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Gender Discrimination and exploitation of human rights: An Analytical study in Islamic perspective

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ABSTRACT

The objective of this research is to analyze gender discrimination and human rights abuse in Islamic perspective. This study purpose is to eradicate any allegation claiming that Islam encouraged gender chauvinism and injustice attitude towards women. Gender inequality issues in Pakistan and Islamic conductive and supportive behavior towards women is discussed in it. The analytical and qualitative methodology is applied to this research. By examining the primary sources of Islam and secondary data as well; it can be observed that Islam is the religion of equality for all human beings in every phase of life, without any gender gaps and discernments. It is wrongly blamed on Islamic name the inequality, gender bias and precedence of male above female. It governs women rights equally inside house and outside in professional or social affairs also. The study proposed recommendations on legislative level for affirming the protection, dignity and justice towards women. It should be deliberately a humanitarian and universal mission.

Keywords: *Islam, Gender Equality, Women's Rights, Human Rights Abuse, Gender Discrimination*

Introduction

Historically evident that female life has been perverted and distorted in various aspects of life because of gender discrimination. This inequality among genders comprises two dissimilar issues; Discrimination and Biasness. Discrimination includes impairments to maximum participation in human practices, while biasness is the ethnic distinctiveness of the movements. In this study dual dimensions of the gender inequalities will be studied particularly in Pakistan Societies. Gender customs stance patriarchal privilege and women's role restricted to house hold activities only in Pakistan¹.

Before observing the Islamic perspective regarding reestablishment of women rights, an over view of ancient empires will better evaluate the Islamic gender equality with current



status. In ancient times at the time of *Athens* women were considered as minors subjected to their male relations; father, brother or husbands to fulfill their wishes. In *Roman times* wife is just like a slave property of her husband, incapable of doing anything by her will. She could not be tutor, witness, and curator or exercise any public or civil activities. In *Christianity* women were supposed as the egress of hell, disgraced and embarrassment of being a woman and mother of all human harms.²

In *Islam* gender discrimination perception is jettisoned. Holy Prophet (PBUH) revolutionized the ancient Arab societies with egalitarian vision of both man and woman in all matters of life. Women are treated equally as men with more affection, love and care. Islam neglected the acuity of inferior or superior on gender basis. This research aimed to examine the gender discrimination and exploitation of human rights currently in Pakistan and gender equality in Islamic perspective. Before this study many researches have been conducted regarding gender equality and women status in Islam. But this study emphasizes on removing the accusation on Islam of gender inequalities and Islamic conductive behavior for the protection of women rights equally with men. Moreover, it discovers the *Quranic* and Prophetic text for exploring the rights, equality and justice regarding gender discrimination.

Aims of the Research

1. Are Muslim societies facing any inequalities due to gender disparity?
2. What is the attitude of Islam towards gender discrimination?
3. How Islam governs gender rights in Quran and Prophetic approach?

Methodology

For this research qualitative methodology is adopted, by relating the analytical and textual approaches. For achieving the purpose of research, Quranic text with Prophetic traditions of hadith will be expansively analyzed based on central theme of gender equality.

Literature review

1.1 Meaning of Gender discrimination

The word *gender* in a grammatical sense deal with creatures of male or feminine sex.³ Gender defines the difference of social prestige and character of men and women in a community circle. Gender is actually a socio-cultural and psychological term which refers to the roles of men and women determined by cultural, social and economic institutions of a society.⁴

In Cambridge Dictionary gender discrimination denotes gender disparity, which refers to a condition where a man or a woman served differentially on the grounds of their sexual identification.⁵

Discrimination or inequality based on the worth and position of women and men prevailing in our societies, the gender discrimination exists in rights and role-play.

1.2 Overview of Gender Discrimination

In Worldwide view, it has seen that gender disparity produces various inequalities for both men and women. Especially women are facing issues and disparities based on the gender gap in every private, public, domestic, political or legal

sector. They are limited to perform as wife, mother, sister or daughter⁶. Patriarchal traditional system and conservative cultural norms embedding the view of subordinate the women's in public domains as compare to men due to her powerless sensitivity. Gendered stereotypes and social pressures not encouraging women's to participate in public sphere as well women in rural areas not allowed to attain education ,which create big disparity between urban and rural women. A woman contribution as a valuable human resource and in progress of society is reduces⁷.

