right to be educated
24. Right to engage in legal gainful vocation
25. Right to play; rest and seek amusement
26. Right to have access to basic health facilities
27. Right to establish, both, profit and nonprofit oriented institutions, work assignments and establishments.
28. Right to participate and enjoy the cultural life.
29. Right to demand and respect the 'social order'
30. Right to form trade unions and or associations
31. Right to be respected and have human dignity
32. Right to promote arts; culture; occupational skills
33. Right to ask for help if in danger
34. No Tress passing
35. Right to have private life

The rights given in this declaration are immune from any state, society or community sponsored threat sabotage.

Since adoption of UDHR through United Nations and ratification by UN member states the human rights have become the topic of local and global discussion in politics, social and community levels and as well legal claim to enjoy the dignified and reasonable human life in the society.

The majority of people still believe that the “Human Rights” can only be enjoyed in a secular society while the religions do not allow absolute exercise of Human Rights; this may be true for many worldwide religions as they are not in their divine shape rather are in the human made shape but Islam despite being mal treated with its followers and critics is still in its original shape and therefore guarantees all of the human rights as long as the general masses or individuals don’t get hurt and remain protected.
There are many secular minded human rights advocates in many Muslim countries that are of the opinion that Islam is a conservative religion and therefore is incompatible to meet the requirements and standards of the UDHR. Contrary to this opinion actually Islamic teachings advocate and assure human dignity and to uphold the human rights and human dignity Islam was manifested for the human beings guidance; this point in particular will be scrutinized with impartial approach in the upcoming research process.

**THE UNIVERSAL PRONOUNCEMENT (UDHR) AND RIGHTS OF WOMAN:**

The articles 3, 5 and 23 of the “Universal Declaration of Human Rights” and charter of the “United Nations” pledge to uphold the dignity and innate rights of people which they got by virtue of being humans irrespective of the issue that whether they were born man or woman. The UNDHR guarantees equal rights and dignity to both man and woman as both belongs to the same human race. The UDCHR assures all human rights to women likewise of men. These rights belong to:

a) Life;
b) Equality;
c) Liberty and security;
d) Equal protection;
e) Free from discrimination;
f) Highest standard of physical and mental health;
g) Equal work Opportunities;
h) Safety against aggressions, violence and assault

**ISLAMIC UNIVERSAL DECLARATION (QURAN & SUNNAH) OF HUMAN RIGHTS:**

“The Quran is the guide of instructions to human beings who fear their Lord (Allah) (Al-Imran 3:138)”

The mankind was offered a perfect charter of Human Rights and dignity about fifteen hundred years ago through the preaching of the Holy Prophet (Peace on him) with the name Islam. This new world order under the name of Islam not only guaranteed the whole mankind respect, self esteem and success but also eradicated discrimination, subjugation and inequality.
The Islam teaches that the rights and dignity given to the human beings are divine and bestowed by Allah so neither they may be given up nor any other authority or power or ruler or government can take them away from humans or even limit or breach them.

All Islamic functionaries including but not limited to rulers, organs of state, official establishments, court of law etc have to safeguard and establish these rights and human dignity through their authority and resources.

However it is true that in many countries including of several Islamic countries these rights and human dignity is not respected rather crushed through the might by all the powerful segments of the society including the government and law enforcing authorities. This issue is very serious and not only making people to raise their voices against such misfortunes but causing injustice in the society which is very dangerous for the whole humanity.

I earnestly anticipate, based on the established Islamic Orthodox rule, including of Hazrat Umar Bin Abdul Aziz (R.A), that the Declaration of Human Rights as proclaimed in Quran and Sunnah always prompted the Muslim masses from common man to elite class to initially resist and finally eradicate violation of those rights and dignity which is bestowed by their Lord (Almighty Allah)

In the Holy Quran Allah the lord of Universe clearly abolishes the standards of worldly discrimination by giving the absolute Islamic world Order:

About fifteen hundred years ago in the city of Medina, after migration, the Holy Prophet Hazrat Muhammad (PBUH) established an Islamic Social Order which had all those human and civil liberties which could be beneficial for the mankind. He ordered in his Last Sermon, which without any prejudice is the best “Universal Charter of Human Rights”, to institute a Muslim society wherein:

✓ No law or order can be made which is against the Quran and Sunnah
✓ The authority given to any person should only be used in accordance to the orders of Allah and the Prophet Muhammad (Peace on Him)
✓ All worldly resources including natural and man invented to be used for the betterment of mankind and with all possible fairness and justice as directed by Allah and His Prophet Muhammad (Peace on Him)
✓ Every person is born free
✓ Slavery and or forced labor prohibition
✓ All persons to be treated equal and without any prejudice
✓ Family system to be established and supported
✓ All are equal before law
✓ All state related matters to be done after consultation with the competent people and as directed by Allah
✓ Nobody will be harmed more from his original share as decreed by Allah
✓ Nobody can be reduced due share from both tangible and or intangible resources from what is already decreed by Allah
✓ The state should prosecute or help to prosecute the offenders who unlawfully retract the rights or liberty given to human beings by their Lord (Allah)

It is established through the history that all those Muslim societies which were founded on the above guiding principles always gave mankind a deliverance which was free from all kinds of abuse, inequality and subjugation. Such societies assured that the human self esteem and freedom is kept intact in the best form which is ordered by Allah and established by the Holy Prophet (Peace on Him) through the real Islamic society.

**ISLAMIC UNIVERSAL DECLARATION (QURAN & SUNNAH) AND THE WOMAN:**

Islam give equal share and footings to both man and woman in all social, religious, economic, political segments; Allah the Lord of Universe, at multiple places (3:195; 4:124; 16:19; 40:40), promises both of them the final goal of paradise if they believe in Him and do right deeds in the manner which he likes for them (i.e. Quran & Sunnah).

Allah has clearly pointed out in the Holy Quran that both man and woman are created in the similar fashion so that they worship him alone and fulfill their right and duties through respecting and caring for the other fellow beings. Allah the Lord of Universe tells us at Verse 01 of Surah Al-Nisa that
“He created a single soul and its mate from itself and then He made countless men and women from those”.

It is mentioned nowhere in the Holy Quran that only males were created as like of image of Allah rather it is clearly mentioned that human beings (both genders) were created in the best form of creation and further talks of the fundamental similarity between men and women.

It was the Islam which dejected the women’s humiliation and female infanticide which was very common among Arabs and in many other then civilized nations. It was Islam which not only stopped the infant female slaying but made the whole female gender honorable by calling paradise under the feet of mother. Contrary in the present civilized and scientific world female infants are more likely to get slay if it comes to know through ultrasound whether the baby to born is female. In other words the advancement in the scientific methods to discover “baby’s gender” has increased female infanticide because they give an opportunity of sex-selective abortion to masses. These masses take advantage of the law which allows abortion if it is performed legitimately by a certified medical practitioner by claiming that the action of abortion was to facilitate both or either mother or fetus physical or psychological health. Unfortunately the statistics has proved that such legitimate abortions are carried against the choice of the gender of the baby and not for upkeep of mother and fetus health. (23)

The female infanticide or abortions are still very common in the areas of the modern world where female are considered liability due to culture norms and society prejudice and thus neglected or killed in any age from infancy to late age. Unfortunately Pakistan is one of those countries cultural norms value male over female. There are some others as well like; parts of “People's Republic of China, India, Korea, Taiwan (24) and the Caucasus [A region between the Black and Caspian seas that includes southwest Russia, Georgia, Azerbaijan, and Armenia, and that forms part of the traditional boundary between Europe and Asia].”

Although in 1994 over 180 states signed (25) the “Program of Action of the International Conference on Population and Development” agreeing to "eliminate all forms of discrimination against the girl child" and in 2011 the “resolution of PACE's Committee on Equal Opportunities for Women and Men condemned the practice of prenatal sex selection”. 
I recently heard on an Indian news channel that in an Indian rural community in Maharashtra the locals kill their female infants by feeding them crushed fine pieces of broken glass in their bottled milk and surprisingly they call this horrible act “a blessing” for the child as in their opinion they have inflicted painless death to her.

The Islam not only impeded the sex-selective abortions and female infanticides but also gave them the right of inheritance which was limited to male child of the deceased. In verses 7; 32; 33 and 176 of Surah Al-Nisa the Qur’an allows “woman to inherit from her father; her husband and her childless brother”.

Islam does not compel woman to give up her maiden name after marriage rather allow to maintain her distinct identity like Fatima bint Muhammad; Aisha bint Abu Bakr; 铪saہ bint Umar (PBut) and many others. When Muslim woman adopts the surname of her husband then this is either under her free will or due to the socio-cultural influence but never because of Islam.

Islam orders the groom to pay directly to his wife the bridgall gift “Mehr” instead of any her relations like father, brother, uncle etc which is treated her private ownership with an absolute right of keeping or spending it in a manner of her choice without accepting the dictation of her male social guardians. Islam also allows women to keep all the money or offerings which she earns or receives as a gift or wage on any occasion or through legitimate activities.

The women consent for marriage is must in the Islamic law; even so that she has the right to refuse marrying a person who she does not like to marry with. She can call off the marriage (Khula) through the proper forum if she is not comfortable with her husband or matrimonial life. In Islam widows and divorced women are encouraged to re-marry if they get a suitable offer from the person who can take care of their social and financial needs.

The Qur'an in Verse 34 of Surah Al-Nisa it is mentioned that “a man has the responsibility of protecting and maintaining their female relatives subsequently the women are relived from earning their own living”. In Islam it is the duty of husband to fulfill all the legitimate needs of her wife and children even his wife has her own abundance of wealth and or is rich from her background; further a rich woman is not religiously or socially
obliged to spent small or big portion of her personal money on her husband or children if she does not want to do so.

Interestingly in Islam the wife has no compulsory duty to cook food, keep house hold or breast feed new born babies etc; nevertheless she is allowed to demand wages for any or all domestic works if she likes. However if she does all domestic work and look after her family needs out of love and compassion for family and just to please Allah then she will be rewarded with pleasure of Allah and in return will be respected by her husband, family and society.

The man is made head of its family in compensation to his additional economic responsibilities as mentioned at verse 228 of Al-Baqarah and verse 34 of Al-Nisa.

The Quran emphasizes on man to handle women, in every relation, with kindness; mercy and compassion. These instructions are in Al Nisa at verse 19 and Al Rum at verse 21.

Our Noble Prophet Muhammad (PBUH) despite being the cordially accepted and followed leader of all Muslims never hesitated to assist his wives in many domesticated works and other social obligations.

Provoked Thoughts:

Why still today despite universal awareness on “Rights” the girls are buried alive in many societies? Why the birth of a baby Boy brings joy to the parents while the birth of a girl is tried to be hurled? Why the news of baby Girl is taken as a bad news and raising a daughter is still considered as the terrible burden?

Why, even in modern cultures and developed countries, the women are not considered as good business mind and mostly the businesses or leadership roles in businesses are taken care by the males? Why the established business shares inherited to a woman are taken care either by the male heirs or her male guardian(s) instead of her?

Why in many civilized and developed Eastern and Western countries the women, including educated ones, have to give up their maiden name and to start using husband's name for social and cultural identification soon after getting married?
In the modern West and civilized Asia many women work to support their family in earning livelihood, both before and after marriage, whether they like it or not; the most miserable part of this chronicle is that the money earned by “her” is never “her” money rather it is “their” or “his” money.

If the discrimination or exploitation with women is found at some places in Islam oriented society then it is never religion rather it is the society, its values and the so called civilized culture.

It is reiterated that the Islamic values and community culture should not be mixed while reaching to any conclusion; rather they should be treated separate entities. If anything is prohibited or made necessary because of cultural norms, whether it suits to individual or not, then it is not reasonable to blame the Islam for the consequential differences and problems.

If because of the culture woman has to change her last name after marriage or because of societal norms she has to work to earn her upkeep and to support her family or because of social traditions or customs a women is burnt alive and treated badly or is kept in house like a prisoner then it is never the fault of Islam rather the discredit goes to the stupid “Man Made Rules” defining “Rights” and “Duties” for man and woman.

Unfortunately the western media does not identify the actual root cause of women harassment, which is mostly societal or customary, rather shows Islam or religion as the cause of women persecution. When it appears that the woman has no say and is forced to do things against her will then mostly it is culture and not religion.

Chapter-5

**Position Of Woman In Three Monotheistic Religions**

**Overview of Monotheism; Polytheism; Atheism:**

The word Monotheism derives from the Greek words *MONOS* which means one and *THEOS* which means God (Deity) and is the belief in a single but all powerful God. The history is vocal that this concept was in place even
before God created people to worship and glorify him. The opposite of Monotheism is Polytheism which is the belief to take many gods as Deity instead of one God.

A character trait of all monotheistic religions that has shown up, all through history, is that they believe that God has created all reality and is totally self sufficient. The monotheistic religions are exclusive and deny existence of gods of all other religions, unlike polytheists who believe that there can be more gods than what they themselves worship. The Monotheists seems to be tolerant of other gods only when they consider them as a source to explain their ultimate God.

The scholars agree that initially all the religions emerged from the single faith of Monotheism (oneness of God) but later due to the varying backgrounds, cultures and superstitious beliefs the people got carried away from the factual concept of Monotheism and fall into Pantheism (the view that the Nature and God or divinity are identical) and Monism (proposing that there is one God or Deity who has many manifestations in the diverse religious traditions.) collectively called the Polytheism.²

There is another prevailing concept of “Atheism” which is philosophical self created human argument that “God does not exist”. This is another potent deviation approach in Monotheism.

The faith of Monotheism on the earth has the history since the advent of Prophet Adam (PBH); despite that “Cain” the son of Prophet Adam (PBH) committed many sins the history does not confirm that he claimed to be the God. There is no evidence of people really turning away from the faith and God until the time of Prophet Noah (PBH). It is proverbial that the Polytheism begun around 2900 BC by Nimrod ³ and his wife who were from the people of Prophet Noah (PBH). When Nimrod became the King he claimed to be ‘god’ along with his wife, Semirams, who proclaimed to be goddess. Semirams had a son that she claimed was virgin born; later on a religious group centered on her and her son. Since then most of the times the ruling elites announced themselves as “gods” and insisted their subjects to worship them either instead of or with other gods that they were worshiping.

Another twist in the faith of Monotheism is evident from the known history, when Prophet Moses (PBH) went up to Mt. Sinai to get the Ten Commandments and his followers, the Israelites, requested the Prophet Aaron (PBH) to build them a golden calf as reflection of God but on his
denial, upon directions of Samiri, build it themselves and started worshipping. The worshippers of the calf nor turned, initially, against their religion in and of itself; neither they directly rejected the belief in God. They still sought the divine but through the worship of a concrete manifestation, an idol, which was visible and tangible object to them but ultimately they got engage in shirk (idolatry or association). Through this desire of theirs for a worldly, visible, ostentatious representation of the divine, they got deceived.

Allah tells us at verses 172-173 of Surah Al-A'raaf that He took a pledge from Prophet Adam (PBH) and his descendants of being their only Creator; true Deity and worthy of worship and later He explains this action by saying:

"That was In case you (mankind) say; we had no idea that You Allah, were our God. No one told us that we were only supposed to worship you alone"

Accordingly every new born gets into being as a true believer of Allah, who is alone the only Lord of whole universe, this type of belief in Arabic is referred as “Fitra”. The Prophet Muhammad (PBH) said,

"No babe is born but upon Fitra (as a Muslim) it is his parents who make him of different religion other than Islam. No animal is born mutilated"

(Sahih Muslim, Book 33, Number 6426)
When the child is born his soul is obedient to Allah that is why he only drinks the permissible (Halal) drink that is milk; does not hurt anybody; get comfortable as soon as his hunger or discomfort is over; respect the suckling mother; likes his family and show pleasure when look at them etc. However as it grows it adapt the surroundings and reflect family habits in its handling with society.

The Judaism, Christianity and Islam are known to be the monotheistic religions with a debate on Christianity because of its concept of Trinity (The Christian Godhead as existence of God in three different personalities: Father, Son and Holy Spirit). Let us discuss, separately, the position of woman in these religions,

**Woman in Judaism:**
The most informative sources concerning perceptions, characteristics and status of women in Judaism are Halakhah (the legal corpus of Jewish religious law); biblical law (the 613 Mitzvot or commandments); Talmudic and Rabbinic law along with the many cultural traditions approved by Rabbinic authorities. We will deal here with the Jewish laws and practices that deviate markedly from Torah.

**BELIEFS:**

In Orthodox Judaism the woman is considered equal but different from man. The women role is totally different from men but without losing its importance or value. In conventional Judaism beliefs the women is considered to have "Binah" (intuition and intelligence). This inspiration is derived from Torah which says that “Woman was built (Gen. 2:22) rather than formed (Gen. 2:7)”. In Hebrew the word "Built" has the same implication as of "Binah."

It has been said that Jewish women did not commit idolatry of the Golden Calf. In Judaism the women was given reputable place; Reverend (Rev) Mariam the sister of Moses is considered as one of the pious ladies of her time and Jews consider her one of the liberator of children of Israel; the list of biblical Prophets includes about seven women as Prophet among fifty five Prophets. (6)

The respect of both mother and father is ordered in the famous Ten Commandments; in Ex. 20:12 the instructions to respect father comes first but in Lev. 19:3 the importance of mother is mentioned first. The scholars believe that this interchange is to show the equal respect and importance of both parents.

In Talmud and Rabbinical writings wisdom of the wife of Rabbi Meir Rev. Berurya, is mentioned with the caption that “at several instances, her opinions on HALAKHAH (Jewish Law) were accepted over those of her male contemporaries”. At another place is mentioned that “in the Ketubah (marriage contract) of Rabbi Akiba’s son, the wife was obligated to teach Torah to her husband”. It is also mentioned in the books that “Many Rabbis over the centuries have been known to consult their wives on matters of Jewish law relating to the woman's role, such as laws of Kashrut (Jewish dietary law) and women's menstrual cycle etc.” The Jews used to call with respect the wife of Rabbi as “Rebbetzin” (7) which shows that women were respected as individual.

Nevertheless there are many places in Talmud where a woman is portrayed negatively. In many Rabbinical Writings the women is called “lazy; jealous;
vain; gluttonous; prone to gossip; prone to the occult and witchcraft etc”. At places in Jewish religion the man is recommended to stay away from woman may be to avoid influence of lust and not to humiliate the women. Nonetheless in Talmud the negative things about man are also mentioned like “prone to lust and forbidden sexual desires”. 8

In Judaism the women were allowed since ages to get into agreements, buying, selling and owning property rights; contrary to this until 100 years ago the Western women including USA was not allowed for these activities. In Jewish faith consultation for marriage and marital sex are regard as as women rights. The Jewish man is stopped from beating or mistreating the women in any relation; contrary in many western countries this practice got legally stopped few hundred years ago. A woman is considered innocent if she gets raped even though she was agreed or did not ask for available rescue⁹; contrary to this in many western countries, until now, the women is doubted that she “asked for it”. In Judaism the forced sexual relation even in marriage is taken as rape and is not permitted; contrary in many western countries until now post marital forced sex is not considered crime.

PRACTICES:

Domestic Affairs:

In Judaism traditionally the fundamental role of women is as wife; mother and house hold. In Jewish society these roles are respected a lot as they influence the whole family both spiritually and ethically. In Talmud it is mentioned that “A wicked woman makes pious man wicked; but a pious woman will make wicked man pious.” At another place it is mentioned that “Child is from his mother; non Jewish mother gives birth non-Jew child while Jewish mother give birth to a Jew child irrespective what religion his father is from.”¹⁰

In Judaism because of the woman’s role as mother and household is given so much importance that she is made free from many Mitzvot (rituals) as she can leave dinner unattended on stove or drop the nursing or crying child to offer her mitzvah or davens ma’r Riv (evening prayer services).

The restrictions that stem from the laws of the Sabbath especially affected women. To prepare food and caring children was considered the specific job of the women as the Halakah says, “Let no man eat on the Sabbath day but from prepared food by their right hand women…. ” (Damascus Covenant 10:22) and the law “[she will] give the child to a pure nurse during her impurity only” (Damascus Covenant scrolls from Cave 4 (4Q226, 6, 2).

Religious Affairs:
It is unfortunate that despite all women supporting Torah preaching the Jewish society gives a leading role and domination to men and treats women differently in religious activities. The women cannot lead congregational prayer services\(^{(11)}\) as in Rabbinical writings it is mentioned that “Woman’s observance of Mitzvot does not count for group purposes also a woman’s voluntary reading from the Torah does not count towards the community's obligation to read Torah”. This is strange as in Judaism a boy under 13 years despite being not obligated to perform any Mitzvoth may does so if needed. This treatment with women shows that her religious role is neither desirable nor acceptable in Jewish religious affairs and they are not exactly required to attend synagogue regularly or actively.

The Rabbinic law does not allow men and women to worship together in synagogue prayer area rather they have to sit apart with big distance or they have to be separated by some partition or wall called a “Mechitzah”.

The Judaism critics consider the above mentioned separation and exemption as religious discrimination against Jew women.

In Rabbinical writing there is a special prayer through which Jew men thanks to God for not making them a woman; nevertheless the reason of such prayer is not provided but apparently this prayer show that to be man is privileged. Moreover there is a prayer which Jew women offer to thanks God “for making them according to His will”. This feminine prayer is considered as “statement of resignation to a lower status” \(^{(12)}\)

**Marital Affairs:**

The institution of marriage and family life has a strong and direct influence on women’s lives. The Torah dealing with the range of human issues and limitations allows “polygamy” with restrictions of balancing out between all of the wives for economical, social and cultural issues and also to solve the real life issues of widows; excess women population; infertility; social compassion; loss of male lives in wars etc \(^{13}\)

While at several places the Rabbis prohibit bigamy and claim that progeny of Adam & Eve got evolved from monogamy; in the (Noah’s) Ark the entrants got onboard in pairs (i.e. two by two); the Mishnah’s principle, ‘Let him not multiply wives for himself’ etc and further from the term “multiplying wives” they forbade not only bigamy but also second marriage during the previous spouse’s lifetime.\(^{14}\)

In Jewish culture arranged and child marriages are not considered wrong.
The Rabbis, although, acknowledged the possibility of divorce but its practical significance was greatly restricted as the divorce was only the official separation of a couple who was not allowed to remarry until the previous spouse was alive.  

In Jewish society the Man is considered as the active party in marriage who takes a Woman as his wife under the permission of his father whilst the woman is not allowed to decide independently for her marriage or selection of groom.

**Gender Violence**

In the cases of rape or seduction the Torah says “If a man seduces a virgin who is not betrothed and lays with her then he shall pay her dowry and marry her. If her father refuses to marry her to him, he shall pay a virgin’s dowry. If she is married to him then since he made her suffer so he may not divorce her for the rest of his life”. While the Rabbis’ Halakhah says : “If a man seduces an un-betrothed virgin and she is fit for him by law, if he lay with her and was discovered, he shall pay her father fifty in silver and she shall become his wife; he may not divorce her for the rest of his life” (T.S 66:8–11). Here the Rabbis do not discuss the proviso of Torah which tells that the father may refuse to marry his daughter to the rapist. It emerges that Torah is more balanced than Rabbinic Halakhah for women.

The collection of some 210,000 Jewish manuscript found in the storeroom of the Ben Ezra Synagogue in Old Cairo has correspondences, written or dictated by women, showing forced separations between spouses, mother and children; records of will; legal documents; private complaints made to synagogue officials reporting their spouses maltreatment and marital quarrels.

The “Lilith” is a feminist character mentioned in the Rabbinical folklore. She is a figure of evil as a female demon threatening babies and women in childbirth. She is described as having long hair and wings (Erub. 100b; Nid. 24b). It is said that she seizes men who sleep in a house alone (Shab. 151b). She is also mentioned in Midrashim and Kabbalistic as the mother of demons. Her name probably comes from the Hebrew word for night (laila). The presence of many female mythological evil characters with popular acceptance among the Jewish society; namely, “Alukah” the bloodsucker or vampire; “Se'irim” the hairy beings; “Shedim” the storm-demon; “Azazel”
the goat-like demon of the wilderness; “Bat ḫorin" a demon bringing a disease of the eye (blindness) to one who fails to wash his hands after meals and many more 20 is of great concern as it reflects the understanding and acceptance of the society about the women as evil, witch or demon.

**Communal Affairs:**
Jewish literature tells us little about women’s social status beyond their roles as wives and mothers. It appears that they got excluded from all public activities, community assemblies, Torah study, prayers, war etc from the beginning.

The Rabbinic Halakhah does not allow women; children and people with defects to go to certain events or places. The Temple Scroll dictates: “the entire congregation of twenty years of age and over shall come to the courtyard to bow down. No woman or child shall come” (T.S. 39:7–14). At another place the Halakhah says, “From the Paschal sacrifice (meal of the holiday with bitter herbs) no young boy and woman shall eat [4Q265]” 21

It appears that the women were not full members of the community and did not participate in the regular community assemblies to study Torah or in the active community legislation; subsequently they got to know the laws of the Torah and the community rules through their males.

In a version of the Damascus Covenant found in Cave 4, it is mentioned: “Whoever complains about the fathers shall be expelled from the community and never return while if he complains about the mothers; he shall be punished for ten days”. There seems a most significant distinction between the status of the fathers and of mothers; as to infuriate the former the punishment is for life time while to disgrace the later the maximum punishment is of ten days. 22

**Personal Affairs:**

The Rabbis were very strict while dealing the women’s ritual impurity due to menstruation or following childbirth. The Halakhah says, “In every city, you shall set aside places for those afflicted with leprosy and with sores and with scabies so that they do not enter your cities to pollute them; and also for those who have mental instability and for women in the time of their menstrual impurity or after childbirth, so that they do not spoil the community with their menstrual impurity” (T.S. 48:14–17). 23
This is despite the fact mentioned in Ten Commandments at Numbers 5:2–3 that “…. They shall send from the camp all those who are leprous, have discharges or have become impure from contact with the dead to avoid impurity to the camp; where I dwell in their midst”. The Torah allowed the sending out of sick but not women who were menstruating or who had just given birth.  

Leprosy or discharges are fairly rare occurrences but impurity through the menstruation and childbirth occur frequently in a mature woman’s life, therefore, those women had to leave their homes and live in these special locations for a large portion of their lives.

**Jewish Women and Modern Age:**
The “Vienna Conference” on Human Rights of 1993 and “World Conference on Women” in 1995 declared that "women's rights are human rights"; based on this proclamation the Jewish women’s right would also be regarded as human rights.  

The unjust socio-religious practice called ‘agunah’ in which a woman is chained for disobedience and she cannot be released without her husband's consent is still prevailing in Jewish community. In Jewish community it is religiously allowed to the Jewish husbands to refuse religious divorce to his wife until he is paid in exchange of divorce a big amount of money. Surprisingly despite all education; controls on global finances; global socialization and their commitment to social justice the Jewish community has not overcome such social issues which need to be corrected at once.

However the new Jewish generations are vowing for reforms in their religion as they consider both man and woman equally respectable and responsible in all affairs. They want to make reference for their socio-religious issues from their conscience; moral ideology and fundamental traditions instead to rely only on Halakha (Jewish law). They are hesitant to accept the least role of women in religious rituals and Jewish decision making.

Accordingly they are developing reforms oriented communities to allow women to perform many rituals traditionally reserved for men, such as:

- Active participation in minyan; the quorum of ten men over the age of 13 required for traditional Jewish public worship
- Reading of Torah in Public (ba’al kriah)
- Appointment as shalich tzibbur; the person leading the congregation in public prayers
- Selection as Rabbi and posek; the halakhic decisor

(24) Leprosy or discharges are fairly rare occurrences but impurity through the menstruation and childbirth occur frequently in a mature woman’s life, therefore, those women had to leave their homes and live in these special locations for a large portion of their lives.

(25) The unjust socio-religious practice called ‘agunah’ in which a woman is chained for disobedience and she cannot be released without her husband's consent is still prevailing in Jewish community. In Jewish community it is religiously allowed to the Jewish husbands to refuse religious divorce to his wife until he is paid in exchange of divorce a big amount of money. Surprisingly despite all education; controls on global finances; global socialization and their commitment to social justice the Jewish community has not overcome such social issues which need to be corrected at once.

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(27) Accordingly they are developing reforms oriented communities to allow women to perform many rituals traditionally reserved for men, such as:
• Using of tallit and tefillin; the Jewish prayer shawl
• Acceptance to be an aliyah for reading of Torah
• Consideration of Non Jewish mother’s children as “Jews”.

**Winding up:**

Although Jewish culture and law supports women to enjoy a respectable position in the society but some factions of Jewish society changed the real teachings and disallowed women’s input and parity in matrimony, divorce and the family developing issues. (28)

The ancient Jewish law was designed to protect and support Jewish women but today that same law is being used by some as a tool to deny women their rights to equality in marriage, divorce and the founding of a family 28.

The traditional Jewish theology tended to defend the traditional subordinate role of women as an expression of respect for a femininity that is considered intrinsic and not culturally produced. Jewish feminism has struggled with the fine line between its critique of Judaism's gender biased approach and the anti-Semitic feelings i.e. hatred toward Jews.

It is evident from the above discussion that despite holding all the richness of wealth, wisdom and sight by the Jewish community the women nor have enjoyed neither are enjoying their social, religious and cultural rights under the sanctuary of religion based society; rather whatever they are getting as “Right” is by virtue of country laws and international conventions awarded in favor of Women.

**Woman in Christianity:**

Christianity being emerged from patriarchal societies supports the ‘Man controlled’ social system and prefers man to lead the family, society and religious affairs. Since old times in Christianity the role of women is primarily focused on household responsibilities and duties rather than what are now perceived as their rights.

**Beliefs:**

The Christianity, being influenced by the patriarchal approach, believe supremacy of man over woman in most of the affairs so man leads in positions of authority in wedding, culture and administration. Although women are not given priesthood in religious affairs but they are offered the roles of religious sisters or NUNS. Their services and role are more focused to services in monasteries and convents. The Christian women are found actively serving school, infirmary, nursing homes, and abbeys etc (29).
It is written in the Gospel that the Jesus called and asked to call the God with the words “Father” which shows masculine dominance. On the other hand the Virgin Mary, mother of Jesus, is considered as maternal virtue and is worshipped both by Catholics and Orthodox Christians. Nevertheless the Protestants do not have exactly the same stance for worshiping of Virgin Mary. Since the period of Jesus until recent times the women has played many roles in Christianity like saints, religious clergy support, sisters, mother superior, spiritualist, founders of religious sects, leads of armed forces, sovereigns, sufferers, martyrs etc.

It is mentioned in the gospels of the New Testament that Jesus always respected women and spoke directly to them, even in public, on many issues although seeking women views was not common in that society. He had many female followers which prove that his message was reached to all levels of society. The history reports that Mary Magdalene saw first the Jesus after his crucification. If the men took leading roles in the ranks of early Christianity then the reason was their easy access to people, ability to call and attend public meetings, freedom to move etc which for various reasons was not common for the women.(30)

However the fundamentalists in all three major sects of Christianity (Catholic; Orthodox and Protestant) are of the opinion that women cannot play active role in religion however she can opt for any supporting roles. Moreover the ordination (the process by which individuals are set apart as clergy to perform various religious rites and ceremonies) of women is getting popular among the Protestants.

