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Part Five: The Human Status of Woman in the Quran

As what kind of entity does Islam envisage Woman? Does it consider her the equal of man in terms of dignity and the respect accorded to her, or is she thought of as belonging to an inferior species? This is the question which we now wish to answer.

The particular philosophy of Islam concerning family rights

Islam has a particular philosophy concerning the family rights of men and women which is contrary to what has been going on in the last fourteen centuries and with what is actually happening now. Islam does not believe in one kind of right, one kind of duty and one kind of punishment for both men and women in every instance. It considers one set of rights and duties and punishments more appropriate for men, and one set more appropriate for women. As a result on some occasions Islam has taken a similar position as regards both women and men and on other occasions different positions.

Why is that so and what is its basis? Is that why Islam, also, like many other religions, has derogatory views concerning women and has considered woman to be of an inferior species, or does it have some other reasons and another philosophy?

You may have heard repeatedly in the speeches, lectures and writings of the followers of western ideas that they consider Islamic laws concerning dowry, maintenance, divorce and polygyny, and other laws like them, as being contemptuous of, and insulting to, the female sex. In this way they try to create the impression that those provisions only prove that man alone has been favored.

They say that all the rules and laws in the world before the twentieth century were based upon the notion that man, due to his sex, is a nobler being than woman, and that woman was created simply for the benefit and use of man. Islamic rights also revolve in this same orbit of man's interest and benefit.

They say that Islam is a religion for men, and that it has not acknowledged woman to be a complete

human being and that it has not ordained laws for her which is necessary for a human being. Had Islam gauged woman to be a complete human being, it would not have provided for polygyny, it would not have given the right of divorce to man, it would not have made the witnessing of two women equivalent to that of one man, it would not have given leadership of the family to the husband, it would not have made a woman's inheritance one half of the inheritance of a man, it would not have countenanced that a woman be 'priced' in the name of a dowry, it would not have provided for her economic and social independence, and it would not have made her a 'pensioner' of man who is obliged to 'keep' her. From the aforesaid thing, they say, it is inferred that Islam has humiliating views about woman, and has taken her to be just a means to procreating more people, and a necessary prerequisite for that. They add that although Islam is a religion of equality and has maintained real equality in other situations, in the case of woman and man it did not observe it.

They say that Islam has provided discriminative and preferential rights for men. If it did not have in view discriminative and preferential rights for men, it would not have ordained the above laws.

If we resolve the argument of these gentlemen into an Aristotelean logical pattern, it would have the following form:

If Islam had considered woman a complete human being it would have ordained equal and similar rights for her, but it has not ordained equal and similar rights for her. Therefore it does not consider a woman a complete human being.

Equality or identicalness

The basis point which is used in these arguments is that the necessary result of men and women's sharing in human dignity and honor is that their rights should be the same and the identical. Now, the thing on which, philosophically speaking, we should put our finger is to determine exactly what is the necessary result of man and woman's sharing in human dignity. Is the necessary conclusion that each of them should have rights equivalent to the other, so that there should be no privilege or preference in favour of either of them, or is it necessary that the rights of man and woman, besides having equivalence and parity, should also be exactly the same, and that there should be no division what so ever of work and duty. No doubt the sharing of man and woman in human dignity and their equality as human beings demands their having equal human rights, but how can there be identicalness of rights?

If we can begin to put aside the imitation and blind following of western philosophy, and allow ourselves to think and ponder over the philosophical ideas and opinions which have come to us from them, we must see firstly whether identicalness of rights is or is not necessary for equality of rights. Equality is different from identicalness. Equality means parity and equitableness, and identicalness means that they are exactly the same. It is possible that a father distributes his wealth equally and equitably among his sons but he may not distribute it identically.

For example, it is possible that a father has different kinds of wealth: he may own a commercial firm, some agricultural land and also some real estate but, due to his having examined his sons and found different talents among them, for example, he may have found that one of them had a gift for commercial affairs, and that the second had ability in agriculture, and the third, had the capability to manage real estate. When he comes to distribute his wealth amongst his sons in his life-time, bearing in mind that he must give equally to his sons in terms of the value of the property and that there should be neither preference nor discrimination, he bequeaths his wealth according to the talents which he has found in them.

Quantity is different from quality. Equality is different from being exactly the same. What is certain is that Islam has not considered there to be identicalness or exact similarity of rights between men and women, but it has never believed in preference and discrimination in favour of men as opposed to women. Islam has also observed the principle of equality between men and women. Islam is not against the equality of men and women, but it does not agree with the identicalness of their rights.

The words “equality” and “egality” have earned a kind of sanctity because they embrace the meaning of equivalence and absence of discrimination. These words are attractive and draw respect from listeners, especially when these words are joined to the word “rights”.

“Equality of rights” — how beautiful and sacred is this combination of words! Can there be anyone with a conscience and an innate moral sense, who does not reverse these two words?

But why is it that we who were once the standard bearers of knowledge, philosophy and logic, have come to such a position that others want to impose their opinions on us concerning the identicalness of the rights of men and women in the sacred name of equality of rights.

It is exactly like someone who wants to sell boiled beet roots and calls them pears.

What is certain is that Islam has not granted the same rights to men and women in everything, in the same way as it has not imposed the same duties and punishment on both of them on all occasions. However, is the sum total of all the rights that have been established for women less in value than the rights that have been granted to men? Certainly not, as we shall prove.

