

## A STUDY ON THE DEVELOPMENT OF WOMEN'S RIGHTS IN THE DIFFERENT SOCIETIES OF THE WORLD IN DIFFERENT AGES

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**Abstract:** The research paper developed from a question that cropped in my thoughts up as a researcher of human rights; 'are women's rights modern in origin or the history of women's rights of some decades could be counted on finger tips?' As I moved back in the history following my exploration in different world societies and culture I realised my notion was wrong and found women's rights is traced back to the origin of human civilisation both from anthropological history and religious history, as these states agitation and claim of women's rights traced back to Biblical era as per religious history and ancient civilisation of known history.

The thorough investigation into the past of human society following the question revealed so many facts about women's status in different world societies in different ages. The foundation of present women's rights laid from the bricks of issues collected from the past or we can say the present women's rights law stands on the pillars laid from amendments, enactments, social and feministic movements over the ages. The information collected from unfathomable past of us, humans and the historical chain that stretches to the present world grow the importance of the research. In simple words the research paper is a historical perspective of women's rights in world. Keeping the importance of India, dynamics of women's rights or feministic perspective studied in separate chapter.

**Keywords:** Development, Rights, Women, World.

**Introduction:** A woman as an individual entity in human society and culture has certain rights and entitlements, those are to be claimed by a girl or woman found in almost all the societies and cultures of the world are termed as 'Women Rights. Political and Legal scientists believe women's rights first known in 1632. The Webster dictionary defines rights that promote a position of legal and social equality of women with men; legal, political, and social rights for women that are equal to those of men. Of course they are dissimilar as different from society to society and culture to culture. These rights in the societies are granted to 'She' community either by law or local customs. As *Genesis 3:20* states Adam called his wife Eva because she was the mother of all living beings, which gave an example that the first man (Adam) placed woman at the highest position. *Deborah*, known as first woman prophet, was chosen by God to Judge Isarel at the time thus she has been credited as the first woman judge in the ancient history (*Judges 4:4*) The early Islamic reformation era (610-661) introduced the rights of woman in marriage, divorce and inheritance by providing that wife, not her family would receive dowry from the husband, which she could administer as her personal property. The Qur'an also made woman a legal party to the marriage contract. Challenging the customary law that limited the inheritance rights to men, Qu'ran introduced rule on inheritance that gave certain fixed shares to designated heirs, first to the nearest female relatives and then the nearest male. In ancient culture where male dominance prevailed there some examples of female dominance such as Aka woman of Nigeria hunted as man in forests and controlled the distribution of resources.

**Women's Rights in the Ancient World:** The status of women in ancient Greece varied from city to city, even two neighbouring cities had different perception on woman. In ancient Athens male ownership over woman

prevailed as women had no legal personhood because of legal rights to property and was considered to be part of *Oikos* headed by the male *Kyrio*. Until marriage, women were under the guardianship of their father or other male relatives, in turn once married woman became of *Kyrios*. As women were barred from conducting legal proceedings, the *Kyrios* were to do on their behalf. Contrast to Athenian women Spartan women enjoyed women rights as they had the right to property. The Greece history reveals by the Hellenistic Period (*The Hellenistic period is the period of ancient Greek and Mediterranean history between the death of Alexander the Great in 323 BC and the emergence of the Roman Empire*), among many wealthiest persons there were women which gives a best example women role in acquiring and controlling wealth. They were empowered not to control their own property but the property of their male relatives. Contrary to the Athenian women they wore long and heavy dresses Spartan women wore short dresses and enjoyed freedom to move outside without any limitations or prohibitions what not with Spartan woman, they always restricted within the walls of their homes. This reveals the two different cultures prevail in neighbourhood. It is surprising to girls as well as boys participated in the *Gymnopaedia*, a nude festival. The custom was introduced in 668 BC in ancient Sparta, was an annual celebration where naked youths displayed their athletic and martial skills through the medium of war dancing.