The women like Chloe, Priscilla (Prisca), Euodia; Syntyche; Phoebe etc played active and important role in the missionary activities of St. Paul; who St. Paul applauded many times in his letters written to many of his fellow preachers. It is mentioned in Corinth that “Chloe, a prominent woman of Corinth, appears to be the head of a household of an extended family. She and her household told St. Paul of the divisions in the congregation of Corinth.” (1 Cor. 1:11)

The Bible mention around seven times the name of Priscilla who was the wife of Aquila as a missionary partner with the Apostle Paul and interesting to know that five out of seven times her name came first while her husband’s name came second when they were discussed as couple.

In his letter the St. Paul mentioned Phoebe with respect as diakonos (servant) sister and prostasis (leader). She shared the same respect and the title of diakonos which was given to Timothy. Later the diakonos became one of the church’s offices where women dominate and look after needy and poor people.
There are many other instances in Christianity which are not mentioned in religious scriptures where the women got the prominent position in early Christian Church. In second century (112 CE), Pliny the Younger, who was the Roman governor wrote to his emperor Trajan a letter in which he sought advice for settling the uproar in the state due to uprising of Christian movements and also mention that female servants were holding senior positions of church in Bythnia. He wrote in his letter that the two female church servants who he interrogated were the *deaconesses*. (32)

*Jesus' views of women*

It is mentioned in the Gospel that Jesus always gave attention and respect to his women followers, both, in public meetings and social gatherings by listening them and asking their support to spread his preaching; which was against the then social norms and was not very common. This shows that Jesus never supported the gender based inequalities. (33)

*Practices:*

Let us analyze the women rights separately in the following social segments:

**Domestic Affairs:**

The Bible emphasize many times that the husband should be caring and loving to his wife and family. Similarly the women are religiously commanded to look after their household and love their husband (34). This shows that the role given to women is more focused on her domestic activities rather than the outside work. She is expected to make an environment inside the home in which all people live happily also she needs to be obedient to her husband by subjugating and obeying her husband. The word of obedience to husbands is reported six times in the New Testament (35).

To make her home and husband happy the woman has to develop good planning, devotion and caring attitude. The woman doing so makes her own life happy and satisfied. The happy family is focused in Christianity so that ultimately the society becomes happy and health minds get nurtured.

**Religious Affairs:**

It is written in the Bible that “*The wife must see to it that she deeply respects her husband.*” (Mark 12:31)

The Christianity gives a leading role to the husband so it is the duty of a Christian wife that she should try to obey her husband and provide him all
support to act as a leader of the family. Contrary any orders of husband which goes against the command of the God are not to be followed.

Initially St. Paul preached wives to obey husbands at every cost and in all manner but later when he himself got rebuked by one of his followers he asked women that “We must obey God rather than men” \(^{(36)}\).

The timings and frequency to attend religious ceremonies for women are not identified in the Bible but she is told that she can go as often to the church when her husband allows her to attend the religious congregations and her domestic life does not become questionable due to her religious masses attendance. She is taught to remain happy even if her husband stops her to go for religious masses and in turn God will be happier with her. \(^{(37)}\)

**Marital Affairs:**

To submit is women’s’ principal obligation as it is in Bible, “*You wives must submit to your husbands’ leadership in the same way you submit to the Lord.*” \(^{(38)}\)

In other words the women are needed to obey their husbands to please God whether they like that obedience or not.

The women are commanded to submit to their husbands for the Lord’s sake even if they cannot find it reasonable for husband sake.

“*You wives must willingly obey your husband in everything, just as the church obeys Christ.*” \(^{(39)}\) In this verse the phrase “in everything” shows that to obey husband is not dependant on mood of wife or good relation between them but she has to obey him with happiness and sincerity until they are under wedlock. The other phrase “as church obeys Christ” stress that as the church gets benefits of Christ obedience in terms of respect, gifts, contributions, services, dignity and above all pleasure of God the same way woman’s obedience to her husband will be rewarded.

**Gender Violence:**

The Martin Luther in his book wrote that "*It is not important if during child birth or service to husbands even if women get tired or die asthat’s why they are there.*" \(^{(40)}\)

The St. Tertullian in his sermons wrote that “The women are the guilt of Eve due to which Adam and his progeny suffered even the son of God had to die” \(^{(41)}\)
It was the St. Thomas Aquinas who wrote that "The women is born defective and is the birth of the faulty seed while the man is the birth of healthy seed" (42)

Communal Affairs:

The authorities in Christianity allow the women to search and do the gainful employment as long as her domestic life, house hold and family does not get disturbed; as well her husband have no issues with her working outside the house and gives her permission. (43)

The Christian Churches are depicted mostly with religious events paintings; sculptures; statues; wall paintings etc; also the worship there is instrumental and musical so the church encourages both men and women to participate in fine and liberal arts. It is therefore there are many Christian women who have earned name in the field of art. Some of the famous art work made by women is:

“The first or early second century fresco called “Fractio Panis” depicts a Eucharist ceremony (re-enactment of the final meal that Jesus Christ shared with his disciples before his arrest) All the participants, including the main person who is performing the ceremony, are women. (44) A mosaic found in a Roman basilica portrays Mary, two saints and a veiled woman. An inscription states that the veiled woman is Theodora Epicopa which is the Latin feminine term for ‘leader’. On Greek island called ‘Thera’ an honoring inscription has been discovered on a burial site; it named Epiktas, a female name, meaning ‘head’. “ (45)

Personal Affairs:

It is mentioned in the New Testament that “The God gave his words to his maid servants that subjection to the Husband is not a forced slavery to which a wife must make herself conform. It is not a loss of individuality or personality. True biblical subjection is a woman’s creative and challenging pleasure of discovering how she can show her husband that she respects him.

It was St. Augustine of Hippo who wrote to a friend "Women in all relations is useless; but she is needed as she can only bear and give birth to child." (46)
Women of Christian faith and Modern Age:

When the Christian history is critically analyzed then, surprisingly, we find that only few decades ago the Christian moderators and philanthropists argued the views of Complementarianism (Role-interchangeability) against Egalitarianism (equality) and pursued them on various public forums to give women an equal opportunity in the worldly roles.

Complementarianism

Complementarianism is represented by the Traditionalists who interpret Galatians 3:28 differently from Christian Egalitarians. They understand it to refer only to equal availability of every man and woman to salvation. They claim that the freedom offered in Christianity does not apply to male-preference in marriage, the ordination of women, racism, or any other form of discrimination.

They refer to the New and Old Testaments to advocate the male domination in the matrimonial relationships; religious position; decision making; administration etc. They call women as being "equal but different." Male priority still exists as a requirement of scripture, they say, but the two genders are now described as having "complementary" roles in the church and home. They give opportunity to women work submissively and under the male dominance and control.

Christian Egalitarians

Egalitarianism is a social philosophy or belief in human equality especially with respect to gender, social, religious and economic affairs.

This theory deals in role equality and functional fairness; in support they provide the apostle St. Paul’s decree that "Jesus being the Christ always considered and preached that all men and women are created equal in the eyes of God so they share equal rights"

Based on this decree the moderators consider that gender specific supremacy of man in wedding and religious activities no more exist. They further refer the following verse of Galatians as "fanfare of freedom" and argue with this to liberate three most exploited groups of women; minorities and slaves. The following verse is also labeled as “Magna Carta of women emancipation” :(47)

“There is neither difference in mankind except all are one in Christ Jesus.” [Galatians 3:28]
The Christian Egalitarians judge through this verse as if Jesus the God abolished all worldly inequities among whole humanity. To interpret the phrase "all one in Christ Jesus" they refer Christianity as a refuge where all people are equal and handled with the kindness and sanctity without any prejudice. So they count equal all Christians including women; salves, different races, various skin colors etc. They totally discard gender supremacy in all walks of life and conclude that a true benefit of being a Christian, then, is that all are one "in Christ."

**Winding up:**

The basic assumption shared by many independent critics is that Christian women have always suffered certain injustices on account of their gender despite a liberal religious vision favoring the women.

The liberal critics focus on unequal rights; radical critics focus on the gender war and separatism; socialist critics focus on the impact of capitalism while black critics focus on racism and ethnicity when they are considering the women rights.

The following major factors threat women to get an equal position in the Christian society:

Patriarchy; Discrimination; Gender stereotypes; Economic dependency; Emotional work or Households role; little or no education etc

**Woman in Islam:**

The history is evident that Islam since its Dawn liberated oppressed people from the tyranny of human beings and or systems. Islam does not discriminate the society or people on the basis of gender, race, color, language, origin etc.

Islam considers both man and woman as human being and asks them to do their judiciously defined roles in the best possible manner. According to Islam all human beings has certain rights and as well as duties irrespective whether they are man or woman, believer or unbeliever, young or old, healthy or retarded. Islam emphasizes its followers to recognize and respect their rights and duties as religious obligation.

The Quran addresses Muslims as ‘person’ and for the most part it does not differentiate between male and female. This is the beauty of Islam that it has given rights to both genders without hurting any of them. Islam believes to
main equity of rights in terms of quality and not just the quantity as both genders are different in size, shape and attitude.

Beliefs:
Nevertheless the women are given rights in all walks of life, like men, which includes matrimonial issues; inheritance, commerce, trading, political role, administrative assignments, child bearing, weaning to babies, house holding, education, freedom of expression etc. Although due to their special needs like pregnancy, child-bearing and nurture, menstruation etc their rights are not replica of men but are with complete balance.

Islam assures that whatever rights are given to women the whole Muslim community, as a faith, respect and enforce them. No Muslim is allowed to change or deviate from what Allah has ordered in favor of women as their rights. Allah in the Holy Quran clearly warns all those, including the individual or the society or any administrative authority, who usurp the given rights of women in through the following words:

"...Those who do not judge according to the commandments of Allah are the disbelievers..."  
(Surah Al Maidah: 44)

In Islam the roles given to men and women are balanced and according to their body structure and strength. Islam do asks women to respect and obey his male relations including her husband but at the same time if they ask something which is prohibited by Allah then she is ordered to disobey such command irrespective from which male relation she is ordered to do so.

The women rights in Islam are those special privileges which are granted by Allah. These rights are not like those privileges which are granted by any king or legislative assembly which they openly violate when they like or confer if are pleased or withdraw when annoyed.

Accordingly the woman rights being conferred by Allah in Islam can neither be revoked nor can be corrected by any legislative assembly or government in the world. These rights are not conferred on paper for showing off to certain segments of the society or to gratify the masses rather they are bestowed to make the women satisfied, protected and respected in all her relations.

There are many Quranic verses and Hadiths which speak high of women in Islam and prove it to be the integral part of the society. The Muslim woman as mother is so respected that the paradise is called under her feet; as a daughter she is assured that whoever looks after her nicely will be the...
companion of Prophet Muhammad (PBH) in the paradise; as a wife in Surah Rum at verse 21 she is comforted with the saying “…Allah has created affection and mercy between husband and wife so that they may find repose in them”; as a sister she has the right to get inheritance in parent’s property along with her brothers; The Muslim believing women in general are referred as a ‘Gift’ of ‘Allah’ both in Quran and Hadiths and are referred as the sign of Allah’s mercy, the Huur (fair females with exemplary beauty), the chaste, the pious, the pleasure, the companion etc.

**Practices:**
There are some practices although which are not the part of Islam but as Muslims consistently do them so those who do not know Islam consider them part of Islam. Some examples of maltreatment of women in Islamic countries, which are widely discussed by critics of Islam, are covering of whole body of women with heavy cloaks even in hottest weather, genitals mutilation, forced marriages, domestic violence, restriction to marry their own choice, restraining them to get education, curbing their right to work for living, instant divorce, denial of equal gender rights and above all encouragement of polygamy all are practiced by Muslim masses under the influence of their culture and not because of Islam. But unfortunately these and other tortures are portrayed in a way that Islam seems provoking them.

Islam neither provokes nor allows any of these ills in society rather strongly condemn and revoke these practices which became the part of culture due to ignorance or partial knowledge and or ill faith.

Let us analyze the women rights separately in the following civic segments:

**Domestic Affairs:**
The Islam supports patriarchal system because of multiple social reasons but still it regards men and women equal in rights under their defined roles.

In the Islamic society ‘man’ is legitimately considered as the head of the family because of its financial and decision-making authority nevertheless the role of women is more pivotal and strong as she gets hold the complete control of her household and manage the social and cultural affairs of the family without which the matriarchy in the family cannot be established. Islam preaches all Muslim women to be honest and kind.
She is responsible to keep her home free from all ‘Haram’ (Harmful) things; bad behavior; abusive and forbidden acts; child minding; house holding; balanced marital and social interactions etc.

**Religious Affairs:**
There are some Islamic teachings which critics of Islam call as ‘restrictions’ on Muslim women rather than viewing them as concessions. There are some religious requirements of ritual purity for women which if she is not qualifying then is relieved from performing them with the permission of Allah. She is relieved from offering compulsory ritual, namely, Compulsory Prayers (Solat); Fasting; Quranic recitation; Pilgrimage etc during menstruation or postpartum bleeding also she does not need to fast during pregnancy or nursing the child; this favor of Allah is to minimize her physical agonies rather than any discrimination or undermining of her status.

**Marital Affairs:**
There are reports on child and forced marriages in certain communities and or areas where the Muslims are in majority but these are the result of social or cultural principles rather than the influence of Islam. Contrary to this the Islam not only orders the guardian to get permission from the women before she is put under the wedlock but she is also given full liberty to refuse the proposal if she does not like the groom or his family; she may also inform a better alternate which she has in her mind for marriage. Moreover even if after marriage she is not happy with the marriage then she is free to get her marriage dissolve through the legitimate forum.

The polygamy is allowed in Islam to combat the social issues of widows; divorcees; young women without economic and social protection; matured women who need social and moral support to spent their life decently. The polygamy is bliss for all those lone women who cannot earn their living themselves and or for their small children; are neglected by their guardians and society; are the victims of physical and social disasters etc. In such cases polygamy is bliss not the menace.

Due to financial constrains Muslim men, nowadays, avoid polygamy. Further in Islam having two or more wives is not easy as the person has to be just and balanced with all of them otherwise he will be questioned by Allah which is never easy thing.

Islam like Christianity neither believes that marriages are arranged in heaven “nor "till death do us part". The marriage is a contract with conditions which
if violated divorce is not must but allowed. Nevertheless, the Prophet Muhammad (PBH) has said that "….Of all the things Allah has allowed, divorce is the most disliked…"

**Gender Violence:**
Islam neither believes on gender violence nor allows such criminal activities to be prevailing in any society or family which is under influence of Islam; Muslim men are restrained from torturing the Muslim women in any relation and similarly the Muslim women are not allowed to be physical with their husbands or become inveterate nags.

The critics censure Islam about the witness of woman and take it as the gender discrimination. Nevertheless to rescue the women from the vulnerability of appearing for witness at any forum including courts, police stations, investigation centers etc the Islam wants her to stay away from such hazards and encourage man to be witness in cases of disputes. But if at all the witness of woman is needed to assure justice in any dispute then she is not only allowed to give witness herself but is also encouraged to bring other woman as witness with her who knows the truth about the issue in particular. Moreover where she is the only evidence her witness will carry the same weight as of a man and will be accepted the deciding forum.

**Communal Affairs:**

The critics of Islam focus on face covering of the Muslim women as a demerit rather than strength. The veiling of face helps Muslim Women to be safe from rapes, sexual assaults and number of other social problems; such restrictions with different rules are for the men as well as they are ordered to down their gaze and dress decently at public places.

In practice the majority of Muslim women, whether or not they use veil, avoid dressing provocatively and prefer to wear decent and graceful clothes.

To forbid a woman to earn her living or to get education or to lead progressive life is never desired by Islam however if such things are happening at any place where Muslims are in majority then such actions could be the dilemma of a particular society or any state’s backward law. In actual the Prophet of Islam (Peace on Him) has instructed “All Muslims

*men and women seek knowledge from cradle to grave*” so that they can serve the humanity with a better approach.

Islam does not allow sexual relations other than legal marriage; adultery; homosexuality; intimate relations etc all are not only prohibited but are
punishable as well under Islamic Law. If Islam stops and punishes woman on having secret affairs with a man who is not her husband then the same rule applies to man as well.

Under Islamic law, like men, the women are also entitled of inheritance; their portion is not always less in comparison with the man. The father and mother of the deceased gets equal share and here we find no difference between man and woman share of inheritance. Nevertheless it is true that the daughter gets less than that of son’s share of inheritance; but there is logic in this division which is even accepted by the critics of Islam. When woman is married she gets bridal dowry (Mehar) from her husband who is a man also the man is responsible to look after his family including his wife who is a woman; in other words only inheritance share of a woman as daughter is less but as a mother or as a wife her share is either equal or is added with that of man’s share of inheritance or wealth.

The Islam gives high importance to the chastity of women and accordingly assures her respect and protection from baseless allegations. The Muslims are not allowed to offend women in any condition.

There is a Surah, named Al Noor, in Holy Quran through which Allah has announced punishment to those who falsely accuse women chastity; which is severe both on person’s physique and social status. Such care and protection of women’s chastity is the specialty of Islam and it is not possible to find such protection in any other religion.

**Personal Affairs:**
To divorce or get divorce it is not easy for the faithful believers of Islam as the divorce is not just the separation of husband and wife but it is a split of two families (families of Bride and Groom) and direct dependant family (Children) of the couple who decides to get separated. It is therefore there are three divorces in Islam so that couple may have three opportunities to think before they ultimately get apart.

In Islamic society the Muslims do not divorce without any legitimate grounds rather try to get solution step by step through dialogue, counseling, consultation, isolation etc.

If divorced then woman cannot remarry until three menstrual cycles are gone past; this is to avoid dispute in paternity. If she happens to be pregnant during this period then the child will be supported and adopted by the preceding husband.
The money or wealth which a woman owns or legally possesses remains her property whether or not she is married. Her husband, brother or any other masculine relation cannot share that wealth or share without her permission.

**Muslim Women and Modern Age:**

The standards defined by west feminist for woman who enjoys her basic rights are not even seen in their own cultures; their print and electronic media is full of mistreatment which their women get from the western men who they call educated, mannered and an ideal person for other societies. If they themselves cannot protect basic rights of western women rather they are at high risk of rapes, sexual assaults, domestic violence, sexual harassments etc then how can be a Muslim woman measured against their given standards to gauge whether the Muslim women enjoy basic right or not?

In the modern ages the Muslim women is not only exposed of external threat of criticism and brain washing but also she faces many internal threats which are not posed by Islam but are the result of backward culture and narrow mindedness of the societies in which she lives in.

The humiliating instances of vani, child rapes, childhood marriages, female infanticides, marriage with Holy Quran, domestic violence, ban on female education, unpaid slavery, post marital rapes, honor killings etc have nothing to do with Islam rather could be the end product of illiterate societal approach or fear of losing supremacy over women or desire to show strength to physically weak person or any internal weakness or psychological disorders or all these or some other mental or cultural disorder. The ‘Malcolm X’ has rightly said that “the nations treatment with their women is crucial in determining the way of their national destiny”.

It is true that the communal wrongs against women in present period have now increased significantly under various societal wrappers; but this has nothing to do with Islam rather it is what Islam strictly prohibits and gives punishment if they are occurred.

In Islam men and women gets what they effort for; they do good gets good if they do bad gets bad irrespective men or women and no person will be asked for the sins which he or she has not committed.

The Holy Prophet (Peace on Him) mentioned mother three times to be treated goodly by the children while the father was mentioned fourth time.
Winding up:
Soon after its dawn until few centuries later the religion of Islam was followed in its true shape so the ethics, culture and values of Muslims were so good that Muslims did not bring revolutionary changes among themselves but were able to influence non Muslim population of the world and ultimately convert and conquer them.

There is a famous Latin proverb that, "Corruptio optimi pessima" which means that “the best remains the best until it get not corrupted and if once corrupted then it becomes the worst” which is true and also supported by the Quranic verse in chapter Al-Teen:

"It is we who have created man in the best shape"

The same happened to Islamic teachings as when they got influenced and mixed with the narrow approached local cultures, pre Islamic traditions of the societies, illiteracy, fear of non Allah, less religious knowledge and autocratic style of governments then the best among Muslim got weak and ultimately Islam lost its originality in many places where the Muslims were in majority and the non Islamic practices over ruled Islamic approach resulting a new breed of Muslims who were called Muslims by virtue of their names and ancestry but in actual were practicing many of those things in the name of Islam which neither were part of Islam nor were asked by Islam to practice.

This lead to a chaos and instead Muslims may motivate the non Muslim populace to accept Islam as a “sanctuary” they themselves got lost from the true Islamic way of life. This not only affected the future Muslim generations but made a bad impression of Islam to those who did not exactly know what Islam is? Ultimately the best of all nations (i.e. Muslims) became the worst in the eyes of non Muslims and they started calling Muslims, despite being in majority and authority, as illiterates, confused, fundamentalists, terrorists etc.

Islam gave the best role to Muslim women but when the desire to overpower the women, cultures and traditions came over the Islamic teachings then mishandling and mal treatment with Muslim women started to occur in abundance and in general affected both the Islam and status of women in Islamic society.
Due to increasing mishandling with Muslim women by the society a new term got coined of “Islamic feminism” which means the endorsement of Allah’s given rights and liberties to women which are conferred to them to bring good for everyone.

The Most Wise; All-Just and All-Knowing Allah orders the rights to the Muslim Women through the perfect book of Quran and kind practices of the Holy Prophet (Peace be on him) so they were best and apt in shape and concept as the one who gave her the rights was her creator and thence knew well that what is best for her and closely corresponds to her nature and construction. Allah in the Holy Quran orders that:

"Do not inherit women against their will neither treat them harshly....... behave nicely with them. ..... Allah may give you good from them" (An-Nisa 4:19)

Further with the above discussion it is clear to understand that what all three monotheistic religions actually wanted from men in treatment of women and how the men made society cope up with those commandments.

Allah has clearly given the details of women rights and obligation in the Holy Quran at various places sometimes indirectly but most of the time directly. There is an explicit Surah in the Holy Quran which is named after women and that is the 4th Surah of Quran which is titled as “Al-Nisa” meaning “Women”.

If we compare and deep study all the religion based cultures then we find that the laws made for women handling by the Jewish Society were under a blended influence of teachings of Torah; Rabbinic writings and their centuries based traditions and approach. Similarly the laws and legislative scope of women rights which was given by the Christian society was under the mix influence of Old & New Testament; Church practices; revolutionary and right oriented movements; global wars and revulsion with Jewish traditions.

However it is Islam which has given women rights and obligations without being influenced by the hatred of any other religious conviction or society; man governed choice of freedom; rights oriented pressure movements; old and prevailing customs of its followers or the then prevailing polytheist legacy of beliefs rather while creating the guidelines for women rights; dignity and respectable survival only merit was considered. That is why
Islam not only pampers the woman’s needs as their rights but also guide them towards what is expected, in return, from them as their duties to balance the system of society and gender relations.

**Chapter-6**

**Collection of References from the Quran and Hadeeth about the Rights of Women guaranteed by Islam**

**Western Perception of Islam and Muslims**

It was 1973 when Arab put an oil ban and later in 1979 the Iranian revolution attracted the attention of Westerners and Americans towards Islam and Muslims otherwise before that they were not very concerned with both. The US and West did not focused its attention on the commonalities between them and Islam rather focused on those things which were of no or least concerned issues for Non Muslims and or Muslims like formal schooling of females; Muslim faith and cultural practices of societies where Muslims are in majority; veil; polygamy; head covering etc . But their repetitive pointing out of minute concerns at various public forums have magnified these petty issues to huge dilemmas.

Contrary they never converse on their own socio-religious weaknesses which were really of concern for the world including their own societies like increased cultural discriminations; rapes; alcohol abuse; gambling, illicit relations between blood relations (i.e. father, daughter, brother, sister etc), differences in Judo-Christian inter and intra faith issues; faith fundamentalism; race extremism etc.

Further there were certain by-chance Muslims, who got Islam through their ancestry, wrote some baseless and faithless articles and books which contained vague ideas about Islam and its Prophet (Peace on Him) just to
please Islam rivals but caused split among Islam and Non Islamic world. Although there are many such writers but the most famous out of them are as follows:

Indian born Ahmed Salman Rushdie who wrote the book called “The Satanic Verses” [he is given the title of“Sir” by French & UK Governments on his services in literature….. which literature….. they all know who want to know]; the Bangladesh born Talima Nasrin who wrote the book named “Utal Hawa (Strong / Gusty winds)” which is banned in Bangladesh due to its writing against faith of Muslims; Ali Sina; Ayaan Hirsi Ali; an Egyptian Born Magdi Alaam; Khalid Duran; Irfan Khwaja etc are those Muslims writers who had Muslim ancestry but they preferred to work against Islamic faith.

Due to many geo-political reasons the western media and its popular literature instead of giving non prejudiced and positively motivated analysis of Islam prefers to propagate pessimistic impression of Islamic faith and its followers which subsequently gets propagated under the areas of western influence without any, further, logical discussion or research thereon.

The history is vocal that half truths and or total lies were projected in a way that they may impress to those who know nothing or have little knowledge on Islam or are against Islamic faith and its believers. This animosity is, although, since the Dawn of Islam and its penetration to the geographical areas which were under Judo-Christian influence since the advent and advances in means of communication and information the grudge has now grown significantly and even to very remote areas of the world.

The poet of medieval Christianity wrote that “Prophet Muhammad (PBH) was the divider of the world of Christendom and he will be destined to the bottom of the hell because of the sin to convert Christian to Islam”

The St. Thomas Aquinas famous as Doctor Universalis wrote in his book called Summa Theologica as “Islam was invented to satisfy the sexual and global ruling desires of Islamic leadership” [1].

**Portrayal of Muslim Women in Western Societies**

The Islamic critics have created such a negative image of treatment of women in Islam that that people without knowing the realities or fact that what is propagated is true or not go against Islam. The fall of Soviet Union
was not only unfortunate for Russians but it was misfortunate for Muslims as well because since then the world of Islam became the direct target.

It is well propagated that Islam got spread through swords to give an impression that Islam is barbarous, backward, frenzied and fanatic religion which is resulting of increasing ethnic, social, religious conflicts and “Muslim Bashing” in many western countries. But it is surprising that on one hand the critics hate Islam and Muslims but on the other hand they show sympathy with Muslim women which is a big contradiction of its kind.

It is more surprising that there is a huge propaganda and international debates in favor of Muslim women by the Westerners and intellect which support western approach but on the other hand there are many official reports on inhuman behavior with Muslim women in western countries by the natives. There are many cases which were reported in media where there were many inhuman episodes with Muslim girls but they were never reported (2).

**Women and Human Rights- bottlenecks**
The UN charter is considered as the foremost and largely followed document of recent days in relation to gender equality as fundamental human right. There are many serious efforts made to get recognition of women rights through the forum of UN but unfortunately there are many other issues which gather more attention and funds of the UN.

Despite best efforts made through UN and other international forums to uplift the status of women there is still much to do in this relation. In spite of all this the women related following statistics as published by the UN in their article “Women at a Glance” make a dismal reading and indicate that much work remains to be done (3).

**Status of Women**
Women are in majority in many countries but still not considered equal to that of woman. It I reported that 75-80 % of the world’s population is female; 70 % of poor population in the world are women; women hold only 70 % of assets; there is a ratio of 6:1 between women and men in the reported HIV cases; only 160 countries ratified the UN bill against women discrimination.

**Political Participation**
There were only 28 female head of state in this century; there are only 11.7% of seats in various global parliaments which are held by women; only
7 are women comparing 178 male high status diplomats appointed in UN by their countries; the women representation in world over cabinets has grown up from 3.4 to 6.8% since 1987.

Women and Education
World over 2/3 are the women of the world's nearly one billion illiterate adults; similarly 2/3 are the girls of 130 million children who do not go school.

Women and Labor
The women are getting ¾ of the wage what an average man gets for same work; women share 31% of developing work force; 46.7% of the global work force; women work twice of unpaid time; 55% women in agricultural countries grow the crop.

Women and Violence
About 2.0 million per annum suffer genital mutilation; 35 to 55% women are reported to suffer both sexual and domestic violence every year; women are the primary victim of war and alone in Rwanda (94-95) during civil war around 250,000 women were raped; about 5000 brides are killed or get killed because of dowry issue alone in India; female infanticide is very common in many countries and alone in Mumbai during 2012 there were 8,000 clinical abortions were reported out of which 96% were the baby fetus; 600,000 are reported of dying due to pregnancy related issues each year.\(^4\).

Bottlenecks\(^5\):

- It is pathetic that ½ of the population is suffering from poor or no sanitation while 1/3 of the world is in need of safe drinking water; 6 Billion $ are needed for global educational projects; 9 Billion are needed for water and sanitation; 12 million $ are needed for women reproductive health services etc.

On the other hand

- World is spending 50 Billion $ on cigarette; 33 Billion $ on cosmetics and slimming programs; 17 Billion $ on pet food; 12 Billion $ on perfume in Europe and USA; 11 Billion $ on ice cream
in Europe; 700 Billion $ on world’s militaries; 400 Billion $ on
narcotic drugs.

**Human Rights and Muslim Women - The silent confrontation**

The modern concept of human rights was originally developed from the west
and apparently reflects the secular mindset it is therefore Muslims society
gets difficult balancing it with Muslim ideology.
Based on the general observation of cultures prevailing in Muslim countries
and biased propagation of Western media not only the non-Muslim
community but itself the (so called) progressive intellectual Muslim women
starts perceiving that all Muslim societies are prejudiced when they have to
act with or for women in terms of their basic human rights and it is because
of Islamic teachings which orders polygamy, half of inheritance share to
women, domesticated role, veiling of the face and body etc. They never try
to analyze or even ponder the actual source of these sufferings (if at all they
consider these as sufferings) because what they consider of Islam is actually
the combination of weak Islamic beliefs but very strong cultural influences.
This perception is alienating many women and men from Islam and Muslim
Culture rather than local culture and customs; however Islam has no role in
the practices which are blamed in the name of Islam or Islamic culture.

Contrary the Muslim women get beautiful words and verbal support from
the Islamic critics who call and label them oppressed, victimized, alienated,
discriminated faction of Muslim community on all forums whether local or
global. But in actual when they are deprived of Muslim identity in western
or pro-western countries then no one even notice their this plight; contrary
this brutal approach is supported by the Islamic critics with arguments and
logic which is only acceptable to them or their like minded people.

Recently laws were passed in relation to using of head scarf by Muslim
women at public places although their “Nuns” do the same in churches and
public places as religious identity; having beard and covering head by the
men is also seen as a social offense by the western or pro-western minded
cultures and people although the Jews and Sikhs also keep beard and cover
head as their religious identity; Muslim names are scolded and mutilated as
mockery and discrimination although there are many Jews and Christian
names which are purely religion oriented.
Consequently Muslims men and women are losing their religious distinctiveness and personal recognition in the countries which are under the influence or administrative control of west.

It is now very important to identify that in any Islamic society what is the share of true Islamic preaching and what is the actual contribution of the local cultures. This is only possible when intellectuals and commoners start analyzing Quran and Sunnah (i.e. Islamic teachings and Prophetic period) to discover the truth otherwise Islam will be under bias and allegations from those who neither know, truly, about Islam nor have ever tried to know the various local traditions prevailing among Muslims of pre-Islamic origin and are still unchanged in hearts and practices despite Dawn of Islam.