Here a second question arises. Why has Islam granted dissimilar rights to men and women in certain instances? Why did it not allow the same rights for both of them? Would it not have been better for the rights of men and women to have been both equal and identical, or is it preferable that the rights should be only equal but not the same? To study this point thoroughly, it is necessary that we should discuss it in three parts:

1. The view of Islam concerning the human status of woman from the point of view of creation.
2. What is the reason for the differences which exist in the creation of man and woman? Are these differences the cause of there being dissimilarities in their natural rights, or not?

3. The basic philosophy behind the differences that exist in Islamic law for men and women, which, in certain respects, place them in different positions. Are these philosophical reasons still justifiable and do they still hold good or not?

The status of woman in the world-view of Islam

As for the first part, the holy Qur'an is not only a collection of laws. It does not contain merely a series of dry commands and laws without comment. It contains both laws and history, both exhortation and the interpretation of creation, and countless other subjects. Just as the Qur'an lays down rules of action in the form of law on some occasions, so it also comments upon existence and being. It explains the secrets of the creation of the earth and the sky, plants, animals and mankind, and the secret of life and death greatness and suffering, growth and decline, wealth and poverty.

The Qur'an is not a treatise on philosophy, but it has explicitly expressed its views concerning the three basic topics of philosophy: the universe, mankind and society. Not only does the Quran teach its believers laws, and not only does it give exhortation and advice, but it also endows its followers with a special way of thinking, a particular world-view, by its interpretation of creation. The foundation of all Islamic commandments concerning social matters, for example, ownership, and government, family rights, and so forth, is this same explanation which the Qur'an gives of creation and the things of the world.

One of the matters that have been commented on in the holy Qur'an is the subject of the creation of women and men. The Qur'an was not silent on this matter, and did not provide an opportunity for those who talk nonsense to put forth their own philosophies for laws concerning men and women, and then to accuse Islam of having a derogatory attitude towards women on the strength of their own theories. Islam has already laid down its views regarding women.

If we want to see what the view of the Qur'an is regarding the creation of woman and man, it is necessary to have a look at the question of their creation as it is treated in the Books of other religions. The Qur'an also did not remain silent on this subject. We should see whether the Qur'an considers woman and man to be of one essence or two.

In other words, whether woman and man have one nature and essence or two.

The Qur'an most explicitly lays down in several *ayat* (verses) that: *We created women from the nature of man and from an essence the same as the essence of man.* Concerning the first Adam, the Qur'an says: *Who created you from one single soul, and created from it its mate* (Qur'an, 4:1). With regard to all men, the Qur'an says in several places: *Allah created your mate from your own kind.*

There is no trace in the Qur'an of what is found in some sacred books: that woman was created out of an inferior stock to that of man, that they gave woman the status of a parasite and of an inferior, or that the mate of the first Adam was created from one of the left-side parts of his body. Besides that, in Islam there is no derogatory view about woman as regards her nature and innate constitution.

Another of the contemptuous views that existed in the past and which have left their undesirable effects in world literature is that woman is the origin of sin, and that her existence is the source of sin and temptation. Woman is a small devil. They say in every sin or crime committed by man, woman had her hand. According to them man in himself is innocent of any sin: it is woman who drags him towards sin. They say Satan cannot find his way to man's being directly: It is only through woman that he can deceive man. Satan tempts woman, and woman tempts man. They say the first Adam, who was deceived by Satan and turned out of the Paradise of happiness, was deceived through woman. Satan tempted Eve, and Eve tempted Adam.

The Qur'an relates the story of the Paradise of Adam, but never says that Satan or a snake tempted Eve and she tempted Adam. Neither does the Quran describe Eve as the main person responsible, nor does it exonerate her from the sin. The Qur'an says: *O Adam, inherent, thou and thy wife, the Garden, and eat of where you will* (7:19). Wherever the Qur'an describes the matter of Satan's tempting, it uses the pronouns in the form of the dual (i.e., referring to two persons). It says:

Satan tempted both of them, (7:20) فَوَسَّوَسَ لَهُمَا الشَّيْطَانُ

So he led them both on by delusion, (7:22) فَدَلَّاهُمَا بِغُرُورٍ

And he swore to both of them, "Truly, I am for you both a sincere adviser." (7:21)

وَقَاسَمَهُمَا إِنِّي لَكُمَا لَمِنَ النَّاصِحِينَ

In this way the Qur'an strongly refutes the misconception which was prevalent at that time and which is still found in certain quarters and among certain people of this world, and exonerates the female sex from the accusation that woman is the source of temptation and sin, and is half a devil.

Another contemptuous view which exists concerning woman is in the field of her spiritual ability. They say: "A woman cannot go to Heaven. A woman cannot traverse the spiritual and divine stages of enlightenment. A woman cannot attain proximity to God as can a man." The Qur'an, on the other hand, has made it explicitly clear in a large number of verses that reward in the life after death and nearness to God to not depend upon sex, but upon faith and deeds, whether they be of a woman or a man. For every great and pious man, the Qur'an mentions a great and pious woman alongside him. The wives of Adam and Ibrahim (Abraham) and the mothers of Musa (Moses) and Isa (Jesus) are mentioned with great esteem. Although the Qur'an refers to the wives of Nuh (Noah) and Lut (Lot) as being unworthy of

their husbands, it does not ignore the wife of Fir'awn (Pharaoh) as a woman of distinction under the control of a detestable man. It can be said that the Qur'an purposely seeks to keep a balance in its histories and the leading role in them is not confirmed to men.

