



UNIVERSAL HUMAN RIGHTS- RIGHTS OF WOMEN IN ISLAM

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ABSTRACT :

The concept of human rights incorporates in itself the element of Universality. The notion of human rights becomes meaningless if we fail to apply it to all the human beings on an equal platform. However cultural diversity is challenging the universalism of human rights. The religious fundamentalists and the cultural relativists are rejecting the Universalist theory of human rights by branding them as western values. They see it as the cultural imperialism of the west. On the other hand advocates of the doctrine of universal human rights argue that certain rights are inherent in all the individuals irrespective of their cultural and religious background.

Severe social struggles were waged in the west for more than a century that resulted in the granting of equal rights to women and non-white people. There is still a long way to go for the Universalists of the doctrine of human rights. In many parts of the Eastern World cultural relativism and authoritarianism still remain as big challenges for the Universalist theory of human rights. In this context, this paper tries to examine the uncovered areas in the journey of the doctrine of universal human rights. It focuses on the rights of women in Islam and identifies still to be covered distance by the vehicle of the advocates of universal human rights.

KEYWORDS : Platform, Diversity, Relativists, Imperialism, Authoritarianism.

INTRODUCTION

“All human beings are born free and equal in dignity and rights”. Everyone is entitled to rights without distinction of race, sex or other status - Universal Declaration of Human Rights.

The doctrine of human rights enunciated by the UDHR carries with it the element of universality. The essence of the concept of human rights is to secure the freedom of every single human being without any discrimination of race, gender, sex, nationality, sexual orientation and other differences. However the element of universality of human rights is challenged by certain individuals and even some countries had strong reservations in signing the UDHR by citing cultural variations among several groups in different parts of the world.

Among the many groups in the world, women constitute a group whose rights are systematically violated around the world. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW), described as an international bill of rights for women mandates the governments around the world to eliminate gender discrimination and secure gender equality in education, work and representation.

The United Nations has a long history of addressing women’s human rights and a significant progress has been achieved in securing women’s rights around the world. Since the adoption of UDHR, states have repeatedly emphasized the universality and indivisibility of human rights. At the world

conference in Vienna (1993) they specially recognized that women's human rights are part of universal human rights. The Vienna programme of action (1993) also explicitly stressed the importance of eradicating any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism

In spite of several international instruments and resolutions, women are denied equal human rights in several parts of the world. The greatest impediment in the way of realisation of equal human rights for women has been the religious fundamentalism. Most of the religions prescribe subordination of women to men. It is ironical that some religions extol the status of women but at the same time support regressive actions against women. Thus women's rights are systematically violated around the world by using religion as a weapon.

RIGHTS OF WOMEN AND ISLAM:

Among all women, the most suppressed are the women in Islam. Many human rights activists and feminists have questioned the compatibility of Islamic Scriptures (principles) with the International Bill of Human Rights in general and with the principle of gender equality in particular. The advocates of Islamic Fundamentalism brand the UDHR and all human rights conventions of the United Nations as products of western Christian culture. However progressive Muslims advocate that Islam recognized certain important rights of women. An analysis of the holy text of Quran will clear the air about the rights of Muslim women.

The place of Women in the Quran

Quran is the most authoritative religious text for most of the Muslims all over the world. It provides moral, spiritual and social guidelines for the worshippers. The principle of equality of men and women in the Quran can be examined at two levels, namely spiritual and social.

Equality at the Spiritual Level

The Quran identifies the desirable spiritual qualities in male and female as similar and assigns them similar responsibilities. Quran declares the equality of both sexes in terms of intellectual capacity and reasoning. Both the sexes are expected to perform their prayers the same way. With regard to female infanticide a social evil, which was a common practice among Mecca Arabs in pre-Islamic times, the Quran asserts the equal value of male and female children. By banning female infanticide the Quran grants women the right to life. Biology does not seem to play a role in determining one's relation to God and in that sense Islam treats men and women as equals at the spiritual level.

Muslims are not supposed to conduct their religious rituals unless they are clean. Hence women cannot perform their daily prayers, fast or touch the Quran during their menstruation period. It is in this aspect that one finds the balance tilting in favour of men.

Social level- Divine Discrimination

At the social level Quran presents a hierarchal structure. The institution of marriage creates two unequal human beings. Quran keeps the husband both in charge of the women's body and the reproductive process. He is responsible for looking after both the children and the wife according to his means. This leads to unequal inheritance rights between men and women. The logic follows that since man is obliged to meet the needs of the family, he is qualified to receive more. This justifies the unequal distribution of property.

Another two aspects that reveal gender inequality in Islam are the allowance of polygyny and the condition that women should wear burqa and lead a secluded life. In Muslim societies such social inequalities are justified in the name of securing protection for women. No matter such aspects perpetuate glaring inequalities between the both sexes.

At the social level the Quran permits gender inequality. The social differences are acknowledged and also treated as acceptable. The punishment for adulterous behaviour varies according to the social status of women. The wives of the prophet deserve double the punishment of the ordinary female

believer. Quran does not oppose inequalities among men at the social level. It accepts class differences, unequal distribution of wealth and income. Islam as a religion is not against individualism. It embraces individualism and also makes individuals accountable both to God and to other members of the society. Islam does not reject individual rights but opposes the possessive individualism of classical western liberalism.

Though prominence is given to community in Islam, the rights and responsibilities at both the spiritual and social level lie with the individual. Inheritance rights and property ownership are assigned to the individual. Marriage is a contract between two individuals. Even after marriage the partners keep the ownership of their individual properties separately. Women has opportunity to take to the legal course as individuals. They can separate from their husbands, they can sue, be sued, serve as witnesses and be parties to contracts. Thus Islam as incorporated in the Quran recognizes women as individuals and accords them rights and duties as such.

Though Quran pronounces the equality of all human beings at the spiritual level, the conservative Islamic Clergy in practice have imposed certain restrictions on women, like prohibiting them from congregational Friday prayers and considering them as intellectually inferior etc., Women's concealing of the hair and the entire body with the exception of the face and hands has been advocated by those who claim that the practice had been ordered by the prophet. Profound differences exist in the contemporary feminist approaches to the new veiling adopted by Islamist women or imposed upon women by Islamist States. A review of women's rights in both what Muslim jurists consider to be the current Sharia (Islamic law) and it's coding into personal law in specific countries reveals that women can enjoy some rights, but not on an equal footing with men. A comparison of actual conditions of women in these countries and the laws would reflect that even these limited legal rights of women are not protected and consequently not enjoyed by many women.

CONCLUSION:

Some Islamic theologians are currently challenging the traditional interpretation of the Quran that prescribes the subordination of women and are doing so within the theological parameters of Islam. Such a voice is to be supported by all the rational and progressive forces in Islam so that the religion gets democratised and ultimately leads to the equal rights of all the believers. The historical context in which Islam originated may justify the discrimination against women. We are in 21st century human world where nothing can be permanent. In this age of democracy every religion has to transform itself so as to eliminate the discriminatory provisions against the weaker sex. The religious fundamentalists can no longer suppress individualism in the name restrictive religious practices. A true human world can be possible only when individualism stands at the pinnacle of it.

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