**“Sources of the Actual Islamic Tradition**

The Islamic traditions are derived from the following important sources:

- the Qur'an (Spiritual Revelation from Allah to Prophet Muhammad [PBH])
- the Prophetic practices of Hazrat Muhammad [PBH]
- the Prophetic sayings of Hazrat Muhammad [PBH]
- the Islamic Jurisprudence (Fiqh)
- the Islamic laws derived from Shari’at

These all traditions are important and help to develop a good Muslim society nevertheless their importance and weight age is not same and the Holy Quran is considered as the base and most important source of Islamic traditions followed by the Sunnah (Prophet Practices)

The Holy Quran is considered by majority of Muslims as the “Prime Magna Carta” of human handling and rights; however there are many scholars and intellects of Muslim world who believes that Magna Carta is the derivation of global message of Islam. The majority message of the Quran relates to the human relations encompassing their handling with each other and with their creator (i.e. Allah) and identifies the right behavior and affective individual actions (i.e. rights and duties) to maintain the human relations and their affable existence by freeing them from the traditions; religious, political, economic, or any other oppressions; racism, gender biased approach etc.

The "General Rights" discussed down under are to provoke the thoughts to establish what duties and rights the Holy Quran gives not only to Muslims but to all those who are under the ties of Islam because of any reason. The
non-conformity or violation of these divine instructions not only disturb the society but also degrade humans from the status of “Best creation” to “lowest creation”.

In the Holy Quran at many places, namely; Al-Hijr; An-Nahl; Al-Ahqaf; Ad-Dukhan; Al-Jathiyah it is clearly mentioned that the rights given by Allah to various human relations are absolute and no one from his creation can bring them to an end by any law, power or decree. The Allah is just and his orders are justified.

**General Rights:**
Islam being complete code of existence gives all basic rights to its believers (both men and women) without any discrimination of gender including:

_A. Right to existence (Life)_

It is in Al-An'am: 151, that Allah has blessed and given importance to the human life. In Al-Ma'idah:32, it is said mentioned that all human lives are of importance without any discrimination of religion, creed, language or cast.

It is reported ha the Prophet Muhammad (PBH) used to give respect even to dead bodies (funeral) of non Muslims while Muslim funerals were self attended by him.

[Sahih Al-Bukhari, Volume 2, Hadith 399]

_B. Right to Recognition & Homage:_

It is in Surah Al- Isra that “all human beings are worthy of respect”. It s also mentioned in Al-Baqarah: 30-34 that “Because of superior mind the Human beings are able to exercise freedom of the will which distinguishes them from all other creatures”. Allah in Al-Teen has mentioned that Humans are created in best shape and structure. This all blessing is because of their human characteristics which Allah has bestowed them, like; knowledge; planning; thinking; decision making; above all repentance and subsequent correction. This is why they are called “Allah's vicegerent on earth and the whole humanness needs to be respected.

On one occasion the Holy Prophet (PBH) showed the respect of humans in the eyes of Allah by saying that “Allah will ask humans on Day of Judgment that when I was hungry and in need of your assistance for clothes, shoes, medicine then why you did not give me my needs? They will ask him that
you are Almighty how could we help you rather you always helped us; then Allah will tell them that my subject (other humans) came to you for help but you did not help them although they were my creation and I was their creator if you had helped and respected them then I would have rewarded you as you respected me at that time”

[Sahih Muslim, Hadith 1172]

C. Right to Equity & Fair Play

It is mentioned at multiple places in Al-Maidah and An-Nisa that Allah is just and likes doing justice. In Al Baqra the justice is divided into two separate concepts of “Adl and “Ehsan”. They may look same but are different in their implementation.

The concept of “Adl” is for “to be equal, neither more nor less. In the Islamic court of law the claim of all parties to be considered equally without prejudice. Islam denotes “Adl” as the “balanced weighing pans” in any balancing scale. (6) Islam neither allows excess nor allows deficiency in exercising Justice under any Islamic judicial system. (7). In the Holy Quran it is mentioned that “everybody will get for what he or she has worked for”.

[Al-Najm: 38-39]

Accordingly to learn and respect individual merit based on ethics and facts to be considered as Aadl.

The “Ehsan” is to be nice while demanding or paying the claims to the individuals with kindness and considering their ease and pleasure without any worldly compulsion and for sake of Allah.

The Holy Prophet (PBH) said that “Those who judge others the way as they do for themselves will be under the shade fo Allah”

[Al-Tirmidhi, Hadith 1042]

According to Quran the enjoining of Aadl means, ”Balancing of the claims without prejudice or favors “ (8). To get clarity on this theme it is better to understand that what should be the nature of the society which on Arabic is called “Ummah” to implement this concept as seen by the Quran. The Arabic word of "Ummah" originates from the word “Umm” which literally means the “mother”. The motherly love is encompassed in the two qualities
of Allah which are most referred to him and they are “Rahim” and "Rahman". These both come from the base word "Raham" meaning the "womb". The true "Ummah" is regarded to be caring all its members in the mothering style of care and love which is under influence of the feeling that all her children are equal for her but they are never identical in characteristics or behaviors so their needs would be different. If any of her child or children needs special attention being handicapped or suffering from special circumstances then she cares them more than the normal ones which is the spirit of "ihsan" so that the child may survive alongwith others who are normal. This is how Allah shows sympathy or Ihsan to His those creations which need more support and attention to survive the roughs of life such as women, slaves, the infirm etc.

The Prophet (PBH) said that “A Muslim will get the reward like of a person who fast daily and pray whole night by just doing Aadl & Ehsan.”

[Riyadh-us-Salaheen, Hadith 629]

D. Right to free will

It is mentioned in the Quran that Islam was given to liberate mankind from all types of slavery or man created loads. The Prophet Muhammad (PBH) said “Allah wants you to be humble and never to oppress others.”

[Riyadh-us-Salaheen, Hadith 1589]

The slavery being the opposite of human freedom is taken care by Islam. This institution was very common in the times of Prophet (PBH) being not only the culture but also being one of the means of trade. The Quran constantly challenge and correct this culture and practice by reminding, “slaves to be treated humanely and nicely” [Al-Nisa 36] and urging at many places in Al-Baqarah177; Al'Nisa 92; Al-Maidah: 89; At-Tawbah 60; Al-Nur 33; Al-Mujadalah 3 to free the slaves to get emancipation from hell fire or in repentance or as charity. It is because of this at many occasions the prisoners of wars, during the Prophet’s time, were liberated showing mercy on them or after receiving the ransom. (9)

The critics counteract that Islam did not openly abolished the slavery but they forget to say that it also never encouraged to continue the slavery; rather such practices were adopted through which this practice could not last in future. In Islam the absolute authority is Allah and not even the rulers or the Prophets it is why it neither appreciates nor sanctions the act of slavery.
Allah gives absolute guarantee of human freedom to Muslims by ordering that, “Nobody is allowed to withdraw the freedoms given by Allah [Al-Shura: 21]

It is mentioned in Quran that “Principle of mutual consultation ("shura") is mandatory and better for Muslims” [Surah 42: Ash-Shura: 38]. It is mentioned in Al-Baqarah at 256, that "There shall be no compulsion in selection of faith”

This commandment of Allah shows that Islam gives liberty of religion & worship to all people; the non-Muslims living under the Islamic umpire are free to choose their faith and place of worship without any pressure or persecution of Muslim community and or government. It is mentioned in the Quran that “Prophet Muhammad is to communicate the message of Allah and not to compel anyone thereof” [Al-An'am: 107]. It is also mentioned in Surah Kahaf that “the right to exercise free choice in matters of belief is allowed without compulsion” [Al-Kahf: 29]

The Quran assures that “right to religious freedom is to all those who not even believe in Allah (if they are non aggressors)” [Al-An'am: 108].

If someone renegades after accepting the Islam and get back to its old religion and later starts verbal and practical hostility against Islam then although that person is referred as enemy of Islam but even then Quran does not announce any specific punishment through Muslim community or government rather leaves it to Allah who can decide his fate and destiny as and when HE wants.

Islam considers telling the truth as right to freedom. The Quran calls saying truth as "Haqq" which is a quality and characteristic of Allah. The Holy Quran instructs to speak truth to protect those who testify truthfully. (13).

E. Right to Knowledge (Education)

The first message of Allah reveled to his Prophet was “IQRA” [Al Alaaq: 1to5] meaning “acquire knowledge”. It is since then that all Muslims men and women are commanded to “Learn” and acquire knowledge of all the things which they can comprehend and are created by Allah.

The Holy Prophet (PBH) said, “those who seek knowledge are the inheritors of the Holy Prophets” [Riyadh-us-Salaheen, Number 1388]
The Holy Prophet (PBH) used to pray, “Allah increase me in knoweldge".

According to Islam knowledge is the key to establish justice and create a peaceful society; it tells that without knowledge neither nation may survive or the individuals. It is mentioned in the Quran to pursuit of learning even during the period of war [At-Tawbah: 122].

**F. Right to Provisions**

It is mentioned in Quran that “Allah provides the sustenance of every living creature”. [Al- Hud: 6] this is a fundamental perception given by the Quran and well defines the socio-economic-political system of Islam. According to this concept Allah is the supreme and only owner of everything which is present in this world and all those who worldly posses they are only the occupiers as users and not the real owner. It is mentioned in Quran that, “t Allah has the sole ownership of every creation and all creation seek sustenance from Allah” [Al-An'am: 165; Al-Mulk:15].”

Accordingly all socio economic resources are of Allah and are created for the general benefits and survival of all human beings and no one who is occupying those particular sources has the right to deprive others to fulfill their basic needs of life by their misuse or applying the foul means.

**G. Right to occupation**

The Quran does not stop man or woman form working any vocation as long as that vocation does not conflict with the commandments of Allah and his Prophet.

The Prophet (PBH) has said that “the best of earnings are those which a person earns after Halal (legal) work or business” [Al-Tirmidhi, Hadith 846]

The Prophet (PBH) also said that “An honest Muslim business man or woman will be with high rankers in the paradise”

[Al-Tirmidhi, Hadith 50]

**H. Right to solitude and freedom from interference:**
The Quran gives importance to human privacy and at many places in Quran at Al-Nur: 27-28, 58; Al-Ahzab: 53; Al- Hujurat: 12 the rules for human behavior are described to protect an individual’s life from undue intrusion.

The Prophet (PBH) said “the believers should respect each other’s integrity, respect and privacy. They should treat nicely neighbors; guests and other fellow believers”.

[Sahih Al-Bukhari, Volume 8, Book 73, Number 47]

I. Right to Protection from insult, bad-mouthing, and mockery (Ethics)

The Quran orders the believers at many places in Al-Hujurat: 11-12, Al-Nur, 16-19; Al-Nisa: 148-149 orders Muslim to respect other human beings and not to hurt them by slander, mockery, nasty titles, and bad-mouthing. It also prohibits talking loose about or blaming other Muslims.

The Prophet (PBH) said “All Muslims should avoid jealousy as it may destroy good deeds”

[Riyadh -us-Salaheen, Hadith 1569]

The Prophet Muhammad (PBH) said “Do not talk to me about others in bad sense or with bad feelings”

[Riyadh-us-Salaheen, Hadith 1539]

J. Right to build up one's artistic awareness and benefit from the bounties made by Allah

The Quran does not want its believers to reject the world, its benefits and the social life; rather it teaches that these all are created by Allah for the benefits of mankind so these to be to enjoy the way that they remain bliss and not the menace both for individuals and the society. (14) It is ordered in the Quran that, “Develop aesthetic sensibilities to appreciate beauty of the creations created by Allah both on earth and in water” [Al-Araf: 32]

Ali bin Abi Talhah said , “ Ibn `Abbas told us that when Ayah 87 of Al-Maidah was revealed some companions of the Prophet (PBH) said that We should abandon the desires of this life and travel in the land just like the Ruhban (monks) do. But the Prophet (PBH) disliked this statement and
taught them to live like a normal human being who fulfils all natural needs but with fear of Allah and in the way the Prophet (PBH) has taught. (15)

K. Right to leave one's fatherland under repressive circumstances (Immigration)

It is mentioned repeatedly in the Holy Quran that “Muslims need to be loyal with Allah and not with culture or any geography.” It was because of this instruction that the Holy Prophet (PBH) ordered Muslims first to migrate “Habshah” (Ethiopia) and then to “Yethrib” (Medina) to fulfill his Prophetic mission of conveying and establishing the commandments of Allah (i.e. Islam) in the world so that the disturbed world may be brought to peace. In the second migration the Holy Prophet accompanied the Muslims and left his fatherland (Mecca) in the name of Allah and to establish the word of Allah across the world. It is ordered in Quran to Muslims, “Migrate to safe land where you can practice Allah’s religion safely.”
[Al Nisa: 97-100]

The Prophet Muhammad (PBH) instructed that “intentions are the indicators of any actions; if intention is the pleasure of Allah then only that will be rewarded by him”. [AL-BUKHARI AND MUSLIM]

L. Right to have prosperous Life

The Islam has allowed Muslim men and women to enjoy prosperity, wealth and goodness of life but in the prescribed manners of Islam which is nothing but a complete discipline of earnings, expenses and savings.

Quran says at many places in Al- Baqarah:229; Al-Imran: 17,77; Al-Maidah:1; 42-48; At-Tawbah: 17; Al-Isra': 34; Al-Mulk:15 that, to maintain peace the society has to adopt the practices of justice which ultimately results into human development.

The Prophet Muhammad (PBH) said “A believer, who feeds another of the faithful who is hungry, will be fed on the fruits of Paradise by God on the Day of Judgment. And a believer, who serves water to another who is thirsty, will have his thirst slaked from the sealed drinks by God on the Day of Judgment. And if a believer clothes another of the faithful who is in dire need of clothing, he too will be rewarded with apparel from Paradise by God”.
[AT-TIRMIDHI]
The Prophet (PBH) said “Giving alms to any poor is a single good deed, but giving alms to a poor relative has the double virtue of giving alms and, at the same time, treating one’s own relative well”.

[AN-NAS’I AND AT-TIRMIDHI]

Women Rights [Quranic Ideals and Muslim Practice]:

The Quran has given tremendous and the best supporting rights to women by calling paradise under her feet and making her the symbol of courage, passion and care. Although Islam is for both men and women but at places the women are given preference or attention for the reason that when the Islam reveled the global status of women was miserable and they were one of the disadvantaged segment of the then global and Arab society.

It is most unfortunate part of the truth that when Islam was dawned the then culture of Arabia which was a blend of all the then existing religions or beliefs like Jewish, Christian, Hellenistic, Bedouin etc was existing very strongly and remained as fragments in the hearts of local people even after the advent and conquest of the whole Arabia by the Islam. Consequently soon after the end of the demise of Orthodox Caliphate the old blend of pre-Islamic cultures dominated the Islamic values and the Muslim Society adopted many of them with a makeup of variances but with the same disposition. This mix of Pre-Islamic and Islamic ideologies gave rise to a confused culture which was not at all completely Islamic rather was dominated by the values which were discouraged by Islam.

Consequently majority of Muslims do those things in so called Muslim societies which are not at all Islamic but as they are religiously done by Muslims so those who have partial or zero understanding of Islamic principles and faith (including both Muslim and non Muslims) consider those values Islamic and criticize Islam for the societal flaws which Islam has no relation with.

There are many teachings which are for women benefits but unfortunately the patriarchal Muslim Societies used them in a way that they seem against women. It is claimed by many critics of Islam that Muslims do not count women rights as their human rights \(^{(15)}\) the most they are concerned is that how a woman's appearance in public or at public place be guarded.\(^{(16)}\).”

Islam prohibited the female infanticide and discriminated or bad behavior with women many centuries ago but unfortunately in a lot of Muslim societies including, Pakistan, Bangladesh, Afghanistan and many Muslim
majority Afro-Arab societies the birth of baby girl is still considered as a curse and that of the boy a bliss; resulting if it is identified using modern scientific tools that the newborn would be female then many abortions take place in the name of women and or baby health by qualified doctors or paramedics against reasonable payments. However if the female child gets born then her whole life she suffers from various types of sufferings and discriminations. Moreover her brutal and dishonorable killings as "honor-killings", in fact, are very common in Pakistan. In Pakistan the marriage of women with Holy Quran is also common this again is inhuman and brutal. These honor killings and or marriages with Holy Quran are most of the time to cover social crimes and or to take control of woman’s property or assets which she gets inherited or earn by her efforts.

In many Muslim societies there is a strong tradition of marrying girls in their childhood which again is dangerous and atrocious as it cause them to get sick, confused, under mental stress and sufferers of marital rapes.

There are many verses like of; An-Nisa': 4, 19; Surah 24: An-Nur: 33 where the Quran exclusively talk about the women rights and their self-esteem in all their social relations and interactions.

There are some Muslim majority societies where women are not considered equal with their husband, brothers and other male counterparts this perception is not at all Islamic rather it is based on more towards the social approaches of those societies.

The Holy Quran presents the "no-fault” idea of divorce in Surah Al-Baqarah: 231,241; contrary many Muslim communities have made divorce a nuisance and social stigma for women contrary with Quran. The Quran instructs at Al-Baqarah: 233, to have mutual parent’s agreement to look after the children in case of their divorce but in practice many Muslim societies deprived the Muslim women of their sons at age of 7 and their daughters at the age of 12. Nevertheless the approach of separating children from any mother is very vindictive and shrewd because of the reason that she is divorced. It is mentioned in Capter Al-Nisa at verse 2-3 that “polygamy is allowed for the protection of orphans, widows and those females who are in dire need of immediate social and economical protection. But in actuality this is used as a nuisance which keeps women under constant threat.

The Qur'an through Al-Nur: 30-31and Al-Ahzab: 59 assures the women for her right in the inheritance of her parents or husband along with other financial benefits and gifts during her lifetime, However contrary to this the
Muslim women in many cultures, although she is in highly need of the share because of poverty or other social issues, is deprived of the inheritance and due share of wealth and the preference is given to man.

The Quran discuss in Surah Al-Noor and Al-Nisa: 32 about the general guidelines for Muslim woman's dress and social conduct so that she remains safe and can do her daily activities without any fright or sexual nuisance or molestation but the so called Muslim cultures set them behind veils and cloaks. They are disconnected from the society on the claims that this disconnection is to protect their chastity and is in accordance to the pretext of Al-Nisa: 15; this verse is actually not meant for uncorrupted women rather define the mode of punishment for women who are unfaithful and characterless.

It is mentioned in Surah Al-Baqarah: 187 that women and men are equal in status and they are the dress of each other. The Holy Quran also says that “man and woman are put in marriage for cordial closeness, mutuality and equality”. However it is true that in many Muslim societies the women are lowered to the status of puppets on a string rather than a reverential and civilized stature.

It is one of Islam's basic beliefs that every individual whether man or woman is accountable in front of Allah for his actions. In this case it seems illogical that a husband would be the gate to heaven or hell for a wife or an arbitrator for her ultimate destiny. Nevertheless being the bread earner and social identity providers all husbands, fathers, brothers and male relations are respectable and should be cared and respected by the women in accordance with the Quran, Prophetic instructions and limits set by the Islam.

In the conference held on 7th March 2013, at Islamabad, by “Democracy Reporting International” and “Aurat Foundation” on the topic of “Propagate women’s involvement in political and public life of the country” it was rightly said by the speakers that what is happening in Pakistan with women in the name of Islam is neither Islamic nor the Muslim culture which originated from the Arabian Peninsula around 1500 years ago; rather it is a wish list or culture suppression of women and just to legitimize these women discrimination deeds the society over coat the label of Islam on them.

To conclude; it is important to practice real Islamic teachings if the gender discrimination with women has to wipe off and the gender inequalities in all walks of life have to be transformed into “win- win” situation for both men and women.
Islam:

Islam is a religion of monotheistic faith which was revealed to the people through the wisdom of Holy Qur'an which is literally the compilation of words of Allah; by the teachings (Hadith) and normative model (Sunnah) of Muhammad (PBH) the last Prophet of Allah. The adherents of Islam are called Muslims.

It is the firm and absolute belief of Muslims that there is no one worthy of worship except Allah who is Absolute Single and free from any type of resemblance. Islam was introduced to the people of every age to guide them the purpose of their creation:

a) Rights of Allah (Huqoq-e-Allah)
b) Rights of people (Huqoq-ul-Ibad)

Islam teaches mankind to worship Allah alone and to be kind and nice with the people and other creations of Allah which they come in contact. The Muslims consider that the existing Islam is the continuation of the message (prophet hood) of past noble Prophets namely; Abraham; Moses and Jesus (peace be on them), who they consider the slaves and Messengers of Allah. The Muslims are of the opinion that the previous noble messages were initially true words of God but later they got under influence of human narration and lust because of which that they were not sufficient to guide successfully the mankind toward eternity. However based on the facts it is their belief that Quran is still intact as the words of Allah.
The major elements of Islamic faith and belief include: 

1. The Islamic fundamentals are known as ‘Articles of faith’ which are:
   a) Certainty on the unitary and beyond comprehension Lordship of Allah
   b) Recognition of Angels as servants of Allah
   c) Belief on all Prophets including the last Holy Prophet Muhammad (PBH)
   d) Acknowledgement of previous divine revelations and the Quran
   e) Anticipation of the Judgment day
   f) Conviction on Preordainments

2. The basic concepts and obligatory acts of worship are known as ‘Five pillars of Islam’, namely:
   a) Statement of belief (SHADAT)
   b) Five compulsory prayers (SOLAT)
   c) Almsgiving (ZAKAT)
   d) Fasting during Ramadan
   e) Pilgrimage to Mecca (HAJ).

3. The serious following of Islamic decrees which encompass all the aspects of human life including social, economical, political, ethical etc so that human beings may enjoy their existence and the distribution of resources is without prejudice.

After Christianity it is Islam which comes on number two in the list of religions adopted globally with its tremendous growth rate.

In Islam the divine will of Allah is the major and ultimate source which allocates and authorizes system of duties and rights applicable in any Muslim society for its believers.

Islam generally covers all part of human life extending to social, political, cultural, spiritual aspects; where it is generous in reward it is very peculiar in punishing as well on the bad deeds of human beings. This way it keeps motivated its followers to do well for society and keep away from evil acts which harm individuals and society. Following are the categories where Hadd (Chief Islamic punishments) are applied:
   a) Adultery
   b) Blame of Adultery
   c) Alcohol drinking
   d) Stealing
e) Dacoity or Burglary

There are two serious issues\textsuperscript{14} on which the Holy Quran is not specific but Muslims are very sensitive and particular about them. One of them is the ‘Apostasy’ (the formal disaffiliation from or abandonment or renunciation of a religion by a person) and ‘Blasphemy’ (the contemptuous act, utterance, writing concerning God or any sacred entity).

The Quran addresses social issues like inheritance, matrimony, compensation for injuries, murder and enact the laws in relation to them; It also deals with the religious rituals like faith, prayers, fasting, pilgrimage, charity etc and teaches how to perform them to perfection. The scholars in Islam are called “Ulema” who describe the Islamic laws and interpret Quran and Sunnah in solving the social and religious issues of Muslim nation. \textsuperscript{15}

Professor Herbert Berg writes \textsuperscript{16} that “Islamic Jurisprudence or Fiqh is a science which deals with Islamic knowledge and practical solutions of the various issues which Muslim nation encounters while interacting each other or with other societies or nations. They are originated from the Islamic rulings called “usul-al-fiqh ‘or legal theory or the Principles of jurisprudence.

The Islamic laws originate from the following major sources which are sorted as per their importance:

\begin{itemize}
  \item a) Holy Quran
  \item b) Sunnah
  \item c) Agreement of the Muslim Jurists (Ijma)
  \item d) Reasoning (Qiyas).
\end{itemize}

It is mentioned by Professor Elizabeth Weiss that in the early period of Islam the jurisprudence theory was not very developed rather the things were more practical. However it was the end of 9\textsuperscript{th} century when the Islamic renowned scholar Al’ Sahafai discussed and analyzed in detail the concepts of Islamic legislation on the basis of logical arguments in his book Ar-Risālah; this was the start of codifying the Islamic principles of jurisprudence which later developed into Islamic laws. \textsuperscript{17}

In Muslim cultures there is a dispute of what to do and who to do; the Ulema are regarded as the key source for describing various issues related to Muslims socio religious life and there authority is accepted by majority of
Muslims as they spent a lot of years learning Islamic Studies at various recognized Islamic Schools called “Madrasah” and accordingly are considered as the clergy class of Islamic society.  

However there are many groups of educated Muslims who instead of following a particular class of Ulema themselves consult Islam by reading Quran, Sunnah and Orthodox caliphs’ life style and try to reach consensus on issues of Islamic society through “analogous reasoning’ or “Ijma”.

Nevertheless the Ijma is also thought-out by Ulema to reach a consensus on disparities among the Muslim society. But it is not common and open rather they prefer to adhere with the guidelines taught to them by their school of thoughts from where they belong to and for Ijma usually consult with in them.

Islam considers a Muslim family as the most important segment of social life and it is therefore focus on every aspect of family while assigning them duties, responsibilities and rights.

It consider the male person, who could be the father or brother or husband, as the family head and held him responsible to arrange the bread and butter of his family and to maintain discipline among the family by giving him administrative authorities of decision making.

Further the inheritance share is intelligently fixed by Islam, itself, among the family to get their life going smoothly without issues and splits after the death of the family head or guardian. The paying of debts and allocation of inheritance to immediate family there is a place of making of bequests for other people who are although not the direct family of the deceased. The Islam gives women single share while her male counterpart, brother or son, gets two portions of the inheritance but with the same rights of succession.

The marriage is considered as a very important relation in Islam and is constituted based on acceptance of a valid proposal made by any of the interested parties under the competent witness of two legitimate Muslim male adults. Islam orders the Muslim groom to pay a bridal dowry (Mehr) to his bride as stipulated in the marriage contract.

Islam although allows any Muslim adult male, under specific conditions, to marry up to four wives at a time but does not encourage even for second marriage by restricting the groom for maintaining a judicious behavior and
relationship among all his wives. As marriage is considered in Islam a social
and cultural responsibility so to manage the affairs of widows, divorced
women, orphan girls, socially exposed single women etc Islam allows the
Muslim man to marry up to four wives in any given time with the caution
that none of his wife to be deprived of any rights which are endowed by
Islam to her. In other words the marriage is not lust in Islam rather is a
responsibility to provide the support and shelter to the Muslim women in the
society.

In case the marriage needs to be dissolved after a series of counseling and
rehabilitation approaches then the man is allowed to get separated from his
legal wife by announcing divorce to her and paying due benefits which she
is entitled according to the teachings of Islam.

The divorce is made a process in Islam but unfortunately most of the
Muslims make it one step action and make the lives of their children and
other family miserable. The wisdom in making divorce a process by the
Islam is based on a deep thought in it; the divorce is not just a separation
between husband and wife rather it disturbs and involves children, direct
families and social circles. It is therefore Islam wants that both woman and
man should think intelligently rather getting emotional or sentimental before
reaching to this conclusion.

In Islam women is also allowed to get divorce through the proper socio-legal
forum after expressing the legitimate and logical reasons to the forum and if
divorce is granted by that forum then it is valid and executable without any
delay. However in this case the woman is not legally entitled to the divorce
benefits.

The Hijab or veiling is agreed by all Muslim school of thoughts with the
little differences that how to observe it. In majority of the Muslim population
it is believed that veiling is only for Muslim women which is not a complete
perception of veiling as Veiling is for both Muslim man and woman. The
Islam orders both man and woman to observe Hijab. Muslim women have to
cover her face and body according to her Madhab (religious school) while it
is agreed upon by all Muslim schools that the man has to lower his gaze as
Hijab for him.

It is mentioned in the book called “Examination of the three faiths” that
Islam gets heavy criticism since its early stages because Islam got its initial
followers from other religions both by preaching more logical faith to the
people and penetrating through its good characters and welfare practices into the systems and societies which were either directly influenced or administratively controlled by the then existing religions, including Judaism and Christianity.

The initial strong written criticism around 8th century was from Christian church and Islam was labeled as radical Christian heresy 23. The wave of criticism later included the Jewish clergy and some rebellious Muslim (so called) modernist. 24 Most of the criticism which comes on Islam is in relation to women rights like polygamy, witness of woman, share in inheritance etc; 25 some criticism is focused on human rights like; treatment of women and minorities; blasphemy etc.

Apart from socio-political criticism the Muslim migration to western countries opened another door of racial criticism on Islam as this migration caused a heavy influx of Islam to these societies which got not liked by the local religious groups and nationalist inhabitants so racial criticism got started on Islam without any logical argument that subsequently developed into discrimination against Muslims and their socio-cultural traditions. 26

**Culture:**
The Sociologist defines the culture as follows: 27
“Customs, arts, social institutions and achievements of a particular nation or people or other social groups”

OR

“The structure of common attitude, ethnicity and behaviors that the members of any social order manage within and outside their circle”

OR

“The habits which get transmitted from generation to generation through continuous learning and experiences”

It is true that through culture any social order introduces itself to other existing social orders or to their followers. The culture of the people and groups is their shared values and in return contribution to heir society. The successful amalgamation of language, customs, values, norms, mores, rules, tools, technologies, products, organizations and institutions is the blend known as Culture. There is another important cultural segment called **institution** which is the blending of compilation of rules and values with particular group activities. The major institutions of any culture are classified as follows:
1. Family
2. Religion
3. Education and
4. Work

An individual of any society is considered **cultured** if it is well-educated, clued-up with the values and well-bred.

The **society** is defined by many sociologists as the populace that interrelates to share common customs. The **cultural bond** may be racial or based on sexual characteristics or due to shared values or activities. The expression “society” represents those people who share common geography and way of life. The culture gives a good understanding of the people and their ethics.

Ms. Stephanie Owens, Doctoral Fellow of University of Northern Colorado mentions that human needs culture to survive however culture being not tangible can only survive as long it is followed and developed by its faction of people otherwise it gets changed and sometime lost. The arts, crafts, architects, languages, manners, behaviors, administration, politics, courtesy all are the indicators of a culture.

In his book the ‘Primitive Culture’ English anthropologist Edward B. Tylor writes that to develop any culture it is needed to have more than one person otherwise the values and behavior will be called “individual habits” and not “culture; although individual habits when get together in a common group they give rise to a culture.

It is must for a culture to evolve progressively by human interactions and their needs to survive. The culture components like “rights” and “language” need the presence of group of people to establish and flourish as for a single person they both have no importance. The understanding and concept of rights is not hardwired into the brains rather they are learned blueprints of conduct. The culture has three levels of any educated behavior patterns and awareness.

Helen Spencer Oatey in her book ‘what is culture’ published by University of Warwick (2012), writes that when any culture is referred then actually it is the shared language, traditions and beliefs of any particular group of people who are sharing common land and interests. Most of the time
sharing of interest, language and land is because of the parents and or by virtue of the birth of any individual.

Subculture is the second layer which actually is the part of one’s identity and is very commonly found with those people who come from other cultures in a multifaceted society and their originally inherited culture becomes secondary or subculture as the culture where they migrate becomes the main culture. This subculture if remains strong within them then although they try to act similar but still look and behave differently from those who were by birth introduced to that culture. Such issues are very common in the first and second generations of ethnic groups of political and economical migrants to new societies.

The subculture usually represents the individual’s food tradition, dialect, selection of words and other cultural individuality which is their common ancestral background and experience.

The difference between subculture and the governing culture is usually referred as the “culture difference” which usually diminish gradually before getting exhausted; however where the ancestry is common it continue to exist but changes the shape and effectiveness.