About the mother of Musa the Qur'an says:

So we revealed to Moses' mother, "Suckle him, then, when thou fearest for him, cast him into the water, and do not fear, neither sorrow, for We shall return him to thee." (28:7)

About Maryam (Mary) the mother of Isa, the Qur'an says that she had attained such an elevated spiritual degree that the angels used to visit her in her prayer-niche and converse with her. Sustenance was supplied to her from an invisible source. She had attained so high a position of Divine favour that it completely astounded the prophet of that time, and exceeded his own degree. Zakariyya (the prophet) was dumb-founded when he looked upon her.

In the history of Islam itself there are many pious and distinguished women. There can be few men who are able to reach the high status of Khadijah,¹ and no men except the Holy Prophet himself and 'Ali could attain the status of az-Zahra.² az-Zahra excelled her sons, the Imams, and all the prophets as well, excepting the Seal of the Prophet Muhammad (s.a.w.a.). Islam does not make any difference between man and woman in the journey from this world towards al-Haqq (the Truth, i.e., towards God). The only difference that Islam makes is in the journey from al-Haqq to this world, in returning to mankind and bearing the prophetic message, and here it recognizes man as being more suitable.

Another derogatory view that was held was in connection with sexual abstention and the sacredness of being single and celibate. As we know, in some religions, sexual intercourse is in its essence unclean. According to the followers of these religions only those who live all their life in celibacy can attain the stations of the spirit. One of the world's well-known religious leaders said:

"Root out the tree of marriage with the spade of virginity".

The same religious leaders allow marriage only as one evil to ward off a greater evil. In other words they maintain that, as majority of people are unable to endure the hardship of remaining celibate and may lose Self-control and thus become victims of perversion, indulging in sexual contact with numerous women, it is better that they should marry and not have sexual relations with more than one woman. The root cause of sexual abstention and celibacy is a feeling of aversion against the female sex. These people consider love of women to be one of the great moral depravities.

Islam has combated fiercely against this superstition. It considers marriage to be sacred and celibacy to be impure. Islam considers love of women to be a part of prophetic morality, and says:

مِنَ الْأَخْلَاقِ الْأَنْبِيَاءِ حُبُّ النِّسَاءِ

“Love of women is of the morality of the prophets.” The last Prophet used to say: “Three things are dear to me: perfume, women and prayer.”

Bertrand Russell says:³ “In all codes of moral conduct there appears a kind of aversion to sexual relations except in Islam. Islam has ordained regulations and limitations with regard to this relationship for social reasons, but it has never considered it an abominable and unclean matter.”

Another derogatory opinion held regarding women was that she is only a means for bringing man into existence, and that she was created for man.

These ideas can never be found in Islam. Islam most explicitly explains the basis of the final cause; it says quite clearly that the earth and the sky, the clouds and the winds, plants and animals have all been created for man. But it never says that woman was created for man. Islam says that man and women were each created for the other:

هِنَّ لِبَاسٍ لَكُمْ وَأَنْتُمْ لِبَاسٍ لَهُنَّ

They are a vestment for you (man) and you are a vestment for them, (Qur'an, 2:187).

If the Qur'an considered woman to be a means of making men and something created for them, it would certainly have kept this fact in view in its laws. As Islam, in its explanation of creation, does not have this opinion and does not consider woman to be a parasite on man's existence, there is no trace or reflection of this idea in its special precepts regarding man and woman.

Another of the derogatory views held in the past was that women were considered an unavoidable and necessary evil. Many men, in spite of all the gains and advantages they had derived from women, regarded them contemptuously and considered them to be a source of misfortune and misery. The holy Qur'an makes a special mention of the fact that woman is a blessing for man and is a source of solace and comfort for his heart.

Yet another derogatory view was that woman played a very insignificant part in bringing offspring into the world, Arabs of the pre-Islamic age, and certain other peoples, considered women to be only a repository for the sperm of the man which, according to them, was the real seed of the child, and they said that her part was to keep that seed safe and to nourish it. The Qur'an says in several verses that: “*You were created from man and woman.*” In other verses, which are analyzed in the commentaries, the final answer has been given in a similar way.

From what has been said above, it is clear that both from a philosophical point of view, as well as from its explanation of the nature of creation, Islam does not hold any derogatory ideas concerning women; rather, it has seen to it that all the above mentioned derogatory views are discarded. Now it is

appropriate to examine why there is an absence of identicalness in the rights of men and women.

Equality, but not Uniformity

We said that Islam has a special philosophy concerning the relations and rights of men and women within the family which differs from that which was current fourteen centuries ago and does not conform either with what is accepted in the world of today.

We have already explained that according to the Islamic view it is never a matter of dispute as to whether a man and woman are equal as human beings or not, and as to whether their family rights should or should not be equal in value with each other. According to Islam, a woman and a man are both human beings and both are apportioned equal rights.

That which has been kept in view in Islam is that woman and man, on the basis of the very fact that one is woman and the other is a man, are not identical with each other in many respects. The world is not exactly alike for both of them, and their natures and dispositions were not intended to be the same. Eventually this requires that in very many rights, duties and punishments they should not have an identical placing. In the western world they are now attempting to create uniformity and identicalness in laws, regulations, rights and functions between women and men, while ignoring the innate and natural, differences. It is here that the difference between the outlook of Islam and that of western systems is to be found. Thus the dispute between, on the one hand, those sections of the people who support Islamic rights and, on the other hand, those who support western systems is about the identicalness and exact similarity of rights of women and men and not about equality of rights. 'Equality of rights' is a counterfeit label which the followers of the west have stuck on as a souvenir of the west.

In my writings, conferences and lectures, I always avoid the use of this counterfeit label, and the use of this phrase, which comes to mean nothing but uniformity and identicalness of rights for women and men, in place of genuine equality of rights.