Moreover, women are facing gender based ferocity as a part of their life without raising any voice. This increases rape cases, harassment and domestic violence due to stereotypical conduct of society. Rape victims considered as sullied and causing dearth of her family honor or respect. In all over world about 5000 women are killed on the name of honor, from which 1000 women annually killed in Pakistan. This shows that honor or rape killing exceeded in Pakistan about 25 percent of all over the world.⁸ All this is due to unequal treatment with women, early marriages and gender based violence.

From the very beginning, Islam not criticized women as the lesser gender than men but it eradicated this discrimination of genders. In fact, when western civilization influence Islamic rules and Shariah perspective, western culture started criticizing rules, rights and responsibilities of men and women based on Islamic laws. Then the voices of gender inequalities and discriminatory issues arise. Their main purpose is liberty or freedom of women in all affairs of life.

1.3 Gender equalities and Islamic perspective

Islam is the religion which acknowledges the gender nature and allied differences in physical activities; it preserves equality for men and women in concerning responsibilities and rights. Allah Almighty said in Quran:

فَأَسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَمَلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنثَىٰ بَعْضُكُم مِّنْ بَعْضٍ⁹

“Never Will I suffer to be lost the work of any of you, be he male or female :ye are members, one of another”

But by the traditions instituted some of liberalists and feminists, women position and status in society are relegated that leads towards the perception of earlier *jahiliyyah*. They want to impose western culture which foster lack of religious values , decadence of respect and honor of women and far away them from the righteous path of God Almighty.¹⁰

Gender Equality & Quranic Approach

In Quran clear and definite text regarding instruction on several issues related to gender equality, rights, identity, responsibilities, sexual relation and needs is founded. There are many surahs of Quran dedicated to women wide-ranging

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issues, which depicts the importance of women affairs and status in Islam. This can be more acknowledging from the given description of Quranic chapters about women affairs:

No	Chapter	Topics
.1	<i>Al-Nisa</i>	Women veil and social affairs
.2	<i>Al Noor</i>	Sexual relations
.3	<i>Al Talaq</i>	Divorce and related matters
.4	<i>Al Mujadilah</i>	Manners of social behavior b/w men and women
.5	<i>Al Baqarah</i>	Gender and sexuality
.6	<i>Al Ahzab</i>	Gender and sexuality

Allah has demonstrated equal rights and responsibilities through many egalitarian verses of Quran based on their nature and creation that demolish the perception of inequality gender discrimination.

1) Disparity based on piety in sight of Allah:

All human beings are equal in sight of God Almighty regardless of their color, gender and race. The purpose of life of all human beings is to worship Allah and to live life according to His commandments and orders. Allah said in Quran:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ
أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ¹¹ ۝

“O humanity! Indeed, we created you from a male and a female and made you into peoples and tribes so that you may get to know one another. Surely the most noble of you in the sight of Allah is the most righteous among you.”

The one who nearest to Allah is the one who is most pious and forbearance of Allah. The difference among mankind is based on *Taqwa* and devotion.¹²

2) Linguistic egalitarian style of Quran:

In Quran the term and language used for both men and women show highest level of parity and equivalence. These terminologies indicates that all human beings are equal, there is no difference of man and woman. For instance:

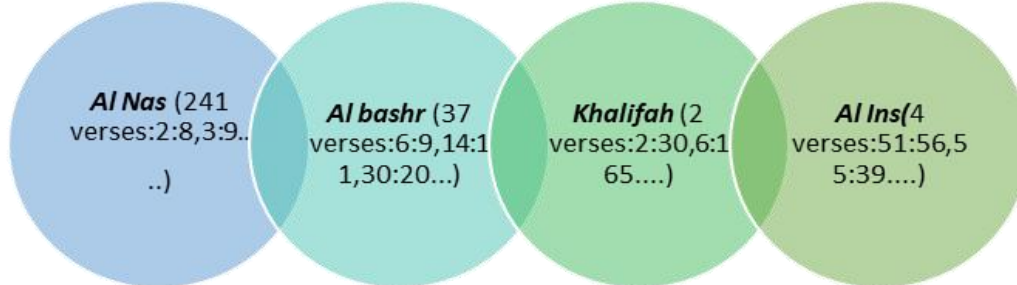
- a) More than **830 times** the term human is used in different forms for both masculine and feminine. Allah said:

وَحَمَلَهَا الْإِنْسَانُ إِنَّهُ كَانَ ظَلُومًا جَهُولًا¹³

But man carried it. Surely, he is wrong-doing, ignorant.