It is strange but true that most of the time the cultural difference makes the people looks different but still they are not completely alien to the dominant culture rather they get along with the dominant culture and cope up the challenges and difference.

There are some academic performance blueprints that are shared by all of humanity collectively and are referred as the Cultural universal. These cultural universal or human cultural traits are commonly called the third layer of any culture. These universals are the common human instincts and do not differ because of different habitats. They include the following human characters and behaviors:

- The strong division between genders
- Strength of ethical or cultural background of individual’s brought up
- Power of ties between social relations (siblings, parents, cousins etc)
- Use of language as a communication tool which has limited sounds and limited articulation principles
- Perception of Good and Bad
- Fix patterns of habits like; dress, food, taste, temperament, outlook, outfits etc
- External pressures on internal demands
Ms. Nancy Jarvis (Ph.D) of China Institute in ‘world Communities’ writes that when subcultures are stronger than the dominant culture then people use many tools to communicate like sign language, use of external vocabulary mixed with local vocabulary, mixed food taste, blend of culture in clothing, mingled human interaction ceremonies etc. 

Social groups are the strong representation of sub cultures and culture and come up blended universal human traits both in personality and physique. The society and individual personality shows various combinations; most of the times in Eastern located Asian and African cultures the society dominates over individual identity and behavior while in western located Europe and other cultures the society is dominated by the individual behaviors and the society is formed to accommodate the individual needs which is also referred as ‘social contract’ by many sociologists. Nevertheless the strength of society is not undermining even under the social contract structuring of the society system.

Each social group has an idea of proper social relations between members and of the reality or society these represent. The importance of individual or the society is variable and depends on the culture. In most Asian cultures society exists thus the individual exists. While in the West an individual exists thus society is created giving rise to the concept of “; nevertheless, even in West there is a sense in which society exists as an entity apart from the individuals involved”.

Ms. Splosky Ellen is of the opinion that, “the individual cultural called the cognitive (learning & reasoning) culture and is the understanding of oneself, relationships, roles and procedures. The social culture is created by relationships of the component individuals in their social interaction. The social (external or group) culture is the interpersonal encounters of individual and it refers to the informal and formal structures and relationships including group identification and social infrastructure”.

Reuven Tsur writes that, “In summary the culture seems to be summed up in shared experiences, concepts and values. An ethnic or culture group or a society has sufficient significant experiences in common to have a similar mental concept of their common life and relationships. This seems to form the link between the Cognitive and the Social Cultures.”
**Islamic Culture:**
The term Islamic culture was originally coined by secular scholars to identify those practices and habits of Muslim society which although had been driven from the existing socio-cultural attributes of the then strong societies but were strongly dominated by Islam through the teachings of Quran and practices of the Holy Prophet (PBH) and his serious followers both during his life and after him.

The Islam initially got emerged from the Arabian peninsula during the seventh century so the Arabian culture had strong influence on Islamic culture and traditions; but gradually with the growth and reach of Islam to other parts of the world the Islamic culture got introduced with the cultures which were prevailing in those societies and ultimately got mixed with them but without losing its originality and identity.

The cultures which got strongly merged with Islam are Byzantine, Greek, Spanish, Persian, Turkish, Balkan Malay, Roman, Sicilian, Mongol, Somali, Berber and other Western cultures. 32

The Muslims ruled a major part of the world for many centuries and being ruler they absorbed the local cultures the way they liked rather the culture would have absorbed them; it is therefore the major difference which can be identified is the reflection of Islamic faith in Muslim customs otherwise the blending with local cultures is absolute and big cultural anomalies are not very common.

The anthropologists and historians identify the influence of Islam as a quality and control on cultures in the regions where the religion is predominant.

The Islamic culture consists of both Quranic and non-Quranic observances (geographical cultures, historical values, family traditions, adopted spiritual traditions etc). It includes Muslim customs and traditions, clothing, food, wedding, mourning, children upbringing, individual handling, living with society etc.

The Islamic culture being strong in its existence due to monotheistic faith bind its followers around the world with same universal traits which were introduced through it irrespective of how far and scattered are its followers.
The Muslim initial literature is mostly found in the Arabic language majority of it is religious in nature. It mostly consists of Allah’s word called as the Quran, Prophet’s teachings referred as the Sunnah and Hadith.

However the non faith oriented Muslim literature developed in the Umayyad period of rule. This secular literature later was introduced in other parts of the world where it got accepted and became popular.

Due to Muslim conquest of Persia the Muslim literature got translated into Persian language and was also influenced by the thought process of Persian culture and society.

Similarly when Muslim came to subcontinent their ruling class, preachers, business community and Sufis introduced the Islamic literature to the locals of the sub-continent. This introduction of Muslims and their culture caused the amalgamation of syncretistic into the Muslim literature with its strong values and traditions.

**The Cultural Base:**
The Quran is the absolute guiding force for Muslim culture and all those strong cultural activities which are practiced by Muslim round the globe are either directly ordered or consented by the Quran.

The global cultural norms of Muslims are identical in majority of Muslim societies. When they have to start something they start it in the name of Allah by saying Bismillah; on meeting they greet with peace by saying Salam Aalikum; when are happy praise Allah by saying Alhamdullilah; when are sad they show endurance by saying Inalillah; when want to do something in future they say Insha Aallah etc.

**Religious and Social Celebrations:**
All Muslim ceremonies whether religious, social or individual are influenced by the teachings of Islam; however they are found mixed with local past customs of the areas where Muslims are living in.

They celebrate religious events like Eid ul-Fitr, Eid ul-Adha; Ramadan; Shab-e-Qaadar etc around the globe strictly as the religion orders.
There are many socio-religion events like Eid Miladun Nabi, Shab-e-Meraj, Shab-e Baraat, Muharram etc which they celebrate in the name of Islam but under the influence of local past cultural influences and traditions.

There are many personal events like funeral; marriage; birth celebrations; mourning; divorce; accidents; charity etc which are although labeled by the name of Islamic values but are highly influenced and motivated by the local area culture and customs.

**Arts and Architecture:**

Muslim culture always got highly influenced by fine and comprehensive Art works. All types of art work whether floral designs, abstract, decorative, architectural paintings, pencil work or sketches etc all are uniquely blend with local and Islamic concepts. Their art work is devoid of animation, taboos, religious personalities images etc. They consider painting; sculpturing; drawing or sketching the images of Allah and his messengers as the biggest sin and are very sensitive to such work and issues if done by others who are not Muslims.

The Arabic calligraphy is highly developed part of Muslim culture and art life. The architect and design of Muslim mosques is simple but the material used in construction, beams, columns and other edifices are influenced by the religious structure of other religions like Churches, Synagogues, temples where the Muslim reached and later got absorbed.

Later other styles got evolved under influence of creative builders and artisans and the additional dimension of spirituality was created through colors, patterns and calligraphic designs based upon the verses from the Quran and Prophet’s sayings (Ahadis). The outcome of such an approach today stands out as the hallmark of Islamic art in architecture.

The Muslim art work show their humbleness towards Allah and his Prophet as most of their architectural or art work is depicted by the supremacy of Allah and holiness of the Prophet Muhammad (PBH).

The embossed impressions and calligraphic speech marks used in arts and architecture by Muslims generally represent the very fundamental nature of humility and obedience to Allah; His noble Prophet (PBH), His creativity and the magnificent instigative admiration to Him.
The Muslims artistic architectural designing and calligraphic work is usually found in the following structures: 35

- Show grounds
- Prayer foyer
- Minarets
- A hollow place showing direction of Kabba in mosques
- Arenas
- Ceilings
- Side walls
- Gardens
- Fountains
- Pounds
- Roof tops etc

**Music:** 36

In Islam the use of music is controversial; prima facie the use if not prohibited is not appreciated. However there are many Prophetic traditions narrated on authority where the Prophet did not stop the use of music or enjoying at the occasions of joy and melody.

However religious use of music similar to Christianity; Hinduism; Sikhism etc is not at all allowed in Islam.

The history is vocal that Muslims contributed a lot in the development of musical instruments and music notes; Hazrat Amir Khusro developed classical musical note called as Qawali also invented the two small side drums called “Tabla”; Recitation of Quran (Tilawat) and Praise of the Prophet - PBH (Naat) without music with a sweet voice & rhythm (Khush Alhaani) etc were also introduced by the Muslims.

Islamic culture includes musical notes from Arabia, Egypt; Lebanon; India; Turkey, Persia etc both in classic and fast beat. The Muslims music is that much alive and charming that many recent Hollywood; Bollywood and Loliwood pictures include them to attract audiences. Also many tracks are publically played in communal functions and get together.
Muslim Customs & Traditions:
To understand Islamic culture one should study Islam thoroughly as many of the prevailing ceremonies or traditions among Muslim does not belong to Islam rather they are the result of local cultures and customs of the areas where Muslims are residing.

The Islamic culture is the combination of Quran; Sunnah and those local traditions which do not conflict with the principles and faith of Islam.

The Islam is very clear Whether or not women to wear veil or headgear or she should take education or should work for gainful employment but Muslims of different areas explain these instructions befitting to their local culture and customs.

However in existing Muslim practices the Men trim the mustache and grow beards; while women wear the veil and long gowns. The Muslims commonly use their right hand to eat; left hand for the cleaning of impurities; a tree branch is used as “Miswaki” to clean mouth, teeth and tongue; kissing cheeks or hands when greeting; saying ‘Subhan Allah’ for appreciation etc.

However some traditions which Muslims widely used but they are not ordered by Islam, such as; rubbing hand on the head to show kindness; in sub-continent to avoid wearing of the western dress for prayer; to celebrate any good news or joy by serving dessert etc.

The conviction:
The Islam require complete obedience to Allah and it is therefore the first word of a Muslim is “None is worthy of worship except Allah”. Islam is widely spreading has occupied the position of being the second largest religion of the world. Muslim believes that all past messengers of Allah including Prophets Abraham, Moses and Jesus (peace on them) are worthy to respect but the Last of the Prophet Hazrat Muhammad (PBH) is worthy to follow in terms of Prophet Hood. Similarly all previous Divine books including Torah; Bible; Psalms etc are worthy to respect but the Holy Quran is worthy to follow in terms of Guidance and religious decrees.

The following are the five pillars of Islamic faith
1. Shahadat or the worship of one Allah only and witness of last Prophet hood of Prophet Muhammad (PBH)
2. Solat or five times prayers
3. Zakat
4. Compulsory Fasting of Ramadan
5. Journey to perform Hajj (Pilgrimage) to the Holy Kaaba.

Present chaotic world needs that true Islamic culture to be differentiated form that of prevailing Muslim culture as many Muslim practices are the derivatives of their primitive cultures and not from Islam.

**Woman:**

"O fairest of creation, last and best"
"Of all God's works"

[John Milton; the *Paradise Lost*]

A true woman is not only defined by style, culture, creed or traits rather she is a person who faces challenges and later change them into opportunities; despite emotions and temptations she chooses the right way. She supports what she believes; realizes the importance of right decision and feels proud to be the female. She prefers to be honest, loyal, faithful and enduring. She puts up with difficulties more than she should for her family. She gives respect and expects it in return.

"There are only three things to be done with a woman. You can love her, suffer for her or turn her into literature"

[Lawrence Durrell Justine]

The fundamental to any civilized thought is the idea that God creates individuals with particular strengths meant for their self-development and the benefit of those around them. Most of the women will never be tagged ‘famous’ but still have crucial roles to fill for themselves, their families and other socially associated to them. Realizing one's potential is what makes a person truly great, whether or not historians ever notice it.

There is no doubt that the role of women is very imperative and pivotal in making the societies through good brought of their families. In any instance they cannot be considered inferior to men as they share much of men’s responsibility whenever they are entrusted for such task. It is thus they are called two wheels of a two wheeler; if any of the wheels is punctured then the vehicle cannot be driven like normal. She is matchless as a mother because she gives life by birth; nurture by breast feeding; educate with good manners etc. This unique status of mother is task driven because the first place of learning for a child is his mother’s lap.
The Napolean rightly said that, “Give me good mothers and I will give you a great nation.”

It is mentioned in the book ‘Rise of women’ by ‘Russell Sage foundation’ that it is important that mothers should be educated if the society has to progress.

Since the dawn of Islam women were never restricted to work for their living; moreover there are many Muslim women who fought bravely in different battles like Hazrat Ayesha; Umme-Ammara; Umme-Hakim (RA), Razia Sultana; Takht Bibi and or nursed the wounded soldiers in the battle field like Hazrat Fatime; Rufaidah Bint Saad (RA); or recited poetry to inspire the troops like Haarat Azdah Bint Al Harith (RA).

In Christian world the name of Florence Nightingale is well known in relation to hospital reforms and nursing profession. There was a King Wu Ding of the Shang Dynasty whose wife “Fu Hao” is regarded as the best female warrior in the history. There are many other women who reached to the level of saints, scholars, poets, writers, reformers and administrators.

**Muslim Woman:**
The western influenced Muslim woman image is of a feminine character that is drastically oppressed, Secluded, Uneducated, submissive and radically controlled by men since the birth of Islam till present.

However, in reality the Muslim women always proudly played roles of Scholars and Muhaddithat; Worshippers and Spiritualist; Orators and Preachers; Warriors and Benefactors; challenging and supporter; Women of Eloquence and Poetesses etc.

It is because that Islam at all times has accorded an equally respectable position to women in the patriarchal society. Islam realizes the importance of women and grants them a very dignified position alike to men.

Some of the most famous female companions of the Prophet Muhammad (PBH) are Hazrat Sumayya the first martyr of Islam; Umm Aiman Barakah; Umm Salamah; Hazrat Ayesha Fatima Bint-e-Muhammad Asma Bint-Abi Bakr Zainab bint-e-Abdullah Asma bint-e-Umais Hafsa bint-e-Umar Amrah bint-e-Abdurahman (Peace be on them) the women Scholars of early Islam etc.
Hazrat Ummayyah bint-e-Qais Nusaibah bin Ka’ab Juwairiyah bin Abu Sufiyan Ume-Habib bint Al Aas Azda bint al Haris Khwala bint al Azwar (Peace be on them) are the famous female warrior companions of Prophet Muhammad (PBH).

The critics argue that Islam despite being a complete code of life cannot provide the solution to all problems of today’s Muslim women as many of her problems are because of inherent traditions of the Muslim communities which were never Islam oriented but are religiously believed to be “Islamic”. These alleged Islamic traditions are not easy to eliminate because of the long associations of communities with them. Some of such notorious customs are to stop women to acquire education; not to get her consent for marriage; to hide her completely behind walls; curbing her expression of speech; restricting her to choose suitable living; to lead the cult; denial of her role in developing the society; stopping her to work etc.

Definitely, the socio-economic status of a woman's family, political stability of her homeland and her family's cultural values all affect Muslim women more directly than religion. A Muslim household widow in Somalia has a dramatically different life from a Muslim domestic widow in UAE or a lady doctor in USA. In most instances the Muslim woman's religious rights and responsibilities seem strongly upheld or hindered by cultural or political factors.

*Muslim Women in Commerce & Administration:*

The Islam allows women to possess and become heir to the possessions and assets of the deceased family. The Muslim women consider Hazrat Khadija bint Khuwaylid (RA), the Prophet Muhammad's (PBH) first wife, as a model of business sense and piety. At a time when it was unusual for women to own property, Hazrat Khadija (RA) ran a successful business and then turned the profits toward supporting the nascent Muslim community.

The well-known Muslim caliph Hazrat Umar bin Abdul-Aziz (RA) appointed Samra bint Nuhayk al Asadiyya as the market inspector in Mecca and Ash Shifa bint Abdullah as the Head of Health & Safety in Basra because of her competence in medicine and public administration and also to bridge the world of business and governance to protect consumers.
In Saudi Arabia today, women comprise the majority of heirs to family-owned businesses thus making them a force to be reckoned with in Saudi commerce. Ms. Anousheh Ansari was the first Iranian to go into space and currently is the CEO of ‘Prodea Systems Inc’ continuing a long tradition of Muslim women in business.

**Muslim Women in the Arts**
The history is evident that the role of Muslim women in creative and performing art is always vital and commendable. Al-Khansa was contemporary of the Prophet Muhammad (PBH) and is the most famous Arab woman poet and was repeatedly praised by her contemporaries for her elegies. Umm Kulthum transformed the Egyptian music industry when female singers were seen as morally questionable and filmmakers like Sarah Zerina Usman and Zarqa Nawaz challenged ethnic and religious stereotypes in ways that entertain as much as they amuse.

**Muslim Women in Politics**
Muslim women have helped to shape public policy for centuries. The nascent Muslim community in Medina granted women equal voting rights and fifteen women served as heads of Muslim states between the 13th and 16th centuries, including Raziya Sultana, who ruled Delhi in the middle of the 13th century and Kutlugh Khatun, who ruled Kirman 30 years later. Pakistan's Benazir Bhutto and Indonesia's Megawati stepped with them.

**Muslim Women in Religion**
There are some women who are discussed in the Holy Quran, namely; Eve (Hawwa) as a person not to be blamed for omission; Bibi Maryam as a virtuous lady; Bilqis as the queen; Asiyaa wife of Pharaoh who nurtured Hazrat Musa (PBH); wives of Hazrat Ibrahim (PBH); wives of Holy Prophet Muhammad (PBH) etc.

The Islamic scholars have recorded the presence of approximately 8,000 women religious scholars in traditional Islamic schools during the early centuries of Islam's existence, including professors in Islamic studies. The Hazrat Aisha Bint Abu Bakr (RA) has a rich contribution in reporting Hadiths and teaching the men and women of her time on Islamic jurisprudence. The mystic like Rabia al-Adawiyya (Rabia Basri) have inspired and guided Sufis since the 7th century. Ms. Nana Asma'u was a princess, poet and teacher who taught many African men and women and was considered a revered figure in northern Nigeria.
Modern Muslim feminist scholars such as Amina Wadud (an American scholar of Islam with a progressive focus on Quranic interpretation and known women Imam), Director of the Center for the Study of Culture, Race and Ethnicity New York is a Muslim named Asma Barlas. Her specialties include comparative and international studies on Islam and Quran, women and gender) and Laleh Bakhtiar (an Iranian-American Muslim author, translator and clinical psychologist) bring new perspectives to Islamic studies.

Some contemporary Muslim female leads are “Ms. Zaynab al Ghazali the author of Return of the Pharaoh; Mrs. Maryum Jameelah wrote around Seventy five articles and books on Islamic culture; Khadijah Haffajee the Canadian Educator and Community activist; Shahina Siddiqui the Executive Director of the Islamic Social Services Association (ISSA) Canada; Ingrid Mattson is the Director of the Macdonald center for the study of Islam and Christian-Muslim Relations; Maha Genaidi is the President and CEO of Islamic Networks Group (ING) Based in the San Francisco etc”

Chapter-8

Women and Spiritual Rights

Spirit:
The Latin word ‘Spiritus’ is the root source of the English word ‘Spirit’ and denotes “lungful of air” or “Breath”. It is a very rich word in vocabulary and gives rise to many words and concepts in literature and philosophy. In chief it relates the non tangible element with the tangible corporeal existence. The spirit academically denotes “Conscience” of an existence.

Some Popular Definitions:
The most religions define spirit as follows:
“The vital principle or animating force within living beings is their spirit”.

The most spiritualists define spirit as follows:
“*The nonphysical part of a person that is the seat of emotions and character; the soul*”

The most philosophers say:
“*The force or principle of life that animates the body of living things is their spirit*”

The most sociologists say:
“*Those qualities regarded as forming the definitive or typical elements in the character of a person, nation, or group or in the thought and attitudes of a particular period are referred as the spirit*”

The psychologists refer spirit as:
“*A person identified with their most prominent mental or moral characteristics or with their role in a group or movement*”

The educationists define it as:
“*A specified emotion or mood, esp. one prevailing at a particular time*”

**Spirit & Soul:**

The concept of both “Spirit” and “Soul” are interchangeable but still the words have their individual identity and usage both in faith and prophecy or occultism (belief in or study of the action or influence of supernatural or supernormal powers). ²

The soul is considered as non tangible and eternal essence of any life or object³ by majority traditionalists, spiritualists, philosophers and psychologists. In the religions and philosophy there is another concept of animism⁴ which says that all living and non living things (such as rivers and mountains) have the soul. Some religious thinkers, such as Thomas Aquinas, attribute souls to all organisms but teach that only human souls are immortal⁵.

The “soul” in general relates to the absolute existence of a person and is stretchable from being alive in this mortal world to the transition to life after
death. The whole life cycle of man is divided into three major tiers by scholars.

1. Body
2. Soul
3. Spirit

The soul gives life to the body which comprises of basic five senses through which we can communicate to the material and physical things; while itself soul is the existence of mind and emotions through which we contact the psychological part of the world; and the spirit is that element of human existence which is highly sophisticated and connects man with the spiritual realm and its creator (i.e. Allah). This distinction is also supported by majority of religions including Judaism; Christianity and Islam.

In simpler illustration the soul and body together make a person while spirit connects it to the divinity. The majority of intellectuals agree that the 'soul' is a synonym for 'mind'.

It is mentioned in Torah that “the soul and the spirit are the two primary immaterial aspects which ascribes to humanity. The “spirit” is the immaterial facet of humanity. All Human beings have a spirit, but they are not spirits” [Midrash Rabbah, Bereishit 14:9]. According to Bible “only the believers are said to be spiritually alive (1 Corinthians 2:11; Hebrews 4:12; James 2:26)”; while “the unbelievers are spiritually dead (Ephesians 2:1-5; Colossians 2:13)” 7. It is also mentioned in the Holy Quran that “Those who remember Allah and those who do not are like those who are alive and those who are dead.”

It is further in Torah that “the soul and the spirit are connected, but separable while the soul is the essence of humanity’s being; it is who we are. The spirit is the aspect of humanity that connects with God. The soul can function for spirit, mind or self (Hebrews 4:12)”.

**Spirituality:**

As introduced earlier it is the deep sightedness of the conscience through which the hidden objects and realms are opened to the inner of human body. According to Father Martin Pable (OFM Capuchin) “ it is the level to which one is able to see past their own self to the many wonders that exist within and around them in this plane of existence. In simple terms, it is one’s ability to tap into areas of life beyond what is normal (what is able to be easily seen,
heard, felt, and smelt). True spirituality allows you to tap into areas of existence that are not readily accessible to the average human”.

According to Dr. Allama Iqbal, the poet of the East, “the spirituality is commonly mistaken as the ability to shoot lightning out of hands or the ability to levitate or heal people that are sick or to forecast the future etc but this is not spirituality rather a gimmick. The true spirituality means seeing ones character and the decisions made when nobody is watching”. It is the faith which is the nucleus of Islam”.

He further enlighten through his poetry that “every faith follower believes that only following his faith or religion makes anybody spiritual, trustworthy and reliable than one who is not; this understanding does not seem reasonable as this concept restricts the scope of spirituality. The proper practice of any religion that focuses on good things helps spirituality; rather religious practices with true spirits help to increase and enhance spirituality”.

It is a common belief that “spirituality is only attainable by those specifically chosen or qualified to be such. A common man thinks that achieving true spirituality is beyond his reach because he has not achieved a certain level of holiness in his life but this is not true. Even the most simple, famished, poverty stricken, less educates and physically ailed person is capable of ultimate spirituality”.

It is true that the “Spirituality can come from following a religion where your focus is the betterment of yourself and others through kind and uplifting teachings. The Islam is a faith which encourages its followers not to think for a second that they cannot tap into spirituality because of who they are or their situation rather motivates them to follow the simple commandments given by their Deity to attain spirituality even being a common person”.

The Spirituality is felt and achieved through the following:
- Compassion (being considerate of others)
- Improvement (seeking to better yourself and others)
- Diligence (sticking with it through good and bad)
- Faith (Believing even when nobody else does)
- Patience (Not being swayed by difficulties)
- Charity (Loving unconditionally)
- Love (The deep caring of people and things)
✓ Sacrifice (Giving time and talents to help other people)
✓ Honor (Staying honest and true to yourself and others)
✓ Humility (Recognizing your own weaknesses)

During my childhood and in my free time I used to play computer games which had well defined rules to “play” based on the principles of “Good” and “Evil”. These games became complicated although not difficult as one goes up in the expertise levels of the games. This was the time when I learnt that every segment of life has different tiers of discipline and as you go up things get complicated but with more concentration you are able to go up in every level. This is what I call journey of life from soul to spirit.

Many scholars believe that “by properly pursuing spirituality and the various principles and virtues associated with it, a discipline, peace, understanding and focus in life will be gained that will set you apart far and away from the average human. The sacrifice, dedication and devotion to serving and helping others put anyone on a spiritual level that not many achieve in this life.”

**Spirituality and Religion**

It is becoming very common to distance from religion and to get close to the spirituality although they are not different; but still people are listened saying that “I am not religious rather I am spiritual”. This attitude is more growing among young adults who consider religion bad for their own reasons as most of the civil rights abuses are committed by the societies and not by the religion; however it is true that most of the time society uses the name of religion when it needs to commit aggression against individuals or community. The minds of the people are made in a way that they consider being 'spiritual' as unbiased and useful for self and humanity.

The religion functionally is defined as:

*The set of values and their strict following if is institutionalized and codified then it is able to affect the cultural expression of a higher power*

According to this definition to be religious a person should memorize the religious scriptures and to perform rituals will make anybody religious whether or not the results of such good actions are not benefitting anybody in the society including him.
In ‘Entitled Beliefs’ the authors Wright, Watson and Bell define spirituality at page 31 as follows:

“A personal belief in and experience of a supreme being, or an ultimate human condition, along with an ultimate set of values, and active investment in those values, a sense of connection, a sense of meaning, and a sense of inner wholeness within or outside formal religious structures”

The people openly say that their hate to religion is because prayers and rituals are performed to excellence; religious manuscripts are read daily to the extent to memorize them but even after all these exercises the problems of society are not decreasing although these exercises are meant to lower the problem threshold.

But those who argue this way never consider the fact that such practices are not the actual religion; as religion is not only physical exercises or exertion for limited time rather it is indefinite control over both physical and emotional behaviors.

However if the scripture memorizing and getting perfection in performing rituals help to improve the conditions of individuals and society then only such adherences can be referred as spirituality; unfortunately that is the point which is often forgotten by most of the followers of any religion resulting less privileged picture of religion.

An Iranian born American Muslim author Ms. Laleh Bakhtiar rightly said that, the religion are always positive and a person need to be both religious and spiritual. All religions including Judaism, Christianity and Islam teach to look after the oppressed and all fellow beings.

Those people are very less in number whose religion affects their attitude that much that they become unselfish and relief for all”.

Mrs. Maryum Jameelah a prominent female voice over conservative Islam says, “The spirituality should not be used as a buzz word either. It seems trendy to be spiritual and there are many people who learn some secular terminologies and undulating dictums, like school charity fundraisers; wristbands; hate for none; peace for all; ballot not bullets etc and without analyzing the reality speak too much of them to pretend to be open minded. The real spirituality carries meaning to both individual and society.
**Spiritual Status of Woman:**
One of the biggest problems historically, and one of the biggest crimes against women, in my view, is the restrictions placed on their access to teachings and spiritual roles. The Judaism and Christianity restrict women’s rights or abilities to read certain scriptures or to teach or preach. Since scriptures are often considered the word of God and means of enlightenment so this sends the message that women are away from God or enlightenment and that their right is not recognized in religion to communicate directly or to learn or teach or preach on their own. They have to get everything by asking men to hand-me-down.

Another misconception which the Jew-Christian societies have is that, **“The woman has no soul”** because in the seventeenth century a declaration by the Council of wise men was passed who gathered at Rome and unanimously agreed that the woman had no soul””

Dr. Jonathan Edwards a famous Baptist Scientist wrote in “female soul” that "The absence of either salvation or condemnation for women finds extensive support in the Word of God. According to 1 Corinthians 11:9 the Jesus said that the sole reason God created women in the first place was to provide company and service to men, it is in Genesis 2:18-22 that God determined that men would be lonely living alone, so he created women purely to keep men company and serve their needs. According to 1 Corinthians 11:3 the women are therefore completely subordinate to men. It stands to reason, though, that once men enter the Kingdom of Heaven, they will be one with God, and will no longer be lonely and in need of mortal companionship. Thus, the reason behind having women will no longer exist. Women, like the members of the animal kingdom will fall by the wayside”.

However the Islam does not discriminate between men and women on their spiritual rights. The Qur’an says at **An-Nisaa 4:**

"Be obedient to Allah who created you from a single person and from him made his mate and later countless men and women, Be afraid of Allah, in whose name you demand your mutual rights, and respect the womb, Allah ever watches over you."

A similar thing is mentioned in Quran at **Al-Nahl 16:**
"It is Allah who has made your mates and out of them, sons and daughters and grandchildren, and for you sustenance of the best"

In Quran at Surah Al-Hijr 15:29 it says: "When I have shaped you in due ratio and have respired into you of my spirit, fall you down in prostration."

The Quran refers at many places that, “Allah has breathed somewhat of His spirit into the human beings (both Adam and Eve)”. This shows that both men and women are the soul (order) of Allah. The Quran reminds many times, that “Allah has appointed the human being as His vicegerent, as His trustee”. This honor of declaring humans as his viceroy on the earth is also discussed in the Surah Al-Isra 17:70:

"We have honored the children of Adam and bestowed on them special favors”

In this verse the word “children” is used by Allah which in literature is not gender specific rather is a unisex word and includes both men and women and it is therefore the children of Adam who are honored include both males and females.

Nevertheless while reading the Bible and Torah its narrators call Eve, alone, responsible for the downfall of humanity and claim that she was first approached by the Satan to ask Adam to eat the produce which was prohibited for him. And again it was Eve who caused and convinced Adam to eat the forbidden fruit; according to the dogma of Original Sin whole of the humanity is born sinner because of her [Genesis, Ch. 3]

Contrary to this approach the Holy Quran in Surah Al-Araf at verse 19 to 27 addresses both Adam and Eve (peace on them) more than dozen times and account both for the disobedience of Allah; it was both who repented and both were forgiven.

**Child bearing - Bliss or Misery:**

Bible in Genesis, Chapter 3, Verse 16, reports that, 

“To the woman God said that I will greatly multiply your pain in childbearing and in pain you shall give birth to children, you have to keep your desire for your husband and he shall master you.”
According to Bible the God has ruined the women and has punished her through the pregnancy and child birth. Contrary to Bible in the Holy Quran both of these are mentioned as the symbol of dignity and honor for women because being mother she gets the Paradise under her feet. It is mentioned in the Surah An-Nisa 4:1 that

"Respect the womb that bore you."

Further in Al-Luqmanat Verse No.14 it is mentioned that:

"We have enjoined on the human being to be kind to the parents, in travail upon travail did their mother bore them and in years twain was their weaning."

The Quran through this verse is making woman honorable rather to humiliate her.

**Woman – Righteous or Sinful**

The only criterion in Islam to judge male and female is based on “Taqwa” [fear or consciousness or righteousness of Allah] neither the gender, caste, wealth nor the color.

It is mentioned in Holy Qur'an at Al-Hujrat 49:13,

"O' people We have created you from a single pair of male and female and have divided you into nations and tribes, so that you shall recognize each other not that you despise each other and the most honored in the sight of God, is the one who is the most righteous”.

Another place at Ali Imran 3:195 it is said that:

"I will never suffer the loss of any of you, be it male or female, you are companions unto each other."