I am not saying that nowhere in the world did or does the claim for equality of rights for women and men have any meaning, nor am I saying that every past and present law in the world concerning the rights of men and women was passed on the basis of equality of worth and estimation and that it is just identicalness which was eliminated.

No I have no such claim. Europe, before the twentieth century is the best evidence. In Europe before the twentieth century, woman legally as well as practically lacked all human rights. Neither did she have rights equal to those of man nor the same as his. In the sudden development of the movement which sprang up in less than one century in the name of woman and for woman, she acquired rights almost the same as those of man. However, considering her natural build and her physical and spiritual needs, she never acquired rights equal to those of man. For if woman wishes to acquire rights equal to the rights of man and happiness equal to the happiness of man, the only way to get that end is for her to forget about

an identicalness of rights with man and have faith in rights suitable for herself. Only in this way can unity and real sincerity between man and woman be achieved, and only then will woman obtain happiness equal to or better than man's.

Man then, out of sincerity and without any derogatory thoughts, will be ready to concede to her equal and at times better rights than their own.

Similarly, I am not at all claiming that the rights that have in practice been the lot of women in our seemingly Islamic society are equal in value to the rights that men have had. I have many times said that it is essential to hold a thorough inquiry into the plight of women, and that many rights that have been given to women by Islam and have in practice been ignored should be restored to them; but not that we should blindly follow and imitate the ways of the west, which have brought thousands of misfortunes for them, and give a pretty name to an erroneous principle and thus encumber women who already have misfortunes of the eastern type with misfortunes of the western type as well. Our point of view is that dissimilarity in the rights of man and woman should be observed to whatever extent nature has differently moulded and created them. This is in better accord with justice and with natural rights; and will both secure good will in the family and also result in the better development of society.

It must be completely understood that we claim that justice and the natural and human rights of man and woman call for dissimilarity in certain rights. Thus, our discussion has a completely philosophical orientation: it is linked to the philosophy of rights and linked with a principle which is called the principle of justice, which is one of the vital pillars of Islamic theology and jurisprudence. The principle of justice is the same fundamental principle which brought into existence the rule of the harmony of reason and religious law in Islam. It means that according to Islamic jurisprudence — or at least Shi'ite jurisprudence — if it can be established that justice demands that a particular precept should be such-and-such and not something else, then if it is something else it will be an iniquity and against justice; thus we are obliged to say that the ruling of religious law is what reason and justice tell us it should be. For Islamic religious law, according to the fundamental principle which it has itself taught can never leave the axis of justice and intrinsic, natural rights.

By expounding and elucidating the underlying meaning of justice, Islamic scholars have laid upon it the foundation of the Philosophy of rights. As a result of the occurrence of regrettable historical events they could not continue the work they had started, At any rate, preoccupation with the idea of human rights and the principle of justice as being something essential, in accordance with the order of things and beyond conventional law, was first of all propounded and put forward by the Muslims. They laid the foundation of the rights that are both natural and also required by intellectual considerations.

However, it turned out that Islamic scholars could not carry on that work and, after a gap of about eight centuries, European thinkers and philosopher's continued it, and took upon themselves the credit for that task. On the one hand, they worked out social, political and economic philosophies, and, on the other hand, they informed individuals, societies and nations and explained to them the value of life and their

rights as human beings. They started movements, instigated revolutions, and changed the face of the world.

In my opinion, besides historical reasons, psychological and geographical reasons also played their part in creating this situation whereby the Islamic east did not follow up these rights which are intellectually indispensable and whose foundations they had laid. This is one of the differences in mentality between the east and the west, that the east has a tendency towards ethical thinking, while the west is inclined towards the idea of rights. The east is under the spell of morality, and the west is in love with rights. The easterner by virtue of his eastern nature conceives of his humanity as consisting of behaving with kindness and toleration, in being friendly towards his fellow men and in conducting himself the generosity towards them. On the other hand, a westerner takes pride in the realization of his rights, and in safeguarding them, and will not allow anybody to intrude upon the sacred territory of his rights.

Humanity needs ethics, as well as rights. It is linked to rights as well as to morals, and neither of the two, rights or morals, is in itself, the criterion of humanity. The sacred religion of Islam has the great privilege of having approved both rights and ethics. In Islam, as was mentioned before, sincerity and right action in the moral sense is considered a virtue; and knowledge of rights and defending them is also considered a virtue and to be human. This matter has details which cannot be gone into here.

However, the particular mentality of the east set to work. In spite of the fact that in the beginning the concept of rights and the insistence on morality had both been acquired from Islam, the east gradually let go of rights and focused its attention on morals.

Our point is that the problem with which we are at present confronted is a problem of rights, a philosophical and intellectual problem, a problem based upon arguments and reasoning. It is closely connected with reality of justice and the nature of the rights. Justice and rights were in existence before any laws were passed in the world, so the enacting of a law cannot change the reality of justice and the human rights of mankind.

Montesquieu said: "Before man created laws there seem to have been relations founded on law and upon justice between creatures. The existence of these relations itself was the cause of the creation of laws. If we say that apart from the actual first laws, consisting of orders and prohibitions, nothing else just or unjust exists, it is as if we say that before man drew a circle, the radii of that circle were not all equal".

Herbert Spencer said: Justice is associated not with the sentiments, but with something else which is the natural rights of individuals. For justice to have external reality it is necessary to have regard for rights and innate differences".⁴

The European philosophers who upheld, and still do hold this view, are in large number. The manifestos and proclamations that were drawn up, and the material that was incorporated under the heading of Human Rights has as its source this very theory of natural rights. In other words, it was the theory of

natural and innate rights which reappeared in the form of the Proclamation of Human Rights.