In this verse the term used *Al Insan* addressing both male and female irrespective of their gender discernment. Similarly, many other terms as given designates the message of egalitarian without any gender percipiency¹⁴:

Terms meant for humans (beyond male and female discrimination)



These terms referred to all human beings equally without any perspicacity.

- b) Similarly, Quran expresses about children 238 *times* without any differences of son and daughter. For instance, term *Al Atfal* meant for both irrespective of gender discernment. Both is equally treated and their rights and responsibilities equally declared separately. As for as, their inheritary rights both have given equally, property of the departed relations, varying the portion they get. But this proportionality doesn't mean the authority of man over woman¹⁵.

3) **Men as a maintainer or protector of women:**

Allah has created man powerful and strong as compare to women are sensitive, profound and delicate that's why men has given the function of *Qawamah*:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ¹⁶

“Men are qawwamun in relation to women, according to what God has favored some over others”

This verse indicates that Men has given responsibility of maintenance, protection and support women in their means as Allah has created him with more strength. The righteous women is always loyal and obedient to his husband. And this right of obedience is due to his heavy responsibility not indicating any preferences¹⁷. This word *qawwamah* does not indicate the superiority or preferences of man or woman. Instead, his responsibility before her becomes honor, sacrifice and nobility and it's not subjugation. Both man and woman are treated equally in Islam. Place of man and woman in a family system is more described in Quran:

هُنَّ لِبَاسٍ لَكُمْ وَأَنْتُمْ لِبَاسٍ لِهِنَّ¹⁸

“Your spouses are a garment for you as you are for them”

4) **Condemned against women beating:**

In early Arab culture women were strictly beaten and abused. Islam warned and condemned against beating a woman. Islam has restrictions on man to elude any form of beating that causes scars on body and cruelty of woman. Allah Almighty said:

وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ¹⁹

“As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first),(next),refuse to share their beds,(and last)beat them (lightly)

Allah has instructed man, how to treat a rebellion woman, first thing is to warn them ,second step is to put a distance and do not share your bed and in the last when all measures failed to seek loyalty and obedience from her side then Allah has granted permission to employ thrashing but with specific restrictions that this (*darab*) not causes scars on any part of body. This permission is just to save the family relationship from collapsing²⁰.

This discussion concluded that Quran perspective regarding male and female based on equality, egalitarianism of rules, rights and responsibilities. Nature of rights and responsibilities vary from matter to matter for instance divorce, marriage and inheritance for man and woman but this doesn't mean the inadequate to women instead equality doesn't professed as sameness actually it's governing the equal treatment and status to both male and female.

Gender Equality & Prophetic Approach

Prophet Muhammad (PBUH) by his remarkable personality and character inspired unusual commitment and certainty. He served as the ideal model for all His followers by governing patterns in all aspects of life that can be emulated. Holy Prophet (PBUH) teachings and descriptions express women in supportive and conductive position in a civilization on equal level.²¹ Holy Prophet recognized women status, rights and contributions in various field during his time. He did not differentiate against them as lower and weaker to men. The following aspects explicit his perception towards gender equality and women rights:

- I. At the time of *jahiliyyah* , women were subordinated, daughters were killed and son had given more priorities and reigned. But after the revelation of Quran on Holy Prophet (PBUH),it was strictly prohibited to kill daughters. Children were equally treated with love, kindness and affection rather a son or a daughter.