Roman society was patriarchal and women had no right to vote but women from upper class held some power and political influence indirectly through the marriage and motherhood. A child's citizen status was determined in regard to its mother. At the rise of Roman Empire in 1<sup>st</sup> and 2<sup>nd</sup> century the legal standing of daughter differ slight from the sons. So far as inheritance rights concerned girls had equal inheritance

right with boys if their father died without leaving a will. In the dawn of Roman Republic a married women held the ownership of any property she brought at the time of marriage. Under the Classical Roman Law a husband had no right to abuse his wife physically or compel to have sex. Wife beating was a moral offence, sufficient ground for divorce. Children often inherited father's family name but it was not limited to men but some family children inherited mother's name. A Roman mother had the right to own property and dispose it as she saw fit, as well as set an influence over sons when they were adults. Roman women empowered to appear the court and argue the cases through male representative. The first Roman Emperor granted rights to women through moral legislation. Adultery which had been a private issue or family matter under the republic was criminalised and defined as illicit sex that accused a man other than husband sex with woman or a woman sex with a man other than husband.

Roman law also recognised 'Rape' as a crime committed by a man to woman, defined as, capital crime. The Rape Law enacted following the popular legend: "Lucretia raped by King's son. She committed suicide after a political and moral protest. But the rape law only protected the citizens not the slaves and non-citizens. Most slaves were the prostitutes, may be because of this only the law enacted for citizen-women. But there was a provision that protected prostitutes those were under the slavery contract from rape.

In the 12<sup>th</sup> century (ancient history) the English law developed and that restricted a wife holding any property but gave the right to consent as forbidding a husband transferring property without the wife's consent. In 1965 French married women got right on the legal capacity. From the late 18<sup>th</sup> century to 19<sup>th</sup> century many movements on the issue of 'Rights of Women' gained shape recognised as feministic movements dedicated on the issues 'Freedom of Religion, Abolishment of slavery, right for women, right to property and suffrage. During the period of 19<sup>th</sup> century Women's Rights became the central issue in Political debates in both France and Britain.

In 1791 Olympe de Gouges, a French playwright and political activist whose feminist and abolitionist writings reached a large audience, published the 'Declaration of the Right of Woman and the Female Citizen', states that 'this revolution will only take effect when all women became fully aware of their deplorable condition and of the right they have lost in society'. The declaration of the Right of Women and Female citizen follows the seventeen articles of the declaration of the rights of man and of the citizen. The first article of the declaration of the Rights of men and citizen proclaim that 'men are born and remain free and equal in rights. The First article of Declaration of the Rights of Woman and the female citizen replied 'Women is born free and remain equal to men in rights. Social distinction may only be based on common utility'.

He expands the sixth article to the Declaration of the

Rights of man and of the citizen which declared the right of citizen to take part in the formation of law to: 'All citizens including woman are equally admissible all public dignities, offices and employment, according to their capacity and with no other distinction than that of their virtues and talents.

Women in the Arab land, in comparison with the rest of world, experienced discrimination, violation of their rights throughout the history. The right to freedom she had not been granted following many cultural and traditional limitations. It is ideal to study Arabic Women concerning the women's rights in two phases, Pre-Islamic Era and Islamic Era. In Pre-Islamic era, before Seventh Century, Arabs lived as tribes and women as a general rule had virtually no legal status, sold in marriage. The life of Arab women was that of a slave, husband terminated the marriage at his will and given no right to property and inheritance. Killing baby girl was in the culture. The women in this era underwent female infanticide, *polygyny* and *patrilineal marriage*.

The advent of Islam in Seventh century improved the status of Arab women. According to the Qu'ran decree both men and women have some duties and responsibilities in their worship of God. The prophet in Islam said: 'One of whom a daughter is born and who doesn't humiliate her not prefers a son to daughter will be sent to paradise'. Another thought of Muhammad makes hell fire prohibited to him who undergoes trials and tribulations due to a daughter and yet doesn't hate her and behave well towards her. During early Islamic reformation the women rights were reformed and guaranteed the person hood by revising the religious law to marriage, divorce and inheritance. The dowry previously regarded as Bride-price paid to the father became a nuptial gift received by the wife became her personal property and would dispose at her will. In pre-Islamic law marriage that was a 'status' converted into 'Contract' in Islamic era where women consent was imperative.

