

Human Rights and Women's Rights in Islam

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Abstract

This paper aspires to elucidate three general misunderstandings about the Islamic belief and issues of human rights and women's rights prevailing in the West. After the incident of 9/11 the first misconception propagated via western media is that Muslims are terrorists because they believe in Jihad. It is literally the case that Islamic teachings stress the value of peace and prosperity for all human beings irrespective of gender, race, religion and community etc. The second misunderstanding is that Muslims are reluctant towards scientific knowledge and only aim to seek religious knowledge. Despite the fact, Qur'an emphasizes that the opportunity to seek all forms of knowledge is a human right and responsibility of all Muslims irrespective of gender discrimination. The third misapprehension and perhaps, the most controversial, is that Islam subjugates women's rights. In reality, Islam offers women the right to make their own choices in the areas of education, business, and property, to name a few. In Islamic society women enjoy the due share in inheritance.

Keywords: Human Rights, Women Rights, Islam, Misconception.

Introduction

This paper reveals some current misconceptions and its clarifications prevailing in the West about the Islamic society by presenting the position¹ that Islam takes on human rights issues, and by exploring the practicing Muslim's perspectives and experiences of being a Muslim in *the* Western world. In this paper I first evaluate human rights in Islam with UNESCO's Universal Declaration of Human Rights (1948-1998). I start by giving an overview of the human rights of men and women as elaborated and stressed in the Qur'an (the Holy Book of Islam). I then explore women's rights in Islam according to the Qur'an and Hadith (the sayings and practices of Prophet Muhammad P.U.B.H). My debate

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analysis Islamic human rights specifically with Article 2 of the Universal Declaration of Human Rights (1948-1998):

The Universal Declaration of Human Rights (1948-1998) interpret that everyone is entitled to all the rights and freedoms, without distinction and discrimination of any kind, such as race, color, sex language, religion, political or other opinion, national or social origin; property, birth, or other status. Furthermore no distinction shall be made of the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self- governing or under any other limitation of sovereignty, (p. 2)

The Universal Declaration of Human Rights (1948) gives me the right to interpret my religion and live according to my faith. The argument I present here is based on that understanding.

In the world, there are many misconceptions about human rights in Islam. One of the most damaging misconceptions regarding Islam and Muslims occurred after the tragic events of September 11th, 2001. The entire Islamic faith became the subject of scrutiny and heated debate across the world. Perhaps the biggest perpetuating factor in this ongoing hostility between the West and the Islamic world has been the media propaganda hype in labeling Muslims as *terrorists*. As Said (1997) observed, "Islam has become, therefore, a central discussion in many policy making as well as media, circles (sic)" (p. xx). Similarly, Josephine Ivy Janezko, a Canadian converted Muslim, stresses the need to demystify the meaning of Islam by exploring her experiences of Western misconceptions about being Muslim (Tanveer, 2000). She explains that:

I am concerned because I know what my culture (Western people) believes about Islam is not true. I feel defensive when I see Muslim bashing on the news and media hype on how Muslims are terrorizing the world. The world through news hype, is taught to fear Islam because of lack of knowledge about it. Muslims are actually taught to live in peace; the word "Islam" in Arabic means peace. Although it troubles me that so many people have several misconceptions about Islam, I feel that this is a struggle (personal Jihad) I am willing to participate in with my heart and soul. If we do not educate people, those misconceptions will never cease, and so I am willing to help people understand what Islam truly is. (p. 34)

Said (1997) confirms Janezko's observation that "public media ... has been filled with negative images about Islam" (p. xxvi).

There are three major misconceptions that result in negative images of the Islamic world. The first is that Muslims are terrorists because

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Muslims believe in Jihad because it is an obligation in certain conditions. However, Islamic teachings stress the value of peace and prosperity for all human beings. The second frequent misperception lies within the field of education as a human right in Islam. That Muslims prohibit scientific knowledge and only aim to seek religious knowledge is a common misconception in the Western world. Yet the Quran emphasizes that the opportunity to seek all forms of knowledge is a human right and responsibility of all Muslims. Thirdly, a grave misconception about the opportunity towards women remains the most controversial in the Western world. Islam provides equity for males and females, although their social roles are different. This does not imply superiority of male over female but acknowledges that both have to play different roles in the social system. In reality, Islam offers women the right to make their own choices in the areas of education, business, and property, to name a few. This misconception is partly due to the Western stereotypes of Muslim women as being ignorant and submissive.