عَنِ النُّعْمَانِ بْنِ بَشِيرٍ، قَالَ: انْطَلَقَ بِهِ أَبُوهُ يَحْمِلُهُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: اشْهَدْ أَنِّي قَدْ نَحَلْتُ النُّعْمَانَ مِنْ مَالِي كَذَا وَكَذَا، قَالَ: «فَكُلَّ بَنِيكَ نَحَلْتُ مِثْلَ الَّذِي نَحَلْتُ النُّعْمَانَ؟» قَالَ: لَا، قَالَ: «فَأَشْهَدْ عَلَيَّ هَذَا غَيْرِي» ، قَالَ: «أَلَيْسَ يَسْرُكَ أَنْ يَكُونُوا لَكَ فِي الْبَرِّ سَوَاءً؟» قَالَ: بَلَى، قَالَ: «فَلَا، إِذَا²²»

“Narrated by An-Nu'man bin Bashir who said: My father took me to the Prophet to ask him to bear witness to something that he had given to me .He said: Have you given all your children a present like that which you have given to him? He said: No. He said: I will not bear witness to anything. He said: Will it not please you if they were all to treat you with equal respect? He said: of course. He said: Then no (I will not do it).”

- II. Holy Prophet (PBUH) encouraged women to contribute enthusiastically in social affairs. Both men and women permitted to go to mosque, join his lectures, religious commandments and lessons, contribute in battles and socialize with community. . Holy Prophet (PBUH) said:

عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا اسْتَأْذَنْتِ امْرَأَةٌ أَحَدَكُمْ فَلَا يَمْنَعُهَا²³

“The prophet said: If the wife of any one of you asks permission(to go to the mosque) do not forbid her”

Holy Prophet encouraged women to seek knowledge and education .For these purpose women attend His lecture and come to mosque to know the commandments of Allah Almighty.

طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ²⁴

“Seeking knowledge is compulsory for every muslim”

This expresses that women equally participate in activities outside home in different social affairs and to seek knowledge and wisdom..

- III. Purpose of the marriage among man and woman is to create serenity, adoration and gain blessings of Allah. It's a mutual accord of both spouses with equal responsibilities and rights. The wives of Holy Prophet (PBUH) best examples for other women, who performed perfectly both inside and outside home. They ran businesses, involved in leadership line, opened classes for knowledge and participated in battle field etc..²⁵
- IV. According to the Holy Prophet(PBUH) teachings both men and women equally responsible for their acts and deeds .They were punished and rewarded on equal level without any gender discrimination. A hadith Narrated:

«أَلَا كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالْأَمِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ عَلَيْهِمْ، وَهُوَ مَسْئُولٌ عَنْهُمْ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ، وَهُوَ مَسْئُولٌ عَنْهُمْ، وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ بَعْلِهَا وَوَلَدِهِ، وَهِيَ مَسْئُولَةٌ عَنْهُمْ، وَالْعَبْدُ رَاعٍ عَلَى مَالِ سَيِّدِهِ، وَهُوَ مَسْئُولٌ عَنْهُ، فَكُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ»²⁶

“Each of you is a shepherd and each of you is responsible for his flock. The ruler who is over the people is a shepherd and is responsible for his flock ;a man is shepherd in charge of the inhabitants of his household and he is responsible for his flock ;a woman is a shepherdess in charge of her husband's house and children ,and she is responsible for them ;and a man 's slave is a shepherd in charge of his master's property and he is responsible for its each of you is a shepherd and each of you is responsible for his flock.”

V.Man has given choice to marry more than one woman but with condition and restrictions. Holy Prophet (PBUH) in his polygamous marriages treated all wives equally. This permission for man not means the ruling of men over women or the superiority of men as criticized by the western culture. But actually the purpose of marriages of Holy Prophet (PBUH) is to spread Islam, teachings of Allah Almighty and hold justice. In the same way a man is permitted to marry more than one woman till four, with the condition to give equal time, love, and affection to all without any penchant to the desired wife only.

1.4 **Women Rights in Islam**

Islam is the religion that modifies the whole Arab ancient society. It reform the gender rights in all aspects of life .Specially women gets equal rights in inheritance, marriage and political affairs. Islam strictly forbade women infanticide, this revolutionary change of women status admitted even western scholars as **John Esposito** stated:

*“Women were not accorded ever with such legal status in other cultures until centuries later”*²⁷

All they accept Islamic revolutionary laws and copied that with some vital alterations in their countries. Islam governs women rights in the following ways:

Right of Property Possession and independent ownership:

Islam give women right of individual property proprietorship. Women sharing in Father’s property and spouse’s property is specified. Before Islam this right of property ownership never given to women. They even can trade and contract or purchase and sell their own properties by their desire.