Once again, what Montesquieu, Spencer and others have said concerning justice is, as we know, the very same thing that theologians have said concerning the inborn intellectual capacity to determine 'right' and 'wrong' and the real meanings of justice. Amongst Islamic scholars there were some individuals who refused to accept the idea of instinctive rights and considered justice as something conventional. Amongst Europeans also such a belief existed. The Englishman Hobbes refused to accept justice as having real existence.

The Declaration of Human Rights is philosophy and not law:

The absurd thing is that they say that text of the declaration of Human Rights has been approved by the two Houses (of the Iranian Parliament), and, as the equality of rights for men and women is included the text of the Declaration, so, under the law approved by the two Houses, men and women should have equal rights. As if the text of the Declaration of Human Rights is something which is within the competence of the two Houses to approve of or reject. The contents of the Declaration of Human Rights are not the kind of thing which can be put up for the legislative assemblies of countries to approve of or reject.

The Declaration of Human Rights deals with the innate undeniable and unrelinquishable rights of mankind. It refers to rights which, as the Declaration claimed, are prerequisites of man's humanity and which the hand of the All-mighty Creator established for them. In other words, the Source and Power which provided upon men with intellect, volition and human dignity also bestowed upon man, as the Declaration Claims, human rights.

Human beings cannot make the contents of the Declaration of Human Rights law for themselves, and neither can they cancel or depart from those rights on their own. Then what is the sense in saying that it had been approved by the two Houses and the legislative power?

The Declaration of Human Rights is philosophy and not law. It should be presented to the philosophers for their approbation and not for the approval of members of parliaments. The Two legislative Houses cannot determine philosophy and logic for people by taking a vote. If legislative work is to proceed like this, then they should take the Einstein's Theory of Relativity to Parliament and present it to the members to have it approved by them. The hypothesis that there is life on other planets should also be sent for their approval. The laws of nature cannot be approved or rejected just like conventional laws. It is as if we were to say that both the Houses of Parliament have passed an act saying that if we graft a pear onto an apple, the graft will be successful; but if it is grafted onto a mulberry it will not.

If such a declaration is issued on behalf of a group of persons who are themselves thinkers and philosophers, the nations should entrust it to the hands of their philosophers and campaigners for rights. If in the opinion to the philosophers and thinkers of that particular community the matter can be

confirmed, then it is the duty of all the members of that community to consider what they say as a truth above law. It is binding upon the legislative power also not to enact any law against what they say.

As for the other nations, they are not obliged to accept any declaration until it has been established and discovered in their eyes that such rights exist in the same state in nature. Besides this, these questions are not experimental matters which require equipments, laboratories and so forth which Europeans have but others do not, it is not a question of breaking the atom, the secret of which, and the necessary equipment for which are with a limited number of persons: it is philosophy and logic, and for this the tools are the brain, the intellect and the power of reasoning.

Even if other nations are obliged to follow others in questions of philosophy and logic, because they do not consider themselves competent in philosophical thinking, we Iranians should not think like that. In the past we reached a high standard of ability and showed our worth in philosophic and logical investigations. Why should we follow others in their solutions to philosophic problems?

It is strange that Islamic thinkers gave so much importance to the question of justice and the essential rights of man when it arose that, without any hesitation, in accordance with the law of the harmony between reason and Islamic law, they used to say that the law of Islam was indeed this. That is to say they did not see the necessity of ancillary corroboration by an Islamic law. Today we have been reduced to the level where we seek confirmation for these matters in approval by members of Parliament.

Philosophy cannot be proved by questionnaires

More ludicrous than this is that when we want to make a study regarding the human rights of women, we refer the matter to young boys and girls, print questionnaires and try to find out by the way which they are filled in what human rights and whether the human rights of women and men are the same or different.

Anyhow we are seeking to make a study in a scientific and philosophic manner about the human rights of women on the basis of intrinsic human rights, and we want to see whether those same principles which require that human beings, as a general rule, have a series of natural and God-given rights, also affirm, that women and men should have the same kind of rights or not. So, I request the scholars, thinkers and jurists of this country, who are the only persons who really matter and should put forth their opinions in such matters as this, to look into our arguments critically. I would be highly obliged if they gave their opinions together with their reasons for or against what I have written.

In order to study this point, it is necessary that we should firstly look at the basis and the roots of human rights, and then consider specifically the rights of men and women.

It would not be out of lace to briefly refer in the first place to the movements in the present age to do with rights which culminated in the call for equality of rights for men and women.

A glance at the history of women's rights in Europe

In Europe, from the seventeenth century onwards, voices began to be raised in the name of human rights. Writers and thinkers of the 17th and 18th century propagated their thoughts in respect of the natural, inherent and undeniable rights of man with wonderful perseverance. Jean-Jacques Rousseau, Voltaire and Montesquieu belong to this group of thinkers and writers. The first practical result of the propagation of the ideas of the supporters of natural human rights occurred when in England a protracted struggle took place between the rulers and the ruled. In 1688 AD, the people succeeded in moving for some of their social and political rights according to a manifesto of rights⁵ and had them restored.

Another practical result of the propagation of these ideas was manifested in the War of Independence of America against England. Thirteen British Colonies in North America, due to the strains and difficulties imposed upon them, rose in disobedience and rebellion and at last gained their independence.