Misconceptions are not only a problem created by the West, but are also created by supposedly Islamic leaders who do not practice Islam. They are less in numbers but they may believe theoretically and gain the advantage of appearing to be knowledgeable or pious in the Islamic world, but their practices are contradictory to the teachings of the Quran and Hadith. There are roughly one and a half billion Muslims all around the world and 56 Islamic states, but the majority of these states are without practicing Islamic rulers. Unfortunately, many so-called Muslim rulers are not following Islam as outlined in the Quran and Hadith, which only contributes to the misconceptions about this sacred religion. Badawi (n.d.) argues that "rulers should avoid using the argument of cultural particularity to justify anti-Islamic and non-Islamic practices and to continue oppressing men and women alike" (p. 2). For instance when the Taliban took control over the political landscape in Afghanistan during this past decade, their actions misrepresented the Islamic faith and *its* teachings. But western media also forcefully presented the bias picture of the whole scene. In particular, one of these actions included the prohibition of educational freedom for women, which was against the Islamic teachings and practices of the Prophet Muhammad P.B.U.H. Therefore, the action of these so-called Muslim rulers not only instill feelings of fear towards Islam, but are also creating a religious barrier among other nations and people.

Islam places an emphasis not only on the value of individual human rights, but also on human responsibilities. These include social, spiritual, political, educational, and legal rights and responsibilities. In order to comprehend the essence of human rights in Islam, one must

First understand the Islamic religious tenets, also known as pillars, that guide the daily lives of practicing Muslims. The five basic tenets of Islam include a) Tawheed, which translates to the concept of oneness of Allah, which itself simply means "The God" (Monotheistic); b) *Prayer*, which includes a submission (praying) to Allah five times a day; c) *Zakat and Charity*, which describe a compulsory tax on the rich and wealthy to be given to the poor every year and the voluntary act of giving and kindness towards the less fortunate, respectively; d) *Fasting*, which entails fasting for one month during Ramadan in order to exercise self-control in our own lives and engenders a connection with the poor; and e) *Pilgrimage*, which is a holy journey to Mecca and Medina, the holy capitals of Islam.

In addition to these *five* religious tenets, practicing Muslims also adhere to the social aspects of human rights and responsibilities. These social aspects are grounded in an underlying belief that one must treat others with dignity and respect. A violation of one's honor or respect results in a violation of one's human rights and responsibilities. Islamic Laws as they pertain to one's personal, professional, and religious rights and responsibilities coexist with a social environment. For example, health professionals must understand what is permitted and forbidden in treating ill patients. Similarly, for engaged couples who are preparing for marriage each partner understands the Islamic teachings on marriage, and his or her rights and responsibilities. For example, the man has the responsibility to provide social and economic security, and the woman has the responsibility to take care of the children.

Muslims must look to the Qur'an and Hadith as a guide for how to respectfully practice human rights and how to uphold their responsibilities to humanity. The Qur'an directs human beings in how to conduct their lives and their behavior, and as such, Muslims should strive to understand its meanings and implement these teachings in their daily lives. In the eyes of Allah (Subhan WahuTallah²) all humans have equal rights, as stated in the Qur'an:

"O mankind, indeed we have created you from male and female, and made you peoples and tribes that you may know one another. Indeed the most noble of you in the sight of Allah is the

most righteous of you. (Qur'an, chap. 49: 13, as cited in Badawi, n.d.)"

Further more the Qur'an serves as a model for human behavior and sets out very clearly the responsibilities that humans must, enjoin. The Qur'an states that:

"O Men: we have created you of a male and a female, and made you tribes find families that you may know each other; the most honorable of you with Allah is the One among you who is most careful of his duty. Qur'an, chap. 69:13, as cited in Badawi, n.d.)"

The Quran states that men and women have the same rights and responsibilities, Both shall face the consequences of his or her actions and deeds Never will I suffer to be lost the work of any of you, be he/she male or female: you are members of one another If anyone do (sic) deeds of righteousness, he they male or female, and have faith, they will enter paradise and not the least injustice will be done to them. (Qur'an, chap. 4:124, as cited in Badawi, n.d.)

The Prophet Mohammed (PBUH) said that one race or nationality is never superior to another. The only things that make one superior are good actions and piety (Prophet's Last Sermon, n.d.). Additionally, Badawi (1995) refers to the Qur'an arid says that no one gender, one nation one language, or one color, is ever superior to others. As Badawi (n.d.) observes, the Qur'an makes it clear that the "sole basis for superiority of any person over another is piety and righteousness, not gender, co or, or nationality" (pp. 4-5).