**Woman – Blessed or Wretched**

Allah said in the Qur’an from Surah Al Ahzab 33:35, which says,

“For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give In charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much
In Allah’s praise, for them has Allah prepared forgiveness and great reward.”

In the above verse the spiritual and moral duties are equally enjoined on both Muslim men and women; both have to fast, pray, spend in charity, fear from Allah. However the woman because of her physical structure and physiology enjoys certain concessions in performing their religious activities. She is allowed not to fast during pregnancy, lactation, menstrual cycle etc but afterwards she is desired to complete her missing fasts. Moreover prayers are exempted to the women during their menstrual and postnatal period which they need not compensate later.

Daughters – Delight or Grief:
The Quran considers, “the birth of a female as a gift and a blessing from Allah same like of male child birth”. The Quran says:
“To Allah belongs the dominion of the heavens and the earth. He creates what He wills. He bestows female children to whomever He wills and bestows male children to whomever He wills” [42:49]

The Prophet (PBH) has greeted the father and mother of daughters with the delight of Allah and has forecasted place in paradise if they up-bring their daughter nicely and the way the Islam has asked for:

“He who is involved in bringing up daughters, and accords benevolent treatment towards them, they will be protection for him against Hell-Fire” (Sahih Bukhari and Muslim).

The Bible states that, “the period of the mother’s ritual impurity is twice as long if a girl is born than if a boy is (Lev. 12:2-5)

It is in explicitly in the catholic Bible that, “the birth of a daughter is a loss (Ecclesiasticus 22:3)”. At another place the boys receive praise: “A man who educates his son will be the envy of his enemy (Ecclesiasticus 22:3)”.

Education of Woman- Important or Unimortant:

Islam orders both men and women to search for knowledge from their cradle to grave so that they can best contribute to the society and spent their life useful. The Prophet Muhammad (PBH) has said:

“Seeking knowledge is mandatory for every Muslim”. [Al-Bayhaqi]
Islam gave the idea of women education many centuries ago when women was discriminated to the highest level and education, inheritance, freedom all were prohibited for her; conversely in Christianity the attitude of St. Paul in the New Testament is exactly opposite:

“As in all the congregations of the saints, women should remain silent in the churches. They are not allowed to speak, but must be in submission as the law says. If they want to inquire about something, they should ask their own husbands at home; for it is disgraceful for a woman to speak in the church. (I Corinthians 14:34-35)”

The critics of Christianity rightly question that “How can a woman learn if she is not allowed to speak? How can a woman grow intellectually if she has the restrictions? How can she broaden her horizons if her source of information is limited?”

**Witness of Woman – Substantial or Unsubstantial:**

It is a good comparison between Islam and Christian west as Islam gave women right to witness about many centuries ago based on their existence, equality and personality. This authority was given to them without any public demand or feminine movement or civil unrest; Contrary the Christian West kept the women debarred for the benefits of Church positions holding and right of testimony under civil law for thousands of years and it was late last century when their right of testimony was recognized after many processions of feminine movements; public rallies and discussion on international forums.

**Financial Security for woman – Sustaining or Un-sustaining**

The woman is more financially secured and less burdened in Islam then man as they are provided many financial securities in different ages of life. When they are young their father and or brothers are responsible to meet their financial needs; when they are marrying they get the bridal money (Mehar) which they need not to share with anyone; they get inheritance from their parents and sometimes from their siblings as well; when they are old they are the responsibility of their sons etc. However they are absolutely allowed to work and arrange for their own bread as long as they are not getting into social or ethical issues or problems.

On the other hand in Christian west despite laws of Social Security and a better adopted welfare and legal system there are thousands of women, both young and old, who are without shelter and spending time on streets; they
are entertaining in the brothel houses or working as sex workers or selling
drugs or suffering domestic violence etc.

Legal Rights of Women – Reality or Myth
Islamic law does not discriminate between gender when it has to protect
them or dispense justice to them against any oppression. Similarly the
quantum of punishment is almost similar for both men and women and
women are not extra burdened at the time of punishment of their own wrong
doings. They cannot be held responsible for the wrong done by man even if
they are the slave or maids of that man. In Islam the payment of “Diyat” can
be approved and accepted by the woman if she is the only hire of the
deceased.

In Surah Al-Maidah 5:30 it says, ‘
“As to the thief whether he is man or a woman cut off his or her hand
as a punishment for his crime, an example from God”.

This means that the hand of the thief has to be chopped off irrespective man
or woman; in other words the punishment is same for both genders.

According to Surah An-Nur24:2:
”If any commits fornication be it a man or a woman, flog them with
100 stripes”.

The Islam punishes the fornicator with 100 flogs irrespective of gender. In
the Islamic law chastity of the woman is given utmost importance and
anybody falsely accusing her chastity is dealt with heavy lifelong
punishment until the person expiates and is granted pardon.

In the modern world including Judaism, Christianity and West it is an
established tradition that after marriage a woman adopts her husband name
but Islam allows her to choose with her free will whether she wants to
continue with her maiden name or want to adopt the husband’s name as her
last name. It is common in many Islamic societies that women, even after
marriage, maintain their maiden name.

Woman’s support– Menace or Aid:
It is mentioned in At-Tawbah at verse No.71,

”Allah has created both man and woman to support (protect) each
other”.

It is the order of Allah that they should support each other in all segments where they can positively and effectively contribute including financial, social, political, cultural, domestic, financial, soothing etc.

**Woman as legislature– Assertion or Rejection**

In Islamic law making process the women are encouraged to take part in law making by discussing and suggesting on the issues.

There is an authentic and famous narration that once Hazrat Umar Bin Khatab (RA) was seriously discussing with his companions to cap the upper limit of ‘Mehr’, (bridal money) in order to give relief to the young poor men who were hesitant to get married due to the burden of Mehr. In that discussion a common women who was sitting as audience raised her objection that when Quran in Surah Al-Nisa at verse 20 keeps open the amount of bridal money then how come the Muslim Ruler or government can limit and cap Bridal money amount? After listening to her, immediately, Hazrat Umar (RA) said “Lady has suggested right and Umar is proved wrong” and proposed legislation was dropped upon the advice of a common woman who was just sitting as an audience and neither neither was among the discussion panel nor was the aggrieved party.

This proves that Islam listen to even a common woman against its own appointed ruler if there is a breach of Islamic law or women rights or any other human rights violation if the given advise is legitimate and logical.

**End Note:**

Now we can conclude that Muslim women is endowed an equal spiritual status in the society governed under the authority of Islamic laws in comparison to other religions and societies. However, in practice, if these rights are not completely implemented in any part of the Muslim world then Islamic teachings are not the cause of that gap rather the socio-cultural history of that society would be the main reason; as most of the pre-Islamic societies got developed under patriarchal social order which being more strong in ethnicity, civilization, beliefs and systems overpowered the Islamic teachings and Muslim societies not exactly reflecting the Islamic teachings got established.

In a true Islamic society the social, economic and spiritual rights of woman cannot be violated as to do so will make Allah and his Prophet Muhammad (PBH) annoyed.
To stop women taking active part in life will be disloyalty to the Holy Prophet (PBH) and his sacrifices which he made to establish the rule of Allah on his land.

I will close this discussion with a mind teaser that after judging the equality of spiritual rights of women with the men in Islam what the modern critics will call this gender balance in Islam; the modernization or outdated approach?!!!!.

Chapter-9

**Women and Social Rights**

**Fundamental Social Rights**

According to Legal Resource Guide “the fundamental social rights mean rights to which the individual inhabitant is entitled and which are exercised only in relationship with other human beings as a member of a group and which can be made effective only if the society acts to safeguard the individual's environment.”

Social rights are a necessary complement to civil rights and liberties. These are the legal privileges that protect people’s freedom from the aggression and intrusion of administrative authorities; state; private bodies etc and assure that everybody can participate with equal rights in their civil and political life.

Since the political freedom cannot be enjoyed without a minimum of social security. In contrast to civil rights and liberties, this means that it is not freedom from the Society that is achieved, but freedom with the Society's help. These are, then, fundamental rights in the form of entitlements”.

**Fundamental Social Rights Vs Fundamental Human Rights:**

According to Scott Leckie in his book ‘Economic Social Rights” In many societies the fundamental social rights are not placed at par with fundamental and inalienable human rights of life, autonomy and physical veracity because most fundamental social rights cannot be guaranteed and do not have the same value.
In a market driven economy the society is unable to guarantee many De facto social rights, one such being the right to work because it cannot offer enough jobs. In contrast, it is able to guarantee rights to freedom, self-defense and equality, because all this usually entails is restraint on its part or the passing of legislation to bring about equality.

The fundamental social rights generally recognized by the society are “freedom, equality and social justice” followed by the trail of rights; to safe work; to property; to public participation; to education; to food; to housing; to clothing; fair wages; to organize and collectively bargain; protection to self and less privileged community; social and health protection; Equal pay for same work; equal handling; right of the family and its protection; freedom of movement etc.

The human gender does not control the individual wishes and human capability rather it is the combined efforts by all social circles and system. The social controllers have various elements; if external then they could be parents, law, peers, teachers, family or even friends etc but if they are internals then the ethics; integrity; self respect; self controls etc.

**The Social Role of Woman:**

The gender is a biological difference in appearance and characteristic of individuals that plays an important role in defining their responsibilities, behavior and roles in any society. The physical traits in gender difference are standard and simple but lead to complicated psychological differences. It is imperative that the female born human beings need to be feminine in looks and character similarly the male born human beings must look and behave masculine.

In a patriarchal society the superiority goes to masculine gender and it is important for male individuals to look and act manly to take over the reins of the society and establish their dominance over their female counterpart. Moreover the girls are brought up the way that they remain obedient and submissive to their male counterparts. The gender difference is called instinctive which cannot be changed so their roles defined by the society are permanent without alteration or change. The society considers normal to those who accept this phenomenon otherwise the rebellion of this thought is called abnormal and is treated differently and offensively by the society and its followers.
In most of the social system the men takes the role to earn while women assume the role of beautiful and submissive character of the society. The masculine and feminine gender roles mutually reinforce each other and thereby strengthen the social system”.

The history is vocal that defiance of the society given gender roles causes retribution and isolation in the society. The same happened to “Joan of Arc” who despite being a girl lead successfully the French Army and got victories over the English military but still she had to dress up like males and had to act like males to command and control its military forces. Also her behaving like male was later considered a social crime and rebellion from gender specific role and she was put to trial under the charge of infringing the laws of the nature.

**Social Status of Woman – Overview**

1. **The Contemporary Status:**

In Europe & North America the women progressed with reasonable pace after the Industrial revolution but still there is a lot of room where she needs to improve in relation to her status; rights; role and dignity.

Initially the industrial revolution caused the exploitation of women and children by the industrialists as they were hired on low wages as compared to men and under the poor work conditions and thus their economic "value" declined but later as they continued to work their skills got improved in many occupations and their conditions starting getting better considerably. After many centuries struggle during the past recent years women work and skills have started to be recognized and their working conditions are getting better progressively because of labor unions and local legislations.

The lower class women always contributed much of the labor and work force however the upper and middle class families still do not encourage women to work outside by raising women in a way that they are not mentally or physically ready to be the part of external work force; rather in majority cases they are disallowed to go and work outside as these social circles consider working women as stigma for themselves as women and of course for the family too. These home sitter being not exposed to the threats and hardships of external world gave the women a gloomy picture and of a frail, sensitive personality that had "the vapors" and get fainted in any "unseemly" state of affair.
On the other hand the poor working-class women revolutionized the women stature in working world and contributed to the success of feminism. Nevertheless; even after much hard work done still more is needed to do to get the women equity in rights and status. That is why the issues of sexual self-determination have come to foreground. 

Although the efforts to liberate women from gender discrimination had been made by both feminist and reformists through various activities including public protests since the last many decades but still much more is to be done as the women of Europe & North America who are better in status and work condition do not make the majority of global segment of women. The majority of women living in many non-Western countries, specially, in the so-called Third World generally live in state of subjection and desolation. Their distresses are more basic and more imperative.

This became alarmingly apparent when in 1975 the United Nations sponsored an "International Women's Conference" in Mexico City. This event was very vocal on serious social gaps between women from industrial and agrarian societies. This conference showed the world a very gloomy picture of women by narrating that majority of the world's female population around billion women live in poor, rural areas. Most of them are uneducated, half-starved, fatigued and in poor health; despite of all this they are forced to work long hours for little reward.

In nearly all "underdeveloped" countries boys as a guarantee for economic security in old age of the parents get preferential attitude in comparison to girls since their birth. Because of which even poor living their brought up is better than the girl of the same family.

In most of the non western countries the girls get married in relatively young age and from very early age they get into the hardships of labor; child birth; gynecological issues; domestic toils etc. However in western countries the girls marry late but due to free society they get involved in more serious issues like pregnancy; child birth; gynecological issues; sexual discrimination and harassment; rapes single motherhood; illegitimate children etc which the girls of non western countries are into. So wherever the women belong to she had the same miserable plight and fate.

Under these discouraging states of affiar the women liberation has a special significance and causes a challenge to the women's movement in the rich
and powerful West. But there are certain under progress countries like China where reasonable gender equality in terms of rights and status is obtained.

There are certain countries as India, Pakistan, Philippine; Sri Lanka; Israel etc where role of women is globally considered very pathetic but they have elected women as their head of state and or government not by the nomination of any of the elite or powerful corners of the society rather through the people’s vote and based on their abilities and competence.

However there are many developed European countries including US which are famous for raising their voices and eye brows on women rights and gender discrimination and are called women right vocalist which have neither chosen women as head of state and nor seems to be choosing in near future as they do not have any voices or indications which asserts that they will be shifting their pattern of choosing head of state from man to woman.15

2. The Status According to Islam:

The original preaching of Islam in relation to women treatment is not practiced completely by majority of Muslim societies but still what and how much is practiced is not completely pathetic or gloomy rather needs improvement and more adherences to Islamic instructions for women liberation from artificial collar necks and chains of gender discrimination.

The hardships or toils which women are facing in Muslim oriented societies have nothing to do with Islam rather they relate to pre-Islamic patriarchal ideologies and poor or no Islamic education of Muslim societies in relation to gender equity and balance among their rights.

In the pre-Islamic Arab the women were deprived of many basic rights which were important for their existence. There were certain tribes where female infanticide was common. Islam raised the social status of the women and gave them the right to live. Islam prohibited the practices which were inhuman and degrading the women social and religious status in any society. Islam consider the female infanticide as a crime and murder.

It is in Quran that:

“When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief” [16:58]
“When the female (infant) buried alive, is questioned. For what crime she was killed” [8: 8-9]

The above verses show that Islam considers female child ill-treatment and female infanticide as the inhuman practice and associate it to the evil which will be accounted for at the Day of Judgment.

Islam ordered not only to save the lives of female child and women but also assured that they are treated with respect, compassion & impartiality.

Islam allows Muslim women to work, to own and inherit the property and assets. Muslim women is not prohibited to get involved in gainful employment rather they are encouraged to be the part of noble and benevolent professions like medical care, teaching, civil and justice professions. The Muslim woman is allowed to have the rights both before and after marriage.

The Quran allows women to work in Surah Al- Nisa Verse 32 by saying that:

“For men what they earn, and to women what they earn. And ask Allah of his bounties. Surely Allah has full knowledge of all things”.

Since its beginning Islam never discouraged women to participate in the economic, political and social spheres of their society.

The first lady who confesses Islam Hazrat Khadija (RA) was the wife of Holy Prophet and one of the major merchants of her time; rather at some stage the Holy Prophet (PBH) also worked for her business.

Hazrat Ayesha (RA) is known to be the adviser and consultant in many religious decrees and decisions. In the early Islamic history women not only participated in various aspects of their society's public sphere, they also had the right to be elected to political offices. For example, Hazrat Omar Bin Abdul Aziz (RA) appointed women to oversee the affairs of the marketplace and seat of administration. In Islamic history many women fought wars both as aid worker and troop commander.

The Muslim women have the right of inheritance and no relation or law can take away this right. The Quran in Surah Al- Nisa at Verse 7 states:

“For men what they earn, and to women what they earn. And ask Allah of his bounties. Surely Allah has full knowledge of all things”.

“From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large—a determinate share.”
The critics of Islam refer to some Quranic verses which get more clear if read in context with previous text rather pointing out individually; and use them as propaganda against Islam, Muslim society and Muslim Women. The Quran says in in *Surah Al Baqarah Verse 228* that:

“And women shall have rights similar to rights against them, according to what is equitable. But men have a degree (of advantage) over them. And Allah is exalted in Power and All Wise”

This verse despite being clear is usually not treated on merit rather critics infer from this what they want to assume. This verse is usually quoted and commented other than it pretext and real meaning by the critics of Islam to win their argument and to be used as the dispute to show that Islam have biased approach towards women and discriminate people based on gender. There are groups which sees this verse talking of Man’s strength; some conclude it to Man’s supremacy; some consider this as Man’s share in inheritance or property; some link this up with the witness and or evidence of women; some deduce it to the Man’s intelligence. 

Which is not true as this verse if read and understood in total with other Quranic text then it will be clear that the term “Men have degree over women” is not gender bias rather it describes their socio economic responsibilities and physical strength in comparison to that of women without prejudice to intelligence or social status of women. I have discussed and established in my previous discussion that Islam makes the man responsible to take care of his family financial and social needs. The Quran provides the pathway to good behavior and better human relationship to preserve the social order and the family system. The Muslim mother has very important role being the first point of socializing and education of her children. The Muslim mother enjoys a lot of respect because she has a lifelong affect on the actions, personality and approach of the future Muslim generation. 

The above discussion establishes that Islam is an equal opportunity religion for both man and woman. To augment the discussion women as mother, wife, sister, daughter and independent person is discussed down under.

**Women being Mother.**

1. **The Contemporary Status:**

Thomas Edison said, 

"I did not have my mother long but she cast over me an influence that has lasted all my life; because of the good effects of her early
training I can never lose. If it had not been for her appreciation and her faith in me at a critical time in my experience, I should never likely have become an inventor. I was always a careless boy and with a mother of a different mental caliber, I should have turned out badly. But her firmness, her sweetness, her goodness were potent powers to keep me in the right path. My mother was the making of me. The memory of her will always be a blessing to me."

[http://www.zona-pellucida.com/Mothering.html]

Woman being a mother can be an influence, builder and motivation for her children. Napoleon Bonaparte said,

"The future destiny of a child is the work of a mother."

[http://www.zona-pellucida.com/Mothering.html]

The mother is considered very important because she harbor; mould and foster her child during his or her tender age. Mother is not a single word rather is an expression which inspires the feelings and emotions of every man and woman irrespective Muslim or non Muslim.

All societies view motherhood as something ‘very special’ because the mother sacrifices many of her own wants and desires for the benefit of her child and teaches ethics of being a good person.

The Henry Ward Beecher (1813-1887) has rightly said that “The mother's heart is the child's schoolroom” [http://www.zona-pellucida.com/Mothering.html].

The child learns values, ethics and etiquettes from Mother who is the first learning place.

2. The Status According to Islam:

The role of women as mother is highly regarded in Islam because she bears a lot of labor and pain in giving birth; nurturing infants; raising children whether she is supported by her husband or is a single parent.

Islam gives a high position to mother in comparison to other religions. Islam orders children to act respectfully, with obediently and kindly with their both parents; however mother is given preferential position among parents.

According to a Hadith, someone asked Hazrat Muhammad (PBUH) about parents:

“O Messenger of Allah, which of the people is most deserving of my good companionship? He said Your mother, then your mother, then your mother and then your father, then the next closest and the next closest.”

[Bokhari / Sunan of Abu-Dawood / Muslim -2548]
The Allah commands in Quran to be good with parents by saying:

"Worship God and join not any partners with Him; and be kind to your parents..." [4:36]

The Quran mentions that, “servitude to parents follows immediately after servitude to Allah”.

At another place it is said:

"Be kind to parents; when they attain old age do not be harsh with them nor repel them rather talk to them with dignity and honor. And out of kindness, lower to them the wing of humility and say, My Lord! Bestow on them Your Mercy even as they cherished me in childhood." [17:23-24]

Once a person came to the Holy Prophet (PBH) and sought permission to take part in army expedition for the cause of Islam. When the Prophet (PBH) came to know his mother is still alive he commanded as follows:

“(Then) stay with her, as Paradise is under her feet. [Al-Tirmidhi]”

At another instance the Holy Prophet (PBH) said:

“God has forbidden for you to be undutiful to your mothers”. [Sahih Al-Bukhari]

The thing which I like most, in my faith (Islam), is the care of kinships with a special emphasize on the role of mother. The Quran states [4:1]:

“And revere the wombs that bore you, for God is ever watchful over you.”

It is established from the teachings of Holy Quran that the status of parents’ obedience is immediately after the obedience of Allah and Prophet (PBH). The Quran says [3:14]:

"Show gratitude to Me and to thy parents; to Me is thy final Goal. We have enjoined on man (to be good) to his parents: in travail upon travail did his mother bear him."

From the above verse it is evident that the respect of mother is given preference because of her hardship during pregnancy, weaning and multiple social and personal sacrifices while raising children.

Dr. Zakir Naik in his recent lecture on Peace TV has mentioned that “the Arabic word for WOMB is RAHEM which is derived from the word for MERCY. In Islamic tradition, one of God’s 99 names is Al-Raheem or the Most Merciful.
There exists, therefore, a unique connection between God and the RAHEM or MERCY. Through the MERCY we get good understanding of the Almighty's qualities and attributes. It is He who nurtures, feeds and shelters us throughout the life.

In an Islamic system the Mothers are highly respected because they are the teachers and role models for their children. Every day with them is an opportunity to grow as a person for every child. The bond of mother and child is purest and holy. A warm and affectionate touch of mother will give you immense pleasure and you will feel as you are in paradise, no matter what is your age”.

Al-Hashimi writes that, “Nevertheless Islam has given a high status to motherhood and given the mother preference over the father but at no place father is disregarded by the Quran for respect or obedience. The children should not forget that Islam gives importance to both parents, and has enjoined kindness and respect to both. [Al-Hashimi, The Ideal Muslimah, IIPH 2005, p. 167]

He further writes that, “According to Islam one of the most respectful and adorable person on this earth is mother. Even if argue with her, show anger; she will forgive for everything with a gentle smile on her face and without thinking for a second. There is no relationship better than this bond as there is no ego, no fears, no harsh feelings but the feeling of unconditional love and affection.”

This research work has raised my love for my mother and I respect her more than earlier. I know that she is my “RAHEM” and a kind connection with my father, siblings, family and above all the divine connection with my kindest Prophet (PBH) and my Merciful Allah.

**Women being Wife**

1. **The Contemporary Status:**

It is mentioned in the proverbs of Solomon that

"An excellent wife is the crown of her husband, but she who shames (him) is as rottenness in his bones." Pro 12:4

It is in Bible that the Lord Christ said, “It is not good for the man to alone and ordered Eve to come to being”. 
Hazrat Adam (RA) was comforted with the creation of Hazrat Hawa (RA) as his companion and related her to Hazrat Adam as his wife not mother or sister or daughter. This proves that wife is the real companion of man and without wife the man is incomplete.

It is true that the wife is not just a word but is a combination of many feelings like love, warmth, trust etc. The pillars in a marriage relationship are actually the feelings which when developed make this relationship happiest and eternal.

It is mentioned in Gen-2:18 that "I will give him a helper suitable for him". It is in Proverb 31:10 that, “The God created woman to be companion of man and also to help man through thick and thin”.

But it is, again, true that the wife should be taken as helpmate and not as the housemaid. When the husband and wife get interdependent to each other the marital life becomes happy and smooth for both individuals and other family members including children.

At another place it is said in bible that,
“... and let the wife see that she respects and reverences her husband, that she notices him, regards him, honors him, prefers him, venerates and esteems him and that she defers to him, praises him and loves and admires him exceedingly. [Eph 5:33b]”

Dr. Zakir Naik said in his lecture that the marital bond is such a peculiar and respectable association with which no other relationship or social union can match. In this relationship the two different soul and bodies get as one and work like one body. This relationship brings intimacy, loyalty, trust, faithfulness & companionship between two persons who were born separate and different in characters and habits. This bound is the major source for a flourish, promising and healthy home.

As a wife women can contribute a lot to the society and by her contribution, wisdom, insight and understanding of affairs her home; family and society can become the heaven on earth.

In our contemporary world the woman's role is still confined to the home and from a young age, woman are taught the virtues of subordination and endurance to prepare for their future roles as wife. A woman, in general,
does not participate in society as man does and her role is limited to household matters.

Their situation began to change in the late 19th century with the globalization of the world. During this period modern schools got introduced. Some of these schools were founded with the specific goal of educating women. Subsequently educated women began to engage, along with their housewife role, in arts, teaching, religious work, and enlightening other women. The housewives also took part in the independence movement against the foreign occupation and displayed no less vigor, determination and courage than their men.

In many countries, by now, the women have achieved constitutional rights for equal opportunities to pursue education, work and public life; it is therefore we find many housewives among the labor force and contributing significantly to the rapid economic growth of their country during the past three decades. There are an increasing number of housewives in professional fields, as well.

Despite the worldwide economic improvement and progression of feminism, which is defined as the promotion of women's rights on the grounds of political and socio-economic parity, the living and educational conditions of a common woman has not improved. Although there is increase number of women entering into wide variety of fields, including education, medicine, engineering, scholarship, arts, law, literature; sports etc and also many governments has enacted laws favoring them but still the discriminatory practices are prevailing, against female workers, in regard to hiring, payments and promotion opportunities despite their significant contribution to the society.

2. The Status According to Islam:

The Holy Quran says, that:

“*And among His signs is that He created mates for you from yourselves that you may find comfort and repose in them and He put between you love and compassion; most surely there are signs in this for a people who reflect.*” [30:21]

Allah made woman as the comfort and companion for man and has put soothe and relaxation among them. The marriage is a relationship in Islam.
which is considered both spiritual and social. The wife looks after her husband’s interests and reciprocally the husband look after the apprehension and issues of his wife to make their marital life comfortable.

The Holy Quran says;

“It is not lawful for you to inherit women by force. Nor may you treat them harshly so that you can make off with part of what you have given them, unless they commit an act of flagrant indecency. Live together with them correctly and courteously. If you dislike them, it may well be that you dislike something in which Allah has placed a lot of good.” [4:19]

In this verse the man is ordered to be nice with his wife and not to physically or materially harass her. The Islam demand courtesy; sacrifice and patience in the husband & wife relationship throughout the life but specially when there Is a misunderstanding prevailing or developing then these qualities becomes must to get the matrimony going smooth.

Allah promises that if they both endure conflicts patiently then he will replace issues with solutions; bad with good and anger with happiness.

“Let the women live in 'iddat'[the waiting period before final divorce or when cancellation of divorce process can take place] in the same style as you live, according to your means. Annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if you find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf.” [65:6].

The Islam asks husband even to be nice during the process and after divorce. The Holy Prophet (PBH) says

“The whole world is a provision, and the best object of provision in this world is the pious woman” [Agreed upon]

The good wife in Islam is considered as the bliss. She needs to have kindness, good speech, noble actions and inclination in gaining the pleasure of Allah by looking after her family and husband the way Allah has ordered. When a wife seeks to gratify her spouse through obedience and faithfulness
then actually she pleases Allah. Allah has mentioned in the Surah Ahzab the noble qualities of a woman as wife.

Islam gives Muslim wife the right of Nafaqah (maintenance) which comprises of clothing, food, safety and social status. To provide maintenance is the responsibility of husband irrespective women is rich or poor The Prophet (PBH) said, "Your wives have a right on you that you provide them with food, clothing and shelter in a suitable manner. [Muslim]"

The obedience of wife to her husband and care for her family is regarded as pleasure of Allah which will be rewarded by Allah. The Hazrat Ayesha (RA) narrated the following attributes of Hazrat Zaynab (RA) which can be the bench marking for all Muslim wives.

"Zaynab was the one who was somewhat equal in rank with me in the eyes of Allah's Messenger and I have never seen a woman more advanced in piety than Zaynab, more Allah fearing, more truthful, more alive to the ties of blood, more generous and having more sense of self sacrifice in practical life and having more charitable disposition and thus more closer to Allah"

These great women of Islam are good example for the Muslim women, to learn good habits from them.

Abu Nu'aym narrated that the Prophet Muhammad (PBH) said,
"When a woman observes the five times of prayer, fasts during Ramadan, preserves her chastity and obeys her husband, she may enter Paradise by any of the gates she wishes. [Al-Bukhaari, al-Muwatta' and Musnad of Imaam Ahmad]"

Women being Daughter and Sister.

1. The Contemporary Status:

The Bible portrays a negative image of Eve and makes her responsible for eviction of Adam from paradise. All relations of sister, daughter and mother are considered the derivatives of Eve and it is therefore are considered as untrustworthy.

The Bible calls curse and punishment to the natural phenomenon which a woman get suffer from like menstruation, pregnancy, childbearing etc
because of the guilt which Eve committed to get Adam evicted from paradise. In the Old Testament it is written that:

"I find bitterer than death the woman, daughter or sister, who is a snare, whose heart is a trap and whose hands are chains. The man who pleases God will escape her, but the sinner she will ensnare; while I was still searching but not finding, I found one upright man among a thousand but not one upright woman among them all." [Ecclesiastes 7:26-28]

It is written in the Hebrew literature of the Catholic Bible that

"No wickedness comes anywhere near the wickedness of a woman whether she plays the role of a daughter or masks as sister; the sin began with a woman and thanks to her we all must die" [Ecclesiasticus 25:19,24]

It was surprising for me to learn that till now the orthodox male Jews daily morning thank to God with the following supplication:

"Blessed is God the King of the universe that Thou have not made me a woman." [Thena Kendath, "Memories of an Orthodox youth in Susannah Heschel, ed]

The Jewish Rabbis preferred boys over girls when they asked Jewish nation to propagate the race, "It is well for those whose children are male but ill for those whose are female, At the birth of a boy, all are joyful...at the birth of a girl all are sorrowful, and When a boy comes into the world, peace comes into the world... When a girl comes, nothing comes."

[Swidler, op. cit., p. 140]

It is mentioned in Torah about the female education that "Let the words of Torah rather be destroyed by fire than imparted to women", and "Whoever teaches his daughter Torah is as though he taught her obscenity" [Denise L. Carmody, "Judaism", in Arvind Sharma, ed., op. cit., p. 197]

It is not deniable that Judaea-Christian perception of women and its status in th society is not equitable with that of men; rather based on the sin of Eve the women is considered lowest in status and position.

**The Status According to Islam:**

**A) Daughters:**
Before the advent of Islam many people used to give more importance to male children. Sometimes they even buried their female children alive
because they considered them as a burden; some who did not go to the extent of killing their daughters they treated them badly. The Quran prohibits the killing of female infants and Allah the Almighty says:

“Kill not your children for want of sustenance, for it is Allah who will give sustenance to you and your children.” [Surah Al-Anam Verse 51]

In Islam killing of children, both male and female, is considered as a major sin; as Islam has granted equal rights to the females so accordingly daughters are of equal status as the son. The daughters should be treated the same way as the sons are treated; they have the right of clothing; proper feeding; security; respect; education; inheritance and freedom of expression. The Muslim daughters, because of the fear of Allah, tend to be more faithful to their parent by obeying and praying for them. There is a Hadith reported in Tirmizi, which states that

“Whoever has three daughters and feeds them, clothes them, and is kind to them; they will become a shield for him and protect him against the torture of hell fire”. [Ahmad]

Allah’s messenger (PBH) has ordered Muslims parents to be fair and just when giving gifts to children; he said:

“If I was to give preference to any (gender over the other) I would have preferred females over males (for gifts)” [Baheqee]

The Noblest Prophet (PBH) said,

"Should I not tell you what is the best charity; that you should show kindness to that daughter who has been returned to you (becoming a widow or got divorced) and who has no other maintainer or supporter.”