In the year 1776 AD, a Congress was formed in Philadelphia which declared its complete independence and published a document⁶ to that effect. In the introduction that document they wrote, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

However that is well-known in the world under the name of the ‘Declaration of Human Rights’ is that document which was issued after the Great French Revolution. This declaration⁷ consists of a series of general principles which are prefixed to the French Constitution, and it is considered an inseparable part of it. This proclamation consists of an introduction and seventeen clauses. The first section states that “Men are born, and always continue, free and equal in respect of their rights.”

In the 19th century new changes and new thoughts occurred in the field of economics, sociology and politics which culminated in the advent of socialism and the resultant requirement of the allocation of a share of profits to the working class, and the transfer of government from the hands of the capitalists to the workers.

Till the early part of the 20th century, all the controversies concerning human rights were connected entirely with the rights of the people before their governments, or with rights of the proletariat and the working class before the employers.

It was in the 20th century for the first time that the question of the rights of woman before man came to the fore. Britain, which is considered to be the oldest democratic country, only acknowledged equal rights for men and women in the beginning of the 20th century. The United States of America, in spite of their generally admitting the rights of all human beings in the 18th century in their Declaration of Independence, passed the act giving equal political rights to men and women in the year 1920 and

France also approved this matter in the 20th century.

Anyhow, in the 20th century, many groups all over the world favored a profound change in the relations of men and women concerning their rights and duties. According to these people, the change and transformation in the relations of peoples with their governments, and in the relations of the labor class and the proletariat with the employers and the capitalists did not suffice for social justice, so long as the relations of rights of men and women are not reformed.

Accordingly, a Universal Declaration of Human Rights was issued for the first time after the Second World War in 1948 on behalf of the United Nations Organization. In its introduction it was stipulated:

Whereas the people of the United Nations have once again proclaimed their belief in human rights and the status and worth of an individual human being and equality of the rights of men and women...

The crisis of change due to mechanization in the 19th and the 20th century and the eventual unfortunate condition of craftsmen, especially women, exaggerated the situation all the more, demanding that the matter of the rights of women should be especially attended to. In his *Nouvelle Histoire Universelle* (vol.4, p.387) Albert Malet writes: "Since the State no longer interfered in any way between the employers and the workers, except to forbid the latter to group together and strike, the employers were able to enforce a real economic despotism'....in France, in 1840, in the Ronen region, cotton mill workers labored up to 16—17 hours a day... The exploitation for work of women and children was particular obnoxious.....mortality in the working districts was horrifying."

This is a short and cursory history of the human rights movement in Europe. As we know all the matters contained in the Declarations of Human Rights, which have novelty for the Europeans, were anticipated fourteen century ago in Islam. Some Arab and Iranian scholars have compared (the position of) Islam with these declarations in their books. Of course, there are differences in some parts between what the declarations say and what has said, and this is itself an absorbing and interesting matter. One of these differences is the problem of the rights of men and women, in which Islam approves of equality, but does not agree with identicalness, uniformity and exact similarity.

The dignity and the rights of human beings

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the family is the foundation of freedom, justice and peace in the world,

“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom from fear and want has been proclaimed as the highest aspiration of the common people,

“Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

“Whereas, it is essential to promote the development of friendly relations between nations,

“Whereas the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

“Whereas...

“Now, Therefore,

The General Assembly

proclaims

“This universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

The splendid sentences above form the preamble to the Universal Declaration of Human Rights. This is the preamble to the charter of which it has been said is “the greatest blessing ever to come to the lot of the world of humanity in support of human rights unto this day.”

Every sentence and even part of it is numbered and, as I pointed out in the preceding article, is derived from the ideas of several centuries of world philosophers who sought freedom and recognized human rights.

Important points in the preamble to the Declaration of Human Rights

This Declaration was drawn up in thirty sections. We shall ignore the fact that some matters are repeated in some articles or at least that the mention of certain matter in one section makes another section redundant, and that some of the articles of the Declaration could have been divided up into several smaller articles.

The important points of the preamble which should be noted are:

1. All human beings benefit from a single kind of dignity, honor and inherent, inalienable rights.
2. Dignity, honor and inherent human rights are universal and include all human individuals with no discrimination or distinction, white and black, tall and short, woman and man, alike share in this benefit.

Just as in a family an individual member cannot claim to be of a nobler and higher origin than the other members of the family, so, in the same way, all human individuals are the members of a large family and organs of one body and are the same in their dignity. No-one can consider himself to be of nobler birth than any other individual.

3. The basis of freedom, peace and justice is that all individuals, from the depth of their conscience, have belief and faith in the reality of the equal dignity and inherent honor of all human beings.

This Declaration wants to claim that it has discovered that the source of all the troubles that individual human beings create for each other, and the basic cause of the breaking out of wars of the atrocities, transgressions and acts of savagery which individuals and nations inflict on one another, is the non-recognition of the dignity and inherent honor of human beings. This non-recognition by one group compels the opposing group to explode, and it is thus that peace and security is endangered.

4. The highest aspiration which everyone must strive to attain is the advent of a world where freedom of conviction, security and material prosperity are perfectly attained. Suppression of beliefs, fear and poverty should be uprooted. The thirty articles of the Declaration were drawn up to attain this ideal.

5. Belief in the inherent dignity of human beings, and regard for their undeniable and inalienable rights should be gradually created by teaching and education in all individuals.

The dignity and respect of man

Since the Declaration of Human Rights is based on the honor, freedom and equality of human beings, and was created in order to restore human rights, it should be met with due honor and respect by very conscientious person. We people of the east have been pleading in favour of the worth, position and honor of the human being for a long time; as I mentioned in the preceding article, human beings as such, together with their rights, their freedom and equality are given the utmost attention, respect and importance. Those who wrote and drew up this Declaration, and likewise the philosophers from whom the writers of this Declaration derived, in fact, their inspiration, deserve our tribute and regards.