In addition, Ashraf (1978) refers, to a great philosopher and poet, Allama Muhammad Iqbal's understanding of Islam, when he states that Islam is a religion of universal brother-hood, discarding racial and territorial differences. National and territorial considerations are recognized by Islam, only for facilities and references sake. Otherwise, according to the Prophet of Islam, there is no superiority of Arab over non-Arab, Or one nation over other, but because of virtues. P. 154)

According to the Qur'an all human beings are equal and hone shall enjoy a privilege or suffer discrimination because of religion, race, color, sex, origin, or language. Even 1,400 years ago, Islam highlighted that all human beings are born free: slavery and forced labor are abhorred. It is interesting to note that what Islam acknowledged and recommended 1,400 years ago, is echoed by

Article I of the Universal Declaration of Human Rights (1948-1998), which states that "aft human beings are born free and equal in dignity and rights" (p. 2).

As staeed in the Qur'an and Hadith, the institution of family is the cornerstone of all social life, and then fore it is protected, preserved, and honored. Husbands and wives are a source of tranquility, affection, and mercy for one another. Children are to be treated equally and not shown any favoritism. Children cannot defy their parents. Paradise (heaven) is at the feet of the mother. Because of the importance placed on the family, every person has the right defend him of herself in order to protect his or her family and property from harm. In addition, there is no concept of original sin in Islam. A child is free from sin until puberty. Every person is responsible for his or her own good and bad actions. One is not accountable for another's actions; however, it is our Islamic duty to remind people to enjoin good and forsake evil.

Power is a sacred responsibility in Islam. The Qur'an advises authority figures never to violate that privilege. It is the responsibility of rulers to look after the basic needs of their subjects. On the Day of Judgment they will be asked how they delegated their responsibilities and will be judged accordingly. The Qur'an states, "equal opportunity for all, equal access to education, professional training, and meritocracy are the bases of a civil society, an egalitarian society, and especially a united society" (Badawi, n.d.). Similarly, Article 7 of the Universal Declaration of Human Rights (1946-1998) states that "all are equal before the law and are entitled without any discrimination to equal protection of the law" (p. 2). Cassam Uteem, the first Muslim president of Mauritius and a great Islamic ruler, met this Qur'anic principle by improving the literacy rate of his country, fighting for workers' rights, and refusing gifts from constituents that he had helped, among many other great achievements. Many heads of state throughout the world can learn from the example of Cassam Uteem. According to the Qur'an and Hadith, Muslim rulers have an obligation to provide equal human rights to Non-Muslims in an Islamic state. Justice is guaranteed to those whose rights have been violated, according to Islamic Law. Every person has we right to bring legal action against anyone who commits a crime against an individual or society. The Qur'an states:

“O you who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor; for Allah can best protect both. Follow not the desires (of your hearts), lest you swerve and if you distort (justice) or decline to do justice, verily Allah is well

acquainted with all that you do. (Qur'an, 4:135, as cited in Badawi, n.d.)

It is expected that everyone receive a just ruling, not influenced by color, social standing, or kinship. This commitment to legal objectivity has allowed Non-Muslims to embrace Islam after their fair treatment in the Islamic legal system.

The issue of minorities in Islamic states is described in' the Qur'an and Hadith It may be surprising to some that minorities have the right to practice their religion (s) freely in Islamic states. Minorities also have the right to be governed, in civic or personal matters, either through Islamic Law or by their own laws, for example, the Torah or the Gospel. It is the responsibility of the Muslim ruler to guarantee the safety of minorities and their fights as human beings.

Freedom of speech is often held as the highest pinnacle In an Islamic democracy. Its function is not to promote anarchy or hatred in a society, hut to bring harmony and peace to people and society. The Islamic point of view on freedom of speech states that no person shall publicly disrespect or ridicule another individual. Freedom of speech does not allow disrespect, lies, or the ridicule of others in any regard: religion, physical appearance, beliefs, cultures, and languages. Restraint must always be demonstrated and respect must be shown to others. Personal thoughts and beliefs about controversial topics must stay within the boundaries of Islam. Likewise, according to the Universal Declaration of Human Rights (1948r 1998), Article 29 (2)

In the exercise of his lights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of' morality, public order, and the general welfare in a democratic society, (P. 6)

Education as a human right in Islam is another area that is misunderstood by Muslims and non-Muslims. Badawai (2005) reports that Prophet Muhammad's position on education stresses that "seeking knowledge is mandatory for every Muslim and the word *Muslim* includes both males and females" (P. 1). According to Progler (2001):

The Islamic tradition encourages Muslims to seek knowledge. In a series of celebrated sayings, or Hadith, the Prophet Muhammad, upon whom be peace, is reported to have said "seek knowledge even in China, "seek knowledge

continuously,” “seeking knowledge is incumbent upon all Muslims, men and women.” (P. 577)

These sayings highlight the Islamic perspective on the pursuit of knowledge as a human right. It is beyond the scope of this paper to discuss philosophical questions of knowledge such as whether knowledge exists as an entity apart from and external to human thinking, whether or not knowledge is created and if so by whom? The historical achievements in mathematics and arts in countries under Muslim influence may be a sufficient descriptor of what is understood to be knowledge according to Islam.