The case of women in China is not negligible where an odd tradition, 'Foot Binding', prevailed in China till the Chinese Government legally banned in 1912. In 19<sup>th</sup> century about 45 percentage of population followed the custom and 100 percentage in upper-caste. Foot binding involved alteration of bone structure so the feet were about 4 inch long. The custom aimed to limit the activities of women causing difficulty in movement.

**Case of India Concerning Women's Rights:** The different schools of Hinduism advocates *Shaktism*, focuses worship of Goddess, Devi, believing the universe created from *Shakti*, a feministic strength or female form of God. The *Upanishadas*, a collection of philosophical texts which form the theoretical basis for the Hindu religion; they are also known as *Vedanta* ("the end of the Veda) mentions *Acharyini*, the female teacher. Many scriptures declares women were in Vedic and Religious education. The *Harita Dharmasutra* of the *Maetraneya* School of *Yayurveda* declares two kind of

woman, *Sadhyadhu* and *Brahmavadini*, former marry and for household whereas later remained spinster all the life, donned religious garb and taught Vedas and Hindu Scriptures. *Shakti* as primary force of universe provides woman personhood in Ancient Hindu world. The *Brahmavadini* provides the example of women education in Ancient Hindu world. The paragraph 2:3 of *Uttarmachita* states Atreyi went to Southern India where she studied Vedas and Indian Philosophy. Adi Guru Shakarcharyadebate with female philosopher Ubhaya Bharati gives an example of Women Education in India in ancient times. *Arthashastras* and *Manusmriti* advocates property rights of women as Stridhan, property of wife. According to these a wife is entitled to two type of property rights, one money or land for maintenance and other goods like ornaments and valuables. The right to motherhood, that found in many sacred texts. The Vedas condemns abortion as most heinous crime followed by *Kaushitaki Upanishad* that adds abortion a crime equivalent to murdering one's mother and father. The *Mahavarey* and *Upanishad* states abortion is such an action breaking one's vow of chastity.

The above are some descriptions prove how Hinduism elated the status of woman on the other hand some of the evil practice Sati brought shame to India. The Women's Rights movement that divided into three phases: First Phase (late Eighteenth Century to mid Nineteenth century), Second Phase (Mid nineteenth Century to Indian Independence 1947) and third and last phase post Independence era. The Feministic movement or Women's Rights movement began with the social revolution against Sati. The Historical sources states practise of Sati before 400 CE of Gupta Empire. During Islamic period or Islamic conquest of Indian Subcontinent, Sati practice revived as Rapes and Abduction, were common practice carried out by Islamic invaders. Mughal were the first to raise voice against Sati. Humayun was the first Emperor to issue royal order against Sati followed by her son Akbar who issued legal order against Sati practice. By the end of 18<sup>th</sup> century, the practice of Sati banned in the of some of European colonies for example: Portuguese banned in Goa 1515, Dutch and French in Chinshal and Pondicherry. British then ruled in small areas banned the practice. The first formal British ban was exposed in 1798 in the city of Calcutta only. From 1812 the Bengali reformer Raja Rammohum Roy started his own campaign against the practice and on 4<sup>th</sup> December 1829, the practice was formally banned in Bengal Presidency land by the then Governor General William Bentick.. Sati remained legal in many princely states for a time after it had been abolished in lands under British control, Jaipur banned 1846. Following the outcry after Sati Roop Kanwar, Indian Government enacted the Rajasthan *Sati Prevention Ordinance*, 1987 and On October 4, 1987 and later passed the *Commission of Sati (Prevention Act, 1987)*.

Followed by issue of Sati, widow remarriage became a

revolutionary issue in mid 19<sup>th</sup> century that paved the way for enactment of *Hindu Widow's Remarriage Act* in 1856, thus from this enactment the first phase of women rights movement or feministic movement over and began the second phase with the colonial influence of British Empire. Intellectual Indians and British power led the women empowerment with different initiatives. This was the period the freedom struggle was at the height, and participation of women became utmost important. M.K. Gandhi was one of pioneer introduced women into the Civil Disobedience Movement, exalted feminine role of caring, self-abnegation, tolerance and sacrifice. Many women organisations like All India Women's Conference (AIWC) and National Federation of Indian Women (NFIW) came into existence. These associations claimed Right to Education, Right to Livelihood and Right to Freedom. In the last phase, Post-Independence Era many the Feministic movement redefined with Women Empowerment. India got independence in 1947 and by the time United Nations formed and India became a founder member. Women Education and Health became the central focus thus different schemes for women development launched. Among them *National Policy on Education (NPE)* in 1986 was created in India and the government launched *Mahila Samakhya* Programme, that focus was on women empowerment.