Nevertheless, because this Declaration is a philosophical matter and is drawn up by human beings and not by angels, and because it is the conclusions of a group of human individuals, every thinker has the right to scrutinize it critically, and, if he should find certain weak points in it, to point them out.

This Declaration is not free from weak points, however, we shall not refer here to the weak points, preferring as we do, to refer to the strong points only.

The basis of this Declaration is the 'inherent dignity' of the human being. According to this Declaration, a human being derives his claim to a series of rights and freedoms on the basis of a general dignity and honor that is special to him. Other animals do not have and enjoy these rights and freedoms, because they lack that dignity and honor. This is the strong point of this Declaration.

The decline and fall of the human being in western philosophy

Here, once again, we come across an old problem in philosophy. The value and worth of the human being; the position and dignity of the human being in comparison with all other creatures what, we should ask is that innate, inherent dignity of the human being which distinguishes him from a horse, a cow, sheep or a pigeon?

Here it is that a clear contradiction is observed between the basis of the Declaration of Human Rights, on the one hand, and the value and worth of humanity in western philosophy, on the other.

In western philosophy. mankind has for long been without worth and value. The previous observations that were made concerning human beings and their distinguished position had their source and origin entirely in the east. Today in most western philosophical systems, these observations are belittled and ridiculed.

A human being, in the eyes of the west has been degraded to the level of a machine. His spirit and nobility is denied. Belief in a final cause and a plan or design for nature is considered a reactionary idea.

In the west, the belief in mankind being the noblest of creatures could not last for long, for the western belief was based on the belief that all other creatures were dependent on and under the domination of human beings and his derived from the ancient Ptolemean theory of the earth and the heavens that the earth was the centre and all the heavenly bodies revolved around it. Thus, when this belief was abandoned there were no grounds left for considering mankind as the noblest of creatures. In the eyes of the west, all such, thoughts were mere self-aggrandizements to which human beings were the victims of the past. A human being today is courteous, obliging and modest and considers himself to be like other objects, nothing more than a handful of dust. From dust he comes and to dust he shall return, and it is here that he will finally come to an end.

A westerner, in his humility, does not consider the soul to be an independent form of human existence, and does not consider it to have the capacity of actual and real existence. He does not believe in there being any difference between himself and a plant or an animal in this respect. A westerner does not consider there to be any difference between the thought and actions of the soul and the heat generated from coal, as far as its entity and essence are concerned. He considers all of them to be manifestations of matter and energy. In the eyes of the west, the field of life for all living beings, including mankind, is the bloody battle-field which give birth to them. The actual, ultimate controller of the life or living beings, including mankind, is , basic struggle for survival. Man always struggles to save himself in this battle. Justice, virtue, cooperation, benevolence and all other moral and human values are all products of this fundamental struggle for existence. Man has constructed these concepts in order to make his own position secure.

According to some influential western philosophers, a human being is a machine, under the fundamental

control of nothing but financial interests. Religion morals, philosophy, science, literature and all the arts are all built on the foundation of the manner of production, sharing and distribution of wealth. All these things are manifestations of the economic aspects of man's life.

But no, this is all too glorified for man. The real motivating and stimulating factors in all human actions are innate sexual drives. Morals, philosophy, science, religion and art, all manifestations of humanity are melted down and reshaped as the action of the sexuality of man's being.

What is difficult to understand is that if we decide that we should deny the purposefulness of creation, and believe that nature quite blindly proceeds on its own course; if the only law which guarantees the life of the various species of living creatures is the struggle for survival, the selection of the fittest and nothing but chance; if the survival and existence of a human being is the product of accidental change, devoid of any purpose, merely a chain of unnatural acts over a few million years, which his forefathers permitted with other species and which resulted in him having the form he has today, if it is decided to believe that man is an example of the machines which he now manufactures himself with his own hand, if it is decided that belief in the spirit, its fundamentality and its permanence is, it is considered to be, a sort of egotism or self-conceit, or an exaggeration by man about himself, if the real activating and stimulating factors in all human actions are economic or sexual drives or the desire for superiority, if ideas of right or wrong are wholly relative, and if reference to natural, inward inspiration is nonsense, if a human being is a species that is slave to his sensualities and passions and never lowers his head except by force, if..... and so on, then how can be possible for us to talk about the dignity and honor of man, his unalienable rights and his noble individuality, and make that the basis of all our activities?

The west is involved in a basic contradiction about man:

In western philosophy, the personal dignity of mankind had been destroyed as far as possible and his position totally debased. Concerning the creation of man and the causes that gave him existence, concerning the purpose of Creation for him and the structure and warp and woof of his existence and being, and concerning the motivation and stimulation for his activity, his conscience and moral sense, the western world has lowered him to the degree we have already pointed out. With this background, the west issues a great declaration about the worthiness and dignity of mankind, his inherent honor and nobility, his sacred and inalienable rights and invites all human individuals to believe in that lofty declaration.

For the west, they should firstly have revised the explanations and expositions they made concerning man, and then they could have issued a declaration for the sacred and inherent rights of human beings.

I admit that not all western philosophers have presented man in the above-mentioned way. A large number of them have presented man almost in the same way as the east has done. My viewpoint concerns the way of thinking which exists among the majority of people in the west and is now influencing people all over the world.