Every person has the right to pursue knowledge: and express thoughts and beliefs within the precepts of Islam. For most of us, there are two main goals associated with seeking knowledge: to earn a living, and to satisfy our natural curiosity about life, the creator, and the universe. Both are acceptable in Islam. Progler (2001) emphasizes the prophetic teachings related to the importance of knowledge in Islam by referring to Kamyal, a prophet companion, who highlighted that: Knowledge is better than wealth in sevenfold. First knowledge is the heritage of the prophets, while wealth is the heritage of the pharaohs. Second, wealth decreases by spending, while knowledge multiplies. Third, wealth is in need of protection, while knowledge protects those who have it. Fourth, knowledge enters into the burial cloth, while wealth stays behind. Fifth, wealth happens to disbelievers and believers alike, whereas knowledge does not happen except to the believers especially. Sixth, everyone is in need of knowledge in matters of religion, whereas no one needs the owner of wealth. Seventh, knowledge empowers humankind to pass within the straight path whereas wealth blocks it. (P. 583)

This quote by Kamyal captures the significance of acquiring knowledge for Muslims. It is a human right of both Muslim men and women to obtain knowledge as a religious duty. However, for some there is the risk of gaining an education at the expense of living and behaving in accordance with the basic teachings of the Islamic faith. For instance, there are many people who claim to be committed to Islam in theory, but yet their actions and behaviors are; contradictory to Islamic religious practices and teachings. Islam is like any other faith and there are people who do not “walk their talk.”

To illustrate the importance of education in a Muslim's life, I would like to share my own personal experiences of growing up in a practicing Muslim family: My earliest memories recapture my childhood in a very religious family in Bahawalpur, Punjab, Pakistan. I recall opening up my eyes in a

big house that had a boundary wall, a common garden in the middle, and an adjacent mosque-like prayer place where all family members and domestic employees used to offer prayers together.

I remember when my mother and grandmother recited verses of the Holy Qur'an. Their favorite verse was: "Read, Read in the Name of Allah and cherish" (Qur'an. Chap. 30). They also read the description of the creation of the universe, stories of stars, mountains and moon, stories of other prophets, past generations, and many others. Because I used to hear the stories of Prophet Mohammad, Prophet Jesus, Prophet Ibrahim by sitting beside my grandparents, I learned to respect other religions.

Responsibilities for Women in Islam

Up until this point, I have focused primarily on human rights and responsibilities as described by the Qur'an and Hadith, for both Muslim men and women. I now shift my focus onto the unique human rights and responsibilities that Islam has set forth for women. By referring again to the Qur'an and Hadith, I aim to clarify the misconceptions about women's rights and responsibilities in Islam.

Pre-Islamic practices have been very threatening for women. One of the most contentious practices involved female infanticide. The Quran's response to female infanticide was to abolish this practice by questioning the burial of infant girl who are innocent of, any crime Qur'an 8: 8-9, as cited in Badawi, n.d.). In addition, the Qur'an also condemned the unwelcoming attitude of some parents upon the birth of a baby girl instead of a boy by describing the attitude towards the birth of a baby girl:

"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! With shame he hides himself from his people because of the bad news he has had! Shall he retain her on (sufferance and) contempt or bury her in the dust? Ah! What an evil [choice] they decide on! (Qur'an 16: 58-59, as cited in Badawi, n.d.)"

But even now, the situation in some countries and cultures has not changed. The World Bank (n.d.) highlights in the *Millennium development goals: Promote gender- equality, that still* "in some countries, infant girls are less likely to survive than infant boys because of parental discrimination and neglect-even though biologically infant girls should survive in greater numbers." Prophet Muhammad says that it is the responsibility of the parents to show kindness and justice to their daughters. He says "whosoever^ has a daughter does not bury her

alive, does not insult her, does not favor his son over her, Allah will enter him into Paradise” (Badawi, n.d., p. 1).

When she grows up, a Muslim woman has the right to choose a career. “Women at the Prophet's time and after him participated with men in acts of worship, such as prayers and pilgrimage, in learning and teaching, in the marketplace, in the discussion of public issues (political life) and in the battlefield when necessary” (Badawi, n.d., P. 5). However, there are certain conditions for employment, and these conditions must not supersede the rulings of Islam. For example, women in the work force must maintain their modesty because it protects them from attracting unwanted attention from men. If women are not modest, they may be at risk in vulnerable social situations with men.