(Ibn-e-Maja, Abwabul Adab)

Islam orders a balance between the upbringing of son and daughter; giving the daughter equal rights does not mean to exactly to raise her like a male child but it means to educate and treat her the same manner as the son is treated. Islam orders to give them confidence, education, freedom and good moral education to perform their social role well.

B) Sisters:
According to Holy Quran the sister is entitled to receive share in inheritance. If the deceased (man or woman) leaves no parents and no child but there is a sibling on maternal side, the sister and brother would get one sixth each.
And if they are more than two, they would share in one third. The Holy Quran says about this right of woman as sister that:

“.... If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah, and Allah is all knowing and most Forbearing.” [4:12]

Marriage with a sister has been prohibited by the Quran. Thus the evil custom of marriages of brothers with sisters prevailing in many old civilizations was abolished by Islam. The Holy Quran says that

“Prohibited to you (For marriage) are your mothers, daughters, Sisters; father's sisters....” [4:23]

If a man dies childless and also is not survived by parents but has sister then her share would be ½ of the estate; if sisters are more than their share would be equally in 2/3 of inheritance. But if there are brother and sisters then 2 shares of sisters would be equal to I share of brother. The Holy Quran states that:

“They ask for a legal decision, say that Allah directs about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two thirds of the inheritance (between them). If there are brothers and sisters, (they share), the male having twice the share of the female. Thus Allah make clear to you (his law), lest you go wrong; Allah has knowledge of all things. (4:176)”

Hazrat Ibn-e-Abbas (RA) reported that the Holy Prophet said:

“If one brings up three daughters or sisters by teaching them good manners and treats them kindly and lovingly till they no longer need his help then Allah will make paradise obligatory for him.” One man said “What if he has two?” The Prophet (PBH) replied; “He will get the same” Hazrat Ibn-e-Abbas said that if the people had enquired about more the Prophet would have said the same thing. [Shariah Sunnah]

In other Hadiths it is mentioned that:
“Whosoever has daughters, sisters, and is very kind and nice to them, and fears Allah in their treatment, will enter Paradise (as a result of his good actions for these females) [Abu Dawood and Tirmidi].”

Women being Independent Person.

1. The Contemporary Status:
It is true that woman is suffering, until now, the agony of maltreatment and misplacement since a very long time. She is suffering the same turmoil of distrust and impertinence which she was facing thousands of years ago may be in different scenario. Although, by now, human awareness has reasonably improved about rights and duties of woman but still the attitude towards her represents that all awareness and knowledge has gone in vain and their outlook towards woman still is narrow. There was no respect for woman and man's thinking was wild and barbaric in this regard. The notions man had of moral; culture and civilization in relation to woman all were primitive and uncouth. They were killing their daughters by burying them alive now they are doing same under different names like honor killing, marriages with Church or Quran, emancipation from family life; spousal abuse, domestic violence etc.

According to a report, “In the year 2013 in many parts of the region, a substantial number of women are abused; 83% of all Egyptian women have been harassed and almost half of all Egyptian women are harassed daily. 62% of Egyptian men also admit to sexually harassing women wearing headscarves. Similarly, 52% of married Yemen women were raped by their husbands while they were still children. Abuse and sexual assault against women are common in the whole modern world. [http://www.adnkronos.com/Akl/English/CultureAndMedia/?id=1.0.2237886194]”

Following statistics showing violence rate against women in US are the eye opener for western and other modern critics. These figures reflect that the, so called, most civilized nation, on earth needs to act civilized while handling the women and their matters.

The media reports and newspapers are full of murders; rapes; sexual assaults; domestic violence; harassments round the world. Even the western countries which are considered highly educated and resourceful are not
devoid of such offenses against women rather such cases are reported there in abundance.

In Pakistan the women are murdered in the name of ‘Honor killing’ just because of real or perceived adultery, refusing a pre-arranged marriage, marrying against the family's wishes, demanding a divorce, being raped, or even getting caught in inheritance or property disputes; women are sometimes first raped or gang-raped, and the killer is almost always the father, husband, or a brother.

After careful reading till this point can anybody deny that throughout the world including the most civilized cultures the woman is, still, used as symbol of slavery and even the most developed societies are playing havoc with their lives and independent social identity.”

2. The Status According to Islam:
The Islam strongly recommends Muslims both male and female to acquire knowledge. The foremost Order of Allah through the first revelation to the Prophet (PBH) was to “learn”, in Surah Al-Alaq from verse 1-5 the Allah says:

“Read, recite or proclaim in the name of your Lord, Who has created the human beings from a congealed clot of blood (a leech like substance); Read, your Lord is most bountiful who has taught the use of the pen and has taught the human beings that which he did not knew.”

The first instruction given to mankind was to read and acquire knowledge in the name of Allah (creator) instead of fasting, praying or pilgrimage. This shows that the prime object of Islam is to educate people about the qualities of Allah and its creations which are multifaceted and flawless in their creation; management and advancement. There are many places where Quran orders its followers to learn and educate themselves about the various creations and phenomenon created by Allah, like:

"God will exalt those of you who believe and those who are given knowledge to high degrees. [Al-Mujadilah 58:11]"
"And say, O my Lord! Increase me in knowledge. [Thaha 20:114]"
"And whoever is given knowledge is given indeed abundant wealth. [Al-Baqarah 2:269]"
“.....Those truly fears Allah, among His Servants, who have knowledge.... [Fatir 35:28]"
The Holy Prophet Muhammad (PBH) said,  
“\textbf{It is obligatory for every Muslim, male or female, to acquire knowledge (Al-Bayhaqi)}”

A Muslim can demand “khulah” or “divorce” through the court of law or any other social forum which is legitimate for such purpose under the law of state. The Islam allows a woman to seek legal support from Islamic judicial system, same like man, if under duress.

The veiling of woman does not mean disrespect or punishment in Islam rather Islam wants the women to cover them in a manner that they are not harassed by the evil minds and can lead their life with dignity”. It is said in the Quran at Al-Ahzaab in verse 59 that “\textit{Tell the women of the believers to draw their veils (when they go out). That is better so that they may be recognized and not molested}.”

What we usually see as veil (Hijab) in the conservative Muslim society is not exactly what Islam wants from woman rather it is overdo of the Quranic instructions because of the influence of the culture of that area.

The Holy Quran, being a complete balance, not only asks women to use physical veil (Hijab) to avoid gender abuses but instruct the man too for keeping their gaze down to avoid instigation of gender exploitation; it says in Al-Noor that: “\textit{Tell the believing men to lower their gaze and be modest}.” [24:30]

But this is unfortunate that most of the Muslim societies focus on one part of the Quranic instructions which is related to the woman for veiling and forgets the second part of the instructions which is to lower down their own gaze.

Islam fifteen centuries ago gave woman the right to be a witness; on the other hand till late of this century the Jewish Rabi have not decided yet that whether the right of witness be given to women or not?

According to Surah An-Nur, it is said: “\textit{If any of you put a charge against the chastity of a woman, produce four witnesses, and if they falter, flog them with 80 stripes. [24:4]}”

In Islam challenging or putting under threat the chastity of a woman is a big crime and it requires at least four witnesses to establish the unchaste on the
part of woman. While in the modern society men sometimes in joke or as abuse or as an insult call with disgusting names like whore; prostitute; screwed; tea bag; train wreck etc but nothing is done against this harassment.

However in an Islamic state man is not allowed to call any Muslim lady a ‘prostitute’ in public or anywhere else otherwise in case of legal litigation either he will produce four witness to prove his claim or he will be flogged 80 time and his evidence will be rejected for future until he expiate for his sin.

End note:
There is still a need to improve, revise and establish laws and rules that involve discrimination in any sector and to increase the representation of women; to facilitate women’s employment and provide support for female workers; to increase educational opportunities for women to be competitive in the labor market; to provide social welfare policies for women; to promote women’s involvement in various social activities including volunteer work and women’s organization activities, and to strengthen the cooperation of local women’s organizations with international women’s organizations.

Chapter-9
Women and Social Rights

Fundamental Social Rights
According to Legal Resource Guide “the fundamental social rights mean rights to which the individual inhabitant is entitled and which are exercised only in relationship with other human beings as a member of a group and which can be made effective only if the society acts to safeguard the individual's environment.”

Social rights are a necessary complement to civil rights and liberties. These are the legal privileges that protect people’s freedom from the aggression and intrusion of administrative authorities; state; private bodies etc and assure that everybody can participate with equal rights in their civil and political life.
Since the political freedom cannot be enjoyed without a minimum of social security. In contrast to civil rights and liberties, this means that it is not freedom from the Society that is achieved, but freedom with the Society's help. These are, then, fundamental rights in the form of entitlements”.

**Fundamental Social Rights Vs Fundamental Human Rights:**
According to Scott Leckie in his book ‘Economic Social Rights” In many societies the fundamental social rights are not placed at par with fundamental and inalienable human rights of life, autonomy and physical veracity because most fundamental social rights cannot be guaranteed and do not have the same value.

In a market driven economy the society is unable to guarantee many De facto social rights, one such being the right to work because it cannot offer enough jobs. In contrast, it is able to guarantee rights to freedom, self-defense and equality, because all this usually entails is restraint on its part or the passing of legislation to bring about equality.

The fundamental social rights generally recognized by the society are “freedom, equality and social justice” followed by the trail of rights; to safe work; to property; to public participation; to education; to food; to housing; to clothing; fair wages; to organize and collectively bargain; protection to self and less privileged community; social and health protection; Equal pay for same work; equal handling; right of the family and its protection; freedom of movement etc

The human gender does not control the individual wishes and human capability rather it is the combined efforts by all social circles and system. The social controllers have various elements; if external then they could be parents, law, peers, teachers, family or even friends etc but if they are internals then the ethics; integrity; self respect; self controls etc.

**The Social Role of Woman:**

The gender is a biological difference in appearance and characteristic of individuals that plays an important role in defining their responsibilities, behavior and roles in any society. The physical traits in gender difference are standard and simple but lead to complicated psychological differences. It is imperative that the female born human beings need to be feminine in looks and character similarly the male born human beings must look and behave masculine.
In a patriarchal society the superiority goes to masculine gender and it is important for male individuals to look and act manly to take over the reins of the society and establish their dominance over their female counterpart. Moreover the girls are brought up the way that they remain obedient and submissive to their male counterparts. The gender difference is called instinctive which cannot be changed so their roles defined by the society are permanent without alteration or change. The society considers normal to those who accept this phenomenon otherwise the rebellion of this thought is called abnormal and is treated differently and offensively by the society and its followers.

In most of the social system the men takes the role to earn while women assume the role of beautiful and submissive character of the society. The masculine and feminine gender roles mutually reinforce each other and thereby strengthen the social system”.

The history is vocal that defiance of the society given gender roles causes retribution and isolation in the society. The same happened to “Joan of Arc” who despite being a girl lead successfully the French Army and got victories over the English military but still she had to dress up like males and had to act like males to command and control its military forces. Also her behaving like male was later considered a social crime and rebellion from gender specific role and she was put to trial under the charge of infringing the laws of the nature.

**Social Status of Woman – Overview**

2. The Contemporary Status:

In Europe & North America the women progressed with reasonable pace after the Industrial revolution but still there is a lot of room where she needs to improve in relation to her status; rights; role and dignity.

Initially the industrial revolution caused the exploitation of women and children by the industrialists as they were hired on low wages as compared to men and under the poor work conditions and thus their economic "value" declined but later as they continued to work their skills got improved in many occupations and their conditions starting getting better considerably. After many centuries struggle during the past recent years women work and skills have started to be recognized and their working conditions are getting better progressively because of labor unions and local legislations.
The lower class women always contributed much of the labor and work force however the upper and middle class families still do not encourage women to work outside by raising women in a way that they are not mentally or physically ready to be the part of external work force; rather in majority cases they are disallowed to go and work outside as these social circles consider working women as stigma for themselves as women and off-course for the family too. These home sitter being not exposed to the threats and hardships of external world gave the women a gloomy picture and of a frail, sensitive personality that had "the vapors" and get fainted in any "unseemly" state of affair.

On the other hand the poor working-class women revolutionized the women stature in working world and contributed to the success of feminism. Nevertheless; even after much hard work done still more is needed to do to get the women equity in rights and status. That is why the issues of sexual self-determination have come to foreground.  

Although the efforts to liberate women from gender discrimination had been made by both feminist and reformists through various activities including public protests since the last many decades but still much more is to be done as the women of Europe & North America who are better in status and work condition do not make the majority of global segment of women. The majority of women living in many non-Western countries, specially, in the so-called Third World generally live in state of subjection and desolation. Their distresses are more basic and more imperative.

This became alarmingly apparent when in 1975 the United Nations sponsored an "International Women's Conference" in Mexico City. This event was very vocal on serious social gaps between women from industrial and agrarian societies. This conference showed the world a very gloomy picture of women by narrating that majority of the world's female population around billion women live in poor, rural areas. Most of them are uneducated, half-starved, fatigued and in poor health; despite of all this they are forced to work long hours for little reward.

In nearly all "underdeveloped" countries boys as a guarantee for economic security in old age of the parents get preferential attitude in comparison to girls since their birth. Because of which even poor living their brought up is better than the girl of the same family.
In most of the non western countries the girls get married in relatively young age and from very early age they get into the hardships of labor; child birth; gynecological issues; domestic toils etc. However in western countries the girls marry late but due to free society they get involved in more serious issues like pregnancy; child birth; gynecological issues; sexual discrimination and harassment; rapes single motherhood; illegitimate children etc which the girls of non western countries are into. So wherever the women belong to she had the same miserable plight and fate.

Under these discouraging states of affair the women liberation has a special significance and causes a challenge to the women's movement in the rich and powerful West. But there are certain under progress countries like China where reasonable gender equality in terms of rights and status is obtained.

There are certain countries as India, Pakistan, Philippine; Sri Lanka; Israel etc where role of women is globally considered very pathetic but they have elected women as their head of state and or government not by the nomination of any of the elite or powerful corners of the society rather through the people’s vote and based on their abilities and competence.

However there are many developed European countries including US which are famous for raising their voices and eye brows on women rights and gender discrimination and are called women right vocalist which have neither chosen women as head of state and nor seems to be choosing in near future as they do not have any voices or indications which asserts that they will be shifting their pattern of choosing head of state from man to woman.15

2. The Status According to Islam:

The original preaching of Islam in relation to women treatment is not practiced completely by majority of Muslim societies but still what and how much is practiced is not completely pathetic or gloomy rather needs improvement and more adherences to Islamic instructions for women liberation from artificial collar necks and chains of gender discrimination.

The hardships or toils which women are facing in Muslim oriented societies have nothing to do with Islam rather they relate to pre-Islamic patriarchal ideologies and poor or no Islamic education of Muslim societies in relation to gender equity and balance among their rights.
In the pre-Islamic Arab the women were deprived of many basic rights which were important for their existence. There were certain tribes where female infanticide was common. Islam raised the social status of the women and gave them the right to live. Islam prohibited the practices which were inhuman and degrading the women social and religious status in any society. Islam consider the female infanticide as a crime and murder.

It is in Quran that:

“When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief” [16:58]

“When the female (infant) buried alive, is questioned. For what crime she was killed” [81: 8 -9]

The above verses show that Islam considers female child ill-treatment and female infanticide as the inhuman practice and associate it to the evil which will be accounted for at the Day of Judgment.

Islam ordered not only to save the lives of female child and women but also assured that they are treated with respect, compassion & impartiality.

Islam allows Muslim women to work, to own and inherit the property and assets. Muslim women is not prohibited to get involved in gainful employment rather they are encouraged to be the part of noble and benevolent professions like medical care, teaching, civil and justice professions. The Muslim woman is allowed to have the rights both before and after marriage.

The Quran allows women to work in Surah Al- Nisa Verse 32 by saying that:

“For men what they earn, and to women what they earn. And ask Allah of his bounties. Surely Allah has full knowledge of all things”.

Since its beginning Islam never discouraged women to participate in the economic, political and social spheres of their society. The first lady who confesses Islam Hazrat Khadija (RA) was the wife of Holy Prophet and one of the major merchants of her time; rather at some stage the Holy Prophet (PBH) also worked for her business. Hazrat Ayesha (RA) is known to be the adviser and consultant in many religious decrees and decisions. In the early Islamic history women not only participated in various aspects of their society's public sphere, they also had
the right to be elected to political offices. For example, Hazrat Omar Bin Abdul Aziz (RA) appointed women to oversee the affairs of the marketplace and seat of administration. In Islamic history many women fought wars both as aid worker and troop commander. The Muslim women have the right of inheritance and no relation or law can take away this right. The Quran in Surah Al- Nisa at Verse 7 states:

“From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large—a determinate share.”

The critics of Islam refer to some Quranic verses which get more clear if read in context with previous text rather pointing out individually; and use them as propaganda against Islam, Muslim society and Muslim Women. The Quran says in in Surah Al Baqarah Verse 228 that:

“And women shall have rights similar to rights against them, according to what is equitable. But men have a degree (of advantage) over them. And Allah is exalted in Power and All Wise”

This verse despite being clear is usually not treated on merit rather critics infer from this what they want to assume. This verse is usually quoted and commented other than it pretext and real meaning by the critics of Islam to win their argument and to be used as the dispute to show that Islam have biased approach towards women and discriminate people based on gender. There are groups which sees this verse talking of Man’s strength; some conclude it to Man’s supremacy; some consider this as Man’s share in inheritance or property; some link this up with the witness and or evidence of women; some deduce it to the Man’s intelligence. Which is not true as this verse if read and understood in total with other Quranic text then it will be clear that the term “Men have degree over women” is not gender bias rather it describes their socio economic responsibilities and physical strength in comparison to that of women without prejudice to intelligence or social status of women. I have discussed and established in my previous discussion that Islam makes the man responsible to take care of his family financial and social needs. The Quran provides the pathway to good behavior and better human relationship to preserve the social order and the family system. The Muslim mother has very important role being the first point of socializing and education of her children. The Muslim mother enjoys a lot of respect because she has a lifelong affect on the actions, personality and approach of the future Muslim generation.
The above discussion establishes that Islam is an equal opportunity religion for both man and woman. To augment the discussion women as mother, wife, sister, daughter and independent person is discussed down under.

Women being Mother.

2. The Contemporary Status:

Thomas Edison said, "I did not have my mother long but she cast over me an influence that has lasted all my life; because of the good effects of her early training I can never lose. If it had not been for her appreciation and her faith in me at a critical time in my experience, I should never likely have become an inventor. I was always a careless boy and with a mother of a different mental caliber, I should have turned out badly. But her firmness, her sweetness, her goodness were potent powers to keep me in the right path. My mother was the making of me. The memory of her will always be a blessing to me."

[http://www.zona-pellucida.com/Mothering.html]

Woman being a mother can be an influence, builder and motivation for her children. Napoleon Bonaparte said,

"The future destiny of a child is the work of a mother."

[http://www.zona-pellucida.com/Mothering.html]

The mother is considered very important because she harbor; mould and foster her child during his or her tender age. Mother is not a single word rather is an expression which inspires the feelings and emotions of every man and woman irrespective Muslim or non Muslim.
All societies view motherhood as something ‘very special’ because the mother sacrifices many of her own wants and desires for the benefit of her child and teaches ethics of being a good person.
The Henry Ward Beecher (1813-1887) has rightly said that "The mother's heart is the child's schoolroom"[http://www.zona-pellucida.com/Mothering.html].
The child learns values, ethics and etiquettes from Mother who is the first learning place.

2. The Status According to Islam:
The role of women as mother is highly regarded in Islam because she bears a lot of labor and pain in giving birth; nurturing infants; raising children whether she is supported by her husband or is a single parent. Islam gives a high position to mother in comparison to other religions. Islam orders children to act respectfully, with obediently and kindly with their both parents; however mother is given preferential position among parents.

According to a Hadith, someone asked Hazrat Muhammad (PBUH) about parents:

“O Messenger of Allah, which of the people is most deserving of my good companionship? He said Your mother, then your mother, then your mother and then your father, then the next closest and the next closest.”

[Bokhari / Sunan of Abu-Dawood / Muslim -2548]

The Allah commands in Quran to be good with parents by saying:

"Worship God and join not any partners with Him; and be kind to your parents..." [4:36]

The Quran mentions that, “servitude to parents follows immediately after servitude to Allah”.

At another place it is said:

"Be kind to parents; when they attain old age do not be harsh with them nor repel them rather talk to them with dignity and honor. And out of kindness, lower to them the wing of humility and say, My Lord! Bestow on them Your Mercy even as they cherished me in childhood." [17:23-24]

Once a person came to the Holy Prophet (PBH) and sought permission to take part in army expedition for the cause of Islam. When the Prophet (PBH) came to know his mother is still alive he commanded as follows:

“(Then) stay with her, as Paradise is under her feet. [Al-Tirmidhi]”

At another instance the Holy Prophet (PBH) said:

“God has forbidden for you to be undutiful to your mothers”. [Sahih Al-Bukhari]

The thing which I like most, in my faith (Islam), is the care of kinships with a special emphasize on the role of mother. The Quran states [4:1]:

“And revere the wombs that bore you, for God is ever watchful over you.”
It is established from the teachings of Holy Quran that the status of parents’ obedience is immediately after the obedience of Allah and Prophet (PBH). The Quran says [31:14]:

"Show gratitude to Me and to thy parents; to Me is thy final Goal. We have enjoined on man (to be good) to his parents: in travail upon travail did his mother bear him."

From the above verse it is evident that the respect of mother is given preference because of her hardship during pregnancy, weaning and multiple social and personal sacrifices while raising children.

Dr. Zakir Naik in his recent lecture on Peace TV has mentioned that “the Arabic word for WOMB is RAHEM which is derived from the word for MERCY. In Islamic tradition, one of God’s 99 names is Al-Raheem or the Most Merciful.

There exists, therefore, a unique connection between God and the RAHEM or MERCY. Through the MERCY we get good understanding of the Almighty's qualities and attributes. It is He who nurtures, feeds and shelters us throughout the life.

In an Islamic system the Mothers are highly respected because they are the teachers and role models for their children. Every day with them is an opportunity to grow as a person for every child. The bond of mother and child is purest and holy. A warm and affectionate touch of mother will give you immense pleasure and you will feel as you are in paradise, no matter what is your age”.

Al-Hashimi writes that, “Nevertheless Islam has given a high status to motherhood and given the mother preference over the father but at no place father is disregarded by the Quran for respect or obedience. The children should not forget that Islam gives importance to both parents, and has enjoined kindness and respect to both. [Al-Hashimi, The Ideal Muslimah, IIIPH 2005, p. 167]

He further writes that, “According to Islam one of the most respectful and adorable person on this earth is mother. Even if argue with her, show anger; she will forgive for everything with a gentle smile on her face and without thinking for a second. There is no relationship better than this bond as there is no ego, no fears, no harsh feelings but the feeling of unconditional love and affection.”
This research work has raised my love for my mother and I respect her more than earlier. I know that she is my “RAHEM” and a kind connection with my father, siblings, family and above all the divine connection with my kindest Prophet (PBH) and my Merciful Allah.

Women being Wife

3. The Contemporary Status:

It is mentioned in the proverbs of Solomon that

"An excellent wife is the crown of her husband, but she who shames (him) is as rottenness in his bones." Pro 12:4

It is in Bible that the Lord Christ said, “It is not good for the man to alone and ordered Eve to come to being”.

Hazrat Adam (RA) was comforted with the creation of Hazrat Hawa (RA) as his companion and related her to Hazrat Adam as his wife not mother or sister or daughter. This proves that wife is the real companion of man and without wife the man is incomplete.

It is true that the wife is not just a word but is a combination of many feelings like love, warmth, trust etc. The pillars in a marriage relationship are actually the feelings which when developed make this relationship happiest and eternal.

It is mentioned in Gen-2:18 b that "I will give him a helper suitable for him". It is in Proverb 31:10 that, “The God created woman to be companion of man and also to help man through thick and thin”.

But it is, again, true that the wife should be taken as helpmate and not as the housemaid. When the husband and wife get interdependent to each other the marital life becomes happy and smooth for both individuals and other family members including children.

At another place it is said in bible that,

“... and let the wife see that she respects and reverences her husband, that she notices him, regards him, honors him, prefers him, venerates and esteems him and that she defers to him, praises him and loves and admires him exceedingly. [Eph 5:33b]”
Dr. Zakir Naik said in his lecture that the marital bond is such a peculiar and respectable association with which no other relationship or social union can match. In this relationship the two different soul and bodies get as one and work like one body. This relationship brings intimacy, loyalty, trust, faithfulness & companionship between two persons who were born separate and different in characters and habits. This bound is the major source for a flourish, promising and healthy home.

As a wife women can contribute a lot to the society and by her contribution, wisdom, insight and understanding of affairs her home; family and society can become the heaven on earth.

In our contemporary world the woman's role is still confined to the home and from a young age, woman are taught the virtues of subordination and endurance to prepare for their future roles as wife. A woman, in general, does not participate in society as man does and her role is limited to household matters.

Their situation began to change in the late 19th century with the globalization of the world. During this period modern schools got introduced. Some of these schools were founded with the specific goal of educating women. Subsequently educated women began to engage, along with their house wife role, in arts, teaching, religious work, and enlightening other women. The house wives also took part in the independence movement against the foreign occupation and displayed no less vigor, determination and courage than their men.

In many countries, by now, the women have achieved constitutional rights for equal opportunities to pursue education, work and public life; it is therefore we find many house wives among the labor force and contributing significantly to the rapid economic growth of their country during the past three decades. There are an increasing number of house wives in professional fields, as well.

Despite the worldwide economic improvement and progression of feminism, which is defined as the promotion of women's rights on the grounds of political and socio-economic parity, the living and educational conditions of a common woman has not improved. Although there is increase number of women entering into wide variety of fields, including education, medicine, engineering, scholarship, arts, law, literature; sports etc and also many governments has enacted laws favoring them but still the discriminatory
practices are prevailing, against female workers, in regard to hiring, payments and promotion opportunities despite their significant contribution to the society.

4. The Status According to Islam:

The Holy Quran says, that:

“And among His signs is that He created mates for you from yourselves that you may find comfort and repose in them and He put between you love and compassion; most surely there are signs in this for a people who reflect.” [30:21]

Allah made woman as the comfort and companion for man and has put soothe and relaxation among them. The marriage is a relationship in Islam which is considered both spiritual and social. The wife looks after her husband’s interests and reciprocally the husband look after the apprehension and issues of his wife to make their marital life comfortable.

The Holy Quran says:

“It is not lawful for you to inherit women by force. Nor may you treat them harshly so that you can make off with part of what you have given them, unless they commit an act of flagrant indecency. Live together with them correctly and courteously. If you dislike them, it may well be that you dislike something in which Allah has placed a lot of good.” [4:19]

In this verse the man is ordered to be nice with his wife and not to physically or materially harass her. The Islam demand courtesy; sacrifice and patience in the husband & wife relationship throughout the life but specially when there is a misunderstanding prevailing or developing then these qualities becomes must to get the matrimony going smooth.

Allah promises that if they both endure conflicts patiently then he will replace issues with solutions; bad with good and anger with happiness.

“Let the women live in 'iddat'[the waiting period before final divorce or when cancellation of divorce process can take place] in the same style as you live, according to your means. Annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they
suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if you find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf.” [65:6].

The Islam asks husband even to be nice during the process and after divorce. The Holy Prophet (PBH) says

"The whole world is a provision, and the best object of provision in this world is the pious woman” [Agreed upon]

The good wife in Islam is considered as the bliss. She needs to have kindness, good speech, noble actions and inclination in gaining the pleasure of Allah by looking after her family and husband the way Allah has ordered. When a wife seeks to gratify her spouse through obedience and faithfulness then actually she pleases Allah. Allah has mentioned in the Surah Ahzab the noble qualities of a woman as wife.

Islam gives Muslim wife the right of Nafaqah (maintenance) which comprises of clothing, food, safety and social status. To provide maintenance is the responsibility of husband irrespective women is rich or poor The Prophet (PBH) said, "Your wives have a right on you that you provide them with food, clothing and shelter in a suitable manner. [Muslim]"

The obedience of wife to her husband and care for her family is regarded as pleasure of Allah which will be rewarded by Allah. The Hazrat Ayesha (RA) narrated the following attributes of Hazrat Zaynab (RA) which can be the bench marking for all Muslim wives.

"Zaynab was the one who was somewhat equal in rank with me in the eyes of Allah's Messenger and I have never seen a woman more advanced in piety than Zaynab, more Allah fearing, more truthful, more alive to the ties of blood, more generous and having more sense of self sacrifice in practical life and having more charitable disposition and thus more closer to Allah”

These great women of Islam are good example for the Muslim women, to learn good habits from them.

Abu Nu'aym narrated that the Prophet Muhammad (PBH) said,
"When a woman observes the five times of prayer, fasts during Ramadan, preserves her chastity and obeys her husband, she may enter Paradise by any of the gates she wishes. (Al-Bukhaari, al-Muwatta' and Musnad of Imaam Ahmad)"

Women being Daughter and Sister.

2. The Contemporary Status:

The Bible portrays a negative image of Eve and makes her responsible for eviction of Adam from paradise. All relations of sister, daughter and mother are considered the derivatives of Eve and it is therefore are considered as untrustworthy.

The Bible calls curse and punishment to the natural phenomenon which a woman get suffer from like menstruation, pregnancy, childbearing etc because of the guilt which Eve committed to get Adam evicted from paradise. In the Old Testament it is written that:

"I find bitterer than death the woman, daughter or sister, who is a snare, whose heart is a trap and whose hands are chains. The man who pleases God will escape her, but the sinner she will ensnare; while I was still searching but not finding, I found one upright man among a thousand but not one upright woman among them all" [Ecclesiastes 7:26-28]

It is written in the Hebrew literature of the Catholic Bible that "No wickedness comes anywhere near the wickedness of a woman whether she plays the role of a daughter or masks as sister; the sin began with a woman and thanks to her we all must die" [Ecclesiasticus 25:19,24]

It was surprising for me to learn that till now the orthodox male Jews daily morning thank to God with the following supplication:

"Blessed is God the King of the universe that Thou have not made me a woman." [Thena Kendath, "Memories of an Orthodox youth in Susannah Heschel, ed]

The Jewish Rabbis preferred boys over girls when they asked Jewish nation to propagate the race, "It is well for those whose children are male but ill for those whose are female, At the birth of a boy, all are joyful...at the birth of a girl all are sorrowful, and When a boy comes into the
world, peace comes into the world... When a girl comes, nothing comes."[Swidler, op. cit., p. 140]

It is mentioned in Torah about the female education that "Let the words of Torah rather be destroyed by fire than imparted to women", and "Whoever teaches his daughter Torah is as though he taught her obscenity"[Denise L. Carmody, "Judaism", in Arvind Sharma, ed., op. cit., p. 197]

It is not deniable that Judaea-Christian perception of women and its status in society is not equitable with that of men; rather based on the sin of Eve the women is considered lowest in status and position.