The Declaration of Human Rights ought to have been issued by those who consider human beings of a higher rank than a material, mechanical compound. It would have been worthy of someone who did not consider the drives and motivations of the activities of human beings to depend exclusively upon animal and selfish motives: someone who believed in human nature. The Declaration of Human Rights should have been issued by the East, which believes in *I am settling on the earth a vicegerent*,⁹ and perceives in man a sign of the manifestation of Divinity. He who goes after human rights should be someone who believes that man is built with the intention of traveling towards the destination of: *O Man! Thou art striving into thy Lord with a striving and thou shalt encounter Him.*¹⁰

The Declaration of Human Rights befits those systems of philosophy which agree with the Qur'anic verse: *By the soul, that which shaped and inspired it to lewdness and god-fearing!*¹¹ and believe that a human being is naturally disposed towards virtue.

The Declaration of Human Rights should have been issued by those who are optimistic about the nature of man according to: *We indeed created man in the fairest stature*¹² and consider man to have the most harmonious and the most Perfect structure.

Looking at the way of thinking of the west in their explanations and presentations of man, the Declaration of Human Rights does not befit them, because it is the way which the west uses in practice to deal with human beings; that is to say, doing away with all human sentiments, making fun of all human distinctions, maintaining the priority of capital for man, the primacy of money, worshipping the machine, deeming wealth supreme, exploiting man and giving capital unlimited power. If, by chance, a certain millionaire should happen to bequeath his wealth to his dear dog, that dog would be regarded as being more honorable than man. Human beings would attend on the wealthy dog like butlers, clerks and office-hands, and stand before it respectfully with folded-hands.

The west has forgotten both itself and its God:

The important problem of human society today is that man has forgotten what the Qur'an calls his "self", and also his God. The important thing is that he has debased himself. He has totally neglected to look inside himself, to listen to his inner self and conscience, and he has entirely focused his attention on material and solid things. He considers the aim of life is nothing but to enjoy material things, and knows nothing except that. He considers creation as if it were without purpose. He denies his own self and has forsaken his soul. Most of the misfortunes of human beings result from these misconceptions, and it may be feared that the day is not far-off when this way of thought will be universal, and suddenly destroy humanity. This angle of viewing human beings is the cause of the fact that, as Civilization spreads and develops, the civilized person slowly degenerates. This way of thinking about human beings has turned out to be the cause of the Fact that man in his true meaning is to be Found only in the past. The great machine of civilization has the capacity to manufacture every grand and first-class thing except man.

Gandhi said¹³: Because of this, the westerner deserves to receive the title of Lord of the Earth, for he is

the master of every worldly possibility and blessing. He is capable of every worldly task, which other nations regard as being in the hands of God. But the westerner is incapable of one thing, and that is reflecting on his own self; and this thing alone is enough to prove the futility of the false glitter of the new civilization.

“If western civilization has made accidental addicts to alcohol and engaged their attention in sexual activities, it is because the westerner wants to forget his self and lose his self instead of a searching for it..

“His practical strength in discovering, inventing and preparing the means of war is the result of the westerner’s escape from his self, not of his exceptional power and domination over himself..... The westerner’s fear of solitude and silence, his reliance on money, have made him incapable of hearing the voice of his inner self, and the motive for his unremitting hustle and bustle is the same thing. His impulse to conquer the world is his inability to rule over his self, and for this reason the westerner is the creator of confusion and corruption all over the, world..... What is the use of conquering the world when man gives up his own soul?.. . .

The people who are taught by the Bible to preach truth, love and peace are themselves running in all directions in search of gold and slaves. Instead of conforming to the teachings of the Bible in looking for reward and justice in the Kingdom of Heaven, they use the weapon of religion to exonerate their own sins, and instead of broadcasting the Word of God, they drop bombs onto nations.”

This is the reason that the Declaration of Human Rights was violated by the west before anyone else and more than anyone else. The philosophy that the west follows in practice leads them to no other way of action except the breaching of the Declaration of Human Rights.

1. Khadijah was the Holy Prophet’s first and most dearly beloved wife. She was the first person to believe in his prophethood, and she proved a firm support for him in the first difficult years of his mission. (Tr.)

2. Fatimatu’ z-Zahra’ was the Holy Prophet’s daughter, the wife of ‘Ali, and the mother of the second and third Imams, Hasan and Husayn. She is included by the Shi’ah, together with the Holy Prophet and the twelve Imams, among the fourteen immaculate ones, free from sin. (Tr.)

3. Translated from the Persian, reference untraced (Tr.)

4. Both translated from the Persian. Originals untraced. (Tr.)

5. The author refers to the Persian translation of Albert Malet’s Nouvelle Histoire Universelle where mention is made of the “Declaration of Rights” presented to William and Mary of Orange in the presence of the entire British Parliament on 13th February 1689. (Tr.)

6. Actually called “The unanimous Declaration of the thirteen United States of America”, made on 4th July 1776. (Tr.)

7. The “Declaration of the Rights of Man and of Citizens.” This was promulgated by the French National Assembly as a preamble to the constitution in 1789, and subsequently popularized by Thomas Paine’s “The Rights of Man”. (Tr.)

8. The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly of the United Nations on 10th December 1948. (Tr.)

9. (Qur’an, 2:30) **إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً**

10. (Qur’an, 84:6) **يَا أَيُّهَا الْإِنْسَانُ إِنَّكَ كَادِحٌ إِلَىٰ رَبِّكَ كَدْحًا فَمُلَاقِيهِ**

11. (Qur'an, 91:7-8) وَنَفْسٍ وَمَا سَوَّاهَا. فَأَلْهَمَهَا فُجُورَهَا وَتَقْوَاهَا

12. (Qur'an, 95:4) لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

13. Translated from the Persian. Original untraced, (Tr.)

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