Followed by *The Child Marriage Restraint Act, 1929*, *Hindu Women's Right to Property Act, 1937*, and the *Dissolution of Muslim Marriage Act, 1939* but in view of social practices prevalent amongst different communities, women continued to suffer on various fronts leading to insertion of Article 51-A (w.e.f. 03-01-1977) in the Constitution of India which stipulates interalia that it shall be the fundamental duty of every citizen of India to renounce practices derogatory to the dignity of women. Keeping in view the need for upliftment and emancipation of women from subjugation and for ensuring their safety, various acts such as *Factories Act, 1948*; *The Immoral Traffic (Prevention) Act, 1956*, *The Equal Remuneration Act, 1956*, *Hindu Succession Act 1956*, *Hindu Marriage Act 1956*, followed by *The Maternity Benefit Act 1961*, *The Dowry Prohibition Act 1961*, as also *Muslim Women (Protection of rights on divorce) Act 1986*, *The Indecent Representation of Women (Prohibition) Act 1986*, and the *Commission of Sati (Prevention) Act, 1987* etc. came to be enacted. Discrimination still however continued to afflict women as a result where-of the National Commission for Women Act came to be brought on the statute book in the year 1990 to investigate instances of violation of women's rights and to take remedial steps by making recommendations to the Central and State Governments for amendment of relevant laws which are anti-women or which are not strong enough to save women's interests. *The Pre-natal Diagnostic Technique (Regulation and Prevention of Misuse) Act, 1994* is one such legislation whereby discrimination against the female gender is sought to be curbed. [Source: Haryana State Legal Authority/Access to Justice for All: Sub title-1 Para:1 (a)



(b) (c) (d)]

**Conclusion:** The 19<sup>th</sup> Century is credited with rise of feminism around world societies, and then India struggled for foundation of Women's Rights Movement by abolition of Sati and Widow remarriage west engaged in agitation regarding the universal suffrage.

India stood a step back in Feministic Movement or Women's Rights Movement the west because of one major reason the cultural difference, poles apart. Indian culture is ancient and typical, no-to-change where as west always adopted dynamism and speedy adaptation to change. By the 19<sup>th</sup> Century women in west freed from suppression where as Indian women badly suffered by evil customs. As women in west guaranteed certain rights like Right to freedom they began the struggle for realisation of their Civil and Political Rights thus movement for Women Suffrage began in 19<sup>th</sup> century what Indian women started movement in first half of the twentieth century following the struggle for freedom.

The Universal Declaration of Human Rights, adopted in 1948 enshrines 'the equal rights of men and women. In 1979 UN General Assembly adopted *Convention on Elimination of All Forms of Discrimination against Women* (CEDAW) which came into force on 3<sup>rd</sup> September 1981. Over the ages '*Rights of Women*' been developed in different world societies and now women in the world became one community and a global issue with CEDAW. Still then in this 21<sup>st</sup> century women are suffering. According to 2013 global review of available data, 35 percent of women worldwide have experienced physical and sexual violence (both partner and non-partner, intimate and non-intimate), how ever in some countries like 70 percent of women experience violence. In Australia, Canada, Israel, Canada and South Africa

intimate partner violence accounts for 40 to 70 percent in female murder victims. More than 64 percentage girls marry at the tender age as child brides. Child marriages risky for a girl because she is physically unfit to bear a baby and not fit to enter into sexual life thus the report makes the mother dies at the time of pregnancy between the age 15 to 19 years old is high. Genital mutilation which is a biggest threat to women, around 140 million girls and women suffer from genital mutilation. Millions of women trafficked every worldwide for prostitution, slavery and forced labour. Recent report states 11.5 million girls and women are victims of forced labour worldwide and 4.4 million women forced into sexual exploitation. Rape is biggest threat to women is highest during the modern wars. In 1992-1995 around 50,000 women were raped in Bosnia and Herzegovina while 2,50,000 to 5,00,000 women and girls were targeted in 1994 Rwanda Genocide. European women of around 45 percentage experienced unwanted sexual harassment at work and girls between 12-16 around 83 percentage of this age group population experienced sexual harassment in public schools. According to recent survey 60 percentage women in New Delhi reported two to five times sexual harassment during past years (by 2013),