The Status According to Islam:

A) Daughters:
Before the advent of Islam many people used to give more importance to male children. Sometimes they even buried their female children alive because they considered them as a burden; some who did not go to the extent of killing their daughters they treated them badly. The Quran prohibits the killing of female infants and Allah the Almighty says:

"Kill not your children for want of sustenance, for it is Allah who will give sustenance to you and your children." [Surah Al-Anam Verse 51]

In Islam killing of children, both male and female, is considered as a major sin; as Islam has granted equal rights to the females so accordingly daughters are of equal status as the son. The daughters should be treated the same way as the sons are treated; they have the right of clothing; proper feeding; security; respect; education; inheritance and freedom of expression. The Muslim daughters, because of the fear of Allah, tend to be more faithful to their parent by obeying and praying for them. There is a Hadith reported in Tirmizi, which states that

"Whoever has three daughters and feeds them, clothes them, and is kind to them; they will become a shield for him and protect him against the torture of hell fire". [Ahmad]

Allah’s messenger (PBH) has ordered Muslims parents to be fair and just when giving gifts to children; he said:

“If I was to give preference to any (gender over the other) I would have preferred females over males (for gifts)” [Baheqee]

The Noblest Prophet (PBH) said,
"Should I not tell you what is the best charity; that you should show kindness to that daughter who has been returned to you (becoming a widow or got divorced) and who has no other maintainer or supporter."

(Ibn-e-Maja, Abwabul Adab)

Islam orders a balance between the upbringing of son and daughter; giving the daughter equal rights does not mean to exactly to raise her like a male child but it means to educate and treat her the same manner as the son is treated. Islam orders to give them confidence, education, freedom and good moral education to perform their social role well.

B) Sisters:
According to Holy Quran the sister is entitled to receive share in inheritance. If the deceased (man or woman) leaves no parents and no child but there is a sibling on maternal side, the sister and brother would get one sixth each. And if they are more than two, they would share in one third. The Holy Quran says about this right of woman as sister that:

"…. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus it is ordained by Allah, and Allah is all knowing and most Forbearing." [4:12]

Marriage with a sister has been prohibited by the Quran. Thus the evil custom of marriages of brothers with sisters prevailing in many old civilizations was abolished by Islam. The Holy Quran says that

"Prohibited to you (For marriage) are your mothers, daughters, Sisters; father's sisters...." [4:23]

If a man dies childless and also is not survived by parents but has sister then her share would be ½ of the estate; if sisters are more than their share would be equally in 2/3 of inheritance. But if there are brother and sisters then 2 shares of sisters would be equal to I share of brother. The Holy Quran states that:

“They ask for a legal decision, say that Allah directs about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (deceased was) a woman, who left no child, her brother takes her
inheritance. If there are two sisters, they shall have two thirds of the inheritance (between them). If there are brothers and sisters, (they share), the male having twice the share of the female. Thus Allah make clear to you (his law), lest you go wrong; Allah has knowledge of all things. (4:176)"

Hazrat Ibn-e-Abbas (RA) reported that the Holy Prophet said:
“If one brings up three daughters or sisters by teaching them good manners and treats them kindly and lovingly till they no longer need his help then Allah will make paradise obligatory for him.” One man said “What if he has two?” The Prophet (PBH) replied; “He will get the same” Hazrat Ibn-e-Abbas said that if the people had enquired about more the Prophet would have said the same thing. [Shariah Sunnah]

In other Hadiths it is mentioned that:
“Whosoever has daughters, sisters, and is very kind and nice to them, and fears Allah in their treatment, will enter Paradise (as a result of his good actions for these females) [Abu Dawood and Tirmidi]”.

Women being Independent Person.

3. The Contemporary Status:
It is true that woman is suffering, until now, the agony of maltreatment and misplacement since a very long time. She is suffering the same turmoil of distrust and impertinence which she was facing thousands of years ago may be in different scenario. Although, by now, human awareness has reasonably improved about rights and duties of woman but still the attitude towards her represents that all awareness and knowledge has gone in vain and their outlook towards woman still is narrow. There was no respect for woman and man's thinking was wild and barbaric in this regard. The notions man had of moral; culture and civilization in relation to woman all were primitive and uncouth. They were killing their daughters by burying them alive now they are doing same under different names like honor killing, marriages with Church or Quran, emancipation from family life; spousal abuse, domestic violence etc.
According to a report, “In the year 2013 in many parts of the region, a substantial number of women are abused; 83% of all Egyptian women have been harassed and almost half of all Egyptian women are harassed daily. 62% of Egyptian men also admit to sexually harassing women wearing headscarves. Similarly, 52% of married Yemen women were raped by their husbands while they were still children. Abuse and sexual assault against women are common in the whole modern world. [http://www.adnkronos.com/AKl/English/CultureAndMedia/?id=1.0.2237386194]”

Following statistics showing violence rate against women in US are the eye opener for western and other modern critics. These figures reflect that the, so called, most civilized nation, on earth needs to act civilized while handling the women and their matters.

The media reports and newspapers are full of murders; rapes; sexual assaults; domestic violence; harassments round the world. Even the western countries which are considered highly educated and resourceful are not devoid of such offenses against women rather such cases are reported there in abundance.

In Pakistan the women are murdered in the name of ‘Honor killing’ just because of real or perceived adultery, refusing a pre-arranged marriage, marrying against the family's wishes, demanding a divorce, being raped, or even getting caught in inheritance or property disputes; women are sometimes first raped or gang-raped, and the killer is almost always the father, husband, or a brother.

After careful reading till this point can anybody deny that throughout the world including the most civilized cultures the woman is, still, used as symbol of slavery and even the most developed societies are playing havoc with their lives and independent social identity.”

4. The Status According to Islam:
The Islam strongly recommends Muslims both male and female to acquire knowledge. The foremost Order of Allah through the first revelation to the Prophet (PBH) was to “learn”, in Surah Al-Alaq from verse 1-5 the Allah says: “Read, recite or proclaim in the name of your Lord, Who has created the human beings from a congealed clot of blood (a leech like substance); Read, your Lord is most bountiful who has taught the use of the pen and has taught the human beings that which he did not know.”
The first instruction given to mankind was to read and acquire knowledge in the name of Allah (creator) instead of fasting, praying or pilgrimage. This shows that the prime object of Islam is to educate people about the qualities of Allah and its creations which are multifaceted and flawless in their creation; management and advancement. There are many places where Quran orders its followers to learn and educate themselves about the various creations and phenomenon created by Allah, like:

"God will exalt those of you who believe and those who are given knowledge to high degrees. [Al-Mujadilah 58:11]"

"And say, O my Lord! Increase me in knowledge. [Thaha 20:114]"

"And whoever is given knowledge is given indeed abundant wealth. [Al-Baqarah 2:269]"

"....Those truly fears Allah, among His Servants, who have knowledge.... [Fatir 35:28]"

The Holy Prophet Muhammad (PBH) said,

"It is obligatory for every Muslim, male or female, to acquire knowledge [Al-Bayhaqi]"

A Muslim can demand “khulah” or “divorce” through the court of law or any other social forum which is legitimate for such purpose under the law of state. The Islam allows a woman to seek legal support from Islamic judicial system, same like man, if under duress.

The veiling of woman does not mean disrespect or punishment in Islam rather Islam wants the women to cover them in a manner that they are not harassed by the evil minds and can lead their life with dignity”. It is said in the Quran at Al-Ahzaab in verse 59 that

“Tell the women of the believers to draw their veils (when they go out). That is better so that they may be recognized and not molested.”

What we usually see as veil (Hijab) in the conservative Muslim society is not exactly what Islam wants from woman rather it is overdo of the Quranic instructions because of the influence of the culture of that area.

The Holy Quran, being a complete balance, not only asks women to use physical veil (Hijab) to avoid gender abuses but instruct the man too for
keeping their gaze down to avoid instigation of gender exploitation; it says in Al-Noor that:

“Tell the believing men to lower their gaze and be modest.” [24:30]

But this is unfortunate that most of the Muslim societies focus on one part of the Quranic instructions which is related to the woman for veiling and forgets the second part of the instructions which is to lower down their own gaze.

Islam fifteen centuries ago gave woman the right to be a witness; on the other hand till late of this century the Jewish Rabi have not decided yet that whether the right of witness be given to women or not?

According to Surah An-Nur, it is said:

"If any of you put a charge against the chastity of a woman, produce four witnesses, and if they falter, flog them with 80 stripes. [24:4]"

In Islam challenging or putting under threat the chastity of a woman is a big crime and it requires at least four witnesses to establish the unchaste on the part of woman. While in the modern society men sometimes in joke or as abuse or as an insult call with disgusting names like whore; prostitute; screwed; tea bag; train wreck etc but nothing is done against this harassment.

However in an Islamic state man is not allowed to call any Muslim lady a ‘prostitute’ in public or anywhere else otherwise in case of legal litigation either he will produce four witness to prove his claim or he will be flogged 80 time and his evidence will be rejected for future until he expiate for his sin.

**End note:**

There is still a need to improve, revise and establish laws and rules that involve discrimination in any sector and to increase the representation of women; to facilitate women’s employment and provide support for female workers; to increase educational opportunities for women to be competitive in the labor market; to provide social welfare policies for women; to promote women’s involvement in various social activities including volunteer work and women’s organization activities, and to strengthen the cooperation of local women’s organizations with international women’s organizations.
Chapter 10

Women and Economics - Financial Rights:

Economics:
The Greek word “οικονομία” is the root of the expression “Economics” and literally stands for “money matters and or management or administration of a household.” [Harper, Douglas “Online Etymology Dictionary – Economy” Retrieved October 27, 2007].
The British origin founder of Neoclassical [Principles] Economics the Alfred Marshall in 1890 defines Economics in his book “Principles of Economics” as under:
“Economics is the exploration of individual’s behavior in the ordinary business of life. It is based on the investigation that how income is generated and later consumed. This is a good combination of the wealth analysis and the diligent learning of human and his behavior”

The Economics is “the Study of financial resources and how they are used in society. This is generally known as consumption, production and the transfer of wealth. (http://answers.ask.com/Reference/Dictionary)”

The term Economics is broadly divided into:
✓ Macroeconomics
✓ Microeconomics

The Macroeconomics deals with the operational capability, conduct, configuration and judgment of whole economy rather analyzing individual markets. This study encompasses the analysis of the global, regional and national markets based on their positioning, performance indicators and growth objectives. This deals with employment opportunities, purchasing power; monetary & fiscal policy etc

The Microeconomics is the study of fundamental rudiments of the economy and entails research on pointers like indicators and markets. The indicators are various and include but are not limited to humans, family, work place,
suppliers; consumers etc while the market is combination of advertising, promoting, selling and purchasing the commodities and services.

The professional economist use modern mathematical and scientific tools like calculus; algebra; econometrics; computer software; geometrical depictions; statistical electronic numerates etc.

**Economical Rights:**
The Economical rights are defined as follows:

“Rights that concern the production, development, and management of material for the necessities of life
[www1.umn.edu/humanrts/edumat/hreduserseries/tblb/Section3/hrg]”

“The collection of rights (owning property or the choice to be employed) that a person or business possesses to exploit the work for economic gain. [www.falconipuig.com/index.php]”

According to Karel Vasak's theory of three generations of human rights, the economic rights are considered second-generation rights, while civil and political rights, such as freedom of speech, right to a fair trial, and the right to vote, are considered first-generation rights. The theory of negative and positive rights considers economic rights as positive rights.


Further the economical rights are classified as:

- Everybody has the right to make a business.
- The right to own property”.
- The right of free contract allows people to decide their own agreements and fate.
- The right of voluntary exchange.
- The right of competition
The Role of Woman in Contemporary Economics:
The role of woman is critical and important for the balanced and prolonged growth of any country and this role and contribution is only possible when gender bias is wiped out and women are empowered by giving them same access and opportunities, like of man, over money-making and pecuniary resources.
The concept of equal opportunity in the distribution of economic and financial resources has positive multiplier effects at micro and macro levels for economic boosters and objective, including poor masses condition; wellbeing of children; welfare of oppressed communities etc. The results at the micro level can be achieved through increased household productivity while at the macro level the effects may be attained through positive synergies between agents and economic growth.
The common women usually conduct income-generating activities, of one kind or another, during the slower periods of household income. The large majority of these are traditional, low-capital input and laborious activities. They cover a fairly typical range, including low paid domestic works, selling handmade articles, household-based food processing and crafts such as sewing, weaving, private teaching, small farming and petty trading. Women switch from one activity to another according to what is most likely to be profitable at a given time. Women with childcare or other heavy domestic obligations (such as the care of the sick or elderly) select a less profitable productive activity in order to combine domestic and productive responsibilities.
In most cases where the income of women is crucial in meeting family needs. This is particularly in the cases where the financial conditions of a family are inadequate. The women contribute for all domestic needs from their income. In carrying out micro and small-scale activities, women are hampered by lack of time, lack of literacy skills and poor marketing opportunities. The shortage of working capital and inadequate training are other constraints that makes it difficult for women to buy and store raw materials, invest in labor saving or value-added devices and expand their enterprises. The common women generally have less or no assets to put them as security and restricted access to formal credit thus they primarily rely on informal sources such as family, friends and traditional moneylenders. These sources can have high interest rates, or they may not always have the funds available for making loans.

Financial Security and Women:
To get better understanding of financial issues of women they should be appraised alongside creativity and productivity. The humans are created
differently; their diversity in opinion, physical appearance, ability to be creative and areas of expertise is part of the natural order of life and creation. Accordingly our roles in life can produce different social rewards. The home keeping for the purpose of sheltering, expressing love and warmth, nurturing, giving emotional support and the motherhood which results in a type of inner satisfaction and social accomplishment do not generate money but are not less important than earning money. The division of family roles between father and mother is necessary to perfect the function of the family. While one partner earns the means for living the other transforms this livelihood into happiness and joy.

Both the women and men need to follow similar routes on the road to combat financial hardships if ever have to face and save for their future. However, many women’s life patterns contain several factors that require them to think differently about financial planning in order to ensure their security. That’s why it’s so important for women to be aware of special issues they may face and to plan for them before they get into any financial hardships.

This brings us to the question of financial security for women. Most contemporary social theories, such as the functional and conflict theories have ignored the role of finance in family affairs (PARSONS, TALCOTT, et al. Family, socialization, and Interaction process- Glencoe- III: Free Press, 1955); although this issue is so important that no feminist movement can ignore it today (BERGMAN, BARBARA. The Economic Emergence of Women -New York: Basic Book, 1986]. Mistakenly, these movements consider finance from the perspective of wages and social rewards rather than a natural right that can be received through family life.

The west did not recognize rights of married women until late of 18 th century to own and sell its property under her free will. Contrary it was Islam which in 6 th century gave women economic rights under which she was allowed to inherit; own, sell; gift any of her moveable and or immoveable assets. If the numbers are counted then about 1350 years ago Islam gave that liberty to women which the most vocal feminist society gave in late 18 th century.

The women, by nature, have some specific biological characteristics to meet conditions like pregnancy, child delivery and motherhood which do to not exist in men. It is a life cycle they are born with. These natural characteristics hinder women from employment at some point in their lives and as a result working women’s financial rewards are less than men. These biological responsibilities that women proudly bear during their lives make them liable for financial security; yet there are exceptions to some of these rules for those women who choose not to have family or parenting.
Nevertheless the Divine message of Islam has explicitly secured the financial rights of women. The Marriage dowry (Mehr) is part of a monetary agreement which women receive after consummation of the marriage. The wide spectrum of financial rights for women includes such as Endowment (the capital that provides income for an individual), Maintenance (obligatory financial security for women or the provision of support or livelihood), Motherhood privileges, Heritage, Employment rights etc.”

**Endowment:**
Endowment is the capital that provides income for an individual and is generally related to the religion and economic system of Islamic society which plays considerably big role since the early of Islamic civilization history. This Islamic system, later, was well spread and highly accepted, the world over, as one of a sort to build the human society especially to provide the basic need and functioning as the system supporter as well as free infrastructure.

The endowment is bliss for women which gave her equality and justice against his counter gender in a generally male oriented society. Endowment forms a strong mechanism to arrange and change as well as manage the state of richness and wealth between men and women in Islamic society. The endowment also forms a strong and dynamic force in moving women towards development and success.

The west, by practicing it, also agrees that the system of endowment forms the best mechanism to rearrange and manage the state of richness between different levels of society and both genders. This approach helps sweeping away the bad attitudes such as greediness, jealousy and the betrayal; brings out the sense of love and sympathies toward each others in society; creates the quality people who respect the right of others by holding strongly good ethics and moral values. *(The Role of Islamic Institution in Achieving Equality and Human Development: Endowment by Dr. Asming Yalawae & Dr. Izah Mohd Tahir of Universiti Darul Iman Malaysia (UDM))*

The endowment being an important Islamic institution has influenced Islamic and other world’s economic development and the socio-economic status of general women. Its potential in future development should not be underestimated. The endowment's significance arises out of its centrality to the Islamic principle of charity (Hasan’at) and courteous manners (Ehs’an), though debates persist as to its effectiveness in achieving development goals for women.

The laws relating to the endowment are an integral part of Islamic law (shari’a). The endowment has relations with other areas of law and society
such as gifts, marriage dowry (Mehr), inheritance, wills etc thus endowments are usually dealt with as part of family law. [The Role of Islamic Institution in Achieving Equality and Human Development: Endowment by Dr. Asming Yalawae & Dr. Izah Mohd Tahir of Universiti Darul Iman Malaysia (UDM)]

Islam being kind to women adopted those principles by which women could get financial security in a masculine society. The women were allowed to have marital dowry (Mehar); inherit property or assets; carry out trade; participate in commerce; take social position of benefits etc. Islam assured her financial needs by father when she is a daughter; by her husband when she is a wife; by her brother when she is a sister; by her son when she is a mother. In other words her all social roles and status were protected.

**Maintenance:**

Challenging status of woman in society is not an exception in reference to Muslim world but she shares a common bonding in this regard with every other woman in the world. Her status is defined in vague terms everywhere irrespective of country or religion. But in Islam a dignified status is given to every woman together with clear definitions of her rights allotted through the Holy Quran, Sunnah and other sources of Islamic Law.

Maintenance is largely accepted as obligatory financial security or the provision of support or source of revenue for women. The right of maintenance being the basic right of livelihood of woman includes not only the means of survival but also a right to dignified life full of respect and facilities. In every phase of her life as a daughter, sister, wife, mother, widow, or divorcée she is entitled to be maintained in well condition throughout her life. In many developing countries like India, Pakistan, Bangladesh, Afghanistan, Egypt, Indonesia, Nigeria, Somalia, Sudan etc her right of maintenance is not only affected by the socio economic needs rather customs and traditions also play a crucial role in deciding the maintenance of individual woman.

In Islam it is the foremost duty of family guardian to arrange for proper maintenance, right type of education and good training of their female dependants so that they grow satisfactorily, develop their potential, express their abilities, become virtuous human being, a good citizen and a causative member of the society to contribute to the society significantly. It is the responsibility of the parents and the State to provide opportunities to female children for their development and these basic requirements should not be denied to them for any reason or fear factor. Under the Islamic
teachings to behave careless towards female children is as worse as killing them; depriving them of education and is a grave mistake.

During the pre-Islamic period (and even today) boys were considered superior to girls and receiving better treatment accordingly but Islam abolished this mentality”. The Quran discourage such attitude by saying that:

“And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide. “

[Al Nahal: 58-59]

It is true that “the parent’s attention plays very important role in building up character of the female children and this create significant impact on them. The character of girls gets molded under good home atmosphere and thus parents have to be very cautious and committed in maintaining it. At no point of time the female children should be neglected but whenever there is clash between good values and personal interests of the family the Quranic values should always be upheld”.

“Tell them, (O Prophet): "If your fathers and your sons and your brothers and your wives and your tribe and the riches you have acquired and the commerce of which you fear a slackening, and the dwellings that you love, if they are dearer to you than Allah and His Messenger and striving in His cause, then wait until Allah brings about His decree. Allah does not guide the evil-doing folk.”

[Al-Taubah: 24]

Dr. Jamal Badawi says that, “the female’s education is a matter of prime importance. In Muslim society the female education is considered of two types:

- Conventional religious education to get acquainted with the Quranic teachings to maintain religious discipline in the life.
- Modern scientific and technological education for economic growth and development.
These two types of education imparted make the female children good members of the family as well as an ideal citizen in the society and thus they contribute significantly to the nation and the country. It is the responsibility of the Islamic state not to leave those female children at the mercy of the general public whose parents are not capable to provide proper maintenance, care and education to their female dependants because of their poverty.

In Islam the creator Almighty Allah being intelligent and kind to his creation has worked himself out the financial security plans for the women in the Holy Quran rather leaving it for the society or the woman itself who being exposed to multiple human weakness can act or react prejudice or bipartisan.

The Muslim women when married get the marital gift called Mehr; which is compulsory to solemnize any marriage in Islam and also there is no limit while fixing or proposing the Mehr in Islam. In Surah Nisa, the payment of Mehr is ordered but limit is not fixed.” The Holy Quran says:

“Give the woman (whom you marry) their Mehr (marital gift) with a good heart”. [4:4]

The given Mehr, in general, cannot be taken back from the wife if the husband wants to leave her for other marriage or social reason except few extraordinary and or specific conditions.

“But if you intend to replace a wife by another and you have given one of them Qintar (huge amount) do not take the least bit of it back; would you take it wrongfully without a right and (with) a manifest sin!” [4:20]

On the other hand demanding Bridal dowry directly or indirectly by the Groom from the Bride or her family is considered particularly low in Islam and thus is extremely discouraged at all levels.

A Muslim woman if wishes can earn living and Quran and Sunnah does not prevent or prohibit her to do any paid work if it is not immoral or illegal and falls within the purview of the Islamic Shariah and ethics.

Islam encourages, both, paid and unpaid contribution of the women to the society but within ethical limits in the areas of multiple social sectors like medical, education, cottage industries, commerce and trade etc for the
growth of the social system. A true Islamic society appreciates women in taking up of causative professions like doctor, teacher, nurse, community worker, administrator etc.

Although Muslim woman is allowed to earn the legal money but still she has got no obligations to fulfill its family financial needs rather to manage the finances for the family the responsibility is of the man.

If a woman is divorced or widowed the Islam orders to give financial support to the woman and its children during the waiting period of ‘Iddah’. Allah says in Surah Al-Baqarah:

“The divorced women must be provided sustenance according to capacity; (this is) compulsory who are doers of good. [2: 241]"

When Fâtimah wife of Hafs b. al-Mughîrah got divorced the Prophet (PBH) said to her husband, “her husband: “You must provide provision to her. Her husband replied: I do not have anything to give her as a provision. The Prophet (PBH) said: There must be a provision. Give her a provision, if it but be a half sâ` of dates. [Sunan al-Bayhaqî (7/257)] “

However a man would be burdened in accordance to his financial capacity; Allah says:

“The women should be provided sustenance in accordance to the capacity of her male counterpart, according to ability...... this is must for pious slaves” [Al-Baqarah: 236]

Motherhood privileges:
It is mentioned in “Ibn Majah and Nasaa'i” that,

“A man approached the Holy Prophet (PBH) and sought permission to go on a military expedition. The Prophet asked if his mother is alive. When he told him that she is alive then Prophet of Allah asked him to stays with her, and told him that for him paradise is under her mother’s feet and not elsewhere.”

According to majority of Muslim Scholars father should happily pay the mother for caring his children if she demands payment for this purpose. Among the rights that she has at the termination of her waiting period are the following:

- If the divorced woman is nursing the man’s child, then she has the right to demand payment from him for nursing”. Allah says: “Then, if they nurse (your offspring) for you, give them their due payment and
consult together according to what is just and reasonable. And if you find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf. [Sûrah al-Talâq: 6]"

- If the man has children from her and they are under her care then she has the right to be paid a compensatory payment for giving that care.

- She also has the right to get child support to fulfill her children’s needs, including their housing, medical care and all other expenses which a customary father is made liable to up-bring the children nicely and within his means.

Unfortunately the critics of Islam instead of exploring truth about real status of women in Islam just criticize the Islamic system after evaluating superficially and according to their self developed benchmarking and inferences.

It is Islam which allows women to work as household under her free will and against reasonable compensations and benefits; gives her share of inheritance; permits her to get respectable earnings through trade and commerce; gives her right to hold, invest, spend or accumulate wealth; gives her a lot of financial sources but kept her exempted from contributing to the family budget and children expenses; may be this is one of the reasons that her share of inheritance is single in comparison to her male counterpart.

**Heritage:**

In the ancient world usually woman used to inherit nothing. She did not have sovereign lawful individuality. In most legal systems from the property of the grandparents only the daughter could receive inheritance and not her children while for sons they themselves and their children were legitimate to inherit the property left. Nevertheless there were some civilizations in the past where women were allowed to inherit but not with fixed proportion rather it was the choice of their guardian or society that what share will she get in inheritance [Old civilizations by Dr. Musa ‘Ameed].

There was a strong perception in the Judaism and Christianity that the role of women in reproduction is not more than a carrier while in actual the seed of father develops into children. It is why the children of son were considered the part of the family while daughter’s children were not considered the family of daughter’s father; however they were treated as the part of paternal grandfather’s family. According to this concept any inheritance given to
daughter meant the transfer of wealth and property to an unconnected family of daughter’s in-laws through herself and her children.

The fear of transfer of wealth to other family or social unit the women were mostly deprived of inheritance not only in old days or recent past; rather this fear is still alive and acting as evil.

The Judaism and Christianity consider the grandfather as a family head for both social and religious purposes; he was respected to hold religious rituals for his family; the next generation religious head were selected from the son’s progeny.

According to the Hindu’s Vedas; the Greek order and the Roman laws the control of breeding was restricted to men only, and hence family religions were the monopoly of men. Consequently the women were not given any role or share in religious activities also they were not included in share of inheritance.

Another reason of depriving women from inheritance was her inability to act like a soldier in wars which was considered a crucial role because of the then prevailing customs and traditions. This was the crucial reason which stimulated the pre Islamic Arabs to exclude the women from inheritance.

Contrary to this ancient tradition the Islam gave proportionate but fixed right of inheritance to the women by stating through Quran as follows:

“For men is a share of what the parents and the near relatives leave and for women is a share of what the parents and the near relatives leave whether it be little or much; an appointed share. (Surah an-Nisa, 4:32)“*

When the brother of Hassan bin Thabit died and left no son as all were daughters in his family then his paternal cousins took over all his property and did not give anything to his daughters and widow. When this was told to the Prophet he called the deceased’s cousins who on enquiry claimed that the women of deceased family were unable to carry arms and to fight the enemy even for their own defense; however in case of any aggression against them the paternal cousin of deceased had to take action and for this reason they had the inheritance right to the property. Listening this argument the Holy Prophet recited the above verse and order them to be kind with
deceased’s daughter and widow in accordance with the directives given by Allah in relation to women inheritance.

Islam gave the right to the women to inherit, centuries ago, and it is mentioned at multiple places in Quran including the Surah Al- Nisa, Al-Baqarah, Al-Maidah that a woman, irrespective of her relation as wife or mother or sister or daughter has a right to inherit which is already fixed by Allah the Almighty through the Holy Quran and practices of Holy Prophet Muhammad (PBH).

Before the advent of Islam the women itself was considered the part of inheritance and legacy so how could she get inherit herself.

It should be noted that in pre-Islamic society, women themselves were sometimes objects of inheritance. In some Western countries, even after the advent of Islam, the whole estate of the deceased was given to the eldest son. The Quran however, made it clear that both men and women are entitled to a specified share of the estate of their deceased parents or close relations”:

“From what is left by parents and those nearest related, there is a share for men and a share for women, whether the property be small or large; a determinate share (4:7)”

As the woman gets dower, maintenance, military service and other social benefits so her share of inheritance is reduced to half.

**Employment rights:**

The woman is allowed to adopt any vocation as long as that is not prohibited by the Quran and or Sunnah and she is able to manage considering her physique and psychology. It is not necessary that she should be poor before adopting any gainful employment rather she also can do it just for her living irrespective of her richness or poverty but it is good for herself that she should keep herself away from the problems of outside her house, as much as possible, so that her dignity remains intact. However if she is interested to participate in any walk of life against legitimate payment then she is not stopped rather is encouraged by Islam. In Prophetic period Hazrat Khadija (RA) used to involve herself both directly and through her agents in legal trade & commerce for her living; similarly Hazrat Ayesha (RA) took active part in teaching and preaching of Islam under the direct able guidance of the
Prophet (PBH) both in his life and after his life; she also took part in battles as a leader.

Islam encourages women to participate in those professions where her performance would be optimum like nursing, teaching (especially children), medicine, social and charitable works etc and also the society gets benefits of her professional or intellectual contribution.

There are many Muslim jurists like Abu-Hanifah and Al-Tabari who are of the opinion that society can benefit with women leadership if she has the right competencies and accordingly she may be appointed as administrative or political head of any organ of state including but not limited to judiciary; private or state owned administrative units, legislative assembly; parliament; combating forces etc.

Whether or not somebody likes there is no text in Holy Quran which or Sunnah that categorically eliminate women to adopt any lawful and gainful employment. Rather history is vocal that the second orthodox caliph Hazrat Umar (RA) appointed a woman, Um Al-Shifaa’ bint Abdullah, as the commerce & Trade administrator, this position is equivalent in ranks to the status of Commissioner or federal Secretary in our country.

But above all woman if takes the role of mother and wife then it is better for her as she is more competent to perform “excellent” under such role by virtue of her kindness; patience and nature.

The Holy Prophet (PBH) has said “Remember that Paradise is under the feet of your mothers. (Ibn Majah, Sunan, Hadith 2771).”

This is because even a very professional and trained Baby sitter or house maid cannot do as a “mother” because the mother has a natural feeling of care to look after her children and family. This role is above all roles which women can adopt based on the reasons that it shapes the future of nations and by virtue of its viability cannot be considered as idleness.

It is good for woman and the social family system that woman should get permission to work from her guardian or husband so that she is under protection of her family members if she comes across any problem or rift.

There are cases where women despite her disliking or reservations come out of her home to work due to social and financial needs. This is not
appreciated by Islam as this shows that the social welfare system of Islamic society is getting weak contrary to the teachings of Islam which focus on result oriented social welfare system to the extent that polygamy and re-marriages are allowed to combat such women related social and financial issues. Also the Muslim state is ordered to establish Bait-ul-Maal (Treasury) to address such issues; while on individual basis the concept of Huqqoq-ul-Ibad (rights of people) is established and both ethically and legally enforced.

“The Qur’an and the financial independence of woman:
One thousand four hundred years ago, Islam passed this law and ordered:

\[
	ext{"To the men a share from what they have earned, and to the women a share of what they have earned. (4:32)"}
\]

“In this verse the Qur’an considers men to have a right to the fruits of their labor and efforts. In exactly the same way it considers women to have the right to the fruits of their labor and efforts.

In another verse the Qur’an ordained”

\[
	ext{"To the men a share of what parents and kinsmen leave, and to the women a share of what parents and kinsmen leave. (4:7)"}
\]

This verse establishes the right of women to inherit and also enforces her fixed share formula so that she is not neglected or pressurized to compromise for less than her share.