Financial Security:

Islam assured financial maintenance of women in her all phases of life. Allah said in Quran:

وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا²⁸

“And for women there is a share in what their parents and close relatives leave, whether it is little or small, these are obligatory shares”.

Islam has specified quantity of women’s share in her male relatives (brother, husband and father), with in their lives as well as after their death. Although the sharing part of man and women based on their responsibilities and rights is varied. But this difference doesn’t mean the precedence of women over men.²⁹ She also has right to get care of child compartment even in case of divorce or in living with him. She also attains maintenance even at the time period of **iddat** after death of husband or in situation of divorce.

Employment rights:

Women basic responsibility in Islam is the training of her children and to perform efficiently in holding her house responsibilities to create a balanced exemplary society. This should be the preferences for a women, after this Islam allowed to women to get employment with some restrictions and by following religious norms. She allowed earning income after her prior responsibilities.

Now a days women outside at work place treated as minorities and men are benefitted more in case of laws, wages and social status. Income disparity is most challenging aspect for women in contemporary world. Beside this the women are working side by side with men. By the gender fissure index (2022) Pakistan is rated as 145 out of 146 states. Gender working percentage a short preview is shown in the given table:³⁰

Years	Gender	
	Male	Female
2008-2009	49.6%	14.9%
2009-2010	49.5%	19.5%
2020-2021	84%	26%

Participation in Political Affairs

Islam entitled to equality and justice for both men and women without any discrimination. Women can participate and collaborate with men in social and political affairs without violating religious values of virtue, modesty, dignity and honor. In Quran:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ³¹

“The believers, men and women, are protectors one of another; they enjoin what is just, and forbid what is evil”

For instance they have right to vote for the selection of emperor, working at administrative levels, policies making, teaching and scholarship competitions etc...

1.5 Gender perspicacity in Contemporary Pakistani societies:

In contemporary societal environment, women progress improving from the previous record. But in urban areas they are mostly phasing the same discrimination issues as at the time of jahiliyyah. For instance, they have not given the inheritary rights, choice to get marry and participation in political and economic affairs. In rural areas due to the educational improvement women are trying to work side by side with men and move to get higher education.. Beside all this the discrimination phenomena lies in between men and women by the indications in National Report of Pakistan gender index ranking 2022:

Pakistan Gender index ranking 2022³²

	Male	Female
Education	70%	49%
Labor Force	84%	26%
Political Participation	67%	33%
Communication Technology Usage	70%	30%

Women active participation in all human domains is not evident due to the cultural belongings, poverty and lack of education and awareness.. Islam possess women working, social and political rights because of its intrinsic truthfulness³³. In modern globalize civilization, if the true values of Islam is practices in all spheres of life then gender discrimination and maltreatment of rights can be decreased and society will be

benefitted. Today 50% populace is representing by women and if this 50% portion of nation not encourage to participate enthusiastically in all societal spheres, then a country can't step towards development and growth³⁴.

Conclusion

Gender discrimination is an issue raised worldwide until today by the generations regardless of religion, race and sex. Women are still facing oppression, violence and discernment in many social, political and economic sectors. Unfortunately, feminists try to blame Islam is the religion encouraging gender perspicacity and inequality and restraints women's liberties. While this accusation contradicts the Islamic teachings mentioned in Quran and Hadith. Islam is the religion raised women status in her family and outside environment. Islam emphasized equitability towards men and women which does not mean sameness its actually equality of rights and responsibilities for both men and women. Quranic texts and prophetic tradition promote equality of rights for men and women in social family rights, inheritance, Property Possession, independent ownership and political affairs. The rights of both genders varied based on their physical creation and responsibilities but this does not mean gender discrimination or priority of men over women in Islam. Islam upraises women status and promotes participation in all affairs of life by following religious values and norms.

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