The question '*are women's rights modern in origin or the history of women's rights of some decades could be counted on finger tips*' that led me to make collection of above information may satisfies me but the pace women's rights development with the few example of condition of women even in 2013 raising a question in mind '*how women as members of one world community would realise their full rights or how there shall be complete eradication of violence and crime against women in the society?*'

#### References:

1. Blundell, Sue (1995). *Women in ancient Greece, Volume 2.* Harvard University Press. ISBN 978-0-674-95473-1.
2. Pomeroy, Sarah B. (2002). *Spartan Women.* Oxford University Press. ISBN 978-0-19-513067-6.
3. Sweet, William (2003). *Philosophical theory and the Universal Declaration of Human Rights.* University of Ottawa Press/ISBN 978-0-7766-0558-6.
4. Tierney, Helen (1999). *Women's studies encyclopaedia, Volume 2.* Greenwood Publishing Group. pp. 609-610. ISBN 978-0-313-31072-0.
5. <http://wikipaedia.org/women's rights>
6. Esposito, John L., with DeLong-Bas, Natana J. (2001). *Women in Muslim Family Law*, 2nd revised Ed. Available here via GoogleBooks preview. Syracuse University Press. ISBN 0-8156-2908-7 (pbk)
7. *Women in Pre-Islamic Arabia Nabataea.* British Archaeological Reports International Series. British Archaeological Reports. ISBN 978-1-4073-0095-5.
8. <http://Wikipaedia.org/women-in-arab-socieities>
9. Kane, Pandurang Vaman, *History of Dharmasastra:* (ancient and mediaeval, religious and civil law) -- Poona : Bhandarkar Oriental Research Institute, 1962-1975.
10. Russell, Rebecca Ross (2010). Ownership Case Study: Indian Wife/Widow Jewelry, in: *Gender and Jewelry: A Feminist Analysis.* CreateSpace. ISBN 1-4528-8253-3.
11. Vasuda Narayanan, "Women of Power in the Hindu Tradition," pp. 25-77 in Arvind Sharma and Katherine K Young (eds.), *Feminism and World Religions*, SUNY Press: Albany (New York).
12. Agarwal, Sita (1999). *Genocide of Women in Hinduism.* Jabalpur, India.
13. [http://wikipaedia.org/widow\\_remarriage.htm](http://wikipaedia.org/widow_remarriage.htm)
14. Hawley, John Stratton, ed. (1994). *Sati, the blessing and the curse: the burning of wives in India.* Oxford: Oxford University Press. ISBN 978-0-19-507774-2.
15. [http://wikipaedia.org/Sati\\_\(practice\).htm](http://wikipaedia.org/Sati_(practice).htm)
16. [http://wikipaedia.org/Feminism\\_in\\_India.htm](http://wikipaedia.org/Feminism_in_India.htm)
17. Bhasin, Kamala and Khan, Nighat Said. "Some Questions on Feminism and Its Relevance in South

- 
- Asia", *Kali for Women*, New Delhi, 1986.
18. Chaudhuri, Maitrayee. (ed.). "Feminism in India: Issues in Contemporary Indian Feminism", *Kali for Women*, New Delhi, 2004.
20. Singh, Maina Chawla. "Feminism in India", *Asian Journal of Women's Studies*. Seoul, 30 June 2004. Vol. 10, Iss. 2; 48
19. Jain, Pratibh and Sharma, Sangeeta (ed.). "Women in Freedom Struggle: Invisible Images" in *Women Images*, Rawat Publication, Jaipur, 1995.
21. UN Women/facts and figures;ending violence against women/Para 1: A Pandemic in diverse form; Para-2-Extra Vulnerability

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