It is Islam which gave the financial autonomy to Muslim women many centuries ago which the Western and European women got later in 19th century. The approach of Islam to give financial independence to women was because of its high preference to the humanitarian aspects of Muslim society and its wisdom of devout and mutual justice.
Marx and Engels believed that human greed was the main reason for poverty in the industrial age. During the industrial age, there were many families that were in poverty. Many families work many hours with a small salary. Even the wife and kids of the family were sometimes forced to work to support the family. Thus the factory owners in England exploited this even more and publically announced that as woman or children won’t contribute the same amount of work as would a man working in that position so the payments rates of the adult male workers would be higher than the female workers. Subsequently the laws were enacted which may bring more and more profits to them and it was globally projected as best humane practice and female oriented legislation which address the equality of the rights of men and women ([World Civilization - By bubblesxb, May 2011 | 1st Page].

It is relevant to identify that Islam recognized the women rights not under influence of threat, fear or greed like the greed of the factory owners of England.

The great American historian writer and philosopher Will Durant in his book ‘Story of Civilization’ says that above all criticism on Islam it is true that Islam gave financial independence to women without obliterating the family and other kinship bonds.

Islam does not instigate women to revolt against her husband or father or brother by giving financial security and independence to her rather it just establishes peaceful, harmless and safe social revolution by balancing the rights between men and women through its teachings.

Will Durant at another place in his book The Reformation points out that in West the women was liberated by relieving her from sober and dignified house holding duties but on the other hand she was confined to stores, offices and factories for hard work and much hustle.

The West showed that it is removing the collar of family service from the neck of women and got global appreciation but on other hand her both soul and body were shackled with iron chains of public employment and wage search through which, till today, they ironically blackmailed and dragged them for ill-pleasure and various evil-wishes of society.

Contrary Islam gave women independence from the bondage and slavery of general masses by allowing her respectable roles of mother, sister, daughter and wife which are highly suitable to her personality, physique and spirit. Islam made compulsory for man to arrange the food for her and the whole
family. Nevertheless the Islam recognizes the right of women to earn save and add in the wealth in conformity with the human nature. The Islamic social role given to woman helps her to maintain her natural pride, beauty, honor, peace of mind and tranquility.

**End Note:**
The Islam centuries ago through the teachings of Quran and by practices of a real Islamic society during the Prophet’s (PBH) life and at many other subsequent instances has established right of women to own property and assets although such concept of women rights was not prevailing among the societies of primitive Greece or Rome or Japan or, till recently, in the most developed and educated western societies and their countries. In England two laws in 1870 and in 1882 were passed under the title ‘Married Woman’s Property Act’ to protect women rights of property. In Italy during 1919 the legislation was done to give women rights to own assets and property. [A legal restraint upon a person incapable of managing his estate, because of mental incapacity, from signing any deed or doing any act to his own prejudice, without the consent of his guardian]. In the Civil Law of Germany after 1900, and in the Civil law of Sweden after 1907, the women were given the same legal status like her husband.”

Surprisingly married women in Portugal and France are still on the list of prohibited persons, although Act 18 of February 1938 in France has amended the limits of the prohibited. These legislations being very late raises many concerns and put question mark on the humanity and feelings of Europe in relation to women. These questions are well responded by Will Durant in his book ‘The Pleasures of Philosophy’ under the chapter heading ‘Reasons’. Therein he identifies that why the belated freedom was granted to the women of the west and what sorrows come across as dreadful reality due to this independence. He discloses that the woman in west was purposely given controlled independence to own property and work outside her house so that she can be made to bow her head to the greed and covetousness of Society Men rather to the Family Man and subsequently allowing the Society to control Woman by alluring her through multiple mirages and fantasies and ultimately transforming a House Wife to Society Girl. This independence ultimately caused the Ruined Family Structure and fall of the woman to the extent that she openly accepted the work title of Sex Worker. He concludes that the People who conspired to destroy the Home and Family Structure were the Patriotic Manufacturers of Nineteenth Century in England.
He further writes that in 1882 it got legislatively allowed in Great Britain that women are allowed to earn and use their earnings the way they want;
which apparently was nice; ethical and a moral Christian endorsement but surprisingly this legislation was forced by the English Industrialist in the parliament and not by the social or religious reformers. The reason of Industrialists involvement was to get more profits by paying fewer wages to their female workers and accordingly by enacting this legislation they were able to attract more women for working in their factories and offices. In other word to “make more profits” the women was drawn out of the pleasure and security of household and was thrown to the factories, shops and playboys and later this profit making got labeled as “ interest of women”. (pp. 131 & 132)

It can be estimated that the unethical liberation of West in relation to sexual relationships caused thousands of unmarried women becoming pregnant; the births of illegitimate children and their socially unprotected single mothers which is causing more threats to the dignity; self respect; social and economical status of women.

It is statistically on record that in Western countries despite their openness and advocacy for female rights there are thousands of female teenagers and adolescents who are sexually assaulted; discriminated and are committing suicide because of social and financial hardships they are facing; this is because the liberation given by their educated western societies is not actually the freedom rather is change of women status from “service to slavery”. The women got pushed from servicing her family to the slavery of industrialists, play boys; lustier and the common man of society under the enchanting slogans of “women Rights” and “Freedom from discrimination”. These issues of the western cultures and societies are of grave concern and very alarming; it is therefore hey need to be intelligently addressed by the concerned societies earliest and there would be no harm if they remove the “bigotry glasses” and evaluate on merit the teachings of Islam in relation to women and even for a trial adopt them.

In Islam the women have the same moral obligations and are entitled to the same general rights as men in guarding chastity, integrity and handling financial matter. No perverse standards are allowed in case of women financial security. Women are equally qualified and allowed to engage in financial dealings and property ownership. According to Islamic law women can own, buy, sell and undertake any financial transaction without the need for guardianship and without any restrictions or limitations; which is a situation unheard in many societies until modern times.

Men and women have set and determined rights to receive their fair share of wealth, just as they are obliged to give Zakat (Obligatory Charity) according to the set calculation. All Muslim scholars unanimously agree upon this. A
woman has set share of inheritance which was a right unthinkable in many societies. The Islam gave such SMART and modern approach about women many centuries ago which is still scarce in many of the western cultures despite some legislations. Islam always regarded family; women and human rights of utmost importance.

Chapter-11

**Women and Political Rights**

**Politics:**
The Greek word “*Politikos*, is the root of the expression “Politics” and literary stands for “**of; for; or relating to citizens**”. [Wikipedia]

The Politics, on macro level, is an art to amicably and successfully solve the complicated and complex issues of people and state of a particular geography. But on micro level it too applies to the efficient handling of the institutions, fields and special interest groups like minorities, women, academic, cultural and religious segments of the society. It is a social relationship among authority or power and methods used to formulate and apply acceptable working rules amid the general masses. [Politics Portal” Retrieved 7 April 2012]

The modern political dialogue focuses on social equality and relationship among masses during the course of sharing rights and responsibilities; accordingly the Politics is defined as: **“The way of making decisions about public policy”**  

1 The study of political ideology gives an understanding about the acquisition and application of power, authority and ethical rights; the following definition of the Harold Lass is worth to know: "**Who gets what, when and how**".3

2 The political philosophy is a study of public behavior and political economy to develop good understanding of the relationships between people; financial system; governance and public administration. The philosopher Charles Blatberg a prominent Political scientist identifies politics: **“responding to conflict with dialogue”**.4
A political system is the blend of any legal, economic, cultural and other social systems. The successful political system is an amicable team effort of various is composed of the members of social groups who are in power and co-dependent to each other. A good political system is very crucial to maintain equilibrium among different organ of state; equity among different social groups; and harmony among the state and its citizens. A true political system is always solution oriented through realistic and prudent discussions and follow ups.5

**Political Rights:**
The Political rights assure liberty of its subjects to freely and actively contribute in all social and political activities of the society and protection from all threats and unwarranted infringements.

Thomas Humphrey Marshall, famous British sociologist in his essay collections “Citizenship and Social Class” states that initially these were the civil rights which got chalked out and later political and then civil rights got structured and tabulated”

The application of political rights is most of the time under question; many countries give political rights to their citizens only while there are certain countries where both civil and political rights are granted to all irrespective of citizen or not being considered as universal rights.

Paul Sieghart calls these rights as the major branch of international human rights. The first portion of the 1948 Universal Declaration of Human Rights speaks about Political Rights while its second portion is comprised of economic, social and cultural rights comprise. [Paul Sieghart, The Lawful Rights of Mankind: An Introduction to the International Legal Code of Human Rights, Oxford University Press, 1985]”

Andrew is of the opinion that the political rights include ensuring peoples’ integrity through the equal participation in civil society; liberty to cast the vote; freedom from all types of bias including gender. [Civil-Political Rights entry by Andrew Altman in the Stanford Encyclopedia of Philosophy]”

Many scholars are of the opinion that the political rights entail the power to participate directly or indirectly in the establishment or administration of government, such as the right of citizenship, the right to vote and the right to hold public office. [West’s Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc.]

They believe that, the fundamental approach behind the demand of political rights is to allow humans to live their lives with dignity, equality, fairness
and respect for each other. These rights also allow people to create their own independent lives without fear of discrimination or interference from other powerful and dominant segments of the society; another basic principle instilled under the concept of political rights is **Respect for each other and the community in which we live.**

To conclude the rights which allow a person to take part in political life including the right to vote, hold particular political views and the ability to hold those (public) offices which influence public life are distinguished as the basic Political rights. [regentsprep.org/regents/global/vocab/topic.cfm]

**Political Rights and Today’s world:**

In today’s world there are many countries where the political rights are constitutional guarantees and are included in state legislation. There are international instruments including but not limited to the “**Universal Declaration of Human Rights (1948)**” and the “**International Covenant on Civil and Political Rights (ICCPR) (1966)**” where the political rights of the masses, without being gender specific, are defined and assured through ratification of UN member states.

The famous American legal scholar, Akhil Reed Amar (1998), asserts “The civil rights include the rights to own property, make and enforce contracts, freedom of speech, receive due process of law, worship one’s religion or to testify in court etc. The political rights include the right to hold public office, to vote and to have political opinion. Until the middle of 19th century most of the civil rights and all the political rights were exclusive for adult males.  

[Amar 1998: pp216-17]”

According to German Jurist, Friedrich Savigny, “The civil rights are the basic legal rights a person must possess in order to have a dignified status in the society. They are the rights that constitute free and equal citizenship and include personal, **political** and economic rights. No contemporary thinker of significance holds that such rights can be legitimately denied to a person on the basis of race, color, **gender**, religion, national origin or disability.

The gender distinction for political rights was conceptually and morally unstable as it was used to sort citizens into different categories. Initially it was part of an ideology that women were entitled to certain rights but not to all which men were entitled; this ideology broke down when the political awareness through mass movements began. Accordingly the idea that a certain segment of the adult citizenry could legitimately possess one bundle of rights while another segment would have inferior bundle became increasingly implausible and ultimately the political rights distinction based on the gender differences could not survive the cogency of the principle that all citizens of a liberal democracy are equally entitled to same rights.
In majority of democratic countries these rights are structured and tabulated so that they are not infringed and in case if they get infringed then a legal remedy may be available to restore them to their citizens.

The social conventions also help to define the political rights; it is thus they are also known as implied or undeclared rights and it is because that the courts usually accept their existence even if they are not expressively guaranteed by written law or custom; one example is the right of one vote one person which is widely accepted world over”.

**International Covenant on Civil and Political Rights (ICCPR)**
It works as guarantee for the political rights of the masses in present time, along with those of civil rights, under the legitimate authority of the UNO and its members.

It demands UN members to structure and codify the civil and political rights for the general benefit of their inhabitants (both citizens and non citizens).

**Objective:**
It defends the fundamental right to life and says that no one can be tortured, enslaved, arbitrarily imprisoned, forced labor or be restricted from such basic freedoms as movement, expression political views, holding public office and association.”

**Political Rights of Women in Western World:**

It is the political right of all inhabitants of any country to hold the public office without any discrimination and purely based on their competence and abilities. But it is fact that political scene is dominated by males in most of the countries.

The history of western countries is evident that women were downplayed in political arena of their countries of inhibition.
It was Aristotle who in 350 BC in treatise Politics did not consider women, children and slaves from his definition of a citizen. Because of this expulsion and got considered weak in intellect, physical strength and limited ability for public administration the women were not given position in public and government offices or state administration in the western world.
Until nineteenth century the western women suffered gender inequality a lot and were not allowed to vote; they could not litigate or file a suit; could not bear witness in court of law, had inadequate power to hold property after marriage, were hardly ever granted legal guardianship of their kids if divorced and were banned to get higher education.

The role of western women was to be subservient to his husbands and fathers; to stay home and raise children; running the household. The poor families allowed their women to work in factories or as domestic servants.

The western women had limited liberty to enjoy political and civil rights throughout the nineteenth century but many o theta time feminine renaissance movements for women rights made the western governments to enact legislation and pass the laws; some timelines in this regard are as follows:

- In 1839, the law was passed that after divorce mother could keep children until each of them reach seventh birthday
- In 1857, women got the right to divorce their husband if they were missing for long time or were brutal and unkind to them
- In 1870, women got authority to use their money the way they like without taking permission from their male guardian.
- In 1891, women were allowed to stay away from their husbands if they do not want to live with them for their maltreatment or evil attitudes.

But most of these laws were not applicable in real sense because of the strong local cultures and masculine approach of the western societies.

According to Savigny, “In Ancient Greece, the supposed historical centre of democracy, women did not enjoy the same rights as men. Although the rights of women varied from state to state, women were not allowed to vote in Ancient Greece and were therefore excluded from the principles and practices of country politics.

Women were treated little better in Ancient Rome although they were not considered equal before the law. The degree of freedom enjoyed by Roman woman, in this period, largely depended on her wealth and social status; which gave some women influence in Roman society but not power. During Roman times women were expected to be the dignified wife and the
good mother and while these rules could be bent, they could not be broken.

According to English Common Law of the 12th century women were considered as the property of their husbands; contrary to this position of women as property both the American and English believed in equality of men and women. But despite greater freedom and adding their voices to the issue of equality during Anglo-Saxon times, women continued to suffer under the natural order that had always existed and which pervaded thinking on many levels, the assumed patriarchal order.

It was not until the late 18th century that the concept of rights as a claim became part of the intellectual discourse. Along with demands for freedom of religion, the abolition of slavery, the rights to own property and universal suffrage, women rights became central to the debate in Europe, particularly France and Britain. This period is known as the “Enlightenment period” for western women as democratic gender equality started to prevail.

The success shown above is still not complete reality rather there are many flaws in the systems due to which laws are enacted but not truly implemented and the western society is still a strong masculine domain.

In 2010 the United Nations Development Fund for Women (UNIFEM) has published a report showing that the total strength of women in the political offices is about 14% of total strength of members of parliament worldwide ([UNIFEM report 2009-10]; following is the break up as reported in that report:

- Sweden, Denmark, Finland, Norway, Germany, Argentina, Costa Rica, South Africa, Mozambique: 30%
- Republic of Rwanda: 25.7%
- Republic of Uganda: 24.7%
- United Kingdom: 17.9%
- United States: 12%
- Republic of France: 11.8%
- State of Japan: 10%

After UK’s general Election of 2010 the number of women parliamentarian has risen to 143 of 650. In 2012 the women members in British House of Lords were 181 out of 823.

There is only one female Prime Minister in the parliamentary history of UK, the Lady Margaret Thatcher, also during the last 80 years only 5.5% women
got elected as the parliamentarian out of 4,500 MPs at Westminster. There are only 4 women in the current UK cabinet of Liberal Democrat – Conservative coalition government; in comparison the after 2005 election the labor government had 6 women in their cabinet. In 2006, the Labor party had 31% women councilors; the Liberal Democrats have 32% and the Conservatives had 28%. To date, no region has reached the threshold of one-third female councilors.

These figures proves that even the best and model democracies are not doing much against gender discrimination and there is much more to work around the globe including the model democracies for women political rights.

[www.guardian.co.uk/News/Politics]

**Political Rights of Women in Islam**

An Iranian cleric and political writer Motahhari, Morteza (1983) writes in ‘Jurisprudence and Its Principles’ that Muslim women had been significantly involved in the political activities and hold both political and administrative offices in Muslim state under Islamic rule. Islam gave the orders to both women and men to establish “Good” and stop “Evil” prevailing in the society; this is the purpose for all political and administrative offices are established. So the Muslim women are encouraged to legislate and implement, along with Muslim men, those laws through which they can assure that “God” in society will succeed and they “Evil” will be eliminated. That is only possible if they are occupying seats of power through political and administrative institutions and or offices.

Muslim women never hesitated to account for the ruler if they went away from th Islamic teachings; always worked to establish word of Allah through political and intellectual efforts; Allah in Surah Taubah says that:

“The Believers, men and women, are supporters of one another; they enjoin what is Al-Maruf (good) and forbid Al-Munkar (evil)” [Ch.9, Verse No.71]

The phrase “supporters of one another” apply to all socio political mechanism where men and women need to work together to get results. The Muslim women are encouraged to support men in general legislation and political opinions especially in feminine communal and personal issues.

The above verse is a proof that Islam not only includes women in Islamic political system but enjoins it as a duty to her that she should work for “good” in Islamic society. The Islamic history shows that Muslim women had contributed a lot since the time of Hazrat Ayesha (RA) till the
contemporary period where Muslim women have assumed leadership roles in Turkey, Bangladesh, Pakistan and other Muslim countries. Nevertheless what west and pro-western think about Iran but they have the largest number of women in parliament than any other western democracy. [www.nzf.org.uk/Muslimworld].

In past Muslim women actively participated in public discussions even with Prophet (PBUH) and his noble companions (RA).

“Allah has heard of her that disputes with you (Muhammad) concerning her husband, and complains unto Allah and Allah hears your discussion. Indeed! Allah is best Hearer and all Knower. [Surat Al-Mujadila Verse 01]”

Muslim women always showed their concerns whenever it was felt by them that there are issues under discussion related to them or their gender.

It is famous and confirmed by many renowned Islamic scholars that once the second orthodox Caliph Hazrat Umar (RA) was discussing with the learned companions (Sahaba) to legislate for the upper limit of the Bridal price (Maher) as many young men of that time were hesitant to get married due to heavy demands of Bridal price by the bride or her family. During the discussion a common lady from the audiences objected on this legislation by referring the Surah Nisa in her support which says:

“…. You have given …… a Qintar (heap of treasure or gold in Maher) take not the least bit of it back” [Ch.4, Verse No.20]

She further argued that when Quran puts no limit on ‘Maher’ then how come the Caliph can limit the ‘Maher’; and upon listening caliph Hazrat Umar (RA) accepted her argument by saying “Umar is wrong and the lady is right”.

It is important to note that the lady who raised the argument was a commoner as if she would have been a famous lady then her name been quoted while mentioning this discussion by any or all the narrators. This shows that even common ladies of ordinary background were knowledgeable and understood Islamic jurisprudence that is why they were allowed to participate in the discussions related to them with the learned men of their time.
There is a lot of discussion by the critics that Islam stops women participating in politics or to hold political office; but till now they are not able to show a single verse from Quran win the support of their propaganda. However the bible has got Such verses where women are discriminated rather stopped holding political offices of authority.

“Let a woman learn in silence with full submission, I permit no woman to teach or to have authority over a man but she is to keep silent. Adam was formed first, then Eve, Adam was not deceived but the woman was deceived and she became a transgressor”. [1Timothy 2:11-15]

This Biblical verse is included to compare the criticism on Quran with that of Bible but is not to prove adverse about the Christianity.

Nevertheless the Quranic teachings are opposite of what the propaganda is made against Islam by the western critics.

“Whosoever (men or women) interceded for a good cause will have the reward thereof, and whosoever intercedes for an evil cause will have a share in its burden; and Allah is ever all Able to do everything.” (4:85)

Islam decrees the compassionate and dignified status to women because of its inherent truthfulness rather than any communal threat or pressure of women or their supporting groups.

On one side the west encourages women living in Muslim countries to have a political voice for women rights but on the other hand many western democracies through their discriminating laws have usurped many fundamental rights of Muslim women who are living there; for example usage of head scarf or face gear or taking the robe to cover body or any Islamic identity which protects them from lust. These laws are, prima facie, discriminatory because in the same society and country the Jew and Christian religious women (Nuns) can use head gear, robe and scarf openly and under the protection of law.

Another token gesture of western contradiction in behaving with Muslim women is evident through the appointment of the US/UK led CPA (Coalition Provisional Authority) in Iraq where just three (03) women out of 25 members are appointed in Iraq Governing Council.
The basic tragedy of the majority of Muslims in the Muslim countries is that they are motivated to kill and get killed for Islam but not ready to practice the teachings of Islam both at individual and society level. It is catastrophic that both Islam and the Islamic rules (Ahkam-e-Shariah) are not truly implemented anywhere across the Muslim world rather what we see is either a semblance of western democracy and the local traditions and or democracy fused with a distorted Islam which consists of those Islamic segments which suit to the local people; both these do not resemble to real Islam.

Although the critics portray the gloomy picture of Muslim women in the history of the Islamic political system but it is not the fact as the records of Islamic history are vocal that after the introduction of Islam to the world the Muslim women took active part in the politics and came from seclusion to contribution because of Islam.

Islam establishes such an efficient political system where male and female politicians are developed to look after the affairs of people in accordance with the commandments of Allah. The Islam gives awareness that both men and women are accountable before Allah for their actions.

It is mentioned in the Holy Quran that:

“And give glad tidings to those who believe and do righteous good deeds that for them will be the gardens (paradise) under which rivers flows…” [2:25]”

The gender discrimination never gathers any mass in true Muslim society and Islam while developing Islamic political system does not compromise on the gender impartiality. The Islam is not worried to prove who is better the men or women rather motivate both to participate in politics to hold authority and then to serve mankind in the interest of justice with their best skills and abilities.

Islam since its beginning wants the Muslim woman to participate the same way as the man may participate in relation to societal and communal affairs. She is allowed to participate for political offices but without hindering or deteriorating her domestic and family life. In Islam the women is encouraged to propagate the message of Islam to non Muslim women and her family limited to close relations. In comparison the western women is still struggling to get her full political rights.


**Closing lines**

**Conclusion**

This research has tried to reach merit oriented comparison of women rights through exploring the following facets:

- The evaluation of women status in the pre-Islamic Arabia; Roman civilization; Orthodox Judaism; traditional Christianity; contemporary modern secular culture and Muslim society

- The gender equality points such as human dignity; rituals; performance of obligatory religious decrees both related to Creator and His creation; honors and awards; penalties and reprimand; freedom of financial operation; respect and self-esteem; learning and education; responsibility as society reformist

- The responsibilities and privileges of women in the society as a child; sister; wife; mother and individual.

- Discussion and denials about the misapprehension relating to women rights and duties in Islam such as polygamy; appointment as head of affairs and Judge; Testimony and witness; inheritance; veil and cloak; conjugal rights and obligations; maintenance; ritual teachings and religious preaching; guardianship; house holding and discipline; honor killings and body disfiguration; divorce; selection of gainful vocation; paid work; skills learning and formal education etc

The primary segment of this research paper overviews the comparative study of three widely practiced religions and prevailing established cultures on the subject under research. This was to have bench marking to collect the comparative data and its subsequent analysis.

Some segments of this dissertation examine various trends and periods from ancient ages to latest 20th century but with the main focus on those 1400 years which are gone past since the middle of sixth century, which is marked with the dawn of Islam, to the contemporary time. This portion of research was to get material to evaluate events; intents; processes and efforts in relation to women’s right and their global recognition.

In the subsisting sections of this writing the womanhood and its rights are focused. The special attention on the women as a person; symbol and character is given in reference to the original and authentic sources of Judaism; Christianity and Islam. This was to compare women and their rights against chief religions
and to find what the religions have in common; where they differ; what they disagree; what are the real practices of their followers in relation to the women handling; and how the secular minds and reformist of modern times behave with woman.

It is true that as the time passed and Islam grew older its followers did not religiously followed the real Islamic teachings rather preferred to adopt both their cultural practices and Islamic traditions together under the name of Islam and Muslim culture. But this does not mean that Islam was surrendered as religion rather Islam grew that stronger that by now the second biggest religious followings are of Islam in the world.

The deviations in faith and practices of Muslims were highly focused by many Islam critics to that extent that many pro-western writers exaggerated these differences in their writings or pictographs that Islam looked ridiculed as a religion of mockers; hypocrites and barbarians. This although was never true but the propaganda was so strong that majority of non Muslims and some Muslim population segments who had no research in Islam accepted these blames and acquisitions on Islam without evaluating such blames against common sense and general intelligence.

Despite all the criticism and propaganda about Islam none of the critic or oppose of Islam can deny any of the following facts:

- That the rights and character of women got highly regarded in Islam since the Prophetic times as early as seventh century. The Islam respected woman as mother by calling paradise under her feet; as wife by calling eye comfort and dressing of her husband; as daughter by guarantying her father to enter in Paradise if he brought his girls up with the fear of Allah and according to the teachings of the Holy Prophet (PBH); as sister by giving her right to inherit with her brothers in the property and wealth of their fathers.

- That the Muslim women had rights to hold leadership positions since the time of Prophet (PBH) both in religion and society. There were many Muslim women who were religious scholars like Hazrat Ayesha the wife of Prophet (PBH) who was the best source to learn Islam of her time; Hazrat Ayesha Bint Saad Bin Waqas who was scholar of Hadith and her students have the names like Imam Malik and Imam Shaafai; Zainab Bint Usman wrote many books on Fiqh (Islamic legislation); Razia who was the sister of Al Hakim of Undlus worte books on history and geography; Aisha Khas was a known calligrapher and Musician whose work is in Sanskrit; Greek and
Arabic.; Nusayba Bint Kaab was the great warrior Muslim women who defended the Prophet (PBH) during the battle of Uhud; Um Umara who was called by the Prophet (PBH) as the better warrior then many men; Umm Hakim who alone with single hand dispatched seven Byzantine soldiers during the battle of Marj al Saffar; Al Shifa Bint Abdullah is called as the first lady teacher of Islam and she also taught Hazrat Hafsa the wife of Prophet (PBH) to read and write also she was good in medicine and used to practice “Ruqaya” to treat Arabs etc.

✓ That there is not a single verse; decree or recommendation which orders to treat women as lower creed; treat her harshly; reject her financial rights; usurp her socio-cultural rights; revoke her political rights; distract her spiritual rights etc

✓ The Muslim women have always been appreciated for her chastity and maternal qualities by the non biased critics and western narrators.

✓ The Muslim women got her rights without any external or social threat or pressure of women or any liberation movements rather because of inherent truthfulness of Islam.

✓ The Muslim women is entitled of her human rights since her birth from Allah which can neither be revoked or denied by any of the worldly authority including guardians; law; society or any other power..

✓ On the other hand our contemporary women got her few rights recognized by the world after struggling a lot for many centuries and when the society needed her work support to combat human resources shortage and labor work force during world wars and technology revolution.

The Islamic teachings about the women and their rights are very much applicable and effective even today despite centuries are gone past since the revelation of Holy Quran; this proves and establish that Islam is a divine religion which brought those real and natural rulings in favor of women and
her rights which brought her respect, glory, integrity; protection; security; family support etc.

The everlasting Islamic teachings are a proof that Islam is the word of most Wise and All Knowing Allah whose insight and acquaintance are far beyond and absolute resulting continual improvement and progress for women and their rights.

Islam gives woman more rights than she is given elsewhere, even in the western societies, such as the right to keep all of her property even in a divorce; the right to keep her own money; even the right to be sexually satisfied, among many other things. Non-Muslim women don't have those rights by default rather they have to effort to get them.

The concept of marriage dowry (Mehr) might seem odd in modern world but it has its merits. Many divorced women in west live below the poverty line because their ex-husbands are unwilling to support them. They pay the least amount of maintenance possible and transfer their assets to their new wives so that the ex-wife gets nothing. There are not many divorced women who live at the same standard they had while married unless they are professional women. To me, Mehr is like an insurance policy for any woman.

I consider the concept of men being able to have multiple wives was also a way for women to be kept safe and protected if their husbands died or they could not otherwise marry. I am not sure whether it is as relevant today; most men don't have enough money to support more than one wife and family. Moreover, the Holy Qur'an stipulates that the man should go for additional wives only when he can be just in handling them and what one wife gets the others must also be provided with the same or equivalent.

Islam gives women more respect than any other faith. My experiences have shown me (for the most part) that Muslim men really respect women and like them for who they are. In my opinion, nothing is more decent than a woman who is properly covered up. No woman with any amount of self-respect would walk around looking like she is soliciting femininity.”

“The woman is never compromised or coerced in any way in Islam. She is always in control of her body and is always provided a safe environment. What a good concept. Women are protected in Islam and Men are responsible for the safety, protection, financial support and well-being of their wives and families. Perhaps an old fashioned concept for many people but it successfully works and delivers results. Real women want to be with real men. Moreover, Islam allows for women to be emancipated and independent. Islam is easy and fair for both genders. It is a faith between an
individual and God. In its story about Adam and Eve, Islam did not mention that Eve encouraged Adam to eat the forbidden fruit. The original sin concept led to the downgrading of women in the early Christian culture. Muslim women can do anything that any other woman in the world can do, cultural limitations notwithstanding. The only difference is good Muslim women still give priority to their honor, self dignity and respectable social interactions. Generally speaking, my experience has been that Muslim women have more self-respect and confidence than non-Muslim women because Muslim women know what really counts.

Islam has always upheld the respect, rights and dignity of women in a society which is run under control of Islamic approach. Allah considers all mankind respectable, dignified and equal irrespective of any discrimination on the basis of gender, race, color, creed, language etc.

According the true Islamic standards all men and women are equal against compassion and basic values, commitment and responsibilities. The only distinction among mankind which Islam recognizes are fear of Allah, pledge to behave according to the guiding principles set by Allah and their level of practice and application in individual’s life. Allah has stated:

"We created you from male and female and divided you in tribes so that you may recognize one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you". [Al-Hujrat: 13]

This research, “on the face of facts and merit, can best be concluded by accepting the truth that about 1400 years ago Islam gave the women a complete role, dignity, protection and described their duties with rights which most women do not enjoy today, even in the west and or modern world which claims to be the most supportive and accommodative culture for women’s happy and dignified life. Yet, the religion which revolutionized the status of women is being portrayed as repressive to women. As mentioned earlier, this myth is perpetuated by the western oriented media by highlighting conservative social and cultural norms of ignorant Muslim communities as Islam oriented and guided principles for women handling. The media is one of those many powerful weapons which can be used in favor of Islam or against it. The media representative present only those broadcast which they want us to believe; the anti-Islamist Media in front of
us pass their coded messages in shape of movies, dramas, cartoons yet we are unable to understand.

After meticulous research, group discussions, logical arguments, exploring diverse literary authentic references and consulting multidiscipline orthodox, resilient and contemporary approaches it establishes that the Islam is the best sanctuary for women to live happy and respectable life in comparison to all preceding or existing societies or traditions or cultures.

But to get benefits of this road to success it is must that the teachings of Islam are understood without prejudice and in true letter and spirit. The current practices neither of Muslims which are not derived from teachings of Islam and are not according to the Islamic principles should neither be practiced nor to be focused to debate or resistance by both the followers and critics of divine message of Islam.

It is important for women to understand that the struggle and hardships which they face, during life, to get their due rights and just status will not go in vain and will certainly bring good change in the approach of the general society and the women will be treated the way she has to be regarded.

ALL praise is due to Allah, and may He render our Prophet Muhammad safe from every derogatory thing, and exalt his mention, and the mention of his household and Companions.

May Allah accept this effort (Amin)