In Islam there is a distinction between the roles and responsibilities of men and women. Badawi (n.d.) affirms that Muslim women have the right to seek employment that is both necessary and appropriate to their nature and societal needs, such as nursing, teaching, medicine, social work, business, or farming. Women can have any position of leadership except in leading prayer, and this is considered a concession to women, rather than an omission. Male leaders must go to the mosque five times a day to lead the prayers; however, women can pray at home with flexibility of time. In my report of an interview with Janeezko (Tanveer, 2000), I argue that:

Regarding the oppression of women in Islam, Janeezko believes that Islam does the opposite: Islam liberates women. She noticed that Prophet Muhammad's wife was a business woman and his daughter was; a nurse and scholar. A woman can choose to either work or to stay at home to raise the children. If she does choose to work, then she can keep all her earning]; while her husband must maintain the household financially. Furthermore, household duties are shared between husband and wife. They are equal in the home and not slaves to one another, (p. 34).

In Islamic history, Khadijah, a prominent business woman, employed Prophet Muhammad as an exporter and was so impressed by his honesty that she later proposed to him, and they married soon afterwards. Throughout their marriage, Khadijah not only played the role of a wife but also served as an advisor to Prophet Muhammad during the early stages of Prophet hood when the Qur'an was revealed. -She continuously supported Prophet Muhammad with her wisdom and acceptance of Prophet Muhammad as the chosen messenger of Allah. Other women of his time were involved in nursing, education, and cottage industries. Prophet Muhammad's caliph, Omar, appointed a woman. Um-Al - Shifaa bint Abdullah, as a market place supervisor. Fourteen hundred years ago, the Qur'an gave women the right to

own property and land titles. Women are also entitled to receive marital gifts and child support. Furthermore, as a daughter, wife, sister, or mother, the woman has a right to inherit property. Owning property provides women with financial security because the money she earns is hers to keep and spend as she pleases. "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" (Qur'an, 4:7, as cited in Badawi. n.d.). She is not obligated to contribute to the upkeep of the household, as that, is the responsibility of the husband. The inheritance's half of a male's because females are not obligated to financially support the relatives or family, but rather the males are financially responsible for the family and the relatives.

In Islam, marriage is based on mutual love, compassion, respect, and peace. The Qur'an urges husbands to be kind to and considerate of their wives. Prophet Muhammad also instructed Muslim males to be kind to women in all relationships, such as that of a daughter, sister, niece, aunt, or mother. Badawi (n.d.) encourages Muslim males to practice the teachings of the Qur'an when they are engaged in a relationship with their spouse.

According to Prophet Muhammad's teachings and practices, the imposed acceptance of a marriage proposal is prohibited because it does not validate the marital contract. Badawi (n.d.) describes an incident of a girl who came to the Prophet Muhammad and reported that her father had forced her to marry without her consent. The Messenger of God gave her the option of accepting the marriage or invalidating it (Ibn Abbas, as cited in Badawi, n.d.). Another version of this report states that "the girl said 'actually I accept this marriage, but I wanted to let women know that parents have no *right* to force a husband on them'" (Badawi, n.d. p. 2). These observations suggest that in Islam, females have the right to reject or select a marriage proposal and are entitled to have the freedom to choose a husband.

The Universal Declaration of Human Rights (1948-1998) Article 16 (2) also testifies that "marriage shall be entered into only with the free and full consent of the intending spouses" (p. 4). Divorce is permissible in Islam; however, it is not actively encouraged among the Islamic community. Some reasons for discouraging divorce include the emotional, social, and financial traumas that both parties suffer throughout their lives. Islam recognizes that two people may simply not be compatible for one another and the woman in this scenario has a right to ask for a divorce.

Conclusion

The magnitude of human rights issues in Islam is too great to be covered in this brief paper. I have tried, however, to address the most common misconceptions about human rights in Islam in the West (equity of men and women, educational rights, and specifically women's rights), by sharing my personal narrative as well as Janezko's personal observations, and by referring to the Qur'an and Hadith. This is an ongoing debate and I hope that the reader will be informed by my understandings and position in regard to erasing the misconceptions about human rights in Islam. To combat these misconceptions, there is a need to explore the original, authentic texts of the Qur'an and Hadith, which people in the West do not see in the information that is provided by the media. I hope my paper can be a starting point in clarifying these misconceptions, and would lead to more open and constructive debates among all those who are concerned about these and related issues.

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